

contributions from corporations because the funds will be spent on a worthy cause.

The activities that I have listed may betray nothing more than an innocent effort to carry out charitable works. But the public has a right to be skeptical. The public has a right to know what companies—that may or may not have business before the Senate—are donating to charities controlled by Senators.

My resolution would not ban Senators from starting charities. But it would address the healthy skepticism that the public has expressed about the rules governing charities controlled by Members of Congress.

As the Washington Post noted in an editorial on Tuesday, March 7 “[W]hen lawmakers have a personal interest in the charity, the opportunities for abuse are greatly magnified.”

Because of the potential for abuse, and because of the perception of abuse, I believe that rules governing charities controlled by Senators should be “greatly magnified.”

I am glad that the bill reported by the Homeland Security Committee takes a step to provide more disclosure in this area. The Homeland Security Committee bill would require disclosure of gifts by lobbyists to charities controlled by Members of Congress.

This is a good first step, but I think we can do better.

My resolution would do the following: First, it would require that any gift over \$200 to a charity substantially influenced by a Senator be disclosed if the Senator or their senior staff are aware of the gift. While disclosing gifts from lobbyists is important, it is equally imperative that gifts from corporations and individuals are also disclosed.

Second, my resolution prohibits Senators from using a charity they substantially influence for what can be perceived as their personal gain.

How does the resolution do this? Under Senate Rule XXXVII, concerning conflicts of interest, a Senator would be barred from deriving personal gain from a charity that they substantially influence.

The resolution defines personal gain in the following way: (1) When a Senator or their family member is employed by the charity in a paid capacity (2) When a member of the Senator's staff is employed by the charity in a paid capacity (3) When an individual or firm that receives income from the Senator's political action committee serves in a paid capacity to the charity (4) When the charity pays for travel or lodging costs by the Senator on a trip where the Senator also engages in political fund raising (5) And, finally, when another charity receives payment from the Senator's charity to pay for the Senator's travel and lodging.

In vetting this proposal, I have heard concerns that prohibition on a Senator's family serving in a paid capacity of a charity they substantially influence may be too broad. The example of

my friend Senator ELIZABETH DOLE is raised. When her husband, Senator Bob Dole served as our distinguished majority leader, Senator ELIZABETH DOLE served as the president of the American Red Cross. The purpose of my resolution is not to clamp down on this from occurring.

That is why my resolution would allow Senators to seek a waiver from the Senate Ethics Committee when a family member has substantial influence over a charity, and the family member's influence over the charity clearly does not provide any benefit to the Senator.

I know that some Senators may argue that more rules do not ensure ethical conduct. That is true. Every Senator is responsible for behaving ethically. My resolution will not automatically make unethical arrangements ethical. Nor should the resolution be viewed as a statement on the ethical conduct of members that currently maintain and control charities. As Ecclesiastes chapter 3, verse 17 says, “God shall judge the righteous and the wicked.”

My resolution simply aims to do better—to give the public confidence that when a Senator starts a charitable organization it is for charitable purposes. It is to fulfill the commandment expressed in Deuteronomy that “Every man shall give as he is able.”

My resolution has been endorsed by the watchdog groups Public Citizen and the National Committee on Responsive Philanthropy.

I urge the Senate to support my resolution.

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**SENATE RESOLUTION 493—CALLING ON THE GOVERNMENT OF THE UNITED KINGDOM TO ESTABLISH IMMEDIATELY A FULL, INDEPENDENT, PUBLIC JUDICIAL INQUIRY INTO THE MURDER OF NORTHERN IRELAND DEFENSE ATTORNEY PAT FINUCANE, AS RECOMMENDED BY INTERNATIONAL JUDGE PETER CORY AS PART OF THE WESTERN PARK AGREEMENT AND A WAY FORWARD FOR THE NORTHERN IRELAND PEACE PROCESS**

Mr. DEWINE (for himself and Mr. DODD) submitted the following resolution; which was referred to the committee on Foreign Relations:

Whereas human rights defense attorney and solicitor Patrick Finucane was brutally murdered in front of his wife and children at his home in Belfast on February 12, 1989;

Whereas numerous international bodies and nongovernmental human rights organizations have made note of serious allegations of collusion between loyalist paramilitaries and British security forces in the murder of Mr. Finucane;

Whereas, in July 2001, the Irish and British Governments made new commitments in the Weston Park Agreement to hold public inquiries into high profile murders if the Honorable Judge Peter Cory recommended such action, and both governments understood that such an inquiry would be held under the

United Kingdom Tribunals of Inquiry (Evidence) Act 1921;

Whereas Judge Cory found sufficient evidence of collusion to warrant a public inquiry into the murder of Patrick Finucane and recommended that such an inquiry take place without delay;

Whereas, in his conclusions, Judge Cory set out the necessity and importance of a public inquiry into the Finucane case and that the failure to hold a public inquiry as soon as reasonably possible could be seen as a denial of the agreement at Weston Park;

Whereas, on May 6, 2004, Judge Cory testified in Congress before the United States Helsinki Commission and presented his report, which is replete with evidence of possible collusion relating to activities of the army intelligence unit and the Royal Ulster Constabulary (RUC) in the Finucane case;

Whereas the United Kingdom adopted new legislation after the public release of the Cory Report, the United Kingdom Inquiries Act of 2005, which severely limits the procedures of an independent inquiry and which has been rejected as inadequate by Judge Cory, the Finucane family, the Irish Government, and human rights groups;

Whereas, on March 15, 2005, Judge Cory submitted written testimony to the Committee on International Relations of the United States House of Representatives stating that the new legislation is “unfortunate to say the least” and “would make a meaningful inquiry impossible”;

Whereas the written statement of Judge Cory also stated that his recommendation for a public inquiry into the Finucane case “contemplated a true public inquiry constituted and acting pursuant to the provisions of the 1921 Act” and not the United Kingdom Inquiries Act of 2005;

Whereas section 701 of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107-228) and House Resolution 128, 106th Congress, agreed to April 20, 1999, support the establishment of an independent, judicial inquiry into the murder of Patrick Finucane; and

Whereas the Senate expresses deep regret with respect to the British Government's failure to honor its commitment to implement recommendation of Judge Cory in full: Now therefore, be it

*Resolved*, That the Senate—

(1) commends the Finucane family, wife Geraldine and son Michael, who have testified 5 times before the United States Congress (Geraldine in 2000, 2004, and 2005 and Michael in 1997 and 1999), for their courageous campaign to seek the truth in this case of collusion;

(2) welcomes the passage of a resolution by the Dail Eireann on March 8, 2006, calling for the establishment of a full, independent, public judicial inquiry into the murder of Patrick Finucane as the most recent expression of support for the Finucane family by the Government of Ireland;

(3) acknowledges the United States Helsinki Commission charged with human rights monitoring for their work in highlighting this case;

(4) supports the efforts of the Honorable Mitchell Reiss, special envoy of President Bush for the Northern Ireland Peace Process, in pushing for the full implementation of the Weston Park Agreement and the establishment of an independent, judicial inquiry into the murder of Patrick Finucane; and

(5) calls on the Government of the United Kingdom—

(A) to reconsider its position on the Finucane case to take full account of the objections of the family of Patrick Finucane, Judge Cory, officials of the United States

Government, other governments, and international bodies, and amend the United Kingdom Inquiries Act of 2005; and

(B) to establish immediately a full, independent, public judicial inquiry into the murder of Patrick Finucane, as recommended by Judge Cory, which would enjoy the full cooperation of the family of Patrick Finucane and the wider community throughout Ireland and abroad.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 4183. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 4137 submitted by Mr. ENSIGN and intended to be proposed to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table.

SA 4184. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 4136 submitted by Mr. ENSIGN and intended to be proposed to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4185. Mr. CRAIG submitted an amendment intended to be proposed to amendment SA 4084 proposed by Mr. CHAMBLISS to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4186. Mr. LEVIN (for himself, Mr. SANTORUM, Mr. KENNEDY, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4187. Mr. FRIST (for Mr. CRAIG (for himself, Mr. INHOFE, and Mr. FRIST)) proposed an amendment to the bill H.R. 5037, to amend titles 38 and 18, United States Code, to prohibit certain demonstrations at cemeteries under the control of the National Cemetery Administration and at Arlington National Cemetery, and for other purposes.

#### TEXT OF AMENDMENTS

**SA 4183.** Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 4137 submitted by Mr. ENSIGN and intended to be proposed to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end insert the following:

“(i) **IN GENERAL.**—The alien may satisfy such requirement by establishing that—

(I) no such tax liability exists;

(II) all outstanding liabilities have been met; or

(III) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service and with the department of revenue of each State to which taxes are owed.

(ii) **LIMITATION.**—Provided further that an alien required to pay taxes under this subparagraph, or who otherwise satisfies the requirements of clause (i), shall not be allowed to collect any tax refund for any taxable year prior to 2006, or to file any claim for the Earned Income Tax Credit, or any other tax credit otherwise allowable under the tax code, prior to such taxable year.”

**SA 4184.** Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 4136 submitted by Mr. ENSIGN and intended to be proposed to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end, insert the following clause:

(iii) **LIMITATION.**—Provided further that an alien required to pay taxes under this subparagraph, or who otherwise satisfies the requirements of subclause (I), (II), or (III) of clause (i), shall not be allowed to collect any tax refund for any taxable year prior to 2006, or to file any claim for the Earned Income Tax Credit, or any other tax credit otherwise allowable under the tax code, prior to such taxable year.”

**SA 4185.** Mr. CRAIG submitted an amendment intended to be proposed to amendment SA 4084 proposed by Mr. CHAMBLISS to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

(7) **WORK DAY.**—The term “work day” means any day in which the individual is employed 5.75 or more hours in agricultural employment.

#### CHAPTER 1—PILOT PROGRAM FOR EARNED STATUS ADJUSTMENT OF AGRICULTURAL WORKERS

##### SEC. 613. AGRICULTURAL WORKERS.

###### (a) BLUE CARD PROGRAM.—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, the Secretary shall confer blue card status upon an alien who qualifies under this subsection if the Secretary determines that the alien—

(A) has performed agricultural employment in the United States for at least 863 hours or 150 work days, whichever is less, during the 24-month period ending on December 31, 2005;

(B) applied for such status during the 18-month application period beginning on the first day of the seventh month that begins after the date of enactment of this Act; and

(C) is otherwise admissible to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182), except as otherwise provided under subsection (e)(2).

(2) **AUTHORIZED TRAVEL.**—An alien in blue card status has the right to travel abroad (including commutation from a residence abroad) in the same manner as an alien lawfully admitted for permanent residence.

(3) **AUTHORIZED EMPLOYMENT.**—An alien in blue card status shall be provided an “employment authorized” endorsement or other appropriate work permit, in the same manner as an alien lawfully admitted for permanent residence.

###### (4) TERMINATION OF BLUE CARD STATUS.—

(A) **IN GENERAL.**—The Secretary may terminate blue card status granted under this subsection only upon a determination under this subtitle that the alien is deportable.

(B) **GROUND FOR TERMINATION OF BLUE CARD STATUS.**—Before any alien becomes eligible for adjustment of status under subsection (c), the Secretary may deny adjustment to permanent resident status and provide for termination of the blue card status granted such alien under paragraph (1) if—

(i) the Secretary finds, by a preponderance of the evidence, that the adjustment to blue card status was the result of fraud or willful misrepresentation (as described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)); or

(ii) the alien—

(I) commits an act that makes the alien inadmissible to the United States as an immigrant, except as provided under subsection (e)(2);

(II) is convicted of a felony or 3 or more misdemeanors committed in the United States; or

(III) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of \$500.

###### (5) RECORD OF EMPLOYMENT.—

(A) **IN GENERAL.**—Each employer of a worker granted status under this subsection shall annually—

(i) provide a written record of employment to the alien; and

(ii) provide a copy of such record to the Secretary.

(B) **SUNSET.**—The obligation under subparagraph (A) shall terminate on the date that is 6 years after the date of the enactment of this Act.

(6) **REQUIRED FEATURES OF BLUE CARD.**—The Secretary shall provide each alien granted blue card status and the spouse and children of each such alien residing in the United States with a card that contains—

(A) an encrypted, machine-readable, electronic identification strip that is unique to the alien to whom the card is issued;

(B) biometric identifiers, including fingerprints and a digital photograph; and

(C) physical security features designed to prevent tampering, counterfeiting, or duplication of the card for fraudulent purposes.

(7) **FINE.**—An alien granted blue card status shall pay a fine to the Secretary in an amount equal to \$100.

(8) **MAXIMUM NUMBER.**—The Secretary may issue not more than 1,500,000 blue cards during the 5-year period beginning on the date of the enactment of this Act.

###### (b) RIGHTS OF ALIENS GRANTED BLUE CARD STATUS.—

(1) **IN GENERAL.**—Except as otherwise provided under this subsection, an alien in blue card status shall be considered to be an alien lawfully admitted for permanent residence for purposes of any law other than any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(2) **DELAYED ELIGIBILITY FOR CERTAIN FEDERAL PUBLIC BENEFITS.**—An alien in blue card status shall not be eligible, by reason of such status, for any form of assistance or benefit described in section 403(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(a)) until 5 years after the date on which the Secretary confers blue card status upon that alien.

(3) **TERMS OF EMPLOYMENT RESPECTING ALIENS ADMITTED UNDER THIS SECTION.—**

(A) **PROHIBITION.**—No alien granted blue card status may be terminated from employment by any employer during the period of blue card status except for just cause.

###### (B) TREATMENT OF COMPLAINTS.—

(i) **ESTABLISHMENT OF PROCESS.**—The Secretary shall establish a process for the receipt, initial review, and disposition of complaints by aliens granted blue card status who allege that they have been terminated without just cause. No proceeding shall be conducted under this subparagraph with respect to a termination unless the Secretary determines that the complaint was filed not later than 6 months after the date of the termination.

(ii) **INITIATION OF ARBITRATION.**—If the Secretary finds that a complaint has been filed in accordance with clause (i) and there is reasonable cause to believe that the complainant was terminated without just cause, the Secretary shall initiate binding arbitration proceedings by requesting the Federal Mediation and Conciliation Service to appoint a mutually agreeable arbitrator from the roster of arbitrators maintained by such Service for the geographical area in which the employer is located. The procedures and rules of such Service shall be applicable to the selection of such arbitrator and to such arbitration proceedings. The Secretary shall pay the fee and expenses of the arbitrator,