

hard time getting your mom to dialysis.

You can hear her mother in the background saying: Who is it? Who is it? Who is it? Her mother, with difficulty, comes to the door and is standing just behind her daughter.

This daughter says: Yes.

You can see the broken down van in the driveway.

Larry says: I want to try to help to see if we can't get your mom to dialysis with a little more reliability, and with that he talks into the walkie-talkie and says:

Bring it around. And around the corner comes the new van with a big red ribbon on it. It pulls into the driveway, and with that, Larry hands the daughter an envelope with \$10,000 in cash in it and says: Merry Christmas.

He walks away and says: The title is in the van.

Of course, you can imagine the reaction of these women—shocked, surprised, joy. And, of course, I am balling like a baby standing there, as all of us were. There were about four of us who watched this event.

That is just one story I can tell, but imagine having the privilege of seeing that kind of scene played over and over several years in a row when I was fortunate enough to be on the sleigh ride. This was an extraordinary man.

During the time he was playing Secret Santa in Kansas City and across our country, he gave out \$1.3 million in cash. Kansas City was lucky enough to receive most of his gifts, but he also landed his sleigh frequently in his home State of Mississippi, Florida after the hurricanes, New Orleans after Katrina, New York after 9/11, and this past Christmas, his last, knowing that it was probably his last, he traveled to Chicago to spread cheer around his dear friend Buck O'Neil's neighborhood where Buck O'Neil grew up poor. Buck O'Neil was one of his best friends and, of course, another Kansas City legend we lost last year.

He told the public about his role as Secret Santa last Christmas, so the world knew who Secret Santa finally was. Thousands of people who received his generous spirit contacted him in the closing days of his life. He called me on Christmas Eve to say this was the most special Christmas of all because of the outpouring of love he had felt from all of the people he had helped over the years. What Mr. Stewart, who had built a fortune from nothing, may have seen as a small holiday gift was actually a gesture of compassion so few experience or ever understand due to the frenetic pace of our lives.

Known by his family and friends and colleagues for a soul born of kindness and warmth and a personality as unassuming as his generosity was great, Larry kept his identity under wraps until this year. He was diagnosed with esophageal cancer and in his last months his identity was revealed. When word spread, he was flooded with

national media attention about which he could care less. Frankly, he didn't even want to handle it. But he was excited because he realized he had an opportunity to spread what he had done to others and hopefully have it catch on. He loved hearing the stories, but he continually said to all of us this was not about him. It was God's work. He was merely a servant of his Lord.

I ask the Senate to join me in honoring and celebrating the life of Larry Stewart, Missouri's own Secret Santa. I ask that this distinguished body join me in extending our greatest sympathies to his family: Paulette, Joe, John, Kim, and Mark, and the thousands who, like me, were fortunate enough to call him a dear friend.

Mr. Stewart's gifts of hope touched many recipients. However, the compassion that drove his generosity was contagious to all who knew him and that was even a greater gift. As we honor Larry today, let us rejoice in his life, remember his kindness, his sense of humor, and revel in his generosity. He was Santa. He was real, right down to the twinkle in his eye. He loved others as the good Lord intended. May his legacy of kindness always be a reminder to us all to spread hope and compassion to one another.

Mr. President, I yield the floor.

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

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

ETHICS AND LOBBYING REFORM

Mr. REID. Mr. President, there has been good progress made on ethics and lobbying reform. We have had a good debate. It is time to move to passage of this meritorious legislation.

We will have three votes beginning at 5:30 this afternoon. First we will vote on the Durbin amendment to strengthen the definition of "targeted tax benefit" and other aspects of Senator DEMINT's earmark disclosure proposal. I appreciate Senator DEMINT working with Senator DURBIN and others to strengthen his amendment.

Second, we will vote on the underlying DeMint amendment on earmark disclosure.

Finally, we will vote to invoke cloture on an amendment that I offered strengthening the rules on gifts and travel, including travel on private airplanes. Once cloture is invoked on that key amendment, we can move forward to finishing the bill this week. As I announced this morning, we are going to finish the bill this week. If we finish it Thursday at 10 o'clock, we will be finished with votes for the week. If we finish it Saturday at 10 o'clock, we will be finished with votes for the week. But we will finish this legislation.

This ethics reform bill is vitally important to Congress and the American people. Over the past few years, the media has been filled with stories of elected officials who have violated the public trust often in their dealings with lobbyists. Each episode of public corruption contributes to the public's growing cynicism about Congress and other institutions of Government.

First, let me say, lobbyists are not a class who should be denigrated in any way. They render a vital service to their constituents and to Congress. So I want everyone to know we are not trying to berate lobbyists. What we are saying with this legislation is we need to know more about what lobbyists are doing. I think it is going to help them, it will help us, and it will certainly give the American people more confidence in Government.

Think what this country has gone through. For the first time in 131 years, a person working in the White House is indicted. That trial is starting today. In addition to that, a person the President appointed to handle Government contracts involving billions of dollars, Mr. Safavian, was led away from his office in handcuffs and has been convicted.

Two former Members of the House of Representatives are now in prison for selling legislative favors—in prison. A third Member of the House of Representatives, one who has served as the second highest official in the House of Representatives, was forced to resign from Congress because he was indicted. There are other investigations going on as we speak. If there were ever a time when Congress and the executive branch needed to take dramatic action to show the American people we are serious about restoring public trust in Government, this is the time. That is what we have tried to do.

That is what I tried to do with this legislation. In order to send a message about the importance of ethics reform, I designated the bill as S. 1 and brought it to the floor on the first day of legislative activity, meaning that it is an extremely important piece of legislation in the minds of the country, the Congress, the Democrats, and the Republicans. I say the Republicans because I asked the minority leader to cosponsor S. 1 with me, something that hadn't been done for more than 30 years. I did this because I wanted to show this issue transcends partisan politics.

The bill I introduced with Senator MCCONNELL on the first day of the 110th Congress is a very strong piece of legislation. It is based on the text of the bill that passed the Senate last year.

What does it do? It prohibits lobbyists from giving gifts to lawmakers and their staffs. It prohibits lobbyists from paying for trips or taking part in privately funded congressional travel. It requires public disclosure of earmarks. It slows the revolving door by extending to 2 years the ban on lobbying by former Members of Congress.

It makes pay-to-play schemes such as the "K Street project" a violation of Senate rules.

It makes lobbying more transparent by doubling the frequency of reporting and requiring a searchable electronic database.

The K Street project. What was that all about? What it was all about is that lobbyists met with Members of Congress—initially they even met here in the Capitol, and then they moved the meetings downtown at a later time. They would discuss what job openings there were and, of course, the only people who were eligible for hire were Republicans and, in fact, companies actually got in trouble with the K Street project, members of the Majority party at the time, for hiring Democrats. That is what part of this legislation is going to prevent.

This bill we have introduced, S. 1, would require for the first time the disclosure of shadowy business coalitions that engage in the so-called "astroturf" lobbying campaigns. What does this mean? It means these grassroots campaigns will be able to continue, but there will have to be disclosure of paid campaigns that are, in effect, financing these so-called grassroots campaigns. The American people should know why, suddenly showing up here in Washington or the State capital or one of the other States, these groups are trying to affect legislation, and they wonder why they are trying to do it. The fact is it is because we have lobbyists representing different organizations paying for all this. This would be prevented.

Even though S. 1 is an extremely sound, strong piece of legislation, I wanted to show that we heard the electorate loudly and clearly. So the minority leader and I offered a substitute amendment to make the bill even stronger. Not only did Senator MCCONNELL and I, for the first time in three decades, cosponsor legislation which is the first bill to come before the Senate, but we moved even farther to include new protections to prevent dead-of-night additions to conference reports, to add new rules to say that Members may not engage in job negotiations with industries they regulate, to require fuller disclosure by lobbyists, to ensure proper valuation of tickets to sporting events, to make sure that the Senate gift and travel rules are enforceable against lobbyists, and we toughened criminal penalties for corrupt violations of the Lobbying Disclosure Act.

Senator MCCONNELL and I offered the substitute amendment at the start of the debate, and it remains pending. Since then, we have had a debate in the Senate that strengthened the bill even more. The Senate has adopted other amendments on a bipartisan basis, including Senator KERRY's amendment to strip pensions from Members convicted of corruption, Senator SALAZAR's amendment to ensure public access to committee proceedings, and

two amendments by Senator VITTER to strengthen enforcement of ethics rules.

Soon we will adopt the Durbin and DeMint amendments to require full and timely disclosure of all earmarks. The Durbin amendment is a necessary addition to the DeMint proposal because it strengthens the definition of tax earmarks and because it requires public disclosure of earmarks before floor debate. In effect, we have combined the best ideas from both sides of the aisle, Democrat and Republican, to establish the strongest possible disclosures rules in this regard. Once we are done, the Senate earmark rules will be even stronger than those recently adopted by the House. That is why I said we need to look at what we are doing. Senator DURBIN's amendment gives the DeMint amendment structure that was lacking last week in the original amendment. That is why it didn't pass. Taxes need to be included in detail and now will be when the Durbin amendment passes. So the work done by Senator DEMINT and Senator DURBIN is noteworthy and very good.

After we vote on the Durbin and DeMint amendments later today, we will vote on whether to invoke cloture on an amendment to strengthen the ban on gift and travel bans in the underlying measure. I recognize Senators FEINGOLD, OBAMA, and MCCAIN have contributed to this and I appreciate their work for a number of years in regard to airplane travel in this country and other issues. This amendment will profoundly change the rules, banning not only lobbyists but entities that hire lobbyists from providing gifts and travel. Most notably, it will require that when Senators travel on airplanes, they must pay the full charter rate. Last week I modified the amendment to include additional ideas from Senator INHOFE, FEINGOLD and MCCAIN.

Let me say a word about corporate jets. The State of Nevada is very large areawise. The cities of Las Vegas and Reno are separated by about 450 miles. There is good travel between those two cities. But to get around the rest of the State is not easy. When you travel from Las Vegas to Reno, I again say it is easy. But then let's say you want to go to Elko. By Nevada standards, it is a pretty large city. Going on a commercial airplane, it is very, very, very difficult, and to go to Ely is next to impossible. These two cities, both important in their own right, have required on a number of occasions calling upon people you know who have an airplane to take us up there. Under the old rules, you could pay first-class travel. An example of that is Senator ENSIGN and I, last August, had to go to Ely. It was extremely important. We were working on a piece of legislation that has since passed. We wanted to sit down in person and talk to the people in Ely about what we were doing.

For us to get there was very difficult. The time factor was significant. To drive up and back is 2 days, 1 day up, 1 day back. It was complicated by the

fact that Senator ENSIGN had a long-standing engagement in Reno. To go from Ely to Reno—it is hard to get there. If you drive very fast, you can make it in 6 hours. So I called a friend of mine, Mike Ensign, Senator ENSIGN's father. This good man has done very well in the business world. He is a man with limited education but a great mind. He started out working in somewhat menial jobs in the gaming industry. He worked his way up. He became a dealer, a pit boss, a shift boss, and then Mike Ensign moved into the corporate world and became an executive and then ultimately started buying hotel properties himself and has done very well. He is the principal officer and owner of Mandalay Bay, a huge company. It is the second largest hotel-casino operator in the country. I called him and I said: Mike, with one of your airplanes, can you fly me and your son to Ely?

He is a wonderful man, just the greatest guy. He said: Sure, I will be happy to do that. And he did that. He is an example of the type of people we have called upon for these airplanes.

I tell this story. I have used these airplanes a lot because I live in Nevada and because of other duties I have here. The reason I tell the Mike Ensign story is because Mike Ensign doesn't want anything from me. There isn't a thing in the world I can give this man. He is famous, he is rich, he has a wonderful family. I can't do anything to help Mike Ensign. He did this because he is my friend.

Most every—I should not say most. For every airplane I fly on, of course I don't have the relationship with them that I have with Mike Ensign, but I want everyone who has allowed me to use their airplanes to know I am not in any way denigrating them. They have done this out of the goodness of their heart. I have never had anyone say: I will give you an airplane ride if you give me something, or, I have a piece of legislation pending, will you help me with that? That has never happened. I want all these people to know that I am certainly not in any way disparaging these good people who have allowed me and others to fly on their airplanes.

What I am saying, though, is that in this world in which we live, because of all the corruption that has taken place in the last few years here in America, that you not only have to do away with what is wrong but what appears to be wrong. I am confident I have never been influenced by anyone who provided me with the courtesy of a private airplane, but I have come to the realization that this practice presents a major perception problem. It is a major perception problem because the American people have the right to insist that we do what seems right as well as what is right. Does it appear it is OK? For us to fly around in these airplanes doesn't appear to be the right thing, no matter how good-hearted these people

are, just like Mike Ensign. So because a perception isn't right, this amendment is pending, and it means Senators should pay the full fare when they fly on someone's private airplane. This is an important amendment. Any Senator who is serious about ethics reform will vote to invoke cloture so this amendment can be included in the final bill.

In the course of this debate on this bill, the Senate has properly focused on ethics and lobbying reform, not on other matters, such as campaign reform. The Senate has wisely tabled matters dealing primarily with campaign finance issues, but Senator FEINSTEIN has assured the Senate and me that campaign finance reform will be addressed separately and comprehensively in her committee, the Rules Committee.

I have some concern about campaign finance rules. I think we need to have serious public hearings on these issues. We have problems dealing with so-called 527s, their foundations—they are basic campaign finance problems we need to look at, and we need to look at them in detail. Senator FEINSTEIN has said she will do that, and I am grateful to her for doing that.

There will also be separate consideration of the proposal to establish an independent ethics enforcement agency. We debated that proposal last year, and it was defeated resoundingly after a bipartisan group of Senators on and off the Ethics Committee questioned the wisdom of such a proposal. Again, the Rules Committee has said they will take this matter up and look at it very seriously.

Senators VOINOVICH and JOHNSON served as chair and vice chair of the Ethics Committee in the last Congress. They both spoke vigorously against a new ethics agency. Senator JOHNSON, as we know, is recovering from an illness. As a matter of fact, I spoke to his family not long before coming here. He is doing very well. Here is what he said last year, though. I quote Senator JOHNSON, who is the chair of the Ethics Committee, who said this last year:

The two-tiered ethics process that would be created by this amendment would undoubtedly slow consideration of ethics complaints, create more doubt about the process, and make our colleagues and the public less confident in our ability to address these issues. . . . [The proposal would leave] open the possibility that Members will be forced to live under the cloud of an investigation as a result of every accusation brought before the Office of Public Integrity, regardless of its merit—regardless of its merit. Such a situation would only interject more partisanship into the ethics procession and create a blunt tool for extreme partisan groups to make politically based attacks.

Despite the defeat of the proposal last year, it makes sense for the Rules Committee and the Governmental Affairs Committee to hold hearings on ways to strengthen enforcement of the ethics rules. I can assure my colleagues that worthwhile proposals which emerge from these two committees will receive meaningful consideration by

the full Senate. I have spoken about this in detail, in fact, in my last conversation with Senator LIEBERMAN this morning.

There are other pending amendments that have nothing to do with ethics and lobbying reform. The line-item veto is a good example. It has no place in this bill. I have great respect for Senator JUDD GREGG from New Hampshire. He is a wonderful man and a great Senator. But on this bill is not the place to bring this up. No matter how strongly you feel on this, you should not bring up line-item veto. Should we be debating what is going on in Iraq on this bill? We should not, even though some people believe strongly that we should. But the line-item veto is no different from debating Iraq in this bill. They have no place in this bill, just as there is no place for campaign finance reform in this bill. We are trying to do serious, sound ethics and lobbying earmark reform, and that is what we are doing.

Workable mechanisms for fiscal discipline are certainly important. I hope Senators CONRAD and GREGG take a look at this line-item veto issue, which I personally don't support. But whether I support it or not, it should not be a part of this bill, and I hope they would take this up in the budgeting process along with the pay-go rules which I think are so important. This bill is about ethics and lobbying reform, not budgeting.

Let's focus on what we need to do to move forward on the ethics and lobbying reform. We need to adopt the Durbin and DeMint amendments on earmark disclosure. We need to invoke cloture on my gift and travel amendment and then adopt that amendment. Then we need to invoke cloture on the substitute and debate the various germane amendments that will be pending during the 30-hour postcloture period.

This is a glidepath to finishing the ethics bill this week so we can move to other vital matters: the minimum wage, the President's new Iraq proposal, funding the Government, fixing the Medicare prescription drug plan, expending opportunities for lifesaving stem cell research, pay-go rules, and other important issues.

Ethics reform is the first step in convincing the American people that we, Democrats and Republicans, are hard at work on their behalf. It seems so important that we complete this legislation and move on to the other matters that are so important. But this is something we need to do to help the American people feel better about their Congress.

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.

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

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

Mrs. FEINSTEIN. Mr. President, I know the time has come to speak on

the bill, but I would like, since there is only one Senator on the floor, to ask the body's indulgence and ask unanimous consent to speak in morning business.

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

APPOINTMENT OF UNITED STATES ATTORNEYS

Mrs. FEINSTEIN. Mr. President, I have introduced an amendment on this bill which has to do with the appointment of U.S. attorneys. This is also the subject of the Judiciary Committee's jurisdiction, and since the Attorney General himself will be before that committee on Thursday, and I will be asking him some questions, I speak today in morning business on what I know so much about this situation.

Recently, it came to my attention that the Department of Justice has asked several U.S. attorneys from around the country to resign their positions—some by the end of this month—prior to the end of their terms not based on any allegation of misconduct. In other words, they are forced resignations.

I have also heard that the Attorney General plans to appoint interim replacements and potentially avoid Senate confirmation by leaving an interim U.S. attorney in place for the remainder of the Bush administration.

How does this happen? The Department sought and essentially was given new authority under a little known provision in the PATRIOT Act Reauthorization to appoint interim appointments who are not subject to Senate confirmation and who could remain in place for the remainder of the Bush administration.

To date, I know of at least seven U.S. attorneys forced to resign without cause, without any allegations of misconduct. These include two from my home State, San Diego and San Francisco, as well as U.S. attorneys from New Mexico, Nevada, Arkansas, Texas, Washington and Arizona.

In California, press reports indicate that Carol Lam, U.S. attorney for San Diego, has been asked to leave her position, as has Kevin Ryan of San Francisco. The public response has been shock. Peter Nunez, who served as the San Diego U.S. attorney from 1982 to 1988, has said:

[This] is like nothing I've ever seen in my 35-plus years.

He went on to say that while the President has the authority to fire a U.S. attorney for any reason, it is "extremely rare" unless there is an allegation of misconduct.

To my knowledge, there are no allegations of misconduct having to do with Carol Lam. She is a distinguished former judge. Rather, the only explanation I have seen are concerns that were expressed about prioritizing public corruption cases over smuggling and gun cases.

The most well-known case involves a U.S. attorney in Arkansas. Senators