

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GLENN. 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 President, I ask unanimous consent that the order for the quorum call be rescinded.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. GLENN. Mr. President, let me just put out a general call here for those who may have amendments to this bill. We do have time. We have handled several this morning. The votes on those will be stacked until this afternoon after our 2:15 end of the respective party conferences. We will vote on those after that.

I think the distinguished floor manager on the Republican side was going to propound a UC on that at the appropriate time, on how we will go through the votes, so people will know what to expect. Let me just say, on the Democratic side we are the only ones who have amendments left on this bill. For those watching in the offices, or for Senators or staffs who may be listening, I encourage them to get over right now when we have some time here. We have about another hour before we break for our conference lunches. Get over here and get the amendments taken care of.

I heard the majority leader in the opening this morning state we are going to go on this bill until it is done tonight with all the amendments. That puts the heat on our side of the aisle to get the amendments over here and get them taken care of.

So I ask staffs and Senators, if they have amendments, let us not wait until 10 or 11 o'clock tonight to bring them up. Let us get them over here while we have time right now.

I yield the floor and 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. GRASSLEY. 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 President, I ask unanimous consent that the order for the quorum call be rescinded.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. GRASSLEY. Mr. President, am I correct that the Leahy amendment is pending before this body?

The PRESIDING OFFICER. The Senator is correct.

Mr. GRASSLEY. The amendment by the Senator from Vermont is a very short amendment.

I will read one sentence that is in the amendment:

"No congressional organization or organization affiliated with the Congress may request that any current or prospective employee fill out a questionnaire or similar document in which the person's views on organizations or policy matters are requested."

Of course, this amendment is not germane to this legislation. That is obvious, as most of the amendments we have been dealing with.

The congressional accountability act is designed to make sure that Congress lives under the same laws that we impose upon the private sector. The private sector does not live under the law that the Senator from Vermont seeks to impose on Congress, because a private sector employer may ask prospective employees about their political views.

To be sure, the private sector does not ask these questions very often. Political views are normally irrelevant to the performance of job duties as a brick layer, or a secretary, or an airline pilot. Of course, it may even be poor judgment and poor public relations for any private sector business to ask such a question. But they are looking for people to perform their jobs. They do not care whether they hire Republicans, Democrats, Independents, or anything else. But the point is that it is legal for a private sector employer to ask those questions on political views if they want to. The Leahy amendment would prohibit organizations affiliated with Congress from asking the same question of prospective employees.

I spoke about the private sector, but in the political and Government arena there are varying rules about whether or not this is a legitimate question. Civil service employees and certain other governmental employees cannot be hired or fired for their political views. These tend to be nonpolitical employees who perform nonpolitical Government jobs. These employees have the first amendment right to hold any political views. In one famous case, a protected employee could not be fired for saying, "I hope he dies." That statement was made when she learned of President Reagan being shot in March of 1981. However, the rules are different for political employees in both the legislative and executive branches. Rules that might apply to political views in the executive branch may not hold in regard to inquiry into that point for employees of the legislative branch. Under their constitutional duties, it is quite obvious that the President and Members of Congress must be able to hire people philosophically sympathetic to their agendas. Personnel is policy.

When President Clinton fills a position that is a political appointment, the applicant is asked his or her political views. Whenever any Members of this body hires a legislative staff member, we ask about their views. That is totally appropriate. That does not mean that we practice any form of McCarthyism. If we properly do that as individuals, then, of course, it seems reasonable to me that organizations—the very same organizations that would be prohibited by the Leahy amendment—which we join to help us in doing our jobs act properly if they choose to ask prospective employees about their political views. Members of these organizations are entitled to know the views of potential employees. Members who rely upon the organiza-

tions of Congress to submit potential employees are entitled to know if that employee would be compatible with the legislative agenda of the Member.

The amendment, however, offered by the Senator from Vermont overlooks the essential political requirements of service on Capitol Hill. And it is peculiar, because it would ban employees from completing questionnaires on their views, but it would not affect oral questioning. I do not know whether that is an oversight or not. It would not allow questioning to be asked on a form, but you could have the same questions asked orally. Thus, the amendment would not address, in any real way, the problems—if there is a problem. I do not see it as a problem, but the Senator from Vermont does. It does not, in any practical way, address what he wants to accomplish. He wants to make sure there is not some sort of litmus test for the hiring of employees on Capitol Hill. So he says you cannot ask questions on the questionnaire, but you can ask these questions orally. Moreover, I feel that inquiring about a congressional employee's political view is not in any way a horror. In fact, it is very vital to the functioning of the institution.

In short, the amendment offered by the Senator from Vermont should be rejected. It has nothing to do with congressional coverage. It would harm the ability of Members to do what they were elected to do, and it would not accomplish its stated objective. So I urge that it be rejected.

Mr. President, 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. BYRD. 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. BYRD. Mr. President, has the Pastore rule run its course for the day.

The PRESIDING OFFICER. (Mr. CRAIG.) The Pastore rule has not expired.

Mr. BYRD. It has not?

The PRESIDING OFFICER. It has not.

Mr. BYRD. Mr. President, I ask unanimous consent that I may speak out of order for not to exceed 10 minutes.

The PRESIDING OFFICER. Hearing no objection, the Senator is recognized.

A MAN OF MANY TALENTS— SENATOR BENNETT JOHNSTON

Mr. BYRD. Mr. President, Madison in the Federalist No. 53 states, in part, as follows:

No man can be a competent legislator who does not add to an upright intention and a sound judgment a certain degree of knowledge of the subjects on which he is to legislate. A part of this knowledge may be acquired by means of information which lie within the compass of men in private as well

as public stations. Another part can only be attained, or at least thoroughly attained, by actual experience in the station which requires the use of it.

In the same Federalist paper, Madison writes as follows:

A few of the members, as happens in all such assemblies, will possess superior talents; will, by frequent reelections, become members of long standing; will be thoroughly masters of the public business, and perhaps not unwilling to avail themselves of those advantages. The greater the proportion of new members and the less the information of the bulk of the members, the more apt will they be to fall into the snares that may be laid for them.

Mr. President, I speak today of a Senator who has demonstrated superior talents, a Senator with 22 years of experience in this body—Madison, having referred to men of “superior talents” and also to the advantages of “experience”—and BENNETT JOHNSTON is that man of whom I speak.

There is no department of public life in which the test of man's ability is more severe than service in this body. Little deference is paid to reputation previously acquired or to eminent performances won elsewhere. What a man accomplishes in this Chamber, he does so by sheer force of his own character and ability. It is here that one must be prepared to answer for the many talents or for the single talent committed to his charge.

BENNETT JOHNSTON came to this body 22 years ago as a man of many talents. He did not wrap his talents in a napkin or hide them in the earth, as both Luke the Physician and Matthew make reference, but he put them to use that they might bear increase for his State, for his country, for the Senate, and for his fellow man. He has proved himself to be a superior legislator. I have served with him these 22 years on the Committee on Appropriations. He has proved himself to be a man with courage, with vision, with conviction, a man who is diligent in his work and faithful to his oath of office.

As the chairman of the Senate Committee on Appropriations during the last 6 years, I found him always to be conscientious and a man of his word. Fully aware of the admonition by Polonius that “those friends thou hast and their adoption tried, grapple them to thy soul with hoops of steel,” it is with pride that I call BENNETT JOHNSTON friend. It is with sincere sadness that I have heard of his decision and I regret that, with the passing of these final 2 years of his term, the Senate will have witnessed the departure of one who has effectively toiled here in its vineyards and who has earned the respect and admiration of his colleagues. The people of the State of Louisiana chose well when, by the exercise of their franchise, they sent him here. Someone will be selected to take his place, just as someone will, in due time, stand in the place of each of us here.

After he lays down the mantle of service, we shall feel the same revolu-

tion of the seasons, and the same Sun and Moon will guide the course of our year. The same azure vault, bespangled with stars, will be everywhere spread over our heads. But I shall miss him, just as I know others will miss BENNETT JOHNSTON. Other opportunities will come to him, other horizons will stretch out before him, and he will sail his ship on other seas.

Erma and I will miss BENNETT and Mary, but the memories of these past years during which we have been blessed to render service together to the Nation will always linger in our hearts.

I think of lines by Longfellow as being appropriate for this occasion:

I shot an arrow into the air;
It fell to earth I knew not where,
For so swiftly it flew, the sight
Could not follow it in its flight.

I breathed a song into the air;
It came to earth, I knew not where,
For who has sight so swift, so strong
That it can follow the flight of song?

Long, long afterwards, in an oak,
I found the arrow still unbroke,
And the song, from beginning to end,
I found again in the heart of a friend.

Mr. President, I yield the floor. 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. GLENN. 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

The PRESIDING OFFICER. Hearing no objection, under the previous order, the hour of 12:30 nearly having arrived, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:22 p.m., recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. GRAMS).

CONGRESSIONAL ACCOUNTABILITY ACT

The Senate continued with the consideration of the bill.

VOTE ON AMENDMENT NO. 8 TO AMENDMENT NO. 4

The PRESIDING OFFICER. Under the previous order, the Senate will now vote on amendment No. 8 offered by Mr. MCCONNELL of Kentucky to amendment No. 4 offered by Mr. FORD of Kentucky.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative 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 who desire to vote?

The result was announced—yeas 55, nays 44, as follows:

[Rollcall Vote No. 6 Leg.]

YEAS—55

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

NAYS—44

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

NOT VOTING—1

Rockefeller

So the amendment (No. 8) was agreed to.

Mr. GRASSLEY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, the situation is that we are now on the Ford amendment, as amended by the McConnell amendment. Then we have, I believe, four other amendments that can be voted on immediately, if the authors of those amendments are done with their discussion, and I hope the authors of those amendments are done with discussion.

I would like to ask the Democratic manager if we can move forward then on the Ford amendment for adoption of the amendment by voice vote. Mr. President, I ask unanimous consent to set aside the Ford amendment, and I would ask that we go to the Wellstone amendment.

Mr. DOLE. Mr. President, the pending business is the Wellstone amendment?

The PRESIDING OFFICER. The pending question is the Ford amendment.

Mr. DOLE. Mr. President, I ask unanimous consent that we lay aside the Ford amendment.

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