

The House Republicans stop many of those very important investments—including in Illinois, investments where we won in a national competition to modernize our rail system around Chicago, to make certain we have railroad service in parts of our State that currently don't, and to modernize and make safer the airports, highways, and that which is critically essential to our future.

I say to the Republican side, yes, the deficit is an issue. But first, understand we will never balance the budget with 15 million Americans out of work. We need to move this economy forward and tackle this budget in a responsible way, not just to cut one small part of it unmercifully but to put the entire budget on the table. That is what the deficit commission on which I served did. We need to do that in our Nation in a bipartisan fashion.

I am happy to continue to join my colleagues who will sit down and discuss this, including the Presiding Officer, Senator WARNER of Virginia. There are six of us—three Republicans and three Democrats. It is the most unlikely gathering of politicians that you can imagine in one room to try to come up with a solution. We are people of good will, and we know our historic responsibility. We are working through some of the hardest issues and questions any Member of Congress can face when it comes to this issue.

If we are successful—and I underline “if”—I hope we can move this country forward in a responsible way, putting the recession behind us and starting to get our house in order. We can no longer sustain a budget where we owe 40 cents for every dollar we spend. Whether you are on the left side of the spectrum, where I live politically, and value such things as help for education, help for the most vulnerable in America, or whether you are on the other side of the spectrum, which probably values national security issues and more investment in the military, both of us are in this together. We have to both understand there will not be enough money left for anything if we don't focus on doing this dramatic, historic job of coming up with a way to reduce our debt and our deficit.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

SPENDING CUTS

Mr. REID. Mr. President, thank you. I have a longer statement that I will give after we finish this colloquy.

At 4 o'clock yesterday afternoon, we met in the Vice President's office. It

was a very fine meeting. Vice President BIDEN was there. My friend, the Republican leader, me, the Speaker, and the minority leader of the House were there—McCONNELL, REID, BOEHNER, and PELOSI. We spent about an hour there.

The arrangement was that we would have a vote on H.R. 1 sometime next week and also a vote on the bill that we have just laid down, which is our alternative as to what we think should be done with the economy. I know our bill—because it is the way we have to do things here—is a long bill, and I am sure the minority wants to spend some time looking at that. But one way or the other we will either do it with an agreement or through my filing different procedural motions. We will get to a point next week where we will vote on H.R. 1, which we Democrats want to do. We will vote on the bill. Anyway, it has been here for a while. Whatever the number it is, it is a Democratic alternative, which Senator INOUE laid down.

We believe, and I am confident that the Speaker feels the same way, that we should vote on H.R. 1, which we have had calls for voting on for more than a week now. I have had statements from the press: Why doesn't REID set up a vote on H.R. 1? We will either do that with a unanimous consent agreement with my friend, the Republican leader, or we will do it through a procedural motion that I will file later today.

The amendment to that bill is No. 149, and that is Senator INOUE's. It cuts some \$51 billion from what the President's budget was.

To move the process forward, I think this is a place to start. We have some confidence that we will get votes on our bill, and we will move this matter forward. Regardless, if H.R. 1 does not pass—and it will not pass—and if ours does not pass, we at least know where we stand to move this ball down the road a little further.

The Speaker said that would allow the negotiations to start. I am paraphrasing, but that is about what he said. That is what all of us in the room decided to do yesterday.

Today I seek to set those two votes for Tuesday afternoon: one vote on passing H.R. 1, as it came over from the House, and after that we would have a vote on passing the alternative, which Chairman INOUE has drafted and is amendment No. 149. Once we get that, it would seem a fair proposition to move forward.

As I said, I know my friend, the Republican leader, has a scheduling problem. I understand that. I would have liked to have come in earlier today, and so would he, but we were not able to do that. I will give a more full explanatory statement in a few minutes.

UNANIMOUS CONSENT REQUESTS—H.R. 1

But right now, I ask unanimous consent that upon disposition of S. 23, which is the patent bill, the Senate proceed to the consideration of Calendar No. 14, H.R. 1, the Defense appro-

priations long-term continuing resolution for fiscal year 2011; that Senator REID be recognized to offer a substitute amendment, the text of which is at the desk; that there be 4 hours of debate equally divided between the two leaders or their designees prior to a vote in relation to the substitute amendment; that upon disposition of the substitute amendment, the Senate proceed to vote on H.R. 1, as amended, if amended, with no intervening action or debate; that no motions or amendments be in order to the substitute amendment or to the bill prior to the votes; that the substitute amendment and the bill be subject to a 60-vote threshold; and that if H.R. 1, as amended, if amended, does not achieve 60 affirmative votes, it be returned to the calendar.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. Reserving the right to object, and for the short term I am going to object today, we received this 350-page amendment at 11:45. We need a chance over the weekend to take a look at what our friends have offered. It could well be by Monday we will conclude this proposal the majority leader has laid out as the best way to go forward. We will continue to talk about that over the weekend. But for today I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I ask unanimous consent that upon disposition of S. 23, the patent bill, the Senate proceed to H.R. 1, the Defense appropriations long-term continuing resolution for fiscal year 2011.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. For the same reason, I object.

The PRESIDING OFFICER. Objection is heard.

FULL-YEAR CONTINUING APPROPRIATIONS ACT, 2011—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 14, H.R. 1.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

Motion to proceed to H.R. 1, an act making appropriations for the Department of Defense and the other departments and agencies for the fiscal year ending September 30, 2011, and for other purposes.

CLOTURE MOTION

Mr. REID. I have a cloture motion that is at the desk. I ask the clerk report the motion.

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

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 14, H.R. 1, an act

making appropriations for the Department of Defense and other departments and agencies of the government for the fiscal year ending September 30, 2011.

Harry Reid, Daniel K. Inouye, Bill Nelson, Sheldon Whitehouse, Kent Conrad, Mark Begich, Tom Udall, Kay R. Hagan, Robert Menendez, Robert P. Casey, Jr., Jeanne Shaheen, Amy Klobuchar, Benjamin L. Cardin, Barbara Boxer, Al Franken, Dianne Feinstein, Jeff Bingaman.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

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

Mr. REID. I now withdraw my motion to proceed.

The PRESIDING OFFICER. The Senator has that right.

Mr. REID. Mr. President, when an American family sits at their table in the kitchen and sorts through their finances, as they often do, partisan politics do not figure into that equation. When the families we represent calculate their own budgets, when they add up the cost of gas and groceries, tuition in some instances, and other necessities, they care more about the bottom lines than news headlines. When a family desperately counts the dwindling number of weeks before its unemployment insurance runs out, that family does not have the time to keep track of which side scored the most political points during any given week. That is because when you have to make the tough decisions that go into any budget, those decisions have to be practical, not political. They have to be realistic, not ideological.

We often tell ourselves and our colleagues that we should be as responsible as the American people. As their representatives, we absolutely must be sympathetic to the challenges outside this Chamber, and we need to come quickly to a resolution that benefits them before worrying about whether it benefits us. As careful as we must be not to waste the American people's money, we must be just as mindful not to waste their time.

Regrettably, though, the budget debate has turned into a political exercise, and I am sorry to say not much more. That is counterproductive. We need to be as serious as the challenge before us. I am much more concerned with actually keeping our country running and investing smartly in our future than I am in this political game we see.

When they wake up in the morning, the American people want to send their children to a good school and then go to a good job. And now they are saying "a job." They want their families to come home to a safe neighborhood at night, and they want to go to sleep knowing our country is safe from those who want to do us harm. They do not care about who gets credit. They do not care about who thought of how best to do it. They just want us to do it.

The time for politics should be over. We have set up a procedure—it was

agreed to in the Vice President's office—to get this H.R. 1 out of the way. Everyone knows it is not going to pass. It is a very difficult, bad piece of legislation. Get rid of that. We will do what we think is responsible and cut spending by \$51 billion and not have all the mean-spirited riders that are attached to H.R. 1 that on their own could not pass over here. It was a mad rush to see who could do the most sensational amendment. Bring it over here in the light of day, refer it to a committee, have a hearing on it. Once that is done, none would come to the floor, with rare exception. But they were not willing to do that.

The time for pragmatism is overdue also. This is what the Senate is going to do. We are going to vote early next week on the Democrats' plan, and we are going to vote on the Republicans' plan. It seems fair. Let the American people decide which is the better of the two. Everyone will have the chance to be on record supporting whichever plan.

Let me talk briefly about the merits of each of these plans and what they will do.

First of all, H.R. 1, which will go down as probably one of the worst pieces of legislation ever drafted in the history of this Congress. First, this reckless Republican plan the tea party has pushed through the House—that irresponsible proposal—slashes investments, cuts jobs, and sacrifices security and education. Yes, it cuts a lot of money today, but America would lose so much tomorrow because these cuts are made arbitrarily without regard for the consequences. That is why leading independent economists agree it would hurt our economy, slow growth, and cost jobs. We cannot afford that. The day before yesterday on National Public Radio, they had more than 300 economists who were saying with one voice: Do not do this. We can't be blinded by the big numbers in the House Republican plan. We have to scrutinize how they cut \$63 billion. The truth is, it adds up to \$61 billion through significant subtraction of programs the American people don't want to lose. It slashes more than \$1 billion from Social Security—\$1 billion—which means ½ million seniors who paid into Social Security their entire lives and now are eligible for it would not be able to get the benefits promised to them because there is nobody to process the claims.

It cuts \$700 million from education, which means 1 million disadvantaged students could lose funding and more than 10,000 teachers, aides, and school staff would lose their jobs. It would even take 200,000 children out of the Head Start Program.

What is the Head Start Program? These are not just words, they are programs to educate the poorest of the poor children. It has worked out well. Try to find someone who criticizes the Head Start Program. These little boys and girls have no alternative, and it

has worked out well because the parents are involved. They are going to eliminate 200,000 children from this wonderful program of Head Start.

The Republican H.R. 1 closes poison control centers and cuts \$100 million from food safety inspections. That means the food we eat could be both less safe and more expensive. That is a lose-lose proposition.

It also cuts \$¾ billion—\$750 million—from renewable energy investments.

The reason that is so important is these investments are incentives for people to do these kinds of jobs. You can drive 36 miles from my home in Searchlight, NV, and get to the 31-mile mark, where you look off to the left and there are 1 million solar panels being installed—1 million solar panels—producing huge amounts of electricity in the summer and winter in what we call the great dry lake. That was done because of these programs so that we don't have to be beholden to the Middle East tyrants who are shipping us oil.

So it cuts \$¾ billion from renewable energy investments, which will cost us jobs, threaten our energy independence, and delay the day America lives and works in a clean energy economy.

It also cuts hundreds of millions of dollars from border security and port security and the Federal Emergency Management Agency. When an emergency comes, we need to be able to respond to that. Even Republican Congressmen have said, and are now admitting, it is not so smart to pinch pennies on the backs of the Nation's emergency management and first responders.

In my conference room right across the hall, one of the Shriver boys came in to see me. The Shriver family has done so much for our country. The eldest Shriver, who just died, was head of the Peace Corps. Probably their No. 1 mark has been how they have worked with children, young men and women with physical and emotional challenges. They brought a number of those young men and women—some are not so young anymore—in to see me. Some of the great programs being cut in H.R. 1 help Special Olympics. The Best Buddy Program is another one. And Shriver told me he had talked to a Member of the House of Representatives, an elected Member of the House of Representatives who voted for H.R. 1, and he asked: How could you do that? How could you do that, when you have a child with Downs Syndrome? Her response was: Oh, I didn't know it was in the bill. I didn't know it was in the bill.

I have been talking, Mr. President, about H.R. 1. I ask, how many pages are in H.R. 1?

Mr. President, can you tell me how many pages are in H.R. 1?

The PRESIDING OFFICER. Three hundred and eighty-two pages.

Mr. REID. Three hundred and eighty-two pages. Well, Mr. President, I have only talked about enough to take up

two or three pages, but it is full of the same kind of stuff I have talked about today—stuff that is not fair and is mean-spirited.

We all want to cut. I represent the State of Nevada. We are in a deep economic problem. We know, though, we have to cut things. The Presiding Officer is from the State of Connecticut. We are both members of the Democratic Party. We have supported these programs because it was the right thing to do. We recognize there is going to have to be cuts made, but we have to do it with a scalpel, not a meat cleaver. Then to hear that a Member of the House said: Well, I didn't know it was in the bill—eliminating and cutting drastically a program for people with emotional, mental, and physical challenges—I didn't know it was in the bill. Well, there is a lot of that same type of stuff in this bill, H.R. 1. That is why it is going to be defeated here.

I would say to my friends, the Republicans, I can't imagine you will all vote for this bill. We have to move beyond partisan politics and do what is right. I don't know how many, but not all Republicans will vote for that.

I have been castigated in the press: Why doesn't REID allow a vote? Let's have a vote. Well, I am willing to move on that, but I couldn't do it. I had to file cloture to move to proceed to it. They wouldn't even let me do that. But we are going to get to it because I know the procedures around here. I can get to this bill, and I can do it next week.

I have just talked about the tip of the iceberg with this mean-spirited H.R. 1. Federal Reserve Chairman Bernanke said these cuts—and there are many more like them than I have already said there are—will cost a significant number of jobs. Mark Zandi, the chief economist at Moody's and formerly the chief economic adviser for JOHN MCCAIN, has said that H.R. 1 will cost our country 700,000 jobs.

These cuts place far too heavy a burden on working families, low-income children and seniors, and it asks little, if any, sacrifice from those who rake in unnecessary taxpayer-funded subsidies they do not need. That is no way to recover.

Look at oil and gas subsidies. The former head of Chevron Oil said: We don't need them; we are doing fine.

Mr. President, I have been very helpful to my farm State Senators. I have helped them work their way through droughts and floods and all kinds of things. I understand how important agriculture is. But very few times in the history of our country have commodity prices been so high—so high. Don't you think they could take a little nick—a little nick—rather than take it away from Head Start Programs and programs such as that?

Our plan was filed today by Senator INOUE, who is a very sensitive, good man. I don't need to recount who he is, but he is one of the most famous men in the history of our country. He has

been in Congress a long time, but we always remember this man was a hero on the battlefields of Italy where he lost his arm and was badly injured. As a result of his heroic actions there, he received a Congressional Medal of Honor. But he is also a hero in these legislative Halls. He was one of the leaders in the Watergate hearings, and there are many other things he has done over the years to become a hero in addition to being a hero on the battlefield. The amendment we have filed is his amendment.

So Democrats have a different plan—the Inouye plan—which represents our different priorities, and it is supported by the President. We know we have to make cuts. I have said that this morning several times. We also know when we cut, we have to cut in a way that strengthens our economy not in a way that weakens it. We have to look carefully at the quality of these cuts and not get blinded by the quantity of the cuts.

I have said before that a person could lose a lot of weight—you, I, anybody in this room. We could cut off our arms and legs, and we would have accomplished the purpose of losing a lot of weight. But no doctor would recommend it. That is what they have done with H.R. 1. No well-reasoning economist would recommend it.

Our plan cuts \$51 billion from President Obama's budget but in a much more responsible way. We are eliminating redundancies, ending unnecessary bureaucratic programs, and cutting funds for earmarks. We have agreed to cut funding for earmarks. I don't like that. I have told the President I don't like it. I believe we are giving up too much power to the President in getting rid of those earmarks. We have obligations to do congressionally directed funding. But I have agreed, as all of us over here have, to accept that.

Remember, Mr. President, when we have a budget of \$10 and we have 2/10 of 1 percent that goes to congressionally directed funding, it is still the same amount of money. It is just that the President didn't determine where that money is spent; Congress had a say in it. But we have agreed. We have agreed. We have earmarks in here, billions of dollars of them, that are going to go toward cutting the deficit. I have agreed to accept that.

So ending unnecessary bureaucratic programs and cutting funding, as I have indicated, for other things. I commend my friend, Dr. COBURN, the Senator from Oklahoma. He got a GAO report that shows all kinds of redundancies and overlapping. Those are places we can cut money. Let's do it.

Our plan recognizes we are not in competition to determine who can cut the most without regard for the consequences. Rather, we need to cooperate to figure out where we can cut the smartest. While the House-passed plan is based on ideology, we believe ours is

based on reality. Not ideology, but reality. These are decisions about real money to solve real problems that affect real lives. Our budget affirms our determination that we have to also reflect our values.

We see our modestly recovering economy, including today's news about employers hiring at the fastest rate in a year, and the national unemployment rate fell to a nearly 2-year low. We can't squander this cautiously optimistic news with counterproductive cuts—eliminating 700,000 jobs.

I hope when we have these votes next week on H.R. 1 people will run from that. For the people who vote for that, it will take all their legislative lives and afterwards trying to live down having voted for that bill. But this is what each Senator will vote for or against next week. These votes, like all our votes, are about choices, and what I have just outlined is what these choices represent.

Not to spoil the surprise, but we all know how this vote will turn out. We know neither will reach the President's desk as written. Republicans likely will not vote for ours. I hope they do. If it were a simple majority vote, we would win that. But Republicans have established a different standard—60 votes. We accept that. So we will end up back at square 1, without consensus, without a budget for the rest of this fiscal year, and without assurance that we can keep the country running.

So once these votes are behind us and everyone's voice is heard, I hope each Senator and Member of Congress will find renewed motivation to do what we have needed to do since the beginning: come together, negotiate in good faith, working on consensus and compromise. Legislation is the art of compromise. Legislation is not who can flex their muscles the biggest, the longest, and the hardest. Legislation is the art of compromise, working out things for the American people.

We have to acknowledge that the answer that will allow us to move forward lies somewhere between our two positions perhaps. We have to recognize that digging in one's heels threatens our fiscal footing. If one side stubbornly demands victory, everyone loses. That goes for both parties and both Chambers. This negotiation will not happen in the media, and a solution cannot be found in extreme rhetoric or unrealistic idealism. It will happen when we sit down and have an adult conversation about what our country and our constituents need. That is the only worthy exercise.

How we invest taxpayer money, how we create a foundation for our future, how we articulate our priorities to our citizens and States across the country and allies around the world is not political. It is among the most practical things we do.

There is no dispute among the 53 Democrats. We are willing to cut. We have cut \$51 billion from our President's budget. As we talked about, we

are willing to do more. But we are not willing to do this with a meat axe. We want to do it the right way. We want to take a scalpel and be very careful how we affect people's lives. And when it is over with, we don't want people saying I didn't know it was in the bill, even though it affects that person as personally as anything could.

When we talk about where to invest and what to cut, everyone is concerned about the budget's bottom line. When we talk about how we can get there, here is the bottom line of the negotiation process: Yes, we have to make tough choices, but that is what leadership is all about. It is true that no one here will get everything he or she wants. My friend, the Presiding Officer, was a long-time attorney general of one of our—I was going to say most famous States—but one of the original States, who is noted for his fairness. If an attorney general or a lawyer is noted for fairness, that person is known to be willing to compromise. That is what it is all about. It is the same in the law as it is here in the Senate.

When we talk about how we can get there, the bottom line is negotiation. We have to make tough choices. But I repeat, that is what leadership is all about.

Today marks 150 years since Abraham Lincoln took his first oath of office as the President of our country—whose very existence at the time was in question. Like the incomplete Nation he had just sworn to lead, this great Capitol building was unfinished. As he addressed the Nation for the first time as President, President Lincoln stood on the east front of the Capitol building under cranes and scaffolding that represented growth and uncertainty at the same time. Now, 150 years, later the threats we face are nowhere near as dire as the Civil War Lincoln's America was about to endure but his words that afternoon are useful to us to hear this afternoon, for we are again at a moment of peril in our country. Again, we will sink or swim together.

As Lincoln closed that Inaugural Address 150 years ago today, he reminded a divided nation that, "we are not enemies but friends. . . . Though passion may have strained it, it must not break our bonds of affection."

Lincoln then famously called on us to recall the "better angels of our nature." Those are his words. If we listen to his critical lesson in leadership at this critical moment in history, we will secure in our time a stronger future for this great Nation we call America.

THE CONTINUING RESOLUTION

Mr. INOUE. Mr. President, the continuing resolution we introduce today, which is \$51 billion below the President's budget request, imposes responsible cuts and terminations across a wide variety of programs. In contrast to the House bill, the Senate proposal

will allow the government to continue operating at reduced levels without major disruptions that would set back our economic recovery and eliminate countless American jobs.

The House-passed CR would cut \$51 billion more than the Senate measure, with the vast majority of cuts coming from nondefense spending. The House bill would jeopardize our economic recovery at a critical time, and severely disrupt the ability of Federal agencies to carry out even their most basic functions. If enacted in its current form, the House bill would lead to furloughs and to premature termination or postponement of contracts that will end up costing taxpayers additional dollars in the future. The House bill would cause backlogs in Social Security claims, undermine nuclear weapons safety, remove more than 200,000 children from Head Start, and close poison control centers across America. These are just a few specific examples of the irresponsible nature of the House Republican bill as a whole.

The Senate has put forward a reasonable, fiscally responsible bill that will reduce funding at a rate that is \$51 billion below the President's budget request. This bill is a good faith effort to meet in the middle. It is now time to end political gamesmanship and stop gambling with people's lives and livelihoods. I urge our counterparts in the House to engage in a constructive dialogue with us that will end the current budget stalemate.

SELECT COMMITTEE ON ETHICS RULES OF PROCEDURE

Mrs. BOXER. Mr. President, in accordance with rule XXVI(2) of the Standing Rules of the Senate, Senator ISAKSON and I ask unanimous consent that the Rules of Procedure of the Select Committee on Ethics, which were adopted February 23, 1978, and revised November 1999, be printed in the RECORD for the 112th Congress. The committee procedural rules for the 112th Congress are identical to the procedural rules adopted by the committee for the 111th Congress.

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

RULES OF THE SELECT COMMITTEE ON ETHICS

PART I: ORGANIC AUTHORITY

SUBPART A—S. RES. 338 AS AMENDED

S. Res. 338, 88th Cong., 2d Sess. (1964)

Resolved, That (a) there is hereby established a permanent select committee of the Senate to be known as the Select Committee on Ethics (referred to hereinafter as the "Select Committee") consisting of six Members of the Senate, of whom three shall be selected from members of the majority party and three shall be selected from members of the minority party. Members thereof shall be appointed by the Senate in accordance with the provisions of Paragraph 1 of Rule XXIV of the Standing Rules of the Senate at the beginning of each Congress. For purposes of paragraph 4 of Rule XXV of the Standing Rules of the Senate, service of a Senator as

a member or chairman of the Select Committee shall not be taken into account.

(b) Vacancies in the membership of the Select Committee shall not affect the authority of the remaining members to execute the functions of the committee, and shall be filled in the same manner as original appointments thereto are made.

(c) (1) A majority of the members of the Select Committee shall constitute a quorum for the transaction of business involving complaints or allegations of, or information about, misconduct, including resulting preliminary inquiries, adjudicatory reviews, recommendations or reports, and matters relating to Senate Resolution 400, agreed to May 19, 1976.

(2) Three members shall constitute a quorum for the transaction of routine business of the Select Committee not covered by the first paragraph of this subparagraph, including requests for opinions and interpretations concerning the Code of Official Conduct or any other statute or regulation under the jurisdiction of the Select Committee, if one member of the quorum is a member of the majority Party and one member of the quorum is a member of the minority Party. During the transaction of routine business any member of the Select Committee constituting the quorum shall have the right to postpone further discussion of a pending matter until such time as a majority of the members of the Select Committee are present.

(3) The Select Committee may fix a lesser number as a quorum for the purpose of taking sworn testimony.

(d) (1) A member of the Select Committee shall be ineligible to participate in—

(A) any preliminary inquiry or adjudicatory review relating to—

(i) the conduct of—

(I) such member;

(II) any officer or employee the member supervises; or

(III) any employee of any officer the member supervises; or

(ii) any complaint filed by the member; and

(B) the determinations and recommendations of the Select Committee with respect to any preliminary inquiry or adjudicatory review described in subparagraph (A).

For purposes of this paragraph, a member of the Select Committee and an officer of the Senate shall be deemed to supervise any officer or employee consistent with the provision of paragraph 12 of Rule XXXVII of the Standing Rules of the Senate.

(2) A member of the Select Committee may, at the discretion of the member, disqualify himself or herself from participating in any preliminary inquiry or adjudicatory review pending before the Select Committee and the determinations and recommendations of the Select Committee with respect to any such preliminary inquiry or adjudicatory review. Notice of such disqualification shall be given in writing to the President of the Senate.

(3) Whenever any member of the Select Committee is ineligible under paragraph (1) to participate in any preliminary inquiry or adjudicatory review or disqualifies himself or herself under paragraph (2) from participating in any preliminary inquiry or adjudicatory review, another Senator shall, subject to the provisions of subsection (d), be appointed to serve as a member of the Select Committee solely for purposes of such preliminary inquiry or adjudicatory review and the determinations and recommendations of the Select Committee with respect to such preliminary inquiry or adjudicatory review. Any Member of the Senate appointed for such purposes shall be of the same party as the Member who is ineligible or disqualifies himself or herself.