

taking this extraordinary step to make certain this important legislation passes and goes to the President. As I said many times, this is probably the most important bill to my State that we have considered in this Congress.

As the Senator from Kentucky just stated, I believe that we are indebted to the Administrator of the FAA, David Hinson, for constant, tireless work on this matter.

As a result of what we are doing, I announce to the Senate, in my office right now are the safety people who are going to carry out this new law and try to find a way to reopen the airport at my capital city of Juneau. There are many other airports that are going to be open because of the action we have taken and, above all, Mr. President, I think we can say to the American people that the skies will be safer. There will be competent people in charge of disasters, should they, God forbid, occur again, and we will have a way to deal with people who are survivors of victims of air crashes in the manner that the coalition of survivors has recommended to the Congress.

This is responsive legislation, and it is responsible legislation. I am grateful to the two managers of the bill, my good friend from Arizona, Senator MCCAIN and Senator FORD and, of course, to the chairman, Senator PRESSLER, and the ranking member, Senator HOLLINGS, for their constant commitment to see to it that this Congress passes this landmark legislation for aviation.

The PRESIDING OFFICER. Is there further debate?

Mr. MCCAIN. 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.

The PRESIDING OFFICER. The question is on agreeing to the conference report to accompany H.R. 3539, the Federal Aviation Administration Reauthorization Act. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Missouri [Mr. BOND], the Senator from Indiana [Mr. COATS], the Senator from Texas [Mr. GRAMM], and the Senator from New Hampshire [Mr. GREGG] are necessarily absent.

I also announce that the Senator from Colorado [Mr. CAMPBELL] is absent due to illness.

Mr. FORD. I announce that the Senator from Vermont [Mr. LEAHY] is absent on official business.

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

The result was announced—yeas 92, nays 2, as follows:

[Rollcall Vote No. 306 Leg.]

#### YEAS—92

Abraham	Ford	Mack
Akaka	Frahm	McCaIn
Ashcroft	Frist	McConnell
Baucus	Glenn	Mikulski
Bennett	Gorton	Moseley-Braun
Biden	Graham	Moynihan
Bingaman	Grams	Murkowski
Boxer	Grassley	Murray
Bradley	Harkin	Nickles
Breaux	Hatch	Nunn
Brown	Hatfield	Pell
Bryan	Heflin	Pressler
Bumpers	Helms	Pryor
Burns	Hollings	Reid
Byrd	Hutchison	Robb
Chafee	Inhofe	Rockefeller
Cochran	Inouye	Roth
Cohen	Jeffords	Santorum
Conrad	Johnston	Sarbanes
Coverdell	Kassebaum	Shelby
Craig	Kempthorne	Simpson
D'Amato	Kennedy	Smith
Daschle	Kerrey	Snowe
DeWine	Kerry	Stevens
Dodd	Kohl	Thomas
Domenici	Kyl	Thompson
Dorgan	Lautenberg	Thurmond
Exon	Levin	Warner
Faircloth	Lieberman	Wellstone
Feingold	Lott	Wyden
Feinstein	Lugar	

#### NAYS—2

Simon Specter

#### NOT VOTING—6

Bond	Coats	Gregg
Campbell	Gramm	Leahy

The conference report was agreed to.

Mr. LOTT. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

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

The motion to lay on the table was agreed to.

#### THANKS TO THE PRESIDING OFFICER

Mr. LOTT. Mr. President, I thank the Presiding Officer [Mr. WARNER] for the way in which he has presided over the last couple of hours. It could have been a very tense time. He kept order and helped us to get through the very important final actions of the Senate.

#### THE FEDERAL AVIATION ADMINISTRATION REAUTHORIZATION BILL

Mr. SPECTER. Mr. President, I have sought recognition to comment on the three votes which we have had today, and to express my very deep concern about the precedents which the Senate has established in attaching to a conference report a highly controversial provision which was not subjected to hearings, or analysis, or the legislative process, and which was rammed through here today without real due process or a real legislative process.

What has happened here—this is somewhat esoteric for someone who may be watching on C-SPAN II—is that the Federal Aviation Administration bill was passed by the House and Senate, and then it went to conference. In the conference there was an addition of a provision to determine which Federal labor agency would have jurisdiction

over express companies. That provision was added into the conference report without having been considered by either the House or the Senate. It was not considered in hearings, it was not considered in debate, and it was not voted on, but it was in effect rammed through, and has become law because it was attached to a bill which has some \$8 billion of Federal airport expenditures—a matter of enormous importance for America generally, and a matter of enormous importance for my home State, Pennsylvania—which has so many airports involved with this necessary funding that comes out of the aviation trust fund.

It does not add to the deficit. It does not come out of general revenues. It is paid for out of an airport trust fund. But what we have done today, I would suggest, is a very, very serious perversion of Senate procedures. What can happen in the future is that under the overruling of the ruling of the Chair, any measure can be added in any conference report at any time, and if the conference report overall touches a subject of sufficient importance it will outweigh a provision which has been added without appropriate consideration.

I voted against cloture—that is, I voted against cutting off debate on the underlying bill—because it seemed to me that provision required analysis, consideration, and debate. It affects thousands of jobs in Pennsylvania because it could determine which agency will govern the issue of labor matters and labor certification, and which representation will be in effect.

It was represented that it was a mistake that it was left out before. I am skeptical about that, Mr. President because we have that representation made all the time. It was represented that it would only apply to one company. Well, that may be one company too many, if it is a bad provision not subjected to analysis, debate, nor hearings in our regular legislative process. But on the face of that provision, it is entirely likely and highly probable that the provision will apply to many companies. And, therefore, I voted against cutting off debate.

Then on the issue of overruling the Chair, the Chair ruled that this provision should not have been in the bill under Senate rules. The Senate overruled the Chair by a vote of 56 to 39. There is talk that we can change the rule. But any time we have set a precedent in this body on allowing an extraneous measure to come in on a conference report, that is a precedent of overwhelming importance. Any time 51 Members think that the matter is so important that it ought to be passed to disregard the rules and the procedure, there is a precedent which has been established.

It is very important to proceed in a principled way, and we have not done that here.

I feel so strongly about that, Mr. President, that I voted against the

overall bill. Only two Senators voted against the measure on final passage—Senator SIMON and ARLEN SPECTER. If we do not follow the rules and don't proceed in a principled way, we are doing serious damage to the institutions and procedures which are set up not for one special case but to govern our conduct generally.

I think it is especially important because this breach of our rules comes within 3 days of our passage of the omnibus appropriations bill where again we breached the rules. The Constitution calls for a separation of powers. It calls for the Congress to legislate on appropriations, and submit appropriations bills to the President for his consideration. If he signs it, it is law. If he vetoes it, the Congress can override the veto by a two-thirds vote. But that wasn't done on the omnibus appropriations bill.

The President's Chief of Staff, Leon Panetta, sat in on the deliberations and negotiations with the Congress, which is a serious constitutional breach. The President had delegated to the Chief of Staff authority to act for the President. What Chief of Staff Panetta said became the President's conclusion, but the President does not have the authority to delegate his responsibility under the United States Constitution.

In the end, that was an important bill. It had provisions for funding for education, which I supported; provisions for funding for Health and Human Services, which I supported; provisions for funding workplace safety, which I supported—all of which come under the jurisdiction of the subcommittee which I chair, the Subcommittee on Labor, Health, and Human Services.

I think, Mr. President, as we rush to leave Washington that we are setting some very bad precedents and creating some very bad rules. I was one of, I think, 14 Senators to vote against the omnibus appropriations bill because I thought we were doing violence to the U.S. Constitution. We did that because we couldn't move through the legislative process in due course. Extraneous amounts were added, something I spoke to at length last Saturday and on Monday. So I shall not repeat it here. There are other colleagues waiting to speak. But these rules are established.

I believe that the most precious gift America has is the U.S. Constitution. That sets the framework for our Government. Then we establish rules for our courts—our civil courts and our criminal courts. And we establish rules for the Congress. They are established in order to give due process. They are established in order to have a measure introduced, analyzed, and subjected to hearings where people can come in on both sides, testify. Then we can make an informed judgment. But when that is not done and when we violate those rules, we put our entire system at jeopardy. And that is wrong.

That is why I was one of the few Senators voting against the omnibus ap-

propriations bill, and one of only two Senators voting against this Federal Aviation Administration bill, recognizing the importance to my home State of Pennsylvania and to the entire country.

Mr. SPECTER. I thank the Chair.

#### SCHEDULE

Mr. LOTT. Mr. President, for the information of all Senators, the Senate now has a few other items that must be considered prior to the adjournment sine die. Most important of these, of course, is the Presidio parks issue, and the adoption of the adjournment resolution. I understand that there is no Senator that now has requested a vote on either of those, either the Presidio parks bill or the adjournment resolution.

With that in mind, there will be no further votes for the remainder of the 104th Congress. We hear some celebration on that.

I want to thank Senators who have been involved in that parks legislation, and the Senator from Alaska, particularly. He is very anxious to get that completed. He has worked hard at it. It has not been easy for him. He has made major concessions. But we were able to reach an agreement this morning that he can accept and the administration can accept, and that all Senators are comfortable with.

I thank the distinguished assistant majority leader, DON NICKLES, for his effort and time in this.

Mrs. BOXER. We are not finished quite yet on that.

Mr. LOTT. We are not quite finished. We are working at this very moment. And I think that is appropriate. The Senator from New Jersey and the Senator from California are here still working on this. We should get it done, and complete all of our action.

#### THE 105TH CONGRESS

Mr. LOTT. Mr. President, Senators should be aware that the 105th Congress will convene at noon on Tuesday, January 7.

There had earlier been an indication that we would not need to do that on the 3d. But we have made a change and have agreed that it will be January 7 immediately following the swearing in of the newly elected Members of the 105th Congress.

A live quorum will occur. All Senators are requested to be present for this live quorum on January 7.

Also, Senators should be aware that Congress will count the electoral votes in the House Chamber at 1 p.m. on Thursday, January 9.

#### THANKS TO COLLEAGUES

Mr. LOTT. Mr. President, I thank all of my colleagues for their cooperation throughout this Congress. It has been quite a learning experience for me as

the majority leader. But I have learned a great deal, and I had a lot of cooperation from a lot of Senators.

I thank the Democratic leadership, Senator DASCHLE and Senator FORD for their cooperation, and our leadership over here.

There has been a lot of patience all around. I thank them for that.

#### LEADERSHIP ELECTIONS

Mr. LOTT. Mr. President, also, one final note: Leadership elections for the 105th Congress will take place on Tuesday, December 3, and organizational and orientation meetings will occur throughout the day on Wednesday, December 4.

So we will have the organizational meetings December 3 and 4, and we will reconvene on the 7th of January for the necessary swearing in and for the counting of the electoral college votes then on the 9th.

#### MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

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

The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I thank the Chair.

#### CONGRATULATIONS TO THE LEADERSHIP

Mr. DODD. Mr. President, let me congratulate the leadership as well on the conclusion of the 104th Congress. And, once again, to all of our retiring Members, I wish them all the very best in the coming years.

#### HARTFORD PRESIDENTIAL DEBATE

Mr. DODD. Mr. President, this coming Sunday, the eyes of 75 to 80 million Americans will be squarely focused on the city of Hartford and the State of Connecticut as they host the first Presidential debate of the 1996 campaign between President Clinton and Senator Dole.

For Hartford and the people of my home State of Connecticut the unique opportunity to host this debate is both a great honor and a significant economic and cultural shot in the arm. I salute all those in the Hartford community who have played integral roles in bringing the Presidential candidates to our capital city.

In particular, I want to commend the Bank of Boston, Phoenix Home Life Mutual Insurance, Trinity College, and Southern New England Telephone played critical roles as the four founding sponsors of the debate.

In addition, Daniel Papermaster, who has labored tirelessly to bring a Presidential debate to Hartford, deserves