one of the first models for how such efforts can succeed is the vision Paul Tsongas had for Lowell, MA.

F. Scott Fitzgerald may have said there are no second acts in American life, but Paul Tsongas could have responded, ''Let him come to Lowell.''

Paul served in the House and joined me in the Senate in 1978. He was someone I knew I could always count on to fight hard for the people of Massachusetts, and the Nation. He was tireless, determined, and always well prepared. Sometimes we would disagree on policy matters, here and there, but if you were going to challenge Paul, you had better have your facts straight because he knew what he was talking about.

He also was an outstanding campaigner. The conventional wisdom in politics has always been—at least as long as I can remember—that candidates with difficult to pronounce names have a small additional hurdle.

Paul had a silent ''t'' at the beginning of his name, and I will never forget how brilliantly he turned that small disadvantage into a major asset in his victorious campaigns for elective office.

He ran hilarious ads that had all these people struggling to pronounce his name, and none of them could do it. But by the end of the campaign, every voter could do the silent ''t'' and everyone loved the candidate who made fun of himself on TV.

Its is a lesson that Paul would carry on throughout his courageous battle against cancer. Everyone faces obstacles—some great and some small. It's how we choose to deal with them that makes us who we are.

Paul Tsongas was an inspiration to all who knew him. The son of a Greek immigrant father and a mother who died of tuberculosis, he demonstrated again and again that through hard work, commitment, and a passion for doing what is right, all things are possible in our America.

He charted a new course for the city he loved. He authored the Alaska Lands Act to protect millions of acres of American wilderness, and he founded, with our former colleague, Warren Rudman, the Concord Coalition, which has become a highly respected force for fiscal responsibility since its creation in the early 1990s.

When the diagnosis of cancer was made, he left the Senate to spend more time with his wonderful wife Niki, his loving sister Thaleia, and his three daughters, Ashley, Katina, and Molly.

After completing his rigorous treatment, he threw his hat in the Presidential ring in the 1992 primaries and his candidacy helped fuel the movement to make Government accountable for its fiscal policies. He left an immense and enduring legacy.

We miss you, Paul. We miss your bravery and your commitment. We miss your friendship and concern, but we know you are resting in peace today after an extraordinary and well-lived life.

Madam President, I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

APPOINTMENT

The PRESIDING OFFICER. For the information of the Senate, the Chair makes the following announcement:

The President Pro Tempore of the Senate and the Speaker of the House of Representatives, pursuant to the provisions of 201(a)(2) of the Congressional Budget Act of 1974, have appointed Dr. Peter R. Orszag as Director of the Congressional Budget Office effective immediately for the term expiring January 3, 2011.

The Senator from South Dakota is recognized.

Mr. THUNE. I thank the Chair.

(The remarks of Mr. THUNE and Mr. SALAZAR pertaining to the introduction of S. 331 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

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

DISCHARGE AND REFERRAL

Mr. CONRAD. Mr. President, I ask unanimous consent that S. Res. 32 be discharged from the Rules Committee and referred to the Committee on Small Business and Entrepreneurship.

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

Mr. CONRAD. I thank the Chair. I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

PROTECT THE POWER OF THE PEOPLE

Mr. BYRD. Mr. President, in the late hours last night, I took to the floor to decry some Senators who wish, if I may put it in this language, to sabotage the ethics reform legislation with a dangerous and unconstitutional line-item veto proposal. What is happening is little more than political blackmail, and the American people—those people out there who are watching through the lenses above the President's chair, the American people—should be outraged. I have been around here a long time. I have spoken on this subject many times. This so-called line-item veto is an assault on the single most important protection that the American people have against a President, any President, who wants to run roughshod over the liberties of the people prescribed in the Constitution. Today I am talking about the congressional power over the purse. The congressional power that is right here, and over on the other side of the Capitol, the congressional power over the purse.

Weaken the power of the purse and one weakens strong—the word ''strong'' is too weak—one weakens oversight, for example, on this bloody nightmare of a war in Iraq. Get that? Weaken the power over the public purse and we weaken the oversight over this bloody war in Iraq. That is just one example. One weakens the power of the purse and one weakens the checks on a President who wants to tap into personal telephone calls or pry into bank accounts or tear open the mail. Without congressional power over the purse—money—there is no effective way to stop an out-of-control President who is bent on his way, no matter the price, no matter the repercussion. Make no mistake—hear me, now. The Roman orator would say, ''Romans, lend me your ears.'' Make no mistake, this line-item veto authority would grant tremendous—I say tremendous and dangerous—new power to the President.

There are new Members of this body. Perhaps we ought to have some discussions about the line-item veto. The President would have unchecked authority to imperil congressional power over the purse, a power that the constitutional Framers felt was absolutely vital to reining in an overzealous President.

Eight years ago, the United States Supreme Court ruled that the line-item veto—hear me, Senators; you may be watching your boob tubes. Hear me. Eight years ago, the United States Supreme Court ruled that the line-item veto was unconstitutional. I said at the time that the Supreme Court saved the Congress from its own folly. But now, it seems, memories in this Senate are short and wisdom may be even shorter in supply. Here we are, on the heels of 6 years of assault on personal liberty, 6 years of a do-nothing Congress all too willing to turn its eyes from the real problems of the Nation, 6 years of rubberstamps and rubber spines—here we are, all too ready to jettison the single most important protection of the people's liberties: the power of the purse.

Let's review the record. We have a President—I say this in all due respect.

I respect the President of the United States. I respect the Presidency; I respect the Chief Executive. We have a President who already has asserted too much power while refusing to answer questions:

I am the commander—see, I don't need to explain—I do not need to explain why I say things. That's the interesting thing about being the President. Maybe somebody needs to explain to me why they say something, but I don't feel like I owe anybody an explanation.

Those are the words of our President, the very President who some in this body are all too willing to allow to dominate the people's branch, this branch, your branch—the people's branch of Government.

This President claimed the unconstitutional authority to tap into the telephone conversations of American citizens without a warrant, without court approval. This President claimed the unconstitutional authority to sneak and peek, to snoop and scoop into the private lives of you, the American people. This President has taken the Nation to a failed war—yes, to a failed war that we should have never entered into—based on faulty evidence and an unconstitutional doctrine of preemptive strikes, a doctrine that is absolutely unconstitutional on its face. More than 3,000 American sons and daughters have died in Iraq in this failed Presidential misadventure.

What is the response of the Senate? To give the President even more unfettered authority? Give him greater unchecked powers? It is astounding. We have seen the danger of the blank check. We have lived through the aftermath of a rubberstamp Congress. We should not continue to lie down for this or any other President.

Of course, this President wants to strip Congress of its strongest and most important power, the power of the purse. Congress has the ability to shut down the administration's unconstitutional practices. Congress is asking tough questions and demanding honest answers. Congress is taking a hard look at finding ways to bring our troops home from the President's misadventure in Iraq that has already cost the lives of more than 3,000 of the American people's sons and daughters. Of course, the President wants to control the Congress. Some Presidents have wanted to do this before—silence the critics, ignore, if you will, the will of the people seriously cripple oversight.

Strip away the power of the Congress to control the purse strings, then you strip away the power of the Congress to say ''No more, Mr. President;'' strip away the single most important power granted to the people in this Constitution. That is the White House demand. I, for one, will not kowtow to this President or to any President. I, for one, will not stand quietly by while the people's liberties are placed in jeopardy. No Senator should want to hand such power to the President. No American should stand for it—not now, not today, not tomorrow, not the day after tomorrow, not ever.

Just a few weeks ago, Members of the Senate took an oath, ''I do solemnly swear that I will support and defend. . . .'' This is in our oath, my oath, that I have taken several times.

I do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

That is the oath I take: ''So help me God.''

If our Republican colleagues want to stop the Senate's efforts to end the scandals that plagued the last Congress, that is their right. If our Republican colleagues want to stop the first increase in the minimum wage in the past decade, that is their right. But I, this mountain boy from the hills, will not stand with them. And the American people will see through this transparent effort to gut ethics reform.

I, as one Senator with others, if they will stand with me, will do my very best to support and defend the Constitution of the United States. Yet I will bear true faith and allegiance to this Constitution and to the people of this great Nation, defying an effort to weaken the power of the purse.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. 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. GREGG. Mr. President, I will speak briefly on the second look at waste amendment which I have offered which has generated a fair amount of interest and discussion in this Senate. It is an amendment that essentially is an enhanced rescission amendment. It is not a line-item veto.

I am a great admirer of the Senator from West Virginia. I have enjoyed serving in the Senate and being educated by him on all sorts of issues. I respect his view on the importance of the power of the purse and identify with it. That is the essence of the legislative branch's source of power. But I must respectfully disagree with his characterization of this amendment, and I believe I can defend that position effectively and respond to the points he has made and make it clear to our colleagues that we are not voting on line-item veto.

Back in 1995, a line-item veto was given to the President. It was ruled unconstitutional. This amendment is not that proposal or anything similar to that proposal.

I said earlier today, to compare this amendment to the line-item veto amendment is akin to comparing the New England Patriots to the Buffalo Bills. They may be in the same league, but they have no identity of ability or purpose, as far as I could tell.

The enhanced rescission language which I have proposed—which is essentially second-look-at-waste language—the purpose of it is to give the Congress another look at provisions that may have been buried in a bill and which the executive branch thinks need a second look.

The enhanced rescission language which I have proposed essentially tracks the proposal that was put forward by, at that time, Senator Daschle as their alternative to the line-item veto. It has the same essential purposes, except it is weaker, quite honestly, than what Senator Daschle proposed. It allows the President to send up a group of rescissions, in our case four. Under the Daschle proposal, he could have sent up as many as 13 different packages.

Those rescissions, if a Member introduces them, must be voted on in a timeframe; the same thing as the Daschle proposal was. Those rescissions, under the Daschle proposal, were not referred to committee but under our proposal do go back to committees of authorization—a weaker proposal than the Daschle proposal.

Both Houses must act on the rescissions, not just one House, for the rescissions to survive, and they must be acted on with a majority—the same thing as the Daschle proposal.

The President is limited in the amount of time that he can hold the money. The timeframe under the Daschle proposal was, I believe, longer than under our proposal. I am not absolutely sure of that, but our proposal limits him to 45 days that he can hold that money, pending the Senate taking action.

There is some sunlight between the two because the Daschle proposal allowed motions to strike in specific instances, if there were 49 Senators agreeing to the motion to strike. I have said I am open to that as a concept, were we to get into a process of amending the proposal I have proposed. But that is an element of difference.

But there is very little else that is different between what I am proposing and what Senator Daschle proposed as his rescission package. This is not a line-item veto amendment. It reserves to the Congress the authority to make the final call. All it gives to the President is the ability to ask us to take another look at something. That is pretty reasonable in the context of what we see today because we see all these omnibus bills arrive at our doorstep, spending tens of millions, in some instances hundreds of billions of dollars, and in those bills a lot of language works its way in that could be suspect, a lot of earmarks, a lot of things which maybe do not have majority support, but the President gets this big bill. He

has to sign the whole thing or the Government shuts down or something else heinous happens.

So it is reasonable to say: All right, let's take out those earmarks and send them back up and give Congress another look. It gives the President no unique authority—no unique authority—that could be identified as a line-item veto. There is no supermajority which is the essence of a line-item veto, no capacity to go in and delete something from a bill which is the essence of a line-item veto. It simply gives him the capacity to say to Congress, four times: Take a look. See if these rescissions make sense.

The Daschle amendment was so far from a line-item veto that the most effective spokesperson in opposition to line-item veto in this Senate, in my lifetime, and probably in anybody else's lifetime, cosponsored the Daschle amendment. That was Senator BYRD.

So I would ask Senator BYRD to take a serious look at what I have offered and say: Aren't we dealing with apples and oranges? Yes, I can understand his opposition to line-item veto. That is fine. That is his position. It has been well said for years. The argument of the importance of protecting the power of the purse is a good one. It is critical—critical. But this rescission language does not affect that. It does not affect the power of the purse. It is not a line-item veto amendment and so far from it that it basically tracks the Daschle amendment.

In fact, I ask unanimous consent that the Daschle amendment be printed in the RECORD.

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

DASCHLE (AND OTHERS) AMENDMENT NO. 348
(SENATE—MARCH 21, 1995)

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Legislative Line Item Veto Act''.

SEC. 2. EXPEDITED CONSIDERATION OF CERTAIN PROPOSED CANCELLATIONS OF BUDGET ITEMS.

(a) IN GENERAL.—Title X of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.) is amended by adding after section 1012 the following new section:

''EXPEDITED CONSIDERATION OF CERTAIN PROPOSED CANCELLATIONS OF BUDGET ITEMS

''SEC. 1012A. (a) PROPOSED CANCELLATION OF BUDGET ITEM.—The President may propose, at the time and in the manner provided in subsection (b), the cancellation of any budget item provided in an Act. An item proposed for cancellation under this section may not be proposed for cancellation again under this title.

''(b) TRANSMITTAL OF SPECIAL MESSAGE.—

''(1) SPECIAL MESSAGE.—

''(A) IN GENERAL.—Subject to the time limitations provided in subparagraph (B), the President may transmit to Congress a special message proposing to cancel budget items contained in an Act. A separate special message shall be transmitted for each Act that contains budget items the President proposes to cancel.

''(B) TIME LIMITATIONS.—A special message may be transmitted under this section—

''(i) during the 20-calendar-day period (excluding Saturdays, Sundays, and legal holidays) commencing on the day after the date of enactment of the provision proposed to be rescinded or repealed; or

''(ii) at the same time as the President's budget for any provision enacted after the date the President submitted the preceding budget.

''(2) DRAFT BILL.—The President shall include in each special message transmitted under paragraph (1) a draft bill that, if enacted, would cancel those budget items as provided in this section. The draft bill shall clearly identify each budget item that is proposed to be canceled including, where applicable, each program, project, or activity to which the budget item relates.

''(3) CONTENTS OF SPECIAL MESSAGE.—Each special message shall specify, with respect to the budget item proposed to be canceled—

''(A) the amount that the President proposes be canceled;

''(B) any account, department, or establishment of the Government to which such budget item is available for obligation, and the specific project or governmental functions involved;

''(C) the reasons why the budget item should be canceled;

''(D) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect (including the effect on outlays and receipts in each fiscal year) of the proposed cancellation; and

''(E) all facts, circumstances, and considerations relating to or bearing upon the proposed cancellation and the decision to effect the proposed cancellation, and to the maximum extent practicable, the estimated effect of the proposed cancellation upon the objects, purposes, and programs for which the budget item is provided.

''(4) DEFICIT REDUCTION.—

''(A) DISCRETIONARY SPENDING LIMITS AND ADJUSTMENT OF COMMITTEE ALLOCATIONS.—Not later than 5 days after the date of enactment of a bill containing the cancellation of budget items as provided under this section, the President shall—

''(i) with respect to a rescission of budget authority provided in an appropriations Act, reduce the discretionary spending limits under section 601 of the Congressional Budget Act of 1974 for the budget year and any outyear affected by the rescission, to reflect such amount; and

''(ii) with respect to a repeal of a targeted tax benefit, adjust the balances for the budget year and each outyear under section 252(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 to reflect such amount.

''(B) ADJUSTMENT OF COMMITTEE ALLOCATIONS.—Not later than 5 days after the date of enactment of a bill containing the cancellation of budget items as provided under this section, the chairs of the Committees on the Budget of the Senate and the House of Representatives shall revise levels under section 311(a) and adjust the committee allocations under section 602(a) to reflect such amount.

''(c) PROCEDURES FOR EXPEDITED CONSIDERATION:

''(1) IN GENERAL.—

''(A) INTRODUCTION.—Before the close of the second day of session of the Senate and the House of Representatives, respectively, after the date of receipt of a special message transmitted to Congress under subsection (b), the majority leader or minority leader of each House shall introduce (by request) the draft bill accompanying that special message. If the bill is not introduced as provided in the preceding sentence in either House, then, on the third day of session of that House after the date of receipt of that special message, any Member of that House may introduce the bill.

''(B) REFERRAL AND REPORTING.—The bill shall be referred to the appropriate committee or (in the House of Representatives) committees. The committee shall report the bill without substantive revision and with or without recommendation. The committee shall report the bill not later than the seventh day of session of that House after the date of receipt of that special message. If the committee fails to report the bill within that period, the committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

''(C) FINAL PASSAGE.—A vote on final passage of the bill shall be taken in the Senate and the House of Representatives on or before the close of the 10th day of session of that House after the date of the introduction of the bill in that House. If the bill is passed, the Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, shall cause the bill to be engrossed, certified, and transmitted to the other House within one calendar day of the day on which the bill is passed.

''(2) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

''(A) MOTION TO PROCEED TO CONSIDERATION.—A motion in the House of Representatives to proceed to the consideration of a bill under this subsection shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

''(B) MOTION TO STRIKE.—During consideration under this subsection in the House of Representatives, any Member of the House of Representatives may move to strike any proposed cancellation of a budget item if supported by 49 other Members.

''(C) LIMITS ON DEBATE.—Debate in the House of Representatives on a bill under this subsection shall not exceed 4 hours, which shall be divided equally between those favoring and those opposing the bill. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit a bill under this subsection or to move to reconsider the vote by which the bill is agreed to or disagreed to.

''(D) APPEALS.—Appeals from decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a bill under this section shall be decided without debate.

''(E) APPLICATION OF HOUSE RULES.—Except to the extent specifically provided in this section, consideration of a bill under this section shall be governed by the Rules of the House of Representatives. It shall not be in order in the House of Representatives to consider any bill introduced pursuant to the provisions of this section under a suspension of the rules or under a special rule.

''(3) CONSIDERATION IN THE SENATE.—

''(A) MOTION TO PROCEED TO CONSIDERATION.—A motion to proceed to the consideration of a bill under this subsection in the Senate shall be nondebatable. It shall not be in order to move to reconsider the vote by which the motion to proceed is agreed to or disagreed to.

''(B) MOTION TO STRIKE.—During consideration of a bill under this subsection in the Senate, any Member of the Senate may move to strike any proposed cancellation of a budget item if supported by 11 other Members.

''(C) LIMITS ON DEBATE.—Debate in the Senate on a bill under this subsection, amendments thereto, and all debatable motions and appeals in connection therewith (including debate pursuant to subparagraph (D)),

shall not exceed 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

''(D) APPEALS.—Debate in the Senate on any debatable motion or appeal in connection with a bill under this subsection shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the bill, except that in the event the manager of the bill is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of a bill, allot additional time to any Senator during the consideration of any debatable motion or appeal.

''(E) MOTION TO LIMIT DEBATE.—A motion in the Senate to further limit debate on a bill under this subsection is not debatable.

''(F) MOTION TO RECOMMIT.—A motion to recommit a bill under this subsection is not in order.

''(G) PLACED ON CALENDAR.—Upon receipt in the Senate of the companion bill for a bill that has been introduced in the Senate, that companion bill shall be placed on the calendar.

''(H) CONSIDERATION OF HOUSE COMPANION BILL.—

''(i) IN GENERAL.—Following the vote on the Senate bill required under paragraph (l)(C), when the Senate proceeds to consider the companion bill received from the House of Representatives, the Senate shall—

''(I) if the language of the companion bill is identical to the Senate bill, as passed, proceed to the immediate consideration of the companion bill and, without intervening action, vote on the companion bill; or

''(II) if the language of the companion bill is not identical to the Senate bill, as passed, proceed to the immediate consideration of the companion bill.

''(ii) AMENDMENTS.—During consideration of the companion bill under clause (i)(II), any Senator may move to strike all after the enacting clause and insert in lieu thereof the text of the Senate bill, as passed. Debate in the Senate on such companion bill, any amendment proposed under this subparagraph, and all debatable motions and appeals in connection therewith, shall not exceed 10 hours less such time as the Senate consumed or yielded back during consideration of the Senate bill.

''(4) CONFERENCE.—

''(A) CONSIDERATION OF CONFERENCE REPORTS.—Debate in the House of Representatives or the Senate on the conference report and any amendments in disagreement on any bill considered under this section shall be limited to not more than 2 hours, which shall be divided equally between the majority leader and the minority leader. A motion further to limit debate is not debatable. A motion to recommit the conference report is not in order, and it is not in order to move to reconsider the vote by which the conference report is agreed to or disagreed to.

''(B) FAILURE OF CONFERENCE TO ACT.—If the committee on conference on a bill considered under this section fails to submit a conference report within 10 calendar days after the conferees have been appointed by each House, any Member of either House may introduce a bill containing only the text of the draft bill of the President on the next day of session thereafter and the bill shall be considered as provided in this section except that the bill shall not be subject to any amendment.

''(d) AMENDMENTS AND DIVISIONS PROHIBITED.—Except as otherwise provided by this section, no amendment to a bill considered under this section shall be in order in either the Senate or the House of Representatives. It shall not be in order to demand a division of the question in the House of Representatives (or in a Committee of the Whole). No motion to suspend the application of this subsection shall be in order in the House of Representatives, nor shall it be in order in the House of Representatives to suspend the application of this subsection by unanimous consent.

''(e) TEMPORARY PRESIDENTIAL AUTHORITY TO CANCEL.—At the same time as the President transmits to Congress a special message under subsection (b)(I)(B)(i) proposing to cancel budget items, the President may direct that any budget item or items proposed to be canceled in that special message shall not be made available for obligation or take effect for a period not to exceed 45 calendar days from the date the President transmits the special message to Congress. The President may make any budget item or items canceled pursuant to the preceding sentence available at a time earlier than the time specified by the President if the President determines that continuation of the cancellation would not further the purposes of this Act.

''(f) DEFINITIONS.—For purposes of this section—

''(1) The term 'appropriation Act' means any general or special appropriation Act, and any Act or joint resolution making supplemental, deficiency, or continuing appropriations.

''(2) The term 'budget item' means—

''(A) an amount, in whole or in part, of budget authority provided in an appropriation Act except to fund direct spending programs and the administrative expenses social security; or

''(B) a targeted tax benefit.

''(3) The term 'cancellation of a budget item' means—

''(A) the rescission of any budget authority provided in an appropriation Act; or

''(B) the repeal of any targeted tax benefit.

''(4) The term 'companion bill' means, for any bill introduced in either House pursuant to subsection (c)(1)(A), the bill introduced in the other House as a result of the same special message.

''(5) The term 'targeted tax benefit' means any provision which has the practical effect of providing a benefit in the form of a different treatment to a particular taxpayer or a limited class of taxpayers, whether or not such provision is limited by its terms to a particular taxpayer or a class of taxpayers. Such term does not include any benefit provided to a class of taxpayers distinguished on the basis of general demographic conditions such as income, number of dependents, or marital status.''.

(b) EXERCISE OF RULEMAKING POWERS.—Section 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended—

(1) in subsection (a), by striking ''and 1017'' and inserting ''1012A, and 1017''; and

(2) in subsection (d), by striking ''section 1017'' and inserting ''sections 1012A and 1017''.

(c) CLERICAL AMENDMENTS.—The table of sections for subpart B of title X of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 1012 the following:

''Sec. 1012A. Expedited consideration of certain proposed cancellations of budget items.''.

(d) EFFECTIVE PERIOD.—The amendments made by this Act shall—

(1) take effect on the date of enactment of this Act;

(2) apply only to budget items provided in Acts enacted on or after the date of enactment of this Act; and

(3) cease to be effective on September 30, 1998.

Mr. GREGG. As to this amendment, on March 23, Senator BYRD rose and said: '' . . . I am 100 percent behind the substitute by Mr. Daschle, and I ask unanimous consent that my name may be added as a cosponsor.''

This amendment is essentially what I have offered as the second-look-at-waste amendment. In fact, I will be honest, I would be willing to probably modify my amendment to basically track the Daschle amendment exactly. I have some differences with the Daschle amendment. I do not think in some places it is constructed as well as mine because it has 13 shots from the President. I happen to think that is a mistake. And it is not referred to committees, which I think is a mistake. I would be willing to offer it. If that is what it takes to mute the argument that this is a line-item veto amendment, then I will do that because this is not a line-item veto amendment.

So my immense respect for the Senator from West Virginia and my very high regard for his arguments as to why he opposes the line-item veto remain. I continue to have enthusiasm in both those accounts for him. But I have to say I think for him to characterize this amendment as a line-item veto amendment is incorrect. This amendment is much better characterized as being close to, in fact, the child of, the Daschle amendment of 1995, which had broad support on the other side of the aisle, as I have already mentioned.

With that, Mr. President, I yield the floor.

Mr. LOTT. Mr. President, will the Senator withhold his yielding the floor? I would like to ask him a few questions.

Mr. GREGG. Of course.

The PRESIDING OFFICER. The Republican whip.

Mr. LOTT. Mr. President, I thank Senator GREGG for his work in this area and for the several speeches he has given on this matter over the last few days. I have found it very informative. I hope we have something worked out where we can actually get a vote on this issue. It is still the Senate and, generally speaking, we try to accommodate Members' wishes to discuss an issue and get a vote.

But a little bit of history: I worked very hard, as I pointed out yesterday, on line-item veto legislation, and we got it done. The first time it was used I was very disappointed in the way that President Clinton used it. I thought the veto list had some serious political implications and was very disappointed in that and wondered if I had done the right thing. Then, of course, the Supreme Court struck it down. And now we are back here.

Now, tell me again—where a layman can understand—why is this so-called enhanced rescission?

Mr. GREGG. Second look at waste.

Mr. LOTT. Second look at waste. I like that. I like them taking another look at waste. And I like putting it

against the deficit. In fact, I remember back in the 1970s arguing that a President should be able to rescind funding, not spend money that Congress said he should spend because they had been doing it back since the time of Jefferson. That led to, in 1974, the Budget Empowerment Act, which stopped President Nixon and subsequent Presidents from doing that.

There is no question that we sometimes adopt bills that spend funds that should not be spent or events overtake spending. I think there should be some process for a President to get a reconsideration. There may be better ways to use that money. But I do think we have a constitutional role in that too. Once we indicate this is where we think it should be spent, the overwhelming burden should be to explain why not.

The question to you, I say to the Senator, is this: No. 1, why is this different from the line-item veto that we passed that was stricken down by the Supreme Court?

Mr. GREGG. Well, the fundamental difference from the line-item veto is that it does not require a supermajority to reject the idea of the President. It requires a majority of both Houses—both Houses have to have a majority vote in favor of the President's position. Therefore, either House can strike down the President's position. So you retain—we, the Congress—the power of the purse.

Mr. LOTT. Was there language in the Supreme Court that indicated this sort of thing might solve their constitutional reservations?

Mr. GREGG. It is my understanding, from the constitutional lawyers whom we have had look at this, that this would solve the constitutional issues which were raised by a line-item veto because it is not a line-item veto.

Mr. LOTT. Why do you think it is necessary to have four bites at this apple? I am inclined to give Presidents a chance to send up a rescission list. I think it should have a vote. I think it should be an expedited procedure. I like the fact that if we do not spend it, he cannot turn around and spend it somewhere else and it goes to reduce the deficit. I can even see giving him a second bite later on in the year as long as it is not some of the same things a second time. And you took care of that concern I had last year.

But why four times? We will wind up spending half the year working on expedited proceedings to get a vote on rescissions, possibly.

Mr. GREGG. Well, Mr. President, the administration asked for 10 times. The Daschle amendment had 13 times. We reduced it to 4 times, for the exact point that the assistant Republican leader made, which was we did not think the Congress should be able to have these issues wrap up our schedule.

Under this schedule, each rescission would be subject to 10 days before it had to be voted on. I am perfectly agreeable, should we get this into a process where we can amend it, as I said earlier, to include strike language or consider that and to also include language which would take it down to fewer times. That is not a problem, as far as I am concerned. We settled on four, arbitrarily, to say the least.

Mr. LOTT. Mr. President, I say to the Senator, I hear a lot of talk in this Chamber on both sides of the aisle about how we do worry about deficits and getting spending under control and getting some further disclosure or limits on earmarks. Some of that I do not even agree with. But there is a lot of positioning about how we need to get some better control on spending. Wouldn't this be one way to do that? ''It would sort of help me before I do it again,'' sort of thing.

Mr. GREGG. To answer the Senator's question, absolutely, that is what it would do. It, essentially, would create another mechanism where Congress would have a light-of-day experience on things that tend to get buried in these omnibus bills and may have to make a clear call as to whether that spending was appropriate. So, yes, it is very much an issue of fiscal discipline. It is very much an issue of managing earmarks.

Mr. LOTT. Mr. President, we gripe about this earmark or that earmark. Usually it is somebody else's earmark, not our earmark. So we do position on that subject. But this is one last way to make sure those earmarks see the light of day and are reviewed, not in a way where the President can just summarily do it but where he can do it, and we have to face up and vote yes or no.

So I thank the Senator for what he has done. He has been a great chairman of the Budget Committee. I am looking forward to watching him and the Senator from North Dakota work together. I believe we might actually do some good things under yours and his leadership. I wish you the very best in that effort. Thank you.

Mr. President, here we are, the Sun has set on Thursday. It is a quarter to 6. The Sun officially went down at 5:13. We are like bats. The Senate will soon come out from wherever we have been. I am not blaming anybody on either side of the aisle, but I don't know what happened today. Somewhere back, I guess, about 2 o'clock all the combatants went to their respective corners, and there has not been a blow thrown since.

So some people might say: Do something about it. Well, I am trying to do something about it by shedding a little light on what we are not doing. We have been out here marking time all afternoon.

I know how it works. Papers are exchanged, amendments added and struck, and agreements are made. Hello, it is a quarter to 6. I had high hopes and I have high hopes that the Senate is going to find a way to work together and do a better job and that we work at 11 o'clock on Wednesday morning instead of 11 o'clock at night. I know a lot of people don't agree with me on this, but I don't see why it is a good idea to be voting at 11 o'clock on Thursday night but not on Friday morning. I still think it is a really good idea to work during the daylight and go home and not have a meal with a lobbyist but have a meal with your family.

I don't know what else to do. I have called everybody involved. I have been to offices. I have been stirring around, scurrying around. Is there an agenda here? I don't get it. But I know what is going to happen. All of a sudden, we are going to come out of our cages and we are going to start a whole series of votes. Well, let's get started.

I notice the Presiding Officer is an old House Member. There was a clear rule in the House, an adage that was proven right every time, and that has been one of the problems with the House. More and more, the House tried to cram a week's worth of work into 2½ days, and they would have a series of votes at 11 o'clock—outrageous—at night. Any time you are in session beyond 9 o'clock, the odds are pretty good you are going to mess up, do something wrong and embarrass yourself.

So I would say to our leaders: We have an opportunity here to do a better job and to work with each other. But the last 2 days? Again, you might say: Well, it is because Senator GREGG had an amendment. Well, why don't we just vote and move on? People can say: Well, we are working out an agreement where we won't have a lot of votes. Well, we might just as well have a lot of votes. We are standing around giving speeches on something we are not even going to vote on. This is the kind of thing that I think leads to problems and tarnishes our image. I wish we could find a way to do things in a more normal way. But maybe the Senate can't do that. Maybe the Senator from Maryland will help us find a better way to do things as a new Member of the institution. I hope so.

I thought maybe I could draw somebody out, but I guess I was too general. Nobody has moved. The doors are still closed. I have half a mind to ask unanimous consent that we complete all votes on all amendments and all time be expired effective in the morning at 9 o'clock, and I will see you all tomorrow. Maybe I ought to do that. That would be good. Of course, I have no authority to do that, but somebody ought to do it to try to get this place to function normally.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. MCCASKILL). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Without objection, it is so ordered.

Mr. BYRD. Mr. President, I hope to speak at some length about the line-item veto at a later time. However, for the benefit of my colleagues, I want to respond to the arguments put forward today about two measures I endorsed in 1995 and 1996.

The Daschle amendment that I cosponsored in 1995, and the amendment I offered to the motion to recommit the line-item veto conference report in 1996, are vastly different in regard to their Constitutional ramifications from what has been offered by Senator GREGG to the ethics reform bill.

The Gregg proposal allows the President to submit rescission proposals up to 365 days after he signs a bill into law. Such latitude would allow the President to unilaterally veto a one-year appropriation by delaying its expenditure, and then submitting it for rescission within 45 days of its expiration. In contrast, the proposals I endorsed in 1995 and 1996 would have limited a President to submitting rescission proposals within 20 days of a bill being signed into law. The proposals I have endorsed would have prevented the President from unilaterally cancelling a one-year appropriations. The Gregg amendment contains no such protection.

The Gregg proposal also prohibits amendments to the President's rescission requests. In contrast, the proposals I have endorsed would have allowed motions to strike. Without the right to amend, Senators are vulnerable to threats by any President who would target a Member's spending and revenue priorities and force the Senate to vote on them at a time and in the manner decided by the President.

I have the greatest respect for the Senator from New Hampshire, and the knowledge and expertise he brings to the Congressional budget and appropriations process. He is a good Senator. But I cannot endorse his views with regard to the line-item veto.

AMENDMENT NO. 31

Mr. FEINGOLD. Mr. President, I wish to speak on amendment No. 31, which I have offered with Senator OBAMA, and which, unless agreement is reached otherwise, will be voted on when we return to the bill in an attempt to finish it. We have offered this amendment to try to give some teeth to the so-called revolving door statute.

The shortcomings of the revolving door law have been known for some time. This bill already corrects two of them, and I strongly support those provisions.

First, it increases the so-called cooling off period—that is, the period during which restrictions on the activities of former Members of Congress apply—from 1 year to 2 years.

Second, it expands the prohibition that applies to senior staff members who become lobbyists. Rather than having to refrain from lobbying the former employing Senator or committee, staffers turned lobbyists may not lobby the entire Senate during this cooling-off period.

These are important changes, but there is an additional reform that I believe we must adopt if the revolving door statute is to be a serious impediment to improper influence peddling.

My amendment would prohibit former Senators not only from personally lobbying their former colleagues during the 2-year cooling-off period, but also from engaging in lobbying activities during that period.

Let me talk for a minute about revolving door restrictions generally, and then I will discuss the need for this particular amendment. The revolving door is a problem for two basic reasons. First, because of the revolving door, some interests have better access to the legislative process than others. Former Members and staff, or former executive branch employees, know how to work the system and get results for their clients. Those who have the money to hire them have a leg up.

The public perceives this as an unfair process, and I agree. Decisions in Congress on legislation, or in regulatory agencies on regulations or enforcement, or in the Defense Department on huge Government contracts, should be made, to the extent possible, on the merits, not based on who has the best connected lobbyist.

The second problem of the revolving door is it creates the perception—perception—that public officials are cashing in on their public service, trading on their connections and their knowledge for personal profit. When you see former Members or staff becoming lobbyists and making three or four or five times what they made in Government service to work on the same issues they worked on here, that raises questions for a lot of people.

Both sides of this coin combine to further the cynicism about how policy is made in this country and who is making it. That, ultimately, is the biggest problem here. The public loses confidence in elected officials and public servants.

One of the worst things we can do here is say we are addressing a problem, knowing we are not getting at the core of the problem. That is what has happened with the revolving door. We have a so-called cooling-off period, which basically has become a ''warming-up period.'' Former Members leave office and they almost immediately join these lobbying firms. Both they and their employers know they cannot lobby Congress for a year, but it does not matter. They can do everything short of picking up the phone or coming to the meeting. They can strategize behind the scenes. They can give advice on who to contact, what arguments to use, what buttons to push. They can even direct others to make the contacts, and say they are doing so at the suggestion of the ex-Senator in question, who is supposedly in the middle of this 2-year cooling-off period.

Making it a 2-year warming-up period does not do enough. We have to change what is allowed during that period. Only then will the public believe we have addressed the revolving door problem.

The Lobbying Disclosure Act requires lobbying firms and organizations that lobby to report on how much they spend not on lobbying contacts but on lobbying activities. ''Lobbying activities'' is a defined term, covering ''lobbying contacts and efforts in support of such contacts, including preparation and planning activities, research and other background work that is intended, at the time it is performed, for use in contacts, and coordination with the lobbying activities of others.'' This term I just mentioned and defined has been in use for over a decade without controversy.

So the Feingold-Obama amendment simply prohibits former Members of Congress from engaging in lobbying activities for the 2 years following their congressional service. If the money spent on what the former Member is doing would have to be reported under the LDA, then the former Member cannot do it. Adopting this amendment will show the public we are serious about addressing the revolving door problem. It will make a real difference, which I fear simply lengthening the cooling-off period will not.

I have heard some complain that by doing this we are going after our former colleagues' ability to make a living and support their families. I strongly disagree with that.

According to a study done by Public Citizen in 2005, it is only in the last decade or so that lobbying has become the profession of choice for former Members of Congress. In any event, we are not talking about a lifetime ban, just a real cooling-off period for 2 years. Members of Congress are highly talented, highly employable people. Surely, their experience and expertise is of interest to potential employers for something other than trying to influence legislation right after they leave the House or the Senate.

There are many other kinds of work, including some that may be just as fulfilling, though perhaps not as rewarding financially, as representing private interests before their former colleagues. This is not a question of punishing those who serve in Congress. It is a question of Members of Congress recognizing that we are here as public servants, and when that service ends, we should not be allowed to turn around and transform it into a huge personal financial benefit.

If after sitting out an entire Congress—2 full years—a former Member wishes to come to Washington and lobby, he or she can do that. But some of the issues will have changed, and so will the membership of the Congress. The former Member will not have quite the same advantages and connections after a true 2-year cooling-off period. So even if these Members do become lobbyists at that point, I think we will be able to tell our constituents with a

straight face that we have addressed the revolving door problem in a meaningful way.

Let me emphasize one thing about this amendment. It does not apply to former staff. The reason is simple. We let, under this, former staffers leave this building and become lobbyists tomorrow. They are limited in what offices they can contact, but they are allowed to lobby. So preventing them from engaging in lobbying activities only with respect to certain offices would not make sense. But for former Members, who are prohibited from contacting anyone in the Congress, this additional prohibition actually makes a lot of sense and will have a real impact.

The American people are looking for real results in this legislation. We cannot claim to be giving them that with respect to the revolving door without this amendment. So I urge my colleagues to vote for the Feingold-Obama amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I listened with interest to my friend from Wisconsin. I have to repeat what I said on the floor before. I may be the only one—I am not sure—who has had experience with the revolving door, as one who went through it. I worked in the Nixon administration. The day after I walked out, I had a number of clients who wanted me to lobby them at my former department. I was at the Department of Transportation, and I was the chief lobbyist. We pretend that executive departments don't have lobbyists. We call them congressional relations specialists or congressional liaisons, but they are lobbyists. And I had been lobbying the Congress on behalf of the Department of Transportation.

In that role I got access to the Secretary's inner circle. And the day after I left, I was hired by people who had interests before the Department. There was no prohibition for that at that time. So I went to the Department of Transportation and to my old friends with whom I had been working very closely for that period of time. I discovered very quickly that the fact that I no longer was at the Secretary's ear, the fact that I no longer had any position of influence in the Department made me a whole lot less welcome in their offices than I had been the week before. They were happy to see me. They were polite. But they had other things to do. And they were happy to get me out of their offices and out of their hair as quickly as they could.

Did I have an advantage? Yes, I had the advantage of knowing the Department well enough to know where to go and not waste my time. Did I have any additional clout to get these people to do something that would not have been in the public interest by virtue of the fact that I had been there and worked with them and knew them? Not at all. These were legitimate public servants who were not about to do something improper just because a friend who had worked with them asked them to do it. Of course, I was not about to ask them to do anything improper because that would be a violation of my responsibility to my clients. But I learned quickly that this idea of the revolving door is vastly overrated and overstated by some of our friends in the media.

I suppose we will pass the Feingold amendment. I don't suppose it will make any difference. But the idea that a former Member sitting in a board room talking to other people who are engaged in lobbying activity and saying to them: Don't talk to Senator so-and-so, talk to Senator so-and-so because the second Senator so-and-so is the one who really understands this issue. Don't waste your time with the first one. I know him well enough to know that he really won't get your argument—to criminalize that kind of a statement made in a law firm or a lobbying firm, to me, is going much too far. But we will probably pass it. We will go forward. We will see if it survives the scrutiny that it will get in conference and in conversations with the House.

I, once again, say that we are doing a lot of things that are in response to the media and in response to special interest groups that call themselves public interest groups but raise money and pay salaries just as thoroughly as the special interest groups. And they have to have something to do to keep their members happy. They have to have something to do to keep those dues coming in, those contributions coming in. So they scare them that a U.S. Senator, who leaves and goes to a law firm, cannot be in the room when anybody in that law firm is talking about exercising their constitutional right to petition the Government for redress of their grievances because, if the Senator is in that room for a 2-year period, he is somehow corrupting the entire process. I think that is silly.

Mr. FEINGOLD. Mr. President, I would just say, in response to my friend from Utah, that I don't doubt for a minute that what he has said is true. But to generalize from his experience I don't think makes sense. Our former colleagues are making millions of dollars trading on their experience. I don't think these lobbying firms are throwing away their money for nothing. And I know the public doesn't believe that, which is a very good reason to adopt this amendment. It is not silly; it is the right thing to do.

I yield the floor.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant journal clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that morning business be closed.

The PRESIDING OFFICER. Morning business is closed.

LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2007—Resumed

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

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

Pending:

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

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