Ms. COLLINS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. 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 President, I ask unanimous consent that the order for the quorum call be rescinded.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. LOTT. Mr. President, are we still in morning business?

The PRESIDING OFFICER. Yes.

LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2006

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate begin consideration of Calendar No. 367, S. 2349, the lobbying reform legislation. I further ask consent that following the reporting of the bill, I be recognized in order to offer a substitute amendment, and following that action, the bill be open for debate only during today's session.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2349) to provide greater transparency in the legislative process.

AMENDMENT NO. 2907

Mr. LOTT. Mr. President, I call up the substitute amendment which is at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 2907.

Mr. LOTT. Mr. President, I ask unanimous consent that further 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. LOTT. Mr. President, I am pleased to see that my colleague from the Rules Committee, Senator DODD, is here. He is the ranking member on the Rules Committee. We have done a lot of work together over the years, going all the way back to our days on the Rules Committee in the House. It is always a pleasure to do business with him.

I am also pleased to see the distinguished chairman of the Homeland Security and Governmental Affairs Committee in the Senate, Senator COLLINS, who has been doing outstanding work there, with a greatly expanded committee, with jurisdiction over almost everything that is moving these days. She is doing a wonderful job.

Again, I am pleased to see both of my colleagues here as we begin debate on this very important issue involving the rules of the Senate and lobbying reform legislation. I think one of the important things to note at the very beginning is that this legislation from both the Rules Committee and the Homeland Security and Governmental Affairs Committee was reported as bipartisan legislation, and it is legislation that will absolutely ensure greater transparency and accountability in the legislative process.

There are those in Washington—me included—who have been concerned of late by how much partisanship there is in Washington and in the legislative process. I do think it has reached unprecedented levels. But I believe it is also possible for us to not have everything be that partisan. So that is why I think the way these two bills have been reported is so remarkable because the Rules Committee had a full debate and amendments were offered. Some were passed, some were rejected, some were accepted, and some were ruled out of order. When we got to final passage, Senators on both sides of the partisan aisle felt it was a fair process and there was not a single dissenting vote.

Also, the Governmental Affairs Committee—if I may refer to it that way in shorthand—reported it with only one ''no'' vote after having a full discussion and some amendments that were not easy to deal with. So I hope the spirit of bipartisanship can carry to the floor when we take up the amendments.

This afternoon's proceeding will be somewhat abbreviated because we have to take out some time for discussion about judicial nominees and votes, and we do have some further action with regard to the low-income energy assistance issue. However, when we get back to these bills tomorrow and are ready for amendments, I hope Senators will come over and we can get a time agreement and we will have a good discussion and votes. Perhaps even some amendments can be accepted, depending on what they are, and we can get this process completed before this week is over. I think that would be very good for the institution, and it needs to be done.

I do think this is an important effort. I have looked at what the Rules Committee did and what came out of the Rules Committee in the last week. This will be the third time I have been involved in a process of changing the rules or looking at what we might need to do after a difficult time in our history. That was true back in the seventies after the Watergate matter. We took up campaign reform and ethics reform and made some significant changes, some of them wise and some of them turned out to be not so advisable. We had to address the people's confidence in our institutions at that time.

Then again in the nineties we had some issues come up that caused problems and concerns following the House banking scandal. Again, we went through a process of looking at our ethics, looking at our rules, and looking at lobbying reform, and took action.

Here again we are looking at some changes in the rules and some improvements or some additional requirements with regard to lobbying reform. I think it is needed.

Some people say: Why do you have to keep changing? Are your rules, your ethics, are your lobbying requirements changing? Yes, they change with time. When we wrote the Telecommunications Act in 1996 and 1997, we thought phones were all going to be hard wired. We had no idea of all the technological advances that were going to occur. When we did immigration reform in 1997, I thought we did a good job. Obviously, we did a terribly inadequate job.

We need to take a look at what we have done in the past when it comes to laws, rules, ethics reforms, lobbying reform, and modernize it. For one thing, with all the modern capability and technology, you can have instantaneous disclosure; you can have fuller disclosure. It is easier now to file reports with the Secretary of the Senate or to put it on your own Internet to divulge and disclose to the American people and all who wish to look at those reports what you are doing in your role as a Senator and your service to the people.

I want to make it clear, I think this is an issue we should address. That is why when the leader called on me to have a hearing in the Rules Committee and to move forward, I moved forward on the issue aggressively because I thought there are rules changes that we need, we should do, could do, that would make common sense, and would be fair.

This is an issue where it is very easy to lose control emotionally or we get involved in a tremendous process of self-flagellation and condemnation. I don't want to do that, but there are some places where there are legitimate concerns or appearances of impropriety which we can improve.

Senator DODD and I talked on the phone, we met, and we came up with some important points, and I think we have come up with a pretty good bill. We need to go forward, have a full discussion, take up serious amendments that will be offered, and get this job done. I look forward to working with Senator COLLINS and making this a bill with which both committees are comfortable.

Mr. President, I ask unanimous consent that my section-by-section analysis of the bill be printed in the RECORD.

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

SECTION-BY-SECTION SUMMARY OF THE LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2006 (S. 2349)

(Reported by the Senate Committee on Rules and Administration, February 28, 2006)

Section 1. Short Title: The Legislative Transparency and Accountability Act of 2006.

Section 2. Out of Scope Matters in Conference Reports: New Point of Order against

out of scope matters in Conference Reports. Point of Order can be waived by 60 votes. If the Point of Order is sustained, the offending material is deleted from the Conference Report and returned to the House for it's concurrence.

Section 3. Earmarks: Creates a new Standing Rule (XLIV) dealing with earmarks. Earmarks are defined as ''a provision that specifies the identity of a non-Federal entity to receive assistance. . . .'' ''Assistance'' is defined to include budget authority, contract authority, loan authority, and other expenditures including tax expenditures or other revenue items.

This new Standing Rule requires that all Senate bills or conference reports include a list of all earmarks in the measure; an identification of the Member who proposed the earmark, and an explanation of the essential government purpose of the earmark. The bill or Conference Report, including the list of earmarks, must be available to the Senate and to the general public on the Internet for at least 24 hours before its consideration.

Section 4. Conference Report Availability: Provides for the implementation of the requirement that Conference Reports be available to the general public for at least 24 hours before its consideration. Requires the creation of a new Senate website capable of posting this information. The effective date of this Section is set as 60 days after the date of enactment of the Act.

Section 5. Floor Privileges for Former Members: Amends Standing Rule XXIII of the Standing Rules of the Senate to eliminate floor privileges for former Members, former Senate Officers, and former Speakers of the House who are either registered lobbyists or employed by an entity for the purpose of influencing the passage, defeat or amendment of any legislative proposal. Permits the Committee on Rules and Administration to issue regulations allowing floor privileges for such individuals for ceremonial functions or events designated by the Majority and Minority Leader.

Section 6. Gifts and Meals: Amends Standing Rule XXXV to ban gifts from registered lobbyists or foreign agents. An exception is provided for meals, retaining the current financial limits. A provision is added requiring that within 15 days of receiving a meal, Members post on their website the value of such meals and refreshments provided to themselves and their staff, and the person who paid for the meal.

Section 7. Pre-Clearance of Trips and Disclosure: Subsection (a) amends Standing Rule XXXV to require pre-clearance approval by the Senate Select Committee on Ethics to receive transportation or lodging provided by a third party, other than travel sponsored by a governmental entity. The person providing the transportation and lodging would have to certify that the trip was not financed, in whole, or in part by a registered lobbyist or foreign agent and that the person sponsoring the trip did not accept directly, or indirectly, funds from a registered lobbyist or foreign agent earmarked to finance the trip.

A detailed trip itinerary would have to be provided to the Ethics Committee along with a written determination by the Senator that the trip is primarily educational; consistent with official duties, does not create an appearance of use of public office for private gain, and has a minimal, or no, recreational component, before the Committee could approve the trip.

Not later than 30 days after the trip is completed, the Member would have to file with the Select Committee on Ethics and the Secretary of the Senate a description of the meetings and events attended during the trip and the name of any registered lobbyist who accompanies the Member during the trip. Such information would also have to be posted on the Member's Senate website. Disclosure would not be required if such disclosure would jeopardize the safety of an individual or adversely affect national security.

Subsection (b) amends Standing Rule XXXV to require that a Member or employee who is provided a flight on a private aircraft, other than an aircraft that is owned, operated or leased by a governmental entity, file a publicly available disclosure report with the Secretary of the Senate identifying the date, destination and owner or lessee of the aircraft, the purpose of the trip and the persons on the trip except the persons flying the aircraft. A similar disclosure, without an exclusion for government flights, would be required to be filed with the Federal Election Commission if such a flight took place as part of a federal election campaign.

Section 8: Post-Employment Restrictions: Amends Standing Rule XXXVII to conform the post-employment registered lobbyist restrictions on Senate staff earning 75 percent of the rate of pay of a Member with the restrictions that are imposed on former Senators. Such staff would be prohibited from lobbying the Senate for one year after their employment terminates. This provision would be effective 60 days after the date of enactment.

Section 9: Public Disclosure of Employment Negotiations: Amends Standing Rule XXXVII to require that a Member who is engaged in prospective private sector employment negotiations, prior to the election of the Senator's successor, must file a public disclosure statement with the Secretary of Senate regarding such negotiations within three business days after the commencement of such negotiations.

Section 10: Lobbying by Family Members: Amends Standing Rule XXXVII to provide if a Member's spouse or immediate family member is a registered lobbyist or employed by a registered lobbyist, staff employed by the Member are prohibited from having any official contact with the Member's spouse or immediate family member.

''Immediate Family Member'' is defined as 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.''

Section 11: Unlawfully Using Public Office to Influence Hiring Decisions: Amends Standing Rule XLIII to prohibit a Member from seeking to influence, on the basis of political affiliation, an employment decision of any private entity by taking or withholding or offering or threatening to take or withhold an official act; or to influence or offer or threaten to influence, the official act of another.

Section 12: Sense of the Senate on Scope of Restrictions in The Act: A Sense of the Senate Resolution that any restrictions imposed by this Act on Members and employees of Congress should apply to the Executive and Judicial branches.

Section 13: Effective Date: Provides that the Act shall take effect on the date of enactment except in those cases where a different enactment date is provided.

Mr. LOTT. Mr. President, let me go through the Rules Committee bill and talk about some of the more important aspects. I won't go into all the details because Members will have a chance to review what we reported last Tuesday, and now it will be in the RECORD. When I complete my comments, Senator COLLINS or Senator DODD will be ready to speak. We will be able to make it very clear what we have done. Some of these things do need to be explained a little bit.

First of all, with regard to earmarks, we do know that there has been an explosion of so-called earmarks. This is where you put provisions, money, language in an authorization, appropriations, or a tax bill. I remember a few years ago it was maybe a few hundred. I remember the highway bill back in the eighties, I think, it had 157 earmarks, and the bill we passed last year had thousands—I don't even know how many but thousands.

I want to be the first to say I don't think that is totally inappropriate. I do think we need to have some better disclosure. I do think we need to think about how we do these earmarks, have some rules that make it clear who is doing what and for whom. So that is what we have tried to do with this legislation.

Some people will come to the floor—and I presume somebody might even offer an amendment—and say that earmarks are prohibited. I will fight that with every ounce of energy in my body. Some people might maintain that should be better left to the executive branch. Why? Why should some bureaucrat who lives in Maryland or Virginia—and I say that term lovingly—who works at HUD or the Department of Transportation or the Department of Defense—it doesn't matter what department—how do they know more about what is needed in terms of roads or housing or National Guard in my State of Mississippi or more than the Senator from Maine knows about what the needs are in her State? So I think it is ludicrous to maintain only the executive branch is pure.

By the way, do you think the executive branch does not have earmarks? The distinguished Presiding Officer noted an earmark for Pascagoula is not really an earmark. It is something clearly understandable and identifiable, and I am perfectly willing to identify it for the benefit of my constituents or anybody else who would like to take a look at it.

With regard to the executive branch, I have seen articles that point out some of the earmarks. For example, with the Department of Energy, the Office of Management and Budget always picks their projects they like, that the Corps of Engineers would do, but not others which might involve locks and dams or flood control projects. So it is OK for them to do it but not us.

What about what the Constitution says? Article I, section 9 of the Constitution, which deals specifically with spending, states:

> No money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law. . . .

So it is not up to the President alone. Congress has always had the final say on this issue of appropriations, and I am sure Senator BYRD would have something to say about this.

Again, there is a limit to what is reasonable, and I think we have kind of

lost a grip in that area. We do need to have some controls. It needs to be open and fair. It needs to be identified in the record.

I have become more and more concerned particularly about the practice where items can be added in conference that were not considered by committee or in either body, whether it is language in a tax bill or appropriations bill or a highway project in an authorization bill, and there is no way to really get at it. That is why in the Rules Committee—I worked with Senator FEINSTEIN in particular, and Senator HAGEL, and Senator DODD—developed a procedure that will allow Members to remove items from conference reports that were never considered by either body.

Under the committee's bill, if a point of order regarding the item is sustained, the offending provision would be removed, but the entire conference report would not fail. It would then be sent back to the House, minus the offending provisions.

I emphasize again, think about what was happening. The Senate did not include a provision. The House did not include a provision. They go to conference. It is the end of a session, it is an omnibus appropriations bill, and, voila, all these things show up in a tax bill or an omnibus appropriations bill. If it comes back to the floor of the Senate on short notice, with maybe a couple of hours to review it, if you make a point of order and you succeed, the entire conference report is taken down and it has to start over again, not just go back to the House for final action. That is a scary situation.

I remember attending a meeting one time where some language was being discussed that had not been in either bill that meant billions of dollars. I remember going back and saying to my then-chief of staff, Dave Hoppe, that this is dangerous; we should not allow this sort of thing to happen. Under this provision, if you garner the supermajority 60 votes, it cannot be taken out. I actually preferred a simple majority. More and more around here everything takes a supermajority, not a simple majority. I thought 51 votes would have been sufficient. But in the committee, keeping the 60-vote test prevailed. I hope it is not abused.

The bill also requires that committee and conference reports identify the sponsor of all earmarks so the Senator from Kansas will have to fess up that he has a project in an authorization bill, a tax bill, or an appropriations bill. He will have to indicate the amount and what it is for. It will have to be disclosed in the bill that comes back.

Finally, to get greater transparency to the process, conference reports cannot be considered unless they are available within the Senate and on the Internet at least 24 hours before Senate consideration. There are those who thought it should be 48 hours. When we get to the end of a session, even 24 hours is a leap. We can always shorten that by unanimous consent. But to have some modicum, minimum amount of time to review these conference reports, to me, makes sense, and it is fair.

So I think what we have done with regard to the so-called earmarks—and we define what an earmark is in the bill because my distinguished colleague from Mississippi questioned what an earmark is, and the language clearly did not apply to everything, excluding appropriations. We clarified that. I think this is good language.

I have already spoken to our counterparts in the House. They think this is progress. I think the idea that we are going to prohibit in some way earmarks would be going way too far.

The next issue that our committee dealt with is the issue of gifts. Under our language, no gifts will be allowed from registered lobbyists to Members or staff, or if it is from a foreign agent. The committee took the suggestion of some of the witnesses who testified before the committee and excluded meals from the definition of gifts. You can still have your meal, but you would have to disclose it.

The current rule is retained on the value of the meal, but Members would have to disclose that meal within 15 days on the Senator's Internet site. They would have to say if they had a meal and with whom they had a meal, or if you ordered in Dominos, you can mention that. The last time I mentioned another restaurant, my son said: Dad, I do sell for Dominos; could you put in a plug for Dominos? You have to disclose that on the Internet.

We can get into lowering the limit on gifts or meals or raise it? What are we doing here? Let's just go cold turkey. I don't want to have to be worrying about whether some cheap tie is worth $65 instead of $48. Let's say no gifts from lobbyists or registered agents. I don't know Senators who get gifts. I really don't know any. And it is preposterous, by the way, that you would be getting gifts from a registered lobbyist. So no gifts.

The bill also deals with third-party-funded travel. The committee rejected the idea of banning third-party-funded travel. I am sure there will be amendments offered in this area. We believe there is a useful educational value associated with most of these endeavors. However, in recognition that congressional travel can be abused, the committee adopted tough pre-clearance requirements for any such travel.

The committee bill requires that non-governmental third-party-funded travel must be pre-cleared and approved by the Senate Ethics Committee. It was alleged that this is no different from the current situation. No, now it is advisory. It is permissible. They can review it. They pretty much generally do review it and say this is OK. This would require preclearance and approval.

In order to qualify for Ethics Committee approval, the sponsor of the trip will have to certify to the Ethics Committee that the trip is not financed, directly or indirectly, by lobbyists. In addition, a detailed trip itinerary would have to be provided to the Ethics Committee, along with a written determination by the Senator that the trip is primarily educational, consistent with official duties, does not create an appearance of use of public office for private gain, and has a minimal or no recreational component before the committee could approve the trip. We are not saying they couldn't have a recreational component. If a Member plays a round of golf, the Member would have to pay for that.

Not later than 30 days after the trip is completed, a Senator would have to file with the Ethics Committee and Secretary of the Senate a description of the meetings and events attended during the trip and the names of any registered lobbyists who accompanied the Senator during the trip. Such information would also have to be posted on the Senator's Internet Web site.

Will it be a hassle? Sure. Is it something we can do and should do? Yes. We are going to have to do this.

With regard to flights on private planes, in an effort to broaden transparency, the committee bill requires that all official travel on private aircraft must be disclosed, along with the names of the people traveling on the aircraft and the purpose of the trips. The disclosure rules will also apply when a Member uses a private aircraft in a campaign for reelection.

We addressed the question of postemployment restrictions. The bill tightens postemployment restrictions for high-paid staff by conforming the lobbying ban on senior staff with the ban on former Member lobbying. Therefore, senior staff will not be allowed to lobby the Senate for 1 year, and the current rules will continue to apply to the lower paid staff. Previously, just to show you what the difference is, I believe it was really only applied to senior leadership staff. This was taken to all senior staff, and it would be only the 1-year limit. But the language, as the Senate Rules Committee passed it, would limit it to 1 year on all Members lobbying.

With regard to floor privileges, the committee addressed an issue about which some people have expressed concern: former Members lobbying on the Senate floor. I don't think this is a real problem, and I have never experienced it in my 16 years here. The committee believed that former Members who are registered lobbyists should not be seen to have an advantage in meeting with Members on the floor of the Senate; therefore, the committee bill bars former Members, ex-Secretaries of the Senate, ex-Sergeants at Arms of the Senate, and former Speakers who are registered lobbyists access to the Senate floor. Exceptions could apply for

ceremonial events and events designated by the leaders. Again, I emphasize that former Members would be allowed to come, unless they are registered lobbyists. If they are registered lobbyists, they would not be able to come to the floor, and it would apply to the former officers of the Senate and Speakers of the House.

(Mr. CHAMBLISS assumed the Chair.)

Mr. ROBERTS. Mr. President, would the Senator yield?

Mr. LOTT. Mr. President, I would be happy to yield to the distinguished Senator from Kansas.

Mr. ROBERTS. I wanted to explain this tie that the Senator from Mississippi has maligned. I don't know if I could seek a parliamentary ruling. Is that a violation of rule XIX, degrading the tie of a Senator?

The PRESIDING OFFICER. In the opinion of the Chair, it is not a violation under the rules.

Mr. ROBERTS. This was a tie, if the Senator will continue to yield, that was given to me by my wife.

Mr. LOTT. Mr. President, was this a gift?

Mr. ROBERTS. It was given to me by my wife, it did cost under $50, and it is the color of the ever-optimistic and fighting Wild Cats of the Kansas State University, and I thought it was a pretty nice tie to go with this dark suit. Should I change that under the banner of the bill?

Mr. LOTT. Mr. President, recognizing the seriousness of the charges and the hurt feelings and the attitude of the Senator from Kansas, I ask unanimous consent that my disparaging remarks about his tie be expunged from the RECORD.

Mr. ROBERTS. I would appreciate that, but it didn't cause me much of a problem at all.

Mr. LOTT. Mr. President, I hope this is not an indication of the tenor of the debate that is going to occur this week. I think that a little humor is fine, but I also think a little action is required in this area, and I promise to patch up my friend's feelings as soon as I get through here before the Senate.

Speaking of public disclosure of employment negotiations, the committee addressed a potential conflict of interest situation where a Member is negotiating for a private sector job while still acting in his official capacity. This was an amendment that I believe was offered by Senator SANTORUM in the Rules Committee, it was not in our committee chairman's mark, but the committee discussed it and agreed that this is an area which should be adopted. It requires public disclosure of any such negotiations. The rule would not apply if the Member's successor has already been elected. Once an election has occurred for a successor, even though you might be back in what we call a lameduck session, you would be able to have such negotiation, but you wouldn't have to fulfill the public disclosure statement. Obviously, as long as you are in this body, you shouldn't be having negotiations with somebody about employment when you are leaving. If you do, you may, of necessity—it may happen accidentally, but if you do, you ought to at least disclose it.

Lobbying by members of the Senator's family, has been in question and an issue in recent years. The committee adopted a rule that directly impacts family members who are registered lobbyists. The rule bars a Member's spouse or any immediate member of the family from lobbying the Member's staff, and we have a definition of what ''immediate family member'' is.

We also have a provision with regard to unlawfully using public office to influence hiring decisions. The committee voted to amend the standing rules to prohibit a Member from threatening to take or withhold any official act in an effort to influence a private sector hiring decision. The committee approved this amendment, knowing full well that in current law, 18 U.S.C. section 201, it makes it a felony punishable by as long as 15 years in jail for a Member to try to influence such a hiring decision by threatening to take or withhold an official act. But the committee believed that even though it might be covered by law, that the Rules should be very clear in this particular area. I questioned, and others commented on the fact that if you recommend a former staff member to an entity as a highly qualified, capable young man or woman, certainly you can continue to do that. It is where you infer or suggest that you are going to withhold or do something as punishment if certain hiring actions are not taken.

In conclusion, I believe the committee acted and produced a fair and balanced bill. I know some Members would like to ban all privately funded travel. Others will want to talk more about whether we are sufficiently policing ourselves.

I believe our Ethics Committee over the years has done a good job. I served several years on the Ethics Committee. Unfortunately, it was an extremely active time. During that period, we had the so-called Keating 5; we had a couple of Senators who had unintentionally, but still very importantly, leaked some information with regard to the Intelligence Committee. We had a very active period of time, but we faced up to it. And there have been other examples. I have no doubt that the current members of the Ethics Committee, which is evenly divided, are doing a good job. Part of their problem is us: our rules sometimes are not clear or they are ambiguous. They do need to be tightened up. We need to be more specific. And I am working with Chairman VOINOVICH to try to get some of those identified so that we can have some ethics rules changed.

Mr. President, I have a little throat problem here, so let me stop at this point and say that I hope we can go forward expeditiously and in a fair way this week and address this very important issue of rules changes and lobby reform. I think we can do it in a bipartisan way and have a bill ready to go to conference by the end of this week.

I yield the floor.

Mr. DODD. Mr. President, let me begin these comments by thanking, first of all, my colleague from Mississippi, Senator LOTT, who chairs the Rules Committee, and the other members of the committee, Democrats and Republicans alike, who worked over the past number of days to put together a Rules Committee bill.

The Rules Committee, for those who are interested in following this in detail, has jurisdiction over a couple of matters: the conduct of Members specifically and campaign finance reform issues. We don't have jurisdiction over lobbyists per se, except to the extent they are engaged in business with Members of Congress, with Members of this body. So our bill was specifically tailored to deal with Member conduct vis-a-vis lobbyists and, in some cases, spilled over a little bit into the campaign finance reform area, which I will address in a couple of minutes.

I wish to underscore the points Senator LOTT has made about the cooperative spirit with which the Committee dealt with its business. We worked, and we had a good working session. In fact, we had a number of sessions, actually, before the markup to try to come to some consensus. The Democratic leader, Senator HARRY REID, when I asked him what sort of a bill he would like to put together, his first words were: A bipartisan bill. So we made that effort, and as a result of not an extensively long markup but one that went on for several hours where, as Senator LOTT has pointed out, there were amendments that were agreed to and some disagreed to, and others made out of order, but we put together a bill that certainly was a major step forward, and it was supported by all members of the Rules Committee, even by members who had amendments that were rejected. We felt strongly that it was important that we try to act as unanimously as possible, and we did so.

So today we gather here in this Chamber for the full consideration of that bill, plus the bill that was authored by the distinguished Senator from Maine, Ms. COLLINS, and my colleague from Connecticut, Senator LIEBERMAN. This may be a unique situation about to occur here where the comanagers of this legislation will be the two Senators from the same State. My colleague from Connecticut, Senator LIEBERMAN, is the ranking Democrat on the Homeland Security and Governmental Affairs Committee. In fact, I watched their markup the other day on C–SPAN, and it was very healthy and productive and, I thought, a very comprehensive discussion of their jurisdiction of these matters, which clearly involves the role of lobbyists and their activities as they relate to Members as well but a bit different from the Rules

Committee. I congratulate them and members of their committee as well for a very thoughtful conversation.

I also commend TIM JOHNSON and GEORGE VOINOVICH, who are the vice chairman and chairman respectively of the Senate Ethics Committee. It has been said over and over again that there is no more thankless job in many ways than to be a member of the Ethics Committee, but they have done a remarkable job, in my view. They don't advertise what they do. Their meetings are not even necessarily publicized because they deal with these sensitive matters of allegations raised against Members of this body. But all of us who have watched them over the last number of years, along with the other members of that committee and their previous chairs, respect immensely the work they do. I suspect you are going be hearing from members of that committee during this debate and discussion as they report to this full body on their activities.

So today the full Senate begins the process of considering legislation to bolster congressional accountability, make the legislative process fair, more transparent, and to regulate more tightly the relationships between Members of Congress, the executive branch officials, and lobbyists.

It is imperative that we act on this bill to help restore the confidence of all Americans in the legislative process and in the laws we write. That confidence has been eroded by recent lobbying scandals involving Members principally, if not exclusively, of the House of Representatives. It is important that we note that.

I commend as well our Democratic leader, Senator REID, for his leadership in this effort. Without his focus and dedication to bring real reform to the attention of the American people and to propose a very comprehensive measure himself which, in large part, is the basis of the bill we are considering today, we would not be as far along as we are. Senator REID's bill is supported by 40 members of the Democratic caucus and represents a tough but appropriate response to the lobbying scandals of the other body.

We are still waiting for the majority of the other body to unveil their lobbying reform priorities. Had we waited for the response of the other body to lobbying scandals that affected the House, I believe we would not be standing before the American people today in the U.S. Senate addressing this issue. I thank Senator REID for his leadership on this measure and for taking positions that were not necessarily well received here in Washington but are essential to the confidence of the American people and the legislative process.

Bringing this bill to the floor is a next step in a longer process which has occupied directly two Senate committees—Rules and Administration and Homeland Security and Governmental Affairs. These reform efforts will eventually involve both the Senate and the House of Representatives. We should also consider whether such reforms should extend to the executive and judicial branches as we consider changes to ethics laws. Some of these matters clearly spill over, in my view. Since we are dealing with these matters, we ought not to necessarily just leave it to ourselves and the legislative branch to examine these issues but should consider whether they should apply to our colleagues who serve in the executive and judicial branches as well.

So let us be clear from the very outset about why we are here. There have been serious allegations made, and guilty pleas entered, regarding the criminal activities of certain Members of the House of Representatives and former staff and the activities of Jack Abramoff and his violations of current lobbying gift and ethics rules. Some of these abuses have involved spending earmarks or other special interests provisions. One House Member has already been convicted of criminal wrongdoing, resigned his seat, and has been sentenced to 8 years in prison on corruption charges. Senior House staffers have pled guilty to various violations. Others, including a political appointee of the Bush administration, have been indicted as well. I suspect more indictments will follow. By their guilty pleas, these individuals have acknowledged that they broke existing law, and I suspect that but for these activities, we might not have been dealing with the legislation that now brings us to the floor of this Chamber.

The Abramoff story suggests that he also engaged in activities that, while perhaps technically legal, were nonetheless clearly unethical. In government, we must hold ourselves to a standard of accountability that involves not only doing what is legal but also what is right.

As my colleague from Connecticut has noted, with this bill we have a chance to make what is clearly wrong also clearly illegal. Stricter enforcement of current laws and rules will go a long way toward addressing abuses, but we must also look to further reforms to reduce the risk of future wrongdoing. It is important to strengthen our current rules and procedures where we can to avoid future problems. So that is in a nutshell what we are about today and why we are here.

Let me share a little bit of history because, as my colleague from Mississippi has pointed out, these are not events but rather a process, and they began a long time ago. As he pointed out, there are any number of efforts that have been made on so-called reform efforts.

Regulating the relationships between Members and lobbyists is not something new. In 1876, the House of Representatives tried to require lobbyists to register with its Clerk, but enforcement was weak and not much came of those efforts more than 125 years ago.

In the early 1930s, Congress held hearings on lobbying abuses with very little result at all, and in 1938 the Foreign Agents Registration Act was enacted, followed by the 1946 Federal Regulation of Lobbying Act, the scope of which the Supreme Court soon narrowed. Additional reforms were implemented in the 1960s and then the Lobbying Disclosure Act of 1995 and the new Senate gift and travel rules followed.

I say this to try and place our efforts in historical context and to underscore that reform is an organic and dynamic process, not an event. So it is appropriate to review and reform existing lobbying laws, gift rules, earmarking, and other procedures periodically. It is especially necessary today in light of the most recent scandals that have hit this town.

Restoring the confidence of the American people in the legislative process requires it. If we fail here to come together to produce real reform, then we risk the further disillusionment of our fellow citizens and allow their confidence in Congress to erode further.

It is clear that real, enforceable ethics reforms do work. Ethics reforms have over the years worked to improve the way Congress operates. Conflict of interest rules, earned-income limits, lobbying disclosure laws, the McCain-Feingold law and honoraria ban—in both of which I was privileged to play a role in—and other key provisions have helped ensure greater transparency and accountability in the U.S. Congress. But we must do more, and we will in these coming days.

As the ranking member of the Rules and Administration Committee, with jurisdiction over elements of this bill that affect the treatment and obligations of Members of Congress, I have worked with my good friend, Chairman LOTT, and committee colleagues on both sides to craft a bill on issues within our jurisdiction. That bill has now been married on the floor with legislation from the Homeland Security and Governmental Affairs Committee, chaired by the distinguished Senator from Maine and the ranking member from my home State of Connecticut, Senator LIEBERMAN. These bills address the Lobbying Disclosure Act changes within its jurisdiction.

I hope ultimately we can craft an omnibus bill that will command broad bipartisan support and will be signed into law by President Bush. I think we have already come a ways in that direction. I have appreciated the cooperative posture of Chairman LOTT in developing this measure which was reported unanimously, as I mentioned earlier, by the Rules Committee. There were a number of amendments offered in the committee to strengthen the measure, and some were accepted and some rejected.

My colleague went down this list, but it is important that my colleagues know what we were able to include. I

mention some of the reforms here: the ban on gifts from lobbyists, the requirements of additional reporting on meals as well. I might point out to my colleague from Mississippi, I suspect we may have already in effect, just established a ban on meals. Looking at the language in our own committee, the idea that people are going to be reporting every few days a $20 meal—I suspect most may decide it is not worth going through that. In fact, I may offer, at some point, to just make that a total ban on the meals altogether and avoid going through the process of having to list them on the Internet, which is what in effect we have accomplished in that provision of the bill.

The bill would also prohibit travel paid for by lobbyists and require prior approval of travel by the Ethics Committee. The bill requires for the very first time the disclosure of earmarks in bills, both appropriations bills and authorizing bills, and that imposes some complications, clearly, because an earmark authorizing bill may not be as clearly identifiable as one on an appropriations bill. In an appropriations bill you talk about Pascagoula, we talked about New London, CT. In an authorizing or tax bill it may describe ''some business that employs a certain number of people located above the Mason-Dixon line'' or something else. You would have to hire a scout or someone to go out and identify the specific entity that is being benefitted by that earmark. I suspect we are going to hear some conversation from our colleagues about how we are going to have to tighten it up. But the point the Senator from Mississippi was making in the Committee is this ought not be just appropriations matters. It ought to cover the spectrum where people parachute in a provision, particularly in a conference report, that had been neither considered by the House nor the Senate that ends up mysteriously in a bill.

If you try to take them out of that bill, by the way, when it comes back to the Senate, the entire bill in which they are located falls. None of us necessarily wants that to occur. Therefore a lot of these provisions have stayed in over the years. This is the reform being talked about here.

Our colleague from California, Senator FEINSTEIN, played a very critical role, with Senator LOTT, in drafting the provisions that incorporated the Rules Committee bill. I think most Members believe if the matter was not in the House or Senate and ends up in the conference report, that ought to be subject to a point of order and come out of the bill. While we may disagree on this point—I have heard my colleagues speak eloquently about it—we should be making sure the point of order would prevail so you don't have just a simple majority but require a supermajority vote to allow that to occur.

If it is that important, if the Member believes he had to put it in—and there may be such circumstances, by the way then the supermajority vote is appropriate. We have been around long enough to know what happens. We will pass an appropriations bill here, the House will do it, and then some event will occur, a hurricane, and then all of a sudden that is the only bill moving. So you want to put something in the bill. If it is on that level, then I suspect a supermajority of my colleagues will approve it. Nonetheless, real efforts are being made and our Rules Committee bill certainly dealt with that.

We also include a new point of order against the out-of-scope provisions. I mentioned that already. The bill would also require conference reports to be available 24 hours prior to the consideration on the Internet.

Again, some of these conference reports are mammoth. They would make ''War and Peace'' look like light reading when you see them. So having them for 24 hours is certainly going to be of some help.

It may shock Members or others to find out that these bills in many cases were not even printed at all. In some cases I remember over the years when we actually considered them. Nonetheless, I think that is a good step forward as well.

We eliminate floor privileges for former Members, officers, and Speakers of the House if they become lobbyists. It may be somewhat of a fine point, a piece of trivia. Members may not know this. Former House Members are not allowed on the Senate floor, but a former Speaker of the House is. That is the one former Member who is allowed in this Chamber. Most of our former colleagues certainly are not lobbyists, and those Members who have come back here do so infrequently, and it is always a pleasure to see them. But if you are a lobbyist, that raises a concern. I think the perception is such that we ought to keep people off the floor while they are engaged in that business—except under very special circumstances.

We require the disclosure of employment negotiations by Members and their staff prior to their departure from the Congress—again, something that I think is a good step forward. We also make it clear that efforts to influence employment practices of private entities on the basis of partisan considerations are a violation of the Senate rules. Again, this is going back to the so-called K Street project.

My colleague from Illinois, Senator DURBIN, raised this issue. There are already existing laws in the Criminal Code which prohibit certain of these activities. But my colleagues on the committee felt if it is already existing law we ought to make it clear, as well, that part of the rules of this place ought to be such that you cannot negotiate, on the basis of partisan politics, employment for people. I congratulate my colleague from Illinois for offering this language to address the K Street project.

Finally, Senator BEN NELSON of Nebraska offered an amendment, which was adopted, expressing the sense of the Senate that restrictions should apply to the executive and judicial branches as well. My hope would be we would do that.

My colleague from Mississippi has gone over a lot of this. The point being, we had an underlying bill. There were amendments offered. We strengthened the bill. This is not a perfect bill, but it is a good bill. It is a major step forward. I think, with the efforts made with the Homeland Security bill under the leadership of Senator COLLINS, we made a major step forward.

I anticipate some of those amendments that were rejected in our committee or ruled out of order may by offered on the floor. I may offer one or two of those amendments myself.

The most comprehensive amendment offered in Committee was one I offered on behalf of the Democratic Leader, Senator REID, which took key elements of the sweeping reform bill he developed in consultation with our Caucus, the Honest Leadership Act. That bill has served to help frame this debate thus far, and set a standard for real reform. It was rejected by the Committee on a party-line vote, which I regret, but some of its provisions were eventually adopted in Committee.

I know that additional key elements of this measure will be offered by various colleagues in the coming days. I suspect there will be some amendments to the government affairs committee portion of this bill, too, some of which were rejected in Committee, some withheld for the Floor debate.

That is at it should be. Many Members will have ideas to improve the bill here on the Floor, and I am committed to working with colleagues on our side to ensure their ideas get a full and fair hearing and, where necessary, a vote. Although the combined rules/government affairs committee bill offers a good framework, it is clear that the bill can and should be improved.

Efforts to strengthen this bill will be the focus of amendments by Members on our side going forward, both here on the Floor and in conference.

I won't try to summarize in detail what is in the new bill, which merges the provisions of the Rules Committee and Government Affairs bills. Our distinguished colleagues on the Homeland Security and Governmental Affairs Committee Senator COLLINS, Chair of the committee, and my colleague from Connecticut, Senator LIEBERMAN will be describing the provisions of their bill in detail. I ask consent that a brief section-by-section summary of the Rules Committee provisions be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. DODD. The Rules Committee bill deals with those issues governing conduct of Members, as per our jurisdiction. The bill includes reform of the

gift rule to prohibit gifts from lobbyists. The Rules Committee-reported bill exempts meals from this prohibition, but does require that members and staff disclose any meals paid for by lobbyists, according to existing dollar limits.

This provision does not go far enough, in my opinion. While I recognize that much business is transacted over meals, members and staff can afford to pay for their meals at such meetings. If we are taking the step of banning coffee cups and candy from lobbyists, we should also ban the coffee and desserts.

Finally, let me say a few things about what I think is the elephant in the room on reform efforts. And that is the need to enact comprehensive reforms of the way we organize and finance campaigns in this country.

As I have said, gift and lobby reforms do matter, and are important. But while it is clear serious reform of the way some in Congress and their lobbying allies do business is needed, these changes alone won't address the core problem: the need for campaign finance reform which breaks once and for all the link between legislative favor-seekers and the free flow of inadequately regulated, special interest private money.

This is a much more significant issue than lobbying, gift and travel rules, or procedural reforms on earmarks and conference procedures and reports.

As my colleagues know, under current controlling Supreme Court precedents, including its landmark decision in Buckley v. Valeo, comprehensive reform can be accomplished either through full or partial public funding in return for a voluntary agreement by candidates to abide by spending limits. Failing that, an amendment to the Constitution to enable Congress and the States to impose mandatory spending limits is needed. The idea that we are going to adopt a constitutional amendment is remote at best.

I have fond memories of our former colleague from South Carolina, Senator Hollings, eloquently, year after year after year, beseeching this institution to adopt a constitutional amendment that would, I think, say something as simple as: For the purpose of Federal elections, money is not speech. I think that was the entire language of the amendment, or something like that.

I supported him on a couple of occasions because of the simplicity of us being able to regulate this without having to go to the alternative route, which is what we are going to be left with if we want some control, and that is public financing.

Some States have done that. Jody Rell, my Republican Governor, offered the language in Connecticut, adopted by the Democrat-controlled legislature. The State of Arizona has done it. The State of New Jersey, I think, has done some as well. So it is not without precedent, and it is the only other alternative we have, without amendment to the Constitution, to make an effort to try to reduce the kind of campaign spending problems we have.

My preferred approach would include a combination of public funding, free or reduced media time, spending limits, and other key reforms. Others will have different views and approaches. I appreciate that Chairman LOTT has recently responded positively to my urging of a hearing in our Committee on comprehensive campaign reform.

I hope this will be the first step in a longer process of developing a comprehensive reform bill, although it may be difficult to actually enact such reform in this election year. It took us years to enact the McCain-Feingold law. Hopefully, it will not take as long to enact a more comprehensive bill for public financing.

But let me offer a caution on this point. While I am equally committed to seeing Congress act to respond to the lobbying scandals of recent months and address the role of special interest and lobbyist money in campaigns, I believe we must move these reforms and campaign finance reforms on separate and independent tracks.

Real campaign finance reform is more complex than reform of lobbying rules. We must not slow lobbying reform by tacking on unrelated campaign finance measures, which many on both sides would see as a poison pill.

Chairman LOTT and I had a sort of tacit agreement that we would work to keep such campaign finance provisions off this bill in Committee. I would hope we can adopt the same approach throughout this process.

I suspect that will be difficult to achieve, since there will be those who seek to use this bill for partisan advantage. But I urge my colleagues, in the interest of enacting bipartisan lobbying reform, that we keep this bill relatively free of campaign finance provisions like 527 organization reform, tribal contribution changes, and others.

For myself, I think there is a real risk of weighing down this bill with so many campaign finance amendments that we will effectively kill it. I hope that does not happen, and I urge my colleagues to withhold campaign finance-related amendments until we get to a more appropriate vehicle for them to offer their ideas.

Let us hope we can make some progress on the campaign finance front. But I appeal to my colleagues on both sides, let us agree to do it separately from this bill, since adding these provisions could kill the very legislation that brings so many of us together.

Eventually, real campaign finance reform must address not just congressional campaigns but also the urgent need to renew and repair our Presidential public funding system as well, which has served Democratic and Republican candidates—and all Americans—for 25 years.

Some of us have pressed for comprehensive campaign reform for years. Current scandals offer a once-in-a-generation opportunity to address this issue in ways which both meet public demands for reform and the tests laid out by the Supreme Court since the Buckley decision.

The American public is way ahead of us on this issue. Too many people believe the interests of average voters are usurped by the money and influence of lobbyists, powerful individuals, corporations, and interest groups. Too many believe their voices go unheard, drowned out by the din of special interest favor seekers.

Our system derives its legitimacy from the consent of those we govern. That is put at risk if the governed lose faith in the system's fundamental fairness and its capacity to respond to the most basic needs of our society because narrow special interests hold sway over the public interest.

Most Americans would agree that the price of funding campaigns with clean money—so-called ''disinterested'' money—is a small price to pay to restore the confidence in our system. Comprehensive campaign finance reform, along with efforts to address the recent lobbying scandals, is necessary to return control of the process to the people to whom it belongs. That is what government of the people, by the people, and for the people has meant for over 200 years.

So, I end where I began, that is, with the concern about the confidence of Americans in Congress, our credibility, and the credibility of the legislative process being at stake. Let us not fool ourselves that these issues will ultimately be resolved without a fundamental overhaul of our campaign finances. I know when we eventually have this debate, the same tired arguments we have heard year after year will be trotted out in defense of the current system: Citizen funding is ''welfare for politicians''; we spend more on toilet paper than we do on campaigns; and political money equals speech.

That is ridiculous.

Some will argue that we must not curtail the first amendment rights of citizens, including the wealthiest Americans, to engage in the political process. I say let us have that debate. I welcome it.

I think most Americans would agree that the price of public funding of campaigns with clean money, uninterested money, is a small price to pay to restore that confidence in our political process, and to return control of that process to the governed. It is time for the Senate to come forward with fresh, bipartisan ideas on how we finance our campaigns.

I thank the majority and minority leaders and the Chairs and ranking member of both of these committees for their courtesies in bringing this legislation forward. I certainly look forward to working with my colleagues

over the next several days to conclude this process with a sound, strong piece of legislation.

We are here because of scandals that have wracked this town over the last number of days and weeks. We need to try to address those issues with this legislation. I believe we can.

Again, my compliments to my friend and colleague from Mississippi for his leadership, to Senator COLLINS of Maine, my colleague from Connecticut, Senator LIEBERMAN, and the respective members of these two committees—and to TIM JOHNSON and GEORGE VOINOVICH for the wonderful job they have done as leaders of our Ethics Committee in this body over the years.

With that, I yield the floor. I hope the chairman will maybe make such a proposal, but I suggest that we are going to be looking for amendments quickly. We are prepared to have time agreements on these amendments to allow for an adequate discussion of the proposal, and votes, if they are so needed. But if you will let us know what they are, we will help move this process along.

I want this debate to end this week. I think it can be done by Thursday. My goal is to have it done by Thursday. I ask the leaders to stay in session during the evenings, if we have to, to get the job finished. I hope that is not necessary.

Let us get amendments offered. Let us know what is on your mind, and we will line it up and see if we can't pass this bill by the end of the day on Thursday.

EXHIBIT 1

SUMMARY OF S. 2349, RULES COMMITTEE-REPORTED LOBBYING REFORM MEASURE

Reported unanimously 11–0 (with remaining 7 members voting in favor by proxy)

Sec. 1: Title: Legislative Transparency and Accountability Act of 2006

Sec. 2: Out of Scope Matters in Conference Reports—

provides for a point of order to be made against individual offending provisions, rather than the entire conference report;

if the point of order is sustained, the Senate will recede and concur with a further amendment (debatable question), which if agreed to, shall return the bill to the House for its concurrence;

provides that the point of order may be waived by a vote of 3/5 of the members (duly chosen and sworn) and that any appeal of a ruling of the Chair also requires a 3/5 vote to overturn.

Sec. 3: Earmarks (as amended by Sen. Feinstein)—

creates a new Rules XLIV on earmarks;

defines an earmark to be a provision that specifies the identity of a non-Federal entity to receive assistance and the amount of the assistance, with assistance defined as being budget authority, contract authority, loan authority, and other expenditures, tax expenditures, or other revenue items;

requires that all earmarks in any Senate bill, Senate amendment, or conference report, including an appropriation bill, revenue bill, and authorization bill, be identified by Member proposing the earmark and an explanation of the essential governmental purpose of the earmark; and

publicly disclose all earmarks on the Internet for 24 hours prior to consideration.

Sec. 4: Available of Conference Reports on the Internet—

amends Rules XXVIII to require that a conference report must be publicly available on the Internet for 24 hours prior to consideration;

requires the Secretary of the Senate to develop an website for such purpose.

Sec. 5: Elimination of Floor Privileges—

amends Rule XXIII to eliminate floor privileges for an ex-Senator, ex-Officer, and ex-Speaker of the House who is a registered lobbyist, foreign agent, or someone who is in the employ or representative of any party or organization for the purpose of influencing the passage or defeat or amendment of any legislative proposal;

allows the Rules Committee to provide regulations on exceptions for the rule for ceremonial functions.

Sec. 6: Ban on Gifts From Lobbyists—

amends Rule XXXV to ban gifts from a registered lobbyists or foreign agent;

EXCEPT for meals, which are allowed, under the current dollar amount limits, but must be publicly disclosed on a Member's website within 15 days of the meal.

Sec. 7: Travel Restrictions and Disclosure—

amends Rule XXXV to prohibit transportation or lodging to be paid for by a registered lobbyist or foreign agent;

require advance approval for the trip by the Ethics Committee;

require members to submit a certification to the Ethics Committee, provided by the sponsor of the trip, certifying that: the trip was not paid in whole or in part by a registered lobbyist or foreign agent and the sponsor did not accept funds from a registered lobbyist or foreign agent specifically earmarked for this purpose;

require members to submit to the Ethics Committee, certifying: a detailed itinerary of the trip; a determination that the trip is primarily educational; is consistent with the official duties of the Member, officer, employee; does not create an appearance of use of public office for private gain; and has a minimal or no recreation component;

30 days after completion of travel, the member, officer, or employee must file with Ethics Committee and the Secretary of the Senate a description of the meetings and events attended, the names of registered lobbyists who accompanied the member, officer, or employee (unless such disclosure would jeopardize the safety of the individual or adversely affect national security); and post the information on the Member's website;

amend Rule XXXV to require the disclosure of any flight on a non-commercial aircraft, excluding a flight on an aircraft owned, operating, or leased by a government entity taken in connection with the duties of the member, officer or employee;

report to the Secretary of the Senate, the date, destination, and owner or lessee of the aircraft, purpose of the trip, and persons on the trip (excluding the pilot);

amend FECA to require disclosure of similar information for flights taken by a candidate (except for the President or Vice President) during the reporting period;

amend Rule XXXV to require the Secretary of the Senate to publicly disclose all filings and require Members to post such filings on their official website within 30 days of travel.

Sec. 8: Post Employment Restrictions—

amend Rule XXXVII to prohibit highly compensated employees from lobbying the entire Senate, effective 60 days after enactment.

Sec. 9: Public Disclosure by Member of Employment Negotiations—

amend Rule XXXVII to require that a Member shall not directly negotiate prospective private employment until after the election for his or her successor has been held, UNLESS such Member files a statement with the Secretary of the Senate, for public disclosure, regarding such negotiations within 3 business days, including the name of the private entity(ties) and the date negotiations commenced.

Sec. 10: Prohibit Official Contract by a Lobbyist Spouse or Immediate Family of Member—

amend Rule XXXVII to prohibit a spouse or immediate family member of a Member who is a registered lobbyist, or is employed or retained by a registered lobbyist to influence legislation, from having official contact with the personal, committee, or leadership staff of that Member;

immediate family member means 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. 11: Influencing Hiring Decisions (Sen. Durbin's amendment)—

amend Rule XLIII to prohibit a Member from taking, withholding, or offering or threatening to take or withhold an official act or the official act of another with the intent of influencing on the basis of partisan political affiliation an employment decision or practice of a private entity.

Sec. 12: Sense-of-the-Senate on Executive and Judicial Branch Employees (Sen. Nelson's)—

express the sense-of-the-Senate that any applicable restrictions on Congressional branch employees should apply to the Executive and Judicial branches.

Sec. 13: Effective Date: date of enactment, except as otherwise provided.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Maine.

Ms. COLLINS. Mr. President, let me begin by applauding both Senator DODD and Senator LOTT for their work on the membership part of this bill, and for the outstanding statements explaining the provisions and urging us to act.

Senator LOTT mentioned that the Rules Committee bill was reported unanimously, and that the bill that came out of our Homeland Security Committee was reported with only one dissenting vote. That is a remarkable show of bipartisanship. But to my colleagues in the Senate, it is probably more remarkable to see two Senate committees working together very carefully, outlining the jurisdiction of each committee and working in concert to produce a comprehensive and well-balanced piece of legislation.

Title I of this bill is the Rules Committee bill; title II is the Homeland Security bill.

Today the Senate begins consideration of the first significant lobbying reform legislation in a decade. The bills we are debating today and over the course of this week represent the good work of their sponsors, Senator MCCAIN and Senator LIEBERMAN—and Senator LOTT and Senator DODD as well—and the hard work of the two committees I have mentioned.

The committee I am privileged to chair, the Homeland Security and Governmental Affairs Committee, marked up the Lieberman bill this past Thursday. The committee reported out the

measure, as I mentioned, on a 13-to-1 vote.

The issue we take up today is serious, and it is pressing. Recent scandals involving Jack Abramoff and Representative Duke Cunningham have brought to light Congress's need to strengthen the laws and rules governing disclosure, and to ban practices that erode public confidence in the integrity of government decisions. That is what this debate is all about.

We know that if we are to tackle the tough issues facing our country, whether it is entitlement reform or other vital issues, the public must have confidence that our decisions are not tainted by special interests and are not subject to undue influence.

I want to emphasize that all of us here today recognize that lobbying, whether done on behalf of the business community and environmental organizations or children's advocacy groups or any other cause can provide us with very useful information that aids but does not dictate our decisionmaking process. Indeed, lobbying is a right guaranteed by our Constitution—the right to petition our government. But, unfortunately, today the image of lobbying often conjures up images of expensive paid vacations masquerading as factfinding trips, special access that the average citizen can never have, and undue influence that leads to tainted decisions. The corrosive effect of this image—and in a very few cases the reality on the public's confidence—in the political process cannot be underestimated.

I think it is also important to emphasize, however, that the vast majority of people in Washington, the vast majority of elected officials care deeply about their constituents and this country, and are making decisions which they believe are in the best interests of both. Nevertheless, we in Congress have an obligation to strengthen the crucial bond of trust between those of us in government and those whom government serves.

At the committee hearing last month on lobbying reform, we heard from several of our colleagues. We heard from business and labor organizations that engage in lobbying. We heard from a representative of a lobbyist organization, and from public policy experts. I mention this because I want my colleagues to understand that we had a wide-ranging hearing that reached out to people with various views on how we could reform our lobbying disclosure laws. The package before the Senate, the comprehensive package of bills, represents the culmination of what we have learned.

Again, I thank Senators MCCAIN and LOTT for their leadership in the development of this bill, along with the ranking members of Homeland Security, Senator LIEBERMAN and Senator DODD. We have crafted a bipartisan package.

I also want to thank Senator RICK SANTORUM for convening a bipartisan working group to help us find some common ground on the principles that underlie both bills.

Before describing the details of the bill we reported last Thursday, I want to point out that the committees addressed only those issues within our jurisdiction—the Lobbying Disclosure Act and the Ethics in Government Act, and congressional organization. But here on the floor we have married the two bills to produce a comprehensive package.

Let me quickly run through some of the major provisions of what is now title II of the bill we are debating.

The first section of this bill, title II, will enhance the lobbying disclosure provision. It will require quarterly filings rather than the present semiannual filing, and it ensures that the information is made available to the public on the Internet.

To facilitate this effort, it specifies that lobbyists must submit their filings electronically. This will ensure that the public information is widely available on a more timely basis. So our goal here is to have an easily accessible, transparent, and searchable database available on the Internet so the public is fully aware and able to access these reports.

To ensure timely disclosure, the substitute doubles the maximum penalty for noncompliance to $100,000.

To increase public confidence and enforcement, the legislation requires disclosure of reports to the Justice Department for enforcement. The enhanced disclosures will make the process of lobbying far more transparent to the public.

I note that the committee also adopted an amendment that would require the disclosure of so-called ''grassroots lobbying efforts.'' I did not support this amendment because of my concern that we don't want to chill any effort to encourage citizens to contact their members of Congress, but I nevertheless appreciate the efforts of the sponsors of the amendment—Senators LIEBERMAN and LEVIN—to address some of the legitimate concerns and to craft it in a way that is far more focused than the original provisions in the underlying bill that was before our committee.

Section B of what is now title II focuses on enforcement of congressional ethics. In some cases, there have been concerns about the enforcement effort.

We have included provisions that will include auditing and oversight of lobbyists' disclosure filings by the comptroller general who will also provide recommendations on how compliance could be improved and to identify needed resources and authorities.

This section of the bill would also provide for mandatory ethics training for Members of Congress and congressional staff. It also includes a sense-of-the-Senate resolution that there should be greater self-regulation within the lobbying community. I am thinking of the kinds of self-regulatory organizations—SROs, as they are often called—such as the securities industry, for example, employs.

Subtitle C of our bill, now title II, addresses the revolving-door problem, whereby Members of Congress and high-ranking staff leave Government for jobs focused on the institution they had once served in. We made essentially two changes in this provision of the law.

First, we doubled the cooling-off period that applies to Members of Congress who become lobbyists. We require a 2-year cooling-off period rather than the 1-year that is in current law. The second important change we make is we prohibit those high-ranking former congressional staffers from lobbying the entire Senate—not just the office in which they once worked. Those are two significant provisions strengthening the revolving-door provisions of the bill that will help to promote public confidence in the integrity of decisions by ensuring there is not undue special access by people who have inside information. Those are important provisions.

I point out in response to a comment made by Senator DODD that we do extend these provisions to high-ranking members of the executive branch who are covered now by the revolving-door provisions of the Ethics in Government Act.

The next subtitle of the bill creates a commission to strengthen confidence in Congress. This is a proposal included at the recommendation of my friend and colleague, Senator NORM COLEMAN. It would establish a commission to review and make some additional recommendations if needed. The commission would report its initial findings and recommendation to Congress by July 1, 2006. This is not a big, longstanding commission. It is a commission that is expected to act quickly, where we take a look at the whole area and report back.

I am very proud of the hard work of the Senate Committee on Homeland Security and Governmental Affairs on this issue. We have produced a strong bill, a strong bill that significantly increases the disclosure, that toughens the revolving-door provisions, and that will make a real difference in increasing the oversight of ethics and lobbying.

However, we need to take another look at a provision that did not get included in the bill that was included in the mark that Senator LIEBERMAN and I put forward but was deleted as a result of an amendment. That is a provision to create an Office of Public Integrity within the congressional branch. I will be talking more about that later, but let me say that proposal by no means is an indication of disrespect for or lack of appreciation of the Senate Ethics Committee. We know the Senate Ethics Committee has a very difficult job and does a good job. The members who serve on it are individuals of great integrity. It address a problem of perception.

It is difficult for the public to trust us to set our own rules, investigate violations, act as jury and judge—which is what the current system is now. So we carefully crafted a proposal intended to strike a better balance while still recognizing and maintaining the preeminent role of the Ethics Committee. Regrettably, there was a lot of confusion about this provision in committee because it resembles a provision that has been introduced on the House side. But Senator LIEBERMAN and I modified that provision and came up with our own proposal that ensured that the Ethics Committee was involved in every step of the process. We will have a further debate on that issue, but I raise it now for the benefit of my colleagues.

Again, we can make a real difference by passing this bill which marries the two bills that were reported by the Rules Committee and the Homeland Security Committee. The Senate has a very important opportunity to make Government more transparent and more accountable. At the end of the day, the public is going to review this legislation and ask one question: Does it promote more public trust and confidence in the decisions we make? I hope when we have the final vote on this bill, we will see the same kind of strong, bipartisan support the legislation enjoyed in both the rules and the Homeland Security Committee.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. I ask I be permitted to speak as in morning business.

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

(The remarks of Mr. MCCONNELL pertaining to the introduction of S. 2370 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. LIEBERMAN. Mr. President, I rise to express my strong support for the bipartisan Lobbying Transparency and Accountability Act which was reported out of the Homeland Security and Governmental Affairs Committee last Thursday and which forms a significant part of the combined Homeland Security Rules Committee bill that we are starting to consider today.

It is a pleasure to join in an unusual foursome, co-managing these two bills. It is always a pleasure to work with Senator LOTT and Senator DODD of the Rules Committee. And I am also delighted to work with the chairman of the Homeland Security Committee, Senator COLLINS.

With these two bills we now have the opportunity to vote on what I believe is the most significant lobbying and ethics reform in a generation. That means we in Congress now have a once in a generation opportunity to help restore our tattered reputation with the American public by moving swiftly and strongly to enact these proposals into law.

By ensuring full transparency for the legislative process and those who work within it, this legislation will directly answer many of the questions that have been raised about the relationship between Members of Congress and lobbyists, about the role of money in public debate and deliberations, and about whether results in Washington go to the highest bidder or to the greatest public good.

This bill draws back the curtain to let the sun shine directly and brightly on the lobbyist-lawmaker relationship for all to see, clearly and easily.

I thank my good friends, colleagues, and partners, Senators MCCAIN and COLLINS, for the work they have done to bring the legislation to the Senate. Senator MCCAIN, along with his Committee on Indian Affairs, and its ranking member, Senator BYRON DORGAN, conducted a hard-hitting investigation into the activities of the disgraced lobbyist, Jack Abramoff, helping to expose his criminal activities—in particular, his odious exploitation of Indian tribes. On the basis of that investigation, Senator MCCAIN then introduced the Lobbyist Transparency and Accountability Act, which I proudly cosponsored. Then Chairman COLLINS took up the banner in our committee and, based on Senator MCCAIN's bill, we drafted legislation and quickly brought it before the committee for markup. The bill we debate today is the product of those efforts.

Senate Democratic Leader HARRY REID and Senator BARACK OBAMA of Illinois have played critical leadership roles in pushing reform forward by introducing very strong legislation, the Honest Leadership Act, which earned the support of 41 Members of the Senate and really helped lay the groundwork for us here today. The backing of virtually the entire Democratic caucus helped move this significant legislation to the floor, and I am proud of that. In fact, this proposal from our committee contains most of the proposals laid out in the Honest Leadership Act. I look forward to supporting amendments to restore other provisions of the Honest Leadership Act that were left out of the legislation before us today.

Finally, thanks to Senator RUSS FEINGOLD of Wisconsin, who history will note was the first in this 2-year session to introduce lobbying reform legislation. He did it last year. Senator FEINGOLD is always a reliable ally when it comes to raising the public interest above special interests.

The abuses to which these bills respond, I want to stress, are the exception to the rule. Almost always lobbyists comply with the law and provide Congress with valuable knowledge and expertise. Whether they represent corporations, unions, trade associations or nonprofits, or the public interest groups that have actually lobbied us to pass this legislation, lobbyists are instrumental to the work that goes on here on Capitol Hill.

The Founding Fathers recognized the importance of such work when they enshrined, in the very first amendment to our Constitution, the right of all people ''to petition the government for redress of grievances.'' We have to remember this when we legislate in this critically important and constitutionally elevated area. Lobbyists and the people they represent are exercising a constitutional right, and we have to, therefore, be careful, as we have been in this bill, to respect that right.

Nothing in the bill that has come out of the Homeland Security and Governmental Affairs Committee, or the Rules Committee, for that matter, improperly intrudes on the people's right to be represented in Washington. But there is an equivalent right of the public to a functioning form of government, and that must also be respected.

That is precisely what our bill does, by building on previous efforts in this area. The Supreme Court, long ago, made clear that the first amendment's guarantee of the right to petition the Government did not confer a right to do so in secret. In the 1954 case of United States v. Harris, the Court upheld the constitutionality of lobbying disclosure requirements and said those requirements were consistent with the first amendment. Let me read a passage from that decision:

> Present day legislative complexities are such that individual members of Congress cannot be expected to explore the myriad pressures to which they are regularly subjected. Yet the full realization of the American ideal of government by elected representatives depends to no small extent on their ability to properly evaluate such pressures. Otherwise, the voice of the people may all too easily be drowned out by the voice of the special interest groups seeking favored treatment while masquerading as proponents of the public weal. This is the evil to which the Lobbying Act was designed to help prevent.

Those words could not be truer today, when millions and millions of Americans, whether they realize it, are represented in our Nation's capital in some way by lobbyists, not just by those of us who are privileged to have been elected as Members of Congress. Whether they are teachers or steel workers, whether they are law enforcement officers or seniors, whether they are veterans or veterinarians, small business owners or big business executives—and the list of categories in this richly and extraordinarily pluralistic society could go on—people from all walks of American life—millions and millions of them—have paid representation in this city. That is lobbying.

In fact, as I suggested before, some of the strongest proponents of lobbying reform are registered lobbyists themselves, lobbying Congress to enact reforms such as those we are discussing today for the honor of their profession and, I might say, for the honor of Congress.

The number of lobbyists in Washington has exploded over the last decade. These are interesting numbers. The Congressional Research Service reported that over 30,000 people were registered as lobbyists in 2004, and that is

an 86-percent increase over the number of registered lobbyists in 2000. The industry receives and spends enormous sums of money.

According to the Center for Public Integrity, $3 billion—$3 billion—was spent on lobbying activities in 2004. That is the last full year for which records are available. And that is double the sum that was spent 6 years before. That is big money. Add to these numbers the recent scandals and the perception too many Americans have of business in Washington as cash exchanging hands under tables or in back room deals, and we have a public cynicism that weighs down on this institution of ours and lobbying as a profession. It is a reality we have to recognize. And in these two measures brought before this Chamber by these two committees, we have a way to lift that weight.

So we find ourselves in a place where the current lobbying disclosure requirements are self-evidently inadequate, and ethics rules governing Members' interactions with lobbyists need to be tightened, especially with respect to gifts from lobbyists.

The Washington Post last December said that more than 80 Members of Congress and their staff were listed as having appeared to have accepted entertainment from a particular company, BellSouth, which exceeded congressional gift limits. Public knowledge of gifts exceeding the limits is rare because no disclosure requirements exist at this point. We are on a kind of honor system. And these provisions would change that.

So let me take a moment or two to talk about the measure that is before us to deal with these shortcomings, not just to respond to the cynicism brought on by the latest lobbying scandal—the Abramoff scandal—but to respond thoughtfully to shortcomings in the law and the rules as they exist, and to respond to deficiencies identified by the members of the Rules Committee and the Homeland Security and Governmental Affairs Committee.

The first thing the legislation from our committee would do is bring the lawmaker-lobbyist relationship into the age of the Internet. We mandate that lobbyist disclosure statements be made publicly available on a searchable Internet database, linked to the Federal Election Commission database of campaign contributions. We also require that disclosures be made quarterly instead of semiannually, as is now the case. Both of those measures will add significantly to the public's ability to monitor lobbyist-lawmaker interactions.

When combined with the Rules Committee's bill, we virtually see the elimination of gifts from lobbyists to Members of Congress and ensure that those small number that still are possible are fully disclosed. The Rules Committee bill bans all gifts, other than meals, from lobbyists to Members of Congress and their staff and requires Members to disclose on their Web sites any meals they do consume through the hospitality of a lobbyist. We, in turn, through our committee, have provided what might be called the ''belt'' to the Rules Committee's ''suspenders'' by ensuring that lobbyists must, for the first time, disclose all gifts over $20.

So the Homeland Security and Governmental Affairs Committee can regulate by law the behavior of lobbyists. The Rules Committee obviously regulates the Members of the Senate. These two bills together will ensure a very significant curtailment of these gifts and clear knowledge for the public for those gifts that are still given—remembering that the current rules prohibits any Member from accepting gifts worth more than $100 a year from a lobbyist. But disclosure has not been required up until this time for our gift rules.

The Homeland Security and Governmental Affairs Committee bill will increase transparency in a number of other ways. Lobbyists will, for the first time, have to disclose when they play any role in arranging travel for Members of Congress and executive branch officials. Lobbyists would have to disclose the purpose and itinerary of any trips, itemize expenses, and disclose all lobbyists and Members in the traveling party.

Again, this is a reaction to the notorious trips sponsored by Mr. Abramoff. He did not necessarily pay for those trips, but he was clearly organizing them and using other entities to pay for them, while avoiding the kind of detailed disclosure that our proposal would require.

We also require more disclosure about lobbyists' political campaign activities. Contribution of $200 or more to candidates, leadership PACs or parties—as well as fundraising events hosted or sponsored by lobbyists—would have to be reported on an annual basis under the Lobbying Disclosure Act. These disclosures are now available on FEC databases, but the data base is not easy to search. Chairman COLLINS and I believe this additional reporting requirement is a minimal requirement justified by the additional public disclosure.

To those who had concerns that the initial formulation of this provision unfairly forced employees who are registered lobbyists to tell their employers who they gave campaign contributions to, thus perhaps chilling their constitutional rights, let me assure you that the committee heard your concerns and responded. We no longer require that disclosure through employers but, instead, mandate direct disclosure from each lobbyist. We also make clear that the contributions that must be disclosed are the same ones already provided by campaigns to the FEC.

Our proposal takes another step forward to require lobbyists to disclose payments for events that honor Members of Congress or executive branch officials. We do not prohibit such contributions, but in the public interest we require that they be disclosed. This would include payments to organizations, such as charities, that are founded or controlled by Members of Congress.

Our proposal would increase incentives to comply with the law by doubling the civil penalty for noncompliance under the Lobbying Disclosure Act from $50,000 to $100,000. Also, for the first time, we prohibit lobbyists, by statute, from providing gifts or travel that do not comply with congressional ethics rules. This is a critical reform because, until now, there has been nothing in the law to stop lobbyists from giving Members or staff gifts that skirt congressional limits, as long as the Members and staff were willing to accept them. That is, the rules govern the behavior of Members and staff, but there is currently no law regarding the behavior of lobbyists. With this reform, lobbyists would continue that kind of behavior at their own, very serious legal peril.

Our proposal would also make greater demands on those who move back and forth between public service and lobbying. To avoid conflicts of interest, we would increase from 1 year to 2 the amount of time a former Member of Congress or a former high-level executive branch official must wait before lobbying his or her former colleagues. For congressional staff, we expand the 1-year cooling-off period to bar lobbying not just of the staffer's former office but of the entire House of Congress in which the staffer worked. Again, if the revolving door spins more slowly, so too will abuses.

I wish to take a few moments to address what has become a controversial portion of our legislation but, as Senator COLLINS indicated—though she did not support this amendment in committee—should not be seen as quite that controversial. One may agree or disagree, but I want people to understand clearly what we have done. Our committee, on a good, strong bipartisan vote accepted in markup an amendment offered by Senator LEVIN and myself in direct response to the Abramoff scandal that ignited the reform drive that brings us together today. Mr. Abramoff directed his clients to pay millions of dollars, the record shows, to grassroots lobbying firms controlled by himself and his associate Michael Scanlon, fees that were then in large part directed back to Mr. Abramoff in the form of payments, fees—one might say kickbacks. I believe if disclosure requirements had been in place, Mr. Abramoff and Mr. Scanlon would not have been able to pull off this scam.

In the past decade, orchestrated, paid-for, so-called grassroots campaigns have been a staple and important part of many lobbying campaigns. There is nothing wrong with this. The question is whether we ask for some minimal disclosure equal to the disclosure requirements on lobbyists other

than grassroots lobbyists. Last year, for example, it was hard to miss the ads paid for by lobbyists urging voters to contact their Members of Congress to vote either for or against Social Security privatization. In the first 2 months of this year alone, 2006, candidates and interest groups have already spent over $92 million on television advertising. The nomination of Justice Alito, asbestos litigation reform, implementation of the Medicare Part D, and proposals related to telecommunications regulation all have generated massive media campaigns aimed at inspiring constituent calls, letters, and e-mails to Members.

Our proposal on this matter would, for the first time, require the disclosure of money received and spent by professional grassroots lobbying firms—that is, grassroots efforts paid for by lobbyists to generate major media campaigns, mass mailings, and large phone banks with the intent of influencing Members of Congress or the executive branch.

Let me say that again because I want my colleagues particularly to be clear about what this provision does and does not do. It does not ban or restrict grassroots lobbying of any kind in any way. That would be wrong. Grassroots lobbying is another important way for people to get involved in the process and let us in Congress know how they feel. The provision merely requires—in order to inform the public and prevent the kinds of abuses that the record now shows Mr. Abramoff was involved in through grassroots lobbying firms—the disclosure of the amount of money spent on this type of lobbying when it is done in professional campaigns. The controversy over this provision is, in my opinion, unreasonable because our bill will not inhibit any grassroots lobbying in any way. In fact, Senator LEVIN and I took extra steps from the original proposal to ensure that our proposal applies only to the larger professional efforts involved in grassroots lobbying.

For example, if the grassroots lobbying effort spends under $25,000 per quarter—in other words, less than $100,000 a year—it will not have to report at all. They are exempt. Money spent on communications directed at an organization's own members, employees, officers, or shareholders is also exempt from disclosure. So, an organization could retain a firm to communicate with its own members around the country and that would not have to be disclosed. And 501 (c)(3) organizations that already report grassroots expenses to the IRS will be allowed to report that same number under the Lobbying Disclosure Act, minimizing any alleged paperwork or accounting burden on these organizations. And while this may be self-evident, we have added words in the amendment to make clear that reporting is not required for voluntary efforts by the general public to communicate their own views to Federal officials or encourage other members of the general public to do the same.

Ten years ago, when Congress passed the Lobbying Disclosure Act, Senator LEVIN unsuccessfully fought for a grassroots lobbying disclosure provision. At that time he said such campaigns spend about $700 million per year. I would be surprised if that number hasn't at least doubled since then, and Congress and the public have no accurate picture of who is spending what to influence others to lobby us. Disclosure of paid grassroots lobbying is a long time past due.

Let me stress again, the reform we are debating here does nothing to abridge the right of all the people to petition their government. Its purpose is simply to bring the grassroots lobbying community out of the shadows and to ask it to make the same simple disclosure that all other lobbyists are required to do—basically, two numbers: the amount of money received and the amount of money spent, nothing more and nothing less than all other lobbyists are required to disclose.

During the markup in our Homeland Security Committee, some Senators and members of the committee asked whether the so-called 527 groups would be covered by this provision. The 527s are already required by law to disclose far greater amounts of information to either the IRS or the Federal Election Commission. The 527 groups are required, for example, to disclose the names of anyone who contributes more than $200 a year, and they must state the purpose of any expenditure over $500. Let's put to rest the notion that we are doing something about 527 groups here, because we already require far more of them than we are asking of grassroots lobbyists.

Another question raised in the committee was about whether a broadcaster, in particular a leader of a religious group, would be subject to grassroots disclosure requirements for urging his or her audience on radio or television to write or call Members of Congress about a particular issue. Of course not. This bill requires disclosure only by paid lobbyists acting on behalf of a client.

I have described what I think are very powerful provisions in this legislation to increase disclosure, to increase the transparency of the lobbyist-lawmaker relationship, and to slow down the revolving door between government service and K Street. I have heard some people say this legislation is not strong enough because our committee did strike from the bill a proposal Chairman COLLINS and I made for an Office of Public Integrity that would have been a new, independent repository of disclosure statements, with the power to investigate complaints and issue subpoenas. I want to talk about that in a moment. The fact is, even without that provision, which I still support, this is a very strong, transformational lobbying reform proposal.

The enforcement provision Senator COLLINS and I advocated in the committee would have helped restore the confidence of the American people. The ethics process, frankly, in the other body of Congress has been dysfunctional. I do believe we have a strong Ethics Committee in the Senate, and that is not the reason we put forth our proposal. We offered our proposal to increase the staff and professional support of our Ethics Committee and to create an independent place where investigations of complaints can be made so the public has no lingering suspicion that the ethics regulation of Members of Congress involves self-protection. That is the purpose of our proposal.

In addition to restoring public trust in the ability of Congress to police itself, the Office of Public Integrity that we proposed was designed to act as a monitor, reviewer, and watchdog of filings under the Lobbying Disclosure Act. Currently, lobbying disclosure forms are filed with the Secretary of the Senate. That office has fewer than 20 people to review filings—and they work hard; this is not to criticize them at all—compared to the 400 employees of the Federal Election Commission, which many people believe is also understaffed.

Here is the point: It is very hard for 20 people to adequately supervise and review the filings of over 30,000 lobbyists. That was another reason why Senator COLLINS and I submitted the Office of Public Integrity proposal. I believe this proposal is an important part of lobbying reform at this once-in-a-generation moment. We have put forth strong measures, in the bills reported by the Senate from the Committee on Rules and our committee, to enact increased disclosure, greater transparency, the virtual prohibition on gifts to Members of Congress, and elimination of any gifts without full disclosure. But I believe a better enforcement mechanism is a critical last component of true lobbying reform legislation. That is why some of us in the Senate will be offering amendments here on the floor along the lines of the proposal to create an Office of Public Integrity, which Chairman COLLINS and I offered in the Homeland Security and Governmental Affairs Committee. We will put forth amendments to strengthen the enforcement mechanisms of our proposed reforms to make sure those reforms are enforced.

I also intend to offer an amendment with Senator MCCAIN and others to curb privately funded travel. Currently when a Member of Congress or a candidate for office uses a private plane instead of flying on a commercial flight, the ethics rules require a payment to the owner of the plane equivalent to a first-class commercial ticket price. Senator MCCAIN and I and others believe that the current rule undervalues flights on noncommercial jets and provides an end-run on limitations on what corporations or individuals can contribute to Members or give us as gifts.

We believe it is time to update our rules to close this loophole, to base

payment on the fair market value of chartering a plane.

I want to stress again, notwithstanding my intention to join with other colleagues on a few of these amendments that I believe will strengthen the measure, that the legislation before us from our committee and from the Rules Committee together present the Senate an opportunity to adopt a very strong bill, a bill with sharp teeth that I believe will reduce the influence of money in the legislative process and prevent the kinds of grotesque abuses to which Mr. Abramoff and Congressman Cunningham have now pleaded guilty. This legislation will not only shine sunlight on what we are doing here but will restore the balance of power where it belongs, in favor of the American people. I am confident that increased transparency, always described in this great democracy of ours as the disinfecting rays of sunshine, will discourage some of the abuses that have occurred. And when combined with the bill reported out of the Committee on Rules, we will be writing into law a near total ban on gifts.

Thus, to the extent that lobbyists do confer gifts or arrange for travel for Members of Congress, our constituents will be able to follow the activities of those Members of Congress on the Internet and will, I am sure, be kept well informed of these movements by our free and industrious press.

It has been said that information is power, not just knowledge. Information and, therefore, power is what we are providing the public in this legislation. These are dramatic and transformational steps that are included in both of these measures. I hope they will, together, give our constituents a renewed sense of faith in this institution. I urge my colleagues to support the legislation.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I commend the ranking member, the Senator from Connecticut, for his excellent statement and for his championship of this bill. He is a longtime champion of good government. It has been a great pleasure to work with him on this legislation.

I see that the Senator from Ohio is in the Chamber. I believe he has a unanimous consent request to speak as in morning business. As one of the managers of the bill, I inform the Chair that I have no objection to that request.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. DEWINE. Mr. President, I ask unanimous consent to proceed as in morning business.

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

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

Ms. COLLINS. Mr. President, I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. 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. LOTT. Parliamentary inquiry, Mr. President: We are still on the rules and lobby reform legislation?

The PRESIDING OFFICER. The Senator is correct.

Mr. LOTT. Mr. President, I do feel a need to put some statement in the RECORD about the issue of public financing of campaigns that was raised by my distinguished colleague from the Rules Committee, Senator DODD, earlier today. He talked about how he believes this is something we need to do, and he wanted to have some hearings in the Rules Committee on the public financing of campaigns issue, and I agreed that we would find a time to do that. It is always good to have a hearing and see how laws that are on the books are actually working or not working, so I will be glad to do that.

I thank Senator DODD and other members of the Rules Committee for the fact that we held the line. There were two or three amendments that were considered or were offered dealing with campaign finance law, and Senator DODD spoke against them. I ruled them out of order, and then we went on. So it was a cooperative effort, once again, that I am very proud of.

The day may come when we want to revisit campaign finance reform laws or the issue of public financing of campaigns, but this is not that day. I wish to make it clear that public financing of Senate and House races is totally a nonstarter as far as this Senator is concerned. Every year, the American people cast their vote on public financing with a resounding no. Nine out of ten Americans—90 percent—refuse to check off contributing to the Presidential election campaign fund. So what makes us think they would check off or contribute in some way through the Tax Code to our campaigns?

Our campaign financing laws may not be the best. One of the most difficult things about running for the Congress is you have to get out and raise a lot of money because it costs a lot to buy time on television or radio or billboards and all that goes into a campaign. So everybody complains about how much money it takes, but they expect you to get your message out there, and if you don't, you certainly won't get elected. But one thing I have always noticed is good candidates, men and women, all manage to raise enough money to get their message across.

I still have faith in political entrepreneurs and people contributing to the candidate of their choice. But for us now to go to some sort of a checkoff scheme for the public financing of congressional races, I don't believe the American people are ready to do that. First of all, how would you do it? How would you fund Independents and libertarians? In my own race, I have a libertarian opponent this year, and we have Independents who are running. I know the answer to that: the two parties would squeeze them out. They wouldn't have a credible chance, really. But that is just one of many problems.

In the 13 States that have checkoff schemes for public financing, and some of them were mentioned earlier today, participation has dropped from 20 percent to about 11 percent. That is nothing more than, in my opinion, welfare for politicians; one more thing that is expected to be controlled by, run by, funded by the Government, which is, after all, taxpayers' money. So I just want to say that I believe this is one of the all time worst ideas of the year.

I fought for 4 years against the McCain-Feingold legislation, but eventually, when we temporarily lost our majority over here and we had Democratic leadership, BCRA, campaign finance reform, McCain-Feingold, was passed.

My attitude was, look, we fought the good fight, we held it off for years, it finally passed, it is on the books, and it is the law. Let's at least see how it is going to work. It has only had one election cycle. I want to see how this system works.

I have joined with Senator MCCAIN and Senator FEINGOLD in a bipartisan way saying: Well, wait a minute, we just barely got this thing done, let's see how it really works. I think it is going to be better than I thought it would in some respects and worse in others. For instance, what we have seen is that soft money that used to go to the parties, which I believe is where it should have gone, has oozed over into other areas.

That is why the Rules Committee last year voted to do real campaign finance reform when we adopted the 527 reform bill. That bill has languished on the calendar ever since because for some reason we can't get clearance to call it up, I guess. I don't know whether our leadership is really opposed to calling it up or whether the Democratic leadership has resisted, but the fact is that we reported it out of the Rules Committee on a bipartisan vote and it is on the calendar, it is waiting. So I hope that at some point we could consider that 527 freestanding, or if we ever have a hearing on campaign finance reform, 527 will be an important part of it. If we really want to do something that would affect how our campaigns are conducted this fall and in 2008, this is the place where we ought to do it.

These 527s involve a huge amount of money, mostly from rich people. They wind up in our campaigns against Republicans or against Democrats, and almost always attacking, and with no real disclosure of where this big money comes from. We know a lot of it on the Democratic side comes from I guess

''moveon.org,'' or George Soros. We also know that on our side of the aisle, we have the Swift Boat Veterans that ran negative ads funded with 527 money against Senator KERRY when he was running for President.

That is just the beginning. Both parties are going to do this more and more, the amount of money is going to go up, it is the worst kind of sewer money, and it is going to embarrass both of us. We need to get a grip on this 527 area now because they are not reporting, they are not disclosing, and they are not subject to any limits on contributions. So I would hope that we would find a way to deal with this, and I can assure my colleagues that I am going to withhold on campaign finance reform, but if anybody offers a serious campaign finance reform amendment, I will second degree it with 527 because I believe we ought to be doing this anyway.

What we will require is that you have to register with the FEC. If you are involved with campaigns, why would you have to disclose what you are doing in a campaign? Now, is that a tragedy?

We had some language in the Rules Committee bill that is on the floor now that somebody said: Well, you know, if you require this group to disclose, that is an unfair punishment. Excuse me? To disclose and report your contributions or expenditures is punishment? I don't understand that. That is what I believe we ought to be doing here. The American people have a right to know how we raise our money, where we raise our money from, how much it is, and it needs to be reported early and regularly. Let them decide. If they don't like the way you raise your money, they can vote against you. That is the way to do it.

So these 527s are unregulated, not even registered with the FEC, and it also should be required that they be subject to hard money limits on what can be donated. So I believe the real danger is in this so-called 527 area.

The bill we reported provides exceptions for 527s whose annual receipts are less than $25,000, which consists solely of State or local candidates or officials, or whose activities exclusively relate to State or local elections and ballot initiatives.

There is justification for these exceptions when small amount of money are involved in trying to encourage people to vote on ballot initiatives and so forth. But these exceptions do not apply if a 527 organization transmits a public communication that promotes, supports, attacks, or opposes a Federal candidate in the year prior to the Federal election, or conducts any voter drive activities in connection with an election in which a Federal candidate appears on the ballot.

The bill would also require that at least 50 percent of the 527 organization's administrative overhead expenses would have to be paid for with hard money.

The time has come to put an end to this shift of power from political parties. By the way, what are they for? Political parties are legitimate arms to encourage people to run for office, to encourage people to get out and vote. They were getting soft money contributions which were not going directly to the candidates. We said, Oh, no, that is bad. Now it goes to these shadowy 527s that are setting the agenda in our election process.

I think this is a very dangerous area. I have told Senator DODD, and I will keep my word, I do not intend to offer an amendment on this. I hope the leadership would take that legislation up freestanding, separate from this bill. But if we get into a whole movement into the campaign finance reform, instead of the rules of the Senate with regard to gifts and traveling and so forth, this would be one of the issues that would come up. I wanted to put that into the RECORD.

HURRICANE KATRINA

Mr. President, seeing no other Senator wishing to speak, I wish to switch over to another area. I urge my colleagues to begin to think about another issue that I think is very critical. This, once again, relates to my part of the country and my home State with regard to Hurricane Katrina.

I have a long experience in dealing with disasters—five hurricanes, two tornadoes with major consequences, two ice storms, and a flood. I have been dealing with disasters since 1969 when Hurricane Camille hit my home area. I thought it was the worst disaster I had ever seen or the country would ever see. Yet we see now that Hurricane Katrina dwarfed Hurricane Camille.

Going back to 1969, we had not quite come to the thinking we have now, where the Federal Government is going to do everything for us. People on the Mississippi gulf coast were on their backs. We had been devastated by that hurricane. We didn't know how we were going to deal with it. The President of the United States flew into Gulfport, MS, and said, We will not forget you. Then they called in the Office of Emergency Preparedness, an independent agency accountable only to the President of the United States and headed by a military officer. He came down, set up offices, and it worked. Dealing with Hurricane Camille and the cleanup and the aftermath was the best after a disaster I have ever seen. The people in that area were awed and amazed, and appreciated what happened in the cleanup after that hurricane.

Now, 40 years later it is worse, not better. What happened? Why, 40 years later, have we not learned the lessons from previous disasters and the cleanup after those hurricanes so we would do a quick, efficient, effective job after hurricanes? One of my very bright young staff members said it is because it has been 40 years of accumulated bureaucracy. I fear maybe he is right. But I think it is maybe something more than that. Over the years we have evolved in emergency preparedness for natural disasters and the recovery afterward. We have gone through a number of changes in names and a number of changes in locations. We have had some good heads of the emergency entity and some not so good heads.

I remember the head of the emergency preparedness organization under President Clinton was a gentleman named James Lee Witt from Arkansas. He was excellent. He did a wonderful job. My dealings with him after one of the hurricanes in the 1990s could not have been any better. So it does partially depend on who the leader is at these entities.

But I remember sitting in the leader's conference room when we were setting up this huge, new behemoth, the Department of Homeland Security. We were discussing how big was it going to be, what agencies and departments were we going to merge into that big, new department. I remember we had quite a lengthy discussion about the Coast Guard because they wanted to put the Coast Guard in Homeland Security and some of us did not like that. Senators INOUYE and STEVENS and others put some language in there about how the Coast Guard would work in that department, so eventually we went along with it. I am not sure it was a good idea, but obviously the Coast Guard has done a good job since the hurricane and generally does a good job.

Then it came up how we were going to put the emergency management agency in this new Department of Homeland Security—FEMA. I remember I raised questions. I said wait a minute, I am not sure we want to wrap this agency in this huge bureaucracy. I am afraid they will get pushed aside or underfunded or neglected. Preparation for terrorist attacks and homeland security is very different from preparation for a natural disaster and recovery after a disaster.

But I was told no, they are totally related. When you are working on preparation for terrorism, homeland security, it definitely relates to emergencies of a natural disaster and the aftermath.

I said OK. And we did it; we created this monstrous department now that is so big, and has been going through the throes of organization and management. I think they have done a pretty good job. I thought Tom Ridge was a good Secretary of the Department of Homeland Security. I have not had a personal problem with Secretary Chertoff. It is difficult to do what they have been doing. But I must say, we were wrong. We should not have put FEMA in the Department of Homeland Security.

What has happened is that some of the people with FEMA, who are experienced heads, said: You know, we are going to get overrun. This is not going to be good. So the more experienced, qualified hands—I think a lot of them left. I found after Hurricane Katrina

the agency was rife with bureaucracy. The chain of command—I don't know where it is. I guess it is nonexistent.

It is underfunded. There are inadequate funds, and it is undermanned. I think six of the nine regional positions of leadership are ''acting'' people; temporary.

I think we made a huge mistake when we moved FEMA into the Department of Homeland Security. I found repeatedly over the past 6 months they couldn't deal with debris removal. The degree of bureaucracy is mind boggling. Congress has to act, Treasury has to release the money, OMB has to say it is OK. The money goes to FEMA and then to the Corps of Engineers, and the Corps of Engineers gives it to the big contractor in Florida who gives it to the local contractors who give it to the small guy. By the time it gets to the guy who is actually moving the debris, he is getting $6 a cubic yard while the big contract is probably $21. It is a totally unworkable situation.

I found also when you talked to the leadership here in Washington, they may say the right thing and want to do the right thing, but it doesn't get to the FEMA person on the ground. They don't get the word. Or if they get the word, they ignore it. I don't know who they work for. I could cite so many horror stories you wouldn't believe it. It makes me cry to even think about it.

I have introduced legislation to do what I thought we should have done in the first place, and that is to have FEMA as a separate, independent agency, reportable only to one person, and that person is the disaster czar. It is the President of the United States.

For instance, I watched the talk shows on Sunday. There was some complaining that the head of FEMA was going around the head of the Homeland Security Department to talk directly to the President. Why, of course. Why not? Why would you have to report through layers and layers and layers, chain of command, to get to the big guy? It is ridiculous. The guy in charge of the disaster situation and recovery and cleanup and all that should be talking to the President of the United States. He should be directly involved—not in minutia, by the way, but in the grand picture. When you are dealing with disaster, somebody has to be in charge, giving orders.

I think I am going to be joined in this effort by other Senators from the region, including hopefully Senator LANDRIEU and Senator VITTER and my colleague from Mississippi. I know Senator CLINTON of New York has similar legislation. I invite my colleagues to take a look at it. It is coming. I don't know whether it will come out of the Homeland Security and Governmental Affairs Committee, but if it doesn't in a reasonable period of time, the first time we have an opportunity to offer this legislation, it will be offered as an amendment. I don't want to surprise people with it. I want you to think about it.

Believe me, the current bureaucracy has not worked. You don't want to get hit with this if you are from a coastal area, or an area prone to tornadoes or earthquakes or forest fires. You are going to need quick, decisive, unbureaucratic, adequately funded reactions where the chain of command is very short to make sure the job is actually done.

I will be back on the Mississippi gulf coast this coming weekend. I will see how we are doing. But I think it is not enough to just complain about what has happened. I am not trying to fix blame; I want to know how it is going to be better next week. I want to know how it is going to be better next year. My house will not be rebuilt in my hometown this year, but I am going to rebuild it. And the next time we have a hurricane, I hope we could get the Corps of Engineers to bulldoze the stranded houses that have effectively been destroyed in quicker than this time.

I wanted to put that on the record and encourage my colleagues to think about this. At some point you quit complaining and start taking action. You start dealing with the problems. Quite often, you know what I have found, the problem is not the bureaucracy or the department or the President or the Governor of some State—it is us. It is the way we write the laws—convoluted, unworkable laws that we put on the books. This is one case where we made a mistake. Let's fix it.

This legislation will put back an independent, freestanding agency, and that would be the right thing to do.

Mr. President, I believe we do have some votes. We will have, two or three votes, I believe the leader said, at approximately 5:30. I believe there will be some Senators who are coming over to speak on behalf of these judicial nominations between now and then.

For now I observe the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the hour of 5 p.m. having arrived, the Senate will proceed to executive session for consideration en bloc of Executive Calendar Nos. 517, 518, and 519, which the clerk will report.

The bill clerk read the nominations of Timothy C. Batten, Sr., of Georgia, to be United States District Judge for the Northern District of Georgia; Thomas E. Johnston, of West Virginia, to be United States District Judge for the Southern District of West Virginia; and Aida M. Delgado-Colon, of Puerto Rico, to be United States District Judge for the District of Puerto Rico.

Mr. CHAMBLISS. Mr. President, I rise in support of the nomination of Timothy C. Batten, the President's nominee to be U.S. district court judge for the Northern District of Georgia. The Committee on the Judiciary wisely recommended that we consent to his nomination, and I join the committee in urging a favorable vote by all of my colleagues in this body.

Mr. Batten was nominated by President Bush on September 29, 2005, after Senator ISAKSON and I conveyed Mr. Batten's name for appropriate consideration. Mr. Batten is a native of Georgia and a resident of Atlanta. He graduated with honors from the Georgia Institute of Technology and cum laude from the University of Georgia School of Law. Since his graduation from law school, he has been with the Atlanta law firm of Schreeder, Wheeler & Flint. He specializes in commercial litigation representing both plaintiffs and defendants and has substantial trial experience.

Mr. Batten has distinguished himself among Atlanta lawyers and is held in high regard by judges before whom he has appeared, as well his colleagues at the bar, including opposing counsel.

Tim Batten is a devoted husband and father and brings to the Federal bench not only a wealth of legal experience but a dedication and commitment to the rule of law which is an essential qualification for any person who would serve in the Federal judiciary.

I know Tim personally. I am as excited as I can be about Tim being nominated by the President, and I look forward to his confirmation. I urge my colleagues to support his nomination. I look forward to his service on the Federal bench in the Northern District of Georgia.

I yield the floor.

Mr. ISAKSON. Mr. President, I rise in favor of the confirmation of the nomination of Mr. Timothy Batten, the U.S. district court for the Northern District of Georgia.

In doing so, I give sincere thanks to our selection committee and review committee in Georgia which interviewed all the potential candidates for this judgeship. My three appointees: Jimmy Franklin, Dr. Ron Carlson, and Mr. Ingram, have done a wonderful job in donating countless thousands of hours to see to it that the very best nominees were sent forward to the White House. I extend my thanks to them.

I extend my thanks to all those who submitted their names, and, in particular, Mr. Tim Batten, who has been selected by the President of the United States for this judgeship.

Over the last few years in terms of the judiciary confirmation process, offering oneself for a Federal judgeship in this country is not a walk in the park.