

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

motioned for me to follow him. He led me to the Capitol Rotunda, where President Johnson was about to sign the Voting Rights Act.

I'll never forget the President's sheer physical presence in that room. The room was packed with people, but LBJ was bigger than anyone in there. Every good history book describes him as a larger-than-life, imposing man, and they are all correct. His commanding figure almost filled the rotunda.

But there was another figure there, not as large but just as significant.

Here in this Capitol, Dr. King stood by the President and witnessed the signing of the Voting Rights Act—an act that would not have gained America's support without his efforts.

With its enactment, the promise of the 14th amendment, extending the franchise to newly freed slaves, was finally realized. Sadly, it was a hundred years too late.

I do not believe this country's march towards liberty and equality, and away from racial injustice and division, would have been possible without Dr. King.

It would not have been possible without his leadership of the Montgomery bus boycott, which first began to ignite what he called "a certain kind of fire that no water could put out."

It would not have been possible without his plea to America in front of the Lincoln Memorial, when he said:

I have a dream that one day this nation will rise up and live out the true meaning of its creed: We hold these truths to be self-evident, that all men are created equal.

It would not have been possible without his enlisting all of us, Black and White, in the cause of freedom when he said, "Human progress never rolls in on wheels of inevitability; it comes through the tireless efforts of men."

Dr. King's faith and courage continue to inspire America. Like Moses, he led his people from the dark night of bondage to the promised land.

Through courage, Dr. King persevered even in the face of death. Constant threats were made on his life. Many times his travel plans were interrupted by bomb threats.

No one would have blamed Dr. King if, fearing for his life, he had retreated from public view. But he refused to.

In 1958 in Harlem, a woman stabbed him in the chest with a letter opener, and the blade came so close to his heart that doctors told the reverend that if he had even sneezed, he would have died.

Dr. King recalled that attack 10 years later in Memphis, in what would be his final speech. "I am so glad that I didn't sneeze," he told a crowd of 2,000. "I'm just happy that God has allowed me to live in this period to see what is unfolding."

Dr. King would die in hours, not from a letter opener, but from an assassin's bullet. As he spoke, it seemed he knew his fate was preordained, and he was at peace with it.

"I've seen the promised land," Dr. King continued. "I may not get there

with you. But I want you to know tonight that we, as a people, will get to the promised land. And I'm happy tonight."

America has traveled far since the civil rights movement, to reach that promised land. It's been a difficult journey, and the journey is not yet over.

Dr. King said:

I am convinced that the universe is under the control of a loving purpose, and that in the struggle for righteousness, man has cosmic companionship. Behind the harsh appearance of the world there is a benign power.

Those words serve to remind us that no matter the difficulty or the distance of our journey, our destination is clear, thanks to the foundation laid by Dr. King. That destination is liberty and justice for all.

I yield the floor.

Mr. LEAHY. Mr. President, on Monday, our Nation honors the life and legacy of the late Dr. Martin Luther King, Jr., a national hero and man whose words and deeds brought hope and healing to America.

We commemorate the timeless values he taught us through his example—the values of courage, truth, justice, compassion, dignity, humility and service that so radiantly defined Dr. King's character and revolutionary spirit. Dr. King's belief in the strength of non-violence was not merely aspirational—though surely it spoke to our aspirations as a nation—but it gave his leadership a unique power that resonates to this day.

I am grateful for this holiday because it is a reminder to listen again to Dr. King's inspiring words and to let the children and grandchildren of those who remember Dr. King hear his voice that filled a great void in our Nation and answered our collective longing to become a country that truly lived by its noblest principles.

A few months ago, we broke ground on a memorial to honor Dr. King. At first glance, it may seem a bit out of place that Dr. King's memorial will be located on our National Mall—a place adorned with memorials to America's greatest Presidents and wartime heroes. Dr. King was neither a President of the United States nor a hero in a foreign war. He never even held public office. Yet he deserves his place in the pantheon of great American leaders because lead a Nation he did. Through words, he gave voice to the voiceless. Through deeds, he gave courage to the faint of heart. Through his bravery and courage, he endured tremendous hardships—he was beaten and jailed 29 times, his family was threatened, his home was fire bombed, and he was placed under surveillance by the FBI—yet he overcame these hurdles and ignited a movement that would lead to historic reforms.

In his famous "I Have a Dream" speech, Dr. King noted that "[w]hen the architects of our republic wrote the magnificent words of the Constitution

and the Declaration of Independence, they were signing a promissory note to which every American was to fall heir." And it was thanks to the work of great civil rights leaders like Dr. King and his wife Coretta Scott King, whom we lost a year ago and whom we honored in reauthorizing the Voting Rights Act, that Jim Crow segregation was uprooted, and legal barriers to the full participation of racial minorities in the political life of the Nation were removed.

Yet, as I was reminded last year during our many hearings on the reauthorization of the Voting Rights Act and again by accounts of voter suppression during the recent midterm elections, the work of the Voting Rights Act is not yet complete and the dream of Dr. King has not yet been fully realized. And so we must not only honor Dr. King's vision by remembering him this week, but we must also continue our work to make his dream a reality.

Dr. King's own words remind us that this holiday is not merely a celebration of a particular time in American history but also a living legacy to the value of service. Dr. King once said that we all have to decide whether we "will walk in the light of creative altruism or the darkness of destructive selfishness. Life's most persistent and nagging question, he said, is 'what are you doing for others?'"

On this day, we must urge our children and grandchildren to abide by Dr. King's message that if they serve our country and strive for what is just, they can remake a nation and transform a world.

JUDICIAL NOMINEES

Mr. KYL. Mr. President, I rise today to express my regret that nominations to the U.S. Courts of Appeals will not be resubmitted for William G. Myers, Judge Terrence Boyle, William J. Haynes, and Michael B. Wallace. All four of these nominees were eminently qualified to serve on the U.S. Court of Appeals and no reasonable question has been raised as to their integrity. Each of them very likely would have been confirmed had they been afforded the courtesy of a vote by the U.S. Senate. It is generally understood that the Senate did not vote on these nominations because of Democratic threats of obstruction and filibuster, and that the President chose not to resubmit these nominations as a result of a hard political calculation that the new Democratic majority in the Senate would not allow a vote on these nominations during the remainder of his Presidency. These nominees were not treated fairly by this institution. This week's action reflects poorly on the Senate.

Much could be said about each of these nominees, their qualifications, and the way that they were treated throughout the judicial nominations process. I would like today to simply submit for the RECORD a column published by Edward Whelan in National