was truly tangential to the war effort. It went to the core issue of the Defense budget, which is still spending over $400 billion. That is on top of the supplementals. They were using this shadow budget, where they knew they had no restraints, to basically pick up spending which should have been in the core budget and had at least gone through the authorizing process.

There were a number of items in there that fell into that category, including the whole restructuring of the Army. And now we are hearing they may even have joint strike fighters in this next supplemental, two of them potentially. At least that is what has been reported. Maybe they will be out by the time it gets here because light has been shined on them.

The fact is, it shouldn't work that way. We know we are in a war. We know, approximately, what that war is going to cost. We should have a process which reviews it in an orderly fashion, and that is the way it was historically done here.

The Vietnam war was appropriated and authorized. Almost all the spending went through an authorizing and appropriating process. Almost all the appropriations of the Korean war went through the authorizing and appropriating process. It is a very predictable number right now, or within range of a very predictable number. They don't have to send $170 billion up as a supplemental and designate it an emergency to fight this war. We know it is going to cost us in that range, and it should go through the authorizing process and then through the appropriating process. It shouldn't come up as an emergency.

Sure, there may be some amount on top of that which may occur during the year, we may need to put in another X number of dollars, and that may be a legitimate emergency, but the core spending of this war should be accounted for in the regular order and reviewed so it doesn't end up being a gamesmanship exercise coming to us from downtown which is essentially to avoid, ignore, and mute the capacity of the Congress to have an impact on how the spending occurs, whether it is legitimately part of the war or legitimately part of the Defense Department.

I am concerned about this situation. I have heard mumbling from the administration, at least from OMB, that they are going to try to budget for this stuff that is appropriately not in the war—by ''this stuff,'' I mean things that are appropriately not in the war effort but are in the Defense Department's underlying budget—and that they are going to take those out and put them in the underlying Defense budget.

They need to do more than that. They need to structure the budget they send up here so that if they want to have a separate account for the war fighting, fine. I can understand that because we don't want to build it into the base. I am 100 percent for that. But it shouldn't be a separate budget, an emergency budget, and it should go through the authorizing and appropriations process.

We have time to do that. We have a strong authorizing committee. I sit on the appropriating committee, and we have an extremely strong appropriating committee. We can review the numbers quickly and analyze whether it is fair and appropriate, and I suspect 95, 98 percent of it will be approved. But the fact that we are going to approve it doesn't mean it shouldn't at least be reviewed. Basically, muting and undermining the legitimacy of the congressional role in funding is, undermining, in some degree, the commitment to the war effort itself. It is counterproductive to having popular support for the war effort.

I hope that when they send up this next supplemental that they not designate it as an emergency and that they ask that it go through the process, but tell us to do it in a quick way, don't spent a month doing this; do it in a week and a half, 2 weeks, and we can do that; otherwise, I believe we will continue on a path that is harmful not only to the relationship between the executive and the legislative branches, it is harmful to good governance and the good stewardship of tax dollars and it is, more importantly, more harmful to the war effort itself.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (S. 1) to provide greater transparency in the legislative process.

Pending:

Reid amendment No. 3, in the nature of a substitute.

Reid amendment No. 4 (to amendment No. 3), to strengthen the gift and travel bans.

Vitter amendment No. 5 (to amendment No. 3), to modify the application of the Federal Election Campaign Act of 1971 to Indian tribes.

Vitter amendment No. 6 (to amendment No. 3), to prohibit authorized committees and leadership PACs from employing the spouse or immediate family members of any candidate or Federal office holder connected to the committee.

Vitter amendment No. 7 (to amendment No. 3), to amend the Ethics in Government Act of 1978 to establish criminal penalties for knowingly and willfully falsifying or failing to file or report certain information required to be reported under that Act.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I am privileged to be able to manage the bill for part of today. Senator FEINSTEIN and I—she is the chair of the Rules Committee, and I, in my capacity as chair of the Homeland Security and Governmental Affairs Committee, will be alternating on our side. I am honored to do that.

I would say that after a day, we are off to a good start in our consideration of S. 1, the bill before us. The majority and minority leaders, Senators REID and MCCONNELL, laid down yesterday a bipartisan substitute amendment that improves what was already a strong bill, S. 1, and I know a number of other Senators have come to the floor to file or offer amendments. It is good to proceed in that way.

We have a bill before us which fortunately has strong bipartisan support, and it is certainly my hope, and I know the hope of managers on both sides, and the leaders, that we can move along with the consideration of these amendments so that we will complete this bill in the timeframe laid out by the majority leader, which is the end of next week. This will be not just auspicious but a meaningful, bipartisan way to begin this 110th Congress.

I wish to speak in strong support of the comprehensive substitute that was laid down and offered by the majority and minority leaders yesterday. I am pleased to join as a sponsor of that amendment. The underlying text of S. 1 is already a sweeping reform of ethics rules and lobbying regulations, and the substitute takes us even further in strengthening those reforms. I would like to focus on a few of the additional improvements made by the substitute.

The substitute will clarify and strengthen the provisions in the underlying bill that require, for the first time, lobbyists to report on campaign contributions and travel they arrange for Members of Congress—for the first time. We also will require lobbyists to disclose contributions to Presidential libraries and inaugural committees. This is an extension of one of the basic building blocks of this reform, which is disclosure, transparency, shining the sunshine on what is happening here so the public, the media, and Congress itself will be better informed and can take appropriate action. These disclosures will provide a fuller picture of the relationships between those who lobby and those who are lobbied in the Congress and in the executive branch.

The substitute also creates a new criminal penalty for violations of the

Lobbying Disclosure Act. While the underlying bill, S. 1, already doubles the amount of civil penalties that may be imposed, a criminal penalty will strengthen the hand of the Department of Justice in pursuing and punishing the most egregious violations.

The substitute will also tighten the revolving door rules by prohibiting Senators from negotiating for jobs as lobbyists while they are still in office. We will also require senior Senate staff to report to the Ethics Committee when they are negotiating for employment so that the Ethics Committee can identify any conflicts of interest and require staff to recuse themselves while they are still employed by the Senate from working on issues that may present conflicts of interest with those with whom they are negotiating.

The substitute will also provide new rules on evaluation of tickets to sporting and entertainment events. Why, one may ask, would we need that provision if the underlying bill already bans gifts from lobbyists to Members? The reason is there has been a concern that there could be an end run around this ban, and this provision will prevent any lobbyist who might think of doing so from selling tickets to Members or staff at a steeply discounted price, which would effectively be a gift because the discount itself would be a benefit in and of itself.

The substitute also improves the provisions in S. 1 that provide transparency for the earmark process. The substitute will strengthen and clarify the definition of an earmark, to make sure that it includes targeted tax benefits and targeted tariff benefits. These are obviously matters of great importance and of value. A targeted tax benefit, which is to say a tax cut or a credit, or a tariff benefit often has as much value, and many times has more value, than a specific earmarked appropriation. So the substitute now strengthens and clarifies the definition of ''earmark'' to include those benefits.

The improved definition makes clear that earmarks, as in the bill, include earmarks to non-Federal entities when the money is first funneled through a Federal entity. That provision addresses what some perceive and have said is a weakness in the earmark provisions in the underlying bill.

All of this is an attempt by this body to take hold of the earmark process that was abused by some in the ethical scandals that have occurred here in Congress, and more generally is blamed by others for an escalation in the cost of Government without covering those costs.

I have always believed you have to be direct and forthright about this issue. It is not that all earmarks are evil. There are good earmarks and bad earmarks, and there are limits to the earmarks we want to provide simply because we can't afford to provide beyond that. The attempt of S. 1 and the substitute laid down by Senators REID and MCCONNELL is not to stop earmarks but to create transparency, disclosure, and a process by which the full body will be both aware of the earmarks and able to challenge them if an individual Senator or Senators desire.

The substitute also contains a sense of the Senate on fair and open procedures for conference committees, and this also relates to how earmarks are handled. The substitute also amends the Senate rules to make clear that no changes may be made to conference reports after the reports have been signed by the conferees. This is obviously the concern, unfortunately based in fact, that, after a conference report, including one signed by the conferees, either staff or Members in high positions have been able to insert items, earmarks, into those conference reports, which obviously suppresses not only the public's right to know but the Members' right to know. This substitute will now make clear that no changes of that kind can be made.

I am disappointed that the substitute does not include some additional gift and travel rules. I believe there is strong bipartisan support for some of the measures I have in mind. That is why I intend to support the majority leader when he offers an amendment to pass the gift and travel provisions to which I am referring in a separate amendment. The House already has passed strict gift and travel rules, and I personally hope the Senate will follow suit.

I am also very pleased that the majority leader has included in this amendment that I referred to an additional amendment, a strong provision on the use of corporate jets. This is a controversial, difficult matter. It is an issue that Senators MCCAIN, FEINGOLD, OBAMA, and I wanted to pursue last year when we took this up essentially in its predecessor form, but we were unable to do so once cloture was reached on the bill because the amendment was determined to be nongermane.

Under current law this is the reality. When a Member of Congress or a candidate for Federal office uses a private plane instead of flying on a commercial airline, the ethics rules, as well as the Federal Election Commission rules, require a payment to the owner of the plane equivalent to a first-class commercial ticket. The current rules undervalue flights on noncommercial jets and provide, in effect, a way for corporations and individuals to give benefits to Members beyond the limits provided for in our campaign finance laws. The Reid amendment would eliminate that loophole by requiring that the reimbursement be based on the comparable charter rate for a plane.

I know there are strong feelings on both sides of that. I appreciate that Senator REID will put that before the Senate. I look forward to supporting him in it.

We have some very strong reform proposals before the Senate. We are off to a good beginning. We have a lot more work to do, and I hope my colleagues will come to the floor and offer their amendments so we can get this all done by the end of next week.

I suggest the absence of a quorum.

Mr. DEMINT. Will the Senator withhold his request?

Mr. LIEBERMAN. I note the presence of the Senator from South Carolina on the floor of the Senate, and I will yield to him at this time. I withdraw my request for a quorum call.

The ACTING PRESIDENT pro tempore. The request is withdrawn. The Senator from South Carolina is recognized.

Mr. DEMINT. Mr. President, I ask unanimous consent to set the pending amendment aside and I be permitted to offer four amendments.

The ACTING PRESIDENT pro tempore. Is there objection to the request? Hearing no objection, it is so ordered.

AMENDMENTS NOS. 11, 12, 13, AND 14 TO AMENDMENT NO. 3 EN BLOC

Mr. DEMINT. Mr. President, I have four amendments at the desk.

The ACTING PRESIDENT pro tempore. The clerk will report the amendments by number.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes amendments numbered 11, 12, 13, and 14 to amendment No. 3 en bloc.

Mr. DEMINT. I ask unanimous consent the reading of the amendments be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 11

(Purpose: To strengthen the earmark reform)

Strike section 103 and insert the following:

SEC. 103. CONGRESSIONAL EARMARK REFORM.

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

RULE XLIV

EARMARKS

''1. It shall not be in order to consider—

''(a) a bill or joint resolution reported by a committee unless the report includes a list of congressional earmarks, limited tax benefits, and limited tariff benefits in the bill or in the report (and the name of any Member who submitted a request to the committee for each respective item included in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits;

''(b) a bill or joint resolution not reported by a committee unless the chairman of each committee of jurisdiction has caused a list of congressional earmarks, limited tax benefits, and limited tariff benefits in the bill (and the name of any Member who submitted a request to the committee for each respective item included in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits to be printed in the Congressional Record prior to its consideration; or

''(c) a conference report to accompany a bill or joint resolution unless the joint explanatory statement prepared by the managers on the part of the House and the managers on the part of the Senate includes a

list of congressional earmarks, limited tax benefits, and limited tariff benefits in the conference report or joint statement (and the name of any Member, Delegate, Resident Commissioner, or Senator who submitted a request to the House or Senate committees of jurisdiction for each respective item included in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits.

''2. For the purpose of this rule—

''(a) the term 'congressional earmark' means a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process;

''(b) the term 'limited tax benefit' means—

''(1) any revenue-losing provision that—

''(A) provides a Federal tax deduction, credit, exclusion, or preference to 10 or fewer beneficiaries under the Internal Revenue Code of 1986; and

''(B) contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision; or

''(2) any Federal tax provision which provides one beneficiary temporary or permanent transition relief from a change to the Internal Revenue Code of 1986; and

''(c) the term 'limited tariff benefit' means a provision modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities.

''3. A Member may not condition the inclusion of language to provide funding for a congressional earmark, a limited tax benefit, or a limited tariff benefit in any bill or joint resolution (or an accompanying report) or in any conference report on a bill or joint resolution (including an accompanying joint explanatory statement of managers) on any vote cast by another Member, Delegate, or Resident Commissioner.

''4. (a) A Member who requests a congressional earmark, a limited tax benefit, or a limited tariff benefit in any bill or joint resolution (or an accompanying report) or in any conference report on a bill or joint resolution (or an accompanying joint statement of managers) shall provide a written statement to the chairman and ranking member of the committee of jurisdiction, including—

''(1) the name of the Member;

''(2) in the case of a congressional earmark, the name and address of the intended recipient or, if there is no specifically intended recipient, the intended location of the activity;

''(3) in the case of a limited tax or tariff benefit, identification of the individual or entities reasonably anticipated to benefit, to the extent known to the Member;

''(4) the purpose of such congressional earmark or limited tax or tariff benefit; and

''(5) a certification that the Member or spouse has no financial interest in such congressional earmark or limited tax or tariff benefit.

''(b) Each committee shall maintain the written statements transmitted under subparagraph (a). The written statements transmitted under subparagraph (a) for any congressional earmarks, limited tax benefits, or limited tariff benefits included in any measure reported by the committee or conference report filed by the chairman of the committee or any subcommittee thereof shall be published in a searchable format on the committee's or subcommittee's website not later than 48 hours after receipt on such information.''.

AMENDMENT NO. 12

(Purpose: To clarify that earmarks added to a conference report that are not considered by the Senate or the House of Representatives are out of scope)

At the appropriate place, insert the following:

SEC. ___. EARMARKS OUT OF SCOPE.

Any earmark that was not committed to conference by either the House of Representatives or the Senate in their disagreeing votes on a measure shall be considered out of scope under rule XXVIII of the Standing Rules of the Senate and section 102 of this Act if contained in a conference report on that measure.

AMENDMENT NO. 13

(Purpose: To prevent Government shutdowns)

At the appropriate place, insert the following:

SEC. _____. AMENDMENT TO TITLE 31.

(a) IN GENERAL.—Chapter 13 of title 31, United States Code, is amended by inserting after section 1310 the following new section:

''§ 1311. Continuing appropriations

''(a)(1) If any regular appropriation bill for a fiscal year (or, if applicable, for each fiscal year in a biennium) does not become law before the beginning of such fiscal year or a joint resolution making continuing appropriations is not in effect, there are appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, such sums as may be necessary to continue any project or activity for which funds were provided in the preceding fiscal year—

''(A) in the corresponding regular appropriation Act for such preceding fiscal year; or

''(B) if the corresponding regular appropriation bill for such preceding fiscal year did not become law, then in a joint resolution making continuing appropriations for such preceding fiscal year.

''(2) Appropriations and funds made available, and authority granted, for a project or activity for any fiscal year pursuant to this section shall be at a rate of operations not in excess of the lower of—

''(A) the rate of operations provided for in the regular appropriation Act providing for such project or activity for the preceding fiscal year;

''(B) in the absence of such an Act, the rate of operations provided for such project or activity pursuant to a joint resolution making continuing appropriations for such preceding fiscal year;

''(C) the rate of operations provided for in the regular appropriation bill as passed by the House of Representatives or the Senate for the fiscal year in question, except that the lower of these two versions shall be ignored for any project or activity for which there is a budget request if no funding is provided for that project or activity in either version; or

''(D) the annualized rate of operations provided for in the most recently enacted joint resolution making continuing appropriations for part of that fiscal year or any funding levels established under the provisions of this Act.

''(3) Appropriations and funds made available, and authority granted, for any fiscal year pursuant to this section for a project or activity shall be available for the period beginning with the first day of a lapse in appropriations and ending with the earlier of—

''(A) the date on which the applicable regular appropriation bill for such fiscal year becomes law (whether or not such law provides for such project or activity) or a continuing resolution making appropriations becomes law, as the case may be; or

''(B) the last day of such fiscal year.

''(b) An appropriation or funds made available, or authority granted, for a project or activity for any fiscal year pursuant to this section shall be subject to the terms and conditions imposed with respect to the appropriation made or funds made available for the preceding fiscal year, or authority granted for such project or activity under current law.

''(c) Appropriations and funds made available, and authority granted, for any project or activity for any fiscal year pursuant to this section shall cover all obligations or expenditures incurred for such project or activity during the portion of such fiscal year for which this section applies to such project or activity.

''(d) Expenditures made for a project or activity for any fiscal year pursuant to this section shall be charged to the applicable appropriation, fund, or authorization whenever a regular appropriation bill or a joint resolution making continuing appropriations until the end of a fiscal year providing for such project or activity for such period becomes law.

''(e) This section shall not apply to a project or activity during a fiscal year if any other provision of law (other than an authorization of appropriations)—

''(1) makes an appropriation, makes funds available, or grants authority for such project or activity to continue for such period; or

''(2) specifically provides that no appropriation shall be made, no funds shall be made available, or no authority shall be granted for such project or activity to continue for such period.

''(f) For purposes of this section, the term 'regular appropriation bill' means any annual appropriation bill making appropriations, otherwise making funds available, or granting authority, for any of the following categories of projects and activities:

''(1) Agriculture, Rural Development, Food and Drug Administration, and Related Agencies.

''(2) Commerce, Justice, Science, and Related Agencies.

''(3) Defense.

''(4) Energy and Water Development.

''(5) Financial Services and General Government.

''(6) Homeland Security.

''(7) Interior, Environment, and Related Agencies.

''(8) Labor, Health and Human Services, Education, and Related Agencies.

''(9) Legislative Branch.

''(10) Military Construction, Veterans' Affairs, and Related Agencies.

''(11) State, Foreign Operations, and Related Programs.

''(12) Transportation, Housing and Urban Development, and Related Agencies.''.

(b) CLERICAL AMENDMENT.—The analysis of chapter 13 of title 31, United States Code, is amended by inserting after the item relating to section 1310 the following new item:

''1311. Continuing appropriations''.

AMENDMENT NO. 14

(Purpose: To protect individuals from having their money involuntarily collected and used for lobbying by a labor organization)

At the appropriate place, insert the following:

SEC. ___. PROTECTION OF WORKERS' POLITICAL RIGHTS.

Title III of the Labor Management Relations Act, 1947 (29 U.S.C. 185 et seq.) is amended by adding at the end the following:

"SEC. 304. PROTECTION OF WORKER'S POLITICAL RIGHTS.

''(a) PROHIBITION.—Except with the separate, prior, written, voluntary authorization of an individual, it shall be unlawful for any labor organization to collect from or assess its members or nonmembers any dues, initiation fee, or other payment if any part of such dues, fee, or payment will be used to lobby members of Congress or Congressional staff for the purpose of influencing legislation.

''(b) AUTHORIZATION.—An authorization described in subsection (a) shall remain in effect until revoked and may be revoked at any time.''.

Mr. DEMINT. Mr. President, I thank the Senators from Connecticut and Utah for working with me to get the time to offer these amendments. When similar legislation was considered last year, I voted against it because I believed it did not do enough in the way of earmark reform. I believe the same is true for the substitute that is before us today, and I am offering these amendments to strengthen the bill and try to get it to the point where I can support it.

My first amendment would enhance the disclosure requirements for congressional earmarks, for limited tax benefits, and limited tariff benefits to match those proposed in the other body by Speaker of the House NANCY PELOSI. The earmark definition in the substitute is woefully inadequate. It exempts earmarks for Federal entities as well as earmarks in report language.

According to the Congressional Research Service, more than 95 percent of all earmarks in fiscal year 2006 were found in report language, not in the bill text. In effect, disclosure requirements in the substitute could conceivably apply to only 5 out of every 100 earmarks.

The definition of a targeted tax benefit in the substitute also falls short, as it never explicitly defines what constitutes a limited group of taxpayers. Speaker PELOSI's language, however, explicitly defines a limited tax benefit as one that is targeted to 10 or fewer beneficiaries.

I do not always agree with Speaker PELOSI, but on this issue we are in full agreement. The earmark definition agreed to in the House is by far the most comprehensive definition that is currently being debated, and I encourage my colleagues to support it.

My second amendment would clarify that earmarks that were not in either the House or Senate version of the bill are out of scope when they are added in a conference report. As my colleagues know, a lot of earmarks find their way into conference reports where they cannot be voted on. This circumvents the legislative process, and it fosters abuse of taxpayer dollars. I am pleased that the substitute partly addresses this problem by creating a new 60-vote point of order against matters that are out of scope. This was designed to allow Members to object to out-of-scope earmarks and have them removed from the conference report, but the Senate Parliamentarian does not believe this provision is enforceable against earmarks specifically.

My amendment would clarify that out-of-scope earmarks are subject to this new point of order in the Senate bill as well as rule XXVIII of the Standing Rules of the Senate, which prohibits adding out-of-scope matters in conference. I believe this is the true intent of the substitute, and I strongly encourage my colleagues to support it.

My third amendment would prevent the Government from shutting down when regular appropriations bills are not enacted. It would do so by automatically triggering a continuing resolution that funds agencies at current levels for up to a year. The amendment would begin automatic funding on the first day of a lapse in appropriations, and it would end on the day the regular appropriations bill becomes law or the last day of the fiscal year, whichever comes first. This would eliminate the must-pass nature associated with regular appropriations bills which often pressure lawmakers into accepting spending bills with objectionable earmarks.

I understand that the Democratic leader intends to get all of the appropriations bills done before the end of the fiscal year, but there are always unforeseeable events that must be dealt with, and there is always a chance that we will be faced with having to pass a bad bill or allowing parts of the Government to shut down. I certainly do not support Government shutdowns, and I know my colleagues do not either. My amendment would create a safety net that would avoid the crisis situations that often pressure lawmakers into supporting spending bills that they would not otherwise support. This is a commonsense proposal, and I encourage my colleagues to support it.

My fourth amendment would prevent labor unions from using a member's dues to lobby Congress without the prior separate and written consent of that member. Union dues, like taxes, are compulsory for union members. We all believe Congress must be transparent and accountable in the way it spends tax dollars, and we should all support making unions transparent and accountable in the way they spend members' dues. Federal tax dollars cannot be used for lobbying but compulsory union dues can be used for lobbying. This is a real problem because it forces union workers to pay for lobbying with which they may not agree. If someone is a member of a trade association and they disagree with the actions of that group, they can always stop paying their dues. This freedom is not afforded to union workers.

I tried on several occasions last year to pass legislation that would bar criminals convicted of serious felonies from gaining secure access to our ports. This proposal is essential to protecting our Nation from future terrorist attacks, and it is overwhelmingly supported by Americans. But the measure was killed by several unions that lobbied against it, and they killed it with dues that they forced union workers to pay without their consent.

My amendment simply requires consent from union members before his or her dues may be used to lobby Congress. My amendment has nothing to do with political contributions. That is a debate for another day. But as long as unions force workers to pay dues as a condition of employment, they should get consent from their members before they use those dues to lobby Congress. My amendment would ensure that voluntary contributions will be the only contributions that can go toward lobbying Congress.

I thank the managers again for working with me to get these amendments called up so our colleagues can begin reviewing them. I would be pleased to work with the managers in scheduling additional time to debate and vote on these amendments.

I yield and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 9

Mr. VITTER. Mr. President, I ask unanimous consent to call up my amendment No. 9 which is at the desk.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] for himself and Mr. INHOFE, proposes an amendment numbered 9 to amendment No. 3.

Mr. VITTER. I ask unanimous consent to waive the reading of the amendment.

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

The amendment is as follows:

(Purpose: To place certain restrictions on the ability of the spouses of Member of Congress to lobby Congress)

On page 51, between lines 12 and 13, insert the following:

SEC. 242. SPOUSE LOBBYING MEMBER.

(a) IN GENERAL.—Section 207(e) of title 18, United States Code, as amended by section 241, is further amended by adding at the end the following:

''(5) SPOUSES.—Any person who is the spouse of a Member of Congress and who was not serving as a registered lobbyist at least 1 year prior to the election of that Member of Congress to office and who, after the election of such Member, knowingly lobbies on behalf of a client for compensation any Member of Congress or is associated with any such lobbying activity by an employer of

that spouse shall be punished as provided in section 216 of this title.''.

(b) GRANDFATHER PROVISION.—The amendment made by subsection (a) shall not apply to any spouse of a Member of Congress serving as a registered lobbyist on the date of enactment of this Act.

Mr. VITTER. Mr. President, I thank the leaders, the floor managers, all those involved in this important debate for putting this front and center of our business in the new Congress. It is very appropriate we do so.

I hope we all recognize, after the last few years, we need a very focused, sincere, determined effort to strengthen the law, strengthen enforcement, and rebuild the confidence of the American people in our institutions.

These two amendments that I bring to the Senate I hope will do that. They are part of a package I have introduced, along with three amendments I introduced and talked about briefly yesterday.

Let me get to this first amendment today. It is a very simple, straightforward idea to address what, unfortunately, is a very real issue and a very real cause for concern by the American people. That is the practice, in some cases, of spouses of Members of the House and Senate being registered lobbyists, making large amounts of money in that profession, lobbying at the same time they are a spouse of a Member of the House or a Member of the Senate. My amendment is very straightforward and says we will not allow that.

The underlying bill addresses that in a very narrow way, to say that spouses in that situation can't directly lobby their own spouse or that Members' office. That is great, but clearly a person in that situation—a Senate spouse, a House spouse—has enormous entre to other Members, to other offices. My amendment is broader and says we are not going to allow that. Spouses of sitting Members of the House and Senate cannot lobby.

Unfortunately, I wish history was such that Members could argue this is a solution looking for a problem. That is not the case. This happens. It has happened. It has clearly been abused. There have been instances that have been reported that have caused great legitimate alarm and concern by the American people of this being abused. This has come to light in the last several years. Spouses making large amounts of money, bringing that income to the family bank account—obviously, the Member of Congress is part of it, participates in it—from lobbying.

There is a situation with two fundamental problems. One is a lobbyist spouse clearly having extraordinary access to other Members and their offices. That is one real problem. The second real problem is maybe even more significant. That is the opportunity for significant moneyed interests, special interests, whatever you want to call it, to be able to write a check, a big check, in the form of a salary that goes directly into a Member's family bank account through the spouse. That is a practice that has been used and abused in the recent past. Again, this is not a solution looking for a problem.

We, also, point out there is an exception in my amendment. I debated whether to include this exception. I can make an argument that we should not even allow this exception, but to bend over backwards, to be fair, to answer some concerns of other Members, I included the exception. It says, if this lobbyist spouse was a lobbyist more than a year before the Member was first elected to the Congress, they can continue with that activity. In other words, someone who legitimately built up a career well before that marriage was ever seriously contemplated, can continue. Again, I can make an argument of no exceptions, but in the interest of bending over backward to meet some legitimate questions, I included that exception.

I hope all Members of the Senate, Republican and Democrat, will carefully look at this amendment and support it. This has been and is a practice. It has been used and abused in the past. It has clearly caused serious concerns among the American people. It has been in press reports and other disclosures in the last couple of years.

To say we are doing wholesale lobbying and ethics reform, and, oh, by the way, we are not going to touch this, we are going to forget about this, would make a folly of the whole exercise. I encourage all Members of the Senate to support this concept.

Let's make a clear-cut rule. Let's get rid of this clear conflict of interest to potential abuses, unusual access to Members, as well as the possibility of special interests basically being able to write a big check directly into a Member's family bank account.

AMENDMENT NO. 10 TO AMENDMENT NO. 3

With that, Mr. President, I ask unanimous consent to temporarily set aside that amendment and call up my second amendment of the day, amendment No. 10.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 10 to amendment No. 3.

Mr. VITTER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To increase the penalty for failure to comply with lobbying disclosure requirements)

On page 34, line 5, strike ''$100,000'' and insert ''$200,000''.

Mr. VITTER. Mr. President, I think this amendment also addresses an important issue in this ethics and lobbying reform debate; that is, the significance of the penalties involved for serious violations.

This amendment is very straightforward. It says that registered lobbyists who fail to comply with the Lobbying Disclosure Act—and after that is called to their attention, and then they fail to remedy the situation, fail to fix it, fail to follow other aspects of the law—the maximum penalty can be $200,000. Current law, right now, is $50,000. I simply think that is too low for the most serious violations of the Lobbying Disclosure Act, considering that in virtually all of these cases the lobbyist is given notice and allowed to correct the situation before we ever get to this sort of very serious penalty.

The underlying bill on the floor, as I understand it, will propose to increase the current law penalty from $50,000 to $100,000. I think that is obviously movement in the right direction but not far enough. My amendment would propose changing current law from a maximum penalty of $50,000 to $200,000.

Again, let me emphasize a couple things. I think there is the wide and correct perception by the American people that in a lot of these cases you have a law, you have a violation, and it just ends up being a slap on the wrist—the cost of doing business to a lobbyist who is making millions. I think that is true in many cases. That is a real defect in the law. We need to correct that.

Secondly, we are talking about a maximum penalty—up to $200,000. It does not mean it has to be $200,000. And we are talking about a situation where a violation is called to a person's attention and that person fails to comply with the law within 60 days, fails to right the wrong by complying with other provisions of the Lobbying Disclosure Act.

So given all of that, given all of those circumstances, I think a maximum penalty—maximum—of up to $200,000 is very legitimate and is a change that is really overdue.

Again, I implore all the Members of the Senate, Democrat and Republican, to take a good, hard look at this amendment. I think when they do, the vast majority will support it. I certainly look forward to that.

With that, Mr. President, I look forward to further debate on these amendments and certainly votes on these amendments, and I have received commitments for that.

With that, I yield back my time.

The PRESIDING OFFICER. The Senator yields back his time.

The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that at 11:45 a.m. this morning, the Senate resume consideration of the Vitter amendment No. 7 and that there be 15 minutes of debate, controlled 5 minutes each for the majority and minority managers and 5 minutes for Senator VITTER; that at 12 noon, without further intervening action or debate, the Senate proceed to vote in relation to Vitter amendment No. 7.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LIEBERMAN. I thank the Chair.

I yield the floor and 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. VITTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 7 TO AMENDMENT NO. 3

Mr. VITTER. Mr. President, I ask unanimous consent to call up amendment No. 7.

The PRESIDING OFFICER. The amendment is pending.

Mr. VITTER. I thank the Chair. Under the previous order, I will talk about this amendment for 5 minutes and then the floor managers will do the same.

Mr. President, I explained this yesterday. It is a very straightforward amendment. It simply increases penalties—I think appropriately—for willful and knowing misrepresentations on financial disclosure reports.

As you know, many people in Government, including U.S. Senators, have to file financial disclosure statements. That is section 101 of the Ethics in Government Act of 1975. It is very basic information about not every detail of our finances, but the broad brush of an individual's finances. This applies to others, certainly, in the administration, executive branch, as well as some in the judicial branch.

Section 104 of that act is about the penalties. That says the Attorney General can file a civil suit against any individual who knowingly and willfully falsifies that sort of document or knowingly and willfully fails to report that information. But the maximum fine under that civil suit is $10,000. Mr. President, this can literally be a slap on the wrist in certain situations. This can literally encourage people to falsify documents or not report certain information completely or properly because, No. 1, that figure will never be noticed or caught; No. 2, worst case, if it is, it is only $10,000. It may be worth paying that and trying to get away with it versus disclosing certain information.

That is unacceptable. This amendment fixes that. It raises the maximum civil penalty from $10,000 to $50,000, and it allows—doesn't mandate—the Attorney General to bring criminal charges in certain situations, with a maximum penalty of up to 1 year imprisonment. Again, in certain situations, that would be appropriate and the current law in certain situations, I believe, will actually encourage folks to try to get away with noncompliance, nondisclosure.

Finally, I ask this simple question in support of the amendment: If that is the right approach for the average American citizen, why should it not be the right approach for U.S. Senators, House Members, and members of the executive branch? Why do I say that? Well, if an average American citizen knowingly and willfully falsifies tax documents, guess what. They are in a heap of trouble and they face much greater potential consequences than a civil fine of up to $10,000. They absolutely face potential criminal charges. So if it is right and appropriate for the average American citizen, certainly the same rule should bear on Members of the Senate, Members of the House, and members of the executive branch, no more or less. What is fair is fair. We need to be treated like the average American citizen.

With that, I yield back my time and look forward to wrapping up this debate.

The PRESIDING OFFICER. Who yields time?

The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, we have no problem with this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mrs. FEINSTEIN. 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. LIEBERMAN. 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. LIEBERMAN. Mr. President, in about 5 minutes the Senate will vote on the amendment offered by the Senator from Louisiana, Mr. VITTER. First, I thank him for offering this amendment, which concerns the Ethics in Government Act, a law that falls within the jurisdiction of the Homeland Security and Governmental Affairs Committee, which I am privileged to chair in this session. The penalty provisions for disclosure violations under that act, the Ethics in Government Act, have not been addressed in some time. Senator VITTER's amendment begins to do that. I think it does it in an appropriate way. I intend to support the Senator's amendment.

As has been said, and I will repeat it, the amendment will increase the civil penalties that already exist under the act and will create a new penalty for knowing and willful falsification or failure to report, and that is a criminal penalty.

I note for my colleagues' benefit that the Homeland Security and Governmental Affairs Committee intends to take up reauthorization of the Office of Government Ethics this year.

I know that some of my colleagues are interested in offering amendments to this bill, S. 1, related to executive branch ethics. Obviously, I am happy to work with them on these amendments to see if any of those might appropriately be attached to this bill, such as the one we are voting on now.

But I also want to say on behalf of the committee that there may be some other proposed amendments that the committee believes need further deliberate consideration by the committee. I will be happy to work with my colleagues on those, urging them not to go forward on this bill, but with the promise that as we address the Office of Government Ethics reauthorization and other matters, that we will be glad to consider those proposals. As the hour approaches, I urge my colleagues to support this progressive amendment by the Senator from Louisiana.

I thank the Chair and yield the floor.

Mr. VITTER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

Mr. LIEBERMAN. Mr. President, I now yield back all of the remaining time and suggest that we go forward with the vote.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to amendment No. 7 offered by the Senator from Louisiana.

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Hawaii (Mr. INOUYE), and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senators were necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Idaho (Mr. CRAPO).

Further, if present and voting, the Senator from Idaho (Mr. CRAPO) would have voted ''aye.''

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

The result was announced—yeas 93, nays 2, as follows:

[Rollcall Vote No. 2 Leg.]

YEAS—93

Akaka	Dorgan	Mikulski
Alexander	Durbin	Murkowski
Allard	Ensign	Murray
Baucus	Enzi	Nelson (FL)
Bayh	Feingold	Nelson (NE)
Bennett	Feinstein	Obama
Biden	Graham	Pryor
Bingaman	Grassley	Reed
Bond	Gregg	Reid
Boxer	Hagel	Roberts
Brown	Harkin	Rockefeller
Bunning	Hatch	Salazar
Burr	Hutchison	Sanders
Cantwell	Inhofe	Schumer
Cardin	Isakson	Sessions
Carper	Kennedy	Shelby
Casey	Kerry	Smith
Chambliss	Klobuchar	Snowe
Clinton	Kohl	Specter
Coburn	Kyl	Stabenow
Cochran	Landrieu	Stevens
Coleman	Lautenberg	Sununu
Collins	Leahy	Tester
Conrad	Levin	Thomas
Corker	Lieberman	Thune
Cornyn	Lincoln	Vitter
Craig	Martinez	Voinovich
DeMint	McCain	Warner
Dodd	McCaskill	Webb
Dole	McConnell	Whitehouse
Domenici	Menendez	Wyden

NAYS—2

Lott Lugar

NOT VOTING—5

Brownback Crapo Johnson
Byrd Inouye

The amendment (No. 7) was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I want to engage the managers here. It is my understanding I will have time shortly to give a statement on Iraq. I don't want to interfere with the legislation on the floor, and I am asking whether this would be a good time for that statement to take about maybe 15, 20 minutes.

I see no objection.

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

IRAQ

Mr. BAUCUS. Mr. President, I am concerned about the deteriorating situation in Iraq. We need to change course. Let me urge my colleagues to consider a few principles for where I believe we should go from here.

Like my colleagues, I have received an outpouring of letters, e-mails, telephone calls. Montanans are split in how Americans should proceed, but one thing is clear: They all want to see an end to it. They want to see our men and women come home.

On October 20, a man from Cutbank, MT wrote me to say:

Yesterday was a very emotional day for me. I currently have a son serving in Iraq who does house-to-house raids and goes out on extended missions. My other son, who just joined the Army, informed me that he too will now be leaving for Iraq. As native Americans, my sons will be honored when they return home. We are proud of them. We are very proud of our native Americans who serve as warriors, but I am deeply concerned with what they face every day over there.

Amber, a military wife from Great Falls, MT writes:

I realize that my voice is a voice of millions that call for your assistance. However, I couldn't sleep at night knowing I didn't at least try to do what I think is right. My husband along with many others here in Montana is in Iraq right now, and just recently we lost a soldier from Billings. Help us bring the troops home where they belong with their families who miss them.

In September, Tom Gignoux, from Missoula, MT, a Marine Corps veteran with a Purple Heart wrote me to say this:

I no longer support the war in Iraq. I believe that mismanagement of the occupation and reconstruction has made the war unwinnable and is distracting us from the war on terrorism.

Mr. President, I believe it is time for our combat troops to come home from Iraq. America entered into this war with motivations that were clearly honorable, but they were mistaken. As the 9/11 Commission found, there was no connection between Iraq and the attacks on 9/11. There were no weapons of mass destruction. And the theory that America could, through invading Iraq, establish democracy that would spread throughout the region has proven a cruel joke.

If we knew then what we know now, I would not have voted for the war. If we knew then what we know now, I believe the results of that vote would have been different. Indeed, I doubt that we would even be asked to take that vote.

The administration was not up front with us. They presented faulty intelligence and faulty information, especially about weapons of mass destruction. Unfortunately, the quality of congressional decisionmaking was no better than the quality of the information upon which we relied.

Going into Iraq was a mistake. The premise was wrong. After September 11, 2001, we had international support to go after al-Qaida and to find Osama bin Laden. That is the mission we should be strongly pursuing—more strongly. Our resources are incorrectly being exhausted in Iraq. I cannot go back and change that vote, but I can work in a new direction.

I first commend our troops. They are wonderful. They have shown such courage, such exemplary strength. They are terrific. They removed the tyrant Saddam Hussein. They addressed the potential threat of weapons of mass destruction. They have done their job well. We are all proud of them. Their service has been outstanding. No one can argue against their contribution to our national security, and their dedication to their missions goes unmatched.

I believe in giving our soldiers, sailors, and airmen the proper equipment and tools they need to stay safe and to succeed. A year ago, I spoke about our responsibility to get as much funding as possible for the troops. I have criticized spending on high-tech weapons systems at the expense of boots on the ground. I voted in favor of every Defense bill and war supplemental since the war began.

I heard of families hosting bake sales to buy body armor. I have tried to do everything I could to protect our troops. But it is no longer enough.

Now our brave troops stand in the crossfire of a civil war. We have lost more than 3,000 troops in the escalating conflict. Just this week, the Iraqi Health Ministry reported that more than 17,000 Iraqis died in the second half of 2006. That is more than three times as many who died in the first half of 2006. And now, America has spent more time fighting this war than we spent in World War II.

I understand and sympathize with the Americans who continue to support this war because they do not want their family and friends to have died in vain. I know what they feel. I struggled with that last summer when my nephew Phillip died in Iraq. On July 29, Marine Cpl Phillip Baucus, my brother John's son, was killed during combat operations in the Al Anbar province. He was just 28 years old. Phillip was a bright and dedicated young man. He was like a son to me. He had a loving wife and a bright future. His death was devastating.

I know what it is like to wait on the flight line at Dover Air Force Base. I know what it is like to weep over the body of a fallen soldier and family member. I know what it is like to escort Phillip back from Dover to Montana. I know what it is like to pray for a reason, and to become determined not to lose.

I am not the only Montanan who has grieved. We are not a large State, but 14 Montanans have so far lost their lives in Iraq, and we grieve for them all. In fact, we in Montana send more troops to Iraq on a per capita basis than any other State in the Nation. Those men and women who have lost their lives have served a noble purpose. They have taught us lessons in courage, and we honor that courage by speaking out. We honor that courage by admitting that what we are doing is not working, and we honor that courage by finding a new direction.

A change in strategy is not defeat. A change in strategy is a recognition that things are not working. Moving forward, I urge the President and the Congress to consider four principles. First, we must not escalate the conflict. Second, we must train Iraqis to stand up for themselves. Third, we must start bringing our troops home by the middle of this year. Fourth, we must engage Iraq's neighbors and the world community to find a more political solution.

Let me explain in greater detail. First, I do not support the escalation in the number of American troops. Throwing more troops at the problem—especially a modest number, up to 20,000—is not a solution. Escalating the war is not a solution. We must not launch a strategy which has no benchmarks for its success. How long and at what cost do we add troops to the conflict? It is a mistake.

The Iraq Study Group is a prestigious and well-respected group. Secretary of Defense Robert Gates was a member. The study group said the current strategy in Iraq is not working. That is what this study says. But to this date, the President has not implemented any of the group's recommendations.

President Bush has stated numerous times that he listens to the commanders on the ground. American commanders on the ground have reported that al-Qaida has increasingly gained political influence among the Sunnis. General Abizaid told the Senate Armed Services Committee:

I believe that more American forces prevent Iraqis from doing more, from taking responsibility for their own future.

I urge the President to listen to what General Abizaid said and not just replace commanders who say things he does not want to hear.

Second, we should not have an open-ended commitment in Iraq. America must make that clear to the Iraqi Government. The war is now costing us $2 billion a week. That is $2 billion a week that is not being devoted to health care, veterans' benefits, or education.

There must be a more specific plan. The plan needs to outline how long our training efforts will continue, and the plan needs to show at what point the Iraqis will take over security of their own country.

Last weekend, Iraq's Prime Minister, Nuri al-Maliki, reiterated the need and his commitment to getting the Iraqi security forces to stand up on their own two feet. America should support these efforts. In short, our forces should stand down so the Iraqi forces can stand up.

Third, with a new focus on political solutions, the United States should start phased redeployment of combat troops in roughly 6 months, with the goal of having combat forces out of Iraq as soon as possible. Our troops are stretched too thin to address emerging threats around the world. There is something called opportunity cost. It is a technical term. But we are so focused on Iraq that we are not paying attention to other trouble spots in the world as much as we should. We must not focus solely on Iraq in blindness to the rest of the world.

Our troops are serving their third and fourth tours in Iraq. Some deployments have been extended for 12 to 18 months. Some troops no longer have a year to spend at home between deployments. I have seen firsthand in Montana how the Guard and Reserves are deployed in record numbers. They have served honorably and with my great admiration. But we need them on U.S. soil for homeland defense missions. The Active-Duty troops must not be overextended. They need to be ready to deploy around the world.

Finally, America must engage Iraq's neighbors more than we have. The Iraq Study Group named a peaceful solution to the Arab-Israeli conflict as a major potential contributor to the stability in Iraq. I strongly agree with that. That will take so much of the terrorists' energy out of their sails, frankly, if we could find a meaningful solution to the Israeli-Palestinian conflict. The Iraq Study Group said:

> The United States cannot achieve its goals in the Middle East unless it deals directly with the Arab-Israeli conflict and regional stability.

They continue:

> There must be renewed and sustained commitment by the United States to a comprehensive Arab-Israeli peace on all fronts.

We have taken too many steps backward in that conflict. Our invasion of Iraq has simply stirred up things way too much. It has caused problems. America's presence has opened the doors to terrorism and sectarian violence.

We must reengage and work toward peace and diplomatic solutions. We must seek increased participation of other nations both in a political way forward and also in reconstruction work. We should redouble our efforts to reach out to that nation and to our allies who also have an intense interest in peace in that region and work together toward a responsible exit.

In March of 1919, the Emir of Iraq, Feisal ibn Hussein, wrote to Supreme Court Justice Felix Frankfurter. This is what he said:

> We feel that Arabs and Jews are cousins in race, having suffered similar oppressions at the hands of powers stronger than themselves, and by happy coincidence they have been able to take the first step toward the mutual attainment of their national ideals together. . . .Indeed, I think neither can be a real success without the other. . . .I look forward . . . to a future in which we will help you and you will help us, so that the countries in which we are mutually interested may once again take their places in the community of civilized peoples in the world.

That is what the Emir of Iraq wrote in 1919.

America must renew its commitment to peace in the Middle East. We must work to regain the fleeting sense of optimism that can lead to political resolution. We must be positive. We must be the leaders that we Americans are. We must work to stop the spilling of blood in the land of Abraham.

I urge President Bush to listen to the Iraq Study Group. I urge him to listen to commanders such as General Abizaid. I urge him to listen to the American people. It is time for America to change its course. It is time for a new political effort. It is time to bring the troops home.

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

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

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak as in morning business.

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

PRESCRIPTION DRUGS

Mr. GRASSLEY. Mr. President, I am back here today, as I have been other days this week, to talk about the Medicare drug benefit and the debate about whether the Government would do a better job of negotiating with drug companies than the prescription drug plans that are doing so this very day under law of the last 2½ years. Over the past 2 days, I have talked about the fundamental structure of the drug benefit. I talked about the heart of it, of the drug benefit plan, as competition. Plans, with vast experience in negotiating with drug manufacturers, compete to get the best drug prices for Medicare. That is what is happening today to benefit our senior citizens. Plans that have been doing this for 50 years are negotiating with drug companies in a competitive way to get the best prices for Medicare senior citizens. To date, the proof is in the pudding. We have lower bids, we have lower beneficiary premiums, lower costs to the Government, and lower costs to our States. Most importantly, we have lower prices on drugs, meaning senior citizens get affordable drugs and low-income people do not have to choose between drugs and food. Remember, that was a goal we had in 2003 we passed this legislation.

I will give some examples of how this competition has worked. A draft PricewaterhouseCoopers study found in 2006 prescription drug plans achieved higher savings, 29 percent compared to unmanaged drug benefit expenditures. That is almost 100 percent greater than the 15-percent savings projected by Centers for Medicare and Medicaid Services and almost 50 percent greater than the savings estimated by the Congressional Budget Office way back when, in 2003, when we all thought if this program worked at all there would be some savings on prescription drugs for seniors. However, it has turned out to be much greater savings than we anticipated when we wrote the bill.

It isn't often that legislation we write comes back with a better benefit to the taxpayers, better benefit to our seniors or any group or population. Most often there are what we call cost overruns.

I believe it is fair to say that competition is working.

Yesterday, I talked about how this whole debate is based on nothing more than a distortion of language in what is called the noninterference clause in the existing legislation. This noninterference language was first included in legislation introduced by many of the same people now opposing it, and these people tend to be led by Members of the Democratic Party.

To be clear, that language, the noninterference language that people now are questioning, that period of time between 1999 and 2003, bills introduced by Members in the other party included this language and now, somehow, they do not like it.

I want to be clear that the impressions left by opponents of this part of the legislation that we do not have competition, we do not have negotiations, this language in the legislation does not prohibit negotiations to get drug prices down. Negotiations occur between private plans and the drug manufacturers regularly. You could not get those percentage decreases in prices I just mentioned—those percentages that are even greater than percentages we thought when we wrote the legislation—you would not get those without negotiation, you would not get those without competition.

I, also, pointed out in earlier speeches, so far, proposals to have the Secretary of HHS negotiate drug prices have not been shown to actually save

any money. Our beloved Congressional Budget Office tells us that they cannot project savings by having a Government bureaucrat negotiate instead of plans negotiating. Nevertheless, here we are, in the new Congress, discussing this matter once again.

What I want to do today is put forward a picture of what Government negotiations might look like. Admittedly, doing this will require some speculation. Why is that necessary? It is necessary because Democrats have not provided many details on how they actually envision their requirement that the Secretary negotiate how that will work. This is despite the fact that some opponents of the noninterference clause have demagoged this issue for nearly 3 years. After 3 years, they are still out there saying the noninterference clause ought to go, but there are no details on how their plan will work. They have given us a few clues as to their thinking on how they want it to work.

For the longest time, I heard it said that the Secretary of Health and Human Services should have the power to negotiate drug prices, as the Veterans' Administration does. With the Veterans' Administration as our guide, let's talk about the VA's approach to purchasing drugs and then ask you to consider, after you hear this, do you want to do it that way? This discussion will be somewhat technical, but I urge listeners to bear with me because we need to get beyond the Veteran's Administration sound bite. Everyone needs to have a good understanding of what this would mean for Medicare.

It is a fact that the Veterans' Administration uses different purchasing arrangements to get discounts on prescription drugs. But there is a big distinction between these purchasing arrangements. The Veterans' Administration has access to what we call the Federal supply schedule prices. Under the Federal supply schedule prices, the Government guarantees by law that it must get the best price in the marketplace. This means that the Federal supply schedule prices cannot exceed the lowest price that a manufacturer gives in comparable terms and conditions to a non-Federal customer such as the pharmacy benefit manager. Since that is technical, I will go over that once more. Under the Federal supply schedule, the Government guarantees by law that it must get the best price in the marketplace. But what this means is that the Federal supply schedule prices cannot exceed the lowest price that a manufacturer gives under comparable terms and conditions to a non-Federal customer, and that could include health plans, pharmacy benefit managers, and many others. Under Federal law, manufacturers must list their drug on the supply schedule to qualify for reimbursement under Medicaid.

Next, the VA can purchase drugs at the Federal ceiling price. Again, the Government passed a law to guarantee itself an automatic discount no one else can get. By law, that price is automatically 24 percent less than the average price paid by basically all non-Federal purchasers.

Isn't that a nice negotiating tactic? Pass a law and guarantee yourself a discount. The logical questions are, why not have Medicare access the Federal supply schedule—because people who want to do it such as the VA, that is where it takes you. Why not give Medicare the Federal ceiling price?

I will refer to a chart because experts have looked at this question, and we have assigned the Government Accountability Office to look into this. They had a year 2000 report on this. They say:

> Mandating that federal prices for outpatient prescription drugs be extended to a large group of purchasers, such as Medicare beneficiaries, could lower the prices they pay but raise prices for others.

In other words, raising prices for everybody else in America that is purchasing drugs. You heard that right: Raise prices on everybody else.

Who would face the higher prices under ''everybody else''? Small businesses, their employees, their families, to name a few. Those higher prices would likely force employers to reduce their prescription drug benefit or stop providing health insurance coverage altogether. Of course, that is an outcome I surely hope people want to avoid, but it may be an outcome that the proponents of doing away with the noninterference clause are not aware of. Or the people that are saying we ought to follow the VA practice may not be aware, that to save the taxpayers some money you are going to raise the price of drugs on everybody else in America, according to the Government Accountability Office.

The Government Accountability Office reached its conclusion by examining what happened to drug prices after Congress required drug manufacturers to pay rebates to State Medicaid Programs such as the Federal supply schedule, the Medicaid rebate program guarantees that the Government gets the best price in the marketplace.

What happened after the law was enacted? The best prices went up for everyone else. The practical effect was twofold: First, the size of rebates for State Medicare Programs got smaller. What the Federal Government wanted to accomplish to benefit the States did not happen. Second, other purchasers paid higher prices. One might ask why that might happen. Here is why: Drugmakers had to eliminate their best prices to private purchasers or face bigger rebates. That happens because if they gave 1 purchaser a best price, they then had to give the best price to 50 State Medicaid purchasers. One discount to a private purchaser could mean millions that a manufacturer would be forced to pay in rebates to the Government.

What do you think the drug companies did to counteract a well-intentioned act of Congress which ended with unintended consequences? The drug companies eliminated all the deep discounts so that they did not have to pay as much in mandatory rebates to Medicaid.

A 1996 study by the nonpartisan Congressional Budget Office examined the extent to which the Medicaid laws result in higher drug prices to everyone else. Listen to what our Congressional Budget Office concluded:

> Best price discounts have fallen from an average of over 36 percent in 1991 to 19 percent in 1994. Hence, although the Medicaid rebate appears on the surface to be attractive, it may have had unintended consequences for private purchasers.

The Federal Government passes a law to do good, and we find out we end up not doing so good. Almost a 50-percent reduction in best-price discounts; is that good? A nearly 50-percent reduction in the discounts received by purchasers such as health plans that serve employers and their employees; is that good? Of course, it is not. What this means is when those deep discounts went away, the price that everyone else pays for drugs went up. So those mandates, rebates to Medicaid made drug prices for everyone else higher.

Talk about unintended consequences. And we in the Senate who set these things up had the right intentions for doing it, but it has not worked out—unless you want to look at the good it did to the Federal Treasury and not count or not discount the harm it did to everyone else who paid higher prices.

To state it more simply, when discounts to a large purchasing group are based on discounts to another, no one gets a good discount. That is what the Government Accountability Office said in its 2000 report:

> Extending the Federal Supply Schedule . . . could also raise the prices paid by private and federal purchasers, as increases in prices, manufacturers charged their best customers would, in turn, increase Federal Supply Schedule prices.

Would opponents of the noninterference clause believe the congressional agencies, such as the CBO and the Government Accountability Office, that striking the noninterference clause would not be good? Ironic, isn't it, when the Government used price controls to mandate discounts to itself, it actually makes prices go up. I will go through that again. When the Government uses price controls to mandate discounts to itself, it actually makes prices go up. No person in their right mind concerned about the Federal Treasury or concerned about the cost of drugs to people in this country would say that meets the commonsensical test. But that is what happens.

During a 2001 hearing before the Senate Committee on Veterans' Affairs, my colleague, the senior Senator from Pennsylvania, Mr. ARLEN SPECTER, posed a question on this very matter. He asked whether adding Medicare to the VA and Department of Defense purchasing mix would produce greater

bulk discounts. The Veterans' Administration chief consultant for its Pharmacy Benefits Management Strategic Health Group answered that adding Medicare to the Federal Supply Schedule umbrella would result in increased drug prices for both the Veterans' Administration and the Department of Defense.

So, now, in addition to the Government Accountability Office and the Congressional Budget Office, the Veterans' Administration weighs in for itself, and the Department of Defense, that doing what repealers of the noninterference clause want to do will actually increase drug prices to the Veterans' Administration and the DOD. And people want to use the Veterans' Administration as a pattern to affect Medicare. So that is saying it for the third time.

If I could say it for another time, straight from the Veterans' Administration's mouth, itself: Extending VA prices to Medicare would make the VA's own drug prices increase.

And for one last time, the basic point they are making is, if you try to mandate discounts to everyone, then—what I have said a few minutes ago—no one gets a discount. Now, I am no economist, but that is basic economics. And not only that but it is common sense.

I think I have pretty much laid out why including Medicare in the Federal Supply Schedule is not as good an idea as its proponents may have made it out to be.

So now I want to go back to how the Veterans' Administration uses competitive bidding to get the discounts they say they want to use as a pattern for the Medicare Program.

Let me start by giving you an important piece of information. The Veterans' Administration has its own pharmacy benefits manager. More than a decade ago, as part of a major initiative to improve the care delivered, the Veterans' Administration formed a pharmacy benefits manager, better known around here as a PBM.

So you will probably wonder why they did that. Because, as stated in the VA news release, they wanted to maximize a strategy used by the private sector. You have people who want to have Medicare do it like the VA does it, but the VA set up a very special program because they wanted to learn something from the private sector.

A primary responsibility of the PBM for the Veterans' Administration was to develop a national formulary. The Government learned that from the private sector, the very same people they are finding complaints about now. They wanted to set up a national formulary.

A formulary is the list of drugs that a plan will cover. Basically, if your drug is not on the list, it is not covered.

A 2005 article in the American Journal of Managed Care, coauthored by the Veterans' Administration's staff and university-based researchers, stated that the Veterans' Administration created the national formulary to achieve two main goals.

First, the Veterans' Administration wanted to reduce the variation in access to drugs across its many facilities throughout the United States. In other words, they wanted to put a VA bureaucrat between the doctor and the patient. Doctors could not subscribe to everything that they thought that patient might need because if it was not on the formulary, they could not prescribe it.

Second, the VA wanted to use the formulary as leverage to get lower prices for drugs. Let me repeat that because it is important. The Veterans' Administration created a national formulary to create the leverage it needed to get lower prices for drugs.

That goes back to the point I made a couple days ago. The ability to get good discounts does not result from the sheer number of people a purchaser buys for. The ability to get good discounts comes from how the purchaser leverages those numbers. That leverage comes from a purchaser threatening to exclude a drug from the formulary. So it eventually comes down to threats.

The Veterans' Administration uses its formulary to say: Give me a better price or else—or else we are not going to buy your drugs at all.

As I said earlier, the Veterans' Administration was intentionally adopting a private sector strategy when it started using a formulary to get lower drug prices. The Medicare prescription drug plans also use formularies to negotiate lower drug prices. The most important thing about the VA formulary is that it is one big national formulary.

The biggest difference between the VA and Medicare is that beneficiaries have choices.

Let me make that clear. The biggest difference between how the VA does it and how the plans do it—the plans that are approved by the Secretary of Health and Human Services for the senior citizens of America and Medicare—the biggest difference is the beneficiaries have choices. They can choose their plans with different formularies. So Medicare bureaucrats are not coming between the patient and the doctor like VA bureaucrats are coming between the patient and the doctor. You can run into this in your town meetings because I had people come up to me and complain about the VA: My doctor says I ought to have this drug because the drug that the VA wants me to take has side effects.

And they come to me and say: How come the VA won't pay for this drug because it is better for me, according to my doctor?

And their answer is: Because the VA wants to save money. So you have a Government bureaucrat deciding what is best for your health instead of your doctor.

But the principle behind the prescription drug bill that Senator BAUCUS and I wrote was that we were not going to have the bureaucrat getting in the medicine cabinet of a person, of senior citizens. We wanted every therapy available. That is the way it is written, and that is the way it is being carried out. So I wonder if people who say you ought to change this and do it the way the VA does it know how you are negatively affecting the senior citizens of America.

The way senior citizens can do it is they have choice. They can enroll in a plan that covers their drugs. They can enroll in a plan that allows them to use their neighborhood pharmacy. The VA does not do business with every pharmacist in America. So you are hurting your local pharmacist when you do business that way.

Under the Veterans' Administration programs, veterans do not have a choice. They cannot choose a different plan, and they have to use the VA's own pharmacy, not the pharmacy down the street. Using a limited number of VA-controlled pharmacies and mail-order pharmacies also helps keep VA costs down.

But one of the things we wanted to accomplish in the prescription drug bill, Part D, was to make sure the Government did not use its leverage to hurt local pharmacists. And we put several things in—a requirement you had to have a brick-and-motor pharmacist in every plan. So we have some requirements to help pharmacies that the VA does not even worry about. And I have to confess to the community pharmacists of America, we still have a lot of work to do to help them so they benefit from this program like we intended. There are some unintended consequences to what we did, even considering the fact we took the community pharmacists into consideration.

Under the VA program, then, you do not have a local pharmacist to go to. When they do not use the local pharmacist the way we do, when they use all these mail-order pharmacies, they hurt the local pharmacist, but they are saving some money.

Also, there is limited access to drugs, limited access to retail pharmacies. That is how the VA works. So do you want to force that upon the senior citizens of America?

I would like to go to another chart now. The Los Angeles Times put it best in an article on November 27 of last year. According to the Los Angeles Times:

> VA officials can negotiate major price discounts because they restrict the number of drugs on their coverage list. . . .In other words, the VA offers lower drug prices but fewer choices.

So do you want to offer fewer choices to our seniors? That is not what we wanted when we wrote the Medicare bill. We wanted to keep CMS bureaucrats out of the Medicare medicine cabinet of every senior citizen.

So what would it mean if the Government negotiated lower drug prices for Medicare in a national system like the Veterans' Administration? It would

mean having a more limited formulary. And it would mean having the Veterans' Administration bureaucrat between you and your doctor.

So I would go to a chart that would make this more picturesque and more clear to you. This chart shows what this would mean. It would mean that instead of having 4,300 drugs available to them, beneficiaries would have about 1,200 drugs available. If Medicare used a national formulary like the VA, it would mean that 70 percent of the prescription drugs could not be covered by Medicare. Only 30 percent of the drugs covered today would be covered.

Then let's get into some specific drugs, about major problems we are trying to treat today, such as diabetes or cholesterol. There, too, if the Government negotiated for Medicare like it does for VA, it would mean fewer drugs covered by Medicare.

In the case of treatment for depression: 65 percent covered; 35 percent not covered. In the case of treatment for high cholesterol: 54 percent covered, 46 percent not covered. It seems that by looking at these drugs, if the Government used the VA model, our senior citizens would not be as well served.

Now, maybe you can make an argument we are not treating our veterans right. We appropriate more money every year for veterans health programs. And we have to because the needs are there and we made a promise. We have to keep the promise to the veterans. But I think veterans watching this could say: Well, why not cover these? Why not cover these? Well, I have given the reason. We want to save taxpayers money. But it is completely opposite what we wanted to accomplish under the Medicare bill to serve our senior citizens: everything being available, and to save the taxpayers money through competitive bidding.

This could also mean that beneficiaries could not get their prescriptions filled at the most convenient pharmacy for them. That is not what we wanted when writing the bill. We put seniors first. Those who want to repeal it, it seems to me, they are putting bureaucrats first, or at least they are putting bureaucrats between the doctor and the senior citizen. In many cases, those realities have led Medicare-eligible veterans to enroll in Medicare drug programs so they will have coverage for drugs not covered by the VA.

When I held my town meetings as we were rolling out this new drug program, I had veterans say: Well, does this mean I have to get out of the veterans program?

I said: If you are satisfied with the veterans program, you can stay in it. You do not have to do anything. If you decide later on you want to get into one of these programs, you can do it without penalty.

So they had the best of both worlds. If they were satisfied with the VA, keep it. But we have evidence that some of them are leaving the VA program to join the program of Part D Medicare. Even though many veterans have very good drug coverage, almost 40 percent of the veterans with VA benefits and Medicare coverage are enrolled in Part D. So when you get beyond the easy sound bites, when you get to the facts, applying the VA system to Medicare is neither as easy as it sounds nor will it likely have the effect that the proponents suggest.

It now appears that even they have begun to figure this out because now, when the rubber hits the road, when they have to produce something, they introduce a bill—and I am referring now to a bill of the other body—that explicitly prohibits the Secretary from creating a formulary.

In fact, the Los Angeles Times reported last week that a House Democratic leadership aide said, ''We felt we couldn't go as far as the Veterans Affairs [Department] does.''

Under the House Democrats bill, Medicare can't have a formulary. As I tried to make clear here today, the drug formulary is the key to negotiating lower drug prices. The House Democrats bill prohibits the Government from having a national formulary. No formulary means no negotiations, no leverage over drug companies. In reality, the Democratic proposal on negotiation actually prohibits the Government from negotiating. Under their plan for Government negotiation, the Government won't be able to say no to a drug company. With no formulary to bargain with, the drug companies could say something like this: No, why should I give you that price if you can't exclude me or charge higher cost sharing?

At the same time, the House Democrats bill repeals the prohibition on the Government setting a pricing structure. So if the Government cannot negotiate because it can't have a formulary, if there is no prohibition on Government price structure, where does that leave us? Sounds like price controls to me. Experience shows that when the Government sets prices for itself, when it gives itself mandatory discount, prices go up for everyone, higher prices for everyone else. Why would anyone want that sort of a situation?

Everyone always asks, why not have Medicare work like the VA program to get lower drug prices. I think I have laid out why that idea might not be as good as the proponents have made it sound. Having Medicare work like the VA could mean fewer drugs covered, restricted access to community pharmacies, more use of mail-order pharmacies and higher drug prices for everyone else. I can't imagine that is what people want.

So where does that leave us? The Medicare plans are working today. I say that based upon several polls that show 80 or so percent of the seniors are satisfied. The plans are also delivering the benefits to Medicare beneficiaries. These private sector plans have the experience of negotiating better prices. These Medicare negotiators have proven their ability to get lower prices. The Medicare plans are negotiating with drug companies using drug formularies within the rules set by law, and the formularies are basic for that negotiation.

Last week on the Senate floor, the Senator from Illinois said that the law ''took competition out of the program so that [the drug companies] could charge whatever they want.'' That is not true. We have the 50-year experience of the Federal Employees Health Benefit Program negotiating for every Federal employee to keep costs down to the citizen as well as to the taxpayers. We patterned it something like that. And quite frankly, when we patterned it for the senior citizens under Medicare, I wasn't entirely sure we would get all the plans interested, that we would have the competition we ended up having. It has worked beyond our expectation. And thank God it did, because I am not sure we had that kind of expectation out of it. But it sure worked. Thank God something worked a little bit better than we anticipated it would work.

So we had a Senator saying that we took competition out of the program. Competition is what this program is all about, and that competition is working. Costs are lower. Premiums are lower. Let me quantify how premiums are lower, because when we were writing the bill in 2003, we were figuring at what price, somewhere between $35 and $40 a month, could we get seniors to join. Over that, we would have problems. Competition has brought it in at $23 last year and $22 this year on average. So these organizations remain in the best position to get lower prices for Medicare beneficiaries and taxpayers.

I yield the floor.

Mr. LIEBERMAN. Mr. President, I thank the Senator from Iowa.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill 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 (Mr. LIEBERMAN). Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I ask unanimous consent that I be permitted to proceed as in morning business for not to exceed 5 minutes in order to submit a resolution.

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

The Senator from Maine is recognized.

Ms. COLLINS. I thank the Chair.

(The remarks of Ms. COLLINS pertaining to the submission of S. Res. 22 are located in today's RECORD under ''Submission of Concurrent and Senate Resolutions.'')

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

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

Mr. COLEMAN. Mr. President, I ask unanimous consent to speak as in morning business.

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

IRAQ

Mr. COLEMAN. Mr. President, having recently returned from another visit to Iraq serving as a member of the Foreign Relations Committee, I come to the floor this afternoon to express my views on the most pressing issue facing our country today: our path to success in Iraq. The Iraq Study Group recently stated the situation in Iraq is grave and deteriorating. When the current path isn't working, you have to be flexible. You have to shift. You have to make a change. And, clearly, in Iraq today we have to make a change. The President of the United States, on Friday, said the same thing.

In December I met with Iraqi political leaders, U.S. troops and their leaders, as well as our diplomats on the ground. Our conversations with this broad range of individuals helped me draw various conclusions that are key to evaluating the proposals currently being debated. In light of the President's upcoming announcement of his strategy for Iraq, I think it is important to share these conclusions.

It is easy to lose sight of the fact that we are in Iraq as part of a Global War on Terror. There is no question that Iraq has become the key battleground of this war. Failure cannot be an option in either the overall war on terror or in Iraq. As the President has correctly stated, this is the battle of this generation. With menacing regimes in Iran and Syria, we cannot dismiss the fact that a failed state in Iraq would lead to much more than chaos and collapse in that nation. It would destabilize a critical region of the world and, most alarmingly, would create a breeding ground for terrorists whose ambitions do not stop at Iraq's borders. Americans—all Americans—have a direct stake in winning this war.

We know the United States will be involved in the war on terror for the foreseeable future. The question is, How do we move forward in Iraq? How do we fight this war? And, where do we put our troops?

From my experience in Iraq, I know now, or at least I believe, that we are fighting it essentially on two fronts. The first is the war we intended to fight: a war against terrorists, primarily Sunni extremists and foreign jihadists linked to al-Qaida—foreign terrorists. The other war is a war between the Iraqis themselves: Shiite against Sunni, in a seemingly endless cycle of grisly violence. Our military must continue the battle against extremists and terrorists, but we have no business being caught in the crossfires of an Iraqi sectarian conflict.

The good news is we have had great success in fighting the war on terror, imposing crippling losses on the international jihadist network which today operates in Iraq. Indeed, during my visit in December with marines from Minnesota stationed in Anbar, they reported they were making great headway against the insurgency there. I am proud of their accomplishments, and I firmly believe these military victories directly enhance our security at home. But to secure the ground that these marines have cleared of insurgents in places such as Fallujah, they need Sunni police officers. They need Sunni members of the Iraqi Army. They need reconciliation between Sunni and Shia. So as we continue to fight the first war, the war against terrorists, we need also to address the second war, that of Iraqi against Iraqi.

The overall consensus I found in Iraq is that we will be unable to hold on to the ground we have gained on the first front without addressing the second front: Iraqi sectarian violence. This violence is spiraling rapidly and is undermining the success we have made against the terrorists. If the Iraqi security forces, both Army and police, are to someday soon take over the fighting of the insurgency from U.S. troops, it is clear that intergroup violence must be brought under control. The Iraqi security forces must include all Iraqis: Sunni, Shiite, Kurd, and others. To be certain, our efforts cannot succeed if sectarian hatred is not addressed at the highest level of the Iraqi Government immediately.

The only long-term solution for bringing stability to Iraq must be centered on national reconciliation. It is true that after decades of Sunni violence led by Saddam Hussein and his regime, the Shiites still have unaddressed grievances. But this does not call for, nor permit, neighborhood-by-neighborhood ethnic cleansing, nor a refusal to work together for the future of all Iraqis. Shiites may be able to win short-term victories through the use of violence, but in the long term they will not have a unified country if they continue to do so. Iraqi leaders should focus on reining in all sectarian groups under the umbrella of a national and inclusive political process. This is a solution that can only be led by the Iraqis themselves.

With no doubt, this sectarian violence was left to grow unchecked for far too long. Even so, it is not too late to get Iraq back to stable footing. But it will come from dialogue and political compromise enforced by a central government prepared to take on militias under the control of religious sects, clans, and even common criminals. We must get to the point where Iraqi citizens express their views through political channels instead of through violence. The Iraqis are the masters of their own destiny, and it is important that our strategy regard them as such.

Since my trip to Iraq in December, I have been calling for the Iraqi Government to establish a series of benchmarks that will diffuse the sectarian violence and stabilize the country politically and economically. These benchmarks would include an oil revenue-sharing agreement and economic assistance to areas that have been neglected in the past. The reality is not putting resources in Anbar Province because it is Sunni, and so as a result, what you get is a feeding of insurgency by the actions of a government that has not been prepared to address the issue of sectarian violence. We will be a better supporter of the Iraqi Government if we pressure them to create and adhere to these benchmarks rather than assuming that this fractured Government will take this on by themselves. I fear that up to this point the Iraqi leadership has not stepped up to the plate to make the difficult decisions that are necessary to pave the road for a political solution.

When I was in Iraq with Senator BILL NELSON from Florida, we met with the Iraqi National Security Adviser to Maliki, Dr. Rubaie, who contended that sectarian violence wasn't the main problem, but the problem was the foreign terrorists and was the Sunni insurgency. That is not the case. As a Senator responsible for looking after the best interests of my constituents and all Americans, I take seriously the responsibility of Iraqi political leaders to honor the sacrifices that are being made by American soldiers. I refuse to put more American lives on the line in Baghdad without being assured that the Iraqis themselves are willing to do what they need to do to end the violence of Iraqi against Iraqi. If Iraq is to fulfill its role as a sovereign and democratic state, it must start acting like one. It is for this reason that I oppose the proposal for a troop surge. I oppose the proposal for a troop surge in Baghdad where violence can only be defined as sectarian. A troop surge proposal basically ignores the conditions on the ground, both as I saw on my most recent trip and reports that I have been receiving regularly since my return. My consultations with both military and Iraqi political leaders confirms that an increase in troops in areas plagued by sectarian violence will not solve the problem of sectarian hatred. A troop surge in Baghdad would put more American troops at risk to address a problem that is not a military problem. It will put more American soldiers in the crosshairs of sectarian violence. It will create more targets. I just don't believe that makes sense.

Again, I oppose a troop surge in Baghdad because I don't believe it is the path to victory or a strategy for victory in Iraq. I recognize there are those who think otherwise. The Iraqi

Study Group, in their report, said that they could, however, support a short-term deployment, a surge of American combat forces to stabilize Baghdad or to speed up the training and equipping mission if the U.S. commander in Iraq determines that such standards would be effective.

I sat with the President with Democratic colleagues and Republican colleagues. I know that he has weighed this heavily, and I know he has looked at this issue for a long time. Apparently, he has come to the conclusion that, in fact, a troop surge would be helpful. I believe his comments will contain—hopefully contain—discussions about benchmarks and contain a commitment to do those things to rebuild the economy and create jobs so that we get rid of some of the underlying causes and frustrations that feed the insurgency. But the bottom line is, again, at this point in time, it is sectarian violence that I believe is the major issue that we face and more troops in Baghdad is not going to solve that problem.

As one of the final conclusions to share of my experience in Iraq, I would also like to emphasize the significant role of Iran in fomenting instabilities. Across the board, my meetings with Iraqi officials revealed that the Iranians are driving instability in Iraq by all means at their disposal. We had a hearing today in the Foreign Relations Committee and one of the speakers, one of the experts said that it may be, and it is probably clear that, the Iranians have a stake in American failure in Iraq and its stability in the region, and they feed on that. Indeed, there are credible reports that Iran is currently supplying money and weapons to both its traditional Shiite allies and its historic Sunni rivals, all for the purposes of ensuring a daily death toll of Iraqi citizens. It is clear the Iranians have concluded that chaos in Iraq is in their direct interest. Iran's role thus far, not to mention their pursuit of nuclear weapons, makes it hard to believe that they might suddenly become a constructive partner in the stabilization of Iraq.

I want to point out that my commitment to success in Iraq has not changed, nor my willingness to consider options that would realistically contribute toward our goals there. In my trips to Iraq, I have gone with an open mind as to what next steps could be taken as we work with the Iraqis to stabilize their country. I have said all along that the stakes of our mission in Iraq are such that failure is simply not an option, and I will only support proposals that will steer the United States toward victory. Abandoning Iraq today would precipitate an even greater surge of ethnic cleansing. It would, as I indicated before, precipitate an episode of instability and chaos in the region that would be in no one's interest. But my most recent trip to Iraq also reaffirmed to me that it is the Iraqis who must play the biggest role in any strategy for success. Our investment must be tied to their willingness to make the tough choices needed to pave the way to stability and for them to act on them.

I represent Minnesota, but if I represented Missouri, I think I would simply say to Maliki: Show me. Show me your resolve. Show me your commitment. Show me that you can, in fact, do the things that have to be done to deal with the sectarian violence, and then we can talk about enhancing and increasing the American effort. I haven't seen it. I don't see it today, and as such, I am certainly not willing to put more U.S. troops at risk.

Mr. President, I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator from Colorado.

Mr. SALAZAR. Mr. President, what is the pending business?

The PRESIDING OFFICER. The Vitter amendment, No. 10, is the pending amendment.

AMENDMENT NO. 15 TO AMENDMENT NO. 3

Mr. SALAZAR. I ask unanimous consent that the pending amendment be set aside so that I can offer amendment No. 15.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado (Mr. SALAZAR), for himself and Mr. OBAMA, proposes an amendment numbered 15 to amendment No. 3.

Mr. SALAZAR. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To require Senate committees and subcommittees to make available by the Internet a video recording, audio recording, or transcript of any meeting not later than 14 days after the meeting occurs)

At the appropriate place, insert the following:

SEC. ___. PUBLIC AVAILABILITY OF SENATE COMMITTEE AND SUBCOMMITTEE MEETINGS.

(a) IN GENERAL.—Paragraph 5(e) of rule XXVI of the Standing Rules of the Senate is amended by—

(1) by inserting after ''(e)'' the following: ''(1)''; and

(2) by adding at the end the following:

''(2) Except as provided in clause (1), each committee and subcommittee shall make publicly available through the Internet a video recording, audio recording, or transcript of any meeting not later than 14 days after the meeting occurs.''.

(b) EFFECTIVE DATE.—This section shall take effect October 1, 2007.

Mr. SALAZAR. Mr. President, I rise today to discuss amendment No. 15, which is being offered by myself and the Senator from Illinois, BARACK OBAMA. The amendment is a very simple amendment but a very important one as we undertake our effort to revise the ethics rules of the Congress. The amendment simply requires that each Senate committee and subcommittee make available on the Internet either a video recording, an audio recording or a transcript of every meeting that is open and that those documents be made public within 14 days of the meeting's adjournment, unless a majority of the committee members decide otherwise.

I was surprised, frankly, to realize how difficult it is for all of our constituents to learn about the work we do in this Senate and Congress because most of that work occurs in the committees of our legislative Chamber. Most of those committee meetings are not broadcast. There are a few occasionally that get broadcast on C–SPAN or that are picked up by one of the networks, but that is a rare occurrence. It is an exception to receive that kind of broadcast. So, as far as the public of the United States is concerned, most of the work we do in committees—which is where most of the work actually occurs for our legislative activity—is work that actually occurs in the dark.

While Senate rules require that committee meetings be open to the public and that each committee prepare and keep a complete transcript or electronic recording of all of its meetings, it still remains very difficult for citizens to figure out what actually goes on in our committee rooms. According to one estimate, a transcript or electronic recording is available online for only about one-half of all Senate committee and subcommittee hearings. Only for one-half of those hearings is there made available a transcript that the public can actually access. That number is far too low. There is no reason why, in this day of modern technology and communications, we should not be able to achieve a goal of 100 percent.

I know we often refer to Justice Brandeis because he was one of those great jurists who really illuminated our times with some of his wisdom, his jewels that have become almost cliches that captured the moment. I remember Justice Brandeis's famous line where he said, ''Sunshine is said to be the best of disinfectants.''

Those words are as true now as ever. We have seen an unprecedented level of secrecy in the legislative process. We have seen one-party conference committees where, just because you happen to be of the other party, you were not allowed to participate in the conference committee or you were not even notified that a conference committee was, in fact, meeting. We have seen provisions that are slipped into conference committee reports that were not passed by either Chamber. Those kinds of procedures and tactics are often used. That kind of secrecy is

part of what has caused a lack of confidence of the American people in our institutions in Washington, DC.

The time for secret government is over. This legislation we have been considering over the last several days, and hopefully will bring to conclusion this week or next week, will be a great first step in making sure we are returning government back to the people and integrity back to the processes which we oversee in the Congress.

I hope my colleagues can join us as we move forward with this amendment. I will quickly add that the amendment will create no serious burden for the committees of our Senate. First, our committees will have until October 1 of 2007 to adjust their practices. Second, they have three options: They can do audio, they can do video, they can do transcript—whichever option they choose—in order to comply with the provisions of my amendment. Third, many of the committees are already posting this information online.

One central purpose of this bill is to improve transparency in the legislative process. My amendment is an important step in that direction. I urge my colleagues to support this amendment. I thank Senator OBAMA for his support of this amendment and I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 2 TO AMENDMENT NO. 3

Mr. LEAHY. Mr. President, I understand that amendment No. 2 is at the desk.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside and the clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for himself and Mr. PRYOR, proposes an amendment numbered 2 to amendment No. 3.

Mr. LEAHY. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To give investigators and prosecutors the tools they need to combat public corruption)

At the appropriate place, insert the following:

SEC. _____. EFFECTIVE CORRUPTION PROSECUTIONS ACT OF 2007.

(a) SHORT TITLE.—This section may be cited as the ''Effective Corruption Prosecutions Act of 2007''.

(b) EXTENSION OF STATUTE OF LIMITATIONS FOR SERIOUS PUBLIC CORRUPTION OFFENSES.—

(1) IN GENERAL.—Chapter 213 of title 18, United States Code, is amended by adding at the end the following:

''§ 3299. Corruption offenses

''Unless an indictment is returned or the information is filed against a person within 8 years after the commission of the offense, a person may not be prosecuted, tried, or punished for a violation of, or a conspiracy or an attempt to violate the offense in—

''(1) section 201 or 666;

''(2) section 1341, 1343, or 1346, if the offense involves a scheme or artifice to deprive another of the intangible right of honest services of a public official;

''(3) section 1951, if the offense involves extortion under color of official right;

''(4) section 1952, to the extent that the unlawful activity involves bribery; or

''(5) section 1963, to the extent that the racketeering activity involves bribery chargeable under State law, or involves a violation of section 201 or 666.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 213 of title 18, United States Code, is amended by adding at the end the following:

''3299. Corruption offenses.''.

(3) APPLICATION OF AMENDMENT.—The amendments made by this subsection shall not apply to any offense committed more than 5 years before the date of enactment of this Act.

(c) INCLUSION OF FEDERAL PROGRAM BRIBERY AS A PREDICATE FOR INTERCEPTION OF WIRE, ORAL OR ELECTRONIC COMMUNICATIONS AND AS A PREDICATE FOR A RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS OFFENSE.—

(1) IN GENERAL.—Section 2516(c) of title 18, United States Code, is amended by adding after ''section 224 (bribery in sporting contests),'' the following: ''section 666 (theft or bribery concerning programs receiving Federal funds),''.

(2) IN GENERAL.—Section 1961 of title 18, United States Code, is amended by adding after ''section 664 (relating to embezzlement from pension and welfare funds),'' the following: ''section 666 (relating to theft or bribery concerning programs receiving Federal funds),''.

(d) AUTHORIZATION FOR ADDITIONAL PERSONNEL TO INVESTIGATE AND PROSECUTE PUBLIC CORRUPTION OFFENSES.—There are authorized to be appropriated to the Department of Justice, including the United States Attorneys' Offices, the Federal Bureau of Investigation, and the Public Integrity Section of the Criminal Division, $25,000,000 for each of the fiscal years 2008, 2009, 2010, and 2011, to increase the number of personnel to investigate and prosecute public corruption offenses including sections 201, 203 through 209, 641, 654, 666, 1001, 1341, 1343, 1346, and 1951 of title 18, United States Code.

Mr. LEAHY. Mr. President, I am pleased to join with Senator MARK PRYOR to offer an amendment to the ethics bill, the Effective Prosecutions Act of 2007. Our amendment would strengthen the tools available to Federal prosecutors in combating public corruption. It gives investigators and prosecutors the statutory rules and resources they need to assure that corruption is detected and prosecuted.

In November, voters sent a strong message that they were tired of the culture of corruption. From war profiteers and corrupt officials in Iraq to convicted administration officials, to influence-peddling lobbyists and, regrettably, even Members of Congress, too many supposed public servants are serving their own interests rather than the public interests.

Actually, the American people staged an intervention and made it clear they would not stand for it any longer, and they expect Congress to take action. We need to restore the people's trust by acting to clean up the people's government.

The Legislative Transparency and Accountability Act will help to restore the people's trust. Similar legislation passed the Senate last year, but stalled in the House. This is a vital first step.

But the most serious corruption cannot be prevented only by changing our own rules. Bribery and extortion are committed by people who are assuming they will not get caught. These offenses are very difficult to detect and even harder to prove. But because they attack our democracy itself, they have to be found out and punished. We can send a signal we don't believe in corruption, that we want it punished.

I was pleased to join Senator PRYOR last week to introduce the Effective Corruption Prosecutions Act of 2007, and I hope that all Senators will support us and incorporate this important bill into the Legislative Transparency and Accountability Act. Our legislation gives investigators and prosecutors the tools and resources they need to go after public corruption.

Senator PRYOR is a former attorney general. He understands, as I do, as I am a former prosecutor, the need for such legislation.

First, it would extend the statute of limitations for the most serious public corruption offenses, extending it from 5 years to 8 years for bribery, deprivation of honest services, and extortion by public officials.

The reason this is important is these public corruption cases are among the most difficult and time consuming to investigate, before you even bring a charge. They often require use of informants and electronic monitoring, as well as review of extensive financial and electronic records, techniques which take time to develop and implement. Once you bring a charge, the statute of limitations tolls. You do not want it to run out before you can bring the charge.

Bank fraud, arson, and passport fraud, among other offenses, all have 10-year statutes of limitations. Since public corruption offenses are so important to our democracy and these cases are so difficult to investigate and prove, a more modest extended statute of limitations for these offenses is a reasonable step to help our corruption investigators and prosecutors do their jobs. Corrupt officials should not be able to get away with ill-gotten gains simply because they outwait the investigators.

This legislation also facilitates the investigation and prosecution of an important offense known as Federal program bribery, Title 18, United States Code, section 666. Federal program bribery is the key Federal statute for prosecuting bribery involving State and local officials, as well as officials of the many organizations that receive substantial Federal money. This legislation would allow agents and prosecutors investigating this important offense to request authority to conduct wiretaps and to use Federal program bribery as a basis for a racketeering charge.

Wiretaps, when appropriately requested and authorized, are an important method for agents and prosecutors to gain evidence of corrupt activities, which can otherwise be next to impossible to prove without an informant. The Racketeer Influenced and Corrupt Organizations, RICO, statute is also an important tool which helps prosecutors target organized crime and corruption.

Agents and prosecutors may currently request authority to conduct wiretaps to investigate many serious offenses, including bribery of Federal officials and even sports bribery, and may predicate RICO charges on these offenses, as well. It is only reasonable that these important tools also be available for investigating the similar and equally important offense of Federal program bribery.

Lastly, the Effective Corruption Prosecutions Act authorizes $25 million in additional Federal funds over each of the next four years to give Federal investigators and prosecutors needed resources to go after public corruption. Last month, FBI Director Mueller in written testimony to the Judiciary Committee called public corruption the FBI's top criminal investigative priority. However, a September 2005 Report by Department of Justice Inspector General Fine found that, from 2000 to 2004, there was an overall reduction in public corruption matters handled by the FBI. The report also found declines in resources dedicated to investigating public corruption, in corruption cases initiated, and in cases forwarded to U.S. attorneys' offices.

I am heartened by Director Mueller's assertion that there has recently been an increase in the number of agents investigating public corruption cases and the number of cases investigated, but I remain concerned by the inspector general's findings. I am concerned because the FBI in recent years has diverted resources away from criminal law priorities, including corruption, into counterterrorism. The FBI may need to divert further resources to cover the growing costs of Sentinel, their data management system. The Department of Justice has similarly diverted resources, particularly from United States Attorney's Offices.

Additional funding is important to compensate for this diversion of resources and to ensure that corruption offenses are aggressively pursued. This legislation will give the FBI, the U.S. attorneys' offices, and the Public Integrity Section of the Department of Justice new resources to hire additional public corruption investigators and prosecutors. They can finally have the manpower they need to track down and make these difficult cases, and to root out corruption.

These may sound like dry nuts-and-bolts measures, but what we are trying to figure out is what will actually allow us to investigate and prosecute the kinds of crimes that undermine our democracy.

If we are serious about addressing the egregious misconduct that we have recently witnessed, Congress must enact meaningful legislation to give investigators and prosecutors the resources they need to enforce our public corruption laws. I strongly urge Congress to pass this important amendment as a major step to restoring the public's trust in their government.

The PRESIDING OFFICER (Mr. BROWN). The Senator from Utah.

Mr. BENNETT. Would the Senator from Vermont yield for some questions?

Mr. LEAHY. Certainly.

Mr. BENNETT. Mr. President, my first question is whether the Department of Justice has asked for this and whether they need these additional resources to deal with the challenges.

Mr. LEAHY. Mr. President, if I might answer that, last month the FBI directed written testimony to the Judiciary Committee. When GAO looked at it, the Department of Justice Inspector General found the numbers had gone way down partly because some of the resources had been converted to other matters. Regarding financial resources, as the distinguished Senator certainly knows, as he is on the Committee on Appropriations, enormous amounts of money were diverted to the very difficult setup of the computer system, the central system, and the FBI. Hundreds and hundreds and hundreds of millions of dollars literally went down the drain, and they have had to start all over.

I understand from Director Mueller's assertion that there has been an increased number of agents investigating public corruption cases, but it also appears that the resources have not been there.

If they don't want it, send it back to the Treasury. What I am concerned about, I say to my friend from Utah, and he is my friend, I recall in prosecutor days when legislative bodies would say, Boy, we are going to cut down on crime, we are going to give more crimes increased penalties; that will stop crime. And I said, Well, are you going to give us the resources to catch the people? No, we don't have money for that, but we will double the penalty.

The fact is, if somebody commits a crime, they figure they won't get caught. On some of these sophisticated bribery cases, and I include influence-peddling cases, they think if they can wait out the short statute of limitations, the 5-year statute of limitations, they can get away with it. We will at least increase that to 8 years. It should be out there somewhere near sports bribery, which I believe is 10 years.

Mr. BENNETT. Mr. President, I thank the Senator for his answer.

It seems to me this is more of an appropriations issue rather than something that is relevant to this bill. I remember in history that Members of Congress who were involved in ABSCAM were picked up without the additional authority that is in this amendment. I remember Mayor Marion Barry, the Mayor of Washington, was videotaped with existing powers and existing resources at that time without the additional information of this amendment. As we have said, both Jack Abramoff and Duke Cunningham are in jail under existing procedures and existing resources.

While I certainly do not want to be here characterized as being reluctant to pursue wrongdoing, I am not sure I understand why this particular activity is essential now, whether we have any indication that there is a great deal of Government corruption in both Houses that needs this kind of additional attention. If they need more money because of additional workload elsewhere, I am more than happy to vote for the more money. I would appreciate it if the Senator from Vermont would give Members the background of why he thinks this additional activity is necessary.

Mr. LEAHY. The money will still be appropriated. Simply authorizing does not appropriate money. I don't want to be in a position where the Committee on Appropriations or somebody says we are not authorized. The distinguished Senator could easily say ''zero.'' I don't want them to say it is a great idea but they cannot authorize it.

We just agreed to an amendment that makes it a crime that already exists and makes it a misdemeanor. The Senator from Utah supports that. This is for prevention of crimes and to make sure they can be prosecuted. They are not being prosecuted.

The Senator mentions the Jack Abramoff case. We know that is ongoing, and there were lots of people who hoped they could wait out the statute of limitations on that bad boy. Under this, they will not.

I suggest we make these retroactive. I am suggesting we need enough time to investigate. And the FBI has had to divert so much money—first the hundreds of millions lost because they screwed up on the computer system, and they have had to divert a lot more from it. If they want to come up here and tell us they don't need this, fine. I haven't heard that from the Department of Justice at all. I have heard from the Inspector General that these investigations have suddenly gone way down in the last 4 years. Maybe there has been a great new wave of morality in this country and we have only seen the most egregious cases. I believe in the redemption of everyone, but I am not sure it happens all at once.

Mr. BENNETT. Mr. President, I will look at this amendment with great interest. I appreciate the sincerity with which my friend from Vermont offers it.

My first reaction to the increase in the statute of limitations is that is fairly reasonable. My only immediate reaction is it gives the impression that there is widespread corruption that is not being examined in the Congress.

Mr. LEAHY. This is not just the Congress; we are talking about the ability

to go after State officials, for example, who are diverting public money. We are talking about a group that receives Federal funds and uses bribery to get it, going after or diverting it when they do. This is not just naming 535 Members of Congress but goes further than that.

Mr. BENNETT. I appreciate that clarification. I will examine the amendment with great care.

Mr. LEAHY. 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. STEVENS. 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 Senator from Alaska.

Mr. STEVENS. What is the pending business, Mr. President?

The PRESIDING OFFICER. The Leahy amendment is the pending amendment.

AMENDMENT NO. 16 TO AMENDMENT NO. 4

Mr. STEVENS. Mr. President, I ask unanimous consent that amendment be set aside so I can offer an amendment to the Reid amendment No. 4.

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

Mr. STEVENS. I have the amendment at the desk, Mr. President.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [MR. STEVENS] proposes an amendment numbered 16 to amendment No. 4.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To permit certain travel within State)

At the appropriate place in the amendment insert the following:

''(1) Notwithstanding any other provision of this paragraph or any other rule, if there is not more than one flight daily from a point in a Member's State to a point within that Member's State, the Member may accept transportation in a privately owned aircraft to that point provided (1) there is no appearance of or actual conflict of interest, and (2) the Member has the trip approved by the Select Committee on Ethics. When accepting such transportation, the Member shall reimburse the provider at either the rate of a first class ticket, if available, or the rate of a full fare coach ticket if first class rates are unavailable between those points.''.

Mr. STEVENS. Mr. President, the current Senate rule requires Members to pay the cost of a first-class plane ticket for travel on a private plane. The amendment does not substantially reform our lobbying laws, and this amendment will place an undue burden on Members from rural States, at great expense to the taxpayers.

Most Members who take private flights do so to complete official business. These flights enable Members from States such as Wyoming, Montana, and my State of Alaska access to rural areas. Our State does not have the infrastructure found in more densely populated States throughout the country. Many of our constituents live in communities that cannot be accessed by road. We need to fly to these remote communities.

Despite this rule, or any other rule, these flights are essential and will continue and must continue to take place. This amendment will not provide meaningful reform. It will increase the amount of money Members need from the Treasury to pay for these flights. The taxpayer will foot the bill for the amendment, and the only real change will be more money in the pockets of those who own and operate the private planes.

Those representing States with less-developed infrastructure and many geographically remote communities—my friends from other rural States and even some large States such as California—have this problem. It is a unique problem. It is essential to take flights into these rural areas because there are no roads to get there.

In Alaska, almost 80 percent of our towns and villages cannot be accessed by road year-round. Even our State capital, Juneau, can only be reached by boat or by plane. There are few scheduled commercial flights a week to many villages in our State. Our State uses planes the way people in the lower 48 use cars, buses, and taxis.

It is literally true. If I took a Senator to Bethel, for instance, and wanted to go upriver to visit some of the mines or the small villages, there is only one way to get there, and that is by plane, and in many instances a floatplane. But these are still private aircraft and would be banned by this amendment—or the actual cost of the operation of the plane would be required to be paid, but I would be paying that from taxpayers' funds, not from my funds but from the taxpayers' funds if this amendment passed.

Flights on private planes are necessary in our State, particularly when traveling to areas which are only accessible by private planes or by long boat rides in the summertime. Along the great rivers such as the Yukon or the Kuskokwim, you could take a boat. It would take you several days to wind up those rivers to go to a village you might be able to fly to in 30 minutes.

I use private planes to visit constituents who cannot afford to come to Washington to visit with our congressional delegation. On many occasions, I am asked to come to these villages to talk to them about their problems, and I can only go there by private plane. I use private planes to view the conditions in rural communities and villages. For instance, this last October, I visited the village of Kivalina in my State to view the catastrophic damage caused by winter storms there.

Now, at times we do have available the Air National Guard planes. But in times of war such as this right now, to use these National Guard planes puts a substantial burden on the Guard because so many of their people are deployed.

Now, I can recall several occasions when I have traveled with other Members on private planes to show them areas of our State which were subject to important legislation. These trips have been invaluable to our deliberations on the floor.

I recall taking a group of Senators on a CODEL—''congressional delegation;'' that is ''CODEL''—to Prudhoe Bay to help them understand Alaska's oil industry. There is no public access to Prudhoe Bay and no commercial flights. We must fly in on an industry plane.

We continued the CODEL. After we got there—we went up by their jet—we took a helicopter flight over the Coastal Plain of ANWR. Now, that, again, was about an hour and a half flight, out and back, on a helicopter. That flight was on a private helicopter, owned by some entity within the oil industry there at Prudhoe Bay. Had this proposed amendment been in effect, that trip would not have been possible, as the cost of the trip would have been prohibitive.

Now, other people were going up there anyway and we flew up on their plane to Prudhoe Bay.

On the helicopter, they wanted us to go out and see these conditions where drilling would take place. But it would not have been possible for the Senators who were our visitors to see this area firsthand. The area we went to and had them look at is an area that currently is producing 16 percent of our Nation's energy. If you want to go visit that industry in Oklahoma or somewhere like that, you would go to a town by commercial aircraft and you would get probably in a private car and they would drive you out. I doubt that you would have to have a helicopter. But what I am saying is, our conditions require air where other people use buses, taxis, or private automobiles.

There are countless examples of how we use these airplanes. For instance, about 3 years ago, I went along on a flight that was going to Bethel, AK. This is an area out in the Kuskokwim Delta area of our State. The person who asked me to go with him wanted me to personally experience the use of a capstone variant. A capstone is a system that has revolutionized the airline safety industry in our State. In the 1990s, for instance, an airplane crashed on average every other day in my State. We had an aircraft-related fatality every 9 days. Capstone and these related technologies, which make cockpit technology available to the pilot to know what is going on and what the threats are, have reduced these airplane crashes by 40 percent.

The reason I went along was they wanted me to see that system and to experience it so I would understand it and support the money the FAA was

going to ask for in terms of development of these new technologies.

I went out to Valdez several times on an industry airplane to review the 1989 oil spill in my State, once in a Coast Guard jet. That was my first flight to see that fantastically horrible and great disaster. But we went out several times to try to figure out what to do with our oversight of the oil spill itself. We went out in a private airplane. I also recently took a flight from Point Barrow, which is at the top of our State, the farthest north portion of our State, over to Nome, which is out on the peninsula, and it is a flight—there is no scheduled service between those two places. It is about 300 miles. If I had not taken that flight on a private plane, I would have gone down to Fairbanks from Barrow, gone to Anchorage, and then flown back up to Kotzebue and come down to Nome. It actually saved the taxpayers money. This was an official business trip that saved the taxpayers money by going the same way on a private plane, and we compensated the owner of that plane under the current rule with the equivalent of a first-class fare between those two places, had there been such a scheduled flight in the first place.

For instance, the flight from Anchorage alone to Nome is 540 miles. It is farther than from here to Chicago. I think that is about 500 miles. Anyway, if this amendment passes, I have to ask the Senate, what should we do, those of us who represent rural areas such as this? I don't think the Senate expects us not to respond to a constituent's request, particularly an organized area such as a village or a city, to come view the conditions in their area when they believe they need Federal assistance. We have to take planes to get to such areas.

Last October, I visited several communities along the west coast of Alaska that had been damaged by severe storms, and we used a combination of commercial, charter, and private aircraft. We worked out what was the best advantage to the Government and used different types of aircraft as we went on that trip. I saw firsthand the problems of erosion that are going on there and learned about the needs of those places, particularly the problems these villages will face in the future if continued erosion takes place and they have to move back from these barrier islands on which they live. My charter cost alone, one way from Kotzebue to Bethel, was $1,500. That was the charter cost which we paid on the equivalent because there was no scheduled flight there, a 3-hour flight, more than triple the total cost for commercial and private flight combined. Had this amendment been in effect, there would have been no way that I could have justified spending taxpayers' money for this type of transportation cost.

If a Member from another State is going from one town to another and someone is going to drive there, there is no provision that anybody would have to pay for the cost of going in an automobile to another town. The effect of this amendment now would be that whenever I use an aircraft that is a private aircraft, I would have to repay from the Treasury, by asking for the funds, to an organization with a plane that was going to fly there anyway.

I think our current rule is very fair. It says we pay the operator of those airplanes the equivalent first-class fare to travel from point to point in our State. It would be unreasonably expensive to apply the provisions of the pending amendment to our State.

It is particularly burdensome because of our Senate rules. I don't think many Members think about this. Our office allowances are based on population, not the distance we travel within our State. We would have to pay from our allowances. And each Senator gets a maximum allowance per year from the Senate. This amendment, if enacted, will mean that my budget will run out in the first month or two of the calendar year. It would not permit us to travel to these remote communities throughout the year. It would simply become too expensive to deal with going to these communities to listen to their complaints and to view them and to be able to report to the Senate.

I believe that if a plane is going to a village in the direction I need to go, if there is room on that for my staff and me, we should be able to get on that plane and go see the problems they want us to see. And it is reasonable to compensate them at what it would cost to fly on a commercial flight, if there was one. That is what we have been doing. I have never had a complaint from anyone in my years here in the Senate traveling under the existing rule. Taxpayers, however, should not have to pay outrageous costs for us to do our business.

As a matter of fact, as I said, once we have exhausted our allowances, and coming from a State that has a small population but is enormous, this is going to be an enormous burden on those of us who represent our State.

I have hesitated to try to get an exemption for Alaska. I am not doing that. The amendment I have before the Senate will continue the current rule but would say that we can travel on a privately owned aircraft to the point where there is not commercial service, but we would have to go to the Ethics Committee and show there is no appearance or actual conflict of interest in taking the trip, and the trip would have to be approved by the Ethics Committee. I think that gives it a transparency. We not only will report after we take the trip, but we will get approval of the Ethics Committee before we take the trip.

There is a lack of commercial air service in many areas in the lower 48 that this would apply to, the larger States in the West in particular. We just do not have frequent flights between our communities that other States enjoy. We travel great distances to see our constituents. When I go west from Anchorage out to Shemya—that is the place where the X-band radar was going to be and where the current radars they operate in the North Pacific are, a former large air base that is not very large now—that is 1,200 miles. If I go out farther than that to Adak, it is almost 1,800 miles. If I fly from Anchorage to Unalakleet, the charter rate under the Reid amendment would be thousands of dollars. I should go to places like that at least once a year. I try to do that.

The effect of this prohibition against using these private planes unless we pay the charter rate is really very oppressive.

Mr. GREGG. Will the Senator yield so I may ask a question?

Mr. STEVENS. I do yield without losing my right to the floor.

Mr. GREGG. I ask unanimous consent that at the conclusion of the Senator's remarks, I be recognized.

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

Mr. STEVENS. The pending amendment will not improve the system as far as those of us from these rural States are concerned. It will hurt our constituents. I think it will punish the taxpayers.

Some have suggested that raising the cost of private plane travel is important because it gives the appearance of fairness. The reason is that citizens cannot fly on private planes, so we should not be able to fly on them, either. The difference is that a private citizen in my State doesn't have to go to Kivalina, doesn't have to go to Unalakleet, doesn't have to go to these places where changes are taking place as we speak. The whole Arctic is changing because of the current circumstances. I think the Senate is going to hear more about that. But as these changes take place, we must go there. We must try to take people from the administration there. We must try to get the Corps of Engineers and other agencies to go with us to see what can be done to meet the problems our constituents face.

I don't think there are many Senators who would have to visit four or five communities in one weekend that are so far apart. We usually only have a weekend to make trips such as this. If those of us who have to do this have to pay this charter rate, it is not our money, this is official business. If this amendment passes, I will be asked to spend part of the allowance I get to run my Senate office at enormous cost to pay the full cost of flying the plane on a charter rate even though there are other people in that plane who are already going on company business and they are willing to take us along on the basis of paying what would be the equivalent in terms of a commercial rate.

We need transparency. I support that. We want to try to do this without additional burden to our taxpayers. I think we should disclose flights on private planes, and we do. We disclose

them. Today we disclose. Under the current rule, we disclose whom we paid when we go on these flights. From my point of view, we ought to look at this amendment from the point of view of appearances, but it really is not totally appearances. It is necessity. If this amendment passes, we will face the difficult choice of either flying to remote communities at considerable cost to the taxpayer or to the State and the developed communities or failing to do the duty to those we represent who live in these remote areas. I think Alaska has probably the most pressing problems of any State in terms of the changes that are coming back because of global climate change. There is no question about that.

We will do everything we can to assist a Senator who faces problems such as that but not do it in a way that will increase substantially the cost to the taxpayers and reduce our ability to do our jobs as Senators. If I have to use this money to take those trips to these small cities, I will not have the money to do the things I would normally do—for instance, flying from here to Alaska. The same funds that are available to us to pay these charters flights are the funds I use to fly to Alaska.

I parenthetically say, Mr. President, when I came here, a Senator was allowed two trips a year. One to come down and go back and another to go home. Today, many of us make 10, 15, 20 trips. One time, I made 35 trips home to my State of Alaska because there were so many problems and things we had to do. It was not for campaigning or an election year, it was to talk to people about problems they were facing.

I don't think this amendment is part of lobbying reform. I understand the need to find some way to deal with it. I, also, believe we should have some exception in the amendments that deals with the problems we face, where we cannot travel except by the use of private planes. I hope the Senator from California will take occasion to look at this amendment. I know that being a Californian, there are problems she faces, too, but not on the regular basis that we face, in terms of dealing with Alaska.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I know there is a unanimous consent agreement of the Senator from New Hampshire. Would he allow me to answer the Senator from Alaska?

Mr. GREGG. Yes, I will do that.

Mrs. FEINSTEIN. On the face of this, I don't have a problem with it.

Mr. STEVENS. I thank the Senator.

Mrs. FEINSTEIN. I appreciate the smile. It is a rare one.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

AMENDMENT NO. 17

Mr. GREGG. Mr. President, I rise to offer an amendment to this bill, along with Senator DEMINT and a number of colleagues—about 25 of them.

Mr. GREGG. This amendment we are offering is what we call the second look at waste amendment. It is a child of the original line-item veto, although it is not a line-item veto. As the Congress will remember, we passed the line-item veto in the early 1990s and gave President Clinton that authority. He actually used that authority. It was challenged in court and was found to be unconstitutional. But that line-item veto was passed rather strongly by this Congress and by the Senate, and it was a bipartisan effort, which I hope this will be, to try to allow the executive branch more opportunity to address omnibus bills around here.

This proposal that we put forward is not like the line-item veto because it doesn't have the same constitutional impact. It is truly a second look at waste amendment, where we basically say to the executive branch that if you get one of these omnibus bills filled with different initiatives—and these bills can be hundreds of pages long and can involve hundreds of billions of dollars of spending and massive amounts of authorization, and it is not unlikely that there is going to be a fair amount of activity put in there because somebody knows it is an omnibus bill and they know it is going to have to pass and go forward, and even though the language put in may be questionable as to purpose, policy or as to just plain waste, it gets stuck in this—baggage thrown in the train as they say—that baggage can never be looked at. The President has no capacity to take another look at this. Congress ends up with the vote—and we get one vote, usually, on these types of bills; sometimes in the Senate we get more shots at it. They are not scrutinized at an intensity level that they should be.

So this second look at waste language essentially says that the President can, on four different occasions during the year, send up what amounts to an enhanced rescission package, where if he has gotten bills that have had in them things the executive branch deems to be inappropriate, most likely wasteful spending or spending that is unnecessary or maybe counterproductive even, he can ask the Congress—or she, maybe in the next round—to take another look at that spending, and there is a fast-track procedure where that goes to a vote.

The savings, should they occur as a result of rescission—and it is presumed that all rescissions will involve savings—will go to deficit reduction. The language itself is essentially modeled after language that was offered as a Democratic substitute by the Democratic leadership back when we were debating the original line-item bill President Clinton ended up having the authority to use. So we have tried to structure it in a bipartisan way, using bipartisan language and verses—for example, the language originally sent up by the White House as to how they would have liked to have handled this, which we felt overreached the authority of the executive significantly, and we have basically set that language aside and moved forward with this language, which is more restrictive on executive rights. It truly retains the right of the legislative branch to control the spending issues. But it does ask us, as the legislative branch, to take another look at things that may be of questionable interest. Of course, if both Houses don't approve the request from the President, the spending stays in place. So it is one of these light-of-day amendments that tracks very closely what is being proposed in both Houses in the area of earmarks.

It is an attempt to address what is a common event, which is a cluster or a significant earmark not necessarily individually directed but maybe more expansive, that is put in a bill that the executive simply can't not sign and the Congress can't not pass. So it is an attempt to basically bring some transparency, light of day, on some of what occurs around here and is referred to as occurring in the middle of the night.

It is an initiative which has very strong support by a large number of groups. A few would be the Chamber of Commerce, the Center for Individual Freedom, the Concord Coalition, Americans for Tax Reform—groups that are interested—the National Taxpayers Union—groups that are interested in having more discipline over the fiscal process of this Government.

All this is is another disciplining mechanism. It actually gives the executive branch the opportunity to come forward and say, listen, do you want to do this? Did you want to spend this money in this way? If the Congress concludes that, yes, it did, the matter is over. In fact, it takes an affirmative action of the Congress to confirm the decision of the executive or the request of the executive to pursue this course of action of not spending this money. The original Presidential proposal would have allowed them to send up numerous rescission requests, which could have tied the Congress up technically and practically for months. This avoids that. It is very limited. They can only send up four, and one has to come up with a budget. The original request from the executive branch would have said that they could withhold spending on something that they decided to send a rescission up on for up to 180 days, with the practical effect being they could have withheld spending almost forever.

This bill dramatically shortens that to 45 days or until Congress acts. It is similar to a BRAC approach, in other words. It says you tell us what you think should be rescinded. We will act within a short timeframe. If we disagree or decide not to act in a way that is consistent with your request, then the matter is over and the money gets spent. If we agree, the rescission occurs and both Houses must concur in the rescission.

So this is an exercise in good Government, in transparency, and it is an exercise in trying to give the American people the information they need on bills that are very complex and sometimes have a lot of questionable activity buried in them, to give them another chance to have those decisions reviewed. It is an exercise in fiscal discipline because the money saved goes to deficit reduction.

As I said, it has very strong support. I hope that my colleagues will join us in supporting this. I see that the Senator from South Carolina has joined us on the floor. He has been a strong spokesperson for this initiative.

I send my amendment to the desk.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside without objection.

The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire (Mr. GREGG), for himself, Mr. DEMINT, Mrs. DOLE, Mr. BURR, Mr. CHAMBLISS, Mr. THOMAS, Mr. SESSIONS, Mr. MCCONNELL, Mr. LOTT, Mr. KYL, Mrs. HUTCHISON, Mr. CORNYN, Mr. ALLARD, Mr. CRAPO, Mr. BUNNING, Mr. VITTER, Mr. BROWNBACK, Mr. ALEXANDER, Mr. CRAIG, Mr. MCCAIN, Mr. SUNUNU, Mr. ENZI, Mr. MARTINEZ, Mr. COLEMAN, Mr. GRAHAM, and Mr. VOINOVICH, proposes an amendment numbered 17.

Mr. GREGG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. GREGG. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I rise in support of the amendment offered by Senator GREGG. This amendment would establish a legislative line-item veto.

The American people sent a clear message in November that they were tired of a broken system that wasted their hard-earned money on pork projects. They want us to make the tough decisions and end the ''favor factory,'' where taxpayer money goes to the highest bidding lobbyist.

The legislative line-item veto strikes at the heart of this ethics dilemma. It gives the President the ability to strip special spending and earmarks out of a bill and send them back to Congress for an up-or-down vote. By doing this, it allows the administration to work with Congress in a constructive way to reduce wasteful spending, to reduce the budget deficit and ensure that taxpayer dollars are spent wisely.

The Senator's amendment permits the President to submit to Congress proposals to cancel specific appropriations, as well as items of direct spending and targeted tax benefits. Both the House and the Senate would have to vote on each Presidential proposal, without amendment, within a short timeframe. But the proposed rescission could not take effect unless approved by Congress.

Mr. President, giving the President enhanced authority to seek rescission of new spending will help ensure that taxpayer dollars are not wasted on earmarks that are not national priorities. Since the Supreme Court struck down the Line-Item Veto Act of 1996, the number of earmarks has significantly increased. The line-item veto has a long history of bipartisan support. At least 11 Presidents from both parties have called for the authority to address individual spending items wrapped into larger bills. These Presidents include Grant, Hayes, Arthur, Roosevelt, Truman, Eisenhower, Nixon, Ford, Reagan, Bush, and Clinton. Additionally, the Governors of 43 out of 53 States already have this authority.

Mr. President, the Senator's proposal is also consistent with the Constitution. In its 1998 ruling striking down the Line-Item Veto Act of 1996, the Supreme Court concluded that the act ''gave the President the unilateral power to change the text of duly enacted statutes.'' However, this amendment does not raise those constitutional issues because the President's rescissions must be enacted by both Houses of Congress and signed into law.

This amendment has been dramatically curtailed so that even supporters of congressional earmarks can support it because it limits the President to four rescission packages a year. The fast-track mechanism is similar to what we use for BRAC, as well as free trade agreements. Rather than forcing Americans to accept a foot-tall omnibus spending bill with thousands of earmarks, this amendment will give the President a second look at waste so we can all protect American taxpayers.

This is an important amendment. We know that earmarks have gotten way out of control and must be reduced. Without this commonsense provision, this bill cannot be serious about addressing earmarks, as well as the corruption that is associated with them.

The Senator's amendment is very sound, and I urge my colleagues to support the amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mrs. HUTCHISON. Mr. President, will the Senator yield? I ask unanimous consent that following the remarks of Senator CONRAD, I be recognized to speak in support of the amendment.

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

The Senator from North Dakota.

Mr. CONRAD. Mr. President, this is one of the all-time worst ideas to be brought to the Chamber. First, it has no place on this bill. This bill is about ethics reform. What our colleagues have brought is a budget matter, without taking it to the Budget Committee first, without hearings, without a chance for review, without a recommendation. As a result, it is subject to a budget point of order which, if other action is not taken, I will be constrained to raise at the appropriate time.

Why do I say this is a bad idea? Because it has virtually nothing to do with budget discipline, and it has virtually everything to do with increasing the power of the President. That is what this is about.

I hope colleagues understand that this provision, if adopted, would actually undermine the chances to do something about our long-term fiscal imbalances. People listening may wonder: How can that be? How can the line-item veto in any way endanger a long-term agreement on entitlements? Let me say why.

Tucked away in this little legislative offering that has been casually brought to the floor without going through the Budget Committee first are provisions that would allow the President to target any agreement reached on a long-term solution to our entitlement challenges. So we could have—and we are working to achieve now—a long-term agreement to face up to the demographic tsunami that is coming at us. We could engage all of this year in resolving those matters in a bipartisan way—Democrats and Republicans working together—and then the President could come in the backdoor and cherry-pick those provisions with which he disagrees.

If my colleagues want to undermine the negotiation, the bipartisan negotiation that needs to occur here on long-term entitlements, if they want to endanger that enterprise, adopt this amendment, hand that power to the President. If they want to instead engage in a serious negotiation, forget about this amendment, and let's get about the work of preparing a plan to deal with our long-term fiscal challenges. But if anybody thinks we are going to enter into a seriatim negotiation in which we first negotiate in good faith on both sides to achieve a long-term solution and then we hand the President the ability to come and cherry-pick the whole thing, forget it. That is not going to work.

We already know what the President's policies have done to our fiscal outlook. The deficits on this President's watch have exploded. He inherited a balanced budget. He promptly put us in deficit and then in record deficits for 2003 and 2004, 2005, the third worst deficit in our history, and some improvement last year.

These have been enormous deficits and deficits that understate the problem because last year while the deficit was $248 billion, the addition to the debt was $546 billion. I find when I talk to my constituents that they are very surprised by this enormous difference between the size of the deficit and the additions to the debt. The biggest reason for the differences is the $185 billion of Social Security money that was taken last year to pay other bills.

I have said to my constituents: If anybody tried to do this in the private sector—tried to take the retirement

funds of their employees and use it to pay other operating expenses—they would be on their way to a Federal institution, but it wouldn't be the Congress of the United States, it wouldn't be the White House. They would be headed for the big house because that is a violation of Federal law.

The combined result, in terms of our debt, of these fiscal policies has been to increase the debt of the country by more than 50 percent through last year, and we are headed for another $3 trillion of debt over the next 5 years if the President's policies are pursued. That is a combination of increases in spending and reductions in revenue.

On the spending side, the President inherited a budget that was spending about 18.4 percent of GDP. We are up to 20.4 percent of GDP last year. This is a very significant increase in spending and, of course, revenue has stagnated.

Only last year did we get back to the revenue base that we had in the year 2000. While there has been significant revenue growth in the last 2 or 3 years, even with that we are only now back to the revenue base we enjoyed in 2000.

On the question of whether this line-item rescission is going to make a difference with respect to the deficit, here is a USA Today editorial from last year on the line-item veto. The editorial states:

. . . [T]he line-item veto is a convenient distraction. The vast bulk of the deficit is not the result of self-aggrandizing line items, infuriating as they are.

And make no mistake, I am for disciplining the notion of these line items, these individual items that Members stick into appropriations bills. Senator MCCAIN and I had a legislative proposal last year to discipline that process. The line-item veto before us makes very little difference.

The deficit is primarily caused by unwillingness to make hard choices on benefit programs or to levy the taxes to pay for the true cost of government.

This is the Roanoke Times, a newspaper in Virginia, from last year. They pointed out:

. . . [T]he president already has the only tool he needs: The veto. That Bush has declined to challenge Congress in five-plus years is his choice. The White House no doubt sees reviving this debate as a means of distracting people from the missteps, miscalculations, mistruths and mistakes that have dogged Bush and sent his approval rating south. The current problems are not systemic; they are ideological. A line-item veto will not magically grant lawmakers and the president fiscal discipline and economic sense.

They are not alone in that assessment. Here is the previous CBO Director. He is actually still the CBO Director, will be until his successor takes office some time later this week or perhaps some time next week. Here is what he said:

Such tools, however, cannot establish fiscal discipline unless there is a political consensus to do so. . . . In the absence of that consensus, the proposed changes to the rescission process . . . are unlikely to greatly affect the budget's bottom line.

Not only do newspaper editorialists and the CBO Director cast doubt on the significance of this with respect to the question of fiscal discipline, Senator GREGG said this last year:

Passage of [the line-item veto] legislation would be a ''political victory'' that would not address long-term problems posed by growing entitlement programs.

The Budget Committee chairman also said:

. . . it would have ''very little impact'' on the budget deficit.

He was being a truthteller then, and I think it is the truth now.

George Will, the conservative columnist, made this point:

It would aggravate an imbalance in our constitutional system that has been growing for seven decades: the expansion of executive power at the expense of the legislature.

Those are words. Let me put it into a real-life example. If we give this power to the President, what is to prevent him from calling up Senator CONRAD and saying: You know, Senator, I know you represent a State that is rural. I know that rural electric cooperatives are critically important to delivering electricity in your rural areas. I know you have a provision in a recent appropriations bill that would address safety concerns on those systems. You know, we are looking at the line-item rescission package that I might be sending up, and I would like to be able to help you on that proposal you have to improve the safety of rural electric systems, but, you know, separately I have a judge who is coming up for confirmation. I know you have said some harsh things about that judge, that you don't want to approve him. I don't want to suggest in any way these things are linked, but, Senator, I need your help on the confirmation of that judge. Separately—I don't want to connect these two at all—I also am reviewing this package of rescissions and would very much hope I wouldn't have to include your provision to make rural electric systems in your State more safe and more secure.

I think I would get the message. That is exactly what we don't need: to hand more power to this President; frankly, as far as I am concerned, to hand more power to any President, more power to put leverage on individuals in the Senate and the House to bend to the will of the White House. They already have enough power down there.

American Enterprise Scholar Mr. Ornstein said this about the line-item veto:

The larger reality is that this line-item veto proposal gives the President a great additional mischief-making capability, to pluck out items to punish lawmakers he doesn't like, or to threaten individual lawmakers to get votes on other things, without having any noticeable impact on budget growth or restraint.

More broadly, it simply shows the lack of institutional integrity and patriotism by the majority in Congress. They have lots of ways to put the responsibility of budget restraint where it belongs—on themselves. Instead, they willingly, even eagerly, try to turn their most basic power over to the President. Shameful, just shameful.

I think it is shameful. More than shameful, this, I believe, is a fundamental threat to the negotiation which must occur in this body and in the other body and with the President of the United States. That is a negotiation on the long-term fiscal imbalances of this country, including Medicare, Social Security, Medicaid, and the structural deficit as well.

If we are to engage in good faith on that negotiation, we simply can't be subject to a circumstance in which once that negotiation is completed, the President is free to cherry-pick which part of the deal he will allow to move forward. That would completely undermine the ability to have this negotiation.

Let me just end by making these points. One, this proposal represents an abdication of congressional responsibility. Two, it shifts too much power to the executive branch with little impact on the deficit. Three, it provides the President up to a year to submit rescission requests—up to a year. It requires the Congress to vote on the President's proposals within 10 days. It provides no opportunity to amend or filibuster proposed rescissions—no opportunity to amend. Sometimes I really don't know what our colleagues are thinking. It allows the President to cancel new mandatory spending proposals passed by Congress such as those dealing with Social Security, Medicare, veterans, and agriculture at the very time we are poised to enter into a negotiation on those very matters.

If there were ever an ill-considered amendment, inappropriate to the underlying legislation, this is it. I urge my colleagues to either support a budget point of order against this matter because it violates the budget rules very clearly or support a tabling motion to get on to the business of passing this ethics reform proposal. But to mix budget issues with ethics reform has the entire matter confused and fundamentally threatens the opportunity to do what must be done, which is for Democrats and Republicans together to consider long-term entitlement reform.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I rise today to speak in favor of the amendment, but I do think that some of the points that have been made are valid. I am supporting this amendment because I believe it is important that we do everything possible to put restraints on spending and go back to the balanced budget we had before terrorists struck our country in 2001. I think that is so important that passing an amendment to try for 4 years—and it does have a 4-year sunset provision—to see if we can give the President the authority to do some big overall cuts is a good idea, but I did do it with some reservation.

I supported the line-item veto that was passed by the Congress in 1996. I supported it because I thought it would provide fiscal restraint. I think it was misused, and I was very pleased when the Supreme Court overturned it. I said I would never vote for it again because I believe the Constitution is very clear that Congress has the purse strings. That is how James Madison phrased it in the Federalist Papers: the power of the purse is in Congress. That is where the budget is passed to go to the President, and I believe we should uphold our part of the Constitution.

Earmark reform is important, and the most important part that I hope we will pass is transparency. It is important that people be willing to stand up and say: Yes, I did this earmark.

Let me just tell my colleagues how I operate on the Appropriations Committee with regard to my State. Obviously, as chairman of the Military Construction and Veterans Affairs Subcommittee and now as its ranking member, I pass appropriations that come from the President and from the Pentagon for military installations. But I also take care of my State—that is what I was elected by my constituents to do—and I balance the needs of the cities in my State. So if the biggest need in Houston, TX, is the dredging of the port because it is such an economic engine for Houston, that is what my major priority for Houston is going to be. On the other hand, for Dallas, it is going to be the Dallas Area Rapid Transit Authority or the Trinity River flood control project, and that is my major priority for Dallas. And it goes on that way. I balance so that the major needs of my cities are met and their highest priorities are met. But it doesn't mean they get everything they ask for. The lower priorities will not be met.

If we turn this over to the executive branch, how is the employee sitting at the Department of Transportation going to know that the major need of Dallas is DART and the major need of Houston is over in the Interior Department or the Energy Department or the Corps of Engineers? How are those two people in Federal agencies who have never been to Dallas or Houston going to know that the first priority is something besides what they are giving them? That is my job. That is what I do. I am proud of it, and I want it to be transparent, and that is the reform which we should enact.

So I don't want to just continue to hear that earmark reform is pork barrel spending reform. Spending is spending. If it is done in the executive branch or if it is done by Congress, it is spending, and hopefully we have a system that funds the top priorities.

I believe there are projects that are not in the national interest that go into appropriations bills. That is why I think some reining in of the process through this amendment can be a good thing, and it is why I have supported it and am supporting it. It does have the capability to give the President the authority to go in and look at projects he believes don't meet the national need, and he is elected by the people of our country. I believe letting him have four different times to come to Congress and rescind may be too many. I hope that number could be brought to two. I would think the OMB and the President would be able to see, during two different budget or appropriations analyses, that a project wouldn't meet the President's standards, and then it could come back to Congress and Congress can say we disagree with the President or we agree with the President. It is the coming back to Congress that is the change from the original line-item veto that was passed in 1996 and which should allow the Supreme Court to affirm this rescission process.

I think it is worth a try. But I also would say for the record that we are going to have President Bush for 2 years and we are going to have a new President for 2 years, the duration of this amendment if it passes and goes into law. I think that will be a good test. Congress will then have the right to come back and say it has worked well, it has cut spending, it has prioritized better. Frankly, maybe some people won't put earmarks in bills if they are not proud that the earmarks serve a national interest, and maybe that in itself will bring down the number of earmarks and the spending.

But the bottom line is that we are on a trajectory to have a balanced budget because we are setting budget limits on what we appropriate. We always do that, and then we reconcile. And we have been able to keep the economy strong and bring down the unemployment rate by keeping the tax cuts we gave the American people in 2001 and 2003. Unemployment is at an all-time low. So I think we are exercising fiscal restraint, particularly in light of the fact that we have had some major hits on our country that have required us to spend money—hits such as 9/11, the war on terror, which is the most important security issue facing our country, and Hurricane Katrina and the rebuilding of New Orleans and Mississippi. We need to do those things and do them well. We know that. Despite all of those added expenditures, we have half the deficit that was built up after our country was hit by terrorists, and we are on the way to bringing it lower, and that is our goal. It must be our goal. I think this amendment can help us in furthering that goal.

So I am going to support it. It has changed since the first time the Senator from New Hampshire introduced it. I didn't support it in the beginning. He has made changes that make it more palatable to a Member of Congress who is trying to uphold the right of Congress under the Constitution, which I believe is my responsibility to do. I must uphold the rights of Congress in order to keep the three branches equal, as much as we can do that. That is the beauty of our constitutional framework, that balance of power.

I also have a responsibility to my constituents who elected me to make sure that my State is treated fairly. I am proud of what we have been able to do, and I want it in the open. I believe reform is necessary, and I am going to support the amendment. But if this amendment does go into effect, I would urge this President and the next President who will have this vast authority to use it wisely and judiciously because that is the only way it will have the effect we are all intending it to have.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, I rise today to oppose the Gregg amendment because as a member of the Budget Committee, as we have watched this develop and as we worked on it last year in committee, I believe it is too broad and not in the public interest.

I am not opposed to line-item veto. In Michigan, when I was in the State legislature for 16 years, we had and have a line-item veto, but it is a very narrowly crafted line-item veto in a very different setting. We have a germaneness rule in Michigan that certainly we do not have here, where topic by topic is taken up separately, or legislation separately. We here work in a larger format where we are many times—most of the time—negotiating very complex legislation, and frequently we have a number of different issues and interests coming into the same bill, and it creates a very different climate in which this is being discussed.

Also, this is a very broad application, and I believe too broad. Let me give my colleagues an example. The amendment would give the President unprecedented powers to dramatically weaken any legislation we might put together that would strengthen Social Security or Medicare or any other areas of mandatory spending such as veterans' benefits or other areas where we have critical needs. Let's suppose for a moment that we come together, and this is the way it is always done, and we negotiate an agreement around Social Security or around Medicare, and as always, it is a give and take.

Let's say, for instance, around Medicare, it is a provision where the industry receives certain things they would like to see happen, and on the other side, those things that are important for people, for seniors, for the disabled, for those trying to be able to afford medicine, we negotiate things there that allow prices to go down or more competition or better benefits. But then it goes to the President, and under this particular bill the President will be allowed to go into that legislation and veto certain parts of an agreement that the Senate and the House made to come up with something that was balanced, that would allow legislation to happen. The President will be

able to come in, for instance, and decide to keep the provisions of the pharmaceutical industry, an industry he has been very close to, and at the same time he might then strike out provisions regarding negotiation or improved benefits or something else that might help seniors or people and put pressure on the industry to have a more competitive pricing system.

This is something that I believe we should not, in good conscience, allow to happen. It is our job to sort through all of the pieces of the legislative process, all the complexities, all the competing needs. If we come up with something that is balanced and supported by this Senate and the House of Representatives and it is sent to the President, the President should not be able to go in and cherry-pick which provisions of a compromise he supports or does not support.

This particular amendment in this proposal would undermine the very intent of Congress. In the case of Medicare, I believe it would create a situation where it is impossible for us, certainly within this time and this administration, to move forward on many positive things that are necessary to improve Medicare for seniors or to address Social Security in a way that keeps Social Security secure for the future.

Also, it is important to say that this is not a necessary tool to reduce the deficit. In fact, we, on both sides of the aisle, have been speaking about reducing the deficit. On this side of the aisle our distinguished incoming chairman of the Budget Committee has been our leader on speaking out through that committee, as has our leader in this Senate. Senator REID has spoken out and made pay-go a priority, fiscal responsibility a priority for us coming into this new year. We will soon adopt what is called pay-as-you-go legislation that basically says, if we decide to spend dollars, whether it is in the form of a tax cut or in new spending of some kind, we have to pay for it.

It is the same thing that any family or any business has to do: figure out how you are going to pay for it. We are the ones who have committed, as part of our agenda, our priority: to bring this huge deficit under control and try to get our arms around some fiscal responsibility in this Government. We have put that forward and that will play a major role, reinstituting pay-go.

Unfortunately, our colleagues on the other side of the aisle have blocked this for 6 years. During that time we have seen deficits go up and up and up and decisions being made that have added to the spending of this country.

We have seen policies that turned a $5.6 trillion surplus created under the Clinton policies into record deficits.

Now we understand that we are at a crossroads in this country. It is absolutely critical that we bring fiscal responsibility and we begin to turn this around. But this proposal in front of us does not do that. I hope we will see strong support on both sides of the aisle for fiscal responsibility and pay-go legislation and begin to make tough decisions about what is in the interests of America, what is in the interests of our businesses trying to do business and stay in America, of our families who need jobs and health care and want to know they can send the kids to college and breathe the air and drink the water and all of those things that are critical to our quality of life. We have a lot of tough decisions to make. But one strategy is not to create this broad tool for the President to be able to undermine anything that we are doing together on a bipartisan basis to get to agreement, to be able to move things forward.

I am very concerned particularly at this time with this type of legislation. I speak a lot about Medicare. I know the distinguished Chair is also deeply concerned and involved in health care issues and Medicare. We want very much to be able to see change occur, change that is good for our seniors, change to make health care coverage and prescription drugs more affordable and make sure our businesses, large and small, have the capacity to compete effectively in Michigan and be able to afford health care for their employees. I am very concerned this kind of proposal would enable the President to come in in support of those interests he supports, that I believe are on the opposite side of what we are trying to do, unfortunately, in the health care arena, and allow him to undermine any effort that we make to go forward together. People are desperately asking that we move forward and get something done on the issues that are critical to them, that matter to them.

Again, I rise to oppose the Gregg amendment. I encourage colleagues to do the same. We stand together and we can move forward together around fiscal responsibility. This is not the way to do that. This gives unprecedented power and flexibility to the President for him to undermine what we need to do together in order to solve big problems and get things done for people.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I have enjoyed this debate on this amendment. At the risk of sounding like wishy-washy Charlie Brown, I agree with both sides; that is, I agree with Senator CONRAD absolutely on the line-item veto. I came to the Congress supporting the line-item veto. I voted for the line-item veto. Then I watched how President Clinton used the line-item veto. What Senator CONRAD had to say is exactly right. When the Supreme Court struck it down and Senator BYRD and Senator Moynihan both talked about how glorious a day it was for the Congress that the line-item veto had been stricken, I took the floor and said: I am converted. I agree with you. I will never vote for the line-item veto again.

I remember Senator Moynihan saying,

If Lyndon Johnson had the line-item veto he would have turned into an emperor.

We must preserve the rights of the legislature against that kind of thing.

What Senator GREGG has proposed is not a line-item veto. I know the press described it as such, but this will not be the first time the press has inaccurately described something that is going on here. Under the terms of Senator GREGG's amendment, the President is limited in the number of things he can send back to us. They can be overturned with a simple majority vote rather than the standard veto two-thirds. And it is not an abrogation of congressional authority. It simply gives the President the right to say, on selected issues: Do you really want to do this? I have looked this over. I found this, this, and this that strike me as particularly egregious. Do you really want to do this? And by a majority vote the Congress can say: Yes, we really do. And it is done.

So it is not a line-item veto. It is simply a review of a relatively—not relatively, an absolutely narrow, few number of items.

I am not sure I would have crafted it that way. I am not sure this is going to make much difference. But it does not have the potential for the kinds of mischief that Senator CONRAD talked about. I agree with Senator CONRAD, I am a new convert—not new anymore. I am a firm convert against the line-item veto. But I think the kind of additional executive review subject to a majority vote to overturn in Congress that Senator GREGG has proposed is not going to threaten the foundations of the Republic or even the stability of this institution. For that reason I will support the amendment.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, if I may, I listened carefully to the remarks of the ranking member, a friend for whom I have great respect and with whom I hope to work very closely. I do disagree on this.

I have watched Senator CONRAD, now, for more than a decade. He is usually armed with charts when he comes to the floor or a committee or a caucus. I have never ever found him to be wrong. I don't think there is any person in this body who knows better what he is doing than Senator CONRAD. I have been just unusually proud of his leadership on the Budget Committee.

My objection to this amendment—and I agree with Senator BENNETT; I was an original supporter of the line-item veto. This is a different day right now. It is a different situation. Different issues are at stake in a line-item veto. This is an ethics bill. We are talking about lobby reform and earmark reform and we want very much to have a bipartisan bill. We are not going to have a bipartisan bill if we get into campaign finance reform and line-item vetoes and a number of other issues that are beginning to percolate.

It is my hope that we could keep this bill restricted to ethics, restricted to

lobby reform, earmark reform, those things that are properly before this body. That is the only way we are going to get a broad consensus that is going to survive a conference and come back with something all Members can support.

I am going to begin to move to table items that are outside of the germane issues of this bill in the hopes that we could keep this broad, bipartisan support.

The underlying bill from which we have already moved away with the substitute amendment passed this body early last year by a vote of 90 to 8. The substitute amendment seeks to toughen it. Again, the substitute confines itself to matters within the bill. I must say that I think it is ill-advised to come forward with some of these amendments. At an appropriate time I will rise to begin to move to table them.

I yield the floor.

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. DORGAN. 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. DORGAN. Mr. President, I understand we are waiting to lock in votes. I was asking the chairman of the committee if I might speak for 6 or 8 minutes in morning business while we are waiting to hear back.

I ask unanimous consent to speak for 8 minutes in morning business.

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

(The remarks of Mr. DORGAN pertaining to the introduction of S. 242 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. DORGAN. Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. BYRD. Mr. President, I rise at this moment to discuss a vote earlier today which began at approximately 12 noon on the Vitter amendment to the Legislative Transparency and Accountability Act of 2007, S. 1.

Had I been permitted to vote, I would have voted for the Vitter amendment. Now, why do I say ''permitted''? Why do I say ''had I been permitted to vote''? I say it because even though I was in the Capitol Building and on my way to the Senate floor, and even though my staff had so advised the Democratic cloakroom and was told that I had time to get to the Senate Chamber, the leadership arbitrarily closed the vote before I could get to the floor. That action prevented me from doing my constitutional duty to represent the people of my State of West Virginia. I was not more than 5 minutes from the Senate Chamber.

Next year, Mr. President, I will begin my 50th year of service in the Senate. In November, I was elected to serve an unprecedented ninth full term in the Senate. And I was also elected, just days ago, by my colleagues to serve as President pro tempore of the Senate, a position fourth in line in the order of succession to the Presidency of the United States.

I have cast, as of 11:59 a.m. this morning, 17,779 rollcall votes. And the vote I was prevented from casting would have made that number 17,780. The last rollcall that I missed in casting a vote was on March 30, 2006. It was 5 days after my darling wife of nearly 69 years had passed away.

And so I rise at this time not to blame anybody or to lecture anybody, but I do feel that I owe an explanation to the people of West Virginia why I missed the vote. I take these matters very seriously. And I want to explain to the people, who rightfully expect me to do on this day of January 10—and on every other day that the Senate has rollcall votes—they expect me to be here and to answer the rollcall.

I well understand the need to avoid undue delays in transacting the people's business. As majority leader of the Senate from 1977 to 1981, and from 1987 to 1989, I had to wrestle with such issues myself. It is very difficult to accommodate the schedules of 100 Senators and to get the Nation's business done expeditiously. I know all about that. I have been down that road. I have had my feet in those tracks before.

But I hope that as Senators, who serve in a body that reveres tradition, seniority, debate, deliberation, experience, and common courtesy, we try to avoid sacrificing an understanding of individual Members' circumstances and constitutional obligations as we aim for efficiency in our work, which we know that the Senate is not expected to be, and never will be—never has been—an efficient body. That is not the way legislation is done in a body such as ours where we do have free and open debate.

There is no Senate rule mandating the length of time for rollcall votes. I think we have to be careful and considerate in putting constraints on votes. While I wholeheartedly support efforts to avoid unduly dragging rollcall votes, I also hope that we will not forget the common courtesies for which this body has for more than 200 years afforded its Members, especially when Senators are making every effort to get to the floor and are only a few minutes away from appearing here to cast a vote. No real reason exists to deny this Senator a right to represent his constituents, as I was elected to do.

Surely we do not need to coldly sacrifice our regard for Members who, after all, are only human and who experience the travails of life which befall many human beings—we have traffic; we have head colds; we have infirmities or unexpected emergencies—when only a slight accommodation would assist them. After all, we do—when I use the pronoun ''we,'' I include myself—represent real people and we purport to understand human needs and circumstances. I hope that we will reflect that same reasonableness in our treatment of one another and our dealings with one another here in the Senate and studiously avoid overly arbitrary, artificial, sometimes unconscionable and bloodless decrees that are such an ill fit for a legislative body in which each Member carries such tremendous burdens and responsibilities under the U.S. Constitution.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. FEINSTEIN. I ask unanimous consent that at 5 o'clock today, the Senate vote in relation to the following amendments in the order listed and that there be 2 minutes between the votes equally divided: the Vitter amendment No. 5 regarding Indian tribes and the Vitter amendment No. 6 regarding family members; that the time until then be divided as follows: 2 minutes each to Senators BENNETT and FEINSTEIN and 5 minutes for Senator VITTER.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Utah.

AMENDMENT NO. 6

Mr. BENNETT. I yield my 2 minutes to the Senator from Maine.

The ACTING PRESIDENT pro tempore. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I thank my colleague from Utah.

I rise in opposition to the amendment offered by the Senator from Louisiana that would restrict the ability of a campaign to hire the spouse or child of a candidate. I just don't see why we would want to get into the issue of whom a candidate can put on his or her payroll. As long as it is a fully disclosed expense, which it would be through campaign finance reports and campaign disclosures, then the voters can judge whether it is appropriate. In some cases, it may be appropriate; in some cases, it may not. Why should we bar the ability of a family member to work for a candidate? I don't see the point of that.

This isn't a case where taxpayer dollars are being used and you might want to make sure that you are following some antinepotism rules. This is a campaign.

As it happens, I have never had a relative on my campaign payroll. I should perhaps make that clear. But many times when people are starting out, running for public office the first time, it is family members who are willing to

work on the campaign at very minimal pay in order to help their relative win the race.

I don't see this creating a problem. I think it is a mistake for us to legislate in this area. I urge opposition to Senator VITTER's amendment.

I thank the Chair.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from California.

Mrs. FEINSTEIN. I yield to Senator VITTER if he wishes, and then I will wrap up.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Mr. VITTER. Mr. President, I urge all Members to vote against the motion to table. I believe I am correct that it will be in the form of a motion to table.

Mrs. FEINSTEIN. That is correct.

Mr. VITTER. I urge them to vote against the motion to table. I appreciate the legitimate concerns that have been expressed about this amendment. However, I do think this is not a solution looking for a problem. This is a real problem that we need to solve.

The problem is simply this: This has been abused in the past. There are clear and documented cases whereby Members, candidates especially, use their political position to add to the family income. If the case of a Member or a candidate hiring a family member on a campaign could truly be enforced, if we had a way consistently in all cases to make sure that the law was being followed that only bona fide work should be paid for at fair market value prices, that would be one thing. That is the law. You can do it, but it is only supposed to be done to compensate actual work at fair market value prices.

The fact is, there is no way to police that. There have been plenty of situations, unfortunately, in the past where this opportunity was used to allow a candidate to use his political position to increase the family income. This has come to light in the last several years. This has been an unfortunate practice. I think it is part of a whole series of abuses that Americans are just fed up with. They see Members of Congress, people in politics, using their political position to increase their income or increase their family's income. This is a situation which is wide open for that abuse.

Again, it would be one thing if present law were enforced. Present law says you can do it, yes, but it is only supposed to be for real work, bona fide services at a reasonable compensation level. It is crystal clear that that provision is not and cannot be policed. There is no real meaningful way to ensure that. So it is an opportunity which has been used by some folks who use their political position to add to their family income.

This goes to the heart of the concerns of many Americans. It goes to the heart of a lot of issues on the lobbying side. It goes to the heart of issues involving campaign finance.

I urge all Members of the Senate to solve this problem in the only way that is practical, which is to draw a red line, create a clear prohibition so that we avoid those abuses which have unfortunately happened in the past.

I urge Members of the Senate to vote against the motion to table.

I yield back my time.

Mr. LEVIN. Mr. President, while I am troubled by the potential questions raised by the employment of a family member on a campaign committee or leadership PAC, I will support the chairman of the Senate Rules Committee, Senator FEINSTEIN's motion to table the Vitter amendment No. 6 because it deals primarily with campaign finance reforms and because Senator FEINSTEIN has assured me, personally, that the Rules Committee will hold hearings on this specific issue as a part of comprehensively addressing campaign finance reform later this year.

The ACTING PRESIDENT pro tempore. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I find myself in agreement with the Senator from Maine. I don't understand why we are getting into this issue at this place and time. I see no evidence of anything improper in this body. To a great extent what I see happening is legislation being developed in reaction to things that have happened in the other body, not in this body. I have been very proud of this body because we have been able to conduct our business in a very respectful manner. If there is evidence in this body of any improper and unreasonable payment to which the Senator seemed to allude, I ask him, please, bring it to the Rules Committee. I can assure him we will hold a hearing, if necessary. We will pass legislation. But at this time, what we are trying to do is coalesce around a 90-to-8 vote that took place early last year, that passed almost unanimously a bill out of this Senate dealing with earmarks, dealing with lobbying reform, dealing with ethics reform.

We are trying to keep extraneous matters, to the extent that we can, out of this bill.

With that in mind, I move to table Vitter amendment No. 5 and ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

The Senator from Louisiana.

Mr. VITTER. I ask unanimous consent simply to be recognized for the time remaining of my 5 minutes so that I may also address my second amendment which will be voted on. I misunderstood. I thought the time allotments only applied to the amendment I addressed, not the other amendment. Therefore, I want to address the second amendment as well.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 5

Mr. VITTER. Mr. President, the second of my amendments that will be voted on through a motion to table is with regard to the clear loophole in campaign finance law about Indian tribes. We have talked about this and debated this. This has been widely recognized for quite some time. It is a loophole in the law that allows tribes to give to candidates directly, including gambling proceeds, without any necessity of forming a PAC and going through those rigorous requirements that corporations, labor unions, and other entities have to do. This is a loophole that has been widely recognized and needs to be closed.

Certainly no legitimate argument exists that this is beyond the present debate. Think about the single biggest scandal that got us to this debate, the Jack Abramoff scandal. Indian tribes and their unfettered access to money, including gambling revenues, was at the center of the single biggest scandal that brought us to this debate. There is no legitimate argument that the amendment is somehow extraneous to the debate. If this is going to be a meaningful exercise about real reform, really cleaning things up, getting serious, not protecting sacred cows, then let's get real about it.

One way we get real about it is closing this Indian tribe loophole which clearly exists and has no legitimate justification. I urge all Senators to vote against the motion to table because, again, this goes to the heart of the Abramoff matter. We need to properly regulate those campaign contributions in the same way as we do other entities, corporations, labor unions, and the like.

With that, I appreciate the deference in allowing me to speak to this issue.

I yield the floor.

Mr. INOUYE. Mr. President, I rise today to express my strong opposition to an amendment to S.1, the Legislative Transparency Act of 2007, which is proposed by my colleague, Senator DAVID VITTER of Louisiana.

This amendment amends the Federal Election Campaign Act, FECA, so that Indian tribes would be singled out for the purposes of campaign finance law. In effect, this proposal would prohibit tribal campaign contributions by defining tribes as corporations under our Nation's campaign finance laws.

Indian tribes are constitutionally recognized sovereign governments, with whom the Federal Government has a trust relationship. The primary purpose of Indian tribes is to provide governmental services to their members. Corporations are for-profit entities whose primary goal is to maximize profits for its shareholders. Treating Indian tribes as corporations for the purposes of campaign finance sets a dangerous precedent for their treatment in other areas of the law.

In addition, I do not support this measure because it would treat Indian tribes differently from other similarly situated entities regarding their campaign contributions. Indian tribes are exempt from the aggregate limit and

the reporting requirements on their campaign contributions in the same manner as other unincorporated associations are exempt. While I support efforts to require more transparency with respect to the reporting of all contributions, I do so with the caveat that all similarly situated entities should be subject to the same reporting requirements.

If enacted this amendment would limit the ability of tribes to participate fully in the political process by preventing them from making campaign contributions.

Even though tribes are acknowledged as sovereigns, they have not been granted seats in the U.S. Congress. Instead, they must rely on the Congress to represent them. Having served in the United States Senate for 45 years and on the Indian Affairs Committee for the past 28 years, I have seen how the Congress has taken actions without considering their effects on tribes and individual Indians. At times, it even seemed that the Congress took action only to appease non-Indians. It causes one to wonder whether the Congress would have taken those actions if tribes had been consulted and been allowed to actively participate in the political process.

Due to some bad actions taken by non-Indians, some are calling to prevent tribes from fully participating in the electoral process. We must pause and reflect upon the impact that this proposal will have now and in the long term. We must ensure that the tribes, who were the victims of illegal acts, are not penalized in the name of reform. To do this, we must fully consider the unique nature of Indian tribes. Tribes need a voice to reflect their unique legal status. Without a seat in the U.S. Congress they must be allowed to use other means to participate in this process.

And once again, we must ensure that Indian gaming is not unfairly blamed. Some believe that Indian gaming is providing an improper tribal advantage in the political process. During the 2004 election cycle, tribal contributions comprised one-third of 1 percent of total contributions nationwide. Given the facts, it is hard to conceive of an unfair tribal advantage.

I believe that many critics of full tribal participation in the election process do not understand the unique history, status, and relationship that Indian tribes have with the Federal Government. Indian tribes have much to lose in the Federal process. The U.S. government has a history of taking from Indian tribes, and taking without fulfilling our obligations. We must fully consider the tribal role in the Federal process before determining that gaming revenues cannot be used in the Federal process or that tribes should not be allowed to fully participate. The U.S. Senate committees of jurisdiction should have the opportunity to hold hearings and fully explore this issue.

Therefore, for these reasons I urge my colleagues to join me in opposing this proposed measure, and preserving the rights of Indian tribes to participate in the political process.

Mr. DORGAN. Mr. President, I want to speak in response to the amendment offered by Mr. VITTER yesterday that relates to the application of the Federal campaign finance laws to Indian tribes. As Mr. VITTER suggested, this issue is outside the scope of the bill presently before us, and we should consider it at a later date when overall campaign fiance matters are being reviewed. I expect there to be a motion to table his amendment until a more appropriate time, and I will support such a motion.

More importantly though, I feel compelled to respond to some of the statements made in support of the amendment that are simply factually inaccurate. Mr. VITTER offered his amendment to correct what he describes as a very significant loophole in the campaign finance laws for Indian tribes. He stated that unlike other entities Indian tribes can give money directly from their tribal revenues and are not subject to the giving limits that apply to everyone else. Mr. VITTER stated that we should treat Indian tribes exactly as we treat other entities.

Contrary to these statements, we do treat Indian tribes exactly as we treat other unincorporated entities.

Last year, the Committee on Indian Affairs held a hearing on the applicability of the Federal campaign finance laws to Indian tribes. The committee held this hearing to counter the significant factual errors that were being reported in the news. In fact, the Federal Election Commission felt the need to issue an Advisory on Indian Tribes last year to clarify the misconceptions about the law that regulates the political activity of Indian tribes. The chairman and vice chairman of the Federal Election Commission testified before the committee on how the campaign finance laws apply to Indian tribes.

So let me convey some important facts about how Indian tribes are indeed treated under the campaign finance laws:

Indian tribes are treated as ''a group of persons'' under the Federal campaign finance laws. This decision was first made by the Federal Election Commission in 1978.

Thus, Indian tribes are subject to the contribution limitations and prohibitions applicable to all ''persons'' under the law. We treat them the same as all other persons. For the last election cycle, this was $2,100 to each candidate, $26,700 per year to a political party's national committee, and $5,000 per year to a political action committee.

Similar to other unincorporated entities, Indian tribes do not have to report their political contributions. However, political committees, including candidate and party committees, that receive contributions from Indian tribes must report those contributions in their disclosure reports.

Also, similar to other unincorporated entities, Indian tribes are not subject to the cumulative giving limits applicable to ''individuals.'' This is because Indian tribes are not ''individuals.'' This is the same way that other types of organizations are treated, such as partnerships or certain limited liability companies.

Indian tribes are not treated in any unique manner under the Federal campaign finance laws. They are treated just like other unincorporated entities. The concerns raised by Mr. VITTER are not unique to Indian tribes. Many entities can give money directly from their revenues, and only ''individuals'' are subject to a cumulative giving limit.

Now that is not to say that there shouldn't be any changes to the campaign finance laws, or that there should not be more transparency with regards to political contributions. However, Indian tribes should not be singled out because of misunderstandings about how the Federal laws apply to them. Nor should the sovereignty of Indian tribes or their ability to represent their tribal members be infringed upon.

Mrs. FEINSTEIN. Mr. President, once again, I move to table the Vitter amendment No. 5 and ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUYE) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senators were necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Idaho (Mr. CRAPO).

Further, if present and voting, the Senator from Idaho (Mr. CRAPO) would have voted ''no.''

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 40, as follows:

[Rollcall Vote No. 3 Leg.]

YEAS—56

Akaka	Durbin	Nelson (NE)
Baucus	Feingold	Obama
Bayh	Feinstein	Pryor
Biden	Harkin	Reed
Bingaman	Kennedy	Reid
Boxer	Kerry	Rockefeller
Brown	Klobuchar	Salazar
Byrd	Kohl	Sanders
Cantwell	Lautenberg	Schumer
Cardin	Leahy	Smith
Carper	Levin	Snowe
Casey	Lieberman	Stabenow
Clinton	Lincoln	Stevens
Coleman	McCaskill	Tester
Collins	Menendez	Thomas
Conrad	Mikulski	Webb
Dodd	Murkowski	Whitehouse
Domenici	Murray	Wyden
Dorgan	Nelson (FL)	

NAYS—40

Alexander	Ensign	Martinez
Allard	Enzi	McCain
Bennett	Graham	McConnell
Bond	Grassley	Roberts
Bunning	Gregg	Sessions
Burr	Hagel	Shelby
Chambliss	Hatch	Specter
Coburn	Hutchison	Sununu
Cochran	Inhofe	Thune
Corker	Isakson	Vitter
Cornyn	Kyl	Voinovich
Craig	Landrieu	Warner
DeMint	Lott	
Dole	Lugar	

NOT VOTING—4

Brownback	Inouye
Crapo	Johnson

The motion was agreed to.

Mrs. FEINSTEIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 6

The ACTING PRESIDENT pro tempore. Under the unanimous consent agreement, there remains 2 minutes equally divided between the Senator from Louisiana and the Senator from California on the Vitter amendment No. 6.

Who yields time? The Senator from Utah.

Mr. BENNETT. Mr. President, I am in favor of the tabling motion, so I will be happy to yield whatever time I have to the Senator from Louisiana.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Mr. VITTER. Mr. President, how much time do I have under the unanimous consent agreement?

The ACTING PRESIDENT pro tempore. The Senator from Louisiana has 1 minute.

Mr. VITTER. Mr. President, I urge Senators to vote against this motion to table. Unfortunately, this opportunity to increase a Member's family income has been used and abused, and it tarnishes the entire body. It is one factor that has helped erode public confidence in the Congress.

If there was a way to truly police present law, I would say fine, but the fact is, there clearly is not and there is no way to know if services are being rendered and if a proper amount is being paid. So it is and will remain, if this amendment is tabled, a clear conduit of abuse of which some Members—I am not saying many or most, some Members—will take advantage. That will continue to hurt this institution and all of us who don't participate in that practice.

I yield back my time.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. FEINSTEIN. Mr. President, once again, this is related to campaign spending. It does not belong in this bill. We are trying to keep a bill with which the greatest majority of the Senate can agree.

Secondly, I know of no problems related to this issue in this body. Should there be any evidence that any Senator has that there are problems, please bring it to the Rules Committee and we will do something about it.

In the absence of that, I move to table the Vitter amendment No. 6, and I ask for the yeas and nays?

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, prior to starting the vote on this and granting the request for the yeas and nays, we are going to come in at 9:30 in the morning. There will be a period for morning business for an hour. Then we hope to have debate on the Stevens amendment, a serious amendment, dealing with travel. We hope to be able to complete that debate fairly quickly, in an hour or so. So there will be a vote on that amendment, if things work out the way we hope, at around 11:30 in the morning.

There are a number of amendments pending. The managers have done extremely well. As I said earlier this morning, we couldn't have two better people managing this bill. People who have amendments to offer, please come and offer them; otherwise, we are going to get the idea that maybe people are wanting to move forward on this legislation in some other way.

Mrs. FEINSTEIN. Once again, Mr. President, I move to table the amendment, and I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mrs. BOXER. (When her name was called). Present.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUYE) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senators were necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Idaho (Mr. CRAPO).

Further, if present and voting, the Senator from Idaho (Mr. CRAPO) would have voted ''yea.''

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 41, as follows:

[Rollcall Vote No. 4 Leg.]

YEAS—54

Akaka	Domenici	Menendez
Alexander	Dorgan	Murkowski
Baucus	Durbin	Murray
Bennett	Enzi	Nelson (NE)
Biden	Feinstein	Pryor
Bingaman	Gregg	Reed
Bond	Hatch	Reid
Brown	Kennedy	Rockefeller
Bunning	Klobuchar	Salazar
Byrd	Kohl	Sanders
Cardin	Lautenberg	Schumer
Carper	Leahy	Sessions
Casey	Levin	Stabenow
Clinton	Lieberman	Sununu
Coleman	Lincoln	Thomas
Collins	Lott	Voinovich
Conrad	Lugar	Webb
Dodd	McCaskill	Whitehouse

NAYS—41

Allard	Graham	Nelson (FL)
Bayh	Grassley	Obama
Burr	Hagel	Roberts
Cantwell	Harkin	Shelby
Chambliss	Hutchison	Smith
Coburn	Inhofe	Snowe
Cochran	Isakson	Specter
Corker	Kerry	Stevens
Cornyn	Kyl	Tester
Craig	Landrieu	Thune
DeMint	Martinez	Vitter
Dole	McCain	Warner
Ensign	McConnell	Wyden
Feingold	Mikulski	

ANSWERED ''PRESENT''—1

Boxer

NOT VOTING—4

Brownback	Inouye
Crapo	Johnson

The motion was agreed to.

Mr. WHITEHOUSE. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 16 WITHDRAWN

Mr. STEVENS. Mr. President, I ask unanimous consent that amendment No. 16 be withdrawn. There has been confusion over the interpretation of that amendment. I will look at it and redraft it.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The amendment is withdrawn.

The Senator from Colorado.

AMENDMENT NO. 17 TO AMENDMENT NO. 3

Mr. ALLARD. Mr. President, what is the pending amendment?

The ACTING PRESIDENT pro tempore. Amendment No. 17 by the Senator from New Hampshire is pending.

Mr. ALLARD. Mr. President, I rise today in support of the Second Look at Wasteful Spending amendment offered by Senator GREGG to the pending Legislative Transparency Act of 2007.

I am proud to be an original cosponsor of this amendment, as I was to be a cosponsor of the Stop-Over-Spending Act of 2006, which contained a similar provision.

Spending is out of control and it is time that Congress put its money where its mouth is when it comes to reigning in spending. In addition to being a good first step, this amendment is symbolic because it is the first opportunity of this new Congress to do so.

I hope the new majority party will use this opportunity to live up to its promise of fiscal responsibility and support this amendment.

The amendment is simple. In a nutshell, it allows the President to identify individual items of wasteful spending that, for one reason or another, slipped through Congress and send them back for closer scrutiny.

Once under the microscope for Congress and all of America to see, both houses of Congress will have the opportunity to give the individual proposal an up-or-down vote.

If both Houses deem the spending appropriate, the President must release the funds. On the other hand, if it does

not survive the scrutiny of both Houses, the spending is rescinded.

Importantly, any savings resulting from rescinded items of spending goes to reduce the Federal deficit. With record revenues streaming into the Treasury as a result of the Republican pro-growth tax cuts, we have made significant strides toward cutting the deficit. This amendment provides an opportunity to chip away at the deficit from the spending side of the equation.

Some of you may recall the Line Item Veto Authority that a Republican Congress gave to President Clinton in 1996 and wonder how this differs. This legislation, although similar in purpose, is not nearly as far-reaching as the authority given to President Clinton.

Under that authority, presidential cancellations went into effect automatically, without Congressional action. Unlike that law, the Second Look at Wasteful Spending legislation requires that Congress take affirmative steps to affirm or deny any rescission package proposed by the President. In other words, Congress has the final say on the President's rescission request.

Today's legislation contains several other important limitations on the President's authority. First, the President is limited to the submission of four rescission packages per year. Second, the President's rescission requests are limited to discretionary or mandatory spending or tax bills introduced on or after the legislation's enactment. Third, the authority sunsets in 4 years to allow Congress to reevaluate it after two Presidents have each used it for 2 years.

I am pleased that Senator GREGG chose to address this issue during the pending lobbying reform legislation. Both pieces legislation share the goal of bringing greater transparency to the Federal spending process.

While I do not pretend that it will solve all of the long-term fiscal problems—such as long-term entitlement spending—I do believe that it is an important and symbolic first step.

Even if the authority is never used by the President, its mere existence will have a chilling effect on wasteful discretionary spending. Individual Members of Congress will give second thought to promoting wasteful items spending that they know will receive a second look.

Similarly, it will provide an additional check on new items of mandatory spending, each of which has the potential to exacerbate the crisis that is the unsustainable growth in long-term entitlement spending. I say crisis because we received testimony in the Budget Committee that, if left unchecked, in under 30 years spending on just three entitlement programs—Medicare, Medicaid and Social Security—will exceed, as a share of GDP, the amount of spending that the entire U.S. Government consumes today.

In other words, those three programs are unsustainable. To further put the issue in perspective, outstanding 75-year Government promises, including Medicare, Medicaid, and Social Security, exceed the total amount of taxes collected in U.S. history by $26 trillion.

Again, this amendment is only the first step in reducing spending—something that the American taxpayers demand and deserve.

I am hopeful that the new majority party will take the opportunity to support its promises of fiscal responsibility and join me in supporting this amendment.

It will bring more accountability and transparency to the legislative process so that Americans will know what is happening and can hold Members of Congress more accountable.

I yield the floor and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 15, AS MODIFIED

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Salazar amendment No. 15 be the pending business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the amendment be modified with the changes at the desk.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment will be so modified.

The amendment (No. 15), as modified, is as follows:

At the appropriate place, insert the following:

SEC. ___. PUBLIC AVAILABILITY OF SENATE COMMITTEE AND SUBCOMMITTEE MEETINGS.

(a) IN GENERAL.—Paragraph 5(e) of rule XXVI of the Standing Rules of the Senate is amended by—

(1) by inserting after ''(e)'' the following: ''(1)''; and

(2) by adding at the end the following:

''(2) Except with respect to meetings closed in accordance with this rule, each committee and subcommittee shall make publicly available through the Internet a video recording, audio recording, or transcript of any meeting not later than 14 business days after the meeting occurs.''.

(b) EFFECTIVE DATE.—This section shall take effect October 1, 2007.

MORNING BUSINESS

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD a letter and accompanying section 102(b) report from the Office of Compliance Board of Directors.

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

OFFICE OF COMPLIANCE,
Washington, DC, January 4, 2007.

Hon. ROBERT C. BYRD,
President Pro Tempore, U.S. Senate, The Capitol, Washington, DC.

DEAR PRESIDENT PRO TEMPORE BYRD: Section 102(b)(2) of the Congressional Accountability Act of 1995 (CAA), 2 U.S.C. 1302, requires that, ''Beginning on December 31, 1996, and every 2 years thereafter, the Board shall report on (A) whether or to what degree the provisions described in paragraph (1) are applicable or inapplicable to the legislative branch and (B) with respect to provisions inapplicable to the legislative branch, whether such provisions should be made applicable to the the legislative branch. The presiding officers of the House of Representatives and the Senate shall cause each report to be printed in the CONGRESSIONAL RECORD, and each such report shall be referred to the committees of the House of Representatives and the Senate with jurisdiction.

The Board of Directors of the Office of Compliance is transmitting herewith the Section 102(b) Report for the 109th Congress. The Board requests that the accompanying Report be published in both the House and Senate versions of the CONGRESSIONAL RECORD on the first day on which both Houses are in session following receipt of this transmittal.

Any inquiries regarding the accompanying Notice should be addressed to Tamara Chrisler, Acting Executive Director of the Office of Compliance, 110 2nd Street, S.E., Room LA–200, Washington, D.C. 20540.

Sincerely,

SUSAN S. ROBFOGEL,
Chair of the Board of Directors.

OFFICE OF COMPLIANCE,
Washington, DC, December 21, 2006.

Hon. TED STEVENS,
President Pro Tempore of the Senate, U.S. Senate, The Capitol, Washington, DC.

DEAR MR. STEVENS: Pursuant to section 102(b) of the Congressional Accountability Act, I am pleased to announce that the Board of Directors of the Compliance has completed its biennial report. Accompanying this letter is a copy of our section 102(b) report for the 109th Congress.

The section 102(b) report and its incorporated recommendations are an integral part of the Congressional Accountability Act. As a principle function of the Board, this report provides insight into the ever-changing climate that exemplifies the working environment of the legislative branch. As such, the Board views the submission of this report as the primary method of keeping the Act alive beyond its inception. With this submission, the Board presents its prior recommendations and specifically makes recommendations concerning the need for additional tools and mechanisms to increase the Office's efforts to ensure continued safety and health of legislative branch employees and visitors; as well as the need for regulations in the legislative branch for veterans entering and returning to the workforce.

With more than ten years of experience living with congressional accountability, the Board and the office are committed to the recommendations we outline in this report. As the sixth such report to Congress, we are seeking appropriate time for review, consultation, and action in the 110th Congress.