

he should be. If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." Therefore, I withhold my vote. I thank the Chair.

Mr. LOTT. I announce that the Senator from Kansas [Mr. DOLE], the Senator from Indiana [Mr. LUGAR], and the Senator from Arizona [Mr. MCCAIN] are necessarily absent.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] and the Senator from Hawaii [Mr. INOUE] are necessarily absent.

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

The yeas and nays resulted—yeas 52, nays 42, as follows:

(Rollcall Vote No. 21 Leg.)

#### YEAS—52

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

#### NAYS—42

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

PRESENT AND GIVING A LIVE PAIR, AS—

1

Specter, against

NOT VOTING—5

Bradley	Inouye	McCain
Dole	Lugar	

The PRESIDING OFFICER. On this vote the yeas are 52, the nays are 42. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

Mr. JEFFORDS. Mr. President, I move to reconsider the vote.

Mr. LOTT. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JEFFORDS. Mr. President, I know some of my colleagues here wish to make a few remarks. I hope that everyone over the coming days, before we face this issue again, whether it is on another vote to invoke cloture or whether it is on another vote—I think it is wise for all of us to take a look at what must be done if we are going to reach a consensus on many issues in this body.

As I have tried to let my colleagues know, we worked long and hard, 90 days, on reaching a compromise with the House. The House is very dug in on this issue. We had to make incredibly difficult changes that they would agree to to bring us to a position where I thought we had a bill that could pass the Congress and win support in a highly Democratic city, a highly unionized city, with a very Democratic mayor. I thought that they would agree with the compromise that we reached.

It seems difficult for me to perceive or understand as to why this body would disagree with that compromise. If we cannot find a consensus on this issue, what is going to happen when we get to the three major appropriations bills that we still have not dealt with? Are we somehow going to be able to reach a consensus among the House and this body and the White House? We also have other issues with respect to welfare, Medicaid, and all the other issues that are in addition to the appropriations bills, which to me are so much more difficult. If we cannot reach a consensus on this bill, I do not know what the hope is for the future.

I have been in the Congress now for 22 years. During that length of time, I have been on many committees under many different circumstances with respect to which party controls the committees. Many, many difficult issues have been faced during that period of time, and just by virtue of the committees I have been on, I have been in the center of those.

I mentioned "in the center", for instance, because if one takes a look at the recent ratings, I am the most liberal Republican Senator but I am more conservative than many Democratic Senators. So where does that put me? It puts me right in the middle. Over the course of time I have found myself in that position and have been able to assist in working out the compromises by my ability to see both sides of the issue.

In fact, Mr. President, I will reminisce for just a moment. I remember at a critical moment during the Reagan administration we were dealing with a controversial bill, an employment training bill. I was serving in the House, and I got a call from one of the Members of this body who said, "JIM, we know how hard you worked on this bill, but when we go to the White House, would you tell them how bad it is, because if you tell them how bad it is, I think they will accept it?"

So I went down to the White House and I made a pitch by saying, "Oh, my God, it goes too far this way and goes too far that way." I got a phone call back from that Senator commending me and offering me an Academy Award for my performance. And we reached a consensus. That is how far I would go. Yes, I would have liked to have seen it different, but I was willing to make the compromises that were important to get that bill through.

We have to learn how to do that here. I hope in the interim, before we take

another vote, that everyone will take a look at what the real issues are here.

So many of the statements that were made would be true if this was a national proposal to deal with vouchers or even if it was a D.C. proposal to have a mandated voucher program for the city. But it is not that.

So I urge my colleagues in this interim time, if we cannot reach consensus here, where will we ever do it? If we do not do it with the House, which has come a long way, in my mind, in reaching consensus here—they had dug their heels in—we run the risk of losing all the educational reform that is in the bill, all of which is incredibly necessary for the District. We may even lose the ability to provide them with the \$254 million in additional Federal funds which they are entitled to under this agreement.

So I urge my colleagues to take a close look before we vote again, whenever that may be.

Mr. President, I yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER (Mr. CAMPBELL). The Senator from Mississippi [Mr. LOTT] is recognized.

#### CLOTURE MOTION

Mr. LOTT. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the conference report to accompany H.R. 2546, the D.C. appropriations bill:

Trent Lott, Jim Jeffords, Dan Coats, Larry E. Craig, Paul D. Coverdell, Conrad Burns, Pete V. Domenici, Jon Kyl, John Ashcroft, Slade Gorton, Spencer Abraham, Craig Thomas, Mark O. Hatfield, C.S. Bond, P. Gramm, Don Nickles.

Mr. LOTT. Mr. President, I wish to inform all Members that there will be a vote on this cloture motion next Tuesday. No exact time has been agreed to yet, but I expect it will fall sometime shortly after the vote, I believe at 2:15, on the Cuba legislation on Tuesday. But it will occur sometime Tuesday afternoon.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. D'AMATO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### UNANIMOUS-CONSENT REQUEST

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Senate

now turn to a resolution extending the Special Committee To Investigate Whitewater Development Corporation.

I ask for its consideration under the following agreement: 2 hours to be equally divided in the usual form, and that no amendments be in order, other than one amendment to be offered by Senator DASCHLE, or his designee, limited to 1 hour equally divided.

Further, I ask that following the debate on the amendment and resolution, the Senate proceed to vote on the amendment, and immediately following that vote, that the resolution be advanced to third reading and passage to occur immediately without further action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. D'AMATO. Mr. President, in light of the objection, I make the same request for the legislation to be the pending business on Friday, March 1, at 10:30 a.m., under the same restraints as the previous consent agreement.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. I object.

The PRESIDING OFFICER. Objection is heard.

#### WHITEWATER

Mr. D'AMATO. Mr. President, I am deeply concerned about the minority's refusal to allow the Senate to consider the resolution that I just offered. This resolution would provide additional funds for the Whitewater Special Committee. It would allow the Senate to fulfill its obligation to the American people to obtain the full facts about Whitewater and related matters.

Make no mistake about it, this debate is not about money, it is not about deadlines, it is about getting the facts. That is our job. We are committed to getting all the facts about Whitewater. It is now quite clear that the minority is not. With its actions today, and over the past few days, the minority has sent the unmistakable message that it wants to prevent the American people from learning the full facts about Whitewater. That is wrong. What is the minority concerned about?

From the beginning, I have said that our committee must get the facts and we must let the chips fall where they may. If the facts exonerate, then so be it. That is good. Again, let the chips fall where they may.

If the facts, on the other hand, reveal improper conduct by anyone, the American people have a right to know that as well. Our committee wants the facts. The American people are entitled to the facts.

Two days ago, we attempted to move to consideration of a resolution that would have funded Whitewater. But the minority invoked Senate rules to block floor consideration of that resolution.

That is their right. But, as the New York Times wrote in a syndicated editorial, "The committee, politics notwithstanding, has earned an indefinite extension. A Democratic filibuster against it would be silly stonewalling."

That, Mr. President, is from an editorial in yesterday's New York Times. That is not a partisan spokesperson, nor a partisan policy paper. I will come back to this editorial again. I will ask at this time that the full editorial be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 28, 1996]

#### EXTEND THE WHITEWATER INQUIRY

Senator Christopher Dodd of Connecticut, reluctantly agreeing to renewal of the Senate Whitewater Committee's expiring mandate, suggests limiting the extension to five weeks, ending April 3. Along with the minority leader, Tom Daschle, and other leading Senate Democrats, Mr. Dodd told reporters yesterday that they were prepared to filibuster against any extension beyond early April.

Their position is dictated by worry about the 1996 campaign, and it is understandable that Mr. Dodd, as chairman of the Democratic National Committee, would hope that the public has an endless tolerance of Whitewater evasions. Mr. Dodd has a point in noting that this is a campaign year. It is impossible to separate this matter entirely from partisan pressures. He wants to protect President and Mrs. Clinton from the embarrassment that the chairman of the Whitewater Committee, Senator Alfonse D'Amato, would be pleased to heap upon them.

But Senator D'Amato, who by and large has curbed his customary partisan manner, has a stronger point. The Senate's duty cannot be canceled or truncated because of the campaign calendar. Any certain date for terminating the hearings would encourage even more delay in producing subpoenaed documents than the committee has endured since it started last July. The committee has been forced to await such events as the criminal trial next week of James McDougal, a Clinton business partner in the failed Whitewater land venture.

No arguments about politics on either side can outweigh the fact that the White House has yet to reveal the full facts about the land venture, the Clintons' relationship to Mr. Douglas banking activities, Hillary Rodham Clinton's work as a lawyer on Whitewater matters and the mysterious movements of documents between the Rose Law Firm, various basements and closets and the Executive Mansion. The committee, politics notwithstanding, has earned an indefinite extension. A Democratic filibuster against it would be silly stonewalling.

Mr. D'AMATO. Mr. President, let us be clear. All of my colleagues have a right, Democrat or Republican, to utilize all the rules of the Senate as it relates to sustaining their position. I certainly do not have a quarrel with that. But I am concerned as it relates to what the underlying objective is. The underlying objective is to prevent the committee from doing its work, from being the factfinders. That is our job. That is a clearly different job from that of the independent counsel or special prosecutor, clearly different. The independent counsel's job is to ascer-

tain whether there was criminal conduct. He uses a grand jury, secret proceedings. We are not entitled to know, nor do we know what facts are uncovered. That is a big difference. People have very particular roles, interests, and needs. Witnesses are protected. They are given absolute constitutional guarantees. That is as it should be. Most of the discovery of the information and facts is done in camera, secretly. That is a far different role than that of congressional investigatory committees. Let us understand that.

There are those who say, "Why, when you have a special counsel, do you have this committee?" It is because it is our duty to ascertain what, if anything, the White House or the administration may have done to impede an investigation, which may or may not have criminal implications. It very well may not. But it is our duty to gather those facts. It is our duty to gather the facts as they relate to what, if anything, took place, whether proper or improper. The facts may not have criminal implications as they relate to the events that transpired in Little Rock, AR. The two investigations are distinct. They are different.

Indeed, this is not the first time in the history of this country that we have had investigations by congressional committees and, at the same time, by an independent counsel, a special prosecutor. Indeed, we have taken precautions so as not to impede upon the work and make it more difficult for the independent counsel to conduct its work. And it is fair to say that much of the delay as it relates to the committee's work has not been created by partisan politics, by Democrats, by the White House, or others acting in their interests. Let us be fair about that. A good deal of the delay has been occasioned, both for the previous committee that undertook this mission and by this committee, due to our legitimate concerns about the work of the special counsel.

Indeed, we have agreed in the resolution that we would not grant immunity where the independent counsel objected. Indeed, we have, painstakingly, gone out of our way, notwithstanding our own constitutional responsibilities, not to willy-nilly insist that we get our way as it relates to subpoenaing of records, documents, and witnesses. On a number of occasions, we have withheld enforcement of subpoenas for documents because we were advised that it would have an impact on the criminal trial, which will start this Monday in Little Rock, AR. The defendants in this trial are the present Governor, Jim Guy Tucker, and Susan and Jim McDougal, the business partners of the Clintons.

We agreed, Republicans and Democrats, to withhold enforcement of these subpoenas. We have, I believe, made the sensible choice in not attempting to force key witnesses to come before this body. When I say "this body," I am