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

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 1 Ex.]

YEAS—99

Abraham	Faircloth	Lieberman
Akaka	Feingold	Lott
Allard	Feinstein	Lugar
Ashcroft	Ford	Mack
Baucus	Frist	McCain
Bennett	Glenn	McConnell
Biden	Gorton	Mikulski
Bingaman	Graham	Moseley-Braun
Bond	Gramm	Moynihan
Boxer	Grams	Murkowski
Breaux	Grassley	Murray
Brownback	Gregg	Nickles
Bryan	Hagel	Reed
Bumpers	Harkin	Reid
Burns	Hatch	Robb
Byrd	Helms	Roberts
Campbell	Hollings	Roth
Chafee	Hutchinson	Santorum
Cleland	Hutchison	Sarbanes
Coats	Inhofe	Sessions
Cochran	Inouye	Shelby
Collins	Jeffords	Smith Bob
Conrad	Johnson	Smith Gordon H
Coverdell	Kempthorne	Snowe
Craig	Kennedy	Specter
D'Amato	Kerrey	Stevens
Daschle	Kerry	Thomas
DeWine	Kohl	Thompson
Dodd	Kyl	Thurmond
Domenici	Landrieu	Torricelli
Dorgan	Lautenberg	Warner
Durbin	Leahy	Wellstone
Enzi	Levin	Wyden

NOT VOTING—1

Rockefeller

The nomination was confirmed.

Mr. HELMS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

The Chair suggests the absence of a quorum. The clerk will call the roll.

The assistant 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 President, I ask unanimous consent that the order for the quorum call be rescinded.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.

ANOTHER RECORD FOR ROBERT C. BYRD

Mr. LOTT. Mr. President, so far, January has been quite a month for our highly esteemed colleague, the senior Senator from West Virginia. On January 8, Senator ROBERT C. BYRD observed the 50th anniversary of the day he entered public service as a member of the West Virginia House of Delegates.

To commemorate this significant event, Senator BYRD returned to the West Virginia State capitol on January 11 to join hundreds of grateful West Virginians and other friends in the unveiling of a bronze statue.

This likeness of Senator BYRD, prominently placed in the capitol's rotunda, will serve to remind future generations of his service to his State and to his country.

Just 2 days after the Charleston, WV, ceremony, ROBERT BYRD achieved another major distinction. On January 13, 1997, he became the fourth longest serving U.S. Senator in the history of our republic, with a service record of 38 years and 10 days.

Think of it, Mr. President. Of the 1,843 past and present senators, only three have served longer than ROBERT C. BYRD. In another 3 years, SENATOR BYRD will exceed the 41-year service record of my immediate predecessor from Mississippi, John C. Stennis.

After that, Senator BYRD's only challengers will be the current record holder, Carl Hayden of Arizona—41 years and 10 months, and the current second longest serving member, our highly regarded colleague from South Carolina, STROM THURMOND.

I shall have more to say about Senator THURMOND in May of this year, when he breaks Senator Hayden's record.

Each of us in this body, from the most junior to the most seasoned, would do well to pay close attention to ROBERT C. BYRD—a man of great historical knowledge. When ROBERT C. BYRD speaks about the role of the Senate in American Government, he deserves our most careful attention.

On behalf of all Senators, I commend Senator BYRD for his long service to our country.

(Applause, Senators rising.)

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, momentarily, we hope to propound a unanimous-consent agreement about the time and how we will handle the nomination of our colleague, former Senator Bill Cohen. We are working on the final preparation and notification on that, and then we will ask for an agreement at that time.

AUTHORIZING SENATE LEGAL COUNSEL REPRESENTATION

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 21, submitted earlier today by myself and Senator DASCHLE.

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

The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 21) to direct the Senate legal counsel to appear as amicus curiae in the name of the Senate in Sen. Robert C. BYRD, et al. v. Franklin D. Raines, et al.

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

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, the resolution directs the Senate legal counsel to appear as amicus curiae, as friend of the court, in the name of the Senate in a case pending in the United States District Court for the District of Columbia, and ask for its immediate consideration.

Mr. President, on April 9, 1996, President Clinton signed into law the Line Item Veto Act. This act was the product of years of legislative consideration and much protracted debate.

Beginning January 1 of this year and through the year 2004, the Line Item Veto Act provides the President with the authority, under a set of carefully circumscribed limitations, to cancel particular items of appropriation, direct spending or limited tax benefit in any bill.

The President must report any such cancellation to Congress by special message within 5 days after his approval of the bill containing such spending or tax provisions. Congress then has the opportunity to decide whether to pass a law disapproving the President's cancellation and mandating the spending or tax benefit.

As I have stated, this Act was passed after much consideration and debate understanding the potential Constitutional implications. In the end, Congress determined to empower the President in this manner in recognition of the fact that strong tools are necessary if we are to achieve our goal of finally getting the Federal budget in balance.

Mr. President, the distinguished Senator from West Virginia, Mr. BYRD, and three other of our colleagues, the former senior Senator from Oregon, Mr. Hatfield, the senior Senator from Michigan, Mr. LEVIN, and the senior Senator from New York, Mr. MOYNIHAN, joined by two Members of the House of Representatives, have filed an action in the United States District Court for the District of Columbia challenging the constitutionality of the act. They assert in their lawsuit that the act violates the lawmaking provisions of article I of the Constitution by authorizing the President to nullify the effect of portions of recently enacted laws.

The lawsuit at issue was commenced pursuant to a special judicial review provision, section 3 of the act, authorizing the filing of an action by any Member of Congress to seek declaratory or injunctive relief on the ground that the act violates the Constitution.

This judicial review provision also gives each House of Congress the right to intervene in the suit in defense of the act. Further, the law provides for direct appeal from any decision of the district court to the Supreme Court and requires both courts to expedite their handling of the action.

The Department of Justice will represent the defendants in the lawsuit, namely the Director of the Office of Management and Budget and the Secretary of the Treasury. As such, there appears to be no need for the Senate to intervene formally in the suit as a party defendant.

Nonetheless, title VII of the Ethics in Government Act authorizes the Senate