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Senate

The Senate met at 10 a.m. and was called to order by the Honorable ROBERT P. CASEY, Jr., a Senator from the State of Pennsylvania.

PRAYER

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

Let us pray.

Divine Master, You are our stronghold and the pioneer of our future. Teach us to work with greater faithfulness. May pleasing You become our primary focus as You place a song in our heart for each burden on our shoulders.

Guide our lawmakers today. Lead them to Your fortress of love, patience, and kindness. Remind them that any success alien to Your way is worse than failure and that any failure in Your Spirit is better than gold. Let Your benediction rest upon our Senators, and may they bring their stewardship in line with the destiny You desire for their lives. Make them channels of Your grace and coworkers in the building of Your kingdom.

We pray in Your wonderful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROBERT P. CASEY, Jr., led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 9, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable ROBERT P. CASEY, Jr., a Senator from the State of Pennsylvania, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, this morning, the Senate will be in a period of morning business until 11 a.m. The minority will control the first half and the majority will control the second half. Under a previous order, the Senate will begin consideration of the ethics legislation at 11 a.m., for debate only, until the Senate goes into recess for its normal weekly party conference luncheons.

The managers of the bill will be here at 11 a.m., and they will be making their opening statements, if appropriate, as well as a number of other Members who have expressed an interest in speaking this morning. When the Senate returns after the party luncheons, the substitute amendment will be laid down. So Members should be ready to review this amendment and prepare their amendments accordingly.

I am working with the distinguished Republican leader to see if we can offer something together—I am hopeful and very confident we can—as a substitute amendment.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that following the opening statements of Senators FEINSTEIN and BENNETT with respect to S. 1, the following Senators be recognized to

speak for the times specified: Senator TESTER, 10 minutes; Senator NELSON of Florida, 15 minutes; Senator SALAZAR, 15 minutes; and that when the Senate reconvenes at 2:15, debate time be extended for another 30 minutes, with Senators LIEBERMAN and COLLINS recognized for 15 minutes each; that following that time, the majority leader be recognized to offer a substitute amendment.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, let me be very clear that if a Republican Member is available and desires to speak, they would follow a Democratic speaker. We would alternate that. These times only list Democrats, but if there is a Republican, we will insert them between the two, if they want to speak.

RECOGNITION OF THE MINORITY LEADER

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

SENATOR ALBEN BARKLEY

Mr. McCONNELL. Mr. President, a few months prior to this body's convening last week, I was honored and humbled when my colleagues elected me to serve as the Republican leader in the 110th Congress.

I am thankful for the trust my friends have placed in me, and I won't break that trust.

At such a time as this, and in such an historic Chamber, my thoughts turn toward great Kentuckians of the past who have left their indelible mark on this body.

Henry Clay served as Speaker of the House, Senator, and Secretary of State, despite losing three Presidential campaigns.

John Sherman Cooper served as the conscience of the Senate, and I have

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



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spoken on this floor before of the admiration and respect I will always have for the Senator who mentored me in my first job on Capitol Hill.

But there is another famous Kentuckian who once dominated these Senate hallways who we should not forget.

He was a key lawmaker during World War II, and close friend to Presidents—a passionate orator, champion of the New Deal, and popular teller of tall tales. After his Senate service, he made famous the nickname “the Veep.”

That man is Alben Barkley, the last, and until now, the only Senator from Kentucky to be elected his party's leader.

Senator Barkley served as majority leader for 10 years, from 1937 to 1947, longer than anyone else before him. From 1947 to 1949 he served as minority leader, and in 1948 he was elected Vice President to President Truman.

But some of my colleagues may not know that Senator Barkley almost became the first President of the United States from Kentucky since Abraham Lincoln. He lost that opportunity by taking a courageous stand to put the Senate, the Senators he led, and principle ahead of political ambition.

Like Lincoln, Alben Barkley was born in a log cabin, literally, on his father's tobacco farm in Graves County, KY, in 1877. The Barkley family was not a family of means, and Alben grew up chopping wood, harvesting tobacco, and plowing fields. Swapping stories with his father's hired hands, Alben began to develop his fun-loving, storytelling persona.

When he got older, Alben worked odd jobs to make ends meet. One time at a shoe store, a man with exceptionally large feet walked in and said to Alben, “I'd like to see a pair of shoes that would fit me.” The sharp-witted tobacco farmer's son retorted, “So would I!” Alben had to change jobs quite often.

Becoming a lawyer in Paducah, Barkley's political career began with a race for county attorney in McCracken County. The history books tell us he bought a one-eyed horse named Dick and stumped the whole county riding that horse.

At 27 years old, he toppled the incumbent in the Democratic primary and easily won the general election in 1905, for Kentucky in those days was very much a one-party State.

Barkley then won election as McCracken County judge before going to the U.S. House of Representatives in 1912. Kentucky voters re-elected Barkley, an avid progressive and devotee of President Woodrow Wilson, six times until sending him to this Chamber in 1926.

Barkley's long shadow over history was fixed here in the Senate, where he served from 1927 to 1949, and then after his Vice Presidency again from 1955 until his death in 1956.

Here in the Senate, Barkley became known as a first-rate speechmaker and

storyteller. Many can recall Senator Barkley's saying: “A good story is like fine Kentucky bourbon . . . it improves with age and, if you don't use it too much, it will never hurt anyone.”

By 1933, Barkley was selected as an assistant to Senate Majority Leader Joe Robinson of Arkansas. In 1937, Robinson died, clearing the way for Barkley's election as leader—but the manner of Barkley's election to the top spot would serve today as an object lesson to Senators of how not to get the job, and it hampered Barkley's effectiveness as leader for several years thereafter.

When the 75th Congress began, the Democrats held a whopping 76 seats in the Senate, leaving only 16 Republicans and four Independents. Their majority was so large that freshmen Democrats had desks over here on the Republican side of the Chamber in the back.

Senators in those days referred to the lone outpost of Democrats over here on the Republican side in the back as the “Cherokee Strip” because those unlucky Members were off the reservation.

But the Democratic Party was badly split in two. Half the caucus supported Franklin Roosevelt's New Deal policies, and the other half frequently undermined them.

In the leader's race, the first group lined up behind Barkley, and the latter behind Senator Pat Harrison of Mississippi. Each Senator had pledges of support from enough Senators to win, so they thought.

Usually in the Senate, it is the Vice President who breaks ties. But this close vote was broken by the President himself. The day after Robinson's death, Roosevelt sent Barkley a letter that began, “My Dear Alben.” Roosevelt even referred to Barkley, correctly, but cheekily, as the “acting majority leader.”

Now, Roosevelt preferred Barkley over Harrison because he knew he could count on Barkley to shepherd his New Deal policies through the upper Chamber. Besides his public letter, FDR also dispatched aides to exert pressure on Senators to vote for Barkley.

One week after Robinson's death, all 75 Senate Democrats met to vote—75. With 74 votes tallied, Barkley and Harrison stood tied at 37 votes apiece. The 75th and final vote put Barkley over the top. Senator Barkley had won the election, but he had lost a much more important race with his colleagues.

As the Presiding Officer and all of my friends in the Chamber know, the Senate has the sole power to choose its own leaders and chart its own course of affairs, without interference from the executive branch. And every Senator guards that right very seriously.

Many Senators took offense at the President's influence in Senator Barkley's election, and Barkley, frankly, paid the price. His colleagues granted him the title of majority leader, but not the accompanying authority or respect.

On his first day in the top post, Democratic Senators ignored his plea not to override a Presidential veto, putting Barkley on the losing side of a 71 to 19 vote. The bill had originally been sponsored by Barkley himself, putting the leader in the humiliating position of losing a vote to sustain a veto of his own bill.

Over the next few years, Barkley's troubles mounted, actually, as he kept finding himself on the losing end of votes. Senators cruelly reminded him of how he had climbed to the top spot by mockingly referring to him as “Dear Alben.”

Even worse, Washington journalists, seeing the leader unable to move his colleagues, dubbed him “Bumbling Barkley,” and the name stuck.

In March 1939, Life magazine published a poll of Washington journalists rating the 10 “most able” Senators. Barkley's one-time rival Pat Harrison ranked fifth. The Senate majority leader did not make the list.

Despite setbacks, Senator Barkley plunged ahead to lead the Senate and to champion President Roosevelt's New Deal. His colleagues began to melt under his considerable personal charm.

In contrast with Robinson's heavy-handed leadership style, Barkley often sat down with a colleague, disarmed him with humor or a funny story, and then made his case.

Barkley led from the podium at his desk, speaking persuasively and knowledgeably on any and every bill. By 1940, much of official Washington realized that legislation was actually moving faster and more successfully through the Senate—and that Barkley deserved the credit.

Barkley was crucial at negotiating compromise with his fellow Senators. As the war in Europe heated up and international affairs took up more of the Senate's time, Barkley's record of success continued to mount.

Historians note the vital role he played in passing the Lend-Lease Act, repealing the Arms Embargo Act and the Neutrality Act, and enacting the first peacetime military draft.

As the Senate majority leader, Barkley eagerly embraced the responsibility to lead the charge for the administration's legislation. But sometimes—sometimes—the President took the loyal leader for granted.

That ended when Senator Barkley dramatically broke with his beloved President on a matter of principle.

Barkley's move may have angered Roosevelt, but by stepping out of the President's shadow and throwing off the impression of servility that the mocking phrase “Dear Alben” implied, Barkley forever earned the respect and trust of his Senate colleagues.

The principle Barkley made his stand on is one dear to my heart; and that is, keeping taxes low. By February 1944, America was at war with the Axis Powers, and President Roosevelt wanted to raise taxes considerably to pay for it. He requested a tax increase of \$10.5 billion, which was, apparently, a lot of money in those days.

Majority Leader Barkley knew that the Senate didn't have nearly the appetite for higher taxes that the President did. A \$10.5 billion tax hike simply could not pass.

But Barkley did the best he could for his President, and successfully steered through the Finance Committee and onto the floor a bill to raise revenues by \$2.2 billion.

Barkley pleaded with Roosevelt to accept the bill as the best he could get and to sign it. He knew the Senate, and he knew his Senators. But the President dismissed the leader's advice.

Even though he knew it was coming, Roosevelt's veto message stung Barkley. It was petty, and it was personal.

The President wrote that, having asked the Congress for a loaf of bread, the final bill was "a small piece of crust." Then his next words struck hardest of all. He declared the final bill as "not a tax bill but a tax-relief bill, providing relief not for the needy, but for the greedy."

After years of devotion and support to the President—often at the cost of the respect of his own colleagues—this insult to his integrity as a legislator, a leader, and a disciple of the New Deal was too much for Barkley.

Overwhelmed with passion, Barkley dictated a speech to his secretary and walked out to the Senate floor. Word had leaked of what was coming. Journalists packed the galleries, and many Senators took their seats to listen to their leader.

For the first time Senator Barkley, Washington's most famous raconteur, seemed to nervously stumble over his words. His voice cracked with emotion as he related his history of steadfast support for the Roosevelt administration.

I dare say that during the past seven years of my tenure as majority leader, I have carried that flag over rougher terrain than was ever traversed by any previous majority leader.

Barkley explained.

But . . . there is something more precious to me than any honor that can be conferred upon me by the Senate of the United States, or by the people of Kentucky . . .

Or by the president of this Republic. And that is the approval of my own conscience and my own self-respect.

And with that Alben Barkley resigned as majority leader.

Barkley had always believed the leader must have overwhelming support for the President's position. Unable to give that, stepping down was his only choice.

Nearly every Senator in the chamber rose for a thunderous ovation. The galleries stood as one to applaud as well. Longtime Senators said they could not remember the last time a speech received such a tremendous response, and Vice President Henry Wallace called it "the most dramatic occasion in the U.S. Senate over which I ever presided."

Within a day of Barkley's declaration of independence, he received over 7,000

telegrams. Roosevelt saw when he was beaten and wrote a letter urging Barkley not to resign. But he needn't have bothered.

The next day, the Democrats unanimously reelected Barkley to the leader's post. "Make way for liberty!" shouted Texas Senator Tom Connally, expressing the joy of his colleagues that their leader, and by extension, the entire Senate, had stood up for the Senate's independence as a co-equal branch.

The Senate turned back Roosevelt's veto 72 to 14, and this time Alben Barkley led his colleagues to win that vote. Senator Elbert Thomas of Utah summed up the newfound power and prestige of the majority leader.

"By his one-vote margin in the 1937 contest when he was first elected leader, the impression was given, and it has been the impression ever since, that he spoke to us for the president," Thomas said. "Now he speaks for us to the president."

The majority leader and the President mended the breach soon after and continued to work together. But you could say their relationship was never again the same.

That summer, the Democratic National Convention nominated President Roosevelt to an unprecedented fourth term. But with Vice President Wallace deemed too liberal by most of the party and dumped from the ticket, the President needed a new running mate. Could it be Barkley?

As the convention opened, Barkley emerged as a seeming front-runner. He had the respect and confidence of the delegates. The Kentucky delegation—not surprisingly—formally endorsed him.

But ever since breaking with Roosevelt in February, the President had had "a certain intangible reserve" towards the majority leader. Roosevelt emphatically told his supporters Barkley was unacceptable as a running mate.

Of course, we all know that the 1944 vice presidential nomination eventually fell to another Senator, Harry Truman of Missouri, who was hand-picked by the President himself.

And we all know that in April 1945, less than 3 months after taking the oath of office for his fourth term, Franklin Delano Roosevelt died. His health had been failing for some time, even back during the 1944 convention.

Harry Truman became the 33rd President of the United States. Alben Barkley stayed on as Senate majority leader and narrowly missed becoming the first President from Kentucky since Abraham Lincoln.

Henry Clay, who once held Alben Barkley's Senate seat, said "I would rather be right than be President." Alben Barkley lived by that motto.

He chose to stand for his personal sense of honor and the integrity of the Senate, knowing it could cost him the favor of the President and possibly the Vice-Presidential nomination. It did. But Alben Barkley never regretted it.

In fact, Barkley kept his keen sense of humor. In a speech to newly elected Senators in 1945, Barkley warned them to run "for the tall and uncut" if they ever received a letter from the President that began with "Dear" followed by their first name.

Like so many other revered figures who have occupied these chairs, Alben Barkley loved the Senate, and he fought to protect it. As the Senate majority leader, that was his duty, and he fulfilled it without hesitation.

After 4 years as Vice President to Truman, Barkley retired from politics, seemingly forever. But he longed to return to this Chamber which had seen his greatest successes and his most ignoble defeats. So he ran for and won reelection in 1954, ousting Republican John Sherman Cooper.

Alben Barkley died on April 30, 1956. He left this world doing what he loved—giving a speech.

In his final moments, he explained to a crowd of students at a mock convention at Washington and Lee University that as a newly elected Senator, he had refused a seat in the front row of this Chamber, despite his decades of service.

"I am glad to sit in the back row," the 78-year-old Barkley said. "For I would rather be a servant in the house of the Lord than to sit in the seats of the mighty."

Those were Senator Barkley's last words before he collapsed. The crowd's applause was the last thing he would hear, before suffering a massive heart attack.

I wanted to share the story of Alben Barkley with my colleagues because I know that as we all debate the issues of the day in the Senate, we are mindful not just of what is happening in our country today, but what has gone before. History, and men like Alben Barkley, has much to teach us.

Politics in America today can often be a bruising exercise. But I take comfort in Alben Barkley's reminder that even if that is true, we can and should put principle over the pursuit of power.

We've just had a hard-fought election. I for one, have always enjoyed a good political contest.

I appreciate the opportunity to present a set of principles and ideals to the people and to hear their choice when they cast their votes.

But while we spar in the arena of ideas, let's not forget what we're sparing for. The goal is not just to win, but to win because you stand for a cause that will better your countrymen and your country.

Many of my colleagues on both sides of the aisle understand that lesson well. It is an honor for me to share this floor with them.

I am looking forward to continuing the contest in the time ahead. For now, we are ready to roll up our sleeves and get back to work on behalf of the American people.

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 until 11 a.m., 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.

MEDICARE DRUG BENEFIT

Mr. GRASSLEY. Mr. President, I welcome the new Presiding Officer to the Senate. I look forward to working with him as a new Senator. I hope he enjoys his time in the Senate.

I am back here again today, as I was yesterday, to talk about the Medicare drug benefit. Yesterday I spoke about how the benefit uses prescription drug plans and competition—with emphasis upon competition—to keep costs down for our senior citizens. I spoke about how well that system of competition that is in the prescription drug bill has been working for the last 2 years of its operation. Today I want to get to the crux of this debate and a debate that is going to take place a few days from now in this Chamber, the so-called prohibition on Government negotiation with drugmakers.

Opponents of the Medicare drug benefit have misrepresented what we call the “noninterference clause” language. That language doesn’t prohibit Medicare from negotiation with drugmakers. It prohibits the Government from interfering in negotiations that are actually taking place.

Much of this debate hinges on a convenient lapse of memory that I am going to emphasize during my remarks about the history of the noninterference clause. So today I want to take my colleagues on a little trip down memory lane. For our first stop on memory lane, I would like to read something. This is a quote from someone talking about their very own Medicare drug benefit proposal:

Under this proposal, Medicare would not set prices of drugs. Prices would be determined through negotiations between private benefit administrators and drug manufacturers.

The person who said this clearly wanted private negotiation with drug companies for a Medicare benefit, not Government negotiations. The person I quoted was proposing—and I will quote again what he said—“negotiations between private benefit administrators and drug manufacturers.” I don’t think that person could be more clear in what he was attempting to accomplish with his proposal.

You are going to be shocked to hear who said this. The quote is from none

other than President Clinton. President Clinton made that comment as part of his June 1999 plan for strengthening and modernizing Medicare for the 21st century. President Clinton went on to say that under his plan “prices would be determined through negotiations between the private benefit administrators and drug manufacturers.”

I quote further:

The competitive bidding process would be used to yield the best possible drug prices and coverage, just as it is used by large private employers and by the Federal Employees Health Benefits Plan today.

President Clinton also described his plan as using private negotiators as opposed to Government negotiators, because “these organizations have experienced managing drug utilization and have developed numerous tools of cost containment and utilization management.”

Does this ring any bells? It should because it is the same framework used in today’s Part D Medicare prescription drug benefit, private negotiations with drug companies, and it is based on the nearly 50-year history of the Federal Employees Health Benefits Program.

I would like to refer to another part of Medicare history for memory’s sake as well. This is another interesting spot on memory lane for history buffs. The Clinton plan had a coverage gap that we refer to in the Senate as the doughnut hole, just like the bill eventually signed into law in 2003.

Like many others, the brandnew Speaker of the House has questioned why one would pay premiums at a point in time when you are not receiving benefits, as is the case with the doughnut hole. Well, that is how insurance works. We all know how the insurance industry works. Go look at your homeowner and auto policies and Part B Medicare. You pay premiums to have coverage. That is how President Clinton’s plan was meant to work, if it had become law.

In Sunday’s Washington Post, the new Speaker of the other body, PELOSI, was quoted about having a doughnut hole. She said:

How could that be a good idea, unless you are writing a bill for the HMOs and pharmaceutical companies and not for America’s seniors?

Was she referring to President Clinton’s plan proposed in 1999? As I said, he proposed his plan in June of that year. On April 4, 2000, S. 2342 was introduced in the Senate. S. 2342 would have created a drug benefit administered through private benefit managers. So here again would be private negotiators negotiating with the drug companies to save seniors money on their prescription drugs. Does that sound familiar? It is just like today’s Medicare Program that is law.

Here is another important stop down our memory lane. That bill, S. 2342, introduced in 2000, included language on noninterference:

Nothing in this section or in this part shall be construed as authorizing the secretary to

authorize a particular formulary, or to institute a price structure for benefits, or to otherwise interfere with the competitive nature of providing a prescription drug benefit through benefit managers.

This is the first bill—the very first one—where the noninterference clause appeared. This is the first prohibition in present law on Government negotiation that was introduced. But S. 2342 wasn’t introduced by a Republican; it was introduced by my esteemed colleague, the late Senator Moynihan. One month later, there was a bill, S. 2541, introduced. I will read some of the language that was in that bill. That bill said this; I have it on the chart:

The secretary may not (1) require a particular formulary, institute a price structure for benefits; (2) interfere in any way with negotiations between private entities and drug manufacturers, and wholesalers; or (3) otherwise interfere with the competitive nature of providing a prescription drug benefit through private entities.

I will make it clear that this wasn’t a Republican bill, either. It was introduced, as you can see, at that time by Senator Daschle, who was joined by 33 other Democrats, including 3 who are still prominent in the Senate—REID, DURBIN, and KENNEDY. That is right. I want you all to know that 33 Senate Democrats cosponsored a bill with a noninterference clause in it. You see, it turns out that the Democrats didn’t want the Government—nor did President Clinton—interfering in the private sector negotiations either. They recognized then that the private sector would do a better job, and they didn’t want some Government bureaucrat messing it up.

I will go to another chart. In June 2000, two Democratic bills were introduced in the House of Representatives that also included noninterference language. H.R. 4770 was introduced by then-Democratic leader Dick Gephardt. That bill had more than 100 Democrats cosponsoring, including the new Speaker of the House—then not speaker—NANCY PELOSI, and Representatives RANGEL, DINGELL, and STARK. RANGEL, DINGELL, and STARK are people whom I have worked closely with in Congress recently on a lot of health legislation or tax legislation—or trade legislation, in the case of Congressman RANGEL.

The prohibition on Government negotiation included in that House bill was almost identical to the language Senator Daschle had in his bill. Here is the text of the actual noninterference clause included in the bill signed by the President in 2003, present law—what we refer to as Part D now:

Noninterference.—in order to promote competition under this part and in carrying out this part, the secretary (1) may not interfere with the negotiations between drug manufacturers and pharmacies and PDP sponsors; and (2) may not require a particular formulary or institute a price structure for reimbursement of covered part D drugs.

Well, that sounds a bit like what was sponsored by Democrats over the last several years. Last week, the senior

Senator from Illinois described the 2003 Medicare bill—and this was in a speech on the floor—as being written by the pharmaceutical industry. But the non-interference clause first appeared in legislation introduced by Democrats who now oppose the same provision that is in present law.

Now, the opponents of the Medicare drug benefit always say that the non-interference clause is proof the present law was written by the drug industry. My question, Mr. President, is this: If that is what they want to think, then did the same pharmaceutical industry write these bills that the Democrats introduced in 2000, 2001, and 2002?

I bet you are wondering how many Democratic bills had the now infamous noninterference clause in it—that is, the prohibition on Government negotiation. Well, here is the whole timeline. As you can see from chart 4, that prohibition on the Government negotiating, the noninterference clause, has been in seven bills by Democrats between 1999 and 2003, including a bill introduced in the House on the same day, H.R. 1, which eventually became the bill the President signed. There were seven. Here they are. The first is the Moynihan bill, April 2000; Daschle-Reid bill, May 2000; Eshoo bill, June 2000; Gephardt-Pelosi-Rangel-Stark-Dingell-Stabenow—when she was in the House and is now a Senator—introduced June 2000. STARK had it in a motion to recommit in June 2000. Senator WYDEN from Oregon introduced it as part of S. 1185 in July 2001. THOMPSON of California had it in a House bill in June of 2003.

It seems to me that on the other side of the aisle there ought to be some consideration of where did Republicans get this idea. I hate to steal ideas from Democrats, but if they work, they work. I spoke yesterday about how this provision—or the present way of doing it. The Federal Health Employee Benefit Program has been doing it for 50 years, and it has been saving senior citizens lots of money, not just on the price of prescription drugs but prescription drugs and premiums and a lot of other things—not only saving senior citizens money out of their own pockets but saving the taxpayers with a new judgment on what the cost of the drug program is going to be that was projected back when it was signed by the President. It is \$189 billion less than the Congressional Budget Office, the CMS, and the OMB said it would cost.

Now, I know what the response will be. It will be that even though Democratic bills had nearly the exact same prohibition on Government negotiation—practically word for word in seven bills over a long period of time—opponents now think the approach is no longer the best for Medicare. That's sort of like “we supported it before we opposed it.” Beneficiaries and the public deserve more than that.

I yield the floor.

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

Mr. NELSON of Florida. Mr. President, it is my understanding we are in morning business.

The ACTING PRESIDENT pro tempore. The Senator is correct.

HONORING THE UNIVERSITY OF FLORIDA'S NCAA FOOTBALL CHAMPIONSHIP

Mr. NELSON of Florida. Mr. President, I am here with a big smile on my face, with an orange and blue tie, to recognize the signal accomplishment of the University of Florida Fighting Gators, and not only now with the national championship in football, but in the same season, the 2006 season, to have the unusual achievement of having the national champions in basketball as well as football.

Throughout the season, this team was challenged time after time and was underrated in the press; yet, they had the heart to win and keep fighting. The score of 41 to 14 last night clearly shows who are the national champions.

On behalf of our State of Florida, later today, I will be introducing a resolution commending the University of Florida for being the national champions and urge our colleagues to join in this Senate resolution.

I will only additionally call to the Senate's attention that with my colleague, SHERROD BROWN of Ohio, we engaged in a friendly wager. This is not like the normal wager that years ago, when a Florida team was playing a California team and the junior Senator from California, Senator BOXER, and I entered into a friendly wager of a crate of oranges versus a barrel of California almonds—and our office enjoyed those almonds for several months. No, this was a different kind. This was a wager with Senator BROWN of Ohio that the losing team's Senator would do the number of military pushups equivalent to the score of the game in public in front of the cameras. So with a score of 41 to 14, that is 55 pushups. I will even extend the olive branch to Senator BROWN that if he doesn't want to do all of them, I will do part of them with him. But it is a great day for college football, and it is certainly a great day for the State of Florida and for the University of Florida.

STAR PRINT—S. 21

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that S. 21 be star printed with the changes that are at the desk.

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

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

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

Mr. DORGAN. Mr. President, I ask unanimous consent to speak in morning business for 15 minutes.

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

IMPACT OF THE WAR IN IRAQ

Mr. DORGAN. Mr. President, this morning and in the days leading up to today, we have seen and heard a great deal of discussion, particularly by the media, describing the issue of the President's speech tomorrow evening and all of the discussion in the political system as a political tug of war about Iraq. It is not that. This is not a political tug of war. It is a serious moment for this country to try to evaluate what to do about something that overlays almost everything else we are considering these days; that is, the current war in Iraq. What do we do about what is happening there? It is about the lives of our soldiers. It is about our country's future. It is about how to make change in Iraq, how to create the kind of change that will give us the opportunity to do the right thing.

I intend to listen carefully to what the President says in his speech to the nation tomorrow night. I am not going to prejudge what he says, but let me suggest what I think the President has to answer for us, for me, for the American people.

There is considerable discussion about the fact that the President will likely call for a surge or an increase in American troops going to Iraq. There is also discussion that perhaps he will call for additional funds that would be sent to Iraq for reconstruction or other things Americans would contribute.

One point the President will have to explain is the testimony that was given less than 2 months ago before the Senate by General Abizaid, the top military commander in Iraq. I am talking about the top military commander of American troops in Iraq. Here is what General Abizaid said in November, less than 2 months ago. He said:

I 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 that add considerably to our ability to achieve success in Iraq?” And they all said no. The reason is because we want the Iraqis to do more. It is easy for the Iraqis to rely upon us to do this work. I believe that more American forces prevent the Iraqis from doing more, from taking more responsibility for their own future.

This is testimony before a congressional committee of the top U.S. military commander in Iraq saying he has asked all of his top commanders, if we were to bring in more American troops now, does it add considerably to our

ability to achieve success in Iraq. He said:

They all said no.

That is something I believe has to be reconciled. Has that changed? Has something changed in 2 months?

With respect to the amount of money that is sent to the country of Iraq, I observe this: This country has spent hundreds of billions of dollars on the Iraq war. Between Iraq and Afghanistan, we are now approaching \$400 billion. We appropriated separately roughly a \$20 billion pot of money for reconstruction in Iraq. That is in addition to the reconstruction which has been done by American soldiers. That \$20-plus billion was pushed out the door—a massive amount of money—in a short time.

I held a good number of hearings as chairman of the Democratic Policy Committee on that issue: contracting in Iraq. I think it is the most significant amount of waste, fraud, and abuse this country has ever seen. Let me show one poster that describes a part of it, which was shown at our hearing and we discussed this:

A \$243 million program led by the United States Army Corps of Engineers to build 150 health care clinics in Iraq has, in some cases, produced little more than empty shells of crumbling concrete and shattered bricks cemented together into uneven walls.

A company called the Parsons Corporation got this money. They were to rehabilitate, I believe, 142 health clinics in the country of Iraq. Twenty were done, and the rest didn't happen at all. The money was spent. All the money is gone. The American taxpayers found that all their money was gone, but the fact is that the health clinics were not rehabilitated.

There was a doctor, a physician from Iraq, who testified. He said: I went to the Health Minister of the new Government of Iraq. I said: I want to see these health clinics that were supposed to have been rehabilitated for which some \$200 million was appropriated by the U.S. taxpayers, by the U.S. Government. I want to see these health clinics.

He said the Health Minister of the new Government of Iraq said: You don't understand, they don't exist. They are imaginary clinics.

Well, our money is gone. This is an example of the waste, fraud, and abuse in contracting.

The Halliburton corporation, Custer Battles corporation—it is unbelievable—the stories. This photo shows some American officials with \$100 bills wrapped in Saran Wrap the size of a big brick. This fellow testified at a hearing I held, this man in the white shirt. He said: Look, we told contractors in Iraq: Bring a bag, we pay cash. He said it was like the Wild West: Bring a sack, we pay cash.

This \$2 million in \$100 dollar bills wrapped in Saran Wrap actually went to Custer Battles corporation. Custer Battles corporation got over \$100 million in contracts. Among other things, it is alleged they took forklift trucks

from the Baghdad Airport, took them over to a warehouse, repainted them, and then sold them to the Coalition Provisional Authority, which was us. It is a criminal action at this point.

My point is this: Whatever we do in Iraq, I want to be effective. We owe it to the troops, we owe it to the men and women who wear America's uniform.

At this point, we have America's troops in the middle of a civil war. Yes, most of this is sectarian violence. We see the reports. January 7: 30 dead in Baghdad, bodies hang from lampposts. The Government said Saturday that 72 bodies were recovered around the city, most showing signs of torture. We see these day after day after day. Our heart breaks for the innocent victims of this war. The question for us now is, Should American troops be in the middle of that civil war? Should we send additional troops to that circumstance? If so, for what purpose? And if so, why do we do it less than 2 months after General Abizaid said the commanders do not believe additional troops will be effective?

We have done what is called a surge in Baghdad starting last July. I believe it was somewhere around 15,000 additional troops were sent to Baghdad. The fact is, the violence increased, more soldiers died.

I am going to listen to President Bush's speech. This ought not and I hope will not and should not be political. It is about all of us, Republicans and Democrats, the President and the Congress working together to find a way for the right solution for this country to support our soldiers, make the right judgments for them, make the right judgments for our country's long-term interests.

Yes, we have a fight against terrorism that we must wage, and we must do it aggressively, but most of what is going on in Iraq at this point is sectarian violence, and it is, in fact, a civil war. The question is, What do we do now?

It seems to me that if we are going to keep American troops in Iraq for any length of time, we ought to consider partitioning so at least we separate the combatants and the sectarian violence. It only seems to me, in a civil war, that works. But I will listen intently tomorrow with my colleagues to hear what the President's new plan is. I hope we can work together in a way that begins to do what is in the best interest of this country. I am very skeptical about this issue of deciding that we are going to surge additional troops into Iraq, even as the top military commanders in Iraq say that should not be done.

I mentioned Iraq first because it overwhelms most of the other agenda here, but there are so many other issues with which we must deal. Let's deal with Iraq and get that right, support our troops, do what is necessary, do what is best for our country. Let's work together, Republicans and Democrats, let's work together, the Presi-

dent and the Congress, and find the right solution and do what is right for our future. Then let's turn to other issues.

How about energy? It is interesting, we are held hostage by foreign oil. Over 60 percent of the oil that runs the American economy comes from off our shores. When we talk about energy independence, we need energy independence, and I support fossil fuels. We are going to use oil, coal, and natural gas. We always have and we always will, and I support that. But let me say this: In 1916, this Congress put in place tax incentives for the production of oil, long-term, robust, permanent tax incentives to incentivize the additional production of oil.

Think how different it is with what we have done with renewable energy. We decided about 20 years ago to give some tax incentives to incentivize renewable energy development, but they were temporary, short term. The production tax credit for the production of wind and other renewable energy has been extended five times because it has been short term. It has been allowed to expire three times. That is not a commitment to this country. This is not a commitment to renewable energy. This is not a commitment to energy independence. The fact is, we are just babystepping our way along in all these areas. We didn't do that with oil. We made a robust, long-term commitment in 1916, and it remains today, that said: Let's produce. How about doing the same thing for renewable energy? Yes, the biofuels, but also wind energy and hydrogen fuel cells and all the other ways that can make us more secure from an energy standpoint. Let's stop babystepping. Let's have a 10-year plan. We cannot do this with a 1-year plan or a 2-year plan. We need to deal with that issue.

We need to deal with the issue of health care costs. I wanted to, but I don't have the time this morning, to respond to my colleague from Iowa who twice has come to the floor to talk about why our Government shouldn't be allowed to negotiate drug prices in the Medicare Program. It is preposterous that we have a provision in law that prevents the Federal Government from negotiating lower drug prices, especially because our consumers in this country pay the highest prices for prescription drugs in the world, and that is unfair. I relish that debate, and I wait for that debate.

Jobs and trade—the fact is, we have lots of issues we need to sink our teeth into. I am going to come back and speak about many of these issues at great length. First, we have to deal with this situation in Iraq. That is very important. That is about the lives of men and women who wear America's uniform. But it is more than that as well. It is about what we are doing around the world. It is about, yes, our lives and our treasure, and we need to get that right.

I mentioned when I started that I think the press, if one listens to all the

programs, tend to portray this as a political tug of war. It is deadly serious, much more serious than a political tug of war. It is about trying to get this right for our country's future.

I hope that in the coming several weeks, we can come to a conclusion about this very important issue—yes, the war in Iraq, the larger war on terrorism, deal with some of these issues, such as homeland security—and then move on to begin to address the issues I just talked about as well; that is, the issue of energy security, health care costs, jobs, trade, and a series of issues that are important for this country's future.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that I be given 10 minutes to speak as in morning business.

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

Mr. LAUTENBERG. Mr. President, this morning I rise to discuss the terrible situation we see in Iraq. While home in New Jersey over these last few days, I was often approached by constituents on the street and there was one topic that would come into the conversation almost immediately, when people said: Senator, when are we going to get our troops out of the crossfire in Iraq?

It is a great question, but the answer is certainly not clear.

Our constituents back home understand that President Bush has totally mishandled the diplomatic and strategic parts of the Iraq mission and our troops are the ones who are caught in the middle—caught in the middle of an ethnic civil war between Sunnis and Shiites. From my home State of New Jersey, we have already lost 74 people in Iraq; nationwide the total is quite clear—over 3,000 have lost their lives, and there are over 23,000 wounded with injuries that could disable them for the rest of their lives.

To make matters worse, a disproportionate amount of the burden of this conflict has fallen to Guard and Reserve troops. In fact, in early 2005, the National Guard and the Reserves made up nearly half of the fighting force in Iraq, people who were to be called up when emergencies arose. The Reserves were not there primarily to be a replacement for long-term combat duty. This administration decided early on that their agenda for the military was to shrink the size of our Active Forces. We all heard that. "We will get it down to being lean and mean, and increase reliance on contractors for support." If it were not so tragic, it would be a joke.

Now we see, in practice, the Bush long-term military plan has been a disaster. We do not have enough active troops. We are relying way too much on the Guard and Reserve. And contractors such as Halliburton have been wasting taxpayer dollars right and left.

The proof of this waste was a fine, levied against Halliburton, of \$60 million at one time for overcharges for the care and feeding of our troops. We continue to hear of irresponsible behavior of contractors serving our needs in Iraq. Mismanagement of all forms has been a hallmark of Defense Department supervision.

At every turn, this President has made terrible judgments. Tomorrow we are going to hear another decision by President Bush. Why should the American people trust him to understand what he is getting us into? We heard the President say, "Bring 'em on," one of the most disingenuous statements ever made by a President. I served in Europe during World War II, and I can tell you that we never wanted to hear a Commander in Chief taunting the enemy from the comforts of the White House. Asking more of the enemy to show their faces? We didn't want to see them at all.

We saw the President's foolish display of bravado on the Aircraft Carrier *Abraham Lincoln* when he declared, "Mission accomplished." What a careless statement the President of the United States made that day, over 3½ years ago. Mission accomplished? That meant the job was finished, as far as most people were concerned. But it was not through.

While the President was performing in 2003, leaders were warning of a military crisis. General Shinseki, Army Chief of Staff, told a Senate Armed Services Committee that we would need to keep a large force in Iraq even after a war to curb ethnic tensions and provide humanitarian aid. General Shinseki, distinguished military leader, said we needed several hundred thousand troops there. His assessment was harshly dismissed quickly by the President and by Secretary Rumsfeld. The General's reality-based opinion got in the way of their ideologically based mission of a smaller Active-Duty Force.

In the aftermath of the initial invasion, President Bush has made the wrong move almost every time. Now we have walked so deep into the swamp in Iraq that just adding more guns is not going to work. This so-called surge is another bad idea—slogans, such as "cut and run" have to be matched against the reality of "stay and die."

President Bush likes to say: I do what the generals tell me to. But now we know that is not the case. The generals have been extremely candid about their view of the surge idea. They think it is wrong. Now we are hearing that the President intends to give another \$1 billion to Iraqi reconstruction projects. We want to fund every cent that our troops need for their safety, for their return, for their health care, for their well-being, but sending more money down the rat hole is not going to do it. It is being diverted from programs at home, such as education, stem cell research, health care for all our people, to name a few, and the tax-

payers of New Jersey do not want their money used to build another civilian project in Iraq that is going to get blown up the next day. Before we look to spend more money on civil projects in Iraq, let's get the diplomatic situation straightened out.

The American people want to see us leave Iraq with some hope for stability in our absence. That will require President Bush to use all of the diplomatic tools at his disposal to force a dramatic change of course for the Iraqi Government. The current Government in Iraq has to take real steps to disarm the Shiite militias and show the Sunnis that they will actually be empowered in the Iraqi Government. If we do not do that, we could send a million troops to Iraq tomorrow, but it would not make a difference. If the Sunnis feel the Iraqi Government has nothing to offer and Prime Minister al-Maliki doesn't stop the Shiite militias, the bloodbath will continue.

I hope the leaks about the President's plan are wrong and that he will announce tomorrow a better course, a course that will allow us to exit Iraq but with real hope of a more stable society left behind.

I conclude that with the history of planning for this war and the statements coming from the White House and the leadership of the Defense Department I ask: How can we trust their judgment with a new plan to put more people in harm's way without some idea of when this will end? It is not a good idea and we ought to get a better explanation from the President and the Defense Department as to what might the outcome be if their plan succeeds.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

Mr. BYRD. Mr. President, the Oxford English Dictionary defines the word "surge"—s-u-r-g-e—as "a sudden large temporary increase." Note in particular the word "temporary." President Bush's rumored new strategy on Iraq—a surge of U.S. troops intended to quell the violence in Baghdad—is both wrongheaded and headed for failure.

As outlined, the surge envisions clearing all violent factions out of Baghdad in an effort which is to be led by Iraqi security forces. Apparently, U.S. forces will provide indiscriminate firepower in another attempt to establish democracy by brute force. This does not seem to me to be the way to win hearts and minds in Iraq.

I oppose any surge in Iraq. Only days ago, just days ago, we passed the grim milestone of 3,000 American dead in Iraq. There are few firm numbers on Iraqi lives lost, but estimates are in the tens of thousands. I am reminded of one definition of "insanity": making the same mistake over and over while continuing to expect a different result. We have surged before. Still the violence in Iraq worsens.

We are close to the beginning of the fifth year—the fifth year—of a war which should never have been started by an administration that fed the Congress and the public false information. This is an administration which has learned nothing—nothing, zilch—nothing more about the country of Iraq than it knew before it launched an unprovoked U.S. attack.

Our stated purpose for continuing to occupy Iraq is to help the Iraqi people build a stable democracy. But the difficulty of that task should have been clear before we invaded. It was clear to me. Iraq is a country that was only held together by a brutal strongman, Saddam Hussein. And without the strongman to force cohesion, it is a country with deep ethnic and religious divisions and no central loyalties. There is no tradition of constitutions or equal rights, no unifying common beliefs about individual freedoms or governing with the consent of the governed—none of that commonality of thought that reinforces governing principles in the society at large.

The al-Maliki Government would never survive on its own outside the Green Zone in Baghdad, and indeed the point of a surge is to secure only the capital. But what then? After accelerating the violence, even if we are able to lock down Baghdad, what will transpire to keep the insurgency from regrouping elsewhere, possibly fed by Iran or by Syria? How will we then establish the legitimacy of a shaky Iraqi Government?

In my view, we may be about to make a critical mistake by moving in exactly the wrong direction in Iraq. Instead of a surge, we ought to be looking at a way to begin orderly troop reduction. The folly of the surge idea is apparent. The insurrection in Iraq is a civil war. The conflict is among warring factions battling for some measure of control over the others. U.S. involvement on one side simply further energizes all the other sides. This surge will only energize them, further provoking a likely countersurge of violence. If it is a true surge—in other words, temporary—the insurrection factions will only work harder to maim and kill our troops and claim victory if we reduce forces. So, in fact, there will probably be no surge but, rather, a permanent escalation of the U.S. presence, which is simply being sold to the American public as a surge. Once again, we get obfuscation and spin from a White House that seems incapable of careful thought and analysis.

Any plan to increase troops in President Bush's new strategy is simply a plan to intensify violence, put more American troops in harm's way, risk the lives of more innocent Iraqis, engender more hatred of U.S. forces, and embroil U.S. forces deeper in a civil war.

I would like to see a clear defining—a clear defining—of our immediate challenges in Iraq; a realistic discussion about short-term achievable goals;

an admission that we cannot remain in Iraq for much longer because the American public will not tolerate it; and benchmarks for beginning an orderly withdrawal conditioned on actions by the Iraqi Government.

So, Mr. President, the al-Maliki Government has been duly elected by the people of Iraq. It is time we let them take charge. Let them, Mr. President. Let them take charge. As long as we prop them up and inflame hatred, they will never have the legitimacy they need to make the political decisions that may ultimately save Iraq. In short, it is time to take the training wheels off the bike. Do you know what that means? It is time to take the training wheels off the bike.

Our blundering—and it is nothing less—our blundering has inflamed and destabilized a critical region of the world, and yet we continue to single-mindedly pursue the half-baked goal of forcing democracy on a country which is now embroiled in a civil war. Our blinders keep us from seeing the regional problems which are bubbling and which soon may boil. The real damage to the United States is not only the loss of life and the billions of dollars expended, it is also the diminution of our credibility around the world as a country with the will and the vision to lead effectively.

Serious diplomacy is clearly in order on the matters of Lebanon, the Israel-Palestinian conflict, and on Iran. Multinational talks were part of the Iraq Study Group's recommendations, but diplomacy usually ends up at the bottom of the administration's option list, and that is where it has landed again.

If the "shoot first" crowd in the White House continues to stick its chin out and believe that bullets and bombast will carry the day, soon—very soon—our ability to mediate the morass of difficulties in the Mideast and elsewhere may be permanently damaged. Pariahs do not usually carry much weight at negotiating tables. If the lesson in Iraq teaches anything, it is that military might has very great limitations. But then that is a lesson we should have learned many years ago from Vietnam—many years ago from Vietnam.

LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the hour of 11 a.m. having arrived, the Senate will proceed to consideration of S. 1, for debate only, which the clerk will report.

The assistant legislative clerk read as follows:

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

The PRESIDING OFFICER. Under the previous order, the time until 2:15 p.m. shall be equally divided between the leaders or their designees.

The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I have discussed with Senator BENNETT a

proposal for a unanimous consent agreement on a speaking order. I would like quickly to move it as a request for unanimous consent that I be given 15 minutes; Senator BENNETT, as ranking member, 15 minutes; Senator TESTER, 10 minutes; Senator LOTT, if he cares to come down, 10 or 15 minutes which, if it is 15, will balance with 15 on the Democratic side; Senator NELSON, 15; the next open slot for a Republican, 15 minutes; and Senator SALAZAR, 15 minutes.

I ask that at 2:15, for 15 minutes each, the majority leader be recognized, followed by the minority leader if he requests time.

Mr. President, let me vitiate that last part because we would like to have Senators LIEBERMAN and COLLINS recognized at 2:15 for 15 minutes each and then Senators REID and MCCONNELL, if they so desire. That is the unanimous consent request.

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

Mrs. FEINSTEIN. Mr. President, it is an honor to take the floor today as the new chairman of the Senate Rules and Administration Committee to help lead the battle for meaningful and credible ethics reform. In the last election, the message was loud and clear: It is time to change the way business is done in the Nation's Capitol. Passage of this ethics reform package is the most direct action we can take to show the American people that tighter rules and procedures are in place and that the corrupt practices of the few will no longer be permitted. Strong criminal sanctions for these practices will henceforth be in place.

Passage of this bill will demonstrate once and for all that we care more about representing the American people than the perks of power.

I am especially pleased to be joined in this effort by my new ranking member, Senator BENNETT, with whom I look to work very closely in this new Congress. I am also pleased that Senator LIEBERMAN, the new chairman of Homeland Security and Governmental Affairs, and Senator COLLINS, the ranking member of that committee, have agreed to join us on the floor as co-managers of this bill.

On March 29, 2006, by a 90-to-8 vote, the Senate passed S. 2349, the Legislative Transparency and Accountability Act, which has now been introduced by the majority and minority leaders as S. 1. This legislation was a combination of separate bills reported by the Rules Committee and the Homeland Security and Governmental Affairs Committee. It came to the floor early last year, at a time when Americans were becoming increasingly concerned about corrupt and criminal practices by a group of lobbyists, administration officials, congressional staff and, yes, even Members of Congress.

Also, various questions were raised about the K Street Project, in which lobbyist firms, trade associations, and other business groups were told they

would encounter a closed door in Congress unless they hired members of the then majority party.

The Senate-passed bill was a strong ethics, earmark and lobbying reform package. Unfortunately, the House voted instead to soften the provisions, lift the limits on party expenditures in general elections, and regulate 527 groups. A stalemate ensued and no conference report was returned. Now, with a new Congress under Democratic leadership, the Senate's first bill, S. 1, is essentially the same text as the Senate-passed S. 2349.

I believe one message that was very clear in the last election was the need for Congress to immediately take steps to restore the public's trust. I would like to briefly outline the major provisions of the base bill and then follow up with some discussion about the improvements that are being considered in a bipartisan leadership substitute.

This is now the base bill. It prohibits gifts and travel paid for by lobbyists. Section 106 bans all gifts and meals from lobbyists. Section 107(a) bans travel paid for by lobbyists or in which lobbyists participate. Section 107(b) requires full disclosure of travel by Members or their staffs on noncommercial airplanes. It closes the revolving door. Section 241 extends the existing lobbying ban for former Members and senior executive branch personnel from 1 to 2 years. That is a consequential change. Sections 108 and 241 toughen the existing lobbying ban for senior staff—those making 75 percent of a Member's salary or more—by prohibiting them from lobbying anyone in the Senate, not just their former boss or committee, as is presently required.

Section 109 requires public disclosure by Members of any negotiations for private sector employment.

Section 105 strips floor privileges from former Members who become registered lobbyists so that no former Senator can come to the Senate floor to lobby.

Section 110 bars immediate family members from lobbying a Member or his or her office, though they could still lobby other offices.

Section 103 requires that a sponsor of an earmark be identified with the additional spending requests in the earmark on all bills, amendments, and conference reports.

Section 104 requires conference reports, including the sponsors of earmarks in these reports, be posted on the Internet at least 48 hours before a vote unless the Senate determines by a majority vote that it is urgent to proceed to the legislation. So there is a hiatus in which names of sponsors will be published on the Internet for at least 48 hours.

Section 102 subjects any out-of-scope matter added by a conference report to a 60-vote point of order. What does "out of scope" mean? It means a matter not approved by either body of the Congress. If you have a matter not approved by either body, and you want to

bring it up in a conference report, you would have to withstand the test of a 60-vote point of order if a Member saw fit to bring that point of order. The Parliamentarian tells me that would not include earmarks added in conference which were not approved by the House or Senate. Members should know that. Earmarks are not included, just out-of-scope issues. We might want to take that into consideration.

As I have said before, I strongly believe such earmarks which have been added without being voted on by the subcommittee, committee, House or Senate, should be subject to a 60-vote point of order. I am interested in working with any colleagues on this matter.

The provision at issue was based on a stand-alone bill I introduced with Senator LOTT last year, but it was changed as it moved forward. Even though it may not include earmarks, it is an important provision which will go a long way toward stopping controversial provisions often added in the dark of night.

Transparency in the Senate: Section 111 makes the K Street project—that is, partisan efforts to influence private sector hiring—a violation of Senate rules.

Section 232 requires ethics training for members of staff.

Section 234 requires the Ethics Committee to issue annual reports on its activity—not to name names but to give the public a better idea about how active the committee has been.

Section 114 of the bill requires Senators to identify holds they place on legislation. This is an important improvement. All too often, important legislation has been blocked by an anonymous hold, and nobody knows who it is. Here, one person can stop a bill that has been dutifully passed out of the committee and passed by the Senate. This measure does not prevent such holds but requires that the Senator doing this file a public report in the CONGRESSIONAL RECORD within 3 days.

My colleagues from the Homeland Security and Government Affairs Committee will have much to say about the lobbyist disclosure provisions because they fall within the jurisdiction of their committee.

Let me go into a few major provisions under discussion that would likely come with a substitute amendment. The first is sporting and entertainment events. The substitute requires the proper and full valuation of tickets to sporting and entertainment events. No more cut-rate tickets to combat the below-market prices being charged Members and staff as a way of getting around the gift ban. It would close the revolving door. The substitute prohibits Members from negotiating for private sector employment that involves lobbying activity while still holding office. Senior staff would have to inform the Ethics Committee if they enter into negotiations for private sector employment.

The substitute will also have a repeal on the current exception to the revolving door lobbying ban for Federal staffers hired by Indian tribes, something my office has worked on with Senator REID.

Now, earmarks. Over the last 12 years, the number of earmarks have tripled to 16,000, worth \$64 billion a year. The process has clearly gotten out of control. An important first step is disclosure. The substitute provides much more vigorous transparency. In the bill approved by the Senate last March, an earmark is defined as "a provision that specifies the identity of a non-Federal entity to receive assistance and the amount of that assistance." The term "assistance" means budget authority, contract authority, loan authority, and other expenditures and tax expenditures or other revenue items.

In the substitute, earmarks will be defined much more broadly to include not only non-Federal entities but any provision that benefits only one non-Federal entity even though the original funding is routed through a Federal agency. This is meant to get at the kind of earmarks notoriously offered by former Representative Cunningham that effectively directed funds to a non-Federal entity but did not directly name the entity.

We will also include targeted tax benefits and targeted tariff benefits in the definition of earmarks.

Another section is a provision sponsored by Senators CONRAD and GREGG, chairman and ranking member of the Committee on the Budget. This amendment requires a Congressional Budget Office score for all conference reports before they are considered by the Senate. In emergencies, this could be waived by 60 votes.

The substitute will express the sense of the Senate on fair and open conference committee procedures. What that means is for the majority party not to exclude the minority party from the conference. We Democrats know what this is like. We would like to end that and have conferences open for the free discussion of Members of both political parties. This is a sensible provision. We should put an end to the practice that existed in this last Congress.

There will also be a ban on dead-of-night additions to conference reports after they have already been signed by Members. I actually couldn't believe this went on, but it does, and we should end it.

There are two important areas on which no agreement has been reached. Our majority leader had proposed broadening gift reform in S. 1 to prohibit gifts not only from lobbyists but also from organizations that employ or retain lobbyists, which makes sense. He had proposed broadening the travel provisions of S. 1 to prohibit travel paid for not only by lobbyists but also by organizations that employ or retain lobbyists and prohibit lobbyists' involvement in that travel. I also think that makes sense.

The minority leadership did not agree on the two proposals, so I now expect to see our majority leader offer an amendment on this separately. I will be pleased to support it.

In conclusion, a USA Today Gallup Poll last month said that only 15 percent of those polled gave our House high marks for honesty. That was down from 25 percent in 2001 when Members got their best score since 1976. When one looks at the scandals that were exposed last year, that is not surprising. The ties between lobbyists and lawmakers must be broken. Yes, the public has a constitutional right to petition Congress, but that right should not be limited to those who seek any special access.

The 2006 election saw the largest congressional shift since 1994. Even with the war on Iraq on voters' minds, polls showed Americans more concerned about ethics in government. The stakes are high. It is imperative we act. We have a vehicle to do so before the Senate. I hope we will.

I yield to the distinguished ranking member.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I thank the chairman of the Rules Committee for her careful and cogent explanation of what is in the bill. I am happy to be an original cosponsor of S. 1. I will be a cosponsor of the substitute that will be provided under her leadership along with Senator REID and Senator MCCONNELL.

I agree with her and with most others that we need to move ahead on this issue. We need to let the American people know we are paying attention to the ethics questions as they relate to lobbying and to our own internal activities.

Her discussion of earmarks has very little to do with the way lobbyists operate but with the way the Congress operates. Lobbyists react to what we do. They are paid to pay attention to what we do and then shift and adjust their activities to match what is going on in the Congress. Many of the problems we have seen arise in the last dozen years have come from changes within Congress, changes in procedures—not formal changes but evolutionary changes—that have come along as Congress has reacted to the pressures we face.

My first experience in this town was as a teenager, as an intern. I suppose there is something wrong with me because I was enough of a political junky that I used to sit in the gallery at night when I could have gone home and listen to the debate in the Senate. I would amuse myself in the daytime by reading the CONGRESSIONAL RECORD. I am not sure how many people would do that today.

In those days, debate in the Senate was real debate. Senators would come to the Senate, go back and forth with each other. Things were different. The way things moved through committees

was different. It was a much more leisurely and orderly process.

I have seen, in the 14 years I have been in the Senate, the process speed up to the point that even the kind of cursory examination we would give to legislation 14 years ago has gone by the boards.

I have been part of the process of creating the omnibus appropriations bill, which is probably the worst possible way to legislate. Yet under the pressures we found ourselves confronted with it was the only way to get appropriations bills completed.

I have watched as the authorizing process has gradually but inexorably broken down as authorizers now come to appropriators and say: We can't get this through our committee for a variety of reasons. Would you add it to the appropriations bill? The appropriations bill is picked because it is the only bill that has to pass. We have to fund the Government.

I remember a Congress when Secretary Babbitt had a vital problem relating to his department and to my State. We talked it through. Then he said: Senator, see if you can get it on the CR, the continuing resolution. There was no opportunity for passage of that particular item. Here is a Cabinet officer, representing President Clinton, talking to a Republican Senator, representing the people of Utah, and the advice is: See if you can put it on the CR.

Obviously, the process of orderly authorization, oversight, examination, and then appropriations which is laid down in our rules has broken down under the pressure. It was in that crucible where people such as Duke Cunningham would step forward and say: We are going to take advantage of this broken process to our own personal advantage.

Now, understand, Duke Cunningham is in jail. Understand, Jack Abramoff, the lobbyist who saw the opportunity of exploiting this breakdown, is in jail. The laws, the rules, the ethics that currently exist, gave rise in this present circumstance to a comment someone made. He said: You folks in the Congress are the only people I know who, when someone breaks the rules, decide the thing to do is to change the rules.

There is some sense that perhaps we are overreacting to the scandals of Abramoff and Cunningham. I do not believe that S. 1 is an overreaction, nor do I believe is the substitute offered by Senators REID and MCCONNELL, of which I and I am assuming the chairman of the committee are original cosponsors. But as the debate goes forward, there might be a temptation to overreact in some of the amendments that will be offered to this bill and to the substitute. So I want to make a few points about the whole process of lobbying.

Again, a little personal history: Back in the 1960s, I was a lobbyist. I have said my timing was terrible because

when I went to work as a lobbyist, lobbyists were not paid as much as Members. Today it seems to be the other way around.

I remember belonging to a group that very creatively called itself the Breakfast Group because we met for breakfast once a month. It consisted of all of the lobbyists of Fortune 500 companies in Washington at the time. We would meet at the Chamber of Commerce where the staffer from the Chamber of Commerce would brief us on their attitudes toward our issues. He left the chamber to set up an office for a Fortune 500 company and wanted to join the group as one of our members. We voted him in, and then we voted the membership closed because we said if we get too many more, it will be too big. There were 20 members. There were 20 people who were representatives of Fortune 500 companies at the time.

Mr. President, this is an old document I hold in my hand from 2000, so it is 6 years old. It includes the names of all of the lobbyists who are currently in Washington. That little group of 20 has grown somewhat in the 40 years from then till now. But as you look through this list, one thing becomes clear that I think a lot of people do not understand with respect to the legislation we are considering. By virtue of all of the people who have now entered this kind of activity, virtually every single American is represented by a lobbyist. Every single American has someone lobbying in behalf of his or her interests, whether he or she knows it or not.

I just dipped into this document, turned open some pages, at complete random, to see who are the lobbyists and what are they here for. Here on page 473, we have the Legal Action Center for the City of New York: A not-for-profit law and policy organization fighting discrimination against people with substance abuse problems, people with HIV/AIDS, and people with criminal records. So people who have substance abuse problems, HIV/AIDS, and criminal records have a lobbyist.

Here is the Learning Disabilities Association. Here is the Lawyers Alliance for World Security: A national, non-partisan membership organization of legal professionals dedicated to stopping unrestrained weapons proliferation and bringing the rule of law to the newly independent nations of the former Soviet Union. So if you are against nuclear proliferation, you have a lobbyist.

The League of Conservation Voters: A national, non-partisan arm of the environmental movement, works to elect pro-environmental candidates to Congress, publishes annual ratings of Congress, and so on.

OK. Flipping ahead, we have the National Association of Schools of Dance: Accreditation of post-secondary educational programs in dance—they have a lobbyist—along with the National Association of State Units on Aging: A

national, non-profit public-interest organization dedicated to providing general and specialized information, technical assistance, and professional development support to State units on aging.

And I went a little deeper away from national associations. We have, on page 636 the Solar Energy Research and Education Foundation: An educational organization developing a museum in Washington featuring interactive CD-ROM-based computer technology. And next to that is the Solid Waste Agency of Northern Cook County and across the page, the Office of the Attorney General of the State of South Dakota.

Every American is represented in one form or another by a lobbyist. So we must be careful as we deal with the perception that comes out of perhaps televisionland that all lobbyists are corrupt, all lobbyists operate with shady activities, with under-the-table money.

If we decide that is, in fact, what we are dealing with and clamp down in such a way so hard as to get in the way of the National Association of Schools of Dance, we will do damage to the constitutional right—right there in the first amendment, next to freedom of religion and freedom of speech—the constitutional right to lobby. They did not call it that in the 18th century. They said the right to petition the Government for redress of your grievances because the Capitol had not been built and a lobby had not been created. But the word came out of people exercising their rights. We must respect that. We must recognize we have to do this very carefully. And we must recognize that internal reform, disclosure of earmarks, activities with respect to conference reports, cleaning up our own act of how we handle legislation is an important part of seeing to it that the process is proper.

As I said at the outset, I do not believe S. 1 is an overreaction. I do not believe the amendment in the nature of a substitute is an overreaction. I am happy to be an original cosponsor of both. And I salute the majority leader in his determination to start out with this issue because it is an issue on which we can reach broad bipartisan agreement. It is an issue that can send the message to the voters that, yes, we recognize that, however it has evolved, the rules do need to be changed. Even though the people who broke the old rules were caught under the old rules, convicted under the old rules, and sent to prison under the old rules, we need to be looking ahead and recognize that in a world where virtually everyone is involved, in one way or another, we need to do this right.

So I am happy to be a part of this debate, and I appreciate the leadership we are receiving from the majority leader and from the chairman of the committee.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the distinguished ranking member for his excellent comments, and I have learned something about his life which I found very interesting. I did not know he had started his distinguished career as a lobbyist, and I clearly saw the growth of that institution in the book the Senator held up. I thank the Senator very much for his comments. I look forward to working with him in the committee.

Mr. President, I would like to ask all Members, beginning this afternoon, to please come and file your amendments. We are eager to have them. In the unanimous consent agreement, the Senator from Montana is next, Mr. TESTER. However, I do not see him on the Senate floor. So let me say this: The way we will run this is by doing a unanimous consent agreement and trying to line up speakers, if that is agreeable with the ranking member. If people are not here, they will lose their place in line.

Mr. President, I ask the Senator, is that agreeable to the ranking member?

Mr. BENNETT. Yes, Mr. President, that will be agreeable to me, with the understanding that if the Senator does show up, then they will go in the queue wherever they can fit.

Mrs. FEINSTEIN. That is correct.

I see the Senator from Montana just emerging for his first appearance before this body, and he is therefore recognized for—I have 10 minutes down.

I ask the Senator, would you require 10 minutes or 15 minutes because we will give the same amount to the distinguished Senator LOTT?

Mr. TESTER. Mr. President, I say to Senator FEINSTEIN, 10 minutes will be more than adequate.

Mrs. FEINSTEIN. Fine. Mr. President, I yield 10 minutes of time to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized for 10 minutes.

Mr. TESTER. Thank you, Mr. President.

It is a great honor for me to be before you today in this Chamber as a Senator representing the great State of Montana.

It is the genius of American democracy that a third-generation family farmer from Big Sandy, MT, can serve in the world's greatest deliberative body. We have a great opportunity with great responsibility. Americans are not enamored by ideology or political party. I ran for the U.S. Senate because I wanted to make Government work for the American people once again.

Montanans stood by me to demand change. We are here today because the American people want their Government to work. Today, we can show the American people that their Government does work by enacting genuine ethics reform, to ensure a Government that is transparent and open.

As I met with the folks across the State of Montana, I heard over and

over again about the loss of faith in our Government and our elected officials. Scandals and questionable behavior have brought a shadow over this institution. But today the Sun is rising again.

The leadership of Senator REID and the addition of the Feingold-Obama ethics reforms are a giant step forward in restoring the public's faith in their Government and public officials. The "for sale" sign on Congress will be taken down, and the pay-to-play practices of past Members will finally come to an end. These bills shine a spotlight on how Members operate in Washington to ensure that the people's business rather than the special interests' business is being done.

In Montana, we believe in working together with our neighbors to find solutions to our problems. And in our Nation, the American people are looking for all of us to represent them, the people, those hard-working families trying to make ends meet.

The best way to work for the American people is to ensure that they cannot only see what is happening in their Government but that they can take part in their Government. It is time for transparency, time for working families, small businesses and family farmers and ranchers to not only be heard but to be represented and empowered in this body and in the Halls of our Nation's Capitol.

No more currying favor with Members of Congress and staff by high-powered lobbyists through free court-side tickets or all-expense-paid travel to exotic destinations. No more slipping in special interest provisions in bills already signed, sealed, and all but delivered. No more floor privileges and Member gym privileges for former Members lobbying on behalf of their clients. No more so-called K Street projects in which Members force lobbying firms to hire staffers from a certain party or lose the Member's support for their clients' projects.

Montanans and Americans simply deserve better from their Government and elected representatives. Montanans and Americans deserve a government that is working hard for their interests, not the big-moneyed special interests. All of these special privileges and activities get in the way of making real changes that will improve the lives of hard-working and honest American and Montana families.

I want to do the job the people of Montana have hired me to do, and this ethics package gives me the tools to do just that. I am proud and honored to join with my colleagues in support of change that will bring sunshine to the process of government and allow for transparency.

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

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I am pleased to rise again, for the second

year in a row, in support of the Legislative Transparency and Accountability Act of 2007. It was my pleasure, last year, as the chairman of the Rules Committee, to work with my colleague on the Democratic side of the aisle, CHRIS DODD, and in fact, the entire committee in a bipartisan way to produce this legislation from the Rules Committee.

Then we brought it to the floor. We had an open process. We had lots of amendments offered. At some point it was the will of the Senate we bring debate it to a close, and we produced legislation because there is a need for ethics and lobby reform. I have been an aggressive supporter of many of the provisions that have been already mentioned today and that are included in this bill.

So I want to make it clear that last year the Senate passed this legislation, with significant improvements or changes in the law with regard to the rules of the Senate, ethics, and lobbying reform, and moved it into the process of being in conference with the House. Unfortunately, it was not concluded.

I do have a long history in this area, going back to when I was in the House in the 1970s, and when we passed some gift reform in the 1980s. And here we are again. I don't back away from having in the past supported some changes. And having done it last year and again this year, I think we should move forward in this area. But I must say, I am delighted to yield the leadership role on this issue to the distinguished Senator from California, Mrs. FEINSTEIN. She is now the incoming chairman of the Committee on Rules managing this legislation in place of CHRIS DODD of Connecticut who did such a good job last year, and my colleague from the great State of Utah, Senator BENNETT. These two people will work together. They will do a credible job. They will aggressively support responsible changes in the ethics rules and lobbying laws of this country. However, I believe they will have the courage to say to us sometimes: Wait a minute, what does this mean? What are we doing to ourselves, the institution, and the job we do?

I have been in Congress 34 years. I know when changes need to be made. I also know sometimes when we are about to put a gun to our head and pull the trigger. Let's do this in a responsible, nonpartisan way that is good for the institution and good for America. But, please, let's not turn it into feckless positioning to make it look good when, in fact, the result could be very counterproductive. I hope we will not do that. I don't question anybody's motives. We all have perspectives we have to think about.

Take, for instance, the issue of earmarks. We all have views on that. In some areas it is called pork. I have said many times that earmarks are pork when they are north of Memphis, TN.

I am from one of the poorest States in the Nation. I am not going to give

up the right, the opportunity to get some help for some of the poorest people in America when the bureaucracy won't do it.

I have a little old town in Mississippi, Tchula, MS, with an African-American woman, Republican mayor, where they have to haul water to their houses for drinking. That is in America today. It is unbelievable that in 2006, you have people who don't have safe drinking water in this country. We passed the safe drinking water legislation in 1996. Yet it still doesn't seem to filter down to the poorest of the poor sometimes. I tried for years to get HUD to help this little town that sits in a saucer that floods every year.

I said: Please help us move these people onto higher ground, get them out of their snake-infested, annually flooded houses; help us get them water and sewers; help us get them decent housing; help us get them a community center, a police station. Just help them.

I never got a nickel. So my colleague Senator COCHRAN and I started earmarking funds for this little town. It wasn't big. It was a relatively small amount of money. But if we cannot, as Senators or Congressmen from a district or a State, whether it is Montana, Minnesota or Mississippi, step up sometimes where legislation has not done the job, or where the bureaucracy has not done its job, and fix the problem, then we are not fulfilling our Constitutional obligations to the citizens of our states. Sometimes I know more about the need for a transportation project than some bureaucrat at the Department of Transportation. I am not going to give up what I consider a Constitutional right, and that is the right to shape how federal money is spent.

However, has earmarking gotten out of control? Yes. Has it been growing like topsy over the years under Democrats and Republican? Yes.

Some people say: You shouldn't get an appropriation unless it has been authorized. Do you know why we started getting appropriations for projects that weren't authorized? Because we quit authorizing. The Senate got in a situation in recent years—and it goes back to both Republicans and Democrats; we share the blame on this—where we quit getting bills done. How many bills lie dormant at this desk because there is a hold by a fellow Republican or a Democrat against a fellow Democrat? If you wait until you get authorization, such as a water resources bill, before you get the appropriation, you may never get it. That forced a lot of what has happened.

I am a firm believer in sunshine. Disclose it. That is the best antiseptic. I am not ashamed of what I do. If I am going to be embarrassed if it is made public, I won't do it. Of course, there is one danger. The more we publicize what we are doing, there may be more and more pressure on us to do more. Somebody is going to have to explain on the Appropriations Committee why

Senator X gets an earmark and Senator Y doesn't. So we may be, again, creating growth in this process. But I think we should disclose it. I don't have any problem with identifying earmarks, explanations of earmarks. There is no amount of disclosure you can come up with that I wouldn't think is OK.

I also—and Senator FEINSTEIN knows this—have developed a real concern about what has been going on now and growing for a number of years where things are added in conference at the last minute that were not considered by, or included in, either the House or the Senate bill. That unnerves me. By the way, it is not just appropriations; it is authorizations, and it is tax bills.

The one incident that alarmed me actually involved a tax bill. Because if you are a conferee in the last minute of conference some night at 10 o'clock and you can change a phrase in a tax bill that can mean billions for a particular sector of the economy, that is very dangerous. But it happens.

I know it is difficult to write exact language to deal with the problem of last minute inserts in conference reports. I drafted such language that I believe will be workable. I welcome these new leaders of the Rules Committee and recommend they review closely the language I have drafted that addresses this issue and I believe will not create a tremendous problem for the leadership.

HARRY REID is going to be standing here one day trying to wrap up a session on a major bill and if we create point of order authority on anything that is added in conference without some limits on it, he could be hit with a series of points of order, one after the other after the other. Then how do you complete the conference report? The leadership has to worry about that on both sides of the aisle.

I think we could do more on these earmarks. My colleague from Mississippi Senator COCHRAN has been chairman of Appropriations, as well as the ranking member. I am going to make sure I work closely with him on how we do this. But we need to do more.

I believe this legislation we have before us is a good effort. Some people say it is not good enough. Look, if we start trying to satisfy certain media people, certain ethics groups, there is no limit. We will all be living in robes in the Russell courtyard with no access to the outside. So we can't do that. But let's do all we can. Let's do some things that will improve the way we do business. I think this legislation does this. It is bipartisan in introduction. I understand a substitute will be offered later this afternoon that will maybe move the ball forward some more. I am not sure exactly what all that would be, but what I have looked at, I don't see major problems there. I do think how you deal with the defining earmarks and how you disclose sponsorship is important but more delicate than some may think.

With regard to gifts, we ought to get over that. We should not be having gifts from lobbyists. We shouldn't be having meals paid for by lobbyists. Some of you have heard me say this, anyway. If I never have to have another meal at night with, frankly, anybody, the happier I will be. But I am so offended that somebody says for the price of a meal, I can be had by a lobbyist or anybody else. People wouldn't elect me Senator from Mississippi if they thought I could be had for a meal. Plus the meals you have up here are not any good, anyway. You can't get blackeyed peas up here. You can't get really good, properly prepared catfish up here. It is outrageous. So my point is, I am insulted by the accusation. Get rid of the gifts and meals and get that perception off the table. You are not giving up much, anyway. I would rather go home and have dinner with my wife. That is what more of us ought to do.

By the way, I hope under the present leadership we will have a little more time at night with our families. I have this unique idea about my job. I think you should work during the day, and I think you should go home at night. I hope we will not be nocturnal. I am glad to see Senator REID saying he is going to hold the votes to 20 minutes. I am glad we are going to be working on Mondays and Fridays. When I had a little bit to say about that, we did that. We voted on Mondays and Fridays. I would rather work during the day and do the responsible thing and go home and be with my family at night.

With regard to third-party-funded travel, again, I think we need to have a lot more disclosure. I think you ought to have detailed trip identification or itinerary, and a listing of who was on the trip. I do think we need to be careful. Are we going to totally ground ourselves around here? There are constitutional questions we have to consider. We do have to get places within our own States. I do think we should be aware that if you represent Maryland—maybe Senator BENNETT made this point—if you represent a State that is relatively small, you can get where you need to be in an hour in a car. But if you represent Alaska or California, you can't get there. Even my State, when I go from the Mississippi gulf coast devastated by the hurricane to north Mississippi to that great center of learning at Oxford, the University of Mississippi, it is 346 miles. That is not even the end of the State. You can't get everywhere you need to be with just automobile transportation. Should you have to report it? Should there be a limit on how you do that? Absolutely. But let's be careful about making it impossible for us to do our jobs here as men and women of the Senate.

With regard to some of the other rules included in this bill, floor privileges for former Members where the possibility, perception may be that a former Member is here lobbying on a

bill, you can't have that, no. At the same time, we shouldn't prohibit former Members on the day we are sworn in, as we had this past week, from coming on to the floor and participating in that celebratory ceremony. Again, let's use some common sense. Don't prohibit them en bloc. Allow former Members to come on certain occasions, but don't allow them to come when we are legislating, certainly, if they are lobbying.

Another issue deals with job negotiations by sitting Senators. Again, we ought to have disclosure. If you are negotiating for private employment, you should disclose that. That's what this bill does.

In conclusion, I think we have a good base bill. It sounds as though the substitute may be OK. I am sure there are going to be some amendments that we should think about very carefully. Let's be careful about pompous pontificating or questioning other people's motives. Let's be careful that when we do something, we can actually enforce it. Let's think it through. I think we can do that. I think the way it has been brought up is fine.

I am very concerned about the idea of an outside office of public integrity and how that could be used unfairly in a political season. Some people say: Well, don't worry about that. Well, you have to. Because we could do it to each other. You would hope that we wouldn't; I wouldn't do it to the Senator from Florida and he wouldn't do it to me. But it has been done. Going way back to my years in the House, I was on the franking commission. We had a process to file complaints with the franking commission if a Member of the House misused the frank. It was interesting, right before the election, how many extra complaints about abuse of the frank showed up before that commission. It became a political issue that was used to beat up a Member who quite often wasn't even guilty of anything wrong. But the damage was done. It was in the media.

Mr. President, we can and should pass a reform bill. I said that last year. It is the right thing to do. But I hope that we will use common sense. Let's not turn ourselves into something where we can't even do the job. Let's not inadvertently make criminals out of ourselves and our staffs. I am not saying there haven't been problems and that there won't be in the future. We are all human beings, and we are capable of making mistakes. But we can do a better job. I think it is time we do that.

I want to make it clear that as far as I am concerned, this is going to be a bipartisan effort.

This is not partisan. The mistakes made over the years that I have seen since I have been in Washington have been made on both sides of the aisle. We can do a better job of putting things into place where we are less likely to make a mistake. I wish the very best to the Chairlady and the

ranking member. I think they can do a good job, and I think we can do something good for the institution, and we will restore a modicum of faith in us from the American people.

Mr. NELSON of Florida. Will the Senator yield for an observation?

Mr. LOTT. I think my time has expired. Who has the floor, Mr. President?

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. I am glad to yield to the Senator from Florida.

Mr. NELSON of Florida. I wish to say this to my colleague in response to his excellent comments about the tendency of some folks to pontificate around here. It called to mind for this Senator the old adage that "I would rather see a sermon than hear one any day." That might be a lesson for all of us in public office to remember.

Mr. LOTT. Mr. President, it is a very good adage.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized for 15 minutes.

Mr. NELSON of Florida. Mr. President, I am not going to take that amount of time. I do want to go back to the basic underlying problem that finally is bringing us to the point that we are going to get a bill passed here and one in the House of Representatives, and we are going to get a compromise hammered out in a conference committee and get a product which we will send to the President for his signature.

It basically has boiled down to the fact that we have had vote buying and earmark buying. That is inimical to the interests of this country and the way that we operate in a system of justice. It is inimical to the interest of a democracy, in representing the people, and when the people see this, they say: Enough; we want a change. We tried to do this in the last Congress. There was a bill passed here and there was a bill passed on the other side of the Capitol, but for all the various personal reasons and special interests, we could not get anything moving and get a final agreement.

Now, what does this come out of? It comes out of a basic human failing called pride. Pride, by the way, in the Good Book, is mentioned as one of the greatest sins. Pride can be described in many other ways. It can be arrogance, obstinance or it can be an "it is my way or the highway" attitude. It can be quite destructive. As this observer of the National Aeronautics and Space Administration would clearly note, it was arrogance in the NASA management that brought down two space shuttles—one in 1986 because the NASA management wasn't listening to what the engineers on the line were saying. The communication—in other words, due to arrogance and pride—was going one way, from the top to the bottom, not from the bottom up. That caused the destruction in January of 1986 of

the space shuttle Challenger. And 18 years later, the very same thing happened again to NASA. The space shuttle Columbia was destroyed for a different technical reason than 18 years previously, but the same reason occurred, which was the arrogance of power and pride that had set in. The same thing happened. Communication was from the top down, but they weren't listening to the engineers on the line who were telling them that that thermal protection foam on the external tank was shedding in the launch of each of those space shuttles.

So we say that same thing—pride, arrogance, the abuse of power. Remember the British politician who said, "Power corrupts and absolute power corrupts absolutely." Indeed, that is what we see. It is not applicable to one side of the aisle or the other. This has happened throughout the history of this great democracy, over two centuries. So what happens is that, ultimately, the people will say: Enough, and we want change. Then we will try to respond to the change. We remember the reaction that occurred in this country in 1974 in the election as a result of the arrogance of power that had been in the White House that we know as the Watergate scandal. And then we know about in the decade of the 1980s, where the Democrats had been in power for decades, and then there was one thing after another that was happening. In the election of 1994, people were tired of the arrogance that was being displayed. Now we are on a shorter cycle—here, in a 12-year period, from 1994 to 2006, and people were saying: I don't like this vote buying, this earmark buying, where somebody gets a special appropriation because they happen to be getting special gifts of lodging and trips and gifts and antiques and meals, and so forth and so on. And, of course, that is the celebrated case of MGM and Mitchell Wade and all of that fallout, and you hear the revelations coming out of another lobbyist, Jack Abramoff, and the resignation of another major figure in the House of Representatives. It all goes back to this arrogance of power.

Since we all have "feet of clay," what is the best way we can try to avoid that temptation of arrogance of power? The temptation is going to be there. First of all, it has to be right there in your heart. Check your own self as a public servant. But the next thing we can do is something that we are attempting to do in this legislation. You get everything out into the open, so that you know that there is always the fourth estate, the press, looking over your shoulder. That makes it easier for them to find out what the facts are. Thus, the earmarks have to be completely transparent if, indeed, there are going to be any earmarks, which is another question we will address on down the line.

Get it out into the sunshine. We have a tradition of that in Florida from way back in the 1960s, enacting the sun-

shine law. State Senator J. Emory Cross, from Gainesville, FL, a place in celebration right now as a result of the national championship—Senator Cross, who was an old country lawyer and a State senator, said there has to be a different way. That was in the 1960s. They passed Florida's sunshine law which said that a government body meeting to discuss public business had to be in the public. All of that doesn't occur here all of the time—a lot of it by necessity because of national security, and so forth. But the most we can do is get things out into the open, in the full glare of the spotlight, so that people can evaluate that what we are and what we are not doing is to strengthen this democracy. That is what we have to do.

I think this legislation is a step in the right direction. It is going to try to get at these lobbyist-financed meals, gifts, and travel. It is clearly going to require more transparency. Our democratic Government is viewed as a model in countries throughout the world. I just spent 2 weeks in the Middle East and Central Asia. They do business a lot differently. Payoffs, and so forth, are a standard practice in a lot of those parts of the world. We do it differently here. Perhaps that is another reason why this constitutional democracy has survived and, indeed, thrived for well over two centuries. The Founding Fathers established a government that was designed to put a check on power and represent the interests of all Americans, regardless of their station in life.

So as we grapple with this issue of trying to put an influence on those who articulate a special interest, a narrowly defined interest, instead of an interest for what is referred to as the common wheel, the common good, then that is very much vital to restoring the balance of power in the functioning of our Government.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 15 minutes.

Mr. SALAZAR. Mr. President, first, let me praise our great majority leader and Senator McCONNELL, the minority leader, for bringing us together for a good start to the 110th Congress. The idea of a joint caucus, both parties coming together to send a signal that we were going to work together in the 110th Congress as we begin, was a very good step. I believe Senator REID said we are now entering a season of hope and that we can move forward with hope for positive results in the 110th Congress. Senator McCONNELL talked about how a government, even though it may be divided by the two parties and the executive branch, can be the kind of government that can bring about good results for the people of America. That was a very good statement as well. Citing what happened in the 1981 Reagan Social Security revision, that was an example of how a divided Government could get a result,

as well as his speaking about the 1996 welfare-to-work reform. That was another good example of how we can get things done.

I hope this Congress, in fact, gets to be known as the Congress that did, in fact, produce results for the American people and that we can work together to bring about those results.

Today, as we begin the consideration of S. 1, it is one of those efforts in which we together are attempting to show results to the American people to restore the confidence of the American people in the institutions that belong to them.

It is no coincidence that this is the first bill to come before this new Senate. This bill lays a foundation for everything that we hope to do in the months and years ahead. It does so by addressing three fundamental needs.

First, it addresses the need to restore the people's faith in their Government. Indeed, in the wake of the Jack Abramoff scandal, the conviction of former Congressman Duke Cunningham, and the various other allegations and investigations that have created this problem in Washington, DC, it is clear that the American people have lost faith in their Government.

In case we didn't know it beforehand, that message was sent loudly and clearly by the voters in the November elections. With this bill, we have the opportunity to restore that lost faith without which we cannot effectively conduct the business of the people of America.

Second, this bill also addresses the need to bring greater transparency to the Government of America. As Justice Brandeis said a long time ago:

Sunshine is said to be the best of disinfectants.

These words have particular resonance with the American people as we look to end today the practice of holding one-party conference committees; of placing strange and anonymous holds, not knowing where they come from, on legislation and nominations just because someone wants to prevent progress from taking place; and slipping provisions into conference reports that were not passed by either Chamber, some of these provisions being slipped into the conference reports in the dead of night. With this bill, we look to replace these secretive practices with a more open and transparent Congress for the American people.

Third, we also need to take on the influence of special interests and to curb those influences of special interests on the Government of America.

When the American people see a revolving door between Congress and the K Street lobbying firms, when they see Members of Congress and staff treated to gifts and travel paid by lobbyists, when they see legislation changed at the behest of a special interest, they understandably roll their eyes. With this bill, we look to curb the influence

of special interests in favor of the people's interest because all of us were elected to represent the people first.

This bill is not a perfect bill, and we will work this week to refine and improve the bill. For example, I would like to see the denial of Federal pensions to Members of Congress who are convicted of certain crimes. I am proud to support an amendment with Senator JOHN KERRY which would do just that in this legislation. The likes of former Congressman Duke Cunningham and the bribery that occurred in that particular case should be the grounds for the denial of pensions to Federal Congressmen and Congresswomen.

I would also like to see greater transparency in the committee process, and I will offer an amendment on that issue later this week.

I also believe it is important to note that this bill touches on ethics in the executive branch. We know there has been so much focus in the public debate on how this deals only with the legislative branch of Government, but, in fact, this legislation will also end up creating a new program of Government independence and integrity in the executive branch.

It will do so by extending the revolving door for very senior executive branch employees from 1 to 2 years and by expressing the sense of the Senate that any applicable restrictions on congressional branch employees should also apply to the executive and judicial branches of Government.

We need to make sure that every branch of Government has strong ethics rules. I look forward to working with my colleagues to accomplish that goal in the coming months. It is my hope that the relevant committees address these issues in the near future.

Let me make a comment about this issue.

The fact is, the House of Representatives is dealing with ethics as their first issue, and the Senate is dealing with ethics as our first issue. We are taking a very important step in the right direction, but at the end of the day, it is the loss of confidence of the people of America in their Government in Washington as a whole that we need to take a look at, and the issues we deal with here are only focused largely on the legislative branch of Government, but there are also a whole host of issues in the executive branch of Government that should require us to take a hard look at what it is that all of our Government officials are doing.

At the end of the day, our goal should be to try to make sure the integrity of Government extends to all aspects of the Government and that the confidence of the people we all represent extends to a confidence in all of our Government. The only way we can do that is to make sure we have the highest ethical standards that apply to the Congress as well as to the White House and to the executive branch of Government.

It is my sincere hope that the committees of jurisdiction, including the

Committee on Governmental Affairs and Homeland Security and other committees that will look at this issue, will also help us bring about that kind of cultivation with respect to how we look at integrity in Government.

It isn't enough for us to clean out only a part of the barn in Washington, DC. I am a rancher and a farmer in terms of my upbringing. When you go in, you clean out the whole barn. Our effort is to clean up Washington, DC, and, if it is a committed effort on the part of both Democrats and Republicans, we need to make sure we are cleaning out the whole barn.

Finally, it is important to make sure that we all recognize this bill is moving us forward in the right direction in a number of ways. It bans all gifts, and it bans meals and travel paid for by lobbyists. That is a ban that did not exist before this context. It is an important step in the right direction.

Second, it requires public disclosure within 3 days of any hold placed on a nomination or on legislation. During the 109th Congress, Democrats and Republicans who were part of legislation we were trying to get through could not find out who was putting holds on legislation. That is not the way to do business. If a Senator has a problem with a bill, if they want to put a hold on a bill, they ought to tell their colleagues what it is they have a problem with, what is the substantive issue that causes that Senator a concern that requires him or her to put a hold on a bill.

This is a very important procedural positive step forward for this institution, and I look forward to strongly supporting that part of the bill.

Third is closing the revolving door between Congress and K Street by extending the cooling off period of Members of Congress and stiffening the rules regarding lobbying activity by senior staff members. It is an important rule that allows us to close that revolving door which has been a part of Washington, DC, for far too long.

Fourth, this legislation requires that conference reports be made available to the public at least 48 hours before their consideration by the Senate. That way not only be the public of the United States of America but also the Members of this body will have an opportunity to study what is in the legislation and will be able to react so we do not enact legislation that is passed in the dead of night without people knowing on what they are voting.

Fifth, the bill requires a list of earmarks in a bill, the identity of the Senators who propose them, and also identity of their essential Government purpose.

For the last year, we have talked about earmark reform and the importance of moving forward with changes in the earmark process, which has been a part of this body probably since its inception, but making sure we know where those earmarks are coming from, who is proposing them, and what

is the essential governmental purpose that is being addressed by that particular earmark.

It is essential for us to be able to tell the American public what it is we are doing with taxpayers' dollars. I fully support the earmark proposals that are put forth in this legislation.

As a member of the Senate Ethics Committee, I am also pleased to join with my colleagues in supporting the aspects of the bill that would do the following:

First, it would require the Ethics Committee of the Senate to report on an annual basis with detailed statistics on the number of alleged violations and the status of complaints that are pending before the Ethics Committee of the Senate.

Second, it would require the Ethics Committee that it conduct mandatory ethics training not only for Senators but also for all of our staffs who are affected by the decisions and the activities of our office on an ongoing basis.

And, third, that we as a Senate move forward in the creation of an independent commission to make recommendations on the effectiveness of congressional ethics rules and lobbying disclosure laws.

It is important to note that these changes are necessary, not because there is something inherently wrong or dishonorable about the process of petitioning the Government. They are important and they are necessary because the American people have lost faith in their Government and because our Government should be doing more to have a Government that is transparent and a Government that is responsive to the business of the people.

I commend the leadership, Senator REID and Senator MCCONNELL, members of the Rules Committee, my colleagues and friends from California and Utah who are the managers of this bill, and members of the Governmental Affairs and Homeland Security Committee for their work. This is very important legislation that is taking an important first step in restoring the faith of the American people in the integrity of their Government.

I thank the Chair, and I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold the quorum call?

Mrs. FEINSTEIN. Yes, if the Senator will withhold the request for a quorum call, Mr. President, I note that it is almost 12:30 p.m. I ask that the Senate recess until 2:15 p.m.

RECESS

The PRESIDING OFFICER. Under previous order, the hour of 12:30 p.m. having arrived, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:27 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mrs. McCASKILL).

LEGISLATIVE TRANSPARENCY
AND ACCOUNTABILITY ACT OF
2007—Continued

The PRESIDING OFFICER. Under the previous order, there will be 30 minutes of debate with the Senator from Connecticut, Mr. LIEBERMAN, and the Senator from Maine, Ms. COLLINS, to be recognized for 15 minutes each.

The Senator from Utah is recognized.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Ms. COLLINS. Madam President, I know the order provides for Senator LIEBERMAN to go first, followed by myself. Since Senator LIEBERMAN has not yet arrived on the floor, I ask unanimous consent that I be permitted to begin. When Senator LIEBERMAN arrives on the floor, I will yield to him and then reclaim my time.

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

Ms. COLLINS. Madam President, today the Senate once again considers significant legislation to reform ethical practices and lobbying practices. Any sense of *deja vu* among my colleagues is understandable, for the bill before us, S. 1, is identical to the bill passed by the Senate by a vote of 90 to 8 in March of last year. That bill was the bipartisan product of the Senate Committee on Homeland Security and Governmental Affairs and the Senate Committee on Rules and Administration. Because it never became law and because the issues that it addressed have only grown more troubling, the bill stands before us reincarnated but still very much needed.

The recent elections took place in the shadow of far too many revelations of questionable or even downright illegal conduct by Members of Congress. In reaction to those scandals, the American people sent a clear message to Congress that they had lost confidence in their Government. You may ask, Why does it matter? Why does it matter if the American people have confidence in their Government officials? It matters because without the trust of the American people, we cannot tackle the major issues facing this country. As long as our constituents are convinced that the decisions we are making are tainted by special influences or undue influence, then we simply cannot accomplish the work of this Nation.

I think it is appropriate that the first bill that is brought before this Chamber to be debated and considered is one that would reform the lobbying and ethics rules to increase disclosure and to ban practices that might be called into question or create an appearance of wrongdoing. We need to assure the

American people that the decisions we make are decisions of integrity, in which their interests are put first.

It is important to remember that the conduct of most Members of Congress and their staffs is beyond reproach. I believe the vast majority of people serving in the House and the Senate are here for the right reason. They are here because they care deeply about their country and they want to contribute to the formulation of public policy they believe will improve the lives of the American people.

The same can be said for the conduct of most lobbyists. In fact, lobbying—whether done on behalf of the business community, an environmental organization, a children's advocacy group, or any other cause—can often provide Members of Congress with useful information and analysis. That information and analysis aids but does not dictate the decisionmaking process.

Unfortunately, today the word “lobbying” too often conjures up images of expensive paid vacations masquerading as fact-finding trips, special access the average citizen can never have, and undue influence that leads to tainted decisions. We cannot underestimate the corrosive effect this perception has on the public's confidence in the legislative process.

One of the most important functions of the bill before us is to increase transparency, make it evident what is going on, how our decisions are made. As Justice Oliver Wendell Holmes once noted, “Sunlight is the best disinfectant.” That, indeed, is the premise of this bill. It calls for greatly increased disclosure. It provides, for example, for a searchable, accessible public database where information on lobbying contacts and filings will be maintained and disclosed. It requires far more detailed disclosure of lobbyist activities in more frequent filings under the Lobbying Disclosure Act, and it ensures that this information is made readily available to the public via the Internet. The knowledge that the public will be able to scrutinize in detail the activities of a lobbying firm and contacts between Members and lobbyists will help to provide much needed transparency in this whole area. In addition, the enhanced disclosures will allow citizens to decide for themselves what is acceptable and what is not.

This bill also contains some needed reforms of earmarks. Too many times an earmark—the designation of taxpayer dollars for a specific purpose—has been included in the final version of an appropriations bill, or another bill, despite the fact that it was never discussed or debated in either the Senate or the House. By requiring that any earmarks in legislation disclose the name of the Member of Congress who proposed the earmark and also requiring an explanation of the essential governmental purpose of the earmark, and by making this information available on the Internet, this legislation will shed sunlight on the source of and the

reason for earmarks and allow them to be fairly evaluated.

I go through a very rigorous process when I decide to press for earmarks. I make sure there is community support, I review them in depth, and I am going to be very comfortable having my name attached to earmarks that I propose. In fact, I hope then that will help my constituents know I am working very hard for a project with which I agree.

It is not the process of earmarks per se that is a problem. The problem is when earmarks are sneaked into the final version of legislation without public debate, without a vote, without any consideration, and no one is sure where the earmark came from, who sponsored it or, in some cases, even who the beneficiary is going to be. That is the problem. That is what this bill would cure.

The enhanced disclosure in this legislation not only applies to the activities of lobbyists but to our own activities as well. I am pleased this legislation takes steps to eliminate the practice of anonymous holds on Senate legislation. This occurs when a Member notifies the cloakroom that he or she wishes to block a piece of legislation from coming to the floor and yet does so anonymously. I can tell you as someone who has had to deal with anonymous holds time and again, it is very frustrating when you can't find out who is holding up your legislation, why they are holding it up, and you cannot begin to resolve whatever the problems are. The hallmark of this body should be free and open debate. A process that allows a secret hold to kill a bill without a word of debate on the Senate floor is contrary to that principle.

The bill also includes some important provisions to slow the so-called revolving door problem, where Members of Congress and high-ranking staff leave their jobs in the Senate or the House one day and then turn around and lobby the institution they once served. Once again, the limitations in this bill get to the heart of the image problem here and help to ensure the integrity of our decisions.

Many of our former colleagues have become lobbyists. There is nothing wrong with that. But there should be a cooling-off period before they come back.

I notice my colleague from Connecticut has now arrived on the floor. Through the Chair, I ask my colleague if he wants me to finish my statement or if he wants to do his now, since he was first in the queue?

Mr. LIEBERMAN. Madam President, to my friend from Maine, it is an expression of the partnership we have had over the years on the committee that the hearing in our committee went until 2 o'clock so Senator COLLINS was able to get here before I was. If she will please finish her statement and I will go after her.

Ms. COLLINS. I thank my colleague from Connecticut.

I am also very pleased to join Senators REID, MCCONNELL, FEINSTEIN, LIEBERMAN, and BENNETT in cosponsoring a bipartisan substitute amendment that will be laid down this afternoon. This substitute amendment will further strengthen the legislation we have before us. I thank all of my colleagues for working together to achieve this goal.

Nevertheless, I make clear, while I strongly support the legislation before the Senate as well as the substitute, the legislation could be further strengthened in a very important way.

Last year, Senators LIEBERMAN, MCCAIN and I proposed an Office of Public Integrity. That concept is also included in another bill that was sponsored this year by Senators MCCAIN, LIEBERMAN, FEINGOLD, and myself. I anticipate Senator LIEBERMAN, Senator MCCAIN, Senator FEINGOLD, and I will be offering this proposal during the course of this debate.

I will debate that issue later at the appropriate time, but right now let me say any true comprehensive reform of our lobbying and ethics rules should include an independent investigatory body. The American people view the way we investigate ethics violations as an inherently conflicted process. Think about it—and I know the Presiding Officer has a law enforcement background—we are our own advisers, our own investigators, our own prosecutors, our own judges, our own juries. We play every role.

As good a job as a Member of the Ethics Committee in the Senate has done in overseeing the conduct of Members and their staff, it remains difficult, if not impossible, to guarantee the system works in a way that gives the public confidence that there is an impartial, thorough review of allegations against Members of Congress when we are fulfilling every role in the process.

Now, I respect and understand the constitutional requirement that Members of Congress sit in judgment of one another and our proposal does not change. The Office of Public Integrity would bring the results of its investigation to the Ethics Committee, which would then decide whether to proceed further, whether there is an actual violation, and what kind of remedy, if any, is necessary. That is an important provision. I look forward to working with the Senator from Connecticut, the Senator from Wisconsin, and the Senator from Arizona in that area.

We need also to make sure we stop having trips that are paid vacations. However, we don't want to interfere with true fact-finding trips. Those are generally useful to our work. We are close to working out the right balance in that area.

I look forward to passing effective legislation that will help to restore the public's confidence in the Senate. By scheduling this bill first on our agenda we have recognized the importance of these issues to the American people.

We need to act without delay to help restore their faith in how we do business.

THE PRESIDING OFFICER. The Senator from Connecticut is recognized for 15 minutes.

Mr. LIEBERMAN. Madam President, I thank my colleague and friend from Maine, Senator COLLINS, for her excellent statement and for her work as she led the committee, which produced a significant part of the bill before the Senate. I will speak about it and put it in a larger context.

We all know that the trust that people have in Congress is at a low point. I don't know that it is a historic low point, but it is a lot lower than anyone wants it to be, both for the national interest and out of a sense of pride we have in the service we attempt to give.

The reasons for the low level of public trust and confidence in Members of Congress and, more to the point, in Congress as an institution are more than one. One of the significant reasons for the low level of confidence in Congress is the partisanship that has divided this institution and, too often, made it impossible to do anything for the people who sent us here, who gave us the privilege of coming here to serve them. Partisanship is one part of the lack of esteem and trust the public has in us.

A second part is the public's doubt about the ethics of Members of Congress and the process we have for judging our ethics. Scandal after scandal unfolded last year. The public was left with the impression that the self-interest of lawmakers and lobbyists too often triumphed over the national good and the national interests. That is not true, but that was certainly the impression made by some of the awful exposures and scandals that were uncovered and by the prosecution of Members and lobbyists.

Unless we take action to restore the public's trust in us—that central confidence between those who are privileged to govern and those who, if you will, are governed—we will not be able to do the things we need to do to take on and to respond, in a constructive way, to the challenges we have before the Senate, including a new strategy for Iraq, a momentous decision that will affect our national security to be kicked off, if you will, redirected, by the statement that the President will make to the Nation tomorrow night; fighting the war on terrorism, reducing the deficit, doing something to fix our health care system, which is broken; improving our public system of education which, for still does not offer an equal opportunity to too many of our children; taking stress off the middle class which is the heart and soul of our country. All of those things will not happen in a good way unless we can rebuild the public's trust in us.

It involves less partisanship, a better self-policing of ethics—and I will come to that in a minute—but also doing some of the things I have talked about,

responding to some of the problems, taking advantage of some of these opportunities that will restore the relationship between the people of the United States and those who serve them in the Congress.

And so much of law—we legislate the law—as someone taught me years ago, is the way we express our values, the way we express our aspirations for ourselves as a society, the rights and wrongs, what we hope we will be, is apparent in the system by which we legislate ourselves and those who lobby us. But the reality is that the best system for doing that is our own ethical norms, which most of us, of course, have; that, ultimately, we have to self-police ourselves by not trifling with and demeaning the extraordinary opportunity to serve that our constituents have given us.

Now we come to S. 1. I truly commend our new majority leader, Senator REID, for introducing an ethics and lobbying reform bill as S. 1 and scheduling it as the very first legislative item of business for the Senate in this 110th Congress. I will give a little background to how we got here, particularly legislatively how we got here.

In January of last year, I was privileged to join Senator MCCAIN in cosponsoring a sweeping lobbying reform bill that he crafted following his and Senator DORGAN's courageous investigation into the scandal surrounding the lobbyist Jack Abramoff. Senator FEINGOLD and Senator REID also introduced comprehensive bills that added many constructive, progressive ideas to the debate.

Senator COLLINS seized the moment as Chairman of the Homeland Security and Governmental Affairs Committee, and by early March of last year, our committee reported, with near unanimous bipartisan support, the most significant piece of lobbying reform legislation to come before Congress in over a decade. In the Rules Committee, Senators LOTT and DODD worked together to mark up a tough set of reforms to the Senate ethics rules. Senators FEINSTEIN and BENNETT, as the incoming and ranking members of that committee, have picked up the baton of reform where their predecessors left off.

As a result of a truly bipartisan effort last year, the Senate combined provisions reported out of the two committees—Homeland Security and Rules—and passed the legislation overwhelmingly by a vote of 90 to 8. Unfortunately, the House did not pursue the same course. It passed a weak bill on a mostly partisan vote and the House and Senate never moved to conference.

Now, we begin the new year with a fresh chance to finish old business and clean up our House and Senate for tomorrow. Last year's Senate-passed bill is the text of S. 1 before the Senate now, a set of reforms that would bring greater honesty and transparency to the way we do business in Washington.

This year, we should go beyond last year's proposals, as Senator COLLINS

said, and enact even stronger reforms because the demand and need is greater. Our legislation should go further to include an independent Office of Public Integrity.

What we start with today in S. 1 is a very strong statement that the 110th Congress will put the public interest over special interest.

I will spend a few moments describing the provisions of S. 1 that were reported out of our Homeland Security and Governmental Affairs Committee in March of last year, dealing primarily with the Lobbying Disclosure Act which comes before our committee under the rules.

The Lobbying Disclosure Act was passed in 1995, more than a decade ago. Since then, the number of lobbyists has skyrocketed. Last year, 6,554 lobbying firms or organizations, not individuals—firms or organizations—registered to lobby. That is almost double the 3,554 registrants in 1996, the first full year of reporting under the Lobbying Disclosure Act. The Office of Public Records received a total of 46,835 lobbying reports last year which represents a tremendous amount of activity. The amount of money spent each year on lobbying has skyrocketed, as well. Here we make estimates that put the number well over \$2 billion a year for lobbying.

Now, to state the obvious, but the obvious often needs to be stated, lobbying Congress is not an evil thing to do. Being a lobbyist is not a dishonorable profession. In fact, lobbying Congress is a constitutionally protected right. The first amendment protects the right of all people to petition the Government for redress of grievances. Therefore, we have to be respectful when we legislate in this area. But it is entirely consistent with the first amendment right, and, of course, essential to our Government to provide ethics and transparency for lobbying practices.

First and foremost, are the politicians. In S. 1, we bring the Lobbying Disclosure Act into the age of the Internet by requiring electronic filing and creating a public-searchable database on the Internet, making the information as accessible as a click of the mouse to everyone interested.

We bring greater transparency to the relationship between lawmakers and lobbyists by expanding the types of activities lobbyists must disclose, including their campaign contributions, the fundraisers they host for Federal candidates, travel arranged for Members of Congress, payments to events to honor Members of Congress, and contributions to entities such as charities that are established by, for or controlled by a Member. We would get more timely disclosure from lobbyists by requiring them to submit filings on a quarterly, rather than a semiannual, basis.

S. 1 would also close a major loophole in the Lobbying Disclosure Act by requiring lobbyists, for the first time, to disclose paid efforts to generate grassroots lobbying.

Our former colleague, the late and really great Lloyd Bentsen, a Senator from Texas, once described this kind of grassroots lobbying as "Astroturf lobbying." Why? Because it generates manufactured, artificial rather than real, self-grown, grassroots pressures on Congress.

As it stands now, the Lobbying Disclosure Act requires disclosure only by lobbyists directly in contact with Members. S. 1 would require disclosure of the identity of organizers of media campaigns, mass mailings, phone banks, and other large-scale efforts encouraging the public to contact Members of Congress about specific issues. This is important because it would provide the American people, Members of Congress, ourselves, and the media with a better understanding of whose money is financing which efforts to influence Congress. This bill calls for transparency, but puts no limits on activity.

We would also remove the cloak obscuring so-called stealth lobbying campaigns which occur when a group of individuals, companies, unions, or associations ban together to form a lobbying coalition. These coalitions frequently have innocent-sounding names that give the impression they are promoting positive mom-and-pop, apple pie goals. But, in fact, they lobby on a range of issues that could never be identified by the name of the coalition.

S. 1 would also toughen the enforcement provisions under the Lobbying Disclosure Act by doubling to \$100,000 the civil penalty that a lobbyist is subject to for violations of the law's requirements. And, for the first time, this proposal would forbid a lobbyist from providing gifts or travel to a Member of Congress in violation of House or Senate rules.

We would slow the revolving door between Congress and K Street by doubling from 1 to 2 years the so-called cooling off period for former Members of Congress, during which time they would face lobbying restrictions.

In total, the provisions of S. 1, I believe, provide a strong foundation for reform. Can this bill be improved? Of course it can. And I believe it will in the amendment process that will come before this Chamber on S. 1.

The majority leader, I know, is working to craft a comprehensive substitute bill that will go even further toward tightening earmark disclosure and revolving-door rules. I am confident that, through the amendment process, we will emerge with a bill that is even stronger than the good bill we passed last year.

A final word. In my opinion, significant changes to our ethics rules must be accompanied by significant changes to the way we enforce those rules. The public is understandably skeptical about a system in which we investigate, consider, and pass final judgments on allegations of ethical responsibility. They have seen too many Members, in the last few years particu-

larly, caught up in scandal. In order to win the public's confidence, and, frankly, to do what is right to demonstrate our seriousness in this effort, I believe it is time, this year, to create an independent, investigative, and enforcement Office of Public Integrity. That would in no way usurp the ultimate authority of the Senate Ethics Committee, under rules consistent with the Constitution to be the final arbiter of questions about the ethics of Members of the Senate.

Mr. President, in closing, I would say this: We have an opportunity to begin anew—a fresh start at rebuilding the bonds of trust that have been broken between the Congress and the American people because of the unethical behavior of a few Members of this great institution.

S. 1 is the beginning, and a strong beginning, of what I believe will be an even stronger ending to accomplishing that critically important goal.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, is S. 1 now before the Senate?

The PRESIDING OFFICER. Yes.

AMENDMENT NO. 3

Mr. REID. Madam President, I send an amendment to the desk in the form of a substitute.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself, Mr. McCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, and Ms. COLLINS, proposes an amendment numbered 3.

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

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

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. REID. Madam President, I am very happy the Senate has now begun debate on S. 1. It is a strong, bipartisan package of ethics reforms and will help reassure the American people that we answer to them.

The matter now before the Senate, S. 1, without the substitute I have offered, would be the most significant changes in ethics and lobbying reform since Watergate. So if we do nothing else other than adopt the Reid-McConnell S. 1, we should feel very good about what we are able to accomplish in this body.

I repeat, if we accomplish nothing else, the legislation now before this body will be the most significant, important change in ethics and lobbying rules for about three decades. So without any question, S. 1 is a good start.

But we should even do better, and that is what the substitute I sent to the desk on my behalf and that of Senator McCONNELL will do. It will even do better for the American people.

For those who are watching this debate in the Senate and are expecting

real, meaningful results, that is what is going to happen. I think the American people for sure are not interested in quick fixes or window dressing or a few public relations moves. They want bold changes. They want us to fundamentally alter the way business is done in the Nation's Capital and to ensure that the people's interests—not the special interests—come first in the Halls of Congress.

So today Senator MCCONNELL and I introduced S. 1. And now I have offered on our behalf—Senators MCCONNELL and REID—a substitute amendment designed to make the Senate's ethics legislation even stronger.

First of all, I want the RECORD spread with my appreciation and the acknowledgment of the bipartisan effort of the Republican leader. I think it speaks volumes that the two of us are here before this body asking our Members to support two very fine pieces of legislation, S. 1 and now the substitute amendment. We are asking our Members to join with us.

As I indicated earlier—and I repeat for the third time—if we do nothing other than pass S. 1, tremendous changes in the way we do business in Washington will occur. But now, to add to that, is the bipartisan substitute which will make that even stronger. So I cannot say enough publicly or privately in the way of extending my appreciation to the Republican leader for working with me.

And we worked together on this issue. Our staffs have worked together on this for weeks—weeks. And we did not finalize what we were going to do until today as the Senate convened. The Republican leader suggested to me: Here are some things I think we should do. Here are some things we should not do. What do you think?

I said: I will think about it. I have thought about it. He was right. I acknowledged that he was right and called him a short time later and indicated that to be the case.

What are a few of the highlights of the Reid-McConnell substitute amendment?

First, the substitute will place new prohibitions and disclosure requirements on lawmakers and senior staff when they seek private sector employment. The underlying bill slowed the revolving door between top Government jobs and lucrative private sector employment, but the substitute amendment will do even more to reduce the undue influence that results from the revolving door.

Second, the Reid-McConnell substitute will eliminate dead of night changes to conference reports. Once a conference report has been signed, it will be completely impermissible to change it.

What is this all about? We have had so many instances in recent years where the conference is closed, and sure enough, we come to the Senate floor and the conference report includes matters that were put in the bill

after the conference had been closed. That is wrong. That will no longer be possible. What we do with conference reports will have to be done in a public fashion.

Also, you will note this legislation does things other than what has been done on a bipartisan basis with Reid and McConnell. For example, one of the finest relationships we have in this body is between Democrat KENT CONRAD and Republican JUDD GREGG. They are both experts with the Government's money. They work together as much as they can, in a bipartisan fashion, and I think it is better than any two budget people have worked together since we have had a budget process in the Senate.

The substitute includes a reform proposal by the chairman and ranking member of the Budget Committee, Senators CONRAD and GREGG, requiring that conference reports be accompanied by a CBO score. We need to restore fiscal discipline and reduce the large deficits that have developed over the past several years.

In the past we have had conference reports that have had matters included with no ability for Senators to determine how much it was going to cost. Just put these in there and, we were told: Well, the CBO did not have time to do it. It is the end of the session. It is a big bill. They do not have the time to do it.

They are going to have to have the time to do it now or it will not be done. That matter will not be in unless we have a score from the Congressional Budget Office.

There are a number of other things in this substitute. I will not mention them all. But the substitute amendment will strengthen the provision in the underlying bill requiring disclosure of earmarks.

The American public should be concerned about earmarks. Now, I am not opposed to earmarks. They have been in appropriations bills since we have been a country. They have just gotten way, way out of hand. Thousands of them. And it has not shined a good light on our Congress.

In recent years, we have seen lawmakers—working on behalf of lobbyists—insert anonymous earmarks, costing taxpayers millions and millions of dollars, into legislation at the last minute. In these instances, the earmarking process has been subject to abuses that we must all work together to bring to an end.

I have been a Member of the Appropriations Committee for two decades, and there is not a single earmark I have ever put in a bill that I would be afraid to put my name on. And that is in effect what we are asking: if an earmark has merit, a Senator should be willing to stand by it publicly. That is why, under this bill, if a Member of Congress wants to direct taxpayer funds to a specific need—they have a right to do that, and I believe an obligation to do that—if a Member of Con-

gress wants to direct taxpayer funds to a specific need that they believe is important to their State or to this country, they will be required to attach their name to that in the light of day. That is appropriate.

Now, the substitute that Senator MCCONNELL and I have offered to the Senate has more than that. But that is a rough outline of what we have.

Madam President, I ask for the yeas and nays on the substitute amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4 TO AMENDMENT NO. 3

(Purpose: To strengthen the gift and travel bans.)

Mr. REID. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself, Mr. DURBIN, and Mr. SALAZAR, proposes an amendment numbered 4 to amendment No. 3.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. REID. Madam President, my presence on this floor relating to this bill is about to come to an end. I would hope that when I finish my brief statement Senators will come and participate in the debate dealing with S. 1, the substitute Senator MCCONNELL and I offered, and this amendment, and then whatever other amendments.

I have indicated there will be an open process here, and I want Senators to feel comfortable that they have the opportunity to offer amendments. I will say, I think we should move forward as quickly as possible. I would very much like to finish this bill next week and have every intention to do so. In fact, everyone should be aware of and alerted to the fact that we are going to finish the bill next week, even if it goes past Friday at 12 o'clock.

We need to finish this legislation. Next week is a short week because of Dr. King's holiday. So we need to work on this legislation. We do not have a lot of time just to wait around and have a lot of quorum calls.

Last November, the American people called for bold changes in the way Washington does business. In the Senate, we have made answering this call for change our first priority, S. 1.

Senator MCCONNELL and I have joined with S. 1, and Democrats and Republicans together introduced a sweeping package of ethics reforms as our first item of legislation. And today, as I have indicated, Senator MCCONNELL and I have made the bill even stronger.

I would like to go even further. That is what this one, final amendment I have offered does. My second-degree amendment contains three major provisions.

First, it strengthens the gift ban in the underlying bill. Whereas S. 1 bans

gifts from lobbyists to Members of Congress and staff, this amendment would go one step further and ban gifts from companies and other organizations that even employ or retain lobbyists.

Two, this amendment strengthens the travel ban in the underlying bill. Whereas S. 1 bans travel paid for by lobbyists, this amendment will go further and ban—with some commonsense exceptions—travel paid for by companies and other organizations that employ or retain lobbyists.

Finally, this Reid amendment will include a very significant reform about which there has been much discussion in recent days.

This amendment will require Members of the Senate to pay the full charter fare if they wish to travel on private airplanes. If a Senator needs to fly on a private airplane for any purpose, he or she should be required to pay the full cost of that trip, not a discounted one. These reforms are not aimed at any particular lawmakers. I have traveled on private airplanes a lot over the years. These reforms are not directed to any particular lawmaker or any political party. We have all done it over the years, with some exception. They are designed to remove even the appearance of impropriety from this Congress.

What we in this body have to do is not only do away with what is wrong but what appears to be wrong. And to the American public, flying around on these aircraft appears to be wrong. I hope it hasn't changed any votes. I am confident it has not. But we want to do away with what even appears to be wrong.

I repeat, this particular reform is not aimed at any particular lawmaker, any particular political party, any particular campaign committee. It is designed to remove even the appearance of impropriety from Members of this body and send a strong signal to the American public that their elected representatives are not unduly influenced by meals, travel, and gifts that lobbyists and large corporations are willing to lavish. We all remember the scandals making headlines across America a year ago. The newspapers were filled with the stories of lawmakers being flown around the world for rounds of golf, corrupt lobbyists bilking their clients for millions of dollars, and of top congressional staff being wined and dined and treated to sporting events by special interests trying to influence their bosses. These stories have a corrosive effect on the great institution in which we all serve. We must make sure they are never repeated by reassuring the American people that legislation can't be traded and that their leaders can't be bought.

I look forward to a spirited debate on these amendments and eventual passage of this bill. Together we must do all we can to restore the faith of the American people in their Government. We need to answer the people's call for change. If an earmark has merit, a law-

maker should be willing to stand by it publicly. If a person wants to fly on an airplane, it should be under the rules that apply to most everybody else in the country.

These are significant proposals of change. They are for the good of the institution. I hope the vast majority of the Senate will support the amendment offered by Senator MCCONNELL and this Senator and also the amendment I offered by myself.

The PRESIDING OFFICER. The majority whip is recognized.

Mr. DURBIN. Madam President, I commend my colleague, Senator REID, the majority leader. I was happy to join in cosponsoring not only the Reid-McConnell substitute but also the Reid amendment that has just been offered. What we are attempting to do is restore the confidence of the American public in Congress. We have a lot of work to do. The sad and troubling events of the last several years which have involved investigations, prosecutions, and convictions of so many on Capitol Hill and those who work nearby are a grim reminder that there are people who will try to exploit this system.

I echo the sentiments of the Senator from Maine, Ms. COLLINS, when she said that the overwhelming majority of the Members of the House and Senate, both political parties, are honest, hard-working people. I have spent many years working with my colleagues in the Senate as well as in the House. I do believe they understand that public service is not supposed to be an avenue to wealth; it is supposed to be an opportunity to serve. If you want to get rich, don't run for office. That is the basic rule which all of us understand. Those who fail to understand it unfortunately tarnish the reputation of Congress and those others who serve honorably.

We are attempting through this effort, which Senator FEINSTEIN and Senator BENNETT are leading on the floor, to make changes in the rules of the Senate and the procedures of the Senate so we can start to restore the confidence of the American people in this institution. It is fitting and proper that this is the first bill we consider. This is the first thing we should do. Everything else should follow after we have addressed this important ethical concern.

I wish to say a word about earmarks because there has been a lot said. Some believe—even the President, in a recent Wall Street Journal article—that earmarks are the root of the real problem on Capitol Hill. I don't agree with the President. I think as long as earmarks in appropriations spending bills are fully transparent, clearly for a public purpose, they are a good thing.

I have been involved in the Appropriations Committees in both the House and Senate, trying to bring back a fair share of funds to my home State of Illinois through the earmark process. Where some may try to squirrel

away or secret away an earmark in a bill, I view it much differently. It is usually a race to the press release to take credit for things we have included in the bill because I take great pride in the effort we have made. This legislation addresses the earmark process. It will add transparency and accountability to it and, in so doing, allow us to return to the earmarks and appropriations bills with pride, understanding we have improved that process overall.

The last point I would like to make is that those who would take bribes in public life are clearly criminal. They have violated the law. They should be prosecuted and convicted for that bribery and corruption. We are attempting now to limit the contacts between those who have an interest in legislation and those of us who vote on legislation to make sure that relationship is more professional, less personal, and that there is more disclosure on both sides in terms of that relationship.

I would like to say for a moment that it doesn't get to the heart of the issue. The heart of the issue is not whether any Member of Congress is going to take money or a lavish gift or trip. That happens so rarely. But there is something built into our political system that really has to be debated, that goes to the real heart of this issue; that is, the way we finance our campaigns as elected officials.

Unless you are one of the fortunate few—so wealthy that you can finance your own campaign and never ask for a contribution—most of us spend a good part of our public lives asking for donations. We go to every one we see, from those of modest means who give us small checks to the richest people in America who write much larger checks. It is almost an imperative if you are not wealthy, if you want to finance a campaign, to find millions of dollars to buy the television and radio time to deliver your message in your State. If we really want to get to the heart of restoring the confidence of the American people in our Government, we have to go to the heart of the problem—the way we finance political campaigns.

For many years on Capitol Hill, I resisted the notion of public financing of campaigns. I had some pretty good arguments against it. Why do I want to see public moneys or taxpayer dollars going to crazy candidates representing outlandish causes who have no business in this political process? Well, those arguments held up for a while, but over time I came to understand that while I was arguing against that lunatic fringe in American politics, I was creating a trap for everyone else who was honest and trying to raise enough money to wage an effective campaign.

The time has come for real change. In this last election cycle, which the Presiding Officer knows full well, more money was spent in that off-year election than in the previous Presidential election year. The amount of money

going into our political process is growing geometrically. It means that more and more special interest groups and individuals with an agenda are pouring dollars into the political process. It means that our poor, unsuspecting voters are the victims of these driveby ads that come at them night and day for months before a campaign. It means that candidates, both incumbents and challengers, spend month after weary month on the telephone begging for money.

It is no surprise that the same people we are begging money for are the people who are the subject of this ethics legislation—the lobbyists of the special interest groups. We live in this parallel world.

Today, with the passage of this underlying legislation, we will ban a lobbyist buying me lunch. Tomorrow that same lobbyist can have me over for lunch at his lobbying firm to provide campaign funds for my reelection campaign, and it is perfectly legal. What is the difference? From the viewpoint of the person standing on the street looking through the window, there is none. It is the same lobbyist and the same Member of Congress. The fact that one is a political campaign fundraising event and another is a personal lunch is a distinction which will be lost on most of America.

The reason I raise this is I will support these ethics reforms. They are absolutely essential. They are the product of the scandals we have seen on Capitol Hill in the last several years. But if we stop there, if we do nothing about the financing of our political campaigns, we have still left a trap out there for honest people serving in Congress to fall into as they try to raise money for their political campaigns. In a few weeks I will be introducing public financing legislation to try to move us to a place where some States have already gone—the States of Arizona, for example, and Maine—moving toward clean campaigns, understanding that the voters are so hungry for changes and reforms that will shorten campaigns, make them more substantive, take the special interest money out of those campaigns, make them a real forum and debate of ideas and not a contest of fundraising. Sadly, that is what they have become in many instances.

I urge my colleagues in their zeal for reform not to believe that the passage of S. 1 and its amendments will be the end of the debate. I hope it will only be the beginning and that we can move, even in this session of Congress, to meaningful hearings and the passage of public financing of campaigns that will truly reform the way we elect men and women to office at the Federal level and restore respect to this great institution of the U.S. Congress, both the House and the Senate.

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

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

Mr. OBAMA. Madam President, in November, the American people sent a clear message to their representatives in Washington. After a year in which too many scandals revealed the influence special interests have in this town, the American people told us that we better clean up our act, and we better do it fast.

But it would be a mistake if we conclude this message was intended for just one party or one politician. After all, the votes hadn't even been counted in the last election before we started hearing reports that corporations were already recruiting lobbyists with Democratic connections to carry their water in the next Congress. This is why it is not enough to just change the players; we have to change the game.

Americans put their faith in us this time around because they want us to restore their faith in Government, and that means more than window dressing when it comes to ethics reform.

I was hopeful that last year's scandals would have made it obvious to us that we need meaningful ethics legislation, but last year, despite some good efforts on this side of the aisle, the bill we ended up with, I thought, was too weak. It left too many loopholes, and it did too little to enforce the rules. It was a lost opportunity. It would not have restored the people's faith in Congress, and in that end I had no choice but to vote against it.

I don't want that to happen this time. Fortunately, the substitute amendment the majority leader, HARRY REID, has offered today brings us close to the bill that will achieve his stated goal, and that is to pass the most significant ethics and lobbying reform since Watergate. We owe the American people real reform, and if we work hard this week and next, we will get it done.

This time out, we must stop any and all practices that would lead a responsible person to believe a public servant has become indebted to a lobbyist. That means a full gift and meal ban. That means prohibiting lobbyist-funded travel that is more about playing golf than learning policy. And that means closing the revolving door to ensure that Capitol Hill service, whether as a Member of Congress or as a staffer, isn't all about lining up a high-paying lobbying job. We should not tolerate a committee chairman shepherding the Medicare prescription drug bill through Congress at the same time he is negotiating a job with the pharmaceutical industry to be their top lobbyist.

The substitute bill offered by Majority Leader REID contains many of these reforms. I thank him for working with Senator FEINGOLD and me in crafting

this package. But in two important respects, I think we still need to go further.

First, we need to go further with respect to enforcement. I will save my remarks on this subject for a later time, but I fully support the creation of an office of public integrity, as Senators LIEBERMAN and COLLINS have proposed. It is similar to the independent ethics commission I proposed last February. Regardless of what approach we adopt, we have to take politics out of the initial factfinding phase of ethics investigations, and we have to ensure sufficient transparency in the findings of those investigations so the American people can have confidence that Congress can police itself.

The second area in which we need to go further is corporate jets. Myself and Senator FEINGOLD introduced a comprehensive ethics bill that, among other things, would close the loopholes that allow for subsidized travel on corporate jets. Today, I am very pleased to see the majority leader has offered an amendment that would serve the same purpose. I fully support him in his effort.

Let me point out that I fully understand the appeal of corporate jets. Like many of my colleagues, I traveled a good deal recently from Illinois to Washington, from Chicago to downstate, from fundraisers to political events for candidates all across the country. I realize finding a commercial flight that gets you home in time to tuck in the kids at the end of a long day can be extremely difficult. This is simply an unfortunate reality that goes along with our jobs.

Yet we have to realize these corporate jets don't simply provide a welcome convenience for us; they provide undue access for the lobbyists and corporations that offer them. These companies don't just fly us around out of the goodness of their hearts. Most of the time we have lobbyists riding along with us so they can make their company's case for a particular bill or a particular vote.

It would be one thing if Congressmen and Senators paid the full rate for these flights, but we don't. We get a discount—a big discount. Right now a flight on a corporate jet usually costs us the equivalent of a first-class ticket on a commercial airplane. But if we paid the real price, the full charter rate would cost us thousands upon thousands of dollars more.

In a recent USA Today story about use of corporate jets, it was reported that over the course of 3 days in November 2005, BellSouth's jet carried six Senators and their wives to various Republican and Democratic fundraising events in the Southeast. If they had paid the full charter rate, it would have cost the Democratic and Republican campaign committees more than \$40,000. But because of the corporate jet perk, it only cost a little more than \$8,000.

There is going to be a lot of talk in the coming days about how important

it is to ban free meals and fancy gifts, and I couldn't agree more, but if we are going to go ahead and call a \$50 lunch unethical, I can't see why we wouldn't do the same for the \$32,000 that BellSouth is offering in the form of airplane discounts. That is why I applaud Senator REID on his amendment to require Members to pay the full charter rate for the use of corporate jets.

As I said, I understand that for many Members, these jets are an issue of convenience. They allow us to get home to our constituents, to our families, and to the events that are often necessary for our jobs. But in November, the American people told us very clearly they are tired of the influence special interest wields over the legislative process. The vast majority of Americans can't afford to buy cheap rides on corporate jets. They don't get to sit with us on 3-hour flights and talk about the heating bills they can't pay, or the health care costs that keep rising, or the taxes they can't afford, or their concerns about college tuition. They can't buy our attention, and they shouldn't have to. And the corporation lobbyists shouldn't be able to either. That is why we need to end this corporate jet perk if we are to pass real, meaningful ethics reform.

The truth is, we cannot change the way Washington works unless we first change the way Congress works. On November 7, voters gave us the chance to do this, but if we miss this opportunity to clean up our act and restore this country's faith in Government, the American people might not give us another opportunity.

I urge my colleagues to support both the substitute amendment and the Reid amendment to close the corporate jet loophole. I ask unanimous consent that I be added as a cosponsor to the Reid-McConnell amendment No. 3 and Reid amendment No. 4.

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

Mr. OBAMA. I thank the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Madam President, there are some Senators here who want to offer an amendment. I simply want to make a brief response to my friend from Illinois and his comments about corporate jets.

I have seen firsthand exactly what he is talking about, where a corporate jet picks you up, takes you to a fairly remote location, and it is not only well stocked with food and drink but with experts who will fill you in on what it is they want you to know.

There is another side of it, however. As the Senate knows, I am unburdened with a legal education, but there is one phrase that comes out of the legal profession and I think applies here, which is: Hard cases make bad law. I am speaking now for the most senior Republican who will very much speak for himself on this issue, but I think in this context it is appropriate to insert these remarks.

In the State of Alaska, the only way one can get to 70 percent of the population locations in Alaska is by air. I suppose one could get there by dogsled, but as a practical matter, the only way you get there is by air.

That being the case, there are planes flying all over Alaska every day, and virtually all of them are owned by corporations.

The corporate executive is flying from Anchorage to point A or from Juneau to point B, or whatever, and says to the Senator: I am going there; can I give you a ride? There is no charter rate for these kinds of activities. Some of the planes are pretty small. But this is the only way you can get around in that State.

A Senator said this morning in our breakfast meeting: In my State, I can get to every location in the State in less than an hour by automobile. I have been in the State of Delaware. It is hard to stay in the State of Delaware by automobile. But if you go to some of the large States of the West—Alaska being obviously the largest—and an absolute, firm ban on any kind of flight on corporate jets unless you are paying commercial hourly rates for the charter is to say to the Senators of Alaska: You cannot travel around your State; you can't communicate.

Utah is a smaller State than Alaska. I don't take flights around Utah very often. I spend a lot of time in the car. From one end of the State to the other, it takes about 4 hours by car. Sometimes it is easier to do that than try to deal with the hassle of getting in and out of airports, and many of the places I go don't have airports. But I would hope, as we have this debate about corporate jets, that we do not think solely in terms of Halliburton's corporate jet with a single Senator surrounded by lobbyists, and we recognize at the other end of the spectrum there are circumstances that require—indeed, common sense dictates—the use of corporate jets fully reported, paid for in an intelligent way that will allow us to not take a single case and apply it to every situation.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, I regret the Senator from Illinois left the floor because I thought I might ask a question of him. But he has left the floor. I see a Senator on the other side ready to speak, so I will defer at this time.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. VITTER. Madam President, I have looked forward to joining this debate. I compliment those leaders who had the foresight to bring this very important issue to the floor of the Senate at the very beginning of this new Congress.

I worked with many Senators on both sides of the aisle last year. We had a bipartisan working group very focused on ethics and lobbying reform. We tried to

push forward some bold, significant proposals.

In the end, I was rather disappointed, quite frankly, with the final product as it left the Senate floor. But I am very hopeful that we will produce a stronger, bolder final product now in this new Senate this month, particularly having listened to the voters and their very clear statements on the issue in the last election.

AMENDMENT NO. 5 TO AMENDMENT NO. 3

Mr. VITTER. Madam President, in that regard, I will send up three amendments to the desk and I ask that they be considered. I call up the first of those three amendments and I will explain it. I ask that the pending amendment be set aside for that purpose.

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

The legislative clerk read as follows: The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 5 to amendment No. 3.

Mr. VITTER. Madam 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 modify the application of the Federal Election Campaign Act of 1971 to Indian tribes)

At the appropriate place, insert the following:

SEC. ____ . APPLICATION OF FECA TO INDIAN TRIBES.

(a) CONTRIBUTIONS AND EXPENDITURES BY CORPORATIONS.—Section 316 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b) is amended by adding at the end the following:

“(d) TREATMENT OF INDIAN TRIBES AS CORPORATIONS.—

“(1) IN GENERAL.—In this section, the term ‘corporation’ includes an unincorporated Indian tribe.

“(2) TREATMENT OF MEMBERS AS STOCKHOLDERS.—In applying this subsection, a member of an unincorporated Indian tribe shall be treated in the same manner as a stockholder of a corporation.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to any election that occurs after December 31, 2007.

Mr. VITTER. Madam President, this amendment is very simple. It attacks what is a very significant loophole in current campaign finance law, and that is a big and gaping loophole with regard to Indian tribes. As you know, under Federal campaign finance law, entities such as corporations, labor unions, et cetera, can participate in the Federal political process, but they need to do that, in terms of contributions and finances, through PACs, through political action committees. That is not true with regard to Indian tribes. Indian tribes, unlike every other entity, unlike corporations, unlike labor unions, unlike every entity under the Sun, can give money directly from their tribal revenues—including, of course, their biggest source of revenue right now, which is gambling revenue. So they can take that significant

source of money and use that directly, through the leadership vote of the tribe, to give money to political candidates.

In addition, there is another part of this big loophole, and that is that some of the cumulative giving limits that apply to every other entity out there—corporations, labor unions, et cetera—do not apply to Indian tribes. Again, this is a very glaring loophole under present Federal campaign finance law. I do not think there is any good rationale or argument under the Sun to retain it.

I strongly urge all of my colleagues, Democrats and Republicans, to take a good, hard look at this and vote for and support this very simple amendment which simply closes that loophole.

We may have some Member stand on the Senate floor and say: It may be a good idea, but we need to put it off. We are going to look at campaign finance later. We need to talk about this later in a different context.

I strongly disagree. When we think about the events of the last year, when we think about the debate, the national concern about corruption and cronyism, certainly there are big stories having to do with Indian tribes at the center of this. Some of the worst abusers of those situations were not the tribal members nor the tribal leadership themselves, but certainly it involved Indian tribes, and certainly the enormous amount of money available to the tribes because of gambling revenue was at the heart of those very bad situations.

I think we need to address this now. We need to hit it dead on. It is very much part of the stories and concerns we have heard about over the last year or two. Again, this is very simple, straightforward and very fair—which is to treat Indian tribes exactly as we treat other entities, such as corporations, such as labor unions, et cetera. Certainly allow them to participate in the political process, certainly allow them to fully support candidates of their choice but make them do that through setting up PACs, not simply allow them to spend their gambling revenue or other proceeds directly and in many cases without some of the overall limits that apply to other entities such as corporations.

With that, I will be happy to answer any questions or participate in any debate on the floor. I, also, have two other amendments at the desk. Whenever it is in order, I ask to call up those so we may discuss those as well.

Mrs. FEINSTEIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 6 TO AMENDMENT NO. 3

Mr. VITTER. Madam President, I ask unanimous consent to lay aside the pending amendment and call up my second amendment at the desk.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 6 to amendment No. 3.

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

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

The amendment is as follows:

(Purpose: To prohibit authorized committees and leadership PACs from employing the spouse or immediate family members of any candidate or Federal office holder connected to the committee)

At the appropriate place, insert the following:

SEC. ____ . PROHIBITION ON EMPLOYMENT OF FAMILY MEMBERS OF A CANDIDATE OR FEDERAL OFFICE HOLDER BY CERTAIN POLITICAL COMMITTEES.

(a) IN GENERAL.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by inserting after section 324 the following new section:

“SEC. 325. PROHIBITION ON EMPLOYMENT OF FAMILY MEMBERS OF A CANDIDATE OR FEDERAL OFFICE HOLDER BY CERTAIN POLITICAL COMMITTEES.

“(a) IN GENERAL.—It shall be unlawful for any authorized committee of a candidate or any other political committee established, maintained, or controlled by a candidate or a person who holds a Federal office to employ—

“(1) the spouse of such candidate or Federal office holder; or

“(2) any immediate family member of such candidate or Federal office holder.

“(b) IMMEDIATE FAMILY MEMBER.—For purposes of subsection (a), the term ‘immediate family member’ means a son, daughter, stepson, stepdaughter, son-in-law, daughter-in-law, mother, father, stepmother, stepfather, mother-in-law, father-in-law, brother, sister, stepbrother, or stepsister of the Member.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

Mr. VITTER. Madam President, this is a second amendment of a package of amendments I am presenting to the full Senate. As I did with the first amendment, what I would like to do—and I have had discussions with the Chair and ranking member, the participants who are leading the floor debate—is I will briefly explain this amendment. I will certainly be happy to engage in a fuller debate at a later time and have a full vote on this amendment, as with the previous one, at a later time, hopefully, in the next few days.

This amendment, also, directly addresses a situation that has clearly arisen and clearly caused great concern among the American people in the last couple of years. That is family members of Members of Congress, Members of the House, Members of the Senate, making money—being paid, in some cases, very large amounts of money—while being employed by that can-

didate's PAC. Under present law, it is perfectly legal. It certainly doesn't pass the “smell” test in the hearts and minds of many Americans, but it is perfectly legal for a Member's campaign to hire a family member, a spouse, a child, any close family member—to help take care of the business of that PAC and be compensated for it, in some cases, with very significant salaries.

Let me say at the outset, I believe there are ways that could be done properly and ethically. The problem is, as is the case in so many of these questions, that there are also many ways where it can be and is and has been abused, so it basically puts a family member on the payroll of an entity that the Member of the House or the Senate controls. There is no real governing entity that polices the situation. No one knows whether that person shows up for work or for how many hours or how significant that work is. At the end of the day, through that family member, the family enjoys a significant additional income because that Member of the House or Senate is in politics and controls that PAC.

Again, this is not a theoretical problem yet to happen. This is not a solution waiting for a problem. This has been done in real life. This has clearly been abused in the past. It has clearly been a conduit for Members to gain family income through entities they control. I think, because of that abuse, because of the real erosion of public confidence we have seen in Congress because of abuses such as this over the last several years, there is only one sure and clean way to solve the problem and that is to simply have a bright-line test and say: Immediate family members can't get paid by the Member's PAC. We are not going to allow that. You have to hire a non-family member for these administrative roles so that no one can abuse the situation and put an immediate family member on the payroll, often at a very significant salary.

Again, my amendment is very simple. It says no immediate family member can be hired by the candidate's campaign or leadership PAC, and it defines immediate family member the same way section 110 of last year's Senate-passed bill defined that term, and that is son, daughter, stepson, stepdaughter, son-in-law, daughter-in-law, mother, father, stepmother, stepfather, mother-in-law, father-in-law, brother, sister, stepbrother or stepsister or spouse. It is straightforward, a bright-line rule. To me it is very clear that is the only way we are going to stop this abuse that has occurred in the past and rebuild the confidence of the American people.

AMENDMENT NO. 7 TO AMENDMENT NO. 3

With that, if it is appropriate, I ask unanimous consent to lay aside that amendment and call up my third amendment at the desk.

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

The legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 7 to amendment No. 3.

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

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

The amendment is as follows:

(Purpose: To amend the Ethics in Government Act of 1978 to establish criminal penalties for knowingly and willfully falsifying or failing to file or report certain information required to be reported under that Act, and for other purposes)

At the appropriate place, insert the following:

SEC. ____ . KNOWING AND WILLFUL FALSIFICATION OR FAILURE TO REPORT.

Section 104(a) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended—

(1) by inserting “(1)” after “(a)”;

(2) in paragraph (1), as so designated, by striking “\$10,000” and inserting “\$50,000”; and

(3) by adding at the end the following:

“(2)(A) It shall be unlawful for any person to knowingly and willfully falsify, or to knowingly and willingly fails to file or report, any information that such person is required to report under section 102.

“(B) Any person who violates subparagraph (A) shall be fined under title 18, United States Code, imprisoned for not more than 1 year, or both.”

Mr. VITTER. Madam President, this third amendment is also very clear and straightforward. It increases the penalties significantly in cases in which there is not just a mistake on a financial disclosure form but a knowing and willful and purposeful attempt to hide information that the Member knows is supposed to be made public under the law. It increases those penalties on the civil side, and it, also, under the appropriate circumstances, creates criminal penalties for that.

Again, I think this goes to the heart of the erosion of public confidence because of lobbyists and ethics lapses and abuses over the last several years which have clearly involved Members of Congress. Some are in jail now as we speak because of those abuses.

This is a very clear and necessary way to remedy those past abuses and that erosion of public confidence. I think it is very important that these penalties are serious on the civil side and on the criminal side but that they only apply to cases where there is knowing and willful misrepresentation, where there is an active and a clear attempt to hide facts, to not comply with the law. Clerical or other mistakes don't cut it. That is not worthy of these very serious civil and, in some cases, criminal penalties. But a knowing and willful misrepresentation, an active attempt to hide facts from the public that the law clearly mandates be made public, that is a different story. We need a zero tolerance policy for that.

Again, my amendment increases those penalties on the civil side and on the criminal side, and I urge all the Members of the Senate to support this

very important amendment to rebuild that credibility of this body and of the House.

In closing, let me say, again, I welcome this activity on the Senate floor. I welcome this debate. I compliment Majority Leader REID and all others who made this decision to put this issue front and center, first, on the Senate floor in the new Senate. I am eager to pass a strong, responsible bill to restore, to build up over time—it will not happen overnight—the confidence of the American people in our institutions.

Since I first came to the Senate, I have worked with various Senators, including a bipartisan working group on these issues, on these proposals last year. But I don't think we went far enough last year. Clearly, we didn't pass a bill through the entire process. But even the bill we passed through the Senate I don't think was strong enough. It did not address some of these crucial areas, including the Indian tribal campaign finance loophole, including the area of abuse where candidates and Members can put family members on the PAC campaign payroll, including making sure we increase civil and criminal penalties for knowing and willful violations.

My amendments will do this, and I urge all of my colleagues to take a good, hard look at them. Tomorrow, I will be introducing two, possibly three, other amendments, and I look forward to debating those as well. I appreciate the helpfulness of the managers. I look forward to coming back to these amendments to call them up for full debate and vote.

I yield my remaining time.

The PRESIDING OFFICER (Mr. Tester). The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I am happy to see the Senator from Montana presiding.

I am very pleased to speak about ethics and lobbying reform and the bill we will consider over the next week or so.

To start, what a pleasure it is to have a majority here that not only supports reform but recognizes the importance of dealing with this issue immediately in this new Congress. There is no better way to show the American people that things have changed in Washington and will continue to change than by taking up and passing strong ethics and lobbying reforms right away. I thank Majority Leader REID for making a decision to start our work in this new Congress with this issue. This is the right thing to do.

Ethical conduct in Government should not be an aspiration, it should be a given. For too long, the public has had to open the morning papers and read about how Congress is mired in scandal rather than about how we are going to deal with the really tough problems facing our country. We might wish that rules aren't necessary, but time has proven, over and over again, that they are. And once there

are rules, there seem always to be people who want to bend those rules or skate as close to the line as they can. And sometimes they fall or jump over that line. And so the rules need to be revisited and toughened, based on experience.

Just over a year ago, it looked like the Jack Abramoff scandal had finally lit a fuse under the Congress. Soaring promises were made that reform was on the way last year. Bills were introduced, hearings were held, and ultimately both the House and Senate considered legislation on the floor. But there was always a sense that what was going on was just a show. It was clear that many of those in charge wanted to change as little as possible. It seemed like the Republican leaders in the House believed that the public really didn't care about these issues. First they attached major campaign finance reform provisions to the bill the Senate passed, and then they let it die.

We found out on November 7 just how wrong they were. The new faces in this Senate are the direct result of the public's distaste for how the last Congress handled this issue, and many others. So now it is time for real action. And the public will again be watching closely to see how we perform.

We start our work today on S. 1, which is the same bill that the Senate approved last year, by a vote of 90-8. Last year, I was one of the eight. I thought the bill was too weak in some very significant ways. And so today, along with the junior Senators from Illinois and Connecticut, Senators Obama and Lieberman, I have introduced the Lobbying and Ethics Reform Act. This is our attempt to say what we think the Senate's final product should look like when we finish our work on S. 1.

I do not intend to offer this new bill as a complete substitute. Instead, I will seek to I have important provisions of this bill added as amendments to S. 1. I am happy to say that a number of the suggestions that we make in our bill have been accepted by the majority leader. Some are included in his substitute, which is the base bill for this legislation. Some very important additional improvements are included in the Reid first degree amendment. This is a very good start for this debate, to improve the bill right at the outset.

I take a few minutes as we start this debate to talk about some of the most important issues that we must address in this bill. First, we need an airtight lobbyist gift ban. No loopholes, no ambiguity. We took a first step towards banning gifts from lobbyists, including meals, tickets, and everything else, in last year's bill, but we left open a big loophole. If we do nothing else to improve last year's effort, we have to close that loophole.

I am not going to stand here and say that any Senator's vote can be purchased for a free meal or a ticket to a football game. But I don't think anyone can argue that lobbyists are providing these perks out of the goodness

of their hearts, either. At this point, no reform bill is going to be credible unless it contains a strict lobbyist gift ban.

No one has ever explained to me why Members of Congress need to be allowed to accept free meals, tickets, or any other gift from a lobbyist. If you really want to have dinner with a lobbyist, no one is saying that you can't. Just take out your credit card and pay your own way. I can tell my colleagues from personal experience that you will survive just fine under a no-gifts policy. The Wisconsin Legislature has such a policy and I brought it here with me to Washington. I don't go hungry. We need to just stop the practice of eating out at the expense of others. It is not necessary. It looks bad. And it leads to abuses.

I am happy to say that Senator REID agrees that the lobbyist gift ban is not a ban if organizations that retain or employ lobbyists can still give gifts. He is prepared to close the loophole in S. 1 that would allow that to continue. His amendment does that and I support it.

Another important shortcoming of S. 1 is in the area of privately funded travel. That was the issue that leapt to the fore when Jack Abramoff pled guilty just a little over a year ago. Abramoff took Members of Congress on "fact finding trips" to Scotland where they went shopping and golfed at St. Andrews. It was a scandal and Members of Congress were falling all over each other in a race to do something about it. But just a few months later, the Senate passed a bill that did almost nothing at all about it.

My staff keeps a file of invitations for fact-finding trips for staff. Here are a few from over the years. A "legislative issues seminar" on St. Michaels Island, sponsored by MCI World Com, with dinner at the Inn at Perry Cabin; a trip to Silicon Valley sponsored by the Information Technology Industry Council, with dinner sponsored by the Wine Institute; a "congressional field trip" sponsored by GTE to Tampa and Clearwater Beach. The invitation reads:

To take advantage of the terrific location beside Tampa Bay and the Gulf of Mexico, we'll demonstrate that you can place a cellular call over water, either while dining aboard a boat or fishing for that night's dinner.

These kinds of "fact finding trips" paid for by industry groups were left untouched by the bill the Senate passed. That was one of the reasons I voted against the bill.

Fortunately, the new House leadership recognized the need to do something about privately funded travel, even if they weren't prepared to prohibit it entirely. The House passed a rules change on the first day of the session to allow only trips sponsored by groups that don't employ or retain lobbyists. The only trips that groups that lobby can offer are to a one day event—to make a speech, for example. This is

a major improvement, especially because lobbyist participation in organizing, arranging, or planning these trips would be strictly limited.

There are many things that could be done about privately funded travel, but at the very least we should not have more lenient travel rules than the House of Representatives. Again, I am pleased that Senator REID supports the House travel rules and I hope we will adopt his amendment that brings us in line with those rules.

When I introduced my lobbying reform bill back in July 2005, it included a provision addressing the abuse of Members flying on corporate jets. At that time, I have to say, it seemed like a fantasy that we would actually pass such a provision. I heard complaint after complaint about it, that we shouldn't do it.

Slowly but surely, many people have come around to where the public is: Corporate jet travel is a real abuse. Sure, it is convenient, but it is based on a fiction—that the fair market value of such a trip is just the cost of a first class ticket. And when that fiction is applied to political travel, it creates a loophole in the ban on corporate contributions that we have had in this country for over a century. Any legislation on corporate jets must include campaign trips as well as official travel because one thing is for certain—the lobbyist for the company that provides the jet is likely to be on the flight, whether it is taking you to see a factory back home or a fundraiser for your campaign.

Our bill does that. It covers all of the possible uses of corporate jets, and amends all of the Senate rules needed to put in place a strong reform, and the Federal election laws as well. From now on, if you want to fly on a corporate jet, you will have to pay the charter rate. And these flights shouldn't be an opportunity for the lobbyist or CEO of the company that owns the jet to have several hours alone with a Senator. Our bill prohibits that as well. This is what the American people have been calling for. There are no loopholes or ambiguities here. Politicians flying on private planes for cheap will be a thing of the past if we can get this provision into the bill. Senator REID's amendment includes a tough corporate jet provision. I am pleased to support that portion of the amendment. This is a big deal, and I commend the majority leader for taking this step.

Another issue on which I hope we will make some improvements in this bill is the revolving door between between Government service and lobbying firms. One of the things that really sticks in the craw of the people back home is the idea that politicians use their government service as a stepping stone to lucrative lobbying careers. And they also believe, rightly in some cases, that former Members who are lobbyists have special access and influence over their former colleagues.

We have a criminal statute that prohibits former Senators from lobbying the Congress for a year after they leave office. The same tough provisions apply to top officials in the executive branch.

But experience has shown that these provisions don't really get at the problem. The cooling off period is too short. Our bill doubles it. And the cooling off period has become more of a warming up period for some Members of Congress who move on to work for an organization with interests in legislation. They basically run the lobbying show behind the scenes during the time they can't lobby their colleagues directly.

Is it too much to ask a Member of Congress who leaves office to take a 2-year breather before accepting money from an employer for trying to influence Congress? I don't think so. We are talking here about highly talented and highly employable people. There are so many employers, so many worthy causes, that would benefit from their talents and experience, doing things other than trying to influence legislation. Fortunately, the Lobbying Disclosure Act has a ready made definition of "lobbying activities" that is broader than lobbying contacts. Our bill's revolving door provision prohibits Members of Congress from engaging in lobbying activities for 2 years after leaving office, not just lobbying contacts. That would make the revolving door restrictions really mean something.

I believe that is what the public wants—restrictions that mean something, not rules for show, with hidden loopholes and not a system of rules with lax enforcement. That is why our bill includes the Lieberman-Collins proposal for an Office of Public Integrity to investigate ethics complaints and make recommendations to the Ethics Committee on whether to take action. It is certainly time that this proposal receive very serious consideration. We are on the cusp of making some very significant changes to our own rules. Let's not undermine what we are accomplishing by leaving unaddressed the very real need for tough and independent enforcement.

I also believe this bill must go further in addressing earmarks. Senator MCCAIN's bill, which I have cosponsored, includes a provision that would allow the Senate to strip out earmarks for unauthorized spending. This is an important reform and I hope it can be added to the bill.

Thus far, I have talked only about ethics rules, but the bill on the floor contains some very significant improvements to our lobbying disclosure laws as well. The current law, the Lobbying Disclosure Act, which was enacted in 1995, was itself a landmark reform, the first change in nearly 50 years to the original Federal Regulation of Lobbying Act. I was here when the LDA passed, under the leadership of the Senator of Michigan, Mr. LEVIN. It is an important and effective law.

A decade of experience has shown, however, that it has shortcomings. The

bill on the floor includes some important improvements. My bill incorporates those improvements and also adds some—requiring disclosure by lobbyists of the earmarks they try to get for their clients, and requiring lobbyists and lobbying organizations to file separate reports on their political contributions and fundraising. The use of campaign contributions as a lobbying tool is well known in this city and in this Senate. It is time that our lobbying disclosure laws reflected that. And we should cover all of the tools in the lobbyist's work bench, not just direct contributions but the collection or bundling of the contributions of others. Lobbyists wield influence by serving as fundraisers, not just be giving money themselves.

I have high hopes for this debate. After a false start last year, we can get this job done. The House has moved quickly to pass new ethics rules. It is our turn now. And we can lead the way with serious lobbying disclosure reforms. I am looking forward to working with my colleagues on both sides to start this Congress with a real accomplishment. If we do this, the public's confidence in how we tackle the many pressing issues before us will be greatly enhanced. That, in the end, is the best reason to undertake these reforms. They are the foundation on which the rest of our work together stands.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I thank the Chair.

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

Mr. BYRD. Mr. President, 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.

Mrs. FEINSTEIN. Mr. President, I ask that Members know that the floor is open, that now is the time, and that hopefully they will file any amendment and come down forthwith and speak to them.

I thank the Chair 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. LEAHY. 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. LEAHY. Mr. President, I ask unanimous consent to speak as in morning business for a few minutes.

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

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

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

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

PAY-GO

Mr. GREGG. Mr. President, I wish to speak briefly, not specifically on this bill, although it is related to this bill. I will have an amendment to this bill. Hopefully, I can offer that tomorrow. But since there is a lull in activities, I want to speak briefly on something the House has recently done as part of its 100-hour agenda. It has passed language which is euphemistically referred to as pay-go.

I think it is important to understand what the implications of that language are because it gives definition to the House leadership rather quickly in this whole process of where we are going in the area of fiscal responsibility as a country because what this language essentially does is guarantee tax increases, but it has virtually no impact on spending restraint.

It has been given this motherhood title "pay-go" when, in fact, it should be called and more accurately is described as "tax-go."

The implications of this language are pretty simple. It says that when a tax cut lapses or comes to the end of its term, that tax cut will be raised back to the original rate. So, for example, we today have a tax rate of 10 percent for low-income individuals. That tax cut was put in place back in the early 2000 period under the President's tax cuts. That tax cut comes to a close from a statutory standpoint—in the sense that the authorization level of the rate terminates in 2010—and that rate will jump back up to the basic rate, which I believe was 15 percent at the time. So there will be a 5-percent tax increase on low-income Americans who pay taxes. That would be people with over \$40,000 of income, for all intents and purposes. That is a tax increase.

One would think that type of mechanism would also be applied, if one is going to use a euphemism such as pay-go, to the spending side of the aisle, so when the spending program used up its authorized life—let's take, for example, the farm program—and it reaches the end of its term, as the farm program is about to do, at that point, that program, which is a subsidized program, would have the cost of the original program go back in place or it would be cut back to having no subsidy at all. But that is not the way it works.

Under the proposal, entitlement programs are perceived to go on forever and to spend money forever at whatever the rate is, even if their authorization ends. But tax reductions are perceived to end and tax rates are per-

ceived to go up. You basically treat the two sides of the ledger entirely differently. On one side of the ledger, taxes go up under this "tax-go" proposal if there is no change, and on the other side of the ledger, if there is no change, the entitlement spending goes on for that designated program forever without it falling back and being limited. There is no review of it.

The practical implication of this language is that the only thing it affects, when you put in place this so-called pay-go, which is really "tax-go," is the tax side of the ledger. That is the only thing that can be impacted because the entitlement program under the scoring mechanisms of our Government don't lapse, don't end. The spending is perceived to go on. So pay-go cannot apply to it. You cannot review the program. It is only on the tax side that it applies.

The effect of that is this is a mechanism to force a tax increase because what this basically says is without 60 votes, you cannot continue the lower tax rate. But on the entitlement side, you can continue to spend the money not subject to a 60-vote threshold. Those are two different approaches to the two sides of the ledger in the Congress.

So by taking this action in the House and passing this language, they have essentially said it is their goal to dramatically increase taxes, to use the mechanism of alleged pay-go, or "tax-go," to drive major tax increases on the American public.

If you are on the Democratic side of the aisle in the House, or maybe even on the Democratic side in the Senate, that may make sense; you may want to raise taxes. It is the tradition, of course, of the party to like to raise taxes, I guess. That is how they got the title "tax and spend" fixed to their nomenclature. But this is rather a brash way to do it; to start right out with the first major enforcement mechanism for budget, supposedly, restraint being a mechanism that doesn't reduce spending at all, doesn't restrain spending at all. All it does is force us to raise taxes or at least be subject to a 60-vote point of order if we want to maintain taxes at their present level.

Some may say: We need to raise taxes; the tax burden in America is not large enough on earning Americans, especially on high-income Americans. I fundamentally disagree. Why? Because when one looks at the present law and what is generated in revenues, we are seeing a dramatic increase in revenues in this country. Revenues have jumped in the last 3 years more than they have jumped in any period in our history. That is because we have in place a tax system which has created an incentive for people to go out and invest and undertake economic activity which has, in turn, generated revenues to the Federal Government.

Historically, the Federal Government revenues have been about 18.2 percent of the gross national product. That is

how much the Federal Government has historically taken out of our economy and spent for the purposes of governance. That is the average.

We are now getting back in tax receipts, because of these large increases over the last 3 years, close to 18.4, 18.5 percent of gross national product, so we have actually gone over what is the historical level of revenues to the Federal Government. We are generating more revenues than the Federal Government historically gets. That is good news.

It has been done in the right way, by the way. We have generated this extra revenue by creating an atmosphere out there where people are willing to invest in taxable activity. We have seen it over the years. In fact, President Kennedy was the first one to appreciate this, followed by President Reagan, and then President Bush. When you get tax levels too high—the American people are creative. We are a market economy with an entrepreneurial spirit, and when you raise taxes too high, people say: I am not going to pay that tax rate. I am going to invest in something that avoids taxes, some highly depreciated something that expenses items like municipal bonds, something that allows me to put my money where I don't have to pay that exorbitant tax rate.

What has happened, however, under the Kennedy tax cut and the Reagan tax cut and the Bush tax cut is when you get taxes at the right level, when you say to the American entrepreneur and American earner: We are going to charge you what is a reasonable tax rate on your investment, then the American people go out and they invest in taxable activity. That taxable activity generates jobs and jobs create growth. It also is a much more efficient way to have money used. You don't have money inefficiently being invested for the purpose of avoiding taxes. Money is instead invested for the purpose of generating activity, which is productive.

As a result, the entire economy rises, as has happened in the last few years, and you generate significant revenues to the Federal Treasury, as has happened in the last few years, and is projected, by the way, to continue—both by the CBO and OMB.

Some will say: Sure, but that doesn't point out the fact that the high-income people in America got a huge tax cut under this tax proposal. Remember, we are generating more revenue from this tax cut, more revenue than we got before. We had a down period. There are going to be a lot of debates about that. My view is it came out of the bubble of the late 1990s and the attack of 9/11 and the initial impact of the tax cut. But that has all been reversed to a point where we now have an economic situation where we are generating more revenues to the Federal Government than we have as an historical norm. So we are getting more revenues from this tax system.

Interestingly enough, the tax system is more progressive. It is the most progressive it has been in history. The American people with incomes in the top 20 percent are paying 85.2 percent of the Federal tax burden. The top 20 percent pay 85 percent of the tax burden. That compares to the Clinton years where the top 20 percent were paying 84 percent. So, actually, the top 20 percent are absorbing more of the tax burden of America, generating more revenues to the Government, and not only that but the bottom 40 percent of American income-earning individuals are getting more back than they did under the Clinton years, almost twice as much.

If you earn less than \$40,000 in America, you are receiving more back than you did in the Clinton years because of the fact of the earned-income tax credit—in fact, almost, as I said, twice as much.

We have a law now that is doing two extraordinary things: it is generating huge revenues to the Federal Treasury because of the economic activity it is encouraging—creating jobs, creating investment, creating taxable events—and it has created a more progressive tax system. That is the good news.

So why do we want to raise taxes? Why do we want to go back and raise taxes on that situation? I don't think we should. But if you follow the pay-go proposal that has been brought forward by the House, that is the only option that occurs as these tax policies start to lapse in the year 2010.

I would probably be willing to fight that fight. In fact, I am willing to fight that fight if we treated the spending side of the ledger the same way under pay-go, or under "tax go," as I call it, but we don't. As I mentioned earlier, because of the way the baseline works around here, the spending side of the ledger does not have to be looked at under the pay-go rules. You can continue to spend on those entitlement programs whatever is in their traditional spending patterns, whatever they are, plus increases as a result of more people using them. Granted, you can't create new entitlement programs. Those would be subject to pay-go. And you can't dramatically expand the programs. For example, the Part D premium would have been subject to pay-go—was subject to pay-go. But that is only a small portion of the spending issue. The real essence of the spending issue is the underlying entitlement, as is, of course, the essence of the tax side, the underlying rate.

What you have essentially done is create a mechanism which, because of the way we score spending versus taxes, causes taxes to be subject to a 60-vote point of order but does not cause spending to be subject to the same discipline. So the practical implications of it are that it will basically be used primarily as a force for forcing tax increases on the American people. That is almost automatically, by the way, because in 2010 these taxes that

are in place, these tax rate changes, lapse. Under the rules they will be subject to a 60-vote point of order and getting 60 votes around here for a tax cut, as we know, is pretty difficult.

This is the problem with pay-go as it is presently structured. Interestingly enough, the House has also done this in a way that doesn't even go to the traditional pay-go rules, which would involve sequester, as I understand it. They have done this outside the statutory process. They have done it as a rule and therefore the true enforcement mechanism against a new entitlement, to the extent pay-go would apply against a new entitlement, would be sequester.

What is sequester? It essentially says that either you offset the new spending with spending cuts somewhere or else you have an automatic event which does it for you across the board. That is the right way to do this. You should have a sequester. So the failure to get sequester as part of the exercise just once again shows that there isn't a seriousness of purpose in this rule as it was passed by the House relative to spending restraint. There is only a seriousness of purpose relative to making sure that taxes go up. You really can't defend that position unless you are willing to take the position that really what we are interested in is raising taxes because otherwise, to defend that position, you would have to say: Yes, but we didn't want it to apply to entitlement programs that already exist. And even if there is a new entitlement program we didn't want it to apply to that new entitlement program with any enforcement mechanism that might actually require us to cut spending. We will just sort of finesse that one. The only thing we really want this to be required to attach to is whether taxes go up in 2010.

So I do think it is ironic, if not a bit disingenuous, to have one of the first major items of principle upon which the House Democratic leadership is going to stand be that they want a rule that puts in place the requirement that we raise taxes. In my opinion, it shows there maybe is a superficial purpose relative to actually defending and controlling spending.

I have not been one to shrink from pointing out that my side has not done a great job on spending restraint. I have been rather definitive about that. But I do think that it is inappropriate to start this Congress with the statement that we are going to be fiscally disciplined and then claim that fiscal discipline is going to be hung on one rule. And that appears to be the only thing done over there on the issue of, as they say, "fiscal discipline," one rule which as a practical matter has no practical effect on spending restraint. None.

There are ways to correct this. There are ways to make this rule a statute. In fact, the Senator from North Dakota has proposed that. There are ways to make this rule apply appropriately to

restraining entitlements as well as restraining the issue of tax policy, if that is what you want to do. I might be inclined to support such a rule if it were balanced, if it said we are going to be as aggressive on the issue of spending restraint and entitlements as we are going to be aggressive on the issue of defining how taxes are applied, but that is not the case. That is not the case at all.

This is a rule that comes at us, that treats these two accounts differently and inappropriately in the sense that it treats one as apples, one as oranges, and then says we are only going to deal with the apples.

It is not good policy. For some reason, unfortunately, it has managed to take on a life of its own relative to this nomenclature—pay-go—so that there is almost a sacrosanctness to it. We had an idea around here for years called the lockbox which took on that same sort of sacrosanct concept even though it also was a bit illusory as to what it accomplished versus what it claimed to accomplish. This proposal has the same problem. It is illusory as to what it accomplishes compared to what it claims to accomplish. It does accomplish the raising of taxes. It does not accomplish the disciplining of the entitlement side of the spending accounts.

I understand that this matter is probably not going to be raised on our side until we get to the budget process. That may or may not be the right place to raise this issue because if you are going to do it statutorily, which is actually the way you should do it, the budget process can't accomplish that. But should we, and when we do approach this topic, I hope we can amend this in a manner which would allow us to have it play fairly so that we had apples on both sides of the agenda, both sides of the ledger, or oranges on both sides of the ledger, so that an entitlement program, when it reached its authorizing term, would have to be subject to the issue—not new entitlements, but the actual underlying entitlement. When you have a tax program, when it hits its authorized life, it would be subject to the same. That would be the right way to do it, but it is not the way the House did it, and it wasn't done that way intentionally.

I would like to think that it was just inadvertent that they left out entitlements, but it is not. They left it out because the driving thrust—and I think the reason it has taken on such a life of its own in the nomenclature—the driving thrust is to use this as a mechanism to basically attack the tax cuts of the early 2000 period. It is not an attempt to restrain the rate of growth of this Government on the entitlement accounts.

Why do we need to restrain the rate of growth on the entitlement accounts? It is very simple. The numbers are stark, they are there, and everybody agrees to them. By the year 2025, three accounts in this Government—Social Security, Medicare, and Medicaid—will

absorb 20 percent of the gross national product, 20 percent. By the year 2040 they will be absorbing almost 30 percent of the gross national product. If you recall what I said earlier—which I can understand that you don't because I have been going on for a long time—the revenues of the Federal Government are only 18.4 percent of the Federal gross national product. So, by 2025, because of the retirement of the baby boom generation, we will simply be unable to afford this Government unless we are going to radically increase the tax burden on all Americans, working Americans. It is pretty obvious to me you can't tax your way out of this problem. You cannot put a burden on the next generation of 22, 23, 24 percent of gross national product as being their tax burden because that means you deny them the ability to live a lifestyle like we are living. You deny them the extra dollars they would need to send their children to college, to buy their homes, to be able to do what they want to do with their life, because all of that money is going to go to taxes to pay for all the entitlements on the books which we have to pay for as a result of the retired generation.

You cannot tax your way out of this issue, even if we agree with the static models that say as you raise taxes, you get more revenue. I happen to not believe in that. We have proven with Kennedy, Reagan, and Bush cuts that does not work. Even if you were to accept you cannot tax your way out of this problem, you have to address the spending side of the ledger. That is why you have to have a real pay-go rule—not a tax-go rule, a pay-go rule—that actually does address the spending side of the ledger aggressively as it addresses the tax side of the ledger or you should not have the rule at all, because you are basically prejudicing us to move down the road of tax increases and not addressing the fundamental problem, the fundamental issue that is driving the problem our children will confront, which is they are going to get a country they cannot afford. Our generation is going to give them a country they cannot afford. That is not right for one generation to do to another generation.

There are ways to address this. There are substantive ways to address it. The Senator from North Dakota has been one of the leaders and now, as chairman of the Budget Committee, gets to be the leader—I welcome him to that role—in trying to come to some resolution on this whole issue of how you get to the balance between spending and taxes in the face of the human demographic, this huge retirement that will occur and the pressures it will put on our society.

We are getting off on the wrong foot if we simply say we are just going to do it on the tax side of the ledger. That is essentially what this proposal that came out of the House does. There are better ways to do it. There are better ways to structure the proposal. The

issue has to be addressed. It means as a society we have to address it. We simply cannot do it on the tax side of the ledger.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. LOTT. If the Senator from North Dakota will yield,

I wonder if we have any information that is available with regard to a vote or votes tonight that Members can be made aware of. Does the Senator from North Dakota have any information on that?

Mr. CONRAD. I do not.

Mr. LOTT. I understand Senator FEINSTEIN might have had some information she could provide on that. I know there are Senators waiting to hear the expected schedule for tonight.

Parliamentary inquiry: Are we still in debate on the underlying ethics and lobbying bill?

The PRESIDING OFFICER. It is the pending question.

Mr. LOTT. Mr. President, Senator FEINSTEIN is in the Senate.

If the Senator from North Dakota would yield briefly,

Mr. CONRAD. I am happy to yield so colleagues know plans for the evening.

Mrs. FEINSTEIN. Mr. President, through the Chair to the distinguished Senator from Mississippi, we have three amendments so far by Senator VITTER. They are being vetted with respect to committees. We are not at the present time prepared for a vote. My view is the likelihood of a vote tonight is remote. I have been in our cloakroom trying to learn if I can say there are no more votes. The closest I can come is to say the likelihood of a vote is not high. Does that help the Senator?

Mr. President, I very sincerely urge Members, please come to the floor if Members have amendments. Please file amendments. Please speak to your amendments. We will never finish this bill unless Members are here. The floor has been open all afternoon for amendments. With the exception of one Senator, there are no amendments before the Senate. I hope Members are listening. I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DURBIN. I am sorry to interrupt my colleague. If I could ask the Senator to yield for a moment, through the Chair, I ask the Senator from California as the manager of this bill if she would have any objection if we made it official that there will be no votes further this evening.

Mrs. FEINSTEIN. I have been asking to do just that for 1 hour. Yes, of course.

Mr. DURBIN. I think we should do that in respect to schedules.

Mrs. FEINSTEIN. I respect the Senator for getting the job done.

Mr. DURBIN. Let us also encourage, admonish our colleagues that we will have some votes in the morning and get the bill moving. We want to get

this bill finished. We will stay in session next week until this bill is finished. It is better to frontload it with activity. That means if anyone has a serious amendment, come on down tomorrow morning because we would like to bring it to the Senate floor for consideration.

Mrs. FEINSTEIN. If I may, the Senator from Illinois is absolutely right. I made three appeals for amendments thus far. What I am concerned about is at the very end of the consideration of the bill, we will be flooded with amendments and not have the time to debate the matter. Now is that time. The Senator is absolutely correct. Hopefully we will both be listened to.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

PAY-GO

Mr. CONRAD. Mr. President, I come to the Senate to respond to my colleague, the Senator from New Hampshire, with respect to the issue of pay-go. People deserve to hear the other side of the story.

I say to my colleague from New Hampshire, who has left the Senate floor, that is one of the most creative presentations on pay-go I have ever heard. And very little of it matches the description I would give of pay-go.

The first thing I point out, the Senator from New Hampshire used to be a strong supporter of pay-go. In fact, this is what he said in 2002, 4½ years ago:

The second budget discipline, which is pay-go, essentially says if you are going to add a new entitlement program or if you are going to cut taxes during a period, especially of deficits, you must offset that event so that it becomes a budget-neutral event that also lapses.

... If we do not do this, if we do not put back in place caps and pay-go mechanisms, we will have no budget discipline in this Congress, and, as a result, will dramatically aggravate the deficit which, of course, impacts important issues, but especially impacts Social Security.

He was right. Now we have seen a dramatic transformation in his position. He was exactly right.

Look at the evidence. He said it would aggravate the deficits if we did not have pay-go. We can now look at the record. We have now been 6 years without effective pay-go discipline in this Senate. What has happened? The debt of the country has exploded. The debt is now \$8.5 trillion and it is headed for \$11.6 trillion under the budget plan our colleagues on the side opposite offered in this Senate.

They did exactly what he predicted almost 5 years ago without pay-go discipline. Deficits and debt have exploded, and increasingly this debt is being financed from abroad. In fact, it took 42 Presidents—all these Presidents pictured here—224 years to run up \$1 trillion of U.S. debt held abroad. This President has more than doubled that amount in just 5 years.

The absence of pay-go or effective pay-go is not the sole reason for this, but it is one reason. The Senator from

New Hampshire himself predicted that back in 2002. He said that pay-go requires a tax increase. Wrong. Pay-go doesn't require a tax increase. What pay-go does is say this: If you want new tax cuts, you have to pay for them or get a supermajority vote.

The Senator from New Hampshire then says, there is no spending discipline. Wrong again, because pay-go says you can't have new mandatory spending. Remember, mandatory spending is well over half of the budget: Medicare, Social Security—those are examples of mandatory spending. And pay-go says you can't have new mandatory spending unless you pay for it, or you get a supermajority vote.

The Senator from New Hampshire said to us that pay-go is a stalking-horse for tax increases. That is not true. Pay-go is a stalking-horse for budget discipline. He himself said as much 5 years ago.

The Republicans—at least some now—say that tax cuts are treated unequally because they do not continue indefinitely in the baseline. Why is that? It is because our friends on the other side sunset the tax cuts in order to jam more of them into a period of time.

Now they say, after they are the ones who constructed these sunsets, gee, there are sunsets on these tax cuts. Guess what. They are the architects of the sunsets. They are the ones who wrote the sunset provisions into the law. If they had not used reconciliation—which is a large word that simply means special provisions here to avoid extended debate—to avoid Senators' right to amend to put pressure on the Senate to act in a very short period of time, if they had not used those special provisions then, the tax cuts would be part of the baseline on an ongoing basis. They are hoisted on their own petard. That is the reality of what is occurring.

Now, the Senator from New Hampshire said there has been an explosion of revenue under their watch. No, there hasn't been. Last year we got back to the revenue base we had in 2000. It has taken all this time to get back to the revenue base we had then.

What the Senator is talking about is shown on this chart. Here are the real revenues of the United States, and we can see there has been virtually no growth since 2000. In 2000 we had just over \$2 trillion of revenue. They put in their tax cuts in 2001 and revenue declined. It declined more the next year. It declined more the next year. And it stayed down the fourth year. Only in 2005 did we start to get close, and only in 2006 did we get back to the revenue base we had in 2000.

Now, just because they cut the revenue base did not stop them from increasing spending. They increased spending 40 percent during this same period. The result was, as I have shown in the previous charts, an explosion of deficits, an explosion of debt.

Here is what happened to the deficits. Here they are. They inherited budget

surpluses. In 2002, we were back in red ink; in 2003, record deficits; in 2004, a new record; in 2005, one of the three worst deficits in the history of the country; in 2006, again, huge deficits. And here we are in 2007. This is a projection at about the same level as last year, actually somewhat worse.

But that doesn't even tell the story because, unfortunately, the buildup of the debt is far greater than the size of the deficit.

This was the stated deficit for last year, \$248 billion. But the debt grew by \$546 billion. We will never hear the word "debt" leave the lips of our friends on the other side of the aisle. We will never hear the word "debt" leave the lips of our President. Because they know these facts and I know these facts. The "debt" is growing much faster than the size of the deficit. It is the debt that is the threat.

As we have indicated, increasingly we are borrowing it from abroad. Last year we borrowed 65 percent of all the money that was borrowed by countries in the world. The next biggest borrower was Spain, at one-tenth as much as we borrowed.

The hard reality is, we are on a collision course because none of this adds up. The result is, we borrowed over \$600 billion from Japan. We borrowed over \$300 billion from China. We borrowed over \$200 billion from the United Kingdom. We have even now borrowed \$50 billion from our neighbors to the north in Canada. In fact, we now owe Mexico over \$40 billion.

Look, their fiscal prescription has failed—failed completely—and the question is, Do we change course? I believe we must. Part of changing course is to go back to the pay-go discipline we had in previous years. That pay-go discipline—and I want to repeat—says this very clearly: If you want new tax cuts, you have to pay for them. If you want new mandatory spending, you have to pay for it. If you do not pay for it, in either case you have to get a supermajority vote.

Let me just make clear on middle-class tax cuts, I believe we ought to pay for them to extend them, but even if you did not, there is no question you would command a supermajority vote on the floor of the Senate. There is no question that you would get 60 votes for the 10-percent bracket, 60 votes for childcare credits, 60 votes to end the marriage penalty. We know you would command 60 votes on any one of those. I personally think we ought to pay for it. But pay-go does not require that you pay for it if you can command a supermajority. What our friends on the other side are worried about are the outsized tax cuts for the wealthiest among us because they believe, and perhaps rightly, that you could not get 60 votes to extend those, which means you would have to pay for them, which, in the context of the growth of deficit and debt, probably makes perfect sense.

What is most interesting is the change in my colleague's position because, as I indicated, 5 years ago these were his statements. I will end as I began. Five years ago my colleague said:

The second budget discipline, which is pay-go, essentially says if you are going to add a new entitlement program or you are going to cut taxes during a period, especially of deficits, you must offset that event.

That is what pay-go does. That is exactly what he said 5 years ago. He was right then. He is wrong now because he has changed his position. He said then:

If we do not do this, if we do not put back in place caps and pay-go mechanisms, we will have no budget discipline in this Congress. . . .

He went on to say:

. . . and, as a result, we will dramatically aggravate the deficit which, of course, impacts a lot of important issues, but especially impacts Social Security.

The tragedy is, they gutted pay-go. They gutted it. And the result is precisely what he predicted at the time. The deficits and the debt have exploded.

What the House has tried to do and what we will try to do here is restore some basic budget discipline. Pay-go is one part of that. It is not the only part. It is not the salvation to our budget woes, but it is a tool that will help. It helped in the 1990s. It will help now. It does not require tax increases. That is just a false statement. It does not require tax increases. It says if you want new tax cuts, you have to pay for them or get a supermajority vote.

He says there are no spending restraints. Wrong again. In pay-go, it says very clearly that you cannot have new mandatory spending unless you offset it. And if you cannot offset it, you have to get a supermajority vote. That is the kind of budget discipline we need. That is the kind of budget discipline we have had in the past, and it led us from major deficits—in fact, record deficits at the time—to record surpluses.

To say pay-go is a stalking-horse for tax increases is just false. Pay-go is a budget process tool that is designed to help bring some discipline back to this body, to keep us from running up this massive debt. If you think about it, increasingly we are financing these deficits and debt abroad. Fifty-two percent of our debt now is being financed abroad. As a result, we have doubled foreign holders of our debt in just 5 years. That is an utterly unsustainable course.

What could it mean? Well, if these countries which are now advancing us hundreds of billions of dollars decided to diversify out of dollar-denominated securities, what would we have to do? We would have to raise interest rates in order to attract the capital to float this boat. That is what we would have to do. That would have very serious consequences for our economy. That is why we cannot continue on this course.

Pay-go is one part of the solution to these problems. It is only one part. I

would not even suggest it is the major part. What is really lacking around here is will. What is really lacking around here is telling the American people the truth about our fiscal condition, and only if we tell them the truth will they respond with the urgency that circumstances require.

I very much hope we are going to be truth tellers in this Congress and we are going to go to the American people and be frank with them about this buildup of debt and the risks it creates for our country and the fundamental challenge it presents to our long-term economic security. The one place I agree entirely with the Senator from New Hampshire is that the long-term entitlement programs must be reformed because we face a demographic tsunami: the retirement of the baby boom generation. Make no mistake, it is going to change everything. This is fundamentally different from anything we have seen before. And this is not a projection because the baby boomers have been born. They are out there. They are alive today. They are going to retire. They are going to be eligible for Social Security and Medicare.

The hard reality is, we cannot foot the bill for all the promises that have been made by past Congresses. The Senator from New Hampshire is dead-on on that issue, and he and I and others are going to work our very best together to try to address these long-term challenges.

I thank the Chair and yield the floor. I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

Mr. WYDEN. Mr. President, I ask unanimous consent to speak as in morning business.

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

Mr. WYDEN. Mr. President, if you walked down the main streets of Oregon or Rhode Island or anywhere else in our country and asked what a secret hold was, my guess is that most citizens would have no idea what it was, or maybe they would think it is some kind of hairspray or maybe a smackdown wrestling move.

But the fact is that a secret hold is one of the most powerful tools that exists in our democracy. I and Senator GRASSLEY have worked for a decade to ensure that if a Senator puts a hold on a piece of legislation, they would have to do it in the open. They would have to do it in a way that was considered accountable. A hold in the Senate is, in fact, what it sounds like; it keeps a piece of legislation or an important measure from coming up. In some instances, it can affect millions of people and billions of dollars.

It would be one thing if a Member of the Senate, such as the Senator from Rhode Island or the Senator from Iowa, felt very strongly about something and they came to the floor and said: I am going to do everything I can to block it because I don't think it is in the public interest and I am opposed. That is one thing. It is quite another thing for a Senator to exercise the power and to keep something from even coming before this body in total secrecy. When he was asked why he robbed banks, Willie Sutton said, "That's where the money is." The reason I and Senator GRASSLEY have called for openness with respect to holds is we believe the secret hold is where the power is.

We particularly want to reduce the power of lobbyists who so often hot-wire, the way things work here in the Senate, to block everything through a secret hold that the public knows nothing about. Getting a Senator to put a secret hold on a bill is akin to hitting the jackpot for the lobbyists. Not only is the Senator protected by a cloak of anonymity but so are the lobbyists. A secret hold, in fact, can let lobbyists play both sides of the street. They may have multiple clients. They may have multiple interests, and they can figure out how to orchestrate a victory without alienating potential or future clients. This is one of the most powerful tools a lobbyist can have, and it is particularly powerful at the end of a session in the Senate.

We are delighted that the Presiding Officer, the new Senator from Rhode Island, is here. He will see what it is like at the end of a session. Suffice it to say that it is pretty darn chaotic. Measures and proposals are flying every which way, and through a secret hold you can keep something from ever being heard at all. What I was struck by when I had a chance to come to this distinguished body is that in a number of instances in the past, it has not even been a Senator to exercise one of these secret holds; it has been a member of a staff—a personal staff or committee staff—or somebody else. So what you have is this extraordinary power exercised by someone who doesn't even have an election certificate. I think that is an abuse of power, and that is what I and Senator GRASSLEY have sought to change.

We want to make it clear we are not trying to reduce the ability of a Member of the Senate who feels strongly about a measure to make sure they can weigh in and be heard on that particular concern. Under our proposal, you are not going to have the end of holds. In fact, last year, I put a public hold on something I felt very strongly about.

Mr. President, I am sure the Chair heard about it in the course of his experience over the last couple of years. I felt very strongly about protecting Internet democracy and making sure there wasn't discrimination against those who use the Internet. A piece of legislation passed the Senate Commerce Committee that, in my view,

would be very detrimental to Internet users. Right now, you pay your Internet access charge and you go where you want, when you want, how you want. Nobody faces discrimination. That would have changed under the bill that was passed by the Senate Commerce Committee. So I came to the floor of this body a few minutes after it passed committee, and I announced I was putting a public hold on that legislation because I wanted to do everything in my power to make sure that the Internet, as we know it today, would continue. So anybody who disagreed with me—and as the Presiding Officer knows, the cable and phone lobbies were spending millions and millions of dollars on advertising. They could tell who was accountable because while I was exercising my hold, everybody knew about it. It wasn't done in the dead of night, wasn't done by skulking around in a fashion where there was no way to hold somebody accountable. I came to the floor of the Senate.

I see my good friend, the distinguished Senator from Iowa. When he and I started working on this, he said: I am going to try this. I think doing public business in public is the way to go and, by the way, I don't think this is going to hurt. I don't think it is going to bite you. I remember the words of the distinguished Senator from Iowa because he and others have seen it. We have had a number of colleagues on both sides of the aisle join us in this effort, including Senator INHOFE, who has been a strong supporter, and Senator SALAZAR from Colorado, a strong supporter. It is almost as if there is a new openness caucus that has come together in the Senate behind the simple proposition that Senator GRASSLEY has stood for and that is that public business ought to be done in public. Senator GRASSLEY and I have worked for a full decade to bring this about.

We are very pleased that as a result of the bipartisan cooperation between the distinguished majority leader, Senator REID, and the distinguished minority leader, Senator MCCONNELL, it has been included in the legislation in the ethics bill before the Senate. Senator GRASSLEY and I know that no matter what you put into law, there will be efforts by some, we are sure, to try to find a way to get around it. But I will tell you that we have seen such an abuse of this practice in recent years, where Senators in secret can avoid any accountability at all. It seems to me that this legislation that is part of the ethics package that requires a Senator who weighs in on a measure to be held publicly accountable is long overdue. We have allowed, particularly through the help of the Senator from Maine, Ms. COLLINS, that it will be possible for Senators to consult on measures very easily.

Senator GRASSLEY and I have no intention of blocking the ability to conduct those consultations that give Sen-

ators an opportunity to learn more about a piece of legislation and work together on a bipartisan basis. But what we do feel strongly about is when Senators weigh in, when they make it clear they are going to block something, as I sought to do—and, fortunately, I was successful on the communications debate last year—when Senators weigh in and they want to block something that can affect, as that particular bill would have, billions of dollars and millions of people, then everyone ought to know who is going to be held accountable.

I see my good friend from Iowa. Similar to myself, he has put a full decade into this campaign for a new openness in the Senate, for more sunlight in the Senate. We will have to continue to prosecute our cause as the debate goes forward, and we still have a conference with the other body. I think the fact that this has been included as a result of the strong support of Senator REID, the majority leader, and the Senator from Kentucky, Mr. MCCONNELL, is a strong blow for the cause of open Government and accountability.

With that, I yield the floor and look forward to the remarks of my partner in this whole effort, the Senator from Iowa.

Mr. GRASSLEY. Mr. President, I compliment the Senator from Oregon, Senator WYDEN, for being a bulldog on this issue and working so closely with me. Besides complimenting him on his efforts, and finally being victorious on these efforts, it gives me an opportunity to say to the country at large, people who generally believe that everything done in Washington is done on a partisan basis, this is an example of where one Democrat and one Republican, working together, have been successful, and we have been working together. So everything in Washington is not partisan.

Also, I think it brings to a point that as far as the Senate is concerned, as opposed to the other body, the fact that this probably would not have gotten done if it had not been done in a bipartisan way. For things to be successful in the Senate, it takes some bipartisanship and the broader the bipartisanship the better. But also as a substitute for bipartisan opposition to what we are doing, our bulldogging this issue for a long period of time has proven to override the bipartisan opposition to it because when we put an issue such as this to public debate, common sense has to prevail.

Getting back to what Senator WYDEN quoted me as saying over the last several years, that the public's business ought to be done in public, that people who are surreptitiously trying to do things and then try to explain that to the public, the public is not going to buy into it. But the public does buy into doing what the public thinks Congress is all about, and that is being a very public body because we are representatives of the people.

I say those things aside from the merits of the issue. I cannot express

those merits for myself any better than Senator WYDEN has done. I don't intend to try to attempt to do that, but I will give you my version of why this is a very important issue. In doing this, I fully support everything Senator WYDEN has said, and I associate myself with those remarks.

As an extension of what he said, I will say for myself, every Senator does have a right and, if he or she is representing their constituents, ought to exercise this right to object to a unanimous consent request to bringing matters before the Senate that they might feel are detrimental to their constituency or detrimental to the good of the country. Of course, an extension of unanimous consent is putting a hold as a way of protecting that right.

Since Senators cannot be on the floor all the time, a hold is essentially a way of putting the leaders on notice that a Senator intends to object to a unanimous consent request to proceed to a matter. Of course, I have exercised, and the Senator from Oregon has said he has exercised, putting on holds for various reasons. For a long time, I have made my holds public by putting a very short statement in the CONGRESSIONAL RECORD of why I was holding something up, No. 1, because I think the public's business ought to be public, and, No. 2, because I am saying holds ought to be public, so it would be unethical for me to have a secret hold, and No. 3, people who disagree with my hold ought to have an opportunity to discuss with me why they think their position is right, and I ought to have a right to discuss with them why I think something ought to be changed in their bill or some reason I am holding it up, so one can talk and know they are getting together to solve the problem so the work of the Senate can be done.

Since I have done that, I have to say I fully support the right of Senators to place holds on items that they do not consent to consider. However, a Senator has no right to register an objection anonymously. That has not been that way for decades in the Senate because some Senators feel that the public good ought to require that sometimes things ought to be done in secret. I don't happen to agree with that thought. So I am taking the position that the public's business ought to be public.

If I could expand on that a little bit, I suppose there are some legitimate exceptions to it, but except for the privacy laws, except for national security and connected with that maybe our intelligence operation and maybe in the case of executive privilege—meaning people who are in the White House very close to the President—I think there is no reason for business not to be public. That is, 99 percent of the rest of the business that the Federal Government does, from my point of view, ought to be public.

In practice, a hold can prevent a measure from coming before the Senate indefinitely. This gives tremendous

power to a single Senator that no single Senator should be able to exercise for a very long period of time, maybe in the purist way—but in the less pure way should not be able to exercise secretly because the public's business ought to be done in the public.

There is no good reason why a Senator should be able to singlehandedly block the Senate's business without public accountability. For several years now, as I have said, I have practiced using holds for various reasons, but I placed a statement in the RECORD of why I was doing it.

We must have transparency in the legislative process for the right of the public to know what we are doing but also to expedite the public's work. The use of secret holds damages public confidence in the institution of the Senate. I figure a secondary, subsidiary benefit of what we are doing is when people get the idea that we are not trying to do something secret, that the public's business is public, they are going to be less cynical about the institutions of Government generally. The less cynicism we have, the more confidence people are going to have in the institutions of Government and the better our Government is going to operate, the better the representative system of Government is going to operate.

But where does less cynicism start? It doesn't start necessarily with changing the rules. It starts with people such as Senator GRASSLEY, Senator WYDEN, and Senator WHITEHOUSE because when we do things in the way the public expects us to do them and more Senators do that all the time, Senator by Senator we are going to reduce the cynicism and enhance public respect for the institutions of Government.

The purpose of the underlying bill before the Senate is to provide greater transparency in the legislative process. Therefore, the amendment by Senator WYDEN and this Senator from Iowa is a natural extension of that purpose. It is quite appropriate that this underlying bill include disclosure requirements for holds that he and I have been working on for several years.

In the process, we have to compliment Senator REID for including this in the underlying bill and Senator MCCONNELL, and I am not sure how they individually felt about this in the past. But I think it is very clear that with the vote we had last year—I think it was in the mid-eighties—of Senators who support what we are doing, it is a foregone conclusion that regardless of how leaders might feel about it, if they were on the other side, they were very much in the minority.

Realism finally comes through when we have consistency and determination, as Senator WYDEN has demonstrated and that vote demonstrates, and it is a tribute to our leaders that if they don't necessarily like what we are doing, that they have included it in their legislation. Obviously, I have to give thanks to them. I, also, give

thanks to Senator LOTT who, over a period of couple of years, has been working with us. I, also, wish to give credit to the President pro tempore, Senator BYRD, who a couple years back gave us some encouragement along this line.

I hope, now that everything is coming together, that within a few short weeks we can have a very open process of making holds public, bringing people together and producing results in the Senate because of one giant step we are taking here.

Doing away with holds might not sound like one giant step, but it is from the standpoint if you knew what the four-letter word "hold" does to the legislative process around here, it grinds everything to a halt—everything to a halt. Try to explain to your constituents back home that some Senator has a hold on a bill and try to explain that is why we can't get something done. They wonder what planet we come from. It is very difficult to explain.

We are still going to have holds, we still have to explain it, but at least I can say to people it is Senator SMITH or Senator Jones or Senator Wilson who has a hold on the bill, and I am going to talk with them and see what we can do about it and get something done.

I compliment the Senator from Oregon very much and hopefully the Senate is going to work better.

Mr. GRASSLEY. Mr. President, I wish to speak as in morning business for such time as I might consume, and for other Members, it will be in the neighborhood of about 25 minutes.

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

MEDICARE DRUG BENEFIT

Mr. GRASSLEY. Mr. President, I am back again tonight to talk about the Medicare drug benefit. As I said yesterday, the 110th Congress will consider legislation that would fundamentally change the benefit. The public and Medicare beneficiaries need to fully understand the proposed changes and how they would affect them.

When we talk about the public and Medicare beneficiaries, remember, for the most part, we are talking about the senior citizens of America and people who are on Social Security disability.

Yesterday I spoke about how the benefit uses prescription drug plans in competition to keep costs down and how well that has worked. Today I want to get to the crux of this debate, the so-called prohibition on Government negotiation with drugmakers.

Opponents of the Medicare drug benefit have twisted the law to come up with their absurd claim that Medicare will not be negotiating with drugmakers. They misrepresented the noninterference clause. The language does not prohibit Medicare from negotiating with drugmakers; it prohibits the Government from interfering in negotiations that are ongoing all the time.

So it is a prohibition on Government negotiating. It is not a prohibition on negotiation. It is very important because it is not the Government agency itself that is doing the negotiating. It is the private prescription drug plans that are doing the negotiation.

That may surprise some people who have heard about the so-called prohibition on negotiations. Of course, price negotiations occur on drugs provided to Medicare beneficiaries. Those negotiations occur between the prescription drug plans and the manufacturers. We have a precedent for this. The plans are run by organizations experienced in negotiation with drug manufacturers. They deliver prescription drug benefits to millions and millions of Americans—in other words, meaning millions and millions of Americans beyond senior citizens—and including this 50-year precedent of it being done for Federal employees through the Federal Employees Health Benefit Plans.

As I said yesterday, competition among the plans to get the best price is working. We have lower than expected bids and cost of premiums and lower than expected costs for the Government as a result. So not only is it saving the senior citizens money, as it has been saving Federal employees money for 50 years, but also lowering costs to the taxpayers because there is some subsidy for seniors in the Medicare prescription drug program.

Most importantly, we have lowered prices on drugs for beneficiaries. For the top 25 drugs used by seniors—so I am just taking the top 25 drugs used—the Medicare prescription drug plans have been able to negotiate prices that on average are 35 percent lower than the average cash price at retail pharmacies; 35 percent lower. The purpose of the prohibition on Government negotiation—in other words, getting back to what is referred to as the noninterference clause—is to keep the Government from undermining these negotiations that have been so successful and to keep the Government out of the medicine cabinet.

I have lost count of the number of times I have talked about this so-called prohibition that is not a prohibition on negotiations, because negotiations are going on every day. I am not easily discouraged and that is why I am here talking tonight on this subject. I prefer to debate more substantive issues, but unfortunately that is not the case. The debate that went on during the campaign, the debate that went on in some speeches on the floor in the last Congress, and the debate that will come here on the Senate floor in the next 3 weeks, is in fact a shell game. It is about distortion of the language of the law, it is about manipulation of beneficiaries and, in turn, the public, and it hinges on the convenient lapse in some people's memory about the history of this noninterference clause. What I want to do today is remind people about the history.

We are going to take a little trip down memory lane. For our first stop

on memory lane, let me take a second to read something to you. This is a quote from someone talking about their own Medicare drug benefit proposal.

Under this proposal, Medicare would not set prices for drugs.

Let me start over again because that first sentence needs to be emphasized:

Under this proposal, Medicare would not set prices for drugs. Prices would be determined through negotiations between the private benefit administrators and drug manufacturers. . . .

The person who said this clearly wanted private negotiations with drug companies for Medicare benefits. He was proposing, and I want to quote again from this person—and I am soon going to tell you who that is—

. . . negotiations between private benefit administrators and drug manufacturers.

So I am taking that quote out of the previous quote for a way of emphasis.

Negotiations would go on between private benefit administrators and drug manufacturers.

In other words, not involving the Government. So it could not be more clear what this person had in mind when he was proposing legislation a few years ago. You are going to be shocked to hear who said this. For those who thought President Bush said it, they are wrong. The quote is from none other than President Clinton. President Clinton made that comment as part of his June 1999 plan for strengthening and modernizing Medicare. President Clinton had in his idea, when we were going to strengthen and modernize Medicare with a prescription drug program, that we ought to have negotiations done by the private sector, not by the Government.

President Clinton went on to say that under his plan:

Prices would be determined through negotiations between the private benefit administrators and drug manufacturers.

Quoting further:

The competitive bidding process would be used to yield the best possible drug prices and coverage. . . .

And following the 50-year precedent I have been referring to, he went on to say:

. . . just as it is used by large private employers and the Federal Employee Health Benefit Plans today.

That is the end of the quote from President Clinton.

President Clinton also described his plan as using private negotiators because:

These organizations have experience managing drug utilization and have developed numerous tools for cost containment and utilization management.

This is a President whom a lot of people would believe, because he comes from the Democratic Party, has great faith in big Government, that he would not be suggesting these things. But when you have a precedent of 50 years of it working for Federal employees, he believed it was good enough to use

when you offer prescription drugs to the senior citizens of America.

Does this ring any bells? It should, because it is the same framework used in today's Medicare prescription drug benefit—and I had a hand, as a conferee, in writing that. Private negotiations with drug companies—and it is based on a nearly 50-year history of the Federal Employees Health Benefit Plan.

Here is another interesting spot on memory lane—if I could digress for a minute for the benefit of Members who keep ringing up about a doughnut hole—separate from the issue of pricing drugs and negotiating. I thought it would be good to remind people. The Clinton plan had a coverage gap as well. It had a doughnut hole, as we refer to it, like the bill eventually signed by President Bush in 2003. Like many others, the new Speaker of the House has questioned why one would pay premiums at a point in time when you are not receiving benefits. In other words, when you are in the doughnut hole. It happens in the private sector, in a lot of different insurances. That is how insurance works. Go look at any homeowner's policy and auto policy or even the Part B of Medicare. You pay premiums to have coverage, and that is also how President Clinton's plan would have worked if it had been passed in 1999 instead of 2003.

In Sunday's Washington Post, Speaker PELOSI was quoted on her thoughts about having a doughnut hole. She said:

How could that be a good idea unless you're writing a bill for the HMOs and the pharmaceutical companies and not for America's seniors?

Maybe she was referring to President Clinton's plan. As I said, President Clinton proposed this plan in June of 1999. On April 4, 2000, in a bill that is listed as S. 2342, the Medicare Modernization Act introduced here in the Senate, S. 2342 from that year, 2000, would have created a drug benefit administered through benefit managers. It even had the same title as the Medicare law that is now law. The Medicare Modernization Act is the title in 2000. It is the title of a bipartisan bill that is now law. So, here again, we have private negotiations with drug companies. It sounds familiar. It is like today's Medicare drug benefit.

Here is another important stop down our memory lane. This bill, which I referred to as S. 2342 previously, included the following language. "Noninterference," nothing in this section or in this part shall be construed as authorizing the Secretary to:

require a particular formulary or to institute a price structure for benefits; (2) interfere in any way with negotiations . . . or (3) otherwise interfere with the competitive nature of providing a prescription drug benefit through private entities.

This is the first bill, the very first one where the noninterference clause appeared. You could say it is the second time it appeared because it ap-

peared as a suggestion of President Clinton, but it was introduced the first time, and this was the language. But S. 2342 was not introduced by Republicans. It was introduced by my esteemed colleague and friend, the late Senator Moynihan. One month later there was S. 2541 introduced. I will read some language of that bill. Here I go to the first chart I have. I have four charts coming up.

(B) Noninterference . . . The Secretary may not—

(1) require a particular formulary, institute a price structure for benefits;

(2) interfere in any way with negotiations between private entities and drug manufacturers or wholesalers; or

(3) interfere with the competitive nature of providing a prescription drug benefit through private entities.

That wasn't a Republican bill, either. It was introduced by Senator Daschle, who was joined by 33 other Democrats, including Senators REID, DURBIN, and KENNEDY. For instance, 33 Senate Democrats cosponsored language for a bill that they now find not to their liking. I don't understand it. It turns out that the Democrats did not want Government interfering in the private sector negotiations, either. They recognized then that the private sector would do a better job. They recognized then what President Clinton recognized: something that had worked 50 years for Federal employees could be allied to senior citizens and Medicare as well and maybe do it better. And they didn't want the Government, some bureaucrat, messing it all up. At that time, they didn't want the Government in their medicine Cabinet, either.

In June 2000, two Democratic bills were introduced in the House of Representatives that also included the noninterference language. One was introduced by Dick Gephardt. That bill had more than 100 cosponsors, including then-Representative PELOSI, now Speaker of the House, but it also included Representatives RANGEL, DINGELL, and STARK. I want Members to know I worked very closely on some health issues with DINGELL and STARK, and I worked very closely with Congressman RANGEL on trade and tax issues.

That language included in H.R. 4770, introduced by Representative Gephardt and supported by more than 100 House Democrats, was almost identical to the language in Senator Daschle's bill. So we have 33 Senate Democrats, we have 100 House Democrats supporting the noninterference language.

Here is a chart with the text of the noninterference clause included in what is now Part D, the prescription drug part of Medicare, referring to it again under its official title, the Medicare Modernization Act.

It says:

(B) Noninterference—in order to promote competition under this part and in carrying out this part, the Secretary—

(1) may not interfere with the negotiations between the drug manufacturers and pharmacies and PDP sponsors; and

(2) may not require a particular formulary or institute a price structure for the reimbursement of covered Part D drugs.

It sounds exactly like what was introduced in the Democratic bill. If we compare this language to the Gephardt-Pelosi language, the Medicare Modernization Act provisions have 26 fewer words. Compare it to the Daschle-Kennedy noninterference clause—the Medicare Modernization Act has 10 fewer words. It sounds as if sponsors of those bills were pretty concerned about the potential of Government interference.

Last week, the senior Senator from Illinois described the Medicare law enacted in 2003 as being written by the pharmaceutical industry. But the noninterference clause first appeared in legislation introduced by Democrats who now oppose the same provision that is law.

Since the opponents of the Medicare drug benefit always say that the noninterference clause is proof that the drug industry wrote the law, my question is, If that is what you think, did the pharmaceutical industry also write the bills that you had put in over the previous years going back to the bills I have referred to that were introduced by Democrats? I bet you wonder just how many Democratic bills contain that now infamous “noninterference clause”—the prohibition, in other words, on Government negotiating.

I have a timeline. As this chart shows, the prohibition on Government negotiation—the noninterference clause—has been in seven bills by Democrats between 1999 and 2003. That is in addition to the point I make clear of where the last Democratic President was on this subject: right where the law is today. Seven bills, including the bill introduced in the House on the same day as H.R. 1, which is now the law.

First it was in the Moynihan bill in 2000. There was a Daschle-Reid-Kennedy bill. That was followed in the House by a bill introduced by Representative ESHOO and then the Gephardt-Pelosi bill which has Representatives RANGEL, DINGELL, STARK, and our colleague who then was in the House, Senator STABENOW now, as a cosponsor. Representative STARK then had his own bill, and the senior Senator from Oregon introduced his bill in the Senate.

Finally, in the House, Representative Thomas introduced a bill. I know what the response will be. It will be that even though Democratic bills had nearly exactly the same noninterference language, practically word for word in seven bills over a long period of time, opponents now think that approach is no longer best for Medicare. It is sort of like we supported it before we opposed it.

Mr. DURBIN. Will the Senator yield?

Mr. GRASSLEY. Of course I yield for a question. We very seldom get a chance to debate. That is a welcome opportunity.

Mr. DURBIN. I notice that my friend and colleague from Iowa has been in

the Senate for the last several days talking about Medicare prescription Part D, which he played a major role in creating. I know he feels the program as passed into law should not be changed—or at least not along the lines many suggest. However, I ask this question: Does the Senator believe that the current program at the Veterans' Administration which allows that agency to bargain for bulk discounts on behalf of our veterans to reduce the prices of the drugs they buy for our veterans is a good policy?

Mr. GRASSLEY. In the sense of what we can afford for veterans, we ought to think in terms of that we cannot afford enough for veterans who put their lives on the line.

When we have appropriated accounts, there are some limits, as opposed to an entitlement such as Medicare, but it is not as good as what seniors have under this because there are several therapies the Government will not pay for under the veterans program we pay for under Medicare. From that standpoint of the quality of the program, based upon the therapies that are available, it is not as good as what we have in Medicare.

Mr. DURBIN. Would the Senator acknowledge the fact, though, that the Veterans' Administration, because it can bargain on behalf of all veterans and obtain bulk discounts, saves money not only for the veterans who are provided with these drugs but also for our Government; that the pharmaceutical companies, anxious to provide drugs to millions of veterans, will give bulk discounts that will benefit both the Veterans' Administration and the veterans?

Mr. GRASSLEY. The answer is yes. But you get back to the person who came to one of my town meetings and said: The doctor said I ought to have this prescription. Why won't the Veterans' Administration pay for it? I have to have this one, according to the Veterans' Administration, and there is some way it affects me that the other one wouldn't.

We have to take that into consideration as well. Yes, bulk discount gets drugs cheaper, but the Government is not going to pay for every drug. You are going to have the bureaucrat in the medicine cabinet of the veteran, and the bureaucrat is not today in the medicine cabinet of the senior citizen.

You also have to realize that, in addition to the VA having a limited formula, they also do not have the availability of the drug in the pharmacies the way we provide in this Medicare Program.

Mr. DURBIN. Would the Senator from Iowa acknowledge the fact that under the current Medicare prescription Part D, if a senior citizen in Iowa or Illinois signed up for a specific program, there is no guarantee the formulary they signed up for today will be available to that senior next month or even next year? So if the Senator from Iowa is concerned that the VA can't guarantee all drugs, the current Medi-

care prescription drug Part D Program does not guarantee the formulary. The formulary can literally change by the month, and a senior can find that a valuable and important drug they signed up for is no longer covered.

Mr. GRASSLEY. If you want to say for a period of a year or beyond a year, the answer is yes, but for 12 months, no. But also remember that every year the Secretary of Health and Human Services has to approve these plans, and there are certain basic needs they have to meet. One of those basic needs that is in the law that is not in the VA program is a requirement that every therapy be available.

Mr. DURBIN. I say to the Senator from Iowa, it has been my experience, working with my seniors, that every plan does not offer every drug.

Mr. GRASSLEY. That is true, but every therapy is available.

Mr. DURBIN. That is the same situation the VA faces. The VA may say to that veteran: We believe you should have a generic drug. The veteran may prefer a brand-name drug which is more expensive, but the plan provides the therapy through a generic drug. So in that way, it parallels what the Senator is describing under Medicare prescription Part D.

What I am suggesting, what we are suggesting on this side of the aisle, is not to foreclose the possibility that private plans will continue to offer options under Medicare prescription Part D. What we are trying to add is something that was debated at length and rejected when the bill was written; that is, to allow Medicare as an agency, as a program, to offer its own prescription drug program for seniors, to bargain with pharmaceutical companies to find the lowest prices possible and then allow the seniors to make the choice: either take the Medicare approach or take a private approach. It gives more choices, not fewer.

Mr. GRASSLEY. Mr. President, I say to the Senator, I want to comment on the first part of what he recently said; that is, that what you say is true in regard to plans changing what drugs can be offered. We require that every therapy be available, but you are right, not every drug is available. And you want what the VA has because it might be better.

Now, let me point out then why our program is better. In the VA, 30 percent of drugs are covered, 70 percent not covered. In our program, if a senior finds him or herself in a plan where at the end of the year it has changed, they have choices of several plans to go to. The VA does not have that choice. There is no place a veteran can go. There is no place my constituents could go when they came to me and said: Why don't you cover this drug? My doctor says I need it because of what it does to me that the other one won't—or just the opposite.

Mr. DURBIN. If I could say to the Senator from Iowa, I have found my veterans to be very happy with the VA

program. It is a very affordable program.

Mr. GRASSLEY. I have, too, so I agree with the Senator.

Mr. DURBIN. It is growing dramatically in size, which suggests more veterans are using it. But going back to Medicare Prescription Part D, we are not suggesting that Medicare offering its own program as an option is going to be mandatory on seniors. It is still their decision whether they want to use the Medicare approach—which we are supporting on this side of the aisle, which allows for these discounted drugs—or if they feel a private plan is better for them, better for their needs, better for their pocketbook. It is just a consumer choice. But that choice is not available today.

Medicare cannot offer to the seniors, under Medicare Prescription Part D, an option. What is wrong with Medicare offering that option and competing with these private insurance companies?

Mr. GRASSLEY. Well, can I ask a question without answering the Senator's question?

Mr. DURBIN. Certainly. Of course.

Mr. GRASSLEY. Because I was very joyful the Senator was coming out here. I saw him come out. I probably irritated him or something.

Here is what I was hoping we would be debating. Because the whole point of the last 2 days is: From President Clinton in June 1999, all the way through bills that the Senator's party introduced in 2003, we had the noninterference clause in it. I want you to know I felt very comfortable adopting a Democrat noninterference clause in my bill that is now law, and I was hoping the Senator was going to come out and give some justification why his party—mostly in his party; there were some on our side who would agree—why his party would change its mind after President Clinton thought that what we have been doing for 50 years was working so well in the Federal Employees Health Benefit Program that he wanted to do it. And he said you get lower drug prices by doing it that way.

Several bills—I think I said seven bills—introduced by Democrats had the same principle in it. And now you don't like it. I don't understand why. I was hoping that was why the Senator came out to debate.

Mr. DURBIN. Mr. President, I would say to my friend from Iowa, that is why I was asking the questions because I think the questions get beyond the word “noninterference” into the reality of the choice we are suggesting.

I do not believe it is an interference to the rights of seniors eligible under Medicare Prescription Part D to give them an additional choice. And that is all we are asking: Allow Medicare to offer to the seniors another choice. They can reject it. They can accept it. I do not think that is mandatory or interfering.

I think, frankly, that a free-market Republican such as my good friend

from Iowa would grasp that as a good option. It means the private insurance companies would then have to do their best to compete with Medicare. If Medicare offers a better plan, seniors can take it. If it does not, they can take private insurance options that are currently available.

Mr. GRASSLEY. If it is a good idea, I think the Senator from Illinois would do the consumers more good by offering a Government program to compete with Wal-Mart, maybe.

Mr. DURBIN. I would say, when it comes to the Medicare program, we know this was created by the Senator's committee. And I salute him for his leadership. But it is in fact a Government program. In fact, it is a program that is subsidized by our Federal Government. It is not just allowing little, private entities to compete. We provide a subsidy to them. We have constructed a plan which has a doughnut hole where there is a period of no coverage. We have constructed an approach that some seniors find very hard to understand. But regardless, it is a Government creation. What we are suggesting is a Medicare option is not unreasonable. It still leaves the final choice in the hands of the seniors. They make the final choice what is best for them, what is best for their family, and what is best for their budget.

Mr. GRASSLEY. Mr. President, I think I have to give a bottom line and say it is working. Or if that is not good enough for you—after 2 years—that it is something that is working, it is something that is needed, it is something that Republicans got passed. And we did not get it passed without Democratic help, thank God—it was bipartisan—otherwise we would not have gotten it done. But for 4 years we were waiting for something to happen on your side of the aisle. It did not happen.

So could I end by saying one thing? In case my word is not so good, I would quote from the LA Times. It is in response to what the Senator said about the VA program. And I do not have any problems with the VA program. But it says here:

VA officials can negotiate major price discounts because they restrict the number of drugs on their coverage list. In other words, the VA offers lower drug prices but fewer choices.

Now, do we want to give the seniors of America fewer choices? I think you do. The route you are going, that is where you are going to end up.

Mr. DURBIN. Mr. President, I would say to the Senator from Iowa, it is true that the VA formulary for eligible drugs is a more restrictive list. I do not know if that will be the same case when Medicare—if they are allowed to—offers an option. But ultimately the choice is in the hands of the seniors. If they think the formulary that is offered by Medicare is too restrictive, they do not have to choose it. It is their ultimate decision. It is the con-

cept of freedom. And I know the Senator from Iowa embraces that concept. I hope he will consider our approach.

Mr. GRASSLEY. So I cannot attribute this specifically to the Senator from Illinois, but the Senator is talking about choice now, and if there is anything people have choice on, it is all the plans that are available. But from your side of the aisle, starting in 2004, all I heard was there was too much choice, too much choice, too many plans.

So I do not know for sure if you and your party know where you are coming from, whether choice is OK, how much choice is OK. Maybe you are leading us down the line where we are going to end up, if you get too much Government interference, we will not have choice.

Mr. DURBIN. I would say to my colleague, when it comes to this issue, my experts are pharmacists. Just like so many towns in Iowa, there are many towns in Illinois where the drugstore pharmacy is a community center, and people come to trust their druggist, trust their pharmacist. What I did, as Medicare Prescription Part D came on line, was to visit those drugstores and sit down with the pharmacist. And I will tell you quite candidly, many times they were dealing with seniors who had reached a point in life where a lot of information was difficult to evaluate, and they had to work with their pharmacist to find the best option.

So if there was a criticism on our side, it was the fact that there was so much information being given to seniors with a limited amount of time to make a decision. I think the Senator from Iowa would concede that some seniors needed the help of family members or pharmacists or counselors at senior centers to help them make this decision.

But on the final analysis, I hope the Senator will be open to the concept that if Medicare offers an option, it is just another choice for seniors. Take it or leave it. It is still ultimately their decision.

Mr. GRASSLEY. Mr. President, let me suggest to you that the committee that has jurisdiction over it, which I am no longer chairman of, has a tradition of trying to work through things. I want you to know I am committed to looking if there are better ways of doing it. But I think it is pretty difficult to argue with a program that has come in with senior citizens, by 80 percent in more than one poll, saying they are satisfied and, secondly, a program—what Government program have you ever seen come in without big cost overruns?

This one has come in now with the latest projection by CBO that it is going to cost \$189 billion less than we anticipated it would cost. And we got lower Federal costs. We got lower premiums for the seniors. We got 35-percent lower drug prices for the 25 drugs most used by seniors. We got lower

State costs, because the States do not have to pick up the duel eligibles as they used to.

There is something good coming out of the discussion the Senator and I are having. If we would have had this discussion 3 years ago, you would have said what we were doing was going to bring holy hell and not do any good and it would never work. At least now there is some acceptance of the program. So maybe with a little bit more dialog we will come around to the point where you are saying: Maybe, Senator GRASSLEY, you were right.

Mr. DURBIN. Mr. President, I am always—in fact, I have been quoted in your campaign literature sometimes saying nice things about you.

Mr. GRASSLEY. I noticed you have not said that so I can quote you again.

Mr. DURBIN. I am being very careful this time around. And I would be happy to acknowledge you are my friend and a great leader, and you have done a great job here. And put it in your next brochure if it will help.

But I want to close by saying thank you for this dialog. It is rare on the floor of the Senate, and we need more of it. I would say, when it comes to perfect laws, I think aside from the Ten Commandments, most laws could stand an amendment or two. So I hope you will be open to the possibility of improving Medicare Prescription Part D.

Mr. GRASSLEY. Remember, the bill you want to amend is a bipartisan bill. Remember that.

Mr. DURBIN. I thank the Senator.

Mr. GRASSLEY. I thank you.

Mr. President, I want to finish my remarks. I am not sure finishing my remarks can be more valuable than what we just had here in this sort of discussion. But I think when the Senator came in, I was kind of needing the other party a little bit with a statement like all of this business of Democrats introducing this noninterference language, and my copying it, thinking that was the right thing to do, was the bipartisan thing to do, that now they are backing off of it, as you can see by the recent exchange I had with my friend from Illinois, that it is sort of for the Democrats like: We supported it before we opposed it.

But I want to recap. When Democrats controlled the Senate, their bills took the same approach and had basically the same noninterference language—the same prohibition on government negotiations. Looks like my colleagues across the aisle yielded—and perhaps against their own better policy judgment—to take the opportunity to make political hay by demagoguing what seems like a reasonable proposition. That proposition was that Government, with all those Medicare beneficiaries in the Medicare program, should negotiate lower prices for drugs. In reality, it is nothing but an appealing sound bite.

After the Medicare law was enacted, opponents distorted the meaning of the language and vowed to change it. They

have now demagogued on this issue for 3 years. They had all that time to prepare their proposals. What has been introduced to date? The bill introduced in the House to address the so-called prohibition has been described as “not as far-reaching as the new majority indicated before taking power.”

The Senate bill is a nonbinding sense of the Congress resolution as a placeholder with no details. I understand that some bills are introduced as markers pending further development. I have done that myself. But 3 years of talking about this issue, talking about what is wrong with the noninterference clause, and there still is no more substance behind the proposal than that?

One of the questions I should have asked the Senator from Illinois is, please describe to me how it is going to work if you take out the noninterference clause. I have never had anybody tell me that. Something like, let's do it a little bit like the VA, but the HHS is not the VA. So how is it going to be done? Somewhere along the line they are going to have to tell us.

In fact, the USA Today editorial page recognized the lack of substance when they wrote in November that House Democratic aides couldn't provide any details on their party's proposal. This is after 3 years of their finding fault with what is law.

It makes me wonder if people who led the charge against the so-called prohibition on Government negotiation truly ever did change their minds about this provision. There was actually a surprising level of agreement among Democrats and Republicans that the private sector would be able to do a better job of tough negotiation with drug companies than the Government could ever do. We had all seen the same history of the poor job Medicare does setting prices on almost anything, whether it is hospitals or whether it is wheelchairs. Everyone from President Clinton to Mr. Gephardt to Speaker PELOSI to the senior Senator from Oregon, recognized that at the time when they put their names on legislation.

The same USA Today editorial referred to opponents' plans to change the law as “more of a campaign pander than a fully baked plan.” Maybe the opponents finally realized that themselves.

I believe beneficiaries and the public deserve more than that. That is what the debate is going to be all about. But they are going to have to sell their point.

I yield the floor and 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 there now be a period of morning business with Senators permitted to speak therein for a period of up to 10 minutes each.

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

ANTONIO POMERLEAU, AN AMAZING VERMONT

Mr. LEAHY. Mr. President, one of the most amazing citizens of our remarkable State of Vermont is Antonio Pomerleau. Most people know him as Tony Pomerleau. My wife Marcelle and our children know him simply as Uncle Tony.

Tony and his wife Rita have been among the most generous contributors to the well-being of families in Vermont of anyone I know, and he did not come from a wealthy background. His parents, my wife's grandparents, came as immigrants to the United States from the Province of Quebec in Canada. Nonetheless, he and his wife Rita raised a family of 10 and also faced the tragedy of losing two beautiful daughters. Throughout it all, he has retained his position as a leading citizen of our State but even more so as an example to all of us.

Shortly before Christmas, Tony was named *Vermont* of the year by our State's largest newspaper. With pride, I ask unanimous consent that the editorial about our Uncle Tony be printed in the *RECORD* so everyone throughout our great country can know about him.

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

[From the Burlington Free Press, Dec. 24, 2006]

TONY POMERLEAU, VERMONT OF THE YEAR

He's 89 years old and still going like the Energizer bunny, his family says.

Tony Pomerleau.

People know his name in this state. And those who know the man consider themselves fortunate.

He is Santa Claus to countless children, the festive, white-haired gentleman who has thrown a big party every Christmas since 1982 for hundreds of children and their families who might not be able to afford a celebration of their own.

He is Mr. P, the delightful, generous soul who added a holiday party for families of the Vermont Army National Guard in 2004. It was a huge lift for the 800 or so people who attended, and he did it again in 2005—and again this year, opening the doors to all Guard families, with special attention paid to the families of about 120 Guard members who are still deployed.

Everyone is welcome. Everyone has a seat at Antonio (Tony) Pomerleau's table.

It's Pomerleau's giving spirit that makes him so deserving of the honor of *Vermont* of the Year. His steadfast commitment to Vermont and the people of this state make him a fine choice.

As Robert Perreault of Hardwick said in his nomination letter, “He is extremely generous with his time, ideas and money, to implement programs that have helped people, especially the children and our Vermont Guardsmen and their families.”

Pomerleau's niece, Marcelle Leahy, wife of Sen. Patrick Leahy, encouraged her uncle to play a role in helping the Guard families with whom she was working through the Guard's Family Readiness Group. Pomerleau was more than happy to do it.

It doesn't take much for Pomerleau to be persuaded to share his good fortune with others. He "came up the hard way," his son Ernie said last week. Tony Pomerleau has been there.

He was the third child of Ernest and Alma Pomerleau, a hardworking French-Canadian couple who decided to try their chances across the border in Vermont. When Pomerleau was 6 months old, the family moved to a dairy farm in Barton, according to an unpublished biography the family has put together.

As a child, Pomerleau was touched by two formative incidents. First, he fell down the basement stairs at age 3 and was forced to wear an iron corset. Doctors feared his life would be shortened.

"He wasn't supposed to live beyond 12 years old," Erie Pomerleau said. "And here he is, 89 and still going strong."

The second incident, according to the family biography, was something of a miracle. Alma Pomerleau took her son, age 10, to Ste. Anne de Beaupre in Quebec—the shrine that is covered in crutches and other medical aids left behind by countless others who believed they were cured.

Alma removed young Tony's iron brace, and they returned home to Vermont without it. Her son was fine.

"Of course it was a miracle. It was my mother's prayers," Pomerleau said in the biography.

And so Tony Pomerleau gives back. He gives and gives, according to the families, charities, schools and organizations that have been touched by his spirit.

There's the renowned annual party, organized by the Burlington Parks and Recreation Department, and paid for by Pomerleau. Now there's also the Guard party. There is St. Michael's College in Colchester, where Pomerleau, received an honorary doctorate after years of contributing to the campus. There is Burlington's Church Street, which he helped rejuvenate in the 1950s. There is the Burlington Police Department, where Pomerleau was a longtime police commissioner. He bought the North Avenue building for the police headquarters and has provided ongoing support for the officers, such as laptop computers for their patrol cars. There are the scholarships at Rice Memorial High School, the renovations at Christ the King Church, the trips Pomerleau has funded for Burlington schoolchildren, and the regular donations to the American Red Cross, United Way of Chittenden County and the Salvation Army.

Pomerleau started his entrepreneurial life as a child, soon after he shed that iron brace. He sold haircuts and canaries. He washed cars, ran errands and helped his family in their general store in Newport. In 1942, after working for a national shoe store chain up and down the East Coast, he decided to settle in Burlington where he bought a failing grocery store. Within three years, he owned four stores and a wholesale beverage business. In 1951, he started his real estate career and by age 45, he was a millionaire. Pomerleau built Vermont's first shopping center in the 1950s, the Ethan Allen Shopping Plaza, and then developed about 20 more.

He has lived large, and the beautiful Greek Revival building on College Street that houses Pomerleau Real Estate is a testament to that life.

Through it all, Pomerleau's wife, Rita, and 10 children, two of whom have died, have been his main focus. Pomerleau is also the proud grandfather of 13.

In many ways, Tony Pomerleau remains the optimistic boy who left his iron brace behind at Ste. Anne de Beaupre.

"Someone asked him the other day when he was going, to retire," son Ernie said. "And he said, 'When I get old.'"

Never get old, Mr. P. We like you the way you are.

HONORING PRESIDENT GERALD FORD

Mr. HATCH. Mr. President, even as we usher in a new Congress, Americans have said farewell to one of our Chief Executives, President Gerald R. Ford. President Ford was a man of character and integrity, a leader of hope and purpose. I hope and pray that the outpouring of support for President Ford in recent days will be a source of comfort and strength for his family and especially for his beloved wife, First Lady Betty Ford.

The people of Michigan's Fifth District loved their Congressman Jerry Ford. They sent him to the House of Representatives 13 times, by large margins. In fact, Congressman Ford's reelection percentages over nearly a quarter century did not vary by more than a few points. His constituents supported him as he served them, consistently and solidly.

It is easy to see why his constituents felt such a connection with him. Jerry Ford grew up in Grand Rapids, MI. He achieved the rank of Eagle Scout and, in high school, joined the honor society and was named to all-city and all-State football teams. At the University of Michigan, he played center on two national championship football teams and was named most valuable player in 1934.

Early in life, Jerry Ford's values and basic good sense helped him see past the excitement of the moment. He passed up opportunities to use his athletic prowess for the Detroit Lions and Green Bay Packers and instead decided to coach boxing and football at Yale University, where he realized his goal of attending law school. He returned to Grand Rapids to begin practicing law and, after serving in the Navy during World War II, returned again to practice law and seek election to Congress in 1948. Somehow in all that activity, he found time to court Elizabeth Bloomer. She must have been a very understanding woman because he even campaigned on their wedding day. President Ford would later say that his most valued advice was that which came from his wife. They spent 58 years together and had four wonderful children.

The qualities that endeared Congressman Ford to his constituents also inspired trust in his colleagues in the House, who elected him Republican Conference chairman in 1963 and then Republican leader in 1965. In fact, Congressman Ford was so well regarded that President Lyndon Johnson named him to the Warren Commission which investigated the assassination of President John F. Kennedy, and President

Richard Nixon tapped him to replace the resigned Vice President Spiro Agnew.

Gerald Ford loved the House of Representatives, and his personal political goal was to become Speaker of the House. He declined invitations to run for the Senate and for Governor. Ironically, while the Republicans' minority status kept him from leading that Chamber, his appointment as Vice President allowed him to become President of the Senate.

The Ford Presidency was brief, just 29 months long, but broke significant new political ground. He was the only occupant of the Oval Office who was never elected either President or Vice President. Former New York Governor Nelson Rockefeller's appointment as Vice President meant that, for the first time in American history, neither of the Nation's two top officers had been elected to either office. The Ford and Rockefeller appointments were the first handled under the procedures established by the 25th amendment to the Constitution, ratified less than a decade earlier. And, of course, President Ford presided over our Nation's bicentennial in 1976.

The passage of even a few years, let alone a few decades, can easily change memories and perspectives. In recent years, the majority party has held either House of Congress by a modest margin. In this body today, the balance of power could rest on one Senator. At one point during Gerald Ford's service in the House, however, Democrats outnumbered Republicans by more than 2-to-1. Even under those difficult circumstances, Congressman Ford found ways of reaching across the aisle, working productively with the other party to find solutions to the Nation's problems.

When Gerald Ford took up residence at the other end of Pennsylvania Avenue, there were times when he had to stand up to Congress. He issued an astounding 66 vetoes in fewer than 3 years, and Congress was able to override just a few.

President Ford served during one of the most trying times in American history, facing troubles at home and abroad. At home, there was the Watergate scandal that had resulted in the Ford Presidency. In 1975, unemployment reached a level nearly twice what it is today. Inflation was in double digits. Fears of energy shortages persisted. Elsewhere in the world, President Ford faced the war in Vietnam and crises in the Middle East and the continued threat posed by the former Soviet Union. And on top of all of that, he shouldered the burden of restoring Americans' faith in their leaders and in democracy itself. Last week in his eulogy, Dr. Henry Kissinger, President Ford's Secretary of State, put it this way: "Unassuming and without guile, Gerald Ford undertook to restore the confidence of Americans in their political institutions and purposes."

He made decisions, some of which were unpopular at the time, that he

felt were necessary for the good of the Nation. Some say that these contributed to his narrow loss to Jimmy Carter. At the same time, from opinion polls after the political conventions showing the incumbent trailing by nearly 30 points, President Ford closed the gap to make the 1976 election one of the closest in American history.

We are all thankful President Ford did not simply retire from public life when he left the White House. For nearly three decades, he remained active as a statesman and involved in important issues. He founded, and for many years chaired, the World Forum conducted by the American Enterprise Institute, and he continued writing about some of the political and social challenges of our day. In 2001, he authored a poignant column which appeared in the Washington Post and endorsed legislation to promote regenerative therapies that can give hope to Americans suffering from chronic diseases. As a cosponsor of that legislation, I was moved and grateful for President Ford's wisdom and support.

For these and so many other activities and contributions, President Ford received the Medal of Freedom, America's highest civilian award, in 1999 and the Profiles in Courage Award from the Kennedy Foundation in 2001. In 1999, he and Mrs. Ford received the Congressional Gold Medal for their dedicated public service and humanitarian contributions.

As great as President Ford was, he was always the first to acknowledge his wonderful spouse, and I would be remiss, if I did not say a few words about Betty Ford. She was such a model of grace and dignity, inspiring us with her love and devotion to her family. Betty Ford was a bold First Lady, candidly sharing with the Nation her struggles with cancer and chemical dependency. She did not, however, stop there but turned those struggles into a crusade to help others. She served as cochairman of the Susan G. Komen Foundation when it was founded in 1982. Each year, she presents the Betty Ford Award from that foundation to a champion in the fight against breast cancer. The Betty Ford Center, which she founded in 1982, is today one of the leading treatment facilities in America, perhaps the world, and Mrs. Ford continues to serve as its board chairman.

As recently as last week, Betty and her four children, Steve, Mike, Jack, and Susan, showed us their tremendous devotion and kindness as they stood in the Capitol Rotunda for hours on end greeting every visitor who came to pay their respects to President Ford. Even in the face of tragedy, Betty and her children are gracious.

President Ford believed that most people were mostly good most of the time. That optimistic attitude led him once to say that while he had many adversaries in his political life, he could not remember having a single enemy. When he took the oath of office on Au-

gust 9, 1974, he offered not an inaugural address but what he called just a little straight talk among friends. He made a commitment, a compact, with his fellow Americans, in which he said:

You have not elected me as your President by your ballots, he said, and so I ask you to confirm me as your President with your prayers . . . I have not sought this enormous responsibility, but I will not shirk it . . . Our Constitution works; our great republic is a government of laws and not of men. Here the people rule . . . God helping me, I will not let you down.

Those words so reflected the character and vision of President Ford that they were printed in the opening pages of the commemorative program distributed when the Gerald R. Ford Museum was dedicated in September 1981 in Grand Rapids. It is there, along the Grand River, that thousands of Americans, many waiting for hours in the cold, paid a final tribute to our 38th President. And it is nearby, in the city he loved and that loved him, that President Ford was laid to rest.

Gerald Ford did not let us down. It is fitting that on the gravestone of this remarkable man, this distinguished public servant, this healer of our Nation, are the simple words: Lives Committed to God, Country, and Love.

Mr. HAGEL. Mr. President, President Gerald Ford had a distinguished career of public service marked by his exceptional personal qualities, and his passing is a sad moment for all Americans.

President Ford was born in Omaha, NE in 1913 and grew up in Grand Rapids, MI. As a student at the University of Michigan, Ford was an allstar football player and became an assistant football coach at Yale University while he earned his law degree. During his service in World War II, he attained the rank of lieutenant commander in the Navy.

President Ford was first elected to Congress in 1948 and served for 25 years, eight as the minority leader. He was selected to serve as Vice President and became President because he was a man who could restore integrity to the Presidency, hope in America, and bridge partisan divides in Congress.

I first met Gerald Ford when he was the House minority leader and I was chief of staff for Congressman John Y. McCollister from Omaha. I have never met a person in politics who was a more decent and more complete individual than President Ford. He earned the trust and confidence of the American people through his character, competency and common decency.

I had the honor of attending his Capitol memorial service in the Rotunda last week with my daughter, Allyn, and son, Ziller. I am grateful and proud that they had the opportunity to hear President Ford remembered and eulogized with eloquence, grace, and honesty. America is a better place because of President Gerald Ford. He will be greatly missed.

HONORING OUR ARMED FORCES

CORPORAL MATTHEW JOSEPH STANLEY

Mr. GREGG. Mr. President, I rise today to pay special tribute to U.S. Army CPL Matthew Joseph Stanley of Wolfeboro, NH. Tragically, on December 16, 2006, this courageous young soldier and two of his comrades gave their last full measure for our Nation when their Army vehicle struck an improvised explosive device in Taji, Iraq, north of Baghdad. At the time of this hostile action Corporal Stanley, a cavalry scout with C Troop, 1st Squadron, 7th Cavalry Regiment, 1st Cavalry Division, based in Fort Hood, TX, was serving his second tour in Iraq in support of Operation Iraqi Freedom.

Matthew was a 2002 graduate of Kingswood Regional High School where he was wellknown and liked by his teachers and fellow students. Classmates remember Matthew as fun, always laughing and having a smile on his face. Family and friends say he was one of the nicest guys you would ever want to meet and remember his fondness for hunting and fishing.

Sensing a call to duty, and because of his desire to protect his country, in December 2003, Matthew joined the U.S. Army. Upon completing basic training at Fort Knox, KY, in the spring of 2004, he reported to Fort Hood, TX. The awards and decorations that Corporal Stanley received over the succeeding months are a testament to the strong character of this man. They include the Bronze Star Medal, Purple Heart, two Army Commendation Medals, Army Good Conduct Medal, Combat Action Badge, National Defense Service Medal, Iraq Campaign Medal, Global War on Terrorism Service Medal, Army Service Ribbon, Overseas Service Ribbon, and Expert Rifle Qualification Badge. He was posthumously promoted to the rank of corporal.

Patriots from the state of New Hampshire have served our Nation with honor and distinction from Bunker Hill to Taji—and U.S. Army CPL Matthew Stanley served and fought in that same fine tradition. During our country's difficult Revolutionary War, Thomas Paine wrote "These are the times that try men's souls. The summer soldier and the sunshine patriot will, in this crisis, shrink from the service of their country; but he that stands it now, deserves the love and thanks of man and woman." In these turbulent times Matthew stood with the country he loved, served it with distinction and honor, and earned and deserves our love and thanks.

My sympathy, condolences, and prayers go out to Matthew's wife Amy, his parents Lynn and Richard, his brothers and sisters, and to his other family members and many friends who have suffered this most grievous loss. All will sorely miss Matthew Stanley, a 22-year-old patriot who was proud of his family, proud of where he lived, and proud of what he did. In the words of Daniel Webster—may his remembrance

be as long lasting as the land he honored. God bless Matthew Joseph Stanley.

CORPORAL JONATHAN E. SCHILLER

Mr. GRASSLEY. Mr. President, it is with a sense of sadness, but also pride, that I rise today to pay tribute to CPL. Jonathan E. Schiller of Ottumwa, IA, who gave his life on New Year's Eve in service to his country in Iraa. He is remembered by friends and family for his good humor and his patriotism. Corporal Schiller's parents, Bill and Liz Schiller, said of their son, "Jon died doing what he loved, serving his country and protecting the freedom of our people and others. We are proud of our son's accomplishments and those of his fellow soldiers in the Army and all branches of the military. We are forever grateful to the Army for changing our boy into a man who fought and died defending something that we take for granted every day... freedom!" My thoughts and prayers are with Bill and Liz, Jon's brothers Charlie and Max, and all of those in the Ottumwa area and elsewhere who mourn the loss of this brave young man. Jon Schiller's willingness to volunteer for military service in a time of war speaks loudly to his love of our country. He now joins the honored ranks of generations of American youth who have laid down their lives for the preservation of freedom. His courageous service and tremendous sacrifice must never be forgotten by a grateful Nation.

WELCOMING REPRESENTATIVE MAZIE HIRONO TO THE 110TH CONGRESS

Mr. INOUE. Mr. President, it is my pleasure to welcome the newest member of the Hawaii Congressional Delegation, Representative MAZIE HIRONO, to the 110th Congress.

Representative HIRONO has previously served the State of Hawaii as Lieutenant Governor, Hawaii State Representative, and deputy state attorney general, and I am confident she will continue her distinguished record as a compassionate, tireless, and courageous public servant through her service in Washington as a Member of the U.S. House of Representatives. She embodies the best of Hawaii and our Nation.

As a young girl, she and her mother and two brothers emigrated from Japan in search of a better life. The life they found in Hawaii was marked by struggle and hard work. But, more importantly, MAZIE HIRONO found hope and self-reliance.

She also learned an important lesson that still guides her today. "My mother taught me that no circumstance is beyond the power of courage, and that when you know what is right you must find the will to act, even against the greatest of odds," she says. That uncommon spirit, from an uncommon mother, defines MAZIE HIRONO.

I kindly ask you and my colleagues to join me in welcoming Representa-

tive HIRONO to the 110th Congress of the United States.

RETIREMENT OF GARY LAPIERRE

Mr. KENNEDY. Mr. President, I would like to recognize a New England journalism legend, Gary LaPierre, who retired on December 29, capping a remarkable career. For many citizens of our region, Gary LaPierre is the voice of New England. He comes from the beautiful small town of Shelburne Falls, MA, where his mother Esther still lives today, and is one of the most dependable, fair, and effective journalists Massachusetts has ever seen. Gary first began covering me in my 1964 Senate reelection campaign, and he has been asking me questions ever since—his interviews with me number in the hundreds. This past election day, November 7, 2006, Gary declared me the winner in my Senate race that evening.

Gary has won many awards for his outstanding journalism over the years. His "LaPierre on the Loose" segment and his skills in investigative reporting send chills down the spines of anyone out to defy the public interest. Whether it is lighthearted regional stories, investigative analyses, or news of the day, Gary handles them all well, and he brings them to us with his trademark clarity, vision, and integrity. I am not sure what Boston will do in the mornings now that Gary is retiring.

I have always liked Gary. He asks the tough questions, and he has been there when history was happening in Boston. He brought national stories to local neighborhood news and covered everything local superbly.

Schoolchildren love Gary, too. When we were buried in a snowstorm, he is the dean of school cancellations and can read through the list faster than anyone on the air. He covered the blizzard of 1978 while holed up in his studio for 5 straight days, keeping constant tabs on those stranded on Route 128. For many, Gary was the narrator in what became one of Boston most cherished hometown stories.

But Gary's reach has often extended beyond Boston borders. He has traveled with the Beatles, and he met our Iranian hostages in Germany. But he always came home to where his heart is—and we are happy he did.

Gary is a fair political reporter as well. He has covered every Democratic Presidential Convention I can recall—and Republican ones, too—and he covered my own campaign in 1980. In fact, no campaign is complete without Gary's analysis, and we have all learned a great deal from him over the years.

His reassuring voice guided us through the horrors of September 11, a day that none of us will ever forget. He also brought us the joys of the Red Sox World Series Championship in 2004. Whatever the topic, he had a talent for making his listeners feel they were a part of the event.

Gary's compassion, his integrity, and his love for Boston will be missed on

the airwaves each morning, but he leaves us with cherished memories, and he helped make WBZ in Boston the world class broadcasting station it is today. Now, as he retires, I join his countless admirers in wishing him a long and happy retirement. He has certainly earned it. We will miss you on WBZ, Gary, but to us, you will always be the voice of Boston.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, 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.)

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 6:10 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker signed 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".

At 7:31 p.m., a message from the House of Representatives, delivered by Ms. Niland, 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. 1. An act to provide for the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States.

MEASURES DISCHARGED

The following measure was discharged from the Committee on Foreign Relations by unanimous consent, and referred as indicated:

S. 198. A bill to improve authorities to address urgent nonproliferation crises and United States nonproliferation operations; to the Committee on Armed Services.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1. An act to provide for the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States; to the Committee on Homeland Security and Governmental Affairs.

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-238. A communication from the Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Executive Compensation Disclosure" (RIN3235-A180) received on January 8, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-239. A communication from the Chairman, National Transportation Safety Board, transmitting, pursuant to law, a report relative to the Board's competitive sourcing efforts for fiscal year 2006; to the Committee on Commerce, Science, and Transportation.

EC-240. A communication from the Chairman, Federal Communications Commission, transmitting, pursuant to law, a report relative to the inventory of commercial activities undertaken by the Commission in fiscal year 2005; to the Committee on Commerce, Science, and Transportation.

EC-241. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Criticality Control of Fuel Within Dry Storage Casks or Transportation Packages in a Spent Fuel Pool" (RIN3190-AH95) received on January 8, 2007; to the Committee on Environment and Public Works.

EC-242. A communication from the Chairman, Medicare Payment Advisory Commission, transmitting, pursuant to law, a report relative to its study on the effect of certain rural hospital payment adjustments; to the Committee on Finance.

EC-243. 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 "Republication of Rev. Proc. 2006-6" (Rev. Proc. 2007-6) received on January 8, 2007; to the Committee on Finance.

EC-244. 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 "Republication of Rev. Proc. 2006-8" (Rev. Proc. 2007-8) received on January 8, 2007; to the Committee on Finance.

EC-245. 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 "Republication of Rev. Proc. 2006-5" (Rev. Proc. 2007-5) received on January 8, 2007; to the Committee on Finance.

EC-246. 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 "Republication of Rev. Proc. 2006-4" (Rev. Proc. 2007-4) received on January 8, 2007; to the Committee on Finance.

EC-247. 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 "Section 451—General Rule for Taxable Year of Inclusion" (Rev. Rul. 2007-1, 2007-3) received on January 8, 2007; to the Committee on Finance.

EC-248. 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 "Revisions to Rev. Proc. 2004-11" (Rev. Proc. 2007-16) received on January 3, 2007; to the Committee on Finance.

EC-249. 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 "CPI Adjustment for Section 1274A for 2007" (Rev. Proc. 2007-4) received on January 8, 2007; to the Committee on Finance.

EC-250. 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 "Field Directive on Application of IRC Section 118 to Partnerships" (UIL: 118.01-02) received on January 8, 2007; to the Committee on Finance.

EC-251. A communication from the Secretary, Railroad Retirement Board, transmitting, pursuant to law, a report relative to the Board's competitive sourcing activities during fiscal year 2006; to the Committee on Health, Education, Labor, and Pensions.

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, Ms. COLLINS, Mr. LAUTENBERG, and Ms. SNOWE):

S. 206. A bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions; to the Committee on Finance.

By Mr. COLEMAN:

S. 207. A bill to amend the Internal Revenue Code of 1986 to allow taxpayers to designate part or all of any income tax refund to support reservists and National Guard members; to the Committee on Finance.

By Mr. LEVIN:

S. 208. A bill for the relief of Luay Lufti Hadad; to the Committee on the Judiciary.

By Mr. LEVIN:

S. 209. A bill for the relief of Marcos Antonio Sanchez-Diaz; to the Committee on the Judiciary.

By Mr. LEVIN:

S. 210. A bill for the relief of Anton Dodaj, Gjyljana Dodaj, Franc Dodaj, and Kristjan Dodaj; to the Committee on the Judiciary.

By Mrs. CLINTON (for herself, Mrs.

DOLE, Mr. AKAKA, Mr. BAYH, Mr. NELSON of Florida, Mrs. BOXER, Mr. BURR, Ms. CANTWELL, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. HAGEL, Mr. HARKIN, Mr. INOUE, Mr. KERRY, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MENENDEZ, Mrs. MURRAY, Ms. MIKULSKI, Ms. SNOWE, Mr. VITTER, Mr. CASEY, Mr. BENNETT, and Ms. STABENOW):

S. 211. A bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services, volunteer services, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEVIN:

S. 212. A bill for the relief of Perlat Binaj, Almida Binaj, Erina Binaj, and Anxhela Binaj; to the Committee on the Judiciary.

By Mr. LEVIN:

S. 213. A bill for the relief of Mohamad Derani, Maha Felo Derani, and Tarek Derani; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself and Mr. LEAHY):

S. 214. A bill to amend chapter 35 of title 28, United States Code, to preserve the independence of United States attorneys; to the Committee on the Judiciary.

By Mr. DORGAN (for himself, Ms. SNOWE, Mr. KERRY, Mrs. BOXER, Mr. HARKIN, Mr. LEAHY, Mrs. CLINTON, Mr. OBAMA, and Mr. WYDEN):

S. 215. A bill to amend the Communications Act of 1934 to ensure net neutrality; to the Committee on Commerce, Science, and Transportation.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 216. A bill to provide for the exchange of certain Federal land in the Santa Fe National Forest and certain non-Federal land in the Pecos National Historical Park in the State of New Mexico; to the Committee on Energy and Natural Resources.

By Mr. COLEMAN:

S. 217. A bill to require the United States Trade Representative to initiate a section 301 investigation into abuses by the Australian Wheat Board with respect to the United Nations Oil-for-Food Programme, and for other purposes; to the Committee on Finance.

By Ms. SNOWE (for herself, Mrs. LINCOLN, Mr. OBAMA, and Mr. ROCKEFELLER):

S. 218. A bill to amend the Internal Revenue Code of 1986 to modify the income threshold used to calculate the refundable portion of the child tax credit; to the Committee on Finance.

By Mr. ENZI (for himself and Mr. THOMAS):

S. 219. A bill to designate the facility of the United States Postal Service located at 152 North 5th Street in Laramie, Wyoming, as the "Gale W. McGee Post Office"; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CRAIG:

S. 220. A bill to authorize early repayment of obligations to the Bureau of Reclamation within the A & B Irrigation District in the State of Idaho; to the Committee on Energy and Natural Resources.

By Mr. GRASSLEY (for himself, Mr. FEINGOLD, Mr. KOHL, Mr. HARKIN, Mr. HAGEL, and Mr. LEAHY):

S. 221. A bill to amend title 9, United States Code, to provide for greater fairness in the arbitration process relating to livestock and poultry contracts; to the Committee on the Judiciary.

By Mr. GRAHAM (for himself, Mrs. DOLE, Mr. ISAKSON, and Mr. SESSIONS):

S. 222. A bill to amend the Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2006 to extend the date for the President to determine if Haiti meets certain requirements, and for other purposes; to the Committee on Finance.

By Mr. FEINGOLD (for himself, Mr.

COCHRAN, Mr. MCCAIN, Mr. DURBIN, Mr. ALLARD, Mr. LUGAR, Ms. LANDRIEU, Mr. LIEBERMAN, Mr. GRASSLEY, Mrs. HUTCHISON, Mr. LEVIN, Ms. MURKOWSKI, Mr. CORNYN, Mr. GRAHAM, Mr. KERRY, Mr. SALAZAR, Mr. OBAMA, Mr. DORGAN, Mr. WYDEN, Mr. ROCKEFELLER, Mrs. BOXER, Mr. REED, and Mrs. FEINSTEIN):

S. 223. A bill to require Senate candidates to file designations, statements, and reports in electronic form; to the Committee on Rules and Administration.

By Mr. DODD (for himself and Mr. BINGAMAN):

S. 224. A bill to create or adopt, and implement, rigorous and voluntary American education content standards in mathematics and science covering kindergarten through

grade 12, to provide for the assessment of student proficiency benchmarked against such standards, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CRAIG (for himself and Mr. AKAKA):

S. 225. A bill to amend title 38, United States Code, to expand the number of individuals qualifying for retroactive benefits from traumatic injury protection coverage under Servicemembers' Group Life Insurance; to the Committee on Veterans' Affairs.

By Mr. GRASSLEY:

S. 226. A bill to direct the Inspector General of the Department of Justice to submit semi-annual reports regarding settlements relating to false claims and fraud against the Federal Government; to the Committee on Homeland Security and Governmental Affairs.

By Mr. ALLARD (for himself and Mr. SALAZAR):

S. 227. A bill to establish the Granada Relocation Center National Historic Site as an affiliated unit of the National Park System; to the Committee on Energy and Natural Resources.

By Mr. ROBERTS (for himself, Mr. STEVENS, and Mr. ALEXANDER):

S. 228. A bill to establish a small business child care grant program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 229. A bill to redesignate a Federal building in Albuquerque, New Mexico, as the "Raymond G. Murphy Department of Veterans Affairs Medical Center"; to the Committee on Veterans' Affairs.

By Mr. FEINGOLD (for himself, Mr. OBAMA, Mr. LIEBERMAN, and Mr. TESTER):

S. 230. A bill to provide greater transparency in the legislative process; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. FEINSTEIN (for herself, Mr. CHAMBLISS, Ms. MIKULSKI, Mr. CORNYN, Mr. OBAMA, Ms. SNOWE, Ms. STABENOW, Ms. COLLINS, Mr. KOHL, Mr. LEVIN, Mr. DURBIN, Mr. BAUCUS, Mr. BINGAMAN, Mr. KERRY, Mr. BIDEN, Mr. ROCKEFELLER, and Mr. SALAZAR):

S. 231. A bill to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012; to the Committee on the Judiciary.

By Mr. WYDEN:

S. 232. A bill to make permanent the authorization for watershed restoration and enhancement agreements; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY (for himself, Mr. LEAHY, Mrs. BOXER, Mr. SANDERS, Mr. HARKIN, and Mr. KERRY):

S. 233. A bill to prohibit the use of funds for an escalation of United States military forces in Iraq above the numbers existing as of January 9, 2007; to the Committee on Foreign Relations.

By Mr. KERRY:

S. 234. A bill to require the FCC to issue a final order regarding television white spaces; to the Committee on Commerce, Science, and Transportation.

ADDITIONAL COSPONSORS

S. 1

At the request of Mr. SALAZAR, his name was added as a cosponsor of S. 1, a bill to provide greater transparency in the legislative process.

S. 5

At the request of Mr. REID, the name of the Senator from Maryland (Mr.

CARDIN) 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. 80

At the request of Mr. STEVENS, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 80, a bill to amend title 5, United States Code, to provide for 8 weeks of paid leave for Federal employees giving birth and for other purposes.

S. 85

At the request of Mr. MCCAIN, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from California (Mrs. BOXER) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 85, 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.

S. 95

At the request of Mr. KERRY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 95, a bill to amend titles XIX and XXI of the Social Security Act to ensure that every uninsured child in America has health insurance coverage, and for other purposes.

S. 105

At the request of Mr. VITTER, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 105, a bill to prohibit the spouse of a Member of Congress previously employed as a lobbyist from lobbying the Member after the Member is elected.

S. 113

At the request of Mr. INHOFE, the names of the Senator from Maine (Ms. COLLINS), the Senator from New Mexico (Mr. DOMENICI), the Senator from Utah (Mr. BENNETT), the Senator from Kentucky (Mr. BUNNING), the Senator from Louisiana (Mr. VITTER), the Senator from Wyoming (Mr. ENZI) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 113, a bill to make appropriations for military construction and family housing projects for the Department of Defense for fiscal year 2007.

S. 138

At the request of Mr. SCHUMER, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 138, a bill to amend the Internal Revenue Code of 1986 to apply the joint return limitation for capital gains exclusion to certain post-marriage sales of principal residences by surviving spouses.

S. 143

At the request of Ms. CANTWELL, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 143, a bill to amend the Internal Revenue Code of 1986 to make permanent the deduction of State and local general sales taxes.

S. 147

At the request of Mrs. BOXER, the name of the Senator from Maryland

(Ms. MIKULSKI) was added as a cosponsor of S. 147, a bill to empower women in Afghanistan, and for other purposes.

S. 184

At the request of Mr. INOUE, the names of the Senator from Illinois (Mr. DURBIN), the Senator from North Dakota (Mr. DORGAN), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 184, a bill to provide improved rail and surface transportation security.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself, Ms. COLLINS, Mr. LAUTENBERG, and Ms. SNOWE):

S. 206. A bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions; to the Committee on Finance.

Mrs. FEINSTEIN. Mr. President, I rise today with my colleague, Senator COLLINS, to introduce legislation that protects the retirement benefits earned by public employees and eliminates barriers which discourage many Americans from pursuing careers in public service. This bill will repeal two provisions of the Social Security Act—the Government Pension Offset and Windfall Elimination Provision—which unfairly reduce the retirement benefits earned by public employees such as teachers, police officers, and firefighters.

The Government Pension Offset reduces a public employee's Social Security spousal or survivor benefits by an amount equal to two-thirds of his or her public pension.

Take the case of a widowed, retired police officer who receives a public pension of \$600 per month. His job in the local police department was not covered by Social Security, yet his wife's private-sector employment was. An amount equal to two-thirds of his public pension, or \$400 each month, would be cut from his Social Security survivor benefits. If this individual is eligible for \$500 in survivor benefits, the Government Pension Offset provision would reduce his monthly benefits to \$100.

In most cases, the Government Pension Offset eliminates the spousal benefit for which an individual qualifies. In fact, 9 out of 10 public employees affected by the Government Pension Offset lose their entire spousal benefit, even though their spouse paid Social Security taxes for many years.

The Windfall Elimination Provision reduces Social Security benefits by up to 50 percent for retirees who have paid into Social Security and also receive a public pension, such as from a teacher retirement fund.

While the reforms that led to the creation of the Government Pension Offset and Windfall Elimination Provision were meant to prevent public employees from being unduly enriched, the

practical effect is that those providing critical public services are unjustly penalized.

According to the Congressional Budget Office, the Government Pension Offset provision alone reduces earned benefits for more than 300,000 Americans each year, by upwards of \$3,600. In some cases, for those living on fixed incomes, this represents the difference between a comfortable retirement and poverty.

Nearly one million Federal, State, and municipal workers, as well as teachers and other school district employees, are unfairly held to a different standard when it comes to retirement benefits.

Private-sector retirees receive monthly Social Security checks equal to 90 percent of their first \$656 in average monthly career earnings. However, under the Windfall Elimination Provision, retired public employees are only allowed to receive 40 percent of the first \$656 in career monthly earnings, a penalty of over \$300 per month.

This unfair reduction in retirement benefits is inequitable. The Social Security Fairness Act will allow government pensioners the chance to receive the same 90 percent of their benefits to which nongovernment pension recipients are entitled.

We must do more to encourage people to pursue careers in public service. Unfortunately, the Government Pension Offset and Windfall Elimination Provision make it more difficult to recruit teachers, police officers, and fire fighters; and, it does so at a time when we should be doing everything we can to recruit the best and brightest to these careers.

California's police force needs to add more than 10,000 new officers by 2014—a growth of nearly 15 percent—while hiring more than 15,000 additional officers to replace those who leave the force.

It is estimated that public schools will need to hire between 2.2 million and 2.7 million new teachers nationwide by 2009 because of record enrollments. The projected retirements of thousands of veteran teachers and critical efforts to reduce class sizes also necessitate hiring additional teachers.

California currently has more than 300,000 teachers but will need to double this number by 2010, to 600,000 teachers, in order to keep up with student enrollment levels.

Most importantly, the Government Pension Offset and Windfall Elimination Provision hinder efforts to recruit new math and science teachers from the private sector. As our world becomes increasingly interconnected, it is imperative that our school children receive the finest math and science education to ensure our Nation's future competitiveness in the global economy.

It is counterintuitive that on the one-hand, policymakers seek to encourage people to change careers and enter the teaching profession, while on

the other hand, those wishing to do so are discouraged because they are clearly told that their Social Security retirement benefits will be significantly reduced.

Now that we are witnessing the practical effects of these 20 year old provisions, I hope that Congress will pass legislation to address the unfair reduction of benefits that essentially sends the message that if you do enter public service, your family will suffer and will be unable to receive the full retirement benefits to which they would otherwise be entitled.

I understand that we are facing deficits and repealing the Government Pension Offset and Windfall Elimination Provision will be costly.

I am open to considering all options that move us toward our goal of removing this inequity by allowing individuals to keep the Social Security benefits to which they are entitled while promoting public sector employment.

We should respect, not penalize, our public service employees. I hope that my colleagues will join me in sending this long overdue message to our Nation's public servants, that we value their contributions and support giving all Americans the retirement benefits they have earned and deserve.

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. 206

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 “Social Security Fairness Act of 2007”.

SEC. 2. REPEAL OF GOVERNMENT PENSION OFFSET PROVISION.

(a) IN GENERAL.—Section 202(k) of the Social Security Act (42 U.S.C. 402(k)) is amended by striking paragraph (5).

(b) CONFORMING AMENDMENTS.—

(1) Section 202(b)(2) of the Social Security Act (42 U.S.C. 402(b)(2)) is amended by striking “subsections (k)(5) and (q)” and inserting “subsection (q)”.

(2) Section 202(c)(2) of such Act (42 U.S.C. 402(c)(2)) is amended by striking “subsections (k)(5) and (q)” and inserting “subsection (q)”.

(3) Section 202(e)(2)(A) of such Act (42 U.S.C. 402(e)(2)(A)) is amended by striking “subsections (k)(5), subsection (q),” and inserting “subsection (q)”.

(4) Section 202(f)(2)(A) of such Act (42 U.S.C. 402(f)(2)(A)) is amended by striking “subsections (k)(5), subsection (q)” and inserting “subsection (q)”.

SEC. 3. REPEAL OF WINDFALL ELIMINATION PROVISIONS.

(a) IN GENERAL.—Section 215 of the Social Security Act (42 U.S.C. 415) is amended—

(1) in subsection (a), by striking paragraph (7);

(2) in subsection (d), by striking paragraph (3); and

(3) in subsection (f), by striking paragraph (9).

(b) CONFORMING AMENDMENTS.—Subsections (e)(2) and (f)(2) of section 202 of such Act (42 U.S.C. 402) are each amended by striking “section 215(f)(5), 215(f)(6), or

215(f)(9)(B)” in subparagraphs (C) and (D)(i) and inserting “paragraph (5) or (6) of section 215(f)”.

SEC. 4. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to monthly insurance benefits payable under title II of the Social Security Act for months after December 2007. Notwithstanding section 215(f) of the Social Security Act, the Commissioner of Social Security shall adjust primary insurance amounts to the extent necessary to take into account the amendments made by section 3.

Ms. COLLINS. Mr. President, I am pleased to join with my colleague from California, Senator FEINSTEIN, in introducing the Social Security Fairness Act. This bill repeals two provisions of current law—the windfall elimination provision (WEP) and the government pension offset (GPO) that unfairly reduce earned Social Security benefits for many public employees when they retire.

Individuals affected by both the GPO and the WEP are those who are eligible for Federal, State or local pensions from work that was not covered by Social Security, but who also qualify for Social Security benefits based on their own work in covered employment or that of their spouses. While the two provisions were intended to equalize Social Security's treatment of workers, we are concerned that they unfairly penalize individuals for holding jobs in public service when the time comes for them to retire.

These two provisions have enormous financial implications not just for Federal employees, but for our teachers, police officers, firefighters and other public employees as well. Given their important responsibilities, it is unfair to penalize them when it comes to their Social Security benefits. These public servants—or their spouses—have all paid taxes into the Social Security system. So have their employers. Yet, because of these two provisions, they are unable to collect all of the Social Security benefits to which they otherwise would be entitled.

While the GPO and WEP affect public employees and retirees in virtually every State, their impact is most acute in 15 States, including Maine. Nationwide, more than one-third of teachers and education employees, and more than one-fifth of other public employees, are affected by the GPO and/or the WEP.

Almost one million retired government workers across the country have already been adversely affected by these provisions. Many more stand to be affected by them in the future. Moreover, at a time when we should be doing all that we can to attract qualified people to public service, this reduction in Social Security benefits makes it even more difficult for our Federal, State and local governments to recruit and retain the teachers, police officers, firefighters and other public servants who are so critical to the safety and well-being of our families.

The Social Security windfall elimination provision reduces Social Security benefits for retirees who paid into Social Security and who receive a government pension from work not covered under Social Security, such as pensions from the Maine State Retirement Fund. While private sector retirees receive Social Security checks based on 90 percent of their first \$656 average monthly career earnings, government pensioners checks are based on 40 percent—a harsh penalty of more than \$300 per month.

The government pension offset reduces an individual's survivor benefit under Social Security by two-thirds of the amount of his or her public pension. It is estimated that 9 out of 10 public employees affected by the GPO lose their entire spousal benefit, even though their deceased spouses paid Social Security taxes for many years.

What is most troubling is that this offset is most harsh for those who can least afford the loss—lower-income women. In fact, of those affected by the GPO, 73 percent are women. According to the Congressional Budget Office, the GPO reduces benefits for more than 200,000 of these individuals by more than \$3,600 a year—an amount that can make the difference between a comfortable retirement and poverty.

Our teachers and other public employees face difficult enough challenges in their day-to-day work. Individuals who have devoted their lives to public service should not have the added burden of worrying about their retirement. Many Maine teachers, in particular, have talked with me about this issue. They love their jobs and the children they teach, but they worry about the future and about their financial security in retirement.

I hear a lot about this issue in my constituent mail, as well. Patricia Dupont, for example, of Orland, ME, wrote that, because she taught for 15 years under Social Security in New Hampshire, she is living on a retirement income of less than \$13,000 after 45 years in education. Since she also lost survivors' benefits from her husband's Social Security, she calculates that a repeal of the WEP and the GPO would double her current retirement income.

These provisions also penalize private sector employees who leave their jobs to become public school teachers. Ruth Wilson, a teacher from Otisfield, ME, wrote:

"I entered the teaching profession two years ago, partly in response to the nationwide pleas for educators. As the current pool of educators near retirement in the next few years, our schools face a crisis. Low wages and long hard hours are not great selling points to young students when selecting a career.

I love teaching and only regretted my decision when I found out about the penalties I will unfairly suffer. In my former life as a well-paid systems manager at State Street Bank in Boston, I contributed the maximum to Social Security each year. When I decided to become an educator, I figured that because of my many years of maximum Social Security contributions, I would still have a

livable retirement 'wage.' I was unaware that I would be penalized as an educator in your State."

In September of 2003, I chaired a Governmental Affairs Committee hearing to examine the effect that the GPO and the WEP have had on public employees and retirees. We heard compelling testimony from Julia Worcester of Columbia, ME—who was then 73. Mrs. Worcester told the Committee about her work in both Social Security-covered employment and as a Maine teacher, and about the effect that the GPO and WEP have had on her income in retirement. Mrs. Worcester worked for more than 20 years as a waitress and in factory jobs before deciding, at the age of 49, to go back to school to pursue her life-long dream of becoming a teacher. She began teaching at the age of 52 and taught full-time for 15 years before retiring at the age of 68. Since she was only in the Maine State Retirement System for 15 years, Mrs. Worcester does not receive a full State pension. Yet she is still subject to the full penalties under the GPO and WEP. As a consequence, she receives just \$171 a month in Social Security benefits, even though she worked hard and paid into the Social Security system for more than 20 years. After paying for her health insurance, she receives less than \$500 a month in total pension income.

After a lifetime of hard work, Mrs. Worcester, is still substitute teaching just to make ends meet. This simply is not fair. I am therefore pleased to join Senator FEINSTEIN in introducing this legislation to repeal these two unfair provisions, and I urge my colleagues to join us as cosponsors.

By Mr. COLEMAN:

S. 207. A bill to amend the Internal Revenue Code of 1986 to allow taxpayers to designate part or all of any income tax refund to support reservists and National Guard members; to the Committee on Finance.

Mr. COLEMAN. Mr. President, I rise today to introduce legislation to assist the families of our reservists and National Guard members. With our reservists and National Guard members bravely answering our country's call to service, we must do all we can to meet the calls of help from those families left behind who are struggling financially as a result of their loved ones' wartime service.

All too often, the families of reservists and National Guard members must contend not only with the physical absence of a loved one but also with the loss of income that makes paying house, car, medical and other bills too great of a burden to bear without help. According to the latest available statistics, some 55 percent of married Guard members and reservists have experienced a loss in income, with nearly 50 percent experiencing a loss of \$1,000 in pay per month and 15 percent experiencing a loss of \$30,000 or more in pay a year. With our Guard and reservists

putting their lives on the line, they should not also have to put their families' financial lives on the line due to their service.

In an effort to provide relief to these families, I am introducing today the Voluntary Support for Reservists and National Guard Members Act that would bolster the financial assistance available to these families. More specifically, the Voluntary Support for Reservists and National Guard Members Act would provide taxpayers the option of contributing part of their tax refund to the Reserve Income Replacement Program which provides financial assistance to those families who have experienced an income loss due to a call-up to active duty. In 2005, the IRS issued 106 million refunds that totaled \$227 billion with the average refund coming in at \$2,141.36. Even a small percentage of this amount could make a significant difference in the lives of these reservist and National Guard families.

While we can do little to ease the emotional burden experienced by families regarding the service of their loved ones, we can at least try to give them some peace of mind when it comes to their day-to-day finances. These families already have made a great sacrifice to the nation, and they should not also have to sacrifice their financial well-being due to their loved ones' service. Beyond our gratitude, care packages and gifts, we can thank our troops for their service by helping to meet the everyday needs of their families who are facing financial hardships. My bill would provide Americans a convenient way to thank our troops by contributing a portion of their tax refunds to give much-needed help to the loved ones of our reservists and National Guard members.

I ask unanimous consent that my legislation, the Voluntary Support for Reservists and National Guard Members Act, and the accompanying remarks 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. 207

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 "Voluntary Support for Reservists and National Guard Members Act".

SEC. 2. DESIGNATION OF OVERPAYMENTS TO SUPPORT RESERVISTS AND NATIONAL GUARD MEMBERS.

(a) DESIGNATION.—Subchapter A of chapter 61 of the Internal Revenue Code of 1986 is amended by adding at the end the following new part:

"PART IX—DESIGNATION OF OVERPAYMENTS TO RESERVE INCOME REPLACEMENT PROGRAM

"Sec. 6097. Designation

"SEC. 6097. DESIGNATION.

"(a) IN GENERAL.—In the case of an individual, with respect to each taxpayer's return for the taxable year of the tax imposed by chapter 1, such taxpayer may designate

that a specified portion (not less than \$1) of any overpayment of tax for such taxable year be paid over to the Reserve Income Replacement Program (RIRP) under section 910 of title 37, United States Code.

“(b) MANNER AND TIME OF DESIGNATION.—A designation under subsection (a) may be made with respect to any taxable year only at the time of filing the return of the tax imposed by chapter 1 for such taxable year. Such designation shall be made in such manner as the Secretary prescribes by regulations except that such designation shall be made either on the first page of the return or on the page bearing the taxpayer's signature.

“(c) OVERPAYMENTS TREATED AS REFUNDED.—For purposes of this title, any portion of an overpayment of tax designated under subsection (a) shall be treated as—

“(1) being refunded to the taxpayer as of the last date prescribed for filing the return of tax imposed by chapter 1 (determined without regard to extensions) or, if later, the date the return is filed, and

“(2) a contribution made by such taxpayer on such date to the United States.”.

(b) TRANSFERS TO RESERVE INCOME REPLACEMENT PROGRAM.—The Secretary of the Treasury shall, from time to time, transfer to the Reserve Income Replacement Program (RIRP) under section 910 of title 37, United States Code, the amounts designated under section 6097 of the Internal Revenue Code of 1986, under regulations jointly prescribed by the Secretary of the Treasury and the Secretary of Defense.

(c) CLERICAL AMENDMENT.—The table of parts for subchapter A of chapter 61 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“PART IX. DESIGNATION OF OVERPAYMENTS TO RESERVE INCOME REPLACEMENT PROGRAM”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

By Mrs. CLINTON (for herself, Mrs. DOLE, Mr. AKAKA, Mr. BAYH, Mr. NELSON of Florida, Mrs. BOXER, Mr. BURR, Ms. CANTWELL, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. HAGEL, Mr. HARKIN, Mr. INOUE, Mr. KERRY, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MENENDEZ, Mrs. MURRAY, Ms. MIKULSKI, Ms. SNOWE, Mr. VITTER, Mr. CASEY, Mr. BENNETT, and Ms. STABENOW):

S. 211. A bill to facilitate nationwide availability of 2-2-1 telephone service for information and referral on human services, volunteer services, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, I rise today to introduce the Calling for 2-1-1 Act. I'm thrilled to be a part of the new Democratic Congress as we move to pass the kind of bipartisan legislation I'm talking about today—a bill that could make an invaluable difference in the lives of citizens in New York and the country.

I'd first like to thank my colleague Senator DOLE for joining me in this effort. Because of her long history with the Red Cross, the Senator understands the importance of 2-1-1, and I am so pleased to be working with her again in this new Congress to champion this important cause.

Every hour of every day, someone in the United States needs essential services—from finding an after-school program to securing adequate care for an aging parent. Faced with a dramatic increase in the number of agencies and help-lines, people often don't know where to turn. In many cases, people end up going without necessary services because they do not know where to start. The 2-1-1 system is a user-friendly social-services network, providing an easy-to-remember and universally available phone number that links individuals and families in need to the appropriate nonprofit and government agencies. 2-1-1 helps people find and give help by providing information on job training, schools, volunteer opportunities, elder care housing, and countless other community needs.

However, the importance of this system extends far beyond the day to day needs of our citizens. The need for effective communication was made crystal clear in the immediate aftermath of the devastation of September 11, when most people did not know where to turn for information about their loved ones. Fortunately for those who knew about it, 2-1-1 was already operating in Connecticut, and it was critical in helping identify the whereabouts of victims, connecting frightened children with their parents, providing information on terrorist suspects, and linking ready volunteers with coordinated efforts and victims with necessary mental and physical health services. 2-1-1 provided locations of vigils and support groups, and information on bioterrorism for those concerned about future attacks.

As time went by, many people needed help getting back on their feet. More than 100,000 people lost their jobs. Close to 2,000 families applied for housing assistance because they couldn't pay their rent or mortgage. 90,000 people developed symptoms of post-traumatic stress disorder or clinical depression within eight weeks of the attacks. Another 34,000 people met the criteria for both diagnoses. And 2-1-1 was there to help.

The needs were great and the people of America rose to the challenge. But our infrastructure struggled to keep up with this outpouring of support. In fact, a Brookings Institution and Urban Institute study of the aftermath of September 11 found that many displaced workers struggled to obtain available assistance. The devastation of natural disasters Hurricanes Katrina and Rita further demonstrated the need to connect people to services quickly in a time of crisis. That's what 2-1-1 is all about: providing a single, efficient, coordinated way for people who need help to connect with those who can provide it.

There is broad, bi-partisan support for this legislation—because the need for it has been proven. Unfortunately, in many States, limited resources have slowed the process of connecting communities with this vital service. With-

out adequate Federal support, 2-1-1 will not reach a nationwide population for decades. The University of Texas developed a national cost-benefit analysis that found there would be a savings to society of nearly \$1.1 billion over ten years if 2-1-1 were operational nationwide. The Federal Government, States, counties, businesses and citizens all stand to benefit from a nationwide 2-1-1 service.

As this new Congress moves in a positive direction for America, we must enact legislation that best protects and prepares ourselves for the future. All fifty States deserve to be equipped with the proper communication to respond effectively in an emergency situation.

Every single American should have a number they can call to cut through the chaos of an emergency. That number is 2-1-1. It's time to make our citizens and our country safer by making this resource available nationwide.

By Mr. DORGAN (for himself, Ms. SNOWE, Mr. KERRY, Mrs. BOXER, Mr. HARKIN, Mr. LEAHY, Mrs. CLINTON, Mr. OBAMA, and Mr. WYDEN):

S. 215 A bill to amend the communications act of 1934 to ensure net neutrality: to the Committee on Commerce, Science, and Transportation.

Mr. DORGAN. Mr. President, the issue of Internet freedom, which is also known as net neutrality, is one that is very important to me. I have long fought in Congress against media concentration, to prevent the consolidation of control over what Americans see, read and hear in the media. Americans have recognized how important this issue is and millions spoke out when the FCC sought to loosen the ownership rules to allow for more consolidation.

But now, Americans face an equally great threat to the democratic vehicle of the Internet. The Internet, which we have always taken for granted as an open and free engine for economic and creative growth, is now also at risk, and this must also become a front burner issue for consumers and businesses.

The Internet became a robust engine of economic development by enabling anyone with a good idea to connect to consumers and compete on a level playing field for consumers' business. The marketplace picked winners and losers, and not some central gatekeeper. Our economy, small businesses and consumers benefited tremendously from that dynamic marketplace.

But now we face a situation where the FCC has removed nondiscrimination rules that applied to Internet providers for years, and that enabled the Internet to flourish, and consumers and innovation to thrive.

The FCC removed these rules, and broadband operators soon thereafter announced their interest in acting in discriminatory ways, planning to create tiers on the Internet that could restrict content providers' access to the

Internet unless they pay extra for faster speeds or better service. Under their plan, the Internet would become a new world where those content providers who can afford to pay special fees would have better access to consumers.

On November 7, 2005 then-SBC, now AT&T, CEO Ed Whitacre was quoted in *Business Week* as saying: "They don't have any fiber out there. They don't have any wires. They don't have anything . . . They use my lines for free—and that's bull. For a Google or a Yahoo! or a Vonage or anybody to expect to use these pipes for free is nuts!"

In another article a senior executive from Verizon was quoted as saying: "(Google) is enjoying a free lunch that should, by any rational account, be the lunch of the facilities providers."

Now perhaps if we had a competitive broadband market we would not need to be concerned about the discriminatory intentions of some providers. In a market with many competitors, there is a reasonable chance that market forces would discipline bad behavior.

But this is not the case today: FCC statistics on broadband show that the local cable and telephone companies have a 98 percent share of the national broadband residential access market.

For those that say, the market will take care of competition, and ensure that those that own the broadband networks won't discriminate, that cannot be so when at best consumers have a choice of two providers.

Furthermore, these broadband operators have their own content and services, video, VOIP, media content. They have an incentive to favor their own services and to act in an anti-competitive fashion. Last year Cablevision's Tom Rutledge talking about Vonage made the following statement: "So, anyone who buys Vonage on our network using our data service doesn't really know what they are doing . . . Our service is better, its quality of service. We actually prioritize the bits so that the voice product is a better product."

With these developments, consumers' ability to use content, services and applications could now be subject to decisions made by their broadband providers. The broadband operator will become a gatekeeper, capable of deciding who can get through to a consumer, who can get special deals, faster speeds, better access to the consumer.

This fundamentally changes the way the Internet has operated and threaten to derail the democratic nature of the Internet. American consumers and businesses will be worse off for it.

It is for this reason that Senator SNOWE and I are reintroducing the Internet Freedom Preservation Act, with the support of Internet businesses large and small, consumer groups, labor and education groups, religious organizations, and many others.

Last year we faced an uphill battle: broadband providers were spending millions of dollars on print and television advertisements and efforts to convince

lawmakers to let them act as gatekeepers on the Internet, removing the power from the consumers that drive Internet choice today.

We still face the vast resources of broadband operators that seek to authorize their ability to control content on the Internet. But more importantly on the side of our legislation we have the grass roots support for and the substantive merits of Internet freedom.

In addition, we have proof that it can be done—nondiscrimination rules and Internet freedom can co-exist with profitable business plans. Recently AT&T accepted as a condition of its merger with BellSouth a net neutrality provision written by the FCC. Wall Street immediately reported that it expected no impact on AT&T's bottom line by the acceptance of these conditions, and AT&T is forging ahead, while at the same time having committed to protecting Internet freedom.

It is clear that an open and neutral Internet can co-exist and thrive along with competitive and profitable business models.

But legislation is still critical. The merger conditions are an important step but are not enough. We must restore Internet freedom mandates to the entire broadband industry and make them permanent, ensuring that consumers can continue to receive the benefits of an open and vibrant Internet not only in the short term from AT&T, but from any broadband provider in the longer term.

Today we introduce the Internet Freedom Preservation Act to ensure that the Internet remains a platform that spawns innovation and economic development for generations to come. We look forward to working with our colleagues in Congress to enact these important measures into law.

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. 215

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 "Internet Freedom Preservation Act".

SEC. 2. INTERNET NEUTRALITY.

Title I of the Communications Act of 1934 (47 U.S.C. 151 et seq.) is amended by adding at the end the following:

"SEC. 12. INTERNET NEUTRALITY.

"(a) DUTY OF BROADBAND SERVICE PROVIDERS.—With respect to any broadband service offered to the public, each broadband service provider shall—

"(1) not block, interfere with, discriminate against, impair, or degrade the ability of any person to use a broadband service to access, use, send, post, receive, or offer any lawful content, application, or service made available via the Internet;

"(2) not prevent or obstruct a user from attaching or using any device to the network of such broadband service provider, only if such device does not physically damage or substantially degrade the use of such network by other subscribers;

"(3) provide and make available to each user information about such user's access to the Internet, and the speed, nature, and limitations of such user's broadband service;

"(4) enable any content, application, or service made available via the Internet to be offered, provided, or posted on a basis that—

"(A) is reasonable and nondiscriminatory, including with respect to quality of service, access, speed, and bandwidth;

"(B) is at least equivalent to the access, speed, quality of service, and bandwidth that such broadband service provider offers to affiliated content, applications, or services made available via the public Internet into the network of such broadband service provider; and

"(C) does not impose a charge on the basis of the type of content, applications, or services made available via the Internet into the network of such broadband service provider;

"(5) only prioritize content, applications, or services accessed by a user that is made available via the Internet within the network of such broadband service provider based on the type of content, applications, or services and the level of service purchased by the user, without charge for such prioritization; and

"(6) not install or utilize network features, functions, or capabilities that impede or hinder compliance with this section.

"(b) CERTAIN MANAGEMENT AND BUSINESS-RELATED PRACTICES.—Nothing in this section shall be construed to prohibit a broadband service provider from engaging in any activity, provided that such activity is not inconsistent with the requirements of subsection (a), including—

"(1) protecting the security of a user's computer on the network of such broadband service provider, or managing such network in a manner that does not distinguish based on the source or ownership of content, application, or service;

"(2) offering directly to each user broadband service that does not distinguish based on the source or ownership of content, application, or service, at different prices based on defined levels of bandwidth or the actual quantity of data flow over a user's connection;

"(3) offering consumer protection services (including parental controls for indecency or unwanted content, software for the prevention of unsolicited commercial electronic messages, or other similar capabilities), if each user is provided clear and accurate advance notice of the ability of such user to refuse or disable individually provided consumer protection capabilities;

"(4) handling breaches of the terms of service offered by such broadband service provider by a subscriber, provided that such terms of service are not inconsistent with the requirements of subsection (a); or

"(5) where otherwise required by law, to prevent any violation of Federal or State law.

"(c) EXCEPTION.—Nothing in this section shall apply to any service regulated under title VI, regardless of the physical transmission facilities used to provide or transmit such service.

"(d) STAND-ALONE BROADBAND SERVICE.—A broadband service provider shall not require a subscriber, as a condition on the purchase of any broadband service offered by such broadband service provider, to purchase any cable service, telecommunications service, or IP-enabled voice service.

"(e) IMPLEMENTATION.—Not later than 180 days after the date of enactment of the Internet Freedom Preservation Act, the Commission shall prescribe rules to implement this section that—

“(1) permit any aggrieved person to file a complaint with the Commission concerning any violation of this section; and

“(2) establish enforcement and expedited adjudicatory review procedures consistent with the objectives of this section, including the resolution of any complaint described in paragraph (1) not later than 90 days after such complaint was filed, except for good cause shown.

“(f) ENFORCEMENT.—

“(1) IN GENERAL.—The Commission shall enforce compliance with this section under title V, except that—

“(A) no forfeiture liability shall be determined under section 503(b) against any person unless such person receives the notice required by section 503(b)(3) or section 503(b)(4); and

“(B) the provisions of section 503(b)(5) shall not apply.

“(2) SPECIAL ORDERS.—In addition to any other remedy provided under this Act, the Commission may issue any appropriate order, including an order directing a broadband service provider—

“(A) to pay damages to a complaining party for a violation of this section or the regulations hereunder; or

“(B) to enforce the provisions of this section.

“(g) DEFINITIONS.—In this section, the following definitions shall apply:

“(1) AFFILIATED.—The term ‘affiliated’ includes—

“(A) a person that (directly or indirectly) owns or controls, is owned or controlled by, or is under common ownership or control with, another person; or

“(B) a person that has a contract or other arrangement with a content, applications, or service provider relating to access to or distribution of such content, applications, or service.

“(2) BROADBAND SERVICE.—The term ‘broadband service’ means a 2-way transmission that—

“(A) connects to the Internet regardless of the physical transmission facilities used; and

“(B) transmits information at an average rate of at least 200 kilobits per second in at least 1 direction.

“(3) BROADBAND SERVICE PROVIDER.—The term ‘broadband service provider’ means a person or entity that controls, operates, or resells and controls any facility used to provide broadband service to the public, whether provided for a fee or for free.

“(4) IP-ENABLED VOICE SERVICE.—The term ‘IP-enabled voice service’ means the provision of real-time 2-way voice communications offered to the public, or such classes of users as to be effectively available to the public, transmitted through customer premises equipment using TCP/IP protocol, or a successor protocol, for a fee (whether part of a bundle of services or separately) with interconnection capability such that service can originate traffic to, and terminate traffic from, the public switched telephone network

“(5) USER.—The term ‘user’ means any residential or business subscriber who, by way of a broadband service, takes and utilizes Internet services, whether provided for a fee, in exchange for an explicit benefit, or for free.”

SEC. 3. REPORT ON DELIVERY OF CONTENT, APPLICATIONS, AND SERVICES.

Not later than 270 days after the date of enactment of this Act, and annually thereafter, the Federal Communications Commission shall transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives on the—

(1) ability of providers of content, applications, or services to transmit and send such information into and over broadband networks;

(2) ability of competing providers of transmission capability to transmit and send such information into and over broadband networks;

(3) price, terms, and conditions for transmitting and sending such information into and over broadband networks;

(4) number of entities that transmit and send information into and over broadband networks; and

(5) state of competition among those entities that transmit and send information into and over broadband networks.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 216. A bill to provide for the exchange of certain Federal land in the Santa Fe National Forest and certain non-Federal land in the Pecos National Historical Park in the State of New Mexico; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, today, I am introducing along with Mr. DOMENICI the “Pecos National Historical Park Land Exchange Act of 2007”. This bill will authorize a land exchange between the Federal Government and a private landowner that will benefit the Pecos National Historical Park in my State of New Mexico.

Specifically, the bill will enable the Park Service to acquire a private inholding within the Park’s boundaries in exchange for the transfer of a nearby tract of National Forest System land. The National Forest parcel has been identified as available for exchange in the Santa Fe National Forest Land and Resource Management Plan and is surrounded by private lands on three sides.

The Pecos National Historical Park possesses exceptional historic and archaeological resources. The Park preserves the ruins of the great Pecos pueblo, which was a major trade center, and the ruins of two Spanish colonial missions dating from the 17th and 18th centuries.

The Glorieta unit of the park protects key sites associated with the 1862 Civil War Battle of Glorieta Pass, a significant event that ended the Confederate attempt to expand the war into the West. This unit will directly benefit from the land exchange.

Similar bills passed the Senate in the 106th, 108th, and 109th Congresses, and I hope it finally will be enacted this Congress.

I ask unanimous consent that the full text of the bill I have introduced today 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. 216

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 “Pecos National Historical Park Land Exchange Act of 2007”.

SEC. 2. DEFINITIONS.

In this Act:

(1) FEDERAL LAND.—The term “Federal land” means the approximately 160 acres of Federal land within the Santa Fe National Forest in the State, as depicted on the map.

(2) LANDOWNER.—The term “landowner” means the 1 or more owners of the non-Federal land.

(3) MAP.—The term “map” means the map entitled “Proposed Land Exchange for Pecos National Historical Park”, numbered 430/80,054, dated November 19, 1999, and revised September 18, 2000.

(4) NON-FEDERAL LAND.—The term “non-Federal land” means the approximately 154 acres of non-Federal land in the Park, as depicted on the map.

(5) PARK.—The term “Park” means the Pecos National Historical Park in the State.

(6) SECRETARIES.—The term “Secretaries” means the Secretary of the Interior and the Secretary of Agriculture, acting jointly.

(7) STATE.—The term “State” means the State of New Mexico.

SEC. 3. LAND EXCHANGE.

(a) IN GENERAL.—On conveyance by the landowner to the Secretary of the Interior of the non-Federal land, title to which is acceptable to the Secretary of the Interior—

(1) the Secretary of Agriculture shall, subject to the conditions of this Act, convey to the landowner the Federal land; and

(2) the Secretary of the Interior shall, subject to the conditions of this Act, grant to the landowner the easement described in subsection (b).

(b) EASEMENT.—

(1) IN GENERAL.—The easement referred to in subsection (a)(2) is an easement (including an easement for service access) for water pipelines to 2 well sites located in the Park, as generally depicted on the map.

(2) ROUTE.—The Secretary of the Interior, in consultation with the landowner, shall determine the appropriate route of the easement through the Park.

(3) TERMS AND CONDITIONS.—The easement shall include such terms and conditions relating to the use of, and access to, the well sites and pipeline, as the Secretary of the Interior, in consultation with the landowner, determines to be appropriate.

(4) APPLICABLE LAW.—The easement shall be established, operated, and maintained in compliance with applicable Federal law.

(c) VALUATION, APPRAISALS, AND EQUALIZATION.—

(1) IN GENERAL.—The value of the Federal land and non-Federal land—

(A) shall be equal, as determined by appraisals conducted in accordance with paragraph (2); or

(B) if the value is not equal, shall be equalized in accordance with paragraph (3).

(2) APPRAISALS.—

(A) IN GENERAL.—The Federal land and non-Federal land shall be appraised by an independent appraiser selected by the Secretaries.

(B) REQUIREMENTS.—An appraisal conducted under subparagraph (A) shall be conducted in accordance with—

(i) the Uniform Appraisal Standards for Federal Land Acquisition; and

(ii) the Uniform Standards of Professional Appraisal Practice.

(C) APPROVAL.—The appraisals conducted under this paragraph shall be submitted to the Secretaries for approval.

(3) EQUALIZATION OF VALUES.—

(A) IN GENERAL.—If the values of the non-Federal land and the Federal land are not equal, the values may be equalized by—

(i) the Secretary of the Interior making a cash equalization payment to the landowner;

(ii) the landowner making a cash equalization payment to the Secretary of Agriculture; or

(iii) reducing the acreage of the non-Federal land or the Federal land, as appropriate.

(B) CASH EQUALIZATION PAYMENTS.—Any amounts received by the Secretary of Agriculture as a cash equalization payment under section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)) shall—

(i) be deposited in the fund established by Public Law 90-171 (commonly known as the “Sisk Act”) (16 U.S.C. 484a); and

(ii) be available for expenditure, without further appropriation, for the acquisition of land and interests in land in the State.

(d) COSTS.—Before the completion of the exchange under this section, the Secretaries and the landowner shall enter into an agreement that allocates the costs of the exchange among the Secretaries and the landowner.

(e) APPLICABLE LAW.—Except as otherwise provided in this Act, the exchange of land and interests in land under this Act shall be in accordance with—

(1) section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716); and

(2) other applicable laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretaries may require, in addition to any requirements under this Act, such terms and conditions relating to the exchange of Federal land and non-Federal land and the granting of easements under this Act as the Secretaries determine to be appropriate to protect the interests of the United States.

(g) COMPLETION OF THE EXCHANGE.—

(1) IN GENERAL.—The exchange of Federal land and non-Federal land shall be completed not later than 180 days after the later of—

(A) the date on which the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) have been met;

(B) the date on which the Secretary of the Interior approves the appraisals under subsection (c)(2)(C); or

(C) the date on which the Secretaries and the landowner agree on the costs of the exchange and any other terms and conditions of the exchange under this section.

(2) NOTICE.—The Secretaries shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives notice of the completion of the exchange of Federal land and non-Federal land under this Act.

SEC. 4. ADMINISTRATION.

(a) IN GENERAL.—The Secretary of the Interior shall administer the non-Federal land acquired under this Act in accordance with the laws generally applicable to units of the National Park System, including the Act of August 25, 1916 (commonly known as the “National Park Service Organic Act”) (16 U.S.C. 1 et seq.).

(b) MAPS.—

(1) IN GENERAL.—The map shall be on file and available for public inspection in the appropriate offices of the Secretaries.

(2) TRANSMITTAL OF REVISED MAP TO CONGRESS.—Not later than 180 days after completion of the exchange, the Secretaries shall transmit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a revised map that depicts—

(A) the Federal land and non-Federal land exchanged under this Act; and

(B) the easement described in section 3(b).

By Mr. COLEMAN:

S. 217. A bill to require the United States Trade Representative to initiate a section 301 investigation into abuses by the Australian Wheat Board with respect to the United Nations Oil-for-Food Programme, and for other purposes; to the Committee on Finance.

Mr. COLEMAN. Mr. President, 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. 217

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 “Australian Wheat Board Accountability Act of 2007”.

SEC. 2. INVESTIGATION.

(a) IN GENERAL.—Notwithstanding any other provision of law, not later than 30 days after the date of the enactment of this Act, the United States Trade Representative shall initiate an investigation in accordance with title III of the Trade Act of 1974 (19 U.S.C. 2411 et seq.) to determine if actions by the Australian Wheat Board with respect to the Board’s abuse of the United Nations Oil-for-Food Programme constitutes an act, policy, or practice and justifies taking action described in section 301(a)(1) of such Act (19 U.S.C. 2411(a)(1)).

(b) ACT, POLICY, OR PRACTICE.—For purposes of this Act, any economic damage suffered by United States wheat farmers as a result of the practices of the Australian Wheat Board related to the United Nations Oil-for-Food Programme during the period 1999 to 2003 shall be deemed to be an act, policy, or practice under section 301(a)(1) of the Trade Act of 1974.

SEC. 3. ACTIONS.

(a) NEGOTIATED SETTLEMENT.—

(1) IN GENERAL.—If as a result of the investigation required by section 2 an affirmative determination is made that the actions of the Australian Wheat Board have resulted in barriers to United States wheat exports or meet the requirements for mandatory action described in section 301(a)(1) of the Trade Act of 1974 (19 U.S.C. 2411(a)(1)), the United States Trade Representative shall seek a negotiated settlement with the Government of Australia for compensation under section 301(c)(1)(D) of such Act (19 U.S.C. 2411(c)(1)(D)).

(2) AMOUNT OF COMPENSATION.—In seeking a settlement under paragraph (1), the Trade Representative shall seek compensation in an amount equal to the economic damages suffered by United States wheat farmers as a result of the actions of the Australian Wheat Board with respect to the Board’s abuse of the United Nations Oil-for-Food Programme.

(b) IMPOSITION OF DUTIES.—

(1) IN GENERAL.—If the United States Trade Representative fails to reach a settlement with the Government of Australia on or before the date that is 6 months after the date that the United States Trade Representative begins the negotiations described in subsection (a), the United States Trade Representative shall establish a retaliation list (as described in section 306(b)(2)(E) of the Trade Act of 1974; 19 U.S.C. 2416(b)(2)(E)) and shall impose a rate of duty of 100 percent ad valorem on articles on that list that are imported directly or indirectly from Australia. The duties shall be imposed in a manner consistent with section 301(a)(3) of the Trade Act of 1974 (19 U.S.C. 2411(a)(3)).

(2) DURATION OF ADDITIONAL DUTIES.—The duties imposed pursuant to paragraph (1)

shall remain in effect until the date that the United States Trade Representative certifies to Congress that the imposition of such duties is no longer appropriate because adequate compensation has been obtained and the Australian Wheat Board is no longer engaging in the acts, policies, or practices that were the basis for the imposition of the duties.

By Ms. SNOWE (for herself, Mrs. LINCOLN, Mr. OBAMA, and Mr. ROCKEFELLER):

S. 218. A bill to amend the Internal Revenue Code of 1986 to modify the income threshold used to calculate the refundable portion of the child tax credit; to the Committee on Finance.

Ms. SNOWE. Mr. President, today Congress is confronted with how to best provide tax relief to American families earning slightly more than the minimum wage. We can do that by expanding the availability of the child tax credit to more working families.

In 2001, I pushed to make the child tax credit refundable for workers making around the minimum wage. As enacted in 2001, a portion of a taxpayer’s child tax credit would be refundable—up to 10 percent of earnings above \$10,000.

In 2004, Congress passed the Working Families Tax Relief of 2004, which increased from 10 percent to 15 percent the portion of the child tax credit that is refundable. Although the legislation increased the amount of the refundable child credit, it failed to increase the number of families eligible for the benefit. The consequences are serious for low-income Americans living paycheck-to-paycheck. It means that tens of thousands of low-income families will be completely ineligible for a credit they should receive.

This year, because the income threshold is indexed, only taxpayers earning over \$11,750 are eligible to receive the refundable portion of the child tax credit. Low-income families earning less than \$11,750 are shut out of the child tax credit completely.

For example, a single mother who earns the current minimum wage and works a 40 hour week, for all 52 weeks of the year, fails to qualify for the refundable portion of the child tax credit. Since the mother earns \$10,700, she is a mere \$300 away from qualifying for the credit. Worse, if the single mother does not receive a raise the following year, it will be even tougher to qualify because the \$11,750 she originally needed to earn is adjusted for inflation and will increase.

Today, I am introducing legislation, the Working Family Child Assistance Act, with Senators LINCOLN, OBAMA, and ROCKEFELLER that will enable more hard-working, low-income families to receive the refundable child credit this year. My legislation returns the amount of income a family must earn to qualify for the child tax credit to \$10,000. Moreover, my bill would “de-index” the \$10,000 threshold for inflation, so families failing to get a raise each year would not lose benefits.

Most notably, my bill is identical to the refundable child credit proposal the Senate passed in May 2001 as part of its version of that year's tax bill. Although I was able to ensure that a refundable child credit would be part of the final bill sent to President Bush, conferees did index the \$10,000 threshold to inflation despite my best efforts.

The staff of the Joint Committee on Taxation has estimated that this legislation will allow an additional 600,000 families to benefit from the refundable child tax credit. The Maine Department of Revenue estimates that 16,700 families in Maine alone would benefit from our proposal. Two thousand of these Maine families would otherwise be completely locked out of the refundable child tax credit under current law.

For example, my legislation provides a \$113 child credit to a mom who earns \$10,750 per year. That's money she could use to buy groceries, school books, other family necessities, and even pay rent.

Our families and our country are better off when government lets people keep more of what they earn. Parents deserve their per-child tax credit, and my bill rewards families for work.

I am committed to this issue and have called on President Bush to work with Congress so we can help an additional one million children, whose parents and guardians struggle every day to take care of them.

Mrs. LINCOLN. Mr. President, I come before the Senate to once again raise an issue that is near and dear to my heart—an issue that is of great importance to working families across this country. In 2001 and again in 2003, Senator SNOWE and I worked together to ensure that low-income working families with children receive the benefit of the Child Tax Credit. I come here today to again ask my colleagues to help me ensure that low-income families aren't forgotten as we discuss tax relief in the 110th Congress.

Unfortunately, although we have made great strides in ensuring that the credit is a useful tool for our working families, in its current form it isn't working for everyone. We can and should take an important additional step to improve it.

As some of my colleagues may be aware, to be eligible for the refundable child tax credit, working families must meet an income threshold. If they don't earn enough, then they don't qualify for the credit. The problem is that some of our working parents are working full-time, every week of the year and yet they still don't earn enough to meet the income threshold to qualify for the credit, much less to receive a meaningful refund.

In 2006, the New York Times highlighted a report which shows that almost one-third of our children live in families that do not qualify for the child tax credit because family earnings are too low. When you break the findings down by race, it's even more disheartening—about half of all Afri-

can American children and half of all Latino children are left out of the full child tax credit because their family's earnings are just too low to qualify.

It is wrong to provide this credit to some hardworking Americans, while leaving others behind. The single, working parent that is stocking shelves at your local grocery store is every bit as deserving as the teacher, accountant or insurance salesman that qualifies for the credit in its current form. We must address this inequity and we must ensure that our tax code works for all Americans, especially those working parents forced to get by on the minimum wage.

In response, Senator SNOWE and I have proposed a solution that will build on our previous efforts to make this credit work for those that need it the most. Today, we are reintroducing the Working Child Family Assistance Act, legislation which de-indexes the income threshold and sets it at a reasonable level so that all working parents, including those making the minimum wage, qualify for the credit. This is a simple, easy solution to a serious problem.

I look forward to working with my colleagues and the Administration to correct this inequity and to ensure that those low-income, hard-working families that need this credit the most do receive its benefits.

Mr. OBAMA. Mr. President, I rise to speak about the Child Tax Credit and to support S. 218, a bill I've worked on with Senators SNOWE and LINCOLN. Working families should get the tax relief they deserve, and I am proud to co-sponsor this bill to help realize this aspiration. The Child Credit is an important component of our Federal tax code, and S. 218 is an important step in making the credit more valuable and more fair for those who need it most.

Raising children is expensive and has become even more so in recent years. The Child Tax Credit allows middle class families to claim a credit of \$1,000 per child against their Federal income tax. That's a big help in covering these rising costs.

Importantly, the Child Credit also recognizes the particular vulnerability low-income families with children. Since the credit is refundable to the extent of 15 percent of a taxpayer's earned income in excess of \$11,300, families earning more than that threshold level of income get at least a partial benefit even if they have no Federal income tax liability. The benefit may be small for families with low incomes, but every penny helps defray the rising costs of being a working parent in America today.

Unfortunately, as currently structured, the Child Credit leaves more and more families out of the benefit each year. That's because the income threshold for eligibility rises annually at the rate of inflation even though family incomes may not rise as fast. That means that if you earn the minimum wage, or if your wage is low and

you didn't get a raise, or if you worked fewer hours than the year before, then your tax refund probably shrunk. It may even have disappeared. Given that an estimated four and a half million households with children experienced this decline last year alone, we must reverse this unintended—and unfair—effect.

In many cases, indexing the parameters of the tax system for inflation makes sense because it neutralizes the effects of inflation on the tax system. In this case, however, indexing the threshold results in an unfair tax increase for low-income, working families whose incomes are not keeping up with rising costs. Recent data indicates that the typical low-income household actually saw its earnings decline during the first few years of this decade. At the same time, the costs of housing, childcare, and driving to work have increased sharply.

This bill returns the threshold to its original level of \$10,000 and freezes it, thereby expanding the benefit to include more kids and protecting those families from unfair tax increases due to inflation. This is an important step in improving the fairness of our tax code and providing necessary support to working families.

In time, I hope we will do more. It is unfair that more than eight million children in families with incomes too low to qualify for even a partial credit get no benefit at all. These are families whose incomes are far below the Federal poverty level and whose children ironically have the greatest needs—even as their parents pay an enormous share of their incomes in taxes and basic services, such as food, housing, and clothing.

America can do better. In the new Congress, I hope we will tackle the broader challenge of ensuring that their parents have jobs that pay living wages, a home they can afford, a school district that enables a life of opportunity, a community that cares for its children, and the faith that hard work and personal commitment payoff. America can do this.

I urge my colleagues to join me in supporting this important bill as a first step in addressing the broader goal of equal opportunity for all Americans.

By Mr. CRAIG:

S. 220. A bill to authorize early repayment of obligations to the Bureau of Reclamation within the A & B Irrigation District in the State of Idaho; to the Committee on Energy and Natural Resources.

Mr. CRAIG. Mr. President, I rise today to introduce the Southern Idaho Bureau of Reclamation Repayment Act of 2007. This Act authorizes prepayment by landowners of their allocated portion of the obligations to the Bureau of Reclamation within A&B Irrigation District and will allow individual landowners to prepay their obligations if they so desire. Additionally, the Act will allow the landowners who

have prepaid to be exempt from the acreage limitation provisions set in the Reclamation Reform Act of 1982, thereby creating an appropriate market for the sale of those lands now owned by landowners who have either died or have retired.

I look forward to working with my colleagues to move this necessary bill through the legislative process quickly.

By Mr. GRASSLEY (for himself, Mr. FEINGOLD, Mr. KOHL, Mr. HARKIN, Mr. HAGEL, and Mr. LEAHY):

S. 221. A bill amend title 9, United States Code, to provide for greater fairness in the arbitration process relating to livestock and poultry contracts; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, I rise to re-introduce the Fair Contracts for Growers Act of 2007. This bill would simply instill fairness into contractual dealings between farmers and processors. It ensures that parties to a dispute related to agricultural contracts have a true choice of venues.

I introduce this legislation because I believe that anti-competitive activity has become a grave threat to the family farmer. During the last Farm Bill debate, I brought this same bill forward, along with several others. Despite this policy passing the Senate, remarkably the final Farm Bill included no provisions to address concentration.

So, earlier this year, I announced that I will be putting forward a package of bills that will focus on anti-competitive activity in the agriculture industry. This bill is the first step of my agriculture concentration agenda.

Today's legislation is one piece of the puzzle to help stop the unfair impact that vertical integration is having on the family farmer. In the last several years we've seen a tremendous shift in agriculture toward contract production. Under many of these contract arrangements, large, vertically integrated agribusiness firms have the power to dictate the terms of "take-it-or-leave-it" production contracts to farmers.

Then, when there is a dispute between the packer and the family farmer, and the contract between the two includes an arbitration clause, the family farmer has no alternative but to accept arbitration to resolve the dispute. These clauses limit farmers' abilities to pursue remedies in court, even when violations of Federal or State law are at issue. This mandatory arbitration process puts the farmer at a see disadvantage. Even in a situation where discrimination or fraud is suspected, a farmer's only recourse under such a contract is to submit to arbitration. The farmer cannot seek redress in court, even if the result is bankruptcy or financial ruin.

Make no mistake, arbitration is very useful in certain situations. It reduces the load on our courts, and can save parties the expense of drawn-out litigation.

This bill would not rule out arbitration—just forced arbitration.

The Fair Contracts for Growers Act would amend the Packers and Stockyards Act to require that any contract arbitration be voluntarily agreed upon by both parties to settle disputes at the time a dispute arises, not when the contract is signed. This would allow farmers the opportunity to choose the best form of dispute resolution and not have to submit to the packers. It ensures that a farmer, most often the "little guy" in these dealings, is able to maintain his constitutional right to a jury trial. It also gives him a chance to compel disclosure of relevant information, held by the company, which is necessary for a fair decision.

During consideration of the Farm Bill, the Senate passed, by a vote of 64–31, the Feingold-Grassley amendment to give farmers a choice of venues to resolve disputes associated with agricultural contracts. I urge my colleagues to join with Senator FEINGOLD and me, along with our other cosponsors, in supporting this important legislation.

I ask unanimous consent that the text of the bill and letters of support be printed in the RECORD.

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

IOWA FARMERS UNION,
Ames, IA, January 3, 2007.

Hon. CHARLES GRASSLEY,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRASSLEY: I am writing on behalf of Iowa Farmers Union, Women, Food and Agriculture Network (WFAN) and the Iowa Chapter of National Farmers Organization to reiterate our strong support for the Fair Contracts for Growers Act, and to thank you for your leadership in introducing this legislation.

Contract livestock and poultry producers are being forced to sign mandatory arbitration clauses, as part of a take-it-or-leave-it, non-negotiable contract with large, vertically integrated processing firms. These producers forfeit their basic constitutional right to a jury trial, and instead must accept an alternative dispute resolution forum that severely limits their rights and is often prohibitively expensive. These clauses are signed before any dispute arises, leaving farmers little if any ability to seek justice if they become the victim of fraudulent or abusive trade practices.

Because basic legal processes such as discovery are waived in arbitration, it becomes very difficult for a farmer or grower to prove their case. In these cases, the company has control over the information needed for growers to argue their case. In a civil court case, this evidence would be available to a grower's attorney through discovery. In an arbitration proceeding, the company is not required to provide access to this information, thus placing the farmer/grower at an extreme disadvantage. Other standard legal rights that are waived through arbitration are access to mediation and appeal as well as the right to an explanation of the decision.

Many assume that arbitration is a less costly way of resolving dispute than going to court, but for the producer, the opposite is usually true. The high cost of arbitration is often a significant barrier to most farmers. The up-front filing fees and arbitrator fees

can exceed the magnitude of the dispute itself, with farmers being required to pay fees in the thousands of dollars just to start the arbitration process.

Arbitration can be a valid and effective method of dispute resolution when agreed to voluntarily through negotiation by two parties of similar power, but when used by a dominant party to limit the legal recourse of a weaker party in a non-negotiable contract, it becomes an abusive weapon. Independent family farmers all over the U.S. will benefit from a law that stops the abuse of arbitration clauses in livestock and poultry contracts.

Sincerely,

CHRIS PETERSEN,
President.

JANUARY 4, 2007.

Hon. CHARLES GRASSLEY,
U.S. Senate,
Washington DC.

DEAR SENATOR GRASSLEY, On behalf of the Campaign for Contract Agriculture Reform, I would like to thank you for your leadership in introducing the Fair Contracts for Growers Act.

With the rapid rise of vertically integrated methods of agricultural production, farmers are increasingly producing agricultural products under contract with large processors. In many cases, particularly in the livestock and poultry sector, the farmer never actually owns the product they produce, but instead makes large capital investments on their own land to build the facilities necessary to raise animals for an "integrator."

Under such contract arrangements, farmers and growers are often given take-it-or-leave-it, non-negotiable contracts, with language drafted by the integrator in a manner designed to maximize the company's profits and shift risk to the grower. In many cases, the farmer has little choice but to sign the contract presented to them, or accept bankruptcy. The legal term for such contracts is "contract of adhesion." As contracts of adhesion become more commonplace in agriculture, the abuses that often characterize such contracts are also becoming more commonplace and more egregious.

One practice that has become common in livestock and poultry production contracts is the use of mandatory arbitration clauses, where growers are forced to sign away their constitutional rights to jury trial upon signing a contract with an integrator, and instead accept a dispute resolution forum that denies their basic legal rights and is too costly for most growers to pursue.

Because basic legal processes such as discovery are waived in arbitration, it becomes very difficult for a farmer or grower to prove their case. In these cases, the company has control of the information needed for a grower to argue their case. In a civil court case, this evidence would be available to a growers' attorney through discovery. In an arbitration proceeding, the company is generally not required to provide access to this information, thus placing the farmer/grower at an extreme disadvantage. Other standard legal rights that are waived through arbitration are access to mediation and appeal, as well as the right to an explanation of the decision.

In addition, it is often assumed that arbitration is a less costly way of resolving dispute than going to court. Yet for the farmer, the opposite is usually true. The high cost of arbitration is often a significant barrier to most farmers. The up-front filing fees and arbitrator fees can exceed the magnitude of the dispute itself. For example, in one Mississippi case, filing fees for a poultry grower to begin an arbitration proceeding were \$11,000. In contrast, filing fees for a civil

court case are \$150 to \$250. Lawyer fees in a civil case are often paid on a contingent-fee basis.

In addition, the potential for mandatory arbitration clauses to be used abusively by a dominant party in a contract has also been recognized by Congress with regard to other sectors of our economy. In 2002, legislation was enacted with broad bipartisan support that prohibits the use of pre-dispute, mandatory arbitration clauses in contracts between car dealers and car manufacturers and distributors. The Fair Contract for Growers Act is nearly identical in structure to the "car dealer" arbitration bill passed by Congress in 2002.

Thank you again for introducing the Fair Contracts for Growers Act, to assure that arbitration in livestock and poultry contracts is truly voluntary, after mutual agreement of both parties after a dispute arises. If used, arbitration should be a tool for honest dispute resolution, not a weapon used to limit a farmers' right to seek justice for abusive trade practices.

I look forward to working with you toward enactment of this important legislation.

Sincerely,

STEVEN D. ETKA
Legislative Coordinator, Campaign
for Contract Agriculture Reform.

NATIONAL FAMILY FARM COALITION,
Washington, DC, January 9, 2007.
Senator CHARLES GRASSLEY,
Hart Building,
Washington, DC.

DEAR SENATOR GRASSLEY: I am writing as president of the National Family Farm Coalition to express our strong support for the Fair Contracts for Growers Act, and to thank you for your leadership in introducing this legislation. As you know, the National Family Farm Coalition provides a voice for grassroots groups on farm, food, trade and rural economic issues to ensure fair prices for family farmers, safe and healthy food, and vibrant, environmentally sound rural communities. Our organization is committed to promoting justice in agriculture, which is stymied by current practices that give farmers unfair and unjust difficulties when they wish to arbitrate a contract dispute.

Therefore, the Fair Contracts for Growers Act is very timely. With the rapid rise of vertically integrated methods of agricultural production, farmers are increasingly producing agricultural products under contract with large processors. Under these contracts, it is common for farmers and growers to be forced to sign mandatory arbitration clauses, as part of a take-it-or-leave-it, non-negotiable contract with a large, vertically integrated processing firm. In doing so, the farmer is forced to give up their basic constitutional right to a jury trial, and instead must accept an alternative dispute resolution forum that severely limits their rights and is often prohibitively expensive. These clauses are signed before any dispute arises, leaving farmers little if any ability to seek justice if they become the victim of fraudulent or abusive trade practices.

Because basic legal processes such as discovery are waived in arbitration, it becomes very difficult for a farmer or grower to prove their case. In these cases, the company has control of the information needed for a grower to argue their case. In a civil court case, this evidence would be available to a growers' attorney through discovery. In an arbitration proceeding, the company is not required to provide access to this information, thus placing the farmer/grower at an extreme disadvantage. Other standard legal rights that are waived through arbitration are access to mediation and appeal, as well as the right to an explanation of the decision.

In addition, it is often assumed that arbitration is a less costly way of resolving dispute than going to court. Yet for the farmer, the opposite is usually true. The high cost of arbitration is often a significant barrier to most farmers. The up-front filing fees and arbitrator fees can exceed the magnitude of the dispute itself, with farmers being required to pay fees in the thousands of dollars just to start the arbitration process.

Arbitration can be a valid and effective method of dispute resolution when agreed to voluntarily through negotiation by two parties of similar power, but when used by a dominant party to limit the legal recourse of a weaker party in a non-negotiable contract, it becomes an abusive weapon.

Thank you for your leadership in recognizing these concerns, and your willingness to introduce common sense legislation to stop the abuse of arbitration clauses in the livestock and poultry contracts.

Sincerely,

GEORGE NAYLOR,
President.

SUSTAINABLE AGRICULTURE COALITION,
Washington, DC, January 8, 2007.

Senator CHUCK GRASSLEY,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR GRASSLEY: I am writing on behalf of the Sustainable Agriculture Coalition in support of the Fair Contract for Growers Act and to thank you for your leadership in introducing this legislation.

The Fair Contracts for Growers Act is necessary to help level the playing field for our farmers and ranchers who enter into production contracts with packers and processors. The rapid rise of vertically integrated production chains, combined with the high degree of concentration of poultry processors and meatpackers, leaves farmers and ranchers in many regions of the country with few choices, or only a single choice, of buyers for their products. Increasingly, farmers and ranchers are confronted with "take-it-or-leave-it," non-negotiable contracts, written by the company. These contracts require that farmers and ranchers give up the basic constitutional right of access to the courts and sign mandatory binding arbitration clauses if they want access to a market for their products. These clauses are signed before any dispute arises, leaving the producers little, if any, ability to seek justice if they become the victim of fraudulent or abusive trade practices.

Arbitration can be a valid and effective method of dispute resolution when agreed to voluntarily through negotiation by two parties of similar power, but when used by a dominant party to limit the legal recourse of a weaker party in a non-negotiable contract, it becomes an abusive weapon. Many basic legal processes are not available to farmers and ranchers in arbitration. In most agricultural production contract disputes, the company has control of the information needed for a grower to argue a case. In a civil court case, this evidence would be available to the grower's attorney through discovery. In an arbitration proceeding, however, the company is not required to provide access to this information, thus placing the grower at an extreme disadvantage. In addition, in most arbitration proceedings, a decision is issued without an opinion providing an explanation of the principles and standards or even the facts considered in reaching the decision. The arbitration proceeding is a private, closed to effective public safeguards, and the arbitration decisions are often confidential and rarely subject to public oversight or judicial review.

Moreover, there is a growing perception that the arbitration system is biased to-

wards the companies. This private system is basically supported financially by the companies which are involved repeatedly in arbitration cases. The companies also know the history of previous arbitrations, including which arbitrators generally decide in the companies' favor. This arbitration history is rarely available to a farmer or rancher involved in a single arbitration proceeding.

Arbitration is often assumed to be a less costly way of resolving disputes than litigation. But this assumption must be tested in light of the relative resources of the parties. For most farmers and ranchers, arbitration is a significant expense in relation to their income. One immediate financial barrier is filing fees and case service fees, which in arbitration are usually divided between the parties. A few thousand dollars out of pocket is a minuscule expense for a well-heeled company but can be an insurmountable barrier for a farmer with a modest income who is in conflict with the farmer's chief source of income. This significant cost barrier to most farmers, when coupled with the disadvantages of the arbitration process, can deny farmers an effective remedy in contract dispute cases with merit.

The Sustainable Agriculture Coalition represents family farm, rural development, and conservation and environmental organizations that share a commitment to federal policy reform to promote sustainable agriculture and rural development. Coalition member organizations include the Agriculture and Land Based Training Association, American Natural Heritage Foundation, C.A.S.A. del Llano (Communities Assuring a Sustainable Agriculture), Center for Rural Affairs, Dakota Rural Action, Delta Land and Community, Inc., Future Harvest-CASA (Chesapeake Alliance for Sustainable Agriculture), Illinois Stewardship Alliance, Institute for Agriculture and Trade Policy, Iowa Environmental Council, Iowa Natural Heritage Foundation, Kansas Rural Center, Kerr Center for Sustainable Agriculture, Land Stewardship Project, Michael Fields Agricultural Institute, Michigan Agricultural Stewardship Association, Michigan Land Use Institute, Midwest Organic and Sustainable Education Service, The Minnesota Project, National Catholic Rural Life Conference, National Center for Appropriate Technology, Northern Plains Sustainable Agriculture Society, Ohio Ecological Food and Farm Association, Organic Farming Research Foundation, Pennsylvania Association for Sustainable Agriculture, Rural Advancement Foundation International-USA, the Sierra Club Agriculture Committee, and the Washington Sustainable Food and Farming Network. Our member organizations included thousands of farmers and ranchers with small and mid-size operations, a number of whom have entered into agricultural production contracts or are considering whether to sign these contracts. As individuals, these farmers and ranchers do not have the financial power or negotiating position that companies enjoy in virtually every contract dispute. We agree with Senator Grassley that, in the face of such unequal bargaining power, the Fair Contract for Growers Act is a modest and appropriate step which allows growers the choice of entering into arbitration or mediation or choosing to exercise the basic legal right of access to the courts.

Thank you for your leadership in recognizing these concerns, and your willingness to introduce commonsense legislation to stop the abuse of mandatory arbitration clauses in livestock and poultry contracts.

Sincerely,

MARTHA L. NOBLE,
Senior Policy Associate.

S. 221

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 “Fair Contracts for Growers Act of 2007”.

SEC. 2. ELECTION OF ARBITRATION.

(a) **IN GENERAL.**—Chapter 1 of title 9, United States Code, is amended by adding at the end the following:

“§ 17. Livestock and poultry contracts

“(a) **DEFINITIONS.**—In this section:

“(1) **LIVESTOCK.**—The term ‘livestock’ has the meaning given the term in section 2(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 182(a)).

“(2) **LIVESTOCK OR POULTRY CONTRACT.**—The term ‘livestock or poultry contract’ means any growout contract, marketing agreement, or other arrangement under which a livestock or poultry grower raises and cares for livestock or poultry.

“(3) **LIVESTOCK OR POULTRY GROWER.**—The term ‘livestock or poultry grower’ means any person engaged in the business of raising and caring for livestock or poultry in accordance with a livestock or poultry contract, whether the livestock or poultry is owned by the person or by another person.

“(4) **POULTRY.**—The term ‘poultry’ has the meaning given the term in section 2(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 182(a)).

“(b) **CONSENT TO ARBITRATION.**—If a livestock or poultry contract provides for the use of arbitration to resolve a controversy under the livestock or poultry contract, arbitration may be used to settle the controversy only if, after the controversy arises, both parties consent in writing to use arbitration to settle the controversy.

“(c) **EXPLANATION OF BASIS FOR AWARDS.**—If arbitration is elected to settle a dispute under a livestock or poultry contract, the arbitrator shall provide to the parties to the contract a written explanation of the factual and legal basis for the award.”.

(b) **TECHNICAL AND CONFORMING AMENDMENT.**—The table of sections for chapter 1 of title 9, United States Code, is amended by adding at the end the following:

“17. Livestock and poultry contracts.”.

SEC. 3. EFFECTIVE DATE.

The amendments made by section 2 shall apply to a contract entered into, amended, altered, modified, renewed, or extended after the date of enactment of this Act.

By Mr. FEINGOLD (for himself, Mr. COCHRAN, Mr. MCCAIN, Mr. DURBIN, Mr. ALLARD, Mr. LUGAR, Ms. LANDRIEU, Mr. LIEBERMAN, Mr. GRASSLEY, Mrs. HUTCHISON, Mr. LEVIN, Ms. MURKOWSKI, Mr. CORNYN, Mr. GRAHAM, Mr. KERRY, Mr. SALAZAR, Mr. OBAMA, Mr. DORGAN, Mr. WYDEN, Mr. ROCKEFELLER, Mrs. BOXER, Mr. REED, and Mrs. FEINSTEIN):

S. 223. A bill to require Senate candidates to file designations, statements, and reports in electronic form; to the committee on Rules and Administration.

Mr. FEINGOLD. Mr. President, today I will once again introduce with the Senator from Mississippi, Mr. COCHRAN, and the Senator from Arizona, Mr. MCCAIN, a bill to bring Senate campaigns into the 21st century by requiring that Senate candidates file their

campaign finance disclosure reports electronically and that those reports be promptly made available to the public. This step is long overdue, and I hope that the fact that we now have two dozen or so bipartisan cosponsors indicates that the Senate will act quickly on this legislation.

A series of reports by the Campaign Finance Institute has highlighted the anomaly in the election laws that makes it nearly impossible for the public to get access to Senate campaign finance reports while most other reports are available on the Internet within 24 hours of their filing with the Federal Election Commission (FEC). The Campaign Finance Institute asks a rhetorical question: “What makes the Senate so special that it exempts itself from a key requirement of campaign finance disclosure that applies to everyone else, including candidates for the House of Representatives and Political Action Committees?”

The answer, of course, is nothing. The United States Senate is special in many ways. I am proud to serve here. But there is no excuse for keeping our campaign finance information inaccessible to the public when the information filed by House candidates or others is readily available. A recent Washington Post editorial called this delay “completely unjustified.” I couldn’t agree more, especially now, when the Senate is debating ethics reforms designed to increase transparency and accountability to the public. I ask unanimous consent that the text of this editorial be printed in the RECORD following the text of the bill.

My bill amends the section of the election laws dealing with electronic filing to require reports filed with the Secretary of the Senate to be filed electronically and forwarded to the FEC within 24 hours. The FEC is required to make available on the Internet within 24 hours any filing it receives electronically. So if this bill is enacted, electronic versions of Senate reports should be available to the public within 48 hours of their filing. That will be a vast improvement over the current situation, which, according to the Campaign Finance Institute, requires journalists and interested members of the public to review computer images of paper-filed copies of reports, and involves a completely wasteful expenditure of hundreds of thousands of dollars to re-enter information into databases that almost every campaign has available in electronic format.

The current filing system also means that the detailed coding that the FEC does, which allows for more sophisticated searches and analysis, is completed over a week later for Senate reports than for House reports. This means that the final disclosure reports covering the first two weeks of October are often not susceptible to detailed scrutiny before the election. According to the Campaign Finance Institute, in the 2006 election, “[v]oters in six of the hottest Senate races were out of luck

the week before the November 7 election if they did Web searches for information on general election contributions since June 30. In all ten of the most closely followed Senate races voters were unable to search through any candidate reports for information on ‘pre-general election (October 1–18)’ donations.” And a September 18, 2006, column by Jeffery H. Birnbaum in the Washington Post noted that “When the polls opened in November 2004, voters were in the dark about \$53 million in individual Senate contributions of \$200 or more dating all the way back to July . . .”

It is time for the Senate to at long last relinquish its backward attitude toward campaign finance disclosure. I am encouraged by the supportive statements from a number of my colleagues on both sides of the aisle, including the new Minority Leader and Minority Whip, and the new Chair of the Rules Committee. I urge the enactment of this simple bill that will make our reports subject to the same prompt, public scrutiny as those filed by PACs, House and Presidential candidates, and even 527 organizations. I close with another question from the Campaign Finance Institute: “Isn’t it time that the Senate join the 21st century and allow itself to vote on a simple legislative fix that could significantly improve our democracy?” This Congress, let us answer that question in the affirmative.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 223

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 “Senate Campaign Disclosure Parity Act”.

SEC. 2. SENATE CANDIDATES REQUIRED TO FILE ELECTION REPORTS IN ELECTRONIC FORM.

(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 such Act (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 such Act (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.

[From The Washington Post, Dec. 6, 2006]

DARK AGES DISCLOSURE; IT'S TIME FOR THE SENATE TO BRING ITS CAMPAIGN FILING SYSTEM INTO THE MODERN ERA

Three years ago we wrote an editorial using the headline above. It decried the senseless and costly loophole under which people running for the Senate—alone among federal political candidates and committees—aren't required to file campaign finance reports electronically. In an age when such reports can be filed with the click of a mouse, Senate candidates submit their disclosures on paper, with weeks of delay before they are transferred to a form available and searchable on the Internet. As a result, in the final stretch of campaigns, anyone interested in learning who is bankrolling Senate candidates or how they are spending the cash has to go page by page through voluminous reports. This delay is so obviously unjustified that we expected the legal glitch to be quickly fixed.

Naïve us. Three years later, the situation remains unaddressed. According to the Campaign Finance Institute, as late as the week before Election Day, in all 10 of the most closely followed Senate races, no detailed information was available online about contributions between Oct. 1 and Oct. 18, the last filing period before the election. For six candidates in those races—Democrats Ned Lamont (Conn.), Claire McCaskill (Mo.) and Sheldon Whitehouse (R.I.), and Republicans Mike DeWine (Ohio), Rick Santorum (Pa.) and Thomas H. Kean Jr. (N.J.)—the only financial information available was from before June 30.

It would be easy to change the rule, and the Senate should do so in the final days of the 109th Congress. More than 20 senators, of both parties, have signed on to S. 1508, the Senate Campaign Disclosure Parity Act. If any senator opposes requiring electronic filing, none is willing to say so. Majority Whip Mitch McConnell (R-Ky.), who was rumored to be opposed to the change, says he is for it. Senate Rules Committee Chairman Trent Lott (R-Miss.), whose panel has jurisdiction in this area, said three years ago that it was "part of honesty in elections, I think. Make it accessible." Now what's needed is for Mr. Lott to get committee members' approval to speed the matter to the Senate floor.

To put it bluntly: Republicans, why let the new Democratic majority get credit for making this obvious fix? Do it now, while you're still in charge.

By Mr. DODD (for himself and Mr. BINGAMAN):

S. 224. A bill to create or adopt, and implement, rigorous and voluntary American education content standards in mathematics and science covering kindergarten through grade 12, to provide for the assessment of student proficiency benchmarked against such standards, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, on the 5th anniversary of No Child Left Behind (NCLB), I rise today to introduce The Standards to Provide Educational Achievement for Kids (SPEAK) Act, a bill designed to start the job of holding every child in America to the same high standards. At its core, SPEAK will create, adopt, and implement voluntary core American education content standards in math and science while incentivizing States to adopt them.

America's leadership, economic, and national security rest on our commitment to educate and prepare our youth to succeed in a global economy. The key to succeeding in this endeavor is to have high expectations for all American students as they progress through our Nation's schools.

Currently there are 50 different sets of academic standards, 50 State assessments, and 50 definitions of proficiency under the No Child Left Behind Act. As a result of varied standards, exams and proficiency levels, America's highly mobile student-aged population moves through the Nation's schools gaining widely varying levels of knowledge, skills and preparedness. And yet, in order for the United States to compete in a global economy, we must strengthen our educational expectations for all American children—we must compete as one Nation.

Recent international comparisons show that American students have significant shortcomings in math and science. Many lack the basic skills required for college or the workplace. This affects our economic and national security; it holds us back in the global marketplace and risks ceding our competitive edge. This is unacceptable.

America was founded on the notion of ensuring equity and opportunity for all. And yet, we risk both when we allow different students in different States to graduate from high school with very different educations. We live in a Nation with an unacceptably high high school dropout rate. We live in a Nation where 8th graders in some States score more than 30 points higher on tests of basic science knowledge than students in other States. I ask my colleagues today what equality of opportunity we have under such circumstances.

This is where American standards come in. Voluntary, core American standards in math and science are the first step in ensuring that all American students are given the same opportunity to learn to a high standard no matter where they reside. They will allow for meaningful comparisons of student academic achievement across States, help ensure that American students are academically qualified to enter college or training for the civilian or military workforce, and help ensure that students are better prepared to compete in the global marketplace. Uniform standards are a first step in maintaining America's competitive and national security edge.

While I realize there will be resistance to such efforts, education is after all a State endeavor; we cannot ignore that at the end of the day America competes as one country on the global marketplace. This does not mean that I am asking States to cede their authority in education. What the bill simply proposes is that we use the convening power of the Federal Government to develop standards and then provide States with incentives to adopt them.

At the end of the day, this is a voluntary measure. States will choose whether or not to participate. States that do participate, while required to adopt the American standards, will be given the flexibility to make them their own. They will have the option to add additional content requirements, they will have final say in how coursework is sequenced, and, ultimately, States and districts will still be the ones developing the curriculum, choosing the textbooks and administering the tests. The standards provided for under this legislation will simply serve as a common core.

The SPEAK Act will task the National Assessment Governing Board (NAGB) with creating rigorous and voluntary core American education content standards in math and science for grades K-12. It will require that the standards be anchored in the National Assessment of Educational Progress' (NAEP) math and science frameworks. It will ensure that such standards are internationally competitive and comparable to the best standards in the world. It will develop rigorous achievement levels. It will ensure that varying developmental levels of students are taken into account in the development of such standards. It will provide for periodic review and update of such standards. It will allow participating States the flexibility to add additional standards to the core. And, it establishes an American Standards Incentive Fund to incentivize States to adopt the standards. Among the benefits of participating is a significant infusion of funds for States to bolster their K-12 data systems.

What I propose today is a first step. A first step in regaining our competitive edge. A first step in ensuring that all American students have the opportunity to receive a first class, high-quality education. It is not a step that I am taking alone.

The SPEAK Act has garnered endorsements from businesses, math/science organizations, foundations, and the education community, including the National Education Association (NEA). Through the leadership of Congressman VERNON EHLERS in the House of Representatives it shares not only bicameral, but bipartisan support. Together we have all come together to affect meaningful change in our public schools.

We live in an economy where you can no longer lift, dig or assemble your way to success. Today, you've got to think your way to success so that when public education doesn't work, when we fail to compete as one nation, our entire country gets left behind. Low expectations translate to an America that is less competitive on the world stage. If that happens, we are going to wonder why we didn't do anything about it while we still had time.

Core American standards will set high goals for all students, allow for meaningful comparisons of achievement across States, and help ensure

that all of our students are qualified to enter college. At the end of the day, we all want what's best for our country and parents want what's best for their kids. With core standards, America will begin the work of regaining its competitive edge in the global economy. And in the life of every student, equality will be made a little more real with introduction of this bill, as the skills and knowledge we expect of them are no longer made contingent on where they reside.

I hope that my colleagues will join me in supporting the SPEAK Act. As we start holding our students to the same high standards, I expect that we will be amazed at the excellence that follows. 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. 224

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 “Standards to Provide Educational Achievement for Kids Act” or the “SPEAK Act”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Assessing science in the National Assessment of Educational Progress.
- Sec. 4. Definitions.
- Sec. 5. Voluntary American education content standards; American Standards Incentive Fund.
- Sec. 6. Authorization of appropriations.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Throughout the years, educators and policymakers have consistently embraced standards as the mechanism to ensure that every student, no matter what school the student attends, masters the skills and develops the knowledge needed to participate in a global economy.

(2) Recent international comparisons make clear that students in the United States have significant shortcomings in mathematics and science, yet a high level of scientific and mathematics literacy is essential to societal innovations and advancements.

(3) With more than 50 different sets of academic content standards, 50 State academic assessments, and 50 definitions of proficiency under section 1111(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)), there is great variability in the measures, standards, and benchmarks for academic achievement in mathematics and science.

(4) Variation in State standards and the accompanying measures of proficiency make it difficult for parents and teachers to meaningfully gauge how well their children are learning mathematics and science in comparison to their peers internationally or here at home.

(5) The disparity in the rigor of standards across States yield test results that tell the public little about how schools are performing and progressing, as States with low standards or low proficiency scores may appear to be doing much better than States with more rigorous standards or higher requirements for proficiency.

(6) As a result, the United States' highly mobile student-aged population moves through the Nation's schools gaining widely varying levels of knowledge, skills, and preparedness.

(7) In order for the United States to compete in a global economy, the country needs to strengthen its educational expectations for all children.

(8) To compete, the people of the United States must compare themselves against international benchmarks.

(9) Grounded in a real world analysis and international comparisons of what students need to succeed in work and college, rigorous and voluntary core American education content standards will keep the United States economically competitive and ensure that the children of the United States are given the same opportunity to learn to a high standard no matter where they reside.

(10) Rigorous and voluntary core American education content standards in mathematics and science will enable students to succeed in academic settings across States while ensuring an American edge in the global marketplace.

SEC. 3. ASSESSING SCIENCE IN THE NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS.

(a) NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS AUTHORIZATION ACT.—Section 303 of the National Assessment of Educational Progress Authorization Act (20 U.S.C. 9622) is amended—

(1) in subsection (a), by striking “reading and mathematics” and inserting “reading, mathematics, and science”;

(2) in subsection (b)—

(A) in paragraph (1), by inserting “science,” after “mathematics”;

(B) in paragraph (2)—

(i) in subparagraph (B), by striking “reading and mathematics” and inserting “reading, mathematics, and science”;

(ii) in subparagraph (C), by striking “reading and mathematics” and inserting “reading, mathematics, and science”;

(iii) in subparagraph (D), by striking “science”;

(iv) in subparagraph (E), by striking “reading and mathematics” and inserting “reading, mathematics, and science”; and

(v) in subparagraph (F)—

(I) by striking “continue to” ; and

(II) by striking “reading and mathematics” and inserting “reading, mathematics, and science”;

(C) in paragraph (3)—

(i) in subparagraph (A), by striking “reading and mathematics” each place the term occurs and inserting “reading, mathematics, and science”; and

(ii) in subparagraph (C)(ii), by striking “reading and mathematics” and inserting “reading, mathematics, and science”; and

(D) in paragraph (4)(B), by striking “, require, or influence” and inserting “or require”;

(3) in subsection (d)(3), by striking “reading and mathematics” each place the term occurs and inserting “reading, mathematics, and science”; and

(4) in subsection (f)(1)(B)(v), by striking “and mathematical knowledge” and inserting “, mathematical knowledge, and science knowledge”.

(b) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—Subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) is amended—

(1) in section 1111(c)(2) (20 U.S.C. 6311(c)(2))—

(A) by inserting “(and, for science, beginning with the 2008–2009 school year)” after “2002–2003”; and

(B) by striking “reading and mathematics” and inserting “reading, mathematics, and science”; and

(2) in section 1112(b)(1)(F) (20 U.S.C. 6312(b)(1)(F)), by striking “reading and mathematics” and inserting “reading, mathematics, and science”.

SEC. 4. DEFINITIONS.

Section 304 of the National Assessment of Educational Progress Authorization Act (20 U.S.C. 9623) is amended—

(1) in the matter preceding paragraph (1), by striking “In this title:” and inserting “Except as otherwise provided, in this title:”;

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following:

“(3) SECRETARY.—The term ‘Secretary’ means the Secretary of Education.”.

SEC. 5. VOLUNTARY AMERICAN EDUCATION CONTENT STANDARDS; AMERICAN STANDARDS INCENTIVE FUND.

The National Assessment of Educational Progress Authorization Act (20 U.S.C. 9621 et seq.) is amended—

(1) by redesignating sections 304 (as amended by section 4) and 305 as sections 306 and 307, respectively; and

(2) by inserting after section 303 the following:

“SEC. 304. CREATION OR ADOPTION OF VOLUNTARY AMERICAN EDUCATION CONTENT STANDARDS.

“(a) IN GENERAL.—Not later than 3 years after the date of enactment of the Standards to Provide Educational Achievement for Kids Act and from amounts appropriated under section 307(a)(3) for a fiscal year, the Assessment Board shall create or adopt voluntary American education content standards in mathematics and science covering kindergarten through grade 12.

“(b) DUTIES.—The Assessment Board shall implement subsection (a) by carrying out the following duties:

“(1) Create or adopt voluntary American education content standards for mathematics and science covering kindergarten through grade 12 that reflect a common core of what students in the United States should know and be able to do to compete in a global economy.

“(2) Anchor the voluntary American education content standards based on the mathematics and science frameworks and the achievement levels under section 303(e) of the National Assessment of Educational Progress for grades 4, 8, and 12.

“(3) Ensure that the voluntary American education content standards are internationally competitive and comparable to the best standards in the world.

“(4) Review existing standards in mathematics and science developed by professional organizations.

“(5) Review State standards in mathematics and science as of the date of enactment of the Standards to Provide Educational Achievement for Kids Act and consult and work with entities that are developing, or have already developed, such State standards.

“(6) Review the reports, views, and analyses of a broad spectrum of experts, including classroom educators, and of the public, as such reports, views, and analyses relate to mathematics and science education, including reviews of blue ribbon reports, exemplary practices in the field, and recent reports by government agencies and professional organizations.

“(7) Review scientifically rigorous studies that examine the relationship between—

“(A) the sequences of secondary school-level mathematics and science courses; and

“(B) student achievement.

“(8) Ensure that steps are taken in the development of the voluntary American education content standards to recognize the needs of students who receive special education and related services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) and of students who are limited English proficient (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)).

“(9) Solicit input from State and local representative organizations, mathematics and science organizations (including mathematics and science teacher organizations), institutions of higher education, higher education organizations, business organizations, and other appropriate organizations.

“(10) Ensure that the voluntary American education content standards reflect what students will be required to know and be able to do after secondary school graduation to be academically qualified to enter an institution of higher education or training for the civilian or military workforce.

“(11) Widely disseminate the voluntary American education content standards for public review and comment before final adoption.

“(12) Provide for continuing review of the voluntary American education content standards not less often than once every 10 years, which review—

“(A) shall solicit input from organizations and entities, including—

“(i) 1 or more professional mathematics or science organizations, including mathematics or science educator organizations;

“(ii) the State educational agencies that have received American Standards Incentive Fund grants under section 305 during the period covered by the review; and

“(iii) other organizations and entities, as determined appropriate by Assessment Board; and

“(B) shall address issues including—

“(i) whether the voluntary American education content standards continue to reflect international standards of excellence and the latest developments in the fields of mathematics and science; and

“(ii) whether the voluntary American education content standards continue to reflect what students are required to know and be able to do in science and mathematics after graduation from secondary school to be academically qualified to enter an institution of higher education or training for the civilian or military workforce, as of the date of the review.

“SEC. 305. THE AMERICAN STANDARDS INCENTIVE FUND.

“(a) DEFINITIONS.—In this section:

“(1) IN GENERAL.—The terms ‘elementary school’, ‘local educational agency’, ‘professional development’, ‘secondary school’, ‘State’, and ‘State educational agency’ have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

“(2) ACADEMIC CONTENT STANDARDS.—The term ‘academic content standards’ means the challenging academic content standards described in section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1)).

“(3) LEVELS OF ACHIEVEMENT.—The term ‘levels of achievement’ means the State levels of achievement under subclauses (II) and (III) of section 1111(b)(1)(D)(ii) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1)(D)(ii)(II), (III)).

“(4) STATE ACADEMIC ASSESSMENTS.—The term ‘State academic assessments’ means the academic assessments for a State described in section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)).

“(b) ESTABLISHMENT OF FUND.—From amounts appropriated under section 307(a)(4) for a fiscal year, the Secretary shall establish and fund the American Standards Incentive Fund to carry out the grant program under subsection (c).

“(c) INCENTIVE GRANT PROGRAM AUTHORIZED.—

“(1) IN GENERAL.—Not later than 12 months after the Assessment Board adopts the voluntary American education content standards under section 304, the Secretary shall use amounts available from the American Standards Incentive Fund to award, on a competitive basis, grants to State educational agencies to enable each State educational agency to adopt the voluntary American education content standards in mathematics and science as the core of the State’s academic content standards in mathematics and science by carrying out the activities described in subsection (f).

“(2) DURATION AND AMOUNT.—A grant under this subsection shall be awarded—

“(A) for a period of not more than 4 years; and

“(B) in an amount that is not more than \$4,000,000 over the period of the grant.

“(3) SEA COLLABORATION PERMITTED.—A State educational agency receiving a grant under this subsection may collaborate with another State educational agency receiving a grant under this subsection in carrying out the activities described in subsection (f).

“(d) CORE STANDARDS.—A State educational agency receiving a grant under subsection (c) shall adopt and use the voluntary American education content standards in mathematics and science as the core of the State academic content standards in mathematics and science. The State educational agency may add additional standards to the voluntary American education content standards as part of the State academic content standards in mathematics and science.

“(e) STATE APPLICATION.—A State educational agency desiring to receive a grant under subsection (c) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. The application shall include—

“(1) timelines for carrying out each of the activities described in subsection (f)(1); and

“(2) a description of the activities that the State educational agency will undertake to implement the voluntary American education content standards in mathematics and science adopted under section 304, and the achievement levels in mathematics and science developed under section 303(e) for the national and State assessments of the National Assessment of Educational Progress, at both the State educational agency and local educational agency levels, including any additional activities described in subsection (f)(2).

“(f) USE OF FUNDS.—

“(1) MANDATORY ACTIVITIES.—A State educational agency receiving a grant under subsection (c) shall use grant funds to carry out all of the following:

“(A) Adopt the voluntary American education content standards in mathematics and science as the core of the State’s academic content standards in mathematics and science not later than 2 years after the receipt of a grant under this section.

“(B) Align the teacher certification or licensure, pre-service, and professional development requirements of the State to the voluntary American education content standards in mathematics and science not later than 3 years after the receipt of the grant.

“(C) Align the State academic assessments in mathematics and science (or develop new such State academic assessments that are aligned) with the voluntary American edu-

cation content standards in mathematics and science not later than 4 years after the receipt of the grant.

“(D) Align the State levels of achievement in mathematics and science with the student achievement levels in mathematics and science developed under section 303(e) for the national and State assessments of the National Assessment of Educational Progress not later than 4 years after the receipt of the grant.

“(E) Develop dissemination, technical assistance, and professional development activities for the purpose of educating local educational agencies and schools on what the standards adopted by the State educational agency under this section are and how the standards can be incorporated into classroom instruction.

“(2) PERMISSIVE ACTIVITIES.—A State educational agency receiving a grant under subsection (c) may use the grant funds to carry out, at the local educational agency or State educational agency level, any of the following activities:

“(A) Develop curricula and instructional materials in mathematics or science that are aligned with the voluntary American education content standards in mathematics and science.

“(B) Conduct other activities needed for the implementation of the voluntary American education content standards in mathematics and science.

“(3) PRIORITY.—In awarding grants under this section the Secretary shall give priority to a State educational agency that will use the grant funds to carry out subparagraph (A) of paragraph (2).

“(g) AWARD BASIS.—In determining the amount of a grant under subsection (c), the Secretary shall take into consideration—

“(1) the extent to which a State’s academic content standards, State academic assessments, levels of achievement in mathematics and science, and teacher certification or licensure, pre-service, and professional development requirements, must be revised to align such State standards, assessments, levels, and teacher requirements with the voluntary American education content standards created or adopted under section 304 and the achievement levels in mathematics and science developed under section 303(e); and

“(2) the planned activities described in the application submitted under subsection (e).

“(h) ANNUAL STATE EDUCATIONAL AGENCY REPORTS.—A State educational agency receiving a grant under subsection (c) shall submit an annual report to the Secretary demonstrating the State educational agency’s progress in meeting the timelines described in the application under subsection (e)(1).

“(i) GRANTS FOR DoD AND BIA SCHOOLS.—

“(1) DEPARTMENT OF DEFENSE SCHOOLS.—From amounts available from the American Standards Incentive Fund, the Secretary, upon application by the Secretary of Defense, may award grants under subsection (c) to the Secretary of Defense on behalf of elementary schools and secondary schools operated by the Department of Defense to enable the Secretary of Defense to carry out activities similar to the activities described in subsection (f) for the elementary schools and secondary schools operated by the Department of Defense.

“(2) BUREAU OF INDIAN AFFAIRS SCHOOLS.—From amounts available from the American Standards Incentive Fund, the Secretary, in consultation with the Secretary of the Interior, may award grants under subsection (c) to the Bureau of Indian Affairs on behalf of elementary schools and secondary schools operated or funded by the Department of the Interior to enable the Director of the Bureau

of Indian Affairs to carry out activities similar to the activities described in subsection (f) for the elementary schools and secondary schools operated or funded by the Department of the Interior.

“(j) STUDY.—Not later than 2 years after the completion of the first 4-year grant cycle for grants under this section, the Commissioner for Education Statistics shall carry out a study comparing the gap between the reported proficiency on State academic assessments and assessments under section 303 for State educational agencies receiving grants under subsection (c), before and after the State adopts the voluntary American education content standards in mathematics and science as the core of the State education content standards in mathematics and science.

“(k) DATA GRANT.—

“(1) PROGRAM AUTHORIZED.—

“(A) IN GENERAL.—From amounts appropriated under section 307(a)(4), the Secretary shall award, to each State educational agency that meets the requirements of paragraph (3), a grant to enhance statewide student level longitudinal data systems as those systems relate to the requirements of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.).

“(B) DATA AUDIT SYSTEM.—The State, through the implementation of such enhanced data system, shall—

“(i) ensure that the State has in place a State data audit system to assess data quality, validity, and reliability; and

“(ii) provide guidance, technical assistance, and professional development to local educational agencies to ensure local education officials and educators have the tools, knowledge, and protocol necessary to use the enhanced data system properly, ensure the integrity of the data, and be able to use the data to inform education policy and practice.

“(2) AMOUNT OF GRANT.—A grant awarded to a State educational agency under this subsection shall be in an amount equal to 5 percent of the amount allocated to the State under section 1122 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6332). If the amounts available from the American Standards Incentive Fund are insufficient to pay the full amounts of grants under paragraph (1) to all State educational agencies that receive a grant under this subsection, then the Secretary shall ratably reduce the amount of all grants under this subsection.

“(3) REQUIREMENTS.—In order to receive a grant under this subsection, a State educational agency shall—

“(A) have received a grant under subsection (c); and

“(B) successfully demonstrate to the Secretary that the State has aligned—

“(i) the State's academic content standards and State academic assessments in mathematics and science, and the State's teacher certification or licensure, pre-service, and professional development requirements, with the voluntary American education content standards in mathematics and science; and

“(ii) the State levels of achievement in mathematics and science for grades 4, 8, and 12, with the achievement levels in mathematics and science developed under section 303(e) for such grades.

“(4) NATURE OF GRANT.—A grant under this subsection to a State educational agency shall be in addition to any grant awarded to the State educational agency under subsection (c).

“(5) LIMIT ON NUMBER OF GRANTS.—In no case shall a State educational agency receive more than 1 grant under this subsection.

“(1) REPORTS TO CONGRESS.—Not later than 2 years after the date of enactment of the Standards to Provide Educational Achievement for Kids Act, and every 2 years thereafter, the Secretary shall report to Congress regarding the status of all grants awarded under this section.

“(m) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to establish a preferred national curriculum or preferred teaching methodology for elementary school or secondary school instruction.

“(n) TIMELINE EXTENSION.—The Secretary may extend the 12-year requirement under section 1111(b)(2)(F) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(F)) by not less than 2 years and by not more than 4 years for a State served by a State educational agency that receives grants under subsections (c) and (k).”

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

Section 307(a) of the National Assessment of Educational Progress Authorization Act (as redesignated by section 5(1)) (20 U.S.C. 9624(a)) is amended to read as follows:

“(a) IN GENERAL.—There are authorized to be appropriated—

“(1) to carry out section 302, \$6,000,000 for fiscal year 2007 and such sums as may be necessary for each succeeding fiscal year;

“(2) to carry out section 303, \$200,000,000 for fiscal year 2007 and such sums as may be necessary for each succeeding fiscal year;

“(3) to carry out section 304, \$3,000,000 for fiscal year 2007 and such sums as may be necessary for each succeeding fiscal year; and

“(4) to carry out section 305, \$400,000,000 for fiscal year 2007 and such sums as may be necessary for each succeeding fiscal year.”

By Mr. CRAIG (for himself and Mr. AKAKA):

S. 225. A bill to amend title 38, United States Code, to expand the number of individuals qualifying for retroactive benefits from traumatic injury protection coverage under Servicemembers' Group Life Insurance; to the Committee on Veterans' Affairs.

Mr. CRAIG. Mr. President, I have sought recognition to comment on legislation that I introduced last November along with the distinguished Senator from Hawaii, Senator AKAKA, and that I am again introducing today. The bill would expand the number of eligible recipients of retroactive payments under the Traumatic Injury Protection under Servicemembers' Group Life Insurance, or “TSGLI”, benefit. Most of my colleagues have perhaps heard the story of how this important benefit became law and what its intended purpose is, but I believe it is worth repeating.

In April of 2005 I was visited by three servicemembers who were seriously injured during Operation Iraqi Freedom (OIF). They were members of an organization called the Wounded Warrior Project, and they told me of their lengthy recovery times at Walter Reed Army Medical Center and the financial toll that that period of convalescence had on them and their families. They talked about wives, parents, and other relatives who had taken long absences from work, and some who had even quit their work, in order to spend time with those recovering at Walter Reed. And they told me that the Department of Veterans Affairs compensation sys-

tem was no help because, by law, those benefits do not kick in until after separation from service.

Based on their experiences, these wounded warriors recommended that I pursue legislation to create a new insurance benefit for those with traumatic injuries such as theirs. The insurance would pay between \$25,000 and \$100,000 as soon as possible after an injury occurred, thereby bridging the gap in assistance needed during the time of a wounded servicemember's recovery and the time of his or her separation from service. They asked that I make the legislation prospective only, meaning that they, and hundreds of others, would go without any TSGLI payment. I honored that request and, together with Senator AKAKA and other Members of the Committee on Veterans' Affairs, introduced an amendment to the 2005 Emergency Supplemental Appropriations bill then pending before the Senate.

A second degree amendment was later unanimously agreed to which authorized retroactive benefit payments to all of those injured in the Operation Iraqi Freedom and Operation Enduring Freedom (OEF) theaters of operation—providing for TSGLI payments to hundreds of servicemembers who had been seriously injured since the start of the wars in Afghanistan and Iraq. At the time, the retroactive TSGLI provision was consistent with other retroactive benefits approved within the Emergency Supplemental bill, such as \$238,000 in combined Servicemembers' Group Life Insurance (SGLI) and death gratuity benefits that were provided retroactively to survivors of those killed in combat operations since the start of the War on Terror. Needless to say, the TSGLI amendments were approved by the Congress and enacted into law.

Fast forward to the present. TSGLI has been up and running since December 1, 2005, and provides financial assistance of \$25,000 to \$100,000 to traumatically injured servicemembers within, on average, 60 days of the date of the injury causing event. As of January 5, 2007, almost 2,233 wounded OIF/OEF servicemembers have benefited under the retroactive portion of the program. For those with injuries post December 1, 2005, it does not matter if an injury occurs as a result of combat operations or training exercises—payment under TSGLI is available in either situation; 626 wounded servicemembers have benefited under this aspect of the program.

The Senate Committee on Veterans' Affairs held a hearing on the TSGLI benefit in September 2006. The Committee received testimony from the Wounded Warrior Project, the organization largely responsible for TSGLI's conception. While very pleased with the program overall, a serious concern was raised regarding the equity of only extending retroactive TSGLI payments to those injured during Operations Iraqi and Enduring Freedom. Mr. Jeremy Chwat, testifying for the Wounded

Warrior Project that day, used the example of one servicemember as representative of others who are not now eligible for benefits:

Brave men and women like Seaman Robert Roeder who was injured on January 29, 2005 when an arresting wire on the aircraft carrier, the USS Kitty Hawk, severed his left leg below the knee . . . Although the ship was on its way to the Gulf and the training exercises being conducted were in preparation for action in either Operation Enduring or Iraqi Freedom, Robert's injury does not qualify for payment.

Furthermore, since enactment of the 2005 Emergency Supplemental, retroactive SGLI and death gratuity benefits combining \$238,000 have been expanded to provide payments to survivors of all servicemembers who died on active duty, whether in combat or not. The reason behind the expansion of retroactive benefits was a recognition that military service is universal in character; that each military man or woman, no matter where they are serving, contributes in a unique way to make the United States Armed Forces second to none.

The legislation I am again introducing today, along with Senator AKAKA, will make the TSGLI retroactive payment eligibility criteria consistent with the other benefit program retroactive payment criteria I just mentioned. Thus, if this legislation is enacted, all traumatically injured servicemembers who served between October 7, 2001, and December 1, 2005, will be eligible for TSGLI payments, irrespective of where their injuries occurred. Unofficial estimates from VA suggest that there may be over 215 active duty personnel who, like Seaman Roeder, sustained traumatic injuries during this time period while performing their military duties.

Both the Wounded Warrior Project and the National Military Families Association have expressed their support for this bill. And I now ask my colleagues for their support. This is the right thing to do for our military men and women.

I ask unanimous consent that the text of the bill text 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. 225

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXPANSION OF INDIVIDUALS QUALIFYING FOR RETROACTIVE BENEFITS FROM TRAUMATIC INJURY PROTECTION COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.

(a) IN GENERAL.—Paragraph (1) of section 501(b) of the Veterans' Housing Opportunity and Benefits Improvement Act of 2006 (Public Law 109-233; 120 Stat. 414; 38 U.S.C. 1980A note) is amended by striking “, if, as determined by the Secretary concerned, that loss was a direct result of a traumatic injury incurred in the theater of operations for Operation Enduring Freedom or Operation Iraqi Freedom”.

(b) CONFORMING AMENDMENT.—The heading of such section is amended by striking “IN

OPERATION ENDURING FREEDOM AND OPERATION IRAQI FREEDOM”.

By Mr. GRASSLEY:

S. 226. A bill to direct the Inspector General of the Department of Justice to submit semi-annual reports regarding settlements relating to false claims and fraud against the Federal Government; to the Committee on Homeland Security and Governmental Affairs.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the text of this 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. 226

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FALSE CLAIMS SETTLEMENTS.

Section 8E of the Inspector General Act (5 U.S.C. App.) is amended by adding at the end the following:

“(e)(1) In preparing the semi-annual report under section 5, the Inspector General of the Department of Justice shall describe each settlement or compromise of any claim, suit, or other action entered into with the Department of Justice that—

“(A) relates to an alleged violation of section 1031 of title 18, United States Code, or section 3729 of title 31, United States Code (including all settlements of alternative remedies); and

“(B) results from a claim of damages in excess of \$100,000.

“(2) The descriptions of each settlement or compromise required to be included in the semi-annual report under paragraph (1) shall include—

“(A) the overall amount of the settlement or compromise and the portions of the settlement attributed to various statutory authorities;

“(B) the amount of actual damages estimated to have been sustained and the minimum and maximum potential civil penalties incurred as a consequence of the defendants that is the subject of the settlement or compromise;

“(C) the basis for the estimate of damages sustained and the potential civil penalties incurred;

“(D) the amount of the settlement that represents damages and the multiplier or percentage of the actual damages applied in the actual settlement or compromise;

“(E) the amount of the settlement that represents civil penalties and the percentage of the potential penalty liability captured by the settlement or compromise;

“(F) the amount of the settlement that represents criminal fines and a statement of the basis for such fines;

“(G) the length of time involved from the filing of the complaint until the finalization of the settlement or compromise, including—

“(i) the date of the original filing of the complaint;

“(ii) the time the case remained under seal;

“(iii) the date upon which the Department of Justice determined whether or not to intervene in the case; and

“(iv) the date of settlement or compromise;

“(H) whether any of the defendants, or any divisions, subsidiaries, affiliates, or related entities, had previously entered into 1 or more settlements or compromises related to section 1031 of title 18, United States Code, or section 3730(b) of title 31, United States Code, and if so, the dates and monetary size of such settlements or compromises;

“(I) whether the defendant or any of its divisions, subsidiaries, affiliates, or related entities—

“(i) entered into a corporate integrity agreement related to the settlement or compromise; and

“(ii) had previously entered into 1 or more corporate integrity agreements related to section 3730(b) of title 31, United States Code, and if so, whether the previous corporate integrity agreements covered the conduct that is the subject of the settlement or compromise being reported on or similar conduct;

“(J) in the case of settlements involving medicaid, the amounts paid to the Federal Government and to each of the States participating in the settlement or compromise;

“(K) whether civil investigative demands were issued in process of investigating the case;

“(L) in qui tam actions, the percentage of the settlement amount awarded to the relator, and whether or not the relator requested a fairness hearing pertaining to the percentage received by the relator or the overall amount of the settlement;

“(M) the extent to which officers of the department or agency that was the victim of the loss resolved by the settlement or compromise participated in the settlement negotiations; and

“(N) the extent to which relators and their counsel participated in the settlement negotiations.”.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 229. A bill to redesignate a Federal building in Albuquerque, New Mexico, as the “Raymond G. Murphy Department of Veterans Affairs Medical Center”; to the Committee on Veterans' Affairs.

Mr. DOMENICI. Mr. President, I rise today with my colleague, Senator BINGAMAN, to introduce legislation that will designate the Veterans Administration Medical Center in Albuquerque, NM, the “Raymond G. Murphy Department of Veterans Affairs Medical Center.”

Jerry Murphy is an extraordinary New Mexican who was awarded the Congressional Medal of Honor for his heroic actions on February 3, 1953, while serving in the Korean war. On that day in February 1953, Marine 2nd Lieutenant Murphy participated in a raid on Ungok Hill. In the course of the operation, most of the senior officers in Lieutenant Murphy's unit were killed or wounded and the assault on the hill became stalled with many members of the Marine assault force pinned down and trapped on the hill by enemy fire. Seeing his fellow marines in trouble and against orders Lieutenant Murphy organized and led a daring rescue effort. Under intense enemy fire, Murphy personally made countless trips up the hill to evacuate and provide cover for the stranded marines. Though he was wounded numerous times, Lieutenant Murphy refused treatment for his wounds until all marines were accounted for and everyone else had been treated. Lieutenant Murphy was also awarded a Silver Star for bravery in a previous action in 1952.

Jerry's personal mission to protect and aid his fellow servicemen and

women did not end on that hill in Korea, for 25 years he worked in the Veteran's Administration, VA regional office in Albuquerque, New Mexico. While there Jerry worked tirelessly as a counselor in the Division of Vocational Counseling to insure the men and women who served and defended our Nation were able to make the transition to life in peacetime.

Unlike many of us who look to retirement as a time for personal pursuits and relaxation, Jerry chose to carry on his work on behalf of veterans and until 2000 volunteered at the VA hospital in Albuquerque, NM.

For these reasons I am introducing this legislation today. Jerry Murphy is a true American hero who in war and peace dedicated himself to others. I think it only right that the medical center in Albuquerque bear his name in recognition of his great service to this country and its men and women in uniform.

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. 229

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDESIGNATION.

The Federal building known and designated as the "Department of Veterans Affairs Medical Center" located at 1501 San Pedro Drive, SE, in Albuquerque, New Mexico, shall be known and redesignated as the "Raymond G. Murphy Department of Veterans Affairs Medical Center".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Raymond G. Murphy Department of Veterans Affairs Medical Center".

By Mrs. FEINSTEIN (for herself, Mr. CHAMBLISS, Ms. MIKULSKI, Mr. CORNYN, Mr. OBAMA, Ms. SNOWE, Ms. STABENOW, Ms. COLLINS, Mr. KOHL, Mr. LEVIN, Mr. DURBIN, Mr. BAUCUS, Mr. BINGAMAN, Mr. KERRY, Mr. BIDEN, Mr. ROCKEFELLER, and Mr. SALAZAR):

S. 231. A bill to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I am pleased to join Senator CHAMBLISS and a number of other co-sponsors in introducing the Edward Byrne Memorial Justice Assistance Grant Reauthorization Act. This bill would take the \$1,095,000,000 amount which Congress authorized for the Byrne/JAG grant program in fiscal year 2006 in the Violence Against Women and DOJ Reauthorization Act of 2005 (Pub. L. 109-162), and reauthorize that same amount for the program in each year through fiscal year 2012.

The "Byrne/JAG" program resulted from the 2005 consolidation of the Edward Byrne Memorial State and Local Law Enforcement Assistance Program, and the Local Government Law Enforcement Block Grants.

Named after New York Police Officer Edward Byrne, who was killed in the line of duty in 1988, it provides critical support to State and local law enforcement officials.

Byrne/JAG is a law enforcement funding program run by the Department of Justice. For more than 20 years, grants from Byrne/JAG and its predecessor programs have funded state and local drug task forces, community crime prevention programs, substance abuse treatment programs, prosecution initiatives, and many other local crime control programs.

One of the most popular uses of Byrne/JAG funds is to support multi-jurisdictional task forces, which help fight drug and firearm traffickers, gangs, pharmaceutical diversion, and organized crime in America's communities.

Results from Byrne/JAG are real. According to data compiled by the National Criminal Justice Association from self-reported metrics submitted by State Administering Agencies for the 2004 grant year, task forces funded in part by Byrne/JAG grants were responsible for: 54,050 weapons seized; 5,646 methamphetamine labs seized; and \$250,000,000 in cash and personal property seized, not including the value of narcotics seized. They were also responsible for removing massive quantities of controlled substances from America's streets, including: 2.7 million grams of amphetamine and methamphetamine; 1.8 million grams of powder cocaine; 278,200 grams of "crack" cocaine; 73,300 grams of heroin; 75 million cultivated and noncultivated marijuana plants, and 27 million kilograms of marijuana.

As Ron Brooks, President of the National Narcotics Officers' Associations' Coalition (NNOAC) testified last June, "more than one-third of all meth lab seizures were conducted by Byrne-funded task forces."

We get good returns on this investment. The National Sheriff's Association estimates that, with 2,794 personnel in multi-jurisdictional drug task forces, this equates to: 79 drug arrests per full-time employee (221,475 total); 6 kilograms of cocaine seized per FTE. (17,991 total); 2 kilograms of meth seized per FTE, 5,452 kilos total"; 400 grams of heroine seized per FTE, 1,177 kilos total, 306 lbs. of processed marijuana per FTE, 855,309 total; and 3 meth lab responses per FTE, 8,983 total.

And our rural communities are especially dependent on Byrne/JAG grants. Byrne/JAG grants to the States are allocated 60/40, so that 40 percent of the funds must be set aside for distribution to local governments. In short, this is one of the only sources of federal funds for sheriffs and police chiefs in many of our smaller towns and counties.

When Byrne/JAG and the Community Oriented Policing Services (COPS) program were well funded, state and local law enforcement officers produced real results. It is no coincidence that, during this period, we saw more than a decade of steady reductions in violent crime.

Unfortunately, Federal funding for these justice assistance programs has been dramatically slashed in recent years. As late as Fiscal Year 2003, the Byrne grant programs had been funded at a level of \$900 million. In Fiscal Year 2004, however, it was reduced to \$725 million. And in FY2005, Byrne/JAG was cut to \$634 million.

That year in California, the Governor issued a notice to the law enforcement community, advising that this change would "significantly reduce the amount of drug control and criminal justice funding in California"—by a whopping \$14 million in one year, just for my State.

In Fiscal Year 2006, the program was cut even further, to only \$416.5 million—amounting to a 54 percent cut from Fiscal Year 2003. In Fiscal Year 2006, and then again in Fiscal Year 2007, the President's budget proposed eliminating the Byrne program entirely.

In response, the Senate voted to restore Byrne funding in Fiscal Year 2006 to its Fiscal Year 2003 level of \$900 million, but that increase was taken out of the final conference report.

For Fiscal Year 2007, the Senate again restored \$900 million in a budget amendment, but no appropriations bill was passed.

What have we seen in the wake of these cuts to State and local law enforcement and the Byrne/JAG program?

After a decade of declines, FBI reports for 2005 showed a rise in violent crime in every region of our country—an overall increase of 2.5 percent, the largest reported increase in violent crime in the U.S. in 15 years.

For the first six months of 2006, the numbers for violent crime were even worse—up again in every region, and with a surge of nearly 3.7 percent. And the number of robberies—which many criminologists see as a leading indicator of future activity—was up by almost 10 percent. The reduction in Byrne/JAG and other similar funding is not the only reason for this increase. Experts also cite the spread of criminal street gangs like MS-13, for example, as a major factor in the jump in violent crime.

When we are faced with such challenges, however, the Byrne/JAG program has a clear role to play in addressing America's growing violent crime problem.

A national integrated threat demands a national integrated response, with State and local law enforcement leading the way, but with the Federal Government providing meaningful support. Byrne/JAG facilitates that design, by allowing State and local leaders to leverage resources in key areas,

and facilitating collaboration among those in law enforcement, corrections, treatment, and prevention.

A review of programs around the country reveals that some Byrne/JAG-funded task forces receive between \$30 and \$40 from State or local sources for every Federal dollar they receive. Rather than supplanting other sources, Byrne/JAG often leverages Federal dollars, by providing the incentive needed for local agencies to cooperate, communicate, share information and build good cases.

Because State and local cops account for 97 percent of all drug arrests in America, further Byrne/JAG cuts will have a clear effect, as NNOAC President Ron Brooks testified: [T]ake away the Byrne-JAG drug task forces and I guarantee you will have fewer lab seizures . . . The meth supply will continue to grow, as will the toxic meth waste that is being dumped in many neighborhoods.

Unfortunately, some of this is already happening. After the recent cuts to Byrne/JAG, the governor of Texas eliminated funding for most drug task forces in his State, because he decided the limited funding available was needed instead for border enforcement. Narcotics officers throughout the United States also report a similar trend of eliminations and decreases of task forces.

Without multi-jurisdictional task forces, officers will revert to working within their own stovepipes, arresting mere targets of opportunity instead of focusing on organizational targets that have a disproportionate impact on the problem. Police officers will return to working within their own teams rather than cooperating and using shared intelligence to identify wider drug trafficking investigations.

Since 9/11, we have understandably placed greater emphasis on the terrorist threat from abroad, and protecting our borders. But to save the perimeter and lose the heartland to international drug cartels, American street gangs, local meth cooks and neighborhood drug traffickers would be a hollow victory indeed.

Last year, a group of 15 organizations—including NNOAC, the National Troopers Coalition, the International Association of Chiefs of Police, the Major City Chiefs' Association, the National Sheriffs Association, the National District Attorneys' Association, the National Alliance of Drug Enforcement Agencies, the National Association of Counties, the National Association of Drug Court Professionals—all came together to call for the Byrne/JAG program to be funded at the \$1.1 billion level.

The 15 groups represented more than 456,000 law enforcement officers, drug court judges, treatment practitioners, and prosecutors from over 2,000 counties and more than 5,000 community prevention coalitions. And for the 110th Congress, funding Byrne/JAG at the \$1.1 billion level remains a top law enforcement priority.

Passage of this bill will respond to such requests from law enforcement, and also send a clear message that any further efforts by this Administration to reduce or eliminate the Byrne/JAG program in the Fiscal Year 2008 budget will be strongly resisted by this Congress.

I urge my colleagues to support this legislation.

By Mr. WYDEN:

S. 232. A bill to make permanent the authorization for watershed restoration and enhancement agreements; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, the legislation I introduce today reauthorizes a very successful cooperative watershed restoration program that I originally sponsored, and that was originally enacted for the Forest Service, in the Fiscal Year 1999 Interior Appropriations bill. The original legislation lasted through Fiscal Year 2001 after which it was reauthorized by the Appropriations Committees, at my request, through Fiscal Year 2005 and then again through Fiscal Year 2011. My bill passed the Senate in the 109th Congress, but unfortunately did not pass in the House before the end of the Congress. Today, I reintroduce the bill hoping that it can speedily pass both chambers.

The bill making what is commonly referred to as the Wyden amendment permanent authorizes the Secretary of Agriculture to use appropriated Forest Service funds for watershed restoration and enhancement agreements that benefit the ecological health of National Forest System lands and watersheds. The Wyden amendment does not require additional funding, but allows the Forest Service to leverage scarce restoration dollars thereby allowing the federal dollars to stretch farther. During the eight years the program has existed, the Forest Service has leveraged three dollars for every Forest Service dollar spent on these agreements.

The Wyden amendment has resulted in countless Forest Service cooperative agreements with neighboring state and local land owners to accomplish high priority restoration, protection and enhancement work on public and private watersheds. The projects authorized by these agreements have improved watershed health and fish habitat through the control of invasive species, culvert replacement, and other riparian zone improvement projects. In addition to ecological restoration, use of the Wyden amendment has improved cooperative relationships between the Forest Service, private land owners, state agencies and other federal agencies.

I am hopeful that my colleagues on the Energy and Natural Resources Committee will again pass this bill out of the Committee and that thereafter this legislation can again pass the Senate expeditiously. 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. 232

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 "Watershed Restoration and Enhancement Agreements Act of 2007".

SEC. 2. WATERSHED RESTORATION AND ENHANCEMENT AGREEMENTS.

Section 323 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 1011 note; Public Law 105-277), is amended—

(1) in subsection (a), by striking "each of fiscal years 2006 through 2011" and inserting "fiscal year 2006 and each fiscal year thereafter";

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following:

"(d) APPLICABLE LAW.—Chapter 63 of title 31, United States Code, shall not apply to—

"(1) a watershed restoration and enhancement agreement entered into under this section; or

"(2) an agreement entered into under the first section of Public Law 94-148 (16 U.S.C. 565a-1)."

AMENDMENTS SUBMITTED AND PROPOSED

SA 1. Mr. KERRY (for himself and Mr. SALAZAR) 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.

SA 2. Mr. LEAHY (for himself and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

SA 3. Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) proposed an amendment to the bill S. 1, supra.

SA 4. Mr. REID (for himself, Mr. DURBIN, Mr. SALAZAR, and Mr. OBAMA) 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 5. Mr. VITTER (for himself and Mr. GRASSLEY) 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 6. Mr. VITTER 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 7. Mr. VITTER 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 8. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 1, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1. Mr. KERRY (for himself, Mr. SALAZAR): submitted an amendment intended to be proposed by him to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE _____—CONGRESSIONAL PENSION ACCOUNTABILITY

SEC. ____ 1. SHORT TITLE.

This title may be cited as the “Congressional Pension Accountability Act”.

SEC. ____ 2. DENIAL OF RETIREMENT BENEFITS.

(a) IN GENERAL.—Section 8312(a) of title 5, United States Code, is amended—

(1) by striking “or” at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting “; or”, and by inserting after paragraph (2) the following:

“(3) was convicted of an offense described in subsection (d), to the extent provided by that subsection.”; and

(2) by striking “and” at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting “; and”, and by inserting after subparagraph (B) the following:

“(C) with respect to the offenses described in subsection (d), to the period after the date of conviction.”.

(b) OFFENSES DESCRIBED.—Section 8312 of such title 5 is amended by redesignating subsection (d) as subsection (e), and by inserting after subsection (c) the following:

“(d) The offenses to which subsection (a)(3) applies are the following:

“(1) An offense within the purview of—

“(A) section 201 of title 18 (bribery of public officials and witnesses); or

“(B) section 371 of title 18 (conspiracy to commit offense or to defraud United States), to the extent of any conspiracy to commit an act which constitutes an offense within the purview of such section 201.

“(2) Perjury committed under the statutes of the United States or the District of Columbia in falsely denying the commission of any act which constitutes an offense within the purview of a statute named by paragraph (1), but only in the case of the statute named by subparagraph (B) of paragraph (1).

“(3) Subornation of perjury committed in connection with the false denial or false testimony of another individual as specified by paragraph (2).

An offense shall not be considered to be an offense described in this subsection except if or to the extent that it is committed by a Member of Congress (as defined by section 2106, including a Delegate to Congress).”.

(c) ABSENCE FROM UNITED STATES TO AVOID PROSECUTION.—Section 8313(a)(1) of such title 5 is amended by striking “or” at the end of subparagraph (A), by striking “and” at the end of subparagraph (B) and inserting “or”, and by adding at the end the following:

“(C) for an offense described under subsection (d) of section 8312; and”.

(d) NONACCRUAL OF INTEREST ON REFUNDS.—Section 8316(b) of such title 5 is amended by striking “or” at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting “; or”, and by adding at the end the following:

“(3) if the individual was convicted of an offense described in section 8312(d), for the period after the conviction.”.

SEC. ____ 3. CONSTITUTIONAL AUTHORITY.

The Constitutional authority for this title is the power of Congress to make all laws which shall be necessary and proper as enumerated in Article I, Section 8 of the United States Constitution, and the power to ascer-

tain compensation for Congressional service under Article I, Section 6 of the United States Constitution.

SEC. ____ 4. EFFECTIVE DATE.

This Act, including the amendments made by this Act, shall take effect on January 1, 2009.

SA 2. Mr. LEAHY (for himself and Mr. PRYOR): 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:

SA 3. Mr. REID (for himself, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) proposed an amendment to the bill S. 1, to provide greater transparency in the legislative process; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Table of contents.

TITLE I—LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2007

Sec. 101. Short title.

Sec. 102. Out of scope matters in conference reports.

Sec. 103. Earmarks.

Sec. 104. Availability of conference reports on the Internet.

Sec. 105. Sense of the Senate on conference committee protocols.

Sec. 106. Elimination of floor privileges for former Members, Senate officers, and Speakers of the House who are lobbyists or seek financial gain.

Sec. 107. Proper Valuation of Tickets to Entertainment and Sporting Events.

Sec. 108. Ban on gifts from lobbyists.

Sec. 109. Travel restrictions and disclosure.

Sec. 110. Restrictions on former officers, employees, and elected officials of the executive and legislative branch.

Sec. 111. Post employment restrictions.

Sec. 112. Disclosure by Members of Congress and staff of employment negotiations.

Sec. 113. Prohibit official contact with spouse or immediate family member of Member who is a registered lobbyist.

Sec. 114. Influencing hiring decisions.

Sec. 115. Sense of the Senate that any applicable restrictions on Congressional branch employees should apply to the Executive and Judicial branches.

Sec. 116. Amounts of COLA adjustments not paid to certain Members of Congress.

Sec. 117. Requirement of notice of intent to proceed.

Sec. 118. CBO scoring requirement.

Sec. 119. Effective date.

TITLE II—LOBBYING TRANSPARENCY AND ACCOUNTABILITY ACT OF 2007

Sec. 201. Short title.

Subtitle A—Enhancing Lobbying Disclosure

Sec. 211. Quarterly filing of lobbying disclosure reports.

Sec. 212. Quarterly reports on other contributions.

Sec. 213. Additional disclosure.

Sec. 214. Public database of lobbying disclosure information.

Sec. 215. Disclosure by registered lobbyists of all past executive and Congressional employment.

Sec. 216. Increased penalty for failure to comply with lobbying disclosure requirements.

Sec. 217. Disclosure of lobbying activities by certain coalitions and associations.

Sec. 218. Disclosure of enforcement for non-compliance.

Sec. 219. Electronic filing of lobbying disclosure reports.

Sec. 220. Disclosure of paid efforts to stimulate grassroots Lobbying.

Sec. 221. Electronic filing and public database for lobbyists for foreign governments.

Sec. 222. Additional lobbying disclosure requirements.

Sec. 223. Increased criminal penalties for failure to comply with lobbying disclosure requirements.

Sec. 224. Effective date.

Subtitle B—Oversight of Ethics and Lobbying

Sec. 231. Comptroller General audit and annual report.

Sec. 232. Mandatory Senate ethics training for Members and staff.

Sec. 233. Sense of the Senate regarding self-regulation within the Lobbying community.

Sec. 234. Annual ethics committees reports.

Subtitle C—Slowing the Revolving Door

Sec. 241. Amendments to restrictions on former officers, employees, and elected officials of the executive and legislative branches.

Subtitle D—Ban on Provision of Gifts or Travel by Lobbyists in Violation of the Rules of Congress

Sec. 251. Prohibition on provision of gifts or travel by registered lobbyists to Members of Congress and to Congressional employees.

Subtitle E—Commission to Strengthen Confidence in Congress Act of 2007

Sec. 261. Short title.

Sec. 262. Establishment of commission.

Sec. 263. Purposes.

Sec. 264. Composition of commission.

Sec. 265. Functions of Commission.

Sec. 266. Powers of Commission.

Sec. 267. Administration.

Sec. 268. Security clearances for Commission Members and staff.

Sec. 269. Commission reports; termination.

Sec. 270. Funding.

TITLE I—LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2007

SEC. 101. SHORT TITLE.

This title may be cited as the “Legislative Transparency and Accountability Act of 2007”.

SEC. 102. OUT OF SCOPE MATTERS IN CONFERENCE REPORTS.

(a) IN GENERAL.—A point of order may be made by any Senator against a conference report that includes any matter not committed to the conferees by either House. The point of order may be made and disposed of separately for each item in violation of this section.

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

(1) the matter in such conference report shall be stricken;

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

(A) the Senate shall proceed to consider the question of whether the Senate should recede from its amendment to the House bill, or its disagreement to the amendment of the

House, and concur with a further amendment, which further amendment shall consist of only that portion of the conference report that has not been stricken;

(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 $\frac{3}{4}$ of the Members, duly chosen and sworn. An affirmative vote of $\frac{3}{4}$ 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.

SEC. 103. EARMARKS.

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

“RULE XLIV

“EARMARKS

“1. In this rule—

“(1) the term ‘earmark’ means a provision that specifies the identity of a non-Federal entity (by naming the entity or by describing the entity in such a manner that only one entity matches the description) to receive assistance and the amount of the assistance;

“(2) the term ‘assistance’ means budget authority, contract authority, loan authority, and other expenditures;

“(3) the term ‘targeted tax benefit’ means—

“(A) any revenue provision that has the practical effect of providing more favorable tax treatment to a particular taxpayer or limited group of taxpayers when compared with other similarly situated taxpayers; or

“(B) any Federal tax provision which provides one beneficiary temporary or permanent transition relief from a change to the Internal Revenue Code of 1986; and

“(4) the term ‘targeted tariff benefit’ means a provision modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities.

“2. It shall not be in order to consider any Senate bill or Senate amendment or conference report on any bill, including an appropriations bill, a revenue bill, and an authorizing bill, unless a list of—

“(1) all earmarks, targeted tax benefits, and targeted tariff benefits in such measure;

“(2) an identification of the Member or 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;

is available along with any joint statement of managers associated with the measure to all Members and made available on the Internet to the general public for at least 48 hours before its consideration.

“3. (a) A Member who proposes an earmark, targeted tax benefit, or targeted trade benefit included on a list prepared pursuant to paragraph 2, shall certify that neither the Member nor his or her spouse has a financial interest in such earmark, targeted tax benefit, or targeted tariff benefit.

“(b) In this paragraph, the term ‘financial interest’ shall be interpreted in a manner consistent with Senate Rule XXXVII.”

SEC. 104. AVAILABILITY OF CONFERENCE REPORTS ON THE INTERNET.

(a) IN GENERAL.—

(1) **AMENDMENT.**—Rule XXVIII of all the Standing Rules of the Senate is amended by adding at the end the following:

“7. (a) It shall not be in order to consider a conference report unless such report is available to all Members and made available to the general public by means of the Internet for at least 48 hours before its consideration.

“(b) This paragraph may be waived or suspended in the Senate only by an affirmative vote of $\frac{3}{4}$ of the Members, duly chosen and sworn. An affirmative vote of $\frac{3}{4}$ 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 paragraph.

“8. It shall not be in order to consider a conference report unless the text of such report has not been changed after the Senate signatures sheets have been signed by a majority of the Senate conferees.”.

(2) **EFFECTIVE DATE.**—This subsection shall take effect 60 days after the date of enactment of this title.

(b) **IMPLEMENTATION.**—Not later than 60 days after the date of enactment of this title, the Secretary of the Senate, in consultation with the Clerk of the House of Representatives, the Government Printing Office, and the Committee on Rules and Administration, shall develop a website capable of complying with the requirements of paragraph 7 of rule XXVIII of the Standing Rules of the Senate, as added by subsection (a).

SEC. 105. SENSE OF THE SENATE ON CONFERENCE COMMITTEE PROTOCOLS.

It is the sense of Senate that—

(1) conference committees should hold regular, formal meetings of all conferees that are open to the public;

(2) all conferees should be given adequate notice of the time and place of all such meetings; and

(3) all conferees should be afforded an opportunity to participate in full and complete debates of the matters that such conference committees may recommend to their respective Houses.

SEC. 106. ELIMINATION OF FLOOR PRIVILEGES FOR FORMER MEMBERS, SENATE OFFICERS, AND SPEAKERS OF THE HOUSE WHO ARE LOBBYISTS OR SEEK FINANCIAL GAIN.

Rule XXIII of the Standing Rules of the Senate is amended by—

(1) inserting “1.” before “Other”;

(2) inserting after “Ex-Senators and Senators-elect” the following: “, except as provided in paragraph 2”;

(3) inserting after “Ex-Secretaries and ex-Sergeants at Arms of the Senate” the following: “, except as provided in paragraph 2”;

(4) inserting after “Ex-Speakers of the House of Representatives” the following: “, except as provided in paragraph 2”;

(5) adding at the end the following:

“2. (a) The floor privilege provided in paragraph 1 shall not apply, when the Senate is in session, to an individual covered by this paragraph who is—

“(1) a registered lobbyist or agent of a foreign principal; or

“(2) is 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.

“(b) The Committee on Rules and Administration may promulgate regulations to allow individuals covered by this paragraph floor privileges for ceremonial functions and events designated by the Majority Leader and the Minority Leader.”.

SEC. 107. PROPER VALUATION OF TICKETS TO ENTERTAINMENT AND SPORTING EVENTS.

Paragraph 1(c)(1) of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following: “The mar-

ket value of a ticket to an entertainment or sporting event shall be the face value of the ticket or, in the case of a ticket without a face value, the value of the most similar ticket sold by the issuer to the public. A determination of similarity shall consider all features of the ticket, including access to parking, availability of food and refreshments, and access to venue areas not open to the public. A ticket with no face value and for which no similar ticket is sold by the issuer to the public, shall be valued at the cost of a ticket with the highest face value for the event.”.

SEC. 108. BAN ON GIFTS FROM LOBBYISTS.

Paragraph 1(a)(2) of rule XXXV of the Standing Rules of the Senate is amended by—

(1) inserting “(A)” after “(2)”;

(2) adding at the end the following:

“(B) This clause shall not apply to a gift from a registered lobbyist or an agent of a foreign principal.”.

SEC. 109. TRAVEL RESTRICTIONS AND DISCLOSURE.

(a) **IN GENERAL.**—Paragraph 2 of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following:

“(f)(1) Before a Member, officer, or employee may accept transportation or lodging otherwise permissible under this paragraph from any person, other than a governmental entity, such Member, officer, or employee shall—

“(A) obtain a written certification from such person (and provide a copy of such certification to the Select Committee on Ethics) that—

“(i) the trip was not financed in whole, or in part, by a registered lobbyist or foreign agent;

“(ii) the person did not accept, directly or indirectly, funds from a registered lobbyist or foreign agent specifically earmarked for the purpose of financing the travel expenses;

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

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

“(B) provide the Select Committee on Ethics (in the case of an employee, from the supervising Member or officer), in writing—

“(i) a detailed itinerary of the trip; and

“(ii) a determination that the trip—

“(I) is primarily educational (either for the invited person or for the organization sponsoring the trip);

“(II) is consistent with the official duties of the Member, officer, or employee;

“(III) does not create an appearance of use of public office for private gain; and

“(iii) has a minimal or no recreational component; and

“(C) obtain written approval of the trip from the Select Committee on Ethics.

“(2) Not later than 30 days after completion of travel, approved under this subparagraph, the Member, officer, or employee shall file with the Select Committee on Ethics and the Secretary of the Senate a description of meetings and events attended during such travel and the names of any registered lobbyist who accompanied the Member, officer, or employee during the travel, except when disclosure of such information is deemed by the Member or supervisor under whose direct supervision the employee is employed to jeopardize the safety of an individual or adversely affect national security. Such information shall also be posted on the Member's official website not later than 30 days after the completion of the travel, except when disclosure of such information is deemed by the Member to jeopardize the safety of an individual or adversely affect national security.”.

(b) DISCLOSURE OF NONCOMMERCIAL AIR TRAVEL.—

(1) RULES.—Paragraph 2 of rule XXXV of the Standing Rules of the Senate, as amended by subsection (a), is amended by adding at the end the following:

“(g) A Member, officer, or employee of the Senate shall—

“(1) disclose a flight on an aircraft that is not licensed by the Federal Aviation Administration to operate for compensation or hire, excluding a flight on an aircraft owned, operated, or leased by a governmental entity, taken in connection with the duties of the Member, officer, or employee as an officeholder or Senate officer or employee; and

“(2) with respect to the flight, file a report with the Secretary of the Senate, including the date, destination, and owner or lessee of the aircraft, the purpose of the trip, and the persons on the trip, except for any person flying the aircraft.”.

(2) FECA.—Section 304(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)) is amended—

(A) by striking “and” at the end of paragraph (7);

(B) by striking the period at the end of paragraph (8) and inserting “; and”; and

(C) by adding at the end the following:

“(9) in the case of a principal campaign committee of a candidate (other than a candidate for election to the office of President or Vice President), any flight taken by the candidate (other than a flight designated to transport the President, Vice President, or a candidate for election to the office of President or Vice President) during the reporting period on an aircraft that is not licensed by the Federal Aviation Administration to operate for compensation or hire, together with the following information:

“(A) The date of the flight.

“(B) The destination of the flight.

“(C) The owner or lessee of the aircraft.

“(D) The purpose of the flight.

“(E) The persons on the flight, except for any person flying the aircraft.”.

(c) PUBLIC AVAILABILITY.—Paragraph 2(e) of rule XXXV of the Standing Rules of the Senate is amended to read as follows:

“(e) The Secretary of the Senate shall make available to the public all disclosures filed pursuant to subparagraphs (f) and (g) as soon as possible after they are received and such matters shall be posted on the Member's official website but no later than 30 days after the trip or flight.”.

SEC. 110. RESTRICTIONS ON FORMER OFFICERS, EMPLOYEES, AND ELECTED OFFICIALS OF THE EXECUTIVE AND LEGISLATIVE BRANCH.

(a) IN GENERAL.—Section 207 of title 18, United States Code, is amended—

(1) in subsection (i)—

(A) in paragraph (2), by striking “and” at the end;

(B) in paragraph (3), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(4) the term ‘tribe’ has the meaning given that term in section 19 of the Act of June 18, 1934 (commonly known as the ‘Indian Reorganization Act’) (25 U.S.C. 479).”; and

(2) in subsection (j)—

(A) in paragraph (1), by striking “or local” and inserting “, local, or tribal”; and

(B) in paragraph (2)—

(i) in the paragraph heading, by striking “AND LOCAL” and inserting “, LOCAL, AND TRIBAL”; and

(ii) in subparagraph (A), by striking “or local” and inserting “, local, or tribal”.

(b) CONFORMING AMENDMENT.—Section 104 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450i) is amended by striking subsection (j).

SEC. 111. POST EMPLOYMENT RESTRICTIONS.

(a) IN GENERAL.—Paragraph 9 of rule XXXVII of the Standing Rules of the Senate is amended by—

(1) designating the first sentence as subparagraph (a);

(2) designating the second sentence as subparagraph (b); and

(3) adding at the end the following:

“(c) If an employee on the staff of a Member or on the staff of a committee whose rate of pay is equal to or greater than 75 percent of the rate of pay of a Member and employed at such rate for more than 60 days in a calendar year, upon leaving that position, becomes a registered lobbyist under the Lobbying Disclosure Act of 1995, or is employed or retained by such a registered lobbyist for the purpose of influencing legislation, such employee may not lobby any Member, officer, or employee of the Senate for a period of 1 year after leaving that position.”.

(b) EFFECTIVE DATE.—This section shall take effect 60 days after the date of enactment of this title.

SEC. 112. DISCLOSURE BY MEMBERS OF CONGRESS AND STAFF OF EMPLOYMENT NEGOTIATIONS.

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

“14. (a) A Member shall not directly negotiate or have any arrangement concerning prospective private employment until after his or her successor has been elected, unless such Member files a statement with the Secretary of the Senate, for public disclosure, regarding such negotiations or arrangements within 3 business days after the commencement of such negotiation or arrangement, including the name of the private entity or entities involved in such negotiations or arrangements, the date such negotiations or arrangements commenced, and must be signed by the Member.

“(b) A Member shall not directly negotiate or have any arrangement concerning prospective employment until after his or her successor has been elected for a job involving lobbying activities as defined by the Lobbying Disclosure Act of 1995.

“(c) (1) An employee of the Senate earning in excess of 75 percent of the salary paid to a Senator shall notify the Committee on Ethics that he or she is negotiating or has any arrangement concerning prospective private employment.

“(2) The disclosure and notification under this subparagraph shall be made within 3 business days after the commencement of such negotiation or arrangement.

“(3) An employee to whom this subparagraph applies shall recuse himself or herself from any matter in which there is a conflict of interest or an appearance of a conflict for that employee under this rule and notify the Select Committee on Ethics of such recusal.”.

SEC. 113. PROHIBIT OFFICIAL CONTACT WITH SPOUSE OR IMMEDIATE FAMILY MEMBER OF MEMBER WHO IS A REGISTERED LOBBYIST.

Rule XXXVII of the Standing Rules of the Senate is amended by—

(1) redesignating paragraphs 10 through 12 as paragraphs 11 through 13, respectively; and

(2) inserting after paragraph 9, the following:

“10. (a) If a Member's spouse or immediate family member is a registered lobbyist under the Lobbying Disclosure Act of 1995, or is employed or retained by such a registered lobbyist for the purpose of influencing legislation, the Member shall prohibit all staff employed by that Member (including staff in personal, committee, and leadership offices) from having any official contact with the

Member's spouse or immediate family member.

“(b) In this paragraph, the term ‘immediate family member’ means the son, daughter, stepson, stepdaughter, son-in-law, daughter-in-law, mother, father, stepmother, stepfather, mother-in-law, father-in-law, brother, sister, stepbrother, or stepsister of the Member.”.

SEC. 114. INFLUENCING HIRING DECISIONS.

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

“6. No Member shall, with the intent to influence on the basis of partisan political affiliation an employment decision or employment practice of any private entity—

“(1) take or withhold, or offer or threaten to take or withhold, an official act; or

“(2) influence, or offer or threaten to influence the official act of another.”.

SEC. 115. SENSE OF THE SENATE THAT ANY APPLICABLE RESTRICTIONS ON CONGRESSIONAL BRANCH EMPLOYEES SHOULD APPLY TO THE EXECUTIVE AND JUDICIAL BRANCHES.

It is the sense of the Senate that any applicable restrictions on Congressional branch employees in this title should apply to the Executive and Judicial branches.

SEC. 116. AMOUNTS OF COLA ADJUSTMENTS NOT PAID TO CERTAIN MEMBERS OF CONGRESS.

(a) IN GENERAL.—Any adjustment under section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) (relating to the cost-of-living adjustments for Members of Congress) shall not be paid to any Member of Congress who voted for any amendment (or against the tabling of any amendment) that provided that such adjustment would not be made.

(b) DEPOSIT IN TREASURY.—Any amount not paid to a Member of Congress under subsection (a) shall be transmitted to the Treasury for deposit in the appropriations account under the subheading “MEDICAL SERVICES” under the heading “VETERANS HEALTH ADMINISTRATION”.

(c) ADMINISTRATION.—The salary of any Member of Congress to whom subsection (a) applies shall be deemed to be the salary in effect after the application of that subsection, except that for purposes of determining any benefit (including any retirement or insurance benefit), the salary of that Member of Congress shall be deemed to be the salary that Member of Congress would have received, but for that subsection.

(d) EFFECTIVE DATE.—This section shall take effect on the first day of the first applicable pay period beginning on or after February 1, 2008.

SEC. 117. REQUIREMENT OF NOTICE OF INTENT TO PROCEED.

(a) IN GENERAL.—The majority and minority leaders of the Senate or their designees shall recognize a notice of intent of a Senator who is a member of their caucus to object to proceeding to a measure or matter only if the Senator—

(1) submits the notice of intent in writing to the appropriate leader or their designee; and

(2) within 3 session days after the submission under paragraph (1), submits for inclusion in the Congressional Record and in the applicable calendar section described in subsection (b) the following notice:

“I, Senator ____, intend to object to proceeding to ____, dated ____.”.

(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 Object to Proceeding”. Each section shall include the name of each Senator filing a notice under subsection

(a)(2), the measure or matter covered by the calendar that the Senator objects to, and the date the objection was filed.

(c) **REMOVAL.**—A Senator may have an item with respect to the Senator removed from a calendar to which it was added under subsection (b) by submitting for inclusion in the Congressional Record the following notice:

"I, Senator ____, do not object to proceeding to ____, dated ____."

SEC. 118. CBO SCORING REQUIREMENT.

(a) **IN GENERAL.**—It shall not be in order in the Senate to consider a report of a committee of conference unless an official written cost estimate or table by the Congressional Budget Office is available at the time of consideration.

(b) **SUPERMAJORITY REQUIREMENT.**—This section may be waived or suspended in the Senate only by an affirmative vote of 3/5 of the Members, duly chosen and sworn. An affirmative vote of 3/5 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.

SEC. 119. EFFECTIVE DATE.

Except as otherwise provided in this title, this title shall take effect on the date of enactment of this title.

TITLE II—LOBBYING TRANSPARENCY AND ACCOUNTABILITY ACT OF 2007

SEC. 201. SHORT TITLE.

This title may be cited as the "Legislative Transparency and Accountability Act of 2007".

Subtitle A—Enhancing Lobbying Disclosure

SEC. 211. QUARTERLY FILING OF LOBBYING DISCLOSURE REPORTS.

(a) **QUARTERLY FILING REQUIRED.**—Section 5 of the Lobbying Disclosure Act of 1995 (in this title referred to as the "Act") (2 U.S.C. 1604) is amended—

(1) in subsection (a)—

(A) in the subsection heading, by striking "Semiannual" and inserting "Quarterly"; and

(B) by striking the first sentence and inserting the following: "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 day if that day is not a business day in which a registrant is registered with the Secretary of the Senate and the Clerk of the House of Representatives on its lobbying activities during such quarterly period."; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "semiannual report" and inserting "quarterly report";

(B) in paragraph (2), by striking "semiannual filing period" and inserting "quarterly period";

(C) in paragraph (3), by striking "semiannual period" and inserting "quarterly period"; and

(D) in paragraph (4), by striking "semiannual filing period" and inserting "quarterly period".

(b) **CONFORMING AMENDMENTS.**—

(1) **DEFINITION.**—Section 3(10) of the Act (2 U.S.C. 1602) is amended by striking "six month period" and inserting "three-month period".

(2) **REGISTRATION.**—Section 4 of the Act (2 U.S.C. 1603) is amended—

(A) in subsection (a)(3)(A), by striking "semiannual period" and inserting "quarterly period"; and

(B) in subsection (b)(3)(A), by striking "semiannual period" and inserting "quarterly period".

(3) **ENFORCEMENT.**—Section 6(a)(6) of the Act (2 U.S.C. 1605(6)) is amended by striking

"semiannual period" and inserting "quarterly period".

(4) **ESTIMATES.**—Section 15 of the Act (2 U.S.C. 1610) is amended—

(A) in subsection (a)(1), by striking "semiannual period" and inserting "quarterly period"; and

(B) in subsection (b)(1), by striking "semiannual period" and inserting "quarterly period".

(5) **DOLLAR AMOUNTS.**—

(A) **REGISTRATION.**—Section 4 of the Act (2 U.S.C. 1603) is amended—

(i) in subsection (a)(3)(A)(i), by striking "\$5,000" and inserting "\$2,500";

(ii) in subsection (a)(3)(A)(ii), by striking "\$20,000" and inserting "\$10,000";

(iii) in subsection (b)(3)(A), by striking "\$10,000" and inserting "\$5,000"; and

(iv) in subsection (b)(4), by striking "\$10,000" and inserting "\$5,000".

(B) **REPORTS.**—Section 5 of the Act (2 U.S.C. 1604) is amended—

(i) in subsection (c)(1), by striking "\$10,000" and "\$20,000" and inserting "\$5,000" and "\$10,000", respectively; and

(ii) in subsection (c)(2), by striking "\$10,000" both places such term appears and inserting "\$5,000".

SEC. 212. QUARTERLY REPORTS ON OTHER CONTRIBUTIONS.

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

"(d) **QUARTERLY REPORTS ON CONTRIBUTIONS.**—Not later than 45 days after the end of the quarterly period beginning on the 20th day of January, April, July, and October of each year or on the first business day after the 20th if that day is not a business day, each registrant under section 4(a)(1) or (2), and each employee who is listed as a lobbyist under a current filing under section 4 or 5, shall file a report with the Secretary of the Senate and the Clerk of the House of Representatives containing—

"(1) the name of the registrant or covered lobbyist;

"(2) the employer of the lobbyist, in the case of an employee listed as a covered lobbyist;

"(3) in the case of a covered lobbyist, the date, amount, and recipient of each contribution made within the past quarter for each federal candidate or officeholder, leadership PAC, or political party committee for whom the employee has made aggregate contributions equal to or exceeding \$200 during the calendar year;

"(4) in the case of a covered lobbyist, the name of each Federal candidate or officeholder, leadership PAC, or political party committee for whom a fundraising event was hosted, co-hosted, or otherwise sponsored by the lobbyist within the past quarter, and the date and location of the event; and

"(5) the name of each covered legislative branch official or covered executive branch official for whom the registrant or covered lobbyist provided, or directed or arranged to be provided, within the past quarter, any payment or reimbursements for travel and related expenses in connection with the duties of such covered official, including for each such official—

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

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

"(C) whether the registrant or lobbyist traveled on any such travel;

"(D) the identity of the listed sponsor or sponsors of such travel; and

"(E) the identity of any person or entity, other than the listed sponsor or sponsors of the travel, which directly or indirectly provided for payment of travel and related expenses at the request or suggestion of the registrant or the lobbyist;

"(6) the date, recipient, and amount of funds contributed or disbursed by, or arranged by, the registrant or covered lobbyist within the last quarter—

"(A) to pay the cost of an event to honor or recognize a covered legislative branch official or covered legislative branch official;

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

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

"(D) to pay the costs of a meeting, retreat, conference, or other similar event held by, or for the benefit of, 1 or more covered legislative branch officials or covered executive branch officials;

except that this paragraph shall not apply to any payment or reimbursement made from funds required to be reported under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434);

"(7) the date, recipient, and amount of any gift (that under the rules of the House of Representatives or Senate counts towards the \$100 cumulative annual limit described in such rules) valued in excess of \$20 given by the registrant or covered lobbyist within the past quarter to a covered legislative branch official or covered executive branch official; and

"(8) the name of each Presidential library foundation and Presidential inaugural committee, to whom contributions equal to or exceeding \$200 were made by the registrant or covered lobbyist during the past quarter, and the date and amount of such contribution.

For purposes of this subsection, the term 'covered lobbyist' means a lobbyist listed on a report under section 4(a)(1), section 4(b)(6), or section 5(b)(2)(C) that was required to be filed on the same day as the report filed under this subsection. For purposes of paragraph (7), the term 'gift' means a gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in-kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred."

SEC. 213. ADDITIONAL DISCLOSURE.

Section 5(b) of the Act (2 U.S.C. 1604(b)) is amended—

(1) in paragraph (3), by striking "and" after the semicolon;

(2) in paragraph (4), by striking the period and inserting a semicolon; and

(3) by adding at the end of the following:

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

SEC. 214. PUBLIC DATABASE OF LOBBYING DISCLOSURE INFORMATION.

(a) **DATABASE REQUIRED.**—Section 6 of the Act (2 U.S.C. 1605) is amended—

(1) in paragraph (7), by striking "and" at the end;

(2) in paragraph (8), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

“(9) maintain, and make available to the public over the Internet, without a fee or other access charge, in a searchable, sortable, and downloadable manner, an electronic database that—

“(A) includes the information contained in registrations and reports filed under this Act;

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

“(C) is searchable and sortable, at a minimum, by each of the categories of information described in section 4(b) or 5(b).”.

(b) AVAILABILITY OF REPORTS.—Section 6(a)(4) of the Act is amended by inserting before the semicolon the following: “and, in the case of a report filed in electronic form under section 5(e), shall make such report available for public inspection over the Internet not more than 48 hours after the report is filed”.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out paragraph (9) of section 6(a) of the Act, as added by subsection (a).

SEC. 215. DISCLOSURE BY REGISTERED LOBBYISTS OF ALL PAST EXECUTIVE AND CONGRESSIONAL EMPLOYMENT.

Section 4(b)(6) of the Act (2 U.S.C. 1603) is amended by striking “or a covered legislative branch official” and all that follows through “as a lobbyist on behalf of the client,” and inserting “or a covered legislative branch official,”.

SEC. 216. INCREASED PENALTY FOR FAILURE TO COMPLY WITH LOBBYING DISCLOSURE REQUIREMENTS.

Section 7 of the Act (2 U.S.C. 1606) is amended by striking “\$50,000” and inserting “\$100,000”.

SEC. 217. DISCLOSURE OF LOBBYING ACTIVITIES BY CERTAIN COALITIONS AND ASSOCIATIONS.

(a) IN GENERAL.—Section 4(b)(3)(B) of the Act (2 U.S.C. 1603(b)(3)(B)) is amended to read as follows:

“(B) participates in a substantial way in the planning, supervision, or control of such lobbying activities;”.

(b) NO DONOR OR MEMBERSHIP LIST DISCLOSURE.—Section 4(b) of the Act (2 U.S.C. 1603(b)) is amended by adding at the end the following:

“No disclosure is required under paragraph (3)(B) if it is publicly available knowledge that the organization that would be identified is affiliated with the client or has been publicly disclosed to have provided funding to the client, unless the organization in whole or in major part plans, supervises, or controls such lobbying activities. Nothing in paragraph (3)(B) shall be construed to require the disclosure of any information about individuals who are members of, or donors to, an entity treated as a client by this Act or an organization identified under that paragraph.”.

SEC. 218. DISCLOSURE OF ENFORCEMENT FOR NONCOMPLIANCE.

Section 6 of the Act (2 U.S.C. 1605) is amended—

(1) by inserting “(a)” before “The Secretary of the Senate”;;

(2) in paragraph (8), by striking “and” at the end;

(3) in paragraph (9), by striking the period and inserting “; and”;;

(4) after paragraph (9), by inserting the following:

“(10) make publicly available the aggregate number of lobbyists and lobbying firms, separately accounted, referred to the United

States Attorney for the District of Columbia for noncompliance as required by paragraph (8) on a semi annual basis”;; and

(5) by inserting at the end the following:

“(b) ENFORCEMENT REPORT.—The United States Attorney for the District of Columbia shall report to the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate and the Committee on Government Reform and the Committee on the Judiciary of the House of Representatives on a semi annual basis the aggregate number of enforcement actions taken by the Attorney’s office under this Act and the amount of fines, if any, by case, except that such report shall not include the names of individuals or personally identifiable information.”.

SEC. 219. ELECTRONIC FILING OF LOBBYING DISCLOSURE REPORTS.

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

“(e) ELECTRONIC FILING REQUIRED.—A report required to be filed under this section shall be filed in electronic form, in addition to any other form. The Secretary of the Senate and the Clerk of the House of Representatives shall use the same electronic software for receipt and recording of filings under this Act.”.

SEC. 220. DISCLOSURE OF PAID EFFORTS TO STIMULATE GRASSROOTS LOBBYING.

(a) DEFINITIONS.—Section 3 of the Act (2 U.S.C. 1602) is amended—

(1) in paragraph (7), by adding at the end of the following: “Lobbying activities include paid efforts to stimulate grassroots lobbying, but do not include grassroots lobbying.”; and

(2) by adding at the end of the following:

“(17) GRASSROOTS LOBBYING.—The term ‘grassroots lobbying’ means the voluntary efforts of members of the general public to communicate their own views on an issue to Federal officials or to encourage other members of the general public to do the same.”.

“(18) PAID EFFORTS TO STIMULATE GRASSROOTS LOBBYING.—

“(A) IN GENERAL.—The term ‘paid efforts to stimulate grassroots lobbying’ means any paid attempt in support of lobbying contacts on behalf of a client to influence the general public or segments thereof to contact 1 or more covered legislative or executive branch officials (or Congress as a whole) to urge such officials (or Congress) to take specific action with respect to a matter described in section 3(8)(A), except that such term does not include any communications by an entity directed to its members, employees, officers, or shareholders.”.

“(B) PAID ATTEMPT TO INFLUENCE THE GENERAL PUBLIC OR SEGMENTS THEREOF.—The term ‘paid attempt to influence the general public or segments thereof’ does not include an attempt to influence directed at less than 500 members of the general public.”.

“(C) REGISTRANT.—For purposes of this paragraph, a person or entity is a member of a registrant if the person or entity—

“(i) pays dues or makes a contribution of more than a nominal amount to the entity;

“(ii) makes a contribution of more than a nominal amount of time to the entity;

“(iii) is entitled to participate in the governance of the entity;

“(iv) is 1 of a limited number of honorary or life members of the entity; or

“(v) is an employee, officer, director or member of the entity.”.

“(19) GRASSROOTS LOBBYING FIRM.—The term ‘grassroots lobbying firm’ means a person or entity that—

“(A) is retained by 1 or more clients to engage in paid efforts to stimulate grassroots lobbying on behalf of such clients; and

“(B) receives income of, or spends or agrees to spend, an aggregate of \$25,000 or more for such efforts in any quarterly period.”.

(b) REGISTRATION.—Section 4(a) of the Act (2 U.S.C. 1603(a)) is amended—

(1) in the flush matter at the end of paragraph (3)(A), by adding at the end the following: “For purposes of clauses (i) and (ii), the term ‘lobbying activities’ shall not include paid efforts to stimulate grassroots lobbying.”; and

(2) by inserting after paragraph (3) the following:

“(4) FILING BY GRASSROOTS LOBBYING FIRMS.—Not later than 45 days after a grassroots lobbying firm first is retained by a client to engage in paid efforts to stimulate grassroots lobbying, such grassroots lobbying firm shall register with the Secretary of the Senate and the Clerk of the House of Representatives.”.

(c) SEPARATE ITEMIZATION OF PAID EFFORTS TO STIMULATE GRASSROOTS LOBBYING.—Section 5(b) of the Act (2 U.S.C. 1604(b)) is amended—

(1) in paragraph (3), by—

(A) inserting after “total amount of all income” the following: “(including a separate good faith estimate of the total amount of income relating specifically to paid efforts to stimulate grassroots lobbying and, within that amount, a good faith estimate of the total amount specifically relating to paid advertising);”; and

(B) inserting “or a grassroots lobbying firm” after “lobbying firm”;;

(2) in paragraph (4), by inserting after “total expenses” the following: “(including a good faith estimate of the total amount of expenses relating specifically to paid efforts to stimulate grassroots lobbying and, within that total amount, a good faith estimate of the total amount specifically relating to paid advertising);”; and

(3) by adding at the end the following:

“Subparagraphs (B) and (C) of paragraph (2) shall not apply with respect to reports relating to paid efforts to stimulate grassroots lobbying activities.”.

(d) GOOD FAITH ESTIMATES AND DE MINIMIS RULES FOR PAID EFFORTS TO STIMULATE GRASSROOTS LOBBYING.—

(1) IN GENERAL.—Section 5(c) of the Act (2 U.S.C. 1604(c)) is amended to read as follows:

“(c) ESTIMATES OF INCOME OR EXPENSES.—For purposes of this section, the following shall apply:

“(1) Estimates of income or expenses shall be made as follows:

“(A) Estimates of amounts in excess of \$10,000 shall be rounded to the nearest \$20,000.

“(B) In the event income or expenses do not exceed \$10,000, the registrant shall include a statement that income or expenses totaled less than \$10,000 for the reporting period.”.

“(2) Estimates of income or expenses relating specifically to paid efforts to stimulate grassroots lobbying shall be made as follows:

“(A) Estimates of amounts in excess of \$25,000 shall be rounded to the nearest \$20,000.

“(B) In the event income or expenses do not exceed \$25,000, the registrant shall include a statement that income or expenses totaled less than \$25,000 for the reporting period.”.

(2) TAX REPORTING.—Section 15 of the Act (2 U.S.C. 1610) is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking “and” after the semicolon;

(ii) in paragraph (2), by striking the period and inserting “; and”;;

(iii) by adding at the end the following:

“(3) in lieu of using the definition of paid efforts to stimulate grassroots lobbying in

section 3(18), consider as paid efforts to stimulate grassroots lobbying only those activities that are grassroots expenditures as defined in section 4911(c)(3) of the Internal Revenue Code of 1986.”; and

(B) in subsection (b)—

(i) in paragraph (1), by striking “and” after the semicolon;

(ii) in paragraph (2), by striking the period and inserting “; and”; and

(iii) by adding at the end the following:

“(3) in lieu of using the definition of paid efforts to stimulate grassroots lobbying in section 3(18), consider as paid efforts to stimulate grassroots lobbying only those activities that are grassroots expenditures as defined in section 4911(c)(3) of the Internal Revenue Code of 1986.”.

SEC. 221. ELECTRONIC FILING AND PUBLIC DATABASE FOR LOBBYISTS FOR FOREIGN GOVERNMENTS.

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

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

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

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

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

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

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

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

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

SEC. 222. ADDITIONAL LOBBYING DISCLOSURE REQUIREMENTS.

Section 5(b) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604(b)) is amended by adding at the end the following:

“(8) a certification that the lobbying firm, or registrant, and each employee listed as a lobbyist under section 4(b)(6) or 5(b)(2)(C) for that lobbying firm or registrant, has not provided, requested, or directed a gift, including travel, to a Member or employee of Congress in violation rule XXXV of the Standing Rules of the Senate or rule XXV of the Rules of the House of Representatives.”.

SEC. 223. INCREASED CRIMINAL PENALTIES FOR FAILURE TO COMPLY WITH LOBBYING DISCLOSURE REQUIREMENTS.

Section 7 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1606) is amended—

(1) by inserting “(a) **CIVIL PENALTY.**—” before “Whoever”; and

(2) by adding at the end the following:

“(b) **CRIMINAL PENALTY.**—Whoever knowingly, willfully, and corruptly fails to comply with any provision of this section shall

be imprisoned for not more than 10 years, or fined under title 18, United States Code, or both.”.

SEC. 224. EFFECTIVE DATE.

This subtitle and the amendments made by this subtitle shall take effect January 1, 2008.

Subtitle B—Oversight of Ethics and Lobbying

SEC. 231. COMPTROLLER GENERAL AUDIT AND ANNUAL REPORT.

(a) **AUDIT REQUIRED.**—The Comptroller General shall audit on an annual basis lobbying registration and reports filed under the Lobbying Disclosure Act of 1995 to determine the extent of compliance or noncompliance with the requirements of that Act by lobbyists and their clients.

(b) **ANNUAL REPORTS.**—Not later than April 1 of each year, the Comptroller General shall submit to Congress a report on the review required by subsection (a). The report shall include the Comptroller General’s assessment of the matters required to be emphasized by that subsection and any recommendations of the Comptroller General to—

(1) improve the compliance by lobbyists with the requirements of that Act; and

(2) provide the Secretary of the Senate and the Clerk of the House of Representatives with the resources and authorities needed for effective oversight and enforcement of that Act.

SEC. 232. MANDATORY SENATE ETHICS TRAINING FOR MEMBERS AND STAFF.

(a) **TRAINING PROGRAM.**—The Select Committee on Ethics shall conduct ongoing ethics training and awareness programs for Members of the Senate and Senate staff.

(b) **REQUIREMENTS.**—The ethics training program conducted by the Select Committee on Ethics shall be completed by—

(1) new Senators or staff not later than 60 days after commencing service or employment; and

(2) Senators and Senate staff serving or employed on the date of enactment of this Act not later than 120 days after the date of enactment of this Act.

SEC. 233. SENSE OF THE SENATE REGARDING SELF-REGULATION WITHIN THE LOBBYING COMMUNITY.

It is the sense of the Senate that the lobbying community should develop proposals for multiple self-regulatory organizations which could provide—

(1) for the creation of standards for the organizations appropriate to the type of lobbying and individuals to be served;

(2) training for the lobbying community on law, ethics, reporting requirements, and disclosure requirements;

(3) for the development of educational materials for the public on how to responsibly hire a lobbyist or lobby firm;

(4) standards regarding reasonable fees to clients;

(5) for the creation of a third-party certification program that includes ethics training; and

(6) for disclosure of requirements to clients regarding fee schedules and conflict of interest rules.

SEC. 234. ANNUAL ETHICS COMMITTEES REPORTS.

The Committee on Standards of Official Conduct of the House of Representatives and the Select Committee on Ethics of the Senate shall each issue an annual report due no later than January 31, describing the following:

(1) The number of alleged violations of Senate or House rules including the number received from third parties, from Members or staff within each House, or inquiries raised by

a Member or staff of the respective House or Senate committee.

(2) A list of the number of alleged violations that were dismissed—

(A) for lack of subject matter jurisdiction; or

(B) because they failed to provide sufficient facts as to any material violation of the House or Senate rules beyond mere allegation or assertion.

(3) The number of complaints in which the committee staff conducted a preliminary inquiry.

(4) The number of complaints that staff presented to the committee with recommendations that the complaint be dismissed.

(5) The number of complaints that the staff presented to the committee with recommendation that the investigation proceed.

(6) The number of ongoing inquiries.

(7) The number of complaints that the committee dismissed for lack of substantial merit.

(8) The number of private letters of admonition or public letters of admonition issued.

(9) The number of matters resulting in a disciplinary sanction.

Subtitle C—Slowing the Revolving Door

SEC. 241. AMENDMENTS TO RESTRICTIONS ON FORMER OFFICERS, EMPLOYEES, AND ELECTED OFFICIALS OF THE EXECUTIVE AND LEGISLATIVE BRANCHES.

(a) **VERY SENIOR EXECUTIVE PERSONNEL.**—The matter after subparagraph (C) in section 207(d)(1) of title 18, United States Code, is amended by striking “within 1 year” and inserting “within 2 years”.

(b) **RESTRICTIONS ON LOBBYING BY MEMBERS OF CONGRESS AND EMPLOYEES OF CONGRESS.**—Subsection (e) of section 207 of title 18, United States Code, is amended—

(1) in paragraph (1)(A), by striking “within 1 year” and inserting “within 2 years”;

(2) by striking paragraphs (2) through (5) and inserting the following:

“(2) **CONGRESSIONAL STAFF.**—

“(A) **PROHIBITION.**—Any person who is an employee of a House of Congress and who, within 1 year after that person leaves office, knowingly makes, with the intent to influence, any communication to or appearance before any of the persons described in subparagraph (B), on behalf of any other person (except the United States) in connection with any matter on which such former employee seeks action by a Member, officer, or employee of either House of Congress, in his or her official capacity, shall be punished as provided in section 216 of this title.

“(B) **CONTACT PERSONS COVERED.**—Persons referred to in subparagraph (A) with respect to appearances or communications are any Member, officer, or employee of the House of Congress in which the person subject to subparagraph (A) was employed. This subparagraph shall not apply to contacts with staff of the Secretary of the Senate or the Clerk of the House of Representatives regarding compliance with lobbying disclosure requirements under the Lobbying Disclosure Act of 1995.”;

(3) 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 (3); and

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

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

Subtitle D—Ban on Provision of Gifts or Travel by Lobbyists in Violation of the Rules of Congress

SEC. 251. PROHIBITION ON PROVISION OF GIFTS OR TRAVEL BY REGISTERED LOBBYISTS TO MEMBERS OF CONGRESS AND TO CONGRESSIONAL EMPLOYEES.

The Lobbying Disclosure Act of 1995 is amended by adding at the end the following:

“SEC. 25. PROHIBITION ON PROVISION OF GIFTS OR TRAVEL BY REGISTERED LOBBYISTS TO MEMBERS OF CONGRESS AND TO CONGRESSIONAL EMPLOYEES.

“(a) PROHIBITION.—Persons described in subsection (b) may not make a gift or provide travel to a Member, Delegate, Resident Commissioner, officer, or employee of Congress, if the person has knowledge that the gift or travel may not be accepted under the rules of the House of Representatives or the Senate.

“(b) PERSONS SUBJECT TO PROHIBITION.—The persons subject to the prohibition in subsection (a) are any lobbyist that registers under section 4(a)(1), any organization that employs 1 or more lobbyists and registers under section 4(a)(2), and any employee listed as a lobbyist by a registrant under section 4(b)(6).

“(c) PENALTY.—Any person who violates this section shall be subject to the penalties provided in section 7.”.

Subtitle E—Commission to Strengthen Confidence in Congress Act of 2007

SEC. 261. SHORT TITLE.

This subtitle may be cited as the “Commission to Strengthen Confidence in Congress Act of 2007”.

SEC. 262. ESTABLISHMENT OF COMMISSION.

There is established in the legislative branch a commission to be known as the “Commission to Strengthen Confidence in Congress” (in this subtitle referred to as the “Commission”).

SEC. 263. PURPOSES.

The purposes of the Commission are to—

(1) evaluate and report the effectiveness of current congressional ethics requirements, if penalties are enforced and sufficient, and make recommendations for new penalties;

(2) weigh the need for improved ethical conduct with the need for lawmakers to have access to expertise on public policy issues;

(3) determine whether the current system for enforcing ethics rules and standards of conduct is sufficiently effective and transparent;

(4) determine whether the statutory framework governing lobbying disclosure should be expanded to include additional means of attempting to influence Members of Congress, senior staff, and high-ranking executive branch officials;

(5) analyze and evaluate the changes made by this Act to determine whether additional changes need to be made to uphold and enforce standards of ethical conduct and disclosure requirements; and

(6) investigate and report to Congress on its findings, conclusions, and recommendations for reform.

SEC. 264. COMPOSITION OF COMMISSION.

(a) MEMBERS.—The Commission shall be composed of 10 members, of whom—

(1) the chair and vice chair shall be selected by agreement of the majority leader and minority leader of the House of Representatives and the majority leader and minority leader of the Senate;

(2) 2 members shall be appointed by the senior member of the Senate leadership of the Republican Party, 1 of which is a former member of the Senate;

(3) 2 members shall be appointed by the senior member of the Senate leadership of

the Democratic Party, 1 of which is a former member of the Senate;

(4) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Republican Party, 1 of which is a former member of the House of Representatives; and

(5) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Democratic Party, 1 of which is a former member of the House of Representatives.

(b) QUALIFICATIONS; INITIAL MEETING.—

(1) POLITICAL PARTY AFFILIATION.—Five members of the Commission shall be Democrats and 5 Republicans.

(2) NONGOVERNMENTAL APPOINTEES.—An individual appointed to the Commission may not be an officer or employee of the Federal Government or any State or local government.

(3) OTHER QUALIFICATIONS.—It is the sense of Congress that individuals appointed to the Commission should be prominent United States citizens, with national recognition and significant depth of experience in professions such as governmental service, government consulting, government contracting, the law, higher education, historian, business, public relations, and fundraising.

(4) DEADLINE FOR APPOINTMENT.—All members of the Commission shall be appointed on a date 3 months after the date of enactment of this Act.

(5) INITIAL MEETING.—The Commission shall meet and begin the operations of the Commission as soon as practicable.

(c) QUORUM; VACANCIES.—After its initial meeting, the Commission shall meet upon the call of the chairman or a majority of its members. Six members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

SEC. 265. FUNCTIONS OF COMMISSION.

The functions of the Commission are to submit to Congress a report required by this title containing such findings, conclusions, and recommendations as the Commission shall determine, including proposing organization, coordination, planning, management arrangements, procedures, rules and regulations—

(1) related to section 263; or

(2) related to any other areas the commission unanimously votes to be relevant to its mandate to recommend reforms to strengthen ethical safeguards in Congress.

SEC. 266. POWERS OF COMMISSION.

(a) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this title hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths.

(b) OBTAINING INFORMATION.—Upon request of the Commission, the head of any agency or instrumentality of the Federal Government shall furnish information deemed necessary by the panel to enable it to carry out its duties.

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

SEC. 267. ADMINISTRATION.

(a) COMPENSATION.—Except as provided in subsection (b), members of the Commission shall receive no additional pay, allowances, or benefits by reason of their service on the Commission.

(b) TRAVEL EXPENSES AND PER DIEM.—Each member of the Commission shall receive

travel expenses and per diem in lieu of subsistence in accordance with sections 5702 and 5703 of title 5, United States Code.

(c) STAFF AND SUPPORT SERVICES.—

(1) STAFF DIRECTOR.—

(A) APPOINTMENT.—The Chair (or Co-Chairs) in accordance with the rules agreed upon by the Commission shall appoint a staff director for the Commission.

(B) COMPENSATION.—The staff director shall be paid at a rate not to exceed the rate established for level V of the Executive Schedule under section 5315 of title 5, United States Code.

(2) STAFF.—The Chair (or Co-Chairs) in accordance with the rules agreed upon by the Commission shall appoint such additional personnel as the Commission determines to be necessary.

(3) APPLICABILITY OF CIVIL SERVICE LAWS.—The staff director and other members of the staff of the Commission shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(4) EXPERTS AND CONSULTANTS.—With the approval of the Commission, the staff director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(d) PHYSICAL FACILITIES.—The Architect of the Capitol, in consultation with the appropriate entities in the legislative branch, shall locate and provide suitable office space for the operation of the Commission on a nonreimbursable basis. The facilities shall serve as the headquarters of the Commission and shall include all necessary equipment and incidentals required for the proper functioning of the Commission.

(e) ADMINISTRATIVE SUPPORT SERVICES AND OTHER ASSISTANCE.—

(1) IN GENERAL.—Upon the request of the Commission, the Architect of the Capitol and the Administrator of General Services shall provide to the Commission on a nonreimbursable basis such administrative support services as the Commission may request.

(2) ADDITIONAL SUPPORT.—In addition to the assistance set forth in paragraph (1), departments and agencies of the United States may provide the Commission such services, funds, facilities, staff, and other support services as the Commission may deem advisable and as may be authorized by law.

(f) USE OF MAIL.—The Commission may use the United States mails in the same manner and under the same conditions as Federal agencies and shall, for purposes of the frank, be considered a commission of Congress as described in section 3215 of title 39, United States Code.

(g) PRINTING.—For purposes of costs relating to printing and binding, including the cost of personnel detailed from the Government Printing Office, the Commission shall be deemed to be a committee of the Congress.

SEC. 268. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.

The appropriate Federal agencies or departments shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person shall be provided with access to classified information under this title without the appropriate security clearances.

SEC. 269. COMMISSION REPORTS; TERMINATION.

(a) ANNUAL REPORTS.—The Commission shall submit—

(1) an initial report to Congress not later than July 1, 2007; and

(2) annual reports to Congress after the report required by paragraph (1);

containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(b) ADMINISTRATIVE ACTIVITIES.—During the 60-day period beginning on the date of submission of each annual report and the final report under this section, the Commission shall—

(1) be available to provide testimony to committees of Congress concerning such reports; and

(2) take action to appropriately disseminate such reports.

(c) TERMINATION OF COMMISSION.—

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

(2) TERMINATION.—The Commission, and all the authorities of this title, shall terminate 60 days after the date on which the final report is submitted under paragraph (1), and the Commission may use such 60-day period for the purpose of concluding its activities.

SEC. 270. FUNDING.

There are authorized such sums as necessary to carry out this title.

SA 4. Mr. REID (for himself, Mr. DURBIN, Mr. SALAZAR, and Mr. OBAMA) 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:

Strike sections 108 and 109 and insert the following:

SEC. 108. BAN ON GIFTS FROM LOBBYISTS AND ENTITIES THAT HIRE LOBBYISTS.

Paragraph 1(a)(2) of rule XXXV of the Standing Rules of the Senate is amended by—

(1) inserting “(A)” after “(2)”;

(2) adding at the end the following:

“(B) A Member, officer, or employee may not knowingly accept a gift from a registered lobbyist, an agent of a foreign principal, or a private entity that retains or employs a registered lobbyist or an agent of a foreign principal, except as provided in subparagraph (c).”

SEC. 109. RESTRICTIONS ON LOBBYIST PARTICIPATION IN TRAVEL AND DISCLOSURE.

(a) PROHIBITION.—Paragraph 2 of rule XXXV is amended—

(1) in subparagraph (a)(1), by—

(A) adding after “foreign principal” the following: “or a private entity that retains or employs 1 or more registered lobbyists or agents of a foreign principal”;

(B) striking the dash and inserting “complies with the requirements of this paragraph.”; and

(C) striking clauses (A) and (B);

(2) by redesignating subparagraph (a)(2) as subparagraph (a)(3) and adding after subparagraph (a)(1) the following:

“(2) Notwithstanding clause (1), a reimbursement (including payment in kind) to a Member, officer, or employee of the Senate from an individual other than a registered lobbyist or agent of a foreign principal that is a private entity that retains or employs one or more registered lobbyists or agents of a foreign principal for necessary transportation, lodging, and related expenses for

travel to a meeting, speaking engagement, factfinding trip or similar event in connection with the duties of the Member, officer, or employee shall be deemed to be a reimbursement to the Senate under clause (1) if it is, under regulations prescribed by the Select Committee on Ethics to implement this clause, provided only for attendance at or participation for 1-day at an event (exclusive of travel time and an overnight stay) described in clause (1). Regulations to implement this clause, and the committee on a case-by-case basis, may permit a 2-night stay when determined by the committee to be practically required to participate in the event.”

(3) in subparagraph (a)(3), as redesignated, by striking “clause (1)” and inserting “clauses (1) and (2)”;

(4) in subparagraph (b), by inserting before “Each” the following: “Before an employee may accept reimbursement pursuant to subparagraph (a), the employee shall receive advance authorization from the Member or officer under whose direct supervision the employee works to accept reimbursement.”;

(5) in subparagraph (c)—

(A) by inserting before “Each” the following: “Each Member, officer, or employee that receives reimbursement under this paragraph shall disclose the expenses reimbursed or to be reimbursed and authorization (for an employee) to the Secretary of the Senate not later than 30 days after the travel is completed.”;

(B) by striking “subparagraph (a)(1)” and inserting “this subparagraph”;

(C) in clause (5), by striking “and” after the semicolon;

(D) by redesignating clause (6) as clause (7); and

(E) by inserting after clause (5) the following:

“(6) a description of meetings and events attended; and”;

(6) by redesignating subparagraphs (d) and (e) as subparagraphs (f) and (g), respectively;

(7) by adding after subparagraph (c) the following:

“(d) A Member, officer, or employee of the Senate may not accept a reimbursement (including payment in kind) for transportation, lodging, or related expenses under subparagraph (a) for a trip that was planned, organized, or arranged by or at the request of a registered lobbyist or agent of a foreign principal, or on which a lobbyist accompanies the Member, officer, or employee on any segment of the trip. The Select Committee on Ethics shall issue regulations identifying de minimis activities by lobbyists or foreign agents that would not violate this subparagraph.

“(e) A Member, officer, or employee shall, before accepting travel otherwise permissible under this paragraph from any person—

“(1) provide to the Select Committee on Ethics a written certification from such person that—

“(A) the trip will not be financed in any part by a registered lobbyist or agent of a foreign principal;

“(B) the source either—

“(i) does not retain or employ registered lobbyists or agents of a foreign principal and is not itself a registered lobbyist or agent of a foreign principal; or

“(ii) certifies that the trip meets the requirements specified in rules prescribed by the Select Committee on Ethics to implement subparagraph (a)(2);

“(C) the source will not accept from any source funds earmarked directly or indirectly for the purpose of financing the specific trip; and

“(D) the trip will not in any part be planned, organized, requested, or arranged by a registered lobbyist or agent of a foreign

principal and that the traveler will not be accompanied on any segment of the trip by a registered lobbyist or agent of a foreign principal, except as permitted by regulations issued under subparagraph (d), and specifically details the extent of any involvement of a registered lobbyist or agent of a foreign principal; and

“(2) after the Select Committee on Ethics has promulgated regulations mandated in subparagraph (h), obtain the prior approval of the committee for such reimbursement.”;

(8) by striking subparagraph (g), as redesignated, and inserting the following:

“(g) The Secretary of the Senate shall make all advance authorizations, certifications, and disclosures filed pursuant to this paragraph available for public inspection as soon as possible after they are received.”; and

(9) by adding at the end the following:

“(h)(1) Not later than 45 days after the date of adoption of this subparagraph and at annual intervals thereafter, the Select Committee on Ethics shall develop and revise, as necessary—

“(A) guidelines on judging the reasonableness of an expense or expenditure for purposes of this clause, including the factors that tend to establish—

“(i) a connection between a trip and official duties;

“(ii) the reasonableness of an amount spent by a sponsor;

“(iii) a relationship between an event and an officially connected purpose; and

“(iv) a direct and immediate relationship between a source of funding and an event; and

“(B) regulations describing the information it will require individuals subject to this clause to submit to the committee in order to obtain the prior approval of the committee for any travel covered by this clause, including any required certifications.

“(2) In developing and revising guidelines under clause (1)(A), the committee shall take into account the maximum per diem rates for official Government travel published annually by the General Services Administration, the Department of State, and the Department of Defense.

“(3) For purposes of this subparagraph, travel on an aircraft operated or paid for by a carrier not licensed by the Federal Aviation Administration to operate for compensation shall not be considered a reasonable expense.”

(b) REIMBURSEMENT FOR NONCOMMERCIAL AIR TRAVEL.—

(1) CHARTER RATES.—Paragraph 1(c)(1) of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following: “Fair market value for a flight on an aircraft operated or paid for by a carrier not licensed by the Federal Aviation Administration to operate for compensation or hire, excluding an aircraft owned or leased by a governmental entity, shall be the pro rata share of the fair market value of the normal and usual charter fare or rental charge for a comparable plane of comparable size (as determined by dividing such cost by the number of members, officers, or employees of the Congress on the flight).”

(2) UNOFFICIAL OFFICE ACCOUNTS.—Paragraph 1 of rule XXXVIII of the Standing Rules of the Senate is amended by adding at the end the following:

“(c) For purposes of reimbursement under this rule, fair market value of a flight on an aircraft operated or paid for by a carrier not licensed by the Federal Aviation Administration to operate for compensation or hire, shall be the pro rata share of the fair market value of the normal and usual charter fare or rental charge for a comparable plane of comparable size (as determined by dividing such

cost by the number of members, officers, or employees of the Congress on the flight).”.

(3) CANDIDATES.—Subparagraph (B) of section 301(8) of the Federal Election Campaign Act of 1971 (42 U.S.C. 431(8)(B)) is amended by—

(A) in clause (xiii), striking “and” at the end;

(B) in clause (xiv), by striking the period and inserting “; and”; and

(C) by adding at the end the following :

“(xv) any travel expense for a flight on an aircraft that is operated or paid for by a carrier not licensed by the Federal Aviation Administration to operate for compensation or hire, but only if the candidate, the candidate’s authorized committee, or other political committee pays to the owner, lessee, or other person who provides the airplane the pro rata share of the fair market value of such flight (as determined by dividing the fair market value of the normal and usual charter fare or rental charge for a comparable plane of appropriate size by the number of candidates on the flight) by not later than 7 days after the date on which the flight is taken.”.

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

SA 5. Mr. VITTER (for himself and Mr. GRASSLEY) 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. ____ . APPLICATION OF FECA TO INDIAN TRIBES.

(a) CONTRIBUTIONS AND EXPENDITURES BY CORPORATIONS.—Section 316 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b) is amended by adding at the end the following:

“(d) TREATMENT OF INDIAN TRIBES AS CORPORATIONS.—

“(1) IN GENERAL.—In this section, the term ‘corporation’ includes an unincorporated Indian tribe.

“(2) TREATMENT OF MEMBERS AS STOCKHOLDERS.—In applying this subsection, a member of an unincorporated Indian tribe shall be treated in the same manner as a stockholder of a corporation.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to any election that occurs after December 31, 2007.

SA 6. Mr. VITTER 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. ____ . PROHIBITION ON EMPLOYMENT OF FAMILY MEMBERS OF A CANDIDATE OR FEDERAL OFFICE HOLDER BY CERTAIN POLITICAL COMMITTEES.

(a) IN GENERAL.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by inserting after section 324 the following new section:

“SEC. 325. PROHIBITION ON EMPLOYMENT OF FAMILY MEMBERS OF A CANDIDATE OR FEDERAL OFFICE HOLDER BY CERTAIN POLITICAL COMMITTEES.

“(a) IN GENERAL.—It shall be unlawful for any authorized committee of a candidate or any other political committee established, maintained, or controlled by a candidate or a person who holds a Federal office to employ—

“(1) the spouse of such candidate or Federal office holder; or

“(2) any immediate family member of such candidate or Federal office holder.

“(b) IMMEDIATE FAMILY MEMBER.—For purposes of subsection (a), the term ‘immediate family member’ means a son, daughter, stepson, stepdaughter, son-in-law, daughter-in-law, mother, father, stepmother, stepfather, mother-in-law, father-in-law, brother, sister, stepbrother, or stepsister of the Member.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SA 7. Mr. VITTER 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. ____ . KNOWING AND WILLFUL FALSIFICATION OR FAILURE TO REPORT.

Section 104(a) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended—

(1) by inserting “(1)” after “(a)”;

(2) in paragraph (1), as so designated, by striking “\$10,000” and inserting “\$50,000”; and

(3) by adding at the end the following:

“(2)(A) It shall be unlawful for any person to knowingly and willfully falsify, or to knowingly and willingly fails to file or report, any information that such person is required to report under section 102.

“(B) Any person who violates subparagraph (A) shall be fined under title 18, United States Code, imprisoned for not more than 1 year, or both.”.

SA 8. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 1, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

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

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

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

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

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

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

“(1) a member of the family (within the meaning of section 4946(d) of the Internal

Revenue Code of 1986) of the Member is employed by the organization;

“(2) any of the Member’s staff is employed by the organization;

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

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

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

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

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

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

“(B) which is over \$200; and

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

“(3) The disclosure under this subparagraph shall be made not later than 6 months after the date on which such Member or employee first knows of the applicable contribution.

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

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

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

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

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

“(C) the risk of abuse; and

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

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on January 1, 2008.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, January 9, 2007, at 2:30 p.m. to hold a closed briefing on Iraq.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Tuesday, January 9, 2007, at 9:30 a.m. for a

hearing titled "Ensuring Full Implementation of the 9/11 Commission's Recommendations."

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

ORDER FOR PRINTING OF TRIBUTES TO THE LATE PRESIDENT GERALD FORD

Mr. REID. Mr. President, I ask unanimous consent that tributes to the late President Gerald Ford be printed as a Senate document and that Senators have until Thursday, February 15, of this year to submit tributes to the late President.

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

EXECUTIVE NOMINATIONS

Mr. REID. Mr. President, as in executive session, I ask unanimous consent that the nominations to the Office of Inspector General, except the Office of Inspector General of the Central Intelligence Agency, be referred in each case to the committee having the primary jurisdiction over the department, agency or entity, and if and when reported in each case, then to the Committee on Homeland Security and Governmental Affairs for not to exceed 20 calendar days, except in cases when the 20-day period expires while the Senate is in recess, the committee shall have an additional 5 calendar days after the Senate reconvenes to report the nomination and that if the nomination is not reported after the expiration of that period, the nomination be automatically discharged and placed on the executive calendar.

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

TODAY IN THE SENATE

Mr. REID. Mr. President, we have had a good day today, a lot of work has been done. I commend the distinguished Senator, who is still on the floor, for being such a good manager. Her assignment as chairman of the Rules Committee comes at a very opportune time for us and a burdensome time for her. There is so much the Rules Committee is going to be required to do in the next 2 years, not the least of which is some matters that will be spun off from this bill, including campaign finance reform, which I have spoken with Senator McConnell about. I think he agrees that all matters relating to campaign finance reform should be referred to the Rules Committee and other committees that feel they have any jurisdiction. But the principal responsibility will be with Rules. We have to have extensive hearings on campaign finance reform, dealing with a broad range of issues—foundations, 527s, and all kinds of other things.

It has been a good day. I applaud the Senator from California, Senator Feinstein, for her work.

ORDERS FOR WEDNESDAY, JANUARY 10, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. tomorrow morning, January 10, Wednesday; that following the prayer and the pledge, the Journal of the proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and there be a period for morning business for an hour, with Senators permitted to speak therein, with the first half hour controlled by the majority and the second half hour controlled by the minority, and that at the conclusion of morning business the Senate resume S. 1.

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

PROGRAM

Mr. REID. Mr. President, today I offered the bipartisan substitute amendment. Four amendments are pending as well. Today, I alerted Members to expect votes tomorrow. Also, I remind Members that all Members of the 110th Congress have been invited to the Supreme Court tomorrow. There is a dinner. There is no cocktail hour and no reception. The dinner will begin promptly at 6:30 tomorrow evening. I have been to these events over the years, and they are really good. We have to reach out to our separate but equal branch of Government called the judicial branch. I find all nine of those Justices to be the most interesting people. They have such a tremendous responsibility. I think it will be good conversation, with a limited speech or two. I hope freshman Senators can find it in their schedules to come. It is also for the spouses.

DISCHARGE AND REFERRAL

Mr. REID. Mr. President, I ask unanimous consent that S. 198, the Nunn-Lugar Cooperative Threat Reduction Act of 2007, be discharged from the Foreign Relations Committee and then referred to the Armed Services Committee.

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

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is nothing further 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 7:32 p.m., adjourned until Wednesday, January 10, 2007, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate January 9, 2007:

THE JUDICIARY

ANTHONY C. EPSTEIN, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE SUSAN REBECCA HOLMES, RETIRED.

LESLIE SOUTHWICK, OF MISSISSIPPI, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT, VICE CHARLES W. PICKERING, SR., RETIRED.

JOSEPH S. VAN BOKKELEN, OF INDIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF INDIANA, VICE RUDY LOZANO, RETIRING.

JOHN PRESTON BAILEY, OF WEST VIRGINIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF WEST VIRGINIA, VICE FREDERICK P. STAMP, JR., RETIRED.

VALERIE L. BAKER, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA, VICE CONSUELO B. MARSHALL, RETIRED.

VANESSA LYNNE BRYANT, OF CONNECTICUT, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF CONNECTICUT, VICE DOMINIC J. SQUATRITO, RETIRED.

CAROL A. DALTON, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE A. NOEL ANKETELL KRAMER, ELEVATED.

THOMAS M. HARDIMAN, OF PENNSYLVANIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT, VICE RICHARD L. NYGAARD, RETIRED.

HEIDI M. PASICHOW, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE ANNA BLACKBURN-RIGSBY, ELEVATED.

PETER D. KEISLER, OF MARYLAND, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT, VICE JOHN G. ROBERTS, JR., ELEVATED.

DEBRA ANN LIVINGSTON, OF NEW YORK, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT, VICE JOHN M. WALKER, JR., RETIRED.

NORMAN RANDY SMITH, OF IDAHO, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT, VICE STEPHEN S. TROTT, RETIRED.

MARY O. DONOHUE, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF NEW YORK, VICE FREDERICK J. SCULLIN, JR., RETIRED.

THOMAS ALVIN FARR, OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NORTH CAROLINA, VICE MALCOLM J. HOWARD, RETIRED.

NORA BARRY FISCHER, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA, VICE ROBERT J. CINDRICH, RESIGNED.

GREGORY KENT FRIZZELL, OF OKLAHOMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OKLAHOMA, VICE SVEN E. HOLMES, RESIGNED.

PHILIP S. GUTIERREZ, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA, VICE TERRY J. HATTER, JR., RETIRED.

MARCIA MORALES HOWARD, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF FLORIDA, VICE HARVEY E. SCHLESINGER, RETIRED.

JOHN ALFRED JARVEY, OF IOWA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF IOWA, VICE RONALD E. LONGSTAFF, RETIRED.

FREDERICK J. KAPALA, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS, VICE PHILIP G. REINHARD, RETIRING.

SARA ELIZABETH LIOT, OF OHIO, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OHIO, VICE LESLEY BROOKS WELLS, RETIRED.

ROSLYNN RENEE MAUSKOPF, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NEW YORK, VICE DAVID G. TRAGER, RETIRED.

LIAM O'GRADY, OF VIRGINIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF VIRGINIA, VICE CLAUDE M. HILTON, RETIRED.

LAWRENCE JOSEPH O'NEILL, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF CALIFORNIA, VICE OLIVER W. WANGER, RETIRED.

WILLIAM LINDSAY OSTEN, JR., OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF NORTH CAROLINA, VICE WILLIAM L. OSTEN, SR., RETIRED.

HAIL SULEYMAN OZERDEN, OF MISSISSIPPI, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF MISSISSIPPI, VICE DAVID C. BRAMLETTE, RETIRED.

MARTIN KARL REIDINGER, OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF NORTH CAROLINA, VICE GRAHAM C. MULLEN, RETIRED.

JAMES EDWARD ROGAN, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA, VICE NORA M. MANELLA, RESIGNED.

THOMAS D. SCHROEDER, OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF NORTH CAROLINA, VICE FRANK W. BULLOCK, JR., RETIRED.

BENJAMIN HALE SETTLE, OF WASHINGTON, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF WASHINGTON, VICE FRANKLIN D. BURGESS, RETIRED.

LISA GODFREY WOOD, OF GEORGIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF GEORGIA, VICE DUDLEY H. BOWEN, JR., RETIRED.

OTIS D. WRIGHT II, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA, VICE GARY L. TAYLOR, RETIRED.

GEORGE H. WU, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA, VICE RONALD S. W. LEW, RETIRED.

UNITED STATES SENTENCING COMMISSION

DABNEY LANGHORNE FRIEDRICH, OF VIRGINIA, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING OCTOBER 31, 2009, VICE MICHAEL O'NEILL, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

BERYL A. HOWELL, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR A TERM EXPIRING OCTOBER 31, 2011 (REAPPOINTMENT), TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

JOHN R. STEER, OF VIRGINIA, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR A TERM EXPIRING OCTOBER 31, 2011 (REAPPOINTMENT), TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

EXECUTIVE OFFICE OF THE PRESIDENT

JAMES F. X. O'GARA, OF PENNSYLVANIA, TO BE DEPUTY DIRECTOR FOR SUPPLY REDUCTION, OFFICE OF NATIONAL DRUG CONTROL POLICY, VICE BARRY D. CRANE.

DEPARTMENT OF JUSTICE

WILLIAM W. MERCER, OF MONTANA, TO BE ASSOCIATE ATTORNEY GENERAL, VICE ROBERT D. MCCALLUM, JR.

STEVEN G. BRADBURY, OF MARYLAND, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE JACK LANDMAN GOLDSMITH III, RESIGNED.

NATIONAL SECURITY EDUCATION BOARD

ANDREW J. MCKENNA, JR., OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF FOUR YEARS, VICE ROBERT N. SHAMANSKY, TERM EXPIRED.

DEPARTMENT OF DEFENSE

MICHAEL J. BURNS, OF NEW MEXICO, TO BE ASSISTANT TO THE SECRETARY OF DEFENSE FOR NUCLEAR AND CHEMICAL AND BIOLOGICAL DEFENSE PROGRAMS, VICE DALE KLEIN, RESIGNED.

ANITA K. BLAIR, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE AIR FORCE, VICE MICHAEL L. DOMINGUEZ.

EXPORT-IMPORT BANK OF THE UNITED STATES

MICHAEL W. TANKERSLEY, OF TEXAS, TO BE INSPECTOR GENERAL, EXPORT-IMPORT BANK. (NEW POSITION)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SCOTT A. KELLER, OF FLORIDA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE STEVEN B. NESMITH, RESIGNED.

AMTRAK

ENRIQUE J. SOSA, OF FLORIDA, TO BE A MEMBER OF THE REFORM BOARD (AMTRAK) FOR A TERM OF FIVE YEARS, VICE LINWOOD HOLTON, TERM EXPIRED.

METROPOLITAN WASHINGTON AIRPORTS AUTHORITY

CHARLES DARWIN SNELLING, OF PENNSYLVANIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE METROPOLITAN WASHINGTON AIRPORTS AUTHORITY FOR A TERM EXPIRING MAY 30, 2012. (REAPPOINTMENT)

DEPARTMENT OF COMMERCE

JANE C. LUXTON, OF VIRGINIA, TO BE ASSISTANT SECRETARY OF COMMERCE FOR OCEANS AND ATMOSPHERE, VICE JAMES R. MAHONEY.

REFORM BOARD (AMTRAK)

FLOYD HALL, OF NEW JERSEY, TO BE A MEMBER OF THE REFORM BOARD (AMTRAK) FOR A TERM OF FIVE YEARS, VICE AMY M. ROSEN, TERM EXPIRED.

CORPORATION FOR PUBLIC BROADCASTING

WARREN BELL, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2012, VICE KENNETH Y. TOMLINSON, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DEPARTMENT OF ENERGY

KEVIN M. KOLEVAR, OF MICHIGAN, TO BE AN ASSISTANT SECRETARY OF ENERGY (ELECTRICITY DELIVERY AND ENERGY RELIABILITY), VICE JOHN S. SHAW, RESIGNED.

DEPARTMENT OF THE INTERIOR

JOHN RAY CORRELL, OF INDIANA, TO BE DIRECTOR OF THE OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT, VICE JEFFREY D. JARRETT.

ENVIRONMENTAL PROTECTION AGENCY

WILLIAM LUDWIG WEHRUM, JR., OF TENNESSEE, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE JEFFREY R. HOLMSTRAED, RESIGNED.

ROGER ROMULUS MARTELLA, JR., OF VIRGINIA, TO BE ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE ANN R. KLEE, RESIGNED.

ALEX A. BEEHLER, OF MARYLAND, TO BE INSPECTOR GENERAL, ENVIRONMENTAL PROTECTION AGENCY, VICE NIKKI RUSH TINSLEY, RESIGNED.

FEDERAL INSURANCE TRUST FUNDS

JOHN L. PALMER, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS. (REAPPOINTMENT)

JOHN L. PALMER, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL HOSPITAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS. (REAPPOINTMENT)

UNITED STATES INTERNATIONAL TRADE COMMISSION

IRVING A. WILLIAMSON, OF NEW YORK, TO BE A MEMBER OF THE UNITED STATES INTERNATIONAL TRADE COMMISSION FOR THE TERM EXPIRING JUNE 16, 2014, VICE STEPHEN KOPLAN, TERM EXPIRED.

DEPARTMENT OF THE TREASURY

CATHERINE G. WEST, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR A TERM EXPIRING SEPTEMBER 14, 2008, VICE KAREN HASTIE WILLIAMS, TERM EXPIRED.

FEDERAL INSURANCE TRUST FUNDS

JOHN L. PALMER, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND AND THE FEDERAL DISABILITY INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS. (REAPPOINTMENT)

UNITED STATES INTERNATIONAL TRADE COMMISSION

DEAN A. PINKERT, OF VIRGINIA, TO BE A MEMBER OF THE UNITED STATES INTERNATIONAL TRADE COMMISSION FOR THE TERM EXPIRING DECEMBER 16, 2015, VICE JENNIFER ANNE HILLMAN, TERM EXPIRED.

FEDERAL INSURANCE TRUST FUNDS

THOMAS R. SAVING, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS. (REAPPOINTMENT)

THOMAS R. SAVING, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL HOSPITAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS. (REAPPOINTMENT)

THOMAS R. SAVING, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND AND THE FEDERAL DISABILITY INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS. (REAPPOINTMENT)

DEPARTMENT OF HEALTH AND HUMAN SERVICES

DANIEL MERON, OF MARYLAND, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, VICE ALEX AZAR II.

DEPARTMENT OF THE TREASURY

PETER E. CIANCHETTE, OF MAINE, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR A TERM EXPIRING SEPTEMBER 14, 2010, VICE NANCY KILLEFER, TERM EXPIRED.

SOCIAL SECURITY ADMINISTRATION

ANDREW G. BIGGS, OF NEW YORK, TO BE DEPUTY COMMISSIONER OF SOCIAL SECURITY FOR THE TERM EXPIRING JANUARY 19, 2013, VICE JAMES B. LOCKHART III.

MICHAEL J. ASTRUE, OF MASSACHUSETTS, TO BE COMMISSIONER OF SOCIAL SECURITY FOR A TERM EXPIRING JANUARY 19, 2013, VICE JO ANNE BARNHART.

DEPARTMENT OF STATE

ELLEN R. SAUERBREY, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF STATE (POPULATION, REFUGEES, AND MIGRATION), VICE ARTHUR E. DEWEY, RESIGNED.

STANLEY DAVIS PHILLIPS, OF NORTH CAROLINA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ESTONIA.

INTER-AMERICAN FOUNDATION

HECTOR E. MORALES, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2010, VICE JOSE A. FOURQUET, RESIGNED.

BROADCASTING BOARD OF GOVERNORS

MARK MCKINNON, OF TEXAS, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2009, VICE FAYZA VERONIQUE BOULAD RODMAN, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

INTERNATIONAL MONETARY FUND

MARGRETHE LUNDSAGER, OF VIRGINIA, TO BE UNITED STATES EXECUTIVE DIRECTOR OF THE INTERNATIONAL MONETARY FUND FOR A TERM OF TWO YEARS, VICE NANCY P. JACKLIN, TERM EXPIRED.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

JAMES R. KUNDER, OF VIRGINIA, TO BE DEPUTY ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE FREDERICK W. SCHIECK.

DEPARTMENT OF STATE

RICHARD E. HOAGLAND, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERV-

ICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ARMENIA.

BROADCASTING BOARD OF GOVERNORS

D. JEFFREY HIRSCHBERG, OF WISCONSIN, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2007. (REAPPOINTMENT)

DEPARTMENT OF STATE

C. BOYDEN GRAY, OF THE DISTRICT OF COLUMBIA, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE EUROPEAN UNION, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

SAM FOX, OF MISSOURI, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BELGIUM.

ASIAN DEVELOPMENT BANK

CURTIS S. CHIN, OF NEW YORK, TO BE UNITED STATES DIRECTOR OF THE ASIAN DEVELOPMENT BANK, WITH THE RANK OF AMBASSADOR, VICE PAUL WILLIAM SPELTZ.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

KATHERINE ALMQUIST, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE LLOYD O. PIERSON, RESIGNED.

UNITED STATES INSTITUTE OF PEACE

RON SILVER, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2009, VICE STEPHEN D. KRASNER, TERM EXPIRED.

DEPARTMENT OF LABOR

LEON R. SEQUEIRA, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF LABOR, VICE VERONICA VARGAS STIDVENT.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DAVID PALMER, OF MARYLAND, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2011, VICE CARI M. DOMINGUEZ, TERM EXPIRED.

NATIONAL LABOR RELATIONS BOARD

DENNIS P. WALSH, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING DECEMBER 16, 2009. (REAPPOINTMENT)

UNITED STATES INSTITUTE OF PEACE

JUDY VAN REST, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2009, VICE DANIEL PIPES.

DEPARTMENT OF LABOR

RICHARD STICKLER, OF WEST VIRGINIA, TO BE ASSISTANT SECRETARY OF LABOR FOR MINE SAFETY AND HEALTH, VICE DAVID D. LAURISKI, RESIGNED.

NATIONAL INSTITUTE FOR LITERACY

PATRICIA MATHES, OF TEXAS, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM EXPIRING NOVEMBER 25, 2007, VICE MARK G. YUDOF, RESIGNED.

NATIONAL LABOR RELATIONS BOARD

PETER N. KIRSANOW, OF OHIO, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING AUGUST 27, 2008, VICE RONALD E. MEISBURG.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

ARLENE HOLEN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM OF SIX YEARS EXPIRING AUGUST 30, 2010, VICE ROBERT H. BEATTY, JR., TERM EXPIRED.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

RICHARD ALLAN HILL, OF MONTANA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING JUNE 10, 2009, VICE JUANITA SIMS DOTY, TERM EXPIRED.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

MICHAEL F. DUFFY, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM OF SIX YEARS EXPIRING AUGUST 30, 2012. (REAPPOINTMENT)

DEPARTMENT OF LABOR

PAUL DECAMP, OF VIRGINIA, TO BE ADMINISTRATOR OF THE WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR, VICE TAMMY DEE MCCUTCHEN, RESIGNED.

UNITED STATES POSTAL SERVICE

ELLEN C. WILLIAMS, OF KENTUCKY, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR A TERM EXPIRING DECEMBER 8, 2016. (REAPPOINTMENT)

DEPARTMENT OF HOMELAND SECURITY

JULIE L. MYERS, OF KANSAS, TO BE ASSISTANT SECRETARY OF HOMELAND SECURITY, VICE MICHAEL J. GARCIA.

EXECUTIVE OFFICE OF THE PRESIDENT

SUSAN E. DUDLEY, OF VIRGINIA, TO BE ADMINISTRATOR OF THE OFFICE OF INFORMATION AND REGULATORY AFFAIRS, OFFICE OF MANAGEMENT AND BUDGET, VICE JOHN D. GRAHAM, RESIGNED.

DEPARTMENT OF HOMELAND SECURITY

GREGORY B. CADE, OF VIRGINIA, TO BE ADMINISTRATOR OF THE UNITED STATES FIRE ADMINISTRATION, DEPARTMENT OF HOMELAND SECURITY, VICE R. DAVID PAULISON, RESIGNED.

FEDERAL LABOR RELATIONS AUTHORITY

WAYNE CARTWRIGHT BEYER, OF NEW HAMPSHIRE, TO BE A MEMBER OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM OF FIVE YEARS EXPIRING JULY 1, 2010, VICE OTHONIEL ARMENDARIZ, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

CENTRAL INTELLIGENCE

JOHN A. RIZZO, OF THE DISTRICT OF COLUMBIA, TO BE GENERAL COUNSEL OF THE CENTRAL INTELLIGENCE AGENCY, VICE SCOTT W. MULLER, RESIGNED.

ELECTION ASSISTANCE COMMISSION

ROSEMARY E. RODRIGUEZ, OF COLORADO, TO BE A MEMBER OF THE ELECTION ASSISTANCE COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 12, 2007, VICE RAYMUNDO MARTINEZ, III, RESIGNED.

FEDERAL ELECTION COMMISSION

STEVEN T. WALTHER, OF NEVADA, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2009, VICE SCOTT E. THOMAS, TERM EXPIRED.

HANS VON SPAKOVSKY, OF GEORGIA, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2011, VICE BRADLEY A. SMITH, RESIGNED.

DAVID M. MASON, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2009. (REAPPOINTMENT)

ROBERT D. LENHARD, OF MARYLAND, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2011, VICE DANNY LEE MCDONALD, TERM EXPIRED.

ELECTION ASSISTANCE COMMISSION

CAROLINE C. HUNTER, OF FLORIDA, TO BE A MEMBER OF THE ELECTION ASSISTANCE COMMISSION FOR A TERM EXPIRING DECEMBER 12, 2009, VICE PAUL S. DEGREGORIO, TERM EXPIRED.

DEPARTMENT OF THE INTERIOR

CARL JOSEPH ARTMAN, OF COLORADO, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR, VICE DAVID WAYNE ANDERSON.

DEPARTMENT OF VETERANS AFFAIRS

THOMAS E. HARVEY, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (CONGRESSIONAL AFFAIRS), VICE PAMELA M. IOVINO, RESIGNED.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER OF THE UNITED STATES COAST GUARD TO BE A MEMBER OF THE PERMA-

NENT COMMISSIONED TEACHING STAFF OF THE COAST GUARD ACADEMY IN THE GRADE INDICATED UNDER SECTION 188, TITLE 14, U.S. CODE:

To be lieutenant

THOMAS W. DENUCCI, 0000

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. LARRY L. ARNETT, 0000
COL. OTIS P. MORRIS, 0000
COL. GILBERTO S. PENA, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. H. STEVEN BLUM, 0000

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. BRADLY S. MACNEALY, 0000