

The Senate must not look the other way, as this administration's dangerous, I believe, incompetence once again threatens our country. I understand the majority has in the past rubberstamped this administration's actions and activities; however, we on this side of the aisle are going to continue to call attention to this issue. We need tough and smart national security policies, not more of the same as we saw with Katrina and in Iraq.

It is a vision of the Democrats that the Senate can and should complete action on lobbying reform and also protect Americans by addressing port security.

Do we Senate Democrats want a country, not a company, running our seaports? No, especially a country that was one of only three countries in the entire world to recognize the Taliban government in Afghanistan. Do we want a country that has a trade boycott against Israel running our ports, a country that has not even recognized the State of Israel, which was formed in 1948? Do we want a country that was a staging ground for the September 11 terrorists running our ports? Do we want a country owning one of our seaports that was instrumental in allowing nuclear devices to make nuclear weapons go through its seaports to other parts of the world? The answer is no, we do not want that.

Just a year or so ago, it was exposed that Dubai was the center of the world's largest nuclear proliferation as the AQ Khan network used Dubai to traffic nuclear weapons technology to the highest bidders. Osama bin Laden's operatives are said to have used Dubai as a local hub after September 11. Terrorism money has been laundered through the United Arab Emirates. Several of the hijackers flew from Dubai to the United States in preparation for the attacks. The 9/11 Commission found that the United Arab Emirates represented a persistent counterterrorism problem for the United States.

We do not want such a country running our ports.

We believe there should be a vote today. There won't be one today on this issue, I understand that. The reason the leaders in the House and the Senate have done what they could in the last 24 hours to say there will not be a vote is because it is the hope of President Bush that this issue will go away some way.

That is why I will vote against cloture. The Senate needs to speak out against the seaport deal. We have heard the American people speak out against it. We heard the House of Representatives in their Committee on Appropriations speak out against it. It is now time for the Senate to do the same.

The PRESIDING OFFICER. The majority leader is recognized.

## ETHICS REFORM

Mr. FRIST. Mr. President, Americans finish what they start, and they expect the Senate to do the same.

I open with that because we find ourselves once again in an unfortunate situation in that until yesterday afternoon, we were making steady progress, working together, all four managers on this important bill on lobbying reform, ethics review reform. We had the opportunity to have it finished by today or possibly tomorrow morning.

This is an important bill. We have come to a general consensus that it had to be one of the first bills we took to the Senate because it is so important to restore trust in this institution. It is a bill about making our Government more accountable, making it more transparent. It is a bill that strengthens our ethics rules to ensure we uphold the very highest standards of integrity. And it is a bill that will help restore America's confidence in this institution, in our Congress, in our Government.

It is also an issue that my friend, the Democratic leader, proposed as his top priority in this Congress. And we agreed. Unfortunately, some of my Democratic colleagues have chosen to hold this bill hostage for a totally unrelated issue. As we have seen even over the last 30 or 40 minutes, things are moving along aggressively toward a resolution. We do not know exactly what the resolution is going to be but toward a resolution.

The distinguished Democratic leader said just 48 hours ago to the effect of insisting that Democrats would not try to stall this lobbying reform bill by offering unrelated amendments, saying that:

I have told the distinguished majority leader this is no attempt to stall this legislation. I have told the majority leader that unless there are issues outside of what the two committees did that are within their jurisdiction, we have no intention of offering a myriad of issues. We have Members clamoring to offer—issues on the port security deal . . . we are not going to do it on this legislation.

That was 48 hours ago, and then in the last 24 hours directly contradicted the assurances he made on Tuesday when he said:

I believe that this lobbying reform is important. I believe that we need to do everything we can to help restore integrity to what we do here in Washington. But having said that, Mr. President, I think it would have been absolutely wrong for the Senate not to take action yesterday on the most important issue the American people see today, and that is port security.

That is from the statement on March 9.

I mention this because if we didn't have this what we call nongermane and totally not relevant amendment to an important issue on which we are making great bipartisan progress, working together—if that amendment had not come up, we would have been able to complete this bill. I have been in discussions with the Democratic leader,

and we both understand we have the opportunity to finish this bill in the near future because the amendments are not that tough and there is general consensus around them, but we have to be allowed to finish what we start and not be pulled off with essentially the Senate shutting down last night and over the course of the morning on something that is totally unrelated to the bill itself.

Although I don't want to keep overstating it, there seems to be this pattern of obstruction and delay and pushing things off—Judge Alito, the PATRIOT Act, which, by the way, will be signed in an hour or so, and now on lobbying reform.

Yes, we have a cloture vote here in a few minutes so that we can continue to make progress on this bill. It is not an attempt in any way to foreclose the opportunity to offer lobbying-related amendments. As the Democratic leader knows and we have talked about, we are perfectly willing to agree on a list of amendments related to lobbying and ethics reform. We can set time agreements, debate the amendments, and vote. But what we are opposed to is considering amendments that are totally outside of the scope of the bill that is at hand. We are opposed to amendments designed to score partisan political points in one way or another.

The port security issue, I do not minimize it as an issue. I was one of the very early people who said we need a pause, we need to examine it in detail, and we need to get the information. That process is underway. We have our Commerce Committee looking at overall port security. The PATRIOT Act, signed in 45 minutes, has a whole 13 points on port security. And on what is called the CFIUS review, or the review of the process that created this problem in many ways, I believe, right now our Banking Committee is looking at that aggressively.

The Dubai Ports deal needs to be addressed in a thorough way. That is why we have called for—really, initiated by the Senate—this 45-day period, to collect all the information and consider that information as it comes forward.

We saw, 45 minutes ago, some real positive news that has been brought forward. It shows the importance of sitting back and getting the information. There is a system underway to address the port issue without injecting it into a lobbying reform bill, a bipartisan bill, that in essence brings it to a halt. The administration is moving toward this 45-day review of the deal. Let's get this review. Let's get information as it is underway.

The Senator from New York, I know, has been to the floor several times. In a letter to me this week, he had said—and I quote in the letter—he “decided not to press for a vote on [his] bill at this time in the hope that this new investigation will be thorough, fair, and independent.”

So, Mr. President, we are about to vote. I do want to encourage my colleagues to vote for cloture because I

want to stay focused on the lobbying bill, which we can finish if we get cloture.

Mr. President, I see the time has come for the vote.

The PRESIDING OFFICER. The Democratic leader.

#### UNANIMOUS CONSENT REQUEST

Mr. REID. Mr. President, I ask unanimous consent that the Schumer amendment be withdrawn and that it be immediately considered as a free-standing bill, with a time limit of 2 hours equally divided, no amendments in order; and that upon the use or yielding back of the time, the Senate then vote on passage of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. FRIST. Reserving the right to object, Mr. President, again, this looks like another effort to delay and postpone. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

#### LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2006—Resumed

Pending:

Wyden/Grassley amendment No. 2944, to establish as a standing order of the Senate a requirement that a Senator publicly disclose a notice of intent to object to proceeding to any measure or matter.

Schumer amendment No. 2959 (to amendment No. 2944), to prohibit any foreign-government-owned or controlled company 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 facility at a United States port.

#### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

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, James 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 Voinovich, Christopher Bond.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on S. 2349, the Legislative Transparency and Accountability Act of 2006, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Kentucky (Mr. BUNNING).

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUE) is necessarily absent.

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

The yeas and nays resulted—yeas 51, nays 47, as follows:

[Rollcall Vote No. 36 Leg.]

#### YEAS—51

Alexander	DeMint	Martinez
Allard	DeWine	McCain
Allen	Dole	McConnell
Bennett	Domenici	Murkowski
Bond	Ensign	Roberts
Brownback	Enzi	Santorum
Burns	Graham	Sessions
Burr	Grassley	Shelby
Chafee	Gregg	Smith
Chambliss	Hagel	Snowe
Coburn	Hatch	Specter
Cochran	Hutchison	Stevens
Coleman	Inhofe	Sununu
Collins	Isakson	Thomas
Cornyn	Kyl	Thune
Craig	Lott	Voinovich
Crapo	Lugar	Warner

#### NAYS—47

Akaka	Feinstein	Murray
Baucus	Frist	Nelson (FL)
Bayh	Harkin	Nelson (NE)
Biden	Jeffords	Obama
Bingaman	Johnson	Pryor
Boxer	Kennedy	Reed
Byrd	Kerry	Reid
Cantwell	Kohl	Rockefeller
Carper	Landrieu	Salazar
Clinton	Lautenberg	Sarbanes
Conrad	Leahy	Schumer
Dayton	Levin	Stabenow
Dodd	Lieberman	Talent
Dorgan	Lincoln	Vitter
Durbin	Menendez	Wyden
Feingold	Mikulski	

#### NOT VOTING—2

Bunning Inouye

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 47. Two-thirds of the Senators voting, a quorum being present, not having voted in the affirmative, the motion is rejected.

Mr. FRIST. Mr. President, I enter a motion to reconsider the vote.

The PRESIDING OFFICER. The motion to reconsider is entered.

Mr. LEAHY. Mr. President, I filed an amendment to the bill on Tuesday and look forward to an opportunity to offer that amendment and have it considered by the Senate. My amendment is the honest services amendment, No. 2924.

The purpose of my amendment is to articulate more clearly the line that cannot be crossed without incurring criminal liability. If we are serious about lobbying reform, the Senate will adopt this amendment. It was only with the indictments of Jack Abramoff, Michael Scanlon, and former Representative Randy "Duke" Cunningham that Congress took note of the scandal that has grown over the last years. If we are to restore public confidence, we need to provide better tools for Federal prosecutors to combat public corruption in our Government.

This amendment creates a better legal framework for combating public corruption than currently exists under our criminal laws. It specifies the crime of honest services fraud involving Members of Congress and prohibits defrauding or depriving the American people of the honest services of their elected representatives.

Under this amendment, lobbyists who improperly seek to influence legislation and other official matters by giving expensive gifts, lavish entertainment and travel, and inside advice on investments to Members of Congress and their staff would be held criminally liable for their actions.

The law also prohibits Members of Congress and their staff from accepting these types of gifts and favors, or holding hidden financial interests, in return for being influenced in carrying out their official duties. Violators are subject to a criminal fine and up to 20 years' imprisonment, or both.

This legislation strengthens the tools available to Federal prosecutors to combat public corruption in our Government. The amendment makes it possible for Federal prosecutors to bring public corruption cases without all of the hurdles of having to prove bribery or of working with the limited and nonspecific honest services fraud language in current Federal law.

The amendment also provides lobbyists, Members of Congress, and other individuals with much-needed notice and clarification as to what kind of conduct triggers this criminal offense.

In addition, my amendment authorizes \$25 million in additional Federal funds over each of the next 4 years, to give Federal prosecutors needed resources to investigate corruption and to hold lobbyists and other individuals accountable for improperly seeking to influence legislation and other official matters.

The unfolding public corruption investigations involving lobbyist Jack Abramoff and MZM demonstrate that unethical conduct by public officials has broad ranging impact. These scandals undermine the public's confidence in our Government. Just last week, the Washington Post reported that, as an outgrowth of the Cunningham investigation, Federal investigators are now looking into contracts awarded by the Pentagon's new intelligence agency—the Counterintelligence Field Activity—to MZM, Inc., a company run by Mitchell J. Wade who recently pleaded guilty to conspiring to bribe Mr. Cunningham.

The American people expect—and deserve—to be confident that their representatives in Congress perform their legislative duties in a manner that is beyond reproach and that is in the public interest.

Because I strongly believe that public service is a public trust, I urge all Senators to support this amendment. If we are serious about reform and cleaning up this scandal, we will do so.