PRYOR and LINCOLN have raised significant concerns about how ''Bud'' Cummins was asked to resign and in his place the administration appointed their top lawyer in charge of political opposition research, Tim Griffin. I have been told Mr. Griffin is quite young, 37, and Senators PRYOR and LINCOLN have expressed concerns about press reports that have indicated Mr. Griffin has been a political operative for the RNC.

While the administration has confirmed that 5 to 10 U.S. attorneys have been asked to leave, I have not been given specific details about why these individuals were asked to leave. Around the country, though, U.S. attorneys are bringing many of the most important and complex cases being prosecuted. They are responsible for taking the lead on public corruption cases and many of the antiterrorist efforts in the country. As a matter of fact, we just had the head of the FBI, Bob Mueller, come before the Judiciary Committee at our oversight hearing and tell us how they have dropped the priority of violent crime prosecution and, instead, are taking up public corruption cases; ergo, it only follows that the U.S. attorneys would be prosecuting public corruption cases.

As a matter of fact, the rumor has it—and this is only rumor—that U.S. Attorney Lam, who carried out the prosecution of the Duke Cunningham case, has other cases pending whereby, rumor has it, Members of Congress have been subpoenaed. I have also been told that this interrupts the flow of the prosecution of these cases, to have the present U.S. attorney be forced to resign by the end of this month.

Now, U.S. attorneys play a vital role in combating traditional crimes such as narcotics trafficking, bank robbery, guns, violence, environmental crimes, civil rights, and fraud, as well as taking the lead on prosecuting computer hacking, Internet fraud, and intellectual property theft, accounting and securities fraud, and computer chip theft.

How did all of this happen? This is an interesting story. Apparently, when Congress reauthorized the PATRIOT Act last year, a provision was included that modified the statute that determines how long interim appointments are made. The PATRIOT Act Reauthorization changed the law to allow interim appointments to serve indefinitely rather than for a limited 120 days. Prior to the PATRIOT Act Reauthorization and the 1986 law, when a vacancy arose, the court nominated an interim U.S. attorney until the Senate confirmed a Presidential nominee. The PATRIOT Act Reauthorization in 2006 removed the 120-day limit on that appointment, so now the Attorney General can nominate someone who goes in without any confirmation hearing by this Senate and serve as U.S. attorney for the remainder of the President's term in office. This is a way, simply stated, of avoiding a Senate confirmation of a U.S. attorney.

The rationale to give the authority to the court has been that since district court judges are also subject to Senate confirmation and are not political positions, there is greater likelihood that their choice of who should serve as an interim U.S. attorney would be chosen based on merit and not manipulated for political reasons. To me, this makes good sense.

Finally, by having the district court make the appointments, and not the Attorney General, the process provides an incentive for the administration to move quickly to appoint a replacement and to work in cooperation with the Senate to get the best qualified candidate confirmed.

I strongly believe we should return this power to district courts to appoint interim U.S. attorneys. That is why last week, Senator LEAHY, the incoming Chairman of the Judiciary Committee, the Senator from Arkansas, Senator PRYOR, and I filed a bill that would do just that. Our bill simply restores the statute to what it once was and gives the authority to appoint interim U.S. attorneys back to the district court where the vacancy arises.

I could press this issue on this bill. However, I do not want to do so because I have been saying I want to keep this bill as clean as possible, that it is restricted to the items that are the purpose of the bill, not elections or any other such things. I ought to stick to my own statement.

Clearly, the President has the authority to choose who he wants working in his administration and to choose who should replace an individual when there is a vacancy. But the U.S. attorneys' job is too important for there to be unnecessary disruptions, or, worse, any appearance of undue influence. At a time when we are talking about toughening the consequences for public corruption, we should change the law to ensure that our top prosecutors who are taking on these cases are free from interference or the appearance of impropriety. This is an important change to the law. Again, I will question the Attorney General Thursday about it when he is before the Judiciary Committee for an oversight hearing.

I am particularly concerned because of the inference in all of this that is drawn to manipulation in the lineup of cases to be prosecuted by a U.S. attorney. In the San Diego case, at the very least, we have people from the FBI indicating that Carol Lam has not only been a straight shooter but a very good prosecutor. Therefore, it is surprising to me to see that she would be, in effect, forced out, without cause. This would go for any other U.S. attorney among the seven who are on that list.

We have something we need to look into, that we need to exercise our oversight on, and I believe very strongly we should change the law back to where a Federal judge makes this appointment on an interim basis subject to regular order, whereby the President nominates and the Senate confirms a replacement.

I yield the floor.

ORDER OF PROCEDURE

Mrs. FEINSTEIN. Madam President, I ask unanimous consent that after the bill is reported, Senator CORNYN be recognized to speak with respect to the bill for up to 10 minutes and that Senator SANDERS then be recognized to call up amendment No. 57.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the hour of 1 p.m. having arrived, the Senate will resume consideration of S. 1, which the clerk will report.

The assistant legislative clerk read as follows:

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

Pending:

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

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

DeMint amendment No. 11 (to amendment No. 3), to strengthen the earmark reform.

DeMint amendment No. 12 (to amendment No. 3), 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.

DeMint amendment No. 14 (to amendment No. 3), to protect individuals from having their money involuntarily collected and used for lobbying by a labor organization.

Vitter/Inhofe further modified amendment No. 9 (to amendment No. 3), to prohibit Members from having official contact with any spouse of a Member who is a registered lobbyist.

Leahy/Pryor amendment No. 2 (to amendment No. 3), to give investigators and prosecutors the tools they need to combat public corruption.

Gregg amendment No. 17 (to amendment No. 3), to establish a legislative line item veto.

Ensign amendment No. 24 (to amendment No. 3), to provide for better transparency and enhanced Congressional oversight of spending by clarifying the treatment of matter not committed to the conferees by either House.

Ensign modified amendment No. 25 (to amendment No. 3), to ensure full funding for the Department of Defense within the regular appropriations process, to limit the reliance of the Department of Defense on supplemental appropriations bills, and to improve the integrity of the Congressional budget process.

Cornyn amendment No. 26 (to amendment No. 3), to require full separate disclosure of any earmarks in any bill, joint resolution, report, conference report or statement of managers.

Cornyn amendment No. 27 (to amendment No. 3), to require 3 calendar days notice in the Senate before proceeding to any matter.

Bennett (for McCain) amendment No. 28 (to amendment No. 3), to provide congressional transparency.

Bennett (for McCain) amendment No. 29 (to amendment No. 3), to provide congressional transparency.

Lieberman amendment No. 30 (to amendment No. 3), to establish a Senate Office of Public Integrity.

Bennett/McConnell amendment No. 20 (to amendment No. 3), to strike a provision relating to paid efforts to stimulate grassroots lobbying.

Thune amendment No. 37 (to amendment No. 3), to require any recipient of a Federal award to disclose all lobbying and political advocacy.

Feinstein/Rockefeller amendment No. 42 (to amendment No. 3), to prohibit an earmark from being included in the classified portion of a report accompanying a measure unless the measure includes a general program description, funding level, and the name of the sponsor of that earmark.

Feingold amendment No. 31 (to amendment No. 3), to prohibit former Members of Congress from engaging in lobbying activities in addition to lobbying contacts during their cooling off period.

Feingold amendment No. 32 (to amendment No. 3), to increase the cooling off period for senior staff to 2 years and to prohibit former Members of Congress from engaging in lobbying activities in addition to lobbying contacts during their cooling off period.

Feingold amendment No. 33 (to amendment No. 3), to prohibit former Members who are lobbyists from using gym and parking privileges made available to Members and former Members.

Feingold amendment No. 34 (to amendment No. 3), to require Senate campaigns to file their FEC reports electronically.

Durbin modified amendment No. 44 (to amendment No. 11), to strengthen earmark reform.

Durbin amendment No. 36 (to amendment No. 3), to require that amendments and motions to recommit with instructions be copied and provided by the clerk to the desks of the Majority Leader and the Minority Leader before being debated.

Cornyn amendment No. 45 (to amendment No. 3), to require 72-hour public availability of legislative matters before consideration.

Cornyn amendment No. 46 (to amendment No. 2), to deter public corruption.

Bond (for Coburn) amendment No. 48 (to amendment No. 3), to require all recipients of Federal earmarks, grants, subgrants, and contracts to disclose amounts spent on lobbying and a description of all lobbying activities.

Bond (for Coburn) amendment No. 49 (to amendment No. 3), to require all congressional earmark requests to be submitted to the appropriate Senate committee on a standardized form.

Bond (for Coburn) amendment No. 50 (to amendment No. 3), to provide disclosure of lobbyist gifts and travel instead of banning them as proposed.

Bond (for Coburn) amendment No. 51 (to amendment No. 3), to prohibit Members from requesting earmarks that may financially benefit that Member or immediate family member of that Member.

Nelson (NE) amendment No. 47 (to amendment No. 3), to help encourage fiscal responsibility in the earmarking process.

Reid (for Feingold/Obama) amendment No. 54 (to amendment No. 3), to prohibit lobbyists and entities that retain or employ lobbyists from throwing lavish parties honoring Members at party conventions.

Reid (for Lieberman) amendment No. 43 (to amendment No. 3), to require disclosure of earmark lobbying by lobbyists.

Reid (for Casey) amendment No. 56 (to amendment No. 3), 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.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Madam President, I was proud to join my friend and colleague from South Carolina, Senator DEMINT, in offering an amendment that would simply place in the Senate bill the very sensible language regarding earmarks that the House of Representatives has already included. Speaker PELOSI and her colleagues are rightly proud of the very clear definition of earmarks they have included in that legislation that will help to identify spending measures and highlight them so we can have the kind of debate and sort of public scrutiny we should expect and, indeed, welcome, into the appropriations and legislative process.

I was a little bit surprised, however, to find the resistance that was voiced last week, but I understand now that has all been worked out and that a second-degree amendment will be offered by Senator DURBIN as a collaborative effort and a demonstration of bipartisan cooperation on something where there ought to be bipartisan cooperation, certainly on the matter of ethics, that will provide for greater transparency and increases public availability of earmark-related information.

This is good news for all who wish to see greater fiscal responsibility and accountability. Increased transparency for earmarks is something we ought to embrace and it ought to create in us the ability to discern much better than we have been what kind of spending is in the general welfare of the American people and why that kind of spending is absolutely necessary.

Of course, there are those—and I am one of them—who think the Federal Government spends way too much taxpayer money. Our Government was founded as a limited Government with delegated powers. But over the last 220 or so years of our Nation's history, it has been a history of the Federal Government gradually ''filling the field'' to the detriment of State and local government and of the individual freedom by taxpayers, voters, and citizens.

While I applaud amendment No. 26, I think we need to do even more. We can add greater sunshine and clarity on the earmark process by adopting an amendment which I offered last week as well. The current bill requires that all future legislation include a list of earmarks as well as the names of the Senators who have requested them. My amendment would add what may seem like a minor addition but one that would require that the budgetary impact for each earmark also be included, as well as a requirement that the total number of earmarks and their total budgetary impact be identified and disclosed.

What happens now is that it takes some time for the staff of this body to compile the information contained in bills, and literally we are passing appropriations bills chock-full of earmarks, and we do not have a clue, because we will not have had a chance to read it and consider it in advance, what the total sum of those earmarks is and how they impact the budget. Perhaps the top line itself is disclosed but not how that money is actually broken down and spent.

Oftentimes, bills are hundreds of pages long, with earmarks buried in them. It is not uncommon for appropriations, particularly Omnibus appropriations bills, to go into the thousands-of-pages or more in number. Of course, often this is at the end of a legislative period, and there are hours, maybe, or even only minutes to review them.

The goal of my amendment is that when we consider legislation, we have a summary document showing the details, including the costs, of earmarks in legislation—and this is the novelty—before we consider the legislation, before we actually vote on it, not after we have already voted and it is too late to do anything about it but before. It serves the very important purpose of added transparency and, indeed, the accountability that goes along with it.

I would assume those who have asked for earmarks to be included are proud of them. They feel like they are meritorious. They feel like they can be defended. Well, unfortunately, the very process by which those earmarks are added defeats that kind of transparency and accountability, which is why I believe we need this additional step.

Furthermore, if we create, by adoption of this amendment, a fixed baseline from which we can proceed in the future to allow the American public, as well as our staff, to analyze more thoroughly these earmarks, I think we would have created at least a knowledge base that will allow us to make better decisions going forward.

Consider that the Congressional Research Service each year conducts a study to identify the earmarks in each bill. Through that study, one can see that both the total number of earmarks and the total dollar value of those earmarks—surprise, surprise—have grown significantly over the last decade.

For example, the total number of earmarks increased almost fourfold from 1994 to 2005. Furthermore, the total cost of those earmarks increased by a factor of 100 percent. And the numbers appear to be even higher for 2006.

Let me list some of the earmarks that have been included. And we will start with 2007, to give you a flavor of what I am talking about, and the reason why there ought to be greater transparency.

Now, I am not suggesting we limit earmarks. I am considering we ought to make them transparent and obvious. And then I think the benefits of open Government and the kind of scrutiny that will follow will have the beneficial

impact I think we would all hope for and certainly my constituents would hope for, when they worry that we are spending money for inappropriate purposes and in too large amounts, to their detriment.

For example, in January 2007—excuse me. This must have been in last year's appropriations bill—an earmark for $725,000 for the Please Touch Museum. I am not sure what the Please Touch Museum is, but I think it would be beneficial for the sponsor of that earmark to be identified, and it would be beneficial for it to be described how that promotes the general welfare of the American people and why it is justified, taking that $725,000 out of the pockets of taxpayers and putting it in the treasury of the Please Touch Museum.

Then there is the $250,000 appropriations for the Country Music Hall of Fame. I happen to be a country music fan, but even I would wonder how that promotes the general welfare, to take money out of the taxpayer's pocket and put it in the treasury of the Country Music Hall of Fame. I think it bears some scrutiny, some explanation. Maybe there is an explanation, but I have to be honest, I cannot think of one now that would justify transferring the money from the taxpayer's pocket and justifying a Federal appropriation for the Country Music Hall of Fame.

And just so the Rock & Roll Hall of Fame is not left out, there is a $200,000 earmark for that; then the Aviation Hall of Fame, $200,000; the Grammy Foundation, $150,000; the Coca-Cola Space Science Center for $150,000; $150,000 for a single traffic light in Briarcliff Manor, NY. I am not sure why that is a Federal responsibility. In fact, I would think by its description it is not; it is a local responsibility. That cost ought to be borne by the local taxpayer, not the Federal taxpayer through the earmark process—here again, something that cries out for greater accountability through greater transparency.

Then there is the $100,000 earmark for the International Storytelling Center. I am not sure why the Federal taxpayer should have to pay for that. It may be a meritorious expenditure, but maybe through private charity. Maybe corporations would like to contribute some money to support this worthwhile local initiative. Maybe local taxpayers could justify the expenditure, maybe State taxpayers, but why should the Federal taxpayer, why should my constituents in Texas have to pay a $100,000 earmark for the International Storytelling Center in some other State?

Then there is $500,000 for the Montana Sheep Institute.

Madam President, I ask unanimous consent for an additional 3 minutes.

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

Mr. CORNYN. I will not belabor the point. But I think you get my flavor. I am not going to even talk much about the $50 million for an indoor rain forest that was the subject of a Federal earmark. And then again, there are examples anybody can find on the Internet, published by Citizens Against Government Waste, examples from what they call the ''Congressional Pig Book.'' I do not have to tell you why they call it that.

But the point is, things have gotten terribly out of whack here in Washington when we, as elected representatives of our constituents, of the American people, take it upon ourselves to spend their money on inappropriate subjects, or maybe you say there is some justification for these topics. But I think it is easy to see why it is inappropriate that we spend the Federal taxpayer dollar on some of these topics.

Here again, my amendment does not limit these earmarks because I believe there will be a self-corrective mechanism through greater transparency and the accountability that comes with it. That is why I so strongly support the efforts that have been undertaken here on a bipartisan basis to bring greater transparency to the earmark process, because I think it is a problem that can literally fix itself. When people begin to ask the kinds of questions I am asking, when the public begins to shine the bright light of day on some of these special interest earmarks, which have been literally hidden from Members of the Congress until after they have voted on them and published only later by the Congressional Research Service, after they have done a survey of the burgeoning number of earmarks for these kinds of interests, I think this is a problem that can correct itself.

So, Madam President, I appreciate the courtesy of the bill managers and the opportunity to speak once again on this important topic. I think getting this information to Members of Congress early before we vote would be very helpful and provide a baseline of the number of earmarks that can be analyzed so we can go forward and explain why that number should go up if, in fact, we think it should go up, or if you are like me, if you think the number should go down, establish what the facts are so we have a baseline of information with which to explain our position.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

AMENDMENT NO. 57 TO AMENDMENT NO. 3

Mr. SANDERS. Madam President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 57.

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

The legislative clerk read as follows:

The Senator from Vermont [Mr. SANDERS] proposes an amendment numbered 57 to amendment No. 3.

Mr. SANDERS. Madam 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 require a report by the Commission to Strengthen Confidence in Congress regarding political contributions before and after the enactment of certain laws)

On page 60, between lines 22 and 23, insert the following:

(b) REPORT REGARDING POLITICAL CONTRIBUTIONS.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Commission shall submit a report to Congress detailing the number, type, and quantity of contributions made to Members of the Senate or the House of Representatives during the 30-month period beginning on the date that is 24 months before the date of enactment of the Acts identified in paragraph (2) by the corresponding organizations identified in paragraph (2).

(2) ORGANIZATIONS AND ACTS.—The report submitted under paragraph (1) shall detail the number, type, and quantity of contributions made to Members of the Senate or the House of Representatives as follows:

(A) For the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2066), any contribution made during the time period described in paragraph (1) by or on behalf of a political action committee associated or affiliated with—

(i) a pharmaceutical company; or

(ii) a trade association for pharmaceutical companies.

(B) For the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (Public Law 109–8; 119 Stat. 23), any contribution made during the time period described in paragraph (1) by or on behalf of a political action committee associated or affiliated with—

(i) a bank or financial services company;

(ii) a company in the credit card industry; or

(iii) a trade association for any such companies.

(C) For the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 594), any contribution made during the time period described in paragraph (1) by or on behalf of a political action committee associated or affiliated with—

(i) a company in the oil, natural gas, nuclear, or coal industry; or

(ii) a trade association for any such companies.

(D) For the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (Public Law 109–53; 119 Stat. 462), any contribution made during the time period described in paragraph (1) by or on behalf of a political action committee associated or affiliated with—

(i) the United States Chamber of Commerce, the National Association of Manufacturers, the Business Roundtable, the National Federation of Independent Business, the Emergency Committee for American Trade, or any member company of such entities; or

(ii) any other free trade organization funded primarily by corporate entities.

(3) AGGREGATE REPORTING.—The report submitted under paragraph (1)—

(A) shall not list the particular Member of the Senate or House of Representative that received a contribution; and

(B) shall report the aggregate amount of contributions given by each entity identified in paragraph (2) to—

(i) Members of the Senate during the time period described in paragraph (1) for the corresponding Act identified in paragraph (2); and

(ii) Members of the House of Representatives during the time period described in paragraph (1) for the corresponding Act identified in paragraph (2).

(4) DEFINITIONS.—In this subsection—

(A) the terms ''authorized committee'', ''candidate'', ''contribution'', ''political committee'', and ''political party'' have the meanings given such terms in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431); and

(B) the term ''political action committee'' means any political committee that is not—

(i) a political committee of a political party; or

(ii) an authorized committee of a candidate.

Mr. SANDERS. Madam President, let me begin by applauding Senator REID, Senator MCCONNELL, and all of those who are responsible for advancing this important ethics reform bill. There is no question but that the confidence of the American people in the Congress is now at an almost alltime low. There is no question there have been ethical abuses in Congress in recent years. And there is no question but that we should support the strongest ethics reform possible.

Members of Congress do not need free lunches from lobbyists. Members of Congress do not need free tickets to ball games. And they do not need huge discounts for flights on corporate jets. Congress does need transparency in earmarks and holds, and we do need a new policy regarding the revolving door by which a Member one year is writing a piece of legislation and the next year finds himself or herself working for the company that benefited from the legislation he or she wrote. In other words, we need to pass the strongest ethics reform bill possible. But in passing this legislation, we need to understand this is not the end of our work but, rather, it is just the beginning, and much more needs to be done.

Today in the United States of America, the middle class is shrinking, poverty is increasing, and the gap between the rich and the poor is growing wider. In fact, the people at the top, the very wealthiest people in our country, have never, ever had it so good since the 1920s. The sad truth is that Congress, especially over the last 6 years, has not only failed to respond to this crisis, to the decline of the middle class, but in many ways Congress has made the situation even worse.

Time and time again, this Congress has chosen to ignore the needs of ordinary Americans and, instead, has acted on behalf of the interests of the wealthiest and most powerful people in our country. In fact, much of the legislation that has come to the floor of the House and the Senate in recent years has clearly come at the behest of multimillion-dollar corporate interests. This has included a Medicare part D prescription drug bill that, while costing the taxpayers of this country a huge amount of money, in fact provides a relatively weak benefit for our seniors.

Included in this bill, as I think seniors all over this country are beginning to understand, is a very large doughnut hole in which they are going to have to pay 100 percent of the cost of their prescription drugs.

Also, included in that bill is language which prevents the Government from negotiating with the drug companies for lower prices for the American people. We pay today the highest prices in the world for prescription drugs, and yet the Government is prevented from negotiating for lower prices. Meanwhile, despite strong majority support in the House and the Senate, Congress has failed to pass legislation widely supported by the American people that would allow for the reimportation of safe, affordable prescription drugs from well-regulated countries such as Canada and from Europe that would provide huge discounts to Americans of all ages.

At the same time, while there is more and more concern in our country and throughout the world about the danger of global warming and what it will mean for our planet and for our children and our grandchildren, Congress has failed to adequately fund energy efficiency and sustainable energy. But somehow Congress did manage to fund an energy bill that includes billions and billions of dollars in tax giveaways and subsidies to the largest oil companies in America, companies that are enjoying recordbreaking profits, as well as tax breaks and subsidies to other big-energy interests.

Most American workers now know that our current trade policies have failed and that they have failed miserably. During the last 5 years we have lost some 3 million good-paying manufacturing jobs, and we are now on the cusp of losing millions of good-paying, white-collar information technology jobs. In my own State of Vermont, not a major manufacturing center, we have lost 20 percent of our manufacturing jobs in the last 5 years alone, and we just learned the other day that another 175 jobs in Middlebury, VT, are going to be lost because of global competition. Yet despite a $700 billion trade deficit and the loss of millions of good-paying jobs, Congress refuses to fundamentally change our trade policies, a change that is desperately needed.

I know some people like to talk about ''special interests,'' but the truth is that special interests, as I understand them, in fact, are corporate and monied interests. What do we mean when we talk about special interests? Are we talking about millions of American working families who are struggling to keep their heads above water economically? Are they a ''special interest''? I don't think they are. Are we talking about the children of America, 18 percent of whom are living in poverty? Are they a ''special interest''? Not to my mind. Are we talking about millions of seniors who want nothing more than to live out their retirement years with some form of economic security and dignity? Are they ''special interests''? I don't believe they are.

The challenge we face is to rein in the influence and the power that lobbyists and their large corporate clients have over the Congress. The problem is not that the children of America have too much power. It is not that working people have too much power. The problem is that big-money interests, to a very significant degree, dominate what goes on in Washington, DC.

The lobbying reform legislation that we are considering is a very important step forward in addressing that issue. I thank Senators REID, FEINSTEIN, LIEBERMAN, FEINGOLD, OBAMA, and all of those on both sides of the aisle who have worked hard on this issue for their leadership on lobbying reform so that we can begin to restore the confidence of the American people in Congress. But we must keep in mind that while we are eliminating the $20 lunches and the club-level tickets to local sporting events, this bill does not address what is an even more pressing issue; namely, the $10,000 campaign contributions that come from corporate PACs. We have a fundamental problem which literally threatens our democratic form of government, and that is that Senators and Members of the House and their challengers are forced to raise millions and millions and millions of dollars in order to run a winning campaign.

In terms of campaign contributions, let's be very clear. Despite what anyone may have heard, corporate interests are king. They run the show. From 1998 to 2005, for example, drug companies spent more on lobbying than any other industry—$900 million, according to the nonpartisan Center for Responsive Politics. They donated a total of $89.9 million in the same period to Federal candidates and party committees.

We hear a lot about ''labor money'' and about ''big labor.'' But, in fact, corporate interests give more than 10 times as much to candidates than do labor unions. In the 2006 cycle, according to the Center for Responsive Politics, labor gave less than $50 million. That is a lot of money, $50 million. But corporate interests gave well over $525 million—$50 million/$525 million, 10 times as much. That disparity may well explain why the needs of working Americans all too often take a back seat to corporate interests in the Congress. But, more importantly, it tells us why we need real campaign finance reform so that the needs of all Americans are heard rather than just those who can afford to make huge campaign contributions.

To strengthen our democracy we need reforms on a number of fronts. We certainly need to pass this lobbying reform bill, but we also need very strong campaign finance reform. My own view is that we need to move toward public funding of elections. We also need

media reform to stem the growing concentration of ownership among television, radio, and newspaper companies with the result that what Americans see, hear, and read is increasingly controlled by fewer and fewer media conglomerates. Most importantly, in my view, if we are going to change the balance of power, if ordinary Americans are going to get their day in Washington, DC, we need a revival of a grassroots democratic movement from one end of this country to the other, where ordinary people begin to stand up and say: Washington, DC, pay attention to my needs rather than just the needs of large corporate interests.

I understand that the legislation before us today relates only to issues around lobbying reform and that many of the other critical issues I have laid out will be considered at a later time. That is why I have offered the amendment we have before us today. The amendment will provide this body with some of the information it will need when we address campaign finance reform at a later date.

Specifically, this amendment requires the Commission to Strengthen Confidence in Congress, created by the underlying legislation, to report on the aggregate amount of campaign contributions given by certain identified corporate interests 24 months prior to and within 6 months after the passage of four specified pieces of legislation. These four pieces of legislation are the Medicare Part D Program, the bankruptcy reform bill, the Energy bill, and the Central American Free Trade Agreement.

The goal of this report is to begin to throw some light on the volume of corporate contributions that are showered on Congress when legislation important to multinationals comes before the Congress. As a result, this report will focus on the amounts given and the identity of the givers.

It is our obligation to return control of the Congress to the American people. I look forward to helping make that happen with the ethics reform bill we are now considering and the many other equally critical reforms that voters across this great Nation told us they wanted this past November.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

AMENDMENTS NOS. 59 AND 39 TO AMENDMENT NO. 3 EN BLOC

Mr. BENNETT. Madam President, I ask unanimous consent to lay the pending amendment aside and call up two amendments, one on behalf of Senator COBURN, No. 59, and one on behalf of Senator COLEMAN, No. 39, and then have them laid aside as well.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendments en bloc.

The legislative clerk read as follows:

The Senator from Utah [Mr. BENNETT], for Mr. COBURN, proposes an amendment numbered 59.

The Senator from Utah [Mr. BENNETT], for Mr. COLEMAN, proposes an amendment numbered 39.

The amendments are as follows:

AMENDMENT NO. 59

(Purpose: To provide disclosure of lobbyist gifts and travel instead of banning them as the Reid/McConnell substitute proposes)

Strike sections 108 and 109 and insert the following:

SEC. 108. DISCLOSURE FOR GIFTS FROM LOBBYISTS.

Paragraph 1(a) of rule XXXV of the Standing Rules of the Senate is amended—

(1) in clause (2), by striking the last sentence and inserting ''Formal record keeping is required by this paragraph as set out in clause (3).''; and

(2) by adding at the end the following:

''(3)(A) Not later than 48 hours after a gift has been accepted, each Member, officer, or employee shall post on the Member's Senate website, in a clear and noticeable manner, the following:

''(i) The nature of the gift received.

''(ii) The value of the gift received.

''(iii) The name of the person or entity providing the gift.

''(iv) The city and State where the person or entity resides.

''(v) Whether that person is a registered lobbyist, and if so, the name of the client for whom the lobbyist is providing the gift and the city and State where the client resides.

''(B) Not later than 30 days after the adoption of this clause, the Committee on Rules and Administration shall, in consultation with the Select Committee on Ethics and the Secretary of the Senate, proscribe the uniform format by which the postings in subclause (A) shall be established.''.

SEC. 109. DISCLOSURE OF TRAVEL.

Paragraph 2 of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following:

''(h)(1) Not later than 48 hours after a Member, officer, or employee has accepted transportation or lodging otherwise permissible by the rules from any other person, other than a governmental entity, such Member, officer, or employee shall post on the Member's Senate website, in a clear and noticeable manner, the following:

''(A) The nature and purpose of the transportation or lodging.

''(B) The fair market value of the transportation or lodging.

''(C) The name of the person or entity sponsoring the transportation or lodging.

''(D) The city and State where the person or entity sponsoring the transportation or lodging resides.

''(E) Whether that sponsoring person is a registered lobbyist, and if so, the name of the client for whom the lobbyist is sponsoring the transportation or lodging and the city and State where the client resides.

''(2) This subparagraph shall also apply to all noncommercial air travel otherwise permissible by the rules.

''(3) Not later than 30 days after the adoption of this subparagraph, the Committee on Rules and Administration shall, in consultation with the Select Committee on Ethics and the Secretary of the Senate, proscribe the uniform format by which the postings in clauses (1) and (2) shall be established.''.

AMENDMENT NO. 39

(Purpose: To require that a publicly available website be established in Congress to allow the public access to records of reported congressional official travel)

At the appropriate place, insert the following:

SEC. ___. CONGRESSIONAL TRAVEL PUBLIC WEBSITE.

(a) IN GENERAL.—Not later than January 1, 2008, the Secretary of the Senate and the Clerk of the House of Representatives shall each establish a publicly available website that contains information on all officially related congressional travel that is subject to disclosure under the gift rules of the Senate and the House of Representatives, respectively, that includes—

(1) a search engine;

(2) uniform categorization by Member, dates of travel, and any other common categories associated with congressional travel; and

(3) all forms filed in the Senate and the House of Representatives relating to officially-related travel referred to in paragraph (2), including the ''Disclosure of Member or Officer's Reimbursed Travel Expenses'' form in the Senate.

(b) EXTENSION AUTHORITY.—If the Secretary of the Senate or the Clerk of the House of Representatives is unable to meet the deadline established under subsection (a), the Committee on Rules and Administration of the Senate or the Committee on Rules of the House of Representatives may grant an extension of such date for the Secretary of the Senate or the Clerk of the House of Representatives, respectively.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

Mr. BENNETT. I ask unanimous consent that these amendments now be laid aside.

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

Mr. BENNETT. Madam President, I have listened with interest to the Senator from Vermont. I have a few quick reactions. As we get closer to his amendment, I will perhaps be more specific about some of them. Comments about the revolving door situation, I must confess I am a little less than overwhelmed by the arguments about the revolving door because I have been there. I served in the executive branch in the 1960s, left on New Year's Eve of 1969, and took up my new duties as a lobbyist on January 1, 1970. In those days there were no restrictions with respect to a revolving door, and I was immediately called by people who wanted my services with respect to the agency I had just left. They paid well. I accepted their contracts, and I went back to see my old friends back in the Department of Transportation.

It came as somewhat of a shock to me that no one wanted to talk to me. Now that I was no longer a member of the Secretary's Office, now that I no longer had direct access to the Secretary to discuss things important to the administration, now that I was an outsider, my friends were happy to see me for lunch, they were happy to talk about my family, but I could no longer do them any good within the Department. I was no longer a power within the Department. I was an outsider, and they were happy to get me out of their offices as quickly as they could.

I discovered firsthand that the idea of the revolving door is vastly overrated. I was like any other lobbyist. I had to make my points on the basis of the validity of the arguments I was making and not because at one time I had been in the Department with them. We get carried away with

this because the media talks about how terrible is the revolving door. I am willing to let a reasonable period of time pass, but I think many of these arguments go beyond what reality has been to me.

I heard the Senator from Vermont talk about publicly funded campaigns. I will make this observation: We have the largest poll taken in the United States every year on April 15. Every year, every American taxpayer is given the opportunity to set aside just $3 of taxes he already owes—this is not additional money; this is $3 of the money he already owes—to be placed in the Presidential fund to fund Presidential campaigns.

Ninety percent of the taxpayers who have the opportunity to put $3 into a Federal fund for education vote no. That is not by accident. You have to check the box one way or the other. Ninety percent vote, no, they don't want to do that. I am not sure we should be talking about that as a great idea.

Finally, the business that is in the amendment of the Senator from Vermont that says we must disclose corporate contributions 24 months prior to and 6 months after the passage of certain pieces of legislation neglects the fact that corporate contributions are illegal, and they have been since 1902 in the days of Franklin Roosevelt. What the press calls ''corporate contributions''—the press misunderstands—are PAC contributions. I was around Washington when we had the Watergate situation and I remember the rhetoric in these halls when the creation of political action committees was hailed as the basic reform that would clean up campaign contributions, because people make contributions to PACs; corporations do not. Individuals make the money available to PACs; corporations do not.

Corporate contributions are illegal. These are individual contributions put together by a political action committee and then given in the name of the political action committee from the private funds of private individuals. This was hailed as a reform. This was hailed as the way to clean things up. Because the media doesn't understand that, because the people in the media don't realize that a corporate name attached to a political action committee does not mean these are corporate funds, most of my constituents now think, as the Senator from Vermont has suggested, that this is corporate money. I have to patiently explain to them once again this is not corporate money. I could give you an example from one of my colleagues here. He has in his State a very large processing plant that produces products that are sold under the label of Kraft Foods. He is very popular in the town where this big plant is. Employees in that particular town come to him and say: We would like to make campaign contributions to you; how do we do it? He tells them: One way is you give me the money yourself. Another way is you can direct your contribution to the PAC at the plant that produces Kraft Foods to go to me. So the people who run the PAC at Kraft Foods come to this Senator and say here are the contributions that are directed to come to you and we are happy to transfer them through to you. The media gets hold of it and discovers that Kraft Foods is owned by a tobacco company, and the next thing you know, this Senator is being attacked in the press for taking campaign money from tobacco companies. He says: Wait a minute, these are individual contributions from my constituents funneled through the place where they work that has nothing whatever to do with tobacco.

Try explaining that to the New York Times. No, the editorials roll down that he is taking tobacco money, that he is in the pocket of special interests. Finally, the Senator said: I told them don't give me anymore money. It is too much trouble to try to explain the truth in this situation with the overwhelming amount of media publicity about corporations corrupting politicians.

I made the comment before and I will make it again: I have discovered in my 14 years here that there is no such thing as repetition in the Senate. You say the same thing over and over again as if it is brandnew. You cannot corrupt the Senator unless the Senator himself is corrupt. And if the Senator himself is corrupt, he or she will find a way around the rules no matter how we write them.

I am strongly for this bill. I think the transparency part of it, the disclosure part, is exactly what we need. But after 40 years of being involved with Washington, and living through the Watergate experience, living through the scandals, whether it is Abramoff or Duke Cunningham, or the other Members of the House who went to jail in years gone by, whose names I don't remember but whose circumstances I still recall, or whether it is the Congressman with whom I worked as a lobbyist who went to jail because one of my fellow lobbyists gave him a $100,000 bribe, the fundamental fact remains that you cannot corrupt a Senator or a Congressman unless that Senator or Congressman is himself or herself basically corrupt.

We can write all of the rules we want, but if a Member of this body has the instincts of corruption in his soul, he will find a way around the rules. We should not kid ourselves that we are doing something that is going to clean up everything, because if we get a corrupt Member, the corrupt Member will still act in a corrupt way and you will have another Duke Cunningham-type scandal 5 or 10 years from now and, unfortunately, the reaction here is, hey, that proves we need to change the rules.

As I have said, this is the only place I know where, when somebody breaks the rules, the first instinct is to change the rules instead of continuing to enforce them, recognizing that even without what we are talking about here, even without the legislation that is proposed, Duke Cunningham is in jail, and recognizing that even without the kinds of strict changes we are talking about, Jack Abramoff is in jail. These were corrupt individuals who found their way around existing legislation, and trying to solve that problem by additional legislation may very well turn out to be an ineffective effort.

With that, I see my friend from South Carolina on his feet seeking recognition.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. DEMINT. Madam President, I want to speak in favor of the Durbin amendment No. 44, which is a slightly modified version of my amendment No. 11 that was endorsed by a majority of Senators last Thursday on a 51-to-46 vote.

I ask unanimous consent that my name be added as a cosponsor of amendment No. 44 offered by the Senator from Illinois.

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

Mr. DEMINT. The Durbin amendment is a product of a bipartisan agreement that I reached last week with the majority leader and the Senator from Illinois. The Durbin amendment contains bipartisan language that would require disclosure for all earmarks, including those directed toward Federal projects and those contained in report language. It also strengthens Internet disclosure so that bills shall not be in order unless their reports include a list of earmarks, limited tax benefits, and limited tariff benefits, which are posted on the Internet in a searchable format at least 48 hours before consideration.

In addition, it is our understanding that if a spending bill is reported long before its consideration, the list of earmarks will accompany any committee reports for those bills.

The Durbin amendment slightly modifies the definition of a limited tax benefit to ''any revenue provision'' that provides a benefit to ''a particular beneficiary or limited group of beneficiaries.'' This is similar to the definition used in the legislative line-item veto amendment.

I thank the majority leader and the Senator from Illinois for working with me on this important issue. The purpose of the bill before us is to address the culture of corruption in Washington, and it cannot be a serious proposal unless we are completely transparent with the way we spend American tax dollars.

This bipartisan agreement helps achieve that goal. We will be voting today at 5:30 on the Durbin amendment and I encourage all of my colleagues, Republicans and Democrats, to support it. Following that vote, we will vote on my amendment as modified by the Durbin amendment. I encourage my colleagues to support it as well.

I yield the floor.

AMENDMENT NO. 70

Mrs. FEINSTEIN. Madam President, I call up amendment No. 70.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself and Mr. ROCKEFELLER, proposes an amendment numbered 70.

Mrs. FEINSTEIN. Madam 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 prohibit an earmark from being included in the classified portion of a report accompanying a measure unless the measure includes a general program description, funding level, and the name of the sponsor of that earmark)

On page 7, after line 6, insert the following: ''4. It shall not be in order to consider any bill, resolution, or conference report that contains an earmark included in any classified portion of a report accompanying the measure unless the bill, resolution, or conference report includes to the greatest extent practicable, consistent with the need to protect national security (including intelligence sources and methods), in unclassified language, a general program description, funding level, and the name of the sponsor of that earmark.''.

Mrs. FEINSTEIN. Madam President, this amendment is presented by myself and Senator ROCKEFELLER, chairman of the Intelligence Committee. It aims to bring the same goals of accountability and transparency of earmark reform to the most opaque of earmarks, and those are classified ones. The amendment prohibits any bill authorization or appropriation from containing an earmark in the classified portion of that bill or accompanying a report, unless there is unclassified language that describes in general terms the nature of the earmark. The amount of the earmark is disclosed and the sponsor of the earmark is identified.

We have cleared this with Senator ROCKEFELLER and also, I believe, with Senator BOND, who requested a change that we have made.

This amendment would provide the public with the assurance that the classified parts of the defense and intelligence budgets—which are indeed large—are subjected to the same scrutiny and openness as everything else. The need for the amendment was made clear by the actions of former Congressman Duke Cunningham. According to a report by the House Intelligence Committee, Cunningham was able to enact a staggering $70 million to $80 million in classified earmarks over a 5-year period. These earmarks benefited his business partners and were not known to most Members of the Congress or the public.

The Washington Post, in a November 2006 editorial, pointed out:

Until the last decade or so, earmarks weren't permitted to intelligence bills because of the absence of public scrutiny.

The Post also notes that Cunningham's earmarks could be the tip of the iceberg in terms of classified pork and corruption.

Under this amendment, the public can be assured that this cannot happen. In saying these words, I say them as a member of the Senate Select Committee on Intelligence; I say them with the knowledge that these earmarks can be very large; I say them with the knowledge that this budget, which is known as a ''black budget'' and is considered by the Defense Subcommittee of Appropriations to be very difficult to get at, even by those of us who serve on both intelligence and defense appropriations. Senator BOND and I are in the process of suggesting a procedure to the chairman of the Defense Appropriations Committee, as well as the leadership, that might bring greater intelligence staff work to bear on the classified part that relates to intelligence of the defense bill.

This amendment is a very simple amendment. It simply says make as clear as possible, without jeopardizing national security, what the earmark is and provide transparency as to who is requesting the earmark. I don't think that is too much to ask. I do not believe it is going to in any way, shape, or form disrupt or change anything other than bring the light of day to classified earmarks.

I am prepared to ask for the yeas and nays. I ask the ranking member if he has looked at this amendment.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Madam President, I have looked at this amendment, and I have no particular problem with it. I would think we could pass it by voice vote, but as a courtesy to Senator BOND and the Intelligence Committee, we have asked them to confirm that the understanding which the Senator from California has is, indeed, correct. I have no reason to doubt her word on this matter, but the earlier comment to us was we want to be sure that the fix has been made. She assures us it has been. But as a courtesy to them, I have asked my staff to check with them. When that word comes back, which I expect to be positive, I will be willing to move ahead with a voice vote.

Mrs. FEINSTEIN. Madam President, I have no problem with trust but verify. I am happy to cease and desist at this time and wait and see. I thank the ranking member. I thank the Chair.

Mr. BENNETT. Madam 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.

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

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

Mrs. FEINSTEIN. Mr. President, I urge—and I think this is my fourth urgent importuning of my colleagues—to please come to the floor with their amendments. The floor is open now. At 5:30 p.m. we will have a vote on two amendments and a cloture vote on a third amendment. I ask them to please come to the floor and press their cause now because the week is going on. It is Tuesday. We all heard the majority leader saying this morning that we could finish this bill as early as Wednesday evening or as late as Saturday. I know we would all want to see it done on the former date.

Hopefully, Members will come to the floor. It is my understanding there are some 60 amendments in the line. If a Senator does not want his or her amendment to proceed further, please so advise us so we can eliminate it from the list.

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. BENNETT. 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. BENNETT. Mr. President, I have heard from the minority on the Intelligence Committee, and they verify what Senator FEINSTEIN has said; that is, that the corrections which they suggested which she has accepted are, in fact, in the bill. I am prepared to go to a vote on the bill at this point, and I will support it.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the ranking member. I call up amendment No. 70.

The PRESIDING OFFICER. The amendment is pending.

Is there further debate? If not, the question is on agreeing to amendment No. 70.

The amendment (No. 70) was agreed to.

Mr. BENNETT. I move to reconsider the vote.

Mrs. FEINSTEIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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. FEINGOLD. 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. FEINGOLD. Mr. President, I ask unanimous consent the pending amendment be set aside so I can call up three amendments at the desk.

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

AMENDMENTS NOS. 63, 64, AND 76 EN BLOC

Mr. FEINGOLD. Mr. President, I call up amendments Nos. 63, 64, and 76.

They are at the desk, and I ask for their immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] proposes amendments numbered 63, 64, and 76 en bloc.

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

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

The amendments (Nos. 63, 64, and 76) en bloc are as follows:

AMENDMENT NO. 63

(Purpose: To increase the cooling off period for senior staff to 2 years and to prohibit former Members of Congress from engaging in lobbying activities in addition to lobbying contacts during their cooling off period)

On page 50, strike line 1 and all that follows through page 51, line 12, and insert the following:

''(2) CONGRESSIONAL STAFF.—

''(A) PROHIBITION.—Any person who is an employee of a House of Congress and who, within 2 years after that person leaves office, knowingly makes, with the intent to influence, any communication to or appearance before any of the persons described in subparagraph (B), on behalf of any other person (except the United States) in connection with any matter on which such former employee seeks action by a Member, officer, or employee of either House of Congress, in his or her official capacity, shall be punished as provided in section 216 of this title.

''(B) CONTACT PERSONS COVERED.—Persons referred to in subparagraph (A) with respect to appearances or communications are any Member, officer, or employee of the House of Congress in which the person subject to subparagraph (A) was employed. This subparagraph shall not apply to contacts with staff of the Secretary of the Senate or the Clerk of the House of Representatives regarding compliance with lobbying disclosure requirements under the Lobbying Disclosure Act of 1995.

''(3) MEMBERS OF CONGRESS AND ELECTED OFFICERS.—Any person who is a Member of Congress or an elected officer of either House of Congress and who, within 2 years after that person leaves office, knowingly engages in lobbying activities on behalf of any other person (except the United States) in connection with any matter on which such former Member of Congress or elected officer seeks action by a Member, officer, or employee of either House of Congress shall be punished as provided in section 216 of this title.'';

(3) in paragraph (6)—

(A) by striking ''paragraphs (2), (3), and (4)'' and inserting ''paragraph (2)'';

(B) by striking ''(A)'';

(C) by striking subparagraph (B); and

(D) by redesignating the paragraph as paragraph (4); and

(4) by redesignating paragraph (7) as paragraph (5).

(c) DEFINITION OF LOBBYING ACTIVITY.—Section 207(i) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking ''and'' after the semicolon;

(2) in paragraph (3), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(4) the term 'lobbying activities' has the same meaning given such term in section 3(7) of the Lobbying Disclosure Act (2 U.S.C. 1602(7)).''.

(d) EFFECTIVE DATE.—The amendments made by subsection (b) shall take effect 60 days after the date of enactment of this Act.

AMENDMENT NO. 64

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

At the appropriate place, insert the following:

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. 76

(Purpose: To clarify certain aspects of the lobbyist contribution reporting provision)

Strike section 212 and insert the following:

SEC. 212. QUARTERLY REPORTS ON OTHER CONTRIBUTIONS.

Section 5 of the Act (2 U.S.C. 1604) is amended by adding at the end the following:

''(d) QUARTERLY REPORTS ON OTHER CONTRIBUTIONS.—

''(1) IN GENERAL.—Not later than 45 days after the end of the quarterly period beginning on the 20th day of January, April, July, and October of each year, or on the first business day after the 20th if that day is not a business day, each registrant under paragraphs (1) or (2) of section 4(a), and each employee who is listed as a lobbyist on a current registration or report filed under this Act, shall file a report with the Secretary of the Senate and the Clerk of the House of Representatives containing—

''(A) the name of the registrant or lobbyist;

''(B) the employer of the lobbyist or the names of all political committees established or administered by the registrant;

''(C) the name of each Federal candidate or officeholder, leadership PAC, or political party committee, to whom aggregate contributions equal to or exceeding $200 were made by the lobbyist, the registrant, or a political committee established or administered by the registrant within the calendar year, and the date and amount of each contribution made within the quarter;

''(D) the name of each Federal candidate or officeholder, leadership PAC, or political party committee for whom a fundraising event was hosted, co-hosted, or sponsored by the lobbyist, the registrant, or a political committee established or administered by the registrant within the quarter, and the date, location, and total amount (or good faith estimate thereof) raised at such event;

''(E) the name of each covered legislative branch official or covered executive branch official for whom the lobbyist, the registrant, or a political committee established or administered by the registrant provided, or directed or caused to be provided, any payment or reimbursements for travel and related expenses in connection with the duties of such covered official, including for each such official—

''(i) an itemization of the payments or reimbursements provided to finance the travel and related expenses, and to whom the payments or reimbursements were made with the express or implied understanding or agreement that such funds will be used for travel and related expenses;

''(ii) the purpose and final itinerary of the trip, including a description of all meetings, tours, events, and outings attended;

''(iii) whether the registrant or lobbyist traveled on any such travel;

''(iv) the identity of the listed sponsor or sponsors of such travel; and

''(v) the identity of any person or entity, other than the listed sponsor or sponsors of the travel, who directly or indirectly provided for payment of travel and related expenses at the request or suggestion of the lobbyist, the registrant, or a political committee established or administered by the registrant;

''(F) the date, recipient, and amount of funds contributed, disbursed, or arranged (or a good faith estimate thereof) by the lobbyist, the registrant, or a political committee established or administered by the registrant—

''(i) to pay the cost of an event to honor or recognize a covered legislative branch official or covered executive branch official;

''(ii) to, or on behalf of, an entity that is named for a covered legislative branch official, or to a person or entity in recognition of such official;

''(iii) to an entity established, financed, maintained, or controlled by a covered legislative branch official or covered executive branch official, or an entity designated by such official; or

''(iv) to pay the costs of a meeting, retreat, conference, or other similar event held by, or for the benefit of, 1 or more covered legislative branch officials or covered executive branch officials; except that this paragraph shall not apply to any funds required to be reported under section 304 of the Federal Election Campaign Act of 1974 (2 U.S.C. 434);

''(G) the date, recipient, and amount of any gift (that under the standing rules of the House of Representatives or Senate counts towards the $100 cumulative annual limit described in such rules) valued in excess of $20 given by the lobbyist, the registrant, or a political committee established or administered by the registrant to a covered legislative branch official or covered executive branch official; and

''(H) the name of each Presidential library foundation and Presidential inaugural committee, to whom contributions equal to or exceeding $200 were made by the lobbyist, the registrant, or a political committee established or administered by the registrant within the calendar year, and the date and amount of each such contribution within the quarter.

''(2) RULE OF CONSTRUCTION.—For the purposes of this paragraph—

''(i) the term 'lobbyist' shall include a lobbyist, registrant, or political committee established or administered by the registrant; and

''(ii) the term 'Federal candidate or other recipient' shall include a Federal candidate, Federal officeholder, leadership PAC, or political party committee.

''(3) DEFINITIONS.—In this subsection, the following definitions shall apply:

''(A) GIFT.—The term 'gift'—

''(i) means a gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value; and

''(ii) includes, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred—

''(I) gifts of services;

''(II) training;

''(III) transportation; and

''(IV) lodging and meals.

''(B) LEADERSHIP PAC.—The term 'leadership PAC' means with respect to an individual holding Federal office, an unauthorized political committee which is associated with an individual holding Federal office, except that such term shall not apply in the case of a political committee of a political party.''.

AMENDMENTS NOS. 32 AND 54 WITHDRAWN

Mr. FEINGOLD. I ask that the pending amendments Nos. 32 and 54 be withdrawn.

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

Mr. FEINGOLD. Those were items replaced by what we did prior to that.

AMENDMENT NO. 65 TO AMENDMENT NO. 4

Mr. President, I call up amendment No. 65, a second-degree amendment to Reid amendment No. 4, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 65 to amendment No. 4.

Mr. FEINGOLD. 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 prohibit lobbyists and entities that retain or employ lobbyists from throwing lavish parties honoring Members at party conventions)

On page 2, between lines 2 and 3, insert the following:

SEC. 108A. 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.''.

Mr. FEINGOLD. Mr. President, I withhold further discussion of these particular amendments until a later time.

Now I will move on to talking about a very major vote coming up in the Senate later today.

This evening the Senate will cast a very important vote. The result will go a long way toward deciding whether the gift rule changes before us meet the high standards for reform set by the American people in the most recent elections in November. I am referring to the motion to invoke cloture on Reid amendment No. 4, which contains very important provisions imposing and strengthening restrictions on gifts, travel, and corporate jets.

I take a few minutes to explain why I believe the Reid amendment is so crucial.

In 1995, after another watershed election, the Senate adopted major rule changes, which came to be known as ''the gift ban.'' Prior to that time, there were virtually no limits on the gifts or trips that Senators could accept. Scandalous tabloid TV exposes showed some of the most egregious vacation extravaganzas that some Senators enjoyed at the expense of others, and after an election in which numerous incumbents were defeated and majority control of both Houses shifted, the Senate finally, in 1995, took action.

People forget because the 1995 rules were a major departure from what had gone before, but they contained exceptions and loopholes that, while they might have seemed reasonable at the time, began to cause problems in the years that followed. For example, as I said, before 1995, there were virtually no limits on the gifts that Senators could accept. I was astonished when I came here as a new senator in 1995 to see the things that were being offered to Senators. I could not quite believe some of the things being offered. The 1995 gift ban was actually not a ban at all; instead, we just put a limit on gifts—$50 per gift, and $100 per year from a single source.

Similarly, the 1995 rules prohibited the worst excesses under the previous anything goes attitude about privately funded travel—golf and ski vacations paid for and attended by lobbyists, what were called ''purely recreational trips.'' But it still allowed factfinding and officially connected trips of up to 4 days in length, or 7 days to a foreign destination.

Not surprisingly, and consistent with the new rules, after 1995, as before, much of the gifts and travel offered to Senators and staff came from lobbyists and groups that lobby. Sure, constituents offer us T-shirts or baseball caps or home State products, and the rules allow that. But not too many constituents making a trip to Washington with their kids are offering to take a Senator or staffer out to a $49 dinner or to buy tickets for them to the Kennedy Center or a Wizards game.

Although there are exceptions, most of the invitations to go to conferences or on factfinding trips also come from lobbying organizations, groups with a point of view that they want to share with a Senator or staffer in comfortable, relaxed surroundings, with ample food and drink provided.

The American people, and many of my colleagues as well, have come to view these gifts and trips from those who want to influence us, which are now perfectly legal under our rules, as unseemly. And of course, there have been people who have played fast and loose with the rules. The $100 annual limit is hardly ever discussed. Tickets to skyboxes are sometimes valued at $49.99. A different person picks up the tab at regular lunches or a ''personal friendship'' is developed where one friend always seems to pay. And factfinding trips to Scotland have turned out to be golf adventures.

Now last year the Senate made a half-hearted effort in the direction of cleaning up this problem, but it fell short. It passed a lobbyist gift ban but didn't cover groups that retain or employ lobbyists. It passed new disclosure and Ethics Committee approval requirements for privately funded trips but did nothing to change the underlying standard of what kinds of trips can be taken. On these two key issues, the Senate failed the test of real reform. And in any event, no changes to the rules went into effect because the bill died after it left the Senate.

The public showed its displeasure with these practices and the excesses and lawbreaking in the November elections. Watershed elections occurred. Many new Members and new leaders arrived early this month. To their credit, Speaker PELOSI in the House and Majority Leader REID made ethics reform a top priority for the new Congress—and the first priority in the Senate. But they did something even more important. They put the power of their offices behind tough and comprehensive reform, a strong brew of gift and travel changes, not the weak tea that was before us last year.

Let me be very clear. While the underlying Reid-McConnell substitute includes some important provisions to improve the flawed bill the Senate passed last year, it doesn't make the necessary changes to the gift and travel rules. Only if Reid amendment No. 4 is adopted will that job be complete. Senator REID follows the lead of the House to really ban gifts from lobbyists, instead of letting groups that lobby continue to buy gifts. And he imposes new restrictions on lobbyist funded travel that should reduce, if not eliminate, the excesses that have become commonplace under the 1995 rules.

Senator REID took a bold step as well by agreeing to include in his amendment changes to the reimbursement rules that apply when Senators fly on corporate jets. I am very pleased that this change in particular has been included because it was brought to the attention of the Senate in an ethics reform bill I introduced in July 2005. It will rid us of one of the most obvious ethical fictions in the current rules, and in the campaign laws—that flying on a corporate jet is just worth the cost of a first class ticket on a commercial airline.

To his credit, Senator REID has been flexible in crafting the final version of these new corporate jet rules. He included important disclosure requirements that the Senator from Arizona and I have been seeking for some time. He made clear at the request of the Senator from Oklahoma, that Members who fly their own planes are not affected by these new rules. And he included a provision I suggested to address the concern raised by the Senator from Alaska and others that their official travel budgets might need to be supplemented because of the particularly complicated logistics of travel in their large and rural States.

My colleagues, the vote on Reid amendment No. 4 will tell the American people if we are serious about reform or just trying to get away with doing the least we can. The changes in Senator REID's amendment are absolutely critical to sending the message that the days of lobbyist access and influence based on the perks and privileges they offer us, the meals they buy,

the tickets they provide, the trips they arrange and their clients finance, are over.

Lobbyists play an important, and indeed a constitutionally protected, role in the legislative process. But the Constitution protects the rights of our citizens to petition their government, it does not guarantee that lobbyists hired by those citizens can try to influence elected representatives by taking them out to dinner. All this amendment is saying is that if you want to meet with a lobbyist over dinner, go right ahead—but pay your own way. And if you do not want to pay, then have the meeting in your office. That is the rule the Wisconsin legislature has had for decades. That is the rule my staff and I have followed since I came to the Senate in 1993. That is the rule the U.S. Senate should support today. I urge my colleagues to vote in favor of cloture on Reid amendment No. 4.

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

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

AMENDMENTS NOS. 78 AND 79 EN BLOC

Mr. BENNETT. Mr. President, on behalf of Senator LOTT, I ask unanimous consent to lay aside the pending amendment and call up amendments No. 78 and No. 79.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. BENNETT], for Mr. LOTT, proposes amendments numbered 78 and 79 en bloc.

The amendments are as follows:

AMENDMENT NO. 78

(Purpose: To only allow official and officially related travel to be paid for by appropriated funds)

At the appropriate place, insert the following:

SEC. _____. OFFICIAL TRAVEL.

Rule XXXVIII of the Standing Rules of the Senate is amended by adding at the end the following:

''3. Any payment or reimbursement for travel in connection with the official duties of the Member (except in the case of third party sponsored travel approved by the Select Committee on Ethics under rule XXXV) shall be paid for exclusively with appropriated funds and may not be supplemented by any other funds, including funds of the Member or from a political committee as defined in section 301(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(4)), or a gift.''.

AMENDMENT NO. 79

(Purpose: To only allow official and officially related travel to be paid for by appropriated funds)

At the appropriate place, insert the following:

SEC. _____. OFFICIAL TRAVEL.

Rule XXXVIII of the Standing Rules of the Senate is amended by adding at the end the following:

''3. Any payment or reimbursement for travel in connection with the official duties of the Member (except in the case of third party sponsored travel approved by the Select Committee on Ethics under rule XXXV) shall be paid for exclusively with appropriated funds or funds from a political committee as defined in section 301(4)) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(4)) and may not be supplemented by any other funds, including funds of the Member or a gift.''.

Mr. BENNETT. I ask unanimous consent these two amendments be laid aside.

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

Mr. BENNETT. 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. BENNETT. 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. 81 TO AMENDMENT NO. 4

Mr. BENNETT. Mr. President, I call up amendment No. 81.

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

Mr. BENNETT. Mr. President, I am advised——

The PRESIDING OFFICER. And this is a second-degree amendment to amendment No. 4?

Mr. BENNETT. That is correct, Mr. President.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. BENNETT] proposes an amendment numbered 81 to amendment No. 4.

The amendment is as follows:

(Purpose: To permit travel hosted by preapproved 501(c)(3) organizations)

On page 3, line 8, after ''clause (1)'' insert ''sponsored by a 501(c)(3) organization that has been pre-approved by the Select Committee on Ethics. When deciding whether to pre-approve a 501(c)(3) organization, the Select Committee on Ethics shall consider the stated mission of the organization, the organization's prior history of sponsoring congressional trips, other educational activities performed by the organization besides sponsoring congressional trips, whether any trips previously sponsored by the organization led to an investigation by the Select Committee on Ethics and any other factor deemed relevant by the Select Committee on Ethics''.

AMENDMENT NO. 81, AS MODIFIED

Mr. BENNETT. Mr. President, I am advised there was a drafting error in this amendment and we cannot modify it, because cloture has been filed, except by unanimous consent. For that reason, I ask unanimous consent that I be allowed to modify the amendment by adding the word ''or'' at the appropriate place.

The PRESIDING OFFICER (Mr. CARDIN). Is there objection?

The Senator from California.

Mrs. FEINSTEIN. Mr. President, if I might respond to the ranking member's comment, I know there are no more second-degree amendments in order. However, I have looked at this modification. It is minor, and I would certainly agree to it.

Mr. BENNETT. Mr. President, I thank the chairman of the committee for her courtesy, and send a copy of the modified amendment to the desk.

The PRESIDING OFFICER. Without objection, the modification is permitted.

The amendment, as modified, is as follows:

On page 3, line 8, after ''clause (1)'' insert ''or sponsored by a 501(c)(3) organization that has been pre-approved by the Select Committee on Ethics. When deciding whether to pre-approve a 501(c)(3) organization, the Select Committee on Ethics shall consider the stated mission of the organization, the organization's prior history of sponsoring congressional trips, other educational activities performed by the organization besides sponsoring congressional trips, whether any trips previously sponsored by the organization led to an investigation by the Select Committee on Ethics and any other factor deemed relevant by the Select Committee on Ethics''.

Mr. BENNETT. With that, Mr. President, 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. NELSON of Florida. 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. NELSON of Florida. Mr. President, I ask unanimous consent to speak as in morning business.

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

(The remarks of Mr. NELSON of Florida are printed in today's RECORD under ''Morning Business.'')

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. CASEY. 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. 56

Mr. CASEY. Mr. President, I ask that amendment No. 56 now be the pending business.

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

Mr. CASEY. Mr. President, this amendment prohibits the wrongful influencing of a private entity's employment decisions and/or practices in exchange for political access or favors.

As we all know from the recent activity in this body, Reid-McConnell, S. 1, is an ethics reform bill, I think a critically important bill for this body and

for the country. One of the things we want to make sure happens in that bill is that we provide all the protections possible to give confidence to the American people that what is happening in Washington speaks to some of their concerns. This amendment speaks to that by providing criminal penalties punishable, in this case, by a fine or imprisonment for up to 15 years for anyone who would engage in the practice of wrongfully influencing a private entity's employment decisions and/or practices, as I said before, in exchange for political access or favors.

Also, one of the penalties that is contemplated in this amendment is to disqualify an individual from holding public office—any office—if they engage in that activity. What we are talking about is activity that has gone under the umbrella of the name of the K Street Project which has been written about extensively in the public press for several years now, and what we are talking about there, in particular, I believe, is an effort to have a corrupting influence, in my judgment, on a couple of important areas of activity in Washington—first, a corrupting influence on hiring decisions in the private sector in Washington, a corrupting influence on political fundraising which we know has all of the challenges that those of us in Washington who care about doing it the right way have concerns about, and certainly the activities of the K Street Project or any other similar effort, any other similar practice in Washington also has a corrupt influence on the priorities of the Government of the United States. That is why this amendment is so important.

It is long overdue. It is high time to end this corruption, to end this practice which for too long has been a part of the culture of corruption in Washington. I believe this amendment will strengthen S. 1, it will strengthen any effort to provide, as the main bill contemplates, both transparency and accountability, and I do believe this amendment will speak directly to that issue. There is broad bipartisan support for this amendment, as there is for the Reid-McConnell bill.

I also appreciate the fact that as a new Member—and, Mr. President, I include you in this as well as someone who cares very deeply, as you do, about the question of ethics and ethics reform—the bill we are talking about in the Senate was arrived at through a bipartisan effort, and I think it is important this amendment, which deals with the K Street Project or any other similar effort in Washington, also be a bipartisan effort by people in both parties, on both sides of the aisle to make sure we can once and for all tear out by the roots the corrupt practices that, unfortunately, became known as the K Street Project.

I appreciate this opportunity to speak. I yield the floor and suggest the absence of a quorum.

Mrs. FEINSTEIN. Mr. President, before the Senator does that——

The PRESIDING OFFICER. Will the Senator withhold his suggestion?

Mr. CASEY. Yes.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I indicate to the distinguished Senator from Pennsylvania that I strongly support his amendment. My hope is we will be able to accept it without a vote. I have spoken with the ranking member, and I believe he is vetting it and hopefully we will be able to do that shortly.

I thank the Senator very much. I yield the floor.

Mr. CASEY. I thank the Senator. I yield the floor.

Mrs. FEINSTEIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative 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. Without objection, it is so ordered.

AMENDMENT NO. 30

Ms. COLLINS. Mr. President, last week, I was very pleased to join with the Senator from Connecticut, Mr. LIEBERMAN, in offering an amendment to this bill to create an Office of Public Integrity. The American people view the way we enforce ethics requirements as an inherently conflicted process. We are our own advisers, our own investigators, our own prosecutors, our own judges, our own juries, and even though some of our finest Members serve on our Ethics Committee, they cannot escape that perception, they cannot escape the process, nor can they convince the public that the process works to ensure an independent, impartial investigation of allegations brought against Members of Congress.

Last March, Senator LIEBERMAN, Senator MCCAIN, and myself offered an amendment designed to restore the public's confidence in our ethics process by creating a new Senate Office of Public Integrity. Although that amendment failed, I hope our colleagues will take another look at the rationale for this office. I hope our colleagues have looked at the election results in which the public clearly stated its concern over allegations of corruption. The adoption of our amendment is the single most important step we could take to help restore the public's confidence in the integrity of the decisions we make.

I am not saying the amendment the Senator from Connecticut and the Senator from Arizona and I have proposed is perfect. We are very open to working with our colleagues on both sides of the aisle who have suggestions for how to improve our amendment. We incorporated a lot of those suggestions into the proposal we brought before the full Senate last March.

I wanted to point out some basic information about this office. First, it would be headed by a Director jointly appointed by the majority and the minority leaders of the Senate. So those who fear that somehow this Director and this office would be partisan should look at that provision that requires a joint appointment by the Democratic and the Republican leaders. We preserve a very important and strong role for the Ethics Committee, and I believe that, combined, these two entities can help restore public confidence in the independence and impartiality of ethics oversight and enforcement.

I want to take a moment to underline this point about the role of the Ethics Committee. It would be the Ethics Committee that decides if a complaint were frivolous, the Ethics Committee that would decide whether to enforce a subpoena, the Ethics Committee that would determine when and whether investigatory materials are made public. I think there is a lot of misunderstanding that somehow this office would operate completely divorced from the Ethics Committee and on automatic pilot. It would be the Ethics Committee that would continue to provide advice, both informally and through advisory opinions. It would be the Ethics Committee, not the Director of the Senate Office of Public Integrity, who would have sole discretion on what is reported publicly if the committee overrules a decision of the office.

At bottom, our amendment creates an independent, transparent process for initiating and conducting investigations of possible ethical and other violations. I think this is important. We haven't had the problems on this side of the Congress that have troubled our colleagues on the House side, but I think we still need to act to put into place a process that would guarantee to the public an impartial and independent investigation of allegations—not of the final judgment, not of the remedies or punishment that is found by the Ethics Committee to be appropriate but the investigative stage. I suggest that not only would this help restore public confidence in the process, but it would also be helpful to Members because if an independent office concludes there is no merit to allegations lodged against Members of Congress, the public is much more likely to accept that conclusion than if it is made by other Members of the same body who serve with us each day.

I know some of our colleagues are not comfortable generally with the concept of an independent office with any investigatory powers. But I don't believe we are creating some sort of monster, some sort of out-of-control special prosecutor because we impose on the process the discipline and the authority, the ultimate authority of the Ethics Committee. But I do believe we would be creating a process that would help restore the badly tarnished view the public has of our ability to investigate ourselves.

I respect and I honor the constitutional role that says we sit in judgment of our peers, our colleagues, in both bodies. I am not talking about disturbing that role in any way. Instead, what I am saying is it would help restore public confidence, when serious allegations are lodged against a Member of Congress, if we were to create this independent investigative office. There are many safeguards and checks and balances we have carefully built into the amendment that the Senator from Connecticut and I have brought before this body. I urge our colleagues to actually read the amendment and to take a look at it closely. If there are particular concerns, I ask that they work with us to improve our amendment. But what is not acceptable to me is for this amendment not to receive a vote by this body. The Members are familiar with it. I believe it is time for us to go on the record.

I don't think that shoveling off this amendment in the hope that it will come up at some future date is the way to proceed. I think our amendment is well crafted and well balanced. I believe it would make a major difference in the process and help to restore the public's confidence in the whole ethics system. I believe it is carefully crafted so that it does not diminish the very important role of our Ethics Committee, a role I respect and honor, but this amendment would help accomplish the goal of building the public's trust.

Why is this so important? Because if the public does not trust our ethics system, it will not trust the decisions we are making on vital issues—the issues that shape the future of this country. The American people deserve to know that our decisions are not tainted by outside undue influence. They deserve to know we are putting the interests of the American people and our constituents above any other interests.

I have often said, and I will repeat it, that I respect the important role lobbyists play in the process. They provide us with useful information, whether they are representing a children's advocacy group, the business community, a labor organization, or a public interest association. That input is important to us as long as it aids but does not dictate our decisions. It is important that the process be transparent.

There is much in this bill, which we worked very hard on in the Homeland Security and Governmental Affairs Committee last year, that improves the transparency of the process, but we need to add the enforcement piece. We need to make sure not only that we ban inappropriate practices, not only that we have full and more accessible disclosure, but we need the enforcement piece as well. That is what my distinguished colleague from Connecticut as well as the Senators from Arizona and Illinois have proposed, and I believe it is the missing piece that will make already good legislation an excellent bill.

Most of all, it is important that we go on record, that we have an opportunity for a vote because, after all, that is part of the process, too: ensuring that Members express their views and that it is done in a forthright manner. I hope very much we will have an opportunity to have a rollcall vote on this important amendment.

It has been a great pleasure to work with the new chairman of the Homeland Security and Governmental Affairs Committee on this issue, as on every issue on which I have worked with the Senator from Connecticut.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I would like to particularly thank the Senator from Maine, the previous chairman of the Homeland Security and Governmental Affairs Committee, under whose leadership this bill was fashioned, along with myself, Senator MCCAIN, and Senator OBAMA, who has now joined us as an original cosponsor. We have continued this battle. We lost last year, but we think this is an important provision, and sometimes you have to fight for something you think is right until you can convince a majority to join with you.

Senator COLLINS has stated the case very well. The underlying bill here, S. 1, and some of the amendments that have been filed to it represent a significant step forward in the way we in Congress will regulate our own ethics and provide for disclosure and oversight of the behavior of those who lobby us.

This underlying bill is not a perfect bill, but it is a very strong bill. Ultimately the test of it will be its credibility. This is comparable to other laws that we pass—for example Federal criminal law. We pass some good laws, but ultimately we depend on the independence of the investigative and prosecutorial system and the independence of the judges who adjudicate the cases brought before them not only so justice is done, but also that the system of justice we have created enjoys the respect and trust of the people of this country.

Here is the situation in this case. We have a tough, underlying bill with substantial reforms to congressional ethics and lobbying, but there is no change in the enforcement mechanism for implementing the broader reforms that would be adopted under the underlying bill. That is what we propose to do with this amendment number 30, establish an Office of Public Integrity. I will get to it in a moment, but I would also like to echo an appeal that the Senator from Maine made.

Unfortunately, I saw respectfully, in the wisdom of the Parliamentarian, the ruling has come down that this amendment would not be germane post-cloture. We have tried to convince the Parliamentarian otherwise. We have not succeeded. That is a given. We respect it. There is a process that sometimes reaches a conclusion in judgment with which we don't agree, but the process is so independent and reliable that we accept it nonetheless. What that means, obviously, is that unless we are able to bring this amendment, to create an Office of Public Integrity, to a vote prior to a cloture vote on the overall bill—which we presume will be tomorrow—we will not have a chance to bring it to a vote.

We have been told that unanimous consent—which is necessary to set aside the pending amendment and bring this up—will not be granted to this amendment. I urge our leaders and others to please reconsider that. We know—Senator COLLINS, Senator OBAMA, Senator MCCAIN, and I,—that we are still fighting upstream to get the necessary votes we need to agree to this. But I think it is important that we have the debate, that we have the vote, that we build support.

There are many new Members, and I don't presume to know how they would vote, and I know the new Members have gone through the process at home and they know the extent to which our constituents—Democratic, Republican, Independent—are unhappy with a lot of the way we do business. They believe there is too much partisanship and, of course, their views were affected by the scandals of the last few years.

When you think about it, it has been a difficult time for Congress. Of course, obviously, almost all Members of Congress conduct themselves in an ethical way, but we all suffer, and the institution suffers, when some Members do not conduct themselves in an ethical way. Look back over the last 4 or 5 years. In 2002, the majority leader in the House was indicted for conspiring to illegally funnel corporate money into State campaigns, a violation of State campaign laws. Another Member of Congress went to jail for exchanging earmarks for bribes. The FBI raided the office of a third Member in a probe of possible illicit activity. Lobbyist Jack Abramoff pleaded guilty and went to jail for wire fraud and conspiracy, and the investigations into his activities revealed what can only be characterized as the most sleazy, unethical, ultimately illegal behavior by Mr. Abramoff, his associates, and individuals in both the legislative and executive branches of Government.

One Member pleaded guilty to conspiracy and making false statements regarding political favors given to Abramoff in exchange for gifts. A former Deputy Chief of Staff for a Congressman pleaded guilty to conspiracy and corruption charges. A former official at the General Services Administration in the Office of Management and Budget was convicted of lying to various officials at GSA in an attempt to cover up favorable treatment he gave to Mr. Abramoff.

And just as the news of many of these scandals was winding down, the Nation was shaken again last fall by the news

of Congressman Foley's improper behavior. So who can blame the American people for having lost a lot of their confidence in Congress? As we left town last October for the election break, Congress's public approval ratings were hovering in the teens. To put any doubts to rest, I think the American people sent a message on election day that they wanted a change in Washington. Some of the exit polls were stunning because they showed that more voters identified corruption in Washington as influencing their votes in last fall's election than any other issue, including, much to my surprise, the war in Iraq.

America voted for us to clean up our act. That is what the underlying bill, S. 1, will do. But it will not do it as well as it should if we do not also reform the system by which these rules and laws are enforced. That is exactly what this bill does.

The legislation before us pledges to the American people that we are going to put the public interest above our own self-interest. We are saying no to gifts and travel from lobbyists. We are demanding greater disclosure from lobbyists about their activities. We are going to slow the revolving door between Congress and the lobbying firms of K Street. The bill before us is one of the strongest reform measures I have seen in the Senate. I am proud to support it. But, again, it needs an equally strong enforcement mechanism.

Last month, before the ink was dry on the House Ethics Committee report on the allegations of a coverup of Congressman Foley's behavior, the press and a lot of the people dismissed it as a half-hearted job, a kind of ''inside the Congress'' going-easy report. I do not accept that conclusion, but the fact is, when you have Members judging Members along the whole way of the process, that is where a lot of the people are going to inevitably end up.

I know many of my colleagues in the Senate will say the House has a problem, not the Senate. I would say a couple of things to that. First, we all suffer when any Member of Congress acts unethically and Congress seems not to be responding independently and aggressively. Who is to say the process we have for judging our own ethical problems will not someday soon also be seen by the public as having a problem. The public does not care whether the scandal occurred in the House or the Senate. To the public, Congress is Congress. We all swim together or we all sink together.

The fact is, under the status quo of enforcement in the Senate, the Ethics Committee, composed of Members of the Senate, investigate, recommend, and decide on judgment. We need to break that and create an independent part of the process, which is exactly what our amendment would do, to conduct the investigation and recommend an action.

There has been a lot of concern among Members about this amendment. I urge them to take a look at the details. I spoke with one Member earlier today who said he was concerned that an irresponsible ethical complaint would be filed with the independent Office of Public Integrity in the middle of a campaign or before—but particularly during the middle of a campaign—would be used in a 30-second commercial against an incumbent.

Of course, that can happen now if somebody files a complaint with the Ethics Committee. But, in fact, I think the proposal we have made is aimed at an independent investigation but protecting against exactly that kind of abuse.

Let me go through the process, briefly, to reassure Members. A complaint may be filed with the Public Integrity Office by a Member of Congress, an outside complainant or the Office itself at its own initiative. No complaint may be accepted against a Member within 60 days of an election involving that Member. So we are trying to separate this from a campaign caper.

Within 30 days of filing, the director must make an initial determination as to whether to dismiss the case or whether there are sufficient grounds for conducting an investigation. During that time, the Member who is the subject of the complaint may challenge the complaint. The director may dismiss a complaint that fails to state a violation, lacks credible evidence of a violation or relates to a violation that is inadvertent, technical or otherwise of a de minimis nature.

I urge my colleagues to particularly listen to this.

The Director may refer a case that has been dismissed to the Ethics Committee for the Ethics Committee to determine if the complaint is frivolous. If the Ethics Committee determines that a complaint is frivolous, the committee may notify the Director not to accept any future complaint filed by that same person and the complainant may be required to pay for the costs of the office resulting from the complaint.

This is meant to be independent, but it is also meant to be fair and to protect Members from the political abuse of the process we are creating. There is not publicity on this until some judgment is made, so that the prospects for misuse in a political context, in my opinion, are actually less under this proposal of ours than they are in the current system.

This Office of Public Integrity assures the American people that each ethics case is examined by this independent entity. But the Ethics Committee would in no way lose its authority to be the ultimate judge of whether a violation has occurred because that is the authority it has, pursuant to the Constitutional provision that Members of each Chamber shall regulate their own behavior.

It is an interesting fact that the Ethics Committee itself has occasionally retained independent counsel to investigate ethics complaints that come before it. This, in part, I know, is a reflection of the committee's concern that it doesn't have sufficient staff to handle all the investigations that come before it. But I think it is also a reflection of a judgment that motivates this amendment—that there are times when a charge is made against a Senator before a committee of his peers or her peers, Senators, and to establish real credibility for the investigation the Ethics Committee itself has brought in an independent investigator. We are saying that makes good sense, and that is exactly what our amendment would do on an ongoing basis.

Finally, I wish to note that at the suggestion of our friend and colleague from Arizona, Senator MCCAIN, we are assigning, under this amendment, to this Office of Public Integrity, the role of recommending to the Ethics Committee the approval or disapproval of privately funded travel by Members and staff. The underlying bill restricts privately funded travel that may be accepted by Members of Congress and contains a new pre-approval process for privately funded travel. Giving this responsibility to this Office of Public Integrity, independent as it is, I think will help assure the American people that travel requests by Members of the Senate will be scrutinized independently by this independent office.

I will conclude, noting that the time is coming to go to the discussion of the three pending amendments. This proposal for an Office of Public Integrity is entirely consistent with the Constitution's mandate that each House of Congress determines its own rules and sanctions its own members. It is a proposal consistent with the practice of the Ethics Committee of bringing in outside counsel on occasion to assist in its work. It is 100 percent consistent with the message the American people sent in November: for Congress to conduct itself with honor and dignity, in a fashion that earns their trust.

This is a sensible, strong effort to assure the people who are good enough to send us to Washington that we are not only adopting reforms in our lobbying regulations and laws and our ethics regulations and laws, but we are taking strong action to make sure those reforms are well enforced, as they should and must be if we are to restore the public's confidence in our work. This is an important amendment. It deserves a vote. I appeal to my colleagues and leaders to give it that.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the time between 4:30 and 5:30 shall be evenly divided between and controlled by the two leaders or their designees.

Mr. CHAMBLISS. 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. DURBIN. 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. DURBIN. Mr. President, I ask unanimous consent the previous quorum call and remaining quorum calls before the vote at 5:30 be equally divided against the time on both sides.

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

Mr. DURBIN. Mr. President, at 5:30 the Senate will be voting on my second-degree amendment to an amendment offered by the Senator from South Carolina, Mr. DEMINT. I thank the Senator from South Carolina for working with Senator REID and myself to craft a strong provision to deal with earmark reform.

One of the concerns many had about the underlying DeMint earmark reform was that we did not think the language was strong enough when it came to tax provisions. There were provisions in appropriations bills which direct money to entities. They can be private entities or public entities, they could be State governments, local governments, any number of different types of governmental units, as well as private entities.

For example, I have directed money in the Defense appropriations bill to two firms in Illinois that are doing breakthrough research on a variety of things of importance to the Department of Defense, so the actual firms were named. That is the nature of an appropriations earmark. I, in my practice in the office, have been as transparent as possible. There is a race to put out a press release as soon as it is done because I take great pride in what we support.

What we are trying to do is to put into the rules of the Senate and the control of legislation in the Senate more transparency, more accountability, so there is no question, so we avoid any abuse such as led to some of the more embarrassing episodes in the last Congress resulting in corruption charges against lobbyists and Members of Congress.

The initial intent of Senator DEMINT in his amendment was positive, to move toward more appropriations earmarks disclosure, but we felt that his language, when it came to tax provisions, needed to be strengthened.

Of course, one can benefit a company by sending money for research. One can also benefit a company by giving them a break in the Tax Code. Both are of value to the company. They should be treated the same when it comes to disclosure, transparency, and accountability.

The purpose of my second-degree amendment was to strengthen the language of the earmark disclosure when it comes to that. We broadened the definition of what is known as a limited tax benefit. If we were to provide a cut in the tax rate for all Americans in certain income categories, that does not have a particular impact on an individual or a company. That is a general tax benefit. When we deal with limited tax benefits, they can be written in a way when they benefit one specific entity, one specific company, or a few, a handful, we want those tax earmarks to be treated with the same disclosure requirements as the earmarks in appropriations.

The DeMint amendment defined a limited tax benefit as a revenue-losing provision that provides tax benefits to 10 or fewer beneficiaries or contains eligibility criteria that are not the same for other potential beneficiaries. That is his original language.

I have thought that the number 10 was the problematic element in his approach. I don't know where the number 10 came from. I think it might have been in an earlier House version, but I think the language we replace it with makes more sense.

We define ''limited tax benefit'' as any revenue provision that provides a Federal tax deduction, credit, exclusion, or preference to a particular beneficiary or limited group of beneficiaries. Our definition is more expansive, would cover more tax earmarks, would require more disclosure, more transparency, more accountability. I think that was the goal of Senator DEMINT's amendment.

It is my understanding that he is going to accept my second-degree amendment which is going to tighten this language when it comes to tax earmarks.

Second, the Durbin amendment requires the earmark disclosure information be placed on the Internet in a searchable format for at least 48 hours before consideration of the bills, resolutions, or reports that contain the earmarks. The DeMint amendment did not have a similar provision. In the world of the Internet, we know that posting this information 48 hours before the bill can be considered so that the earmarks are known to all who care to look is the best way to make sure there is transparency. So we have added this 48-hour disclosure provision before the consideration of a bill, resolution, or report that contains either an appropriations or a tax earmark. In that way, we have expanded the availability of information for those who follow the proceedings of the Senate.

There is more to be done. Senator HARKIN of Iowa is not in the Senate now, but he pointed out an element of the underlying bill that is problematic when it comes to language on this tax benefit provision. Senator HARKIN is right. Paragraph B in this bill is subject to misinterpretation. He has suggested at some point—before the vote or after—we have a colloquy to make it clear what our intent would be. I am going to join him in that. I am hoping we can either clean up this paragraph B by way of amendment in the Senate, if not in conference. We do not want any ambiguity when it comes to the applicability of this provision as it relates to limited tax benefits.

I have discussed this with Senator DEMINT, and we will see if we can get this done in the Senate. If not, I hope we can address it in the conference committee. We will be working with the Committee on Finance, which is our Senate committee responsible for tax provisions, to make sure they understand what our intention will be and take any advice they have to offer that will help us come up with better language.

I am pleased with this bipartisan solution to the concerns that several Senators had with the original DeMint earmark amendment. If the second-degree amendment is agreed to, we will have a positive vote in passing this amendment. I believe it reflects the intent of all on both sides of the aisle to make sure there is more disclosure.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, may I ask the distinguished Senator from Illinois if there is any additional time I might utilize?

Mr. DURBIN. Mr. President, it is my understanding that the time has been equally divided prior to voting at 5:30. I have used a portion of it here, and I ask the Parliamentarian how much time is remaining?

The PRESIDING OFFICER. The majority has 14 minutes remaining.

Mr. DURBIN. Mr. President, I, of course, yield all that time to the Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the very distinguished Senator for his characteristic courtesy.

James Madison reminds us, in Federalist No. 37, that:

> The genius of republican liberty seems to demand . . . not only that all power should be derived from the people, but that those intrusted with it should be kept in dependence on the people. . . .

Let me say that again. James Madison says, in Federalist No. 37, that ''The genius of republican liberty seems to demand . . . not only that all power should be derived from the people, but that those intrusted with it''—meaning that power—''should be kept in dependence on the people. . . .''

To ensure that this quotation I have just stated by James Madison is so, it is the representatives of the people in Congress—including Robert C. Byrd and all other Senators here—who are entrusted with the power of the purse.

Now, listen to that. To ensure that this is so, it is the representatives of the people in Congress who are entrusted with the power of the purse.

''This power,'' Madison writes, in Federalist No. 58, ''may, in fact, be regarded as the most complete and effectual weapon with which any constitution can arm the immediate representatives of the people, for obtaining a redress of every grievance, and for carrying into effect every just and salutary measure.''

We are Senators, the people's representatives. We are here to look after the interests of the people of our States. In many cases, they are not well-to-do people. They cannot just pick up a phone and call the White

House. And, too often, the Federal bureaucracy is an inaccessible morass. In time of need—in drought or flood, when a bridge is near collapse, when safe drinking water is not available, when health care services are endangered, when a community is struggling, when worker safety is threatened—the people call on their representatives in Congress.

Many times, we are the only ones who are willing to listen. Get that. Many times, we are the only ones who are willing to listen, and the only ones—hear me, again—who are willing to help. We, the people's representatives, are armed by the Constitution with the power of the purse to ensure that the Federal Government is responsive to their—the people's—needs.

And so when I speak about congressional earmarks, I speak about a subject that broaches the most serious of constitutional questions: Who—hear me—who shall control expenditures from the public treasuries, the unaccountable bureaucrats in the executive branch downtown—I do not speak ill of them; they are responsible people—but I say, the unaccountable bureaucrats in the executive branch or the representatives of the people?

Let me say that again. We, here in the Senate, are armed by the Constitution with the power of the purse—in this body and the other body—to ensure that the Federal Government is responsive to their—the people's—needs.

And so when I speak about congressional earmarks, I speak about a subject that broaches the most serious of constitutional questions: Who shall control expenditures from the public treasuries, the unaccountable bureaucrats in the executive branch or the elected representatives of the people in the legislative branch?

Earmarks are arguably the most criticized and the least understood of congressional practices. I know it is easy to attack these congressional practices. Many of the most vocal critics do not understand the purpose of the earmarks they criticize, nor do they have any appreciation of their uses or benefits in the communities that receive them.

Let me say that again. Earmarks—hear me, everybody; those from the States, I know they are always listening—earmarks are arguably the most criticized and the least understood of congressional practices. Many of the most vocal critics do not understand the purpose of the earmarks they criticize, nor do they have any appreciation of their uses, meaning the uses of earmarks, or benefits in the communities that receive these earmarks.

Many people do not know that earmarks are not specific to appropriations bills. For instance, earmarks can be found in revenue bills as tax benefits for narrowly defined constituencies. Earmarks can be found in authorization bills that are wholly separate from the appropriations process. Hear me now. Earmarks can be found—yes; where?—in the President's budget requests. How about that? Earmarks can be found in the President's budget requests, and sometimes as part of the budget reconciliation process.

There is no law, no rule, no universal standard that even defines what an earmark is. And so I leave the determination about the propriety and need for an earmark, not with the political pundits or the so-called watchdog groups or the news media or the unelected bureaucrats downtown, but where that determination rightfully belongs, where it rightfully belongs under the Constitution, with the people, with the people of the United States.

So hear me—hear me, everyone East, West, South, and North—when I say there is nothing inherently wrong with an earmark. It is an explicit direction from the Congress—the people's elected representatives; the Congress—about how the Federal Government should spend the people's money—your money out there in the hills and mountains and prairies and the plains and valleys of this country. I say again, it is an explicit direction—talking about earmarks—from the Congress about how the Federal Government should spend your money, the people's money.

It is absolutely consistent with the Framers' intentions. Dispute me, if you like. Challenge me, if you like, and challenge the Constitution of the United States. It is codified in Article I of the Constitution, giving the power of the purse to the representatives of the people.

We, the representatives of the people, have an obligation to be good stewards of the public treasury and to prevent imprudent expenditures. That is our duty. We have an obligation to guard against the corruption of any public officials who would sell their soul and the trust of their constituency in order to profit from an official act. That also is our duty, and one not to be taken lightly. But let no person suggest that the Congress errs in using an earmark to designate how the people's money should be spent.

Let me say that again. Let no person suggest that the Congress errs in using an earmark to designate how the people's money—your money out there, your money; hear me, the people's money—should be spent. That is equally our constitutional duty. It does not belong to the President. It does not belong to the unelected bureaucrats in the executive branch. It belongs to the people through their elected representatives here in Congress.

Well intentioned though they may be, the civil servants making budget decisions in the executive agencies and offices of the Federal Government do not understand the communities that we—you and I, Mr. President, all of us here—represent.

They do not meet with the constituencies. They do not know our States. They do not know our people. They do not see what we see.

How much time do I have, Mr. President?

The PRESIDING OFFICER (Mr. MENENDEZ). The majority's time has expired.

Mr. BYRD. I ask unanimous consent to proceed as long as I require, and it won't be too long.

Mr. CHAMBLISS. Mr. President, I would say to the distinguished Senator from West Virginia through the Chair that we have 30 minutes on our side, and I have two speakers. I know Senator MCCAIN and Senator DEMINT wish to speak. I am not sure how long that will take. Does the Senator have an idea how much longer he will need, 5 minutes, 10 minutes?

Mr. BYRD. I will try to finish in 10 minutes.

Mr. CHAMBLISS. I am happy to yield for an additional 10 minutes to the other side.

Mr. BYRD. Mr. President, I thank my generous and considerate friend.

The process may not be flawless, but if public monies are spent unwisely or wastefully, at least the people have the means to know about it. Both the House and Senate in open session must agree on an earmark, and the president has an opportunity to veto the measure that carries it. There is a record of debate, and a record of how each Member of Congress votes. A controversial item is available for all to see and judge if not before, then certainly after it is enacted. Ultimately, Senators will have to defend their votes on the floor of the Senate, or respond to the inquiries of the media, or stand before the electorate and their constituency. The representatives of the people in Congress are held accountable.

If the Congress does not specify how funds are to be spent, then the decision falls to the executive branch—the so-called ''experts'' at bureaucratic agencies to determine the priorities of this Nation. In such cases, the American people may never know who is responsible for a spending decision. The American people never know how a spending decision is made. They may never hear anything about it. In the executive bureaucracy, there is far less accountability to the people.

We ought to prefer that spending decisions be made in an open and public forum of debate, rather than ensconced within the hidden and unaccountable agencies of the executive branch. The fact that controversial earmarks are being openly debated, and that several controversial earmarks were put before the voters last November, suggests that the system works. Those entrusted with power are being held accountable to the people.

So I say to Senators that we are treading some dangerous constitutional grounds with this bombast against earmarks. I support, as I always have, making the budget and appropriations process more transparent, but let their be no mistake that the misguided cries to do away with earmarks has constitutional ramifications

about who controls the power of the purse. The White House recognizes this. The President is asking the Congress to reduce congressional earmarks, leaving more spending decisions to the White House and executive branch. The President is asking for fewer limitations and more flexibility in how the executive branch spends the people's money. The President is even taking advantage of the current political environment to ask for a line-item veto—God help us—a wholly unconstitutional grant of power invalidated once before by the Supreme Court. If so-called earmark reforms happen too quickly and with too little thought to the constitutional ramifications, it could mark the beginnings of a dangerous aggrandizement of the executive in the legislative process, and I am not for that. I am not willing to go along with it.

In this rush to label earmarks as the source of our budgetary woes, and calls to expand the budgetary authorities of the President, we—Members of the Senate—should remember why deficits have soared to unprecedented levels. Senators will recall that the president has not exercised his current constitutional authorities. He has not vetoed a single spending or revenue bill. He has not submitted a single rescission proposal under the Budget Act.

What has wrought these ominous budget deficits are the administration's grossly flawed and impossible budget assumptions. In 2001, the President inherited a $5.6 trillion, 10-year surplus. After 1 year operating under his fiscal policies, that surplus disappeared. We went from a surplus in the fiscal year 2001 of $128 billion to a deficit in the fiscal year 2002 of $158 billion, followed by the three largest deficits in our Nation's history in the fiscal years 2003, 2004, and 2005. The administration's excessive tax cuts added $3 trillion in budget deficits. The war in Iraq, which I voted against, has required the Congress to appropriate $379 billion, and another $100 billion request will arrive from the President next month. Rather than dealing with these fiscal failures, too many would rather propagate the specious argument that enlarging the president's role in the budget process and doing away with congressional earmarks will magically reduce these foreboding and menacing deficits. It absolutely will not.

Often, critics of congressional earmarks assert that earmarks, by definition, are wasteful spending. In the 1969 Agriculture Appropriations bill, Congress earmarked funds for a new program to provide critical nutrition to low-income women, infants and children. This program, which is now known as the WIC program, has since provided nutritional assistance to over 150 million women, infants and children, a critical contribution to the health of the nation. Is that wasteful spending? Is that wasteful spending?

In the 1969 and 1970, Congress earmarked $25 million for a children's hospital in Washington, DC, even overcoming a Presidential veto. That funding resulted in the construction of what is known as the Children's National Medical Center. The hospital has become a national and international leader in neonatal and pediatric care. Since the hospital opened, over 5 million children have received health care. Last year, Children's Hospital treated over 340,000 young patients, and performed over 10,000 surgeries, saving and improving the lives of thousands of young children. Is that wasteful spending?

In 1983, Congress earmarked funds for a new emergency food and shelter program. In 2005 alone, the program served 35 million meals and provided 1.3 million nights of lodging to the homeless. Is that wasteful spending?

In 1987, Congress earmarked funds for the mapping of the human gene. This project became known as the Human Genome Project. This research has lead to completely new strategies for disease prevention and treatment. The Human Genome Project has led to discoveries of dramatic new methods of identifying and treating breast, ovarian, and colon cancers, saving many, many lives. Is this wasteful spending?

In 1988 and 1995, Congress earmarked funds for the development of unmanned aerial vehicles. These efforts produced the Predator and the Global Hawk, two of the most effective assets that have been used in the global war on terror. Is this wasteful spending?

No. Each of these earmarks was initiated by Congress and produced lasting gains for the American people.

There is no question that the earmarking process has grown to excessive levels in recent years. From 1994 to 2006, the funding that has been earmarked has nearly tripled. That is why I have joined with House Appropriations Committee Chairman OBEY in calling for a 1-year moratorium on earmarks in the fiscal year 2007 joint funding resolution that will be before the Senate next month. That moratorium will give the Congress the time it needs to approve legislation that adds transparency to the process of earmarking funds.

I support transparency and debate in the congressional budget and appropriations process. I support the provisions included in the ethics bill now pending before the Senate that would provide a more accountable, aboveboard, and transparent process by requiring earmarks for non-Federal entities in all of their legislative forms—as authorizing measures, as appropriations measures, as revenue measures—to be disclosed—yes, let's have it out in the open—along with their sponsors and essential government purpose, prior to their consideration by the Senate. If the sponsor is ROBERT C. BYRD, let him show himself. Taxpayers, of West Virginia and the Nation ought to know how and why spending decisions are made. That is why it is essential to ensure that these spending decisions remain in the Congress.

In past years, the Congress routinely failed to consider the annual appropriations bills in a timely manner. When they were considered, they too often took the form of massive omnibus bills that were forced upon the Senate without the opportunity to amend—take it or leave it. Such practices encouraged the kinds of earmarking practices that have been criticized in recent months. As chairman of the Senate Appropriations Committee, I, ROBERT C. BYRD, will endeavor to do all that I can to have the annual appropriations bills considered in a timely manner. When the fiscal year 2008 spending bills are brought to the floor, I will do all that I can to allow the Senate to work its will, and to open the spending decisions of the Congress to the American people.

Senators take an oath to preserve and protect the Constitution. Eliminating waste and abuse in the Federal budget process is important, but protecting the character and design of the Constitution is absolutely essential. Let's not lose our heads and subsequently the safeguards of our rights and liberties as American citizens.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah controls the remainder of the time.

Mr. BENNETT. Mr. President, I understand the Senator from Illinois has an action he wishes to take. I yield to him at this point.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

AMENDMENT NO. 41

Mr. OBAMA. Mr. President, I ask unanimous consent that the pending amendment be set aside so that I may call up amendment No. 41 and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. OBAMA] proposes an amendment numbered 41.

Mr. OBAMA. 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 require lobbyists to disclose the candidates, leadership PACs, or political parties for whom they collect or arrange contributions, and the aggregate amount of the contributions collected or arranged)

Strike section 212 and insert the following:

SEC. 212. QUARTERLY REPORTS ON OTHER CONTRIBUTIONS.

Section 5 of the Act (2 U.S.C. 1604) is amended by adding at the end the following:

''(d) QUARTERLY REPORTS ON OTHER CONTRIBUTIONS.—

''(1) IN GENERAL.—Not later than 45 days after the end of the quarterly period beginning on the 20th day of January, April, July, and October of each year, or on the first business day after the 20th if that day is not a business day, each registrant under paragraphs (1) or (2) of section 4(a), and each employee who is listed as a lobbyist on a current registration or report filed under this

Act, shall file a report with the Secretary of the Senate and the Clerk of the House of Representatives containing—

''(A) the name of the registrant or lobbyist;

''(B) the employer of the lobbyist or the names of all political committees established or administered by the registrant;

''(C) the name of each Federal candidate or officeholder, leadership PAC, or political party committee, to whom aggregate contributions equal to or exceeding $200 were made by the lobbyist, the registrant, or a political committee established or administered by the registrant within the calendar year, and the date and amount of each contribution made within the quarter;

''(D) the name of each Federal candidate or officeholder, leadership PAC, or political party committee for whom a fundraising event was hosted, co-hosted, or sponsored by the lobbyist, the registrant, or a political committee established or administered by the registrant within the quarter, and the date, location, and total amount (or good faith estimate thereof) raised at such event;

''(E) the name of each Federal candidate or officeholder, leadership PAC, or political party committee for whom aggregate contributions equal to or exceeding $200 were collected or arranged within the calendar year, and to the extent known the aggregate amount of such contributions (or a good faith estimate thereof) within the quarter for each recipient;

''(F) the name of each covered legislative branch official or covered executive branch official for whom the lobbyist, the registrant, or a political committee established or administered by the registrant provided, or directed or caused to be provided, any payment or reimbursements for travel and related expenses in connection with the duties of such covered official, including for each such official—

''(i) an itemization of the payments or reimbursements provided to finance the travel and related expenses, and to whom the payments or reimbursements were made with the express or implied understanding or agreement that such funds will be used for travel and related expenses;

''(ii) the purpose and final itinerary of the trip, including a description of all meetings, tours, events, and outings attended;

''(iii) whether the registrant or lobbyist traveled on any such travel;

''(iv) the identity of the listed sponsor or sponsors of such travel; and

''(v) the identity of any person or entity, other than the listed sponsor or sponsors of the travel, who directly or indirectly provided for payment of travel and related expenses at the request or suggestion of the lobbyist, the registrant, or a political committee established or administered by the registrant;

''(G) the date, recipient, and amount of funds contributed, disbursed, or arranged (or a good faith estimate thereof) by the lobbyist, the registrant, or a political committee established or administered by the registrant—

''(i) to pay the cost of an event to honor or recognize a covered legislative branch official or covered executive branch official;

''(ii) to, or on behalf of, an entity that is named for a covered legislative branch official, or to a person or entity in recognition of such official;

''(iii) to an entity established, financed, maintained, or controlled by a covered legislative branch official or covered executive branch official, or an entity designated by such official; or

''(iv) to pay the costs of a meeting, retreat, conference, or other similar event held by, or for the benefit of, 1 or more covered legislative branch officials or covered executive branch officials;

''(H) the date, recipient, and amount of any gift (that under the standing rules of the House of Representatives or Senate counts towards the $100 cumulative annual limit described in such rules) valued in excess of $20 given by the lobbyist, the registrant, or a political committee established or administered by the registrant to a covered legislative branch official or covered executive branch official; and

''(I) the name of each Presidential library foundation and Presidential inaugural committee, to whom contributions equal to or exceeding $200 were made by the lobbyist, the registrant, or a political committee established or administered by the registrant within the calendar year, and the date and amount of each such contribution within the quarter.

''(2) RULES OF CONSTRUCTION.—

''(A) IN GENERAL.—For purposes of this subsection, contributions, donations, or other funds—

''(i) are 'collected' by a lobbyist where funds donated by a person other than the lobbyist are received by the lobbyist for, or forwarded by the lobbyist to, a Federal candidate or other recipient; and

''(ii) are 'arranged' by a lobbyist—

''(I) where there is a formal or informal agreement, understanding, or arrangement between the lobbyist and a Federal candidate or other recipient that such contributions, donations, or other funds will be or have been credited or attributed by the Federal candidate or other recipient in records, designations, or formal or informal recognitions as having been raised, solicited, or directed by the lobbyist; or

''(II) where the lobbyist has actual knowledge that the Federal candidate or other recipient is aware that the contributions, donations, or other funds were solicited, arranged, or directed by the lobbyist.

''(B) CLARIFICATIONS.—For the purposes of this paragraph—

''(i) the term 'lobbyist' shall include a lobbyist, registrant, or political committee established or administered by the registrant; and

''(ii) the term 'Federal candidate or other recipient' shall include a Federal candidate, Federal officeholder, leadership PAC, or political party committee.

''(3) DEFINITIONS.—In this subsection, the following definitions shall apply:

''(A) GIFT.—The term 'gift'—

''(i) means a gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value; and

''(ii) includes, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred—

''(I) gifts of services;

''(II) training;

''(III) transportation; and

''(IV) lodging and meals.

''(B) LEADERSHIP PAC.—The term 'leadership PAC' means with respect to an individual holding Federal office, an unauthorized political committee which is associated with an individual holding Federal office, except that such term shall not apply in the case of a political committee of a political party.''.

Mr. OBAMA. Mr. President, this is a supplement to what I already think is an excellent bill that has been presented by the two leaders to try to improve our processes and provide more transparency and accountability in how lobbyists interact and how we conduct ourselves in an ethical fashion.

To make it very plain, this amendment simply says that all registered Federal lobbyists would have to disclose not only the contributions they make but also the contributions they have solicited and bundled. It applies only to registered lobbyists. It has strong support on a bipartisan and bicameral basis. I hope we can have this amendment agreed to. I think it will make a strong bill that much stronger.

With that, I appreciate the time given to me by the Senator from Utah. I look forward to the vote.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. 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. NELSON of Nebraska. 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. 71

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the pending amendment be laid aside and that I may call up my amendment No. 71.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. NELSON], for himself and Mr. SALAZAR, proposes an amendment numbered 71.

Mr. NELSON of Nebraska. 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 extend the laws and rules passed in this bill to the executive and judicial branches of government)

At the appropriate place, insert the following:

SEC. ___. EQUAL APPLICATION OF ETHICS RULES TO EXECUTIVE AND JUDICIARY.

(a) GIFT AND TRAVEL BANS.—

(1) IN GENERAL.—The gift and travel bans that become the rules of the Senate and law upon enactment of this Act, shall be the minimum standards employed for any person described in paragraph (2).

(2) APPLICABILITY.—A person described in this paragraph is the following:

(A) SENIOR EXECUTIVE PERSONNEL.—A person—

(i) employed at a rate of pay specified in or fixed according to subchapter II of chapter 53 of title 5, United States Code;

(ii) employed in a position which is not referred to in clause (i) and for which that person is paid at a rate of basic pay which is equal to or greater than 86.5 percent of the rate of basic pay for level II of the Executive Schedule, or, for a period of 2 years following the enactment of the National Defense Authorization Act for Fiscal Year 2004, a person who, on the day prior to the enactment of that Act, was employed in a position which is not referred to in clause (i) and for which the rate of basic pay, exclusive of any locality-based pay adjustment under section 5304

or section 5304a of title 5, United States Code, was equal to or greater than the rate of basic pay payable for level 5 of the Senior Executive Service on the day prior to the enactment of that Act;

(iii) appointed by the President to a position under section 105(a)(2)(B) of title 3, United States Code or by the Vice President to a position under section 106(a)(1)(B) of title 3, United States Code; or

(iv) employed in a position which is held by an active duty commissioned officer of the uniformed services who is serving in a grade or rank for which the pay grade (as specified in section 201 of title 37, United States Code) is pay grade O-7 or above.

(B) VERY SENIOR EXECUTIVE PERSONNEL.—A person described in section 207(d)(1) of title 18, United States Code.

(C) SENIOR MEMBERS OF JUDICIAL BRANCH.—A senior member of the judicial branch, as defined by the Judicial Conference of the United States.

(b) STAFF LOBBYING.—

(1) IN GENERAL.—Section 207(c)(2)(A) of title 18, United States Code, is amended by striking clauses (i) through (v) and inserting the following:

''(i) employed by any department or agency of the executive branch; or

''(ii) assigned from a private sector organization to an agency under chapter 37 of title 5.''.

(2) CONFORMING AMENDMENT.—Section 207(c)(2)(C) of title 18, United States Code, is amended—

(A) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively;

(B) by inserting ''(i)'' before ''At the request'';

(C) by striking ''referred to in clause (ii) or (iv) of subparagraph (A)'' and inserting ''described in clause (ii)''; and

(D) by adding at the end the following:

''(ii) A position described in this clause is any position—

''(I) where—

''(aa) the person is not employed at a rate of pay specified in or fixed according to subchapter II of chapter 53 of title 5; and

''(bb) for which that person is paid at a rate of basic pay which is equal to or greater than 86.5 percent of the rate of basic pay for level II of the Executive Schedule, or, for a period of 2 years following the enactment of the National Defense Authorization Act for Fiscal Year 2004, a person who, on the day prior to the enactment of that Act, was employed in a position which is not referred to in clause (i) and for which the rate of basic pay, exclusive of any locality-based pay adjustment under section 5304 or section 5304a of title 5, was equal to or greater than the rate of basic pay payable for level 5 of the Senior Executive Service on the day prior to the enactment of that Act; or

''(II) which is held by an active duty commissioned officer of the uniformed services who is serving in a grade or rank for which the pay grade (as specified in section 201 of title 37) is pay grade O-7 or above.''.

(c) SENIOR EXECUTIVE STAFF EMPLOYMENT NEGOTIATIONS.—Senior and very senior Executive personnel shall not directly negotiate or have any arrangement concerning prospective private employment while employed in that position unless that employee files a signed statement with the Office of Government Ethics for public disclosure regarding such negotiations or arrangements within 3 business days after the commencement of such negotiation or arrangement, including the name of the private entity or entities involved in such negotiations or arrangements, the date such negotiations or arrangements commenced.

Mr. NELSON of Nebraska. Mr. President, last year, Washington was rocked by the Abramoff scandal and other misdeeds. With the underlying bill, Congress has shown it is taking seriously its responsibility to the American people its responsibility to set rules for behavior by Members and staff that aren't just words on a page in a dusty ethics manual.

I applaud the effort that has gone into ethics reform. It has been a good debate. There is one point that I discussed last year—- as early as the Rules Committee markup—- that I feel needs to again be part of the debate this year. Last year I offered a sense-of-the-Senate amendment to make many of the reforms we have considered throughout this ethics debate apply to all branches of government. I am pleased that this sense of the Senate was accepted and is included in the underlying bill.

Today I have filed and proposed amendment No. 71, which builds on the principle behind this sense of the Senate that the standards employed in this bill should be the minimum standards that guide the other branches of Government. The revolving door isn't just on the front of the U.S. Capitol. It spins freely in the executive branch—in every Federal agency in Washington.

My amendment has three parts:

The first provision says the gift and travel bans of this bill should be the minimum standards employed by the executive and judicial branches. The second provision extends the Senate's 1-year ban on lobbying by former staff to the executive branch. The third provision extends the Senate's negotiating of future employment provisions to the executive branch as well.

I believe in disclosure, transparency and restoring integrity to our government. The question here isn't whether reforms are needed, they are. But we need to make sure we are implementing the right reforms. Any reforms need to apply to all branches of government if we are to begin the process of rebuilding trust between the government and the people.

Mr. President, I think the underlying bill is incomplete without my amendment, and I urge my colleagues to adopt it.

I yield the floor.

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. DEMINT. 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. DEMINT. Mr. President, I would like to make a few comments about a couple of amendments on which we are getting ready to vote. One is mine, and one is an amendment to my amendment by Senator DURBIN.

The PRESIDING OFFICER. Is the Senator seeking unanimous consent to speak? There is an order presently to vote at this time. Is the Senator seeking unanimous consent?

Mr. DEMINT. Yes. I ask unanimous consent to speak. I apologize, Mr. President. I am getting ahead of myself today. I thank the Parliamentarian. Am I free to speak at this point?

The PRESIDING OFFICER. The Senator is recognized.

AMENDMENTS NOS. 44, AS MODIFIED AND 11

Mr. DEMINT. Mr. President, we are getting ready to vote on a couple of amendments. One is Senator DURBIN's which I believe improves the underlying amendment, which is my amendment No. 11. I thank Senator REID and Senator DURBIN and a number of Members on the Democratic side who worked with us to perfect this amendment in a way that will be good for the country and will be much more transparent in how we do business. I have asked to be a cosponsor of Senator DURBIN's amendment, which will come up before mine. I again encourage all my Republican and Democratic colleagues to support Senator DURBIN's amendment, as well as the underlying amendment.

I remind my colleagues, I think these two amendments focus on the most egregious problem with this whole idea of ethics and lobbying reform. It makes all of the earmarks, all of the designated spending—some folks refer to this as specific favors for interest groups—everything we do to designate funds in a particular direction, it just requires us to disclose these, to disclose them in a way that the American people can see, can find them on the Internet, and can determine for themselves if this is a good way to spend their taxpayers' dollars. We believe, as I think the American people do, that if it is clear what we are doing while we are doing it and who is doing it, it will, first of all, limit unnecessary earmarks and unnecessary Federal spending, but it will also create a lot more accountability for this designated spending which we do attach to bills.

I thank my Democratic colleagues for working constructively with us. We made progress and created a better bill. I encourage all of my colleagues to vote for both of the amendments tonight.

I yield the floor.

LIMITED TAX BENEFITS

Mr. HARKIN. Mr. President, I am concerned about a possible misunderstanding of the intent of the language in the proposed Senate rule XLIV concerning earmarks. My specific concern goes to the definition in the proposal concerning ''limited tax benefits.'' The definition contains two parts. The first is a two-part test that provides that limited tax benefit is one that ''provides a Federal tax deduction, credit, exclusion, or preference to a particular beneficiary or limited group of beneficiaries under the Internal Revenue Code of 1986, and (B) contain eligibility criteria that are uniform in application with respect to potential beneficiaries of such provision''. The key here is the word ''and'' after 1986. The second part simply provides that if this test is not

met, that only a tax that benefits a single entity is a ''limited tax benefit.''

I am told that there are some who might define ''potential beneficiaries'' to only include a variation in the treatment of the class covered by the amendment. This would not be logical. My perception, prior to our voting, is that the intent of those two words ''potential beneficiaries'' means a category or class of taxpayers impacted by the tax provision. In other words, if the Senate was considering the modification of the alternative minimum tax to not include a specific tax provision in the code as counting as income under the AMT, that would not be considered a limited tax benefit, because it would impact all of the potential beneficiaries equally. On the other hand, if one was considering a provision that went into the code and said that we should not count that class of income as AMT income as applied to X or Y, that would not be treating everyone in the class the same. In the latter case, we would be triggering subsection ''B,'' because there was not uniform treatment of all potential beneficiaries of the break. And accordingly, if the number impacted in the second case was a ''limited group of beneficiaries,'' it would be considered a limited tax benefit.

Mr. DURBIN. Mr. President, I believe that the Senator from Iowa has raised an important point. we need to clarify how the amendment applies to targeted tax benefits. We would like the language of the amendment to capture a wide variety of situations where a small number of taxpayers receive special treatment. I hope that we can work with Senator DEMINT, the Senate Finance Committee, and any other interested Senators to make appropriate changes to this amendment during conference, if not sooner, so that the language is clear and the outcome increases transparency and accountability.

Mr. LEVIN. Mr. President, I will vote in favor of the DeMint amendment as amended by the Durbin amendment.

Last week, I voted to table the original DeMint amendment because it would have stricken earmark reform language in the Reid-McConnell bipartisan substitute and replaced it with provisions which contain, among other things, a definition of earmarked tax benefits which is weaker than the Reid-McConnell language.

The DeMint amendment would have defined a tax benefit as an earmark only if it benefits 10 or fewer beneficiaries. This would have left open a loophole for earmarks which were aimed at benefiting very small groups of people, even as few as 11. It would have been relatively easy to circumvent the DeMint language and the intent of the tax earmark language in the bill.

The Durbin second-degree amendment which has been adopted removes the limitation of ''10 or fewer beneficiaries'' from the DeMint amendment and defines a ''limited tax benefit'' as ''any revenue provision that provides a Federal tax deduction, credit, exclusion, or preference to a particular beneficiary or limited group of beneficiaries''. This is stronger language—a limited group can be far more than 10.

The Durbin second-degree amendment also requires that the earmark disclosure information be placed on the internet in searchable format for at least 48 hours before consideration of the bills containing earmarks. The DeMint amendment did not previously have a similar provision.

In summary, the Durbin language has improved this amendment which will now increase the transparency of earmarks contained in conference report language, as well as include disclosure of tax provisions that benefit limited groups of beneficiaries.

The PRESIDING OFFICER. Under the previous order, the hour of 5:30 p.m. having arrived, the Senate will proceed to a vote on or in relation to amendment No. 44, as modified, offered by the Senator from Illinois, Mr. DURBIN.

Mrs. FEINSTEIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 44, as modified. The clerk will call the roll.

The legislative clerk called the roll.

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

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

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 10 Leg.]

YEAS—98

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

NOT VOTING—2

Conrad Johnson

The amendment (No. 44), as modified, was agreed to.

Mr. WYDEN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 11, AS AMENDED

The PRESIDING OFFICER. The question is on agreeing to amendment No. 11, as amended.

Mr. DEMINT. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second. The clerk will call the roll.

The assistant legislative clerk called the roll.

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

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

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 11 Leg.]

YEAS—98

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

NOT VOTING—2

Conrad Johnson

The amendment (No. 11), as amended, was agreed to.

Mr. MENENDEZ. I move to reconsider the vote.

Mr. NELSON of Florida. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CLOTURE MOTION

The PRESIDING OFFICER (Mr. SALAZAR). Under the previous order and pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The assistant 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 debate on the Reid amendment No. 4 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.

The PRESIDING OFFICER. The mandatory quorum has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 4, offered by the Senator from Nevada, Mr. REID, be brought to a close? The yeas and nays are mandatory under rule XXII.

The clerk will call the roll.

The legislative clerk called the roll.

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

Mr. LOTT. The following Senator was necessarily absent: the Senator from South Carolina (Mr. DEMINT).

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

The yeas and nays resulted—yeas 95, nays 2, as follows:

[Rollcall Vote No. 12 Leg.]

YEAS—95

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

NAYS—2

Coburn	Nelson (NE)

NOT VOTING—3

Conrad	DeMint	Johnson

The PRESIDING OFFICER. On this vote, the yeas are 95, the nays are 2. Two-thirds of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. INHOFE. Mr. President, I am pleased to cosponsor Senate amendment No. 37 that has been offered by the Senator from South Dakota to the legislative and lobbying transparency legislation, S. 1.

The Federal Funding Accountability and Transparency Act of 2006, which became law this past September 26, 2006, requires that the Office of Management and Budget develop a single, searchable, public Web site that provides information on all types of Federal awards including Federal grants, sub grants, loans, contracts, cooperative agreements, and other forms of financial awards that entities, including nonprofit organizations, receive from the Federal Government. This Web site is to be accessible to the public at no cost and contains information such as the entity receiving the award, the amount, and the purpose.

Senate amendment No. 37, that has been offered by the Senator from South Dakota, Senator THUNE, builds upon the Federal Funding Accountability and Transparency Act by requiring entities that receive Federal funding to publicly disclose those funds, disclose that entity's political advocacy, and the amount spent on its political advocacy. Under this amendment, political advocacy includes influencing legislation, involvement in political campaigns, litigation with the Federal Government, and supporting other entities that engage in these types of political advocacy. In his remarks upon offering Senate amendment No. 37, the Senator from South Dakota stated that his amendment will shed further light on organizations that receive Federal funding that are at the same time also involved in advocacy on Federal issues. I could not agree more that the transparency required in this amendment is necessary and that this is something the American people would like to see happen.

For the past two Congresses, I have been the chairman of the U.S. Senate Environment and Public Works Committee. In that role, I designated grants management at the Environmental Protection Agency, EPA, as one of the priority oversight areas of the committee. I began this oversight by conducting a committee hearing where representatives from the EPA, EPA inspector general, the Government Accountability Office, and a private organization called Taxpayers for Common Sense testified to severe deficiencies in grants management at EPA for at least the past 10 years and regardless of Presidential administration. In fact, the EPA inspector general's testimony at that hearing focused on a nonprofit Federal grant recipient that had received close to $5 million over 5 years in violation of the Lobbying Disclosure Act. The EPA has had a particularly bad habit of awarding large grants to special interest and partisan groups and, in many cases, with little oversight. However, this is a problem that can plague all Federal agencies and departments.

Since the beginning of this oversight, EPA has taken a number of positive steps, and I would like to focus on one of those positive developments. I suggested in May 2004 that to increase transparency in grant awards, the EPA should develop a publicly accessible, no-cost Web site with information on EPA's grants and recipients. I suggested this Web site cover future grant recipients as well as grants awarded over the past 10 years. I also provided some examples of useful information to include on the Web site such as the grant recipient's name, agency grant number, Catalog of Federal Domestic Assistance number, the type of recipient—governmental entity, nonprofit, eductional institution, foreign recipient, etc.—the grant project location, beginning and ending project dates of grants, the amount of the grant, the total cost of the project or cumulative amount of grants for the particular project, the grant description or purpose, the grant's expected outcome, the approving office or program within the agency, and the agency project officer and awarding officers' contact information.

Since that time, EPA has created this new Web site with the most publicly available information ever provided on EPA grants and recipients. The EPA's grant awards database may be easily found on the EPA's Web site and has been available since 2004.

I believe that placing this information on the World Wide Web for anyone to access has greatly increased the transparency of the grants process within the EPA and has required EPA to be more accountable for the types of grants, recipients, and oversight of the grants awarded. Likewise, I believe that placing information on the World Wide Web concerning the political, lobbying, and litigation activity of regular recipients of Federal funds provides needed transparency that I believe the American people may be surprised to see and may provide a tool for appropriate Federal agencies to use to ensure that Federal dollars are not being misused for political purposes.

In many cases, when the Federal Government awards a grant to a private organization, it is a nonprofit, tax-exempt organization. The Internal Revenue Service has classified these organizations as section 501(c)(3) charitable organizations after that section of the Internal Revenue Code. However, I have delivered remarks concerning the political activities of recipients of Federal funds or their closely affiliated organizations. Some of these 501(c)(3) organizations that regularly receive Federal funds are often closely affiliated with corresponding section 501(c)(4) and 527 organizations and political action committees all highly involved in lobbying and political activities every year and in each election cycle. Although this article is dated, one of the best articles that describes this tangled web of political financing and advocacy was a Washington Post article from September 27, 2004, which I

will request to have printed in its entirety at the conclusion of my remarks. This article contains a quote from a former Federal Election Commission official stating:

In the wake of the ban on party-raised soft money, evidence is mounting that money is slithering through on other routes as organizations maintain various accounts, tripping over each other, shifting money between 501(c)(3)'s, (c)(4)'s, and 527's. . . . It's big money, and the pendulum has swung too far in their direction.

While I understand that Senate amendment No. 37 does not reach into this tangled web of political and lobbying financing to separate Federal funding from private dollars, this amendment does make publicly available on a single Web site information on recipients of Federal awards and a description of the political and lobbying activities in which those organizations have been involved. This kind of disclosure has begun the process of applying transparency and reform to grants management at the EPA and I believe will also direct needed public attention on the political and lobbying activities of organizations that regularly receive taxpayer funding.

Mr. President, I ask unanimous consent that the article to which I referred be printed in the RECORD.

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

[From the Washington Post, Sept. 27, 2004]

NEW ROUTES FOR MONEY TO SWAY VOTERS—501C GROUPS ESCAPE DISCLOSURE RULES

(By Thomas B. Edsall and James V. Grimaldi)

In recent months, ads mocking Democratic presidential nominee John F. Kerry have been surfacing in battleground states and on national cable channels, paid for by a group called Citizens United.

In one television commercial playing off the MasterCard ''Priceless'' ads, the announcer describes Kerry's $75 haircuts, $250 designer shirts and $30 million worth of summer and winter homes. As a picture of Kerry and Sen. Edward M. Kennedy (D-Mass.) appears on screen, the announcer concludes: ''Another rich, liberal elitist from Massachusetts who claims he's a man of the people. Priceless.''

The spot, more hard-edged than the ads run by the official Bush-Cheney '04 campaign, is in the same provocative vein as the controversial Swift Boat Veterans for Truth ads that have dominated much of the campaign since late August. There is one major difference, however: The Swift Boat group must disclose who is paying for its ads; Citizens United does not have to tell anybody where it got its money or how it is spent.

Neither does Project Vote, a group run by former Ohio Democratic Party chairman David J. Leland that hopes to register 1.15 million new voters in black, Hispanic and poor white communities. Nor do two major voter registration and turnout projects called ''I Vote Values'' and ''The Battle for Marriage,'' backed by some of the largest organizations on the religious right that are coordinating a drive to register millions of evangelical Christians.

Unlike the campaigns of President Bush and Kerry, the two major parties, political action committees and the Swift Boat Veterans—one of the ''527'' advocacy groups that have become part of the 2004 campaign lexicon—Citizens United and Project Vote operate under the radar of regulation and public disclosure in what campaign finance expert Anthony Corrado of the Brookings Institution and Colby College described as ''a real black hole.''

Known as 501c groups, for a statute in the tax code, these tax-exempt advocacy and charitable organizations are conduits for a steady stream of secretive cash flowing into the election, in many respects unaffected by the McCain-Feingold legislation enacted in 2002. Unlike other political groups, 501c organizations are not governed by the Federal Election Commission but by the Internal Revenue Service, which in a complex set of regulations delineates a range of allowable activities that are subject to minimal disclosure long after Election Day.

A 501c (3) group can register voters, and donations to it are tax deductible, but it is prohibited from engaging in partisan or electioneering work. A 501c (4), (5) or (6) group can be involved in elections, but the cost of doing so must be less than one-half the group's total budget. Public Citizen, in a report last week titled ''The New Stealth PACs,'' contended that many of the politically active 501c (4) groups regularly spend more than half their budgets on political activities in violation of IRS rules.

IRS rules also stipulate that electioneering by 501c (4), (5) and (6) groups cannot be ''express advocacy''—that is, telling people to vote for or against specific candidates. But such groups can run ads that address public issues such as immigration or taxes and that refer to the stands of candidates in ways that help or hurt them.

In the 2004 campaign, these legal distinctions have translated into two specific roles for these groups. One is to mobilize voters for Election Day. The other is to articulate criticism and orchestrate attacks that candidates and their parties may not want to launch themselves. That is the role assumed by Citizens United, whose president, David N. Bossie, is no stranger to hardball conservative politics.

Asked whether he would provide the names of his donors, Bossie said, ''No, we follow the rules that are in place for 501c groups.''

The rapid emergence of 501c and 527 groups in this election cycle is a direct consequence of the changes in political spending brought about by McCain-Feingold. The groups have essentially emerged to do what the law prevents parties from doing: They raise and spend unlimited contributions of ''soft money'' from corporations, unions and wealthy donors to influence federal elections.

Kent Cooper, who has watched the intricate ways money gets into the political system, first as chief of public records at the FEC and now as co-founder of PoliticalMoneyLine, said there is a growing need for more stringent regulation of 501c groups.

In the wake of the ban on party-raised soft money, Cooper said, evidence is mounting that money ''is slithering through on other routes,'' as organizations ''maintain various accounts, tripping over each other, shifting money between 501c (3)s, c (4)s and 527s. . . . It's big money, and the pendulum has swung too far in their direction.''

Until 2000, neither 527s nor 501c organizations were required to list donors or account for expenditures. Sen. John McCain (R–Ariz.), angered at smears aimed at his presidential campaign by a 527 group, succeeded that year in passing legislation requiring the IRS to report the spending activities of 527s throughout the election cycle. That left the 501c organizations as the only groups with virtually no disclosure requirements.

To arrive at a total expenditure figure for 501c groups is impossible, given their non-disclosure requirements. But, based on interviews and an examination of available records, it seems likely their total spending will be from $70 million to $100 million this election cycle, with expenditures by pro-Republican and pro-Democratic groups roughly equal.

There are huge unknowns, however. For example, the U.S. Chamber of Commerce's Institute for Legal Reform, a 501c (6) business organization, has an annual budget of more than $40 million. The National Rifle Association, a 501c (4), has a budget of more than $200 million, which the group's chief executive, Wayne LaPierre Jr., can tap to increase voter turnout among not only its 4 million members but also the 14 percent of the electorate that has a ''very favorable'' view of the NRA.

Equally difficult to track is the burst of money going to the network of hundreds of generally liberal and pro-Democratic turnout operations, including Project Vote, the NAACP Voter Education Fund and USAction, none of which discloses its contributors.

Some board members, consultants, lawyers and staff members of many of these nonpartisan 501c organizations are, in fact, active partisans, separately working for campaigns, political parties and groups.

Perhaps no one better illustrates the host of interlocking roles than Carl Pope, one of the most influential operatives on the Democratic side in the 2004 election. As executive director of the Sierra Club, a major 501c (4) environmental lobby, Pope also controls the Sierra Club Voter Education Fund, a 527. The Voter Education Fund 527 has raised $3.4 million this election cycle, with $2.4 million of that amount coming from the Sierra Club. A third group, the Sierra Club PAC, has since 1980 given $3.9 million to Democratic candidates and $173,602 to GOP candidates.

These activities just touch the surface of Pope's political involvement. In 2002–03, Pope helped found two major 527 groups: America Votes, which has raised $1.9 million to coordinate the election activities of 32 liberal groups, and America Coming Together (ACT), which has a goal of raising more than $100 million to mobilize voters to cast ballots against Bush. Finally, Pope is treasurer of a new 501c (3) foundation, America's Families United, which reportedly has $15 million to distribute to voter mobilization groups.

''I am in this as deeply as I am,'' Pope said, ''because I think this country is in real peril.''

Although the McCain-Feingold law was generally a boon for 501c groups, one provision has tightened restrictions on the way they spend their money. The law's ban on the use of corporate and union funds to finance issue ads in the final 60 days before the general election has prompted such conservative groups as Americans for Job Security and the 60 Plus Association to move away from radio and television advertising and toward voter mobilization and nonbroadcast advocacy, primarily through direct mail, newspaper ads and the Internet.

Although corporate-backed tax-exempt groups are struggling to comply with McCain-Feingold, liberal, pro-Democratic charitable and tax-exempt organizations are concentrating much of their time, money and effort on voter registration and turnout. These activities do not fall under the 60-day broadcasting ban and can be structured as nonpartisan work eligible for tax-deductible support.

For many groups doing voter mobilization, it is crucial to have a 501c (3) group to tap into what has become a multimillion-dollar commitment by a host of liberal foundations and wealthy individuals to increase turnout among minorities and poor people.

Among the foundations investing substantially in voter registration and turnout programs likely to benefit Democrats are the Proteus Fund, which, in addition to direct grants, set up the Voter Engagement Donor Network in 2003 as an information service to 130 other foundations and individual donors; the Pew Charitable Trusts; and America's Families United, which was created in 2003 to channel about $15 million to voter registration and turnout groups. Most of these foundations voluntarily identify the groups to which they make grants on their Web sites.

One of the best-funded organizations is Project Vote, a 501c (3) group that has an $18 million fundraising goal and had raised, as of early September, $13.2 million in tax-deductible contributions. Similar work in registering and turning out urban voters, especially minorities, is being conducted by USAction Education Fund, the 501c (3) arm of USAction. Board members for America's Families United include not only Pope, but also Dennis Rivera, president of New York Local 1199 of the Service Employees International Union and a major figure in Democratic politics, and William Lynch Jr., who served as board secretary until he recently became deputy manager of the Kerry campaign.

The close connection between partisan activists and 501c groups is equally clear among conservative groups. Benjamin L. Ginsberg has been a lawyer for the Bush campaign, the Republican National Committee, Progress for America and the Swift Boat Veterans (both 527s) and Americans for Job Security, a 501c (4). Ginsberg was forced to resign as chief outside counsel to the Bush campaign during a controversy over his simultaneous involvement with the Swift Boat group. But he is one of the few activists whose involvement in multiple groups has come under scrutiny.

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

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

MORNING BUSINESS

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

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

REMEMBERING THOMAS G. LYONS

Mr. DURBIN. Mr. President, it is fortuitous for the Presiding Officer to be presiding because I know of his background, and I am speaking today of a man who just passed away in Illinois who is a great friend of mine. His name is Tom Lyons, a former State senator and chairman of the Democratic Party of Cook County. If you have ever attended an Irish wake—and I bet you have—there is a passionate combination of sadness and celebration.

In Chicago, such a wake is being held for a good and courageous man.

Thomas G. Lyons died last Friday at the age of 75 after a months-long struggle against serious illness.

Mr. Lyons served for the last 17 years as chairman of the Cook County Democratic Party. That was only one small chapter in an otherwise long, interesting and amazing life story.

As a young man, he served as an Army Ranger and a Chicago police officer.

In 1957, he earned a law degree and spent the next several years working first in the Cook County assessor's office, and then in the Illinois Attorneys General office.

In 1964, a time of great change, Tom Lyons was elected to represent northwest Chicago in the Illinois General Assembly.

The following year, he was tapped to serve in the leadership of a State commission studying the need for a new Illinois State constitution. He later served as vice president of the convention that drafted Illinois's current State constitution.

The preamble to that document lays out a series of high and noble aims of government. It reads, and I quote:

We, the people of the state of Illinois—grateful to Almighty God for the civil, political and religious liberty which He has permitted us to enjoy and seeking his blessings upon our endeavors—in order to provide for the health, safety and welfare of the people; maintain a representative and orderly government; eliminate poverty and inequality; assure legal, social and economic justice; provide opportunity for the fullest development of the individual; insure domestic tranquility; provide for the common defense; and secure the blessings of freedom and liberty for ourselves and our posterity—do ordain and establish this constitution for the state of Illinois.

Those same high and noble goals—''to provide for the health, safety and welfare of the people; . . . eliminate poverty and inequality; . . . assure legal, social and economic justice; . . . and secure the blessings of freedom and liberty for ourselves and our posterity''—were the standards to which Tom Lyons held himself in his public service.

A story in Sunday's Chicago Sun Times last Sunday says a lot about the kind of man he was.

In the 1950s, Tom Lyons was a young soldier on his way to Fort Benning, GA. It was his first trip to the South.

As he walked through a bus station, he was shocked to see one restroom for Whites and another for Blacks. His family said he decided to take a stand—and used the ''colored'' bathroom.

His son Frank said:

He got into it with the local law enforcement. But he wanted to make a statement. It's who he was as a person.

His family and friends say it was that willingness to stand up for everyone—no matter their race, class or status—that best embodies Mr. Lyons' legacy.

It was also that willingness to treat everyone equally, with dignity, which nearly cost Tom Lyons his political career four decades ago.

In 1963, the year before Tom Lyons was elected to the Illinois State Senate, the Chicago City Council passed an ordinance banning restrictive covenants and other discriminatory real estate practices that were used to maintain racial segregation in Chicago. But the ordinance was routinely ignored.

In January 1966, Dr. Martin Luther King, Jr. moved to what he called a ''slum apartment'' on the West Side of Chicago. That summer, he held a series of ''open housing'' marches in all-White neighborhoods in the city and suburbs. The demonstrations produced a furor and focused national and international attention on the problem of housing discrimination, not just in Chicago, but in America.

By fall, the issue of housing discrimination became the most volatile issue of the campaign. It helped defeat one of the most courageous men who ever served in this Senate, a man Dr. King called ''the greatest of all senators,'' my mentor, Paul Douglas.

Family and friends warned Tom Lyons that his support for a State fair housing law that year could cost him his seat in the General Assembly. But he voted for the bill anyway—and lost his re-election bid.

Having lost, he didn't give up. He won his seat back 4 years later.

Chicago politics is famously rough and tumble, but Tom Lyons was famous for trying to calm tempers and soothe old wounds by gathering people around the piano to sing great old songs and World War II ballads. He loved politics, not because of what it could do for him but what it allowed him to do for others. That is why his wake this evening will be filled with sadness and with celebration and why Tom Lyons will also be missed in Chicago and throughout our State.

As a young attorney serving in the Illinois State Legislature as parliamentarian for 14 years, I came to know a lot of State senators. There remain many fine men and women who serve in that body. I was learning my earliest chapters of Illinois politics as I watched them in action.

I remember Tom Lyons, a good legislator, conscientious man, a man of principle, with a great sense of humor, who would put an arm around your shoulder and say: Let's go have a beer and sing a song. He was just that kind of guy. His life was a good life, a life of public service and a life of giving to many others. I was lucky to be one of his friends and lucky to be one of the beneficiaries of his good will.

I ask the Members of the Senate to join me in extending our condolences to Tom's wife Ruth; their sons, Thomas and Frank; their daughters, Alexandra and Rachel; and Tom's eight grandchildren.

INTERDICTION OF DRUG SUPPLY

Mr. NELSON of Florida. Mr. President, I just returned from a trip to