to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2976. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2977. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2978. Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. OBAMA, and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2979. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2980. Mr. ENSIGN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2981. Mr. ENSIGN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2982. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2983. Mr. ENSIGN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2984. Mr. MCCAIN (for himself, Mr. COBURN, Mr. DEMINT, Mr. ENSIGN, Mr. GRAHAM, and Mr. SUNUNU) submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2985. Mr. MCCAIN (for himself, Mr. COBURN, Mr. DEMINT, Mr. ENSIGN, Mr. GRAHAM, and Mr. SUNUNU) submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2986. Mr. MCCAIN (for himself, Mr. COBURN, Mr. DEMINT, Mr. ENSIGN, Mr. GRAHAM, and Mr. SUNUNU) submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2987. Mr. MCCAIN (for himself, Mr. COBURN, Mr. DEMINT, Mr. ENSIGN, Mr. GRAHAM, and Mr. SUNUNU) submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2988. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2989. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2990. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2991. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2992. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2993. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2994. Mr. BENNETT submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2995. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2996. Mr. HAGEL (for himself and Mr. SUNUNU) submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2997. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 2349, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2968. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. FULL DISCLOSURE OF ENTITIES RECEIVING FEDERAL FUNDS.

(a) DEFINITIONS.—In this section:

(1) AGENCY.—The term ''agency'' means an Executive agency as defined under section 105 of title 5, United States Code.

(2) CONTRACTOR ENTITY.—The term ''contractor entity'' means any entity that receives Federal funds as a general contractor or subcontractor at any tier in connection with a Federal contract.

(3) COVERED ENTITY.—The term ''covered entity'' means any entity that receives Federal funds—

(A) through a grant or loan, except—

(i) a grant or loan under entitlement authority; or

(ii) a loan designated by the Office of Management and Budget under subsection (b)(3); or

(B) under a statutory provision that directly references the entity receiving Federal funds, including any appropriations Act (or related committee or conference report) that specifically identifies the entity.

(4) ENTITLEMENT AUTHORITY.—The term ''entitlement authority'' has the meaning given under section 3 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622).

(5) ENTITY.—The term ''entity''—

(A) includes any State or local government; and

(B) shall not include the Federal Government.

(b) OFFICE OF MANAGEMENT AND BUDGET.—The Office of Management and Budget—

(1) shall issue a Federal funds application number to each covered entity or contractor entity that applies for such number, except that if more than 1 covered entity or contractor entity share a single tax identification number, only 1 Federal funds application number shall be issued for those covered entities or contractor entities;

(2) shall develop and establish an updated searchable database website accessible to the public of the information on—

(A) each covered entity required to be submitted under subsection (c)(3), including links to other websites described under subsection (c)(3); and

(B) each contractor entity required to be submitted under subsection (d)(3);

(3) may promulgate regulations to designate loan programs which are not covered by this section if—

(A) the Federal funds under that program are received only by individuals; and

(B) the agency administering the program exercises minimal discretion in determining recipients other than the application of specific criteria of eligibility; and

(4) after consultation with agencies, promulgate regulations to provide exemptions for disclosures of information, covered entities, and contractor entities in the interest of national defense or national security.

(c) REQUIREMENTS FOR COVERED ENTITIES.—Each covered entity shall—

(1) apply to the Office of Management and Budget for a Federal funds application number;

(2) use the Federal funds application number in any application or other document relating to the receipt of Federal funds; and

(3) not later than 45 days before the end of each fiscal year, file a report with the Office of Management and Budget that includes—

(A) the dollar amount, of any Federal funds received by the entity in the previous 5 years and the identification of such amounts in each year, including an identification of the source of funds from programs based on the Catalogue of Federal Assistance, if applicable;

(B) the entity's—

(i) primary office and any additional offices;

(ii) the tax status; and

(iii) tax identification number;

(C) the full name, address, and social security numbers of each officer and director of the entity;

(D) an overall annual financial disclosure statement for the previous year (with specific amounts for total lobbying expenses, travel expenses, rent, salaries, and decorating expenses);

(E) the full name, address, and social security number of each employee making more than $50,000 each year in gross income;

(F) any links to the website of the covered entity providing additional information on that covered entity; and

(G) any other relevant information the Office of Management and Budget may require.

(d) REQUIREMENTS FOR CONTRACTOR ENTITIES.—Each contractor entity shall—

(1) apply to the Office of Management and Budget for a Federal funds application number;

(2) use the Federal funds application number in any application or other document relating to the receipt of Federal funds; and

(3) not later than 45 days before the end of each fiscal year, file a report with the Office of Management and Budget that includes—

(A) the dollar amount, of any Federal funds received by the entity in the previous 5 years and the identification of such amounts in each year, including an identification of the source of funds from programs based on the Catalogue of Federal Assistance, if applicable; and

(B) the entity's—

(i) primary office and any additional offices;

(ii) the tax status; and

(iii) tax identification number.

(e) FEDERAL AGENCIES.—Each agency shall—

(1) use the Federal funds application number with respect to any document relating to a covered entity or contractor entity receiving Federal funds, including applications, correspondence, contracts, memoranda, proposals, agreements, and receipts; and

(2) make such information relating to covered entities or contractor entities and such documents available to the Office of Management and Budget as the Office may require.

(f) APPLICATION OF CERTAIN FEDERAL LAWS TO COVERED ENTITIES AND CONTRACTOR ENTITIES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the provisions of law described under paragraph (2) shall apply to a covered entity or contractor entity to the greatest extent practicable as though that covered entity or contractor entity is a Federal agency, if the covered entity or contractor entity has business expenditures or a

business budget in any year equal to or greater than 10 percent of the amount of Federal funds received by that covered entity or contractor entity in that year.

(2) APPLICABLE LAWS.—The provisions of law referred to under paragraph (1) are—

(A) section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act); and

(B) subchapter I of chapter 57 of title 5, United States Code (relating to travel and subsistence expenses and mileage allowances).

(g) REGULATIONS.—The Office of Management and Budget shall promulgate regulations to carry out this section.

(h) EFFECTIVE DATES.—

(1) IN GENERAL.—This section shall take effect on January 2, 2007.

(2) REGULATIONS.—Subsection (g) shall take effect on the date of enactment of this Act.

SA 2969. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

Strike after the first word and, insert the following:

SEC. ___. FULL DISCLOSURE OF ENTITIES RECEIVING FEDERAL FUNDS.

(a) DEFINITIONS.—In this section:

(1) AGENCY.—The term ''agency'' means an Executive agency as defined under section 105 of title 5, United States Code.

(2) CONTRACTOR ENTITY.—The term ''contractor entity'' means any entity that receives Federal funds as a general contractor or subcontractor at any tier in connection with a Federal contract.

(3) COVERED ENTITY.—The term ''covered entity'' means any entity that receives Federal funds—

(A) through a grant or loan, except—

(i) a grant or loan under entitlement authority; or

(ii) a loan designated by the Office of Management and Budget under subsection (b)(3); or

(B) under a statutory provision that directly references the entity receiving Federal funds, including any appropriations Act (or related committee or conference report) that specifically identifies the entity.

(4) ENTITLEMENT AUTHORITY.—The term ''entitlement authority'' has the meaning given under section 3 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622).

(5) ENTITY.—The term ''entity''—

(A) includes any State or local government; and

(B) shall not include the Federal Government.

(b) OFFICE OF MANAGEMENT AND BUDGET.—The Office of Management and Budget—

(1) shall issue a Federal funds application number to each covered entity or contractor entity that applies for such number, except that if more than 1 covered entity or contractor entity share a single tax identification number, only 1 Federal funds application number shall be issued for those covered entities or contractor entities;

(2) shall develop and establish an updated searchable database website accessible to the public of the information on—

(A) each covered entity required to be submitted under subsection (c)(3), including links to other websites described under subsection (c)(3); and

(B) each contractor entity required to be submitted under subsection (d)(3);

(3) may promulgate regulations to designate loan programs which are not covered by this section if—

(A) the Federal funds under that program are received only by individuals; and

(B) the agency administering the program exercises minimal discretion in determining recipients other than the application of specific criteria of eligibility; and

(4) after consultation with agencies, promulgate regulations to provide exemptions for disclosures of information, covered entities, and contractor entities in the interest of national defense or national security.

(c) REQUIREMENTS FOR COVERED ENTITIES.—Each covered entity shall—

(1) apply to the Office of Management and Budget for a Federal funds application number;

(2) use the Federal funds application number in any application or other document relating to the receipt of Federal funds; and

(3) not later than 45 days before the end of each fiscal year, file a report with the Office of Management and Budget that includes—

(A) the dollar amount, of any Federal funds received by the entity in the previous 5 years and the identification of such amounts in each year, including an identification of the source of funds from programs based on the Catalogue of Federal Assistance, if applicable;

(B) the entity's—

(i) primary office and any additional offices;

(ii) the tax status; and

(iii) tax identification number;

(C) the full name, address, and social security numbers of each officer and director of the entity;

(D) an overall annual financial disclosure statement for the previous year (with specific amounts for total lobbying expenses, travel expenses, rent, salaries, and decorating expenses);

(E) the full name, address, and social security number of each employee making more than $50,000 each year in gross income;

(F) any links to the website of the covered entity providing additional information on that covered entity; and

(G) any other relevant information the Office of Management and Budget may require.

(d) REQUIREMENTS FOR CONTRACTOR ENTITIES.—Each contractor entity shall—

(1) apply to the Office of Management and Budget for a Federal funds application number;

(2) use the Federal funds application number in any application or other document relating to the receipt of Federal funds; and

(3) not later than 45 days before the end of each fiscal year, file a report with the Office of Management and Budget that includes—

(A) the dollar amount, of any Federal funds received by the entity in the previous 5 years and the identification of such amounts in each year, including an identification of the source of funds from programs based on the Catalogue of Federal Assistance, if applicable; and

(B) the entity's—

(i) primary office and any additional offices;

(ii) the tax status; and

(iii) tax identification number.

(e) FEDERAL AGENCIES.—Each agency shall—

(1) use the Federal funds application number with respect to any document relating to a covered entity or contractor entity receiving Federal funds, including applications, correspondence, contracts, memoranda, proposals, agreements, and receipts; and

(2) make such information relating to covered entities or contractor entities and such documents available to the Office of Management and Budget as the Office may require.

(f) APPLICATION OF CERTAIN FEDERAL LAWS TO COVERED ENTITIES AND CONTRACTOR ENTITIES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the provisions of law described under paragraph (2) shall apply to a covered entity or contractor entity to the greatest extent practicable as though that covered entity or contractor entity is a Federal agency, if the covered entity or contractor entity has business expenditures or a business budget in any year equal to or greater than 10 percent of the amount of Federal funds received by that covered entity or contractor entity in that year.

(2) APPLICABLE LAWS.—The provisions of law referred to under paragraph (1) are—

(A) section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act); and

(B) subchapter I of chapter 57 of title 5, United States Code (relating to travel and subsistence expenses and mileage allowances).

(g) REGULATIONS.—The Office of Management and Budget shall promulgate regulations to carry out this section.

(h) EFFECTIVE DATES.—

(1) IN GENERAL.—This section shall take effect on January 1, 2007.

(2) REGULATIONS.—Subsection (g) shall take effect on the date of enactment of this Act.

SA 2970. Mr. SUNUNU (for himself, Mr. MCCAIN, Mr. GRAHAM, and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

Beginning on page 4, strike line 21 and all that follows through page 6, line 7, and insert the following:

SEC. 103. EARMARKS.

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

''RULE XLIV

''EARMARKS

''1. In this rule—

''(1) the term 'earmark' means a provision that specifies the identity of a non-Federal entity to receive assistance and the amount of the assistance; and

''(2) the term 'assistance' means budget authority, contract authority, loan authority, and other expenditures, and tax expenditures or other revenue items.

''2. It shall not be in order to consider any Senate bill or Senate amendment or conference report on any bill, including an appropriations bill, a revenue bill, and an authorizing bill, unless a list of—

''(1) all earmarks in such measure;

''(2) an identification of the Member or Members who proposed the earmark; and

''(3) an explanation of the essential governmental purpose for the earmark;

is available along with any joint statement of managers associated with the measure to all Members and made available on the Internet to the general public for at least 48 hours before its consideration.''.

SEC. 104. AVAILABILITY OF CONFERENCE REPORTS ON THE INTERNET.

(a) IN GENERAL.—

(1) AMENDMENT.—Rule XXVIII of all the Standing Rules of the Senate is amended by adding at the end the following:

''7. It shall not be in order to consider a conference report unless such report is available to all Members and made available to the general public by means of the Internet for at least 48 hours before its consideration.''.

SA 2971. Mr. ENSIGN submitted an amendment intended to be proposed by

him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table, as follows:

On page 8, line 7, after ''principal.'' insert ''This clause shall not apply to a gift, meal, refreshment, or travel provided by a State, local, or tribal government.''.

SA 2972. Mr. TALENT (for himself, Mr. FRIST, Mr. ALLEN, and Mrs. DOLE) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table, as follows:

On page 16, between lines 3 and 4, insert the following:

SEC. 114. LINE ITEM VETO.

(a) FINDINGS.—The Senate finds that —

(1) the Federal Government has struggled with deficits since World War II, balancing its budget only 9 times since 1950;

(2) the national debt is currently more than $8,200,000,000,000, or 66 percent of the total gross domestic product, and is a long-term threat to our economic health;

(3) the number of earmarks in appropriations bills has tripled over the last 5 years, to more than 14,000;

(4) every President for the last 25 years has asked Congress to pass a line item veto to help reduce the deficit by eliminating wasteful spending;

(5) 43 Governors have line item veto authority, and numerous studies have shown that the line item veto is effective at reducing State spending;

(6) Congress passed the Line Item Veto Act (Public Law 104-30; 110 Stat. 1200) in the 104th Congress, by a 294-134 vote in the House of Representatives and a 69-31 vote in the Senate;

(7) in 1998 the Supreme Court of the United States, in a 6-3 decision, found the Line Item Veto Act unconstitutional;

(8) the Congress and the President share a responsibility to the American people to spend their money wisely; and

(9) the Federal Government should use every tool possible to help reduce the deficit, and the line item veto is a time-tested method of doing so.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress should provide the President with a constitutionally acceptable line item veto authority.

SA 2973. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table, as follows:

On page 14, between lines 2 and 3, insert the following:

SEC. 12. ADDITIONAL EMPLOYMENT RIGHTS.

(a) IN GENERAL.—Section 104 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450i) is amended by striking subsection (j) and inserting the following:

''(j) ADDITIONAL EMPLOYMENT RIGHTS.—

''(1) DEFINITION OF TRIBAL EMPLOYEE.—In this subsection, the term 'tribal employee', with respect to an Indian tribal government, means an individual acting under the day-to-day control or supervision of the Indian tribal government, unaffected by the control or supervision of any independent contractor, agency or organization, or intervening sovereignty.

''(2) RIGHTS OF CERTAIN EMPLOYEES.—Notwithstanding sections 205 and 207 of title 18, United States Code, an officer or employee of the United States assigned to an Indian tribe under section 3372 of title 5, United States Code, or section 2072 of the Revised Statutes (25 U.S.C. 48), or an individual that was formerly an officer or employee of the United States and who is a tribal employee or an elected or appointed official of an Indian tribe carrying out an official duty of the tribal employee or official may communicate with and appear before any department, agency, court, or commission on behalf of the Indian tribe on any matter, including any matter in which the United States is a party or has a direct and substantial interest.

''(3) NOTIFICATION OF INVOLVEMENT IN PENDING MATTER.—An officer, employee, or former officer or employee described in paragraph (2) shall submit to the head of each appropriate department, agency, court, or commission, in writing, a notification of any personal and substantial involvement the officer, employee, or former officer or employee had as an officer or employee of the United States with respect to the pending matter.''.

(b) EFFECTIVE DATE.—The effective date of the amendment made by this section shall be the date that is 1 year after the date of enactment of this Act.

SA 2974. Mr. MCCAIN (for himself, Mr. KYL, and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table, as follows:

On page 16, strike line 1 and insert the following:

SEC. 113. REPORTING OF CONTRIBUTIONS BY INDIAN TRIBES.

(a) IN GENERAL.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by inserting after section 304 the following new section:

''REPORTS BY INDIAN TRIBES

''SEC. 304A. (a)(1) IN GENERAL.—Each Indian tribe shall file reports of contributions made to a candidate, a political committee, or a Federal account of a State, district, or local committee of a political party in accordance with the provisions of this subsection.

''(2) REPORTS.—

''(A) ELECTION YEAR.—

''(i) IN GENERAL.—In any calendar year during which there is a regularly scheduled election, an Indian tribe shall file a report—

''(I) for the first calendar quarter in which contributions are made that aggregate in excess of $1,000 for the calendar year; and

''(II) for any calendar quarter after the quarter described in subclause (I) in which additional contributions are made.

''(ii) TIMING OF REPORTS.—A report required under clause (i) shall be filed no later than the 15th day after the last day of the calendar quarter, and shall be complete as of the last day of the calendar quarter: except that the report for the quarter ending on December 31 shall be filed no later than January 31 of the following calendar year.

''(iii) INITIAL REPORT.—The report required under clause (i)(I) shall include information with respect to contributions made during all preceding quarters during the calendar year.

''(B) OTHER YEARS.—

''(i) IN GENERAL.—In any other calendar year, an Indian tribe shall file a report—

''(I) for the first reporting period described in clause (ii) in which contributions are made that aggregate in excess of $1,000 in the calendar year; and

''(II) for any reporting period after the period described in subclause (I) in which additional contributions are made.

''(ii) REPORTING PERIODS DESCRIBED.—The reporting periods described in this clause are—

''(I) the period beginning January 1 and ending June 30 of such calendar year; and

''(II) the period beginning July 1 and ending December 31 of such calendar year.

''(iii) TIMING OF REPORT.—The reports required under clause (i) shall be filed—

''(I) in the case of the reporting period described in clause (ii)(I), no later than July 31; and

''(II) in the case of the reporting period described in clause (ii)(II), no later than January 31 of the following calendar year.

''(iv) INITIAL REPORT.—The report required under clause (i)(I) shall include information with respect to contributions made during any preceding reporting period during the calendar year.

''(b) CONTENTS OF REPORT.—Each report under this section shall disclose—

''(1) the total amount of contributions made by the Indian tribe to candidates, political committees, and Federal accounts of State, district, and local committees of political parties during the reporting period;

''(2) the name and address of each such candidate, political committee, and Federal account to which the Indian tribe made a contribution during the reporting period, with respect to which the contribution or contributions have an aggregate amount or value in excess of $200 within the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office), together with the date and amount of any such contribution;

''(3) the name and address of the Indian tribe and the unique identifier assigned to the Indian tribe under subsection (c); and

''(4) the name, address, and position of the custodian of the books and accounts of the Indian tribe.

''(c) UNIQUE IDENTIFIER.—The Commission, in consultation with the Secretary of the Interior, shall assign a unique identifier to each Indian tribe for the purpose of filing reports under this section.''.

(b) DEFINITION OF INDIAN TRIBE.—Section 301 of such Act (2 U.S.C. 431) is amended by adding at the end the following new paragraph:

''(27) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation (as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.''.

SEC. 114. EFFECTIVE DATE.

SA 2975. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 5, line 20 between ''available'' and ''on'', insert ''in an electronically searchable format''.

SA 2976. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 6, line 6 between ''available'' and ''to'', insert ''in an electronically searchable format''.

SA 2977. Mrs. FEINSTEIN submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 5, strike lines 4 through 17 and insert the following:

''(2) the term 'covered earmark' means an earmark that includes any matter not committed to the conferees by either House; and

''(3) the term 'assistance' means budget authority, contract authority, loan authority, and other expenditures, and tax expenditures or other revenue items.

''2. It shall not be in order to consider any Senate bill or Senate amendment or conference report on any bill, including an appropriations bill, a revenue bill, and an authorizing bill, unless a list of—

''(1) all covered earmarks in such measure;

''(2) an identification of the Member or Members who proposed the covered earmark; and

''(3) an explanation of the essential governmental purpose for the covered earmark;

SA 2978. Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. OBAMA, and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE III—OFFICE OF PUBLIC INTEGRITY

SEC. 301. ESTABLISHMENT OF OFFICE OF PUBLIC INTEGRITY.

There is established, as an independent office within the legislative branch of the Government, the Office of Public Integrity (referred to in this title as the ''Office'').

SEC. 302. DIRECTOR.

(a) APPOINTMENT OF DIRECTOR.—The Office shall be headed by a Director who shall be appointed by agreement of the Speaker of the House of Representatives, the majority leader of the Senate, and the minority leaders of the House of Representatives and the Senate. The selection and appointment of the Director shall be without regard to political affiliation and solely on the basis of fitness to perform the duties of the Office.

(b) VACANCY.—A vacancy in the directorship shall be filled in the manner in which the original appointment was made.

(c) TERM OF OFFICE.—The Director shall serve for a term of 5 years and may be reappointed.

(d) REMOVAL.—

(1) AUTHORITY.—The Director may be removed by a majority of the appointing authority for—

(A) disability that substantially prevents the Director from carrying out the duties of the Director;

(B) inefficiency;

(C) neglect of duty; or

(D) malfeasance, including a felony or conduct involving moral turpitude.

(2) STATEMENT OF REASONS.—In removing the Director, a statement of the reasons for removal shall be provided in writing to the Director.

(e) COMPENSATION.—The Director shall be compensated at the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

SEC. 303. DUTIES AND POWERS OF THE OFFICE.

(a) DUTIES.—The Office is authorized—

(1) to receive, monitor, and oversee reports filed by registered lobbyists under the Lobbying Disclosure Act of 1995;

(2) to assume all other responsibilities and authorities of the Secretary of the Senate and the Clerk of the House of Representatives under the Lobbying Disclosure Act of 1995;

(3) to refer to the Select Committee on Ethics of the Senate and Committee on Standard of Official Conduct of the House of Representatives, as appropriate, any information it comes across that relates to a possible violation of ethics rules or standards of the relevant body;

(4) to conduct periodic and random reviews and audits of reports filed with it to ensure compliance with all applicable laws and rules; and

(5) to provide informal guidance to registrants under the Lobbying Disclosure Act of 1995 of their responsibilities under such Act.

(b) POWERS.—

(1) OBTAINING INFORMATION.—Upon request of the Office, the head of any agency or instrumentality of the Government shall furnish information deemed necessary by the Director to enable the Office to carry out its duties.

(2) REFERRALS TO THE DEPARTMENT OF JUSTICE.—Whenever the Director has reason to believe that a violation of the Lobbying Disclosure Act of 1995 may have occurred, he shall refer that matter to the Department of Justice for it to investigate.

(3) GENERAL AUDITS.—The Director shall have the authority to conduct general audits of filings under the Lobbying Disclosure Act of 1995.

SEC. 304. ADMINISTRATION AND STAFF.

(a) STAFF AND SUPPORT SERVICES.—The Director may appoint and fix the compensation of such staff as the Director considers necessary.

(b) APPLICABILITY OF CIVIL SERVICE LAWS.—The Director and other members of the staff of the Office shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

(c) EXPERTS AND CONSULTANTS.—The Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(d) PHYSICAL FACILITIES.—The Architect of the Capitol, in consultation with the appropriate entities in the legislative branch, shall locate and provide suitable office space for the operation of the Office on a nonreimbursable basis. The facilities shall serve as the headquarters of the Office and shall include all necessary equipment and incidentals required for the proper functioning of the Office.

(e) ADMINISTRATIVE SUPPORT SERVICES AND OTHER ASSISTANCE.—

(1) IN GENERAL.—Upon the request of the Director, the Architect of the Capitol and the Administrator of General Services shall provide to the Director on a nonreimbursable basis such administrative support services as the Commission may request.

(2) ADDITIONAL SUPPORT.—In addition to the assistance set forth in paragraph (1), departments and agencies of the United States may provide the Director such services, funds, facilities, staff, and other support services as the Director may deem advisable and as may be authorized by law.

(f) USE OF MAILS.—The Office may use the United States mails in the same manner and under the same conditions as Federal agencies and shall, for purposes of the frank, be considered a commission of Congress as described in section 3215 of title 39, United States Code.

(g) PRINTING.—For purposes of costs relating to printing and binding, including the cost of personnel detailed from the Government Printing Office, the Office shall be deemed to be a committee of the Congress.

SEC. 305. EXPENSES.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this title.

(b) FINANCIAL AND ADMINISTRATIVE SERVICES.—The Director may place orders and enter into agreements for goods and services with the head of any agency, or major organizational unit within an agency, in the legislative or executive branch of the Government in the same manner and to the same extent as agencies are authorized to do so under sections 1535 and 1536 of title 31, United States Code.

SEC. 306. TRANSFER OF RECORDS.

Not later than 90 days after the effective date of this Act, the Office of Public Records in the Senate and the Office of Clerk of the House of Representatives shall transfer all records to the Office with respect to their former duties under the Lobbying Disclosure Act of 1995 and the Ethics in Government Act of 1978.

SEC. 307. TRANSFER OF JURISDICTION TO OFFICE OF PUBLIC INTEGRITY.

(a) FILING OF REGISTRATIONS.—Section 4 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1603) is amended—

(1) in subsection (a)(1), by striking ''Secretary of the Senate and the Clerk of the House of Representatives'' and inserting ''Office of Public Integrity''; and

(2) in subsection (d), by striking ''Secretary of the Senate and the Clerk of the House of Representatives'' and inserting ''Office of Public Integrity''.

(b) REPORTS BY REGISTERED LOBBYISTS.—Section 5(a) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604(a)) is amended by striking ''Secretary of the Senate and the Clerk of the House of Representatives'' and inserting ''Office of Public Integrity''.

(c) DISCLOSURE AND ENFORCEMENT.—Section 6(a) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1605) is amended by striking ''Secretary of the Senate and the Clerk of the House of Representatives'' and inserting ''Office of Public Integrity''.

(d) PENALTIES.—Section 7 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1606) is amended by striking ''Secretary of the Senate or the Clerk of the House of Representatives'' and inserting ''Office of Public Integrity''.

(e) RULES OF CONSTRUCTION.—Section 8(c) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1607(c)) is amended by striking ''Secretary of the Senate or the Clerk of the House of Representatives'' and inserting ''Office of Public Integrity''.

(f) ESTIMATES BASED ON TAX REPORTING SYSTEM.—Section 15(c)(1) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1610(c)(1)) is amended by striking ''Secretary of the Senate and the Clerk of the House of Representatives'' and inserting ''Office of Public Integrity''.

SEC. 308. OPI EMPLOYEES UNDER THE CONGRESSIONAL ACCOUNTABILITY ACT.

Section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 3) is amended—

(1) in paragraph (3)—

(A) in subparagraph (H), by striking ''or'';

(B) in subparagraph (I), by striking the period and inserting ''; or''; and

(C) by adding at the end the following:

''(J) the Office of Public Integrity.''; and

(2) in paragraph (9), by striking ''and the Office of Technology Assessment'' and inserting ''the Office of Technology Assessment, and the Office of Public Integrity''.

SEC. 309. PROHIBITION ON FILING AND OTHER ASSOCIATED FEES.

The Office shall not—

(1) charge any registrant a fee for filings with the Office required under the Lobbying Disclosure Act of 1995; or

(2) charge such a registrant a fee for obtaining an electronic signature for such a filing.

SEC. 310. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided by subsection (b), this title shall take effect on January 1, 2007.

(b) EXCEPTION.—Sections 302, 304, and 305 shall take effect upon the date of enactment of this Act.

SA 2979. Mr. COLLINS submitted an amendment intended to be proposed by her to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table, as follows:

On page 22, lines 12 through 14, strike ''the registrant or employee listed as a lobbyist provided, or directed or arranged to be provided,'' and insert ''the registrant provided, or directed or arranged to be provided, or the employee listed as a lobbyist directed or arranged to be provided,''.

SA 2980. Mr. ENSIGN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table, as follows:

On page 5, line 2 strike ''a non-Federal'' and insert ''an''.

SA 2981. Mr. ENSIGN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table, as follows:

On page 3, strike line 9 and all that follows through page 4, line 20, and insert the following:

(a) IN GENERAL.—A point of order may be made by any Senator against consideration of a conference report on a general appropriations bill that includes any new or general legislation, any unauthorized appropriation, or new matter or nongermane matter not committed to the conferees by either House. The point of order shall be made and voted on separately for each item in violation of this section.

(b) DISPOSITION.—If the point of order against a conference report under subsection (a) is sustained, then—

(1) the matter in such conference report shall be deemed to have been struck;

(2) when all other points of order under this section have been disposed of—

(A) the Senate shall proceed to consider the question of whether the Senate should recede from its amendment to the House bill, or its disagreement to the amendment of the House, and concur with a further amendment, which further amendment shall consist of only that portion of the conference report not deemed to have been struck;

(B) the question shall be debatable; and

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

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

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

(d) DEFINITIONS.—In this section:

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

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

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

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

(2) The term ''new or general legislation'' has the meaning given that term when it is used in paragraph 2 of Rule XVI of the Standing Rules of the Senate.

(3) The term ''new matter'' means any matter not committed to conferees by either House.

(4) The term ''nongermane matter'' has the meaning given that term when it is used in Rule XXII of the Standing Rules of the Senate.

SA 2982. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table, as follows:

On page 25, after line 11, insert the following:

Section 7 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1606) is amended by adding at the end the following: ''An officer of an organization described in section 501(c) of the Internal Revenue Code of 1986 who engages in lobbying activities with Federal funds as prohibited by section 18 shall be imprisoned for not more than 5 years and fined under title 18 of the United States Code, or both.''.

SA 2983. Mr. ENSIGN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 3, line 12, strike ''shall be made and voted on separately for each item in violation of this section'' and insert ''may be made and voted on separately for each item in violation of this section''.

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

SA 2984. Mr. MCCAIN (for himself, Mr. COBURN, Mr. DEMINT, Mr. ENSIGN, Mr. GRAHAM, and Mr. SUNUNU) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 5, line 21, strike ''24 hours'' and insert ''48 hours''.

On page 6, line 7, strike ''24 hours'' and insert ''48 hours''.

On page 16, between lines 3 and 4, insert the following:

SEC. 114. REFORM OF CONSIDERATION OF APPROPRIATIONS BILLS IN THE SENATE.

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

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

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

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

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

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

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

''(B) any modification of total amounts appropriated necessary to reflect the deletion of the matter struck from the bill or amendment, as directed by the chairman of the Committee on the Budget, shall be made and the allocation of discretionary budgetary resources allocated under section 302(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)(2)) shall be reduced accordingly.

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

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

''(B) modifies, if necessary and as directed by the chairman of the Committee on the Budget, the total amounts appropriated by the bill to reflect the deletion of the matter struck from the bill and reduces the allocation of discretionary budgetary resources allocated under section 302(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)(2)) accordingly.

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

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

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

''(B) any modification of total amounts appropriated, as directed by the chairman of the Committee on the Budget, necessary to reflect the deletion of the matter struck from the amendment shall be made and the allocation of discretionary budgetary resources allocated under section 302(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)(2)) shall be reduced accordingly; and

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

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

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

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

''(ii) modifies, if necessary and as directed by the chairman of the Committee on the Budget, the total amounts appropriated by the bill to reflect the deletion of the matter struck from the House amendment and reduces the allocation of discretionary budgetary resources allocated under section 302(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)(2)) accordingly; and

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

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

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

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

''(h) For purposes of this paragraph:

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

''(2) The term 'new matter' means matter not committed to conference by either House of Congress.

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

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

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

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

''10. (a) On a point of order made by any Senator, no new or general legislation, nor any unauthorized appropriation, new matter, or nongermane matter may be included in any conference report on a general appropriation bill.

''(b) If the point of order against a conference report under subparagraph (a) is sustained—

''(1) the new or general legislation, unauthorized appropriation, new matter, or nongermane matter in such conference report shall be deemed to have been struck;

''(2) any modification of total amounts appropriated, as directed by the chairman of the Committee on the Budget, necessary to reflect the deletion of the matter struck shall be deemed to have been made and the allocation of discretionary budgetary resources allocated under section 302(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)(2)) shall be deemed to be reduced accordingly;

''(3) when all other points of order under this paragraph have been disposed of—

''(A) the Senate shall proceed to consider the question of whether the Senate should recede from its amendment to the House bill, or its disagreement to the amendment of the House, and concur with a further amendment, which further amendment shall consist of only that portion of the conference report not deemed to have been struck (together with any modification of total amounts appropriated and reduction in the allocation of discretionary budgetary resources allocated under section 302(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)(2)) deemed to have been made);

''(B) the question shall be debatable; and

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

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

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

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

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

''(f) For purposes of this paragraph:

''(1) The terms 'new or general legislation', 'new matter', and 'unauthorized appropriation' have the same meaning as in paragraph 9.

''(2) The term 'nongermane matter' has the same meaning as in Rule XXII and under the precedents attendant thereto, as of the beginning of the 109th Congress.''.

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

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

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

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

(B) The term ''congressional report'' means a report of the Committee on Appropriations

of the House of Representatives or the Senate, or a joint explanatory statement of a committee of conference.

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

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

(3) EFFECTIVE DATE.—This subsection shall apply to appropriation Acts enacted after December 31, 2006.

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

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

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

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

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

''(b) DEFINITION.—In this section, the term 'recipient of Federal funds' means any recipient of Federal funds, including an award, grant, loan, loan guarantee, contract, or other expenditure.''.

SA 2985. Mr. MCCAIN (for himself, Mr. COBURN, MR. DEMINT, Mr. ENSIGN, Mr. GRAHAM, and Mr. SUNUNU) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 16, between lines 3 and 4, insert the following:

SEC. 114. REFORM OF CONSIDERATION OF APPROPRIATIONS BILLS IN THE SENATE.

Rule XVI of the Standing Rules of the Senate is amended by adding at the end the following:

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

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

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

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

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

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

''(B) any modification of total amounts appropriated necessary to reflect the deletion of the matter struck from the bill or amendment, as directed by the chairman of the Committee on the Budget, shall be made and the allocation of discretionary budgetary resources allocated under section 302(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)(2)) shall be reduced accordingly.

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

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

''(B) modifies, if necessary and as directed by the chairman of the Committee on the Budget, the total amounts appropriated by the bill to reflect the deletion of the matter struck from the bill and reduces the allocation of discretionary budgetary resources allocated under section 302(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)(2)) accordingly.

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

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

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

''(B) any modification of total amounts appropriated, as directed by the chairman of the Committee on the Budget, necessary to reflect the deletion of the matter struck from the amendment shall be made and the allocation of discretionary budgetary resources allocated under section 302(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)(2)) shall be reduced accordingly; and

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

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

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

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

''(ii) modifies, if necessary and as directed by the chairman of the Committee on the Budget, the total amounts appropriated by the bill to reflect the deletion of the matter struck from the House amendment and reduces the allocation of discretionary budgetary resources allocated under section 302(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)(2)) accordingly; and

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

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

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

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

''(h) For purposes of this paragraph:

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

''(2) The term 'new matter' means matter not committed to conference by either House of Congress.

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

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

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

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

''10. (a) On a point of order made by any Senator, no new or general legislation, nor any unauthorized appropriation, new matter, or nongermane matter may be included in any conference report on a general appropriation bill.

''(b) If the point of order against a conference report under subparagraph (a) is sustained—

''(1) the new or general legislation, unauthorized appropriation, new matter, or nongermane matter in such conference report shall be deemed to have been struck;

''(2) any modification of total amounts appropriated, as directed by the chairman of the Committee on the Budget, necessary to reflect the deletion of the matter struck shall be deemed to have been made and the allocation of discretionary budgetary resources allocated under section 302(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)(2)) shall be deemed to be reduced accordingly;

''(3) when all other points of order under this paragraph have been disposed of—

''(A) the Senate shall proceed to consider the question of whether the Senate should recede from its amendment to the House bill, or its disagreement to the amendment of the

House, and concur with a further amendment, which further amendment shall consist of only that portion of the conference report not deemed to have been struck (together with any modification of total amounts appropriated and reduction in the allocation of discretionary budgetary resources allocated under section 302(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)(2)) deemed to have been made);

''(B) the question shall be debatable; and

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

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

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

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

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

''(f) For purposes of this paragraph:

''(1) The terms 'new or general legislation', 'new matter', and 'unauthorized appropriation' have the same meaning as in paragraph 9.

''(2) The term 'nongermane matter' has the same meaning as in Rule XXII and under the precedents attendant thereto, as of the beginning of the 109th Congress.''.

SA 2986. Mr. MCCAIN (for himself, Mr. COBURN, MR. DEMINT, Mr. ENSIGN, Mr. GRAHAM, and Mr. SUNUNU) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 16, between lines 3 and 4, insert the following:

SEC. 114. PROHIBITION ON OBLIGATION OF FUNDS FOR APPROPRIATIONS EARMARKS INCLUDED ONLY IN CONGRESSIONAL REPORTS.

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

(b) DEFINITIONS.—For purposes of this section:

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

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

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

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

(c) EFFECTIVE DATE.—This section shall apply to appropriation Acts enacted after December 31, 2006.

SA 2987. Mr. MCCAIN (for himself, Mr. COBURN, MR. DEMINT, Mr. ENSIGN, Mr. GRAHAM, and Mr. SUNUNU) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 16, between lines 3 and 4, insert the following:

SEC. 114. LOBBYING ON BEHALF OF RECIPIENTS OF FEDERAL FUNDS.

The Lobbying Disclosure Act of 1995 is amended by adding after section 5 the following:

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

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

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

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

''(b) DEFINITION.—In this section, the term 'recipient of Federal funds' means any recipient of Federal funds, including an award, grant, loan, loan guarantee, contract, or other expenditure.''.

SA 2988. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:

TITLE III—REFORM OF SECTION 527 ORGANIZATIONS

SEC. 301. SHORT TITLE.

This title may be cited as the ''527 Reform Act of 2005''.

SEC. 302. TREATMENT OF SECTION 527 ORGANIZATIONS.

(a) DEFINITION OF POLITICAL COMMITTEE.—Section 301(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(4)) is amended—

(1) by striking the period at the end of subparagraph (C) and inserting ''; or''; and

(2) by adding at the end the following:

''(D) any applicable 527 organization.''.

(b) DEFINITION OF APPLICABLE 527 ORGANIZATION.—Section 301 of such Act (2 U.S.C. 431) is amended by adding at the end the following new paragraph:

''(27) APPLICABLE 527 ORGANIZATION.—

''(A) IN GENERAL.—For purposes of paragraph (4)(D), the term 'applicable 527 organization' means a committee, club, association, or group of persons that—

''(i) has given notice to the Secretary of the Treasury under section 527(i) of the Internal Revenue Code of 1986 that it is to be treated as an organization described in section 527 of such Code; and

''(ii) is not described in subparagraph (B).

''(B) EXCEPTED ORGANIZATIONS.—A committee, club, association, or other group of persons described in this subparagraph is—

''(i) an organization described in section 527(i)(5) of the Internal Revenue Code of 1986;

''(ii) an organization which is a committee, club, association or other group of persons that is organized, operated, and makes disbursements exclusively for paying expenses described in the last sentence of section 527(e)(2) of the Internal Revenue Code of 1986 or expenses of a newsletter fund described in section 527(g) of such Code;

''(iii) an organization which is a committee, club, association, or other group that consists solely of candidates for State or local office, individuals holding State or local office, or any combination of either, but only if the organization refers only to one or more non-Federal candidates or applicable State or local issues in all of its voter drive activities and does not refer to a Federal candidate or a political party in any of its voter drive activities; or

''(iv) an organization described in subparagraph (C).

''(C) APPLICABLE ORGANIZATION.—For purposes of subparagraph (B)(iv), an organization described in this subparagraph is a committee, club, association, or other group of persons whose election or nomination activities relate exclusively to—

''(i) elections where no candidate for Federal office appears on the ballot; or

''(ii) one or more of the following purposes:

''(I) Influencing the selection, nomination, election, or appointment of one or more candidates to non-Federal offices.

''(II) Influencing one or more applicable State or local issues.

''(III) Influencing the selection, appointment, nomination, or confirmation of one or more individuals to non-elected offices.

''(D) EXCLUSIVITY TEST.—A committee, club, association, or other group of persons shall not be treated as meeting the exclusivity requirement of subparagraph (C) if it makes disbursements aggregating more than $1,000 for any of the following:

''(i) A public communication that promotes, supports, attacks, or opposes a clearly identified candidate for Federal office during the 1-year period ending on the date of the general election for the office sought by the clearly identified candidate (or, if a runoff election is held with respect to such general election, on the date of the runoff election).

''(ii) Any voter drive activity during a calendar year, except that no disbursements for any voter drive activity shall be taken into account under this subparagraph if the committee, club, association, or other group of persons during such calendar year—

''(I) makes disbursements for voter drive activities with respect to elections in only 1 State and complies with all applicable election laws of that State, including laws related to registration and reporting requirements and contribution limitations;

''(II) refers to one or more non-Federal candidates or applicable State or local issues in all of its voter drive activities and does

not refer to any Federal candidate or any political party in any of its voter drive activities;

''(III) does not have a candidate for Federal office, an individual who holds any Federal office, a national political party, or an agent of any of the foregoing, control or materially participate in the direction of the organization, solicit contributions to the organization (other than funds which are described under clauses (i) and (ii) of section 323(e)(1)(B)), or direct disbursements, in whole or in part, by the organization; and

''(IV) makes no contributions to Federal candidates.

''(E) CERTAIN REFERENCES TO FEDERAL CANDIDATES NOT TAKEN INTO ACCOUNT.—For purposes of subparagraphs (B)(iii) and (D)(ii)(II), a voter drive activity shall not be treated as referring to a clearly identified Federal candidate if the only reference to the candidate in the activity is—

''(i) a reference in connection with an election for a non-Federal office in which such Federal candidate is also a candidate for such non-Federal office; or

''(ii) a reference to the fact that the candidate has endorsed a non-Federal candidate or has taken a position on an applicable State or local issue, including a reference that constitutes the endorsement or position itself.

''(F) CERTAIN REFERENCES TO POLITICAL PARTIES NOT TAKEN INTO ACCOUNT.—For purposes of subparagraphs (B)(iii) and (D)(ii)(II), a voter drive activity shall not be treated as referring to a political party if the only reference to the party in the activity is—

''(i) a reference for the purpose of identifying a non-Federal candidate;

''(ii) a reference for the purpose of identifying the entity making the public communication or carrying out the voter drive activity; or

''(iii) a reference in a manner or context that does not reflect support for or opposition to a Federal candidate or candidates and does reflect support for or opposition to a State or local candidate or candidates or an applicable State or local issue.

''(G) APPLICABLE STATE OR LOCAL ISSUE.—For purposes of this paragraph, the term 'applicable State or local issue' means any State or local ballot initiative, State or local referendum, State or local constitutional amendment, State or local bond issue, or other State or local ballot issue.''.

(c) DEFINITION OF VOTER DRIVE ACTIVITY.—Section 301 of such Act (2 U.S.C. 431), as amended by subsection (b), is further amended by adding at the end the following new paragraph:

''(28) VOTER DRIVE ACTIVITY.—The term 'voter drive activity' means any of the following activities conducted in connection with an election in which a candidate for Federal office appears on the ballot (regardless of whether a candidate for State or local office also appears on the ballot):

''(A) Voter registration activity.

''(B) Voter identification.

''(C) Get-out-the-vote activity.

''(D) Generic campaign activity.

''(E) Any public communication related to activities described in subparagraphs (A) through (D).

Such term shall not include any activity described in subparagraph (A) or (B) of section 316(b)(2).''.

(d) REGULATIONS.—The Federal Election Commission shall promulgate regulations to implement this section not later than 60 days after the date of enactment of this Act.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date which is 60 days after the date of enactment of this Act.

SEC. 303. RULES FOR ALLOCATION OF EXPENSES BETWEEN FEDERAL AND NON-FEDERAL ACTIVITIES.

(a) IN GENERAL.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following:

''SEC. 325. ALLOCATION AND FUNDING RULES FOR CERTAIN EXPENSES RELATING TO FEDERAL AND NON-FEDERAL ACTIVITIES.

''(a) IN GENERAL.—In the case of any disbursements by any political committee that is a separate segregated fund or nonconnected committee for which allocation rules are provided under subsection (b)—

''(1) the disbursements shall be allocated between Federal and non-Federal accounts in accordance with this section and regulations prescribed by the Commission; and

''(2) in the case of disbursements allocated to non-Federal accounts, may be paid only from a qualified non-Federal account.

''(b) COSTS TO BE ALLOCATED AND ALLOCATION RULES.—

''(1) IN GENERAL.—Disbursements by any separate segregated fund or nonconnected committee, other than an organization described in section 323(b)(1), for any of the following categories of activity shall be allocated as follows:

''(A) 100 percent of the expenses for public communications or voter drive activities that refer to one or more clearly identified Federal candidates, but do not refer to any clearly identified non-Federal candidates, shall be paid with funds from a Federal account, without regard to whether the communication refers to a political party.

''(B) At least 50 percent, or a greater percentage if the Commission so determines by regulation, of the expenses for public communications and voter drive activities that refer to one or more clearly identified candidates for Federal office and one or more clearly identified non-Federal candidates shall be paid with funds from a Federal account, without regard to whether the communication refers to a political party.

''(C) At least 50 percent, or a greater percentage if the Commission so determines by regulation, of the expenses for public communications or voter drive activities that refer to a political party, but do not refer to any clearly identified Federal or non-Federal candidate, shall be paid with funds from a Federal account, except that this paragraph shall not apply to communications or activities that relate exclusively to elections where no candidate for Federal office appears on the ballot.

''(D) At least 50 percent, or a greater percentage if the Commission so determines by regulation, of the expenses for public communications or voter drive activities that refer to a political party and refer to one or more clearly identified non-Federal candidates, but do not refer to any clearly identified Federal candidates, shall be paid with funds from a Federal account, except that this paragraph shall not apply to communications or activities that relate exclusively to elections where no candidate for Federal office appears on the ballot.

''(E) Unless otherwise determined by the Commission in its regulations, at least 50 percent of any administrative expenses, including rent, utilities, office supplies, and salaries not attributable to a clearly identified candidate, shall be paid with funds from a Federal account, except that for a separate segregated fund such expenses may be paid instead by its connected organization.

''(F) At least 50 percent, or a greater percentage if the Commission so determines by regulation, of the direct costs of a fundraising program or event, including disbursements for solicitation of funds and for planning and administration of actual fundraising events, where Federal and non-Federal funds are collected through such program or event shall be paid with funds from a Federal account, except that for a separate segregated fund such costs may be paid instead by its connected organization. This paragraph shall not apply to any fundraising solicitations or any other activity that constitutes a public communication.

''(2) CERTAIN REFERENCES TO FEDERAL CANDIDATES NOT TAKEN INTO ACCOUNT.—For purposes of paragraph (1), a public communication or voter drive activity shall not be treated as referring to a clearly identified Federal candidate if the only reference to the candidate in the communication or activity is—

''(A) a reference in connection with an election for a non-Federal office in which such Federal candidate is also a candidate for such non-Federal office; or

''(B) a reference to the fact that the candidate has endorsed a non-Federal candidate or has taken a position on an applicable State or local issue (as defined in section 301(27)(G)), including a reference that constitutes the endorsement or position itself.

''(3) CERTAIN REFERENCES TO POLITICAL PARTIES NOT TAKEN INTO ACCOUNT.—For purposes of paragraph (1), a public communication or voter drive activity shall not be treated as referring to a political party if the only reference to the party in the communication or activity is—

''(A) a reference for the purpose of identifying a non-Federal candidate;

''(B) a reference for the purpose of identifying the entity making the public communication or carrying out the voter drive activity; or

''(C) a reference in a manner or context that does not reflect support for or opposition to a Federal candidate or candidates and does reflect support for or opposition to a State or local candidate or candidates or an applicable State or local issue.

''(c) QUALIFIED NON-FEDERAL ACCOUNT.—

''(1) IN GENERAL.—For purposes of this section, the term 'qualified non-Federal account' means an account which consists solely of amounts—

''(A) that, subject to the limitations of paragraphs (2) and (3), are raised by the separate segregated fund or nonconnected committee only from individuals, and

''(B) with respect to which all requirements of Federal, State, or local law (including any law relating to contribution limits) are met.

''(2) LIMITATION ON INDIVIDUAL DONATIONS.—

''(A) IN GENERAL.—A separate segregated fund or nonconnected committee may not accept more than $25,000 in funds for its qualified non-Federal account from any one individual in any calendar year.

''(B) AFFILIATION.—For purposes of this paragraph, all qualified non-Federal accounts of separate segregated funds or nonconnected committees which are directly or indirectly established, financed, maintained, or controlled by the same person or persons shall be treated as one account.

''(3) FUNDRAISING LIMITATION.—

''(A) IN GENERAL.—No donation to a qualified non-Federal account may be solicited, received, directed, transferred, or spent by or in the name of any person described in subsection (a) or (e) of section 323.

''(B) FUNDS NOT TREATED AS SUBJECT TO ACT.—Except as provided in subsection (a)(2) and this subsection, any funds raised for a qualified non-Federal account in accordance with the requirements of this section shall not be considered funds subject to the limitations, prohibitions, and reporting requirements of this Act for any purpose (including

for purposes of subsection (a) or (e) of section 323 or subsection (d)(1) of this section).

''(d) DEFINITIONS.—

''(1) FEDERAL ACCOUNT.—The term 'Federal account' means an account which consists solely of contributions subject to the limitations, prohibitions, and reporting requirements of this Act. Nothing in this section or in section 323(b)(2)(B)(iii) shall be construed to infer that a limit other than the limit under section 315(a)(1)(C) applies to contributions to the account.

''(2) NONCONNECTED COMMITTEE.—The term 'nonconnected committee' shall not include a political committee of a political party.

''(3) VOTER DRIVE ACTIVITY.—The term 'voter drive activity' has the meaning given such term in section 301(28).''.

(b) REPORTING REQUIREMENTS.—Section 304(e) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(e)) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5); and

(2) by inserting after paragraph (2) the following new paragraph:

''(3) RECEIPTS AND DISBURSEMENTS FROM QUALIFIED NON-FEDERAL ACCOUNTS.—In addition to any other reporting requirement applicable under this Act, a political committee to which section 325(a) applies shall report all receipts and disbursements from a qualified non-Federal account (as defined in section 325(c)).''.

(c) REGULATIONS.—The Federal Election Commission shall promulgate regulations to implement the amendments made by this section not later than 180 days after the date of enactment of this Act.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date which is 180 days after the date of enactment of this Act.

SEC. 304. CONSTRUCTION.

No provision of this title, or amendment made by this title, shall be construed—

(1) as approving, ratifying, or endorsing a regulation promulgated by the Federal Election Commission;

(2) as establishing, modifying, or otherwise affecting the definition of political organization for purposes of the Internal Revenue Code of 1986; or

(3) as affecting the determination of whether a group organized under section 501(c) of the Internal Revenue Code of 1986 is a political committee under section 301(4) of the Federal Election Campaign Act of 1971.

SEC. 305. JUDICIAL REVIEW.

(a) SPECIAL RULES FOR ACTIONS BROUGHT ON CONSTITUTIONAL GROUNDS.—If any action is brought for declaratory or injunctive relief to challenge the constitutionality of any provision of this title or any amendment made by this title, the following rules shall apply:

(1) The action shall be filed in the United States District Court for the District of Columbia and shall be heard by a 3-judge court convened pursuant to section 2284 of title 28, United States Code.

(2) A copy of the complaint shall be delivered promptly to the Clerk of the House of Representatives and the Secretary of the Senate.

(3) A final decision in the action shall be reviewable only by appeal directly to the Supreme Court of the United States. Such appeal shall be taken by the filing of a notice of appeal within 10 days, and the filing of a jurisdictional statement within 30 days, of the entry of the final decision.

(4) It shall be the duty of the United States District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of the action and appeal.

(b) INTERVENTION BY MEMBERS OF CONGRESS.—In any action in which the constitutionality of any provision of this title or any amendment made by this title is raised (including but not limited to an action described in subsection (a)), any Member of the House of Representatives (including a Delegate or Resident Commissioner to Congress) or Senate shall have the right to intervene either in support of or opposition to the position of a party to the case regarding the constitutionality of the provision or amendment. To avoid duplication of efforts and reduce the burdens placed on the parties to the action, the court in any such action may make such orders as it considers necessary, including orders to require intervenors taking similar positions to file joint papers or to be represented by a single attorney at oral argument.

(c) CHALLENGE BY MEMBERS OF CONGRESS.—Any Member of Congress may bring an action, subject to the special rules described in subsection (a), for declaratory or injunctive relief to challenge the constitutionality of any provision of this title or any amendment made by this title.

(d) APPLICABILITY.—

(1) INITIAL CLAIMS.—With respect to any action initially filed on or before December 31, 2008, the provisions of subsection (a) shall apply with respect to each action described in such subsection.

(2) SUBSEQUENT ACTIONS.—With respect to any action initially filed after December 31, 2008, the provisions of subsection (a) shall not apply to any action described in such subsection unless the person filing such action elects such provisions to apply to the action.

SEC. 306. SEVERABILITY.

If any provision of this title or any amendment made by this title, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this title and the amendments made by this title, and the application of the provisions and amendments to any person or circumstance, shall not be affected by the holding.

SA 2989. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table, as follows:

On page 6, line 7, strike ''for at least 24 hours before its consideration.'' and insert ''for (1) at least 24 hours before its consideration; and (2) for at least 72 hours before its consideration if at least 35 percent of the conferees have filed a notice with the Senate that such final conference report was not debated and voted upon in open session.''

SA 2990. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table, as follows:

At the appropriate place, insert the following:

SEC. ___. AMENDMENTS AND MOTIONS TO RECOMMIT.

Paragraph 1 of rule XV of the Standing Rules of the Senate is amended to read as follows:

''1. (a) Except as provided in subparagraph (b), all motions and amendments shall be reduced to writing, if desired by the Presiding Officer or by any Senator, and shall be read before being debated.

''(b) All amendments and all motions to recommit with instructions, shall be reduced to writing and copied and provided by the clerk to the desks of the Majority Leader and the Minority Leader and shall be read before being debated.''.

SA 2991. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table, as follows:

On page 6, line 7, strike ''24 hours'' and insert ''48 hours''.

SA 2992. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table, as follows:

On page 6, after line 7, insert the following:

''8. It shall not be in order to consider a report of a committee of conference under paragraph 1 of this rule unless an official written cost estimate or table by the Congressional Budget Office is available at the time of consideration.''.

SA 2993. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table, as follows:

On page 6, after line 19, insert the following:

(c) CBO SCORE.—Section 312 of the Congressional Budget Act of 1974 (2 U.S.C. 643) is amended by adding at the end the following:

''(g) CBO SCORE FOR CONFERENCE REPORTS.—It shall not be in order to consider a report of a committee of conference for any measure that has a budgetary impact unless an official written cost estimate or table by the Congressional Budget Office is available at the time of consideration.''.

SA 2994. Mr. BENNETT submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

Strike Title 2, Section 220.

SA 2995. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ___. PROHIBITION ON PAID COORDINATION LOBBYING ACTIVITIES.

Rule XXXVII of the Standing Rules of the Senate is amended by adding at the end the following:

''13. A Member of the Senate or an employee of the Senate earning in excess of 75 percent of the salary paid to a Senator shall not engage in paid lobbying activity in the year after leaving the employment of the Senate, which shall include the development, coordination, or supervision of strategy or activity for the purpose of influencing legislation before either House of Congress.''.

SA 2996. Mr. HAGEL (for himself and Mr. SUNUNU) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process;

which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. AUDIT AND STUDY RELATING TO GOVERNMENT-SPONSORED ENTERPRISES.

(a) ANNUAL AUDITS.—The Secretary of Housing and Urban Development shall annually conduct an audit of the Fannie Mae Foundation and the Freddie Mac Foundation, or any successors thereto.

(b) STUDY AND REPORT ON LOBBYING ACTIVITIES.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study of the lobbying activities of government-sponsored entities to examine whether such activities further each of their congressionally chartered missions.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit a report to Congress on the results of the study under paragraph (1).

(c) DEFINITIONS.—As used in this section, the term ''government-sponsored enterprise'' means—

(1) the Federal National Mortgage Association and any affiliate thereof;

(2) the Federal Home Loan Mortgage Corporation and any affiliate thereof; and

(3) the Federal home loan banks.

SA 2997. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 16, line 8 strike ''the'' and ''Transparency'', strike ''Legislative'' and insert ''Lobbying.''

On page 44, line 18 between ''section'' and ''; or'' strike ''503'' and insert ''263.''

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. COLEMAN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to conduct a hearing during the session of the Senate on Thursday, March 9, 2006, at 10:30 a.m. in SR328A, Senate Russell Office Building. The purpose of this committee hearing will be to review the United States Department of Agriculture's Management and Oversight of the Packers and Stockyards Act

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

COMMITTEE ON ARMED SERVICES

Mr. COLEMAN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 9, 2006, at 9:30 a.m., in open session to receive testimony on the defense authorization request for fiscal year 2007 and the future year's defense program.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. COLEMAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on March 9, 2006, at 10 a.m., to conduct a hearing on ''A Review of Self-Regulatory Organizations in the Securities Markets.''

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. COLEMAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, March 9, 2006, at 3:15 p.m., on Nominations.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. COLEMAN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, March 9 at 10 a.m. The purpose of this hearing is to consider the pending nominations of Raymond L. Orbach, of California, to be under Secretary for Science, Department of Energy; Alexander A. Karsner, of Virginia, to be an Assistant Secretary of Energy (Energy Efficiency and Renewable Energy); Dennis R. Spurgeon, of Florida, to be Assistant Secretary of Energy (Nuclear Energy); and David Longly Benhardt, of Colorado, to be solicitor of the Department of the Interior.

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

COMMITTEE ON THE JUDICIARY

Mr. COLEMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, March 9, 2006, at 9 a.m. in Senate Dirksen Building Room 226.

Agenda

I. Nominations: Steven G. Bradbury, to be an Assistant Attorney General for the Office of Legal Counsel; John F. Clark, to be Director of the United States Marshals Service; Donald J. DeGabrielle, Jr., to be U.S. Attorney for the Southern District of Texas; John Charles Richter, to be U.S. Attorney for the Western District of Oklahoma; Amul R. Thapar, to be U.S. Attorney for the Eastern District of Kentucky; Mauricio J. Tamargo, to be Chairman of the Foreign Claims Settlement Commission of the United States.

II. Bills: S. ___Comprehensive Immigration Reform, Chairman's Mark; S. 1768, A bill to permit the televising of Supreme Court proceedings; Specter, Leahy, Cornyn, Grassley, Schumer, Feingold, Durbin; S. 829, Sunshine in the Courtroom Act of 2005; Grassley, Schumer, Cornyn, Leahy, Feingold, Durbin, Graham, DeWine, Specter; S. 489, Federal Consent Decree Fairness Act; Alexander, Kyl, Cornyn, Graham, Hatch; S. 2039, Prosecutors and Defenders Incentive Act of 2005; Durbin, Specter, DeWine, Leahy, Kennedy, Feinstein, Feingold; S. 2292, A bill to provide relief for the Federal judiciary from excessive rent charges; Specter, Leahy, Cornyn, Feinstein, Biden.

III. Matters: S.J. Res. 1, Marriage Protection Amendment, Allard, Sessions, Kyl, Hatch, Cornyn, Coburn, Brownback.

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

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. COLEMAN. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate for a hearing entitled, ''The President's FY2007 Budget Request and Legislative Proposals for the SBA'' on Thursday, March 9, 2006, beginning at 10 a.m. in room 428A of the Russell Senate Office Building.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. COLEMAN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, March 9, 2006, to hear the legislative presentation of the Paralyzed Veterans of America, the Blinded Veterans of America, the Non-Commissioned Officers Association, the Military Order of the Purple Heart, and the Jewish War Veterans.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. COLEMAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 9, 2006 at 2:30 p.m. to hold a closed business meeting.

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

SPECIAL COMMITTEE ON AGING

Mr. COLEMAN. Mr. President, I as unanimous consent that the Special Committee on Aging be authorized to meet Thursday, March 9, 2006 from 10 a.m.–12 p.m. in Dirksen 138 for the purpose of conducting a hearing.

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

SUBCOMMITTEE ON CLEAR AIR, CLIMATE CHANGE AND NUCLEAR SAFETY

Mr. COLEMAN. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air, Climate Change, and Nuclear Safety be authorized to hold a hearing on Thursday, March 9th at 9:30 a.m. to conduct oversight of the Nuclear Regulatory Commission.

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

SUBCOMMITTEE ON CONSTITUTION, CIVIL RIGHTS AND PROPERTY RIGHTS

Mr. COLEMAN. Mr. President, I ask unanimous consent that the Subcommittee on Constitution, Civil Rights and Property Rights be authorized to meet to conduct a markup to