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Senate

The fourth day of January being the day prescribed by House Concurrent Resolution 315 for the meeting of the lst session of the 104th Congress, the Senate assembled in its Chamber at the Capitol, at 12 noon.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

In a moment of silence, let us remember David Marcos, assistant executive clerk in the Secretary's office, who lost his wife, Ann, last Thursday.

For there is no power but of God: The powers that be are ordained of God.—Romans 13:1.

Eternal God, sovereign Lord of history, Governor of the nations, Your word is very clear. Authority comes from God, and authority is accountable to God. As the Senate opens the 104th Congress, engrave in the hearts and minds of Your servants this transcendent truth. Help them to live their lives and do their work profoundly aware of their God-ordained responsibility.

Gracious God, grant to the Senators who are sworn in today a special sense of this profound fact, that they are here not simply because they sought the office or because the people elected them but that behind the whole process was the sovereign appointment of the Lord.

Grant them grace to fulfill the purpose for which Thou hast placed them here. Be with their families as they make the adjustments to the tough schedules and the endless hours demanded of Senators. Grant to all who serve in the Senate the gifts of love and loyalty and patience.

We pray in His name who is truth and love incarnate. Amen.

CERTIFICATE OF ELECTION AND CREDENTIALS

The VICE PRESIDENT. The Chair lays before the Senate one certificate of election to fill an unexpired term and the credentials of 33 Senators elected for 6-year terms beginning on January 3, 1995.

All certificates, the Chair is advised, are in the form suggested by the Senate or contain all the essential requirements of the form suggested by the Senate. If there be no objection, the reading of the above-mentioned letters and the certificates will be waived, and they will be printed in full in the RECORD.

The majority leader.

Mr. DOLE. There is no objection.

The VICE PRESIDENT. Without objection, it is so ordered.

The documents ordered to be printed in the RECORD are as follows:

STATE OF TENNESSEE

CERTIFICATE OF ELECTION FOR UNEXPIRED TERM

To the President of the Senate of the United States:

This is to certify that on the 8th day of November, 1994, Fred Thompson was duly chosen by the qualified electors of the State of Tennessee a Senator for the unexpired term ending at noon on the 3rd day of January, 1997 to fill the vacancy in the representation from said State in the Senate of the United States caused by the resignation of Al Gore, Jr.

Witness: His excellency our Governor, Ned McWherter, and our seal hereto affixed at Nashville this 2nd day of December, in the year of our Lord 1994.

By the Governor:

NED MCWHERTER,
Governor.

STATE OF MICHIGAN

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 8th day of November, 1994, E. Spencer Abraham of 841 Chaseway Blvd., Auburn Hills, Michigan, 48326, was duly chosen by the qualified electors of the State of Michigan a Senator from said State to represent the State of Michigan in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1995.

Witness: His excellency our governor John Engler, and our seal hereto affixed at ten-thirty a.m. this seventh day of December, in the year of our Lord nineteen hundred and ninety-four.

JOHN ENGLER,
Governor.

STATE OF HAWAII

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the eighth day of November, 1994, Daniel K. Akaka was duly chosen by the qualified electors of the State of Hawaii a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1995.

Witness: His excellency our governor, John Waihee, and our seal hereto affixed at Honolulu this 28th day of November, in the year of our Lord 1994.

By the Governor:

JOHN WAIHEE.
Governor.

STATE OF MISSOURI

CERTIFICATE OF ELECTION FOR UNITED STATES SENATOR FOR A SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 8th day of November, 1994, John Ashcroft was duly chosen by the qualified electors of the State of Missouri a Senator from said state to represent said state in the United States Senate for a term of six years, beginning on the 3rd day of January, 1995.

In testimony whereof, I hereunto set my hand and cause to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, this 7th day of December, 1994.

MEL CARNAHAN,
Governor.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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STATE OF NEW MEXICO

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 8th day of November, 1994, Jeff Bingaman was duly chosen by the qualified electors of the State of New Mexico a Senate from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1995.

Witness: His excellency our Governor, Bruce King, and our seal hereto affixed on this 30th day of November, in the year of our Lord 1994.

Given under my hand and the Great Seal of the State of New Mexico in the City of Santa Fe, the Capitol, on this 30th day of November, A.D. 1994.

BRUCE KING,
Governor.

STATE OF NEVADA

To the President of the Senate of the United States:

This is to certify that at a general election held in the State of Nevada on Tuesday, the eighth day of November, nineteen hundred and ninety four, Richard H. Bryan was duly chosen by the qualified electors of the State of Nevada a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January, nineteen hundred and ninety-five.

Witness: His excellency our Governor Bob Miller, and our seal hereto affixed at Carson City this eighth day of December, in the year of our Lord nineteen hundred and ninety-four.

By the Governor:

BOB MILLER,
Governor.

STATE OF MONTANA

CERTIFICATE OF ELECTION

To the President of the Senate of the United States:

This is to certify that on the eighth day of November, A.D. 1994, Conrad Burns was duly chosen by the qualified electors of the State of Montana a Senator from said State to represent said State in the United States Senate for the term of six years, beginning on the 3rd day of January, 1995.

In witness whereof, I have hereunto subscribed my name and affixed the Great Seal of the State of Montana, at Helena, the Capital, this 6th day of December, 1994.

MARC RACICOT,
Governor.

STATE OF WEST VIRGINIA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the eighth day of November, 1994, Robert C. Byrd was duly chosen by the qualified electors of the State of West Virginia a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January, 1995.

Witness: His excellency our Governor Gaston Caperton, and our seal hereto affixed at Charleston this 20th day of December, in the year of our Lord 1994.

By the Governor:

GASTON CAPERTON,
Governor.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CERTIFICATE OF ELECTION

To the President of the Senate of the United States:

This is to certify that on the 8th day of November, 1994, John H. Chafee was duly chosen by the qualified electors of the State of Rhode Island and Providence Plantations a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1995.

Witness: His Excellency our Governor Sundlun, and our seal affixed on this 10th day of December, in the year of our Lord 1994.

BRUCE SUNDLUN,
Governor.

STATE OF NORTH DAKOTA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 8th day of November, 1994, Kent Conrad was duly chosen by the qualified electors of the state of North Dakota as Senator from said State to represent said state in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1995.

Witness: His excellency our Governor Edward T. Schafer, and our seal hereto affixed at Bismarck this 8th day of December, in the year of our Lord 1994.

By the Governor:

EDWARD T. SCHAFER,
Governor.

STATE OF OHIO

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 8th day of November, 1994, Mike DeWine was duly chosen by the qualified electors of the State of Ohio a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1995.

Witness: His excellency our governor George V. Voinovich, and our seal hereto affixed at Columbus, Ohio, this 20th day of December, in the year of our Lord 1994.

GEORGE V. VOINOVICH,
Governor.

STATE OF CALIFORNIA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 8th day of November, 1994, Dianne Feinstein was duly chosen by the qualified electors of the State of California a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1995.

In witness whereof I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 15th day of December 1994.

PETE WILSON,
Governor of California.

STATE OF TENNESSEE

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 8th day of November, 1994, Bill Frist was duly chosen by the qualified electors of the State of Tennessee a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1995.

Witness: His excellency our Governor, Ned McWherter, and our seal hereto affixed at Nashville this 2nd day of December, in the year of our Lord 1994.

By the Governor:

NED MCWHERTER,
Governor.

STATE OF WASHINGTON

CERTIFICATE OF ELECTION

To the President of the Senate of the United States:

This is to certify that on the 8th day of November, 1994, Slade Gorton was duly chosen by the qualified electors of the State of Washington a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1995.

In Witness Thereof, I have hereunto set my hand and caused the seal of the State of Washington to be affixed this 8th day of December, A.D. 1994, at Olympia, the State Capital.

MIKE LOWRY,
Governor.

STATE OF MINNESOTA

To the President of the Senate of the United States:

This is to certify that on the 8th day of November, 1994, Rod Grams was duly chosen by the qualified electors of the State of Minnesota a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1995.

Witness: His excellency our Governor Arne H. Carlson, and our seal hereto affixed at St. Paul, Minnesota this 22nd day of November, in the year of our Lord 1994.

ARNE H. CARLSON,
Governor.

STATE OF UTAH

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 8th day of November, 1994, Orrin Hatch was duly chosen by the qualified electors of the State of Utah a Senator from said state to represent said state in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1995.

Witness: His excellency our Governor Michael O. Leavitt, and our seal hereto affixed at the state capitol this 28th day of November, in the year of our Lord 1994.

By the Governor:

MICHAEL O. LEAVITT,
Governor.

STATE OF TEXAS

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 8th day of November, 1994, Kay Bailey Hutchison was duly chosen by the qualified electors of the State of Texas a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1995.

Witness: Her excellency our Governor, and our seal hereto affixed at Austin this 8th of December, in the year of our Lord 1994.

By the Governor:

ANN W. RICHARDS,
Governor.

STATE OF VERMONT

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 8th day of November, 1994, Jim Jeffords was duly chosen by the qualified electors of the State of Vermont a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1995.

Witness: His excellency our Governor Howard Dean, M.D., and our seal hereto affixed at Montpelier this 30th day of November, 1994.

HOWARD DEAN,
Governor.

THE COMMONWEALTH OF MASSACHUSETTS

To the President of the Senate of the United States:

This is to certify that on the eighth day of November, nineteen hundred and ninety-four, Edward M. Kennedy was duly chosen by the qualified electors of the Commonwealth of Massachusetts a Senator from said Commonwealth to represent said Commonwealth in the Senate of the United States for the term of six years, beginning on the third day of January, nineteen hundred and ninety-five.

Witness: His Excellency our Governor, William F. Weld, and our seal hereto affixed at Boston, this thirtieth day of November in the year of our Lord nineteen hundred and ninety-four.

By His Excellency the Governor:

WILLIAM F. WELD.

STATE OF NEBRASKA

To the President of the Senate of the United States:

This is to certify that on the 8th day of November, 1994, Bob Kerrey was duly chosen by the qualified electors of the State of Nebraska a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1995.

I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this Eighth Day of December in the year of our Lord, one thousand nine hundred and ninety-four.

BEN NELSON,
Governor.

STATE OF WISCONSIN

CERTIFICATE OF ELECTION

To the President of the Senate of the United States:

This is to certify that on the 8th day of November, 1994, Herb Kohl was duly chosen by the qualified electors of the State of Wisconsin as Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1995.

Witness: His excellency our governor Tommy G. Thompson, and our seal hereto affixed at Madison this 12th day of December, 1994.

By the Governor:

TOMMY G. THOMPSON,
Governor.

STATE OF ARIZONA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 8th day of November, 1994, Jon Kyl was duly chosen by the qualified electors of the State of Arizona as Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1995.

Witness: His excellency the Governor of Arizona, and the great seal of Arizona hereto affixed at Phoenix, the capital, this 28th day of November, in the year of our Lord, 1994.

By the Governor:

FIFE SYMINGTON,
Governor.

STATE OF NEW JERSEY

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 8th day of November, 1994, Frank R. Lautenberg was duly chosen by the qualified electors of the State of New Jersey a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1995.

Witness: Her excellency our Governor Christine Todd Whitman, and our seal hereto affixed at Trenton, this sixth day of December, in the year of our Lord, 1994.

By the Governor:

CHRISTINE TODD WHITMAN,
Governor.

STATE OF CONNECTICUT

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the eighth day of November, nineteen hundred and ninety-four, Joe Lieberman was duly chosen by the qualified electors of the State of Connecticut Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January nineteen hundred and ninety-five.

Witness: His excellency our Governor Lowell P. Weicker, Jr., and our seal hereto affixed at Hartford, this thirtieth day of November, in the year of our Lord, 1994.

By the Governor:

LOWELL P. WEICKER, Jr.,
Governor.

STATE OF MISSISSIPPI

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 8th day of November, 1994, Trent Lott was duly chosen by the qualified electors of the State of Mississippi, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1995.

In witness whereof, I have hereunto set my hand and caused the Great Seal of the State of Mississippi to be affixed.

Done at the Capitol in the City of Jackson, this the 10th day of November, in the year of our Lord nineteen hundred and ninety-four, and of the Independence of the United States of America, the two hundred and nineteenth.

By the Governor:

KIRK FORDICE,
Governor.

STATE OF INDIANA

To the President of the Senate of the United States:

This is to certify that on the eighth day of November, nineteen hundred ninety-four, Richard G. Lugar was duly chosen by the qualified electors of the State of Indiana a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January, nineteen hundred ninety-five.

Witness: His excellency our Governor, Evan Bayh, and our seal hereto affixed at Indianapolis, Indiana, this fifteenth day of December in the year of our Lord nineteen hundred ninety-four.

By the Governor:

EVAN BAYH,
Governor.

STATE OF FLORIDA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the eighth day of November, A.D., 1994, Connie Mack was duly chosen by the qualified electors of the State of Florida a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3d day of January, 1995.

Witness: His excellency our Governor, Lawton Chiles, and our seal hereto affixed at Tallahassee, this Sixteenth day of November, in the year of our Lord 1994.

By the Governor:

LAWTON CHILES,
Governor.

STATE OF NEW YORK

To the President of the Senate of the United States:

This is to certify that on the eighth day of November, 1994, Daniel Patrick Moynihan was duly chosen by the qualified electors of the State of New York a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January 1995.

Witness: His excellency our Governor, Mario M. Cuomo, and our seal hereto affixed at Albany this fourteenth day of December, in the year one thousand nine hundred ninety-four.

By the Governor:

MARIO M. CUOMO.

COMMONWEALTH OF VIRGINIA

To the President of the Senate of the United States:

This is to certify that on the 8th day of November, 1994, Charles S. Robb was duly chosen by the qualified electors of the Commonwealth of Virginia a Senator from said Commonwealth to represent said Commonwealth in the Senate of the United States for the term of six years, beginning on the third day of January, 1995.

Witness: His excellency our Governor, George Allen, and our lesser seal hereto affixed at Richmond, this 29th day of November, in the year of our Lord 1994.

By the Governor:

GEORGE ALLEN,
Governor.

STATE OF DELAWARE

To the President of the Senate of the United States:

Be it known, an election was held in the State of Delaware, on Tuesday, the eighth day of November, in the year of our Lord one thousand nine hundred and ninety-four that being the Tuesday next after the first Monday in said month, in pursuance of the Constitution of the United States and the Laws of the State of Delaware, in that behalf, for the election of a Senator for the people of the said State, in the Senate of the United States.

Whereas, the official certificates or returns of the said election, held in the several counties of the said State, in due manner made out, signed and executed, have been delivered to me according to the laws of the said State, by the Superior Court of the said counties; and having examined said returns, and enumerated and ascertained the number

of votes for each and every candidate or person voted for, for such Senator, I have found William V. Roth, Jr., to be the person highest in votes, and therefore duly elected Senator of and for the said State in the Senate of the United States for the Constitutional term to commence at noon on the third day of January in the year of our Lord one thousand nine hundred and ninety-five.

I, Thomas R. Carper, Governor, do therefore, according to the form of the Act of the General Assembly of the said State and of the Act of Congress of the United States, in such case made and provided, declare the said William V. Roth, Jr. the person highest in votes at the election aforesaid, and therefore duly and legally elected Senator of and for the said State of Delaware in the Senate of the United States, for the Constitutional term to commence at noon on the third day of January in the year of our Lord one thousand nine hundred and ninety-five.

Given under my hand and the Great Seal of the said State, in obedience to the said Act of the General Assembly and of the said Act of Congress, at Dover, the 15th day of December in the year of our Lord one thousand nine hundred and ninety-four and in the year of the Independence of the United States of America the two hundred and nineteenth.

By the Governor:

THOMAS R. CARPER,
Governor.

COMMONWEALTH OF PENNSYLVANIA

To the President of the Senate of the United States:

This is to certify that on the eighth day of November, 1994, Rick Santorum was duly chosen by the qualified electors of the Commonwealth of Pennsylvania as a United States Senator to represent Pennsylvania in the Senate of the United States for a term of six years, beginning on the third day of January, 1995.

Witness: His excellency our Governor Robert P. Casey, and our seal hereto affixed at Harrisburg this twenty-second day of December, in the year of our Lord, 1994.

By the Governor:

ROBERT CASEY,
Governor.

STATE OF MARYLAND

To the President of the Senate of the United States:

This is to certify that on the 8th day of November, 1994, Paul S. Sarbanes was duly chosen by the qualified voters of the State of Maryland a Senator from said State to represent said State in the Senate of the United States for a term of six years, beginning on the 3rd day of January, 1995.

Witness: His excellency our Governor, William Donald Schaefer, and our seal hereto affixed at the City of Annapolis, this 7th day of December, in the Year of Our Lord, One Thousand, Nine Hundred and Ninety-four.

WILLIAM DONALD SCHAEFER,
Governor.

STATE OF MAINE

Greeting: Know Ye, That Olympia J. Snowe of Auburn in the County of Androscoggin on the eighth day of November, in the year One Thousand Nine Hundred and Ninety-Four, was chosen by the electors of this State, a United States Senator in the One Hundred Fourth Congress of the United States of America to represent the State of Maine in the United States Senate, for the term of six years, beginning on the third day of January, in the year nineteen hundred and ninety-five.

In Testimony Whereof, I have caused the Great Seal of the State to be affixed, given under my hand at Augusta this first day of December in the year One Thousand Nine Hundred and Ninety-Four.

JOHN R. MCKERNAN, JR.,
Governor.

STATE OF WYOMING

CERTIFICATE OF ELECTION

To the President of the Senate of the United States:

This is to certify that on the 8th day of November, 1994, Craig Thomas was duly chosen by the qualified electors of the State of Wyoming a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1995.

Witness: His excellency our governor Mike Sullivan, and our seal hereto affixed at Cheyenne this 7th day of December, in the year of our Lord 1994.

MIKE SULLIVAN,
Governor.

CALIFORNIA ELECTION CONTEST

Mr. DOLE. Mr. President, prior to the Chair asking that the Senators-elect present themselves to take their oath of office, I would like to address the Senate briefly on a petition submitted on behalf of Michael Huffington, who was a candidate for U.S. Senator from California. The petition contests the election of the Senator-elect from California [Mrs. FEINSTEIN], asserting that there were irregularities and fraud in that election. The petition asks that if Senator FEINSTEIN is seated, as will occur, the seating be without prejudice to the ultimate determination of the election contest.

Election petitions are submitted to the Senate pursuant to the Senate's power, under article I, section 5, clause 1 of the Constitution, to ''be the judge of the elections, returns, and qualifications of its own members.'' Under rule 25 of the Standing Rules of the Senate, petitions concerning contested elections shall be referred to the Committee on Rules and Administration, and that shall be done with Mr. Huffington's petition. It shall be the responsibility of the Rules Committee to determine what procedures should be followed in considering the merits of Mr. Huffington's election contest, and whether a recommendation should be made to the Senate about its disposition.

With respect to the swearing in that will follow, the petition asks that we consider at this time the narrower question whether the oath should be administered to Senator FEINSTEIN without prejudice to the election petition. At the convening of the 103d Congress, Senator Mitchell and I addressed the Senate on how that question has been viewed in previous election contests. In the course of our remarks, we particularly relied on the analysis of a predecessor of ours as majority leader, Senator Robert Taft of Ohio. Our full remarks, and a reprinting of remarks delivered by Senator Taft in 1953, are set forth in the RECORD for January 5, 1993. I shall not repeat all that has been said previously, but the essential point is as follows.

The oath that will be administered to Senator FEINSTEIN, just as the oath that will be administered to all other Senators-elect, will be without prejudice to the Senate's constitutional power to be the judge of the election of its members. In the words of Senator Taft in 1953,

> If a Senator takes the oath, I do not believe that the fact changes the basis of the vote, or the percentage of the vote required, which is determined by the character of the case, rather than by anything done at the time the oath is administered.

As I stated to the Senate 2 years ago, ''In effect we are all sworn in 'without prejudice.' ''

Just as the Senate retains its full power to judge the election in California and all other Senate elections, the pendency of an election contest does not diminish the effect of the oath that will now be administered. As I also expressed to the Senate at the opening of the last Congress, ''All Senators sworn in today are Senators in every sense of the word.''

Nevertheless, as Senator Mitchell told the Senate 2 years ago, the making of this statement prior to the swearing in of a challenge Senator-elect serves the purpose of acknowledging formally that the Senate has received an election petition and that it will review the petition in accordance with its customary procedures.

SWEARING IN OF SENATORS

Mr. DASCHLE. Mr. President, I would like to state my concurrence with the basic proposition stated today that the administration of the oath to Senator-elect FEINSTEIN will not prejudice in any way the Senate's constitutional power to judge the California election. Neither will the pendency of Mr. Huffington's petition diminish in any way the effect of the oath that will now be administered to Senator FEINSTEIN. I join in the observation by Senator DOLE and shared by previous Senate leaders that all Senators sworn in today are Senators in every sense of the word.

ADMINISTRATION OF OATH OF OFFICE

The VICE PRESIDENT. If the Senators to be sworn will now present themselves at the desk in groups of four as their names are called in alphabetical order, the Chair will administer their oaths of office.

The clerk will read the names of the first group.

The legislative clerk called the names of Mr. ABRAHAM, Mr. AKAKA, Mr. ASHCROFT, and Mr. BINGAMAN.

These Senators, escorted by former Senator Griffin and Mr. LEVIN, Mr. INOUYE, Mr. BOND, and Mr. DOMENICI, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally

subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will read the names of the next group.

The legislative clerk called the names of Mr. BRYAN, Mr. BURNS, Mr. BYRD, and Mr. CHAFEE.

These Senators, escorted by Mr. REID, Mr. BAUCUS, Mr. ROCKEFELLER, and Mr. PELL, respectively, advanced to the desk of the Vice President, the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will read the names of the next group.

The legislative clerk called the names of Mr. CONRAD, Mr. DEWINE, Mrs. FEINSTEIN, and Mr. FRIST.

These Senators, escorted by Mr. DORGAN, Mr. GLENN, Mrs. BOXER, and former Senator Baker, respectively, advanced to the desk of the Vice President, the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will read the names of the next group.

The legislative clerk called the names of Mr. GORTON, Mr. GRAMS, Mr. HATCH, and Mrs. HUTCHISON.

These Senators, escorted by Mrs. MURRAY, Mr. DURENBERGER, Mr. BENNETT, and Mr. GRAMM, respectively, advanced to the desk of the Vice President, the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will read the names of the next group.

The legislative clerk called the names of Mr. JEFFORDS, Mr. KENNEDY, Mr. KERREY, and Mr. KOHL.

These Senators, escorted by Mr. LEAHY, Mr. KERRY, Mr. EXON, and Mr. FEINGOLD, respectively, advanced to the desk of the Vice President, the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will read the names of the next group.

The assistant legislative clerk called the names of Mr. KYL, Mr. LAUTENBERG, Mr. LIEBERMAN, and Mr. LOTT.

These Senators, escorted by Mr. MCCAIN, Mr. BRADLEY, Mr. DODD, and Mr. COCHRAN, respectively, advanced to the desk of the Vice President, the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

[Applause, Senators rising.]

The VICE PRESIDENT. The clerk will read the names of the next group.

The assistant legislative clerk called the names of Mr. LUGAR, Mr. MACK, Mr. MOYNIHAN, and Mr. ROBB.

These Senators, escorted by Mr. COATS, Mr. GRAHAM, Mr. D'AMATO, and Mr. WARNER, respectively, advanced to the desk of the Vice President, the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

[Applause, Senators rising.]

The VICE PRESIDENT. The clerk will read the names of the next group.

The assistant legislative clerk called the names of Mr. ROTH, Mr. SANTORUM, Mr. SARBANES, and Ms. SNOWE.

These Senators, escorted by Mr. BIDEN, Mr. SPECTER, Ms. MIKULSKI, and Mr. COHEN, respectively, advanced to the desk of the Vice President, the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

[Applause, Senators rising.]

The VICE PRESIDENT. The clerk will read the names of the next group.

The legislative clerk called the names of Mr. THOMAS and Mr. THOMPSON.

The VICE PRESIDENT. The Senators will come forward.

These Senators, escorted by Mr. SIMPSON and Mr. Baker, respectively, advanced to the desk of the Vice President; and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

[Applause, Senators rising.]

Mr. DOLE addressed the Chair.

The VICE PRESIDENT. The majority leader is recognized.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The VICE PRESIDENT. A quorum is present.

LIST OF SENATORS BY STATES

Alabama.—HOWELL HEFLIN and RICHARD SHELBY. Alaska.—TED STEVENS and FRANK H. MURKOWSKI. Arizona.—JOHN MCCAIN and JOHN KYL. Arkansas.—DALE BUMPERS and DAVID H. PRYOR. California.—DIANNE FEINSTEIN and BARBARA BOXER. Colorado.—HANK BROWN and BEN NIGHTHORSE CAMPBELL. Connecticut.—CHRISTOPHER J. DODD and JOSEPH I. LIEBERMAN. Delaware.—JOSEPH R. BIDEN, Jr. and WILLIAM V. ROTH, Jr. Florida.—BOB GRAHAM and CONNIE MACK. Georgia.—SAM NUNN and PAUL COVERDELL. Hawaii.—DANIEL K. INOUYE and DANIEL K. AKAKA. Idaho.—LARRY E. CRAIG and DIRK KEMPTHORNE. Illinois.—PAUL SIMON and CAROL MOSELEY-BRAUN. Indiana.—RICHARD G. LUGAR and DAN COATS. Iowa.—CHARLES E. GRASSLEY and TOM HARKIN. Kansas.—BOB DOLE and NANCY LANDON KASSEBAUM. Kentucky.—WENDELL H. FORD and MITCH MCCONNELL. Louisiana.—J. BENNETT JOHNSTON and JOHN B. BREAUX. Maine.—WILLIAM S. COHEN and OLYMPIA J. SNOWE. Maryland.—PAUL S. SARBANES and BARBARA MIKULSKI. Massachusetts.—EDWARD M. KENNEDY and JOHN F. KERRY. Michigan.—CARL LEVIN and SPENCER ABRAHAM. Minnesota.—PAUL D. WELLSTONE and ROD GRAMS. Mississippi.—THAD COCHRAN and TRENT LOTT. Missouri.—CHRISTOPHER S. BOND and JOHN ASHCROFT. Montana.—MAX BAUCUS and CONRAD R. BURNS. Nebraska.—J. JAMES EXON and J. ROBERT KERREY. Nevada.—HARRY REID and RICHARD BRYAN. New Hampshire.—BOB SMITH and JUDD GREGG. New Jersey.—BILL BRADLEY and FRANK LAUTENBERG. New Mexico.—PETE V. DOMENICI and JEFF BINGAMAN. New York.—DANIEL PATRICK MOYNIHAN and ALFONSE D'AMATO. North Carolina.—JESSE HELMS and LAUCH FAIRCLOTH. North Dakota.—KENT CONRAD and BYRON L. DORGAN. Ohio.—JOHN GLENN and MIKE DEWINE. Oklahoma.—DON NICKLES and JAMES M. INHOFE. Oregon.—MARK O. HATFIELD and BOB PACKWOOD. Pennsylvania.—ARLEN SPECTER and RICK SANTORUM. Rhode Island.—CLAIBORNE PELL and JOHN H. CHAFEE. South Carolina.—STROM THURMOND and ERNEST F. HOLLINGS. South Dakota.—LARRY PRESSLER and THOMAS A. DASCHLE. Tennessee.—FRED THOMPSON and WILLIAM H. FRIST. Texas.—PHIL GRAMM and KAY BAILEY HUTCHISON. Utah.—ORRIN G. HATCH and ROBERT F. BENNETT. Vermont.—PATRICK J. LEAHY and JAMES JEFFORDS. Virginia.—JOHN W. WARNER and CHARLES S. ROBB. Washington.—SLADE GORTON and PATTY MURRAY. West Virginia.—ROBERT C. BYRD and JOHN D. ROCKEFELLER IV. Wisconsin.—HERB KOHL and RUSSELL D. FEINGOLD. Wyoming.—ALAN K. SIMPSON and CRAIG THOMAS.

The VICE PRESIDENT. The majority leader is recognized.

The Senate will be in order.

Mr. DOLE. Mr. President, may we have order?

The VICE PRESIDENT. The Senate will be in order. Members having conversations are asked to cease their conversations or retire to the Cloakroom.

INFORMING THE PRESIDENT OF THE UNITED STATES THAT A QUORUM OF EACH HOUSE IS ASSEMBLED

Mr. DOLE. Mr. President, I send a resolution to the desk.

The VICE PRESIDENT. The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 1) informing the President of the United States that a quorum of each House is assembled.

The VICE PRESIDENT. Without objection, the resolution is agreed to.

The resolution (S. Res. 1) reads as follows:

Resolved, That a committee consisting of two Senators be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make.

The VICE PRESIDENT. Pursuant to Senate Resolution 1, the Chair appoints the Senator from Kansas [Mr. DOLE], and the Senator from South Dakota [Mr. DASCHLE] as a committee to join the committee on the part of the House of Representatives to wait upon the President of the United States and inform him that a quorum is assembled and that the Congress is ready to receive any communication he may be pleased to make.

The Democratic leader.

Mr. DASCHLE. Mr. President, I move to reconsider the vote.

The VICE PRESIDENT. Without objection, the motion to reconsider is laid upon the table. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

INFORMING THE HOUSE OF REPRESENTATIVES THAT A QUORUM OF THE SENATE IS ASSEMBLED

Mr. DOLE. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The VICE PRESIDENT. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 2) informing the House of Representatives that a quorum of the Senate is assembled.

The VICE PRESIDENT. Without objection, the resolution is agreed to.

The resolution (S. Res. 2) reads as follows:

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

Mr. DASCHLE. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

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

The motion to lay on the table was agreed to.

The VICE PRESIDENT. The Senator from Mississippi.

FIXING THE HOUR OF DAILY MEETING OF THE SENATE

Mr. COCHRAN. Mr. President, I send a resolution to the desk.

The VICE PRESIDENT. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 3) fixing the hour of daily meeting of the Senate.

The VICE PRESIDENT. Without objection, the resolution is agreed to.

The resolution (S. Res. 3) reads as follows:

Resolved, That the hour of daily meeting of the Senate be 12 o'clock meridian unless otherwise ordered.

ELECTION OF THE HONORABLE STROM THURMOND AS PRESIDENT PRO TEMPORE OF THE SENATE

Mr. DOLE. Mr. President, I send a resolution to the desk.

The VICE PRESIDENT. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 4) to elect the Honorable STROM THURMOND, of the State of South Carolina, to be President pro tempore of the Senate of the United States.

The VICE PRESIDENT. Without objection, the resolution is agreed to.

The resolution (S. Res. 4) reads as follows:

Resolved, That the Honorable Strom Thurmond, a Senator from the State of South Carolina, be and he is hereby, elected President of the Senate pro tempore, to hold office during the pleasure of the Senate, in accordance with rule I, paragraph 1, of the Standing Rules of the Senate.

Mr. DASCHLE. Mr. President, I ask unanimous consent that Senator BYRD be added a cosponsor of the resolution just adopted.

The VICE PRESIDENT. Without objection, it is so ordered.

NOTIFYING THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF A PRESIDENT PRO TEMPORE

Mr. COCHRAN. Mr. President, I send a resolution to the desk.

The VICE PRESIDENT. The clerk will report the resolution.

The assistant legislative clerk read as follows:

A resolution (S. Res. 5) notifying the President of the United States of the election of a President pro tempore.

The VICE PRESIDENT. Without objection, the resolution is agreed to.

The resolution (S. Res. 5) reads as follows:

Resolved, That the President of the United States be notified of the election of the Honorable STROM THURMOND, a Senator from the State of South Carolina, as President pro tempore.

ELECTING SHEILA BURKE AS THE SECRETARY OF THE SENATE

Mr. DOLE. Mr. President, I send a resolution to the desk.

The VICE PRESIDENT. The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 6) electing Sheila Burke as Secretary of the Senate.

The VICE PRESIDENT. Without objection, the resolution is agreed to.

The resolution (S. Res. 6) reads as follows:

Resolved, That Sheila P. Burke, of California, be and she is hereby elected Secretary of the Senate, beginning January 4, 1995.

ELECTING HOWARD O. GREENE, JR., AS THE SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

Mr. DOLE. Mr. President, I send a resolution to the desk.

The VICE PRESIDENT. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 7) electing Howard O. Greene, Jr., as Sergeant at Arms and Doorkeeper of the Senate.

The VICE PRESIDENT. Without objection, the resolution is agreed to.

The resolution (S. Res. 7) reads as follows:

Resolved, That Howard O. Greene, Jr., of Delaware, be and he is hereby elected Sergeant at Arms and Doorkeeper of the Senate beginning January 4, 1995.

ELECTING ELIZABETH B. GREENE AS THE SECRETARY OF THE MAJORITY OF THE SENATE

Mr. DOLE. Mr. President, I send a resolution to the desk.

The VICE PRESIDENT. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 8) electing Elizabeth B. Greene as secretary of the majority of the Senate.

The VICE PRESIDENT. Without objection, the resolution is agreed to.

The resolution (S. Res. 8) reads as follows:

Resolved, That Elizabeth B. Greene, of Virginia, be and she is hereby elected Secretary for the Majority, beginning January 4, 1995.

NOTIFICATION TO THE PRESIDENT

Mr. DOLE. Mr. President, I send to the desk a resolution and I ask for its immediate consideration.

The VICE PRESIDENT. The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 9) notifying the President of the United States of the election of a Secretary of the Senate.

The VICE PRESIDENT. Without objection, the resolution is agreed to.

The resolution (S. Res. 9) reads as follows:

Resolved, That the President of the United States be notified of the election of the Hon-

orable Sheila P. Burke, of California, as Secretary of the Senate.

ADMINISTRATION OF OATH TO SENATOR STROM THURMOND AS PRESIDENT PRO TEMPORE OF THE SENATE FOR THE 104TH CONGRESS

The VICE PRESIDENT. The President pro tempore will be escorted to the desk for the oath of office by the President pro tempore, the Senator from West Virginia [Mr. BYRD].

The President pro tempore, escorted by Senator BYRD, advanced to the desk of the Vice President; the oath was administered to him by the Vice President; and he subscribed to the oath in the Official Oath Book.

[Applause, Senators rising.]

ADMINISTRATION OF OATH TO THE SECRETARY OF THE SENATE

The PRESIDENT pro tempore. The Secretary of the Senate will be escorted to the desk for the oath of office.

The Honorable Sheila Burke, escorted by the Honorable Martha Pope, advanced to the desk of the President pro tempore; the oath prescribed by law was administered to her by the President pro tempore.

[Applause, Senators rising.]

ELECTING C. ABBOTT SAFFOLD AS THE SECRETARY FOR THE MINORITY

Mr. DASCHLE. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:.

A resolution (S. Res. 10) electing C. Abbott Saffold as the Secretary for the Minority of the Senate.

Mr. DASCHLE. Mr. President, with great pleasure I announce the selection of Ms. Abby Saffold as Secretary for the Minority.

There could not be a better or more qualified person for this position. It is a position that demands patience, wisdom, and instinct, as well as dedication and an incredibly high degree of competence. It demands the ability to work and to look after the interests of 47 of the most demanding people in the country. And it demands a deep and broad knowledge of the workings of the U.S. Congress.

Ms. Saffold meets these requirements and more. As former Senate Majority Leader George Mitchell stated, ''to know Abby is a pleasure. To work with her is a delight.''

Ms. Saffold is a congressional veteran. On the House side, she worked for Representatives William Scott and Lloyd Meeds. On the Senate side, she has worked for Senate giants, including Gaylord Nelson, Birch Bayh, ROBERT C. BYRD, and George Mitchell. She has served on important Senate committees, including the Senate Judiciary and Appropriations Committees. And she was outstanding as manager of the floor staff for the Senate Democratic Policy Committee.

In April, 1987, Ms. Saffold became the first woman of either party to serve as Secretary for the Majority.

In this position, she demonstrated that she is highly skilled as a legislative strategist, highly adept in running the Cloakroom, and highly talented in helping Senators do their best in a system that sometimes is troubling and too often frustrating. Ms. Saffold is all that a party leader could ask for in this demanding position—and more.

I have read of the time when Senate Majority Leader Howard Baker held up a Senate debate while Ms. Saffold completed negotiating the legislative timetable with his staff. The Republican majority leader, for the RECORD, explained: ''We're just here waiting for Abby.''

Mr. President, I have no doubt that, as the Democratic leader, I will be even more dependent on Ms. Saffold. I am delighted to have her serving as Secretary to the Minority.

I thank my colleagues for electing Ms. Saffold to the position, and I thank Ms. Saffold for accepting it.

The PRESIDENT pro tempore. Without objection, the resolution is agreed to.

The resolution (S. Res. 10) reads as follows:

Resolved, That C. Abbott Saffold be and she is hereby elected Secretary for the Minority of the Senate, beginning January 4, 1995.

NOTIFYING THE HOUSE OF REPRESENTATIVES OF THE ELECTION OF A PRESIDENT PRO TEMPORE OF THE U.S. SENATE

Mr. FORD. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 11) notifying the House of Representatives of the election of a President pro tempore of the U.S. Senate.

The PRESIDENT pro tempore. Without objection the resolution is agreed to.

The resolution (S. Res. 11) reads as follows:

Resolved, That the House of Representatives be notified of the election of the Honorable Strom Thurmond, a Senator from the State of South Carolina, as President pro tempore of the Senate.

Mr. FORD. I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table, Mr. President.

The motion to lay on the table was agreed to.

Mr. LOTT addressed the Chair.

The PRESIDENT pro tempore. The Senator from Mississippi.

NOTIFYING THE HOUSE OF REPRESENTATIVES OF THE ELECTION OF SHEILA BURKE AS SECRETARY OF THE SENATE

Mr. LOTT. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 12) notifying the House of Representatives of the election of Sheila Burke as Secretary of the Senate.

The PRESIDENT pro tempore. Without objection, the resolution is agreed to.

The resolution (S. Res. 12) reads as follows:

Resolved, That the House of Representatives be notified of the election of the Honorable Sheila P. Burke, of California, as Secretary of the Senate.

The PRESIDENT pro tempore. The majority leader is recognized.

AMENDING RULE XXV

Mr. DOLE. Mr. President, I send a resolution to the desk.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 13) amending rule XXV.

The PRESIDENT pro tempore. Without objection, the resolution is agreed to.

The resolution (S. Res. 13) reads as follows:

Resolved, That at the end of Rule XXV, add the following:

A Senator who on the date this subdivision is agreed to is serving on the Committee on Agriculture, Nutrition, and Forestry, and the Committee on Appropriations, may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Governmental Affairs, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

A Senator who on the date this subdivision is agreed to is serving on the Committee on Armed Services, and the Committee on Environment and Public Works, may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Agriculture, Nutrition, and Forestry, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

A Senator who on the date this subdivision is agreed to is serving on the Committee on Finance, and the Committee on the Judiciary, may, during the One Hundred Fourth Congress, also serve as member of the Committee on Governmental Affairs, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

A Senator who on the date this subdivision is agreed to is serving on the Committee on Armed Services, and the Committee on Commerce, Science, and Transportation, may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Governmental Affairs, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

A Senator who on the date this subdivision is agreed to is serving on the Committee on

Commerce, Science, and Transportation, and the Committee on Appropriations, may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Labor and Human Resources, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

A Senator who on the date this subdivision is agreed to is serving on the Committee on Appropriations, and the Committee on Labor and Human Resources, may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Energy and Natural Resources, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

A RESOLUTION AMENDING PARAGRAPH 2 OF RULE XXV

Mr. DOLE. Mr. President, I send a resolution to the desk and ask that it be read by title.

The PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 14) amending paragraph 2 of Rule XXV.

The PRESIDENT pro tempore. Is there objection to consideration of the resolution?

Mr. HARKIN. Mr. President, reserving the right to object, I ask unanimous consent that when the resolution is considered today that I be permitted to offer an amendment to it today. My amendment makes changes in rule 22 and the majority leader is aware of this.

The PRESIDENT pro tempore. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object.

The PRESIDENT pro tempore. The Senator from West Virginia.

Mr. BYRD. Mr. President, I have no objection.

The PRESIDENT pro tempore. Is there objection? Hearing none, it is so ordered.

Mr. DOLE addressed the Chair.

The PRESIDENT pro tempore. The distinguished majority leader.

Mr. DOLE. Mr. President, I share the view expressed by the Senator from Iowa, and I ask unanimous consent now that the resolution be laid aside until the conclusion of routine morning business later today, and then we can proceed.

The PRESIDENT pro tempore. Without objection, so ordered.

Mr. DOLE. Mr. President, let me further state that the purpose of the resolution is to set the size of committees, and it is this resolution that the Senator from Iowa has chosen to amend. That will be debated later on this afternoon.

A RESOLUTION MAKING MAJORITY PARTY APPOINTMENTS TO CERTAIN SENATE COMMITTEES FOR THE 104TH CONGRESS

Mr. LOTT. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 15) making majority party appointments to certain Senate committees for the 104th Congress.

The PRESIDENT pro tempore. Without objection, the resolution is agreed to.

The resolution (S. Res. 15) reads as follows:

Resolved, That the following shall constitute the majority party's membership on the following standing committees for the 104th Congress, or until their successors are chosen:

Committee on Armed Services: Mr. Thurmond, Mr. Warner, Mr. Cohen, Mr. McCain, Mr. Lott, Mr. Coats, Mr. Smith, Mr. Kempthorne, Mrs. Hutchison, Mr. Inhofe, and Mr. Santorum.

Committee on Banking, Housing, and Urban Affairs: Mr. D'Amato, Mr. Gramm, Mr. Shelby, Mr. Bond, Mr. Mack, Mr. Faircloth, Mr. Bennett, Mr. Grams, and Mr. Frist.

Committee on Commerce, Science, and Transportation: Mr. Pressler, Mr. Packwood, Mr. Stevens, Mr. McCain, Mr. Burns, Mr. Gorton, Mr. Lott, Mrs. Hutchison, Ms. Snowe, and Mr. Ashcroft.

Committee on Finance: Mr. Packwood, Mr. Dole, Mr. Roth, Mr. Chafee, Mr. Grassley, Mr. Hatch, Mr. Simpson, Mr. Pressler, Mr. D'Amato, Mr. Murkowski, and Mr. Nickles.

Committee on the Judiciary: Mr. Hatch, Mr. Thurmond, Mr. Simpson, Mr. Grassley, Mr. Specter, Mr. Brown, Mr. Thompson, Mr. Kyl, Mr. DeWine, and Mr. Abraham.

Committee on Labor and Human Resources: Mrs. Kassebaum, Mr. Jeffords, Mr. Coats, Mr. Gregg, Mr. Frist, Mr. DeWine, Mr. Ashcroft, Mr. Abraham, and Mr. Gorton.

TO MAKE MINORITY PARTY APPOINTMENTS TO SENATE COMMITTEES UNDER PARAGRAPH 2 OF RULE XXV FOR THE ONE HUNDRED AND FOURTH CONGRESS

Mr. DASCHLE. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 16) to make minority party appointments to Senate committees under paragraph 2 of rule XXV for the 104th Congress.

The PRESIDENT pro tempore. Without objection, the resolution is agreed to.

The resolution (S. Res. 16) reads as follows:

Resolved, That the following shall constitute the minority party's membership on the standing committees for the One Hundred and Fourth Congress, or until their successors are chosen:

Committee on Agriculture, Nutrition, and Forestry: Mr. Leahy, Mr. Pryor, Mr. Heflin, Mr. Harkin, Mr. Conrad, Mr. Daschle, Mr. Baucus, and Mr. Kerrey (NE).

Committee on Appropriations: Mr. Byrd, Mr. Inouye, Mr. Hollings, Mr. Johnston, Mr. Leahy, Mr. Bumpers, Mr. Lautenberg, Mr. Harkin, Ms. Mikulski, Mr. Reid, Mr. Kerrey (NE), Mr. Kohl, and Mrs. Murray.

Committee on Armed Services: Mr. Nunn, Mr. Exon, Mr. Levin, Mr. Kennedy, Mr. Bingaman, Mr. Glenn, Mr. Byrd, Mr. Robb, Mr. Lieberman, and Mr. Bryan.

Committee on Banking, Housing, and Urban Affairs: Mr. Sarbanes, Mr. Dodd, Mr. Kerry (MA), Mrs. Boxer, Mr. Campbell, Ms. Moseley-Braun, and Mrs. Murray.

Committee on Commerce, Science, and Transportation: Mr. Hollings, Mr. Inouye, Mr. Ford, Mr. Exon, Mr. Rockefeller, Mr. Kerry (MA), Mr. Breaux, Mr. Bryan, and Mr. Dorgan.

Committee on Energy and Natural Resources: Mr. Johnston, Mr. Bumpers, Mr. Ford, Mr. Bradley, Mr. Bingaman, Mr. Akaka, Mr. Wellstone, and Mr. Campbell.

Committee on Environment and Public Works: Mr. Baucus, Mr. Moynihan, Mr. Lautenberg, Mr. Reid, Mr. Graham, Mr. Lieberman, and Mrs. Boxer.

Committee on Finance: Mr. Moynihan, Mr. Baucus, Mr. Bradley, Mr. Pryor, Mr. Rockefeller, Mr. Breaux, Mr. Conrad, Mr. Graham (FL), and Ms. Moseley-Braun.

Committee on Foreign Relations: Mr. Pell, Mr. Biden, Mr. Sarbanes, Mr. Dodd, Mr. Kerry (MA), Mr. Robb, Mr. Feingold, and Mrs. Feinstein.

Committee on Governmental Affairs: Mr. Glenn, Mr. Nunn, Mr. Levin, Mr. Pryor, Mr. Lieberman, Mr. Akaka, and Mr. Dorgan.

Committee on the Judiciary: Mr. Biden, Mr. Kennedy, Mr. Leahy, Mr. Heflin, Mr. Simon, Mr. Kohl, Mrs. Feinstein, and Mr. Feingold.

Committee on Labor and Human Resources: Mr. Kennedy, Mr. Pell, Mr. Dodd, Mr. Simon, Mr. Harkin, Ms. Mikulski, and Mr. Wellstone.

TO AMEND PARAGRAPH 4 OF RULE XXV OF THE STANDING RULES OF THE SENATE

Mr. DASCHLE. Mr. President, I send a second resolution to the desk and ask for its consideration.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

To amend paragraph 4 of rule XXV of the Standing Rules of the Senate.

The PRESIDENT pro tempore. Without objection, the resolution is agreed to.

The resolution (S. Res. 17) reads as follows;

Resolved, That paragraph 4 of the Rule XXV is amended by striking (h)(1) through (h)(15) and inserting in lieu thereof the following:

''(h)(1) A Senator who on the last day of the One Hundred Third Congress was serving as a member of the Committee on Environment and Public Works and the Committee on Finance may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Agriculture, Nutrition and Forestry so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

''(2) A Senator who on the last day of the One Hundred Third Congress was serving as a member of the Committee on Banking, Housing and Urban Affairs and the Committee on

Foreign Relations may, during the One Hundred Fourth Congress, also serve as a member of the Committee on labor and Human Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

''(3) A Senator who on the last day of the One Hundred Third Congress was serving as a member of the Committee on Agriculture, Nutrition and Forestry and the Committee on Appropriations may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees list in paragraph 2.

''(4) A Senator who on the last day of the One Hundred Third Congress was serving as a member of the Committee on the Judiciary and the Committee on Labor may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Armed Services so long as his service as a member of each such committee is continuous, but in no event may he serve by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

''(5) A Senator who on the last day of the One Hundred Third Congress was serving as a member of the Committee on Commerce, Science and Transportation and the Committee on Foreign Relations may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Banking, Housing and Urban Affairs so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

''(6) A Senator who on the last day of the One Hundred Third Congress was serving as a member of the Committee on Agriculture, Nutrition and Forestry and the Committee on Appropriations may, during the One Hundred Fourth Congress, also serve as a member of the Committee on the Judiciary so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision as a member of more than three committees listed in paragraph 2.

''(7) A Senator who on the last day of the One Hundred Third Congress was serving as a member of the Committee on Agriculture, Nutrition and Forestry and the Committee on Finance may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Governmental Affairs so long as his service as a member of each such committee is continuous but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

''(8) A Senator who on the last day of the One Hundred Third Congress was serving as a member of the Committee on Armed Services and the Committee on Environment and Public Works may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Governmental Affairs so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

UNANIMOUS-CONSENT REQUESTS

Mr. LOTT. Mr. President, the following unanimous-consent requests are those of the standing orders, the setting of the leader's time each day which are obtained at the beginning of each Congress, governing the day-to-day activity. As in the past these consents have been cleared with the minority leader.

Therefore, I send to the desk 11 unanimous-consent requests and ask for their immediate consideration en bloc and that the motions to reconsider be laid upon the table.

Mr. President, I ask unanimous consent that for the duration of the 104th Congress, the Ethics Committee be authorized to meet during the session of the Senate.

Mr. President, I ask unanimous consent that for the duration of the 104th Congress, there be a limitation of 15 minutes each upon any rollcall vote, with the warning signal to be sounded at the midway point, beginning at the last 7½ minutes, and when rollcall votes are of 10-minute duration, the warning signal be sounded at the beginning of the last 7½ minutes.

Mr. President, I ask unanimous consent that during the Congress, it be in order for the Secretary of the Senate to receive reports at the desk when presented by a Senator at any time during the day of the session of the Senate.

Mr. President, I ask unanimous consent that the majority and minority leaders may daily have up to 10 minutes each on each calendar day following the prayer and disposition of the reading of, or the approval of, the Journal.

Mr. President, I ask unanimous consent that the Parliamentarian of the House of Representatives and his three assistants be given the privilege of the floor during the 104th Congress.

Mr. President, I ask unanimous consent that, notwithstanding the provisions of rule XXVIII, conference reports and statements accompanying them not be printed as Senate reports when such conference reports and statements have been printed as a House report unless specific request is made in the Senate in each instance to have such a report printed.

Mr. President, I ask unanimous consent that the Committee on Appropriations be authorized during the 104th Congress to file reports during adjournments or recesses of the Senate on appropriation bills, including joint resolutions, together with any accompanying notices of motions to suspend rule XVI, pursuant to rule V, for the purpose of offering certain amendments to such bills or joint resolutions, which proposes amendments shall be printed.

Mr. President, I ask unanimous consent that, for the duration of the 104th Congress, the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossments of all Senate-passed bills and resolutions, Senate amendments to House bills and resolutions, Senate amendments to House amendments to Senate bills and resolutions, and Senate amendments to House amendments to Senate amendments to House bills or resolutions.

Mr. President, I ask unanimous consent that for the duration of the 104th Congress, when the Senate is in recess or adjournment, the Secretary of the Senate be authorized to receive messages from the President of the United States, and—with the exception of House bills, joint resolutions, and concurrent resolutions—messages from the House of Representatives; and that they be appropriately referred; and that the President of the Senate, the President pro tempore, and the Acting President pro tempore be authorized to sign duly enrolled bills and joint resolutions.

Mr. President, I ask unanimous consent that for the duration of the 104th Congress, Senators be allowed to leave at the desk with the Journal clerk the names of two staff members who will be granted the privilege of the floor during the consideration of the specific matter noted, and that the Sergeant-at-Arms be instructed to rotate such staff members as space allows.

Mr. President, I ask unanimous consent that for the duration of the 104th Congress, it be in order to refer treaties and nominations on the day when they are received from the President, even when the Senate has no executive session that day.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The unanimous-consent agreements were agreed to en bloc as follows:

UNANIMOUS-CONSENT AGREEMENTS

Select Committee on Ethics: Senate agreed that, for the duration of the 104th Congress, the Select Committee on Ethics be authorized to meet during the session of the Senate.

Time for Rollcall Votes: Senate agreed that, for the duration of the 104th Congress, there be a limitation of 15 minutes each upon any rollcall vote, with the warning signal to be sounded at the midway point, beginning at the last 7½ minutes, and when rollcall votes are of 10-minute duration, the warning signal be sounded at the beginning of the last 7½ minutes.

Authority to Receive Reports: Senate agreed that, during the 104th Congress, it be in order for the Secretary of the Senate to receive reports at the desk when presented by a Senator at any time during the day of the session of the Senate.

Recognition of Leadership: Senate agreed that the majority and minority leaders may daily have up to 10 minutes on each calendar day following the prayer and disposition of the reading, or the approval of, the Journal.

House Parliamentarian Floor Privileges: Senate agreed that the Parliamentarian of the House of Representatives and his three assistants be given the privilege of the floor during the 104th Congress.

Printing of Conference Reports: Senate agreed that, notwithstanding the provisions of rule XXVIII, conference reports and statements accompanying them not be printed as Senate reports when such conference reports and statements have been printed as a House report unless specific request is made in the Senate in each instance to have such a report printed.

Authority for Appropriations Committee: Senate agreed that the Committee on Appropriations be authorized during the 104th Con-

gress to file reports during adjournments or recesses of the Senate on appropriation bills, including joint resolutions, together with any accompanying notices of motions to suspend Rule XVI, pursuant to Rule V, for the purpose of offering certain amendments to such bills or joint resolutions, which proposed amendment shall be printed.

Authority for Corrections in Engrossment: Senate agreed that, for the duration of the 104th Congress, the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of all Senate-passed bills and resolutions, Senate amendments to House bills and resolutions, Senate amendments to House amendments to Senate bills and resolutions, and Senate amendments to House amendments to Senate amendments to House bills or resolutions.

Authority to Receive Messages and Sign Enrolled Measures: Senate agreed that, for the duration of the 104th Congress, when the Senate is in recess or adjournment, the Secretary of the Senate be authorized to receive messages from the President of the United States and, with the exception of House bills, joint resolutions, and concurrent resolutions-messages from the House of Representatives, that they be appropriately, and that the President of the Senate, the President pro tempore, and the Acting President pro tempore be authorized to sign duly enrolled bills and joint resolutions.

Privileges of the Floor: Senate agreed that, for the duration of the 104th Congress, Senators be allowed to leave at the desk with the Journal Clerk the names of two staff members who will be granted the privilege of the floor during the consideration of the specific matter noted, and that the Sergeant-at-Arms be instructed to rotate such staff members as space allows.

Referral of Treaties and Nominations: Senate agreed that for the duration of the 104th Congress, it be in order to refer treaties and nominations on the day when they are received from the President, even when the Senate has no executive session that day.

APPOINTMENT OF MICHAEL DAVIDSON AS SENATE LEGAL COUNSEL

Mr. LOTT. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 18) relating to the reappointment of Michael Davidson as Senate legal counsel.

The PRESIDENT pro tempore. Without objection, the resolution is agreed to.

The resolution (S. Res. 18) reads as follows:

Resolved, That the reappointment of Michael Davidson to be Senate Legal Counsel made by the President pro tempore of the Senate this day is effective as of January 3, 1995, and the term of service of the appointee shall expire at the end of the One Hundred Fifth Congress.

COMMITTEE FUNDING

Mr. LOTT. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 19) sense of the Senate relative to committee funding.

Mr. BYRD. Mr. President, I object to the consideration of this resolution at this time.

The PRESIDENT pro tempore. Under the rules, the resolution will go over.

MAJORITY PARTY APPOINTMENTS FOR CERTAIN SENATE COMMITTEES

Mr. LOTT. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 20) making majority party appointments for certain Senate committees for the 104th Congress.

The PRESIDENT pro tempore. Without objection, the resolution is agreed to.

The resolution (S. Res. 20) reads as follows:

Resolved, That the following shall constitute the majority party's membership on the following standing committees for the 104th Congress, or until their successors are chosen:

Committee on Agriculture, Nutrition, and Forestry: Mr. Lugar, Mr. Dole, Mr. Helms, Mr. Cochran, Mr. McConnell, Mr. Craig, Mr. Coverdell, Mr. Santorum, and Mr. Warner.

Committee on Appropriations: Mr. Hatfield, Mr. Stevens, Mr. Cochran, Mr. Specter, Mr. Domenici, Mr. Gramm, Mr. Bond, Mr. Gorton, Mr. McConnell, Mr. Mack, Mr. Burns, Mr. Shelby, Mr. Jeffords, Mr. Gregg, and Mr. Bennett.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

The PRESIDENT pro tempore. Without objection, it is so ordered.

ACTION ON SENATE RESOLUTION 19 VITIATED

Mr. LOTT. Mr. President, I ask unanimous consent that action on Senate Resolution 19 be vitiated.

The PRESIDENT pro tempore. Without objection, it is so ordered.

RECESS

Mr. LOTT. Mr. President, I now ask unanimous consent that the Senate do stand in recess until 2:15; and that at that time, following the leaders' time, there be a period for morning business not to exceed 1½ hours under the control of the majority, to be followed by 1 hour under the control of the minority, 20 minutes specifically for the Senator from West Virginia [Mr. BYRD], with Senators permitted to speak therein for not more than 10 minutes each, with the exception of Senator BYRD who will have the 20 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Thereupon, at 1:07 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. KEMPTHORNE).

The PRESIDING OFFICER. The Chair recognizes the Senator from Mississippi.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, I ask unanimous consent that the previous unanimous-consent request with regard to allocation of time this afternoon be changed to reflect 1 hour and 20 minutes on the majority side and 1 hour and 20 minutes on the minority side, with 20 minutes of the minority side specifically allocated to the Senator from West Virginia [Mr. BYRD].

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

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business with the first hour and 20 minutes under the control of the majority leader with Senators permitted to speak therein for up to 10 minutes each.

Mr. DOLE. Leaders' time was reserved, is that correct?

The PRESIDING OFFICER. The majority leader retains his leader time as well.

SALUTE TO STROM THURMOND

Mr. DOLE. Mr. President, the Framers of the Constitution in 1787 set down only a handful of rules to govern the procedures of Congress. Among them was a provision stating that the Senate could choose its own officers, including a President pro tempore, who would preside in the absence of the Vice President.

And as we begin a new session of Congress, we also begin another chapter in the remarkable life of the colleague who returns today to the position of President pro tempore of the U.S. Senate, Senator STROM THURMOND.

Senator THURMOND's public service career is well known. While some have suggested that he actually attended the Constitutional Convention in 1787, Senator THURMOND's political career actually began 62 short years ago, when he was elected to the South Carolina State senate.

Six years in the State senate, 4 years as a judge, 4 years in the military, where he piloted a glider behind enemy lines on D-day, 4 years as Governor of South Carolina, and 40 years in the U.S. Senate, add up to nearly 60 years of service.

The hallmark of Senator THURMOND'S career is much more than just longevity. It is also effectiveness. As the Almanac of American Politics'' states, Senator THURMOND decides where he wants to go, figures out how to get there, and then does it.

As chairman or ranking member of the Judiciary Committee for a dozen years, Senator THURMOND saw the need for a war against crime and drugs long before other politicians jumped on board.

And as the new chairman of the Armed Services Committee, Senator THURMOND will continue his lifelong commitment to keeping America strong.

On behalf of all Republican Senators, I want to express to Senator THURMOND our admiration and respect, and tell him how delighted we are to have him once again serving as President pro tempore.

SALUTE TO SHIRLEY FELIX

Mr. DOLE. Mr. President, as Members of this Chamber know, the Senate lost a devoted employee and many of us lost a cherished friend when Shirley Felix passed away on December 13, 1994.

As banquet manager for the U.S. Senate for the last 20 years, Shirley worked closely with the leadership offices, and with the offices of almost every Senator.

Once you began working with Shirley, it did not take you long to realize that she was a true professional. She knew how to get the job done right, and she did it with a friendly and caring attitude.

Shirley's hours were often long, and the pressures of organizing important events were often great, but Shirley somehow never seemed to lose her good humor.

Just as Shirley was loved on Capitol Hill, she was also loved by her family. I know I speak for all Members of the Senate in extending our sympathies to her husband, James; her mother, Mrs. Rebecca Plummer; her 6 sons, her 12 grandchildren, and her many other family members and friends.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

TO AMEND SENATE RESOLUTION 338

Mr. HELMS. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 21) to amend Senate Resolution 338 (which establishes the Select Committee on Ethics) to change the membership of the select committee from members of the Senate to private citizens.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

Mr. DOLE. Mr. President, I object.

The PRESIDING OFFICER. There is objection.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

ORDER OF PROCEDURE

Mr. HELMS. I now ask unanimous consent that it be in order for me to send seven bills to the desk and that they be deemed to have been read the first time, and that my request for the second reading be deemed to have been objected to.

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

Mr. HELMS. I send the documents to the desk as stated.

One final thing, Mr. President. I send to the desk statements to accompany all eight pieces of legislation and ask that they appear in the RECORD in the appropriate place.

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

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

Mr. HELMS. I thank the Chair. I thank the distinguished majority leader. I am happy to call him that.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. DOLE. Will the Senator withhold?

Mr. HELMS. Yes.

The PRESIDING OFFICER. The majority leader is recognized.

CONGRATULATIONS TO SPEAKER OF THE HOUSE GINGRICH AND OTHERS

Mr. DOLE. Mr. President, let me say first of all that having served in the House for 8 years, in the other body for 8 years, a long time ago, I have just come from the House floor where I have had the privilege of seeing something that I did not think might ever happen, where we have a Republican Speaker of the House of Representatives.

I say to my Democratic friends as well that I think after 40 years, everybody would be fairly happy. We waited a long, long time. So I wish to congratulate Speaker GINGRICH and Minority Leader GEPHARDT and the others on the House side who have tremendous responsibilities as we begin the 104th Congress.

But I must say that as I sat there and thought about the days I was there in the sixties, in 1961 through 1968, and thought about all that has happened since and all that happened during those 8 years, even the fact that, in the Senate, it probably does not create the excitement—even within this Senator—that we feel for the House after all of those years.

So I salute my colleagues in the House and I wish them every success.

CONGRATULATIONS TO SENATOR DASCHLE

Mr. DOLE. Mr. President, I also wish to congratulate Senator DASCHLE, the Democratic leader. I have said many times if we are going to make this place work, as the American people expect us to make this place work, knowing that sometimes there will be differences, sometimes politics will creep in—politics is highly competitive and should be—but it should be based on ideas and what may be best for the country.

But for the Senate to operate, leaders have to work together. I look forward to working with Senator DASCHLE. We have known each other for a long time. We are from the same part of the country, I from Kansas and he from South Dakota. And we have many things in common. Our relationship has to be based on trust. There cannot be any surprises. The majority leader has the advantage because he has priority of recognition. I will not permit any surprises, and Senator DASCHLE has indicated the same.

I had such relationships with Senator MITCHELL and Senator BYRD. In fact, I talked to Senator MITCHELL this morning about 11:10 a.m. I said: ''George, you have 50 minutes left. Is there anything you want me to do?'' We were good friends and we worked well together, as I did with Senator BYRD.

I learned a lot from Senator BYRD. I decided a long time ago never to argue about the rules with Senator BYRD, because you will lose. He wrote most of them, and he defined others; he has modified others. In fact, I asked him a question this morning. I said, ''Robert, it is not necessary when you send an amendment to the desk to ask for its immediate consideration, is it?'' He said, ''No, you just send an amendment to the desk.'' I thought I knew that. But I wanted to make certain that I understood it. Again, Senator BYRD provided that information. I am certain Senator DASCHLE will continue that tradition.

CONGRATULATIONS TO THE NEW REPUBLICAN SENATORS

Mr. DOLE. Mr. President, I also want to congratulate the 11 new Republican Senators who were elected in November. I thank them and all my Republican colleagues for their support in electing me as Senate majority leader.

But even more importantly, on behalf of all of us elected to serve, I thank the American people for their trust and their calling us to task.

America has reconnected us with the hopes for a nation made more free by demanding a Government that is more limited. Reining in our Government will be my mandate, and I hope it will be the purpose and principal accomplishment of the 104th Congress.

It was nearly 206 years ago when the First Congress met in New York City. Much of their work was devoted to writing the Bill of Rights—the first 10 amendments to our Constitution.

The 10th of those amendments reads: ''The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.''

I might say I think we need to focus on the 10th amendment. So I intend to place it in the RECORD at least once a week with a brief statement so that anybody who reads the RECORD, anybody watching C-SPAN, or my colleagues, may understand the importance of the 10th amendment and how far we have strayed from it.

Federalism is an idea that power should be kept close to the people. It is the idea on which our Nation was founded. But there are some in Washington—perhaps fewer this year than last—who believe that neither our States nor our people can be trusted with power. Federalism has given way to paternalism—with disastrous results.

If I have one goal for the 104th Congress, it is this: That we will dust off the 10th amendment and restore it to its rightful place in the Constitution.

Senate bill No. 1 will be step number 1: Legislation to end unasked for and unfunded Federal mandates on States and cities and communities across America. And I am honored the Presiding Officer at this moment is Senator KEMPTHORNE from Idaho and former mayor of Boise, ID, who has been leading the effort since day one, since his first day on the Senate floor, working with Governors, our colleagues on both sides of the aisle, our colleagues in the House, mayors, and county commissioners all across America, because we know what Federal mandates—and he knows better than most, coming here as a mayor—have cost our cities and how they have bankrupted our cities and States.

So, along with many other Senators, Senator KEMPTHORNE has done yeoman's work in preparing this legislation.

We are going to have hearings tomorrow. We are serious about this. We promised the American people if they gave us the majority we will do certain things, and we are about to do certain things that we think are right—not necessarily partisan, but right. We hope to bring these things to the floor very soon.

I spoke this morning with the Senator from Idaho, and he will be prepared, I hope, early next week.

We wish to demonstrate quickly, whatever the message may have been on November 8, 1994—and there were a lot of messages—I think one message was to take a look at the 10th amendment. Maybe people did not think about it when they voted. But give America back to the people, give it back to the States, give it back to the local communities. What is wrong with that?

We do not have all of the answers in Washington, DC. Why should we tell Idaho, or the State of Kansas, or the State of South Dakota, or the State of Oregon, or any other State, that we are going to pass this Federal law and we are going to require that you do certain things, but we are not going to send you any money. So you raise the taxes in the local communities or in the States. You tax the people, and when they complain about it, say, well, we cannot help it because the Federal Government passed this mandate. So we are going to continue our drive to return power to our States and our people throughout the 104th Congress.

We will roll back Federal programs, laws, and regulations from A to Z, from Amtrak to zoological studies, working our way through the alphabet soup of Government. What will be our guide? Our guide is going to be simply this: Is this program a basic function of a limited Government? Or is it another example of how Government has lost faith in the judgments of our people and the potential of our markets? That is the test.

I believe that more often than not the answer will justify less Federal involvement, fewer Federal rules and regulations, a reduction in Federal spending, and more freedom and opportunity for our States and our citizens—again getting back to the 10th amendment.

Part of what has allowed Government to become so cavalier with power has been its ability to exclude itself from the dictates we impose on the American people—we, the Congress. So what are we going to do? This is going to be bill No. 2. This will end with the passage of Senate bill No. 2, an effort led by Senator GRASSLEY, a Republican, and Senator LIEBERMAN, a Democrat. We have a counterpart led by Republicans and Democrats in the House, particularly Congressman SHAYS from Connecticut. I can think of no better protection for the private citizens and private enterprise than the constant prospect for Members of Congress that we will have to live under the rules we inflict on everyone else. So if a law is going to apply to some small businessman in Idaho, Oregon, Kansas, North Carolina, wherever, it is also going to apply to Congress. Maybe when it applies to Congress, we will understand why so many people write and complain to us about this law or that law. Do not misunderstand me, some laws we pass are certainly beneficial. The Government does a lot of good things, so do not misunderstand me. But why should we not live under the same laws you live under? That is bill No. 2.

In the same spirit, we are also going to propose and pass legislation to protect the rights of private property owners, and to cut the tangle of red tape forced upon our small businessmen and women. Property rights. Again, it was initiated by the Senator from Idaho, Senator Symms, who served here with distinction for years; it was his idea. When Steve Symms left the Senate voluntarily, he passed it on to me, and I have worked with my colleagues, Senator GRAMM and others, on this side of the aisle and, again, the Presiding Officer, the Senator from Idaho, and a number of others, and we believe in it. It is important in urban and rural areas all across America.

Incidentally, it was said by someone who should know better last year that America's small businessmen and women were getting a free ride from American society. That statement was not made by a politician, so do not read anything into it. It was somebody that should have known better. Let me set the record straight. The engine of American society is America's small business. Small business provides the jobs, the competition, and the spark for progress that is the very essence of democratic capitalism. It is small business that carries America—not the other way around.

Mr. President, Republicans also believe that our country's increasingly desperate fight against crime is an area where more freedom is needed at the State level.

Today we will introduce, under Senator HATCH's leadership, Senate bill 3, a crime bill that will free States and cities to decide for themselves how to spend much of the $8 billion in law enforcement funds appropriated last year. It will eliminate the wasteful social spending programs included in last year's so-called crime bill.

Perhaps most important, the crime bill we introduce today will begin our effort to restore the freedom from fear we knew in the America of our youth. In my hometown of Russell, KS, when I was growing up, we did not lock our doors at night. Nobody did. You left your keys in your car. Even in towns the size of mine in this day and age you do not do that anymore. So somehow that has been lost to the children growing up in America today. We will, without apology, remove from society those who are tearing it apart with casual violence and a new chilling disregard for human life. Our crime bill will impose mandatory minimum sentences on those who use guns in the commission of a crime and make certain there are jails there to lock them up.

And in the next session we will cut taxes. Under Senator PACKWOOD's leadership, the Finance Committee will produce, as a top priority, a tax cut that will let families keep more of their own money to invest in their own children and in their own future, instead of siphoning it up, giving it to Washington, and sending it back in

some program that may or may not work.

There seems to be a growing bipartisan consensus that taxes must be cut, which Republicans welcome, and which encourages me to believe the Senate can act quickly. The President's recent comments indicate he is ready to sign such a bill. But I strongly object to the President's insistence on labeling America by ''class.'' I do not think we ought to divide Americans into economic groups competing one against the other for the favors of the Government. Rather, we must lead by instilling hope and restoring freedom and opportunity for all of our people. No more of the class warfare. It does not work.

By cutting people's taxes we will reduce the Government's take of their wages—worthy unto itself. But if tax cuts are to have the effect of limiting Government and providing for long-term prosperity, then they also must be matched by real cuts, real cuts in Government spending.

This, Republicans are committed to do.

No one in this Chamber has spoken more eloquently about the need to deal more forthrightly with our national deficit than Senator DOMENICI, who today assumes the chair of the Budget Committee.

Let me be clear. Something like a family that examines its budget after a Christmas that was too rich, we will make hard decisions and endure sacrifices to make ends meet. With the one exception of Social Security, every bureaucracy and bureaucrat, every Government program and Federal expense is ripe for reduction and/or elimination.

At the top of that list is a price tag for Congress itself. We have to set an example before we have somebody else make the sacrifice. We must be the example, not the problem. We hope to pass a resolution today calling upon the Rules Committee to reduce committee budgets by approximately $34 million. That is a lot of money. That was objected to, but we will get to it in another way. The House is also taking cost-cutting action today. We will work together throughout the next 2 years to save more money across Government.

We will also work together to pass the line-item veto legislation which we introduce today as Senate bill 4, and to send a balanced budget amendment to the States for ratification. These measures which have had the overwhelming support of the American people for some time have been ignored in Washington for far too long.

These measures go to the heart of the question with which we began: Should Government elites rule society? Should they be able to spend the people's money without check, cloaked by impenetrable rules and omnibus appropriations bills too massive for anybody to read? Or should we trust the people?

Paternalism or Federalism? That is the choice. The 104th Congress must answer that question by bowing to the will of the people and putting its trust in them.

Finally, let me make it clear that Republicans are acutely aware that the United States has only one Commander in Chief. Our Commander in Chief is President Clinton. We will support him on foreign policy whenever possible, as we did with NAFTA and GATT legislation, and in revising outdated provisions of law on South Africa, Russia, and the Middle East.

During the last few years, however, there have been some important areas of disagreement between Congress and the President in the area of foreign policy. One of these has been the President's apparent willingness to place the agenda of the United Nations before the interests of the United States.

Therefore, we will introduce today the Peace Powers Act of 1995, which is designated as Senate bill No. 5. This legislation repeals the War Powers Resolution of 1973 and places some restrictions on U.S. participation in U.N. peacekeeping activities. The effect of the bill would be this: We would untie the President's hands in using American forces to defend American interests, but we would restrict the use of American forces and funds in U.N. peacekeeping.

We do not want American soldiers under U.N. command, and the costs to America of U.N. peacekeeping must be known before—not after, but before—it will be approved by Congress.

In a manner consistent with our constitutional role to appropriate funds and to advise and consent on matters of foreign policy, the Senate will also take a close look at a number of other foreign policy issues in this session; including the costs of the Haiti operation, and the legality and wisdom of aiding North Korea.

Mr. President, it has been said that we have become a nation of competing factions, held together less by our hopes than by our wants. The implication is that we are no longer a great people, but merely a continent of categories, and special interests. Well, I do not believe this. I have been here for some time, but I do not believe this.

It has been said that Government is uncontrollable because of the uncontrollable appetites of our people. Last November was proof that this is not true. If the recent election proved anything—and some would question, some have doubts, and some have different views—it proved these ideas to be the self-justification of a Government grown too cynical, too fat, and too far removed from the people it is supposed to serve.

Mr. President, Americans have been voting in congressional elections for more than 200 years. Some of these elections—most of these elections—made very little difference. But others have been turning points in history. The last one was a turning point.

The elections in November provided clear instruction from the American people. The ideas on which we will conduct the business of Government were laid out in unprecedented detail during the last election campaign. This was derided as a strategy by political pundits and attacked as heresy by the established powers. But the ideas prevailed. And therefore, I believe the ideas will prevail in this body and in the House and across the sprawling expanse of Government.

Mr. President, Republicans welcome the support of like-thinking Democrats as we work to put a leash on our Government by restoring the 10th amendment, cutting taxes, balancing the budget, enacting term limits, and taking whatever other measures are necessary to make the Government accountable to the voters.

Together, we hope to establish once again America's trust in her people and faith in the unmatched power of freedom to build a world of hope and opportunity for all.

Mr. President, I ask unanimous consent that Senate bills 1 through 5 be printed in the RECORD, along with written statements which further detail these bills.

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

(The text of the bills and statements are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. I thank the Chair.

(The remarks of Mr. DOLE, Mr. LIEBERMAN, and Mr. FEINGOLD, pertaining to the introduction of S. 21 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER (Mr. HATCH). The minority leader.

COMMENDING THE MAJORITY LEADER

Mr. DASCHLE. Mr. President, let me commend the majority leader on his statement and on many of the points that he raised in the last few minutes.

Let me also personally thank him for his cooperation and the manner with which he has worked with the Members in our caucus over the last several weeks.

Needless to say, this transition has not been easy, but, to the extent possible, the majority leader has made it so. I thank him for his cordiality, for his friendship, and for the manner in which he has conducted his office in the last several weeks. It means a good deal to me. I look forward to working with him in the many months and years ahead.

PRESIDENT PRO TEMPORE IN THE 104TH CONGRESS

THE CHANGING OF THE GUARD

Mr. DASCHLE. Mr. President, with the opening of the 104th Congress, we again witness a historic transfer of power as the Republican Party takes control of the Senate and Senator STROM THURMOND earlier today replaced Senator ROBERT C. BYRD as President pro tempore of the Senate. In this transition, we are witnessing one Senate institution replacing another.

Together, these two outstanding legislators total three quarters of a century service in the Senate. Each not only has witnessed, but participated in, so much history and in the enactment of so much legislation, that Senators of my generation often are left in awe. As we prepare our legislative agendas and prepare for the upcoming debates and battles, this historic transition should not be lost upon us.

Senator BYRD, for the past 6 years, has presided over the deliberations of the Senate.

A look at the record reveals that he is indeed an institution within this institution. The senior Senator from West Virginia has served in the Senate for nearly 40 years. He has served as chairman of Senate Appropriations Committee, as the Senate Democratic whip, 6 years as Senate minority leader, 6 years as Senate majority leader, and, since 1987, President pro tempore of the Senate.

His unparalleled knowledge of the Senate's intricate rules and procedures, his overwhelming knowledge of the history of this legislative body that he loves so deeply, and, his presence in this Chamber combined to make him a most effective and impressive President pro tempore.

What an honor it has been for me personally to watch him preside. We will miss him and his presence in the chair. While there is not a stronger, more ardent fighter for the causes in which he believes and supports, no one could have been more fair or more impartial in presiding over the Senate.

Although he leaves the chair of President pro tempore, I can assure you he is not about to fade away. As the new Democratic leader of the Senate, I will need, I will seek, and I will certainly appreciate his wisdom, experience, his insight, and his foresight. I know that Senators from both sides of the aisle will continue to value the benefit of his unique perspective and the importance of this institution as well as his unique ability to resolve problems within it.

Mr. President, at the closing of the 99th Congress, the Senate approved a resolution recognizing the outstanding service Senator STROM THURMOND had performed as President pro tempore of the Senate. The resolution expressed the Senate's appreciation for the courteous, dignified, and impartial manner in which the senior Senator from South Carolina had presided over the deliberations of the Senate.

In the 104th Congress, Senator THURMOND again will occupy this important and prestigious position. Like Senator BYRD, he, too, is an institution within this institution. While a Member of the Senate, he has been a member of both political parties and a candidate for President of another. While serving in the U.S. Senate, Senator THURMOND has had highways, courthouses, Federal buildings, and schools named in his honor—honors usually reserved for those who are no longer with us. In the Senate, he has been an active participant—sometimes controversial—but a participant in the legislative struggles of our times. I have not always agreed with his positions, past or present, in those contests, but I have never seen or encountered a more worthy, a more dignified opponent or one for whom I have greater respect.

As everyone who has had the pleasure of serving in this Chamber with him knows, Senator THURMOND has been a consistent champion of the South and of conservative causes, but we also know he has been able to blend and bend when democracy took a different course. He has remained a southern gentleman of the highest order.

As the Democratic leader, I want to extend my congratulations to Senator THURMOND for his reelection as President pro tempore and welcome him back to this position. I look forward to working with him as well. I am confident that in the 104th Congress, Senator THURMOND will perform the duties of President pro tempore of the Senate in the same courteous, dignified, and impartial manner in which he presided over the deliberations of the Senate in the 99th Congress.

THE 104TH CONGRESS

Mr. DASCHLE. Mr. President, today we begin a new session of Congress. I know all my colleagues are eager to move ahead with the Nation's business.

In some ways, we face circumstances that earlier generations of Americans faced as well. At the beginning of our Nation's existence, after the Declaration of Independence was signed, the former colonies busied themselves establishing legislatures and drafting constitutions.

It must have been a heady time. Men, for they were all men at that time, who had been colonial appointees began to see themselves for the first time as legislators, potential leaders, people who could steer their States' destinies.

In the State of Pennsylvania, the legislature spent several months thrashing over the outlines of a new constitution but found itself, months later, without a finished product.

Meanwhile, the life of the State continued. Citizens woke each morning, attended to their affairs, transacted their business, and seemed not to notice that they were without a constitution.

Ben Franklin pointed out the evident danger: ''Gentleman,'' he said, ''You see that we have been living under anarchy, yet the business of living has gone on as usual. Be careful; if our debates go on much longer, people may come to see that they can get along very well without us.''

It is somewhat in this spirit that I approach the beginning of the 104th Congress. We, too, will be judged less by our rhetoric than by our accomplishments.

Today, I offer the first five bills that my Democratic colleagues and I will seek to move in this Congress. They are bills that speak to three critical areas I believe should be the focus of our efforts in the 104th Congress—economic opportunities for working American families, the values in our social fabric that bind us together as a society, and a determination that we end business as usual in all aspects of Government.

The first bill, S. 6, is designed to be for American workers today what the GI bill was for American soldiers after the Second World War. The Working Americans Opportunity Act takes the funds now used for 20 major job training programs and turns them into vouchers so Americans can buy the training and education they need themselves. In this way, we can streamline and consolidate nine job training laws to focus more services and to redirect the funds to the people who need the training in the first place.

Our limited job-training resources should be directed to those who will benefit from training, not siphoned off to support the administrative costs of overlapping, fragmented, and outdated programs.

The GI bill is rightly credited with lifting American productivity, economic growth, and living standards. It did that by giving all returning GI's—millions of men and women in the aggregate—the ability to go back to school and make up for the years they sacrificed to their Nation's service in war.

It was not only well-deserved reward for veterans. It was one of the best investments the Government ever made. The GI bill more than repaid its costs many times over in worker income, in productivity, in economic growth, in State and Federal taxes, in virtually every other way.

At the end of the cold war years, we're not facing an army of returning veterans. We are facing a society that is emerging from a preoccupation with military spending and the military sciences, and turning to cope with a new world of technological advance that holds enormous promise for those who can learn to participate in it.

Our bill, therefore, will consolidate old job training programs and put money directly into the hands of those who need training, not to bureaucratic overhead. Americans need the tools to enter fully into the new technological workplace. That is what our first bill will do. It will be a workers' GI bill to

give those in older industries, in plants that are relocating abroad, or in regions where people's job skills do not match employers' needs the chance to learn new skills, make themselves employable, enter new industries, and move forward with our growing economy.

S. 7 is the Family Health Insurance Protection Act. It includes the measures that even the anti-health-care-reform crowd last year said they wanted. Let us find out if they are being straight or are just pulling another one over on the American people.

Democrats think it is way past time to act. Not only are health care costs for ordinary people going through the roof, they are also going to bust the Federal budget, and we all know who's going to pay for that when it happens.

It is consistent with the goals outlined in bills introduced by both Republicans and Democrats and with the vision the President outlined in a latter to the congressional leadership last week.

Our health reform bill is straightforward and sensible.

It prevents insurance companies from raising rates because you get sick. Why? Because health insurance is supposed to be a pooled risk. The insurer, as well as the insured, takes a risk.

Our bill also prohibits refusal of insurance because of preexisting conditions. The condition of being human makes us all susceptible to illness, accidents, and bad luck. That is what insurance is supposed to compensate for, not to profit from.

Jean and Greg Puls of Sioux Falls, SD, know this all too well. Their 10-year-old son, Matthew, has diabetes. When Jean's employer switched health policies, the new insurer refused to cover Matthew. Jean and Greg faced a frantic search for an insurer who would.

They were turned down by dozens of companies and were finally forced to purchase an out-of-State policy that still won't cover Matthews's diabetes for a whole year.

Jean Puls says that for all the money they have paid into the health care system, they have been unable to get the simple peace of mind they seek. And she is right. A system which produces this result is not right

Our bill requires all insurers to offer Americans one plan of insurance coverage as good as that which covers any Member of Congress—Democrat or Republican.

If we deserve it, then certainly so do the people whose tax dollars pay our wages.

Our bill lets people who are self-employed deduct their insurance premium costs just like big corporations can. That is the minimally fair thing we can do for American farmers and self-employed store owners, accountants, mechanics, and lawn-service operators, all the millions of people who have taken the real risk of earning their own income by their own hard work and enterprise. Let them deduct their health insurance costs, too.

Our health reform bill prohibits insurance companies from hiding important information in the fine print. We need truth in labeling. People who market beef have to tell consumers how many grams of fat their product contains. It is about time the insurance companies told us what their fat content is. Why should not Americans get the same accountability from health insurers as we expect from food producers and toy manufacturers?

Our health reform bill calls for standard forms. An inflamed appendix taken out in Seattle doesn't demand anything different than an inflamed appendix removed in Boston.

And it will not be done better or worse because of the shape of a payment form. Meanwhile, we are talking about millions of wasted hours by doctors, nurses, administrative staff, and, not least, the American taxpayer just to get reimbursed for the health care our premiums are supposed to cover.

Our health care reform bill just asks the private insurance market to do what Government is trying to do. Let it get rid of the bloated bureaucrats. Let it cut the overhead. Let it streamline and serve its customers, not itself.

Is there any reason that Americans have to fill out more forms, provide duplicative information more times, fight for longer on the phone with self-appointed bureaucrats in the health insurance industry than the people of any other industrialized nation? Is there any reason that an American hospital has twice as many clerical workers as a Canadian one? Does pushing paper make sick people get better? Let health care professionals practice medicine, not administer bookkeepers.

This bill represents, frankly, a downpayment on the goal of ensuring all Americans have access to affordable quality health care coverage.

Before we achieve that goal, however, other more difficult issues will have to be resolved, especially long-term care and the Federal barriers to State-level reform efforts. The bill we offer is simply a first step, but I do hope that Democrats and Republicans can again reflect the consensus these provisions have reflected in the last Congress and work together to develop compromises on the more difficult matters.

I cannot—I will not—support the passage of any reform measure, however, that increases the deficit.

When the majority leader and my colleagues on the Finance Committee are ready to move forward on the health reforms we present today, we will have to agree on appropriate offsetting savings to ensure that every reform provision is paid for over a 10-year period of time. Health care reform cannot be undertaken at the cost of more unpaid bills passed along to our children and to their children.

Our third bill, S. 8, is legislation to deal with teen pregnancy and parents who abandon their children. Our bill does not finance orphanages. One of our Democratic colleagues, Senator CAMPBELL of Colorado, has the distinction of actually having been placed in an orphanage as a child, so he speaks from experience, not dealing in Hollywood movies. His story is one which could benefit us all. If you have not had the opportunity to read his biography, I would encourage you, Mr. President, and others to do so. It is a telling story of a man who has come a long way, given the very difficult beginning that he had experienced as a child.

He learned, as many of us now know, that orphanages are not a home. All too often, they are not even a decent substitute for a home. Even the best orphanage should never be used to undermine an intact family relationship.

The Teen Pregnancy Prevention and Parental Responsibility Act, instead, requires underaged teen mothers to live with their families or at least find themselves in a supervised home setting if they want to qualify for AFDC. Children having children is tragic, and the cycle can only be ended by making sure that parents of these children grow up and become adults themselves. There may be no sure-fire way to achieve this but clearly encouraging 16-year-olds to set up homes by themselves has not proved to be the answer and can never be the answer. They should stay with their families or in supervised group homes where their lives have some discipline, some guidance, some routine, some sense of grounding that will let them escape the cycle of dependency and become self-supporting adults.

In addition, teen parents should stay in school or go back to school and graduate. Our bill lets States use bonuses or benefit reductions to give teen parents an incentive to finish school. Completing high school is the first step toward self-sufficiency.

I recognize that this does not sound very flashy, but the parental shortcomings that can blight a child's life—and do blight too many children's lives today—require serious attention. The real needs of children demand sound policies, not sound bites.

Our bill also asks States to intensify their efforts to identify noncustodial parents and require them to contribute to the upbringing of their own children. States should ensure that their welfare offices can access other State records such as professional licensing, vehicle registration, and personal property records. Paternity establishment laws should also be streamlined.

I am always surprised to hear so much anger vented against young women as though they have achieved pregnancy unaided. What about the young men? Where is the heated political rhetoric aimed at them?

What about middle-class men who divorce and abandon their families? Where is the political rhetoric telling them to be ashamed of themselves? People—be they men or women—whose

actions result in parenthood must accept responsibility for their children.

So our bill on teenage pregnancy is short on rhetoric and symbols. I have long been an ardent admirer of Spencer Tracy, but anyone who thinks a 1938 movie about Boys Town has any bearing on real life children, real orphanages, or real families in 1995 is well out of touch with reality.

The bill that will be designated S. 9, the Fiscal Responsibility Act, will direct Congress to enact legislation this year that will result in a balanced budget by the year 2003. If a goal is important enough to justify amending the Constitution, certainly it ought to be important enough to inspire the real work of deficit reduction starting this year.

I have supported and voted for balanced budget amendments in the past, but a balanced budget amendment that sets forth an airy hope in the place of real promise to balance the budget is not good enough.

To suggest that a balanced budget amendment in and of itself solves the problem is a copout. It is all show and no delivery. It is like a young man who gets his first job and his first credit card. He charges up to the limit, and then he promises, as soon as he has paid it down, he will straighten up and pay his balance every month. But in real life we know that does not happen. He pays down just enough to go on another spending spree, or get another credit card with a new spending limit.

Balancing the Federal budget has been a Republican campaign promise for so long it is hard to remember which budget they are talking about. They said they intended to balance the budget in 1980, when they elected Ronald Reagan. Then they said they were going to balance it after 1984, conveniently not in the year he was actually running for reelection. Then they said George Bush was going to balance the budget. But what does the record show? Unfortunately, it shows the opposite.

In 1980, when President Ronald Reagan took office, he was poised to present to the Congress a plan to reduce the deficit as he promised. At that time, when the Republicans had the majority in the Senate, the national debt was just over $1 trillion.

It was a debt that took 200 years to accumulate, 200 years of expanding the Nation to its westernmost limits, with all the roads, rails, bridges needed, 200 years encompassing a Civil War, two world wars, Korea, Vietnam, 200 years of creating the American dream. Almost $1 trillion is a lot of money. And we have a lot of country to show for it. But it took President Reagan a mere 8 years to more than double that 200 years' worth of debt.

What do we have to show for it? It then took President Bush just another 4 years to add yet another trillion. So today, Mr. President, the heirs of that budgetary tradition say they are going to increase defense spending; they are going to cut taxes for the wealthy; and—guess what?—they are going to balance the Federal budget. It sounds like deja vu all over again, to paraphrase somebody we all know—Yogi Berra.

I support, as I said a moment ago, a balanced budget. So do a majority of Democratic Senators. The difference between our position and that of many of our Republican colleagues is that we have already taken some very tough votes to do it. The last Congress, the 103d, passed the President's first budget which cut $500 billion in real defined and detailed spending over 5 years.

We are reaping the benefit of our work now in reduced deficits, and a healthy, growing economy. The President deserves credit for offering that budget in 1993 and for fighting for it.

We knew in 1993 that our deficit-cutting work that year would be only the beginning. Now it is 1995, and we know another installment of spending cuts is due. We say that we should do what we did in 1993—lay out the honest, detailed, and real cuts that will bring the deficit onto a downward path.

The balanced budget amendment, standing alone, simply provides a process by which something should be done over the next 7 years. Our bill says, let us start doing it now.

We have to pay attention to the numbers. When you balance your household budget, you do not do it on the assumption that you are going to win the Publishers' Clearinghouse Sweepstakes on January 31 so the mortgage payments will be taken care of. You balance a household budget by looking at what you earn, what you spend, and where the numbers do not add up. So let us do some looking.

If we are going to balance the budget by 2003, as the Republicans tell us they will, it is going to mean we start right now, this year, and start for real.

There is a very real and expensive price in delay. If anyone wants to put off any heavy lifting for a year or maybe 2 years, before putting us on a path to balance the budget by 2003, they're going to cost us another $160 billion in debt. That is debt on top of the $3-trillion debt that the Republicans have already given us. It is debt that could be avoided by reducing the deficit now instead of delaying.

There is another reason for acting now. It is called interest on the debt. It is a price every American taxpayer pays, whether he knows it or not, and whether he likes it or not.

If we do nothing about balancing the budget for 2 years, to get past the next election before taking the tough actions needed to balance the budget by 2003, all of us will be chipping in an extra $91 billion in interest to pay for these election-year promises. It is nice to have people make promises in election years. But nice feelings cannot justify $91 billion in additional interest on the debt. The price is too high.

If we wait until 1997 to start balancing the budget, we will pay another $303 billion—on top of the $3-trillion debt—that could be avoided simply by acting now rather than later.

The bill I am introducing draws on our past experience with balanced budget rhetoric and requires that we actually start now, this year, to do what we are willing to do to make our effort a meaningful part of the U.S. Constitution.

Last, but in some ways, most important of all, is the bill we call S. 10. That is the Comprehensive Congressional Reform Act. It is a bill with three titles. It builds on the compromise legislation that was developed last year, but blocked at the end of the session.

The first title will finally, and without equivocation, extend to the Congress the laws that cover all other employers in this country. It will require the Congress to abide by the Fair Labor Standards Act, which governs time and salary issues, by the Federal Labor-Management Relations Act, which provides Federal workers the right to bargain collectively, the workplace safety law, the Occupational Health and Safety Act, the Plant Closing and Notification Act, the Employee Polygraph Testing Act, and the Veterans Preference and Retention Act.

In addition, the Democratic congressional coverage legislation includes the civil rights laws, under which the Senate has been operating since 1991, and the Family and Medical Leave Act, which has applied to Congress since it was signed into law in 1993.

This provision is in all essential aspects the same bipartisan bill that was worked out by Senators GLENN, LIEBERMAN, and GRASSLEY last session, but which was prevented from reaching the Senate floor by the objection of a Republican Senator.

I hope and expect our Republican colleagues will join, rather than obstruct, the effort to enact these needed reforms as soon as possible this year.

The second title of S. 10 will address the problem of undue influence from special interests.

Americans learned last year that something like $50 million was spent to defeat health care reform legislation—not just to defeat the President's bill, but to defeat any reform bill.

The special interest money groups spent more on stopping this legislation than on any other single issue, both in terms of direct lobbying and in campaign contributions.

In the closing days of the 103d Congress, the ramifications of the crusade to defeat health care reform spilled over into another important debate: The debate over whether or not to rein in the ever-present grip of lobbyists on our legislative process.

In May 1993, the Senate passed lobby reform by a vote of 95 to 2. Yet, when push came to shove, with Congress facing an adjournment deadline, our Republican colleagues invented pretexts and encouraged their talk-radio friends to help beat the lobby reform bill. As one of our colleagues noted, Republican

Senators were cheered by lobbyists lining the hallway off this Chamber after Republicans killed the lobbying bill last fall.

So let us be clear on what happened. There was no grassroots opposition to this bill. It was not ordinary citizens who wanted to kill this bill. Far from it.

It was the special interest lobbyists who could not stand it.

I am hoping that common decency will prevail in this Congress this year. The language I am offering in S. 10 is the language adopted overwhelmingly last summer by most of the Members still here in this body.

It includes the provisions the new Speaker of the House, NEWT GINGRICH, demanded be incorporated last summer. They are the same provisions that were negotiated with Catholic charities, Baptist charities, Jewish groups, and every other religious organization of any standing in this country, and which were acceptable to all of them, because they did not threaten any of their legitimate activities.

Title II of S. 10 does not affect grassroots lobbying for congressional action to resolve legitimate problems. No real grassroots group wants to kill lobbying reform. The reason for that is simple.

It is because the narrow special interest groups who would be affected by the bill can buy access, can buy attention, can buy sympathy, and can buy action with money that real grassroots groups could never hope to match. True grassroots lobby efforts offer only the populist power of their ideas.

There is not a genuine grassroots group out there that is not out-spent, out-gifted, out-junketed, and out-maneuvered by the Washington lobbying crowd. It is time to redress that imbalance.

Why is so much made of those who feel so passionately about an issue that they want to allocate private resources to influence national policy? I suggest that when a foreign-owned communications cartel can offer the new Speaker of the House $4.5 million for a book, we should be wary of the real agenda behind that offer. I am pleased the new Speaker has now realized what an appearance that presents.

Title II of the Democratic congressional reform bill is the legislation that Speaker GINGRICH said he wanted, asked for, demanded. Then, when it looked as though it could actually prevail, it is the legislation that Speaker GINGRICH asked his supporters in the talk-show field to fight.

Title II of this Democratic reform bill also puts in the legislation our commitment to return control of Government to the American people by outlawing the practice of lobbyists providing gifts, no matter how seemingly insignificant, to Senators and staff.

The lobby and gift reform provisions are simple. No gifts from registered lobbyists. No meals, no travel, no taxi cab rides, no sports tickets, no nothing. They will not need complicated regulations to be understood. They are that straightforward.

Who is a lobbyist? Anyone who gets $2,500 in 6 months to work the Congress or the Government. They are required to disclose publicly who they are, what they earn, who pays them, and who they are talking to.

That is not because we in Congress do not know who they are. We know well enough. It is to tell the American public who these people are and what they are doing.

Congressional so-called reform that does not cover goodies from lobbyists is not reform. It is a smokescreen. It is telling American voters, it is back to business as usual. You voted for us because we promised reform, but we know you are going to tune out now. It is taking the American public for a ride. If we are to ignore those reforms, the American people are not prepared for a ride of that kind.

As for the seriousness of this effort, the proof of the pudding will be self-evident. If anyone is sincere about congressional reform, this is the very least they will need to vote for.

If anyone says they are serious about reform and blocks this bill, there will be little doubt that they are not serious at all.

I hope that will not happen for many reasons, but most of all, I hope it won't happen, because our democracy depends upon a higher level of trust. I hope Republican Senators will not block the gift and lobbying reform provisions, as they did last year.

Title III of the Democratic congressional reform bill is designed to reform the way congressional political campaigns operate.

Again, this proposal does not break new ground. It is the bill passed by the Senate in 1993, but which was filibustered to prevent its going to conference last year. The bill is designed to do what everyone knows needs to be done, and that is to cut the money chase out of elected public life.

Our bill would ban PAC contributions. It would outlaw for 1 year lobbying of an elected official to whom the lobbyist gave money. It would ban for 1 year contributions from a lobbyist to a Member who that lobbyist had contacted on business. It would expand disclosure of so-called independent expenditures.

It would create a flexible spending ceiling, based on a State's voting age population. It would reward candidates who agreed to comply with that spending ceiling with broadcast discounts. Its costs could easily be paid without asking for a penny from middle-class taxpayers, for instance by fees on lobbying.

In short, the campaign finance reform proposal would do what everyone is willing to say should be the law, but which too many are unwilling to actually see become law. It is time to put that sham behind us, too.

If we are serious about congressional reform, campaign finance reform is imperative. If we are not serious, the American people will know what conclusions to draw.

I believe these five pieces of legislation reflect the priorities Americans expect us to set and respond to the real needs people face.

The extremes have had their say. They have the luxury of certainty.

We who try to work in the center are forced to rely on what we can learn, what we can know, and to move forward with our best efforts, not ironclad guarantees, because there are no guarantees in human life.

Each of the bills we introduce today stands for a core principle in which we believe. None is startling, but I believe each is a step in the right direction. Together, they are a foundation on which to build.

We live in a tumultuous time fraught with uncertainty for many Americans. As lawmakers, our responsibility is to start restoring a sense of economic and personal security for working Americans.

Job training and education as a priority reflects the fact that we are a society made up of working people, and they must come first. If we invest in our own knowledge, our own skills, our own abilities and talents, there is not anything we cannot achieve. Give Americans the tools, and they will do the job. Our bill is the tool.

Health care reforms reflect the fact that viruses and cancers and accidents happen to people without reference to their wealth or their personal insurance status or their job status. Every American's economic and personal security is at stake. They deserve action, not excuses.

Our effort on teen pregnancy reflects the commonsense fact that work, effort, and personal discipline are part of the lives of most Americans. Indeed, they help shape most of what is worthwhile in our lives. Government programs ought to reflect that common understanding in the way they operate, too.

A Federal budget is more than a lifeless symbol of fiscal responsibility. It is the road map of our society and a reflection of our values. What are we willing to spend taxes for? Children? Schools? Jail cells? Special benefits for one or another special interest? Balancing the budget is not about gutting the government.

It is about doing what government should do: Those things for all of us as a society that none of us can do individually for ourselves. Safe drinking water and highways, clean air and a safe food supply, things that government can do if done efficiently and effectively.

Balancing the budget tells us that we're prepared to pay for the kind of society we want to be. The budget's shape matters as much as its size. It is been too big, too bloated, too long. And we want to start on the road to balancing it now.

And, of course, congressional reform is an important symbol of self-restraint at the government level. If the people elected to government cannot impose restraints upon themselves and treat themselves like they treat others, what confidence can Americans have that government will act in their best interests?

I believe, based on many statements by my Republican colleagues, that there is much common ground on which we can work, provided that we have the will to do so.

I want to offer my assurances today that Democratic Senators will work with Republicans. We always have, and we are prepared to do so again this year. We want to go to work. We want to do so in a bipartisan fashion. We believe the American people expect and deserve as much. I look forward, Mr. President, to a productive year.

I thank my colleagues for their patience.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, I would like to make a parliamentary inquiry. What is the parliamentary situation as relates to time?

The PRESIDING OFFICER. There is 1 hour and 40 minutes under the control of the majority leader. Senators may speak for up to 10 minutes within that.

Mr. REID. Mr. President, what is the parliamentary procedure, 1 hour and 20 minutes used by the majority leader?

The PRESIDING OFFICER. There will be 1 hour and 20 minutes under the control of the majority leader, and 10 minutes. The Senator from West Virginia may speak for up to 20 minutes within that time.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. HATFIELD. I thank the Chair.

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

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 17 and S. 18 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the Chair.

REVERSING HISTORICAL IRONY

Mr. BYRD. Mr. President, the English word ''irony'' comes to us from an Ancient Greek word meaning ''a dissembler in speech.''

The English word ''irony'' is defined as the contrast between something that somebody thinks to be true, as revealed in speech, action, or common wisdom, and that which an audience or a reader knows to be true.

Mr. President, permit me to give an example.

If anyone in the hearing of my voice will take out a U.S. one-dollar bill and turn that one-dollar bill over onto its obverse side, he or she will read in clear script, ''In God We Trust.''

Permit me to introduce another example.

Every day of each new meeting of the Senate and House of Representatives, an official Chaplain of each of those two Chambers of Congress—or a designated substitute—will stride to the dais and address a sometimes elegant prayer to the Deity.

Again, every day in courtrooms across this country, hundreds of witnesses will take their place at the front of the court chamber, put their hands on incalculable numbers of Bibles, and swear to tell the truth, ''* * * so help me God.''

Only today, I and several other Senators swore an oath, standing there near the Presiding Officer where he sits now, swore an oath that we would support and defend the Constitution of the United States against all enemies, foreign and domestic, that we would bear true allegiance to the same, that we took this obligation, freely without mental reservation or purpose of evasion, and that we would well and faithfully discharge the duties of the office on which we were about to enter ''so help me God.''

Additionally, daily, thousands of men and women in a variety of groups, and millions upon millions of boys and girls in our schools will pledge allegiance to our flag, uttering among others the words ''* * * one nation, under God, * * *''

I was a Member of the Congress when Congress inserted those words into the Pledge of Allegiance.

And here is the irony: in spite of that chain of rituals that I have just related, in situation after situation, anecdotal and documented both, public school authorities, ostensibly following rulings of the Supreme Court dating from at least the 1960's, have prohibited the utterance of prayers at school functions, in classrooms, at school commencement exercises, even when the students themselves wanted to have a voluntary prayer which they themselves would compose, or even in groups or privately on public school property.

Mr. President, as I read my U.S. Constitution, such a prohibition of prayer in school flies in the face of the First Amendment, which declares, ''Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof * * *.''

Therefore, our Government is supposed to be absolutely neutral in this matter, and the Constitution provides that neutrality when it says Congress shall make no law respecting the establishment of religion, on the one hand, or prohibiting the free exercise thereof, on the other. That is absolute—absolute—neutrality.

So please note those words again: ''* * * or prohibiting the free exercise thereof * * *''

That passage was explicitly written into our Bill of Rights at the insistence of none other than James Madison—commonly remembered as the father of the Constitution—based on direct appeals to Madison by Baptist ministers in Virginia who had been forced to support the official state church during the Colonial Era, and whose practice of their own religious choice had been officially denied, proscribed, or penalized by Colonial officials.

How ironic that from that understandable Constitutional safeguard in support of the free exercise of religious faith, opponents of any religion have turned that passage of the First Amendment on its head to prohibit—I said, to prohibit—the free exercise of religion in our public life and, particularly, to drive religious faith out of our public schools.

It is equally ironic that, as religion is making a public resurgence in the long atheistic former Soviet Union, our Nation, whose protofoundations stand on the sacrifices of hundreds of thousands of early colonists whose primary inspiration in coming to America in the first place—Congregationalists, Calvinists, Baptists, Jews, Catholics, Orthodox, and others—whose primary purpose in coming to America in the first place, I repeat, was a yearning for religious liberty against those who would deny them the right of religious liberty—that our Nation should be embarked on a course which, in effect, denies religious liberty to many of its citizens.

Mr. President, I have heard increasing concerns about the lack of moral orientation among so many younger Americans—about a rising drug epidemic among our children, about rampant sexual promiscuity, about children murdering children, about gangs of teenage thugs terrorizing their neighborhoods, and about a pervading moral malaise among youth in both our inner cities and our suburbs.

Is there any wonder that so many young Americans should be drifting with seemingly no ethical moorings in the face of an apparent effort to strip every shred of recognizable ethics, of teachings about values, and spirituality from the setting in which those young Americans spend most of their waking hours—our public schools?

Mr. President, in an effort to restore something of a spiritual balance to our public schools and to extracurricular activities in our public schools, I am today introducing a joint resolution to propose an Amendment to the Constitution clarifying the intent of the Constitution with regard to public school prayer.

My amendment is an effort to make clear that neither the Constitution, or the amendments thereto, require, nor do they prohibit, voluntary prayer in

the public schools or in the extracurricular activities of the public schools. Anyone who fears that the language of my amendment would allow public schools to mandate the recitation of daily prayer, or that school administrators will become the authors of such prayers, need not worry. This amendment does not supplant the clear proscription contained in the ''establishment'' clause of the First Amendment. My amendment is an effort to make clear that the words that the Constitution uses with regard to religious freedom do not mean that voluntary prayer is prohibited from our public schools or public school activities.

In short, I hope to end a three-decades-long tyranny of the minority in denying to the majority of Americans the least vestige of the exercise of a liberty otherwise guaranteed by the Constitution—the right of American children in our public school system to pray in accordance with their own consciences and in the privacy of their voluntary associations within our public schools.

That right I sincerely believe the Constitution already grants, but I want to spell out in that same Constitution, by way of an amendment thereto, that permission to pray voluntarily in our public schools does not constitute ''an establishment of religion.''

Mr. President, on this, the first day of the 104th Congress, a Congress in which the controlling mantra seems to have become ''change'' and ''reform,'' I would suggest that Members listen to the American people.

Every Senator who stands here proposes to speak in accordance with the wishes of the American people. Each Senator arrogates to himself the right to speak on behalf of the American people. I would suggest that Members listen to the American people. Indeed, Mr. President, I would call my colleagues' attention to a recent poll reprinted in the December 17 issue of National Journal in which passage of a constitutional amendment allowing school prayer was the number one legislative priority the public wanted us to consider. Not the balanced budget amendment. Not the line-item veto. Not amending the filibuster rule so as to permit the invoking of cloture by a mere majority of the Senate. Who cares about that, out there beyond the Beltway?

Rather, the American people clearly understand the need for us to begin to restore the moral underpinnings of this Nation.

With introduction, and I hope eventual passage of my amendment, we can finally begin the 7-year-long process to answer the people's concerns. We can begin to restore the spiritual compass that has been lost in the lives of so many of our citizens. And most importantly, we can begin to return to our children the moral orientation that they so desperately need and desire.

I urge those who want to deliver on the wishes of the American people to join me in this effort.

Mr. President, I shall introduce this for referral to a committee. I have notified the minority, the now majority—it is going to be a little difficult for me to stop thinking in those terms. I am going to have to, for a while at least. I have also notified the majority that I intend to try to put this resolution on the calendar under rule 14. If nobody objects to further proceedings at that point, I will, but I believe Mr. KEMPTHORNE is aware of what I am about to do and he will be prepared to object at the right time.

So, Mr. President, first I will attempt to get this resolution on the calendar under the provisions of rule 14, and then I will introduce it as a resolution to be referred.

Mr. President, I send to the desk a resolution. Let me read it so that everybody will understand clearly what it says:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission to the States for ratification:

''ARTICLE—

''SECTION 1. Nothing in this Constitution, or amendments thereto, shall be construed to prohibit or require voluntary prayer in public schools, or to prohibit or require voluntary prayer at public school extracurricular activities.''.

Mr. President, I send this joint resolution to the desk, and I ask that it be read the first time.

The PRESIDING OFFICER. The clerk will read the joint resolution for the first time.

The assistant legislative clerk read as follows:

A resolution (S.J. Res. 7) proposing an amendment to the Constitution of the United States to clarify the intent of the Constitution to neither prohibit nor require public school prayer.

Mr. BYRD. Mr. President, I ask that the resolution be read a second time.

The PRESIDING OFFICER. Is there objection?

Mr. KEMPTHORNE. Mr. President, I object.

Mr. BYRD. Will the Senator withhold his objection until it is read the second time, and then he can object and it will go on the calendar.

Mr. President, I yield the floor.

Mr. KEMPTHORNE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. 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. BYRD. Mr. President, I withdraw my request for a second reading of the resolution today.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. BYRD. It will automatically come up for a second reading on the next legislative day; am I correct?

The PRESIDING OFFICER. Yes.

Mr. BYRD. I thank the distinguished Senator. I ask unanimous consent that the Senator from North Carolina [Mr. HELMS] have his name added as a cosponsor of the resolution.

The PRESIDING OFFICER. The Chair thanks the Senator and it will be so ordered.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

(The remarks of Mr. KEMPTHORNE pertaining to the introduction of S. 1 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, if you could explain the rules today, may I have my 10 minutes now from the time of the Democratic leader?

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mrs. BOXER. I thank the Chair very much.

Mr. President, I come to the floor today to congratulate those Senators—both Democratic and Republican—who took the oath of office today, and I come to the floor of the Senate to look ahead to the future.

Those of us who serve here are truly blessed with an opportunity quite rate—to represent our States in the greatest deliberative body in the world—one with a rich legacy of dedicated men and women whose service is always judged by history.

Like 1992, 1994 has been a year of political change. In 1992, 105 million Americans went to the polls and voted for a Democratic President, dislodging a Republican President. In 1994, 70 million Americans went to the polls and voted for a Republican Congress, dislodging a Democratic Congress.

The American people voted for change in 1992 but change didn't happen fast enough, so they sent another message in 1994.

Change was on the lips of the American people in 1992 and change is still on the Nation's lips of the American people in 1994.

Each of us is asked what change means.

First, I believe people want the American Dream restored; they want economic security. American people feel they no longer can be sure of having a job, of having health care coverage, of raising their standard of living, no longer sure of our children having good paying jobs, owning a home, having Social Security or personal

safety. As Robert Reich said, these changes have turned the middle class into the anxiety class.

Second, I believe people want to feel safe in their neighborhoods. They know that ideological fights will not get them safer neighborhoods. The people recognize that we need a commonsense mix of tougher punishment and effective prevention. To serve the people, we must have the guts to keep all cop-killer bullets off the streets.

Third, I believe people want the deficit reduced by smart spending cuts, leaving smart spending priorities. People want the Government to stop wasting their money, but they want their Government to have a strategy so we can be part of the solution.

Fourth, I believe people want to have a Government that doesn't interfere in their lives, but defends their individual freedoms.

Fifth, I believe people want a Congress that acts in the best interests of the people of the United States of America so that our families have an unbought voice, our children have an unbought voice, our environment has an unbought voice, and our country can rely on a Congress whose Members don't cash in on their power. Let's keep out the special interests and let's live by the same laws as all Americans do.

Now I want to say that I came to the Senate representing 31 million people on that very platform in 1992, and nothing about the 1994 election tells me that that platform of hope, economic opportunity, individual rights, and congressional reform has lost its significance.

Certainly, I stand ready to fulfill those goals in new and better ways. None of us has all the answers, but together we can find them. We should choose from all the best ideas from each political party, and from new Senators as well as old. I stand ready to do that, and I have already reached out to my Republican friends.

But let me tell you what I do not stand ready to do.

I do not stand ready to allow those who talk about reform to destroy protections and rights guaranteed to all Americans.

I believe the Republican Contract With America calls for just that, and since their goal is to pass it in 3 months, I feel I must speak out.

The contract talks about bringing back the gag rule to health care clinics. Here is the contract that professes less government on the one hand, but uses the Republican hand to gag doctors and nurses in clinics from telling their patients that abortion is legal option in this country. When that fight comes, I will be right here. And speaking of health care clinics, I trust my colleagues will support law and order in a tragic escalation of violence waged against lawabiding Americans.

Law and order plays a big part in the contract which is fine. But, sadly, it resurrects the old fight between punishment and prevention. We should listen to law enforcement authorities who tell us we need both. Let us not undo the crime bill that police worked so hard for. If there is a move to rescind the crime bill in the name of fighting crime I will be right here to fight it.

Middle-class tax relief? I am here. It was the President who promised it during his campaign, and he has defined a very fair middle-class bill of rights that helps families with children and eases the burden of college tuition costs. I support this.

The Republican contract talks about the middle class, and I am with them all the way. But if what they really mean is tax breaks for those worth millions, I will be right here to point out the farce.

Tax relief should not help Members of Congress. We make enough. It should help the middle class. There are still those with multiple millions of dollars sneaking through tax loopholes. We do not need more of that, we need less.

The contract talks about orphanages and poor children being denied nutrition assistance. I will not stand by and allow children to starve or be torn away from parents or grandparents in the name of reform. I do not care if ''Boys Town'' is a good film. We better learn from the past, not go back to it when it did not work.

I am ready to talk about work requirements and tough standards for welfare.

That's absolutely essential. We must not reward laziness or excuses. I am here to talk about smart incentives like workable group homes for kids and those responsible for them; I am here to talk about real punishment for those who neglect their kids. But if you push policies that in the name of reform hurt these kids and make them hungry or homeless or abused, I will be there to take them on.

The contract calls for securities litigation reform to end what the contract calls ''frivolous laws suits.'' This sounds great, but when you read the fine print you see a plan that would let greedy and irresponsible parties completely off the hook after they dump risky investments on the public.

The Republican contract would heighten the economic insecurity of millions of Americans who save for the future; have a 401K savings plan, a corporate pension plan, an IRA, or a mutual fund.

The contract would make it almost impossible for small investors to successfully sue well-heeled investment bankers for fraud. It would require small investors to prove their case—to know what went on in the mind of anyone who defrauded them—before they file suit. It requires small investors to be mind readers.

How would this Republican contract have affected Ramonna Jacobs of Los Angeles. Mrs. Jacobs, unwittingly, invested money earmarked for her disabled daughter in Charles Keating's junk bonds.

Mrs. Jacobs could not have successfully sued Charles Keating if the Republican contract was in effect. There was no way Mrs. Jacobs could have known, at the get-go, how Charles Keating schemed to defraud her, what Charles Keating knew and when he knew it.

Deception is the essence of securities fraud. The Republican contract ignores that. In doing so it will increase the insecurity—economic and otherwise—of millions of Americans.

I will fight that kind of destructive legislation disguised as reform.

I will not stand by and allow our people to be hurt by gutting air and water quality standards in the name of deregulation as the contract says.

If you want to talk about streamlining regulations that bureaucrats are bungling I'll be right there. There is no need to have people hung out to dry while we figure out how to apply environmental laws. I agree with that.

But if by ''streamlining'' you really mean destroying or ripping away sensible environmental protection laws, I'll be right here to call it the way I see it.

I ran as a fighter for the people of California and as I figure it, if you cannot breathe you cannot work or live. Today a baby born in Los Angeles has a 15 percent lower lung capacity then a baby born in a clear air area. That's wrong.

And let us cut spending where it makes sense to do so. We have opportunities all over the Federal budget. I look forward to working constructively to do that on the Budget Committee and on the Senate floor. But the Republican contract calls for fencing off one part of the budget so savings cannot be used for anything else. Why should one part of the budget be treated differently? The contract puts the military budget in a separate area behind the fence and it throws away the key. They do not do that for Social Security. They do not do that for Medicare—they don't do that for education or for law enforcement. They only do that for the military budget.

Now I am all for a strong military and against wasteful military spending. In the eighties we found out we were buying $7,500 coffee pots and $600 toilet seats and $350 ''No Smoking'' signs and spending millions on weapons that blew up fans in portable toilets instead of helicopters and billions on star wars when tests were rigged to make it look good.

And I have news for you even today: with all the reforms we've enacted, we still have generals taking $200,000 military flights. An Air Force general recently had a VIP C–141B Starlifter fly from New Jersey to pick him up—along with his cat and an aide—in Naples, Italy, and fly him to Colorado. The flight cost between $120,000 and $200,000. A commercial ticket would have cost less than $1,500.

And believe it or not, we are paying convicted felons in the military mil-

lions of dollars a year while they sit in jail. No one could get away with that in the private sector.

In the meantime, we continue to spend two to three times more on the military than all other enemies combined.

So let us not have any sacred cows. It makes us weaker as a nation, not stronger. Let's determine what it takes to meet the threats we face—debate the appropriate level of funding, always be ready to procure the funding for emergencies but let's not fence off one part of the responsibility.

Let me read from the preamble of the U.S. Constitution:

> We the People of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish, this Constitution for the United States of America.

It doesn't say provide for the common defense only.

It does not say, ''provide for the common defense and, if you feel like, promote the general welfare.''

It does not say that providing for the common defense takes precedence over establishing justice.

It says to do all those things.

I believe in our Constitution. Some of the things I hear lead me to believe that the preamble of the Constitution has become meaningless to some Members of Congress—I fervently hope not.

I have great confidence in the institutions of our Government. They have prevailed through many political and economic times more trying than these.

But they are always tested.

I intend to make sure our institutions pass this test.

That the Government of, by, and for the people will prevail and not be destroyed in the name of slogans and rhetoric.

I look forward to a legitimate debate on how we can make this the most prosperous country, the fairest country, and the healthiest country in the world. I hold out my hand in the search for constructive solutions, but I hold up my hand to destructive political posturing.

The American people want us to work together. They want the filibuster abuse to end—they want us to take the best ideas—whoever has them—and turn them into policies.

They want us to work with the executive branch for progress.

Let us do that.

But I also believe the people from my State of California expect me to fight for them above all, and if that means standing on the floor of the Senate all by myself to do that, I will—any day, any hour. That's the promise I made to them.

The PRESIDING OFFICER. The Senator from Alaska is recognized, Mr. STEVENS.

Mr. STEVENS. I thank the Chair.

(The remarks of Mr. STEVENS and Mr. KERRY pertaining to the introduction of legislation are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. I thank the Chair.

(The remarks of Mr. STEVENS pertaining to the introduction of S. 49 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. I thank the Chair.

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

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER (Mr. THOMPSON). The Senator from Massachusetts.

Mr. KERRY. I thank the Chair.

SUSTAINABLE FISHERIES ACT

Mr. KERRY. Mr. President, the Senator from Alaska introduced the Sustainable Fisheries Act previously and placed my comments in the RECORD as if read in full.

I will simply address those comments except to say that we have a crisis in Massachusetts and New England, now a crisis that will grow across this country and all coastal States. We desperately need a better regimen for managing the fisheries of this country. It is my hope that colleagues, while we wrestle with the symbols and the quick hot buttons of the American political process, will focus on a program of enormous importance to people whose livelihoods depends on fishing.

BROOKLINE ABORTION CLINIC MURDERS

Mr. KERRY. Mr. President, this is the second time in 6 months that I have risen to discuss the terrifying implications of abortion clinic murders, but now I am deeply saddened that my State has joined others that have seen the horror and felt the pain of this senseless violence.

Last Friday morning at 10 a.m. Shannon Lowney, a 25-year-old activist working as a receptionist at a clinic in Brookline, MA, looked up and smiled at a man who had just walked into her office. It was John Salvi.

In response to her smile and welcome, he pulled a collapsible Ruger rifle from his bag—aimed it at Shannon and fired at point-blank range. He killed Shannon and wounded three others.

In mourning her death, many people in Massachusetts and in the country are wondering about why this occurred and they are also wondering about who was Shannon Lowney and what does her life now show us.

Her friends called her ''Shanny'' and she was a very caring, committed young woman who represents the best of her generation. She cared about people. She tutored Spanish-speaking children in Cambridge, helped poor villagers in Ecuador, worked with abused children in Maine, and last week she finished her application to Boston University for a masters in social work.

She was one of those rare people in a generation that has been often called Generation X or the uninvolved generation, yet Shannon confronted injustice and acted on her deep and abiding belief that we are all in this together; that we are community and each of us must accept our personal responsibility within that community, no matter what our beliefs.

The irony and the tragedy is that to John Salvi, Shannon's life meant nothing except an opportunity to make a statement. The good and the decent life of someone who truly cared about others was taken in the name of life.

Mr. President, no matter what our views on abortion might be, I am confident that every decent American mourns the senseless murder of Shannon Lowney and is touched by the loss of someone so young and so committed to working with other people.

Contrast Shannon's life and her motives and the motives of a man like John Salvi—a man who killed one person and wounded five others and then left Planned Parenthood and walked a few blocks to the Preterm Health Services Clinic where he asked Lee Ann Nicols, a 38-year-old receptionist engaged to be married this year, whether this was, indeed, the Preterm Clinic. She said yes, and he shot her from less than 1 yard away killing her on the spot.

He then said, ''In the name of the mother of God,'' aimed at Richard Seron, a lawyer working as a security guard, and shot him once in each arm. He shot one other person, 29-year-old June Sauer once in the pelvis, once in the back, and then he left.

So five people injured, two people killed. He then drove 600 miles south to the Hillcrest Clinic in Norfolk, VA, where he went on another shooting spree, but nobody was hurt. And now we must ask ourselves what does this mean, who is John Salvi, and what does his life show us?

On Christmas eve, Salvi delivered a sermon about the Catholic Church and its failure to see the true meaning of Christ. But what was his motivation beyond whatever warped perceptions he had as a diviner of the scriptures?

Paul Hill, the minister currently on Florida's death row, gives us some insight into John Salvi's motivations. Hill gave us a chilling reason for killing a doctor and his assistant in Pensacola. He said:

> The Bible teaches us to do unto others as you would have them do unto you. Therefore, according to his reasoning killing a man who is about to kill an unborn child constitutes self-defense.

To Paul Hill, the murder was a justifiable homicide.

Mr. President, this syllogism lies at the heart of one of the most corrosive dangers that we face in an ever increasingly violent world and a violent America.

There are religious teachings that offer justifiable excuses for killing, but the mainstream religions, all of them, have always promoted tolerance over intolerance. The only people who use religion to justify cold-blooded murder are religious fanatics, and they must be recognized as such.

But what happened in Brookline and what happened to Shannon Lowney and Lee Ann Nicols and the tragedy of their deaths tells us that we can no longer dismiss these fringe elements of our society, we can no longer let good people fall victim to intolerance and fanaticism.

Yes, John Salvi read from the same Bible that Shannon and Lee Ann did. The teachings and the words were the same, but their lives could not have been more different.

It is our task to remember that commitment and dedication can be manifest in kindness and concern, or they can take the hideous form of fanaticism and hatred that motivated John Salvi to play God.

Mr. President, it is incumbent on all of us, and particularly as we begin this term in the Senate, to understand the increasing danger that can be wrought by those who interpret religious teachings as a crusade against others and as a justification for cold-blooded murder or for violent acts.

It is our task to understand that we live in dangerous times and that the easy availability of weapons in society makes it even more dangerous. People like John Salvi and Paul Hill have increased the danger and increased the threat to those who choose to show their commitment and their faith by helping others build a better life for themselves and their families.

So I believe, Mr. President, it is time for both sides on the abortion issue to exert leadership and to show that we can find a way to express our views without increasing the rhetorical violence or the physical violence.

It is our task to sit down and to talk to each other, and I commend my friend and constituent and his eminence, Cardinal Bernard Law of the Archdiocese of Boston, for his personal efforts to bring both sides together. He has shown courage in this regard. Even though he is strongly pro-life, he has called for an end, temporarily at least, to antiabortion protests in Boston. He is trying to bring everyone together in an unprecedented sense of negotiation.

Cardinal Law has shown leadership and tolerance, and his deep faith serves as an example to all of us who want to bring an end to the senseless violence. What we achieve together can send a loud and clear message to those who would use their beliefs as justification for murder that, though we may not agree, we are still one people bound together not only by our faith and our commitments to our beliefs but by the expression of our common interest through tolerance for our differences and a mutual respect and understanding for each other.

Mr. President, Shannon Lowney, obviously, did not deserve her fate. She was a good and decent woman, though some might disagree with what she chose to do. They certainly could not wish on her the death she found. She was the personification of the principles of freedom, freedom of choice and equality and the justice that unites us as a people, and she was working to help others because she cared about other human beings.

Make no mistake, the wrong response to these shootings would be to turn clinics into armed fortresses on the fringes of our medical delivery system, further from those who have a constitutional right to seek the procedure.

We must learn from this and, indeed, in tribute to those who died, make certain that this constitutional right is protected at the Federal, State, and local level by providing the resources necessary to maintain peace in our country.

When those shots rang out in Brookline last Friday, Mr. President, John Salvi did not just take life, he took something very precious from all of us. He took our freedom to believe and to express our beliefs as we choose and he took our freedom to act on our beliefs without fear of violence. We cannot permit that to happen in this country.

For many days, there will be many who will continue to mourn the deaths of Shannon Lowney and Lee Ann Nicols. The people of my State will remain shocked and outraged at this senseless act of violence that took them from us. And I know I speak for every Member of the Senate in extending our deepest condolences to their families and friends and to all the victims of this tragedy.

The lesson, Mr. President, is tolerance, and it is a lesson we would do well to learn and to think about as we witness other divisions in the United States of America, particularly the division of race. If we do not learn it, then we will dishonor the memory of these two young women from Massachusetts who lost their lives through intolerance in the name of God.

I yield the floor.

Mr. BREAUX addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

PROPER AND LEGITIMATE ROLE OF GOVERNMENT

Mr. BREAUX. Mr. President, I say to my colleagues, we have all just undergone an election process, a great debate that has occurred in this country, culminating in the elections on November 8, which saw those of us who are Democrats lose the majority both in this body as well as in the other body.

I think a great part of that debate was over the proper and legitimate role of Government as it affects the individual lives of the citizens of this country.

Many traditional Democrats—not all, but many—have taken the view that the proper role of Government is to try to solve everybody's problem all of the time, and that necessarily meant that many of those suggestions were coming from Washington as to what those solutions should be. Many, not all, Republicans took the view that the role of Government was to get out of the way and that Government really had no role in helping people solve their problems, but that it was more of a survival of the fittest type of attitude that should be the predominant one by which we govern ourselves.

I think both of those roles are not what the American people were talking about when they went to the polls on November 8. Many self-styled new Democrats take the view that the legitimate and proper role of Government is to help equip people to solve their own problems. Government's role is not to solve their problems, nor is Government's role to get out of the way and let the survival of the fittest be the rule of the day. But, rather, the proper role of Government is to try to help and equip people to be able to solve their own problems. That is a viewpoint that I think is proper and one that I share.

In keeping with that perspective of what Government's role is, I have joined with Democratic leader DASCHLE and Senator KENNEDY, of Massachusetts, in introducing legislation, which is S. 6, which is entitled the Working Americans Opportunity Act.

I think it is legislation which all Members should carefully consider because it takes as its premise that the role of Government is to help people solve their own problems, to help them equip themselves to meet the needs and the problems they are facing.

We all know that in today's society the average American worker has to change jobs several times in a lifetime. We all know that a great deal of the insecurity that Americans have in their daily lives is because they do not know whether the job they are in today will be there tomorrow. They do not know whether they will have the training and the skills to go out and seek a new job, perhaps in a new area, perhaps in a new profession, because they have not been properly trained.

S. 6, the Working Americans Opportunity Act, provides the types of training, the types of opportunities that American workers need in order to equip themselves to meet the challenges of the future. President Clinton has in his proposal for a middle-class bill of rights a similar proposal. The President has said many times that what you earn is tied to what you learn in this country, and that is a very true statement.

Our legislation will try to help Americans learn more so that in their lives they can earn more. What we do with this legislation is to build on the old GI bill with which so many Americans are familiar, where returning servicemen after World War II were given an opportunity to select a college, an institution they would like to attend, and the Government helped them equip themselves by giving them the money which allowed them to select where they wanted to go to college, and also to select what courses they would take.

The Government did not make that decision. The Government in Washington, after World War II, did not tell young Americans where they had to go to college. It did not tell them, when they got there, what courses they had to take. It did not tell them in what they had to major. The Government at that time had faith in the individual American citizen to make that decision on their own because Government at that time felt the individual would make the right decision; they would take the courses they felt they were best able to do well in; they would go to the college they felt best suited their particular need.

There was no bureaucracy or no Government in Washington that made that decision. That is one of the reasons why the GI bill was such a good piece of legislation and why thousands and thousands of Americans today have lived a better life, because someone had the intelligence back in the 1940's to offer legislation which made that type of career education possible for hundreds of millions of Americans.

What we have offered today is building on that concept. It will give to Americans who have been dislocated because of a plant closing or because they have been fired, they have been laid off, vouchers to allow individuals to select the type of training they want, at the place they want, the type of program they want, they feel best suited they can handle, and then enroll and better themselves so they can earn more in later life.

Mr. President and my colleagues, we have hundreds of programs in the Federal bureaucracy. We have agencies all over the place that have job training programs where bureaucrats in Washington are deciding for an individual in my State of Louisiana what is the best course they can take or where they should go to school. This legislation says the individual should have the ability to make that decision; that our role in Government is to give that person a voucher and let them decide where they want to go and what courses they want to take. I think this concept is one of which the President is supportive, one of which I think many of our Republican colleagues will be supportive because it eliminates the bureaucratic, governmental decision maker in Washington and allows the decision to be made back at the local level by the person who is going to benefit from that decision in the first place—the individual who is going to benefit from these vouchers.

I would point out that this concept of putting the workers in charge of their own fate rather than having their fate decided in Washington is going to accomplish a couple of things. No. 1, it would really I think for the first time allow the workers to take charge of their career, let them decide what they want to do instead of having that decision made in Washington.

Second, I think allowing that individual to decide where they want to go and what school they would like to attend for the training they are seeking is going to provide competition among private and public institutions for that individual's interest, to compete for that individual's business. I think that competition will provide better services. Right now there is not a great deal of competition among training institutions because the Government makes the decision where these individuals have to go. There is no competition. This legislation would create competition among these schools to compete for those individuals coming to their institutions, and I think they would provide a better product.

Third, competition would provide accountability for performance. Dissatisfied customers could vote with their feet, taking their business to more effective providers.

And fourth, bureaucracies that run the current program would certainly be reduced. I am told by I think the General Accounting Office that we have literally hundreds of departments and agencies in Washington that run job training programs. We already spend literally billions of dollars in Washington on job training programs right now. Our legislation says we should not be spending any more money. It is a question of spending it more wisely.

Our legislation takes money from existing bureaucratic programs in Washington and uses the dollars to create vouchers to give to individuals to let them make the decision as to where they can best get their best education and the best retraining to compete in today's modern world. The global economy that we are now talking about creates a lot of opportunities for Americans, but it also has created a lot of problems for Americans because many jobs people are involved in today are not going to be here tomorrow because of the changing global competition and environment.

This Congress just in the last year passed a North American Free Trade Agreement. We passed a GATT agreement. That is going to make global competition more and more and create more opportunities for American workers and for American businesses. But we cannot do it if our workers are not trained. We cannot do it if our workers are still educated to work in jobs that are not the jobs of the future, that are not the jobs in a global environment with global competition.

I think this legislation for the first time will say that we are going to recognize that individuals, citizens back home have the ability to make the decisions for themselves. But Government does have a role. It is not survival of the fittest. It is not just throwing everybody out there and saying some will survive and some will perish, but it is saying Government's role will be to help people make the best decisions for their lives.

So I would suggest the legislation we have introduced today, the Working Americans Opportunity Act, is in keeping with that theory, that there is a legitimate role for Government to help equip our citizens to make their own decisions and to help them solve their problems.

That is the role of Government I think most Americans share. I think it was one of the clear messages of the last election. I think all of us have to take heed of those results, Republicans and Democrats alike. This legislation is a major step in that direction, and I urge my colleagues to consider joining with us in supporting this legislation as it has been introduced.

Mr. President, I now yield the floor.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I rise today to lend enthusiastic support to S. 9, which I think is probably one of the most important, if not far-reaching, measures that have been introduced today, along with very many other important measures.

S. 9 addresses the matter of the constitutional amendment to balance the budget. I have long been a supporter of that, and my name has been mentioned by my colleagues on both sides of the aisle. I was very pleased to join as a cosponsor of the bill of the Democratic leader to focus attention on this matter.

I also happen to be the ranking Democrat on the Budget Committee, and the Budget Committee, with all of its other very important responsibilities, is going to play a very key, a very decisive role in the constitutional amendment to balance the budget.

I rise today though to say while I voted for it before and I am going to vote for it again, I am going to be plowing a straight furrow down the road on this whole matter to explain to the Senate and to the House and to the people at large that passing a constitutional amendment to balance the budget is the easy part.

There has been no legislation introduced today, and I daresay there will be no legislation introduced in this Congress, that has such far-reaching implications. This is where the rubber meets the road. Passing a constitutional amendment—which I believe will be passed—is the easy part. In doing so, we have to have a thorough understanding by every Member of the Senate, every Member of the House of Representatives, every Governor, every

legislator in every State and the people at large, as to the awesome task that we take upon ourselves when we pass this measure. It is not going to be easy. It is probably one of the most difficult tasks that the Congress of the United States all during our history has ever saddled itself with. But saddle it we must if we are going to stop runaway deficits, skyrocketing national debts.

I think the first thing we have to have a full understanding with the people on, if they do not understand it now, is that there is a difference between the annual deficit and the national debt. I am afraid the people hear about the $150 to $350 billion annual deficit and then they hear about the skyrocketing national debt that was addressed earlier in the day by Senator DASCHLE, under $1 trillion in 1980 and now it is $4.7 trillion. They hear often that the fastest growing part of our budget is interest on the national debt.

I simply say that if we are going to balance the Federal budget by the year 2002, as is outlined in most of the measures that have been introduced thus far, we are going to have to cut $1 trillion or more, depending on how much money we expend for tax decreases—worthy or unworthy, justified or unjustified. The political climate, it seems to me, is to make everybody happy we have to have a tax cut. Add that tax cut, if you will, to the $1 trillion that I have already outlined and you see the monumental problem that we have on our hands.

Meanwhile back at the ranch we have all kinds of people, well-intentioned people, who are saying, ''This has to be off limits. Of course that has to be off limits. We cannot touch this, we cannot touch that.'' I hope those of us who vote for a constitutional amendment to balance the budget recognize, as we must, that not all of us, maybe not a majority of us, will be here serving in the U.S. Senate and the House of Representatives in the year 2002. Yet we are mandating what people will do then. We, therefore, in my view, have the responsibility to plow a straight furrow, to tell the people exactly what the situation is, to put the pain and suffering that is going to take place in making these cuts so they are clearly understood—to recognize that, of all things, we may even have to raise taxes sometime before 2002 to accomplish the ends we are about to vote for. When you mention the tax word around here, though, that is a no-no.

I simply say in tackling this proposition this Senator, and I expect two-thirds of the Senate, are strongly in support of and will pass a constitutional amendment to balance the budget. We have the responsibility, not only to vote but we have the responsibility to fully understand what we are tackling and what we are taking on. Therefore, I want to make the point that this S. 9 is a far-reaching measure. It has to be passed, I believe, to bring some sanity to the Federal Government, to begin to balance income with out-go. Therefore it is a necessity. It is a very, very painful one and the people of the United States who send us here to do their bidding should understand when we do what they want us to do—the vast majority want a constitutional amendment to balanced the budget. I say to the people of the United States of America, it is not going to be easy. I am afraid too many believe if we just eliminate the $1,200 toilet seats and the $500 hammer, and if we cut the salaries of the Members of the House and Senate and their staffs in half, we could do those things and everything would take care of itself. It would be balanced.

I heard a big debate on television last night about $300 million for public radio and public television. That is what television shows are made of. The $300 million that we spend on public broadcasting maybe should be cut. But it is a drop in the bucket. And we continue to focus on the little things, making believe if we do that, the problem is solved. It is a monumental problem of major proportions that all should understand, as we proceed down this dangerous course that in my view we must proceed on if we are ever going to bring outlays in line with expenditures.

Mr. President, I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I make inquiry to the Chair on a matter, a parliamentary inquiry as to what the proceedings are before the Senate now?

The PRESIDING OFFICER. The Senator may speak for up to 10 minutes.

SENATOR DASCHLE'S IMPORTANT MESSAGES TO THE AMERICAN PUBLIC

Mr. REID. Mr. President, at the beginning of every session of Congress the Senate, both the minority and the majority, introduce five bills. These are deemed to be the most important bills of the two parties during a Congress. I would like to congratulate and applaud the minority leader, Senator DASCHLE of South Dakota, for the choice he made in the bills that are part of the legislation that will be addressed by this Congress. The bills he has introduced are important messages to the American public.

I first want to talk about S. 6. This is a bill dealing with the American working class. It is called the Working Americans Opportunity Act. We have made great strides, these past couple of years, in creating new jobs. Over 5 million new jobs have been created. We have the lowest inflation rate since John Kennedy was President. Three years in a row we have had a deficit reduction. We will have a reduction in our annual deficit this year, the third year in a row. This is the first time in 50 years this has happened.

Industrial production is the highest since the days of President Lyndon Baines Johnson. Real business investment is the highest since World War II.

Mr. President, we have 100,000 fewer Federal employees than we had years ago. Corporate profits soared 45 percent in the last quarter. Productivity as I indicated is skyrocketing.

What then is the problem? The problem is that the American public generally is not benefiting from the gains that are being made.

Let me read from a speech that was given by the Secretary of Labor very recently. He said among other things, and I quote:

> The old middle class has become an anxious class—worried not only about sustaining their incomes but also about keeping their jobs and their health insurance. Our large corporations continue to improve productivity by investing in technology and cutting payrolls. In a recent survey three out of four employers say their own employees fear losing their jobs. Meanwhile, 1994 is on track to become history's second-biggest year for mergers and acquisitions. But who wins in this $300 billion deal? Certainly not the average American worker. When two industry giants merge, the advantages of the deal often come from layoffs. Across America, I hear the same refrain: ''I've given this company the best years of my life, and now they dispose of me like a piece of rusted machinery.'' What has happened to the men and women who have lost their jobs? Some have navigated their way to new and better opportunities. But nearly one out of five who lost a full-time job since 1991 is still without work. And among those Americans who have landed new jobs, almost half—47 percent—are now earning less than they did before.
>
> In sum, tens of millions of middle-class Americans continue to experience what they began to face in the late 1970's—downward mobility. They know that recoveries are cyclical, but fear that the underlying trend is permanent. They voted for change in '94 just as they voted for change in '92, and they will do it again and again until they feel that downward slide is reversing. But what so many Americans find shocking about today's economy is the seeming randomness of their fates.
>
> On a recent poll, 55 percent of American adults said they no longer believe that you can build a better life for yourself and your family by working hard and playing by the rules. Of those without college degrees, 68 percent no longer believe it. Because they

have been working hard and they are still falling behind.

Mr. President, sure things are happening. Corporate profits are up 45 percent, and I am happy. That is the way it should be. We have added new jobs. But the problem is, I repeat, the middle class is not benefiting from what is taking place. That is why we had the vote in 1992 that was a minirevolution, and a vote in 1994 that was an outright revolution. People of the middle class that make up the vast majority of the people of this country are dissatisfied with what is going on.

Last year alone the top 20 percent of American households took home a record 48 percent of this Nation's total income. This same group, the top 20 percent of American households, pocketed 72 percent of the growth in incomes that took place. The top 5 percent of people who work in America took home 20 percent of the Nation's total income and more than 40 percent of all the growth that took place in income in this country. We know about rising interest rates that are also hitting the middle class with higher car payments, mortgages, and credit card payments.

Mr. President, men who lack a college degree—nearly three out of four working men—have suffered a decline in average real income since 1979 and women have just barely stayed even.

So as to the bill, the Working Americans Opportunity Act, I will not repeat what my colleague from Louisiana, Senator BREAUX, said, but I believe, as Senator BREAUX believes, that it is one of the most important pieces of legislation introduced in these Chambers in decades. Why? Because it is directly related to the American middle class. The bill will take bold steps, Mr. President, to complete the responsibility for economic viability for all American citizens. The bill will replace nine Federal job training programs. I mentioned nine job training programs. Each of these job training programs have a series of subcategories under them, dozens, as Senator BREAUX said. Many of them are not relevant to the people that are coming to them seeking help. We want to replace these nine Federal job training programs with a new training account system for working Americans.

Mr. President, the vast majority of the people in America do not go to college. There is nothing wrong with that. I am not going to get into a debate about how our high schools only generally push college courses. I think that we should be more in tune with what people want and need in this country. But suffice it to say, the vast majority of people in this country do not go to college. We need people that do not go to college to be able to compete in the modern-day American workplace, and many people are not. They are being lost in the cracks. They go to find help from an agency that is supposed to help them and retrain them. They have lost jobs. They do not have a job. They are lost. The job agencies simply do not give them the help they need.

These workers will be given a voucher. It is not welfare. We will save money in this program. Instead of giving this money to a Government bureaucrat we will give the money to an individual. That individual can look around and find a program that is in keeping with what they should do, what they want to do.

Mr. President, this is the way that we used to do things. We should now again take up what worked before.

They will receive training vouchers for job training and employment-related services. This legislation will offer workers who seek assistance a list of State-certified places to obtain job training and employment services. The places they will go will have been certified, and they will have a report card, so to speak, to indicate their success and failures.

It will establish through Federal grant programs to States a one-stop information center that provides easy access to a full range of job training and placement services. It will establish in the labor market an information system providing current data on available jobs and training to help working Americans keep pace with the changing workplace.

This legislation should receive bipartisan support. I am hopeful and I am confident that it will. There is no reason that we cannot join together in this. It does a number of things. It reduces the bureaucracy, returns programs to the State level, and gives individuals choice in how they are going to be able to complete the rest of their lives. There will not be meaningless programs that they are sent to for retraining.

So I do hope very much, Mr. President, that we can receive bipartisan support for this legislation that has been introduced by Senator DASCHLE.

Also part of Senator DASCHLE's legislation is the Family Health Insurance Protection Act. We all know that the work that was done in the hours and days and weeks and months spent on this floor and in the other body on health care reform bore no fruit. We can pass a lot of blame as to why.

Mr. President, I ask unanimous consent that I be allowed to speak for an additional 5 minutes.

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

Mr. REID. Mr. President, if we had to pick winners and losers in the health care debate, the winner clearly is the health insurance industry. They set out to confuse and frighten the American public, and they did that. I have to tell them that I think they did a good job. But that does not take away from the fact that we still now have problems with health care in this country.

Senator DASCHLE has recognized this in his legislation which continues a commitment to provide Americans with accessible and affordable health care by addressing those pressing concerns of working families. This legislation will clamp down on insurance practices that often cause families and small businesses to lose their coverage.

I learned in this health care debate that we did not spend enough time trying to look out for small businesses. This legislation does that.

The elements in this bill are those areas upon which there is I believe, and Senator DASCHLE believes, broad bipartisan consensus to do some health care reform.

This bill will ensure portability, eliminate preexisting conditions exclusions, and prohibit companies from charging consumers higher rates than others with the same policy or raising rates after consumers get sick. This bill will also require all insurers to offer at least one plan that will give benefits similar to what Members of Congress have.

Also, I think very important—and I believe this is the most important part of Senator DASCHLE's bill—if we pass no other part, we should pass the part that says: This bill will return buying power to consumers by requiring health care providers, health plans, to make cost and quality information available to consumers so they can compare plans and make informed choices about the coverage.

We would require that the health care providers, in effect, have a report card so consumers can make an intelligent choice. We want to also reduce paperwork and have administrative simplification and reform of malpractice. I believe this is another piece of legislation on which we can join with our neighbors across the aisle and reform health care in America today.

Another piece of legislation is the Teen Pregnancy Prevention and Parent Responsibility Act. I am concerned about this issue. I am not proud of the fact, but the State of Nevada, in 1990, ranked No. 2 in the Nation in teenage pregnancy rates. There is only one other State in the Union that has a higher teenage pregnancy rate than the State of Nevada.

We have to address welfare reform generally. This legislation does this, with emphasis on the problems we have with teen pregnancy and establishes parent responsibility. We must have the parents of these children responsible for their well-being.

It is important to note, Mr. President, that 70 percent of births to teenage mothers were fathered by men who were 21 years of age and older. They should pay and be responsible. We know what is going on in our country today. It is devastating and it is hurting the moral fabric of this country. This legislation addresses that.

Because of the lack of time, I am not going to go into detail, but I say to my friends on the other side of the aisle that this is the third piece of legislation I have talked about today where we should have bipartisan support.

Senator EXON talked about joining the Republican colleagues on the balanced budget amendment. We need to do that.

The last part of the legislation that the minority leader introduced as part of the Democratic legislation is congressional coverage reform. It is important that we deal with Senate coverage. We are going to do that. That is going to be a bipartisan effort. I worked as chairman of a task force last year to report to the majority leader, and then the minority leader Senator DOLE, and I think much that we did on the bipartisan task force is going to be part of the legislation. Lobbying reform, gift ban and campaign finance reform are a part of Senator DASCHLE's legislation. I recommend it to my colleagues on this side and the other side of the aisle and say to the American public I think this is the year we are going to accomplish something through teamwork.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I have been pleased to listen to the statement of the distinguished Senator from Nevada, and I am very encouraged to hear his comments. I am satisfied that there are going to be many issues we will work together on, and I believe there are going to be many opportunities for cooperation in a bipartisan way this year.

I want to commend our new Republican majority leader for scheduling as the first piece of legislation we will take up the Congressional Accountability Act. We will have bipartisan support for that effort, and I think it is appropriate that we begin this year by saying we are going to have all the Federal laws that apply to the American people—in the States of Nevada, Tennessee, Mississippi, all across the country, apply to us also. So we will begin that debate on the first full legislative day of this year, and hopefully we will be able to reach an early agreement and pass that legislation quickly—perhaps in the next 2 days, or certainly by early next week. I look forward to working with the Senator from Nevada and others. I yield to the Senator from Nevada.

Mr. REID. I say to the Senator, my friend from Mississippi, through the Chair, that I congratulate him on his recent leadership position. I am glad to see that my former colleague from the House is doing well. He had good training there. I served in the House when the Senator from Mississippi was minority whip. He did a fine job there, as I am sure he will do here. I wish him the very best in this Congress.

Mr. BRADLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. BRADLEY. Mr. President, I ask unanimous consent that I be permitted to proceed as if in morning business for 5 minutes.

Mr. LOTT. Reserving the right to object, Mr. President.

Just for clarification, under a previous unanimous-consent agreement, there was a time agreement, I believe, for an hour and 20 minutes on each side. What is the present status of that time? All time has expired on the minority side. How much time is remaining on the majority side?

The PRESIDING OFFICER. The majority has 28 minutes and 16 seconds, and the minority is out of time.

Mr. LOTT. And when all time is used or yielded back, is the next order of business a statement by the Senator from Iowa [Mr. HARKIN], on his amendment?

The PRESIDING OFFICER. The next order of business would be to resume consideration of Senate Resolution 14.

Mr. LOTT. I thank you, Mr. President.

I withdraw my reservation.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. BRADLEY. I thank the Chair.

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

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WARNER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. FEINGOLD. Mr. President, I ask unanimous consent that I may speak for up to 10 minutes as in morning business.

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

TAX CUT—WRONG THING TO DO

Mr. FEINGOLD. Mr. President, as the bipartisan stampede for tax cuts begins here in the 104th Congress, I would like to raise a dissenting voice. Like every other elected official, I would really like to be able to support a tax cut for middle-class Americans. In fact, it would be great to be able to support a tax cut for all Americans. That is usually a very pleasant opportunity for an elected official to vote for that kind of tax cut.

I think it is the wrong thing to do right now, when we have just begun to make headway on reducing the Federal deficit. This new tax cut fever is just the most recent example of how far we seem to be straying in the path toward economic stability. We started moving in the right direction with deficit reduction in 1993, but I think in 1994, we started to stray from the path a little. Now, there are just far too many signs that not only are we straying from the path, but that we are about to make a complete U-turn and head back toward soaring deficits, a mounting national debt, and putting off until tomorrow the fiscal housecleaning that is so desperately needed today. Let me just tick off very quickly some of the bad signs that we are about to move in the wrong direction.

One is that the Republican Contract With America, frankly, lays out what I think is an irresponsible plan that proposes a balanced Federal budget and, at the same time, says we are going to have major tax cuts and a significant increase in military spending. This is a proposal that Nixon's economic adviser, Herbert Stein, labeled hypocritical. So that is one sign—the Republican contract.

The second sign is that some folks are also saying we should use something called dynamic scoring techniques. I think this dynamic scoring technique is a bit of fiscal hocus-pocus. Business Week described it this way:

> * * * as the most dangerous thing to hit Washington since politicians discovered how to print money.

Dynamic scoring would abandon the tough pay-as-you-go budget rules that we have used in the past several years to bring down the Federal deficit. So I think that is a bad idea. In fact, we have seen voodoo economics in the past. I see this as voodoo mathematics.

Just so it is clear this is not just a partisan statement by any means, there is a third sign that we are moving in the wrong direction, and that is that President Clinton himself has proposed a $25 billion increase in spending for a military budget that, in my view, is already bloated with obsolete, cold-war-era weapons systems.

Another sign: Members of both parties in this Senate just voted to waive the budget rules for the GATT implementing legislation. There are many other merits to it, but the fact is the measure does not offset the cost of the loss of tariffs of some $40 billion over the next 10 years. So much of the progress we made on reducing the deficit could be lost because of the failure to pay for the GATT agreement.

The same goes, finally, for the proposal, the reaction to the Kerrey-Danforth Commission. People essentially ignore the important message that all things have to be on the table. Both discretionary spending and entitlements have to be on the table. You cannot have it only defense spending, only discretionary spending, or only entitlements if we are going to attack the deficit.

But perhaps the greatest risk to our efforts on the Federal deficit is the latest effort to try to come up with these tax cuts. That frenzy of tax cuts, particularly creating the tax breaks for special interests, gave us the biggest deficit in our history, a deficit that we have just begun to cut, with considerable pain and sacrifice for Americans. I do not think our economy can sustain another round of this political self-indulgence.

Mr. President, if the Federal Reserve reacts as anticipated and pushes interest rates up again, the economy could very well go through the windshield, and right now the President's proposed tax credit for families with incomes up to $75,000 will cost $90 billion over 10 years, and if you throw in the tax cuts he has proposed, the bill reaches $174 billion. The Republican proposal to give tax credits for families earning up to $200,000 will cost, Mr. President, $244 billion over 10 years, and altogether the Republican contract, I am told, would cost a whopping $712 billion over the next 10 years.

So, Mr. President, I think the conventional wisdom about tax cuts is something that has to be challenged. I realize not many people are doing it at this time. What I am noticing is that my constituents can smell a rat when someone suggests that a tax cut is just what the Nation needs right now.

It was not that long ago that I had a chance, as a candidate for U.S. Senate, to oppose a middle-class tax cut in a campaign. My opponents in the general election spent a lot of time and money making sure everybody in the State knew I was against the middle-class tax cut. But the voters realized that what they would get back in lower taxes, a meaningful amount to many people, was simply not worth it because of the devastation it would cause to our Federal budget.

Let me bring it right up to today. In my office, since the President made his speech, phone calls and letters have been running about 10 to 1 in favor of reducing the deficit rather than using spending cuts to cut taxes.

For example, a gentleman from Birnamwood, WI, wrote to me and said:

> By all means, cut Government spending but use that savings to eliminate the deficit and pay down the debt that threatens to overwhelm us.

He said that is the only responsible thing to do.

A woman from Cornucopia, WI, the most northern point in Wisconsin, wrote:

> I can't figure out why this is happening, this race to cut taxes, when the majority of people, according to all I have seen, heard, and read, don't care.

She says:

> We wanted the deficit cut and we wanted our money spent more wisely.

A gentleman from Waupaca, a very Republican town in Wisconsin, wrote this to me. He said recently:

> I want you to know that I strongly support your position against the proposed tax cuts. With an income of $50,000, I guess I would benefit from most of the tax cut plans, but I feel the benefit would be short lived and would be clearly detrimental to the country. I hope that you will continue to oppose these tax-cut plans that are clearly nothing more than attempts to buy votes.

My office, Mr. President, has received hundreds of calls and letters that are similar to these. And I think that view is shared not just in Wisconsin. A USA Today-CNN poll published on December 20, 1994, found that 70 percent of those polled said if Congress is able to cut spending, then reducing the deficit—reducing the deficit—is a higher priority than just giving out tax cuts.

So, Mr. President, to conclude, it is a little frustrating to hear constituents who could certainly use the money urge Congress to make deficit reduction a higher priority than tax cuts and then see this institution rush to see who can give the bigger tax cut. I hope the media and the political commentators will look closely at the campaign rhetoric of those who just recently pledged to fight to reduce the Federal deficit and compare that rhetoric to today's eagerness to join the bandwagon on tax cuts.

I thank the Chair, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

PASSAGE OF A PROCOMPETITIVE, DEREGULATORY TELECOMMUNICATIONS BILL, THE TELECOMMUNICATIONS COMPETITION AND DEREGULATION ACT OF 1995

Mr. PRESSLER. Mr. President, I think one of the major duties of the new Congress will be to pass a major telecommunications reform bill—a new procompetitive, deregulatory bill. I know there are many views in this body on national telecommunications policy. The Republican controlled 104th Congress has a truly historic opportunity to pass comprehensive telecommunications reform legislation.

Last year, the Congress almost passed a bill. The House of Representatives passed a bill by an overwhelming vote. The Senate Commerce Committee passed out a bill 18 to 2 that became entangled here on the Senate floor.

Why should we pass a telecommunications bill in 1995? The reason is that the country needs a roadmap for the next century in telecommunications as we continue to move forward in the Information Age. We need to have more competition and more deregulation. Past efforts to craft telecommunications legislation have been bogged down by overly regulatory approaches. A fresh look at the issues, grounded in procompetitive, deregulatory principles, is the best way to meet our common policy objectives.

We need to have all telecommunications markets open to competition. We need to have the cable companies competing in the telephone business and telephone companies providing cable television service. We need to have the long-distance companies competing in local telephone markets, and vice versa. We no longer should have this regulatory apartheid scheme of having little patches or enclaves of competition for only one group of people or companies.

Telecommunications policy in America, under the 1934 Communications Act, has long been based on the now faulty premise that information transmitted over wires could easily be distinguished from information transmitted over the air. Different regulatory regimes were erected around different information media. That is what I refer to as the regulatory apartheid scheme.

This is an extremely complex and difficult area. It is easier said than done. The telecommunications field is a unique area of regulation in that one frequently has to use someone else's coaxial cable to get to a home or someone else's fiber optic cable or someone else's copper cable or copper wire to get one's product delivered. Nonetheless, I am quite confident we can work out many of those problems through the development of opening requirements in terms of unbundling, in terms of interconnection, in terms of number portability, in terms of resale and so forth.

It is my strongest personal conviction that one of the great accomplishments, on a bipartisan basis, of this 104th Congress will be the passage of a new major telecommunications reform bill.

I have been meeting and speaking with numerous CEO's from around the country in the telecommunications and information technology industries. I am meeting with consumers. I am talking with my fellow Republican and Democratic colleagues, both in the House and the Senate. I have spoken on a number of occasions with Vice President GORE about this most important topic. We must work together on a bipartisan basis to achieve this laudable goal.

Much of the recent discussion around the country has been about the Contract With America and some of the partisanship that might surround that debate. I think the contract is a very healthy thing and I will vote for it. But we will also have a substantial piece of substantive legislation in the Commerce Committee this year—a new procompetitive, deregulatory telecommunications bill—the Telecommunications Competition and Deregulation Act of 1995. As the incoming chairman of the Senate Commerce Committee this year I have announced that this will be the Commerce Committee's top priority. I ask my colleagues to look at some of the materials we will send to your offices on this bill. It is very important that we reach consensus on this critically important issue and pass a new telecommunications bill.

My new telecommunications bill will rapidly accelerate private sector deployment of advanced telecommunications and information technologies and services to all Americans by open-

ing all telecommunications markets to competition. It will markedly improve international competitiveness, spur economic growth, job creation and productivity gains, delivery better quality of life through more efficient delivery of educational, health care and other social services, and enhance individual empowerment. All without spending taxpayer money.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

THE CIVIL JUSTICE SYSTEM

Mr. HATCH. Mr. President, I intend to introduce legislation very early in this Congress that will address some of the most serious deficiencies in our civil justice system. Litigation today is an extraordinarily expensive mechanism for compensating an injured party. The seriously injured victim in Utah and in all of our States is often not compensated fairly, and frequently there is an unconscionable delay in one's recovery.

In other instances, trial lawyers sue too easily, and often with no consequence for their unmeritorious position, knowing that the high cost of defending against even an unworthy claim will often induce at least a nuisance settlement.

The uncertainty of an excessive punitive damage award by a runaway jury cripples our business community and diverts resources that could be better used for research and employment. Moreover, the current joint liability laws make each defendant with any culpability liable for the entire amount of damages regardless of the degree of their culpability. Thus, for example, a defendant who is only 10 percent responsible for a wrong can wind up paying 100 percent of the damages.

Many defendants are unfairly held responsible for damages because those primarily responsible are uninsured or outside of the jurisdiction of the courts. Junk science has made a mockery out of our system of justice, leading juries to make unfair decisions in some cases.

In sum, we now have a civil justice system wherein true victims face unreasonable delay in receiving compensation for wrongs done to them, compensation which is often less than full, in any event. At the same time, the civil justice system imposes an enormous cost on society as a whole. The great expense of litigating against meritless claims, the unfair allocation of liability, the threat of unfair, excessive damage awards, collectively drive up the cost of doing business. This cost is ultimately passed on to the consumer, and deters the development of new and worthwhile products and services.

I support a number of legal reforms that will improve our civil justice system, make the system fairer to all parties, allow for a quicker recovery for those injured, and make those most responsible for an injury liable for their fair share. I welcome the input of those concerned about these issues.

I am also committed to joining Senators GORTON and ROCKEFELLER in passing product liability reform legislation in the 104th Congress. I look forward to their continued leadership in the Commerce Committee in that important effort. I hope that my efforts to enact civil justice reform legislation will complement the products liability legislation.

TRIBUTE TO C.G. NUCKOLS

Mr. HATFIELD. Mr. President, I rise to pay tribute to one of the original staff members of the Congressional Budget Office, C.G. Nuckols. Mr. Nuckols has served the Congress at CBO for almost 20 years, most recently as Assistant Director for Budget Analysis. He is retiring today to begin a new career in the private sector.

C.G. Nuckols began his Federal service in 1963 as an operations research analyst for the Department of the Navy. From there he moved to the Office of the Secretary of Defense, where he became Director of the Program Cost Analysis Division. In recognition of his efforts, he was awarded the Defense Meritorious Civilian Service Medal. Soon after CBO started operations in 1975, Alice Rivlin and James Blum persuaded Mr. Nuckols to leave the Defense Department to help establish CBO's Budget Analysis Division.

Every Member and every committee of the Congress relies on the work of the Budget Analysis Division. We on the Appropriations Committee expect our appropriation bills to be scored overnight—or sooner. The Budget Committee depends on the division for help in preparing the functional totals and committee spending allocations for the budget resolution. And the authorizing committees routinely receive timely CBO cost estimates for virtually all reported bills.

Although the Congress now takes all of these things for granted, it was not always so. In 1975, CBO was a blank slate. Together with James Blum, C.G. Nuckols established the rules, formats, and procedures for preparing budget projections and bill cost estimates. He made sure that work was completed on time, that analyses were carefully justified, and that precedents were scrupulously followed—whether the estimate was for a freshman or a powerful chairman.

Yet if there is one item above all for which we have C.G. Nuckols to thank, it is for the quality of the budget analysis staff at CBO. From 1975 to today, Mr. Nuckols has personally interviewed almost everyone hired by the Budget Analysis Division. Only those who meet his high standards of integrity, intellect, and training pass muster. Then, having hired the best, he has worked to ensure that they had the resources and support necessary to perform at their best.

Mr. President, the appreciation we feel for the work of the Congressional Budget Office is due in no small part to the efforts of C.G. Nuckols. During his 20 years at CBO, Mr. Nuckols has served the Congress with quiet, tireless, nonpartisan professionalism. I wish him well in his new venture, knowing that he leaves behind at CBO a staff that will continue the tradition he did so much to establish.

BUDGET SCOREKEEPING REPORT

Mr. DOMENICI. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the budget through December 1, 1994. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the concurrent resolution on the budget (H. Con. Res. 218), show that current level spending is below the budget resolution by $2.3 billion in budget authority and $0.4 billion in outlays. Current level is $0.8 billion over the revenue floor in 1995 and below by $8.2 billion over the 5 years 1995–99. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $238.7 billion, $2.3 billion below the maximum deficit amount for 1995 of $241 billion.

This is my first report for the first session of the 104th Congress.

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, January 4, 1995.

HON. PETE DOMENICI,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report for fiscal year 1995 shows the effects of Congressional action on the 1995 budget and is current through December 1, 1994. The estimates of budget authority, outlays and revenues are consistent with the technical economic assumptions of the 1995 Concurrent Resolution on the Budget (H. Con. Res. 218). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements of Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

This is my first report for the first session of the 104th Congress.

Sincerely,

ROBERT D. REISCHAUER.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, FISCAL YEAR 1995, 104TH CONGRESS, 1ST SESSION, AS OF CLOSE OF BUSINESS DECEMBER 1, 1994

[In billions of dollars]

	Budget resolution (H. Con. Res. 218)[1]	Current level[2]	Current level over/under resolution
On-budget:			
Budget authority	$1,238.7	$1,236.5	−2.3
Outlays	1,217.6	1,217.2	−0.4
Revenues:			
1995	977.7	978.5	0.8
1995–1999[3]	5,415.2	5,407.0	−8.2
Maximum deficit amount	241.0	238.7	−2.3
Debt subject to limit	4,965.1	4,686.1	−279.0
Off–budget:			
Social Security outlays:			
1995	287.6	287.5	−0.1
1995–1999	1,562.6	1,562.6	*0.
Social Security revenues:			
1995	360.5	360.3	−0.2
1995–1999	1,998.4	1,998.2	−0.2

[1] Reflects revised allocation under section 9(g) of H. Con. Res. 64 for the Deficit—Neutral reserve fund.

[2] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[3] Includes effects, beginning in fiscal year 1996, of the International Antitrust Enforcement Act of 1994 (P.L. 103–438).

* Less than $50 million.

Note: Detail may not add due to rounding.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 104TH CONGRESS, 1ST SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1995 AS OF CLOSE OF BUSINESS DECEMBER 1, 1994

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in previous sessions			
Revenues			$977,700
Permanents and other spending legislation	$747,106	$705,958	
Appropriation legislation		242,066	
Offsetting receipts	(203,681)	(203,681)	
Total previously enacted	543,425	744,344	977,700
Enacted 103d Congress, 2d session			
Appropriation bills:			
Emergency Supplemental, FY 1994 (P.L. 103–211)	18	(832)	
1994 FHA Supplemental (P.L. 103–275)	(2)	*	
Agriculture (P.L. 103–330)	67,515	43,218	
Commerce, Justice, State (P.L. 103–317)	26,832	19,052	
Offsetting receipts	(158)	(158)	
Defense (P.L. 103–335)	243,628	164,182	
District of Columbia (P.L. 103–334)	712	712	
Energy and Water (P.L. 103–316)	20,493	12,083	
Foreign Assistance (P.L. 103–306)	13,679	5,614	
Offsetting receipts	(45)	(45)	
Interior and Related Agencies (P.L. 103–332)	13,198	8,873	
Labor, HHS, Education (P.L. 103–333)	213,377	176,469	
Offsetting receipts	(38,233)	(38,233)	
Legislative Branch (P.L. 103–283)	2,367	2,174	
Military Construction (P.L. 103–307)	8,836	2,181	
Transportation (P.L. 103–331)	14,266	12,449	
Treasury, Postal Service (P.L. 103–329)	23,221	20,900	
Offsetting receipts	(7,340)	(7,340)	
Veterans, HUD and Independent Agencies (P.L. 103–327)	89,751	48,437	
Authorization bills:			
Federal Workforce Restructuring Act (P.L. 103–226)	443	443	
Offsetting receipts	(269)	(269)	
Extend Loan Ineligibility Exemption (P.L. 103–235)	5	5	
Foreign Relations Authorization Act (P.L. 103–236)	(4)	(4)	
Marine Mammal Protection Act Amendments (P.L. 103–238)		3	

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 104TH CONGRESS, 1ST SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1995 AS OF CLOSE OF BUSINESS DECEMBER 1, 1994—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Independent Counsel Reauthorization Act (P.L. 103–270)	2	2	
Disregard Certain Payments to Nazi Victims for Benefit Eligibility (P.L. 103–286)	1	1	
Independent Agency Act (P.L. 103–296)	(12)	(12)	(2)
Aviation Infrastructure Investment Act (P.L. 103–305)	2,161		
Crime Control Act of 1994 (P.L. 103–322)		(20)	1
Community Development Act of 1994 (P.L. 103–325)	(25)	(25)	
National Defense Authorization Act, FY 1995 (P.L. 103–337)	42	34	
Continuation of certain SEC fees (P.L. 103–352)	19	19	
Uniformed Services Employment and Reemployment Rights Act (P.L. 103–353)	(1)	(1)	
Federal Crop Insurance Reform Act (P.L. 103–354)	500	(154)	
Arizona Wilderness Land Title Resolution (P.L. 103–365)	4	4	
North American Wetlands Conservation Act Amendments (P.L. 103–375)	(1)	(1)	(1)
Social Security Domestic Employment Reform Act of 1994 (P.L. 103–387)			(81)
Bankruptcy Reform Act (P.L. 103–394)	(61)	(61)	6
State Department Authorization Technical Corrections (P.L. 103–415)	9	8	
California Desert Protection Act (P.L. 103–433)	1	1	
Yavapai-Prescott Indian Tribe Water Rights Claims Settlement Act (P.L. 103–434)	(12)	(12)	
International Antitrust Enforcement Assistance Act of 1994 (P.L. 103–438)[1]			
Veterans' Benefits Improvement Act of 1994 (P.L. 103–446)	(3)	(3)	
Healthy Meals for Healthy Americans Act (P.L. 103–448)	11	10	
Uruguay Round Agreements Act (P.L. 103–465)	111	30	843
Offsetting receipts	(86)	(86)	
For the relief of James B. Stanley (Pvt. L. 103–8)	*	*	
Total enacted this session	694,951	469,648	766
Entitlements and mandatories			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	(1,887)	3,189	
Total Current Level[2]	1,236,489	1,217,181	978,466
Total Budget Resolution	1,238,744	1,217,605	977,700
Amount remaining:			
Under Budget Resolution	2,255	424	
Over Budget Resolution			766

[1] The effects of this Act begin in fiscal year 1996.

[2] In accordance with the Budget Enforcement Act, the total does not include $1,200 million in budget authority and $6,356 million in outlays in funding for emergencies that have been designated as such by the President and the Congress, and $1,027 million in budget authority and $1,041 million in outlays for emergencies that would be available only upon an official budget request from the President designating the entire amount requested as an emergency requirement.

* Less than $500 thousand.

Notes: Numbers in parentheses are negative. Detail may not add due to rounding.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS SAID YES

Mr. HELMS. Mr. President, I doubt that there have been many, if any, candidates for the Senate who have not pledged to do something about the enormous Federal debt run up by the Congress during the past half-century or more. But the Congress, both House and Senate, have never even toned down, let alone put an end to, the deficit spending that has sent the Federal debt into the stratosphere and beyond.

Mr. President, we must pray that this year will be different, that Federal spending will indeed be reduced drastically. Indeed, if we care about America's future, there must be some changes.

You see, Mr. President, as of the close of business yesterday, January 3, the Federal debt stood—down to the penny—at exactly $4,798,116,945,333.39. This means that on a per capita basis, every man, woman, and child in America owes $18,213.73 as his or her share of the Federal debt.

Compare this, Mr. President, to the total debt about 2 years ago, January 5, 1993, when the debt stood at exactly $4,167,872,986,853.67—or averaged out, $15,986.56 for every American. During the past 2 years—that is during the 103d Congress—the Federal debt increased by a total of $630,243,958,749.72.

This illustrates, Mr. President, the point that so many politicians talk a good game—at home—about bringing the Federal debt under control, but vote in support of bloated spending bills when they get back to Washington. If the Republicans do not do a better job of getting a handle on this enormous debt, their constituents are not likely to overlook it 2 years hence.

IN HONOR OF RAMON RIVERA, RETIRING EXECUTIVE DIRECTOR OF LA CASA DE DON PEDRO

Mr. BRADLEY. Mr. President, on November 9, 1994, a very special man, Ramon Rivera, retired as executive director of the community based organization, La Casa de Don Pedro. After 25 years of public service, he was honored for his lifetime commitment to improving the lives of individuals and families in some of New Jersey's poorest neighborhoods.

La Casa de Don Pedro was founded by Ramon Rivera as Familias Unidas in 1971. It functioned as a resource for Hispanic families to find adequate child care and employment opportunities in Newark. Through the 1970's, 1980's, and 1990's La Casa blossomed into one of the largest community based organizations in New Jersey. Its services include child care, assistance for senior citizens, and job retraining. La Casa's most notable achievements include building low-income two-family housing units and town houses for the residents of Newark. La Casa also developed a credit union that has loaned $2.2 million to residents. If it were not for the credit union, many of the community residents would have no place to deposit money, secure small loans, or take advantage of services we often take for granted.

Ramon Rivera, born in Puerto Rico, came to this country at the age of 12. He began his long career in community service as an organizer for the National Welfare Rights Organization, assisting Latina and non-Latina women seek food and clothing. He was then founder

and director of OYE, Inc., a nonprofit educational and cultural program for Hispanic youth. Before he founded La Casa, he was the northern regional representative for the Puerto Rican Congress of New Jersey. A graduate of the school of social work at Rutgers University, Ramon Rivera has devoted more than 30 years of his career to helping low-income families help themselves.

Ramon Rivera created an island of hope in a community that lacked access to opportunities and equity. He developed a vibrant social service organization that has served almost two generations of New Jersey residents. While his retirement will be a great loss for those who have worked with him and for those he has served, he has left an exemplary legacy of philanthropic effort and commitment.

CONCLUSION OF MORNING BUSINESS

Mr. LOTT. Mr. President, I believe, after consultation with both sides of the aisle, we are prepared now to yield back the remainder of our time of the 1 hour and 20 minutes we had.

The PRESIDING OFFICER. The Senator has that right and morning business is concluded.

AMENDING PARAGRAPH 2 OF RULE XXV

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

The legislative clerk read as follows:

A resolution (S. Res. 14) amending paragraph 2 of Rule XXV.

The Senate continued with the consideration of the resolution.

AMENDMENT NO. 1

(Purpose: To amend the Standing Rules of the Senate to permit cloture to be invoked by a decreasing majority vote of Senators down to a majority of all Senators duly chosen and sworn)

Mr. HARKIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] for himself, Mr. LIEBERMAN, Mr. PELL, and Mr. ROBB, proposes an amendment numbered 1.

Mr. HARKIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. ___. SENATE CLOTURE PROVISION.

Paragraph 2 of rule XXII of the Standing Rules of the Senate is amended to read as follows:

''2. (a) Notwithstanding the provisions of rule II or rule IV or any other rule of the Senate, at any time a motion signed by sixteen Senators, to bring to a close the debate upon any measure, motion, other matter pending before the Senate, or the unfinished business, is presented to the Senate, the Presiding Officer, or clerk at the direction of the Presiding Officer, shall at once state the motion to the Senate, and one hour after the Senate meets on the following calendar day but one, he shall lay the motion before the Senate and direct that the clerk call the roll, and upon the ascertainment that a quorum is present, the Presiding Officer shall, without debate, submit to the Senate by a yea-and-nay vote the question: ''Is it the sense of the Senate that the debate shall be brought to a close?'' And if that question shall be decided in the affirmative by three-fifths of the Senators duly chosen and sworn—except on a measure or motion to amend the Senate rules, in which case the necessary affirmative vote shall be two-thirds of the Senators present and voting—then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of.

''Thereafter no Senator shall be entitled to speak in all more than one hour on the measure, motion, or other matter pending before the Senate, or the unfinished business, the amendments thereto, and motions affecting the same, and it shall be the duty of the Presiding Officer to keep the time of each Senator who speaks. Except by unanimous consent, no amendment shall be proposed after the vote to bring the debate to a close, unless it had been submitted in writing to the Journal Clerk by 1 o'clock p.m. on the day following the filing of the cloture motion if an amendment in the first degree, and unless it had been so submitted at least one hour prior to the beginning of the cloture vote if an amendment in the second degree. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.

''After no more than thirty hours of consideration of the measure, motion, or other matter on which cloture has been invoked, the Senate shall proceed, without any further debate on any question, to vote on the final disposition thereof to the exclusion of all amendments not then actually pending before the Senate at that time and to the exclusion of all motions, except a motion to table, or to reconsider and one quorum call on demand to establish the presence of a quorum (and motions required to establish a quorum) immediately before the final vote begins. The thirty hours may be increased by the adoption of a motion, decided without debate, by a three-fifths affirmative vote of the Senators duly chosen and sworn, and any such time thus agreed upon shall be equally divided between and controlled by the Majority and Minority Leaders or their designees. However, only one motion to extend time, specified above, may be made in any one calendar day.

''If, for any reason, a measure or matter is reprinted after cloture has been invoked, amendments which were in order prior to the reprinting of the measure or matter will continue to be in order and may be conformed and reprinted at the request of the amendment's sponsor. The conforming changes must be limited to lineation and pagination.

''No Senator shall call up more than two amendments until every other Senator shall have had the opportunity to do likewise.

''Notwithstanding other provisions of this rule, a Senator may yield all or part of his one hour to the majority or minority floor managers of the measure, motion, or matter or to the Majority or Minority Leader, but each Senator specified shall not have more than two hours so yielded to him and may in turn yield such time to other Senators.

''Notwithstanding any other provision of this rule, any Senator who has not used or yielded at least ten minutes, is, if he seeks recognition, guaranteed up to ten minutes, inclusive, to speak only.

''After cloture is invoked, the reading of any amendment, including House amendments, shall be dispensed with when the proposed amendment has been identified and has been available in printed form at the desk of the Members for not less than twenty-four hours.

''(b)(1) If, upon a vote taken on a motion presented pursuant to subparagraph (a), the Senate fails to invoke cloture with respect to a measure, motion, or other matter pending before the Senate, or the unfinished business, subsequent motions to bring debate to a close may be made with respect to the same measure, motion, matter, or unfinished business. It shall not be in order to file subsequent cloture motions on any measure, motion, or other matter pending before the Senate, except by unanimous consent, until the previous motion has been disposed of.

''(2) Such subsequent motions shall be made in the manner provided by, and subject to the provisions of, subparagraph (a), except that the affirmative vote required to bring to a close debate upon that measure, motion, or other matter, or unfinished business (other than a measure or motion to amend Senate rules) shall be reduced by three votes on the second such motion, and by three additional votes on each succeeding motion, until the affirmative vote is reduced to a number equal to or less than an affirmative vote of a majority of the Senators duly chosen and sworn. The required vote shall then be an affirmative vote of a majority of the Senators duly chosen and sworn. The requirement of an affirmative vote of a majority of the Senators duly chosen and sworn shall not be further reduced upon any vote taken on any later motion made pursuant to this subparagraph with respect to that measure, motion, matter, or unfinished business.''

Mr. HARKIN. Mr. President, for the benefit of the Senators who are here and watching on the monitors, we now have before us an amendment by myself, Senator LIEBERMAN, Senator PELL, and Senator ROBB that would amend rule XXII, the so-called filibuster rule of the U.S. Senate. This is an amendment that was agreed upon—at least the procedure was agreed upon for this amendment—between Senator DOLE and myself earlier today under a unanimous consent agreement.

This amendment would change the way this Senate operates more fundamentally than anything that has been proposed thus far this year. It would fundamentally change the way we do business by changing the filibuster rule as it currently stands.

Mr. President, the last Congress showed us the destructive impact filibusters can have on the legislative process, provoking gridlock after gridlock, frustration, anger, and despondency among the American people, wondering whether we can get anything done at all here in Washington. The pattern of filibusters and delays that we saw in the last Congress is part of the rising tide of filibusters that have overwhelmed our legislative process.

While some may gloat and glory in the frustration and anger that the American people felt toward our institution which resulted in the tidal wave of dissatisfaction that struck the majority in Congress, I believe in the long run that it will harm the Senate and our Nation for this pattern to continue. As this chart shows, Mr. President, there has indeed been a rising tide in the use of the filibuster. In the last two Congresses, in 1987 to 1990, and 1991 to 1994, there have been twice as many filibusters per year as there were the last time the Republicans controlled the Senate, from 1981 to 1986, and 10 times as many as occurred between 1917 and 1960. Between 1917 and 1960, there were an average of 1.3 per session. However, in the last Congress, there were 10 times that many. This is not healthy for our legislative process and it is not healthy for our country.

The second chart I have here compares filibusters in the entire 19th century and in the last Congress. We had twice as many filibusters in the 103d Congress as we had in the entire 100 years of the 19th century.

Clearly, this is a process that is out of control. We need to change the rules. We need to change the rules, however, without harming the longstanding Senate tradition of extended debate and deliberation, and slowing things down.

The third chart I have here shows the issues that were subject to filibusters in the last Congress. Some of these were merely delayed by filibusters. Others were killed outright, despite having the majority of both bodies and the President in favor of them. That is right. Some of these measures had a majority of support in the Senate and in the House, and by the President. Yet, they never saw the light of day. Others simply were perfunctory housekeeping types of issues.

For example, one might understand why someone would filibuster the Brady Handgun Act. There were people that felt very strongly opposed to that. I can understand that being slowed down, and having extended debate on it. Can you say that about the J. Larry Lawrence nomination? I happen to be a personal friend of Mr. Lawrence. He is now our Ambassador to Switzerland, an important post. He was nominated to be Ambassador there, and he came through the committee fine. Yet, his nomination was the subject of a filibuster. Or there was the Edward P. Berry, Jr., nomination. There was the Claude Bolton nomination. You get my point.

We had nominations that were filibustered. This was almost unheard of in our past. We filibustered the nomination of a person that actually came through the committee process and was approved by the committee, and it was filibustered here on the Senate floor.

Actually, Senators use these nominations as a lever for power. If one Senator has an issue where he or she wants something done, it is very easy. All a Senator needs to do is filibuster a nomination. Then the majority leader or the minority leader has to come to the Senator and say, ''Would you release your hold on that, give up your filibuster on that?''

''OK,'' the Senator will reply. ''What do you want in return?''

Then the deals are struck.

It is used, Mr. President, as blackmail for one Senator to get his or her way on something that they could not rightfully win through the normal processes. I am not accusing any one party of this. It happens on both sides of the aisle.

Mr. President, I believe each Senator needs to give up a little of our pride, a little of our prerogatives, and a little of our power for the good of this Senate and for the good of this country. Let me repeat that: Each Senator, I believe, has to give up a little of our pride, a little of our prerogatives, and a little of our power for the better functioning of this body and for the good of our country.

I think the voters of this country were turned off by the constant bickering, the arguing back and forth that goes on in this Senate Chamber, the gridlock that ensued here, and the pointing of fingers of blame.

Sometimes, in the fog of debate, like the fog of war, it is hard to determine who is responsible for slowing something down. It is like the shifting sand. People hide behind the filibuster. I think it is time to let the voters know that we heard their message in the last election. They did not send us here to bicker and to argue, to point fingers. They want us to get things done to address the concerns facing this country. They want us to reform this place. They want this place to operate a little better, a little more openly, and a little more decisively.

Mr. President, I believe this Senate should embrace the vision of this body that our Founding Fathers had. There is a story—I am not certain whether it is true or not, but it is a nice story—that Thomas Jefferson returned from France, where he had learned that the Constitutional Convention had set up a separate body called the U.S. Senate, with its Members appointed by the legislatures and not subject to a popular vote. Jefferson was quite upset about this. He asked George Washington why this was done. Evidently, they were sitting at a breakfast table. Washington said to him, ''Well, why did you pour your coffee in the saucer?'' And Jefferson replied, ''Why, to cool it, of course.'' Washington replied, ''Just so: We created the Senate to cool down the legislation that may come from the House.''

I think General Washington was very wise. I think our Founding Fathers were very wise to create this body.

They had seen what had happened in Europe—violent changes, rapid changes, mob rule—so they wanted the process to slow things down, to deliberate a little more, and that is why the Senate was set up.

But George Washington did not compare the Senate to throwing the coffee pot out the window. It is just to cool it down, and slow it down.

I think that is what the Founding Fathers envisioned, and I think that is what the American people expect. That is what we ought to and should provide. The Senate should carefully consider legislation, whether it originates here, or whether it streams in like water from a fire hose from the House of Representatives, we must provide ample time for Members to speak on issues. We should not move to the limited debate that characterizes the House of Representatives. I am not suggesting that we do that. But in the end, the people of our country are entitled to know where we stand and how we vote on the merits of a bill or an amendment.

Some argue that any supermajority requirement is unconstitutional, other than those specified in the Constitution itself. I find much in this theory to agree with—and I think we should treat all the rules that would limit the ability of a majority to rule with skepticism. I think that this theory is one that we ought to examine more fully, and that is the idea that the Constitution of the United States sets up certain specified instances in which a supermajority is needed to pass the bill, and in all other cases it is silent. In fact, the Constitution provides that the President of the Senate, the Vice President of the United States, can only vote to break a tie vote—by implication, meaning that the Senate should pass legislation by a majority vote, except in those instances in which the Constitution specifically says that we need a supermajority.

The distinguished constitutional expert, Lloyd Cutler, a distinguished lawyer, has been a leading proponent of this view. I have not made up my mind on this theory, but I do believe it is something we ought to further examine. I find a lot that I agree with in that theory.

But what we are getting at here is a different procedure and process, whereby we can have the Senate as the Founding Fathers envisioned—a place to cool down, slow down, deliberate and discuss, but not as a place where a handful—yes, maybe even one Senator—can totally stop legislation or a nomination.

Over the last couple of years, I have spent a great deal of time reading the history of this cloture process. Two years ago, about this time, I first proposed this to my fellow Democratic colleagues at a retreat we had in Williamsburg, VA. In May of that year, I proposed this to the Joint Committee on Congressional Reform. Some people said to me at that time: Senator HARKIN, of course you are proposing it, you are in the majority, you want to get rid of the filibuster. Well, now I am in the minority and I am still proposing it

because I think it is the right thing to do.

Let me take some time to discuss the history of cloture and the limitations on debate in the Senate. Prior to 1917 there was no mechanism to shut off debate in the Senate. There was an early version in 1789 of what was called the ''previous question.'' It was used more like a tabling motion than as a method to close debate.

In the 19th century, Mr. President, elections were held in November and Congress met in December. This Congress was always a lame duck session, which ended in March of the next year. The newly elected members did not take office until the following December, almost 13 months later. During the entire 19th century, there were filibusters. But most of these were aimed at delaying congressional action at the end of the short session that ended March 4. A filibuster during the 19th century was used at the end of a session when the majority would try to ram something through at the end, over the objections of the minority. Extended debate was used to extend debate to March 4, when under the law at that time, it automatically died.

If the majority tried to ram something through in the closing hours, the minority would discuss it and hold it up until March 4, and that was the end of it. That process was changed. Rather than going into an automatic lame-duck session in December, we now convene a new Congress in January with the new Members. I think this is illustrative that the filibuster used in the 19th century was entirely different in concept and in form than what we now experience here in the U.S. Senate.

So those who argue that the filibuster in the U.S. Senate today is a time-honored tradition of the U.S. Senate going clear back to 1789 are mistaken, because the use of the filibuster in the 19th century was entirely different than what it is being used for today, and it was used in a different set of laws and circumstances under which Congress met.

So that brings us up to the 20th century. In 1917, the first cloture rule was introduced in response to a filibuster, again, at the end of a session that triggered a special session. This cloture rule provided for two-thirds of Members present and voting to cut off debate. It was the first time since the first Congress met that the Senate adopted a cloture rule in 1917. However, this cloture rule was found to be ineffective and was rarely used. Why? Because rulings of the chair said that the cloture rule did not apply to procedural matters. So, if someone wanted to engage in a filibuster, they could simply bring up a procedural matter and filibuster that, and the two-thirds vote did not even apply to that. For a number of years, from 1917 until 1949, we had that situation.

In 1949 an attempt was made to make the cloture motion more effective. The 1949 rule applied the cloture rule to procedural matters. It closed that loophole but did not apply to rules changes. It also raised the needed vote from two-thirds present and voting to two-thirds of the whole Senate, which at that time meant 64 votes. That rule existed for 10 years.

In 1959, Lyndon Johnson pushed through a rules change to change the needed vote back to two-thirds of those present and voting, and which also applied cloture to rules changes.

There were many attempts after that to change the filibuster. In 1975, after several years of debate here in the Senate, the current rule was adopted, as a compromise proposed by Senator BYRD of West Virginia. The present cloture rule allows cloture to be invoked by three-fifths of Senators chosen and sworn, or 60 votes, except in the case of rules changes, which still require two-thirds of those present and voting.

This change in the rule reducing the proportion of votes needed for cloture for the first time since 1917, and was the culmination of many years of efforts by reformers' numerous proposals between 1959 and 1975.

Two of the proposals that were made in those intervening years I found particularly interesting. One was by Senator Hubert Humphrey in 1963, which provided for majority cloture in two stages. The other proposal I found interesting was one by Senator DOLE in 1971 that moved from the then current two-thirds present and voting down to three-fifths present and voting, reducing the number of votes by one with each successive cloture vote.

We drew upon Senator DOLE's proposal in developing our own proposal. Our proposal would reduce the number of votes needed to invoke cloture gradually, allowing time for debate, allowing us to slow things down, but ultimately allowing the Senate to get to the merits of a vote.

Under our proposal, the amendment now before the Senate, Senators still have to get 16 signatures to offer a cloture motion. The motion would still have to lay over 2 days. The first vote to invoke cloture would require 60 votes. If that vote did not succeed, they could file another cloture motion needing 16 signatures. They would have to wait at least 2 further days. On the next vote, they would need 57 votes to invoke cloture. If you did not get that, well, you would have to get 16 signatures, file another cloture motion, wait another couple days, and then you would have to have 54 votes. Finally, the same procedure could be repeated, and move to a cloture vote of 51. Finally, a simple majority vote could close debate, to get to the merits of the issue.

By allowing this slow ratchet down, the minority would have the opportunity to debate, focus public attention on a bill, and communicate their case to the public. In the end, though, the majority could bring the measure to a final vote, as it generally should in a democracy.

Mr. President, in the 19th century, as I mentioned before, filibusters were used to delay action on a measure until the automatic expiration of the session.

Senators would then leave to go back to their States, or Congressmen back to their districts, and tell people about the legislation the majority was trying to ram through. They could get the public aroused about it, to put pressure on Senators not to support that measure or legislation.

Keep in mind that in those days, there was no television, there was no radio, and scant few newspapers. Many people could not read or write and the best means of communication was when a Senator went out and spoke directly with his constituents. So it was necessary to have several months where a Senator could alert the public as to what the majority was trying to do, to protect the rights and interests of the minority.

That is not the case today. Every word we say here is instantaneously beamed out on C–SPAN, watched all over the United States, and picked up on news broadcasts. We have the print media sitting up in the gallery. So the public is well aware and well informed of what is happening here in the Senate on a daily basis. We do have a need to slow the process down, but we do not need the several months that was needed in the 19th century.

So as a Member of the new minority here in the Senate, I come to this issue as a clear matter of good public policy. I am pleased to say that it is a change that enjoys overwhelming support among the American people.

A recent poll conducted by Action Not Gridlock—and I will have more to say about them in a second—found that 80 percent of Independents, 84 percent of Democrats, and 79 percent of Republicans believe that once all Senators have been able to express their views, the Senate should be permitted to vote for or against a bill.

As I mentioned, Mr. President, this poll was commissioned by a group called Action Not Gridlock, a broad array of distinguished Democratic and Republican leaders around the country formed to change the filibuster rule. These leaders include former Republican Senators Mac Mathias, Barry Goldwater, and Bob Stafford, as well as former Iowa Governor Bob Ray and former Secretary of HHS Arthur Flemming, all Republicans, as well as Democrats former Senator Bill Proxmire, former Senator Terry Sanford, and Ray Marshall. Action Not Gridlock has also formed a number of chapters around the country working to end the gridlock in Washington.

In my own State of Iowa, there is a truly impressive bipartisan group working on this issue. It includes Michael Reagan, president of the Des Moines Chamber of Commerce; Republican majority leader of the Iowa House, Brent Siegrest; Abbi Swanson, president of the League of Women Vot-

ers of Iowa; and former Democratic Congressman Berkeley Bedell.

So, again, as you see, Mr. President, Action Not Gridlock has a broad array of Republicans, Democrats, and Independents.

Well, slaying the filibuster dinosaur—and that is what I call it, a dinosaur, a relic of the ancient past—slaying the filibuster dinosaur has also been endorsed by papers around the country, including the New York Times, which just editorialized on this last Sunday; the USA Today; the Washington Post; the Fort Worth Star-Telegram; in my own State, the Des Moines Register, the Cedar Gazette, the Quad-City Times, and the Council Bluffs Non-Pareil.

Mr. President, I ask unanimous consent that those editorials that I just mentioned be printed at this point in the RECORD.

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

DOWN WITH THE FILIBUSTER

One of the mandates voters gave to Republicans on Nov. 8 was to reform the way Congress operates. There's no better place to begin than with the Senate filibuster.

The filibuster allows a minority to block passage of any bill unless a supermajority of 60 votes in the 100-member Senate can be mustered to overcome it. Republicans used the filibuster liberally in the last few years to tie the majority Democrats in knots.

Next year, with Republicans in the majority, Democrats will be in a position to return the favor. Nevertheless, Iowa Democratic Senator Tom Harkin is right in saying that the Democrats should resist the temptation to ''do unto the Republicans what they did unto us.''

Instead, Harkin is urging that the filibuster be tempered. Reform-minded members of both parties should join Harkin's effort. There may have been some justification for the filibuster in its quaint original form, but the modern version of the filibuster has become nothing more than a cost-free device that lets a willful minority thwart the will of the majority, or hold legislation hostage to extort concessions.

The filibuster evolved from the Senate's tradition of unlimited debate. To carry out a filibuster, opponents of a bill had to try, literally, to talk it to death. Those engaged in a filibuster had to be prepared to keep talking around the clock. It required determination and stamina, and the filibustering senators risked arousing the public's anger at their obstructionism. As a result, filibusters were rare.

In recent years, the Senate adopted rules intended to curb filibusters. They ended up having precisely the opposite effect. Filibusters became an everyday tactic. By one count, there were twice as many filibusters in the last two years of Congress than during the entire 19th century.

The new rules established a ''two-track'' procedure that allows the Senate to continue with other business while a filibuster is under way. All action does not grind to a halt, as it did previously.

The two-track rule made filibusters much easier to use. Stamina is no longer required. Now, all the minority need do is declare its intention to filibuster, and the Senate switches to other businesses. In most cases, the mere threat of a filibuster does the trick. The bill is sidetracked until the majority finds 60 votes.

The modern filibuster gives the minority an absolute veto. It is, quite simply, undemocratic.

Defenders of the filibuster have argued that it is useful in preventing precipitous action. Harkin's proposal addresses that argument by allowing filibusters to delay action, but not stop it completely. Under his plan, the number of votes required to end a filibuster would gradually decline over a period of weeks until, eventually, only 51 votes would be needed.

A truer reform would be to abolish the undemocratic anachronism outright. Harkin's proposal is quite modest. There should be no reasonable objection to it.

[From the Fort Worth Star-Telegram, June 30, 1994]

If you started out to formulate the rules for a legislative body in a new democracy, the last example you would follow would be that of the U.S. Senate.

Things have gotten so bad in the Senate that there is a growing movement to change the rules about unlimited debate—the filibusters that prevent action on legislation.

If extended debate were really used to examine issues and change senators' minds by force of powerful reason, there would be a case for keeping the present rules. But in truth, the Senate's rules are being used to thwart the principle of majority rule and to further individual or partisan political interests to the detriment of the legislative process.

To be sure, changing the cloture rule (which requires 60 votes to end debate and means that a 41-senator minority can effectively shut down the Senate) would not be a cure-all. Republicans this year have perfected the tactic of offering endless amendments to unrelated bills as a means of delaying legislative progress. But tempering the effect of the filibuster would help.

The fate of the western grazing lands fee change was an example of the filibuster at work. In the Congress as a whole, 373 votes out of 535 (70 percent) were in favor, but the majority lost because 44 senators prevented cloture.

This week, a 13-year effort to change product liability laws failed because of a filibuster, just as it had in 1986 and 1992. The 41 senators voting against cloture included archconservatives (Alan Simpson, R-Wyo., Thad Cochran, R-Miss., and Strom Thurmond, R-S.C.) and archliberals (Paul Wellstone, D-Minn., Harris Wofford, D-Pa., and Ben Nighthorse Campbell, D-Colo.) and some in between (such as Bill Bradley, D-N.J., and John Breaux, D-La.). It was a good bill, one that would mean more jobs without sacrificing legitimate consumer interests. Much of the opposition came from trial lawyers. In the end, 57 senators voted for it. Forty-one opponents were enough to kill it. Is that democracy?

The Senate has reached the point where the mere threat of a filibuster can bring the body's work to a screeching halt.

Sen. Tom Harkin, D-Iowa, has suggested a four-vote process that would break this impasses. On the first cloture vote, 60 votes would be needed to end debate, as now. On the next vote, 57 would be required; on the third, 54, and on the fourth, only a 51-vote majority. This would preserve Senate tradition and give the minority plenty of time to plead its case, without allowing a majority to be forever thwarted. Sounds good to us.

Now into the fray comes Action, Not Gridlock!, an anti-filibuster group dedicated to changing the Senate rules. It is led by a bipartisan group of former senators, representatives and other government officials. What they share is believe in majority rule. We wish them godspeed.

[From USA Today, Nov. 25, 1994]

REIN IN THE POWER TO SHUT DOWN THE SENATE

In 1908, Sen. Robert M. La Follette Sr. of Wisconsin was in the middle of a filibuster when he discovered the eggnog he was drinking for energy had been poisoned. La Follette survived. So did the filibuster.

Indeed, the filibuster today is more poisonous than La Follette ever could have imagined. Instead of providing a dramatic final forum for individuals against a stampeding majority, it has become a pedestrian tool of partisans and gridlock-meisters.

Since 1990, the Senate has averaged at least 15 filibusters a year, more than in all the 140 years before. In 1994 alone, filibusters were used to weaken or kill legislation ranging from lobbying and campaign finance reform to clean water.

You need not be a bow-tied parliamentarian to see the problem. The filibuster allows single lawmakers to derail the Senate's majority—easily, arbitrarily. If the Senate is to honor its deliberative tradition, it must restrain the filibuster.

The modern filibuster vexes Congress two ways. First, opponents must find 60 votes to break it. That's called cloture, and it's almost impossible to achieve. In 1987, only one of 15 votes succeeded—on a proposal for a $12,000 congressional pay raise.

Second, the mere threat of a filibuster is enough to sidetrack a bill. Instead of requiring filibusters to take the floor, Senate leaders just move on to the next issue.

The 60-vote requirement means, in effect, that all legislation must have a supermajority to pass. Yet the Constitution requires supermajorities in only five areas: treaty ratification, presidential veto overrides, impeachment votes, constitutional amendments, and to expel a member of Congress. The framers, who never foresaw the filibuster's abuse, considered supermajorities for other matters and rejected them.

They protected against tyrannical majorities in other ways: by dividing government power among three branches, by splitting Congress into two parts, by guaranteeing basic rights in the Constitution.

Those are ample safeguards. The filibuster, on the other hand, lets a lone lawmaker impose his will, not just amplify his voice.

Solutions? Several.

First, make a filibusterer put his body where his mouth is. Sen. Strom Thurmond prepared for his record-setting 24-hour, 18-minute speech against the 1957 Civil Rights Act by visiting a steam room, hoping to diminish the call of nature once on the floor. Sen. Estes Kefauver strapped on a motorman's friend for his 1950 filibuster. The device was misaligned, though, and only a timely quorum call prevented him from making the wrong kind of splash.

The point is that old-time filibusterers had to have the courage of their convictions. The rigors of floor debate were not undertaken lightly.

Such was the case even when filibusterers formed talking tag teams. In 1960, 18 Southern lawmakers formed two-man partnerships to hold the floor against civil rights legislation. After 157 hours—the Senate's longest continuous session—they prevailed. That was not a proud moment in national lawmaking, but at least the racists were accountable, something today's fiddle-footed rules make unnecessary.

More recently, the government this year had to sell billions of dollars' worth of American gold to a Canadian firm for just $10,000 because filibusterers prevented reform of an 1872 mining law.

Sen. Tom Harkin this week has revived another idea: Gradually lower the number of

votes needed for cloture. The first vote would still require 60 ''ayes.'' But subsequent votes would require 57, then 54, then 51. This could preserve both the dramatic effect of a filibuster and majority rule.

The filibuster is a supervirus in the Senate. It causes massive hemorrhaging of majority rule and the orderly process of legislating. If Senate leaders don't cure themselves soon, they might as well ask La Follett's ghost to, please, pass the eggnog.

[From the New York Times, Jan. 1, 1995]

TIME TO RETIRE THE FILIBUSTER

The U.S. Senate likes to call itself the world's greatest deliberative body. The greatest obstructive body is more like it. In the last season of Congress, the Republican minority invoked an endless string of filibusters to frustrate the will of the majority. This relentless abuse of a time-honored Senate tradition so disgusted Senator Tom Harkin, a Democrat from Iowa, that he is now willing to forgo easy retribution and drastically limit the filibuster. Hooray for him.

For years Senate filibusters—when they weren't conjuring up romantic images of Jimmy Stewart as Mr. Smith, passing out from exhaustion on the Senate floor—consisted mainly of negative feats of endurance. Senator Sam Ervin once spoke for 22 hours straight. Outrage over these tactics and their ability to bring Senate business to a halt led to the current so-called two-track system, whereby a senator can hold up one piece of legislation while other business goes on as usual.

The two-track system has been nearly as obstructive as the old rules. Under those rules, if the Senate could not muster the 60 votes necessary to end debate and bring a bill to a vote, someone had to be willing to continue the debate, in person, on the floor. That is no longer required. Even if the 60 votes are not achieved, debate stops and the Senate proceeds with other business. The measure is simply put on hold until the next cloture vote. In this way a bill can be stymied at any number of points along its legislative journey.

One unpleasant and unforeseen consequence has been to make the filibuster easy to invoke and painless to pursue. Once a rarely used tactic reserved for issues on which senators held passionate convictions, the filibuster has become the tool of the sore loser, dooming any measure that cannot command the 60 required votes.

Mr. Harkin, along with Senator Joseph Lieberman, a Connecticut Democrat, now proposes to make such obstruction harder. Mr. Harkin says reasonably that there must come a point in the process where the majority rules. This may not sit well with some of his Democratic colleagues. They are now perfectly positioned to exact revenge by frustrating the Republican agenda as efficiently as Republicans frustrated Democrats in 1994.

Admirably, Mr. Harkin says he does not want to do that. He proposes to change the rules so that if a vote for cloture fails to attract the necessary 60 votes, the number of votes needed to close off debate would be reduced by three in each subsequent vote. By the time the measure came to a fourth vote—with votes occurring no more frequently than every second day—cloture could be invoked with only a simple majority. Under the Harkin plan, minority members who feel passionately about a given measure could still hold it up, but not indefinitely.

Another set of reforms, more incremental but also useful, is proposed by George Mitchell, who is retiring as the Democratic majority leader. He wants to eat away at some of the more annoying kinds of brakes that can be applied to a measure along its legislative journey.

One example is the procedure for sending a measure to a conference committee with the House. Under current rules, unless the Senate consents unanimously to send a measure to conference, three separate motions can be required to move it along. This gives one senator the power to hold up a measure almost indefinitely. Mr. Mitchell would like to reduce the number of motions to one.

He would also like to limit the debate on a motion to two hours and count the time consumed by quorum calls against the debate time of a senator, thus encouraging senators to save their time for debating the substance of a measure rather than in obstruction. All of his suggestions seem reasonable, but his reforms would leave the filibuster essentially intact.

The Harkin plan, along with some of Mr. Mitchell's proposals, would go a long way toward making the Senate a more productive place to conduct the nation's business. Republicans surely dread the kind of obstructionism they themselves practiced during the last Congress. Now is the perfect moment for them to unite with like-minded Democrats to get rid of an archaic rule that frustrates democracy and serves no useful purpose.

[From the Washington Post, Nov. 23, 1994]

THE GORED OXEN

One of the most comical aspects of politics concerns how high principles about procedural fairness can evaporate when circumstances change. There could be much such comedy in the new Congress as Democrats and Republicans change roles.

In the House, Newt Gingrich's Republicans have assembled a series of reform measures that grew from their experience as frustrated members of what seemed a permanent opposition. They rightly criticized Democratic House leaders for closing off Republican amendments to important bills. Now Mr. Gingrich pledges to change that, even though doing so would let the now-minority Democrats challenge the most unpopular of the Republican majority's proposals. Republicans have also long been in favor of the line-item veto, which would let the president excise particular parts of spending bills he found offensive. Republicans liked this when the Democrats in Congress were responsible for writing the spending bills, since they presumed that Republican presidents would cut out what Republicans saw as ''pork.'' Now the line-item veto would empower a Democratic president facing a Republican Congress.

In the Senate, the problem is different. Senate rules permit essentially unlimited debate. It takes 60 votes to shut the talking down. That means 41 senators can block a bill and frustrate the will of even an overwhelming majority. In the last Congress, the Democrats were critical of Republican abuse of the filibuster. But now the procedural shoe is on the other foot. It's the Democratic minority that is likely to want to block many Republican measures. Will Democrats keep saying the filibuster is a bad thing? To his credit, one Democrat, Sen. Tom Harkin of Iowa, has done so. He proposes that the two parties agree to new rules. Mr. Harkin would still let the minority slow down consideration of controversial measures, but he doesn't think the minority should ultimately frustrate the majority's will.

It is not even necessary to get to the question of whether the filibuster rule itself should be eliminated to believe that there has been too much abuse of the filibuster in the Senate. The same can be said of the closed rule in the House. We hope Mr. Gingrich sticks to his promise of opening up the House, even if that might sometimes inconvenience his party. Similarly in the Senate, we hope both parties can find a more reasonable accommodation between minority rights and majority rule. Going to the brink every time, on every issue, is not the way a democracy is supposed to work.

HARKIN EARNS BOUQUET, BRICKBAT

We have a bouquet and a brickbat for Iowa's Democratic Sen. Tom Harkin.

The bouquet is for advocating limits on the filibuster, a technique used by the minority party in the U.S. Senate to thwart the will of the majority.

The brickbat is for his lukewarm support for the General Agreement on Tariffs and Trade.

Harkin is calling for revision of the filibuster rules that would provide a means for the minority to slow down legislation and allow fuller debate, but at the same time it places limits on the delaying tactic.

Under Harkin's plan, 60 votes would be necessary in the first attempt to halt a filibuster debate.

The second attempt would require only 57 votes. The number would continue to drop on each successive vote until only a simple majority was needed.

Currently, a single senator can tie up legislation endlessly, which Harkin says adds to the deadlock.

Harkin's plan would limit the delay to a maximum of about three weeks.

As American politics becomes more contentious, the filibuster is being used increasingly. But Harkin says there is less need for it.

In the last century when communication was slower, senators felt the need to stall for long periods to allow their objections to reach constituents.

In these days of almost instant communication, voters and others can be alerted to problems in a matter of hours.

We believe the senator is on track and should pursue his efforts. Continuing the current processes is simply obstructionism, whether by Republicans or Democrats.

We are less enthusiastic about the senator's doubts concerning GATT.

Unfortunately, these seem to be based on some vague concerns about ill-defined political horse trading that may be under way by supporters to ensure passage of the measure through the Senate.

Passage in the House seems a surer bet with the strong support voiced by Speaker-designate Newt Gingrich. Gingrich seems to understand the obvious advantages for the U.S. economy and the need for a workable free trade mechanism.

We get the feeling that Harkin may not be sure which direction the political winds are blowing in Iowa, and wants more time to determine the level of support for GATT.

He admits that he will likely face stiff competition for his Senate seat in two years. Given the Republican landslide in Iowa, political caution may become increasingly important for Harkin.

However, we do not believe this is a Republican vs. Democrat issue. Passage of GATT is needed to make sure the United States is a major player in the world.

The death of GATT, which a delay very seriously threatens, could throw orderly world trade into chaos and possibly lead to the emergence of regional trading blocks with barriers against U.S. products.

The impact on the future of the U.S. economy could be disastrous and possibly irreversible.

The argument that senators have not had time to study the GATT document is not

compelling. The agreement has been hammered out by representatives of 123 nations over the past eight years.

For a document of such magnitude and importance for open world trade, we wonder why more attention has not been paid by Harkin and others until the last weeks before the vote.

There may be flaws. No document requiring the assent of 123 countries can be perfect. Every nation had to give up some special interest.

But those flaws do not appear sufficient to warrant opposition to congressional passage.

[From Quad-City Times, Nov. 22, 1994]

HARKIN KEEPS HIS PROMISE

Two months ago, Sen. Tom Harkin of Iowa expressed dismay at the way Republicans had repeatedly blocked legislation that was supported by a majority of the Senate.

''I've been in Congress 20 years,'' he said, ''and this has been the worst year I've seen. The constant use of the filibuster, the gridlock . . . And there's a meanness, a mean spiritedness, I have never seen before.'' Harkin said he intended to introduce a bill next year that would greatly curtail the filibustering powers of the minority party.

But in the two months since making those comments, Harkin and other Democrats have become the minority party. With the Republicans now in control of the Senate, Democrats will need every weapon in the arsenal to fight the GOP agenda. So does he still see a need to revise the filibuster rule?

Yes—and his position now carries more weight because of his new status as a member of the Senate's minority party.

Today, Harkin is expected to formally announce his plans to introduce a bill that would allow the filibuster to slow, but not kill, legislation. The bill mirrors legislation once proposed by Bob Dole, and it deserves passage.

And Tom Harkin deserves credit for continuing to advocate this long-overdue change.

HARKIN'S GOOD IDEA: DEFLATING FILIBUSTER

Iowa Sen. Tom Harkin is putting his money where his mouth is.

He is no fan of the filibuster, a device used almost exclusively by minority senators to impede distasteful legislation. So he has offered legislation to create an alternative parliamentary tool.

As it stands, if 41 senators (out of the 100-member chamber) are able to stand firm, they can prevent action on an issue by applying Senate rules allowing them to filibuster. Halting the filibuster requires 60 votes. Tough to get.

Harkin and Sen. Joe Lieberman, a Connecticut Democrat, have co-sponsored a measure that still enables a minority to have its voice, but not in perpetuity.

It is a noteworthy position for minority lawmakers who potentially could lose their only real tool against a dominating majority. (It wouldn't be surprising if both are confident that their upcoming minorityhood is merely an aberration that voters will correct in 1996.) Their plan would give the minority the 60-vote cushion on the first call for cloture, dropping to 57 votes on a second call, 54 on a third and, finally, to a simple majority of 51 on a fourth cloture vote.

Our sense of the filibuster has been that it can be the only way a congressional minority might have a voice in formation of public policy. Majority parties don't have a patent on perfection, but frequently choose to ignore even reasonable suggestions from minority lawmakers. There's often not even a hint of the compromise we should expect in government.

Conceding that the process can be abused, however, perhaps the Harkin-Lieberman approach deserves a thorough hearing. Filibustering is not a constitutional right. It exists only at the pleasure of Congress. Any substitute would have a similarly tenuous existence.

Gridlock has become a buzzword characterizing Congress. Any mechanism to prevent that condition and restore the job description originally given members of Congress would be most welcome.

The anti-gridlock, anti-filibuster concept shouldn't be scrapped without closer scrutiny.

(Mr. FRIST assumed the chair.)

Mr. HARKIN. Let me just quote from a couple of these editorials, because I think it really puts things in the proper perspective.

First, let me quote from the Des Moines Register's sterling editorial of the 23d of November.

The modern filibuster gives the minority an absolute veto. It is, quite simply, undemocratic.

Defenders of the filibuster have argued that it is useful in preventing precipitous action. Harkin's proposal addresses that argument by allowing filibusters to delay action, but not stop it completely. Under his plan, the number of votes required to end a filibuster would gradually decline over a period of weeks until, eventually, only 51 votes would be needed.

A truer reform would be to abolish the undemocratic anachronism outright. Harkin's proposal is quite modest. There should be no reasonable objection to it.

And this from the Fort Worth Star Telegram, Fort Worth, TX.

If you started out to formulate the rules for a legislative body in a new democracy, the last example you would follow would be that of the U.S. Senate.

Things have gotten so bad in the Senate that there is a growing movement to change the rules about unlimited debate—the filibusters that prevent action on legislation.

If extended debate were really used to examine issues and change senators' minds by force of powerful reason, there would be a case for keeping the present rules. But in truth, the Senate's rules are being used to thwart the principle of majority rule and to further individual or partisan political interests to the detriment of the legislative process.

In truth, the Senate rules are being used to thwart the principles of majority rule and to further individual or partisan political interests to the detriment of the legislative process. And this from the USA Today. The 60-vote requirement means, in effect, all legislation must have a supermajority to pass. Yet, the Constitution requires supermajorities in only five areas: treaty ratification, Presidential veto overrides, impeachment votes, constitutional amendments, and expelling a Member of Congress.

The Framers, who never foresaw the filibuster's abuse, considered the supermajority for other matters and rejected it. They protected against tyrannical majorities in other ways by dividing Government power among three branches, by splitting Congress into two parts, and by guaranteeing basic rights in the Constitution.

The USA Today editorial ends by saying, ''The filibuster is a super virus in the Senate. It causes massive hemorrhaging of majority rule and the orderly process of legislation. If Senate leaders do not curb themselves soon, they might as well ask LaFollette's ghost to, please, pass the eggnog.'' I did not read the first part of this editorial which says that ''In 1908, Senator Robert M. LaFollette, Sr., of Wisconsin, was in the middle of a filibuster, when he discovered the eggnog he was drinking for energy had been poisoned. La Follette survived, and so did the filibuster.''

From the New York Times: ''The United States Senate likes to call itself the world's greatest deliberative body. Greatest obstructive body is more like it.''

Later they write: ''The Harkin plan, along with some of Mr. Mitchell's proposals, would go a long way toward making the Senate a more productive place to conduct the Nation's business. Republicans surely dread the kind of obstructionism they themselves practiced during the last Congress. Now is the perfect moment for them to unite with like-minded Democrats to get rid of an archaic rule that frustrates democracy and serves no useful purpose.''

Those are just some of the quotes from some of the editorials that I had asked be inserted in the RECORD. Mr. President, I think you get the idea that changing this filibuster rule has great support around the country, both from what one might call liberal newspapers to those of a more conservative bent.

Mr. President, the Members of the Senate that were sworn in today are sending us a message that we need to change. The present occupant of the chair was one of those just sworn in today. The filibuster rule is one area where change is most desperately needed, a dinosaur that has somehow survived from a previous age.

I would like to read a couple of other quotes. In 1893, then Senator Henry Cabot Lodge, Sr., from Massachusetts, was opposing a filibuster. He made this quote:

To vote without debate is perilous, but to debate and never vote is imbecile.

Here is another quote that I found in the CONGRESSIONAL RECORD of February 10, 1971:

It is one thing to provide protection against majoritarian absolutism; it is another thing again to enable a vexatious or unreasoning minority to paralyze the Senate, and America's legislative process along with it.

Senator BOB DOLE, February 10, 1971.

So I consider myself to be in reasonably good company when I say that it is time to change the filibuster rule so that we can get on with the Nation's business. I know there are those who believe very strongly we must maintain it, but as I said earlier, Mr. President, I think it is time for each of us to give up a little bit of our pride, a little bit of our privilege, a little bit of our prerogative, and a little bit of our

power for the smoother functioning of the U.S. Senate and for the good of this country.

By passing this amendment, we can take a giant step forward toward restoring the faith of the American people in their Government. We can tell the American people that we got their message that they want action and not gridlock. We can say that the time for change is now. And we can greatly improve the workings and productivity of the Senate.

There will be many packages introduced to reform Congress. I think the House is even now debating reforms in their body. There will be reforms suggested here—gift-ban laws, lobbying disclosure laws—making Congress live by the same laws and regulations by which businesses live. These are good laws and good reforms.

But Mr. President, there is no reform more important to this country and to this body than slaying the dinosaur called the filibuster. We need to change it so that we can really get back to what our Founding Fathers envisioned—a process whereby the minority can slow things down, debate them, but not kill things outright. Give the minority that protection.

As the USA Today editorial pointed out, there are other ways the Framers protected against majoritarian absolutism—separate branches and powers, and the basic rights guaranteed by the Constitution.

So, Mr. President, I submit that many of the reforms that will be offered here in the Senate in these opening days are very good. I intend to support many if not all of them. But if we do not change the way the filibuster operates here in the Senate, then I do not think that we heard the message that the American people sent to us.

With that, I see my colleague, Senator LIEBERMAN, a cosponsor of the amendment, on the floor. Mr. President, I yield the floor at this time.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, thank you.

I am very proud to join with my colleague from Iowa in cosponsoring and supporting this amendment. A new day has dawned here on Capitol Hill today. A new majority has come to power; but, hopefully, more than a new majority—a new sense of responsiveness to the public, a new understanding of what it means to do the public's business here in Congress, and a new openness to looking at some parts of the operation in Congress which we have previously either not questioned or felt it was inappropriate to question.

I must say that over the last couple of years, as I watched the filibuster being used and, I think, in my respectful opinion, ultimately misused and overused, it seems to me that what had originally appeared to be a reasonable idea was being put to very unreasonable use.

Therefore, I promised myself that if I was fortunate enough to be reelected by the people of Connecticut to return for the 104th Congress, I would do what I could to try to change this filibuster rule, which I am afraid has come to be a means of frustrating the will of a majority to do the public's business and respond to the public's needs. And so when I heard that Senator HARKIN had put this program and plan together, I called him and I said, ''My distinguished colleague and friend, I admire you for what you are doing.'' There are those who undoubtedly will think this is a quixotic effort, that it is a kind of romantic but unfeasible effort.

It is important now to make this effort to show that we have heard the message and that we are prepared to not only shake up the Federal Government but shake up the Congress. And not just for the sake of shaking it up, but because of a fundamental principle that is basic to our democracy, that is deep into the deliberations of the Framers of our Constitution and appears throughout the Federalist Papers, which is rule of the majority in the legislative body. It is this majority rule has been frustrated by the existing filibuster rule. So I am privileged to join as a cosponsor with my colleague from Iowa in this effort.

Mr. President, whenever I explain to my constituents at home in Connecticut that a minority of Senators can by a mere threat of a filibuster—not even by the continuous debate, but by a mere threat of a filibuster—kill a bill on the Senate floor, they are incredulous. When I tell them that now as a matter of course a Senator needs to obtain 60 votes in order to pass a bill to which there is opposition, frankly, the folks back home are suspicious.

When I explain how often the threat of a filibuster has been used to tie the Senate in knots and kill legislation that is actually favored by a majority of Senators—and the filibuster was used more times last year than in the first 108 years of the Senate combined—well, the folks back home honestly think I am exaggerating. Unfortunately, I am not. Those are the facts.

Mr. President, when I entered the Senate 6 years ago, I asked to be briefed by a staff person at the Congressional Research Service on the Senate rules. I wanted to figure out how the place worked.

I must say, after that briefing, I, like my constituents, was incredulous. I had been the majority leader of the Connecticut State Senate, so I had some familiarity with parliamentary procedures, but I must say I did not understand how the Senate's debate and amendment rules were being used to keep the Senate, presumably the greatest deliberative body in the world, from getting things done.

Like many Americans of my generation, I remembered the dramatic filibuster battles of the 1950's and 1960's and assumed that filibusters were relatively uncommon and were employed only in the great issues of the time which divided a country. I assumed—like most Americans, I would guess, drawing from probably the broadest experience America has had with filibusters, which is mainly ''Mr. Smith Goes to Washington,'' when James Stewart stood in that magnificent portrayal and carried out a principled filibuster—that filibusters were to be reserved for only the most significant of legislative battles.

While I quickly learned that while real filibusters are uncommon, current Senate rules allow the mere threat of a filibuster to rule the way we do or do not do business.

The gentleman from the Congressional Research Service used a powerful analogy here. He said to me, ''Senator, you have to think of the Senate as if it were composed of 100 nations, each Senator representing a nation, and each nation has an atomic bomb and can blow up the place any time it wants. And that bomb is a filibuster.''

That may make us feel good about our power and our authority, but it is not the way to run the greatest deliberative body in the world. In fact, I state this with some humility because I do not remember the exact quote, I asked the gentleman from the Congressional Research Service, ''Is there any precedent for this kind of procedure in the history of legislative bodies?''

He said he thought the closest modern precedent was a Senate that sat in Poland in the 18th century which, because of unique historical circumstances that are not to the point, with approximately 700 members, the rule was that nothing could be done without unanimous consent. That, I hope, is not the model that we aspire to copy here.

What was once an extraordinary remedy, used only in the rarest of instances, has unfortunately become a commonplace tactic to thwart the will of the majority. Just as insidiously, allowing legislation to be killed on procedural votes, as we so often have here in the Senate, protects us from having to confront the hard choices that we were sent here to make and, in that sense, makes us a less accountable body.

Mr. President, this has to end and it will not end unless an effort begins to end it as we are attempting to do here today. As I believe Senator HARKIN has indicated, the Senate filibuster rule has actually been changed five times in this century. In most cases, particularly when the changes were substantial, they did not occur the first time the proponents charged the fortress. Perhaps they will not occur on this occasion. But I know Senator HARKIN and I are prepared to keep fighting until this change occurs because of what is on the line, which is the credibility and the productivity of the U.S. Senate.

The change that we are proposing, as Senator HARKIN has indicated, will

make it more difficult for a minority of Senators to absolutely stop, to block, to kill Senate action on legislation favored by a majority of the Senate, but it will still protect the ability of that minority to be heard before up or down majority votes on legislation are taken. It will give the minority opposed to what the majority wants to do the opportunity to educate and arouse the public as to what may be happening here to give the public the opportunity perhaps to change the inclination of the majority.

The procedure of succeeding votes with 2-day intervals, 60 being required, first 57, 54 and finally a simple majority of Senators being able to work its will—our intent here is to give the minority a chance to make their case and to persuade others but not to continue to grant them an effective veto power which they now enjoy.

We recognize that the opposition to this proposal is bipartisan, just as the use of the filibuster rule has been bipartisan. We also understand that as Members of the new minority, Senator HARKIN and I perhaps are not the likeliest people to be proposing to limit the powers of the new Democratic minority, but we both firmly believe that regardless of how our resolution may limit our personal options as Members of the minority party in the Senate in the short-term, it is essential that this reform be undertaken now when the problem of filibuster-created gridlock is so fresh in all of our minds.

For too long, we have accepted the premise that the filibuster rule is immune. Yet, Mr. President, there is no constitutional basis for it. We impose it on ourselves. And if I may say so respectfully, it is, in its way, inconsistent with the Constitution, one might almost say an amendment of the Constitution by rule of the U.S. Senate.

The Framers of the Constitution, this great fundamental, organic American document considered on which kinds of votes, on which issues the will of the majority would not be enough, that a vote of more than a majority would be required, and the Constitution has spelled those instances out quite clearly. Only five areas: Ratification of a treaty requires more than a majority of the Senate; override by the Senate of a Presidential veto requires more than a majority; a vote of impeachment requires more than a majority; passage of a constitutional amendment requires more than a majority; and the expulsion of a Member of Congress requires more than a majority.

The Framers actually considered the wisdom of requiring supermajorities for other matters and rejected them.

So it seems to me to be inconsistent with the Constitution that this body, by its rules, has essentially amended the Constitution to require 60 votes to pass any issue on which Members choose to filibuster or threaten to filibuster.

The Framers, I think, understood—more than understood—expressed through the Constitution and their deliberations and their writings, that the Congress was to be a body in which the majority would rule.

I know that some of our colleagues will oppose the alteration, the amendment, that Senator HARKIN and I are proposing on the grounds the filibuster is a very special prerogative that is necessary to protect the rights of a minority. But in doing so, and I say this respectfully, I believe they are not being true to the intention of the Framers of the Constitution, which is that the Congress was the institution in which the majority was to rule, not to be effectively tyrannized by a minority. And the Framers, Madison and the others, who thought so deeply and created this extraordinary instrument that has guided our country for more than 200 years now, developed the system in which the rights of the minority were to be protected by the republican form of government, by the checks and balances inherent in our Government and ultimately by the courts applying the great principles of the Constitution, particularly the Bill of Rights, to protect the rights of a minority that might be infringed by a wayward majority.

So this procedure that has grown up over the years has turned the intention of the Framers, in my opinion, on its head, and in doing so has not only created gridlock but has given power to a minority as against the will of the majority. The majority in the Senate, as reflecting the majority of the people of the United States, has allowed that minority to frustrate the will of the majority improperly.

So I think this is at the heart of the change for which the people have cried out. It is right, and it is fair. It is our belief in that most fundamental of democratic principles, majority rule, that motivates our introduction of this amendment. I am confident that if we ever put this issue, or could put this issue, before the American people for a vote, they would direct us to end the current filibuster practice. Majority rule is not and should not be a controversial proposition. Minority rights are protected by the checks and balances in our system.

Mr. President, it is my pleasure as a Senator from Connecticut to welcome the occupant of the chair as a new Member of the Senate. Perhaps you have observed from your viewing of the Senate before you arrived here that our problem seems not to have been that things move through this institution too quickly, that we hastily trample upon the rights of the minority. The problem, if anything—and it is not a bad problem and it does carry out the intention and will of the Framers—is that there are a lot of checks and balances here, and it is often hard to do the people's business and respond to the people's needs, and the filibuster has made it even harder to do so.

So I thank the Chair and the Senate for their indulgence. I congratulate again my colleague from Iowa for initiating this forthright and, in its way, courageous attempt to change the status quo, and I urge my colleagues to support the amendment.

Mr. HARKIN. Before the Senator yields the floor, will the Senator yield?

Mr. LIEBERMAN. I would certainly yield the floor to my friend from Iowa.

Mr. HARKIN. I thank my colleague and good friend from Connecticut for his support, his involvement, and his help in the drafting of this amendment and putting it together. The Senator from Connecticut is one of those who stood in the well today and took his oath of office for the second time. The Senator from Connecticut, I think I can say without any fear of being in error, in his entire first term in the Senate was recognized for his constant effort to provide for reform, for change in the way this place operates to make it more open, to make us more accountable, and to ensure that the people of Connecticut, indeed the people of the United States, have the right to insist that Senators vote on the merits of legislation. So the Senator is not a newcomer to congressional reform and to making this body operate more effectively and efficiently. I congratulate the people of Connecticut for their wisdom in returning him to this body.

I thank the Senator very much for his support of this measure. As the Senator so wisely said, any time that the rules have been changed on the filibuster in the past, it has sometimes taken a great deal of time and effort. We will persevere in this effort because we believe it is the right course for the American people. But I believe by the changes that were made in November, the big changes that were made, the American people were sending us a very powerful message, and I believe, if we do not do something about this dinosaur, we are going to be involved in another couple of years of frustration.

So I just wanted to thank the Senator for his support, for his involvement, for his help in the drafting of this amendment, and I thank him for his 6 years of efforts to make the Senate a more responsive and responsible body.

Mr. LIEBERMAN. Mr. President, I thank my friend and colleague from Iowa for his kind words. I would just say to him that it is really an honor to begin this session by being his partner in this effort that I think is really at the heart of making the Senate a more responsive body.

I thank the Chair, and I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, before the distinguished Senator from Connecticut leaves the floor—and I know he must depart soon; he has someone waiting on him—my concern is that in an effort to kill this so-called dinosaur we are really taking a sledge hammer to kill a beetle, small beetle.

I agree with the Senators that the rule has been abused. Would the Senators agree with me that, in the abuse of this rule, it has been most abused in preventing, or attempting to prevent, the taking up of a measure or matter or nomination? Would the Senators agree with me on that?

The able Senator from Iowa cited the number of times that the ''filibuster'' was resorted to last year, or in the last session of Congress or in the last Congress, the 103d Congress, and I have a feeling that most of those instances to which he alluded were instances in which the effort was being made to proceed to take up a measure or matter or nomination and there was the threat of a filibuster at least which perhaps had some impact on the taking up of the measure.

Would the Senators agree that it is there, in the taking up of a measure, that the real problem lies, or at least that that has been our experience in recent months and years, not so much after the Senate is on a matter or measure or nomination but proceeding to the matter? Would the Senators agree?

Mr. HARKIN. I do not know if the question is directed to both of us, but if I might respond——

Mr. BYRD. I ask unanimous consent that I may ask this question and retain my rights to the floor.

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

Mr. HARKIN. I respond to the Senator by saying that that has been a problem. But I would also note that last year there were three or four instances—I am a little unclear—of when the filibuster was used on disagreeing with amendments of the House, appointing conferees, and insisting on Senate amendments. That can also be filibustered.

Mr. BYRD. But wouldn't——

Mr. HARKIN. Even after the whole measure has been passed.

Mr. BYRD. Would not the Senator agree that filibusters used in such instances as he has just related here are not the filibusters which have caused the Senate the problems of abuse which most Senators and I perceive as being problems? Do the Senators not agree if real problems have arisen—if there have been real problems, and assuming that there have been, assuming that what we call filibusters were really filibusters on motions to proceed—would the Senators not agree that on motions to proceed most of these filibusters, so-called filibusters, have occurred?

Mr. LIEBERMAN. Mr. President, if I may respond to the distinguished Senator from West Virginia, it is true—and I do not have the statistics in front of me, but my recollection tells me that a good number of the filibusters that have occurred have occurred on the motion to proceed. But it is my opinion that the fact that many filibusters occurred on the motion to proceed does not encourage or lead to the conclusion that the problem is the motion to proceed. The filibusters have occurred on the motion to proceed because that has generally been the first opportunity that opponents of a measure have had to filibuster. The fact that a measure can be blocked by conducting a filibuster of the motion to proceed, of course, makes it even more frustrating. The very attempt to proceed to a matter of legislation or a nomination can be filibustered before the Senate even gets to the substance of it, but breaking the filibuster of the motion to proceed does not eliminate the threat of a filibuster of the bill itself.

This Senator can remember at least one example which makes the point that I am trying to make. On product liability reform, my recollection is that in the 102d Congress the filibuster occurred on the motion to proceed and cloture could not be obtained. In the 103d Congress, because of changes of attitude, because of changes of the membership of the Senate, because a number of Members of the Chamber had committed to at least let the Chamber get to the substance, it was apparent that the filibuster of the motion to proceed would be broken, that cloture would be granted. But then a filibuster did begin on the bill itself, after the motion to proceed was granted, and that filibuster was again successful in blocking the will of the majority.

So I would most respectfully say to the Senator from West Virginia that it does seem to me that, though the filibuster has been more frequently a problem on the motion to proceed, the problem is the filibuster. And if once the opponents of a measure, a minority, are not successful and let the motion to proceed be agreed to, then this minority has the right to frustrate the will of the majority on the substance of the matter once it comes before the Chamber.

Mr. BYRD. Well, Mr. President, I want to protect the right of the minority on a matter of substance in particular. But do the Senators not agree that most of the cloture motions that have been laid down by the majority leader in the past few years have been laid down on motions to proceed? Would the Senators not agree to that?

Mr. HARKIN. I would agree to that. I would agree, I think—and I have a table here on that—and the Senator is right.

Mr. BYRD. All right.

Mr. HARKIN. Most of them have been on motions to proceed.

Mr. BYRD. I thank the Senator.

Now, before the Senator leaves the floor, why do we want to use this cloture—why do we want to use this sledgehammer to eliminate the potential filibuster on a motion to proceed? That is where the problem has arisen. Our friends—now in the majority, then in the minority—objected to the taking up of measures. Consequently the majority leader put in a cloture motion; 2 days later the vote occurred.

Now if, as the Senator from Iowa has stated, it is true that most of the so-called filibusters, I say so-called because—I will explain that further in a moment—so-called filibusters have occurred on motions to proceed, and the Senator from Iowa says that is the case, if that is true, then we do not need this. We do not need this. We do not need to kill the opportunity for unlimited debate in order to get at that. Have the Senators read rule VIII, paragraph 2, of the Standing Rules of the Senate? Here is what it says. ''All motions made during the first two hours of a new legislative day to proceed to the consideration of any matter''—any matter except a motion to change the rules, any matter—''shall be determined without debate.''

Let me read that again for the edification of all Senators and all who are listening. Here in the Senate rules, paragraph 2, rule VIII.

> All motions made during the first two hours of a new legislative day to proceed to the consideration of any matter shall be determined without debate, except motions to proceed to the consideration of any motion, resolution, or proposal to change any of the Standing Rules of the Senate shall be debatable. Motions made after the first two hours of a new legislative day to proceed to the consideration of bills and resolutions are debatable.

Now here it is in plain, unmistakable language in the Senate rules, rule VIII, that a motion to proceed to take up a matter other than a rules change during the first 2 hours of a new legislative day shall be determined without debate. There you are. Why does not a majority leader use rule VIII? It is here. It has been here all the time.

Mr. President, I was majority leader and I was the Secretary of the Democratic Conference, beginning in 1967, for 4 years. I sat on this floor and did Mr. Mansfield's floor work for him as Secretary of the Democratic Conference. And beginning in 1971 I sat on this floor as Democratic whip and did Mr. Mansfield's floor work for him. He was the majority leader.

And in 1977 I was elected majority leader. I was elected majority leader for 2 years and then reelected in 1979 for 2 years. Then the Republicans took over the control of the Senate after the 1980 election. I was minority leader for 6 years. Then I became majority leader again for 2 years, the 100th Congress. That rule was there all the time that I was leader. I never had any big problems.

I will tell you, rules VII and VIII, I believe, have, if it is researched, if it is researched by the Journal clerk—I have a feeling that rules VII and VIII have not been used since I was majority leader. Rules VII and VIII have not been used since I was majority leader. I think that is correct, unless it happened one day when I was in a committee meeting and was not aware of what was going on on the floor. I will say this as a former majority leader and as a former minority leader. I will say that it is sometimes difficult. But the rule is there which allows for a motion to proceed, a nondebatable motion to

proceed. And I have used it. I have used it. I have used it when our Republican friends did not want to take up something. I used that rule.

Mr. HARKIN. Will the Senator yield?

Mr. BYRD. Let me just complete my thought and then I will be glad to yield.

A majority leader has enormous power when it comes to the schedule of the Senate, the scheduling of bills and resolutions, and the programming of the Senate schedule. The majority leader has first recognition power and that is a big arrow in his arsenal.

He has the power of first recognition. Nobody can get recognition before the majority leader. If he has the power of first recognition, then he can make a motion that is nondebatable. He can sit down if he wants to. If someone wants to put in a quorum call, that is OK. Let the quorums chew up the rest of the 2 hours. That motion is in there. That nondebatable motion is still pending before the Senate after that 2 hours. At least that is the way I recall it. But there is a nondebatable motion. Why has not rule VII or VIII been used?

So we have had all of these motions to proceed. The Republicans objected. Then we slapped in cloture motions. That has been called a filibuster. There is no filibuster. That is a threat to filibuster. But again, the majority leader has the power to go to something else. Once that cloture motion is in, he does not have to waste 2 days. He has the power to go to something else, take up something else. And then 2 days later the cloture motion ripens and you vote on that cloture motion. It does not mean that we have been losing time. We just moved on to another measure in the meantime.

So I say to my friends before we get all steamed up and start referring to something around here as a leviathan, dragon, or a big lizard, whatever, let us read the rules and see what we all have here. And let us use them. I will be glad to yield.

Mr. HARKIN. I thank the Senator for yielding.

I asked my staff. It was either last year or the year before when I first started getting involved in this that I then came to the majority leader, Mr. Mitchell, with that same proposal because I am trying to remember the bill we were trying to get up that was being filibustered. I had checked on this legislative day. The response that I got was what difference does it make? If we are going to filibuster, we might as well do it on a motion to proceed as anything else. It does not make any difference.

In other words, there are six hurdles. There is the motion to proceed. There is the bill, disagreement with the House, insist on amendments, appoint conferees—there are six when we get over there. The Senator from West Virginia says we take down the first rule. It still leaves five rules. Every one of those can be filibustered and we are right back in the same stew again. I believe that is why rule VIII is not used more often because it does not really make much difference.

Mr. BYRD. Mr. President, it makes a lot of difference. We so programmed ourselves around here that we get unanimous consent. And I started a lot of it. So I cannot wash my hands and walk away. I did a lot of this programming myself; program the next day; morning business. I daresay that half of the Senators do not know what morning business is. They do not know the difference between the morning hour and morning business.

I do not mean to cast aspersions on them. But I hear a lot of Senators talking about how we should change the rules. They do not know the rules. They do not know the rules. They think morning business is a period when there is a period for speeches. Morning business is not a period for speeches. Under rules VII and VIII, speeches are not to be made in morning business. Morning business is a period for the offering of petitions and memorials and bills and resolutions and so forth, but no speeches. A lot of Senators think, well, morning business. I would imagine if they went out to a high school or a college and answered some questions on the Senate rules, they would talk about morning business, that is the time you make speeches. Morning business is not a time for speeches.

So we get consent, not that there be a limitation on speeches in morning business because there are not supposed to be any speeches, but that Senators be permitted to speak in morning business for not to exceed.

I say all of that to say this, Mr. President. The rule is here. I daresay that if Mr. DOLE gets a notion to call up a measure he will probably resort to paragraph 2, rule VIII and he may go back to using rules VII and VIII. I hope we will. I do not want to see these rules atrophy from misuse. The Senate is being programmed too much. As I say, I guess I started some of it. But it has gone too far.

Here are the rules. The majority leader has all of his power of first recognition. Any majority leader can find a way to make a motion during the first 2 hours of a new legislative day. A lot of Senators do not know what that means—new legislative day. They probably do not know the difference between a legislative day and a calendar day. I do not want to be unfair to my colleagues. But they have other things to do, things that there are headlines in, votes to be made back home. Who wants to fool with these old Senate rules? It is not interesting reading. It will not compare with Milton, Dante, Roman history or the history of England. This is dry reading. Who wants to fool around and spend their hours reading these old dry rules? No headlines are made.

So I hope that we will start using rules VII and VIII. I think Senators would get over here then and use the 5-minute rule and speak on matters more often.

Mr. LIEBERMAN. Will the Senator yield?

Mr. BYRD. Yes. I ask that I retain my right to the floor, not that I think anyone is going to try to take it away from me.

Mr. LIEBERMAN. I thank the distinguished Senator from West Virginia. There is no better not only student but teacher of the rules who understands the rules better than the Senator from West Virginia. I respect him greatly for that.

I would make this point and I do think the Senator has made an important point in saying that the problem of the filibuster, to use the term we have been using and perhaps in some measure agreeing on it, the misuse of the filibuster has arisen most frequently on the motion to proceed. I must say that if there was a way that the Chamber could limit or eliminate the opportunity to filibuster on the motion to proceed I would certainly consider that to be a step forward—to put it in a more clear way, if I may, a step toward diminishing the misuse of the power of the filibuster. But it does seem to me that the problem here has arisen most frequently on the motion to proceed but the problem remains the filibuster which is the ability in this Senator's opinion of a minority to frustrate the will of 51 Members of this Senate to represent their constituents and get something done. It has arisen most frequently on the motion to proceed because that is the first time it could arise.

My friend and colleague from Iowa has talked about the six occasions in which in the consideration of a typical matter here in the Senate a filibuster could occur. In fact, if one considered amendments and the opportunity to filibuster amendments, there are even more than six. But let us talk about the six. It is as if there were six hurdles or six obstacles on the passage of a measure. And it is true that the first hurdle is the motion to proceed. So the filibuster has arisen most often on that because it is the first hurdle. If we eliminated that hurdle, I would say that would be a step toward eliminating or diminishing the misuse. But the fact other hurdles would remain and would be there is an opportunity to frustrate the will of the majority and to bring gridlock.

I say that with great respect for my distinguished colleague from West Virginia. I thank him for yielding the floor.

Mr. BYRD. Mr. President, I have great respect for both Senators. I have great admiration for them. Mr. HARKIN serves on my Appropriations Committee. He has his heart in this matter. But as one who has been a leader of the majority and the leader of the party when in the minority, I can say to my friends that the majority leader, whose job it is and responsibility it is to bring up matters—that is not the responsibil-

ity of the minority leader—the majority leader, with his power of first recognition, with his majority votes to back him up on most measures, certainly on taking up measures, he can get measures up. There might come an occasion now and then in the effort to proceed to take up something when he would have to use cloture. That is all right. I used it a few times, too. But that has been the problem, as I have observed it here in recent years, the ''filibuster,'' because it really was not a filibuster. It was the failure to give consent to take up a matter. Consent is needed to take up a matter, except on a motion. So if we can ask unanimous consent to take up a matter, to proceed to a matter, any one Senator can object, and that may appear to be a filibuster. That may appear to be a threat of a filibuster.

Well, a majority leader can call that threat. He does not have to roll over and play dead. Time and time again—do not worry about these holds, do not worry about them. I have heard that argument. Senators have holds on things. We ought to stop that. Well, when I was leader, I recognized a hold only for a time, and many Senators have placed a hold on a piece of legislation just so they can be notified when that piece of legislation is about to come up. They want to be notified. They do not want it to be taken up without their being consulted.

I never tolerated a hold; I never allowed any hold to keep me from attempting to take up a measure. If someone had a hold on a nomination, I would go to the Republican leader and I would say: You better tell Senator So and So that I am going to move to take up that nomination. I hope he will give me consent, but if he does not and I see he has had a hold 2 weeks, 3 weeks, or a month, or whatever it is, then I am going to move, and the hold would break. If it did not, we just moved to take it up.

So, Mr. President, to those, especially inside the Senate, who do not understand, I cannot blame the people on the outside for not understanding. I can understand how editors of the newspapers around the country might not understand when Senators themselves do not understand. We have a rule here that allows taking up a measure without debate.

Let me say that I hope the Republican leader will resort to rule VIII once in a while, if for nothing else but to recall to all of us that it is in the rule book.

(Mr. GORTON assumed the chair.)

Mr. HARKIN. Will the Senator yield?

Mr. BYRD. Yes, I will yield for a question.

Mr. HARKIN. This is very instructive to me, also. As the Senator from Connecticut said, there is no one who knows his rules better and more in depth than the Senator from West Virginia. I like this debate because I am learning from him.

I have to have something cleared up for me, if the Senator would be so kind. Let us assume that the majority leader does use rule VIII to bring up a motion to proceed, which then would not be debatable; let us say that I was opposed to the measure, and say I had two or three other people opposed to the measure that indicated we were going to filibuster the motion to proceed. So the majority leader says: We will get around HARKIN; we will bring it up under rule VIII. There is nothing I can do about it. It is nondebatable. But what is to prevent me from saying when the bill comes up we will filibuster it now?

Mr. BYRD. Sure, that is all right. A minority ought to have a right somewhere to debate and to resort to unlimited debate. There are two things that make the Senate, two things in particular, aside from the Senate's judicial powers, its executive powers, and its investigative powers; there are two things that make it the premier upper body in the world. One is the right to amend. The Constitution gives it that right to amend, even on revenue bills which originate in the House. The other factor is the right of unlimited debate.

I sought to get the campaign financing reform measure up in the 100th Congress, in 1987, and our Republican friends would not give me a unanimous consent to take it up. So one day—I am getting to the point the Senator raised—I said to the Republican leader, when I had the floor: I wonder if the leader would give me consent to proceed to the consideration of whatever the bill number was, the campaign financing reform bill. He said: I do not think so; I think we want to talk a while about that. I said: Well, I wish the Senator would let me take this up. He said: Well, Senator MCCONNELL might want to talk about it. I said: Right there he is; ask him. The Republican leader asked Senator MCCONNELL, and he said Senator MCCONNELL wanted to talk.

Well, Mr. President, I was in a position right then to move to take that bill up, and it is a nondebatable motion. You see, it was a new legislative day, and it was during that 2 hours. I am now in a position to move. I said: So, Mr. Leader, if you give me unanimous consent, we will save 15 minutes, or if you will not give me unanimous consent, we will just vote right now, and we will vote up or down. He said: Well, give me a few minutes to talk with my colleagues. I said: Sure, how much time you want? He said: Oh, 20, 30 minutes. I said: Mr. President, I ask unanimous consent that the Senate stand in recess for 30 minutes and that I be recognized at the reconvening of the Senate, and at that point no time be charged against the recess, and that I retain my rights at that point as of the status quo. We recessed for 30 minutes and went out and Mr. DOLE came back and said: OK, we will give you consent. Then they filibustered the measure.

I offered a cloture motion eight times—more than any majority leader has ever offered on any measure. Unlike Robert Bruce, who succeeded on the seventh time after he had seen that spider spin his web, I failed eight times. Do you think I was frustrated? Of course I was. But they had a right. They were exercising their rights. They were in the minority, but a minority can be right. A minority can be right. So I have always defended the rights of the minority, whether I was in the majority or minority, because I also remember that we can be in the minority—and we are now. I remember, too, that this is not a democracy.

With 260 million people, would anybody stand up and claim that this could be a democracy? This is a Republic. It is a representative democracy. The people speak through their elected representatives. So a minority may be over there or may be over here on a given measure, or a minority may be a combined minority. But that minority may represent a majority of the people. That is the purpose. That is why unlimited debate is something we should never, never give away—unlimited debate; right of unlimited debate.

I have been in the House of Representatives. I have been in the House of Representatives before I came here. I do not want to make the Senate a second House of Representatives. There is a place for both in the constitutional scheme. Each has its role to play in its own proper sphere. The Senate ought not change its role.

I may want to filibuster, to use the word. I may want to use it someday to protect poor little West Virginia and her rights. This is the forum of the States. We are here to represent States. And the State of West Virginia, the State of Iowa, the State of Kentucky, the State of Mississippi, each of these States is equal to the great State of California with its 30-odd million—equal. We speak for the States, and it is the only forum in the Government in which the States are equally represented—equally represented.

Now, if we do not have the right for unlimited debate, these poor little old States like West Virginia, they will be trampled underfoot. We have three votes in the House. Now in the House, we had six votes. Now we have half that many in the House, three votes.

Mr. President, we had better stop, look, and listen before we give away this right of unlimited debate. What is wrong with using the rules? My friends did not like it. I did not like it when Mr. DOLE used the rules on me when he was in the majority. I did not like it, but I said he has a right to do it; he is playing by the rules.

Mr. President, I came prepared to speak not long, but let me say a few words in accordance with what I had planned.

The filibuster has become a target for rebuke in this efficiency-obsessed

age in which we live. We have instant coffee, instant potatoes to mix, instant this and instant that. So everything must be done in an instant; must be done in a hurry.

I lived in an earlier age. I remember when Lindbergh flew across the ocean in a plane that carried a 5,500-pound load. He had five sandwiches. He ate one and one-half of them on his way. He flew 3,600 miles in 33½ hours, sometimes 10 feet above water, sometimes 10,000 feet. Crowds gathered to see him off; crowds gathered in Paris to see him land.

He flew over Cape Breton, Nova Scotia, at the great speed of 100 miles an hour. That is what the New York Times said. That is the paper that prints everything there is fit to print. I wish other newspapers would follow that same rule. Great speed. Flew over at great speed, it said—100 miles an hour.

JOHN GLENN went around the Earth, I would assume, at a speed of something like, I would imagine, as I recall he traveled around the Earth in about 80 minutes, something like that. That would be what? Eighteen thousand miles an hour.

Anyhow, everything has to be done in a hurry. We have to bring efficiency to this Senate. That was not what the Framers had in mind.

Recently, much of the talk of abolishing filibusters was coming from the other body, but apparently the criticism has begun to seep in the Senate Chamber, as well.

The filibuster is one of the easier targets in this town. It does not take much imagination to decry long-winded speeches and to deplore delay by a small number of determined zealots as getting in the way of the greater good.

It does, however, take more than a little thought to understand the true purpose of the tactic known as filibustering and to appreciate its historic importance in protecting the viewpoint of the minority.

In many ways, the filibuster is the single most important device ever employed to ensure that the Senate remains truly the unique protector of the rights of the people that it has been throughout our history.

I believe that it is always worthwhile to try to educate the public and hopefully any new Members who have not yet fully grasped the noble purpose fulfilled by this much maligned exercise known as the Senate filibuster.

Mr. President, let it be clearly understood that I favor a change in the filibuster rule. I will eliminate filibusters on the motion to proceed to take up a measure or matter other than a matter affecting a rules change. I would favor changing the rules to provide that there be a motion to proceed limited to 2 hours of debate or 1 hour of debate. I have no problem with that. Because that to me appears to have been, the last few years, where the real abuse has lain, real abuse of the rule. If we eliminate that, Senators should retain full rights to debate at any length the measure or matter, once the Senate has proceeded to take it up.

So let us have that change in the rules. That will get rid of most of the so-called filibusters.

A lot of these are not really filibusters. What is involved is a motion to proceed. Because unanimous consent could not be gotten to take up the matter, one Senator or two Senators were objecting, so the motion to proceed was made and then immediately a cloture motion was laid down.

Now, that cloture rule came as a result of real filibusters, and what was perceived at that time as an abuse of unlimited debate. That is why the cloture rule was created in 1917.

As the Senator has appropriately pointed out—and I have listened to him carefully and he has revealed to me that he has read a great deal of history concerning these rules—may I say to the Senator that I have likewise read a great deal of it. I have likewise written a great deal on it, and I have likewise experienced the use of it and experienced dealing with it as majority leader, as minority leader, as whip, and as secretary of the Democratic conference.

Mr. HARKIN. Senator, much of the history I have read.

Mr. BYRD. I could tell that just by listening. And I compliment the Senator.

By the way, all of this section here, ''The Filibuster 1789–1917,'' I read the old CONGRESSIONAL RECORDS. I went through the old CONGRESSIONAL RECORD. I read those debates by Benjamin Tillman. I read them. I did the footnoting in this book. I did not have a staffer do that footnoting. I did it. I read those CONGRESSIONAL RECORDS.

And so I have read the history. And I have helped to make a lot of the history. And I have helped to write a lot. And I feel very deeply that as long as we have a Senate in which there is unlimited debate, the liberties of the American people will always be protected. I think that we change that rule at our peril, and at the peril of the liberties of the American people.

One of the filibuster, so-called filibuster, is of ancient origin. Cato ordered a filibuster. Cato the Younger. His sister married Brutus. Marcus Junius Brutus. Cato the Younger. He committed suicide in the year 46, 46 B.C., after he had heard that Caesar has won the battle of Thapsus. He committed suicide. Cato. Marcus Porcius Cato Uticensis committed suicide. He admonished all of his men, the officers in his military, to leave Utica because Caesar was approaching. He admonished his son to give himself over to Caesar. Cato himself did none of these things. He elected to read Plato's book on the soul. Phaedo. And after he had read that book, his friends had taken his sword from beneath his pillow, fearful he might use it against himself. And he asked them to send it back. And a little boy came carrying the sword back into the room. Cato felt of its point, felt of its edge, said, ''Now, I am master of myself.'' And a little later he plunged it into his abdomen. Cato. We need more Catos in the Senate.

The Cato in the year 60 B.C. resorted to a filibuster. Caesar wanted to stand as a candidate for counsel. He had to be in the city to do that. He also wanted to be rewarded a triumph for his victories in Spain. For that he had to be on the outside of the city and come in a triumph. He had to give up one or the other, but his friends in the Senate sought to introduce legislation that would allow him to stand as the candidate while on the outside of the city, but Cato, and I say it in here better, ''Cato spun out the hours by speaking until the Sun went down.'' In the Roman Senate, Sun went down, that was the end of the session. So he spun out the day talking until the Senate adjourned. And so we see a successful filibuster occurs in the Roman Senate 2055 years ago. Not bad. 2055 years ago. So, it is a matter of ancient origin.

Did the Senator want me to yield?

Mr. HARKIN. Mr. President, I was just fascinated by listening to the history lesson is all.

Mr. BYRD. I ask unanimous consent that I may yield for a statement, if the Senator wishes to make it, without losing my right to the floor.

The PRESIDING OFFICER. Without objection.

Mr. HARKIN. Mr. President, I thank the Senator. It is always instructive to engage in the debates with the Senator from West Virginia who is a great student of Roman history. I have always enjoyed listening to him tell about the different Roman battles. Always very instructive. I am not a student of Roman history at all and do not pretend to be. I find it fascinating.

I tend to think that we in our great American experiment embarked upon something quite different perhaps than what the Roman Senate was. I think our roots, again, go back to the Magna Carta, the great charter of King John, and to the parliamentary procedures of Great Britain, of England.

In 1604 the Parliament of Great Britain adopted what was then known as a motion for the previous question to bring to finality debate and to move to the merits of the proposition. That was in 1604. When our Constitution, and I pose this in a manner of a question to the Senator from West Virginia because this is another branch of the argument on the filibuster, sort of the branch that I had been arguing on is the basis that a filibuster ought to be used to slow down, temper legislation, alert the public, change minds, but should not be used as a measure whereby a small minority can totally keep the majority from voting on the merits of a bill. That is one branch.

The other branch is the constitutional branch. The Senator from West Virginia said that we, at our peril, I believe, give up this right of unlimited

debate. From whence does this right spring? It is not mentioned in the Constitution. At least I cannot find it in the Constitution.

In fact, the Constitution, article I, section 3, outlines what the Senate shall be. Two Senators from each State chosen by the legislature, which was changed by the 18th amendment and made Senators popularly elected, goes on to tell what Senators do. They each get a vote. The Vice President will be President of the Senate but will have no vote unless they be equally divided. Then it goes on to tell all of the different cases wherein there has to be more than a majority vote. Five cases.

I postulate a question to the Senator from West Virginia. Let us suppose that an election were held and 90 Members of the Senate were elected from one party; let us say that those 90 Members then decided that they were going to change the rules of the Senate. And they did change the rules of the Senate.

And then they put in the Senate a rule that said that no changes in the rules could be done unless 90 percent agreed. Not two-thirds, but 90 would have to agree to change the rules, and that 90 Senators would have to reach that agreement. It probably would never happen again, 90 Members of the same party, but then that rule would go on in perpetuity. So then does that not lead to a possibility of a Senate setting up a supermajority that completely does away with the will of the majority to enact legislation? It sort of is an extension, and it is the extreme of what we have here, I think, with a filibuster.

So I ask the Senator, from whence does this right spring of this unlimited debate? I find it not in the Constitution.

Mr. BYRD. The right of freedom of speech was publicly accorded to both Commons and the House of Lords by Henry V in 1407. He reigned from 1399 to 1413. He publicly declared that the Commons, members of both Houses of Parliament, had the right to speak and speak without any fear of being challenged in any other place. That right was written into the English Bill of Rights, article 9—the English Bill of Rights, which was enacted in December 1689.

William III and Mary were offered the joint sovereignty by Commoners, the House of Commons, when James II, just before he left England and went to the court of France, never to return to England, they offered to William and Mary the joint sovereignty. And in early 1689, William and Mary were crowned joint sovereigns. But first of all they had to agree to a Bill of Rights. And in that Bill of Rights, in the nineth article, there is a provision that members of Parliament should not be questioned in any place but Parliament. And in our own Constitution, article I, section 6, we find virtually the same language, no Member of either House may be questioned in any other place, or anything said in debate, so on and so on.

So there was the right of freedom of speech. Our English forebears recognized that important right, and they wrote it into the Bill of Rights, the English Bill of Rights. And our Constitution forebears, who knew much about the English struggle, who knew much about Roman history, who knew much about Montesquieu and Hobbs and Moore and all of the other great philosophers, they wrote it into our Constitution.

We have freedom of speech. The Roman Senate, under the Republic, which lasted from 509 B.C. up to the Battle of Actium in 31 B.C., the Roman Republic had freedom of speech in the Senate, and there was a check on freedom of speech on the length of speeches first instituted by Augustus—Gaius Julius Caesar Octavianus, given the title of Augustus by an innervated Roman Senate that had lost its nerve, lost its vision and lost its way. Augustus finally put an end to this business of freedom of speech in the Senate. He reigned from 27 B.C. to 14 A.D.

So it has its roots in antiquity. It is a property, yeah; it is far more than a property, it is a right that is cherished by free men: The right of freedom of debate.

Take away that right and you take away my liberties. You take away my right of freedom of debate as an elected representative of the people, and you take away their liberties. It is a right that Englishmen have known for centuries for which they struggled against monarchs.

The Senate, as the Senator pointed out early today, first started out with the previous question in the Senate. That was discarded. Aaron Burr, when he made that great speech after he had murdered Alexander Hamilton in Weehawken, NJ, and had presided over the Senate trial of Samuel Chase, I believe it was, made a speech to the Senate, his last speech before he went out the door for the last time, and he recommended that the Senate do away with the previous question.

So we have had unlimited debate in the Senate now for 200 years, and surely with 200 years of trial and testing, we should know by now it is something to be prized beyond measure.

And so it is not a matter of pride and prerogative and privilege and power with this Senator. It is a matter not only of protecting this institution, it is a matter of protecting the liberties of free men under our Constitution. And as long as I can stand on this floor and speak, I can protect the liberties of my people. If I abuse the power by threatening to filibuster on motions to proceed, take away that power of mine to abuse. Let us change the rule and allow a motion to proceed under a debate limitation of 2 hours, 1 hour, or whatever, except on motions to proceed to a rules change. I am for that.

And so by doing that, the Senator will have performed a great service. He will have eliminated—he will have eliminated—the source of the irritations and aggravations that have permeated through this body over the last few years of most of those so-called filibusters.

They were not filibusters. They were simply motions to take up a matter that were objected to and immediately a cloture motion being thrown down. That cloture motion was created to shut off debates on filibusters. And yet the cloture motion was used to get a vote on a motion to proceed.

So I think it has been blown out of proportion a great deal, but I agree that that rule has been abused to that extent. I have said that continued abuse of that rule will result in taking away the right of Senators to have unlimited debate. I see that danger. And I am trying to protect against that danger. So I would agree that we make that kind of rules change.

As far as I am concerned, we could go back to the two-thirds rule rather than the three-fifths—two-thirds of those present and voting. That would ensure that Senators come to the floor and vote. Where we have 60 votes, 39 or 40 can leave town. The other side has to produce 60 votes.

So if the Senate wanted to change it back to two-thirds of those present and voting, fine. As he pointed out directly, the present rule was reached through compromise, those who thought the two-thirds too difficult and those who thought that a majority was not enough, so we arrived at the present rule. But I am not unalterably against change if it is change for what I see would be for the better. I think that would be for the better. But I am against change, I am against emasculating the filibuster rule.

In the ''Lady of the Lake,'' I guess it was Fitz-James who said;

> Come one, come all. This rock shall fly
> From its firm base as soon as I.

That is the way I feel about the filibuster:

> Come one, come all. This rock shall fly
> From its firm base as soon as I.

So it is not a matter of power and privilege and prerogative, as the Senator has said, and pride. It is a matter of pride in this institution with me. That is where the pride is, pride in this institution and pride in the Constitution.

I wish Senators would develop an institutional memory. Stop coming over here from the House of Representatives and immediately trying to make this a second House of Representatives. The Senate was created for a purpose in the minds of those great framers. And the test of time has proved that they were right and that they were wise.

I had intended to read several chapters from my book, volume two, but I have enjoyed the exchange with my friends to the extent that I feel no need of proceeding as I had earlier intended.

Let me just call attention to my book—and I get no royalties on this

book—''The Senate, 1789–1989, Addresses on the History of the Senate.'' This is volume two. Volume two is the Senator's copy. Volume one was a chronological history of the U.S. Senate. A history of the United States Senate is American history. But volume two I intended for Senators to read.

What is in it? Well, there are chapters on treaties, and on impeachment trials, and on other matters that are fairly unique to the Senate. I hope Senators will read my chapter on impeachment trials. Some Senators who claim to be lawyers cannot, really cannot, get away from the idea that they are still in a courtroom and that an impeachment trial is a trial in the sense of a civil or criminal trial that is being tried in a court of law.

I hope that Senators who listen tonight and those who read will take me up on that and go back and read my chapter on impeachment trials because there will be some more impeachment trials as time comes on. And I have chapters on committees, on the various officers of the Senate.

But in this respect which we are now discussing, I would suggest they begin on page 93, chapter 5, titled ''Extended Debate, Filibusters, 1789 to 1917.'' There they will find written down the instance to which I earlier referred when Plutarch reported that Cato opposed Caesar's request and ''attempted to prevent his success by gaining time; with which views he spun out the debate till it was too late to conclude upon any thing that day.''

So that was that successful filibuster 2,055 years ago.

Then this gives the history of filibusters when filibusters were real filibusters, as Mr. HARKIN stated earlier. Back in the 19th century, they had real filibusters, and in the early part of this century. And there have been some real ones since I have been in the Senate, real in the sense that it took days and days and days to reach a decision. And the debate was germane, at least during the filibusters that I experienced in the Senate.

I mentioned three in particular. The civil rights debate, 1964. I was not a leader at that time, but I participated in that debate. I spoke 14 hours and 13 minutes during that debate. That was a bill that was before the Senate for a total of 77 days including Saturdays, Sundays, and holidays. It was actually debated 57 days, 6 of which were Saturdays. We have had some real filibusters. Still the bill was not passed until 9 days after cloture was voted. Hence, 103 days had passed between March 9 when the motion was made to take up the bill and final passage on June 19.

Now, this was the civil rights filibuster. Then there was a filibuster on the natural gas bill, in 1977 I believe it was. And then I speak of the filibuster that occurred on the campaign financing reform bill, 1987 and 1988. That spread across a period of 2 years.

So I have seen filibusters. I have helped to break them. There are few Senators in this body who were here when I broke the filibuster on the natural gas bill. Two Senators, Senator Metzenbaum and former Senator Abourezk, tied up the Senate for 13 days and 1 night—I believe it was 13 days and 1 night—and in that time we had disposed of a half-dozen amendments. So I asked Mr. Mondale, the Vice President, to go please sit in the chair; I wanted to make some points of order and create some new precedents that would break these filibusters.

So he got in the chair, and Howard Baker and I, working together, propounded some points of order, and we broke that filibuster. And I disposed of more than 30 amendments within the course of a few minutes. And the filibuster was broken—back, neck, legs, arms. It went away in 12 hours.

So I know something about filibusters. I helped to set a great many of the precedents that are in the books here. Dizzy Dean said you can say these things, you can brag, if you have done it. So I do not know whether one wants to call that bragging or not, but that is fact—I think it is facts I am stating. And I am simply stating them to let other Senators know that I understand what frustrations are. I have been over this road, up and down the hill. And I think we give away something, something we can never retrieve, if we give away the right of unlimited debate. We ought to forget about streamlining, streamlining—the Senate was not meant to be streamlined. The process here was not meant to be streamlined.

And again I say I understand that the rule has been abused. I understand that Senators do not really very often stand up and debate anymore. But let us not try to blame it on the rules. Blame it on Senators. Rules should not be blamed for it. The rule is there. I have already read that rule whereby a motion can be made, that is nondebatable, to proceed. Let us not throw out the baby with the bath water. The minority can be right and the minority has been right and I will always take my stand in support of this institution, the Constitution, and the rights of the minority.

And I close by reading merely 2 pages, whereas I had intended to read 70 pages when I began. Page 162:

> Arguments against filibusters have largely centered around the principle that the majority should rule in a democratic society. The very existence of the Senate, however, embodies an equally valid tenet in American democracy: the principle that minorities have rights.

Of course, a minority abuses the rights, but the majority abuses the rights also—there are times.

> Furthermore, a majority of Senators, at a given time and on a particular issue, may not truly represent majority sentiment in the country. Senators from a few of the more populous States may, in fact, represent a majority in the Nation while numbering a minority of votes in the Senate, where all the States are equal.

Take California, Texas, Florida, Michigan, Ohio, Illinois, New York—there is a minority of States. I have not counted the votes recently, but I would daresay there is about—almost a majority of the population, if not a majority. There is a minority of States. They can be right. We ought to think long and long and long and long and hard before we tinker with something that has been tried and tested for 200 years because there is a problem with it. Let us see if we cannot heal that problem in other ways. Let us have resort to Rule VIII. Of course, we are not the majority again. Right now we cannot resort to it. But the majority can resort to it.

Well, back on my reading. Let me repeat:

> Senators from a few of the more populous States may, in fact, represent a majority in the nation while numbering a minority of votes in the Senate, where all the States are equal. Additionally, a minority opinion in the country may become the majority view, once the people are more fully informed about an issue through lengthy debate and scrutiny. A minority today may become the majority tomorrow.

Why should not a majority have a right to stop a piece of legislation? My friend says, well, let us retain the right to slow down, the right to slow down, but let us take away this power to stop something.

I understand how Napoleon felt when he was banished to Elba. I have a room down here in the corner. Here I was majority leader and had this six vast rooms, and along came the election and I was banished to almost Outer Mongolia. I know how Napoleon felt because I have seen him in his picture with his hands folded behind him, looking out upon the sad and solemn sea. But that is the way it is in politics. You are up one day, you are down the next. So I am in the minority right now.

> Moreover, the framers of the Constitution thought of the Senate as the safeguard against hasty and unwise action by the House in response to temporary whims and storms of passion that may sweep over the land. Delay, deliberation, and debate —though time consuming—may avoid mistakes that would be regretted in the long run. The Senate is the only forum in the government where the perfection of laws may be unhurried and where controversial decisions may be hammered out on the anvil of lengthy debate. The liberties of a free people will always be safe where a forum exists in which open and unlimited debate is allowed.
>
> The most important argument supporting extended debate in the Senate, and even the right to filibuster, is the system of checks and balances. The Senate operates as the balance wheel in that system, because it provides the greatest check against an all-powerful executive through the privilege that Senators have to discuss without hindrance what they please for as long as they please. A minority can often use publicity to focus popular opinion upon matters that can embarrass the majority and the executive. Without the potential for filibusters, that power to check a Senate majority or an imperial presidency * * *

We are not talking about pride and prerogative and privilege and power here. Here is what is involved. ''Without the potential for filibusters, that power to check a Senate majority or an

imperial presidency''—and we have seen an imperial presidency in this land—would be destroyed.''

It is a power too sacred to be trifled with. As Lyndon Baines Johnson said on March 9, 1949:

* * * if I should have the opportunity to send into the countries behind the iron curtain one freedom and only one, I know what my choice would be. * * * I would send to those nations the right of unlimited debate in their legislative chambers.

Peter the Great did not have a Senate with unlimited debate, with power over the purse, when he enslaved hundreds of thousands of men in the building of Saint Petersburg.

* * * If we now, in the haste and irritation, shut off this freedom, we shall be cutting off the most vital safeguard which minorities possess against the tyranny of momentary majorities.

As one who has served both as majority leader and as minority leader, as a senator who has engaged both in filibustering and in breaking filibusters during my thirty-one years in this body, I believe that Rule XXII today strikes a fair and proper balance between the need to protect the minority against hasty and arbitrary action by a majority and the need for the Senate to be able to act on matters vital to the public interest. More drastic cloture than the rules now provide is neither necessary nor desirable.

We must not forget that the right of extended, and even unlimited, debate is the main cornerstone of the Senate's uniqueness. It is also a primary reason that the United States Senate is the most powerful upper chamber in the world today. The occasional abuse of this right has been, at times, a painful side effect, but it never has been and never will be fatal to the overall public good in the long run. Without the right of unlimited debate, of course, there would be no filibusters, but there would also be no Senate, as we know it. The good outweighs the bad, even though they may have been exasperating, contentious, and perceived as iniquitous. Filibusters are necessary evil, which must be tolerated lest the Senate lose its special strength and become a mare appendage of the House of Representatives. If this should happen, which God avert, the American Senate would cease to be ''that remarkable body'' about which William Ewart Gladstone spoke—''the most remarkable of all the inventions of modern politics.''

Mr. President, I yield the floor.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BENNETT). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ADDITIONAL COSPONSOR TO S. 2

Mr. LOTT. Mr. President, I ask unanimous consent that I be added as a cosponsor of S. 2.

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

MEASURE PLACED ON THE CALENDAR—S. 2

Mr. LOTT. Mr. President, I ask unanimous consent that S. 2, the congressional coverage bill introduced earlier today, be placed on the calendar.

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

ORDERS OF PROCEDURE

Mr. LOTT. Mr. President, I ask unanimous consent that at 10:15 on Thursday, January 5, 1995, the Senate resume consideration of Senate Resolution 14, and at that time the debate on the Harkin amendment prior to a motion to table be divided in the following manner: 30 minutes under the control of Senator BYRD and 45 minutes under the control of Senator HARKIN. I further ask unanimous consent that at 11:30 a.m., the majority leader or his designee be recognized to make the motion to table amendment No. 1. I ask unanimous consent further that, if the amendment is not tabled, it be subject to further debate and amendment. I further ask unanimous consent that if the amendment is tabled, the Senate proceed immediately to adoption of the resolution without any intervening action or debate. Finally, I ask unanimous consent that immediately following the adoption of the resolution the Senate proceed to S. 2, the congressional coverage bill.

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

''DISPLACED STAFF MEMBER''

Mr. LOTT. Mr. President, I send an enclosed resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

S. RES. 25

Resolved, That, for the purpose of section 6 of Senate Resolution 458 of the 98th Congress (agreed to October 4, 1984), the term ''displaced staff member'' includes an employee in the office of the Minority Whip who was an employee in that office on January 1, 1995, and whose service is terminated on or after January 1, 1995, solely and directly as a result of the change of the individual occupying the position of Minority Whip and who is so certified by the individual who was the Minority Whip on January 1, 1995.

The PRESIDING OFFICER. If there is no debate on the resolution, the question is on agreeing to the resolution.

The resolution (S. Res. 25) was agreed to.

Mr. LOTT. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

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

The motion to lay on the table was agreed to.

The resolution is as follows:

Resolved, That, for the purpose of section 6 of Senate Resolution 458 of the 98th Congress (agreed to October 4, 1984), the term ''displaced staff member'' includes an employee in the office of the Minority Whip who was an employee in that office on January 1, 1995, and whose service is terminated on or after January 1, 1995, solely and directed as a result of the change of the individual occupying the position of Minority Whip and who is so certified by the individual who was the Minority Whip on January 1, 1995.

AWARDS FOR ATTORNEY'S FEES

Mr. LOTT. Mr. President, I send a bill to the desk and ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title.

The legislative clerk read as follows:

A bill to amend section 526 of Title 28, United States Code, to authorize awards for attorneys' fees.

Mr. LOTT. Mr. President, I ask for a second reading.

Mr. FORD. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

MODIFICATION OF SENATE RESOLUTION 16

Mr. FORD. Mr. President, I ask unanimous consent to modify S. Res. 16 adopted earlier today with language which I now send to the desk. This modification has been cleared by the majority leader and it does not change the ratio agreed to.

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

MODIFICATION OF SENATE RESOLUTION 17

Mr. FORD. Mr. President, I ask unanimous consent that S. Res. 17 adopted earlier today be modified by the following language, which I send to the desk. This request has been cleared by the majority leader and does not alter our agreements with the committee ratios.

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

THE SENATE GIFT RULE

Mr. FORD. Mr. President, I understand that S. 71 regarding the Senate gift rule introduced earlier today by Senators WELLSTONE and FEINGOLD is at the desk.

The PRESIDING OFFICER. That is correct.

Mr. FORD. Mr. President, I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 71) regarding the Senate gift rule.

Mr. FORD. Mr. President, I ask for its second reading.

Mr. LOTT. I object, Mr. President.

The PRESIDING OFFICER. Objection is heard.

MEASURE INDEFINITELY POSTPONED—S. RES. 19

Mr. LOTT. Mr. President, I ask unanimous consent that S. Res. 19, a resolution regarding committee funding, submitted earlier today be indefinitely postponed.

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

ORDERS FOR TOMORROW

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand adjourned until 10 a.m., Thursday, January 5, and that when the Senate reconvenes the Journal of proceedings be deemed to have been approved to date, that the call of the calendar be waived, that no motions or resolutions come over under the rule, that the morning hour be deemed to have expired, and that the time until 10:15 a.m. be reserved for the two leaders. I further ask unanimous consent that at 10:15 the Senate resume consideration of Senate Resolution 14 under the terms of the previous agreement.

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

Mr. LOTT. Mr. President, if there are no further Senators seeking recognition, I ask unanimous consent that the Senate stand in adjournment under the previous order.

The PRESIDING OFFICER. Will the Senator withhold for a moment?

APPOINTMENTS BY THE DEMOCRATIC LEADER

The PRESIDING OFFICER. The Chair announces the following two appointments made by the Democratic leader, the Senator from Maine [Mr. MITCHELL], during the sine die adjournment:

Pursuant to provisions of Public Law 103–236, the appointment of Senator MOYNIHAN and Samuel P. Huntington, of New York, as members of the Commission on Protecting and Reducing Government Secrecy.

Pursuant to provisions of Public Law 100–458, Sec. 114(b)(1)(2), the reappointment of William Winter to a 6-year term on the Board of Trustees of the John C. Stennis Center for Public Training and Development, effective Oct. 11, 1994.

APPOINTMENT BY THE REPUBLICAN LEADER

The PRESIDING OFFICER. The Chair announces the following appointment made by the Republican leader, the Senator from Kansas [Mr. DOLE], during the sine die adjournment:

Pursuant to provisions of Public Law 103–359, the appointment of Senator JOHN WARNER of Virginia, and David H. Dewhurst of Texas, as members of the Commission on the Roles and Capabilities of the United States Intelligence Community.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair announces the following appointment made by the President pro tempore, Senator BYRD of West Virginia, during the sine die adjournment:

Pursuant to provisions of Public Law 103–394, and upon the recommendation of the Republican leader, the appointment of James I. Shepard, of California, as a member of the National Bankruptcy Review Commission.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 3:03 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the following resolutions:

H. Res. 2. Resolution informing the Senate that a quorum of the House of Representatives has assembled.

H. Res. 3. Resolution notifying the President of the United States that a quorum of each House has assembled and Congress is ready to receive any communication that he may be pleased to make.

MEASURE PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

S. 2. A bill to make certain laws applicable to the legislative branch of the Federal Government.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1. A communication from the President of the United States, transmitting, consistent with the War Powers Resolution, a report on deployment of a U.S. Army peacekeeping contingent as part of the United Nations Protection Force in the Former Yugoslav Republic of Macedonia (received on December 22, 1994); to the Committee on Foreign Relations.

EC–2. A communication from the President of the United States, transmitting, consistent with the Use of Military Force Against Iraq Resolution, a report on the status of efforts to obtain Iraq's compliance with the resolutions adopted by the U.N. Security Council (received on January 3, 1995); to the Committee on Foreign Relations.

EC–3. A communication from the President of the United States, transmitting, pursuant to law, the third monthly report on the situation in Haiti (received on January 3, 1995); to the Committee on Foreign Relations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–1. A petition from a citizen of the State of California; to the Committee on Rules and Administration.

PETITION FOR ELECTION CONTEST

INTRODUCTION

Now comes Petitioner and contestant Michael Huffington before the Senate of the United States. Petitioner prays that the Senate deny Dianne Feinstein a seat in the 104th Congress of the United States on the grounds that she has not been ''duly elected'' by a majority of legal ballots cast in the State of California in the election held on November 8, 1994. In the alternative, Petitioner asks that if the Senate seats Feinstein, it do so without prejudice because the misconduct, irregularities and fraud in the California election system were so widespread that the true results of the election cannot be known. Furthermore, Petitioner is informed and believes that additional investigation by the Senate before her seating becomes final will make clear that the serious systemic problems in California's and the nation's voter registration and verification system are so pervasive as to render the results of the 1994 California Senate election invalid.

In support thereof, the petitioner alleges the following:

JURISDICTION

1. The Senate of the United States, pursuant to Article 1, Section 5, clause 1 of the Constitution of the United States, is ''the Judge of the Elections, Returns, and Qualifications of its own Members'' and has final jurisdiction over election contests concerning its Members.

PARTIES

2. The Petitioner and contestant, Republican Party candidate for the Office of United States Senator from the State of California in the November 8, 1994 general election, is an elector and citizen of the State of California and the United States and a legal voter in the State of California in the November 8, 1994 general election. He is qualified to bring this petition, and brings this action as a contestant and on behalf of the almost 4,000,000 voters of the State who cast legal ballots on his behalf.

3. Dianne Feinstein, the Democrat candidate for the office of United States Senator from the State of California in the November 8, 1994 general election, was certified as the winner of the election by approximately 160,000 votes by the California Secretary of State on December 16, 1994, prior to numerous of the facts alleged herein being known.

FACTUAL ALLEGATIONS

4. Article I, Section 4, clause 2 of the Constitution of the United States grants the states the power to prescribe the time, places, and manner of holding elections for United States Senators and Representatives, subject to the congressional power to preempt state law on this subject.

5. The State of California has adopted a comprehensive California State Elections

Code which proscribes the time, place and manner of holding elections for the Office of United States Senator which was not preempted by federal law in this election. (CAL. ELEC. CODE §§1–35150)

6. Article II, Section 2 of the Constitution of the State of California proscribes the following qualifications for electors in the State of California: ''A United States citizen 18 years of age and resident in this state may vote.''

7. The California Elections Code provides that persons who no longer reside 28 days before a general election in the precinct for which they are registered may not vote in a general election unless they change their registration address 28 days or more before that general election. (CAL. ELEC. CODE §§305 and 311.6)

8. The California Elections Code provides that felons, deceased persons, minors, noncitizens, non-residents and others not qualified to vote may neither register nor vote in elections in the State. (CAL. ELEC. CODE §§100, 300.5, 701 and 14216)

9. The California Elections Code requires that precinct officials conducting the elections account for all the ballots and the signatures of voters who are given ballots at the precinct polling places on election day, and that these numbers be reconciled as part of the official count. (CAL. ELEC. CODE §§14005.5, 14006 and 14305)

10. The California Elections Code requires that precinct officials conducting the elections require all voters to identify themselves when voting and to sign the register of voters with their name and registration address. (CAL. ELEC. CODE §14211)

I. FIRST GROUNDS OF CONTEST: A GENERAL PATTERN OF IRREGULARITIES, FRAUD, AND OTHER VIOLATIONS OF THE CALIFORNIA ELECTIONS CODE HAS RENDERED THE RESULT OF THE 1994 UNITED STATES SENATE ELECTION UNRELIABLE

11. The allegations contained in Paragraphs 1–10 are incorporated herein.

12. A study of 84 representative sample precincts in California reveals a general pattern of voting irregularities, illegal voting, and other violations of the California Elections Code in the conduct of the November 8, 1994 general election so widespread as to render the result of the United States Senate Election unreliable.

13. Based upon this study, on information and belief, Petitioner alleges that the violations, irregularity and fraud are so pervasive in the State of California that the certification of the United States Senate election is rendered unreliable. This study shows that:

a. California election workers made sufficient errors in counting and reconciling ballots in the sample precincts to render the result of the United States Senate election certified by the California Secretary of State unreliable. Comparing the number of ballots voted with the number of signatures on the voting rosters in the sample precincts reveals that election officials accepted an average discrepancy of one (1) vote per precinct in certifying the returns. This one (1) vote per precinct discrepancy results both from more ballots than signatures and more signatures than ballots. Projecting such discrepancies on a statewide basis would produce an error in the certification of approximately 20,000 to 25,000 votes.

b. The number of extra ballots certified by California election officials in the sample precincts plus the number of ballots not certified compared to the ballots reportedly sent to the Registrar of Elections from the sample precincts produces a discrepancy of 1.38 ballots per precinct. If extrapolated statewide, these tabulation errors would amount to approximately 35,000 votes in the certification of the results. Such errors were more likely to occur in the heavily Democratic precincts of the precincts sampled.

c. Precinct workers permitted persons who did not meet the statutory qualifications for voting in that precinct to cast ballots and allowed persons who did not live in the precinct for which they were registered to cast illegal ballots in substantial numbers. Comparing the voting roster to registration books used on election day shows that the number of voters who failed to sign the registration book with any residential address is approximately 3.5 votes per precinct. Extrapolated statewide, this could reveal as many as 85,000 improperly cast ballots, which are probably illegal.

d. Comparing the voting rosters with the registration books used on election day shows that the number of voters who signed the roster with an address different from their registration address and who resided outside of the precinct in which they voted or who did not sign any address at all was approximately .93 votes per precinct. Extrapolated statewide, this could result in as many as 23,000 improperly cast ballots, which are probably illegal. These ballots are in addition to the 85,000 ballots reported above. Moreover, persons registered as Democrats in the precincts sampled were twice as likely as persons registered as Republicans to sign an address different than where they were living.

e. Approximately seven (7) voters per precinct voted from an address they had listed as their former address on a National Change of Address (''NCOA'') request from the voter had filed. Extrapolated statewide, this would result in as many as 175,000 ballots being improperly cast. If only one-half of these voters had actually changed their residence but were allowed to vote, it would produce approximately 88,000 improperly cast ballots.

f. Of those who cast absentee ballots, approximately 1.7 voters per precinct sampled had filed a NCOA request with the post office for the address from which they voted in the November 8, 1994 election. Extrapolated statewide, this would result in as many as 43,000 improperly cast ballots. If only one-quarter of these voters cast their ballot improperly it would produce 10,700 such ballots.

14. In sum, it is alleged on information and belief that extrapolating the results of this study to the entire State of California will present a prima facie case that over 170,000 votes were illegally cast in the November 8, 1994 general election, more than Feinstein's certified margin of victory and large enough to cast doubt upon the certification of the United States Senate election.

15. The study in the sample precincts also suggests that if the percentage figures were projected for the entire state of California, more Democrat voters than Republican voters cast illegal ballots.

16. In addition to the more than 170,000 projected illegal votes indicated by the study of sample precincts in the State of California, an ongoing investigation of voter fraud in California reveals that numerous persons not qualified to vote in the 1994 general election in California, including dead persons who were recorded as having voted in November, remained on the registration rolls and did vote in that election, thereby rendering the results of the 1994 United States Senate election unreliable.

17. On November 8, 1994, precinct officials allowed persons who were not residing in the precinct from which they voted 28 days before the election, and therefore were not eligible to vote, to cast ballots in such numbers that the results of the 1994 California United States Senate election cannot be reliably known.

18. On November 8, 1994, precinct officials and election officials allowed persons not qualified to vote, including, it is alleged on information and belief, non-citizens who were motivated by defeating a ballot initiative measure entitled ''Proposition 187'', to cast illegal votes in such numbers that the results of the 1994 California United States Senate election cannot be reliably known.

19. On and before the November 8, 1994 election, election officials allowed persons to cast absentee ballots in a manner not authorized by law in such numbers that the result of the 1994 California United States Senate election cannot be reliably known.

20. The irregularities, mistakes and fraud described in the above paragraphs are not isolated and are so pervasive as to constitute a general pattern in the conduct of the November 8, 1994 general election that renders the certification of the California United States Senate election unreliable.

II. SECOND GROUNDS OF CONTEST: STATE, COUNTY AND PRECINCT ELECTION OFFICIALS INADEQUATELY ADMINISTERED THE 1994 GENERAL ELECTION AND FAILED TO ENSURE THE SANCTITY OF THE ELECTORAL PROCESS IN CALIFORNIA SO THAT THE RESULTS OF THE 1994 UNITED STATES SENATE ELECTION ARE IN DOUBT

21. The allegations contained in Paragraphs 1–20 are incorporated herein.

22. The public officials charged with conducting the elections in the State of California did not enforce or satisfy the requirements of the California Elections Code in the conduct of the 1994 United States Senate Election so that the result of the California United States Senate election cannot be reliably known without further investigation.

23. The Registrars of Election allowed numerous persons to register to vote in the 1994 general election in California who were not qualified under the State's Constitution or laws to be registered voters in the State in that election.

24. The Registrars of Election allowed numerous persons to register to vote more than once in the November 8, 1994 general election in California, a violation of the California Elections Code.

25. On November 8, 1994, precinct officials allowed to be deposited into the ballot boxes more ballots than there were voters who presented themselves for the purpose of voting in such numbers that the result of the 1994 California United States Senate election cannot be reliably known.

26. On November 8, 1994, precinct officials failed to deposit into the ballot boxes all the ballots that were given to voters who presented themselves for the purpose of voting and these precinct officials failed to account for the reason that these ballots were not deposited in such numbers that the result of the 1994 California United States Senate election cannot be reliably known.

27. These irregularities in process were known or should have been known to the Secretary of State of California prior to the election and prior to his issuance of the certificate of election in the United States Senate election, yet he refused to investigate these problems or to take corrective action both prior to the election and during the canvass to insure that the certificate of election was reliable.

28. The failures of the election officials which are complained of herein relate to duties which are mandatory in nature and not directory in nature.

29. These irregularities in process were known or should have been known by the county Registrars since they appear on the original election documents containing the totals certified to the Secretary of State during the canvass period. Notwithstanding this fact, the Registrars failed to resolve the

discrepancies that appeared on the documents sent to them by the precinct officials.

30. Because of these irregularities and discrepancies, the Secretary of State's certificate of election is unreliable and the margin between the two major party candidates is less than the number of unaccounted for ballots and illegal ballots cast in the November 8, 1994 election.

31. The total number of illegal ballots cast or ballots unaccounted for and the insufficiency of ballots in some precincts and excess of ballots in other precincts is sufficiently large throughout the State of California to cast doubt on the election certificate issued by the Secretary of State and to cast doubt on which of the two major party candidates won the election for the United States Senate.

32. These failures of the election officials cannot be remedied by a recount of the votes or the remedies available in the California Elections Code for an election contest.

33. Because California lacks any reliable verification system in its registration process to determine the identity and eligibility of voters, the failure of election officials to enforce the statutory requirements makes unreliable the certificate of election in close contests, such as the contest at issue here.

34. The general pattern of irregularities in the election process and illegal ballots cast is so pervasive that the results of the 1994 United States Senate election are in doubt and, upon information and belief, it is alleged that if the illegal ballots cast could be removed from the certificate so issued, the result of the election would be changed.

III. THIRD GROUNDS OF CONTEST: THE IRREGULARITIES AND ERRORS COMPLAINED OF CONSTITUTE A VIOLATION OF THE 14TH AMENDMENT

35. The allegations contained in paragraphs 1–34 are incorporated herein.

36. The failure of California to provide a reliable election system whereby only legal voters are allowed to cast ballots and illegal ballots are not counted and to administer the 1994 Senate election according to its own Constitution and Elections Code constitutes a denial of 14th Amendment protections to the legal voters of California in that such failure structurally dilutes the valid votes cast for both candidates for United States Senator in 1994.

IV. PRAYER FOR RELIEF

That based upon the foregoing, the Petitioner and Contestant prays:

1. That on the day of covering, the Secretary of the Senate be instructed to not accept the certification from the State of California for the 1994 United States Senate election.

2. That, in the alternative, Dianne Feinstein be seated without prejudice to the rights of the Senate to revoke her seating by majority vote after full investigation of the conduct of the election.

3. That the matter be referred to the Rules and Administration Committee with instructions to investigate immediately the allegations set forth above in order to advise the Senate on the action to take in this matter.

4. That upon finding the facts to be substantially as set forth in the petition or upon receipt of additional evidence, to declare the Senate seat in question be vacant and request that the State of California conduct a new election, or in the alternative, to declare the person who received the highest number of legal votes duly elected if such numbers of legal votes can be determined.

5. That the Senate grant such additional relief that the Senate deems warranted by the facts.

REPORT OF COMMITTEE SUBMITTED DURING SINE DIE ADJOURNMENT

Pursuant to the order of the Senate of December 1, 1994, the following report was submitted on January 3, 1995, during the sine die adjournment of the Senate:

By Mr. RIEGLE, from the Committee on Banking, Housing, and Urban Affairs:

Special Report entitled ''Madison Guaranty S&L and the Whitewater Development Corporation Washington, DC Phase: Inquiry Into the U.S. Park Police Investigation of the Death of White House Deputy Counsel Vincent W. Foster, Jr.'' (Rept. No. 103–433).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. KEMPTHORNE (for himself, Mr. DOLE, Mr. GLENN, Mr. ROTH, Mr. DOMENICI, Mr. EXON, Mr. COVERDELL, Mr. BROWN, Mr. BURNS, Mr. CRAIG, Mr. FAIRCLOTH, Mr. GREGG, Mr. BENNETT, Mrs. HUTCHISON, Mr. ABRAHAM, Mr. ASHCROFT, Mr. BOND, Mr. BREAUX, Mr. CAMPBELL, Mr. COATS, Mr. COCHRAN, Mr. COHEN, Mr. D'AMATO, Mr. DEWINE, Mrs. FEINSTEIN, Mr. FRIST, Mr. GORTON, Mr. GRAMM, Mr. GRAMS, Mr. HATCH, Mr. HATFIELD, Mr. HEFLIN, Mr. HELMS, Mr. INHOFE, Mrs. KASSEBAUM, Mr. KYL, Mr. LOTT, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Ms. MOSELEY-BRAUN, Mr. MURKOWSKI, Mr. NICKLES, Mr. PACKWOOD, Mr. PRESSLER, Mr. ROBB, Mr. SANTORUM, Mr. SHELBY, Mr. SIMPSON, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. THURMOND, and Mr. WARNER):

S. 1. A bill to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations; and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. GRASSLEY (for himself, Mr. LIEBERMAN, Mr. DOLE, Mr. NICKLES, Mr. ROTH, Mr. GLENN, Mr. SMITH, Mr. SPECTER, Mr. BROWN, Mr. INHOFE, Mr. THOMPSON, Ms. SNOWE, Mr. ABRAHAM, Mr. SANTORUM, Mr. THOMAS, Mr. COHEN, Mr. CRAIG, Mrs. BOXER, Mr. ROBB, Mr. KOHL, Mr. WARNER, Mr. BAUCUS, Mr. HELMS, Mr. GREGG, Mr. DEWINE, Mr. CAMPBELL, Mr. BENNETT, Mr. MACK, Mr. KERREY, Mrs. KASSEBAUM, and Mr. LOTT):

S. 2. A bill to make certain laws applicable to the legislative branch of the Federal Government; read twice.

By Mr. DOLE (for himself, Mr. HATCH, Mr. THURMOND, Mr. SIMPSON, Mr. GRAMM, Mr. SANTORUM, Mr. ABRAHAM, Mr. DEWINE, and Mr. KYL):

S. 3. A bill to control crime, and for other purposes; to the Committee on the Judiciary.

By Mr. DOLE (for himself, Mr. MCCAIN, Mr. COATS, Mr. KYL, Mr. HELMS, Mr. MURKOWSKI, Mr. ASHCROFT, Mr. BOND, Mr. GRAMS, and Mr. GRAMM):

S. 4. A bill to grant the power to the President to reduce budget authority; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. DOLE (for himself, Mr. HELMS, Mr. THURMOND, Mr. COHEN, Mr. WARNER, Mrs. HUTCHISON, Mr. MCCAIN, Mr. LOTT, Mr. NICKLES, and Mr. MACK):

S. 5. A bill to clarify the war powers of Congress and the President in the post-Cold War period; to the Committee on Foreign Relations.

By Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. BREAUX, Ms. MIKULSKI, Mr. REID, Mr. ROCKEFELLER, Mr. DODD, Mr. KERRY, Mr. DORGAN, and Ms. MOSELEY-BRAUN):

S. 6. A bill to replace certain Federal job training programs by developing a training account system to provide individuals the opportunity to choose the type of training and employment-related services that most closely meet the needs of such individuals, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. REID, Ms. MIKULSKI, Mr. ROCKEFELLER, Mr. DODD, Mr. BREAUX, Ms. MOSELEY-BRAUN, Mr. PELL, Mrs. MURRAY, and Mr. INOUYE):

S. 7. A bill to provide for health care reform through health insurance market reform and assistance for small business and families, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DASCHLE (for himself, Mr. BREAUX, Ms. MIKULSKI, Mr. ROCKEFELLER, Mr. REID, Mr. KERRY, Mrs. MURRAY, Mr. DORGAN, Ms. MOSELEY-BRAUN, and Mr. ROBB):

S. 8. A bill to amend title IV of the Social Security Act to reduce teenage pregnancy, to encourage parental responsibility, and for other puropses; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. EXON, Ms. MIKULSKI, Mr. BREAUX, Mr. ROBB, Mr. KERRY, Mr. PELL, Ms. MOSELEY-BRAUN, and Mr. HARKIN):

S. 9. A bill to direct the Senate and the House of Representatives to enact legislation on the budget for fiscal years 1996 through 2003 that would balance the budget by fiscal year 2003; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. DASCHLE (for himself, Mr. GLENN, Mr. LEVIN, Ms. MIKULSKI, Mr. BREAUX, Mr. KERRY, Ms. MOSELEY-BRAUN, and Mr. HARKIN):

S. 10. A bill to make certain laws applicable to the legislative branch of the Federal Government, to reform lobbying registration and disclosure requirements, to amend the gift rules of the Senate and the House of Representatives, and to reform the Federal election laws applicable to the Congress; to the Committee on Governmental Affairs.

By Mr. KYL:

S. 11. A bill to award grants to States to promote the development of alternative dis-

pute resolution systems for medical malpractice claims, to generate knowledge about such systems through expert data gathering and assessment activities, to promote uniformity and to curb excesses in State liability systems through federally-mandated liability reforms, and for other purposes; to the Committee on the Judiciary.

By Mr. ROTH (for himself, Mr. BREAUX, Mr. PRYOR, and Mr. MURKOWSKI):

S. 12. A bill to amend the Internal Revenue Code of 1986 to encourage savings and investment through individual retirement accounts, and for other purposes; to the Committee on Finance.

By Ms. MOSELEY-BRAUN:

S. 13. A bill to require a Congressional Budget Office analysis of each bill or joint resolution reported in the Senate or House of Representatives to determine the impact of any Federal mandates in the bill or joint resolution; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of of August 4 1977, that if one Committee reports, the other Committee have 30 days to report or be discharged.

By Mr. DOMENICI (for himself, Mr. EXON, Mr. CRAIG, Mr. BRADLEY, Mr. COHEN, and Mr. DOLE):

S. 14. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed cancellations of budget items; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. MOYNIHAN:

S. 15. A bill to provide that professional baseball teams and leagues composed of such teams shall be subject to the antitrust laws; to the Committee on the Judiciary.

By Mr. DOLE:

S. 16. A bill to establish a commission to review the dispute settlement reports of the World Trade Organization, and for other purposes; to the Committee on Finance.

By Mr. SPECTER (for himself and Ms. MOSELEY-BRAUN):

S. 17. A bill to promote a new urban agenda, and for other purposes; to the Committee on Finance.

S. 18. A bill to provide improved access to health care, enhance informed individual choice regarding health care services, lower health care costs through the use of appropriate providers, improve the quality of health care, improve access to long-term care, and for other purposes; to the Committee on Finance.

By Mr. NICKLES (for himself, Mr. HELMS, Mr. SMITH, and Mr. GRASSLEY):

S. 19. A bill to amend title IV of the Social Security Act to enhance educational opportunity, increase school attendance, and promote self-sufficiency among welfare recipients; to the Committee on Finance.

By Mr. MOYNIHAN:

S. 20. A bill to amend title 18, United States Code, with respect to the licensing of ammunition manufacturers, and for other purposes; to the Committee on the Judiciary.

By Mr. DOLE (for himself, Mr. LIEBERMAN, Mr. HELMS, Mr. THURMOND, Mr. MCCONNELL, Mr. LOTT, Mr. FEINGOLD, Mr. D'AMATO, Mr. MCCAIN, Mr. BIDEN, Mr. MACK, Mr. KYL, Mr. GORTON, Mr. HATCH, Mr. SPECTER, Mr. PACKWOOD, and Mr. CRAIG):

S. 21. A bill to terminate the United States arms embargo applicable to the Government of Bosnia and Herzegovina; to the Committee on Foreign Relations.

By Mr. DOLE (for himself, Mr. HEFLIN, Mr. BROWN, Mr. BURNS, Mr. HATCH, Mr. NICKLES, Mr. CRAIG, and Mrs. KASSEBAUM):

S. 22. A bill to require Federal agencies to prepare private property taking impact analyses; to the Committee on Governmental Affairs.

By Mr. HELMS:

S. 23. A bill to protect the First Amendment rights of employees of the Federal Government; read the first time.

S. 24. A bill to make it a violation of a right secured by the Constitution and laws of the United States to perform an abortion with knowledge that such abortion is being performed solely because of the gender of the fetus, and for other purposes; read the first time.

S. 25. A bill to stop the waste of taxpayer funds on activities by Government agencies to encourage its employees or officials to accept homosexuality as a legitimate or normal lifestyle; read the first time.

S. 26. A bill to amend the Civil Rights Act of 1964 to make preferential treatment an unlawful employment practice, and for other purposes; read the first time.

S. 27. A bill to prohibit the provision of Federal funds to any State or local educational agency that denies or prevents participation in constitutionally-protected prayer in schools; read the first time.

S. 28. A bill to protect the lives of unborn human beings, and for other purposes; read the first time.

S. 29. A bill to amend title X of the Public Health Service Act to permit family planning projects to offer adoption services, and for other purposes; read the first time.

By Mr. MCCAIN:

S. 30. A bill to amend the Social Security Act to increase the earnings limit, to amend the Internal Revenue Code of 1986 to repeal the increase in the tax on social security benefits and to provide incentives for the purchase of long-term care insurance, and for other purposes; to the Committee on Finance.

By Mr. MCCAIN (for himself, Mr. BRYAN, Mr. COATS, Mr. GORTON, Mr. HEFLIN, Mr. HELMS, Mr. KYL, Mr. LOTT, Mr. MACK, Mr. REID, Mr. SHELBY, Mr. SMITH, Mr. STEVENS, Mr. WARNER, and Mr. GRAMS):

S. 31. A bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age; to the Committee on Finance.

By Mr. BREAUX (for himself and Mr. JOHNSTON):

S. 32. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for the production of oil and gas from existing marginal oil and gas wells and from new oil and gas wells; to the Committee on Finance.

S. 33. A bill to amend the Oil Pollution Act of 1990 to clarify the financial responsibility requirements for offshore facilities; to the Committee on Environment and Public Works.

S. 34. A bill to amend the Internal Revenue Code of 1986 to treat geological, geophysical, and surface casing costs like intangible drilling and development costs, and for other purposes; to the Committee on Finance.

S. 35. A bill to amend the Internal Revenue Code of 1986 to allow a tax credit for fuels produced from offshore deep-water projects; to the Committee on Finance.

By Mr. KOHL:

S. 36. A bill to replace the Aid to Families with Dependent Children under title IV of the Social Security Act and a portion of the food stamp program under the Food Stamp Act of 1977 with a block grant to give the States the flexibility to create innovative welfare to work programs, and for other purposes; to the Committee on Finance.

By Mr. FEINGOLD (for himself and Mr. KOHL):

S. 37. A bill to terminate the Extremely Low Frequency Communication System of the Navy; to the Committee on Armed Services.

By Mr. HATCH (for himself, Mr. DOLE, Mr. THURMOND, Mr. SIMPSON, Mr. GRASSLEY, Mr. KYL, Mr. ABRAHAM, Mr. NICKLES, Mr. GRAMM, Mr. SANTORUM, and Mr. ASHCROFT):

S. 38. A bill to amend the Violent Crime Control and Law Enforcement Act of 1994, and for other purposes; to the Committee on the Judiciary.

By Mr. STEVENS (for himself, Mr. KERRY, and Mr. MURKOWSKI):

S. 39. A bill to amend the Magnuson Fishery Conservation and Management Act to authorize appropriations, to provide for sustainable fisheries, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. FEINGOLD (for himself and Mr. KOHL):

S. 40. A bill to direct the Secretary of the Army to transfer to the State of Wisconsin lands and improvements associated with the LaFarge Dam and Lake portion of the project for flood control and allied purposes, Kickapoo River, Wisconsin, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BAUCUS (for himself and Mr. BURNS):

S. 41. A bill for the relief of Wade Bomar, and for other purposes; to the Committee on the Judiciary.

By Mr. FEINGOLD:

S. 42. A bill to terminate the Uniformed Services University of the Health Sciences; to the Committee on Armed Services.

S. 43. A bill to phase out Federal funding of the Tennessee Valley Authority; to the Committee on Environment and Public Works.

By Mr. REID (for himself and Mr. BRYAN):

S. 44. A bill to amend title 4 of the United States Code to limit State taxation of certain pension income; to the Committee on Finance.

By Mr. FEINGOLD:

S. 45. A bill to amend the Helium Act to require the Secretary of the Interior to sell Federal real and personal property held in connection with activities carried out under the Helium Act, and for other purposes; to the Committee on Energy and Natural Resources.

S. 46. A bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate primary and general election campaigns, to limit contributions by multicandidate political committees, and for other purposes; to the Committee on Rules and Administration.

By Mr. SARBANES:

S. 47. A bill to amend certain provisions of title 5, United States Code, in order to ensure equality between Federal firefighters and other employees in the civil service and other public sector firefighters, and for other purposes; to the Committee on Governmental Affairs.

By Mr. MCCAIN:

S. 48. A bill to amend title II of the Social Security Act to impose the social security earnings test on the retirement annuities of Members of Congress; to the Committee on Governmental Affairs.

By Mr. STEVENS (for himself and Mr. MURKOWSKI):

S. 49. To amend the Federal Water Pollution Control Act to modify the wetlands reg-

ulatory program corresponding to the low wetlands loss rate in Alaska and the significant wetlands conservation in Alaska, to protect Alaskan property owners, and to ease the burden on overly regulated Alaskan cities, boroughs, municipalities, and villages; to the Committee on Environment and Public Works.

By Mr. LOTT (for himself, Mr. KYL, Mr. MACK, Mr. SHELBY, and Mr. WARNER):

S. 50. A bill to repeal the increase in tax on social security benefits; to the Committee on Finance.

By Mr. THURMOND:

S. 51. A bill to amend title 28 of the United States Code to clarify the remedial jurisdiction of inferior Federal courts; to the Committee on the Judiciary.

S. 52. A bill to provide that a justice or judge convicted of a felony shall be suspended from office without pay; to the Committee on the Judiciary.

S. 53. A bill to amend title 18, United States Code, to prohibit any person who is being compensated for lobbying the Federal Government from being paid on a contingency fee basis; to the Committee on the Judiciary.

S. 54. A bill to amend title 18 to limit the application of the exclusionary rule; to the Committee on the Judiciary.

Mr. INOUYE:

S. 55. A bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs; to the Committee on Veterans Affairs.

S. 56. A bill for the relief of Susan Rebola Cardenas; to the Committee on the Judiciary.

S. 57. A bill to amend the Immigration and Nationality Act to facilitate the immigration to the United States of certain aliens born in the Philippines or Japan who were fathered by United States citizens; to the Committee on the Judiciary.

S. 58. A bill to increase the role of the Secretary of Transportation in administering section 901 of the Merchant Marine Act, 1936, and for other purposes; to the Committee on Commerce, Science, and Transportation.

S. 59. A bill to amend the Public Health Service Act to provide health care practitioners in rural areas with training in preventive health care, including both physical and mental care, and for other purposes; to the Committee on Labor and Human Resources.

S. 60. A bill to amend title VII of the Public Health Service Act to revise and extend certain programs relating to the education of individuals as health professionals, and for other purposes; to the Committee on Labor and Human Resources.

S. 61. A bill to amend title XIX of the Social Security Act to provide for coverage of services provided by nursing school clinics under State medicaid programs, and for other purposes; to the Committee on Finance.

S. 62. A bill to amend title XVIII of the Social Security Act to remove the restriction that a clinical psychologist or clinical social worker provide services in a comprehensive outpatient rehabilitation facility to a patient only under the care of a physician, and for other purposes; to the Committee on Finance.

S. 63. A bill to amend title XVIII of the Social Security Act to provide improved reimbursement for clinical social worker services under the medicare program, and for other purposes; to the Committee on Finance.

S. 64. A bill to amend title VII of the Public Health Service Act to make certain graduate programs in clinical psychology eligible to participate in various health professions loan programs, and for other purposes; to the Committee on Labor and Human Resources.

S. 65. A bill to amend title VII of the Public Health Service Act to establish a psychology post-doctoral fellowship program, and for other purposes; to the Committee on Labor and Human Resources.

S. 66. A bill to amend title VII of the Public Health Serive Act to ensure that social work students or social work schools are eligible for support under the Health Careers Opportunity Program, the Minority Centers of Excellence Program, and programs of grants for training projects in geriatrics, to establish a social work training program, and for other purposes; to the Committee on Labor and Human Resources.

S. 67. A bill to amend title 10, United States Code, to authorize former members of the Armed Forces who are totally disabled as the result of a service-connected disability to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft; to the Committee on Armed Services.

S. 68. A bill to amend title 10, United States Code, to authorize the appointment of health care professionals to the positions of the Surgeon General of the Army, the Surgeon General of the Navy, and the Surgeon General of the Air Force; to the Committee on Armed Services.

S. 69. A bill to amend section 1086 of title 10, United States Code, to provide for payment under CHAMPUS of certain health care expenses incurred by certain members and former members of the uniformed services and their dependents to the extent that such expenses are not payable under medicare, and for other purposes; to the Committee on Armed Services.

By Mr. DOLE (for Mr. MURKOWSKI (for himself, Mr. BREAUX, Mr. STEVENS, and Mr. HEFLIN)):

S. 70. A bill to permit exports of certain domestically produced crude oil, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. WELLSTONE (for himself, Mr. FEINGOLD, and Mr. LAUTENBERG):

S. 71. A bill regarding the Senate Gift Rule; read the first time.

By Mr. INOUYE:

S. 72. A bill to direct the Secretary of the Army to determine the validity of the claims of certain Filipinos that they performed military service on behalf of the United States during World War II; to the Committee on Armed Services.

S. 73. A bill to amend title 10, United States Code, to authorize certain disabled former prisoners of war to use Department of Defense commissary stores and post and base exchanges; to the Committee on Armed Services.

S. 74. A bill to amend title 10, United States Code, to provide for jurisdiction, apprehension, and detention of members of the Armed Forces and certain civilians accompanying the Armed Forces outside the United States, and for other purposes; to the Committee on Armed Services.

S. 75. A bill to allow the psychiatric or psychological examinations required under chapter 313 of title 18, United States Code, relating to offenders with mental disease or defect to be conducted by a clinical social worker; to the Committee on the Judiciary.

S. 76. A bill to recognize the organization known as the National Academies of Practice, and for other purposes; to the Committee on the Judiciary.

S. 77. A bill to restore the traditional observance of Memorial Day and Veterans Day; to the Committee on the Judiciary.

S. 78. A bill to establish a temporary program under which parenteral diacetylmorphine will be made available through qualified pharmacies for the relief of intractable pain due to cancer; to the Committee on Labor and Human Resources.

S. 79. A bill to require the Secretary of Agriculture to extend a nutrition assistance program to American Samoa, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

S. 80. A bill to amend the Perishable Agricultural Commodities Act, 1930, to include marketing of fresh cut flowers and fresh cut foliage in the coverage of the Act, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

S. 81. A bill to amend the Internal Revenue Code of 1986 to provide a credit for the purchase of child restraint systems used in motor vehicles; to the Committee on Finance.

S. 82. A bill to amend title 38, United States Code, to revise certain provisions relating to the appointment of clinical and counseling psychologists in the Veterans Health Administration, and for other purposes; to the Committee on Veterans Affairs.

S. 83. A bill to amend title 5, United States Code, to require the issuance of a prisoner-of-war medal to civilian employees of the Federal Government who are forcibly detained or interned by an enemy government or a hostile force under wartime conditions; to the Committee on Governmental Affairs.

S. 84. A bill to authorize the Secretary of Transportation to issue a certificate of documentation and coastwise trade endorsement for the vessel BAGGER, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. FEINGOLD (for himself and Mr. SIMON):

S. 85. A bill to provide for home and community-based services for individuals with disabilities, and for other purposes; to the Committee on Finance.

S. 86. A bill to modify the estate recovery provisions of the medicaid program to give States the option to recover the costs of home and community-based services for individuals over age 55, and for other purposes; to the Committee on Finance.

By Mr. INOUYE:

S. 87. A bill to amend the Foreign Trade Zones Act to permit the deferral of payment of duty on certain production equipment; to the Committee on Finance.

By Mr. HATFIELD:

S. 88. A bill to increase the overall economy and efficiency of Government operations and enable more efficient use of Federal funding, by enabling local governments and private, nonprofit organizations to use amounts available under certain Federal assistance programs in accordance with approved local flexibility plans; to the Committee on Governmental Affairs.

By Mr. INOUYE:

S. 89. A bill to amend the Science and Engineering Equal Opportunities Act; to the Committee on Labor and Human Resource

By Mr. HATFIELD:

S. 90. A bill to amend the Job Training Partnership Act to improve the employment and training assistance programs for dislocated workers, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. COVERDELL:

S. 91. A bill to delay enforcement of the National Voter Registration Act of 1993 until such time as Congress appropriates funds to implement such Act; to the Committee on Rules and Administration.

By Mr. HATFIELD (for himself and Mrs. MURRAY):

S. 92. A bill to provide for the reconstitution of outstanding repayment obligations of the Administrator of the Bonneville Power Administration for the appropriated capital investments in the Federal Columbia River Power System; to the Committee on Energy and Natural Resources.

By Mr. HATFIELD:

S. 93. A bill to amend the Federal Land Policy and Management Act of 1976 to provide for ecosystem management, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. COVERDELL (for himself, Mrs. HUTCHISON, Mr. SMITH, Mr. LOTT, Mr. KEMPTHORNE, Mr. MCCAIN, and Mr. WARNER):

S. 94. A bill to amend the Congressional Budget Act of 1974 to prohibit the consideration of retroactive tax increases; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. COVERDELL:

S. 95. A bill to ensure that no person is required, other than on a voluntary basis, to complete certain quarterly financial reports of the Bureau of the Census; to the Committee on Governmental Affairs.

By Mr. HATCH (for himself and Mr. KENNEDY):

S. 96. A bill to amend the Public Health Service Act to provide for the conduct of expanded studies and the establishment of innovative programs with respect to traumatic brain injury, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. INOUYE:

S. 97. A bill to amend the Job Training Partnership Act to provide authority for the construction of vocational education and job training centers for Native Hawaiians and Native American Samoans, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BRADLEY (for himself, Mr. DASCHLE, and Mr. KERRY):

S. 98. A bill to amend the Congressional Budget Act of 1974 to establish a process to identify and control tax expenditures; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mrs. FEINSTEIN:

S. 99. A bill to provide for the conveyance of lands to certain individuals in Butte County, California; to the Committee on Energy and Natural Resources.

By Mr. GLENN:

S. 100. A bill to reduce Federal agency regulatory burdens on the public, improve the quality of agency regulations, increase agency accountability for regulatory actions, provide for the review of agency regulations, and for other purposes; to the Committee on Governmental Affairs.

By Mr. LEVIN (for himself, Mr. COHEN, Mr. GLENN, Mr. WELLSTONE, Mr. FEINGOLD, and Mr. LAUTENBERG):

S. 101. A bill to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes; to the Committee on Governmental Affairs.

By Mr. GLENN:

S. 102. A bill to amend the Nuclear Non-Proliferation Act of 1978 and the Atomic Energy Act of 1954 to improve the organization and management of United States nuclear export controls, and for other purposes; to the Committee on Governmental Affairs.

By Mr. BAUCUS (for himself and Mr. BURNS):

S. 103. A bill entitled the ''Lost Creek Land Exchange Act of 1995''; to the Committee on Energy and Natural Resources.

By Mr. D'AMATO:

S. 104. A bill to establish the position of Coordinator for Counter- Terrorism within the office of the Secretary of State; to the Committee on Foreign Relations.

By Mr. DASCHLE (for himself, Mr. CONRAD, Mr. DORGAN, Mrs. KASSEBAUM, and Mr. BAUCUS):

S. 105. A bill to amend the Internal Revenue Code of 1986 to provide that certain cash rentals of farmland will not cause recapture of special estate tax valuation; to the Committee on Finance.

By Mr. DASCHLE:

S. 106. A bill to amend the Internal Revenue Code of 1986 to increase the standard mileage rate deduction for charitable use of passenger automobiles; to the Committee on Finance.

S. 107. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for travel expenses of certain loggers; to the Committee on Finance.

By Mr. DASCHLE (for himself and Mr. JEFFORDS):

S. 108. A bill to amend the Internal Revenue Code of 1986 to allow the energy investment credit for solar energy and geothermal property against the entire regular tax and the alternative minimum tax; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. CONRAD, Mr. DORGAN, Mr. PRESSLER, Mr. GRASSLEY, Mr. BAUCUS, Mr. BURNS, and Mr. HARKIN):

S. 109. A bill to amend the Internal Revenue Code of 1986 relating to the treatment of livestock sold on account of weather-related conditions; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. GRASSLEY, Mr. HARKIN, Mr. BREAUX, Mr. BAUCUS, Mr. PRESSLER, Mr. CONRAD, Mr. BURNS, and Mr. DORGAN):

S. 110. A bill to amend the Internal Revenue Code of 1986 to provide that a taxpayer may elect to include in income crop insurance proceeds and disaster payments in the year of the disaster or in the following year; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. BREAUX, Mr. CAMPBELL, Mr. GLENN, Mr. HARKIN, Mr. JOHNSTON, and Mr. PRYOR):

S. 111. A bill to amend the Internal Revenue Code of 1986 to make permanent, and to increase to 100 percent, the deduction of self-employed individuals for health insurance costs; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. GRASSLEY, Mr. HARKIN, Mr. CONRAD, and Mr. DORGAN):

S. 112. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain amounts received by a cooperative telephone company; to the Committee on Finance.

By Mr. DASCHLE:

S. 113. A bill to amend the Internal Revenue Code of 1986 to allow Indian tribes to receive charitable contributions of inventory; to the Committee on Finance.

By Mrs. BOXER:

S. 114. A bill to authorize the Securities and Exchange Commission to require greater disclosure by municipalities that issue securities, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. WARNER (for himself and Mr. ROBB):

S. 115. A bill to authorize the Secretary of the Interior to acquire and to convey certain lands or interests in lands to improve the management, protection, and administration of Colonial National Historical Park, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WELLSTONE:

S. 116. A bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate primary and general election campaigns, to prohibit participation in Federal elections by multicandidate political committees, to establish a $100 limit on individual contributions to candidates, and for other purposes; to the Committee on Governmental Affairs.

By Mr. WELLSTONE (for himself and Mr. FEINGOLD):

S. 117. A bill to amend rule XXXV of the Standing Rules of the Senate; to the Committee on Rules and Administration.

By Mr. MOYNIHAN:

S. 118. A bill to amend chapter 44 of title 18, United States Code, to prohibit the manufacture, transfer, or importation of .25 caliber and .32 caliber and 9 millimeter ammunition; to the Committee on the Judiciary.

S. 119. A bill to tax 9 millimeter, .25 caliber, and .32 caliber bullets; to the Committee on Finance.

S. 120. A bill to provide for the collection and dissemination of information on injuries, death, and family dissolution due to bullet-related violence, to require the keeping of records with respect to dispositions of ammunition, and to increase taxes on certain bullets; to the Committee on Finance.

By Mr. GRAMM:

S. 121. A bill to guarantee individuals and families continued choice and control over their doctors and hospitals, to ensure that health coverage is permanent and portable, to provide equal tax treatment for all health insurance consumers, to control medical cost inflation through medical savings accounts, to reform medical liability litigation, to reduce paperwork, and for other purposes; to the Committee on Finance.

By Mr. MOYNIHAN:

S. 122. A bill to prohibit the use of certain ammunition, and for other purposes; to the Committee on the Judiciary.

By Mr. MOYNIHAN (for himself and Mr. LIEBERMAN):

S. 123. A bill to require the Administrator of the Environmental Protection Agency to seek advice concerning environmental risks, and for other purposes; to the Committee on Environment and Public Works.

By Mr. MOYNIHAN:

S. 124. A bill to amend the Internal Revenue Code of 1986 to increase the tax on handgun ammunition, to impose the special occupational tax and registration requirements on importers and manufacturers of handgun ammunition, and for other purposes; to the Committee on Finance.

S. 125. A bill to authorize the minting of coins to commemorate the 50th anniversary of the founding of the United Nations in New York City, New York; to the Committee on Banking, Housing, and Urban Affairs.

S. 126. A bill to unify the formulation and execution of United States diplomacy; to the Select Committee on Intelligence.

S. 127. A bill to improve the administration of the Women's Rights National Historical Park in the State of New York, and for other purposes; to the Committee on Energy and Natural Resources.

S. 128. A bill to establish the Thomas Cole National Historic Site in the State of New York, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MCCAIN (for himself and Mr. FEINGOLD):

S. 129. A bill to amend section 207 of title 18, United States Code, to tighten the re-

strictions on former executive and legislative branch officials and employees; to the Committee on Governmental Affairs.

By Mr. LIEBERMAN (for himself, Mr. JEFFORDS, Mr. MOYNIHAN, and Mr. LAUTENBERG):

S. 130. A bill to amend title 13, United States Code, to require that any data relating to the incidence of poverty produced or published by the Secretary of Commerce for subnational areas is corrected for differences in the cost of living in those areas; to the Committee on Governmental Affairs.

By Mr. LIEBERMAN:

S. 131. A bill to specifically exclude certain programs from provisions of the Electronic Funds Transfer Act; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MOYNIHAN (for himself and Mr. INOUYE):

S. 132. A bill to require a separate, unclassified statement of the aggregate amount of budget outlays for intelligence activities; to the Committee on Governmental Affairs.

By Mr. MOYNIHAN:

S. 133. A bill to establish the Lower East Side Tenement Museum National Historic Site, and for other purposes; to the Committee on Energy and Natural Resources.

S. 134. A bill to provide for the acquisition of certain lands formerly occupied by the Franklin D. Roosevelt family, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HATCH:

S. 135. A bill to establish a uniform and more efficient Federal process for protecting property owners' rights guaranteed by the fifth amendment; to the Committee on the Judiciary.

By Mr. THURMOND:

S. 136. A bill to amend title 1 of the United States Code to clarify the effect and application of legislation; to the Committee on the Judiciary..

By Mr. BRADLEY (for himself, Mr. CAMPBELL, Mr. COATS, and Mr. ROBB):

S. 137. A bill to create a legislative item veto by requiring separate enrollment of items in appropriations bills and tax expenditure provisions in revenue bills; to the Committee on Rules and Administration.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 138. A bill to amend the Act commonly referred to as the ''Johnson Act'' to limit the authority of States to regulate gambling devices on vessels; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE:

S. 139. A bill to provide that no State or local government shall be obligated to take any action required by Federal law enacted after the date of the enactment of this Act unless the expenses of such government in taking such action are funded by the United States; to the Committee on Governmental Affair

By Mrs. KASSEBAUM (for herself, Mr. BENNETT, and Mr. BROWN):

S. 140. A bill to shift financial responsibility for providing welfare assistance to the States and shift financial responsibility for providing medical assistance under title XIX of the Social Security Act to the Federal Government, and for other purposes; to the Committee on Finance.

By Mrs. KASSEBAUM (for herself, Mr. JEFFORDS, Mr. CHAFEE, Mr. COATS, Mr. GREGG, Mr. BROWN, Mr. CRAIG, Mr. NICKLES, Mr. COCHRAN, Mr. DOMENICI, Mr. GRASSLEY, Mr. SIMPSON, Mr. WARNER, Mr. PRESSLER, and Mr. GRAMS):

S. 141. A bill to repeal the Davis-Bacon Act of 1931 to provide new job opportunities, effect significant cost savings on Federal construction contracts, promote small business participation in Federal contracting, reduce unnecessary paperwork and reporting requirements, and for other purposes; to the Committee on Labor and Human Resources.

By Mrs. KASSEBAUM:

S. 142. A bill to stengthen the capacity of State and local public health agencies to carry out core functions of public health, by eliminating administrative barriers and enhancing State flexibility, and for other purposes; to the Committee on Labor and Human Resources.

S. 143. A bill to consolidate Federal employment training programs and create a new process and structure for funding the programs, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. LOTT (for Mr. HATCH):

S. 144. A bill to amend section 526 of title 28, United States Code, to authorize awards of attorney's fees; read the first time.

By Mr. GRAMM (for himself, Mr. LOTT, Mr. BURNS, Mrs. HUTCHISON, Mr. THOMAS, and Mr. INHOFE):

S. 145. A bill to provide appropriate protection for the Constitutional guarantee of private property rights, and for other purposes; to the Committee on Governmental Affairs.

By Mr. GRAMM:

S. 146. A bill to authorize negotiation of free trade agreements with the countries of the Americas, and for other purposes; to the Committee on Finance.

S. 147. A bill to amend the Internal Revenue Code of 1986 to increase the personal exemption for dependents to $5,000, and for other purposes; to the Committee on Finance.

S. 148. A bill to promote the integrity of investment advisers; to the Committee on Banking, Housing, and Urban Affairs.

S. 149. A bill to require a balanced Federal budget by fiscal year 2002 and each year therafter, to protect Social Security, to provide for zero- based budgeting and decennial sunsetting, to impose spending caps on the growth of entitlements during fiscal years 1996 through 2002, and to enforce those requirements through a budget process involving the President and Congress and sequestration; to the Committee on the Judiciary.

By Mr. DOLE (for himself, Mr. HATCH, Mr. SIMON, Mr. THURMOND, Mr. HEFLIN, Mr. CRAIG, Ms. MOSELEY- BRAUN, Mr. BROWN, Mr. KOHL, Mr. SIMPSON, Mr. GRASSLEY, Mr. SPECTER, Mr. KYL, Mrs. FEINSTEIN, Mr. NICKLES, Mr. MURKOWSKI, Mr. BRYAN, Mrs. HUTCHISON, Mr. EXON, Mr. SHELBY, Mr. CAMPBELL, Mr. SMITH, Mr. COHEN, Mr. PRESSLER, Mr. GREGG, Mr. GORTON, Mr. ASHCROFT, Mr. BURNS, Mr. MCCONNELL, Mr. INHOFE, Mr. GRAMM, Mr. LOTT, Mr. DEWINE, Ms. SNOWE, Mr. THOMPSON, Mr. ROTH, Mr. LUGAR, Mr. BOND, Mr. THOMAS, Mr. COVERDELL, Mr. SANTORUM, Mr. GRAMS, and Mr. MACK):

S.J. Res. 1. A joint resolution proposing an amendment to the Constitution of the United States to require a balanced budget; to the Committee on the Judiciary.

By Mr. THURMOND (for himself, Mr. DOLE, and Mr. SIMPSON):

S.J. Res. 2. A joint resolution proposing an amendment to the Constitution of the United States to allow the President to veto items of appropriation; to the Committee on the Judiciary.

By Mr. KYL:

S.J. Res. 3. A joint resolution proposing an amendment to the Constitution of the United States to provide that expenditures for a fiscal year shall neither exceed revenues for such fiscal year nor 19 per centrum of the Nation's gross national product for the last calendar year ending before the beginning of such fiscal year; to the Committee on the Judiciary.

By Mr. THURMOND:

S.J. Res. 4. A joint resolution proposing an amendment to the Constitution relating to a Federal balanced budget; to the Committee on the Judiciary.

S.J. Res. 5. A joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. THURMOND (for himself, Mr. FAIRCLOTH, Mr. LOTT, and Mr. SHELBY):

S.J. Res. 6. A joint resolution proposing an amendment to the Constitution of the United States relating to voluntary school prayer; to the Committee on the Judiciary.

By Mr. BYRD (for himself and Mr. HELMS):

S.J. Res. 7. A joint resolution proposing an amendment to the Constitution of the United States to clarify the intent of the Constitution to neither prohibit nor require public school prayer; read the first time.

By Mr. COVERDELL (for himself, Mrs. HUTCHISON, Mr. SMITH, Mr. LOTT, Mr. KEMPTHORNE, Mr. CRAIG, Mr. SHELBY, Mr. MCCAIN, Mr. WARNER, and Mr. ROTH):

S.J. Res. 8. A joint resolution proposing an amendment to the Constitution of the United States to prohibit retroactive increases in taxes; to the Committee on the Judiciary.

By Mr. HATCH (for himself, Mr. BROWN, Mr. ABRAHAM, Mr. LOTT, Mr. KEMPTHORNE, Mr. SHELBY, Mr. SMITH, and Mr. THOMAS):

S.J. Res. 9. A joint resolution proposing an amendment to the Constitution of the United States barring Federal unfunded mandates to the States; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S.J. Res. 10. A joint resolution to designate the visitors center at the Channel Islands National Park, California, as the ''Robert J. Lagomarsino Visitors Center''; to the Committee on Energy and Natural Resources.

By Mr. SHELBY:

S.J. Res. 11. A joint resolution proposing an amendment to the Constitution of the United States which requires (except during time of war and subject to suspension by the Congress) that the total amount of money expended by the United States during any fiscal year not exceed the amount of certain revenue received by the United States during such fiscal year and not exceed 20 per centum of the gross national product of the United States during the previous calendar year; to the Committee on the Judiciary.

By Mr. GRAMM:

S.J. Res. 12. A joint resolution proposing a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOLE (for himself and Mr. DASCHLE):

S. Res. 1. A resolution informing the President of the United States that a quorum of each House is assembled; considered and agreed to.

By Mr. DASCHLE:

S. Res. 2. A resolution informing the House of Representatives that a quorum of the Senate is assembled; considered and agreed to.

By Mr. COCHRAN:

S. Res. 3. A resolution fixing the hour of daily meeting of the Senate; considered and agreed to.

By Mr. DOLE (for himself and Mr. BYRD):

S. Res. 4. A resolution to elect the Honorable Strom Thurmond of the State of South Carolina, to be President pro tempore of the Senate of the United States; considered and agreed to.

By Mr. COCHRAN:

S. Res. 5. A resolution notifying the President of the United States of the election of a President pro tempore; considered and agreed to.

By Mr. DOLE:

S. Res. 6. A resolution electing Sheila Burke as the Secretary of the Senate; considered and agreed to.

S. Res. 7. A resolution electing Howard O. Greene, Jr., as the Sergeant at Arms and Doorkeeper of the Senate; considered and agreed to.

S. Res. 8. A resolution electing Elizabeth B. Greene, as Secretary of the Majority of the Senate; considered and agreed to.

S. Res. 9. A resolution notifying the President of the United States of the elections of the Secretary of the Senate; considered and agreed to.

By Mr. DASCHLE:

S. Res. 10. A resolution electing C. Abbott Saffold as the Secretary for the Minority of the Senate; considered and agreed to.

By Mr. FORD:

S. Res. 11. A resolution notifying the House of Representatives of the election of a President pro tempore of the United States Senate; considered and agreed to.

By Mr. LOTT:

S. Res. 12. A resolution notifying the House of Representatives of the election of the Honorable Sheila Burke as Secretary of the Senate; considered and agreed to.

By Mr. DOLE:

S. Res. 13. A resolution amending Rule XXV; considered and agreed to.

S. Res. 14. A resolution amending paragraph 2 of Rule XXV.

By Mr. LOTT (for Mr. DOLE):

S. Res. 15. A resolution making majority party appointments to certain Senate committees for the 104th Congress; considered and agreed to.

By Mr. DASCHLE:

S. Res. 16. A resolution to make minority party appointments to Senate Committees under paragraph 2 of Rule XXV for the One Hundred and Fourth Congress; considered and agreed to.

S. Res. 17. A resolution to amend paragraph 4 of rule XXV of the Standing Rules of the Senate; considered and agreed to.

By Mr. LOTT (for Mr. DOLE):

S. Res. 18. A resolution relating to the reappointment of Michael Davidson; considered and agreed to.

By Mr. LOTT:

S. Res. 19. A resolution to express the sense of the Senate relating to committee funding.

S. Res. 20. A resolution making majority party appointments to certain Senate committees for the 104th Congress; considered and agreed to.

By Mr. HELMS:

S. Res. 21. A resolution to amend Senate Resolution 338 (which establishes the Select Committee on Ethics) to change the membership of the select committee from members of the Senate to private citizens.

By Mr. INOUYE:

S. Res. 22. A resolution to express the sense of the Senate reaffirming the cargo preference policy of the United States; to the Committee on Commerce, Science, and Transportation.

By Mr. HATFIELD:

S. Res. 23. A resolution to express the sense of the Senate that the Oregon Option project has the potential to improve intergovernmental service delivery by shifting accountability from compliance to performance results and that the Federal Government should continue in its partnership with the State and local governments of Oregon to fully implement the Oregon Option; to the Committee on Governmental Affairs.

By Mr. DOLE (for himself and Mr. DASCHLE):

S. Res. 24. A resolution providing for the broadcasting of press briefings on the Floor prior to the Senate's daily convening; to the Committee on Rules and Administration.

By Mr. LOTT:

S. Res. 25. A resolution relating to section 6 of Senate Resolution 458 of the 98th Congress.

By Mr. DOLE (for himself and Mr. DASCHLE):

S. Con. Res. 1. A concurrent resolution providing for television coverage of open conference committee meetings; to the Committee on Rules and Administration.

N O T I C E

Incomplete record of Senate proceedings. Except for concluding business which follows, today's Senate proceedings will be continued in the next issue of the Record.

ADJOURNMENT UNTIL TOMORROW AT 10 A.M.

Mr. LOTT. Mr. President, I renew my previous request.

There being no objection, the Senate, at 9:10 p.m., adjourned until Thursday, January 5, 1995, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate January 4, 1995:

DEPARTMENT OF THE TREASURY

ROBERT E. RUBIN, OF NEW YORK, TO BE SECRETARY OF THE TREASURY, VICE LLOYD BENTSEN, RESIGNED.

INTERNATIONAL BANKS

ROBERT E. RUBIN, OF NEW YORK, TO BE U.S. GOVERNOR OF THE INTERNATIONAL MONETARY FUND FOR A TERM OF 5 YEARS; U.S. GOVERNOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT FOR A TERM OF 5 YEARS; U.S. GOVERNOR OF THE INTER-AMERICAN DEVELOPMENT BANK FOR A TERM OF 5 YEARS; U.S. GOVERNOR OF THE AFRICAN DEVELOPMENT BANK FOR A TERM OF 5 YEARS; U.S. GOVERNOR OF THE ASIAN DEVELOPMENT BANK; U.S. GOVERNOR OF THE AFRICAN DEVELOPMENT FUND; U.S. GOVERNOR OF THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT.

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

RONNA LEE BECK, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF 15 YEARS, VICE BRUCE D. BEAUDIN, RESIGNED.

LINDA KAY DAVIS, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF 15 YEARS, VICE GLADYS KESSLER, ELEVATED.

ERIC T. WASHINGTON, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF 15 YEARS, VICE RICARDO M. URBINA, ELEVATED.