

longer apply one very different standard to itself and one to business and individuals.

Congressional employees will now have the same legal protections as employees in the private sector. Currently, congressional employees cannot bring suit in Federal district court. But, with passage of the Congressional Accountability Act congressional workers for the first time may bring a private action in Federal district court against Congress. Currently, House staff members have no rights of judicial review and Senate staffers can, after a lengthy internal process, take to the Federal circuit court of appeals complaints about decisions made by the Chamber's internal Office of Fair Employment Practices.

As I traveled the State over the past year, from Yuma to Flagstaff to Cottonwood, the subject of congressional accountability evoked strong reactions from the citizens of Arizona. Their message was clear: Congress currently operates above the very laws it imposes on the people and that must change. Arizonans want their congressional Representatives and Senators accountable. They not only want, they demand passage of the Congressional Accountability Act.

Grassroots support for congressional accountability certainly evolved, to some degree, out of a desire for fair treatment of the over 23,000 workers on the congressional payroll. But, by and large, what I have heard from small business owners and, yes, workers across Arizona is that Congress passes well-intentioned safety, labor, et cetera laws but they are often unrealistic and irrational. Business owners and workers believe Congress should feel the burden of these laws and regulations just as businesses across America feel the burden.

It is these regulations and laws that get in the way of business owners and workers carrying out their respective purposes and earning an honest living. For example, Occupational Safety and Health Administration [OSHA] regulations require businesses to post employee injuries. A company faces a fine if a list is not posted, even if there have been no injuries. Businesses are also often required to fill out safety data sheets, which show how a company will handle various hazardous materials, for such simple substances as dishwashing liquid or even chalk. It is for violating these regulations that small businesses often face hefty fines from OSHA. Since Congress passed these laws and regulations, however, it should be subject to their implementation—to, for example, random OSHA site inspections that often result in unnecessary fines and burdensome paperwork. The Congressional Accountability Act will force Congress to adhere to the same regulations and pay the same fines, however unwise, as every other private business in America. Again, that is what is fair. And, that is what will give Members and

Senators a better practical understanding of the laws and regulations it passes—in the end, I believe, it is this forced compliance and practical understanding of our Nation's civil rights, labor and safety laws that will result in the repeal or modification of the ones that are burdensome, ill-drafted, or unnecessary to ensuring the safety and labor rights of our Nation's workers.

As John Motley of the National Federation of Independent Businesses stated so well in a recent letter to me

When Congress exempts itself from burdensome laws, it sets itself above the people it governs. A small business owner who fails to comply with these laws must face the full weight of the Federal Government. Congress will only understand the effect of the laws they impose on America's entrepreneurs and job creators if they are required to live under the very same laws.

Under S. 2, the 11 major safety and labor laws that are either completely or partially inapplicable now will apply to Congress. Those 11 laws are the Federal Labor Standards Act of 1964, and VII of the Civil Rights Act of 1964, the Americans With Disabilities Act, the Family and Medical Leave Act of 1993, OSHA, the Federal Service Labor Management Relations Act, the Employee Protection Act, the Worker Adjustment and Retraining Notification Act and the Veterans Reemployment Act.

Congressional coverage will not be limited to those 11 laws. Under S. 2, all future legislation must include a report to describe how it applies to Congress or to describe why it does not. Consideration of a bill on the House or Senate floor would not be permitted if the bill report lacked such a statement. When the Congress knows that it must adhere to the provisions of whatever future legislation it passes, it will more likely pass legislation respecting the rights of individuals and businesses.

Mr. President, the Congressional Accountability Act will not only make the U.S. Congress a better employer, it will show the American people that we understand the unfairness of existing congressional exemptions. The old saying, "Do as I say, not as I do," will no longer apply to this institution because Congress will be living according to the same laws as others.

Passage of this bill completes an important first step up the ladder of change the American people have demanded. I am pleased to be a part of a national commitment to fundamentally changing the way business is conducted here in Washington, DC, and I urge my colleagues, without delay, to pass S. 2.

#### EXECUTIVE SESSION

#### NOMINATION OF ROBERT E. RUBIN, OF NEW YORK, TO BE SECRETARY OF THE TREASURY

Mr. PACKWOOD. Mr. President, I ask unanimous consent to go into execu-

tive session to consider the nomination of Mr. Robert E. Rubin to be Secretary of the Treasury.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the nomination.

The bill clerk read the nomination of Robert E. Rubin of New York to be Secretary of the Treasury.

Mr. PACKWOOD. Mr. President, I believe we are ready to vote.

Mr. DOLE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. Mr. President, I have known Bob Rubin for many years. He is a man of honesty and integrity who is certainly qualified to be Treasury Secretary.

Mr. Rubin has an excellent background as a lawyer, an investment banker, and most recently as the assistant to the President for economic policy.

His reputation on Wall Street, and more recently here in Washington, DC portrays a man who is not only hardworking and capable—but an effective consensus builder.

As we heard this morning in the Senate Finance Committee hearing, Bob Rubin is rare in that he has shown humility, and his self-effacing attitude toward getting things done has earned the respect of many of us on Capitol Hill.

If his frank and candid performance at the Senate Finance Committee is any indication of how he will serve as the Secretary of the Treasury, I believe that the U.S. Congress will have a Secretary who is not only capable, but will listen to us and engage in dialog that will be honest and fair.

I urge my colleagues to vote in favor of this nomination.

Mr. SIMPSON. Mr. President, I ask my colleagues to join me in wholeheartedly supporting Robert E. Rubin for the position of Secretary of the Treasury. I have no doubt but that Bob will serve our country with a steadiness and honor similar to that evidenced by my old friend, and our former Senate colleague, outgoing Secretary Lloyd Bentsen.

I believe that Mr. Rubin has a full understanding and appreciation of the critical link between spiraling entitlement spending and the challenge of deficit reduction. I also believe that he shares my opinion that all tinkering at the margin of deficit reduction, such as eliminating Federal spending for a tsetse fly program, or Lawrence Welk's boyhood home, or even foreign aid, or eliminating "Waste, Fraud and Abuse," will do little to slow future deficit growth so long as entitlement spending remains unreformed.

This morning during Mr. Rubin's testimony before the Finance Committee, he assured the committee that deficit reduction was on the administration's

list of priorities, although not its top priority. One reason he gave for this ordering of priorities was that annual deficits were poised to shrink in the short term. That is true, but this is only because of a temporary lull in the growth of the number of retired Americans, a trend which will reverse at the end of this decade and set deficits soaring again. I urge Mr. Rubin and the administration to thoughtfully review that priority list and reconsider placing deficit reduction at the very top. If we postpone our commitment to deficit-reduction, the choices facing us later will be grievous.

I have spoken with Mr. Rubin about my commitment to deficit reduction and entitlement reform, and he has responded by citing anew the administration's commitment to health care reform. I was pleased that he made clear that it would be unrealistic to expect that a huge new entitlement such as was presented in last year's Health Security Act would pass this Congress. We agreed that incremental reform was a far more realistic goal, and he spoke first about the necessity of cost containment in any health care reform package. I was pleased by that. Too often health care reform pitches are given in terms of what wonderful promises the Government is going to make in the area of expanded coverage, as opposed to the tough choices which must be made to reduce cost growth. Mr. Rubin focused first on cost containment in his comments to me, and I took favorable notice of that emphasis.

Mr. Rubin's credentials are well known to the Finance Committee and to the Senate, and there is no significant opposition that I know of to his nomination, aimed either at his qualifications or his temperament. He is clearly an outstanding choice and I commend the Senate for approving his nomination.

Mr. MOYNIHAN. Mr. President, as ranking member of the Committee on Finance, I join my distinguished colleague, the newly installed chairman of that committee, in recommending in the strongest terms that the Senate vote to confirm the nomination of Robert E. Rubin as Secretary of the Treasury. The Committee on Finance reported out his nomination earlier today, with a favorable recommendation.

As Assistant to the President for Economic Policy and head of the National Economic Council, Mr. Rubin was one of the principal architects of the administration plan, enacted in 1993, to get our Nation's fiscal house in order. As a result, we have witnessed 3 straight years of declining deficits—the first time that has happened since the administration of Harry S. Truman. The deficit for the 1994 fiscal year, which ended last September 30, is \$100 billion lower than it would have been without the 1993 deficit reduction legislation; that is, the deficit had been projected to be over \$300 billion; with the 1993 act changes, it has been reduced to \$203 billion.

This serious, indeed historic, undertaking to reduce the deficit has had its rewards. Enactment of the 1993 deficit reduction legislation produced the lowest interest rates in 20 years. In the 2 years since President Clinton, took office, 5.6 million new jobs have been created; the unemployment rate during this period has dropped from 7.1 to 5.4 percent. There has been an average growth in real GDP of 3.5 percent per year. And with the exception of 1986, when oil prices plummeted, the economy has experienced the lowest inflation rates since the 1960's.

Mr. Rubin played a key role in these accomplishments, and the country is fortunate to have him take the helm at Treasury. He has been involved professionally in matters involving financial markets and the national and international economy for over 28 years, first in a series of positions in the distinguished investment banking house of Goldman Sachs, culminating in the cochairmanship of the firm, and more recently in his economic policy role in the administration.

I was heartened to hear at this morning's hearing Mr. Rubin emphasize his commitment to Treasury's important law enforcement mission.

I believe I reflect the view of every member of the Committee on Finance in enthusiastically urging his confirmation as the next Treasury Secretary. Should he be confirmed, he will be the 68th individual to occupy that post and, I might add, the 13th New Yorker—a New Yorker by professional and civic association, even if he was reared in Florida.

Mr. President, I urge my colleagues to support the confirmation of Robert E. Rubin as the next Secretary of the Treasury.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Robert E. Rubin, of New York, to be Secretary of the Treasury.

The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from West Virginia [Mr. ROCKEFELLER] is necessarily absent.

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

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

[Rollcall Vote No. 12 Leg.]

YEAS—99

Abraham	Coats	Frist
Akaka	Cochran	Glenn
Ashcroft	Cohen	Gorton
Baucus	Conrad	Graham
Bennett	Coverdell	Gramm
Biden	Craig	Grams
Bingaman	D'Amato	Grassley
Bond	Daschle	Gregg
Boxer	DeWine	Harkin
Bradley	Dodd	Hatch
Breaux	Dole	Hatfield
Brown	Domenici	Heflin
Bryan	Dorgan	Helms
Bumpers	Exon	Hollings
Burns	Faircloth	Hutchinson
Byrd	Feingold	Inhofe
Campbell	Feinstein	Inouye
Chafee	Ford	Jeffords

Johnston	McCain	Roth
Kassebaum	McConnell	Santorum
Kempthorne	Mikulski	Sarbanes
Kennedy	Moseley-Braun	Shelby
Kerrey	Moynihan	Simon
Kerry	Murkowski	Simpson
Kohl	Murray	Smith
Kyl	Nickles	Snowe
Lautenberg	Numm	Specter
Leahy	Packwood	Stevens
Levin	Pell	Thomas
Lieberman	Pressler	Thompson
Lott	Pryor	Thurmond
Lugar	Reid	Warner
Mack	Robb	Wellstone

NOT VOTING—1

Rockefeller

So the nomination was confirmed. Mr. PACKWOOD. 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. PACKWOOD. Mr. President, I am delighted that we have shown a unanimous vote of confidence—we did in the Finance Committee this morning—in Bob Rubin to be Secretary of the Treasury. He is an eminently qualified man.

I have had occasion to talk with him over the last 2 years from time to time, but one of my best memories of him was when he and I were speaking at a conference in Williamsburg, a conference by and large of business leaders and chief executive officers and boards of directors of the larger corporations in America. I thought he handled with great aplomb a particular question.

One questioner got up and said, "Mr. Rubin, you asked us to come to the aid of the administration last year and to lobby hard on behalf of the North American Free-Trade Agreement. You asked us to spend a lot of money and effort and manpower to support the administration in that effort, isn't that correct?"

And he said, "Yes, sir"

And then the questioner said, "Why is it then you won't let us deduct the expenses for that lobbying on behalf of the administration?"

To Mr. Rubin's credit he said, "Sir, I cannot give you a good answer to that question."

I thought, rather than trying to finesse that, that was as good an answer as you could give. I flew back on the plane with him from the conference that day, complimented him on the answer, and also complimented him on one other thing.

Most people do not realize outside the beltway that Mr. Rubin, for the last 2 years, has been at a very significant and powerful position, and the reason they do not realize it is he did not use that position to appear on the Sunday morning talk shows or to give interviews. He was very much a behind-the-scenes operator, feeling it was not his place to garner publicity. In the position for which he has just been confirmed, he will no longer be able to have that kind of anonymity. He is going to have to appear on behalf of the President and this administration and this country.

I am proud to know him, proud to have supported him, and I am delighted that the Senate has given him a unanimous vote of approval.

I ask unanimous consent that the President be immediately notified of the confirmation of the nomination.

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

Mr. MOYNIHAN. Mr. President, I should like to join my dear friend and once again my chairman, the Senator from Oregon, for having so graciously handled this important, if not indeed, Mr. President, urgent, nomination at the earliest possible time, in the second week of the Congress.

The Committee on Finance met this morning. We may have hit upon an innovation, Mr. President. This morning we voted to confirm Mr. Rubin, and then we asked questions of him. This evening we voted to confirm him and then we are making speeches about our action. This might expedite procedures very considerably.

But this is a fortunate moment; at a time when a Secretary of the Treasury is urgently needed, we have a message which goes out to the Nation and to the world that an officer of the Cabinet with fullest confidence of the Senate has been confirmed directly.

Senator PACKWOOD was kind enough to mention the work of Mr. Rubin as chairman of the National Economic Council for the past 2 years. It would not be wrong to note that during that period we have created 5.6 million new jobs in the Nation. We have had an average growth of real gross domestic product of 3.5 percent. We have had an extraordinary recovery in which the rest of the world we hope will now join with us. And we have had 3 years running a declining deficit, the first time it happened since the Presidency of Harry S. Truman coming off the Second World War.

I would note sir, Mr. Rubin will be the 68th Secretary of the Treasury. Of these 13 have been from New York. We might also add Nicholas Brady and Douglas Dillon, but they chose to live in New Jersey.

But this is a special moment for all of us. I congratulate the Secretary as he now is.

I thank the chairman.

#### LEGISLATIVE SESSION

Mr. PACKWOOD. Mr. President, I ask unanimous consent we return to legislative session.

The PRESIDING OFFICER (Mr. FRIST). Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent to proceed as if in morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

#### PHIL TAWNEY

Mr. BAUCUS. Mr. President, let me read you the opening line of a story in this morning's *Missoulian*:

Phil Tawney, a staunch wildlife supporter, environmental activist and a Democratic party mainstay for more than two decades, died in Missoula, Monday afternoon of complications from leukemia.

It is a short, stark, sentence. It gets the essential facts. It is good journalism. But this time, it leaves out everything.

Phil Tawney was a big man. A man whose soul was great enough to unite and transcend opposites. In Phil, passion for the great cause, united with reason and judgment in the details of legislation. Deep concern for the future joined with great joy in the present. Boundless idealism, met practical, hands-on knowhow.

As much as any person I have known, Phil represented what I believe is best about Montana. If you knew Phil, you were inspired by his love of Montana, his idealism, his integrity, and his courage in battling the leukemia that took his life.

Phil's Montana was Normal Maclean's Montana: A land of vast open spaces, and mist hanging in narrow mountain passes; of biting winds in the winter and dazzling sun in the Big Sky summer; of the elk hunts Phil took each fall; of snow that crunches under your boots, and muscular fish hanging at the bottom of streams so powerful that even a man as big and strong as Phil has trouble keeping his feet. Phil did as much as any Montanan of our time to preserve this land for his children and ours.

For over two decades—from the day in 1973, when at the age of 23, Phil and his wife Robin founded the Montana Environmental Information Center until yesterday—Phil was perhaps the leading influence on our State's fish, wildlife, and habitat protection programs. His ideas on stream preservation and mine reclamation became Montana law, and models for the Nation. Most recently, as a lawyer for the Rocky Mountain Elk Foundation, he worked with me to preserve thousands of acres of elk habitat north of Yellowstone National Park.

Through these years, Phil was always the source of good humor and steady, solid advice. He believed in people.

And throughout his involvement in politics and the conservation movement, he understood something we could all live by in this town. He understood that reasonable people could disagree without being disagreeable.

All this would have been extraordinary by itself. But Phil also had a successful legal practice. He served with distinction as the executive director of the Montana Democratic Party. And most important of all, Phil was a devoted husband to Robin and father to his children Land, Mikal, and Whitney.

He was always thinking about what he could do for somebody else. For a friend. For his family. For posterity.

Never for himself. And perhaps because he never thought about himself, while his life may have been short it was fine and full. That is why, as Missoula Mayor Kemmis said last night, somehow Phil always made you feel good about just being alive.

Mr. President, it is a terrible loss. Phil Tawney takes leave of his family and friends much too soon. But with us forever is a mighty legacy, and a challenge to match his commitment and achievement with our own.

I imagine Phil departing with a smile and some words of encouragement for the rest of us—like Valiant at the close of the Pilgrim's Progress:

"My sword, I give to him that shall succeed me in my pilgrimage, and my courage and skill to him that can get it. My marks and scars I carry with me, to be a witness for me, that I have fought his battles, who will now be my rewarder." So he passed over, and the trumpets sounded for him on the other side.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, I ask unanimous consent to proceed as in morning business.

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

#### JOHN BLOOMER

Mr. JEFFORDS. Mr. President, it is my sad duty to inform my colleagues that this morning the president pro tempore of the Vermont Senate was killed in an automobile accident. He was a good friend of mine and will long be remembered.

In my home State of Vermont, a calling to join the legal profession has historically been taken as a calling to public service. No family has taken that more seriously than the Bloomers of Rutland, VT.

Asa Bloomer, legendary trial lawyer and rhetorician, served his community well in the Vermont State Senate. In his heyday, in the 1950's and early 1960's, he was the acknowledged single source of power in the Vermont Senate. He rose to the rank of president pro tempore, a post he held at the time of his death, in 1963, suffering a heart attack in the legislative halls. He was a close friend of my father's, and brought me into close contact with the Bloomer family.

Quite naturally, his older son Bob, a lawyer, followed his father to the senate where he served with distinction. Then his brother, a fellow lawyer and good friend, John Bloomer, ran for, and was elected to, the Vermont Senate; 2 years ago he was elected as was his father, as president pro tempore of the senate. He held that position until this morning, when enroute to the State House in Montpelier to preside at an important meeting of his judiciary committee, his life was tragically taken in an automobile accident. His dedication to his tasks in Montpelier