

Mikulski, Benjamin L. Cardin, Dick Durbin, Ted Kennedy.

## CLOTURE MOTION

Mr. REID. Mr. President, I now send to the desk a cloture motion on the substitute amendment, amendment No. 3.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close the debate on the Reid substitute amendment No. 3 to Calendar No. 1, S. 1 Transparency in the Legislative Process.

Harry Reid, Dianne Feinstein, Joseph Lieberman, Tom Carper, Ken Salazar, Robert Menendez, Patty Murray, Jon Tester, Jack Reed, Joe Biden, Debbie Stabenow, Daniel K. Akaka, Barbara Mikulski, Benjamin L. Cardin, Dick Durbin, Ted Kennedy.

## CLOTURE MOTION

Mr. REID. Mr. President, finally, I send to the desk a cloture motion on the bill.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close the debate on S. 1 Transparency in the Legislative Process, as amended.

Harry Reid, Dianne Feinstein, Joseph Lieberman, Tom Carper, Ken Salazar, Robert Menendez, Patty Murray, Jon Tester, Jack Reed, Joe Biden, Debbie Stabenow, Daniel K. Akaka, Benjamin L. Cardin, Dick Durbin, Ted Kennedy, Evan Bayh.

Mr. REID. Mr. President, I ask unanimous consent that the live quorum with respect to each cloture motion be waived and that Monday, January 15, count as the intervening day with respect to the cloture motion on amendment No. 4.

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

## AMENDMENTS NOS. 54, 43, AND 56 TO AMENDMENT NO. 3, EN BLOC

Mr. REID. Mr. President, I ask unanimous consent that the pending amendment be set aside, and I ask that it be in order to call up amendments on behalf of other Senators en bloc, and that after reporting they be laid aside:

Amendment No. 54 to amendment No. 3 for Senator FEINGOLD; amendment No. 43 to amendment No. 3 for Senator LIEBERMAN; and amendment No. 56 to amendment No. 3 for Mr. CASEY.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. FEINGOLD, proposes an amendment numbered 54.

The Senator from Nevada [Mr. REID], for Mr. LIEBERMAN, proposes an amendment numbered 43.

The Senator from Nevada [Mr. REID], for Mr. CASEY, proposes an amendment numbered 56.

The amendments are as follows:

## AMENDMENT NO. 54

**Purpose:** To prohibit lobbyists and entities that retain or employ lobbyists from throwing lavish parties honoring Members at party conventions

On page 11, line 2, strike “Paragraph” and insert “(a) IN GENERAL.—Paragraph”.

On page 11, between lines 8 and 9, insert the following:

(b) NATIONAL PARTY CONVENTIONS.—Paragraph (1)(d) of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following:

“5. A Member may not participate in an event honoring that Member at a national party convention if such event is paid for by any person or entity required to register pursuant to section 4(a) of the Lobbying Disclosure Act of 1995, or any individual or entity identified as a lobbyist or a client in any current registration or report filed under such Act.”

## AMENDMENT NO. 43

**Purpose:** To require disclosure of earmark lobbying by lobbyists

At the appropriate place, insert the following:

## SEC. \_\_\_\_\_. DISCLOSURE OF LOBBYING ON EARMARKS.

(a) REPORTS.—Section 4(b)(5)(B) of the Act (2 U.S.C. 1603(b)(5)(B)) is amended by adding immediately following “activities” the following: “, including earmarks, targeted tax benefits, and targeted tariff benefits as defined in section 103 of the Legislative Transparency and Accountability Act of 2007, and the legislation that contains the earmark, targeted tax benefit, or targeted tariff benefit, including the bill number, if known.”.

(b) DISCLOSURES.—Section 5(b)(2)(A) of the Act (2 U.S.C. 1604(b)(2)(A)) is amended to read—

“(A) a list of the specific issues upon which a lobbyist employed by the registrant engaged in lobbying activities, including—

“(i) to the maximum extent practicable, a list of bill numbers and references to specific executive branch actions; and

“(ii) each earmark, limited tax benefit, or targeted tariff benefit as defined in section 103 of the Legislative Transparency and Accountability Act of 2007 for which the registrant engaged in lobbying activities, and the legislation that contains the earmark, targeted tax benefit, or targeted tariff benefit, including the bill number, if known.”.

## AMENDMENT NO. 56

**Purpose:** To eliminate the K Street Project by prohibiting the wrongful influencing of a private entity’s employment decisions or practices in exchange for political access or favors

At the appropriate place, insert the following:

## SEC. \_\_\_\_\_. WRONGFULLY INFLUENCING A PRIVATE ENTITY’S EMPLOYMENT DECISIONS OR PRACTICES.

(a) IN GENERAL.—Chapter 11 of title 18, United States Code, is amended by adding at the end the following:

## “§ 226. Wrongfully influencing a private entity’s employment decisions by a Member of Congress

“Whoever, being a Senator or Representative in, or a Delegate or Resident Commissioner to, the Congress or an employee of either House of Congress, with the intent to influence on the basis of partisan political affiliation an employment decision or employment practice of any private entity—

“(1) takes or withholds, or offers or threatens to take or withhold, an official act; or

“(2) influences, or offers or threatens to influence, the official act of another; shall be fined under this title or imprisoned for not more than 15 years, or both, and may be disqualified from holding any office of honor, trust, or profit under the United States.”.

(b) NO INFERENCE.—Nothing in section 226 of title 18, United States Code, as added by this section, shall be construed to create any inference with respect to whether the activity described in section 226 of title 18, United States Code, was already a criminal or civil offense prior to the enactment of this Act, including sections 201(b), 201(c), and 216 of title 18, United States Code.

(c) CHAPTER ANALYSIS.—The chapter analysis for chapter 11 of title 18, United States Code, is amended by adding at the end the following:

“226. Wrongfully influencing a private entity’s employment decisions by a Member of Congress.”.

## MEASURE PLACED ON THE CALENDAR—H.R. 3

Mr. REID. I understand that H.R. 3 is at the desk and ready for its second reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3) to amend the Public Health Service Act to provide for human embryonic stem cell research.

Mr. REID. I object to any further proceedings at this time.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the calendar.

## MEASURE READ THE FIRST TIME—S. 287

Mr. REID. I understand S. 287, introduced earlier today by Senator KENNEDY and others, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

A bill (S. 287) to prohibit the use of funds for an escalation of United States military forces in Iraq above the numbers existing as of January 9, 2007.

Mr. REID. I now ask for its second reading but object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will receive its second reading on the next legislative day.

Mr. REID. 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. WEBB. 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. 44, AS MODIFIED

Mr. WEBB. Mr. President, I ask unanimous consent that the Durbin

amendment numbered 44 be modified with the changes at the desk.

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

The amendment will be so modified.

The amendment (No. 44), as modified, is as follows:

In lieu of the matter proposed to be inserted 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, which shall be made available on the Internet in a searchable format to the general public for at least 48 hours before consideration of the bill or joint resolution, 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, which shall be made available on the Internet in a searchable format to the general public for at least 48 hours before consideration of the bill or joint resolution, 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, which shall be made available on the Internet in a searchable format to the general public for at least 48 hours before consideration of the conference report, 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 purposes 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—

“(I) any revenue provision that—

“(A) provides a Federal tax deduction, credit, exclusion, or preference to a par-

ticular beneficiary limited group of 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.”

**MORNING BUSINESS**

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

**MARTIN LUTHER KING DAY**

Mr. McCONNELL. Madam President, this Monday we will celebrate the life and legacy of one of America’s greatest heroes, the Reverend Martin Luther King, Jr.

Dr. King dreamt of an America where, as he so profoundly put it, all of America’s children would be judged not by the color of their skin, but by the

content of their character. By sharing his dream with the rest of us, Dr. King literally awoke a nation.

I remind my colleagues this also will be the first observance of Martin Luther King Day when his lovely wife, Coretta Scott King, is no longer with us. She kept the dream alive after Dr. King’s tragic assassination in 1968. With her passing last year, we lost the first lady of America’s civil rights movement.

I remember all too well the days before Dr. King and the civil rights movement lit a fire across this country. Many parts of America were split into two separate nations, and they were certainly not equal. As a child growing up in Alabama and later in Kentucky, I remember segregated lunch counters. I remember separate water fountains.

I am proud to say that as a young man I was present for not just one but two significant events in the life of Dr. King. On August 28, 1963—a Wednesday, without a cloud in the sky—more than 200,000 people gathered on the Mall here in Washington to protest racial inequality and to hear Dr. King give what would be his most remembered speech.

I was an intern at the time for Congressman Gene Snyder of Kentucky, and so I went outside and stood on the Capitol steps.

I could see up the length of the entire Mall, and see the crowd that had gathered there. I supported Dr. King and his cause, and wanted to witness what I knew would be a pivotal point in history.

What none of us knew at the time, Mr. President, is that history was almost denied hearing Dr. King say, “I have a dream.” His scripted remarks for that day did not include the stirring conclusion to his speech.

But when he was about to conclude his remarks and sit down, the gospel singer Mahalia Jackson cried out, “Tell them about your dream, Martin! Tell them about the dream!”

So Dr. King drew from his past speeches and sermons, and in the shadow of the Lincoln Memorial, he issued the greatest declaration of freedom since Lincoln signed the Emancipation Proclamation a century earlier.

Dr. King’s words moved a nation. And the next summer I returned to Washington to intern for the great Kentucky Senator John Sherman Cooper. That year, Senator Cooper worked hard to pass the Civil Rights Act of 1964.

After my internship, I went on to the University of Kentucky School of Law, and returned to Washington in August of 1965 to pay my old boss and mentor a visit. It is thanks to him that I had my second encounter—not exactly close up, but my second encounter with Dr. King.

All that summer, Senator Cooper had been a key proponent of the 1965 Voting Rights Act, and on August 4 it passed the Senate and was sent to President Johnson for his signature.

As I sat waiting for the Senator, he suddenly emerged from his office and