Mr. LOTT. I announce that the Senator From Alaska [Mr. MURKOWSKI] is necessarily absent.

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

The result was announced—45 yeas, 54 nays, as follows:

[Rollcall Vote No. 400 Leg.]

YEAS—45

Akaka	Feinstein	Levin
Biden	Ford	Lieberman
Bingaman	Glenn	Mikulski
Boxer	Graham	Moseley-Braun
Bradley	Harkin	Moynihan
Breaux	Heflin	Murray
Bryan	Hollings	Nunn
Bumpers	Inouye	Pell
Byrd	Johnston	Pryor
Conrad	Kennedy	Reid
Daschle	Kerrey	Robb
Dodd	Kerry	Rockefeller
Dorgan	Kohl	Sarbanes
Exon	Lautenberg	Simon
Feingold	Leahy	Wellstone

NAYS—54

Abraham	Faircloth	Mack
Ashcroft	Frist	McCain
Baucus	Gorton	McConnell
Bennett	Gramm	Nickles
Bond	Grams	Packwood
Brown	Grassley	Pressler
Burns	Gregg	Roth
Campbell	Hatch	Santorum
Chafee	Hatfield	Shelby
Coats	Helms	Simpson
Cochran	Hutchison	Smith
Cohen	Inhofe	Snowe
Coverdell	Jeffords	Specter
Craig	Kassebaum	Stevens
D'Amato	Kempthorne	Thomas
DeWine	Kyl	Thompson
Dole	Lott	Thurmond
Domenici	Lugar	Warner

NOT VOTING—1

Murkowski

So, the amendment (No. 2282), as modified, was rejected.

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

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

The motion to lay on the table was agreed to.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.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

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

The PRESIDING OFFICER. The pending business is the Dole amendment No. 2280, as modified.

Mr. DOLE. Mr. President, I ask unanimous consent that the Senator from Oregon, Senator PACKWOOD, be recognized for 10 minutes.

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

ANNOUNCEMENT OF INTENT TO RESIGN FROM THE SENATE

Mr. PACKWOOD. I thank the Chair and the majority leader.

I think many of you are aware of why I am here today. I am aware of the dishonor that has befallen me in the last 3 years, and I do not want to visit further that dishonor on the Senate. I respect this institution and my colleagues too much for that.

For 27 years, I have worked alongside BOB DOLE, TED STEVENS, and a few others from that era, and most of all with MARK HATFIELD, who is not just a colleague but a friend of almost 50 years and who I met when I was a teenage Young Republican. He was a bright, young, yet unelected legislator, who turned out to be my teacher, mentor, and friend.

There have been many successes in these 27 years, some failures, some frustrations. Let me remember a few, if I could have your indulgence. Hell's Canyon, that great gash in the Earth that is the boundary between Idaho and Oregon with the Snake River running through it, the deepest gorge in the United States. In the late 1960's, early 1970's, for about 6 years, we had a battle on trying to stop a dam from being built in the gorge and at the same time to create a national recreation area. There is humor I see in this, and I smile at some of the newspaper stories I have seen recently about business lobbyists writing legislation.

I want you to picture this trip. We are on a raft trip in the river. I had been invited by environmentalists, most of whom I did not know. I had not seen the gorge before. They wanted me to see it and become involved in the saving of it. One night around the campfire, I believe it was Brock Evans who, I think, is now with the Audubon Society, then with the Sierra Club—we had a highway map of Oregon and Washington, and he takes out a marking pen, and he says, ''I think this is where the boundary is.'' He draws it. Somebody said, ''What about those minerals in Idaho.'' So he crosses it out and draws that up here. That became the boundaries.

The humor was—realizing this is drawn with a marking pen—that when you take it to the legislative counsel's office, if he says here—do you know how many miles that is? If he would say, ''Where are these boundaries?'' I would have to smile and say, ''You will have to call Brock.''

There was truck deregulation, an arcane subject that is probably saving consumers more money than anything in deregulation that we have done. Abortion, early on, was a lonely fight. I remember in 1970, 1971, when I introduced the first national abortion legislation, I could get no cosponsor in the Senate. There was only one nibble in the House from Pete McCloskey, who did not quite come on as a sponsor. There was a nibble 2 years before Roe versus Wade. Those were lonely days. That is not a fight that is even yet secure.

Israel, and my trips there, the golden domes, the fight that so many of us had made year after year to keep that bastion of our heritage safe and free, and to this date not guaranteed.

Tax reform in 1986. We were up against the verge of failure. The House had passed a middling bill. I was chairman of the Finance Committee. Every day we were voting away $15 or $20 billion in more loopholes.

I finally just adjourned the committee and said, ''We are done.'' I remember Bill Armstrong saying, ''We are done for the day?'' And I said, ''No, we are done for the session, we will have no more sessions.''

Bill Diefenderfer, my counsel, and I went to the Irish Times for our two famous pitchers of beer. Those were the days I drank. I quit drinking years ago. I know why they call it courage—by the time we finished a second pitcher we drafted out on the napkin an outline and really said, OK, they want tax reform, we will give them tax reform.

Here is an example where this body can move when it wants to move. From the time that committee first saw the bill until they passed it in 12 days, PAT MOYNIHAN was a critical player. The six of us met every morning at 8:30 before the meeting. It passed the Senate within a month. So when people say this body cannot move, this body can move.

Maybe some of the best advice I had came from BILL ROTH, successor to John Williams, years ago, when he used the expression—we were having a debate in those days about the filibuster and cloture and how many votes. In those days I was in favor of lowering the number. I am not sure, even though we are in the majority I would favor that now, from two-thirds to 60 votes. John Williams said we make more mistakes in haste than we lose opportunities in delay.

If something should pass, it will pass. It may take 4 or 5 years. That is not a long time in the history of the Republic. Too often in haste we pass things and have to repent.

So for whatever advice I have I hope we would not make things too easy in this body and slip through—I say that as a member of the majority.

Tuition tax credits, a failure. PAT MOYNIHAN and I introduced the first bill in 1977, and have been introducing it ever since. Its day may come. It may be here.

One of the great moments of humor—you have to picture this situation—was in the Carter administration. They were terribly opposed to this tuition tax credit bill. Secretary Califano testified against it twice in the Ways and Means Committee. Came to a Finance Committee hearing and Assistant Secretary for Legislative Affairs Dick Warden came to testify. He had previously been with the United Auto Workers and was hired on as a lobbyist, basically for Health and Human Services—HEW as it was called then.

Thirty seconds into his testimony, Senator MOYNIHAN leans forward and said, ''Mr. Warden, why are you here? Why are you here?''

Mr. Warden goes, ''Why, I am the Assistant Secretary for Legislative Affairs for the Department of Health, Education and Welfare, and I am here representing the Secretary, the administration.

PAT goes, ''No, no, Mr. Warden, I did not do the emphasis right. Why are 'you' here? Secretary Califano testified twice in opposition to this bill in the House. In this committee, where there is a more favorable climate, where is the Secretary today?''

Mr. Warden goes, ''Why, I think he is in Cleveland speaking.''

PAT goes, ''Well, where is the Under Secretary? Why is he not here today representing the administration? Mr. Warden, why?''

''I am not sure.''

And PAT's voice rising, saying, ''Where is the Assistant Secretary for Education? Mr. Warden, I was in the Kennedy administration when that position was created and I can say that man has utterly nothing to do at all. He could be here testifying today. Mr. Warden, I will tell you where they are. They are up on the eighth floor of their building, cowering under their desks, afraid to come and testify on the most important piece of education legislation introduced in this century, and Mr. Warden that is why you are here. Now, please go on.''

Poor old Mr. Warden barely went on.

I had more humor in education from PAT than probably anybody here.

Friendships beyond count. The camaraderie is unbelievable. I look at JOHN CHAFEE sitting back here, my squash partner. His secretary, about every 3 months, kicks out our squash matches. Over 15 years, 202 to 199. His secretary not only kicks out the matches, but the games and the scores within the match. JOHN every now and then presents it to me, back we go, back and forth, back and forth, and evenly matched as you can be.

Some here—Senator BYRD would, Senator EXON would—some in my age group will remember General MacArthur's final speech at West Point: Duty, honor, country.

It is my duty to resign. It is the honorable thing to do for this country, for this Senate.

So I now announce that I will resign from the Senate, and I leave this institution not with malice but with love, good luck, Godspeed.

Mr. HATFIELD addressed the Chair.

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

Mr. HATFIELD. Mr. President, the political nightmare that has faced my colleague now for almost 3 years is coming to an end.

I think in an ordeal of this type we tend to focus on the negative or the causes for leading to resignation. As he has briefly reflected on the many accomplishments that he made during his service not only here in the Senate but services he rendered to the State of Oregon as a political leader, as a legislator, I like to accentuate the positive.

I must say in my many years of teaching political science I never had a more brilliant student than Senator PACKWOOD. Came to the university as a freshman and he immediately established himself as one who is knowledgeable about politics and is willing to engage in politics and to invite other people to be involved in politics.

I had been in the State legislature for about 6 years and had known his father who was one of the chief lobbyists in the legislature representing the utilities industry. If Fred Packwood told you something, you knew it was true and you knew it was prudent. He established himself as one of the outstanding lobbyists in that legislature. I knew his mother.

Therefore, I speak even though there may be only but 10 years separating our ages, as sort of a long friend, perhaps partially a mentor, and most of all, someone whose friendship I cherish.

Mr. President, when young BOB PACKWOOD became engaged in political action leading to his political career as an elective officer, he launched a whole new style of campaigning in my State, best described as a slogan ''People for Packwood.'' And he did not have to pay a high price to some kind of a public relations firm to come up with that kind of a focus that epitomized his whole style of campaigning. He thought it out. He demonstrated, again, a brilliant mind in his political activities.

We were going through one of those wrestling matches in the Republican Party that we are still going through and perhaps we will always go through, and that is the wrestling between the so-called liberal wing and the conservative wing. At that particular time the so-called party machinery was pretty much in the hands of conservatives in our State, and the moderates felt that they were not being well represented within the party structure. So Senator PACKWOOD, at that time, organized what was called the Dorchester Conference. And in the Dorchester Conference he invited many Republicans who represented the middle, the center, and said we have to epitomize the pluralism of our party, both in our heritage and in our practice in current time. And he launched that forum which is still going on in my State after all these years, almost 30 years.

So I say to my colleague that you have your footprints, you have your imprint of legislation in the political life of our State, and your record can never be changed on that basis of your contribution.

I would like to come, then, to that very dramatic moment when Senator PACKWOOD decided that he would venture forth as a Republican candidate against the impregnable, the undefeated Senator Wayne Morse, for the U.S. Senate. He was a sacrificial lamb. He was one who was going to fill out the ballot because we wanted to have a Republican candidate in every position on that ballot.

I remember that campaign very well because I had known Senator Morse as a Republican. I had campaigned for Senator Morse as a Republican. I knew Senator Morse's great abilities, and I still respect the contribution that former Senator Morse made to this country, particularly in areas of peace and war.

But I remember, too, that when Senator PACKWOOD suggested a debate with Senator Morse—and we all know, for those of us who remember him, he could make you believe black was white and white was black. In terms of his eloquence and his tenacity as a debater, he was without peer in the U.S. Senate, from those comments made not just by Republican Members, but by Democratic Members alike. And so Senator PACKWOOD not only suggested but challenged him to a debate.

That is not terribly dramatic, in a sense. But Senator PACKWOOD said, ''And we will only have 2 minutes to answer a question.'' Any of us who were friends and knew Senator Morse, he could not tell you what the weather was outside in 2 minutes, because he would attack the subject from its historic context, he would attack the subject from its social context, from its political, from its economic—he would give you the whole ball of wax, so to speak, and an hour and a half later you got the answer.

And that was a very dramatic debate because it was televised. But the television people did not just put the television camera on the face. They realized that what was happening here was a defeat in the making, because on the sides of the podium, Senator Morse's hands began to shake with uncertainty, realizing he was being cut off before he ever got to the second sentence of an answer. And it was probably one of the most historic if not the most historic political debate in my State's history.

At that point the pundits were all saying: Aha, this young man coming along challenging this veteran and sage of Oregon politics, having been both a Republican and a Democrat and being elected to the U.S. Senate as a Republican and as a Democrat both. And that launched Senator PACKWOOD's career here in the Senate.

He has many credits in his record. It does not mean that Senator PACKWOOD and I have agreed on every issue. He is pro-choice. I am pro-life. That has divided us in terms of an issue, but not in terms of a friendship. He has respected my position. I have respected his position. And that was, again, one of the characteristics of Senator PACKWOOD throughout his political life in my State and in the U.S. Senate. He was not a prisoner to dogma. He looked at the issue, he would make his assessment, and he would take his position.

I want to say with all due respect to all of my colleagues that I serve with today and those I have served with

over almost the 30 years that I have been here, I have known no colleague that is his peer in taking a complex issue such as a tax package, dissecting it, analyzing it, and explaining it so that the average citizen out there watching the proceedings could understand. He has demonstrated that time and time again. I not only give him that accolade; he has certainly been a role model for me to be more brief than I have a tendency to be, having grown up in a profession that had a 50-minute lecture.

So I just want to say to my dear colleague, I wanted to take just a few moments to focus on a record that cannot be expunged, and that in the total man, and the total person, and the total picture I hope we will be not only considerate of that record and recognize that record, but also recognize that he is a fellow human being. Even though the media and the public often treats us as objects, we are human beings with emotions and with feelings. And I want to say, as a fellow human being, I rise to give these few remarks with a sad heart, for I hurt with Senator PACKWOOD in this particular moment. I count it a privilege to not only have him as a friend for this length of time, but I look forward to many more years of friendship.

In closing, I want to say this lady sitting next to Senator PACKWOOD, Elaine Franklin, has been his right arm through battles and victories and disappointments. And when I was looking at a rather dismal situation in my last election, she took her leave time and her accumulated vacation and came out to the State of Oregon and engaged full time in my campaign for reelection. Even though that was a close election, I have to pay tribute to Elaine Franklin for her role in helping to make it a victory. I think that is part, again, of the person picking key people, able people, as the Senator did in Elaine Franklin.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. DOLE. Mr. President, I will just take a minute or two. I think Senator MCCAIN wanted to say a word.

I think the BOB PACKWOOD we heard today is the BOB PACKWOOD that many of us have known over the years. I remember in 1968, BOB PACKWOOD calling me. We were both running for the Senate for the first time. He called me, I think, late at night or early in the morning. We talked about each winning, about coming to the U.S. Senate. I came from the House. He came from State political office. We ended up on the same committee, the Finance Committee—a very important committee. It had a number of outstanding chairmen—Senator Long was there for a long time, and I was there for a short time; then Senator Bentsen, Senator MOYNIHAN, and Senator PACKWOOD.

I want to underscore what the senior Senator from Oregon just stated. I do not know of anybody who is a quicker study and can explain in detail so that I can understand it, and others can understand it—whether it is Medicare, Medicaid, welfare, capital gains, whatever it is—anything in the jurisdiction of the Finance Committee. I believe my colleagues on either side of the aisle will acknowledge that BOB PACKWOOD has no peer.

I can think of many, many times when he was able to bring us together. I am not talking about bringing together Republicans, but Democrats and Republicans, because of his explanations and illustration of forceful arguments. And he knew the issue. We have served together, not always agreeing on every issue, but serving together over the years and have been good friends over the years.

I know some may be pleased today, and some may not be pleased. But I believe that Senator PACKWOOD when he said duty, honor, and country means precisely that. He has great respect for the Senate and has always had great respect for the Senate.

As soon as there was this report from the Ethics Committee yesterday there were all kinds of questions and speculation about what will happen now?

I believe Senator PACKWOOD has made the right decision. I believe that a protracted debate in the Senate may not have changed anything. I must say I think it is very severe punishment. I remember one case here where a Senator, charged with certain things, came to the Senate floor 6 months after it was reported by the Ethics Committee, but not after a trial and not after conviction on three counts.

Having said that, I think Senator PACKWOOD has made the correct decision. It is not easy. It has not been easy. It is always easy when you are criticizing, but it is not as easy when you are taking it. We all know that. We have been on both sides.

But I must say that I have watched Senator PACKWOOD the last 24 hours and wondered myself how he was able to carry on. But then, again, I know BOB PACKWOOD. This is not the end of BOB PACKWOOD's career. He will continue to make a difference in the lives of many, many Americans. He only cited a few things. We can cite pages and pages of legislation that bears his name or bears his name along with colleagues on the other side, bipartisan, nonpartisan, in some cases partisan. He is a hard worker—nobody ever suggested otherwise—loyal to his party, loyal to his constituents, and loyal to his leaders.

So I would just say that obviously he deserves some time to get everything in order. It takes a little while around here to do things. I am not certain. He did not state an effective date. But I guess my colleagues would say some reasonable time would be allowed—even by the sharpest critics.

I look at the legislative record of Senator PACKWOOD and add it all up. And I think about the many times he stood on this floor in this place, right here, offering amendments or debating amendments that affected somebody somewhere, some child or children or homeless, or whatever it might be, whatever the issue might be.

I would just say he has been an outstanding legislator, an outstanding U.S. Senator, and someone whose legacy will be around for a long, long time, and a friend of mine.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I want to speak briefly about our colleague, and my friend, BOB PACKWOOD. I will not comment about the circumstances that have compelled Senator PACKWOOD to resign his office. I will not speak about the merits of the case against Senator PACKWOOD. I can neither reproach the Ethics Committee nor endorse their decision. I was spared the burden of adjudicating this matter and it would not be fair for me to criticize the result of their 3-year investigation. I know the members of the committee, and I know them to be decent and principled Senators who would not take their responsibilities in this matter lightly.

But BOB PACKWOOD is my friend. I am proud to call him my friend. And I cannot bring myself to say that his departure from the Senate is welcome. I surely know less about the case against the Senator than do the members of the Ethics Committee, and I know that they would not reach their decision absent their confidence that the decision was just. But I cannot accept it with anything other than profound regret.

Nor can I comfort myself with an appreciation that the Senate has in this moment comprehended something about relationships between men and women that, heretofore, male Senators are supposed to have failed to comprehend. I did not feel that was the case prior to the Ethics Committee's ruling, and I do not think we deserve to be congratulated for suddenly evolving into more sensitive beings.

I cannot claim that I have treated every human being I have encountered in my life fairly or generously. But I am confident that whether I have treated a person well or ill it had nothing to do with their gender, and I resent assumptions that all men in this institution require an object lesson made of BOB PACKWOOD so that we might learn to treat one half of humanity with dignity.

Thus, I cannot quietly or publicly, genuinely or falsely say that BOB PACKWOOD's departure was the necessary price for us to become better people. We could all become better people, but I seriously doubt the Senate's loss of BOB PACKWOOD will advance us toward that goal.

Mr. President, let me also ask my colleagues to spare a little consideration for the whole of BOB PACKWOOD's life and career in this institution before we lapse into self-congratulation.

And let us also recall Biblical injunctions concerning forgiveness and understanding. No matter what our views of this matter are, we can all recognize that this is a sad—a profoundly sad moment—for BOB PACKWOOD and for the Senate. Let us not congratulate nor celebrate a thing today. This a moment for grieving.

BOB PACKWOOD is a man of great industry, intellect, and what used to be called civic-mindedness. He is a patriot, a devoted servant of his country. The Almanac of American Politics accurately described him as one of the most ''legislatively accomplished of senators with a distinctive and consistent set of principles he has backed for a quarter century.''

Every Member of this body knows the extent of his accomplishments. They are vast even when compared to the records of other senior Members of the Senate. On so many of the issues before the Finance Committee which he so ably chaired, BOB PACKWOOD was considered the committee's leading expert. He has been for many years one of the Senate's most effective advocates for less regulation, freer trade, a simpler and less burdensome tax code.

I know that it pains him greatly to leave the Senate now that we are seriously addressing two problems to which he has devoted his considerable energy and ability for years—welfare reform and saving Medicare. Both of these urgent and complex tasks will be far more difficult to resolve absent BOB PACKWOOD'S leadership.

But his broad intellect and keen sense of service would not allow BOB PACKWOOD to limit his work to only those issues before the Finance Committee. They led him to participate centrally in the debates over all the major issues of our time. From the environment to foreign policy, BOB PACKWOOD was a statesman—a distinguished statesman.

BOB is right. There is life after the Senate. And as he builds a satisfying, challenging, and interesting new life—which I am confident he will do—Bob can look back at his 27 years of Senate service with enormous pride and satisfaction. He has contributed more than most to the welfare of his countrymen. He will have his regrets, as will we all. But he cannot but feel that his country is a better place for his service to it.

I commend him greatly for that service; I grieve for him today; I regret this moment's arrival; I wish him good fortune, and say again, without reservation: I am proud to call BOB PACKWOOD my friend.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, BOB PACKWOOD will soon be absent from us. He is also my friend. He will always be my friend. He was chairman of the Republican Senatorial Campaign Committee and helped to recruit me for this Senate post early in the year 1978. He has been loyal, steadfast, and true. And I trust that I was able to return that to him in earnest friendship.

I have prepared some notes. Many of you know me well, and when I really have something to say, I write it down in my own way, no staff, no winging it, which has sometimes put me in a lot of trouble. But I just want to share a few things that come from down deep inside, and they are brief. They may match some of the things said by my dear friend MARK HATFIELD and dear friend JOHN MCCAIN.

This remarkable career of BOB PACKWOOD's public service will now end. The political story of his life will close on its final chapter. But other aspects of his life will go on. And we must not, we cannot, and we should not forget the extraordinary accomplishments and successes of this superior legislator simply because of the maelstrom of negatives that have poured forth from some who have chosen to act as judge, jury, and executioner, at so many levels of our society.

He was the man who always fought so hard for women and their rights. No one can challenge that statement. He was the man who worked doggedly for civil rights and fairness and empowerment for the lesser people of society. He was the man, often the only man, who carried the banner for women's reproductive rights when others were unwilling to unfurl it. He was the man who fought for job equity and the crashing in of the glass ceiling for women in this country. Every single thoughtful, activist women's group was once on his side ''through thick or thin,'' at least until recent times. Then many of them consciously and callously abandoned him, not willing to consider even a shred of evidence portraying ''his side'' of the story.

Now, please make no mistake here. I am not defending what BOB PACKWOOD did or did not do. I do not know the circumstances of all of that, only what I have read and heard. And having practiced law in real life for 18 years, it is my experience to pay guarded attention to what I read or hear. Justice, freedom, and due process depend on various rules of procedure and process. There are few of such rules in the Senate or in the court of public opinion.

The Ethics Committee of the Senate was established partly to avoid the travesty of a trial by the media. That mission has now been seriously thwarted and twisted.

None of this recent crisis needed to have come to pass. I was serving as assistant leader of our party during a late night session in the month of November 1993. In the Chamber, we were debating and having a great public discussion of the issue of exercising the Senate's power of subpoena of one's most intimate, personal recollections, one's own diary.

Late that night BOB PACKWOOD appeared before Senator BOB DOLE and myself in BOB's office with his written resignation in his hand, signed by him and to be effective at 2 a.m. the following early morning, just hours away, 3 hours away. That apparently was not enough, for that very next morning the Ethics Committee delivered certain files, records, and pleadings to the Justice Department for ''further proceedings'' as to possible criminal matters, while the committee had made no previous public reference as to any such criminal conduct.

BOB PACKWOOD at that moment of time said that he then had no choice but to remain in the Senate in order to fight the charges from the firmest of battlegrounds.

I remain terribly disturbed about the entire process. These are not personal reflections upon members or any particular member of the Ethics Committee, I assure you. Oh, yes, yes, I know, we should brush all this past brooding aside because the feeding frenzy is now on and the waters are now blood flecked and teeming with scissor-teethed piranha.

Where I personally get in a lot of trouble in life is because of a simple philosophy ingrained in me by a tough grandfather who practiced law and a dear and marvelous father who practiced law, who taught me the power and worth of that craft, and two stalwart sons who come now after me and are practicing the very special profession of law. The best original advice was, ''If anyone goes to jail, be sure it's your client.''

I liked that advice. I cherished that advice. But I learned a more important thing then, and it will always be so, that there are always two sides, always, always. We have only heard one. There is such a thing as due process and fairness. That has not yet been completed.

There are some stirring words in our Nation's founding documents and in all laws that take their breath of life from those documents and what comes from them requires—no, certainly, it demands—that we must be able to confront our accusers; that we be able to review and examine all papers and documents and witnesses that the ''prosecution'' may deem relevant in the case. We know that the process of selecting evidence that is ''relevant'' or ''not relevant'' does not rest with the parties but with an unbiased finder of fact. We cherish the law that any accuser must at some point, in some proceedings somewhere within the system of justice within this country, be required to raise their right hand and swear to God or make other affirmation that what they are telling is the truth, the whole truth and nothing but the truth, and that person then, after affirming such an oath, is to be subjected to cross-examination based upon the rules of evidence and due process.

It is my understanding that 6 of the 19 accusers of Senator PACKWOOD have not yet been identified in the media and do not wish even at this time to be publicly identified. Apparently, they are to remain ''unidentified'' even to the extent of retaining that status as

the committee releases the record of the proceedings to date.

Senator PACKWOOD indicates that a number of witnesses have come forward on his behalf because they have read about it or suddenly learned of the complaints against him on television or in the press. Additional witnesses are not going to be able to come forth as long as complainants remain unidentified. Perhaps there is yet some forum for Senator BOB PACKWOOD to state ''his side.'' That will be his choice, not mine.

So BOB PACKWOOD is leaving our midst. We know not what the future will hold for him, but he is a fighter. He has fought for women and their rights. He has fought for the lesser in our society and for their rights. He is a true civil libertarian and his public life should not be judged in parts but in sum total. He has conquered an affliction that surely contributed to his downfall, alcoholism. These last recent years have obviously been nightmarish for him and obviously also for his accusers.

That is so true. But the Good Book speaks of judgment and justice and truth and forbearance and tolerance and forgiveness, and we might draw on some of those timeless strengths and attributes in judging this man.

Very few of us in public service have had a life unexamined, but now that will be so to ever more degree. But how far back in life do we then go? As I have said several times before, the AL SIMPSON who was on Federal probation at the age of 18 is not the same AL SIMPSON standing here. The AL SIMPSON who was thrown in the clink at age 20 for clubbing a guy around on the streets of Laramie is not the same AL SIMPSON standing here, although sometimes the feelings are still burning down there.

[Laughter.]

How far back do we go? Anyone here want to go back in their life to 1969 to see what you were up to? Check with me. Come in. Let us have a visit about that.

So if we in the Senate really are to receive the same treatment, for this is what the public is always demanding of us, that we should expect the same treatment—no more and no less—than our fellow men and women, then, pray tell me why the statute of limitations in any jurisdiction in America is no longer than 6 years for offenses far more serious in nature than the ones charged against our brother from Oregon.

That may be very difficult for some to understand, but it is the truth. The statute of limitations is limited to 6 years in the most lenient of jurisdictions and is an average of 3 years in most other jurisdictions, and yet they have plumbed the scraps of life of BOB PACKWOOD back to the year 1969. Where does it all end?

That would be a good question to ask ourselves, and many surely will not do it in any public forum. But when we return to the comfort and solace of our own homes this night, visiting with loved ones and friends and reflect upon the sadness and tragedy of Senator BOB PACKWOOD and of the victims—and I mean that—remember what can be asked and inquired of the accusers can also be the nature of an inquiry to the accused, which is this: How would you feel if this were happening to you?

That is not a diversion. That is not a clever phrase. That is not corny. It is not naive. It is not uncaring. It is not unresponsive. It is not the mumbling of a bald, emaciated 64-year-old Senator from Wyoming who ''just does not get it.'' I have heard all of that guff before. It is just something we should not forget in life as we are pushed forward in the undertow of the immeasurable tide of the information age of a free society. The print and electronic media is now playing all of the varied roles heretofore to be performed only by administrative and court tribunals.

There was a reason for the Ethics Committee. It was to avoid a ''public hanging.'' It was to avoid ''frontier justice.'' It was to avoid ''vigilante justice,'' if you will. That is one of the reasons why it was created. Something has surely gone awry. It will be up to those of us remaining in the Senate to set the course anew.

And to my friend BOB PACKWOOD, God bless you, Godspeed. You are loved by many. Thank you.

[Applause in the galleries.]

The PRESIDING OFFICER. The gallery will suspend. The Sergeant at Arms is noted to restore order if there are outbreaks in the galleries.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I am not going to review the bidding of why we are here this afternoon, but I do want to express my sentiments toward BOB PACKWOOD, for whom I have the greatest respect and affection.

As Senator PACKWOOD mentioned, we have played 400 squash matches over the past 12 years. Four hundred times we met at the squash club to play, and in the game of squash—many may not know how it works, but you are very dependent upon your opponent for calling whether a shot was fair or not. In those 400 matches, never once—never once—did I have the slightest inclination or reason to say that what the call that BOB PACKWOOD made was other than perfect.

Never once did I have any sense of questioning it, because I had total reliance on him, and I still have that total reliance and affection and respect for him.

BOB PACKWOOD has one of the finest minds that I have seen since I have been in the Senate. We have served together in the Finance Committee for 18 years, and it is BOB PACKWOOD who is responsible for the Republican Party having as many Senators as we do here.

When I first came to the Senate, there were 37 Republicans, and BOB PACKWOOD was in the leadership at that time and conceived the idea of having retreats on the Eastern Shore where Republicans would get together and come up with plans for the future. It is BOB PACKWOOD who came up with the idea of what is now the Republican Senatorial Campaign Committee, with the Republican Senatorial Trust that he formed. When I ran for office, I received a small amount of money from the Republicans in the Senate, a very modest amount. But BOB PACKWOOD really conceived the machinery that we have now, and the result of the tremendous funding that Republican candidates at present are receiving.

Many have talked about his legislative achievements, but to my mind, the greatest single achievement in BOB PACKWOOD in legislative affairs was the 1986 tax bill. That bill was absolutely stalled, was going nowhere. It had come from the House, not much of a bill. It came over here. We argued with it. Everybody came up with suggestions on how to reduce expenditures or how to have greater tax breaks. We all competed with each other, took care of everybody in sight as the deficit rose and rose in our calculations.

Then BOB PACKWOOD said, ''That's it.'' It was he who came up with the final program that we had. It was the 1986 tax bill. It was a Packwood tax bill that I and many others unanimously voted in the committee. I will never forget that evening. PAT MOYNIHAN was there. Senator DOLE was there. When we finished that vote, a unanimous vote, everybody stood and applauded the chairman of the committee for the tremendous feat that he had accomplished.

So we will miss him. We will miss a fine brain in this Senate. We will miss him pacing across down in the well as matters were debated and coming up and getting at his desk. Back and forth. I will miss that distinctive walk he had, bent forward slightly as he charges over here. I will miss that so much because we were very close friends and will remain close friends, and I will greatly miss him, as we all will.

Thank you, Mr. President.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I have not prepared any remarks for this occasion, and I would be the first to assert that I am not especially prepared.

Accordingly, to be brief, perhaps the more intense for that reason, to say that in 18 years that we have shared this committee, as the Senator from Rhode Island just said, they have been years of perfect trust between us and, on my part, profound admiration.

And just a moment's good cheer. The Senator from Rhode Island will remember in those intense days leading up to the 1986 legislation, we would meet each morning in Senator PACKWOOD's office about 7:30 for coffee and plan the day's strategy. If you would like to

know something about the Tax Code as it then was, it fell to me each morning to read the service, as it were. I would find the previous day an advertisement in the Wall Street Journal that said: ''Buy oxen, antelope''—I do not know—''cattle, llamas * * * guaranteed losses.''

And they would guarantee you losses and you could not but make money on the Tax Code. It was a scandal and the country knew it. It is all gone now—thanks to you, and thanks for so much else. There is just one line, perhaps of help in the years ahead, of Dr. Johnson, who said, ''How small, of all the ills that human hearts endure, that part which laws or kings can cause or cure.''

This last spring Liz and I—your dear Liz—went to Ephesus, where John took Mary after the crucifixion. We saw Mary's house and the site where John is buried in a basilica. We saw where the Apostle Paul preached, and I can think of only his lines from I Corinthians: 13. ''Now abideth faith, hope, and charity, these three; but the greatest of these is charity.''

The Greek—he was writing in Greek—was ''agape,'' and in English we translate it ''love.''

Mr. President, I yield the floor.

Mrs. FEINSTEIN. Mr. President, I did not know Senator PACKWOOD well, but I have watched him. I heard him on CNN last evening. I have heard him on other shows. I have listened to him, as the leader and the Senator from Wyoming have pointed out, explain complicated issues in a vital and easily understood way. I have listened as the heads of various women's organizations have indicated their respect for him and for his long record of help.

I recognize that service in this institution is not easy, that people are held to a standard, and after all, we are just mere reflections of everyone around us. We are complete with moles and warts and our own problems. So this is not a happy day for me. I do not believe it is a happy day for the U.S. Senate.

I do believe it is a day of some courage and bravery on the part of Senator PACKWOOD, because even those of us who did not know him well know of his love for this body—you could see it, it is palpable, it is there—and his respect for this body as an institution. I really think that kind of performance goes beyond any party label, and it goes beyond any trial and tribulation.

My father used to always say to me, ''Dianne, do not let a man be known for the last thing he does. Let him be known for the best thing he does.''

I think that is a legacy that hopefully is being written here this afternoon. This is a sad day in a chapter of history of the U.S. Senate, but it says one thing: We do have our failings, and we do make our mistakes. But it is a sign of a wise man, and even a giant man, who stands and does what has to be done and goes on to fight another day.

I thank you, Senator PACKWOOD, for a long and distinguished service to the U.S. Senate.

Mr. SPECTER. Mr. President, this is a very sad day for many reasons. I think we are losing an outstanding Senator at a time when the Senate and the country needs his expertise very badly. I join my many colleagues and express my sentiment about the friendship which I have enjoyed with Senator PACKWOOD. I think that the Senate, the country, Senator PACKWOOD, and the people who have registered complaints about him would have been better served had there been public hearings. This is a view that I have always held and expressed with my vote in favor of those public hearings.

I understand the business of the Senate. But I believe that we could have found the time here with many of the quorum calls, or perhaps on weekends, or perhaps evenings, to have heard this matter. I believe that America was entitled to full disclosure. I believe the people who came forward with complaints were entitled to be heard, and I think Senator PACKWOOD was entitled to have a defense.

I think that I, as a ''juror,'' a Senator, who had to pass on the issues, would have been prepared and better off had that been done. I have always been opposed to plea bargains of any sort. I understand the kind of pain that would have been involved had we gone through those hearings. But I think it would have served the institution well and all of the parties well. I have had one other very painful experience with Senator PACKWOOD when I got six stitches under my left eye a decade ago. But I consider this day much more painful.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. 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. STEVENS. Mr. President, because of other matters, I have not been able to be on the floor during the statements that have been made. I want to comment about my friend from Oregon and his decision. I think it takes courage to face the facts, and Senator PACKWOOD has. But like Senator DOLE, as I have walked through the building and through the Hall, I have been thinking of the good times we have had together. When we came here, particularly to the Senate, we had already met each other. As a matter of fact, I met BOB PACKWOOD at a picnic President Eisenhower had at his farm at Gettysburg, and one of the photographs that I cherish is a photograph of Senator PACKWOOD, John Tower, and myself standing there outside of the Eisenhower home.

We have had a long history of our friendship and acquaintance. I am saddened that this day has come. But I want to really reflect on the good days, as I said, the days of sharing with each other our family lifestyle when we first came to Washington. Neither of us had a great deal of money. We did a lot of entertaining in our homes with one another.

It is a time of change now, of great change. But change does not erase the memories of good friendships, and it is not a time to abandon those memories, as far as I am concerned.

I also remember the time when Senator PACKWOOD flew up to Alaska in a Lear jet with me back in the days when Lear jets were not that safe, as I later found out in 1978. It was a long, hard trip to fly to Alaska in a chartered plane, because we had stayed here on the floor of the Senate too long and had an obligation to make a speech in Alaska and we did go up in a chartered plane.

These memories come back in flashes, I think, to those of us as we sit and listen to developments that are hard to understand, hard to comprehend, and difficult to deal with.

But, Bob, I want you to know that I do cherish those memories. You have been a good Senator. I will not repeat the words that have been said on the floor about the things we have worked on here together.

I know there is a group of Alaska Native people in my office waiting for me now that, had it not been for the help of Senator PACKWOOD, Senator MOYNIHAN and others, they would have suffered severe losses that would not have been recognized under the tax laws, where other people had recognition of their net operating losses. Native people, because of the strange hiatus in the Federal law, had not received the recognition they should have had about the ability to recover those losses through the sale of them to other people.

It was the work of Senator PACKWOOD, Senator MOYNIHAN, and I remember Congressman Rostenkowski and others that recognized that inequity. It did lead to a tax loss. We admit that. But that loss would have been there in any event but for the Federal law that they helped us change.

So times pass, and I find my heart heavy with the decision made by Senator PACKWOOD, but again in the position I hold now as chairman of the Rules Committee, I say that I spent the day trying to figure out what we would do to handle a case of this magnitude and of this complexity had he not made the decision.

So I think in the final analysis, the record should show that Senator PACKWOOD has saved the taxpayers of this country a great deal of money and saved the Senate a great deal of delay in a period of great change, where we need to spend our time and devote our efforts to trying to find solutions for the problems that really confront this country, very deep problems, problems, I think, that the leadership Senator PACKWOOD has given in the field of welfare, Medicare, and tax reform will

continue. The dynamics of his suggestions will be carried out. The inertia of the Packwood move through the Finance Committee will continue, and strangely enough it will continue for years to come without his being there. Thank you.

Mr. DOLE. 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.

RECESS UNTIL 6 P.M.

Mr. DOLE. Mr. President, I move the Senate stand in recess until 6 p.m.

The motion was agreed to, and at 5:36 p.m. the Senate recessed until 6 p.m.; whereupon the Senate reassembled when called to order by the Presiding Officer (Mr. BENNETT).

FAMILY SELF-SUFFICIENCY ACT

The Senate continued with the consideration of the bill.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

AMENDMENT NO. 2465 TO AMENDMENT NO. 2280

(Purpose: To provide that funds are expended in accordance with State laws and procedures relating to the expenditure of State revenues)

Mr. BROWN. Mr. President, I rise to offer an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN], for himself, Mr. MOYNIHAN, Mr. SIMPSON, Mr. MURKOWSKI, Mr. KOHL, Mr. CAMPBELL, and Mr. FEINGOLD, proposes an amendment numbered 2465.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . EXPENDITURE OF FEDERAL FUNDS IN ACCORDANCE WITH LAWS AND PROCEDURES APPLICABLE TO EXPENDITURE OF STATE FUNDS.

(a) IN GENERAL.—Notwithstanding any other provision of law, any funds received by a State under the provisions of law specified in subsection (b) shall be expended only in accordance with the laws and procedures applicable to expenditures of the State's own revenues, including appropriation by the State legislature, consistent with the terms and conditions required under such provisions of law.

(b) PROVISIONS OF LAW.—The provisions of law specified in this subsection are the following:

(1) Part A of title IV of the Social Security Act (relating to block grants for temporary assistance to needy families).

(2) Section 25 of the Food Stamp Act of 1977 (relating to the optional State food assistance block grant).

(3) Subtitles B and C of title VII of this Act (relating to workforce development).

(4) The Child Care and Development Block Grant Act of 1990 (relating to block grants for child care).

Mr. BROWN. Mr. President, I asked the bulk of the amendment be read, as it just was, for a very simple purpose. It is a straightforward amendment. It is very basic. It simply calls for the amount that is block granted under this bill to be spent in a manner in accordance with the laws and procedures for expenditures of the States' own revenues. That may not sound like a revolutionary or even controversial suggestion, but it is terribly important.

The core and essence of this welfare reform is centered around the suggestion that States and communities can do a better job in deciding how their funds are expended on welfare programs assisting the poor than can a centrally planned government, than can a government thousands of miles away from the action. It is the heart, at least in part, of what this welfare reform is all about—the suggestion that money can be spent better by local levels than it can be by the Federal level.

Why would I raise this issue? The facts are that in six of our States it makes a difference. In 44 of our States the money is expended, as is provided under the State's own laws, generally in the same manner that the State's own expenditures are allocated. But in six of our States a practice has been followed where the Governor alone decides where block grant money is spent.

If we believe that the States are better able to decide how that money is spent, then I think we have to be concerned about the situation in the absence of this amendment. Literally, unless this amendment is adopted, we will see six of our States where the Governor is allowed to both appropriate the money, in effect decide where it is to be spent, and administer that money; that is, distribute the money and, as we will explore later on, even have a strong voice in conducting the audit of how that money is spent.

Literally, what we are doing, then, in those six States is giving into the hands of one person the ability to appropriate, the ability to administer, and some significant control over the audit of what they have appropriated and administered. This is contrary to the very foundation of this country. It is contrary to the very theme of our Constitution. It is contrary to those philosophers who thought of our system and brought it to fruition.

Mr. President, any in this Chamber who have read the very significant book of Senator BYRD, the distinguished Senator from West Virginia, cannot help but note not only his musings about the history of our system, but the intricacies of the Roman system. One of the lessons is the understanding that there needs to be a division of power.

I want to quote from some of our historical documents because I think Members will find it interesting. In our own Federalist Papers, Madison said it best. It is in No. 47, where he says clearly:

> There can be no liberty where the legislative and executive powers are united in the same person or body or magistrates.

Unless we adopt this amendment, you are going to have that power, both legislative and executive powers, combined in one person in six of our States.

In No. 47 of the Federalist Papers, Madison says this:

> The accumulation of all powers, legislative, executive and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny.

That tyranny he talked about he goes on to talk about in further depth when he says:

> From these facts by which Montesquieu was guided, it may clearly be inferred that in saying, ''There can be no liberty where the legislative and executive powers are united in the same person, or body of magistrates.''

Mr. President, that is the core of the concern of this amendment. This amendment will simply provide, in those six States where they do not now have it, that they will follow the normal legislative process. If we do not adopt this, what we will in effect be doing is saying that the elected representatives of the people and the legislative branch will be ignored and their priorities bypassed when it comes to welfare reform under these block grants. We in this body have long recognized the difference between block grants and others where we have allocated the money ourselves. In categorical programs it has been normal to send the money back to the States, but it has been sent back to the States with guidelines from the Federal Government, including elected legislators, making the decisions on its allocation.

The prime difference between block grants and the categorical grants is the level of government which designs the program. Under our block grants, the States design the programs. For categorical grants, most of the programs are designed and established at the Federal level. The State is to administer the grant in accordance with Federal directives.

Mr. President, it makes sense that when we move to block grants, that we allow the State legislative process to be part of this.

This amendment is offered, not only by myself but by Senator MOYNIHAN, Senator SIMPSON, Senator MURKOWSKI, Senator KOHL, Senator CAMPBELL, and Senator FEINGOLD.

I believe the provisions of this measure are broad and they are bipartisan. I think they unite the interests of this Congress, an interest that we ought to have special recognition of. Would Senators literally want to abdicate the legislative responsibility to a chief executive? Chief executives are responsible, are important members of our governmental functions, but they should not have combined with them the legislative powers.

In addition to this, I want to draw the Members' special attention to another factor in this bill. Under section