

all the help he has given me over this decade. It probably would be my preference to have a recorded vote at this time, particularly since I have had the good fortune to have had such a supportive statement from the distinguished chairman of the Committee on Rules.

Is there a problem with having a recorded vote on the Wyden-Grassley-Inhofe amendment at this time?

Mr. LOTT. There would be a problem having the vote at this time, just out of convenience for a number of Senators on both sides who have other commitments. We would like to perhaps stack votes a little later in the afternoon. I want to collaborate with the chairman of Homeland Security and Senator DODD and Senator LIEBERMAN about exactly what time we would do that. We could get more work done without interfering with Senators' schedules.

So, yes, there would be an objection to it right now. But it has already been locked in and we will have a recorded vote. It will be first in the sequence whenever we set it up.

Mr. WYDEN. Mr. President, just to wrap this up, that is a very fair procedure that the Senator from Mississippi has outlined and we will be happy to accept that.

Mr. LOTT. I ask unanimous consent we set aside the Wyden-Grassley-Inhofe amendment and go to the next pending amendment.

The PRESIDING OFFICER. Is there an objection?

Mr. SCHUMER. Reserving the right to object, could I speak, before we set it aside, on this amendment?

Mr. LOTT. I withhold my unanimous consent request at this time, Mr. President.

The PRESIDING OFFICER. The consent request is withdrawn without objection.

The Senator from New York is recognized.

Mr. SCHUMER. I commend my colleague from Oregon and my colleague from Oklahoma for their lone battle on this issue. It is an issue we all agree with and very much appreciate their hard work.

AMENDMENT NO. 2959 TO AMENDMENT NO. 2944

Second, I will say a word on another issue that is pending in the House of Representatives. At this point, I offer an amendment at the desk as a second degree to Mr. WYDEN's amendment.

The PRESIDING OFFICER. The clerk will report.

Mr. LOTT. Mr. President, parliamentary inquiry: Does he have to have consent? He just calls it up and it would not—

Mr. SANTORUM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator does not need consent to offer a second-degree amendment.

Mr. SANTORUM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 2959 to the Wyden amendment numbered 2944.

The amendment is as follows:

In the interest of national security, effective immediately, notwithstanding any other provision of law and any prior action or decision by or on behalf of the President, no company, wholly owned or controlled by any foreign government that recognized the Taliban as the legitimate government of Afghanistan during the Taliban's rule between 1996-2001, may own, lease, operate, or manage real property or facilities at a United States port.

Mr. SANTORUM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. My understanding was that the Santorum-Feingold-McCain-Lieberman amendment was by consent, next in line, is that not the case?

The PRESIDING OFFICER. Under the previous order, that is the next first-degree amendment that would be in order.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SCHUMER. I object.

The PRESIDING OFFICER. Objection is heard.

The assistant legislative clerk continued with the call of the roll.

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

Mr. DURBIN. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue the call of the roll.

The legislative clerk continued with the call of the roll.

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

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

CLOTURE MOTION

Mr. FRIST. Mr. President, I send a cloture motion on the bill to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on S. 2349: an original bill to provide greater transparency in the legislative process.

Bill Frist, Mitch McConnell, Rick Santorum, Mel Martinez, Jim Inhofe,

Susan Collins, Trent Lott, John E. Sununu, John McCain, Judd Gregg, Norm Coleman, Michael B. Enzi, Wayne Allard, R.F. Bennett, Craig Thomas, Larry E. Craig, George V. Voinovich, C.S. Bond.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

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

LOBBYING REFORM

Mr. FRIST. Mr. President, both the Democratic leader and I will have a few comments, but what I have just done is filed a cloture motion, which I have done so reluctantly because I really have been very pleased over the past couple weeks as we addressed a very important issue on lobbying reform and ethics reform, an issue that is critical to restoring the faith the American people really deserve to have in their Government. We have been working together, as I said, in a bipartisan way. I thought until a few hours ago we had a very good chance of completing this bill this week.

At the leadership level, we worked together very well, and the four managers—we have four managers because we merged the two bills—have been working together effectively and lined up a number of amendments to vote on today and tomorrow as well. As I said, I thought we would be able to finish it.

Having said that, what happened today is an amendment came to the floor under circumstances that I am not going to go through right now, but it is such that it really would take us off the course of this bipartisan lobbying reform bill. We had discussions as to whether that amendment would be withdrawn, but it was made very clear after the discussions among us that the amendment would come back later tonight, tomorrow, or the next day.

Again, this amendment has nothing to do with lobbying reform or ethics reform of this body, something that is important, something that is the business of the Senate right now on the floor.

So what I have done is filed a cloture motion which will ensure we finish this bill. We have had reasonable time for people to offer amendments, and postcloture, once cloture is obtained, germane amendments can still be considered.

Let me also add that we still have the opportunity to get the bill done. What I would suggest is that with this cloture motion, since it will ripen on Friday unless we are able to work out some other agreement to have it ripen before that, we do have the opportunity tomorrow to work over the course of the morning, really through

the day, and address amendments—we have to do so by unanimous consent—but address amendments on the lobbying reform bill.

The managers were about to have us vote on some other amendments which we would be able to vote on. It will take unanimous consent. We could bring them up one at a time if that is the case.

Without going into all the details of what happened, that is where we are today. The cloture motion now has been filed, and it does give us a road to completing this bipartisan bill.

I will be happy to yield to the Democratic leader for a comment.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, the one thing that I will do is work very hard over the next few hours to see if we can have the cloture vote tomorrow, sometime tomorrow. I will see if we can get that done. I think it would be to everyone's advantage if we could resolve this part of the situation we have on the floor.

I would say that the Leader and I have had many discussions during the day and in the weeks prior to this matter coming to the floor in an effort to move this lobbying reform bill along. I think we can get a lobby reform bill; it is now a question of when we will do that.

But in the morning, cooler heads will prevail, and we will see what we can do to move the country along on these things that need to be done.

HOLD ON LAMBRIGHT NOMINATION

Mr. GRASSLEY. Mr. President, today I am placing a hold on the nomination of James Lambright to serve as President of the Export-Import Bank of the United States.

I am placing this hold on Mr. Lambright's nomination as I have major concerns regarding the issuance of taxpayer-guaranteed credit insurance by the Export-Import Bank for an ethanol project in Trinidad and Tobago. Specifically, the approval of this credit insurance by the Export-Import Bank appeared to violate the Bank's authorizing statute.

Let me explain.

In March 2004, the Export-Import Bank approved the issuance of \$9.87 million in taxpayer-guaranteed credit insurance to help Angostura Holdings Limited, of Trinidad and Tobago, finance the construction of an ethanol dehydration plant in Trinidad. The purpose of this credit insurance was to enable Angostura to purchase equipment to be used to dehydrate up to 100 million gallons of Brazilian ethanol annually. Angostura would then reexport the resulting dehydrated ethanol to the United States duty-free under the current Caribbean Basin Initiative trade preference program.

But section 635(e) of the Export-Import Bank's authorizing statute—the

Export-Import Bank Act of 1945—states that the bank is not to provide credit or financial guarantees to expand production of commodities for export to the United States if the resulting production capacity is expected to compete with U.S. production of the same commodity and that the extension of such credit will cause substantial injury to U.S. producers of the same commodity. The statute goes on to provide that “the extension of any credit or guarantee by the Bank will cause substantial injury if the amount of the capacity for production established, or the amount of the increase in such capacity expanded, by such credit or guarantee equals or exceeds 1 percent of United States production.”

As of 2004, when the credit guarantees for Angostura were approved, the total 100 million gallon capacity of the Angostura facility was nearly 4 percent of U.S. production. This amount clearly exceeded the 1-percent threshold for causing substantial injury to the U.S. ethanol industry as spelled out in the Export-Import Bank's authorizing statute.

So it appeared to me that the approval of credit guarantees for Angostura by the Export-Import Bank violated the Export-Import Bank's authorizing statute.

Moreover, as the amount financed by the Export-Import Bank was less than \$10 million, no detailed economic impact analysis was conducted by the bank. I note that the amount approved by the Export-Import Bank \$9.87 million was conveniently just below this \$10 million threshold amount.

In the Consolidated Appropriations Act of 2005, Congress asked the Export-Import Bank for an explanation of the credit guarantees for Angostura. Specifically, the 2005 act required the Export-Import Bank to submit a report to the Committees on Appropriations of the Senate and the House containing an analysis of the economic impact on U.S. ethanol producers of the extension of credit and financial guarantees for the development of the ethanol dehydration plant in Trinidad and Tobago. Congress also required that this report determine whether such an extension would cause substantial injury to such producers, as defined in section 2(e)(4) of the Export-Import Bank Act of 1945.

In January of last year, the Export-Import Bank provided its report. In its report, the Export-Import Bank avoided the issue of whether its credit guarantees for Angostura caused substantial injury to U.S. producers, and thus whether the approval of these guarantees was in compliance with the Export-Import Bank's authorizing statute. The Export-Import Bank avoided the issue by claiming that the Angostura plant will not “produce” dehydrated ethanol. Rather, the Export-Import Bank stated that this plant will merely “process” dehydrated ethanol by removing water from wet ethanol produced in Brazil, thus merely “adding value” to the wet ethanol from Brazil.

However, despite the semantics of the Export-Import Bank, the Angostura plant will clearly be producing dehydrated ethanol. This is common sense. An ethanol dehydration plant—of course—produces dehydrated ethanol.

Moreover, the Customs Service recognizes that ethanol dehydration plants in Caribbean Basin Initiative countries produce dehydrated ethanol.

While the Export-Import Bank currently does not have an inspector general, the conference report for the Foreign Operations appropriations bill for fiscal year 2006 directs the Export-Import Bank's inspector general—once appointed to look into this credit insurance approval. Specifically, the conference report provides that the inspector general shall provide a written analysis to the Finance Committee and the Committee on Appropriations, within 90 days of appointment, as to whether the loan guarantees provided to the ethanol dehydration plant in Trinidad and Tobago met the provisions of the Export-Import Bank's charter. The analysis shall include whether “value added” methodology is routinely used by the bank to determine whether a proposed loan guarantee or export credit meets the statutory test regarding the definition of substantial injury found in the bank's authorizing statute. The inspector general shall also make recommendations as to whether it is appropriate to use such methodology in making a determination of substantial injury.

As the Export-Import Bank currently does not have an inspector general, I am placing a hold on Mr. Lambright's nomination until such time that I receive assurances from him that, first, the Export-Import Bank will act quickly to appoint an inspector general, and second, that Mr. Lambert will see that the inspector general will indeed provide a written analysis on the credit insurance approval within 90 days of appointment.

INTERNATIONAL WOMEN'S DAY

Mrs. FEINSTEIN. Mr. President, I rise today to commemorate March 8, 2006, International Women's Day. It is an undeniable fact that as the world becomes more interconnected, societies which value women's rights and include them in the political, economic, and civic process have a greater chance of prospering and contributing to international peace and stability.

Nowhere is this more evident than in Iraq. We all know that in order for Iraq to succeed as a nation, women must play an integral role in the government and women's rights must be treated as fundamental human rights. While much work remains to be done in Iraq, I am pleased to see that women are playing a prominent and active role in the government.

As such, it is a great honor to not only commemorate, March 8, 2006, International Women's Day but also