CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provision of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. 1645, the Child Custody Protection Act:

Trent Lott, Orrin Hatch, Spencer Abraham, Charles Grassley, Slade Gorton, Judd Gregg, Wayne Allard, Pat Roberts, Bob Smith, Paul Coverdell, Craig Thomas, James Jeffords, Jeff Sessions, Rick Santorum, Mitch McConnell, Chuck Hagel.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum under the rule is waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the motion to proceed to the consideration of S. 1645, the Child Custody Protection Act? The yeas and nays are required under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Nebraska (Mr. KERREY), the Senator from Illinois (Ms. MOSELEY-BRAUN), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

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

The yeas and nays resulted—yeas 97, nays 0, as follows:

[Rollcall Vote No. 265 Leg.]

YEAS—97

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

NOT VOTING—3

Kerrey	Moseley-Braun	Rockefeller

The PRESIDING OFFICER. On this vote, the yeas are 97, the nays are 0. Three-fifths of the Senators duly chosen and sworn, having voted in the affirmative, the motion is agreed to.

The question is on the motion to proceed.

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

The PRESIDING OFFICER (Mr. SMITH of New Hampshire). Without objection, it is so ordered.

HANDLING OF THE STARR REPORT

Mr. SPECTER. Mr. President, I have sought recognition to comment on the matters now pending before the Congress as the House of Representatives considers what to do with the Starr report. I suggest that we are guided now by the genius of the Constitution, which is the most important, most efficacious, and most brilliant document ever written as to how our country should handle the issues and the problems which we now confront.

The Constitution establishes the blueprint for what we are to do next, and that is for the House of Representatives to consider the Starr report, bearing in mind that it is a report which contains charges to which there will be a reply and, perhaps, depending upon what the House of Representatives decides, we will move to a stage of hearing evidence.

The question of evidence is one of enormous importance because that is the determinant as to establishing the facts. In our judicial system and in our congressional system, and in the system on impeachment proceedings, the facts are established by witnesses who testify as to what they have seen or observed—or generally witnessed. It may be that we will hear people who will come forward who will tell us what they saw and what they observed as witnesses, contrasted with what appears in the news media, which is hearsay—sometimes reliable, sometimes unreliable—almost universally the source is leaks, a sustained line of source material, but one which is the common parlance. But when it comes to a proceeding as in a court proceeding or as in an impeachment proceeding, it is a matter of evidence, and the rules of evidence in an impeachment proceeding may be entirely different. There are some hearsay declarations which are admissible under complex rules. There may be broader rules of evidence established. At least we come to the point of evidence as opposed to reports and as opposed to charges.

I think it is very important, as others have said on this Senate floor and as others have said in the public milieu, that we not rush to judgment but that we consider what the evidence is and make a considered judgment, and that the interests of fairness are paramount, as they have been reflected in Anglo-Saxon jurisprudence, and really improved upon in the American—the U.S. judicial system on what is due process and what is fair treatment. And deliberation is a critical part, and not rushing to judgment is a critical part.

We will see what the House of Representatives decides to do and what the House Judiciary Committee decides to do. It may be, as the constitutional procedure specifies, that the matter will be before this body and each of us in the U.S. Senate will be, in effect, a juror. It is a complex matter which portends great problems for our Government if the House takes up the matter of impeachment proceedings. It will tie up the House. If the Senate deliberates as a jury, it will obviously tie up this body. And what is not generally recognized is that the Constitution requires the Chief Justice to preside, so it ties up the Supreme Court of the United States. But the Constitution, that brilliant document, sets forth the ground rules, and we have that as, really, the strength of our American institutions to guide us in these very, very troubled times.

I think it is very important that the Senate, and the House, too, focus on very important legislative matters which have come before us in the course of the balance of September. Those are the appropriations bills which fund the Federal $1.7 trillion budget. I have the privilege to serve as chairman of the Senate appropriations subcommittee which has jurisdiction over the Department of Education, the Department of Health and Human Services, and the Department of Labor. Traditionally, this bill has been left to the end because it is so contentious. Senator HARKIN, the ranking Democrat, and I have conferred and have formulated a plan to try to bring our bill to fruition early on this year. If we wish to get something done—something I learned a long time ago in the Senate is that if you want to accomplish what is in the public interest, we have to cross party lines to do it. Senator HARKIN and I have worked on that line.

Our staffs did an excellent job in pushing ahead on an expedited basis to prepare a subcommittee report during the month of August, and on the second day that we were back, September 1, a week ago Tuesday, the subcommittee acted, and then, under Senator STEVENS' leadership, the full committee acted on Thursday. So the bill, appropriations for Labor, Health, Human Services and Education, is now ready to come to the floor. The distinguished majority leader has stated that our bill can be considered immediately after the Interior bill, so that we do not wait until the very end of September. But Senator LOTT has articulated a fair admonition, that if the bill becomes cluttered with so-called killer amendments or becomes highly politicized, that we cannot keep the bill on the Senate

floor but it will be taken down. I think that is a fair consideration. So we have our own institutional prerogatives. It goes without saying sometimes politics dominates what happens on the Senate floor, but it is our hope that we will be able to avoid killer amendments and will be able to proceed to consider the merits of the bill.

Senator HARKIN and I have discussed this with the distinguished minority leader, Senator DASCHLE, who is sympathetic to our point of view and, without making commitments, has stated he would like to see that proceed. We discussed the issue of time limits, and I have already started to talk to Senators who have amendments where we can consider a time agreement, an hour equally divided or perhaps an hour and a half equally divided, so that we take up issues which have to be debated and have a resolution of them, hopefully omitting the highly politicized matters where there is going to be deadlock and which might require that the bill be taken down.

Our subcommittee has had a good working relationship with the House. We worked through with Congressman PORTER, the subcommittee chairman on the House side, my counterpart, and with Congressman LIVINGSTON, the chairman of the full committee. It is our realistic hope, realistic expectation, that we can work through the process there.

I had a chance to discuss the matter previously with the President—yesterday. It was an event in the White House, where Pennsylvania was a recipient. As is the custom, I received an invitation to attend, and did so, and had a chance to talk for a few moments with the President about this bill, Labor-HHS-Education. The President stated that he thought our Senate bill was a significant improvement over what has come out from the House Appropriations Committee. I pointed out that, while it did not have everything the President had asked for, it was important to focus on the fact that the bill was $1.9 billion short of what the President had projected on income because we do not have the receipts from the tobacco bill, which was never acted upon, and we did not have the user fees, which had not been authorized.

Senator HARKIN and I, then, earlier this week, took a rather unusual step of convening a meeting of governmental affairs people, also known as lobbyists, who have an interest in this bill, especially those who have increases, as we have significant increases on the National Institutes of Health, Head Start, and the National Labor Relations Board, in order to secure their assistance. Because, if we go to a continuing resolution, then those matters will be funded at last year's level and they will not have the advantages of the additions. So there is some very keen potential interest on their part seeing this bill move. Our request to them was to exercise their best efforts—they have a lot of contacts in the Senate, the House and the White House—to help us move the bill.

So I speak about this subject at some length, although I think not at excessive length here today, to urge my colleagues to focus on the appropriations process and not to be distracted by what is happening with the Starr report and the collateral problems which our country faces at this moment.

One of our colleagues said last week that when the Starr report hit, those issues were au courant in Washington, that it would suck all the oxygen out of every room in Washington, DC, which is a dramatic characterization, but one which I think is realistic; sucking all the oxygen out of every room in Washington, so that that is the sole focus of attention. From the conversations in the Cloakroom and on the floor, that is a realistic problem.

I do believe we have to maintain a focus on these appropriations bills which are so important, as we look to what is going to happen with the National Institutes of Health in cancer research, Alzheimer's, Parkinson's, et cetera, what happens with education on increases for Head Start, guaranteed student loans, what happens on worker safety. We are going to push very hard to bring forward our bill, hopefully next week, and debate the issues under time agreements to let this body work its will and try to work the matter through the House and then through the White House and then take up the other appropriations bills, so that while we have this grave national problem which we have to consider at the same time, we do not lose focus that September is the critical month for appropriations bills.

I ask all of my colleagues who anticipate amendments for this bill to let us know at an early date so that we can make a decision on what might be accepted, what might be compromised, or what might be subjected to time limits so that notwithstanding the problems which the President faces and which, in turn, the country faces, that we can focus on the appropriations process and complete the people's business during the month of September.

I thank the Chair and yield the floor.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, are we in morning business?

The PRESIDING OFFICER. The pending business is the motion to proceed to the Child Custody Act, which is S. 1645.

Mr. GREGG. I ask unanimous consent to proceed as in morning business for 10 minutes.

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

EMERGENCY SPENDING BILLS

Mr. GREGG. Mr. President, there are three issues which I think we need to be thinking about addressing as we move into the end of this session. The first is an emergency spending bill which is coming at us and how we pay for that.

Traditionally, emergency spending bills have been paid for outside the budget process. We have worked very hard, however, as a Congress and as a country to get our budget in balance. It has not been an easy task. It has taken us 29 years to get the budget in balance. This year we will have a $60 billion surplus, and that surplus is projected to continue for a number of years into the future. But that surplus will be quickly frittered away if we add new spending programs that are not paid for, or if we arbitrarily increase the spending of the Federal Government in programs that already exist without looking at our budgeting process.

The emergency supplemental, as well meaning as it is intended to be, represents, in my opinion, and raises the issue of how we are going to maintain our surplus and threatens that surplus.

Since 1993, we have had $37 billion of spending under emergency bills. That is $37 billion that has been spent outside the budget process and has essentially added to the deficit, or in the case of this year, reduced the surplus.

This year, the emergency supplemental is being talked about as a rather huge bill. In the past, since 1993, the average of those bills has been somewhere in the vicinity of $5 billion or $6 billion. But now we are talking about an emergency supplemental of—I have heard a number as high as $20 billion. But anything in the range of even $10 billion or $15 billion would be a huge number and would significantly reduce the surplus unless it was offset.

The purpose of an emergency supplemental is to address issues which we had not anticipated which need immediate action and to do so promptly. I can agree with all those purposes, but unfortunately, the emergency supplemental process has become a process which has basically been used as a giant loophole through which we have generated new spending and, thus, are putting at risk, in many instances, our surplus as we finally reached it.

Secondly, we have to ask ourselves, From where is this money coming? In the past, we were borrowing it and creating debt, which was bad enough. This time when we fund this emergency supplemental, if it is anywhere near the range of $15 billion or $20 billion, that is all basically going to come out of the Social Security trust fund. We will be borrowing from the Social Security trust fund because this year the surplus is essentially generated by the Social Security taxes which exceed the Social Security expenses. That, in and of itself, raises huge public policy issues.

I hope that before we step into this or step off on to this road which leads to this giant loophole in our budgeting process, which generates expenditures outside of our budget caps, that we will think about the process and, hopefully,