

SENATE—Wednesday, December 27, 1995

The Senate met at 1 p.m., and was called to order by the Honorable DAN COATS, a Senator from the State of Indiana.

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Father Paul Lavin, pastor of St. Joseph's on Capitol Hill.

PRAYER

The guest Chaplain, Father Paul Lavin, offered the following prayer:

In the Book of Wisdom, Solomon prays: "God of my fathers, Lord of mercy, You who have made all things by Your word and in Your wisdom have established man to rule the creatures produced by You, to govern the world in holiness and justice, and to render judgment and integrity of heart, give me wisdom, the attendant at Your throne and reject me not from among Your children."

Let us pray:

Good and gracious God, give to the men and women of this Senate and to their staffs a share in Your wisdom. Let it be by the light of Your understanding that they see the real needs of our Nation and of the world. Let it be by the grace of Your courage that they each take the next best step in responding to those real needs. Share with us, O Lord, Your wisdom. We ask this in Your holy name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. THURMOND].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 27, 1995.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DAN COATS, a Senator from the State of Indiana, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. COATS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire is recognized.

SCHEDULE

Mr. SMITH. Mr. President, Senator DOLE has asked me to announce today

that the Senate will be in only for a brief period this afternoon and that there will be no rollcall votes during today's session of the Senate.

The Senate will complete action on any legislative or executive matter that can be agreed to by unanimous consent.

For the remainder of the week, Senator DOLE has stated that rollcall votes are not likely. However, if a rollcall vote becomes necessary, ample notification will be given to all Members.

It is expected that the Senate will be in session for a brief pro forma session on Thursday and will return on Friday.

Regarding Friday, just a brief update on what is scheduled to go on. The Senate budget negotiators are scheduled to meet on Friday morning. If that meeting is fruitful, there is hope there will be a meeting later in the afternoon or at some point later on in the day with the President. The leader will update the Senate and our colleagues on this when the Senate convenes on Friday morning.

At this point, those are all the announcements that I have.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SMITH. These calendar items have been cleared by both sides, Mr. President, so I ask unanimous consent that the Senate immediately proceed to executive session to consider the following calendar numbers on today's Executive Calendar: Nos. 443, 444, 445, 446, 447, and 448.

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

Mr. SMITH. I further ask unanimous consent, Mr. President, that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table en bloc, and that any statements relating to the nominations appear at the appropriate place in the RECORD, the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

NOMINATIONS

DEPARTMENT OF STATE

Eric James Boswell, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be an Assistant Secretary of State.

Anthony Cecil Eden Quainton, of the District of Columbia, a Career Member of the

Senior Foreign Service, Class of Career Minister, to be Director General of the Foreign Service.

Joseph Lane Kirkland, of the District of Columbia, to be an Alternate Representative of the United States of America to the Fiftieth Session of the General Assembly of the United Nations.

Jeanne Moutoussamy-Ashe, of New York, to be an Alternate Representative of the United States of America to the Fiftieth Session of the General Assembly of the United Nations.

Tom Lantos, of California, to be a Representative of the United States of America to the Fiftieth Session of the General Assembly of the United Nations.

Toby Roth, of Wisconsin, to be a Representative of the United States of America to the Fiftieth Session of the General Assembly of the United Nations.

LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will return to legislative session.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 2 p.m. with Senators permitted to speak therein for not to exceed 5 minutes each.

ADDITIONAL STATEMENTS

(At the request of Mr. BREAUX, the following statement was ordered to be printed in the RECORD.)

PASSAGE OF THE SOURCE TAX BILL

• Mr. REID. Mr. President, I am extremely pleased to announce that the source tax bill has again passed both houses of Congress. As many of you know, this legislation was passed in the 102d and 103d Congresses, and again in the 104th Congress as an amendment to the budget bill, only to be struck because of the so called Byrd rule. I have been working on this issue virtually since I came to Congress.

There are many people who have been essential to the bill's passage, and I wish to acknowledge some of them now. This issue was brought to my attention by a Nevadan named Bill Hoffman. He told me about the unjust cases of retirees being taxed by States they no longer were living in. Many of these stories were very tragic, because the retiree relied completely on their pension incomes to survive.

Bill and his wife Joanne heard so many of these tragic stories that eventually they started an organization known as Retirees to Eliminate State Income Source Tax [RESIST]. RESIST was founded in July of 1988 in Carson City, NV. In less than 4 years, it had grown in membership to tens of thousands of members. It includes members of every State of the Union. RESIST is truly a nonprofit, grass roots organization, and I congratulate and thank Bill and Joanne today for their tireless efforts. Without their help the source tax bill would not have made it to this stage today.

I would also like to extend my sincere thanks to Chairman ROTH and Senator MOYNIHAN, their staff, and especially the Finance Committee staff, for all of their help getting the source tax bill out of committee and to the floor. With everything that has been going on in recent weeks, they made this bill a priority and I am very grateful for their hard work.

I also extend my thanks to Senator BRYAN and Congresswoman BARBARA VUCANOVICH and her staff. The Congresswoman has also been working on this bill for a very long time, and my colleague, Senator BRYAN, has been continually supportive and essential in the passage of this bill.

Currently, retirees may be forced to pay taxes to States where they do not reside, and from which they receive no benefits. This is truly an unfair practice, especially for those retirees with relatively low incomes. This bill prohibits States from taxing the retirement income of nonresidents. It ends taxation without representation. It will protect all income received from pension plans recognized as qualified under the Internal Revenue Code. It will also exempt income received under certain nonqualified deferred compensation plans.

Often times, the pension income retirees receive is the only income they have on which to live. I have heard many stories of the devastating effects of taxing these pensions. One story, which I have told on this floor before,

is of an older woman from Fallon, NV who had an annual income of between \$12,000 and \$13,000 a year. One day she receives a notice from California saying she owes taxes on her pension income from California, plus the penalties and interest on those taxes.

The California Franchise Board had gone back to 1978 and calculated her tax debt to be about \$6,000. That is half of her annual income. This story, as unfair and unequitable as it sounds, is unfortunately not unique. That is why this legislation is such a big victory for all retirees in this country. ●

ORDER OF BUSINESS

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

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

The legislative clerk proceeded to call the roll.

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

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

ORDERS FOR THURSDAY, DECEMBER 28, 1995 AND FRIDAY, DECEMBER 29, 1995

Mr. SMITH. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 11 a.m., Thursday, December 28, for a pro forma session only, and immediately upon convening, the Senate stand in adjournment until 12 noon, Friday, December 29, and following the prayer on Friday, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day, and there then be a period for morning business not to extend beyond the hour of 12:30, with statements limited to 5 minutes each.

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

PROGRAM

Mr. SMITH. Mr. President, the Senate will be in tomorrow for a pro forma session only. No business will be conducted during Thursday's session. After the pro forma session, the Senate will adjourn until Friday. Once again, for the information of all Senators, Senator DOLE has stated that rollcall votes are not expected for the remainder of the week.

RECESS UNTIL 11 A.M. TOMORROW

Mr. SMITH. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 1:12 p.m., recessed until Thursday, December 28, 1995, at 11 a.m.

CONFIRMATIONS

Executive Nominations Confirmed by the Senate December 27, 1995:

DEPARTMENT OF STATE

ERIC JAMES BOSWELL, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AN ASSISTANT SECRETARY OF STATE.

ANTHONY CECIL EDEN QUAINTON, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE DIRECTOR GENERAL OF THE FOREIGN SERVICE.

JOSEPH LANE KIRKLAND, OF THE DISTRICT OF COLUMBIA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTIETH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

JEANNE MOUTOUSSAMY-ASSE, OF NEW YORK, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTIETH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

TOM LANTOS, OF CALIFORNIA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTIETH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

TOBY ROTH, OF WISCONSIN, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTIETH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.