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Mr. HELMS. I believe that is correct. If the Department’s assurances are accurate, then this provision would not modify DOD’s current policies regarding the protection of sensitive sources and methods. The Foreign Relations Committee has no intention of seeking expanded access to such sources and methods, or to DOD special access programs, so long as DOD lives up to its reporting obligations under existing law. DOD’s policy of not handling nonproliferation information within special access programs or intelligence sources and methods not be seen as obviating its long-standing legal obligations to inform appropriate committees of Congress.

Mr. WARNER. That is the case now, and I am pleased that DOD has assured both the prerogatives of the Foreign Relations Committee will be protected. I thank my distinguished colleague, the chairman of the Foreign Relations Committee.

Mr. HELMS. I appreciate these assurances and thank my colleague, the chairman of the Armed Services Committee.

Mr. SHELBY. I am concerned with section 1134 which requires the DCl to provide certain information, including information contained in special access programs, to the chairman and ranking member of the Foreign Relations Committees. I note that this language on special access programs was added after the bill was passed by the Senate. I wish that the legislative intent of this provision does not wish to clarify that the legislative intent of this provision does not include expanded information relating to intelligence operational activities or sensitive sources and methods.

I ask for the chairman of the Foreign Relations Committee’s clarification regarding the companion section in the State Department Authorization bill, section 1131. Am I correct in understanding that this provision does not impose same requirement upon the Director of Central Intelligence that is required of the Secretaries of Defense, State, and Commerce?

Mr. HELMS. That is correct, Mr. Chairman. Unlike the other Secretaries you have mentioned, the Director of Central Intelligence is required only to disclose information covered under subparagraph (B). That information relates to significant proliferation activities of foreign nations. The Director is exempt from reporting information under subparagraph (A) and (B) which relates to the agency’s operational activities. The Foreign Relations Committee understands that intelligence operations fall within the jurisdiction of the Intelligence Committee, and therefore did not include such activities in this reporting requirement.

Mr. SHELBY. I thank the Chairman for that explanation and yield the floor. I look forward to fully reviewing those provisions in the Intelligence Committee next year.

The PRESIDING OFFICER. Under the previous order, H. Con. Res. 236 is agreed to.

The motion to reconsider is laid upon the table.

The concurrent resolution (H. Con. Res. 236) was agreed to.

The PRESIDING OFFICER. The President.

Mr. INHOFE. Mr. President, I am prepared to ask unanimous consent to be recognized for 5 minutes as in morning business, but I would certainly defer to the minority leader or majority leader if there is anything to address at this time.

The PRESIDING OFFICER. Without objection, the Senator from Oklahoma.

RECESS APPOINTMENTS

Mr. INHOFE. Mr. President, first of all I applaud the White House—this is probably the first time I have done that in 7 years—for responding to an issue that is very critical, probably one of the most critical issues we will be facing.

Going back in the history of recess appointments, the Constitution provided for recess appointments to be allowed, thereby avoiding the constitutional prerogative of the Senate of advice and consent in certain conditions. The major condition was that a vacancy would occur during the course of the recess. This goes back to the horse-and-buggy days when we were in session for 2 or 3 months at a time and this would have been solved. If someone such as the Secretary of State would die in office, it would allow the President to replace that person without having to go through the advice and consent.

Throughout the years, both Democratic and Republican Presidents have abused this. They have made recess appointments. In 1985, President Reagan and Senator Byrd cited in your letter remains a fair and constructive framework which my administration will follow.

I have been concerned because this President has a long history of doing things he says he is not going to do and not doing things he says he will do. Consequently, I sent a letter to the President which I submitted for the Record last Wednesday. The letter was dated November 10, signed by myself and 36 other Senators, that said: Make sure you comply with the spirit of this agreement, this letter you have sent; we are going to serve notice right now that in the event you have recess appointments that do not comply with the spirit of the letter, we will put holds for the remaining of the term of your Presidency on all of the judicial nominees. A very serious thing. I repeated this several times last Wednesday to make sure there was no misunderstanding.

Since that time, the White House has cooperated and submitted a list of 13 names. I will read these names and the positions for which they have been
Mr. LOTT. Mr. President, I ask unanimous consent that the record be opened, and Senator LEAHY is hereby authorized to file the motion.

The PRESIDING OFFICER. Is there objection? I declare the motion made by Senator LEAHY in order.

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

Mr. LOTT. Mr. President, what is the pending business?

Mr. DASCHLE. Reserving the right to object, I ask unanimous consent that the order for the quorum call be rescinded.

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

A lot of good work has been done on this bill on both sides, by the managers of the legislation and a number of Senators who have worked on it—Senator GRASSLEY, Senator HATCH, Senator SESSIONS, on our side; Senator TORRICELLI, on the other side, has been involved; Senator LEAHY has worked on this. So there is a lot of work that has been done and a lot of relevant amendments that have been voted on.

I want to particularly note the good work of Senator Reid because he began with, I don’t know, probably over 100 amendments.

Mr. DASCHLE. Three hundred.

Mr. LEAHY. Three hundred.

Mr. LOTT. Three hundred amendments. I do not understand how the fertile minds of the Senate can be so productive to produce 300 amendments on a 1/2, 3/2. I ask unanimous consent that the amendment be submitted to the Committee.

Wellstone amendment No. 2762, to protect educators in the debtors’ monthly expenses.

Schumer amendment No. 2763, to protect certain education savings.

Feingold amendment No. 2766, to modify the Truth in Lending Act to provide for enhanced reporting of credit card solicitations to the Board of Governors of the Federal Reserve System and to Congress.

Hatch/Dodd/Gregg amendment No. 2536, to protect certain education savings.

Feingold amendment No. 2758, to provide for an exception to a limitation on an automatic stay under section 362(b) of title 11, United States Code, relating to evictions and similar proceedings to provide for the payment of rent that becomes due after the petition of a debtor is filed.

Schumer/Santorum amendment No. 2767, to improve disclosure of the annual percentage rate for purchases applicable to credit card accounts.

Feingold amendment No. 2779 (to Amend title 11, United States Code, and for other purposes: Pursuant to the provisions of amendments Nos. 2536, 2538, 2539, and 2756, to provide for an exception to a limitation on an automatic stay under section 362(b) of title 11, United States Code, relating to evictions and similar proceedings to provide for the payment of rent that becomes due after the petition of a debtor is filed.

Mr. LOTT. Mr. President, the Senate has been considering this bankruptcy reform bill as the main Senate business since November 4, 1999, after a failed cloture vote in September. There have been dozens of votes conducted with respect to this issue, and yet there are still at least a dozen amendments pending to be offered, debated, and voted upon. It is my wish that we file this cloture motion under rule XXII to the desk.

Mr. LOTT. Under rule XXII, this cloture vote will occur on Tuesday, January 25, 2000. I ask unanimous consent that the vote occur at 12 noon on Tuesday and the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Reserving the right to object, and I certainly will not object, let me say the majority leader and I talked about this. I am appreciative of his position. I am disappointed he has filed cloture. I hope it doesn’t happen. I think it is not only for all of those who worked so hard to get to this point.

I had told my colleagues that if they continue to work and if they continue