

Thursday, December 7, 1995

Daily Digest

HIGHLIGHTS

Senate passed Commerce, Justice, State Appropriations Conference Report.

Senate passed Partial-Birth Abortion Ban.

Senate

Chamber Action

Routine Proceedings, pages S18117-S18251

Measures Introduced: Eight bills and one resolution were introduced, as follows: S. 1453-1460, and S. Res. 198. **Page S18232**

Measures Reported: Reports were made as follows:

Special Report entitled "Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 1996" (S. Rept. No. 104-180)

S. 1459, to provide for uniform management of livestock grazing on Federal land. (S. Rept. No. 104-181)

S. 776, to reauthorize the Atlantic Striped Bass Conservation Act and the Anadromous Fish Conservation Act, with an amendment in the nature of a substitute. (S. Rept. No. 104-182)

S. 956, to amend title 28, United States Code, to divide the ninth judicial circuit of the United States into two circuits, with an amendment in the nature of a substitute.

S. 1340, to require the President to appoint a Commission on Concentration in the Livestock Industry, with an amendment in the nature of a substitute. **Page S18232**

Measures Passed:

Partial-Birth Abortion Ban: By 54 yeas to 44 nays (Vote No. 596), Senate passed H.R. 1833, to amend title 18, United States Code, to ban partial-birth abortions, after taking action on amendments proposed thereto, as follows: **Pages S18183-S18228**

Adopted:

(1) Smith Amendment No. 3080, to provide a life-of-the-mother exception. **Pages S18183-98**

(2) By a unanimous vote of 98 yeas (Vote No. 592), Dole Amendment No. 3081 (to Amendment No. 3080), of a perfecting nature. **Pages S18183-98**

(3) Brown Amendment No. 3085, to limit the ability of dead beat fathers and those who consent to the mother receiving a partial-birth abortion to collect relief. **Pages S18222-23**

(4) Brown Amendment No. 3090, to limit liability under this Act to the physician performing the procedure involved. **Page S18223**

(5) Smith Amendment No. 3091, to strike the affirmative defense provisions. **Page S18223**

Rejected:

By 47 yeas to 51 nays (Vote No. 593), Boxer Amendment No. 3083 (to Amendment No. 3082), to clarify the application of certain provisions with respect to abortions where necessary to preserve the life or health of the woman. **Pages S18183-98**

By 44 yeas to 53 nays (Vote No. 595), Feinstein/Simpson Amendment No. 3092, in the nature of a substitute. **Pages S18224-27**

Withdrawn:

Pryor Amendment No. 3082, to clarify certain provisions of law with respect to the approval and marketing of certain prescription drugs. **Page S18222**

Smith (for DeWine/Dodd) Amendment No. 3088 (to Amendment No. 3082), to express the sense of the Senate that the Senate Committee on the Judiciary should conduct hearings to investigate the effect of the new patent provisions of title 35, United States Code, (as amended by the Uruguay Round Agreements Act) on the approval of generic drugs. (By 48 yeas to 49 nays, 1 responding present (Vote No. 594), Senate failed to table the amendment.) **Pages S18198-S18222**

Subsequently, the amendment fell when Amendment No. 3028, listed above, was withdrawn.

Technical Changes: Senate agreed to S. Res. 198, to make certain technical changes to S. Res. 158. **Pages S18249-50**

Technical Corrections: Committee on Indian Affairs was discharged from further consideration of S.

1431, to make certain technical corrections in laws relating to Native Americans, and the bill was then passed.

Pages S18250–51

Commerce/Justice/State/Judiciary Appropriations—Conference Report: By 50 yeas to 48 nays (Vote No. 591), Senate agreed to the conference report on H.R. 2076, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1996, clearing the measure for the President.

Pages S18127–83

ICC Termination Act—Conferees: Senate insisted on its amendment to H.R. 2539, to abolish the Interstate Commerce Commission, and to amend subtitle IV of title 49, United States Code, to reform economic regulation of transportation, agreed to the request of the House for a conference thereon, and the Chair appointed the following conferees: Senators Pressler, Stevens, Burns, Lott, Hutchison, Ashcroft, Hollings, Inouye, Exon, Rockefeller, and Breaux.

Page S18249

Flag Desecration—Agreement: A unanimous-consent agreement was reached providing for the consideration of S.J. Res. 31, proposing an amendment to the Constitution of the United States authorizing the Congress and the States to prohibit the physical desecration of the flag of the United States, on Friday, December 8, 1995.

Pages S18228–29

Subsequently, the pending cloture vote on the motion to proceed to consideration of the resolution, scheduled for Friday, December 8, 1995, was vitiated.

Pages S18228–29

Start II Treaty—Agreement: A unanimous-consent agreement was reached providing for the consideration of The Treaty with the Russian Federation for Further Reduction and Limitation of Strategic Offensive Arms (the START II Treaty) (Treaty Doc. No. 103–1).

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Nominations Received: Senate received the following nominations:

Charles N. Clevert, Jr., of Wisconsin, to be United States District Judge for the Eastern District of Wisconsin.

Bernice B. Donald, of Tennessee, to be United States District Judge for the Western District of Tennessee.

Charles H. Twining, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to serve concurrently and without additional compensation as Ambassador of the United States of America to the Republic of Equatorial Guinea.

29 Air Force nominations in the rank of general.

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Messages From the House: Pages S18231–32

Measures Placed on Calendar: Page S18232

Executive Reports of Committees: Page S18232

Statements on Introduced Bills: Pages S18233–44

Additional Cosponsors: Pages S18244–45

Amendments Submitted: Pages S18245–46

Notices of Hearings: Page S18246

Authority for Committees: Page S18246

Additional Statements: Pages S18246–49

Record Votes: Six record votes were taken today. (Total—596)

Pages S18182–83, S18198, S18222, S18227, S18228

Adjournment: Senate convened at 9 a.m., and adjourned at 11:17 p.m., until 10 a.m., on Friday, December 8, 1995. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S18251.)

Committee Meetings

(Committees not listed did not meet)

PROHIBITION OF RETROACTIVE TAX INCREASES

Committee on Governmental Affairs: Committee held hearings on S. 94, to prohibit the House of Representatives or the Senate from considering any measure that increases a tax and applies such increase to taxable years beginning before the date of the enactment of the law, receiving testimony from Senators Coverdell and Hutchison; Joseph E. Schmitz, Besozzi, Gavin, Craven, and Schmitz, Nancy L. Mitchell, Citizens for a Sound Economy, Peter Ferrara, Americans For Tax Reform, and Rick Rule, Covington and Burling, all of Washington, D.C.; Wayne Nelson, Winner, South Dakota, on behalf of Communicating for Agriculture, Inc.; and Robert J. Proctor, Southeastern Legal Foundation, Atlanta, Georgia.

Hearings were recessed subject to call.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:

The nominations of Hugh Lawson, to be United States District Judge for the Middle District of Georgia, Patricia A. Gaughan, to be United States District Judge for the Northern District of Ohio, John Thomas Marten, to be United States District Judge for the District of Kansas, and Tommy Edward Jewel III, of New Mexico, to be a Member of the Board of Directors of the States Justice Institute;