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Senate

The Senate met at 10 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Dear Father, help us to use things and love people rather than using people and loving things. Enable us all through this day to communicate esteem and affirmation to the people with whom we work. Help us to take time to express our gratitude for who people are, not just for what they do. Make us sensitive to those burdened with worries, problems, or heartaches and help us to make time to listen to them. May we take no one for granted.

Gracious God, we want to live this entire day with a sure sense of Your presence with us. Our desire is to do every task for Your glory, speak every word knowing You are listening. Remind us that every thought, feeling, and attitude we have is open to Your scrutiny. We commit ourselves to work for You with excellence so that when this day is done we will have that sheer delight of knowing we did our best for You. In the name of our blessed Lord. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, Senator LOTT of Mississippi, is recognized.

SCHEDULE

Mr. LOTT. Thank you, Mr. President.

Mr. President, this morning the Senate will immediately resume consideration of Calendar No. 201, Senate Joint Resolution 21, the constitutional amendment limiting congressional terms. Debate between now and 12 noon is equally divided in the usual form.

Under a previous order, at noon the Senate will begin 30 minutes of debate on H.R. 3103, the health insurance reform bill.

Following that debate, the Senate will recess between the hours of 12:30 and 2:15 for the weekly policy conferences to meet.

Shortly, it is expected, we will be able to reach unanimous consent which will allow for the vote on passage of the health insurance reform bill to occur at 2:15 this afternoon.

Following that vote, the Senate will debate the cloture motion on term limits with the vote on cloture occurring at 3:45 today.

The Senate may consider any other legislative items during today's session that can be cleared on both sides for action.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. SANTORUM). Under the previous order, leadership time is reserved.

CONSTITUTIONAL AMENDMENT TO LIMIT CONGRESSIONAL TERMS

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of Senate Joint Resolution 21, a joint resolution proposing a constitutional amendment limiting congressional terms, which the clerk will report.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 21) proposing a constitutional amendment to limit congressional terms.

The Senate resumed consideration of the joint resolution.

Pending:

Thompson (for Ashcroft) amendment No. 3692, in the nature of a substitute.

Thompson (for Brown) amendment No. 3693 (to amendment No. 3692), to permit each

State to prescribe the maximum number of terms to which a person may be elected to the House of Representatives and the Senate.

Thompson (for Ashcroft) amendment No. 3694, of a perfecting nature.

Thompson (for Brown) amendment No. 3695 (to amendment No. 3694), to permit each State to prescribe the maximum number of terms to which a person may be elected to the House of Representatives and the Senate.

Thompson amendment No. 3696, to change the length of limits on Congressional terms to 12 years in the House of Representatives and 12 years in the Senate.

Thompson (for Brown) amendment No. 3697 (to amendment No. 3696), to permit each State to prescribe the maximum number of terms to which a person may be elected to the House of Representatives and the Senate.

Thompson motion to recommit the resolution to the Committee on the Judiciary with instructions.

Thompson (for Ashcroft) amendment No. 3698 (to the motion to recommit), to change instructions to report back with limits on Congressional terms of 6 years in the House of Representatives and 12 years in the Senate.

Thompson (for Brown) modified amendment No. 3699 (to amendment No. 3698), to change instructions to report back with language allowing each State to set the terms of members of the House of Representatives and the Senate from that State.

The PRESIDING OFFICER. Under the previous order, the time for debate until noon today is equally divided and controlled in the usual form.

Who yields time?

Mr. THOMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

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

Mr. President, several of my colleagues have expressed a desire to speak on the term limits amendment. As they work their way to the floor, I would like to make a couple of comments.

We have had a good debate in the last couple of days on term limits. It has

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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taken about 50 years to get such a clear vote to the floor, and I can assure the President that it will not take another 50 years to get another vote on it. It is an idea that is not only demanded by the American people, but I think more and more the people in this body understand that we are incapable institutionally now of dealing with the problems facing this country under the current setup.

One could not be anything but amazed and somewhat saddened to listen to that giant oak of a man, Senator ALAN SIMPSON from Wyoming, yesterday as he recounted his experiences of three terms in this body. It was with a twinkle in his eye—because he always has a twinkle in his eye even under the most serious circumstances—but somewhat with a heavy heart as he is leaving this body after this year that he had to recount one more time what everyone in this body knows behind closed doors; that is, that we are bankrupting our country; that our Social Security system cannot survive as currently constituted; that Medicare will fall; that within a relatively few years a handful of programs and the interest on the national debt will take all of our revenues. He has seen this happen in his work on the entitlement commission, which is a bipartisan entitlement commission, and it comes to this same result, Democrats and Republicans alike. It was an almost unanimous report coming out of there saying basically that we are on the road to destruction for this country.

We probably cannot do enough wrong over the next 2 or 3 years, or maybe even past that, to really run our ox totally in the ditch. But just as sure as I am standing here, catastrophe lies down the road, and we are all fiddling while Rome continues to burn. That is what this constitutional amendment for term limits is all about because we are putting reelection above all else. Reelection requires spending because that is the way we buy votes with taxpayers' own money—by giving it back to them a little bit at a time. That is the cruel, hard truth. I do not claim to be the first one that said it.

In looking over some old documents in books, I ran across a quotation from Senator Danforth of Missouri who served in this body, who had the respect, I believe, of everyone on both sides of the aisle. As he left, he said these words:

Deep down in our hearts, we believe that we have been accomplices to something terrible and unforgivable to this wonderful country. Deep down in our hearts, we know that we have bankrupted America and that we have given our children a legacy of bankruptcy. We have defrauded the country to get ourselves elected.

Those are harsh words spoken by a gentle man just as Senator SIMPSON did yesterday. All of the pundits and folks in the media who are only concerned about wins and losses and numbers of votes will have their day perhaps this time because we will have a vote this

afternoon. But I can assure you that on down the road, as the consequences of our actions become clearer and clearer and clearer, the time will come with the success of a constitutional amendment for term limits.

One of our distinguished colleagues took the floor yesterday opposing term limits, and it seems that he took the matter somewhat personally. He operated under the assumption that this amendment cannot possibly be anything other than an attack, a personal attack, on Members who have been here for a long time, and he seems to take it as such; it cannot be anything but based on an assumption that everybody that comes to the U.S. Congress is coming to line their own pockets. He said that he thought basically that was the assumption for the term limits movement—that we wanted to get even with somebody; that we wanted to punish somebody.

That is not it, Mr. President. That is not it. Had he listened to the debate, listened to Senator SIMPSON, listened to Senator BROWN, who served in the House and the Senate—and he is also leaving this body of his own volition to return to private life—Senator ASHCROFT, and the other Members, I think he would have found a gentleness of approach, a gentleness of spirit, of sincerity, and a concern for the future of this country.

This is not about getting even. This is not about besmirching the reputation of those who have served here before so gallantly. This is not about defiling the names of the giants who have walked these aisles.

As I said, yesterday, I used to sit up here in the galleries, not much more than a small boy, and look at these giants whose shoulders we stand on today, and listened to their debates. Back in a time not too long ago when we had more time to debate, we had more time to reflect, the Government had not grown quite so large. We were still balancing the budget in this country as late as 1969.

A good argument can be made that our system has worked pretty well now for a long period of time. The only problem is now that circumstances have changed. Our Founding Fathers never could have anticipated a professional Congress, but our Founding Fathers could anticipate changes in society and circumstances. They could not probably have ever guessed of the modern technological miracles we have today such as television, such as the fax machine, such as airplanes, and the vast numbers of things bringing people to Washington, DC, wanting more—wanting more programs, wanting more money, wanting a bigger share: "Yes, I know you have to balance the budget but take a look at ours; this is different," which we get day in and day out, day in and day out.

Over the past relatively few decades, it has resulted in a situation where, as I said before, a relatively few, a handful of programs are going to take all of

the revenues that we have. Those who are concerned about children, there will be no money for children's programs. Those who are concerned about the elderly, there will be no money for that. Infrastructure, many thoughtful people in this country, with whom I agree, say that in some areas we ought to be spending more on infrastructure—roads and bridges are falling into disrepair; research and development, things that will make us stronger in the future, we are not spending enough on that.

The reason, of course, is that there is no immediate political payoff. If you cannot send somebody a check in the mail before the next election, there is no immediate political payoff, and it comes right back around again. Our desire for constant reelection pushes the spending, pushes the growth of Government, and pushes the next generation into bankruptcy just as surely as I am standing here.

That is what this is about, trying to come up with a system, adjusting under the Constitution as our Founding Fathers anticipated and as they provided for in the Constitution, a thoughtful deliberation, which is very difficult to get. It has to pass here by a two-thirds vote and then be sent to the States, and the States have 7 years to ratify it—a very long and difficult process. So it is not radical. It is a conservative process based on the principles of the Founding Fathers.

So that is what it is about, trying to come up with a system, trying to adjust our system in a way so that we are better equipped to deal with the problems we do not seem to be able to deal with today.

Would it solve all of our problems? Certainly not. Would we immediately start balancing the budget and would the prestige of Congress immediately change? Probably not. But we would be on the right path. If we try something long enough and keep getting the same results, is it not, when the stakes are so high, incumbent upon us to try something a little bit different? As much as most of us respect and revere this institution—and I do—it has never made any sense to me to struggle so hard and sacrifice so much to become a Member of a body that you do not respect. But despite our respect, we must recognize that among the American people it is not there anymore. It is not there the way it should be.

So in our constant scramble to supposedly be responsive and give people what they want, that is, money, programs, expanded in many cases at 10 percent a year ad infinitum, which we all know cannot be sustained, we are creating the enmity of the American people at the same time, as if they were not aware of all of these wonderful things we were supposedly doing for them.

It has been pointed out that we would lose the benefit of the services of many people who have served long terms in this body before, and that is true.

There is no question but that term limits would deprive us of the services of some good people. But I urge, Mr. President, that as we continue this debate we refrain from personalizing this debate. This has nothing to do with myself. This has nothing to do with individual Members who are currently serving in this body. We will be lucky if they remember us 24 hours after we leave.

This has to do with the institution. This has to do with the country. This has to do with the kind of institution that this country needs in order to carry us into the next century to cope with these terrible problems. Certainly we would lose some valuable experience, but in all candor the experience that we have has not shown or demonstrated the ability to keep us out of the fiscal and reputation quagmire we see in Congress today.

We would lose some expertise, but what would we gain? We have 250 million people in this country. Under the current system where the incumbent has all of the advantages because of the spending I referred to and because of the reciprocity by those who have the money spent on them, usually in terms of campaign support, incumbents even in revolutionary years are reelected at the rate of 90 percent if they choose to stand for reelection.

So we have a small fraction of 1 percent of the people who have a realistic chance, a realistic opportunity to serve in this body. Most good people now do not bother. If the system were opened up to these positions after 12 years, 12 years is by some measures not a great deal of time but by some measures it is not a short period of time either. It is much longer than George Washington served. It is longer than Thomas Jefferson served. They managed to make a name for themselves in less than 12 years. So it is not an onerous, punishing type of proposition. But look at what expertise and experience we would bring into the system if people knew these positions were going to be open from time to time. We would have people coming in from the private sector. We would have people with acknowledged experience in business and labor, in farming, in being a mother and a father to mix and mingle with those who have already been here for a while.

Senator FRIST, my colleague from Tennessee, pointed out the number of physicians we used to have in this body, a high percentage of physicians when the country was first founded, members of the clergy. You do not see that much anymore. I simply think that if we had the system open, it would encourage more people, knowing they could not stay forever when they came, that it would be not a career for them but an interruption to a career, and they would come in with that experience, bring it to bear on their public service and, while they were here, I think would be more likely to do what it would take to speak the plain truth

even if they risked the voters getting angry at them and sending them home a little prematurely because they are going home anyway. It would not be a catastrophic condition. I believe we would see a little more courage, a little more ability to stand up to the tough challenges that this country is going to face.

So just to attempt to refocus as we begin the morning—I see Senator BYRD is in the Chamber—I reiterate this is not about vindictiveness. It is not about personalities. It is not about quick fixes. It is a sincere effort on the part of many people around this country and in this body to think in terms of how best can we be equipped.

The current system arguably has served us very well for a long period of time. But is it not incumbent upon us to make adjustments as we go along to better equip ourselves to cope with the problems that we are leaving the next generation?

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, I yield myself such time as I might consume.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I thank the Chair.

Mr. President, I compliment those Senators on both sides of the aisle and those on both sides of the question. Everyday we disagree about one thing or another, and so we can expect to disagree in this instance, on this issue. I have nothing but the utmost respect, however, for those Senators who hold a different viewpoint from the one that I hold and that I will undertake to express.

Mr. President, proposing to amend the Constitution of the United States is one of the most serious and profound endeavors that this or any other Congress can undertake. It is not an act that any Senator or any Member of the House of Representatives, having sworn to support and defend the Constitution, can take lightly or inadvertently or absent great deliberation. On the contrary, a constitutional amendment must be considered thoroughly and exhaustively if it is going to be adopted here and ratified in the States. All of its ramifications must be rooted out and fully understood.

While some may believe that it is important to consider an amendment with deference to the views of the American people—and I think that is important—I believe it is equally important that we also maintain a deep respect for the wisdom and the vision of those Framers who painstakingly crafted the Constitution 209 years ago.

It is extremely important, then, particularly as we consider a constitutional amendment to limit the service of Members of the House of Representatives and the Senate, that each of us looks beyond the opinion polls, beyond the radio talk shows, beyond the op-ed pages. We must, as I believe our duty requires, go beyond the rhetoric, the

political posturing and pandering and the 30-second sound bites that have enveloped this issue.

Instead, we must look back, back to the history of the Federal Convention of 1787. Cicero said, "To be ignorant of what occurred before you were born is to remain always a child." So, let us look back. It is paramount, I think, that we take the time to understand and reflect on what the Founding Fathers intended, but before proceeding down that path, I think it is also important to point out the often overlooked fact that a limit on the terms of the Members of Congress already exists in the Constitution.

Here in my hand is my Contract With America. I took an oath to support and defend it. I have taken that oath many times. It is the Constitution of the United States, and in article I, section 2, a limit is placed on the terms of the Members of the House of Representatives, and in article I, section 3 of the Constitution—not the so-called Contract With America—the Constitution, article I, section 3, a limitation of 6 years is placed upon the terms of U.S. Senators.

And so, Mr. President, by that very language that was written into this Constitution, one can see that Members of Congress have already been subjected to limited terms—2 years in the case of the House and 6 years in the Senate.

Consequently, what we are debating here with respect to this proposed constitutional amendment is not a term limits amendment, per se, but rather an amendment that would limit the tenure, an amendment that would limit the service of a Member of Congress; a vastly different proposition, a limitation on the service of Members of the Senate, a limitation on the service of Members of the House.

I am hardly surprised that when proponents of the so-called term limits amendment refer to the Framers, they do so to evoke the image of a citizen legislator as a way of bolstering support for their cause. They say we need to amend the Constitution in order to preserve the Framers' original vision of individuals who would set aside their plows—as did Cincinnatus in the year 458 B.C.—to serve this great Republic, only to return to their fields as swiftly as possible. Citizen legislators! Well, I am a citizen. I am a citizen legislator. I do not look at service here as a hobby, something I should engage in for one or two terms. I look upon it as a service which I can contribute to my State and my country.

When I think about those men who labored to write the Constitution—men like James Madison who served in the other body four terms, not a maximum of three terms, he served four terms in the House of Representatives—George Mason, James Wilson, Benjamin Franklin and others who labored to write the Constitution—I have serious doubts about the veracity of that claim. That such men could truly embrace that bucolic notion is, at best,

dubious, particularly in light of the fact that these were men who devoted nearly all of their adult lives to public service. No one, then, should be misled by this romanticized interpretation of the Framers' views.

The lack of a provision in the Constitution limiting the tenure of Members of Congress was certainly no oversight. In fact, the issues of terms and tenure were discussed by the delegates on several different occasions.

As early as May 29, 1787, days after the requisite number of delegates had taken their place in Philadelphia, the so-called Virginia plan was laid before the participants. May 29, that is my wedding anniversary. Next May 29, the good Lord willing, my wife and I will have been married 59 years. So it is easy for me to remember the day on which Edmund Randolph submitted his plan—May 29, 1787. That plan, which would become the basis from which the convention worked, was offered by the State's Governor, Edmund Randolph, on behalf of his fellow delegates from Virginia. The Virginia, or Randolph, plan proposed 15 resolutions for the formation of a government, with the fourth and fifth resolutions directly addressing the issues of terms and tenure.

It is instructive to note that with respect to tenure for Members of the House and Senate, both the fourth and fifth resolutions of the Virginia plan remained silent. Neither offered the assembled delegates a specific recommendation. On the contrary, the spaces on the page stipulating how long it would be before a Member would be "incapable of reelection," were simply left blank. Moreover, by June 12, after initially debating the issue of term length, the Convention unanimously agreed to strike the clauses in both the fourth and fifth resolutions limiting reelection. Here we have, then, the assembled delegates to the Federal Convention refusing to limit the number of terms a member of the proposed national legislature could serve.

Mr. President, notwithstanding their unanimous agreement on the matter of tenure, we also know from Madison's notes on the debates that there was a wide range of views among the delegates as to how long a Senator's term should be. While there was a general consensus that, of the two legislative bodies, the Senate was to be the one of greater deliberation, greater stability, greater continuity, the duration of that term was the subject of much debate.

On June 12, which happens to be my lovely wife's birthday—but she was not around on the June 12 that I am talking about—on June 12, 1787, for example, before striking the clause limiting tenure, the delegates turned their attention to the issue of term length. While in the Committee of the Whole, the first proposal for senatorial terms came from Richard Spaight of North Carolina, who thought that 7 years would be a proper amount of time.

Roger Sherman thought 7 years was too long, arguing that if Senators did their jobs well, they would be re-elected, and if they "acted amiss, an earlier opportunity should be allowed for getting rid of them." As a compromise, Sherman thought a term of 5 years suitable.

Edmund Randolph, who offered the original Virginia plan, weighed in on the matter with the observation that the object of the Senate would be to control the House. If it were not a firm body, according to Randolph, the House, by virtue of its superior number of Members, would overwhelm the Senate. Madison agreed. He considered a 7-year term appropriate and not giving too much stability to the Senate. On the contrary, Madison "conceived it to be of great importance" that a stable and firm government, "organized in the republican form," was what the people desired. With that, the delegates adopted a 7-year Senate term by a vote of 8 to 1.

On June 25 and June 26, the delegates returned to the issue of senatorial terms. Nathaniel Gorham of Massachusetts initially suggested a 4-year term, with one-fourth of the Senate to be elected every year. Roger Sherman of Connecticut proposed a 6-year term. George Read of Delaware went so far as to suggest that Senators hold their offices "during good behavior," thus, in effect, constituting a lifetime term.

Despite these differences, the delegates did, as we know, eventually agree to a 6-year term. But even that decision was tempered with a "check" by requiring that one-third of the Senate stand for election every 2 years, a provision aimed at ensuring the frequent participation in the electoral process of the State legislatures, whose members, prior to the adoption of the 17th amendment in 1913, were charged with selecting Members of the U.S. Senate.

Mr. President, clearly, the underlying issue for the delegates to the Federal Convention, as it should be for us here today, was the degree to which limited tenure, the degree to which limited service in office would adversely impact on the level of experience gained by a Member of Congress.

Mr. President, one of the great advantages that comes from allowing voters to return their Representatives and Senators to Congress again and again is that Members of Congress are able to gain experience in the legislative process—the experience. It is a process that has become increasingly difficult to master. James Madison understood that. He told us right there in Federalist No. 53 that a crucial part of experience "can only be attained, or at least thoroughly attained," by the actual experiences a person gains as a result of practicing his craft.

I shall read from Federalist Paper No. 53 this excerpt:

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 legis-

late. 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.

No Senator, Mr. President, can garner more experience as a legislator, and no Member of the House can become a more seasoned Member of that body, through the route of constitutionally mandating limited service in the Senate or in the House.

I know of no other profession in which we actually consider experience a disadvantage. Would anyone needing open heart surgery seriously consider going to someone who had never performed the operation? Or would one tend to seek out a seasoned surgeon who had performed many such operations, perhaps hundreds?

I recently had the experience of having a root canal done. It was the second such that I had experienced. Would I have felt confident in the hands of someone who just walked in off the street or in the hands of someone who had practiced only, say, for 6 months? When that drill starts twirling and whirling and cutting, throwing the dust, I feel better that the person who is handling that drill is a person long experienced. The individual who performed my root canal had done perhaps 40,000 to 50,000 such operations over a long period of time. I submit that the answer is obvious. Only in the area of public service are the people being asked to believe that less is really more.

I do not like to fly. I never have liked to fly, and when I have been on an airliner in a storm I have always felt better believing that that pilot possessed the long experience that gave me the confidence that I needed so much at that point in time.

Mr. President, we are discussing an amendment to the Constitution that would, by definition, create a class of legislators who would, for virtually all of their service, remain relatively inexperienced. Patrick Henry said in a speech delivered in the Virginia House of Delegates, in 1775, "I have but one lamp by which my feet are guided, and that is the lamp of experience." Benjamin Franklin, in "Poor Richard's Almanac," said, "Experience keeps a dear school, but fools will learn in no other."

There is no substitute for it—none! It takes years to master many of the difficult issues with which this country must contend, but here we are, discussing an amendment to the Constitution that would, by definition, create a class of legislators who would, for virtually all of their service, remain relatively inexperienced.

Clear comprehension of national defense policy or the Federal budget or tax issues does not come without long, long years of study and experience. Yet, this amendment implies that we can cure the Nation's ills if only we can find a way to eliminate, or at least

reduce, experience. It is really a turning of logic on its head.

Additionally, I wonder if the proponents of the amendment have considered the effect which limiting terms may have on the careful attempt by the Framers to balance the power of the small States and those with larger populations. There has historically been a desirable offset, an advantage that such experience can bring to a State like Rhode Island or North Dakota or Montana or my own State of West Virginia. As it is now, a small State can have confidence that if its Members are in the other body long enough under the system of seniority, they may become chairmen of important committees.

Under this amendment, the small States will be at the mercy of the large States. The few large States will control the House of Representatives under this amendment. They would determine who would serve as chairmen of the committees. The small States will be at a great disadvantage. The large States will be able to control the committee chairmanships in the other body. The other States will not be in a position to control, but will be controlled by the large States. How can a small State, stripped of even the advantage of an experienced legislator, hold its own against the more populous States, which have a numerical advantage in the House of Representatives?

Mr. President, I will also point out that the issue of experience goes well beyond the ability of a single Member of Congress to offer effective representation to a State or district. Indeed, the lack of experience on the part of the whole would affect each and every one of us in this Chamber or in the House of Representatives. For to whom is the inexperienced legislator to look for guidance if all of his colleagues are inexperienced? When we have our debates on national defense, I listen to SAM NUNN. He has no equal in this body when it comes to knowledge of military affairs—national defense. I listen to him. I do not have that knowledge. I serve on his committee. I have been serving there 3 or 4 years. But SAM NUNN possesses the knowledge that not only benefits him and his own constituents, but benefits me and my constituents, and benefits every other Member of this body. We look to him for guidance.

What about a PAT MOYNIHAN, when we think about legislation affecting Social Security or welfare? He has been here 19 years, and he has gained through the experience. So I listen to him. With whom do Members of the Senate discuss defense issues if there is no SAM NUNN? Or foreign affairs, if there is no J. William Fulbright, or if there is no RICHARD LUGAR? From whom do the less experienced Members seek advice on the difficult issue of immigration? I go to ALAN SIMPSON on matters affecting immigration. I do not serve on the committee that has jurisdiction over that subject matter,

so I go to someone who serves on that committee and who, by virtue of his long service and experience, is in a position to advise me. The same thing can be said about the freshman legislator who is concerned with the issue of Medicaid or Medicare. Again, I would look to PAT MOYNIHAN.

So each of us seeks out the advice of senior colleagues on these other matters. Each of us looks to the more experienced Senator when trying to understand the great issues that face this body. Each of us seeks advice. All of us benefit from that advice and that experience.

The problem with the issue of term limits is that it is but another quick fix in the growing list of quick fixes which have been advocated by those who seek easy answers to our Nation's complex problems. Well, there is an easy answer to every problem. But, unfortunately, those easy answers are usually the wrong answers.

In each of the last six congressional elections, less than 40 percent of the voting age population in this country actually voted—less than 40 percent. Interest in Government, generally, is not very high. I believe that putting congressional elections on a sort of automatic pilot would very likely have the unintended effect of further lessening that voter interest—meaning that Members of Congress would, instead of drawing closer to the folks at home, likely become even more distant. Voters would, I fear, tend to not even bother to follow the views of a Member in his or her second term, since that individual could not run for the same office again anyway.

Consider that what we may be doing here, in the case of the second term for a Senator, should this amendment be adopted—which God avert—is to create an individual accountable to absolutely no one in his second term in the Senate. Once he is elected to that second term and walks up there and takes the oath, he can forget about his constituents. He need not be obligated to them. He cannot be elected to a third term. He or she could vote any way they pleased, cutting a deal that benefits them or rip off the Public Treasury with wild abandon, because there would be no election or voter scrutiny to worry about. Why even bother to answer the mail in that second term? He will be looking at every lobbyist who walks in the door of the office as a potential employer. "That is the guy I will be working for, perhaps, after this 6-year term is up. I cannot run again for reelection. So he is a potential employer. I should align myself with his interests and feather my own nest in that fashion."

Mr. ASHCROFT. Will the Senator yield?

Mr. BYRD. I am happy to yield.

Mr. ASHCROFT. Is the Senator representing that, because a person is term limited he will automatically ignore his constituency? I ask that question because I spent two terms as Gov-

ernor of my State. In my second term as Governor, I was term limited. But the kind of considerations which the Senator appears to be suggesting are really foreign to my mentality. I did not seek to rip off the public treasury, and I did not ignore my constituents. I did not view people who came to my office as potential employers. I sought to serve the people of my State. I am just not sure what the line of reasoning is. I inquire of the Senator, is this projection something that he thinks is an inevitable consequence of term limits?

Mr. BYRD. Mr. President, I heard the distinguished Senator from Tennessee [Mr. THOMPSON] say a little earlier today that it was his hope that we would avoid dealing in personalities. Of course, I do not imply anything of the sort of the distinguished Senator from Missouri. He may read that implication into what I have said. But I do not intend to imply that. I wish that he would not infer such. I am simply saying that Members who are elected to the Senate for a second term, under the pending constitutional amendment, could—and in some instances would, human nature being what it is—tend to forget their constituents, the people who sent them to this body, and look upon the lobbyist as a potential employer. That is plain language, and it should be easy to understand.

Mr. ASHCROFT. I thank the Senator.

Mr. BYRD. I thank the Senator.

Mr. President, one of the arguments put forth in favor of term limits is that Members of Congress, over a period of years, become corrupt as they acquire power. Well, let us see. BOB DOLE has been a Member of this body 28 years. Has he been corrupted? If he has, why does some Member not take action to haul him up before the Ethics Committee? I have never heard even a whisper of corruption directed toward BOB DOLE. But he has been here 28 years. What about Senator Russell, who was here 38 years? Not a whisper. Not a whisper of corruption. According to term limit advocates, the longer legislators stay around, the worse the corruption. What about Henry Jackson? He was here 30 years in this body, serving here the day he died. Was he corrupt? What about Everett Dirksen, a great Republican leader. I served here when Everett Dirksen was the Republican leader. He had been here 18 years when he died in office. Was he corrupt? What about TED STEVENS, who has been here 28 years. Is he corrupt? No. He is an experienced, dedicated legislator. His constituents are fortunate in having a man like TED STEVENS here, with all the experience he brings to bear in their behalf.

So to avoid this corruption, they say, limit legislators to a specific number of terms. Well, no one doubts that some individuals will abuse power. They always have since the beginning of the human race. Whether they are in the private sector or in the public sector, in the legislative, executive, or judicial branches, the examples of corruption are obvious.

It is highly specious, however, to jump to the conclusion that corruption is a result of long service in office. Yes, of course, there are examples of legislators abusing their power over the years. But there are many more examples of legislators using their office, tenure, and experience for the public good, without thought of private reward, other than the satisfaction of seeing a job well done.

If we believe that tenure breeds corruption, why not extend that theory to other occupations? At the very moment when surgeons, engineers, teachers, carpenters, electricians, and other specialists master their jobs and hone their skills, down comes the decision to end their careers. "Sorry, you might be good at your job, but you are apt, over the years, to abuse the trust we have placed in you and become corrupt. We are replacing you with neophytes and amateurs."

What a transparently arid theory. What a colossal loss of talent. What a lamentable waste of money.

If there had been a constitutional amendment limiting service in the other body to six terms, John Quincy Adams would not have served there 17 years after he had been President of the United States—17 years, and he died while serving in that office. TRENT LOTT would not have served in the House of Representatives for 16 years before coming to this body.

Howard Baker would not have served 18 years in this body, had this amendment been in place.

Sam Ervin, one of the great constitutional experts in our Nation's history, would not have served in this body 20 years and given to those of us who served with him, to his constituents, and to the people of the country the benefit of his valuable service.

Ed Muskie, who was the father of the Clean Water Act and the father of the Clean Air Act, served 21 years in this body. But with this amendment in place we would not have had an Ed Muskie.

Arthur Vandenberg, a great Republican statesman, who was steeped in foreign affairs, was able to give to the service of this country 23 years in this body.

Look at PETE DOMENICI from the State of New Mexico. Nobody in this body is his peer on budget matters when it comes to knowledge in depth about the budget. PETE DOMENICI is a man who is, in my judgment, the best informed on the budget of anyone in this Chamber. With this amendment in place, he could not have served the 23 years by virtue of which he has acquired that knowledge.

Thomas Hart Benton of Missouri would not have served 30 years in this body.

Moses would not have led the Israelites from Egypt through the wilderness to bring them to view the Promised Land—he led them for 40 years—if there had been a limit on service. He would have been out a long time ago.

Cato would not have served long in the Roman Senate, and Cicero would not have served long in the Roman Senate.

Winston Churchill served the people of England 50 years in Parliament. I am told that Churchill served 50 years in the Parliament. Would the people of Great Britain have had the path of leadership of that great giant Churchill in World War II, who talked about sweat, blood, and tears? Not if there had been a term limitation. If there had been a limitation on terms, they would not have had that leadership, nor would the free world have had it.

The awful simplicity of the term limits idea is even more obvious when we think about the practical results. Right now, Members of Congress can remain in office so long as their interest in public office continues and they are successful in primary and general elections. Their thoughts are devoted to reelection and service in office.

Mr. President, do you know how many Senators in this body today have served less than two full 6-year terms? More than half—51 Senators—51 percent of the Senators, have served less than two full terms in this body as of this moment. In the other body, almost half of the membership has served less than 4 years—less than two full 2-year terms. One-hundred and ten came into the House in 1992, and six more by special election in between, and 87 freshmen last year.

So there are 203—almost half—218 would be half. Almost half of the other body has served less than two full terms.

Then why do we talk about term limits? The American people already have it within their hands to limit the service, the tenure, of Members. Look at the membership in both of these bodies, and you will see that the scheme which was laid down by the Framers of the American Constitution has been working, and working well.

It takes little imagination to realize what happens when legislators, under the shadow of term limits, meet with lobbyists and members of the private sector. No longer are these meetings limited to an exchange of ideas and information. The agenda widens. Legislators look at lobbyists as potential employers after they leave Congress. Lobbyists treat legislators as future members of their work force.

What could be more corrupting? Legislators would then be tempted, from the start, to perform their public jobs with an eye toward private employment. Legislative decisions, trips, speeches, meetings, and other activities would be carried out not by focusing on public policy but on private ends: the private ends of legislators seeking jobs and the private ends of people in industry seeking special favors.

Talk about corruption? There it is, front and center. Why should legislators be concerned about the well-being of their own constituents? Why not, instead, feather their own nests? Why not

elevate private interests over the public good?

That will be the contribution of this amendment to the Constitution.

Madison warned us against amending the Constitution too often. And, since that Constitution was written, there have been 10,869 constitutional amendments proposed—10,869. How many have been adopted and ratified? Twenty-seven, and the first 10 of those 27 constituted the American Bill of Rights.

(Mr. THOMAS assumed the chair.)

Mr. DORGAN. Mr. President, I wonder if the Senator will yield for a question?

Mr. BYRD. Yes. Let me say that I intended to yield the floor soon because I see other Senators here who are wanting to speak.

Yes, I yield.

Mr. DORGAN. Mr. President, I have listened with interest to those who have made their case, and the Senator from West Virginia, as always, makes a compelling case against term limits. It occurs to me that the term "term limits" is used to suggest somehow that it will limit those in politics.

Is not the case that this proposed constitutional amendment really limits the choices of the American people?

As I was thinking about that, there are very few examples, it seems to me, in the history of this country where we have changed the Constitution in a way that takes power away from the people. Prohibition was one, for example, and, of course, the country changed its mind on that after discovering its failure. But there are only a couple of instances in which proposed changes to the Constitution have diminished the people's opportunities and the people's right of expression.

This constitutional amendment, it seems to me, would say to the people in Arizona, or in Minnesota, that you cannot have the service of Barry Goldwater, even if you want him, beyond 12 years.

You are prevented from selecting Hubert Humphrey to serve beyond 12 years even if you choose to want that to happen. So is not this constitutional amendment one that is one of those unusual circumstances proposing to limit the choices the American people can make?

Mr. BYRD. The Senator is preeminently correct. It is a very undemocratic amendment. It is saying to the people: You are not smart enough to make a choice, so we are going to put into automatic pilot the limitation on the service of your Senators or your Members of the House of Representatives.

Mr. THOMPSON. Will the Senator yield?

Mr. BYRD. We are not going to leave to the people that choice. That choice will be taken away from them.

Yes, I yield.

Mr. THOMPSON. But is it not true that we often as a people place restrictions on ourselves as a part of our process? Is it not true that if 51 percent of

the people or 60 percent of the people or 75 percent of the people want to abridge my speech, they cannot do that because of the Constitution, because of limitations we have placed on us, and specifically limitations we have placed on Congress, our elected representatives, that prohibit certain things regardless of how appropriate they may be? But it is a deliberate decision of the American people to restrict themselves. It is not that unusual. That is called the Bill of Rights and happens in other constitutional amendments.

Mr. DORGAN. Will the Senator yield for one additional question?

Mr. BYRD. Yes. Let me comment on what has been said by the distinguished Senator from Tennessee.

People may restrict themselves, but here we are talking about an amendment that restricts the people from exercising their own good judgment as to selecting for additional terms men and women who have served them honestly and well. So we are doing the restricting here through this amendment. Let us look at what the constitutional Framers did and see how well it has worked. They discussed that restriction and rejected it.

Yes, I yield.

Mr. DORGAN. I appreciate the Senator yielding. The point made by the Senator from Tennessee is an interesting one. I sat in the room in Philadelphia where they wrote the Constitution, and those who visit that room, called the "Assembly Room," will see George Washington's chair still in the front of the room, Ben Franklin, Madison, Mason. You will sit in there and experience the goose bumps, understanding what was done there over a couple of hundred years ago.

The point I was making was that with respect to constitutional change, it has been very rare that we would change the Constitution in a way that would provide a limitation on people. The Constitution largely sets out what are the powers of the Government specifically and all other powers vest in the people of this country. And so it has been only very rarely that anyone has successfully proposed placing limitations in the Constitution on the rights of the people—the right of the people from Tennessee to say to Howard Baker: We would like you to serve a third term. This change would say to the people of Tennessee: You no longer have that right. We are going to take that right away from you by amending the Constitution.

That is the point I was making. We certainly have the capability of changing the Constitution to do that. The point I was making is that we have done that only rarely because in most cases proposed constitutional changes are done to take rights away from Government and say, no, there is too much encroachment here. This by contrast is to say, no, we will diminish somehow the rights people now have. That is the point.

Mr. THOMPSON. Will the Senator yield?

Mr. BYRD. Yes, I yield.

Mr. THOMPSON. I appreciate that. The Senator makes a very good point. But I would ask, what do we say to those people who go to the ballot box in their own States on a referendum and vote overwhelmingly to restrict themselves and say we choose for our own good reasons to restrict our Members as, what, 22 States have done? And now the Supreme Court, of course, has said you cannot do that. That is the one of the reasons we are here today.

I thank the Senator.

Mr. BYRD. Mr. President, I thank both Senators. Not only is this amendment undemocratic, but it also weakens the only branch of Government in which all of the members are elected by the people. Look at the executive branch and the judicial branch. Only two members, the President and the Vice President, are elected by the people, and they are not directly elected by the people. They are indirectly elected by the people, who elect the electors, who, in turn, elect the President and Vice President. But in this body and in the body across the way, on the other side of the Capitol, all Members are elected by the people. So this amendment would weaken the only branch of Government that is wholly elected by the people. It is going to say: You can only elect this person for two terms to the Senate, only three terms in the House.

I see in this ill-advised "solution-for-everything" called term limits, yet a further weakening of the people's branch. Few Americans realize how severely we have already tipped the checks and balances toward the executive branch. Thousands of executive branch bureaucrats, elected by no one remain in their posts for 20 or even 30 years. Congress is supposed to be the watchdog of executive branch activity. We are already badly outnumbered. Are we to totally cripple our ability to perform our oversight function by stripping ourselves of our one possible advantage, the ability of Members to become specialists, and, in many instances, experts in certain critical areas? This proposed change will leave Members of Congress mostly dependent upon the advice of executive branch bureaucrats, because they will have the only reservoir of in-depth knowledge around.

In a country that tends to lurch and knee-jerk on questions of public policy, intentionally destroying any hope of institutional memory—and this body is lacking in institutional memory, almost totally lacking, and it will be more lacking when some of our good Members retire this year, and if this amendment is added to the Constitution it will be gone—seems to be a peculiar course to advocate.

As a matter of fact, the word "peculiar" fairly well sums up my own personal view of the popularity of this term limits idea, for it seems to imply that voters are not intelligent enough to decide for themselves when they

wish to get rid of any single representative of the Senate or the House and put someone else in that person's place. This approach would make that decision for the voter, a sort of unfounded Federal mandate, if you will excuse the play on words. It would say, whether you want this person or not for a third or fourth term, you cannot make that decision. Whether or not a good job is being done for your State is an irrelevancy.

Such an approach is arbitrary. Such an approach diminishes the quality and depth of our national leadership overall, and is based on very little in the way of concrete evidence to recommend it. It is instead, an idea rooted in popular anger, whipped up by demagogues who peddle simplicity for political advantage.

This so-called term limits idea is little more than an over-sold bromide, purporting to fix everything from budget deficits to corns and bunions. In reality, it will do none of the above and should be roundly rejected in this body as it has already been in the House of Representatives. I urge Senators to vote against cloture later today on the resolution proposing this amendment to the Constitution.

I yield the floor.

Mr. President, I thank the Chair and I thank all Senators.

I yield the floor.

Mr. THOMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

UNANIMOUS-CONSENT AGREEMENT

Mr. THOMPSON. I ask unanimous consent that the vote on the passage of H.R. 3103, the health insurance reform bill, occur at 2:15 today, and further that immediately following that vote, the Senate resume consideration of Senate Joint Resolution 21, with the vote on the motion to invoke cloture occurring at the hour of 3:45, with all debate prior to the vote equally divided in the usual form, for debate only.

I understand this meets with the Democratic leader's approval.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. THOMPSON. Mr. President, I ask unanimous consent that Senator GRAMS and Senator THURMOND be listed as cosponsors of Senate Joint Resolution 21.

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

Mr. THOMPSON. Mr. President, I ask unanimous consent that Senator ABRAHAM be listed as cosponsor of amendments Nos. 3693, 3695, 3697, and 3699.

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

Mr. THOMPSON. Mr. President, I yield 10 minutes to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana is recognized for 10 minutes.

Mr. COATS. Mr. President, I thank my colleague for yielding.

It is really not my purpose today to criticize the 104th Congress. I have

been a long-time advocate of congressional reform, and I think a number of important reforms have been undertaken and at least debated and discussed in this Congress. For the first time in my experience in Congress, we have actually addressed in a serious manner some of the reforms that I think the American people have advocated and that many of us who have studied the institution believe are necessary to respond to a more effective and efficient means of doing business.

We have finally applied those laws and regulations that we impose on others to ourselves. I think that alone will bring about a fairly dramatic way in which we analyze and review those laws, because for too long, we have followed the unconscionable practice of saying, "It is good enough for you but not good enough for us."

We have also passed the line-item veto, returning accountability to the budget process, an extraordinary transfer, voluntary transfer of authority and power from the Congress to the executive branch in recognition of our inability to grasp and get ahold of necessary spending limitations in order to be responsive to the principle of not spending more than we take in or ask from the people who we represent.

We have not only paid lip service to a balanced budget, but this Congress passed what I think was the most courageous budget in a generation, which, unfortunately, the President vetoed.

Some may argue that this issue of term limits is now less urgent or even unnecessary given these changes that we have made. But I argue that this is not the case. We have learned that changes in our laws must be accompanied by changes in the procedures of our institutions if change is to be meaningful and if it is to be lasting. Term limits remain, in my opinion, the single most important reform that will restore this institution to a position of public trust, and the trust in this institution is near an all-time low.

Mr. President, I believe that the most effective method for turning the tide of public cynicism toward Congress to a positive vein is to break the tie between careerism and power.

Prior to the Civil War, it was the common conviction that the surest protection from an imperial Congress—we hear a lot of words about an imperial Presidency here—but the best protection from an imperial Congress—and we have had imperial Congresses—was a frequent rotation of office.

Americans expected a Government of citizen legislators then, not career politicians. Though the principle was voluntary, it worked, because during the first half of the 19th century, between 40 and 50 percent of the Congress left office in every election. The theory is simple: Public servants will pass better laws, or perhaps no laws at all, when they expect to go home and live under the product of their work.

One delegate to the American Constitutional Convention warned, "By re-

maining in the seal of Government, they would acquire the habits of the place, which might differ from those of their constituents."

Mr. President, I am certainly not opposed to professionalism, but limits on a career would make the normal time-consuming, wasted business of reelection less urgent, because no amount of effort would guarantee job security. This would leave more time to the serious work of Congress, and strengthen the trust of this institution in the minds of the citizenry.

In addition, term limits, by forcing representatives to have one foot in the real world, might help restore their ability to empathize and their capacity for outrage.

A story about a former Senator George McGovern, I think, is instructive here. After retiring from public life, he opened an inn in Connecticut, a lifetime dream of his. After covering startup costs, meeting payroll, complying with regulations, and the general ups and downs in the free market, the inn, unfortunately, went belly up.

His comment on these events is instructive, and I quote him:

I wish someone had told me about the problems of running a business. I have to pay taxes, meet payroll. I wish I had a better sense of what it took to do that while I was in Washington.

And, therefore, we are back to the concept of citizen legislator. Those who have had one foot in the real world, those who have experienced the problems of meeting a payroll, running a business, performing in a profession, being apart from the governmental process, have learned lessons that are invaluable when they give to public service and bring that experience with them.

Term limits serve two very important purposes: They rotate politicians back into the private sector to labor under the results of their work, and they create more opportunity for people of broad experience to come to Washington with the practical knowledge and innovative ideas in the private sector, assuring that our laws pass the reality check. We need public servants connected to their community by experience, not just by sympathy.

Do we risk losing the contributions of some very fine people? Without question, we do. However, as John Taylor said in 1814: "More talent is lost on long contrivances in office than by a system of rotation."

The hard fact is that our greatest problem is not the lack of talented men and women waiting in the ranks to take the place of those who leave; rather, it remains a surplus of entrenched power.

Some have argued that term limits would vest too much power with congressional staff, and that is hardly true either. The average length of service for House staff is 5 years; for Senate staff, 5.7 years. This is hardly a problem. Further, when you have new Representatives and Senators who come to

office, they generally bring their own people with them, rather than inherit an entrenched staff. Term limits would more likely limit the tenure of powerful staffers who would lose their long-time patrons.

Others argue that term limits would restrict the public's choice. The Senator from North Dakota just argued that a few moments ago. I think just the opposite is true. By denying the American people the opportunity through their States and their State legislatures to ratify under the constitutional process what this Congress has done is a limitation on the power of people, not as the Senator from North Dakota said, term limits being a limitation.

It is clearly a more democratic process to give the people the right to make this decision as to their elected representatives through a constitutional ratification process than for 100 people to stand here arrogantly and say, "We're not going to give the people those choices. We're going to deny them that opportunity. And even though they exercise those powers through their State legislatures and impose those restrictions on us, we're going to draw an iron curtain across that process and say, 'No, you cannot reach into the Federal level to impose that.'"

So I think it is just the opposite of what the Senator from North Dakota has said. Well over three-quarters of the American people have chosen term limits. Opinion polls show that constantly. Aside from the balanced budget amendment, which has always been denied to the American people, there is no other issue that has so much popular support.

Only in Washington could an idea ensuring a rotation from office creating entirely new choices for office be seen as a limitation on the American people. It certainly is not seen that way by the people outside of Washington. It is an example, Mr. President, of the newspeak that has produced so much cynicism on the part of the American people toward their Government.

This measure may not pass the Senate. As the past year has demonstrated, even with the revolutionary changes of the last election, the system continues to be weighted against change.

We are now faced with a procedural process here where we need to obtain the 60 votes in order to just bring this issue to debate and to a vote. The vote that will be taken this afternoon at 3:45 is not a direct vote on the measure, it is simply a vote on whether or not we will go forward to examine the legislation, to offer amendments, to modify it, and then to bring it to a final vote, which appears we may not get to that point.

We will, however, I believe, ultimately prevail in this battle. The question comes down to individuals. Will a candidate for Congress commit to limited terms even if it is not the law?

Will those of us in the Congress make the commitment to limited terms even though it is not in the law?

Mr. President, one of the first bills that I introduced in the Congress when I was a Member of the House of Representatives was a term limits bill, a limitation of 12 years of service in the House, no more than six 2-year terms, and 12 years in the Senate, no more than two 6-year terms. I made an exemption in that legislation for those who served partial terms, appointed because of a death of a sitting Member or the resignation of a sitting Member. I thought it was fair for them to be able to fill out that term and then have the full term limit apply. I never realized that that would apply to me. A serendipitous act. I would call it an act of providence. I received an appointment to the Senate to fill the unexpired term of the recently resigned Senator from Indiana, Senator Quayle, who then became Vice President. I fulfilled that unexpired term.

At the time I pledged to the people of Indiana that I was a strong advocate of term limits and felt, whether or not it was the law of the land, I should abide by it. And I pledged to the people of Indiana that I would not serve more than two full terms in the U.S. Senate. I hold to that pledge.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COATS. Mr. President, I ask for 1 additional minute to conclude my statement.

The PRESIDING OFFICER. Is there objection? Hearing none, without objection, it is so ordered.

Mr. COATS. Mr. President, as I said, this is a procedural bill. Even though this bill will not completely conform to my own legislation regarding unexpired terms, I do believe that the debate should go forward. If changes are necessary, amendments obviously can be offered. This is too important an issue, too vital a reform to die in a procedural vote here today. The American people deserve full consideration, and only a vote of 60 Senators to invoke cloture will allow that full consideration to take place.

So I urge my colleagues to join with me in voting for cloture. Hopefully we can garner 60 votes so that we can, in this important debate, fulfill the wishes of more than 80 percent of the American people, that we address this fairly, and give them a fair opportunity to weigh in, as I think they deserve.

Mr. President, I thank Senator THOMPSON and Senator ASHCROFT for their diligent efforts in this and the additional time they have yielded me, and I yield the floor.

Mrs. HUTCHISON addressed the Chair.

Mr. THOMPSON. Mr. President, I yield 10 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized for 10 minutes.

Mrs. HUTCHISON. Thank you, Mr. President.

I want to thank Senator THOMPSON and Senator ASHCROFT for taking the lead on this very important measure.

Mr. President, our Founding Fathers crafted a Constitution that was built around balance. The checks and balances have made this Constitution endure for over 200 years. Part of the balance was that the Federal Government would be limited, that Federal Government would have very narrow responsibilities. It would be strong in its responsibilities, but nevertheless the social programs, the education, the time-consuming, more detailed areas of responsibility were clearly left to the States and to the people.

So, Mr. President, our Founding Fathers intended for us to have a small Federal Government, made by citizen legislators, citizen legislators who would come to Washington to do the business of the Federal Government, which was limited, and go home and have professions. The people that wrote the Constitution were not full-time writers of the Constitution. The Congresses in the early days were not full-time Congresses. They were made up of citizens who had vocations, who understood what the problems of the States were, who came together on a limited basis to correct those problems.

Mr. President, we have gotten out of kilter. The balance is no longer there because we have a full-time Congress, because we have people who have been here as a career for 20, 25, 30 years, some of whom are wonderful people.

This is not a personal attack in any way on those people. They are good people. I think every Member of this Congress is sincere about what he or she is trying to do. But, nevertheless, because it is career politicians who are making the laws, our Government has grown and grown, and the Federal Government is out of control. Part of the reason is because we have a Congress that is out of touch with the real world, with the small businessperson that is trying to make it, trying to make ends meet with all of the regulations and the taxes and the litigation that is complicating our lives today.

To bring back the balance, Mr. President, we need term limits because we need citizen legislators. We need small businesspeople who have lived with the regulations and the taxes that keep them from growing and creating the new jobs that will really make this economy strong. We need the working people of this country who know what it is like to go into a workplace and not be sure if they can walk inside the line on the factory floor or outside the line on the factory floor.

Mr. President, we need citizen legislators because we need people who have experienced how hard it is to deal with the morass of Federal regulations, with the fines that come from minor infractions. Sometimes our small businesspeople think that Government does not want them to succeed. They forget, people in Government, that the American dream is that you can work

hard and do better. The Federal Government should not be there to tamp you down. It should be there to build you up, to let more people have access to the American dream. If we can have term limitations, Mr. President, we can get the balance back in our Government structure because we will have people who have come from the real world and who are going back to the real world.

Mr. President, our seniority system is a waiting game. The average number of years of a Senate committee chairman is about 22; a House committee chairman is about 25. So when we talk about all this free access that the voters have to vote somebody out of office, we are talking about giving up this seniority system, and it does become a dilemma because even if someone is out of touch, they are powerful. They are able to produce for their districts.

So it is a dilemma for someone going in the voting booth to say, "I'm going to oust someone who has been there 25 years, who is high in the seniority system, who is a committee chairman," or whatever. It is very difficult. It happens when there is a real movement like happened in 1994. The people did rise above that seniority system. But it is very rare, Mr. President.

My distinguished colleague from West Virginia, who I admire greatly, talked about Winston Churchill serving in Parliament for 50 years. Yes, but back then and even to an extent now, Parliament was part time, except in the British system, of course. Members of Parliament are also the Cabinet officers, if they are in the front bench, but if they are back benchers, they do something else. Winston Churchill at the time he was a back bencher wrote, gave speeches. That was his vocation. Cicero, the Roman Senator, also wrote a little bit. I think many of us remember many of the things that he wrote.

We have had citizen legislators in our best Senates and Congresses through the ages. That is because it works best when the people who are trying to make this country what we want it to be are the people who decide to give a little time for public service and then go back out and live in the real world of business and commerce, working people that understand best what it takes to get this country going in the right direction. They are the people that have the values. They are the Sunday school teachers. They are the people that go to PTA meetings, that work with their children in their schools. They give back to their communities.

Those are the kind of people that we want in Congress. That is why we are trying to have term limitations, so that we can bring back the concept of a citizen legislator; so that we can meet a few months every year, go home and be in a real vocation, so that we will not have new laws with new regulations and new things that bureaucrats can dream up to do to tamp down the spirit of entrepreneurship that built this country.

That is why we are fighting so hard today. It is why we have to have a constitutional amendment, because we cannot do it by State law, because States have tried and the Supreme Court said last year that will not work. You have to amend the Constitution. This was not Senator THOMPSON'S first choice. He would love to have gotten 51 votes because we could pass it with 51 votes, but we will probably not be able to have the two-thirds vote required to amend the Constitution. That is why it is so important for the people of this country to understand that the fight is going to continue.

We will try to get cloture today. If we do not get cloture, I have a bill I have introduced that I will try to put on some other measure coming down. It is going to be a national referendum on this issue. Let the people speak. Let the Congress hear. Let people ask their Member of Congress that is running for reelection, or their Senator that is running for reelection how they feel on this issue, so that they get committed.

We are going to have to keep working at it. I hope I can get a national referendum, if we do not get cloture today, to do what we ought to do. That is, amend the Constitution. This is a basic tenet of the balance of powers in our Government. A citizen legislator is a basic part of the balance that is necessary to keep the Federal Government from getting so big and overblown that they start encroaching on States rights. The government that is closest to the people at the State level—this is part of the balance. It is part of reform that is necessary to get this country back on track, so that more people can realize the American dream, so that the immigrants who come to our country, because it is the beacon of opportunity anywhere in the world, they come to this country for the American dream, which is if you work hard and you start a small business you can keep the fruits of your labor. In America, success that is gotten from someone by the sweat of their brow or by their hands or by their brains—working, writing—we want those people to succeed. We do not look down on success. We want everyone to have that opportunity.

If we are going to keep the American dream, Mr. President, it is going to be with people who are understanding that the Federal Government is limited and those people are going to be citizen legislators, not career politicians.

Mr. President, I want to thank Senator THOMPSON and Senator ASHCROFT for bringing this to us. This is the first step in a very long march, Mr. President. This is not going to end today, but we are going to be there with the American people to fight for what we know will bring back the values and the dreams and the opportunity of this country through citizen legislators that will work with us to do it.

Mr. THOMPSON. Mr. President, I yield 10 minutes to the Senator from Idaho.

Mr. CRAIG. Mr. President, if I could indulge you for just a moment this morning, I would like to incorporate you in my discussion on term limits, because I want to tell a little story to my colleagues who are here and for the record.

A good number of years ago I engaged in a conversation with the former Senator from Wyoming, Malcolm Wallop, who you followed to the Senate. We were talking about the advantage of freshmen, new people, coming to the U.S. Congress. I alluded at that time that you can always tell the difference between a freshman and a more senior Member by this simple adage: Freshmen were always going around asking why Government did certain things, and more senior Members were going around saying "because."

In other words, what has often happened as a result of seniority and longevity of service in the U.S. Senate or the U.S. Congress in general is that Members of those bodies become advocates of Government, defenders of Government, instead of responsible citizen critics of their Government.

One of the things that I know the chairman, the President, and I have tried to do, and I mean the President of the Senate, the presiding Chair of the Senate and I have tried to do is be constant critics of Government, critics of Government.

Oftentimes we find out that the longer Members are here, while they may serve well, they become the advocates of an ever-increasing Government. It was under that belief in my years of service, while I think I remain a responsible critic, that I have grown to support term limits, because I believe they are a rejuvenator of the system. It creates, once again, the process that our Founding Fathers had intended. That was the citizen legislator coming to this Congress to direct the affairs of Government, not to be the advocate but to be the friendly critic.

Now that both the House and the Senate are under the control of a Republican Congress, we are going to have votes on this issue. We are going to be able to stand up and express our wishes, hopefully reflecting the will of the American people, that has been spoken to by the Senator from Tennessee, who has done such a fine job of bringing this issue to the floor, and the Senator from Missouri, that 77-plus percent of the American people believe that term limits are a responsible way of governing, and that those of us who seek to serve in public life at this level be limited to a certain number of years in our public service, and in doing so, hopefully, retaining those concerns or those issues that brought us to this Congress.

It is because of a Republican-controlled Congress that we will have the privilege to vote today on this important issue. Hopefully, we can take this issue to the American people. It is significantly important. We are asking

the American people to change the way their Government has operated for well over 200 years.

That is why I am pleased that we are moving to the constitutional amendment approach. Yes, the courts have said we must strike uniformity in the terms of Federal officers, and that is what we all are who serve in this body, and that all States must be served and represented equally. Beyond that court edict and the responsibility that is being taken here today in the debating of and the voting on this constitutional amendment, remember our civics lesson, to understand that the Congress can only propose an amendment. That in proposing it, what we are really doing is sending it out to all 50 States for what will be a fundamentally important national debate on term limits.

Every State legislator, if this passes the Congress, will engage in a debate at the State level on the validity of term limits and the responsibility of those limits and how they ought to be carried out under the edicts of this constitutional amendment. That is what representative Government is all about. That is why I recognize these two Senators for the work they have put in in the leadership of this issue.

While I have been a strong and outspoken supporter of term limits, we have not had the opportunity to vote on them in previous years. Now we are guaranteed that opportunity. I am pleased to join with my colleagues in support of this amendment.

Thomas Jefferson and George Washington were ardent supporters of term limits. Maybe they saw something that some of our other Founding Fathers did not see. Maybe they recognized there could be a time when Government would grow to a point that those who served in it would ultimately become individuals who would seek a lifetime of service here.

While there are a tremendous number of dedicated Members of the U.S. House and the U.S. Senate who have served well beyond the limits that are proposed within this amendment, I believe the concept of term limits, as I have spoken to, serve as a phenomenally rejuvenating factor in what we believe to be the founding premises of this country, that States would not have lost as much control as they have lost over the last 200 years if we had term limits. Citizens who had served and would serve in Congress would find themselves much more subject to the laws they passed because they would not spend a lifetime here, a lifetime in an environment that was relatively sheltered, relatively protected from the citizen on the street of America, who had to live under the laws that the Congress had passed.

For 200-plus years, Congress has been exempt from all of those laws. It is only in the last few years, under phenomenal pressure from the citizens, that we are finally saying we are not special and we are not something different. Thank goodness we are saying

that. I have been pleased to support the fact that we now subject our offices to the same labor laws that the average employer must subject his work force to and the average worker must be subjected to.

Why should we be different? Why should we be special? We should not be. But it has been under a protected environment of continual service that that kind of situation existed. It is my guess that if term limits had been imposed some time ago, that would not have been allowed to happen. The Congress would not have become the special, unique haven that it was for so many years, while at that time it might have been observed as the right thing to do. In an America of today that wants to see a limited Government, to see a great deal more authority returned to the States, this amendment, and our debate on this amendment, fits that approach in a most important way.

I look forward to an opportunity to continue to work on this, and I hope we can get the vote this afternoon. But as the Senator from Tennessee admonished us when the debate began, this is an issue that will not go away. If we are not successful this time, I am confident we will be back, and I will be a supporter of that effort. If that cannot occur, you heard the Senator from Texas talking about the allowance of a national referendum that causes this debate and a vote of the people of this country on this type of an issue.

So while a Senator from Wyoming chose, a few years ago, to limit his terms, which gave opportunity for the Presiding Officer to be a new face in the U.S. Senate, bringing new debate and new ideas, I believe this is an issue that we ought to respond to in a representative way to the citizens of our country, who have spoken so clearly on it.

While the issue of rotation in office—term limits—for elected Federal officials has been around as long as our country itself, this current Congress will make history on the issue of term limits.

In prior Congresses, neither the House nor the Senate had voted on a congressional term limits amendment, despite the efforts of myself and others.

Finally those efforts have paid off. This Republican Congress has kept its promises, and is trying to pass a term limits constitutional amendment.

It is the first U.S. Congress ever which the House and the Senate will both have floor debates and recorded votes of all the Members on a constitutional amendment to limit congressional terms.

The term limits constitutional amendment that I am an original co-sponsor of will impose a uniform, national term limit of 12 years in the House and 12 years in the Senate.

It is critical that if we impose term limit, we do it across the board, State by State. No State should be singled

out to be disadvantaged by the loss of seniority in Congress.

My support of this grew out of my observation of how this business on Capitol Hill works—or does not work.

Why do I feel so strongly that congressional term limits are an important and fundamental step in restoring our Nation's political health?

The Governors of 40 States, including my State of Idaho, are subject to term limits. Why not Congress?

The State legislatures of 21 States, including Idaho, are subject to term limits. Why not Congress?

Thomas Jefferson and George Washington were two ardent supporters of term limits.

The issue of term limits for Members of Congress is favored by 77 percent of the American people, according to a national poll conducted in January.

Support for term limits never falls below 64 percent in any demographic group; white, black, Hispanic, male, female, young, old, Republican, Democrat, Independent, or geographic residence.

Term limits received more votes in the 14 States where it appeared on the ballot in 1992 than Ross Perot received in all 50 States in the 1992 Presidential election.

According to studies conducted by the National Taxpayers Union, the shorter the tenure of a Member of Congress, the more likely that Member of Congress is to vote against tax and spending increases for the Federal Government.

The bottom line is this: if we want to change the mindset in Washington, DC, we must change the players.

A limited central government and limited tenure in that government are essential elements on which our form of government is based.

We must embrace the principles articulated by the Founders of our country and supported today by an overwhelming number of American people.

To do otherwise is to forget our roots and responsibilities as representatives of the voters. We are not free agents doing whatever we want in Washington.

When I joined in the battle for term limits years ago, I knew it would not be a quick, easy process. My fight for a balanced budget amendment to the Constitution has showed me that.

But, like the balanced budget amendment, we must let the people of our country decide whether they wish to ratify the term limits amendment. If Congress passes the term limits amendment, it must still be ratified by 38 States.

That is my goal here today: to pass this legislation so that the people of Idaho and everywhere else will be able to let their State legislatures know whether or not to support this term limits amendment.

Let the people decide, not us. I will be proud to cast my vote in favor of term limits on behalf of the people of the great State of Idaho.

I strongly urge my colleagues to do the same.

Mr. HATFIELD. Mr. President, the Senate has before it today an issue that goes to the heart of our democratic system of government. Limiting congressional terms has been one of the most consistently visible issues in our Nation's political arena for the past 6 years. In addition to being a significant plank of congressional campaigns, several States have voted to limit the terms of those elected to Federal offices. The Supreme Court ruled last year in the Thornton case that statutory efforts by Congress or individual States to impose term limits on Federal officials are unconstitutional.

In lieu of this recent action by the Supreme Court, the only remaining option is a constitutional amendment limiting the number of terms a Member of Congress may serve. The Senate has before it and will soon vote on such a measure. I oppose amending the Constitution to limit the number of terms a Member of Congress may serve and will vote against this resolution. I will, however, vote in favor of cloture on this resolution so that debate on this important issue can be brought to a timely conclusion.

It should be recognized that, despite their recent visibility, proposals to limit congressional terms are not a new phenomenon. This is a debate that has been evolving for many years. Our Founding Fathers considered including term limits in the Constitution. They grappled with the question and rejected the idea, preferring to allow such authority to be exercised by the citizenry at the ballot box.

At the beginning of my career in the U.S. Senate, I introduced legislation to restrict Senators to no more than two terms. When this measure did not pass and my own second term came to an end, I decided I could be more effective for the people of Oregon by continuing my service in the Senate. My constituents agreed with me and, at the ballot box, chose to continue my term of service in this body.

During the years of debate over term limits, many have argued the only way to remove entrenched incumbents from Congress is to override the will of the voters by placing a mandatory limit on the number of terms a member may serve. However, the American voters currently have the authority to limit the terms of any member of Congress during each election. Voters in the 1992 election gave 110 new individuals the opportunity to serve in the House. In 1994 86 new Members were elected to the House of Representatives and 11 to the Senate. The 1996 cycle, at least for the Senate, has already achieved the distinction of having the most retirements of any cycle in this century. An analysis of our recent elections shows that over half of the Members of the House of Representatives and nearly a third of the Members of the Senate have been elected since 1990.

Mr. President, term limits are an important issue worthy of debate, but

they are not a panacea for reforming Congress or improving the public's perception of this institution. In fact, I believe they have the potential to cause significant damage by depriving voters and this institution of the best qualified candidates. Congressional turnover is something best left in the hands of the local voters.

The 1994 elections not only brought numerous new Members to Congress, but they also gave the Republican Party control of both Houses for the first time in over 40 years. This drastic change was accomplished by the American people exercising their constitutional right to vote for the candidate of their choice. It was not accomplished by imposing a structural change upon the electoral process so thoughtfully conceived by the Framers of the Constitution.

As the Nation deliberates the issue of term limits, I would encourage proponents of limitation to consider each candidate individually. The difficulty in setting arbitrary limits is, simply, that they are arbitrary. Citizens should not be denied the service of the effective, elected representative of their choice merely because that person had already served them well.

Candidates should not be judged by a constitutional provision that looks only at the length of their prior service. Rather, candidates should be judged by their constituents, who invariably look at the quality of the service provided in past terms and the likelihood of satisfactory representation over the next time-limited term.

Mr. HEFLIN. Mr. President, I rise in opposition to Senate Joint Resolution 21, which provides for a constitutional amendment to limit congressional terms.

Nearly 1 year ago, the U.S. Supreme Court ruled that State-imposed term limits on Federal legislators are unconstitutional. The only way to institute such limits is, therefore, through a U.S. constitutional amendment such as that embodied in Senate Joint Resolution 21. Altering our cherished Constitution in such a way would be a huge mistake in my opinion.

The idea of term limits for Members of Congress addresses the general disapproval voters seem to consistently have for Congress as an institution. However, they do not address the issue of losing good, productive leaders through arbitrary limits on their time of service. Many believe the experience gained from serving in Congress is a valuable resource for serving effectively as a legislator and as a questioner in an oversight role over agencies and departments of the executive branch of the Federal Government. This experience can only be gained over a period of years. Even those who support term limits acknowledge that the many years of service to our Nation by many long-time Members of Congress have made a meaningful difference in countless lives.

In this body, leaders such as Senator BYRD, Senator DOLE, Senator BIDEN,

Senator STEVENS, Senator BUMPERS, Senator LEAHY, Senator SIMPSON, Senator HOLLINGS, Senator NUNN, Senator THURMOND, Senator KASSEBAUM, and Senator HATFIELD, to name only a few, would not be here if term limits were in effect today. This is not a partisan issue; term limits would deny the Nation the service of outstanding leaders on both sides of the aisle.

Term limits are an unwarranted restraint on democracy. I think the limit on Presidential terms passed in the wake of Franklin Roosevelt's long tenure in the Oval Office was a mistake. The most fundamental and basic right citizens of this country have is the right to vote for the candidates of their choice. This right should not be abridged just because some Government leaders are reelected with regularity and are labeled as being bad because of that. If they are reelected, common sense would suggest that the voters are generally happy with the job he or she is doing. If not, they can vote for the opposing candidate. They already have the right to limit the term of any officeholder they wish by voting.

In effect, term limits suggest that the ultimate judges in the political arena, the voters, are not competent to make decisions after a public servant has served for a few years. Voters should view term limits as a slap in the face that restricts their discretion and their right to be represented by those whom they so choose.

If term limits are instituted, what we will see is a Congress run by a staff of unelected bureaucrats with no limits on the time they can work in the legislative branch. Members will increasingly come to depend on staff as the institutional memory and precedent that guide much of the work here are eliminated. Term limits will also shift more power to the executive branch and its legions of unelected and unaccountable careerists.

Simply put, there is no reason to deny voters the right to elect an individual to Congress simply because of that person's previous service. In their wisdom, the Founders correctly chose not to incorporate term limits in the Constitution for Members of Congress or the President. Alexander Hamilton called them "ill-founded," "pernicious," and "a diminution of the inducements to good behavior." The Constitution already provides a check on the power of Members of Congress by requiring that each Member of the House and one-third of the Members of the Senate be presented for reelection every 2 years.

The clamoring for term limits is a byproduct of the bumper sticker admonition to just "throw the bums out!" It is a populist slogan that in no way addresses the issue of making Congress more effective. This specious argument is based on the notion that anyone who has been in office for any length of time is automatically corrupt and incapable of being responsive to the

views of their constituents. But, how responsive will they be when they do not have to face the voters for reelection? They will be free to simply ignore the wishes of the people.

The process of learning issues and policy takes time. Voters might prefer a long-distance runner over the sprinter, a representative for the long haul, not just for the short term. Voters should have the option of electing a person who will work in the long-run for the best interests of the district or State they represent and the Nation which they serve. Voters can make up their own minds about the effectiveness and worthiness of a candidate regardless of the length of service. There is no more effective or dependable means for applying term limits than election day, the second Tuesday of November every 2 years. All Americans should think carefully before this precious freedom is abridged by this amendment.

Mr. THOMPSON. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. Approximately 8½ minutes.

Mr. THOMPSON. Does the Senator from North Carolina wish to be recognized?

Mr. FAIRCLOTH. Yes.

Mr. THOMPSON. I yield the Senator from North Carolina 8½ minutes.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. FAIRCLOTH. Mr. President, I am delighted and proud to join with Senator THOMPSON and cosponsor Senate Joint Resolution 21, which would provide for national term limits for 12 years for any Member of the U.S. House of Representatives or Senate.

In the past, Congress has avoided taking a vote on term limits. We have tried to have it both ways—to tell the people at home that we support term limits, but we have simply bottled it up in Washington.

Under Senator DOLE's leadership, with the support of many others, I want to thank them for bringing this resolution to the Senate floor. It will be the first-ever recorded vote, and it will be the right move. Regardless of the outcome of the vote, I think it is a historic moment that we will all be proud to have participated in.

There are many reasons for limiting the terms of all Members of Congress. First, the Founding Fathers, led by James Madison, intended that service in Congress would be that—a service, not a permanent job. We would not have so many burdensome, expensive, and often useless rules and regulations if we had more people in the Congress who had spent some time in the workplace in the private sector.

The President of the United States has term limits, and the country is better off for it. So why should not the Congress have term limits? The custom of voluntary rotation in office was once followed by the President and Congress alike. But it became necessary to pass a constitutional amendment to restore

the two-term limit on the Presidency, and it certainly is clear now that we need to do the same thing with the House and Senate to limit the tenure.

A second reason for term limits is that a governing elite is more likely to decide that what the citizens earn through their work belongs to the Government and not to the people that earned it. That is one of the dismal results of career bureaucrats in the National Capital. They are so caught up in government and its activities that they have lost sight of the fact that our system was founded on the spirit of free enterprise and individual rights.

Third, the people of North Carolina and the rest of America overwhelmingly support term limits. One national poll of registered voters in January 1996 found that 77 percent of the American people favor term limits, and only 17 percent oppose them. Further, 62 percent of the American people say they wanted their Congressmen and Senators to vote "yes" on a constitutional amendment for term limits that provides a 12-year limit.

Will term limits pass the Senate this time? Maybe not. I certainly hope so. As we all know, it is difficult to get a two-thirds vote, which will be necessary to adopt this. The Constitution was designed for it to be difficult to amend it. So for term limit supporters, we know that the upcoming vote is just the beginning of our efforts and not the end. We will stay with it until we do get it passed.

By committing ourselves to supporting term limits for as long as it takes to get the job done, we are committing ourselves to making the national Congress the model of citizen representation it was intended to be, and restoring our Federal Government to its proper role, and limited role, in our national life.

I strongly support this resolution and am delighted to be a cosponsor on it. I yield the remainder of my time.

Mr. THOMPSON. Mr. President, how much time remains?

The PRESIDING OFFICER (Mr. CAMPBELL). The Senator has 2 more minutes.

Mr. THOMPSON. I yield back the remainder of our time.

The PRESIDING OFFICER. All time is yielded.

HEALTH INSURANCE REFORM ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 3103, the health insurance reform bill, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 3103) to amend the Internal Revenue Code of 1986 to improve portability and continuation of health insurance coverage in the group and individual markets, to combat waste, fraud, and abuse in health insurance and health care delivery, to promote the use of medical savings accounts, to improve access to long-term-care services and coverage, to simplify the administration of health insurance, and for other purposes.

The Senate resumed consideration of the bill.

Mr. THOMPSON. Mr. President, to clarify, the term limits debate will resume again immediately after the health care vote, is that correct.

The PRESIDING OFFICER. The Senator it correct.

Mr. THOMPSON. We will have a vote on term limits at approximately 3:45.

The PRESIDING OFFICER. The Senator is correct.

Mr. SPECTER. Mr. President, I am pleased to support the Health Insurance Reform Act of 1995 and want to commend my colleagues, Senator KASSEBAUM and Senator KENNEDY, for their excellent work on this important subject. As a cosponsor of this bill, I believe that enactment of legislation improving health insurance coverage is long overdue. We owe it to the American people to pass this bill.

The Health Insurance Reform Act represents the type of incremental health care reform which I have long supported. It targets the problems with our current health care system while leaving in place a system that works well for most Americans.

Mr. President, in June 1993, I had my own health problem when a magnetic resonance imaging machine discovered an intercranial lesion in my head. I was the beneficiary of the greatest health care delivery system in the world—the American health care system. That experience made me ever more aware, knowledgeable of, and sensitive to the subject than I had been in the past.

There are some who believed health care reform was dead and declared as much in the fall of 1994 when Congress failed to enact comprehensive health care reform legislation. I am hopeful that they will be proven wrong by the enactment of this bill. President Clinton was in error when he proposed health care by Government mandate and massive bureaucracy. But anyone who read the repudiation of the Clinton bill as an excuse to do nothing is equally in error. We still have a great need to correct the problems in our health care system for the 15.2 percent or 39.7 million Americans, for whom the system does not work. In my own State of Pennsylvania, there is even a greater need, because the number of uninsured under the age of 65 has grown from 10.8 percent to 13.4 percent of the population while we in Congress have done little but debate the correct approach to take concerning health reform. It is high time that Congress takes a real step forward in health care reform, without big government and without turning the best health care system in the world on its head.

To be sure, health care reform remains a very complex issue for Congress to address. But it is not so complex that we cannot act on a bipartisan basis. This is something we should have done years ago. Sixty-five Democrats and Republicans have agreed to cosponsor a bill containing policy mat-

ters we all agree on, such as the need to limit exclusions for preexisting conditions and make health insurance more portable for workers changing jobs. Of course, more can and should be done. But this is what we can agree on now. We will be helping a great many people who desperately need these critical changes in law by acting now.

By way of background, I would note that the legislation before the Senate today, S. 1028, contains provisions very similar to those contained in title I of my own health care reform bill, the Health Assurance Act of 1995.—S. 18—which I introduced on January 4, 1995. I have heard for years from constituents, friends, and family on how important it is that we pass basic insurance market reforms to protect those who are not in perfect health but have some preexisting medical condition. We all are aware of people who are afraid to leave their jobs because they have a heart condition or another medical condition and therefore would be unable to obtain insurance for this problem outside of their present employer. Under the Kassebaum-Kennedy bill, a person can be assured that no preexisting condition exclusion can ever last more than 12 months for conditions discovered in the 6 months prior to coverage. Equally important, the bill enables those workers that were covered under a group health insurance plan to reduce this 12-month preexisting condition exclusion for each month they were covered by a plan. So if an employee with a medical problem is covered by a plan under her current job for more than 12 months, if she takes a job elsewhere, she will be covered under the plan of the new employer.

S. 1028 also contains language similar to my legislation which extends the COBRA health benefits options in a limited manner. S. 1028 specifically extends this option when a former employee or family member becomes disabled during the initial coverage period, and allows newborns and adopted children to be covered immediately under a parent's COBRA policy. Also, S. 1028 provides individuals access to affordable insurance through purchasing groups, which was also allowed under S. 18. This and the other elements of S. 1028 will give the 228 million workers who now have insurance the security of knowing that health coverage options exist if they change jobs, or become unemployed for a limited period of time.

Mr. President, as my colleagues are aware, I have been advocating incremental health care reform in one form or another throughout my 15 years in the Senate, and have introduced and cosponsored numerous bills concerning health care in our country since 1983. In my first term, I sponsored the Health Care Cost Containment Act of 1983, S. 2051, which would have granted a limited antitrust exemption to health insurers, permitting them to engage in certain activities aimed at curbing then escalating health-care