

He was one of the first in Congress to speak out about some of the health problems facing Persian Gulf war veterans and has fought for benefits for them ever since.

He fought to expand benefits to women veterans. He worked to help those veterans suffering from post-traumatic stress syndrome, and also worked to make sure there is a roof over the heads of the thousands of homeless veterans in our country today.

LANE EVANS has fought these battles for more than 20 years, and even in the face of his own debilitating disease, Parkinson's, he has had the courage to keep fighting. Today, veterans across America have this man to thank for reminding America of its duty to take care of those who have risked their lives to defend ours. Today, we all thank LANE EVANS for his courage in reminding us of this. His voice is going to be missed in this town, but I am sure it will continue to be heard wherever there are veterans who need help or vulnerable people across America who are looking for a hand up, not a hand-out.

Just a personal note: I don't know many people who are more courageous than LANE EVANS, who has worked tirelessly, despite extraordinarily challenging physical ailments. He is one of the most gracious, best humored, and hardest working people that I have ever seen.

I remember when I first started my own campaign for the Senate, he took me around on a tour of his district. By the end of the day I was worn out because he was indefatigable in terms of his efforts. I consider him not only a dear friend, but I think it is fair to say that had he not supported me early in my election campaign I would not be here today. So I think this is an enormous loss for the Congress, but I know all of us will continue to draw inspiration from LANE EVANS, and I am glad that he will continue to be my friend for many years to come.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Mr. President, only a little over an hour ago, LANE EVANS announced he would not seek reelection in November to the U.S. House of Representatives. I understand his decision. It is a loss for his district, for our State, and for America. From the Quad Cities to Quincy, Springfield, Decatur, Carlinville, and towns in between, LANE EVANS is deeply respected and his service will be deeply missed.

For over 20 years, LANE EVANS has stood as a beacon of hope and has been a strong voice in his Illinois congressional district.

There are two kinds of courage in this world. There is physical courage, which is rare. Then there is even a rarer commodity, moral courage. Once in a great while you find someone who has both. LANE EVANS is that person.

He grew up in Rock Island, IL, the son of a union firefighter. He joined the

Marine Corps right out of high school, served during the Vietnam era from 1969 to 1971. After the Marines, LANE went to college, then to Georgetown Law School. He was elected to Congress in a famous upset election in 1982.

For nearly a quarter of a century, the U.S. House of Representatives had LANE EVANS, former marine, as a Member of its body. He closed his announcement today the way he closed many letters, with the vow: Semper Fi. Semper Fi, those Latin words that mean "always faithful." LANE EVANS was always faithful—first to his fellow veterans. I can't think of another colleague in the House or Senate who worked harder for veterans, whether it was the Vietnam era Veterans Congressional Caucus which he chaired, his work with Senator Tom Daschle on Agent Orange, his dogged efforts to find out what was behind Gulf War Syndrome, helping homeless veterans, helping veterans find jobs, expanding VA home loans, trying to find health benefits for veterans with post-traumatic stress disorder, and, of course, working with the vets at the Rock Island Arsenal.

Like others who served his country in uniform, LANE EVANS was a man of peace. He worked to ban landmines which maim and kill thousands. He hung a portrait of John Lennon in his office, he said, because he thought John Lennon was often a better reminder than many people he met in Congress of the hopes of working-class young people for peace and freedom.

What a champion for America's workers. After the Berlin Wall fell and the Cold War ended, LANE EVANS said we could not abandon workers at places such as the Rock Island Arsenal, men and women who helped to win the Cold War. He fought for fair trade. He saw what happened in Galesburg when Maytag closed, costing 1,600 jobs. He fought to make sure America's workers were never left behind. And what a fighter for family farmers and for the environment, for the Arctic National Wildlife Refuge. He was cochairman of the Alcohol Fuels Caucus. He has been a leader in proethanol battles.

But, you know, he was a battler starting early in his career. As a lawyer he didn't take the easy way out to make a lot of money. He was a legal aid lawyer. He fought for people who had no voice in the courtroom, and he came to Congress to make sure everyone had a voice in his congressional district. I have no doubt Lane would have been reelected again if he had chosen to run in November. Now he is fighting a different kind of battle.

Nearly 8 years ago, LANE came out publicly and announced that he had Parkinson's disease. It was a cruel blow. It turns out that I was with him when he discovered it. We were in a Labor Day parade in Galesburg. He was waving and he said he couldn't feel some of the fingers in his hand. He sensed something was wrong. It took a while for the diagnosis to come out.

For a man that young to be diagnosed with Parkinson's is unusual. Publicly he announced his disease and started fighting—for stem cell research and for medical help for those who suffer from diseases just like his.

During his last race, in 2004, he told audiences: I may be slow, but I still know which way to go. Living with Parkinson's made him a better Congressman because, "I can understand what families are going through." Time and again, LANE EVANS showed extraordinary courage, not just as a politician but as a human being.

His determination to serve his district pushed him to work harder, even as the burden of Parkinson's became heavier. His dignity and perseverance in the face of this relentless and cruel disease is an inspiration to every one of us who counts LANE EVANS as a friend. In his statement today, LANE EVANS said:

I appreciate the support of people I never met before who would ask how I was doing and tell me to keep up the good fight.

The truth is, LANE EVANS, his whole adult life, has been involved in a series of good fights. Politicians come and go in the Halls of Congress, but this soft-spoken son of Illinois will leave his mark as a man truly committed to securing the American dream for everyone in our Nation.

Thank heavens for LANE EVANS.

I yield the floor.

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

LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2006—Continued

AMENDMENT NO. 3176

Ms. COLLINS. Mr. President, would the Presiding Officer review the time agreement that we are about to embark on for consideration of the Collins-Lieberman-McCain amendment?

The PRESIDING OFFICER. There is 2 hours evenly divided between the Senator from Maine and the Presiding Officer.

Ms. COLLINS. Thank you, Mr. President. I was aware that was the case, but I thought it would be helpful to our colleagues to better understand the state of play.

Mr. President, I made some preliminary comments this morning. I do want to explain further the concept of the Office of Public Integrity, but I know the Senator from Illinois had asked that I yield to him some time. In the interests of accommodating his schedule, I yield 10 minutes to the Senator from Illinois to speak in support of the amendment.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. OBAMA. Mr. President, I thank Senator COLLINS, not only for her accommodation but also for her leadership on this issue. I also thank Senator LIEBERMAN for his outstanding work on this issue.

I rise today to speak about the importance of improving the ethics enforcement process that we currently

have. Last month I introduced legislation to create an outside congressional ethics enforcement commission that would be staffed by former judges and former Members of Congress from both parties. Under my proposal, any citizen could report a possible ethics violation by lawmakers, staff, or lobbyists. My commission would have had the authority to conduct investigations, issue subpoenas, gather records, call witnesses, and provide its full public report to the Department of Justice or the House-Senate ethics committees.

I knew this proposal would not be the most popular one that I introduced in Congress, but I didn't anticipate the deafening silence that greeted it. Change is difficult and Members of Congress are understandably concerned about delegating investigations of their own conduct to an outside body, but I hope, when my colleagues learn a little more about the amendment I am offering with Senators COLLINS, LIEBERMAN, and MCCAIN, that they will understand an independent ethics fact-finding body is not only a good idea but a necessary idea.

Earlier this year, I was asked by the Minority Leader to take a lead role in crafting ethics legislation. I was glad to assume that role because I believe that the foundation of our democracy is the credibility that the American people have in the legitimacy of their Government. Unfortunately, over the past few years, that legitimacy has been questioned because of the scandals we have here in Washington.

But one of the greatest travesties of these scandals is not what Congress did, but what it didn't do.

Because for all the noise we have heard from the media about the bribes accepted by Congressman Duke Cunningham, the thousands of dollars in free meals accepted by other Congressmen, and the "K Street Project" that filled lobbying firms with former staffers, we have heard only silence from the very place that should have caught these ethics violations in the first place, the House Ethics Committee.

For years now, it's been common knowledge that this committee has largely failed in its responsibility to investigate and bring to light the kind of wrongdoing between Members of Congress and lobbyists that we are now seeing splashed across the front pages. And the sad truth is that the House ethics process does not inspire public confidence that Congress can serve as an effective watchdog over its own Members.

Time and time again over the past few years, the House Ethics Committee has looked the other way in the face of seemingly obvious wrongdoing, which has the effect of encouraging more wrongdoing. In those few instances when the committee has taken action, its leadership was punished, and it ceased to become an effective body. Coupled with a Federal Election Commission that was deliberately struc-

tured to produce deadlock, this has produced a dangerous outcome.

In the words of one outside observer:

When everyone in Washington knows the agency that is supposed to enforce campaign finance laws is not going to do it and the ethics committees are moribund, you create a situation where there is no sheriff. You end up in the Wild West, and that's the context we've been operating under in recent years.

Without question, the Senate ethics process is far superior, and I commend my colleagues who have served—and continue to serve—selflessly and tirelessly on the Senate Ethics Committee. Indeed, I have the greatest respect for Senator VOINOVICH and Senator JOHNSON. They have done an outstanding job in a difficult task. They are two of the finest people I have had the pleasure to serve with since I arrived in the Senate.

But here's the sad reality. No matter how well our process works here in the Senate, it doesn't really matter since the American people perceive the entire ethics system—House and Senate—to be broken. Our constituents, unfortunately, do not distinguish between the bodies in their opinion of Congress. And as long as our credibility is stained by the actions—and inactions—of the other body, then the legitimacy of what we do is also called into question.

With all due respect to my colleagues on the Senate Ethics Committee, there's some good reason for the American people to be skeptical of our enforcement system. After all, we in the Senate are our own judge, jury, and prosecutor. Under the current system, Members investigating their colleagues are caught in a bind. Either they investigate and become vulnerable to the allegation that they are prosecuting a Member for political reasons or they do not investigate and it looks like they are just covering up for a colleague. That investigation trigger has to be depoliticized for the good of Members and the integrity of the process.

And so, we can pass all the ethics reforms we want—gift bans, travel bans, lobbying restrictions—but none of them will make a difference if there isn't a nonpartisan, independent body that will help us enforce those laws.

That's why I come to the floor today to support this amendment for an Office of Public Integrity. The office is the next critical step in the evolution of ethics enforcement in the Senate and vital to restoring the American people's faith in Congress.

This amendment doesn't have quite the same level of independence as the outside commission that I proposed setting up. But it does have much more independence than the current system, and for that reason I wholeheartedly endorse it and am proud to be a cosponsor.

The Office of Public Integrity established in this amendment would provide a voice that cannot be silenced by political pressures. It would have the power to initiate independent inves-

tigations and bring its findings to the Ethics Committees in a transparent manner. Final authority to act on these findings would remain with the members of the Ethics Committees, which would satisfy constitutional concerns.

Currently, in both the House and the Senate, the initial determination of whether to open an investigation has often resulted in a game of mutually assured destruction—you don't investigate Members of my party, and I won't investigate Members of your party.

But what's interesting is that while there is often great disagreement and sometimes even deadlock in the decision to open an investigation, there's usually general agreement on what the final judgment and punishment should be. That's because the development of a full factual record can convince even the most ardent partisan that a Member of his own party should be disciplined.

In this sense, the OPI proposal is an admirable attempt to reform the most troublesome aspect of the current ethics process while still retaining what works about it. Under this proposal, Ethics Committee members would be relieved of the most difficult part of their duties, which will make it easier for members to serve on the Ethics Committees and easier for them to carry out their responsibilities.

Most importantly, it would add much-needed credibility to the outcome of the process itself. By having the courage to delegate the investigative function to an Office of Public Integrity, the U.S. Senate would be sending the message that we have confidence in ourselves and our ability to abide by the rules. That would be an important signal to send to the American people.

To put this in some historical context, a similar approach was endorsed by a Joint Committee on the Organization of Congress that was cochaired by Congressman Lee Hamilton, a Democrat, and DAVID DREIER, a Republican, in 1997. Representatives Hamilton and DREIER recommended the establishment of an independent body to supplement ethics investigations through fact finding. Had that recommendation been embraced by the House then, it is possible that the recent House scandals could have been averted.

In the Senate, similar proposals have been suggested over the years by Senators BOND, GRASSLEY, and LOTT, as well as former Senator Helms. And state legislatures in Kentucky, Tennessee, and Florida, among others, have established mechanisms to allow for independent input into ethics enforcement.

Today, it's time for the Senate to take the lead, the same way it took the lead in creating the first congressional Ethics Committee in the 1960s.

In the end, the true test of ethics reform is not whether we pass a set of laws that appeal to a lowest common

denominator that we can all agree on, it's whether we pass the strongest bill with the strongest reforms possible that can truly change the way we do business in Washington. That's what the American people will be watching for, and that's what we owe them.

Enforcing the laws we pass is a crucial step toward reaching this goal and restoring the public's faith in a government that stands up for their interests and respects their values.

I commend, once again, Senators COLLINS and LIEBERMAN for their outstanding work in the committee. I strongly urge my colleagues to support their amendment.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I thank the Senator from Illinois for his support. He has worked very hard on these issues. I appreciate his comments.

Mr. President, I yield to my partner and colleague from Connecticut, the ranking member of the Committee on Homeland Security, Senator LIEBERMAN, for 15 minutes.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank the chairman of the committee, the Senator from Maine, for her leadership generally on this bill and to say and it may be repetitious, what a pleasure it is to work with her and how proud I am of what our committee has accomplished in a thoroughly nonpartisan way under her leadership.

In that spirit, I am proud to join with Senator COLLINS as a cosponsor of this amendment and also pleased that Senators MCCAIN and OBAMA have joined us as cosponsors of this amendment. Senator MCCAIN deserves credit for having led, along with Senator DORGAN, the tough, independent investigation of the Abramoff scandal that led to the action that I hope Congress will now take to reform our lobbying laws. Senator MCCAIN introduced a very strong lobbying reform bill of which I am pleased to be the cosponsor.

Senator OBAMA has played a very important role in this debate on ethics reform, introduced a very strong enforcement proposal of his own, and his support of this amendment is very important to Senator COLLINS and me.

The bottom line is the proposals that are in the Senate now that came out of the Committee on Homeland Security and Governmental Affairs and the Rules Committee do represent significant reform of our existing lobbying regulations and laws.

But there is a missing piece. The missing piece is enforcement, taking steps to make sure that strong rules will be accompanied by strong enforcement. That is exactly what this amendment does.

When our committee considered this subject; that is, the Committee on Homeland Security, Senator COLLINS and I put down a bipartisan mark that would have created an Office of Public Integrity, a bipartisan, bicameral Of-

fice of Public Integrity, empowered to receive and oversee reports filed under the ethics rules in the Lobbyist Disclosure Act.

The Office of Public Integrity also would have had the authority to give advice on compliance with ethics rules, the Lobby Disclosure Act, and the investigative violations of the ethics rules.

We were very anxious to respond to concerns that somehow this independent Office of Public Integrity would become, as someone said, a rogue entity or violate the Constitution's mandate that each House of Congress determine its own rules and sanction its own Members when the facts justify that, so we included a number of protections to ensure that the office would be under the control of the Ethics Committee and that the Ethics Committee would have final say on interpretation of the rules and on the question of whether the rules had been violated.

Some felt our proposal was meant to imply dissatisfaction with the Senate Ethics Committee and the job it has done. That was decidedly not the case. The opposite is true. Rather, it reflected our decision that if we are aspiring to genuinely elevate, improve, and strengthen not just our lobbying regulations but the credibility and legitimacy they have with the American people, whose faith has been undercut by so many recent events in the processes here in Washington, including the Abramoff scandal and the conviction of a Member of the other body, rather, it reflects that belief that we have to act in a way to restore that confidence.

One way to do that is to say not only are we adopting tough new lobbying laws, but we are prepared to create an independent office to enforce them.

That provision that was in the mark Senator COLLINS and I put before our committee was, in fact, removed by a majority vote of the committee. We have taken to heart the comments offered by our colleagues. Today we offer this amendment in a form that we think addresses the most serious and frankly realistic and accurate concerns of our colleagues—not the speculative fears or truly rank misunderstandings of what our intentions of the provision's unfortunate amendment were, and it still provides the element of independence that we need for ethics enforcement.

First, here are some of the questions. A number of people raised questions about whether a bicameral Office of Public Integrity would be constitutional. I believe strongly that our original proposal was consistent with the Constitution's mandate that each House set and enforce its own rules. Nevertheless, in the spirit of accommodation, we have changed our original amendment to make the Office of Public Integrity a Senate-only office. That is what this amendment before the Senate today provides.

Second, we have responded to concerns expressed about the authority of

the Office of Public Integrity as Senator COLLINS and I initially proposed it, to give advice and opinions on the ethics rules. Some of our colleagues in committee worried that the Office of Public Integrity and the Ethics Committee might give conflicting advice. Although we always intended the Ethics Committee to retain ultimate interpretive authority, the amendment we offer today eliminates the advice-giving function of the Office of Public Integrity, leaving it with the Senate Ethics Committee.

Third, our original committee proposal assigned to the Office of Public Integrity the responsibility for receiving, monitoring, and auditing filings under the Lobbying Disclosure Act. Improved compliance with that act should be one of the goals of the reform package that is before the Senate. However, I know there has been objection to that, and at some point we may offer that as an independent amendment—in fact, one I think for which there will be less objection.

Fourth, we have left the responsibility of receiving and reviewing Member and staff financial disclosure statements with the Ethics Committee. Under the proposal we offer today, the duties of the Office of Public Integrity will center on the initial review of ethics complaints.

These are good changes that respond to concerns expressed and still preserve the integrity and strength and independence of the Office of Public Integrity. It would remain a nonpartisan, independent, and professional office headed by a full-time executive Director who would serve for a 5-year term. The Director would be appointed by the President pro tempore of the Senate, upon the joint recommendation of the majority and minority leaders of the Senate.

The selection and appointment of the Director would be made without regard to political affiliation and solely on the basis of fitness to perform the duties of the office.

I have every confidence that, as called for by our proposal—this amendment—the Director will be a person of integrity, independence, and public credibility who will have experience in law enforcement, the judiciary, civil or criminal litigation, or has served as a member of a Federal, State, or local ethics enforcement agency.

Our proposal will provide an important element of independence to the initial stages of an ethics complaint, while still retaining the full authority of the Ethics Committee. Let me walk through the process that we propose.

Under our proposal, an ethics complaint may be filed with the office by a Member or an outside complainant, or may be initiated by the office on its own initiative. Within 30 days of the filing of the complaint, the Director of the Office will make an initial determination as to whether the complaint should be dismissed or whether there

are sufficient grounds to conduct an investigation. The subject of the complaint is provided the opportunity during that period to respond to the complaint.

The Director may dismiss a complaint if he or she determines that the complaint fails to state a violation, lacks credible evidence of a violation, or is inadvertent, technical, or otherwise de minimis in nature. In any case where the Director decides to dismiss the complaint, the Director may refer the case to the Senate Ethics Committee so that the Ethics Committee may decide if the complaint is frivolous.

On the subject of frivolous complaints, let me assure my colleagues that we have provided strong safeguards. If the Ethics Committee determines that a complaint is frivolous, it may notify the Director of the Office of Public Integrity not to accept any future complaint filed by that same person, and the person who filed the frivolous complaint may be required to pay the costs of processing the complaint. Also, the Director will not be allowed to accept any complaint concerning a Member within 60 days of an election. This so-called cooling-off period before an election will ensure that we do not attract politically motivated complaints in the midst of competitive campaigns. Also, let me note that any member of the public can already file an ethics complaint with the Senate Ethics Committee, so in that respect our proposal continues current practice.

If during the 30 days the Director determines that there are sufficient grounds to conduct an investigation, the Director must notify the Ethics Committee. The Ethics Committee may then overrule the decision by a two-thirds, public rollcall vote of the committee, and the committee must issue a public report. Thus, we preserve the ultimate authority of the Ethics Committee even at this early stage while providing a greater measure of both independence and transparency.

If the Ethics Committee does not overrule the decision of the Director, the Director then conducts an investigation to determine if probable cause exists that a violation occurred. If the Director determines that probable cause exists that an ethics violation has occurred, the Director must then inform the Ethics Committee, and, again, the Ethics Committee may overrule the decision with a two-thirds, public rollcall vote of the committee which must be accompanied by a public report.

If the committee does not overturn the Director's decision, the Director then presents the case to the Ethics Committee, and the Ethics Committee makes the final decision as to whether a violation has occurred by a rollcall vote and a report that includes the vote of each member.

If the Ethics Committee decides that a violation has occurred, the Director

will recommend appropriate sanctions to the committee. The Ethics Committee, though, retains the final decision on whether sanctions will be imposed, what those sanctions will be, and whether to take action itself or recommend sanctions to the full Senate for consideration.

Our proposal does preserve the ultimate authority of the Ethics Committee at every stage of the process while providing a much greater measure of both independence and transparency along the way. This is a way to give the American people confidence that we will have an independent entity, watchdog, assisting Senators preparing the case before the Ethics Committee.

Finally, I note that, at the suggestion of Senator MCCAIN, we are assigning to the Office of Public Integrity the role of recommending approval or disapproval of privately funded travel by Members and staff. The reform legislation that is before the Senate, reported out of the Rules Committee, contains a new preapproval process for privately funded travel. Giving this responsibility to the Office of Public Integrity will, here again, assure the American public that travel requests by Members of the Senate will be scrutinized by an independent office. This proposal, in sum, will add staff and support to the Ethics Committee process and will add greater independence and greater transparency. It is a sensible, sound, strong effort to assure the American people we are not only adopting reforms in our lobbying regulations and laws, we are taking action to make sure those reforms are enforced.

I urge my colleagues to support our amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, how much time is remaining on the side of the proponents?

The PRESIDING OFFICER. There is 38 minutes.

Ms. COLLINS. Mr. President, I expect Senator MCCAIN will be on the floor very shortly to speak in favor of the amendment. While we are waiting for his arrival, let me make a few more comments on the purpose of this amendment.

Even though we are so fortunate to have the Presiding Officer as the chairman of the Ethics Committee and some of our finest Members serving on the Ethics Committee, the fact is, that does not change the public's frustration or doubt about the process. The public views the process as inherently conflicted. The public believes that investigations of our colleagues by our colleagues raise obvious conflicts of interests.

No matter the incredible integrity of the Members who serve on the Ethics Committee, they simply cannot escape that problem of public perception. That is why Senator LIBBERMAN, Senator MCCAIN, and I have attempted to come

up with a new approach in our amendment that is designed to restore the public's confidence in the ethics system. We do so by creating the new Senate Office of Public Integrity. This office would be headed by a Director, appointed by the President pro tempore of the Senate upon the joint recommendation of the majority and minority leaders of the Senate. This individual would have a 5-year term and could be reappointed. This is not a lifetime appointment of someone who could somehow get out of control. This person would have to have a background suitable for the position, and it would take a joint agreement of the majority and minority leaders to appoint the person to the 5-year term.

I pointed out in my comments this morning that our proposal is not the same as the proposal advanced in the House by Congressmen SHAYS and MEEHAN, regardless of the merits of that proposal. It is not the version created or proposed by Senators OBAMA and REID earlier. In fact, we have refined it from the proposal offered during the Homeland Security Committee's markup to try to accommodate some concerns that were raised by the Presiding Officer. But what this proposal does is recognize that the public does not have confidence in the current system.

We do not undermine the authority of the Ethics Committee. We recognize and appreciate the hard work of the Ethics Committee, and we realize the Ethics Committee alone should retain the ability to decide what sanctions may be appropriate for a Member who has been shown to have committed some misconduct. The Ethics Committee is involved every step of the way, as a safeguard, as a check or balance.

But I would ask my colleagues to consider allegations that may be raised against a Member and that are investigated by an independent Office of Public Integrity. Now, that office comes back and says: There is no merit to these allegations. That judgment is going to be readily accepted by the public because it has been rendered not by a group of us sitting in judgment of our colleague but, rather, by an independent Office of Public Integrity.

Again, if the Office of Public Integrity found grounds to continue the investigation, found probable cause, conducted an investigation and came to the Ethics Committee with its findings, it is the Ethics Committee and not the Office of Public Integrity that has the decision to make on what sanctions, if any, are appropriate.

I think we have struck the right balance. I think we have sustained the authority of the Ethics Committee, but we have also ensured that the investigations will be carried out by an independent Office of Public Integrity that would have the credibility to carry out this kind of sensitive investigation. After all, it is very difficult to investigate one of our colleagues.

We are fortunate because we know each other in this body. We have a

great deal of regard for one another. We are friends with the people with whom we serve. All of that helps make the Senate a more collegial body, helps us to get our work done. But it also raises questions in the mind of the public about whether serious allegations are independently and thoroughly investigated. I believe that is the advantage of the approach we put forward.

This is a modest proposal. We are not suggesting the Office of Public Integrity should provide rulings on ethics matters, providing advice. We are not suggesting the Office of Public Integrity would decide sanctions to be imposed on Members. We build in that that is the job of the Ethics Committee. We do not change that. But we do try to deal with the perception that the current process is inherently conflicted.

Let me run through how the process would work. Essentially, the office would do much of the investigative work that is now conducted by the staff of the Ethics Committee, with the notable exception, which Senator LIEBERMAN mentioned, of ruling on requests for privately funded travel. The office would not provide advice or counsel. It would not issue advisory opinions. It would not have the power to enforce subpoenas. It could not make public the product of its investigations. And it could not directly refer matters to Federal or State authorities, such as the Department of Justice. All of those authorities would remain with the Ethics Committee.

I make that point because, perhaps due to the many different versions of this concept, as advanced in the House or by outside groups or by other Members, there is a lot of confusion over the duties and responsibilities of the Office of Public Integrity. So I want to make clear what the powers of this office would be.

What the office would do is accept complaints, and within 30 days of receiving a complaint would make an initial determination as to whether the complaint should be dismissed or whether an investigation is warranted. If the office dismisses a complaint, it may refer the case to the Ethics Committee to determine if the complaint is frivolous and whether sanctions should be imposed on the individual or the outside group filing the complaint. I think that is a big improvement on the current system.

If, after the initial inquiry, the office finds sufficient grounds to open an investigation, it would provide notice to the Ethics Committee. The Ethics Committee would then have 10 days to overrule that determination.

I want to make that point very clear, that the Ethics Committee can decide to overrule the decision of the Office of Public Integrity to pursue the investigation further or the Ethics Committee could decide to take no action at all, in which case the Office of Public Integrity, having found sufficient grounds to open an investigation,

would proceed. If the office finds probable cause that a violation has occurred, the Ethics Committee would then have up to 30 days in which to overrule that determination or let it stand. If not overruled, the office then presents the case and the evidence to the Ethics Committee to vote on whether any rules or any other standards of conduct have been violated.

Again, you see that the Ethics Committee is involved at every single stage. There is a report from the Office of Public Integrity and an opportunity for the committee to overrule the Office of Public Integrity. That opportunity is always available.

Mr. President, I do expect Senator MCCAIN will be joining us shortly. In the meantime, I suggest the absence of a quorum and ask unanimous consent that it be charged to both sides.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. VOINOVICH. Mr. President, I rise to, first, commend Senators LOTT and COLLINS for bringing the underlying bill to the floor of the Senate. I know both worked extremely hard to pass their respective pieces from the Rules Committee and the Homeland Security and Governmental Affairs Committee.

Second, I want to make one thing clear: I strongly support lobbying reforms that protect the integrity of our legislative process, close loopholes, promote moral/ethical behavior, and enforce our Senate rules. Any reforms that make sense that are not cosmetic should be given the strongest consideration by this body. I am particularly pleased that this bill requires the completion of an ethics training program conducted by the Ethics Committee within 120 days of enactment for current Members of the Senate and staff as well as requiring training for incoming Members and staff. It is not mandatory today. It is voluntary. This makes it mandatory, which is an improvement.

The Senate Ethics Committee professional nonpartisan staff already conduct numerous ethics lectures and seminars for the Senate community. The Ethics Committee staff also regularly conducts training for individual Member's offices upon request. In addition, the Ethics Committee staff receives and responds to over 200 calls per week asking specific questions about rules compliance. While I applaud the many positive aspects of the proposed lobbying reform bill, this amendment to create an Office of Public Integrity is off target and unnecessary. As a member of the Ethics Committee for 8 years and chairman for the past 3, I oppose

the proposed OPI because it will harm the Senate ethics process rather than improve it.

If adopted, the OPI will introduce partisan politics into a process that has been bipartisan. It is interesting to note that none of the sponsors of this OPI has served on the Ethics Committee, and all Members of the Ethics Committee currently, and others, are opposed to it. By its very design, the OPI will simply replicate the tasks the Ethics Committee does every day, including receiving complaints against Members and staff and investigating allegations of misconduct. Given all the other duties of the Ethics Committee staff and the need for the Ethics Committee to have its own counsel when reviewing the Director's recommendation, there would not be any reduction in the staff of the Ethics Committee. More importantly, the OPI would add a duplicate investigative stage because the Ethics Committee will need to conduct its own investigation to verify the merits of any complaint it receives from the Director of the OPI; otherwise, the Ethics Committee would be acting irresponsibly.

Some proponents of the OPI have argued that the Ethics Committee cannot or does not get the job done. They believe that a third party must be appointed to ensure that nefarious acts are not committed within these walls. The fact that the Ethics Committee has an excellent track record of enforcement seems to have been forgotten by those who have taken this position, although I must say that the Senator from Maine has been very complimentary to the chairman of the Ethics Committee and the work we are doing. I am appreciative of that.

Other OPI proponents argue that despite the great work of the Ethics Committee, the appearance of Senators enforcing our rules on other Senators is a problem that OPI will fix. Some of this criticism appears to be based on the fact that Members of the Ethics Committee and its staff are obligated to keep matters confidential. We can't talk to people about things. It is easy for critics to point and sneer when the committee and its members are obliged to confidentiality and are prohibited from responding to questions and criticism. Frankly, I believe it is the Ethics Committee's commitment to keep matters confidential that causes some to question the effectiveness and values of the Ethics Committee. However, it is this confidentiality that provides due process protection for Members and staff and keeps partisan politics out of the ethics process. These confidentiality provisions provide due process protection for Members while keeping partisan politics out of the ethics process.

Nevertheless, if a colleague acts in a way that is contrary to the rules of conduct of the Senate, the Ethics Committee has the ability and the duty to investigate the allegation, and it does

so. Right now we have a right to initiate investigations without a complaint. In terms of reading something in the newspaper, something brought to our attention and it seems like it casts a bad reflection upon the Members of the Senate, we have often sent letters off to Senators saying: We have seen this. We want you to respond to it.

Frankly, that is why the proposed OPI is somewhat offensive. It suggests that Members lack the moral conviction to make difficult decisions when a fellow Member has acted in violation of the Senate rules.

While sitting in judgment of one's peers is never easy, the Ethics Committee conducts itself with a sense that the reputation of the Senate is above any individual Member. In my opinion—I hope my colleagues will agree with me after considering this amendment—the OPI and its independent counsel is more cosmetic and, frankly, problematic. It seems as if proponents of the measure understand that as well. In fact, proponents of the OPI offered a much more robust proposal during the markup of the lobbying reform bill in the Homeland Security and Governmental Affairs Committee. The proposal was soundly defeated in a bipartisan manner. Recognizing all of the other flaws in the earlier proposal, this amendment strips away all of the other elements of the earlier proposal to offer nothing more than the creation of an independent counsel within the Senate.

Frankly, I am confused. On the one hand, one would believe that in offering this amendment, faith in the Senate Ethics Committee would be low. However, the scaled-back version of the OPI suggests that the proponents recognize the Senate Ethics Committee is doing its job but still want to force this independent counsel on the Senate for no reason than to appease the media, frankly, and some of the watchdog groups. I keep hearing the public doesn't have any confidence in the process. There have been complaints about what has happened over in the other House. But the fact is, to my knowledge, we have not had complaints about the work of the Senate Ethics Committee. Certainly, I haven't heard any complaints from any of my constituents about this work, and I am chairman of the committee.

Despite the misunderstandings and commentary by various groups, the Ethics Committee is already a vigorous enforcer of Senate rules. The Ethics Committee and its 11 professional, nonpartisan staff, including 5 nonpartisan attorneys with many years of prosecutorial and investigative experience, are there to initiate investigations based on complaints from Members and staff, outside individuals and groups, as well as on its own initiative. What I am saying is, if this stuff comes to the attention of the staff, they go out and do the investigation. They look into the matter. They bring it to us and ask us: Do you think we should go forward. It is

not as though we are controlling what they can do. That is one of the things the proposal for the independent counsel doesn't recognize. They are already in a position to do that. We are proposing to do what we are already doing.

With the assistance of this professional nonpartisan staff, the Senate Ethics Committee is doing exactly what our colleagues and the American people should expect of us—protecting the integrity of the Senate and vigorously pursuing and sanctioning Senators and staff who violate the rules of the Senate. I have not heard any evidence to the contrary.

The tradition of the Ethics Committee doing its job is a long one. For over 40 years, the Ethics Committee has operated in a way to meet the constitutional mandate that each body establish rules, investigate its Members for disorderly behavior, and hand out appropriate punishment. The Ethics Committee continues to meet this mandate today, and it does so in a bipartisan manner. In fact, published accounts reveal that the Ethics Committee has considered allegations involving some 35 Senators, all but 3 of which occurred after 1977.

While these Members include only public allegations, frankly, this reveals that the Senate Ethics Committee has not had the problem of partisan gridlock that has affected the House ethics process. If we create a Senate OPI, however, I can almost guarantee the Ethics Committee will become partisan and gridlocked, especially in the present political environment.

This is also why all six members of the Ethics Committee, three Republicans and three Democrats, oppose creation of the OPI. Over the years, the Ethics Committee has benefited from a bipartisan working relationship. This positive working relationship could be quickly lost under this new independent counsel. Moreover, the OPI appears designed to result in conflict and disagreement between the Ethics Committee and the Director of the OPI.

First, Members should understand the three-stage process that has been proposed under the OPI and understand why this proposal would ruin the bipartisan nature of the system as well as creating an adversarial relationship between the Ethics Committee and the Director.

At each stage of the OPI process, if the Director, prosecutor, independent counsel, or whatever you want to call him or her, determines that he or she believes there are sufficient grounds to conduct or proceed with an investigation, then the Director would notify the Ethics Committee. The Ethics Committee then has the opportunity to overrule the determination by a two-thirds vote. But if the Ethics Committee disagrees with the Director and votes to overrule, the Ethics Committee is required to issue a public report which would include a record of how each Member voted. While this OPI amendment does not specify what

should be included in these public reports, as a practical matter, these public reports will include the Member's name, facts about the alleged misconduct, and the rationale for rejecting the Director's recommendations. By requiring the public report, a Member's name will be disclosed even if the Ethics Committee determines there is no violation of the rules.

I think this new public reporting process will turn the existing Senate ethics process into a political public relations battle rather than a determination on the merits of each matter. What's more, the Director is not likely to be happy that the Ethics Committee disagreed with his or her conclusions.

If you bring it in, talk about it, and then if you disagree with independent counsel and you have a vote, this will go back and forth. Then Members will start worrying about how they are voting in terms of the fact that they disagreed with the independent counsel's decision. Then we get into the issue of your votes in terms of various Members who are before the committee and having Members in your own caucus coming up to you and saying: Why did you vote that way or why didn't you vote this way? These considerations are not part of our decisionmaking today. This is a nuance that I think many people don't understand. That is how we keep this.

People ask me about cases, and I say "no comment." The media asks, and I say "no comment." Once the name is out there, Katery, bar the door—especially today, unfortunately, in this partisan, political environment.

I want to take a second to point out something that is obvious but may be overlooked in this debate. Issuing a subpoena to a Member of the Senate is a very serious matter, and Members know it. The heart of the subpoena power is a big stick that the Ethics Committee must occasionally use to enforce information requests during an investigation. The subpoena power is used judiciously. This power should not be delegated lightly as the OPI proposes to do.

Proponents of the OPI also suggest that the Director of the OPI will be responsible and answerable to the Ethics Committee throughout the process. In fact, this Director would not be answerable and responsible throughout the process. After the Ethics Committee approves the Director's initial decision to begin an investigation, the Director would have the unchecked power to investigate. These investigations may go on as long as the Director, in his or her sole discretion, sees fit.

We all know that independent of any power to sanction, the power to investigate is itself an awesome power and may itself impose on the subject of the investigation a heavy burden to his or her resources, to his or her reputation, to his or her ability to represent and serve constituents fully and effectively. The OPI amendment would resurrect the independent counsel in the

institution of the Senate. This would serve neither the interests of this institution nor the public.

Finally, inherent conflict between the Ethics Committee and the Director, as I mentioned, is built into the way this determination is made.

Advocates of the OPI state that the process would remove politics from the ethics process. I can guarantee you that by creating this independent counsel, politics would not only play a part in the ethics process but would be a decisive factor to every inquiry. Members of the Ethics Committee would have to explain why they voted the way they did to the media, their colleagues, and party members. Partisan considerations will transform a now bipartisan decisionmaking process into another partisan battle. The Senate has had enough of some of these partisan problems.

I also find it troubling that Members believe it is better policy to turn over the investigative process to an unelected and unaccountable individual rather than leaving such an important responsibility with Members who respect the Senate as an institution and are accountable to the voters every 6 years.

I also want to take a step back and discuss another reason proponents of the OPI claim it is necessary. Throughout the entirety of the recent scandals, reports appear that cast doubts upon the integrity of everybody on Capitol Hill. There is a belief that the Senate Ethics Committee was asleep at the wheel—or even worse, indifferent to the allegations in the Abramoff-related matter. As detailed in the committee response to Democracy 21, which is posted on the Ethics Committee Web site, the committee voted to follow its general practice of not initiating an investigation that might interfere with an ongoing Department of Justice criminal investigation. We keep hearing complaints from Democracy 21 and others that “you guys should be involved in the Abramoff case.” We discussed it and decided to follow the procedure we followed in the past. The Justice Department said: Keep your nose out of this. Let us do our work. When we are done, we will come to you.

We had the same case in terms of Senator Torricelli. He was under investigation—this is public knowledge—by the Justice Department and, for some reason, they decided not to prosecute him. They sent the stuff to us after they did their investigation. By the way, it was helpful to us because we had the Justice Department investigation before us. As a result of that, we censured as a public admonition of Senator Torricelli. He decided not to seek reelection to the Senate. So I just want you to know that the opposition to this is a bipartisan opposition. People who have been around here and have been through the process understand that we are getting the job done.

One other thing that I think will help is annual reports. As you know, right

now we don't have to report what we do. People at home come up to me and say: What are you doing?

I say: I am chairman of the Senate Ethics Committee.

They say: What about it?

I cannot talk about it.

What do you do?

I cannot talk about it. There is no record on this, and I put out an annual report every year and cannot talk about what we have accomplished.

We have an amendment that we got in the committee, when it was marked up, that says we will report each year everything that we do. Members' names will not be mentioned, but at least the public will know that we are doing our work and we are not just sitting there letting everything pass by. I am not sure that is going to satisfy some of the public interest groups, or that it will satisfy some of the media who have taken shots at me editorially because they think we are trying to hide something.

But the fact is, we are trying to get the job done. We must preserve the reputation of this Senate. So I want to say that I think the creation of the OPI is not a positive step forward and, in fact, it would diminish the job that is being done in the Senate to enforce our ethics laws and rules.

Mr. President, I reserve my time.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I yield up to 10 minutes to the Senator from Arizona, who is a key supporter of the amendment.

Mr. MCCAIN. I thank the Senator from Maine. I will not take all of the 10 minutes. I would like to begin by thanking her and Senator LIEBERMAN for their very hard work and their dedication to trying to fix a problem that perhaps some of my colleagues may not be aware of, and that is our reputation as a body is suffering rather significantly in the view of the American people.

I view this amendment by the Senator from Maine as a way to help the Ethics Committee do its job because the questioning has been: Why haven't people been investigated? If you had a body that would help them determine whether a case is worthy of further investigation and pursuit or not, it seems to me it would relieve the Ethics Committee of some of the onus of making tough decisions when we are talking about our colleagues.

I was interested in the comment by the Senator from Ohio that he won't investigate until after the Abramoff thing is done by the Justice Department. The Abramoff thing would not have been investigated by the Justice Department if it had not been for the Indian Affairs investigation; and while the Justice Department began and continued the investigations, we continued our hearings on the Abramoff case. If I may say, with a bit of ego, the Indian Affairs Committee contributed quite a bit to the information they needed in

order to pursue this not unprecedented but egregious case of corruption of the system, staff, and Members. Really remarkable things happened under Mr. Abramoff. So somehow we on the Indian Affairs Committee were able to have an investigation—the little, obscure Indian Affairs Committee.

But the fundamental point is that we need to restore the confidence of the American people in the way we do business. Hardly a day goes by, or at least a week, that there is not a major story about influence of special interests, wrongdoing, or certainly ethical questions that are raised. That is the kindest way that I can describe it. We need to fix the problem. So why not give this to the body of the Senate that is charged with these onerous obligations.

I sympathize with anybody who is a member of the Ethics Committee because tough decisions have to be made and most of us are friends here. That is very tough.

So why would it be harmful? And why would it not be helpful to have an Office of Public Integrity with a mission that would be carefully circumscribed, which, if they made a decision, could be overruled by a vote of the Senate, and would be helpful in clearing up sometimes a cloud of investigations such as those that characterized the 1980s and 1990s, particularly in the other body where there were charges launched and there were partisan vendettas which many people called “the criminalization of partisan differences.”

Mr. President, I hope my colleagues recognize that when our approval ratings are down around 25, 26 percent, and there are people who continue to be deeply disturbed about the way we do business—whether or not it is legitimate, the perception is out there; you can look at any public opinion poll—should we not do what we can to help fix either a real or imagined problem that we have with the people we serve?

It seems to me that an Office of Public Integrity that would recommend appropriate action taken by the Ethics Committee, not by the Office of Public Integrity such as has been recommended by this amendment, would be helpful to the Ethics Committee process, helpful in carrying out and determining whether these are partisan, unwarranted charges, or whether those are legitimate.

I want to point out again that this is a legitimate difference of opinion. The Senator from Maine and I, and others, including Senator LIEBERMAN, have a view that this is necessary. Others think it is not. Can we calm down a little bit? This is a legitimate subject of debate on whether we need it. I hope we can discuss this, but I also believe that if you don't do this, what are we going to do? What are we going to do to try to restore some of the confidence that the American people have clearly lost in us?

Obviously, a functioning Ethics Committee, with a level of credibility with

the American people, is something I think would contribute to healing this breach that has developed between us and the people we represent.

I thank the Senator from Maine and Senator LIEBERMAN and others for this bipartisan effort. I would like to say a word about the so-called watchdog groups. I think they do a lot of good. They have done a lot of good for this body and for this Nation. There are people who are concerned about public integrity. There are people who bring issues before us and the American people. They are legitimate. I may not agree with them all the time, but I think to view them as adversaries, frankly, in my dealings with them they have been helpful. They certainly were in various investigations in which I and my committee have been involved, and also with reform efforts in which I have been involved. I, for one, appreciate their work and the dedication they have to giving a better Government to the American people.

Again, I thank Senator COLLINS for her hard work, and I appreciate her efforts. I appreciate her and Senator LIEBERMAN's bipartisan stewardship of one of the most important committees in the Senate.

I yield the floor.

Mr. VOINOVICH. Mr. President, I yield 10 minutes to the Senator from South Dakota.

Mr. JOHNSON. Mr. President, I rise to discuss the pending McCain-Collins-Lieberman amendment to create an Office of Public Integrity. I thank my colleague from Ohio, Senator VOINOVICH, who serves as chairman of the Senate Ethics Committee. I serve as vice chair. This is a committee that has three Republicans and three Democrats, and it has a history of close bipartisan cooperation.

I applaud Senator VOINOVICH's observations about the Abramoff scandal and the fact that the Department of Justice has an investigation that is ongoing. The Department of Justice actually has requested the Ethics Committee not to begin its own investigation for fear of jeopardizing criminal charges that may or may not be brought by DOJ, and we also recognize a much greater investigative capability and the importance of not duplicating efforts. So I appreciate Chairman VOINOVICH's observations in that regard.

I thank Senators COLLINS, LIEBERMAN, LOTT, and DODD for their efforts to bring to the floor this bipartisan lobbying reform legislation and their ongoing work to complete this important bill. I support the bill, and I believe many of the reforms we are debating are long overdue.

As vice chairman of the Senate Ethics Committee, I am hopeful we can continue to work in a bipartisan manner to pass this legislation, conference the bill with the House, and enact these much needed reforms.

I must say as an aside, while these reforms are much needed, the under-

lying truth is, I believe the greatest share of problems this body faces is due to a separate issue, that of campaign finance, but that will have to be taken up in a different context and different legislation.

Unfortunately, I rise today to oppose the pending amendment. I know my colleagues have offered this amendment in an attempt to improve the ethics process and because they believe in good faith that the creation of a new Office of Public Integrity, or OPI, will address perceived shortcomings in the operations of the Ethics Committee. However, I am concerned this amendment attempts to fix something that, frankly, is not broken and will, in fact, have a detrimental impact on the Senate.

As a relatively new member of the Ethics Committee, I do not have an entrenched loyalty to that committee. If I believed the committee was not taking its duties seriously or was acting in an irresponsible manner, I would be the first to call for a new approach. The truth is, I believe the Senate Ethics Committee operates effectively and in a bipartisan fashion. However, the members of the committee and its staff are obligated to operate under strict confidentiality, which I believe some of our colleagues and certain outside groups equate with inaction. This simply is not the case. To the contrary, the committee serves Senate offices in an advisory role, investigates matters of concern, and enforces the rules of the Senate on a daily basis. But to provide due process protections and to ensure professionalism, most of the committee's actions are confidential.

I believe the Members who have had interactions with the Ethics Committee appreciate this professional approach which further encourages Members and their staff to seek the prior advice of the committee and avoids many potential problems.

I recognize this perception of inaction must be addressed in order to restore public confidence in the ethics process. I thank the chairman of the Ethics Committee, Senator VOINOVICH, for offering an amendment during the markup of this bill that will allow the Ethics Committee to publish annually on a no-name basis a report detailing the activities of the committee. I believe this is an important step and will give our colleagues and the public a better idea of the committee's operations.

I wish to spend a few minutes discussing my concerns about the amendment itself.

First, I believe there are significant constitutional issues surrounding the creation of an independent Office of Public Integrity. The Constitution gives the Senate the authority to establish its own rules and to punish its own Members. An Office of Public Integrity that is outside the Senate would violate this section of the Constitution, as well as the speech and debate clause. As a consequence, such an

office would never be able to acquire the information or compel the necessary testimony to investigate rules violations, keeping in mind that each Member of the Senate is subject to the same criminal laws as every other citizen of America but beyond those laws also must comply with the ethics rules we have internally in the U.S. Senate.

An Office of Public Integrity that is set up within the Senate to avoid these constitutional issues, as I understand the current amendment as drafted, would merely duplicate the Senate Ethics Committee, would be a waste of resources, and would not solve the problems the sponsors perceive to exist. The two-tiered ethics process that would be created by this amendment would undoubtedly slow consideration of ethics complaints, create more doubt about the process, and make our colleagues and the public less confident in our ability to address these issues.

I am also concerned about the practical operations of an Office of Public Integrity. As I understand the amendment under consideration, the Office of Public Integrity would take over most of the investigatory functions of the Senate Ethics Committee. When an ethics complaint is received, the Office of Public Integrity would preliminarily investigate the matter, and if grounds for further investigation are found, the matter would then be sent to the Senate Ethics Committee for approval. The decision to continue the investigation could be overridden by a public two-thirds vote of the Ethics Committee with a required public report on the matter. If approved, the matter would be referred back to the Office of Public Integrity for further investigation.

At the conclusion of the investigation, if the Director of the Office of Public Integrity determines that there is probable cause that an ethics violation has occurred, the Director would, once again, send the matter to the Ethics Committee and, once again, this determination could be overridden by a public two-thirds vote of the Ethics Committee with a mandatory public report. Assuming the Ethics Committee did not override the Director's determination, the Office of Public Integrity would then present the case to the committee for a final ruling and implement any sanctions. Regardless of the committee's decision on the case, the amendment would require the committee to issue a public report at this stage of the process.

I fail to see how this process of ethics cases bouncing back and forth between the Office of Public Integrity and the Ethics Committee will improve in any way the way ethics complaints are handled. Instead, the amendment would create more bureaucracy and a more belabored process.

In addition, it is not clear if the underlying ethics complaint would remain confidential during this process. The amendment contains a provision prohibiting the Director or the staff of

the Office of Public Integrity from disclosing any information about a case unless authorized by the Senate Ethics Committee. However, I do not know how information will remain confidential when cases are being referred back and forth between the Office of Public Integrity and the Ethics Committee, especially when the amendment specifically requires the committee to issue public reports. This leaves open the possibility that Members will be forced to live under the cloud of an investigation as a result of every accusation brought before the Office of Public Integrity, regardless of its merit—regardless of its merit. Such a situation would only interject more partisanship into the ethics process and create a blunt tool for extreme partisan groups to make politically based attacks.

I have no doubt that my colleagues have offered this amendment with the best of intentions and based on their belief that this Office of Public Integrity would improve how we do our business in the Senate. Once again, if I believed the Ethics Committee process was broken or that the proposed Office of Public Integrity would, in fact, improve the mechanism for considering ethics complaints in the Senate, I would support that amendment. However, I know the ethics process is working in the Senate.

To address the perception of inactivity which is the result of the Senate's confidentiality rules, the bill does contain important language to mandate that the committee report in broad terms its activities, which will provide greater transparency to the committee's action.

It is my hope that my colleagues will listen to the concerns about this amendment expressed by the current and past members of the Ethics Committee who best understand the committee operations and will join us in a bipartisan fashion opposing the McCain-Collins-Lieberman amendment.

I yield back my time.

The PRESIDING OFFICER. Who yields time?

Mr. VOINOVICH. I yield up to 5 minutes to Senator STEVENS.

Mr. President, how much time remains?

The PRESIDING OFFICER. Thirty-one minutes.

Mr. VOINOVICH. How much time does the Senator need?

Mr. STEVENS. How much time is left?

The PRESIDING OFFICER. Thirty-one minutes.

Mr. STEVENS. Ten minutes.

Mr. VOINOVICH. I yield 10 minutes to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I want to express my concerns regarding the creation of the Office of Public Integrity. We discussed this proposal in committee, and I joined a bipartisan group of Senators in defeating it, and rightly so.

The proposed Office of Public Integrity would duplicate the efforts of the Senate Ethics Committee. Our Ethics Committee was established pursuant to the Constitution, which states each body of Congress must make its own rules. This office would, in effect, replace—or duplicate—the current rule of the Senate.

The implication the sponsors here make is that in order to restore public confidence, we have to create something new. I do not think we should replace the Senate Ethics Committee, nor do I think we should imply that our current system is not working.

I happen to have been the target of complaints to the Ethics Committee, and I can tell you it has a qualified staff headed by a very capable chairman and ranking member who have the public's trust.

As a matter of fact, I once chaired this committee, and believe me, it is a difficult and thankless job, but one Chairman VOINOVICH is doing very well. If the Ethics Committee process is broken, we should fix it. We should not create another layer of bureaucratic red tape and ask American taxpayers to pay \$2 million a year to fund it.

What's more, I am concerned that the Office of Public Integrity could be used as a partisan, political tool. The climate in Washington today is the most partisan I have experienced in my 37 years in the Senate, and we should think carefully about offering up another tool for partisan critics of either party to abuse. Under this proposal, accusations don't have to be verified, those making accusations are not under oath. This proposal will add another layer to what is already a very expensive process. Who will pay those costs? A Senator could face multiple accusations presented to this OPI—and the Senate Ethics Committee. The costs of legal assistance in such instances will be doubled.

In my judgment, this proposal points us in the wrong direction, and it's a slap in the face to Chairman VOINOVICH and Senator JOHNSON, and all past chairmen for that matter.

I have some concern about this amendment. I can state, as President pro tempore of the Senate, I would have a series of duties under this amendment subject to being told exactly what to do by the two leaders of the Senate. However, as I view this amendment, it does not create an entity that makes any decisions.

I think the Senator from South Dakota is absolutely correct. The impact of this amendment would be that the Director of this office would become the investigatory arm of the Senate Ethics Committee. As a matter of fact, once the Director gets a complaint, he then has to make recommendations to the Senate Ethics Committee. The Senate Ethics Committee either approves or denies the recommendation. In terms of the investigation concept, the complaint with the Office of Public Integrity is not made under oath, it is not made under normal procedures.

I agree with the Senator from South Dakota, I don't know how the Senate has the authority to create an independent body that is spending taxpayers' money that has the job of duplicating the investigatory arm in the Senate Ethics Committee. We have a Senate Ethics Committee investigating group, and it does a very good job.

I happen to have been chairman of the Ethics Committee in the past, and I have also have been the subject of investigation by the Ethics Committee. I can assure my colleagues they do a good job. I can also assure my colleagues that it costs a considerable amount of money to comply with the inquiries of an ethics complaint. All this does is set up another entity that also will cause more attorney's fees and more time of the Senator to deal with the problem of someone having presented a complaint against him.

If the Director decides to dismiss a complaint, it goes back to the Senate Ethics Committee. They decide whether it is frivolous. The Director doesn't make that decision. Again, it is back to the committee.

I don't understand the Senator from Arizona saying this is supposed to take the workload off the Senate Ethics Committee. To the contrary. I agree with the assertion that has been made that I don't know of any Senator who would serve the Ethics Committee under this rule. I certainly would not. Whenever the Director determines there are sufficient grounds to conduct an investigation, he notifies the Senate Committee on Ethics, and the committee may overrule that. In other words, there is nothing this Director does without going back to the Ethics Committee and burdening the Ethics Committee. Under current Senate rules, the Ethics Committee can continue to investigate complaints presented to it. They have the procedures and they have the rules. They would have to follow them if the complaint was directed to that committee. There is nothing in here saying you can only present a complaint to the Director of this Office of Public Integrity.

If the Director determines there is cause to proceed further, what does he do? He goes back to the Senate Ethics Committee and says that is his determination. The Ethics Committee then has the right to vote on that. I don't know how we are restoring public confidence in the system if we create an investigatory arm that comes back to the Senate Ethics Committee every time it wants to do something. They are the people who make the decisions now, and the process is working.

I don't understand because of some complaints from public interest groups that the process is not working, mainly because—I applaud the initiative of Senator VOINOVICH and Senator JOHNSON and the decision by the committee to publish a report. I think that is a good one. That is a complaint that was heard back in the days when I was chairman of the committee. We, by nature, kept those decisions within the

Senate, except when there was a final decision made. I was here when one Senator was censured and one other expelled from the Senate because of a Senate Ethics Committee investigation.

Whatever decision is made, whether the office is going to refer something to the Department of Justice, what do they do? The Director comes back to the committee and tells them the Director thinks it should be referred to the Department of Justice, and then the Senate committee votes on whether it should go to the Department of Justice.

I tell the Senate, from my point of view, the Constitution gave us not only the right but the duty to create our own rules, and the rules we have—and they are very important—are the rules concerning our ethics. They are enforced internally by the Senate itself.

The decisions made under this amendment would be no different than right now. The final decision will be made by the Senate Ethics Committee. All this really does is find a way to further publicize that complaints have been made.

I know it says if there is a frivolous complaint made, then this Director can say you cannot present the complaint any longer to the Office of Public Integrity. There is nothing barring them from complaining to the Senate Ethics Committee again. The Senate rules are there. Anybody can file a complaint with the Senate Ethics Committee, and they are reviewed by very fine staff.

I have to tell my colleagues, if we take the action to create something in the public—call it Office of Public Integrity—and it has no teeth, how have we restored confidence in the system? This is not a way to restore confidence in the system. The way to restore confidence in the system is for Senators to stop repeating rumors about the Senate, to stand up and say: The Senate has integrity and the Senate is doing its job.

The Senators who serve on this Ethics Committee—and believe me, I remember trying to get someone to take my place. It took a long time to find someone to take my place because we had just gone through a long investigation of a Senator, and it was really a bitter period of time for the Senate Ethics Committee. No one wanted to serve on it anymore.

This is going to present a situation where no one will serve on this committee. Why would they do it? They have someone, a director, who comes to them and tells them the director thinks some Senator has done something wrong. The Senate votes. Then what do they do? If he disagrees, then they publish it. What good does that do? The problem is the integrity of the rules. And I think, serving on both this committee—and I have been the chairman of this committee also, and the Homeland Security and Governmental Affairs Committee—these are heavy burdens, to carry out these responsibilities.

The Senate Ethics Committee is a heavy burden. It takes more time than any Senator who hasn't served on the committee can possibly determine. Talk about reading. You have to read depositions, go through files; enormous time is put into this. What are we going to do now if we create this Office of Public Integrity? Someone else is going to do the investigations and bring it to the committee and say: What do you think about this? Guess what. In the final analysis, there is one section that says, in any event, the committee will comply with the Senate rules. So the whole body of Senate rules and the precedent behind Senate rules are still in place, but we create a new Office of Public Integrity on top of it to start the investigations. The investigatory process of the Senate Ethics Committee is a very unique one, and I urge the Senators to at some time read that rule and read the precedents under that rule which are set forth in the publication the Senate Ethics Committee has made.

I agree we have to restore public confidence, but this is one aspect that destroys public confidence because it says you cannot have confidence in the investigatory side of the ethics process. There is nothing that says you can't have confidence in the committee itself because every final decision in this process is still made by the Senate Ethics Committee. That, to me, is not an improvement at all of the process.

Furthermore, we ought to take into account the situation that exists right here in Washington, DC, now. In the 37 years I have been in the Senate, I have never seen such partisan people outside of the Senate on both sides accusing Members of the Senate. It is part of the political process now, it is not part of the ethics process. We have people accusing us almost daily of having done something wrong and publishing it through blogs and all that. I think we should be very careful in setting up another tool for these bloggers and these people to use to create more news, to create more charges against the Senate. So I urge the Senate to vote against this amendment and keep confidence in our own rules and our own procedure.

It is my hope the Senate will follow the example of the Majority of the Rules Committee and the Governmental Affairs Committee. We will closely scrutinize this and other amendments before us.

I cannot support an amendment that either replaces the Senate Ethics Committee or adds another layer to our already expensive and time-consuming process. I urge the Senate to defeat this provision.

The PRESIDING OFFICER. Who yields time?

Mr. VOINOVICH. Mr. President, I yield time to the Senator from Utah. How much time do I have remaining?

The PRESIDING OFFICER. Twenty-one minutes.

Mr. VOINOVICH. I yield 7 minutes.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I have heard the arguments, and I agree with most of them. I simply want to put it all in perspective.

Let us remember that the Senate Ethics Committee, under the man who is currently the assistant majority leader, the majority whip, Senator MCCONNELL, censured the chairman of the Senate Finance Committee, a member of Senator MCCONNELL's own party. The Senate Ethics Committee is not a namby-pamby, rollover, protect-the-party kind of institution. Let us remember that the current Democratic leader, the Senator from Nevada, was on the Ethics Committee when it censured a member of his own party with sufficient strength to cause that Member to recognize that he could not possibly seek reelection.

There would be those who would say: Oh, Senator REID will protect the Democrat. Senator REID will see to it that the decision of the Justice Department, which said he had not violated a law, would be sufficient and would give him appropriate political cover. Senator REID did not do that. Instead, the Ethics Committee came out with a statement so strong that the Senator in question withdrew himself from the election.

Again, the Senator from Kentucky, when he was chairman of the Ethics Committee, came out with statements so strong that the chairman of the Senate Finance Committee—in some people's view, the most significant committee assignment anyone could have in this body—was forced to resign.

Let us not listen to those who say the Senate Ethics Committee does not do its job and needs some kind of a watchdog—some kind of a gatekeeper, if you will—that will go out and gather those accusations which the Ethics Committee has not properly examined. Let's create the Senate version of the independent counsel.

The Independent Counsel Act came after Watergate, as people reacted to the Watergate scandal and said: We need a counsel who is independent of all politics. They don't recognize that the people who ended up with the prosecutions and the convictions that sent members of the Nixon administration to prison were not people connected with an independent counsel; they were people out of the Justice Department. Let us remember that when the President tried to do things with the Justice Department that were viewed as being protective of him, there were individuals who refused to accept appointment, who resigned from the Justice Department rather than carry out a partisan agenda. We are getting the independent counsel mentality here of the same kind. There has been a scandal. Jack Abramoff has broken the law.

I agree with the comment made by the Senator from Nebraska, Mr. NELSON, who said: Washington is the only place I know where, when people break

the law, our reaction is, change the law, make the law tougher.

Jack Abramoff is going to go to prison, and he is going to go to prison under the old rules. He is going to go to prison under the existing laws. That doesn't say to me that the existing rules and the existing laws somehow failed. What failed is that Jack Abramoff failed his moral and integrity responsibility to abide by the law, not that there was something wrong with the law.

So we had the Independent Counsel Act after Watergate, and we saw what happened. When the impeachment trial here in this Chamber was over, Senator MCCONNELL and Senator DODD, the chairman and ranking member respectively of the Senate Rules Committee, both went upstairs to the press gallery and both said: It is time to kill the independent counsel statute. The independent counsel statute has gone too far, it has created too much partisanship, it has created too much difficulty. A bipartisan call, and this body agreed, and the independent counsel statute lapsed, with no tears being shed for it in this body.

Now there is a sense that somehow, in response to the Abramoff scandal, we must do the same thing that was done in response to the Watergate scandal. If we do this, at some future point, the future counterparts of Senator MCCONNELL and Senator DODD will go to the gallery and say it is time to kill the Office of Public Integrity.

Let's go back to the way things make sense. We have heard all of the examples from all of the Senators as to the way this would work and the way it would make sense. I oppose this amendment, and I hope all of the Members of the Senate will do so as well.

Mr. VOINOVICH. Again, the time remaining, Mr. President?

The PRESIDING OFFICER. Fifteen minutes.

Mr. VOINOVICH. I yield the Senator from Arkansas up to 10 minutes.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, I commend Senators COLLINS and LIEBERMAN on their great work on this underlying bill. I am on the Homeland Security Committee with them, and it is always great to work with them. They work in a very nonpartisan and bipartisan fashion.

Also, I wish to thank Senator VOINOVICH and Senator JOHNSON for their leadership on the Ethics Committee on which I also serve. They have demonstrated what being real Senators is all about because they take their responsibility on ethics very seriously, and I am here today to support their position on this amendment and to oppose this amendment.

The Ethics Committee works with diligence and without politics. I have only been on this committee for a little more than a year, and I will be the first to tell you that there is a problem with the House Ethics Committee. I think

everybody agrees on that. But also, I am adamant to say that there is really not a problem at all on the Senate Ethics Committee because we take our responsibilities very seriously. We are there to protect the Senate, the integrity of this institution, and, just as the Constitution says, we are there to oversee the behavior of our colleagues. We do that in a very confidential manner.

I must say that it is sometimes frustrating to outside forces who look and see us, and they may file something and they may not get an immediate response.

I remember when I was starting out practicing law in Arkansas, a lawyer told me: Never try your case in the newspaper. I think that is very true when it comes to the world of ethics inside the Senate. If we allow the confidentiality to go away, then, in my view, we would be opening a Pandora's box. I can just imagine—again, in today's realistic political world—I can just imagine what it would be like if someone were to file a complaint and the next thing you know, there would be radio ads, television ads, Internet ads, blogs, et cetera, out there saying that so-and-so has ethics charges pending against him.

The Senate Ethics Committee, although not perfect, is a much better option than the Office of Public Integrity. Again, I believe that is one of the reasons this amendment or something very similar to this was defeated in the committee on a bipartisan basis.

I also notice that there are groups around Washington, DC, who are very supportive of the Office of Public Integrity. Basically, one of their complaints is that when they file a complaint with the Senate Ethics Committee, the complaint seems to go in a black hole. In fact, I have an e-mail that says we—the Ethics Committee—ignore outside complaints. Nothing could be further from the truth. I am here to tell you, nothing could be further from the truth. We consider all the complaints, wherever they come from, very seriously. We look at them, and we act on outside complaints, complaints that come from outside this body. We have spent a lot of time—hours and hours, in fact—on complaints that originated outside this body.

Also, I think some of these groups say they acknowledge that the House has a problem with their Ethics Committee, but they say that both committees are in need of repair. Really, they can't point to anything in the Senate Ethics Committee that has gone wrong or any way that we failed on the Senate Ethics Committee. There is a reason for that. You can look back over the last 20 years, and you will see a number of high profile, very difficult, very tough, and oftentimes very complicated investigations the Senate Ethics Committee has undertaken which have led to some sort of admonishment of their own Members in the Senate.

The last thing I wanted to say, is this: Being on the Ethics Committee, every day when I walk in that room, I ask myself, what did I do to make HARRY REID mad? Why did he put me on this committee? Because I will tell you, as the chairman will or as the co-chairman will tell you, it is not an easy assignment. In fact, it is grueling.

One thing we need to understand is that oftentimes, to get down to the facts and to get down to the truth, it takes time. It takes a lot of time. Sometimes you have witnesses who are no longer here. Some of these witnesses live in other parts of the country and even, in some cases, other parts of the world.

There are meetings and meetings and meetings on these allegations. One thing I love about the Senate Ethics Committee is the high level of trust among the members in that committee. There is a culture of integrity in that committee. As I said, even though it is no fun to sit in judgment of our colleagues, it has worked very well.

Because of the committee's policy of keeping its meetings closed and confidential, it allows a freedom within the Ethics Committee to really drill down and get into details and ask hard questions, questions that you might be afraid to ask in a public forum because you may not know the answer, and that answer may be very embarrassing and just by asking the question, it could turn into an allegation.

The process we have right now—although it is closed, although it is confidential—works very well. In a lot of ways it is similar to turning the case over to the jury, where you allow the jury to go back into deliberations and hash it out however they want to do it. In the end, they come back and they do justice. I think our Founding Fathers got it right in article I, section 5, paragraph 2 when they said that:

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behavior, and with the Concurrence of two-thirds, expel a Member.

I think our Founding Fathers expected us to do this and not set up a third party office to do this.

Again, I rise to join my two chairmen, the chairman and cochairman on the Ethics Committee, in opposing this amendment, and I encourage all my colleagues to do the same.

Mr. SPECTER. Mr. President, I am voting against the Collins amendment because it is unconstitutional. Article I, section 5, provides:

Each House may determine the Rules of its Proceedings, punish its Members for disorderly behaviour, and, with the concurrence of two-thirds, expel a Member.

The Senate has determined the rules for punishing its Members which carries out the constitutional mandate. That constitutional procedure does not permit delegation of that responsibility.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I found this debate to be both interesting and ironic. We have heard the proposed Office of Public Integrity described on the one hand as being a potentially out-of-control, independent counsel/special prosecutor. Then we have heard it described as a toothless entity that simply duplicates the work of the Ethics Committee and would have to check with the Ethics Committee at its every stage of the investigation.

In fact, neither characterization is an accurate one. Perhaps the best way to think of the proposed Office of Public Integrity is that it would be the investigative arm of the Ethics Committee. It would be an entity that would conduct a thorough, impartial, credible investigation of allegations and then report back to the Ethics Committee. It is essentially controlled by the Ethics Committee but has the ability to do independent investigations.

It is neither an out-of-control special prosecutor nor is it a powerless office that simply duplicates the work being done and that would be done by the Ethics Committee anyway. In fact, one of the opponents of this amendment said that they would create a duplicate investigation. I don't understand how that conclusion can be reached. There is nothing in this amendment that would require the Ethics Committee to conduct a parallel investigation, and why would they? We have already heard the Chairman of the Ethics Committee say that they do not do an investigation when there is a parallel Justice Department investigation going on. Why would the Ethics Committee choose to duplicate the work of the Office of Public Integrity? This bill does not mandate that the Ethics Committee throw all common sense overboard. So that argument simply does not hold water.

We have also heard it alleged that the Office of Public Integrity would make public information that is now confidential. But look at the plain language of the amendment. I am going to read it into the RECORD because this information to the contrary has been advanced on the Senate floor. Here is what it says: "Disclosure." It is on page 11 of the amendment.

Information or testimony received, or the contents of a complaint or the fact of its filing, or recommendations made by the Director to the committee, may be publicly disclosed by the Director or the staff of the Office only—

I am going to underscore that, Mr. President.

—only if authorized by the Select Committee on Ethics of the Senate.

I don't know how it could be more clear, that the decision on disclosing information on the investigation cannot be made unilaterally by the Office of Public Integrity. Under our amendment, the Ethics Committee, not the Office of Public Integrity, has the sole authority to determine what parts of an investigation, if any, become a matter of public record. The OPI has no

such authority. The language could not be more clear on that point.

Second, although a vote of the Ethics Committee to overrule the Office of Public Integrity would be made public, that is because such a vote would end the case. In other words, the Ethics Committee would not be voting publicly multiple times on a particular investigation at every stage—contrary to the information, or the argument that was advanced earlier by the distinguished chairman of the Ethics Committee. This is how it would work. The Ethics Committee would vote only once, either to overrule the Office of Public Integrity, which it can do at any stage of the investigation, or at the end of the investigation the committee would vote on a final determination of whether a violation has occurred.

I realize that Members have very strong views on this issue. I realize there are legitimate differences of opinion. I recognize that this is a difficult issue. But I hope that Members will look at the actual language of the amendment that Senator LIEBERMAN, Senator MCCAIN, and I have advanced. I recognize that there is a reason there is considerable confusion. There are all different versions of entities similar to the Office of Public Integrity that we are proposing. But we have drafted our proposal very carefully not to undermine the good work of the Ethics Committee, not to take away the final decisionmaking from the Ethics Committee but to promote public confidence in the integrity and the credibility of investigations by having this office, the Office of Public Integrity, conduct the investigation.

Will the Presiding Officer inform me how much time is remaining on the proponents' side.

The PRESIDING OFFICER. The Senator has 12 minutes remaining.

Ms. COLLINS. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. How much time do I have?

The PRESIDING OFFICER. The Senator has 8 minutes.

Mr. VOINOVICH. Mr. President, I yield 3 minutes to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, I thank my friend from Ohio. I congratulate the Senator from Maine for her extraordinary work on the underlying lobby reform bill but respectfully disagree as to the appropriateness of adopting the Lieberman-Collins amendment.

This amendment creates a new Senate Office of Public Integrity with a Director, appointed for a 5-year term, by the President Pro Tempore upon the joint recommendation of the majority leader and minority leader. He or she would literally be "an investigation czar." Let me just highlight a few of

the most problematic aspects of this proposal.

No. 1 on the list of the "Duties" of the Director is, and I quote from page 3, "(1) to investigate . . .". At its core the OPI is really the "SBI"—"Senate Bureau of Integrity"—not even of intelligence.

To get the ball rolling, investigations by the Director are initiated by a complaint filed by anyone—a complaint without any requirements. In comparison, FEC complaints must be in "in writing, signed and sworn to by the person filing such complaint, shall be notarized and shall be made under penalty of perjury and subject to the provisions of the criminal code." The complaint this integrity czar investigates doesn't have to meet any of those requirements—it could be filed via anonymous voicemail or on a beverage coaster—the name and address of the complainant isn't even required.

The only restriction on the complaint is that a complaint against a Member can't be "accepted" within 60 days of an election involving such Member. Thus, complaints can be filed against a Member's staff, and on the flip side, complaints made, maybe not accepted, but made during that 60-day period against a Member gives that Member no way to clear their name until after that election.

Making matters even more grim, these complaints are only against incumbents or their staff—so challengers can go hog wild in filing complaints and keeping their opponents under a cloud of suspicion—no matter how baseless. The only penalty for a frivolous complaint is they might not accept another one from that person, to the extent their identity is even known, and may incur costs resulting from the complaint. A very small price to pay for what would smear the good name of Members.

The Director is required to go to the Ethics Committee before getting his full blown power to "administer oaths, issue subpoenas, compel attendance and production of documents and take depositions." However, it takes a roll call vote of 2/3 of the full committee to stop the Director's full blown investigation and the vesting of his full prosecutorial powers.

This amendment strips the bipartisan 6-member Ethics Committee of one of its core functions—enforcement—arguably its most important—and vests it all in one unelected individual. I urge my colleagues to oppose this amendment.

Let me say I know there are many watchers of the Senate, as an institution, who may well believe that the Ethics Committee is a body constituted to go easy on Senators. I must respectfully suggest to the public and to our colleagues that the facts are otherwise.

I was vice chairman of the Senate Ethics Committee and then subsequently chairman of the Senate Ethics Committee during a time when my

party was in the majority in the Senate and had to, based on the facts in a particular case, offer a resolution to expel the chairman of the Finance Committee of the Senate from the Senate. That Member of the Senate subsequently resigned. But the vote in the Senate Ethics Committee was 6 to 0, on a bipartisan basis, to expel the chairman of the Finance Committee from the Senate. Surely, no one would consider that a slap on the wrist.

I cite another example. When the current Senate Democratic leader was chairman of the Ethics Committee, it issued such a scathing report on a bipartisan basis that a Member of his party chose to discontinue his effort to be reelected in the fall of 2002. The Senate Ethics Committee respects, first and foremost, this institution and its reputation. I think it has undertaken extraordinary efforts over the years in protecting Members from spurious complaints and being able to sort out a genuine wrongdoing and, when genuine wrongdoing appears, go after it and not tolerate it.

I particularly compliment the current chairman of the Ethics Committee, the Senator from Ohio, Mr. VOINOVICH, who has done an extraordinary job in this regard as well.

So I hope our colleagues, on a bipartisan basis, will not support the Collins-Lieberman amendment. I think the Senate Ethics Committee can handle this job quite well in the future, as it has in the past.

I yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Maine.

Ms. COLLINS. Mr. President, we are faced with a choice. We have the opportunity to pass significant legislation to strengthen our lobbying disclosure laws to ban practices that raise questions about undue influence of special interests and to strengthen the enforcement of those laws. Even without the Office of Public Integrity, I believe we have produced a good bill. But I believe that our legislation will be incomplete if we do not act to strengthen the enforcement process. I believe, after much study, that the best way to do this is to create an Office of Public Integrity.

That is not in any way to indicate a lack of appreciation for the hard work of the fine members of our Senate Ethics Committee under the leadership of two individuals with great integrity. I understand that it is a thankless job to serve on the Ethics Committee, and contrary to the comment that was made earlier in the debate, I believe that this office, by conducting the investigative portion, by assisting the Ethics Committee in investigating allegations, would actually be of great assistance to the Ethics Committee.

The chairman of the Ethics Committee has expressed, time and again, his frustration that the public does not know of the work the Ethics Committee does. It doesn't realize how seri-

ously the investigations and allegations are treated; that it doesn't appreciate how difficult it is to pursue allegations against Members with whom one serves. I suggest that this amendment offers great assistance to the Ethics Committee. If there is an Office of Public Integrity which is conducting independent investigations and reporting its findings to the Ethics Committee, I think that enhances the public's understanding of the process, the public's acceptance of the process, and the credibility of the investigations.

We are dealing with a reality that public confidence in Congress is very low. It is perilously low. It makes it difficult for us to pass legislation because the public believes that oftentimes our decisions are not in the public interest but, rather, beholden to some private interest. That saddens me because I know the people I serve with are individuals of great integrity, and the vast majority of elected officials in Washington and elsewhere are in public service for all the right reasons. But that perception is a reality we need to deal with. The best way to deal with it, in my judgment, is to pass strong, comprehensive legislation which will help repair the frayed bonds between the public and those who serve the public.

The Office of Public Integrity is an integral part of achieving that goal. There is a lot of opposition to this amendment. I don't delude myself to the contrary. I have learned organizational change in Washington is the hardest kind of change to accomplish. I learned that when Senator LIEBERMAN and I led the legislation restructuring and reforming our intelligence community, the most sweeping reforms in 50 years. I have learned trying to change the organization of Congress or the way Congress works makes that reorganization of our intelligence community look easy.

I recognize this is an uphill fight, but I believe it is the right thing to do. I hope our colleagues, before casting their vote today, will take the time to read the actual language of the amendment and to think about what we need to do to repair the breach between those who are elected and the people we serve, to promote and strengthen public confidence in the political process. I believe if our colleagues do that and if they care about restoring public confidence in Congress, they will support the amendment we have offered.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. MARTINEZ). The Senator from Ohio.

Mr. VOINOVICH. Mr. President, first, I again compliment the chairman of the Homeland Security and Governmental Affairs Committee for the good job she and the committee have done in proposing legislation that will make a difference in the Senate and in the Congress. I respect everything the Senator has done. Some of the amendments making mandatory some of the things we are doing voluntarily I welcome. I thank the Senator.

One thing I have tried to do is to inform Members about what the rules are so they do not get in trouble. I point out that even though the amendment is well motivated and meant to help the Ethics Committee, all six members of the Ethics Committee on a bipartisan basis oppose it. The Ethics Committee is the investigative arm of the Senate. It is a nonpartisan investigator of all matters brought before the Ethics Committee and, something some Members are not happy about, matters that are not brought before us, on the complaint of some, that we recognize, through the media, there is a problem with one of the Members, and we get involved in it. We do not have to wait for someone to file a complaint. We are the watchdog of the Senate. We want to protect the Senate's reputation. We admonish, we censor and, in some cases, eject Members of this Senate for not upholding the high standards all Members are expected to uphold after being elected to this Senate.

I do not believe this is going to mend the problem in terms of public confidence. As I have mentioned, except for recently some criticisms, we did not get involved in the Abramoff investigation. Overall, in terms of the public, the Senate Ethics Committee has been doing the job they are supposed to do under the Constitution. Again, I underscore in terms of Abramoff, we did not get involved because of the fact that the Justice Department asked us not to get involved. They thought it would interfere with their investigation. I assure Members of the Senate and I assure the public and other groups that are looking in on us, once that investigation is finished and the information is sent here, if one of our Members or several Members are involved, we will fully investigate that. If those individuals have violated the rules of the Senate, they will be properly dealt with by the Ethics Committee.

In terms of the specific parts of this legislation, I bring up something that has a problem, and that is that every time the Ethics Committee disagrees with the Office of Public Integrity, we have to have a published vote of the committee. As a result of that, what will happen, in my opinion, is that after a while, where the Ethics Committee does not agree with the Office of Public Integrity, you will build up an adversarial type of relationship. Members, in terms of how they vote, will start taking into consideration, gee, it is going to be public that we disagreed with this guy and people will ask, why did you disagree with that, and we get into that whole area of questioning people's motivation.

It also gets us involved in partisanship. Members asking, why did you vote that particular way? You had a chance maybe to harm some other Member because of political reasons. Or why did you pick on one of our Members?

This job is a very tough job. It is not a job that makes one popular with his

colleagues in this Senate. I believe rather than helping the situation, in spite of the fine motivation of the people sponsoring this amendment, rather than helping, it is going to hurt the situation and also make it very difficult in the future to have Members being willing to serve as a member of the Senate Ethics Committee.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I have been allocated 10 minutes to speak on the Wyden amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. SESSIONS. I seek to use that time.

Mr. INHOFE. Will the Senator yield for an inquiry?

Is there a unanimous consent in terms of Members speaking?

The PRESIDING OFFICER. Yes, the time is controlled by the Senator from Alabama and the Senator from Maine.

Ms. COLLINS. Mr. President, to clarify our situation, if I may, if the Presiding Officer would tell me if I am correct that there is still an amount of time remaining to the proponents of the Collins-Lieberman-McCain amendment.

The PRESIDING OFFICER. There is 6 minutes remaining.

Ms. COLLINS. And I believe the time of the opponents has expired, the time that was controlled by Senator VOINOVICH; am I correct?

The PRESIDING OFFICER. The Senator is correct.

Ms. COLLINS. And I believe there is a parallel time agreement for further debate on the Wyden amendment; am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. INHOFE. My request would be that I be acknowledged to speak on the Wyden-Grassley-Inhofe amendment in whatever order you are prepared to give me.

Ms. COLLINS. Mr. President, I am going to reserve my 6 minutes for right before the vote for some concluding comments. I probably will not use all 6 minutes. I have no objection to turning now to the debate on the Wyden amendment.

AMENDMENT NO. 2944

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I assume Senator INHOFE will have time after I conclude my 10 minutes and I ask unanimous consent to that effect. He is on the other side of this issue.

The Wyden amendment provides a new advantage for those who want bigger and more expensive Government. Senators who want time to study a bill before granting consent would have to put their names in the RECORD as objecting to it even though they may quickly decide they do not have an objection to the bill.

First, the Senator from Oregon stated that this amendment—and this is a good example of what happens in the

Senate—that this amendment was being blocked by a secret hold. But there was no secret hold. The leadership of the Senate knew that I had an interest in participating in the debate, but I had a meeting at the White House this morning and so I asked if they could accommodate that and set the debate at a time I could participate. That apparently was worked out.

Under the Senator from Oregon's amendment, I would have had to submit a written request to the majority leader in order to participate in the debate, but I was at the White House and that was not very practical. Is telling my leader I would like an opportunity to be in the Senate to debate this issue now an unreasonable request? The Senator from Oregon has also stated that the intelligence authorization bill is being held up based on a secret hold. In truth, it is not a secret. I will tell the Senator who is holding that important intelligence bill: It is the two Senators from Massachusetts. Senators KENNEDY and KERRY have objected to considering the bill because they want to offer amendments. Some say they are poison-pill amendments, but they are amendments they want to offer. So if the Senator has a problem about that, he should talk to his colleagues. The Senators may say this only applies to proceeding to a bill. This is an important thing, because in 99 percent of the cases, proceedings of the bill and passage of the bill happen at the same time. The bill is called up and asked to be passed by unanimous consent. It is all the same request. Frankly, the problem with this bill goes further than the mechanical application. It makes a statement. It basically says that passing bills is inherently a good thing, and we should assume any Senator who has never heard of a bill should consent to it. Anyone who dares not to grant promptly and immediately any such consent is some scoundrel who needs to be exposed to misdeeds.

Senator COBURN has offered an amendment that says if we are going to have this hold amendment, he would offer one that says if you want to pass a bill and there is no quorum present, and you want to ram it through with no quorum present, you need to have a petition signed by 100 Senators saying they are prepared to let the bill go through.

Why not? It is not practical, perhaps, but the system is not designed to be practical. Frankly, it is too easy to pass bills. Bills flow through this body like water.

I want the American people to know how bills are passed in this Senate. We were talking about some sunshine here. Let's talk about it. There is a system we have called a hotline. What is a hotline? In each Senate office there are three telephones with hotline buttons on them. Most evenings, sometimes after business hours, these phones begin to ring. The calls are from the Republican and the Democratic leaders to each of their Members, asking con-

sent to pass this or that bill—not consider the bill or have debate on the bill but to pass it. Those calls will normally give a deadline. If the staff do not call back in 30 minutes, the bill passes. Boom. It can be 500 pages. In many offices, when staffers do not know anything about the bill, they usually ignore the hotline and let the bill pass without even informing their Senators. If the staff miss the hotline, or do not know about it or were not around, the Senator is deemed to have consented to the passage of some bill which might be quite an important piece of information.

So that is the real issue here. The issue is not about holds. The rules say nothing about holds. Holds do not exist. The issue is consent. Nobody has a right to have an individual Senator's consent to pass a bill. They act as though you have a right to get it. You would expect if you are going to say you have unanimous consent, you have consent. But that is not always the case.

If staff do not have time to read the bill—some of these bills are hundreds of pages long—they frequently assume someone else has read it. Staff in the Senate offices do not read all these bills, and they go back to whatever they were doing before the hotline phone rang. Presumably, some committee staffer has read the bill at some point along the way, but in almost no case have actual Members of the Senate granted their intentional consent to the bills that pass during the day's wrapup that we often see late into the night on C-SPAN.

In many cases, even Senators sponsoring the bill have never read it, unfortunately. Committee reports are filed on bills. Very few staff have read the committee reports. How do I know about this? I have the thankless task of chairing the Senate Steering Committee. One of our commitments is to review every bill that is hotlined in the Senate. My staff actually reads them. It is a service to my colleagues, I suggest. They read the CBO scores which tell how much the bill costs the taxpayers. A lot of times they do not want you to know that. Some committee, group, or someone has moved a bill on the floor—they move it along—and nobody has read the score. Many contain massive, new spending programs. Some bust the budget. We think Senators who are looking out for the taxpayers and taking the time to study bills should have the same rights as Senators who are willing to let big spending bills pass without reading them. This amendment is not good government. It will make it more likely that bills will pass in the middle of the night filled with pork and who knows what else.

The current process established by the two leaders provides for 72 hours for Senators to withhold consent and to read a bill. Beyond that, the objections become public. Under this amendment, if a Senator in an offhand conversation with the leader says, "I

think we ought to take a hard look at this bill," does that mean his name should be printed in the RECORD? That is not workable. If I am on the floor, and the leader asks me if we ought to go to such and such a bill, and I say, "No, don't do that, I think something else should go first," do I then immediately have to go to the floor and publish that in the RECORD?

According to this resolution, any communication with the leader suggesting we not proceed to a bill would need to be printed in the RECORD and submitted to the leader in writing. However, if I communicate to the leader that we should proceed to some big spending bill, I can do that in secret. This gives a new advantage to those who want to pass legislation without review.

Now, I take very seriously holding up a bill. We stay on our team, and we look at the matter promptly and try to give an honest response. And if we have a problem with a clause or two in a piece of legislation, we share that with the Senators who are promoting the legislation. Usually an agreement can be reached, and usually the legislation is cleared, anyway, without any significant delay.

Line 4 of the Wyden amendment says:

The majority and minority leaders of the Senate or their designees shall recognize a notice of intent of a Senator who is a member of their caucus to object to proceeding to a measure or matter only if the Senator

(1) submits the notice of intent in writing to the appropriate leader or their designee; and

(2) within 3 session days after the submission under paragraph (1) submits for inclusion in the CONGRESSIONAL RECORD and in the applicable calendar section described in subsection (b) the following notice:

"I, Senator [blank], intend to object to proceeding to [blank], dated [blank]."

If a Senator tells their leader on the phone they have concern with a bill that was offered that night, must they quickly run down to his office and hand the leader a piece of paper? This says it must be submitted in writing; otherwise, the leader cannot recognize it.

If the leader decides against proceeding to the bill, does that mean he has violated the rule?

How can we prove that the leader did not simply change his mind, but rather that he illegally recognized an oral hold, which was not submitted in writing?

Who is to make such a determination?

Is the Parliamentarian going to be put in the uncomfortable position of trying to divine the motivations of a party leader?

I am not sure what the purpose of the 3 days is, but here is what its effect is:

If a bill is hotlined at 7:30 at night, and the leaders say it will be passed at 7:45 unless there is an objection, and my staff calls them to say please do not proceed, we would like to review the bill, rather than reading the bill, they would have to run to the leader's office with a piece of paper saying we object to the bill.

Then, let's say they run back to the office, start reading, and after review, the bill looks fine. Let's say they even call back within the 15-minute window that was given. The bill passes that night. The next day it passes the House, and is signed by the President. It is now law.

On the third day, I would still need to insert a statement in the CONGRESSIONAL RECORD saying "I, Senator JEFF SESSIONS, intend to object to proceeding [blank], dated [blank]."

I intend to object to a bill that has already been signed into law?

The amendment has been so poorly drafted that it is not even clear what it does. This is what we are dealing with.

This poorly drafted amendment is intended to stack the deck, in favor of other poorly drafted legislation passing in the middle of the night with little or no review.

Let's look at section (c) line 18:

A Senator may have an item with respect to the Senator removed from a calendar to which it was added under subsection (b) by submitting for inclusion in the CONGRESSIONAL RECORD the following notice:

I, Senator [blank], do not object to proceeding to [blank], dated [blank].

This is the flip side: Maybe you looked at the bill and do not like it, but are willing to let it pass by a voice vote.

Now, to get the "scarlet letter" I removed, you need to put a statement into the RECORD saying you do not object to the bill, which may not be altogether true.

Further, what if you simply want to offer an amendment, or debate, but the leadership wants to pass the bill clean. How does this bill apply?

I suppose one interpretation is it would not apply at all, because it only purports to apply to "proceeding to a bill."

What if you want to offer a thousand amendments? What then? What if you prefer to proceed to a different version of the bill?

What if you would simply like a roll-call vote on the motion to proceed, or would like time to debate, but the leadership does not want to grant you that. Technically, you are objecting to proceeding under those circumstances.

I could stand here for hours discussing all the many ways this amendment is going to damage the Senate, and the many ways this amendment is absolutely worthless as a tool to prevent blocking of legislation in secret.

But what I object to most is that this amendment says passing legislation is always preferable to slowing it down, that letting a bill pass is good no matter how poorly drafted, how costly, how late in the evening, or how few Senators have studied or even heard of the bill.

How much pork is there? Passing bills is good: In many cases, that is not correct.

There is a widely quoted story about the "coolness" of the Senate involving George Washington and Thomas Jefferson.

Jefferson was in France during the Constitutional Convention.

Upon his return, Jefferson visited Washington and asked why the Convention delegates had created a Senate. "Why did you pour that coffee into your saucer?" asked Washington. "To cool it," said Jefferson. "Even so," responded Washington, "we pour legislation into the senatorial saucer to cool it."

The Framers intended the Senate to deliberate, to thoughtfully review legislation, not be a rubber stamp.

This amendment says those Senators who are willing to grant consent to legislation they have never read or have perhaps never even heard of—those are the good Senators.

But those Senators who dare to say: I would like time to read this legislation, to see how much it costs, to see whether it is within the national interests—they are the troublemakers. These scoundrels need to be exposed to the public.

So, in summary, here is where we are.

Passing midnight spending boondoggles with two Senators in the Chamber: Good. Reviewing legislation: Bad. Objecting to big spending legislation: Really bad.

Lobbyists must be thrilled with this. Lobbyists who are pushing special-interest legislation will now have a ready-made target list.

All they need to do is get the leadership to hotline the legislation, and within 3 days they will know who they need to talk to or jump on or "sick the dogs on."

I believe we need to return to the "cooling" Senate, not a "freezing" Senate, where obstruction is the rule, nominees are blocked endlessly; not a "greased" Senate, where bad legislation passes at lightning speed late at night with no time for review, but a Senate where Senators are encouraged to take the time to pick up a bill and read it, to weigh the consequences for the American taxpayers.

This amendment runs directly contrary to the spirit of reform this bill purports to address.

I urge my colleagues to oppose the amendment.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SESSIONS. Mr. President, I see several of the sponsors of the amendment here. Probably they disagree with some of my views, but I think they are worthy of their consideration.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, parliamentary inquiry: How much time is available on my side? My understanding is we have 10 minutes.

The PRESIDING OFFICER. The Senator from Oregon controls 10 minutes.

Mr. WYDEN. Mr. President, it is my desire to yield the first 3 minutes to Senator INHOFE, the next 3 minutes to Senator GRASSLEY, and then I will

speak. I thank my friend from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, first, let me say to my friend from Alabama, I do not think we have ever been in disagreement on anything. I have a little different take on this issue than he does and a little different background because of an experience I had when I served in the other body.

First, I think realistically, looking at this, you may say "in writing," but if you call your leader and tell him, "I plan to go ahead and object to this," and he knows it is going to come in writing, unless you don't get along with the leader very well, I don't think that would be a real serious problem. But I do agree with the Senator from Alabama that passing laws is not necessarily a good thing. My feeling is we have too many laws, not too few laws. I have said that many times.

But let me share with you an experience I had in the other body. When I was first elected in 1986 to the House of Representatives, I found there was a process used to keep the signatures of a discharge petition from being open to the public. So there could be something very popular. For example, a gun control bill might not be popular in West Texas, but there might be a West Texas Democrat whose party tells him for the national scene, "We want lots of gun controls, and I know it is not popular in the State, but there is a way you can go home and say you opposed gun controls and at the same time you can get by with appealing the leadership."

That is what they did. They would put the discharge petition in the drawer of the Speaker's desk, and you could not get it out unless a majority of people signed the discharge petition. Consequently, they would go ahead and tell people they had signed it when, in fact, they had not.

I had a one-sentence bill that totally reformed that. It stated that all signatures on a discharge petition shall become public record. We actually had seven editorials by the Wall Street Journal. We had all these things saying: Finally, there is light.

All I want—all I want—is to be able to have everyone being accountable for what they are saying. I have two holds right now, and I have said publicly that I am the one who has the holds. I have never, in the 12 years I have been here in this body, not specifically stated that I had holds when I did. So I think that is the main thing. There are similarities between the situation that occurred in the House, and I agree with Reader's Digest, the Wall Street Journal. They said that was the greatest single reform in the last 60 years.

So when I first came to this body, I made this statement: that it appeared to me that being able to put on holds without being accountable is a very similar practice to the inability of knowing what the signatures were on discharge petitions. Consequently, I

started back 12 years ago working on this issue. I am very happy to join Senator WYDEN and Senator GRASSLEY in what I consider to be a reform that is badly needed in the Senate.

Mr. President, I ask unanimous consent that a November 1994 article in Reader's Digest by Daniel Levine be printed in the RECORD.

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

[From the Reader's Digest, November 1994]

HOW THE TRIAL LAWYERS FINALLY MET DEFEAT

A STORY OF DEMOCRACY AND CAPITOL HILL
(By Daniel R. Levine)

When a twin-engine Cessna airplane crashed near Fallon, Nev., four years ago, the National Transportation Safety Board (NTSB) ruled pilot error was the cause. But that didn't stop lawyers for two of the injured passengers from suing Cessna on the grounds that the seats on the 25-year-old plane did not provide adequate support. The seats had been ripped out without Cessna's knowledge and rearranged to face each other. But the lawyers claimed that Cessna should have warned against removing the seats. A jury awarded the two plaintiffs more than \$2 million.

In Compton, Calif., a single-engine airplane nearly stalled on the runway and sputtered loudly during take-off. Less than a minute into the air it crashed, killing two of the three people on board. On July 18, 1989, two days before the one-year statute of limitations would expire, the survivor and relatives of the deceased passengers filed a \$2.5 million lawsuit naming the plane's manufacturer, Piper Aircraft Corp., as a defendant. Not mentioned in the suit was the fact that the plane, built in 1956, had been sitting at the airport unused and uninspected for 2½ years. The case, awaiting trial, has already cost Piper \$50,000.

The NTSB found that 203 crashes of Beech aircraft between 1989 and 1992 were caused by weather, faulty maintenance, pilot error or air control mishaps. But trial lawyers blamed the manufacturer and sued each time. Beech was forced to spend an average of \$530,000 defending itself in each case and up to \$200,000 simply preparing for those that were dismissed.

Such product-liability lawsuits have forced small-plane makers such as Cessna to carry \$25 million a year in liability insurance. In fact, Cessna stopped producing piston-powered planes primarily because of high cost of defending liability lawsuits. Thus, an American industry that 15 years ago ruled the world's skies has lost more than 100,000 jobs and has seen the number of small planes it manufactured plummet from over 17,000 in 1978 to under 600 last year.

That may all change. Bucking years of intense lobbying by trial lawyers, Congress voted last summer to bar lawsuits against small-plane manufacturers after a plane and its parts have been in service 18 years. The legislation will create an estimated 25,000 aviation jobs within five years as manufacturers retool and increase production.

This was the first time that Congress has reformed a product liability law against the wishes of the lawyers who make millions from these cases. And the dramatic victory was made possible because of the efforts of a little-known Congressman from Oklahoma who challenged Capitol Hill's establishment.

On his first day in 1987 as a member of the U.S. House of Representatives, Jim Inhofe (R., Okla.) asked colleague Mike Synar (D., Okla.) how he had compiled such a liberal

voting record while winning reelection in a conservative district. Overhearing the question, another longtime Democratic Congressman interjected: "It's easy. Vote liberal, press-release conservative."

This was a revealing lesson in Congressional ethics, the first of many that would open Inhofe's eyes to the way Congress really ran. He soon realized that an archaic set of rules enabled members to deceive constituents and avoid accountability.

When a Congressman introduced a bill, the Speaker of the House refers it to the appropriate committee. Once there, however, the bill is at the mercy of the committee chairman, who represents the views of the Congressional leadership. If he supports the legislation, he can speed it through hearings to the House floor for a vote. Or he can simply "bury" it beneath another committee business.

This arrangement is tailor-made for special-interest lobbies like the Association of Trial Lawyers of America (ATLA). For eight years, bills to limit the legal liability of small-aircraft manufacturers had been referred to the House Judiciary Committee, only to be buried. Little wonder. One of the ATLA's most reliable supporters on Capitol Hill has been Rep. Jack Brooks (D., Texas), powerful chairman of that committee and recipient of regular campaign contributions from ATLA.

The only way for Congressmen to free bills that chairmen such as Brooks wanted to kill was a procedure called the discharge petition. Under it, a Congressman could dislodge a buried bill if a House majority, 218 members, signed a petition bringing it directly to the floor for a vote. But discharge petitions virtually never succeeded because, since 1931, signatures were kept secret from public. This allowed Congressmen to posture publicly in favor of an issue, then thwart passage of the bill by refusing to sign the discharge petition. At the same time, House leaders could view the petitions, enabling them to pressure signers to remove their names. Of 493 discharge petitions ever filed, only 45 got the numbers of signatures required for a House vote. And only two of those bills became law.

Inhofe saw the proposals overwhelmingly favored by the American People—the 1990 balanced-budget amendment, school prayer, Congressional term limits, the line-item veto—were bottled up in committee by the House leadership. When discharge petitions to free some of the bills were initiated, they were locked in a drawer in the Clerk's desk on the House floor. The official rules warned that disclosing names "is strictly prohibited under the precedents of the House."

In March 1993, Inhofe filed a one-sentence bill on the House floor challenging the secrecy: "Once a motion to discharge has been filed the Clerk shall make the signatures a matter of public record."

The bill was assigned to the Rules Committee, where it was buried. Three months later, on May 27, Inhofe started a discharge petition to bring the bill to a floor vote. Among those signing was Tim Penny (D., Minn.), a lawmaker who after ten years in the House had grown so disgusted that he had decided not to run for re-election. "Discharge petitions procedures are symbolic of the manipulative and secretive way decisions are made here," said Penny. "It's just one more example of how House leaders rig the rules to make sure they aren't challenged on the floor."

Inhofe, though, was badly outnumbered. The Democrats 82-seat majority controlled the flow of legislation. But he was not cowed. From his first years in politics Inhofe had shown an independent streak—and it had paid off. After initially losing elections for governor and Congress. He was elected to three consecutive terms as mayor of Tulsa,

beginning in 1977. In 1986, he ran again for the Congress and won. Four years later, he bucked his own President, George Bush, by voting against a 1991 budget "compromise" that included a \$156-billion tax hike.

By August 4, two months after filing his discharge petition, Inhofe had 200 signatures, just 18 shy of the 218 needed to force his bill to the floor. But the House leadership was using all its muscle to thwart him. On the House floor, Inhofe announced: "I am disclosing to The Wall Street Journal the names of all members who have not signed the discharge petition. People deserve to know what is going on in this place."

It was a risk. House leaders could make him pay for this deed. But by making public the names of non-signers, he would avoid a direct violation of House rules. Inhofe collected the names by asking every member who signed the petition to memorize as many other signatures as possible.

The next day, The Wall Street Journal ran the first of six editorials on the subject. Titled "Congress's Secret Drawer," it accused Congressional leaders of using discharge-petition secrecy to "protect each other and keep constituents in the dark."

On the morning of August 6, Inhofe was within a handful of the 218 signatures. As the day wore on, more members came forward to sign. With two hours to go before the August recess, the magic number of 218 was within his grasp.

What happened next stunned Inhofe. Two of the most powerful members of Congress—Energy and Commerce Committee Chairman John Dingell (D., Mich.) and Rules Committee Chairman Joseph Moakley (D., Mass.)—moved next to him at the discharge petition desk. In a display one witness described as political "trench warfare," the two began "convincing" members to remove their names from the petition.

Standing near the desk was Rep. James Moran (D., Va.). Moakley warned him that if Inhofe succeeded, members would be forced to vote on controversial bills. "Jim," he said sternly, "I don't have to tell you how dangerous that would be." When the dust settled, Moran and five colleagues—Robert Borski (D., Pa.), Bill Brewster (D., Okla.), Bob Clement (D., Tenn.), Glenn English (D., Okla.) and Tony Hall (D., Ohio)—had erased their names.

Still refusing to quit, Inhofe faxed the first Wall Street Journal editorial to hundreds of radio stations. Before long, he found himself on call-in programs virtually every day of the week.

When The Wall Street Journal printed the names of the nonsigners on August 17, House members home for the summer recess could not avoid the public outcry Inhofe had generated. With scandals in the House bank, post office and restaurant still fresh in their minds, voters were demanding openness.

Feeling outgunned, Moakley allowed his Democratic colleagues to sign the discharge petition. When Rep. Marjorie Margolies-Mezvinsky (D., Pa.) affixed her name to the petition on September 8, she became the 218th Signatory.

Inhofe's bill won overwhelming approval on the final vote, 384-40. Even though most Democrats had not supported him, 209 now voted with Inhofe. Grouched Dingell: "I think the whole thing stinks."

The first real test of Inhofe's change came last May when Representatives Dan Glickman (D., Kan.) and James Hansen (R., Utah) filed a discharge petition to free their bill limiting small-plane manufacturer liability. Even though it was co-sponsored by 305 members, the bill had been bottled up in the Judiciary Committee for nine months. But because members' signatures would now be public, voters would finally know who truly

stood for product-liability reform and who did not.

Meanwhile, the Association of Trial Lawyers of America was pulling out all the stops to kill the bill. Members personally lobbied Congressmen and orchestrated a "grass-roots" letter-writing campaign in which prominent trial attorneys urged their Representatives not to support the bill. ATLA even fired off a maximum-allowable contribution of \$5,000 to Representative Hansen's opponent in the November election.

The pressure didn't work. Within two weeks 185 members had signed, and House leaders realized it would be impossible to stop the petition. Their only way was to offer a compromise version. In mid-June, Brooks reported out of committee a bill that differed only slightly from the original. On August 2, the Senate approved similar legislation. The next day the bill cleared the House without dissent. On August 17, President Clinton signed it into law.

Glickman, whose Wichita district is home to Cessna and Beech aircraft companies, said the procedural change spearheaded by Inhofe was crucial to victory. "A lot of forces did not want this bill to go forward," he continued, "and it would not have succeeded without the discharge petition."

The success of this legislation is proof that when Congress is required to do the people's business in the open, the people—rather than special interests—win. The high cost of product-liability lawsuits, to manufacturers as well as consumers, will require far more sweeping reform of the tort system. But the passage of this one bill is an important first step in the right direction. And it took a little-known Representative from Oklahoma to point the way.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, thank you. And I thank Senator WYDEN for his leadership and the time.

Everything this body has heard the Senator from Alabama say about what is wrong with this piece of legislation is entirely inaccurate. Everything he said we need to do to study bills—to hold them up until we get a feel about everything in a bill before enactment by this body—this amendment, which brings transparency to holds, does not in any way prevent any of that from happening. All it simply says is, if you are going to put a hold on legislation, you ought to have guts enough, not be a sissy that the public might find out who you are, why you are holding something up. State for the entire country why you think this person or this bill ought to be held up in the Senate. You can hold it up for a year. You can hold it up for 1 day.

I have been putting things in the RECORD of why I put holds on bills, just as this amendment requires, for several years. And I can assure you, not one of my colleagues has beaten me up because they knew who I was. Not one of my colleagues has bloodied my nose. Not one of my colleagues has given me a black eye. Not one of my colleagues has done anything. It does not hurt. You can be a Senator. You can be out in the open. You can be transparent and still do the job you need to do.

But after all, this is the Senate. The public's business ought to be public.

That is what this legislation is all about. But it also has something to do with the practical workings of the Senate. If somebody does not like a bill you propose, and they want to slow it up, you can sit down and talk to them. Now you do not even know who they are, in many instances. If you are going to do business, you have to know who to talk to. Being a part of a collegial body, as we are, talking to each other is how you get things done and move the ball along.

It is about open government. It is about reducing cynicism and distrust of public officials. It is about public accountability. It is about building public confidence. It is about making sure that as to what is being done here, the public knows who is doing it and why they are doing it. I do not see why there can be any opposition to this amendment.

A hold is a very powerful tool and must be used with transparency. I believe in the principle of open government. Lack of transparency in the public policy process leads to cynicism and distrust of public officials.

There is no good reason why a Senator should be able to singlehandedly block the Senate's business without any public accountability. The use of secret holds damages public confidence in the institution of the Senate.

Our amendment would establish a standing order of the Senate requiring Members to publicly disclose when they place a hold on a bill or nominee. For several years now, I have made it my practice to insert a notice in the CONGRESSIONAL RECORD whenever I place a hold.

Under our proposal, disclosing holds will be as simple as filling out a co-sponsor sheet and Senators will have 3 days to do it.

This proposal was drafted with the help of Senators LOTT and BYRD, who as former majority leaders know how this body operates and how disruptive secret holds can be to the Senate's business. Senator STEVENS has expressed his concerns about the use of secret holds. It says a lot that the longest-serving Members of this body oppose the use of secret holds and see them as a real problem.

If Senators support the goal of the underlying bill to increase legislative transparency and accountability, then they should support this amendment.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Oregon.

Mr. WYDEN. Mr. President, I yield to Senator LOTT.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, very briefly, I rise in support of this amendment. I think the misuse of the hold in the Senate has become a fundamental problem. I do not see how anybody could support the concept of secret holds.

Now, this may drive holds into some other category, but I think it is a step

in the right direction. I commend Senator WYDEN and Senator GRASSLEY for offering it.

This proposal is an experiment in making the Senate and Senators more accountable to their colleagues and to the American people. This proposal addresses the issue of anonymous holds that Senators use to prevent consideration of legislation and nominations. This amendment would place a greater responsibility on Senators to make their holds public.

It requires that the majority and minority leaders can only recognize a hold that is provided in writing. Moreover, for the hold to be honored, the Senator objecting would have to publish his objection in the CONGRESSIONAL RECORD, 3 days after the notice is provided to a leader.

I believe that holds, whether anonymous or publicly announced, are an affront to the Senate, the leadership, the committees, and to the individual Members of this institution.

This amendment does not eliminate the right of a Senator to place a hold. Some day, the Senate may decide that holds, in and of themselves, are an undemocratic practice that should no longer be recognized.

Secret holds have no place in a publicly accountable institution. A measure that is important to a majority of the American public and a majority of Senators should not be stopped dead in its tracks by a single Senator. And when that Senator can hide behind the anonymous hold, democracy itself is damaged.

How do you tell your constituents that legislation they have an interest in, legislation that has been approved by the majority of a committee, is stalled and you don't know who is holding it up? What does that say about this institution?

I think the secret hold should have no place in this institution, and I urge my colleagues to support this amendment.

Mr. DODD. Mr. President, I understand this amendment requires public disclosure of certain holds—namely, those that rise to the level of expressing an intent to object to proceeding to a measure or matter.

Any such objection would have to be submitted in writing and disclosed in the CONGRESSIONAL RECORD and printed in the Senate calendar of business. Quite frankly, if a Member's objection rises to that level, it is probably appropriate to publicly disclose such.

But the term "hold" is used to apply to a much broader form of communication between Members and the leader. A hold is generally considered to be any communication in which a Member expresses an interest in specific legislation and requests that the Member be consulted or advised before any agreement is entered with regard to the issue.

In that sense, a hold is a Senate mode of communication, rather than a procedural prerogative, and when used

to communicate a Member's interest in a matter, it is more of an informal bargaining tactic, not an intent to derail or delay consideration of a measure.

Such informal communication is not only important to the workings of this body, but it facilitates the development of unanimous consent requests and facilitates the consideration of legislation.

In some respects, such informal holds act much like the Rules Committee proceedings in the House whereby Members present their position with regard to offering amendments to legislation.

There is no such process in the Senate and often times informal holds, or consent letters, are the only means by which the leadership knows who has an interest in an issue and needs to be consulted in order to craft a unanimous consent agreement.

This amendment does not affect such informal consultation and so will not impede the ability of the leadership to move the business of the Senate. However, when the communication rises to the level that a Member will object to proceeding, it is appropriate that it be disclosed.

Consequently, consistent with the purpose of the bill before us, this amendment would provide greater transparency of the legislative process and increase public confidence in the outcome.

I urge adoption of the amendment.
The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I think Senator LOTT, Senator INHOFE, and Senator GRASSLEY have said it very well. This amendment is about a simple proposition; and that is, the Senate ought to do its most important business in public, where every Senator can be held accountable. We have offered this bipartisan amendment to eliminate secret holds on the lobbying reform legislation for the same reason Willy Sutton robbed banks: Banks are where the money is. And secret holds are where the power is.

Secret holds are one of the most powerful weapons available to lobbyists. I expect that each of our offices has gotten at least one call asking if the office would put a secret hold on a bill or nominee in order to kill it without any public debate, and without a lobbyist's fingerprints anywhere.

Getting a Senator to put a secret hold on a bill is like hitting the lobbyist jackpot. Not only is the Senator's identity protected, but so is the lobbyist's. A secret hold lets a lobbyist play both sides of the street and gives lobbyists a victory for their clients without alienating potential or future clients.

In my view, secret holds are a stealth extension of the lobbying world. It would be particularly ironic if the Senate were to claim it was adopting lobbying reform legislation without doing away with what is one of the most powerful tools available to a lobbyist.

This has been a bipartisan effort. It has gone on for literally a decade. Senator LOTT, to his credit, tried a voluntary approach with Senator Daschle. We want to emphasize—for example, the Senator from Maine, Ms. COLLINS, was involved in this—that this in no way eliminates the right of a Senator to have a consult, to have the opportunity to look at legislation, to review it when it comes out of committee. A Senator can seek that. In my mind, a consult is similar to a yellow light that says proceed with caution. A hold, on the other hand, is similar to a red light, a stop light. It is when a Senator digs in and says they are going to do everything they possibly can to block a piece of legislation from going forward.

I want to protect Senators' rights, but Senators' rights need to be accompanied by responsibilities. We are talking about legislation that can involve billions of dollars, millions of our citizens, and the public's business ought to be done in public.

What this amendment does is ban a staff hold, the so-called rolling hold where the hold is passed secretly from Senator to Senator. And when a Senator exercises the power of a hold to deal with an issue that is important to them, in the future, they will be held publicly accountable.

This is long overdue. Senator Dole, when he was majority leader, spoke out on this, more eloquently than perhaps any of us are doing today. Senator GRASSLEY, myself, Senator INHOFE, Senator LOTT believe that it is time to bring sunshine to the Senate and for the Senate to do the people's business in public. I can't think of a more appropriate place to do it than on the lobbying reform bill we are working on today.

I urge my colleagues to pass the amendment and to bring some sunshine to the Senate.

The PRESIDING OFFICER. All time has expired.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Ms. COLLINS. Mr. President, shortly we will vote on the Wyden-Grassley amendment. First, we will vote on the Collins-Lieberman-McCain amendment which is the second-degree amendment. I applaud the initiative of Senators WYDEN and GRASSLEY. When this amendment first came up, I spoke in favor of it. I believe we do need to end the practice of secret holds.

I ask unanimous consent to be added as a cosponsor to the Wyden-Grassley amendment.

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

Ms. COLLINS. Let me say a few final words about the amendment Senators

MCCAIN, LIEBERMAN, and I have proposed to create an office of public integrity. We are about to vote on that amendment, and then we will proceed to vote on Senator WYDEN's amendment.

I believe our proposal has struck the right balance. I draw this conclusion, in part, because my colleagues who are opposed to the amendment are arguing two conflicting extremes, and both obviously cannot be right. On the one hand, some of my colleagues are disparaging the Office of Public Integrity by calling it an independent counsel, by implying that it would be a too powerful, out-of-control entity that would conduct unfair investigations and put Members in peril.

On the other hand, we have also heard colleagues during this debate say that the Office of Public Integrity would not have enough power because it can be overruled by the Ethics Committee. These two conflicting and inconsistent positions suggest that, in fact, we have struck the right balance. We have respected the role and the authority of the Ethics Committee, but we have strengthened the credibility of the investigative part of an inquiry into allegations of wrongdoing.

At the end of the day, the debate and vote on our proposal comes down to a simple question. That is, what are we going to do to strengthen public confidence in the integrity of this institution? Regardless of how fine a job the Ethics Committee has done—and it has performed well—the fact remains that public confidence in Congress is near an all-time low. I believe the legislation that we have brought forth to strengthen our lobbying disclosure laws, to prohibit practices that raise conflicts of interest and, with our amendment, to strengthen the enforcement mechanism is critical to strengthening the bond between the people we serve and those of us privileged to be elected to public office.

I urge my colleagues to support the modest proposal for a well balanced Office of Public Integrity.

I yield the floor.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the Collins amendment.

Ms. COLLINS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Ms. COLLINS. I also ask for the yeas and nays on the Wyden-Grassley amendment.

The PRESIDING OFFICER. The yeas and nays have already been ordered on the Wyden amendment.

The question is on agreeing to amendment No. 3176 to amendment No. 2944.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Sen-

ator from South Carolina (Mr. GRAHAM).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent on official business.

I also announce that the Senator from West Virginia (Mr. BYRD) is absent due to a death in the family.

The PRESIDING OFFICER (Mr. AL-EXANDER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 30, nays 67, as follows:

[Rollcall Vote No. 77 Leg.]

YEAS—30

Baucus	Feingold	Menendez
Bayh	Grassley	Nelson (FL)
Biden	Kennedy	Obama
Bingaman	Kerry	Reed
Burns	Kohl	Sarbanes
Cantwell	Landrieu	Snowe
Carper	Lautenberg	Stabenow
Chafee	Levin	Talent
Collins	Lieberman	Vitter
Durbin	McCain	Wyden

NAYS—67

Akaka	Dole	McConnell
Alexander	Domenici	Mikulski
Allard	Dorgan	Murkowski
Allen	Ensign	Murray
Bennett	Enzi	Nelson (NE)
Bond	Feinstein	Pryor
Boxer	Frist	Reid
Brownback	Gregg	Roberts
Bunning	Hagel	Salazar
Burr	Harkin	Santorum
Chambliss	Hatch	Schumer
Clinton	Hutchison	Sessions
Coburn	Inhofe	Shelby
Cochran	Inouye	Smith
Coleman	Isakson	Specter
Conrad	Jeffords	Stevens
Cornyn	Johnson	Sununu
Craig	Kyl	Thomas
Crapo	Leahy	Thune
Dayton	Lincoln	Voinovich
DeMint	Lott	Warner
DeWine	Lugar	
Dodd	Martinez	

NOT VOTING—3

Byrd	Graham	Rockefeller
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The amendment (No. 3176) was rejected.

VOTE ON AMENDMENT NO. 2944

The PRESIDING OFFICER. The question is now on agreeing to the Wyden amendment No. 2944. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from South Carolina (Mr. GRAHAM).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

I also announce that the Senator from West Virginia (Mr. BYRD) is absent due to death in the family.

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

The result was announced—yeas 84, nays 13, as follows:

[Rollcall Vote No. 78 Leg.]

YEAS—84

Akaka	Bennett	Brownback
Alexander	Biden	Burns
Allen	Bingaman	Cantwell
Baucus	Bond	Carper
Bayh	Boxer	Chafee

Chambliss	Hutchison	Nelson (FL)
Clinton	Inhofe	Nelson (NE)
Cochran	Inouye	Obama
Coleman	Isakson	Pryor
Collins	Jeffords	Reed
Conrad	Johnson	Reid
Cornyn	Kennedy	Roberts
Craig	Kerry	Salazar
Crapo	Kohl	Santorum
Dayton	Landrieu	Sarbanes
DeWine	Lautenberg	Schumer
Dodd	Leahy	Shelby
Dole	Levin	Smith
Domenici	Lieberman	Snowe
Dorgan	Lincoln	Specter
Durbin	Lott	Stabenow
Enzi	Lugar	Stevens
Feingold	Martinez	Talent
Feinstein	McCain	Thomas
Grassley	Menendez	Vitter
Hagel	Mikulski	Voinovich
Harkin	Murkowski	Warner
Hatch	Murray	Wyden

NAYS—13

Allard	Ensign	Sessions
Bunning	Frist	Sununu
Burr	Gregg	Thune
Coburn	Kyl	
DeMint	McConnell	

NOT VOTING—3

Byrd	Graham	Rockefeller
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The amendment (No. 2944) was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. FRIST. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

CLOTURE MOTION

Mr. FRIST. Mr. President, we have made progress today on a very important bill, a bill that we brought to the floor now several weeks ago. It is an important bill that reflects upon this institution in terms of respect, in terms of integrity, and a bill on which we have made huge progress. Yet it is a bill about which it has come time, I think, really, now, to establish a glide-path to continue debate, allow germane amendments but recognize we want to keep those amendments on the bill itself.

I had hoped we would have been able to reach an agreement to sequence a large number of amendments, but the amendments keep coming. And after talking to both sides of the aisle, I understand that we are not going to be able to get time agreements on those amendments. Therefore, my only option at this juncture is to bring this bill to a close with a cloture unanimous consent request.

Therefore, I ask unanimous consent that the motion to proceed to the motion to reconsider the failed cloture vote be agreed to, the motion to reconsider be agreed to, and the Senate now proceed to a vote on invoking cloture on the underlying bill.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, the legislation now before this body is imperfect, but it is sure good. I said before, and I say again, the work done by the Rules Committee and the Homeland Security and Governmental Affairs Committee is exemplary. It was bipartisan. They

brought pieces of legislation to the floor. It was melded into one, and this is what is now before this body.

We have had amendments offered. Some have passed; some have not. As the majority leader has indicated, we tried to get the list of amendments agreed to. This would go on for weeks. We have immigration. I want to get to immigration. I want to come out of here with a good lobbying reform bill.

As I said, this bill is not perfect, but it contains important reforms to strengthen both lobbying disclosure requirements and our own internal efforts in some very significant ways. No one needs to hang their head in shame about what we have done. It extends and strengthens a cooling off period for Members and staff, ends gifts and meals for lobbyists, requires preapproval and more disclosure for all trips, requires disclosure of job negotiations, prohibits the K-Street Project under Senate rules, eliminates floor privileges for former Members who become lobbyists, requires more disclosure by lobbyists—and that is an understatement—requires new disclosure of grassroots lobbying and stealth coalitions by business groups, reforms rules regarding earmarks, scope of conference and availability of conference reports to eliminate dead-of-night legislating.

This is a good piece of legislation. I would like a lot more, but I don't believe the perfect should get in the way of the good. This is good.

I urge my colleagues to vote for cloture so we can complete action on this bill quickly.

The PRESIDING OFFICER. Is there objection? Without objection—

Mr. MCCAIN. Reserving the right to object.

Mr. FRIST. Mr. President, I understand there was no objection.

Mr. MCCAIN. I reserve the right to object.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, if we vote cloture, there will be several important amendments that will fall, including use of corporate jets, including earmarking, which is the reason we have the abuses that we have today. I will not support cloture, and I will tell my colleagues if we do have cloture, we will revisit those issues.

There is no reason any Member of this body should pay only first-class airfare for riding a corporate jet. Earmarking is out of control, and it has become a problem with all Americans, and we need to address at least those two issues.

I hope my colleagues understand if we do invoke cloture, we will be revisiting those issues one way or another. I am disappointed that we could not address those very important aspects.

I will not object to the unanimous consent request.

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

By unanimous consent, pursuant to rule XXII, the Chair lays before the

Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

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

Bill Frist, Mitch McConnell, Rick Santorum, Mel Martinez, James Inhofe, Susan Collins, Trent Lott, John E. Sununu, John McCain, Judd Gregg, Norm Coleman, Michael B. Enzi, Wayne Allard, R.F. Bennett, Craig Thomas, Larry E. Craig, George Voinovich, and Christopher Bond.

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

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

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from South Carolina (Mr. GRAHAM).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

I also announce that the Senator from West Virginia (Mr. BYRD) is absent due to a death in the family.

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

The yeas and nays resulted—yeas 81, nays 16, as follows:

[Rollcall Vote No. 79 Leg.]

YEAS—81

Akaka	DeWine	Lugar
Alexander	Dodd	Martinez
Allard	Dole	McConnell
Allen	Domenici	Menendez
Baucus	Dorgan	Mikulski
Bayh	Durbin	Murkowski
Bennett	Enzi	Murray
Biden	Feinstein	Nelson (FL)
Bingaman	Frist	Nelson (NE)
Bond	Grassley	Pryor
Boxer	Gregg	Reed
Brownback	Hagel	Reid
Burns	Harkin	Roberts
Burr	Hatch	Salazar
Cantwell	Hutchison	Sarbanes
Carper	Inhofe	Schumer
Chafee	Inouye	Shelby
Chambliss	Isakson	Smith
Clinton	Jeffords	Specter
Cochran	Johnson	Stabenow
Coleman	Kennedy	Stevens
Collins	Landrieu	Talent
Conrad	Lautenberg	Thomas
Cornyn	Leahy	Thune
Craig	Levin	Voinovich
Crapo	Lincoln	Warner
DeMint	Lott	Wyden

NAYS—16

Bunning	Kohl	Sessions
Coburn	Kyl	Snowe
Dayton	Lieberman	Sununu
Ensign	McCain	Vitter
Feingold	Obama	
Kerry	Santorum	

NOT VOTING—3

Byrd	Graham	Rockefeller
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The PRESIDING OFFICER. Upon reconsideration, on this vote, the yeas are 81, the nays are 16. Two-thirds of the Senators voting, a quorum being

present, having voted in the affirmative, the motion is agreed to.

The Senator from California is recognized.

Mrs. BOXER. Mr. President, I wish to take a couple of moments here to pay tribute to Erma Ora Byrd, the beloved wife of our good friend and colleague, Senator ROBERT BYRD. I will be a very few minutes.

I thank Senator LOTT because I know he has business he wants to attend to, and he is very supportive of my making a statement.

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

Mrs. BOXER. I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

IMMIGRATION

Mr. REID. Mr. President, sometime tomorrow, hopefully, or the next day, we are going to move to immigration. There is widespread acknowledgment that our immigration system is badly broken. There is a crisis at our borders, and we need a comprehensive strategy to address it.

Just yesterday, the Senate Judiciary Committee reported a bill with strong bipartisan support which would do much that is necessary to restore order to our immigration system. The committee bill offers real solutions with tough, effective enforcement and smart reforms. The bill is not perfect, but it is certainly a good bill. This legislation would secure our borders, crack down on employers who hire illegally, and bring undocumented immigrants out of the shadows. I commend Chairman SPECTER, Ranking Member LEAHY, and Senator KENNEDY, who has worked on these issues for more than 30 years, and the rest of the committee for their hard work in completing this bill.

I have received assurances from the majority leader that it will be in order for Senator SPECTER to offer the committee-reported bill as the first amendment to Senator FRIST's border security bill. That amendment will be a complete substitute, so if it is adopted by the full Senate, it will completely supersede the Frist bill.

This is no different than we handle all other pieces of legislation. Based on those assurances, we have consented to vitiate the cloture vote—that happened earlier today—and allow the debate to move forward.

Under the process we have agreed upon, the foundation of the Senate's upcoming debate on immigration policy will be the bipartisan committee bill.

I will have more to say about immigration policy in the coming days. For now, I want to express my satisfaction that the full Senate will be allowed to debate the comprehensive, bipartisan immigration bill that the Senate Judiciary Committee reported yesterday. I welcome that debate.

Mr. LEAHY, Mr. President, I filed an enforcement amendment to the bill on March 7 and look forward to an opportunity to offer that amendment and have it considered by the Senate. My amendment is the "Honest Services Amendment," No. 2924.

The purpose of my amendment is to articulate more clearly the line that cannot be crossed without incurring criminal liability. If we are serious about lobbying reform, the Senate will adopt this amendment. It was only with the indictments of Abramoff, Scanlon, and Cunningham that Congress took note of the scandal that has grown over the last years.

If we are to restore public confidence, we need to provide better tools for Federal prosecutors to combat public corruption in our Government. I explained this amendment back on March 9, and a copy of it is included in the CONGRESSIONAL RECORD of that day.

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

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

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

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

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

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

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

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

Because I strongly believe that public service is a public trust, I urge all Senators to support this amendment. If we are serious about reform and cleaning up this scandal we will do so. I hope the Republican leadership and the managers of the bill will accord me the opportunity to offer the amendment and improve the underlying measure.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate resumes consideration of the bill tomorrow morning, Senator FEINGOLD be recognized to offer his amendment No. 2962 relating to the definition of "lobbyist" for purposes of gifts; provided further that there be 40 minutes equally divided for debate prior to a vote in relation to the amendment, with no second-degree amendments in order to the amendment.

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent that notwithstanding the adjournment of the Senate, all time until we resume the bill tomorrow count against the time limit under the provisions of rule XXII. I fur-

ther ask unanimous consent that all first-degree amendments that qualify under rule XXII be offered no later than 11 a.m. on Wednesday, other than a managers' amendment to be cleared by the managers and the two leaders.

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

MORNING BUSINESS

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

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

HOLDS ON INTELLIGENCE AUTHORIZATION

Mr. KERRY. Mr. President, earlier today, my colleague from Alabama, Senator SESSIONS, alleged that I have a "hold" on the Intelligence Authorization Act. Nothing could be further from the truth.

I know that in the heat of debate on the Senate floor, words can sometimes come out faster than a Member might intend, so I harbor no ill will toward my colleague. But in the interest of accuracy, I wish to set the record straight.

Last autumn, many of us were shocked to read allegations in the press of secret clandestine prisons operated around the world by the CIA as part of the war on terror. Congress has a responsibility to perform oversight in all things, including the intelligence community's conduct in the war on terror. In discussing this amendment last fall, I said, and I repeat today, no one is passing judgment on whether these alleged facilities should be closed. We are simply saying that Congress—and specifically the duly established intelligence committees of the House and Senate—need to know what is going on.

On November 10, 2005, I offered an amendment to the National Defense Authorization Act requiring the Director of National Intelligence to provide a secret report to the Intelligence Committees of the House and Senate on the operation, past or present, of these alleged facilities. It would also have required a report on the planned disposition of those allegedly held at these facilities and a determination as to whether interrogation techniques at these facilities were consistent with U.S. obligations under the Geneva Convention and the Convention against Torture.

In debating this amendment, I was delighted to work with my colleague, Senator ROBERTS, the chairman of the Senate Select Committee on Intelligence, and his vice chairman, Senator ROCKEFELLER, to perfect the text of the amendment so they could support it. It passed with overwhelming bipartisan support by a vote of 82 to 9.

About 1 month later, the House of Representatives voted 228 to 187 to urge