

(A) *IN GENERAL.*—For purposes of determining the net amount of adjustments referred to in section 585(c)(3)(A)(iii) of such Code, there shall be taken into account only the excess of the reserve for bad debts as of the close of the last taxable year before the disqualification year over the balance taken into account by such taxpayer under paragraph (2)(A)(ii) of this subsection.

(B) *TREATMENT UNDER ELECTIVE CUT-OFF METHOD.*—For purposes of applying section 585(c)(4) of such Code—

(i) the balance of the reserve taken into account under subparagraph (B) thereof shall be reduced by the balance taken into account by such taxpayer under paragraph (2)(A)(ii) of this subsection, and

(ii) no amount shall be includible in gross income by reason of such reduction.

(6) *CONTINUED APPLICATION OF SECTION 593(e).*—Notwithstanding the amendments made by this section, in the case of a taxpayer to which paragraph (1) of this subsection applies, section 593(e) of such Code (as in effect on the day before the date of the enactment of this Act) shall continue to apply to such taxpayer as if such taxpayer were a domestic building and loan association but the amount of the reserves taken into account under subparagraphs (B) and (C) of section 593(e)(1) (as so in effect) shall be the balance taken into account by such taxpayer under paragraph (2)(A)(ii) of this subsection.

(7) *CERTAIN ITEMS INCLUDED AS SECTION 381(c) ITEMS.*—The balance of the applicable excess reserves, and the balance taken into account by a taxpayer under paragraph (2)(A)(ii) of this subsection, shall be treated as items described in section 381(c) of such Code.

(8) *CONVERSIONS TO CREDIT UNIONS.*—In the case of a taxpayer to which paragraph (1) applied which becomes a credit union described in section 501(c)(14)(A)—

(A) any amount required to be included in the gross income of the credit union by reason of this subsection shall be treated as derived from an unrelated trade or business (as defined in section 513), and

(B) for purposes of paragraph (3), the credit union shall not be treated as if it were a bank.

(9) *REGULATIONS.*—The Secretary or the Treasury or the Secretary's delegate shall prescribe such regulations as may be necessary to carry out this subsection, including regulations providing for the application of paragraphs (4) and (6) in the case of acquisitions, mergers, spin-offs, and other reorganizations.

#### Subtitle C—Other Provisions

#### SEC. 621. EXTENSION OF MEDICARE SECONDARY PAYOR PROVISIONS.

Section 1862(b) of the Social Security Act (42 U.S.C. 1395y(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking clause (iii) and redesignating clause (iv) as clause (iii); and

(B) in the matter following clause (ii) of subparagraph (C), by striking “, and before October 1, 1998”; and

(2) in paragraph (5)(C), by striking clause (iii).

#### SEC. 622. ANNUAL ADJUSTMENT FACTORS FOR OPERATING COSTS ONLY; RESTRAINT ON RENT INCREASES.

(a) *ANNUAL ADJUSTMENT FACTORS FOR OPERATING COSTS ONLY.*—Section 8(c)(2)(A) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)(2)(A)) is amended—

(1) by striking “(2)(A)” and inserting “(2)(A)(i)”; and

(2) by striking the second sentence and all that follows through the end of the subparagraph; and

(3) by adding at the end the following new clause:

“(ii) Each assistance contract under this section shall provide that—

“(I) if the maximum monthly rent for a unit in a new construction or substantial rehabilitation project to be adjusted using an annual adjustment factor exceeds 100 percent of the fair market rent for an existing dwelling unit in the market area, the Secretary shall adjust the rent using an operating costs factor that increases the rent to reflect increases in operating costs in the market area; and

“(II) if the owner of a unit in a project described in subclause (I) demonstrates that the adjusted rent determined under subclause (I) would not exceed the rent for an unassisted unit of similar quality, type, and age in the same market area, as determined by the Secretary, the Secretary shall use the otherwise applicable annual adjustment factor.”.

(b) *RESTRAINT ON SECTION 8 RENT INCREASES.*—Section 8(c)(2)(A) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)(2)(A)), as amended by subsection (a) of this section, is amended by adding at the end the following new clause:

“(iii) (I) Subject to subclause (II), with respect to any unit assisted under this section that is occupied by the same family at the time of the most recent annual rental adjustment, if the assistance contract provides for the adjustment of the maximum monthly rent by applying an annual adjustment factor, and if the rent for the unit is otherwise eligible for an adjustment based on the full amount of the annual adjustment factor, 0.01 shall be subtracted from the amount of the annual adjustment factor, except that the annual adjustment factor shall not be reduced to less than 1.0.

“(II) With respect to any unit described in subclause (I) that is assisted under the certificate program, the adjusted rent shall not exceed the rent for a comparable unassisted unit of similar quality, type, and age in the market area in which the unit is located.”.

(c) *EFFECTIVE DATE.*—The amendments made by this section shall be construed to have become effective on October 1, 1995.

#### SEC. 623. FORECLOSURE AVOIDANCE AND BORROWER ASSISTANCE.

(a) *EFFECTIVENESS AND APPLICABILITY.*—Section 407 of The Balanced Budget Downpayment Act, 1 (Public Law 104-99) is amended—

(1) in subsection (c)—

(A) by striking “Except as provided in subsection (e), the” and inserting “The”; and

(B) by striking “only with respect to mortgages insured under the National Housing Act that are originated before October 1, 1995” and inserting “to all mortgages insured under the National Housing Act”; and

(2) by striking subsection (e).

(b) *TECHNICAL AMENDMENT.*—Section 230(d) of the National Housing Act (12 U.S.C. 1715u(d)) is amended by striking “the Departments” and all that follows through “1996” and inserting “The Balanced Budget Downpayment Act, 1”.

#### CONSTITUTIONAL AMENDMENT TO LIMIT CONGRESSIONAL TERMS

The PRESIDING OFFICER. The clerk will now report Senate Joint Resolution 21.

The legislative clerk read as follows:

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

The Senate continued with the consideration of the joint resolution.

The PRESIDING OFFICER. The time until 3:45 is equally divided.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, who controls the time? I would like to speak in favor of the matter before the

Senate. My understanding is the Senator from Tennessee or the Senator from Missouri.

The PRESIDING OFFICER. The time is divided between the Senate majority leader and the Senate minority leader or their designees.

Mr. WARNER. Madam President, I inquire of the distinguished Senator from Tennessee if I might have 5 minutes within which to speak in favor of the pending matter.

Mr. THOMPSON. I yield 5 minutes to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I intend to vote in favor of the constitutional amendment limiting the number of terms Members of Congress can serve.

I voted for a similar sense-of-the-Senate amendment on October 17, 1995, and despite the clarity of my position and the documented record thereof in the Senate, the official records of my votes are continually distorted by my detractors. But that is nothing new in the life of a Senator. I wish to say exactly what I believe on this issue.

I think the public is entitled to a national referendum on this issue, and the procedures outlined by the Constitution of the United States as to how the Nation addresses such an issue are very clear. It is not the duty nor the power of the Congress to enact this. It has to be done by the requisite number of State legislatures, and I am highly in favor of that process beginning at the earliest possible date.

In my view, however, we already have term limits, and should this debate unfold in my State and across America, I will take an active role in it, and I will address my concerns about the adoption of such an amendment.

I feel the current constitutional procedures for the election of U.S. Senators and Members of the House of Representatives are themselves adequate protection that could be afforded by any constitutional amendment. It gives the right of the electorate of the States to make their own decision, as they think best for their State at that point in time, as it relates to their Senators and Members of the House of Representatives.

Finally, I am concerned about if we were to adopt for the Nation such a procedure that we would be shifting too much power to the executive branch and also, too, I say candidly, to those individuals who have spent much time here in the U.S. Senate as very capable, very knowledgeable, well trained, dedicated and committed staff persons. If they were to stay here for periods much longer than their respective committee chairmen, for example, or Senators themselves, it seems to me that, too, adds to the imbalance of power.

Then it comes to the question of the seniority procedures and tradition in the U.S. Senate. Seniority is a very important part of the rules and traditions

followed by both sides of the aisle, particularly as it relates to the election of committee chairmen or ranking members. That system was adopted because earlier procedures by the Senate were found to lend themselves to what I call pleasing politics. In other words, an individual would run for chairmanship of a committee and promise and promise to all the members of the committee that whatever they brought up, he or she would vote for.

Fortunately, in the period I have been privileged to serve in the U.S. Senate on behalf of Virginia, we have had very strong and resolute chairmen in the several committees on which I have served. I mention only the Senate Armed Services Committee. Richard Russell, John Stennis, John Tower, Barry Goldwater and now STROM THURMOND, Scoop Jackson for a period and SAM NUNN. What finer men have ever served in the U.S. Senate. But they had to make tough decisions, often inimical and in opposition to their own colleagues of their own party. But they could do so knowing full well that the traditions of how one becomes eventually a chairman could withstand what I call the politics of trying to please everyone.

If a chairman has to please everyone, in my mind it is very doubtful that you will have the strong leadership that is needed in the office of chairman and in the ranking member of our committees.

So I put that out as an open question, and I hope we might address it in the context of this amendment.

Madam President, I thank the distinguished floor leaders for the time, and I yield the floor.

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

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Madam President, I yield myself 3 minutes in the absence of anyone else, and then 5 minutes to the Senator from California and 5 minutes to the Senator from New Jersey.

Madam President, I think I can speak without anyone saying, "He is trying to help himself," because I am going to be retiring at the end of this year.

Government is complicated. No one here would go to the yellow pages of their phone book when they had plumbing difficulties and get a plumber and he advertises, "I have no experience with plumbing, call" whatever the number is. If that is true with something as relatively simple as plumbing, it is infinitely more true of the decisions that we have to make in this body.

BENNETT JOHNSTON, for example, who is retiring, has huge knowledge in the scientific area that I think is unequaled in this body. Meaning no disrespect to whomever may succeed him, that person is not going to have that kind of knowledge.

Senator BYRD brings a wealth of knowledge here from that experience.

On the other side of the aisle, a former colleague of yours and mine, Madam President, HENRY HYDE—I differ with Congressman HENRY HYDE on a lot of things, but he is a class act. He brings a wealth of experience, and he has improved the end product of the laws of our country because of what he has contributed. To cut off a HENRY HYDE or a BENNETT JOHNSTON or a ROBERT BYRD arbitrarily and take that decision away from the people of the Nation and of their respective States and districts, I think, is wrong. This is a constitutional amendment that should be defeated.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Thank you very much, Madam President. I think the remarks of the Senator from Illinois are very important.

I want to put on the table my position on term limits which is, I support them if they are applied retroactively to all of us, to sitting officeholders. I had planned to support an amendment which Senator LEAHY had planned to offer to make these term limits apply retroactively. Unfortunately, through a series of parliamentary maneuvers known as "filling the amendment tree," the Republican leadership has made it impossible for us to amend this resolution. It is either up or down. So here we are unable to make these term limits apply to us.

Advocates of this proposal assert that in its present form, it limits Senators to two terms. That is simply untrue. Without retroactivity, Senators in this Chamber—every one of us—can serve an additional two terms if this amendment passes.

That is very convenient for Members here, but it really, to me, does not get at the issue of term limits.

Let me cite two specific examples. Under this proposal, the majority leader would be limited to seven terms, or 42 years, in the U.S. Senate. The distinguished chairman of the Armed Services Committee will be limited to nine terms, or 54 years, in the U.S. Senate.

I do not think that most supporters of term limits will be satisfied with so-called limits that allow politicians to stay in office for more than half a century.

One Senator now serving in this body was serving here before another sitting Senator was 2 years old. It is incredible that the Members who would be serving over 50 years or 42 years are going to vote for this term-limit proposal.

So I think the situation undermines the credibility of the Senate. We cannot offer amendments, we cannot make it apply to us, and I do not think we should be congratulating ourselves for supporting term limits when it is obvious that the limits proposed are little more than what I consider to be a sham for every Member serving in this Chamber. It is more of "do as I say not as I do," and I think the public is very tired of that.

So let us offer our retroactivity amendment and not exempt ourselves from this law. Perhaps the majority leader will allow us that chance if we vote down cloture. Let me be clear. At that time, if we vote down cloture and the majority leader allows us a vote on retroactivity, I will support cloture. I think it is very important that we be allowed to make sure that this amendment that so many are congratulating themselves on applies to each and every one of us.

I thank the Chair very much. I believe Senator BRADLEY now has 5 minutes.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. Madam President, I rise in opposition to the cloture motion. I oppose term limits at this time. I think the answer to the problems of democracy is not less democracy, but is more democracy. Why should we say to people in this country who want a particular Senator or Congressman to return to office that they arbitrarily cannot return them to office?

I also regret the parliamentary circumstance here, the constitutional amendment on term limits. Many of us believe that the problems of democracy have deeper root causes than Senators and Congressmen staying in office more than 12 years and that, indeed, money is at the root of the problem in our democracy.

I had hoped to be able to offer a constitutional amendment as an amendment here in these proceedings that would allow the Congress and the States to limit what an individual may spend on his or her campaign. In my view, it is money that is creating a much greater problem for our democracy than somebody staying in office for 13 years.

I think fundamental campaign finance reform is what we need. I think it has to be radical. I think money and politics is a little bit like ants in your kitchen—you either have to get them all out, block all the holes, or some of them are going to find a way in.

A fundamental campaign finance reform proposal would be limits in primaries and would be also, I think, financing the election in the general election, dividing it equally among Republican, Democrat, and qualified independents, and it would mean a constitutional amendment. That would allow the Congress and States to limit what an individual spends on his or her own campaign. Everybody knows that a wealthy person has a microphone and everybody else has a megaphone here. The ability to raise money is often the prerequisite for deciding to run for Congress.

When everybody goes in to visit their campaign committee, whether it is Republican or Democrat, the first question that is asked them is not, "Gee, have you been a good citizen? Do you have a good record? Do you have ideas on how to make the country better? Are you willing to put yourself on the

line to do that? Are you willing to stand up for your convictions?" It is, "Can you raise \$1 million?" Better yet, "Do you have \$1 million to spend on your campaign?"

Imagine a world in which there are term limits, but without strong campaign finance laws. How is democracy going to be improved? You will have the Senators and Congressmen coming from the same cast, raising money from the same sources, in some cases financing their own campaigns themselves, and will simply have a more active turnover of the same problem that we have now. It will not solve the problem—money in politics—which is the root cause of a lot of our problems. It will simply bring more people who are dependent on a special interest who have to finance their own campaigns themselves.

On the other hand, imagine a campaign or situation where you had strong finance laws but no term limits. Imagine general elections where Republicans and Democrats divided the money in a fund and they each had equal amounts of money, and the money could only come from people in their own State, and that is all the money that they had to spend. You would then have the possibility of a battle of ideas. There is no possibility of a battle of ideas where money dominates the process as much as it does today. Even if term limits passes but we do not address the issue of money in politics, we are not going to have as vibrant a democracy as we otherwise could have. There are no two ways about that.

I rise today simply to make this point because I had hoped, as I said earlier, to offer an amendment, a constitutional amendment, that would allow the Congress and the States to limit what an individual can spend on his or her own campaign as a part of an overall campaign finance proposal. Unfortunately, I cannot do that. I regret that I cannot do that because of the parliamentary circumstance. I hope that I will before the end of this Congress. I think it is absolutely essential. Anything that fails to address the issue of money in politics and claims to be the answer to the problems of democracy is false advertising. I yield the floor.

Mr. THOMPSON addressed the Chair. The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. I yield 7 minutes to the Senator from Wyoming.

Mr. THOMAS. I thank the Senator. I thank him for his effort to bring this issue to the floor. It is an issue certainly that all of us who were elected in 1994 had a great interest in because that is what people were talking about. Frankly, had it not been for the Senator from Tennessee and the Senator from Missouri and the leader, we would not be here talking about it.

I rise in strong support of Senate Joint Resolution 21 as a cosponsor of the bill and a long-time advocate of re-

sponding to the voice of voters and the voice of the people. I am pleased that the Senate will finally go on record on this important issue.

Obviously, there are different points of view about it. We have heard a number of things just in the last few minutes. Let me comment on some of them.

One of them is the idea of amending. That certainly, if I ever heard a political response, is one. The Senator from California would not vote for this under any circumstances. So the idea that it cannot be amended to be retroactive is simply an obstruction to what we are trying to do.

Limiting dollars. We have talked about that a lot. I think it is a great idea. The only trouble is it does not work. How are you going to do that? Reporting is the best issue. Talk about limiting dollars that can be spent by candidates, we are looking this year at the AFL-CIO spending \$35 million, which would not count because they are not in the campaign.

You have heard a little bit about the idea of people having the chance to make their own choice. It makes some sense. They are going to have a chance to make a choice. This is a constitutional amendment. The Congress does not pass this; it simply submits it to the States. The people will have an opportunity to express their feeling on it. This comes up from time to time.

I hear it at home, "Well, you know, if the folks in that district want someone to continue to serve, they should be able to." I thought about that some. I was in the House before I came here. One of the very good Members of the House just 2 years ago had been in the House since before Pearl Harbor. I simply want to make the point that that person, who had a congressional district, as I did, had 10 times as much thrust in the Congress as I did because of the seniority. So the people from every other congressional district had no input into that. But the folks in that district are never going to change because here is a guy who has more authority than anybody else in the Congress. Of course, he is going to continue to be there. That is kind of what we are up against, it seems to me.

In 1992, 77 percent of the Wyoming voters supported term limits, and 70 to 80 percent of Americans support term limits. I think it is important to note that the majority and the freshmen who came in last year support term limits, people who were elected last year when the voters were saying, "Yes, we're for term limits."

I think it is important that we consider not just the term limits, but what has to be done to make some institutional change in the Congress. If you do not like the way things have been done for 40 years, if you want to see some fundamental change, then it is difficult to imagine that there is going to be change if we continue to do things the same way.

That is what term limits is about. It is about the end of career politicians in

Congress. I happen to think that is a good idea. I happen to think that is what the drafters of the Constitution had in mind, to return to the Founders' vision, to the extent possible, of citizen legislators.

I was impressed this morning by someone's observation that one of the necessary things to represent your constituents in this Congress is to have had some experience in the private sector, to have had some experience in the real world. I think that is terribly important.

We need fundamental change that has some impact on reducing the size of Government. I think it is pretty evident that the longer you are here, the less likely you are to be enthusiastic about reducing the size of the Government. Someone mentioned this morning, and I think it is exactly right, when people first come here they seem to have objective questions. They seem to have ideas. How can we do this better? How can we change? After being here for a very long time, you are advocates for the status quo, sort of defensive about what has been going on. We do not need more of that.

I am very much in favor of term limits. I think that it is important. There is, indeed, a considerable turnover. I think the point was made this morning that 51 percent of the Senate has been here less than two terms. That is true. The same thing is true in the House. The difficulty is that you live in the seniority system, and the other 50 percent has been here a very long time. They are the ones, of course, that have all the leadership positions, so change does not come about. That is what we are talking about.

Madam President, I am delighted that we are here. I suggest to my associates here in the Senate that it is time to come to the snubbing post. We have talked about it. It is time to support what we think people have said to us or not. It is time to support change that brings about fundamental change here—smaller Government, less expensive Government, less restrictive Government. That is what we are voting on today—changing the direction that will take us into the next century. I urge support.

Mr. DOLE. Madam President, was leader's time reserved?

The PRESIDING OFFICER. It was.

Mr. DOLE. I ask for my leader time on this issue plus another issue I will speak to briefly.

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

Mr. DOLE. Madam President, today the Senate takes a historic step on whether to move forward to pass a constitutional amendment to limit the terms of Members of both the House and the Senate. I am proud this step is one promised by the Republican Party in our last two party platforms. I am proud we made this promise in 1994. I am proud that the Republicans in the House of Representatives delivered on this promise that the Senate will have a chance to do so in about 45 minutes.

I acknowledge the fine leadership of our newer Members, such as Senators THOMPSON, ASHCROFT, INHOFE, THOMAS and others, who have joined other leaders like Senator BROWN for fighting for this reform. After years of rhetoric and stonewalling, this is a huge step forward for the American people.

I am mindful this is not the last step. While the vast majority of Republicans in both the House and the Senate support term limits, the fact is that this is a constitutional amendment. We cannot do it without substantial support on the other side of the aisle.

With President Clinton leading the opposition, it appears no such support exists on the other side of the aisle. It is pretty much like the debate on the constitutional amendment for a balanced budget we had last year. President Clinton not only has consistently opposed term limits, but he sent his Solicitor General to the U.S. Supreme Court to argue against the term limits law that passed overwhelmingly in his own State of Arkansas. He should drop his opposition to term limits and help deliver the votes necessary to pass the constitutional amendment.

Madam President, I share my view of why I believe this is important. As someone who has served this country for most of his adult life, I am not one that subscribes to the notion that this is about the people who serve in representative democracy. I know it is fashionable to attack politicians, but the truth is that those elected represent the people, at whatever level of Government, reflect both the strength and weakness of the electorate in a thousand different ways.

What this is about is the institution of representative democracy itself. I believe that the notion of a citizen legislator is an honorable one. I believe that representing your constituents to the best of your abilities is at the core of the success of the American experiment over the last 200 years. It is not an effort to tear down this relationship. Term limits certainly are not that. Instead, they are an effort to strengthen that bond.

This is an issue that not many Americans—in fact, not many legislators, not many anybody—thought about until recently. Now, I think it is clear that I have been lukewarm to the idea for some time and only started indicating 2 or 3 years that it seems to me if we want to send it back to the legislatures—the people send it back, want to ratify—that is fine.

I think we are capable also of keeping up with the American people. The American people, 75 to 80 percent, favor term limits. There clearly is a sense of something going wrong. We owe it to them and the future generation to think about whether the comfortable status quo is doing the job.

For me, it has come down to this. We are a Republic founded on the rule of law. There are many ways to define what the rule of law means, but it is the genius of republican democracy

that those who make the laws also live under them. That is what the rule of law means to me. I think in some respects we sort of drifted away from that.

It was only last year in a Republican Congress that we insisted for the first time that all those laws that apply to the private sector had to apply to Congress, as well. I think that is probably a pretty good step in the right direction. When legislators leave Congress to start a business or do whatever, they will have to bear the consequence of those actions in a way that they may be insulated from if they served 15, 20, or 30 years in Congress.

Now, obviously, I feel like I understand these consequences, and I'll bet most of my colleagues do too. But, studies that show that the longer a legislator spends in Congress, the more readily he or she spends taxpayers' money, suggest that this is not always the case.

In such situations, I think it is wise to rely on the good sense of the American people. They are the ones most affected, and that brings me to my final point on why I support a constitutional amendment.

The very nature of the process surrounding a constitutional amendment is that we let the people decide. Issues that go to the core of our Republican institutions are properly the province of the people.

All we do when we pass a resolution on a constitutional amendment is allow the people in all of the States to decide—and, in fact, three-fourths of those States have to decide in the affirmative before an amendment becomes part of our Constitution.

As I have said before, the Federal Government of today is not the same as that envisioned by our Founders. We need to dust off the 10th amendment, and return power back to the States and to the people.

I say, give those we represent this opportunity to debate, consider, and decide. It is particularly appropriate that we do so, when the issue before us goes to the core of the relationship between those elected and those represented. This is not an issue we should decide alone.

Mr. President, there should be no mistake about the importance of the vote today. The vote today is about whether we move forward and give the people the opportunity to make that choice.

As with other constitutional amendments, you don't always succeed the first time. Nor should we necessarily. Constitutional amendments almost always involve great issues.

But in State after State, the American people have already indicated their views on term limits. A vote today to end debate and move toward final passage is a vote to take the American people at their word and build momentum for support.

I urge my colleagues to vote to end debate and support allowing the Amer-

ican people we represent the opportunity to choose for themselves.

This is an opportunity for all of us who believe in sending power back to the States, back to the people. Also, it is an indication that we listen. Yes, we can change our mind. We listen. We listen to the American people. The American people have spoken, and I believe it is time for us to speak.

I hope when the vote comes at 3:45, we will have a resounding vote for cloture—maybe 100 to 0, like we had on the last vote here at 2:15.

Mr. THOMPSON. Madam President, I thank the majority leader. The fact of the matter is that we have not had a vote such as this—a constitutional amendment on term limits—for almost 50 years in this country. Were it not for the majority leader, we still would not have a vote on a constitutional amendment for term limits. He is very right when he says this is not the last vote on it. This is really the first vote in a succession of votes. This will be with us from now on. He is also right in pointing out that you could probably measure people's desire for term limits with different fervor, but you cannot deny the fact that 75 percent of the people now are in favor of it.

What we are here about today is giving the States an option of considering whether or not they want to pass a constitutional amendment. As we know, 22 States, on their own volition and for their own good reasons, have sought to limit themselves, even without other States acting. So there can be no doubt about what the sentiment of the American people is regarding this.

With regard to a couple of earlier comments by our colleagues in opposition to term limits, a statement has been made that we need the expertise that long experience brings to us and that, if you are going to have surgery performed, you would want a surgeon with some experience. I have no quarrel with either one of those propositions. Certainly, expertise and experience in any area, standing alone, in and of itself, is not a bad thing. In most cases, it is a good thing. But what we are suffering from, I respectfully submit, in this body is not a lack of expertise. We have all of the know-how, all of the brain power that any such institution would ever hope to have.

Madam President, I simply suggest that we do not have the willpower that is necessary. It has nothing to do with expertise and experience. It has to do with motivation. It is not because of a lack of expertise that we are bankrupting this Nation. It is not because of a lack of expertise that we have the situation that Senator SIMPSON described, wherein it was demonstrated that Social Security only has another set number of days before it is going to be bankrupt and Medicare is going to be bankrupt.

Senator Danforth's comments, as he left this body when he retired, were that we are doing something terrible to

the next generation. We are bankrupting them for the sake of our own reelection. That is at the root of the problem—the motivation of those who serve here, on out into the next century. It will take years for this to be ratified, and a person would have years to serve. It is not about the Members serving today, and it is not about the Members who served before in this body. Many, many good people have done so. It is about what will equip us best to meet the challenges that we are clearly not meeting now because we do not have the willpower, because we cannot resist the temptation to do those things which are necessary for perpetual reelection. Those things usually translate into one word, and that is “spending.” Spending. People descend upon us from all directions, from all walks of life, each wanting their programs funded, and you do not make friends and influence people by saying “no,” and you do not perpetuate a professional political career by saying “no.” Therein lies the root of the problem.

I might also say, if I went to a surgeon, I would ask what his survival ratio was. I think if people came to this body and asked what our success rate is and looked at the numbers and what we are doing to the next generation, our inability to even take the first step to balance the budget, and even if we got everything that we on this side of the aisle wanted, at the end of the 7 years we would still be looking at a \$6 trillion-plus deficit, even if we did not have a recession or a war, even if nothing really untoward happened. If we got everything we wanted—and we cannot even take the first step on that scenario, which would still put us in a hopeless situation because so much of the proposals are back-end loaded, which are simply hopes and desires that future Congresses will have the courage to do what we do not have the courage to do. We put the numbers down on the paper, saying that future Congresses, when we are long out of office, will do the right thing and, therefore, we balance the budget.

So we cannot even put this—to put it charitably—questionable approach into operation, much less go any further. That is what all this is about.

One of my colleagues mentioned the role of money. As I am sure he would agree, I have taken a very clear stance with regard to that in disagreement. But some of my colleagues on my own side of the aisle say—and I agree with them—that money plays a much too important part in our process. But money alone is not the process. The reason money is important is because money buys those television ads to tout how great we are and how lousy our opponent is. Money is what keeps us up here. It is the money and the desire for perpetual reelection that is getting us into the problem with the deficit and the debt and the ruination of the next generation.

So, if we have campaign finance reform without term limits, we will

never have such reform that totally takes the role of money out of politics. There is always going to be some money involved in politics. You can have all the reform that you want, and if the motivation is still there to use whatever the system would then give you to continue to perpetuate yourself, the situation would not really improve.

On the other hand, if you had term limits without campaign finance reform—and I assure you I am for both of them—as one example, in the U.S. Senate you could serve your second term, one full term of 6 years, without having to raise a dime. What would that be like?

One of the other Members implied that if we did not have the threat of voter sanctions, we would kind of steal and pillage and do all kinds of terrible things. I do not know what his feeling is with regard to a President who is term limited and has a lame duck 4-year term when he wins his second term. But I think it would be a very beneficial thing to have Members serving in the U.S. Senate under all of the scrutiny and all of the disclosure that you would always have, but not have to worry about raising one dime from one soul. That is what term limits would do, even if you did not have campaign finance reform.

Finally, Madam President, I, again, echo the leader's comments because he gets to the heart of the problem.

He, above all—and all the other Members who have served this body so well—would not imply in any way, or reflect in any way, on the service of those Members—valiant service over the years. We are talking about the future. We are talking about a system over here that has served us pretty well for a long period of time, but now it is not working anymore. We were balancing the budget up to 1969. But we are not anymore. The pressures are too great anymore with the growth of Government, the growth of programs, and the growth of spending.

What do we do? We do what the Founding Fathers envisioned. They could not have envisioned all the technological advances, pressures, all the interest groups and the way the political parties behave, but they could envision change of circumstances that would need an amendment to the Constitution.

So we are talking about the future and something that would not diminish Congress, something that would enhance Congress and enhance Congress in the eyes of the American people because we would once again be a part of them.

I thank the Chair.

Mr. KYL. Madam President, I rise in support of Senate Joint Resolution 21, a resolution proposing an amendment to the Constitution to limit congressional terms to two in the Senate and six in the House—12 years in each body.

Madam President, I want to begin my remarks by thanking the majority leader, Senator DOLE, for making good

on his promise to schedule Senate action on the term limit amendment this month. Without his support and his commitment to term limits, this initiative probably would never have seen the light of day.

It would have been easy to dodge a vote—as many opponents, no doubt, would like to have been able to do—since the House already voted down a term limit amendment last year. But Senator DOLE followed through on his commitment to ensure that there would be a full and fair debate and that we would have an opportunity to vote on the issue. The American people deserve to know where their Senators stand.

Madam President, term limits are no panacea. They will not guarantee the election of sensible and honest individuals to Congress. They will not put an end to the influence that special interests can sometimes wield on Capitol Hill. However, term limits will help.

They will help by ensuring regular turnover in Congress—guaranteeing that the people who make our laws have to live under the laws they have passed. It is too easy for legislators, who have been on Capitol Hill too long, to forget what it is like to struggle in the marketplace to survive—what it means to try to meet a payroll when the Federal Government is constantly imposing new mandates on a small business. New taxes, new regulations, more redtape. They forget what it is like for a family to try to make ends meet, when more and more is taken from their paychecks in taxes every week—higher gasoline and FICA taxes, for example.

Members of Congress have learned a lot in just the short time that the Congressional Accountability Act has been in place. The myriad of workplace laws and regulations had little meaning before last year because they never applied to Congress. When we finally had to live under the same laws and regulations as the rest of the country, the people's frustrations took on a whole new meaning.

It is that kind of connection with what people have to endure from their government on a daily basis that term limits will foster. Congressional service should not be a life-long career.

Term limits would also help to disperse some of the power that has become concentrated in the hands of a few very senior Members of both bodies. It would also help to ensure that all of us make decisions that are in accord with the views of the electorate.

Take the Federal budget, for example. The American people have been demanding less spending, lower taxes, and a balanced budget in more forceful terms every year. Newer Members of Congress tend to vote for less Federal spending than those who have served for a long time. In fact, a recent National Taxpayers Union [NTU] survey found a correlation between tenure in Congress and increased spending.

NTU found that the 88 freshmen members of the House who were elected

in 1994 voted for an average of \$26 billion less in spending than non-freshmen did. The 11 new Senators elected in 1994 supported an average of \$26.2 billion more in spending reduction than their senior colleagues.

That is not to say that all of the more senior Members voted for more Government spending. But as a group, newer Members more closely reflected the desires of their constituents for less spending and leaner Government. It is a trend that term limits would help to promote.

Madam President, 23 States, including my home State of Arizona, have attempted to impose term limits on their congressional delegations. But a year ago, the U.S. Supreme Court held that all State term-limit laws that apply to U.S. Senators and Congressmen are unconstitutional. The majority held that the Constitution fixes the qualifications for congressional service, and that neither Congress nor the States may supplement them. That is why we have a constitutional amendment before us today—because all other legislative avenues have been foreclosed.

More than 200 years ago, Thomas Jefferson wrote a friend suggesting ways that the newly drafted Constitution could be improved. Jefferson said three things were missing: a Bill of Rights, limits on the tenure of the Chief Executive, and term limits for Congress. Since then, we have seen Jefferson's first two ideas implemented; the resolution before us today embraces the last.

Madam President, I urge support for the term limits amendment.

Mr. GRASSLEY. Madam President, I rise today in support of term limits. By overwhelming margins, the American people support term limits for Members of Congress. In a democratic society, the people's elected officials have a responsibility to respond to what the people want. Of course, we in Washington have a duty to exercise leadership—but leadership means responding to the strongly held preferences of the American people.

Although there is a long history both at the State and Federal levels in limiting the service of executives, term limits for legislators have a short history. So, we are participating in a work in progress when we debate this amendment.

It may be that term limits enhance the power of lobbyists, as some say, or term limits may lessen the power of lobbyists. Term limits may weaken the legislative branch or they may strengthen it. Term limits may cause the loss of valuable experience or it may lead to passage of reform legislation. There's no way to tell at this point. But with fresh faces with new ideas in Congress, it seems to me that reform and common sense change are far more likely.

And of course, the Constitution was made to be amendable. Since 1791, we have amended the Constitution 17 times. Each of these amendments

brought about significant changes in the nature of American Government. Similarly, I believe that a term limits amendment will make needed and beneficial changes.

Prior to the Supreme Court's *Thorn-ton* decision last year, I intended to introduce a statute to set term limits. That option is no longer possible. We are in a situation where the Supreme Court has unequivocally spoken—the Constitution as currently written does not give Congress or the States the power to impose term limits by statute. So, this is not a willy-nilly amendment we are debating. This amendment is the only way to have term limits.

If we do not vote to pass this amendment, the States won't even have the chance to pass term limits. They won't even be able to consider the idea of term limits. This is an important debate, and I think that Congress should not stand in the way. Voting to pass this amendment doesn't create term limits. It just lets the debate go forward. Let's pass this amendment. The American people want it. They deserve it, and it would do much good.

Mr. DODD. Madam President, I rise today in strong opposition to this constitutional amendment.

I understand that much of what is driving today's debate is the belief among the American people that Congress is out of touch with their needs and their concerns. And to some extent their frustration is genuine and justified.

We spend too much of our time engaging in partisan political games and not enough time working together in a bipartisan manner to craft legislation that benefits all Americans.

There are many things we could do to reform Congress and make this body work more effectively. Term limits is not one of them.

If we truly want to renew the American people's faith in democracy and return their voices to our debates in Washington then we need to remove the corrosive influences of money on our campaign system.

I believe that all the goals proponents of term limits hope to achieve through this amendment, would be realized if we simply passed genuine and comprehensive campaign finance reform.

For example, public service is more and more restricted to those Americans who have the deep pockets necessary to run for Congress. And term limits would not change that.

Even if we passed this amendment, candidates would still be forced to raise millions of dollars in order to win election. And the aspirations of public service would continue to remain unachievable for the vast majority of the American people.

In order to change the way Washington operates and level the campaign playing field, we need to remove the pervasive, almost epidemic, role of money in our political system.

That is why I have long supported steps to reform our campaign system. And it's the reason I've sponsored the McCain-Feingold campaign finance reform bill.

We need to change our campaign system and allow access to public service for the American people. But, term limits is simply not the solution.

We have term limits in this country. They're called elections. And they are already enshrined in our Constitution. Look it up, article 1, section 2; article 2, section 4; and of course the 17th amendment, which dictated the manner by which we as Senators would be chosen.

These provisions of the Constitution describe the specific process of how our elected officials are chosen. And nowhere in the Constitution is there any mention of term limits, or the amount of time a Senator or Congressman must serve.

Over the past few days, I've listened to my colleagues invoke the name of the Founding Fathers in justifying their support for this amendment.

Well, I would remind them to go back to their history books, to the Constitutional Convention of 1787, which debated the issue of term limits and see what James Madison, the father of our Constitution said about this issue:

Frequent elections; that's the answer, that a voter should be able to decide whether he wants somebody new or whether he wants somebody with experience.

Or look to the words of Robert Livingston, who said:

The people are the best judges who ought to represent them. To dictate and control them, to tell them whom they shall not elect is to abridge their natural rights. \* \* \* This is an absolute abridgement of the people's rights.

A years and a half ago the American people made an overwhelming decision on who would represent them. Although I can't say that I agreed with their choice and while I would have preferred that they had selected different leaders, their ballot was a reflection of our freedoms and rights as a people and a nation to choose our leaders.

And in the past few years the American people have loudly made their voices heard. In fact, more than 50 percent of the current Members of the House of Representatives were elected in the past 6 years alone.

And, in January 1997, there will be at least 38 new Senators, elected since 1992.

That represents an enormous infusion of new people and new ideas to this Congress. And, all this change came about without term limits and without a Constitutional amendment telling voters from whom they could or could not choose to represent them.

But even with these historic changes, proponents of this amendment would still have us believe that we need term limits in order provide greater choices for the American people.

Instead, term limits would limit the alternatives of the American people,

because they would be precluded from voting for an incumbent. Abrogating the right of the American people to freely choose their leaders subverts the democratic principles and full rights of franchise that are every American's birthright.

Over the past few days, I've listened to the debate here in the Senate. And over and over I've heard the recurring notion that America needs term limits in order to prevent lawmakers from being contaminated by special interests and institutional corruption.

I've served in the Senate for 16 years and my belief in the dignity of public service has not dissipated. And when I look around this body at my fellow Senators I see other dedicated public servants.

I see men and women who withstand personal attacks on their character; I see men and women who give up both their privacy and a stable family life; I see men and women who labor tirelessly in these halls for one reason and one reason only—because they want to make America a better country.

Now, we may not agree on every issue. In fact, some of us may not agree on any issues. But whatever our personal beliefs, our goals and our reasons for being here are the same—to uphold our duty to our constituents, the Constitution and most important the American people.

And what about all those who came before us? The great leaders from both sides of the political aisle who have served in this austere body: Henry Clay, Daniel Webster, Everett Dirksen, Lyndon Johnson, Richard Russell, Sam Ervin and today ROBERT BYRD and BOB DOLE, to name a few.

Were they corrupted by their tenure in the United States Senate? Or was their experience integral in helping them pass legislation that made this nation a better place to live? I for one think it is the latter.

But, if we passed this amendment the hard-earned experience of lawmakers would be supplanted by a dramatic increase in the reliance on permanent staff, lobbyists and special interests.

Instead of ending careerism in Congress, we would create a permanent and unelected staff bureaucracy that would run the Federal Government.

They would have no responsibility to the American people because unlike the so-called career politicians they wouldn't be held accountable for their actions.

They wouldn't have to go to the town meetings, political rallies, Chamber of Commerce banquets and the other events that politicians in this body regularly attend to keep themselves in touch and culpable to their constituents.

What's more, small States like my home State of Connecticut would be irreparably weakened. Through the seniority system, elected officials from small States can make sure that their voices are heard when important policy decisions are being made.

But, if we enact term limits small States would be shut out by larger States with greater representation in Congress.

Consider that just nine States can command a voting majority in the House of Representatives.

Those nine States, through their voting power, could assure that the vast majority of Federal spending be concentrated in their locales at the expenses of forty-one other States, with fewer representation and less clout.

I know that this amendment is popular among the American people.

But, the popular way isn't always the right way.

As Senators, we must always be cognizant and accountable to the will of our constituents. But, at the same time we are sworn to uphold the Constitution. And we owe the American people the wisdom of our best judgment in maintaining that solemn duty.

Adlai Stevenson once said that "My definition of a free society is a society where it is safe to be unpopular." And I think we all need to be reminded of those words when any one of us holds a view that runs contrary to the popular opinion of the American people.

Today, I will cast a vote against the popular will of the American people not because I reject their beliefs, but because I must cast my ballot for what I think is best for the country.

I hope my colleagues join me in upholding our Constitutional oath and rejecting this amendment.

Mr. SMITH. Madam President, I rise in support of Senate Joint Resolution 21, which proposes a constitutional amendment to limit congressional terms.

Mr. President, I strongly support term limits for both U.S. Senators and Representatives. The American people want term limits because they recognize that service in Congress should not be a lifetime career, but rather a temporary stewardship. Term limits will bring fresh blood and new ideas into the Congress and dilute the power of the seniority system.

Last year's U.S. Supreme Court decision on term limits made clear that the goal of limiting congressional terms cannot be accomplished except by means of a constitutional amendment. This is consistent, of course, with the manner in which Presidential term limits were established more than four decades ago.

Madam President, I am proud to be an original cosponsor of Senate Joint Resolution 21, which, in its original form, would have amended the Constitution to limit service in the Senate to two terms of 6 years each and service in the House to three terms of 2 years each.

As we wait what I believe is the inevitable addition of a term limits amendment to the Constitution, it is important to keep in mind that term limits are already happening in different ways. Voters already can and do impose term limits in the voting booths.

Moreover, voluntary retirements continue at a record pace. Already in 1996, a record 13 Senators have announced their retirements.

It is also important, Madam President, to keep in mind that term limits are not a panacea. But they are a start—a start toward a Congress that is even more representative and responsive to "We the People."

Mr. LEVIN. Madam President, I will vote against ending debate on the constitutional amendment to limit congressional terms. Term limits is a serious matter which deserves serious debate. Amending the Constitution of the United States is always a serious matter and should not be done without adequate deliberation. The majority leader filed a cloture petition immediately upon calling the term limits amendment up for debate even though there has been no effort to filibuster this issue. Invoking cloture at this stage would have the affect of cutting off debate.

The Senate should have a full and open debate on this matter, and fully consider amendments which have been offered and other amendments which Senators wish to propose. For example, there is no amendment before the Senate which conforms to the language contained in the Michigan Constitution which calls for a limit on Representatives of three terms in any 12-year period, and a limit on Senators of two terms in any 24-year period. That amendment would not be allowed, for instance, if cloture is invoked. Ending the debate now would also preclude other amendments from being offered, including an amendment which would count the terms of office already served by those presently in office.

Madam President, I will oppose cloture which would prematurely cut off that debate and make it impossible to offer relevant modifications to the constitutional amendment on the ground that they are not technically germane. If there is a filibuster on this amendment, I will then vote to cut off debate so that we can vote on the constitutional amendment. In the absence of a filibuster, stopping debate will unfairly restrict consideration of possible modifications and a fair consideration of the amendment itself.

Mr. MACK. Madam President, I rise today to express my strong support for a constitutional amendment to limit congressional terms. I commend the Senators from Tennessee and Missouri for their tireless efforts on behalf of this measure and I also commend the majority leader for allowing us the opportunity to vote on this amendment. This is a truly historic debate and one that the American people would do well to note and remember.

The amendment before the Senate today is very simple. It would limit future Senators and House Members to two and six terms respectively and it further outlines the procedure for Members who assume office in mid-term.



This measure's simplicity, Mr. President, is only matched by its popularity in the country and its exceeding difficulty to pass. The American people have consistently indicated their overwhelming support for term limits. This support remains solid regardless of who controls the Congress or how much the issue is debated. I remain amazed that the people's representatives continually refuse to do their bidding on this issue.

This is not the first time the Senate has considered this measure, nor will it likely be the last. The first proposal to limit congressional terms was offered in 1789. In the modern era, hearings on term limits were held in 1945, and the only straightforward Senate vote on a term limits amendment in history occurred in 1947.

It is interesting to note, Mr. President, that Republicans controlled the Senate at that time as well. At no time since have the Democrats attempted to constructively deal with the term limits issue. It is only because of the Republican majority that we stand here today. We made the commitment to the American people in the last election to bring this measure to the floor and we are keeping our word.

In the past year, we have seen several measures come and go on this floor that—in one way or another—have attempted to curb Senators' and Representatives' appetites for continual public service. All failed.

Due to the utter lack of Democratic support for the concept of term limits, it appears that the measure before us today will fail as well. This is one more battle, however, in a larger—and longer—fight. In the end, I remain confident that a meaningful, binding term limits amendment will be passed by Congress and ratified by the necessary number of States.

Mr. President, we live in a democracy that thrives on the free exchange of innovative ideas. These ideas are the lifeblood of our progress and it is critical to bring them into the political process and into the public arena. Term limits will ensure that the people's representatives continually bring fresh, new perspectives to public service and create a more responsible and respected government.

We suffer not from a dearth of new ideas in America, Mr. President; we are lacking only in the opportunity to express them in public service. The amendment before us today will change that, and I again offer it my unqualified support.

Mr. CONRAD. Madam President, today, the Senate considers a constitutional amendment regarding term limits for Members of Congress. The debate over the term limits constitutional amendment has shown that both sides of this issue are passionate about the importance of congressional service. The proponents of the term limits amendment argue that it is time to change our Constitution to address the length of congressional service. The op-

ponents of the term limits amendment respond that not only is a term limits constitutional amendment unnecessary, it threatens the foundation of our system of government and principles of democracy. I cast my vote against the term limits constitutional amendment.

My service in the Senate began as a result of an election held in North Dakota in the fall of 1986. I won election to the U.S. Senate by defeating an incumbent who served North Dakota for 6 years in the Senate and 17 years in the House. Because of this election, I can appreciate arguments about the power of incumbency. However, most importantly, I appreciate the power of the voters. Voters have the power to vote for the candidate they feel best fits the elective office, whether the person is an incumbent or a challenger. It concerns me that a term limits constitutional amendment would limit the voters' choice to only those persons who are not disqualified because of this amendment.

It is my view that in a democracy, voters should be able to choose whomever they want to represent them. We should not deny voters the opportunity to vote for someone they believe best represents their interests simply because that person has been in the office for 12 years. According to the Congressional Research Service, at the beginning of the 104th Congress, the average length of service of a Member of the House of Representatives was 7.75 years, while the average length of service of a Member of the Senate was 10.2 years. So despite the lack of a constitutional term limits amendment of 12 years, the voters have successfully managed their own system of term limits, commonly known as the elective system.

Term limitations might be more detrimental than beneficial. It takes time to develop real expertise and experience on the wide variety of issues that come before Congress. Term limitations could result in the loss of this experience. In a sense, the voters already have the power of term limits in their hands: they can vote their elected representatives out of office at any election, from their local sheriff to their U.S. Senator. Additionally, the loss of the seniority system would prevent small States such as North Dakota from getting and keeping clout in Congress. Large State delegations would dominate the leadership and become even more powerful, and small States would be hurt as a result. California has 54 seats in Congress; New York has 33; Texas has 32; Florida has 25; and Pennsylvania has 23. North Dakota has only three.

Rather than impose arbitrary term limits, I believe we should focus our attention on campaign finance reform to allow a larger number of people to enter congressional races. I supported campaign reform in past legislative sessions, and I will continue to support campaign reform in the 104th Congress.

Mr. MCCONNELL. Mr. President, congressional term limits are the most

toxic of the seemingly magical elixirs called reform. Alluring in their simplicity. Enticing in their popularity. Term limits are the blunt ax of political reforms.

Conveniently, the term limits would not kick in until most current Senators, under recent rates of attrition, were long gone from this Chamber. Prospective term limits such as are before us today have a buy now, pay later appeal as nearly two decades would elapse between their passage, ratification, and the moment at which they began to clear the decks in Washington.

If term limits are the medicine for what ails the Nation, it is ludicrous to wait so long for their curative powers. Retroactive limits would be in order.

Dissenting from the majority in my party is not something I relish. While I have often observed, with some irritation, that in the eyes of the media it seems the only thoughtful Republican is a dissenting Republican, it is not a role I seek. My colleagues, with whom I disagree on this issue, arrived at their positions for a host of reasons. It is not my place or privilege, nor would I presume, to cast aspersions on motives. But I must disagree as strongly and forcefully as decorum, and facility with the English language, will allow.

Never more than in this instance, am I conscious of Edmund Burke's eloquent assertion that: "Your representative owes you, not his industry only, but his judgment; and he betrays instead of serving you if he sacrifices it to your opinion." All of us exercise this wisdom, though rarely all in the same way, at the same time or on the same issue. Sometimes our judgment and popular opinion converge. Sometimes not. And we answer to the voters, in any event. On this issue, the polls and my judgment are at variance.

Mr. President, in a bit of an aside but touching on the climate of cynicism in which term limit polls are conducted, I would like to draw attention to an article David Shaw wrote in the Los Angeles Times on April 17 entitled "A Negative Spin on the News." The subtitle is: "Many journalists are worried that cynicism is poisoning their profession. Displaying such an attitude may erode respect for their craft and also harm confidence in public institutions." A telling passage from the article:

The most scathing—and most widely publicized—indictment of the news media by the news media has come from James Fallows, Washington editor of the Atlantic Monthly, in his book "Breaking the News."

"Step by step," he writes, "mainstream journalism has fallen into the habit of portraying public life in America as a race to the bottom, in which one group of conniving, insincere politicians ceaselessly tries to outmaneuver another."

The journalistic implication—and often it's more than an implication—that all politicians are liars and hypocrites who invariably act out of self-interest and self-aggrandizement rather than out of a commitment to the public good, has created a self-fulfilling phenomenon.



As Fallows puts it: "By choosing to present public life as a contest between scheming political leaders, all of whom the public should view with suspicion, the news media brings about that very result."

Mr. President, political reform debates, especially term limits and campaign finance, should carry an advisory—"Warning: profoundly disturbing to impressionable Americans who thought democracy was a good thing." Term limits and campaign finance reform proponents wrongly assume democracy as we have known it for 200 years, has failed. They may characterize their proposals as fine-tuning democracy but I and others see it as far more serious than that. Quite simply, we have gone with such proposals from Let Freedom Ring to Rein Freedom In—in the name of reform.

For the past few years, there has been a furious race to embrace the disaffected, disgusted and dissatisfied. Thoroughly probed by prolific pollsters, the prognosis is in: people hate politicians, so go with it. Pander or perish. This destructive phenomenon is not the exclusive province of any party. The essential point is that having for so long been a convenient receptacle for hateful bile from within and out, it should surprise no one that all who serve in Congress are sullied. We are reaping what we have sown, with ample assistance from a cynical media.

Having examined the climate of cynicism which breeds demand for term limits, I turn now to the merits of the proposal before us. What term limits would do is restrict the freedom of voters to elect whomever they please. Like them or not, term limits undeniably, fundamentally restrict freedom. A Senator in the 21st century may be Daniel Webster reincarnate, but under two terms-and-out limits, merit, performance and voter sentiment matter not after the first term.

Under term limits, merit, performance and voter sentiment hold no sway in the second term except to the extent Members are guided by their own morals and sense of place in history. That is sufficient restraint for most Members now, and probably even in a term limited future. But this lack of accountability under term limits should greatly trouble people who believe that power breeds corruption.

The dominant theme of the term limit movement is populist—that term limits will wrest the system away from the career politicians and return power to the people. Yet one of the most prominent term limit advocates, conservative columnist George Will, supports term limits because they would establish a constitutional distance between people and politicians. Just this last Sunday, in the Washington Post, Will wrote that "... term limits would make Congress less subservient to public opinion. . ."

There is a news flash: the revolutionary motive behind term limits is to insulate Congress from popular accountability at the ballot box. Remove all

concerns about reelection, the theory goes, and Congress will do the right thing. The presumption is that the right thing must be contrary to the will of the people. This confirms how anti-populist and undemocratic term limits really are.

That is why last year I introduced a bill to repeal the 22d amendment limiting Presidents to two terms. In 1947, with great haste a Republican majority—fresh from political exile—rammed through the 22d amendment imposing presidential term limits. Fifty years ago, the zeal was in response to the unprecedented tenure of President Franklin Delano Roosevelt. Not one Republican in the House or Senate voted against that proposal. Ironically, the only Presidents since limited by it have been Dwight D. Eisenhower and Ronald Reagan.

We were very fortunate that those two-term Presidents were such honorable men. But we should consider a bleak alternative. The prospect of a second term of a scoundrel, unconcerned with reelection to a third term, is very disturbing. With the prospect of another election, even the most scurrilous are more likely to at least pretend to be thoughtful, honest, and responsive to the concerns of voters. In my view, the 22d amendment was a mistake that should be repealed, not compounded with congressional limits.

Alexander Hamilton was succinct in Federalist Paper No. 72—which presented the case against Presidential term limits:

There is an excess of refinement in the idea of disabling the people to continue in office men who had entitled themselves, in their opinion, to approbation and confidence, the advantages of which are at best speculative and equivocal, and are overbalanced by disadvantages far more certain and decisive.

Term limits make elected representatives less accountable to voters and public service less appealing to middle class citizens. Thus, would term limits engender a new elitism and create ethical quagmires. People of moderate means, with family responsibilities and promising private careers, would pass on a congressional career certain to be cut short. Only the rich could afford such a brief dilettante fling with politics. And on the other hand, those who did interrupt private pursuits for a term-limited stint in Congress would feel pressed to keep an eye on post-congressional employment—a conflict rife with ethical potholes and considered by Alexander Hamilton two centuries ago when he observed that the prospect of reelection would promote better representation than would term limits. Hamilton said, "when a man knows he must quit his station, let his merit be what it may, he will turn his attention chiefly to his own emolument."

Term limits would transform Congress into an exclusive haven for the independently wealthy, the comfortably retired, and those who see public service as nothing more than a profitable resume-builder.

I put this forth in jest, but if the goal is to make Congress older and richer, we should just raise the minimum age requirements set in the Constitution. Two hundred years ago, when the limits were set at 25 for the House and 30 for the Senate, the average life expectancy was 34. Perhaps age requirements should be doubled—just as life expectancy has—and made retroactive. An argument could be made that the problem is not that members serve too long but that they arrive too young.

Congressional term limits would make Government overall less accountable by vesting far more power in unelected and un-term limited staff, bureaucrats, the judiciary and lobbyists, rather than in the people's elected representatives. This is self-evident and surely is not a desirable effect in the minds of most Americans. As a former staffer I do not say this to denigrate staff, but it has been my experience that courage is not a staff-driven quality. Staff—in their desire to serve and protect their boss—is far more likely to opt to trim the political sails, so to speak. This is conjecture on my part but certainly warrants serious consideration when increasing staff influence is contemplated.

As a Senator from Kentucky, I am very concerned about the power shift from small and medium-sized States to more populous States, resulting from the diminution of seniority under term limits. Since the power of small States is greatly amplified by the Senate's seniority system, they stand to lose the most when the sheer size of a State's House delegation becomes the principal congressional power gauge. David Broder explored this side effect in the Washington Post (12/6/95):

Large-state delegations are not nearly as subject to the caprice of resignation or political defeat. Their leverage lies in their numbers, and they would not be nearly as disadvantaged should term limits be imposed someday. Indeed, there is good reason to speculate that, in the constant bargaining for leadership positions that would probably take place in a term-limited Congress, the mega states like California and Texas would use their numbers to grab off the best spots for themselves and install their allies in the rest.

You can make a selfish argument for term limits if you come from one of the mega states. But there is every reason for small- and medium-sized states to oppose that change in the Constitution.

Mr. President, term limits are premised on an illusion of rampant careerism. The fact is, voters already are limiting tenure—selectively. And many members have bowed out voluntarily. Over half of the House of Representatives arrived since 1990 and over half of the Senate was elected since 1984. The right to vote is the right to limit tenure. Much ado is made over the high reelection rates of those incumbents who choose to run for reelection. However, this ignores the self-selection element inherent in those rates. Some members—it can only be speculated which ones—choose to retire rather than risk defeat. Particularly, those wounded by

scandal. Moreover, incumbents—but for the few who were first appointed to office—were first elected as challengers or in open seats. It stands to reason that the qualities which made them admirable in their first election would often propel them to victory in subsequent elections.

And what of competition, post-term limits? It is persuasively argued that competition would actually decrease because able candidates would bide their time until a seat opened up rather than risk an uphill fight against an incumbent. This is a phenomenon we see on occasion in the current system. I expect the frequency would increase dramatically under term limits.

People should not be denied the right to vote for someone simply because of an arbitrary term limit. As Robert Livingston noted two centuries ago: "The people are the best judges who ought to represent them. To dictate and control them, to tell them whom they shall not elect, is to abridge their natural rights."

Yet at its root, term limits conclude that people are capable of only limited self-governance. I wonder, do people in these polls that are cited fault themselves in their support of term limits or are they passing judgment on the irresponsibility of other electorates, in states and districts other than their own? It has been argued by term limit proponents that voters' inability to vote against candidates in other states and districts cries out for arbitrary term limits. Evidently, voters in other states and districts are not trustworthy. Take that premise and run with it.

Perhaps Americans should be able to vote in every election everywhere because lawmakers at all levels of Government can increasingly affect people outside the scope of their own electorate. That is a reform that surely, and correctly, would be rejected. In any event, citizens in one State can affect election outcomes in another by participating in politics through campaign contributions. That is a laudable, legal and constitutional manner in which to hold accountable lawmakers one cannot legally vote against.

In hindsight, among the most interesting observations made by term limit supporters two hundred years ago was that they were necessary because the Federal City would be an Eden from which Members and their families could not bear to part.

The reality hardly needs elaborating. At best, Washington, DC—with its crime, potholes, filth, and corruption—has become a sort of purgatory from which most of us can hardly wait to flee and go home to our States.

Where is the logic in the absurd notion that Government is the only arena in which experience is a bad thing? Experience is desirable in every other venue—professional and otherwise—that I am aware of. Experience certainly did not impair Henry Clay, John Sherman Cooper, Howard Baker, Ever-

ett Dirksen, Sam Rayburn, Arthur Vandenburg, and Sam Ervin's commitment to serve the national interest. To name just a few.

There are many in this Senate today who have served far more than two terms whose service has been nothing short of heroic. Experience has made them better and braver. It steels them against many shortsighted proposals. But I will not name names because in this environment to highlight a Member's lengthy service on national television could be construed as a rule 19 transgression. In a term limited future, we would see fewer of their caliber.

God willing, the Senate will never again be confronted with a war resolution. But if it is in, say, another generation, I hope there are some Members who experienced the Persian Gulf war debate. And who had to cast that vote. It was a debate which itself benefited from the presence of Members who served in the Vietnam-era Senate.

Senators, no matter how bright, educated, eager, or accomplished, do not know anywhere near all they need to when they arrive here. Parliamentary procedure is mastered with experience. Defense, commerce, finance, environment, energy, and agriculture issues take time to learn. Does any non-incumbent candidate even know upon which committees they will serve?

Term limits, however well-intentioned, are terribly dangerous. We would do the American people no favor in passing this constitutional amendment and would cause great harm in the future. Constitutional amendments such as this one are forever. Only one—the 18th instituting prohibition—has ever been repealed. And we cannot presume to ever be missed so much as Americans missed their bourbon.

Mr. FEINGOLD. Madam President, I want to begin by commending the Senator from Tennessee, the Senator from Missouri, and others, who I believe are sincere in their belief on the need for fundamental reforms in Congress.

I disagree with their approach on this issue, but it would be nearly impossible to dispute that the American people expect the Congress to pass meaningful reforms of this institution and they are expecting those reforms soon.

Madam President, it is a troubling reality that more and more Americans are finding it difficult to trust their Government and their elected officials. Trusting your Government and having faith in your elected leaders is perhaps the most fundamental tenet of American democracy.

Unfortunately, this trust and faith has been shattered by a culture of special interest influence that has convinced the American people that their elected representatives are no longer working in the people's interest, but rather for their own and special interests.

But the proposed solution to changing those negative perceptions that we are debating today would, I believe, represent a profound retreat from the

principle of representative government itself.

Moreover, what we are debating is yet another proposed fundamental change to the U.S. Constitution. Consider that already in the 104th Congress we have debated and voted on a constitutional amendment to balance the budget and a constitutional amendment to prohibit individuals from dishonoring the American flag.

It should be pointed out that in the entire 209-year history of our Nation that, excluding the Bill of Rights, we have amended the Constitution just 17 times. Just 17 times Mr. President, in over 200 years.

And yet in the 104th Congress alone, almost 140 constitutional amendments have been introduced, from issues ranging from the balanced budget, to tax increases, to flag burning, to school prayer, to the abortion issue and so on.

Madam President, I do not believe that we should seek to solve every social ill in our country by making radical alterations to a document that was so carefully crafted 200 years ago and that has provided remarkable guidance to our Nation for so long. We must find alternative solutions.

It has, in fact, been well established that the Framers of the Constitution did not believe congressional term limits would be beneficial to the new nation.

Let me quote James Madison, the architect of the Constitution, in Federalist Paper No. 53. He wrote the following about his vision of a Congress:

A few of the members, as happens in all such assemblies, will possess superior talents; will, by frequent re-elections, become members of long standing; will be thoroughly masters of public business. . . . The greater the proportion of new members and the less the information of the bulk of the members, the more apt they will be to fall into the snares that may be laid for them.

It is this point of Madison's that I would like to underscore and that I believe illustrates why it is so important to have a mix of individuals—some experienced and seasoned, others newly elected—serving in the U.S. Senate. Moreover, it is important for us to consider how the history of the U.S. Senate and this Nation might have been different had term limitations been in effect for the past 200 years.

We have had some truly outstanding individuals serve in the U.S. Senate. Republican or Democratic, Conservative, or Liberal, these individuals, whether you agreed with them or not, were defined not only by their tremendous legislative accomplishments but also by their character and the principles they often stood and fought for.

Had we had term limits, a great number of these individuals would have been needlessly forced out of office.

I am sure that all of my colleagues at one time or another have spent time in the Senate reception room, just outside this Chamber, and noticed the magnificent portraits hanging in that room.

In 1955, the U.S. Senate established a commission headed by Senator John F.

Kennedy, charging that commission with the responsibility of designating the five greatest U.S. Senators in our Nation's history.

After substantial input from other Senators and the academic community, the commission chose Henry Clay, Daniel Webster, John C. Calhoun, Robert M. LaFollette, Sr., and Robert A. Taft, Sr. Portraits of these five Senators are hanging today in the Senate reception room.

Clearly, the great legislative and oratory skills exercised by these great figures can be directly attributed to their extended years of service in the U.S. Senate. Interestingly, not a single one of these five greatest Senators served in the Senate for less than 12 years. Taft was the novice, having served only 14 years. Calhoun served 19 years, LaFollette served 22 years and Clay and Webster each served 24 years.

And these five Senators are certainly not alone. The history books are full of names such as Humphrey, Dirksen, Goldwater, Hart, and so on.

I believe that having experienced Senators in this body is not only healthy for our democracy, but critical to our ability to responsibly carry out the constitutional duties of the legislative branch of Government.

Madam President, as a relatively new Member to this body, it has been personally beneficial and an honor to serve with some of the more senior Members, such as the senior Senator from West Virginia, whose mere presence reminds us all of the importance of maintaining a sense of respect and civility and the need to pay deference to this institution and the traditions associated with it that have enduring value.

And think about so many effective and honorable Members of the current U.S. Senate whose services would be lost if a term limits law was in effect.

In all, 44 current Members of this body—almost half—would not have the ability to continue as U.S. Senators because they have been here for more than 12 years.

Mr. President, judging an elected official's commitment, their dedication and their competence by an arbitrary time limit is senseless. Term limits supporters seem to suggest that representing the people is the one profession in America in which having experience makes you underqualified for the job.

We must remember that what term limits supporters are asking us to do is to take away the cornerstone of a representative democracy—the right to vote for the candidate of your choice. More than anything else, the freedoms associated with the right to vote are what make Americans the envy of the modern world. We should not take that right away from the American people.

We have heard a lot of talk, Mr. President, during this Congress about the importance of devolution, and returning control over local matters to State and local governments. The ma-

jority leader wants to "dust off the 10th amendment" and we have been told time after time that the Federal Government should stay out of State and local decisionmaking.

Well, Mr. President, the legislation before us today makes a mockery out of that principle. The legislation before us provides that the Federal Government will automatically disqualify certain individuals from representing their States and local communities.

I believe, and the Framers clearly believed, that neither residents of other States nor elected representatives of other States have the right to tell the people of Wisconsin who they can and cannot vote for, other than the qualifications that are enumerated in the Constitution.

And that is what term limits is all about—telling the American people that they are prohibited from voting for a particular representative because that individual has bumped up against some arbitrary deadline.

Supporters of term limits argue that if elected officials know that they are only serving for a set amount of time and do not have to be concerned with frequent campaigning, these representatives will be more apt to work in the public's interest, and not their own.

Quite frankly, I find this hard to believe. Numerous historical documents demonstrate that the Framers included the concept of frequent elections to the Congress to make representatives directly accountable to those they represent.

The rationale was, if a legislator did his job, and adequately represented his constituents and advanced what was in their collective best interests, that representative would be rewarded by reelection. If the legislator was irresponsible, did not perform or fulfill his duties, the voters would exercise their right to replace that particular representative. The ballot box, as it was intended to be by the Framers, is essentially a job performance review for Members of Congress.

But term limits would nullify this check, taking these sort of decisions out of the hands of the voters.

Moreover, if a Senator is in their final term, knowing they cannot be re-elected, it would seem to me that they would be less likely to represent the best interests of their constituents and more likely to represent their own self-interests.

After all, they can no longer serve in Congress, they will have to seek future outside employment—maybe with a Washington DC, special interest group or lobbying firm. The argument that term limits would make elected officials more responsible legislators was raised over 200 years ago at the New York ratification convention, to which Alexander Hamilton replied, "When a man knows he must quit his station, let his merit be what it may, he will turn his attention chiefly to his own emolument."

Supporters would have us believe that our current system would be sup-

planted with a class of citizen-legislators, who are less concerned about a career of politics and more concerned about being a truly deliberative body than they are with responding to the whims of the electorate.

This line of reasoning sounds like an attempt to reinvent the wheel. First of all, the Congress of the United States is already comprised of a diverse groups of individuals with unique backgrounds in a variety of fields, including education, law, business, journalism, medicine, and yes, politics. Virtually every one of us held jobs in the private sector before we ran for public office, and we will all eventually return to the private sector either when we decide to retire or when our employers, the voters, believe we have overstayed our welcome.

I would like to briefly respond to those who suggest that seeking a career in public service is somehow an inherent character flaw. First, let me say that the list of "professional politicians" begins with names such as Madison and Jefferson, and ends with figures such as Roosevelt and Kennedy. We should remember that these individuals were truly public servants, and gave little thought to what Alexander Hamilton referred to as "personal emolument."

They inspired many of us to enter into public service because we too thought it was a noble and honorable thing to do.

Madam President, as I said from the outset, I agree with many of the assumptions and concerns that term limits supporters put forth in their arguments.

The election scales today are unquestionably weighted unevenly toward incumbents, and challengers do not have an adequate opportunity to unseat sitting Members of Congress.

One very viable alternative to term limits that does not require amending the Constitution—and what I believe represents one of the most important issues facing us today—is the opportunity to reform our campaign finance laws. I am convinced that fundamental campaign finance reform would cure the ills of incumbency that have been derided by term limits supporters and what have unquestionably contributed to the deterioration of fair and competitive congressional elections.

That is why I have joined others, including some very noted term limits supporters such as the senior Senator from Arizona, Senator MCCAIN, the Senator from Tennessee, Senator THOMPSON, and others in offering the first bipartisan and bicameral campaign finance reform bill in nearly a decade.

This bill has an enormously broad range of bipartisan support. Fifty-six Members of the 104th Congress, including 25 Republicans and 31 Democrats, have signed on to the House and Senate bills. The President supports it. The Ross Perot organization supports it. Common Cause, Public Citizen and

newspaper editorials from around the country have endorsed the McCain-Feingold-Thompson legislation.

And while only 45 Senators voted earlier this year for a sense of the Senate that we should consider term limits legislation, 57 Senators voted for the resolution I offered last year stating that we should consider campaign finance reform legislation prior to the conclusion of the 104th Congress.

This body recently demonstrated on the issue of health reform that Senators from the two parties can set aside their partisan and ideological differences, compromise when necessary and produce a meaningful piece of legislation that will help a great number of people.

Campaign finance reform is no different, and I am convinced that there are enough Senators who care about this issue, including many of the supporters of term limits, who can come together and pass a meaningful and comprehensive reform bill.

Term limits are no doubt a popular idea, but so is comprehensive campaign finance reform. And if we can solve a problem that all parties seem to agree exists—that is, the unfair advantages held by incumbents—by means other than a constitutional amendment, we should aggressively pursue that avenue before considering such a fundamental change to our Constitution.

In a society that considers the right to vote its national treasure and most sacred natural resource, term limits may be the ultimate form of an intrusive and overreaching Federal Government. I urge my colleague to reject this latest proposed change to our Constitution.

Mr. KEMPTHORNE. Mr. President, I rise today in support of Senate Joint Resolution 21 proposing a constitutional amendment to limit the terms for Members of Congress to two terms in the Senate and six terms in the House of Representatives.

This Congress has passed some critical pieces of legislation, many of which effectively limit the role of the Federal Government in the everyday lives of citizens and shift power back to the States. Members on both sides of the aisle worked together in a bipartisan manner to enact legislation such as the Congressional Accountability Act, the Unfunded Mandate Reform Act, and even the Line-Item Veto Act, all which improve the responsiveness of Congress to the people. In this same vein of limited government, accountability, and States rights I strongly support passage of Senate Joint Resolution 21 before us today.

Term limit legislation is an important issue to the voters of Idaho. Since 1990, 23 States, including Idaho, have clearly voiced their support for limiting congressional terms. In 1994, Idahoans overwhelmingly approved a ballot measure supporting term limits. However, on May 22, 1995, the U.S. Supreme Court, in *U.S. Term Limits versus Thornton* ruled that State-imposed term

limits are unconstitutional. With the Supreme Court decision against State-imposed term limits, the only avenue left to implement the will of the people is through passage of a constitutional amendment.

Our Founding Fathers envisioned a citizen legislature where Members would do their civic duty and then return home. Individuals from all walks of life could bring new ideas and special talents to this body. The natural rotation in office was what was expected by the public and demonstrated by the public servants. But over the years, this practice has changed.

The Framers of our Constitution pictured private citizens—not career politicians—who took time to serve their country. A rotation of service in Congress allows for new people to participate in the legislative process. As Thomas Jefferson stated about tenure for congressional Members, he said, “(m)y reason for fixing them for a term of years, rather than life, was that they might have an idea that they were at a certain period to return into the mass of the people and become the governed instead of the governors \* \* \*.”

Far too many Members stay in our Nation's Capital too long, losing touch with their constituency. The time is here for Congress to pass legislation to constitutionally limit the tenure of Members of Congress. I believe we should let the States have the opportunity to ratify a constitutional amendment to limit the terms of Members of Congress.

As we discuss term limitations, we are not without precedent for Federal term limitations. We are a co-equal branch of Government with the executive branch. But with the ratification of the 22d amendment in 1957, the American people imposed term limits on the executive branch. If service for the President of the United States should be limited, why shouldn't the legislative branch be treated equally?

In 1992, on the 4th of July, in fact, as a candidate for the U.S. Senate, I pledged my support to constitutionally limit the length of time a citizen may serve in the U.S. House of Representatives and the U.S. Senate. I have kept my promise. During my first year in the U.S. Senate I cosponsored term limit legislation. And last year, I cosponsored Senate Joint Resolution 21, which is before us today, to propose a constitutional amendment to limit the terms of Members of Congress.

Not only do I believe I have kept my promise to the people of Idaho, I believe I have kept an unspoken promise to the Framers of our Constitution.

In fact, as presented in the *Federalist Papers*, No. 57, James Madison wrote,

The aim of every political constitution is, or ought to be, first to obtain for rulers men who possess most wisdom to discern, and most virtue to pursue, the common good of the society; and \* \* \* to take the most effectual precautions for keeping them virtuous whilst they continue to hold their public office.

James Madison continued to write, that the most effective way to prevent

degeneracy of representation is that “a limitation of the term of appointments \* \* \* will maintain a proper responsibility to the people.”

In conclusion, I believe we can achieve this ideal envisioned by our Founding Fathers by enacting 12-year term limits within each Chamber of Congress—two terms in the Senate and six terms in the House. It is this Senator's view that term limits would improve the efficiency of the Congress and make it more responsible to the people of this great Nation. Let us pass Senate Joint Resolution 21 and give the States the power to decide if there ought to be term limitations on Members of Congress.

Mr. THOMPSON. Madam President, how much time do we have remaining?

The PRESIDING OFFICER. Twenty-two minutes.

Mr. LEAHY. How much time is on this side, Madam President?

The PRESIDING OFFICER. I am told it is 22 on the Democratic side, and 12 minutes and 15 seconds on the Republican side.

Mr. LEAHY. Madam President, if the Senator from Tennessee and the Senator from Missouri do not mind, I will yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Madam President, I hope that the American people are not being fooled by what is going on in connection with Senate “nonconsideration” of this proposed constitutional amendment to impose term limits. Basically, the way it was zipped through the Judiciary Committee and called up here with a protective series of amendments and a cloture petition was done in such a way that you cannot even attempt to amend it. It is bumper-sticker politics. It is campaign fodder. But it is not a serious debate. I say that meaning no disrespect for the handful of Senators—and it really is only a handful of Senators—in this body who actually do want a constitutional amendment on term limits.

The way this has been set up almost guarantees that there will be no cloture voted. Certainly guarantees that my amendment, which would make it apply to each of us and thus make it real term limits, could not be voted on. Some want to be able to stand up and say, “I was for term limits. Gosh, what a shame we did not get to vote on it.” And they will blame everybody else.

I suspect that we will probably see the Whitewater prosecutor coming in and blaming the President and the First Lady for this. Lord knows, he is blamed for just about everything else, from tornadoes to whether they made \$1,000 or lost \$1,000.

Frankly, I feel sorry for my good friend from Tennessee, whom I know does believe strongly in favor of term limits but is being put through a charade. The charade is this: In the first 5 minutes of consideration last Friday,

the Republican leadership acted to ensure two things—that the proposal would not be fully debatable and amendable, and that there would be no votes on the merits in the Senate this year.

I regret that the American people have to endure this surreal display by a body that is yet to complete action on the budget, or appropriations, for the fiscal year that is more than half over.

Debate has been cut out. This constitutional amendment is really an incumbent's protection limit bill. Understand, Madam President, what it means. The American people think that we are voting for term limits. We are not.

If we were to pass this in the House and Senate and send it to the States for ratification, do you know what this means? It means that a five-term Senator in this body who voted for term limits could have three more terms. They are not limited to two. They could have eight. I know that there are Senators who say they are for term limits, and apparently, on at least one occasion, have been for term limits before I was born. But they will keep on being here. They will keep on running. This does not limit them.

For example, consider a fourth-term Senator under this provision. The Senator could have at the very least two more terms and probably have three more terms under this amendment for a total of six or seven, not just two terms. That Senator could end up voting for term limits and become a seven-term Senator.

What the proposed amendment does say is that somewhere way out into the next century those men and women running for office could be limited, but not those of us who are here. We protect ourselves under this.

What we have is a case where you could say you are voting for a constitutional amendment to consider limits on everybody else, but we end up protecting ourselves.

So it is like Moliere's "Tartuffe." In that play, a hypocrite succeeds for a time in fooling others and profiting from their naivete and trust. In the play, as here, in the end the hypocrisy is revealed and justice is done.

The fundamental hypocrisy in this term limits debate is that it has been orchestrated to include a special exemption for current Members of Congress. It has been designed expressly to disregard the full terms of service of current Members. This is guaranteed.

For example—I only take these out as examples—I have great respect for our distinguished President pro tempore who was first elected to the Senate some 40 years ago—some 40 years ago, when I was 15, and has served in the Senate since I was 15. He would be able to run for at least three more terms. Knowing him, I suspect that he would be healthy enough to do it.

Our Judiciary Chairman observed in his additional views to the Committee

report: "[I] have no personal interest in the prospects of such an amendment. Even were it to be passed by Congress and ratified by the States in relatively short order, it likely would not bar me from running for reelection until the year 2012, when I would be a spry 78 years of age. There are many things that I hope to be doing in the year 2012. Running for reelection is not on the list."

I want to commend the House Judiciary Committee Chairman and our Senate Judiciary Committee Chairman for being honest in their views and declaring their opposition to term limits from the outset. Chairman Hyde made an impassioned speech on the House floor during their debate last year and Chairman HATCH observed in his additional views in the Committee report his "strong reservations" against the proposal and his reasons for them.

I just worry that what much of the Senate is saying is one thing but what we are doing is something entirely different. In his column over the last weekend, George Will may have said it best when he noted that the Republican majority is "deceiving the country about a principle of constitutional dimension."

If people really want to take this seriously, they would be moving to vote on the Leahy amendment, which would say any constitutional amendment would take effect immediately upon ratification without a special exemption for sitting Members. Obviously, you could finish serving the term you were in, but if that was your second or greater term, you could not run again. Instead, the way this is set up, a Senator can be in his fourth or fifth term, and run for as many as three more terms.

If we intend to consider term limits, let us make it a real term limit. If not, then what we are doing is simply playing games.

When I look at my own State, my predecessor Republican was elected the year I was born and served until I got here. The people in each of our States make up their minds about what makes sense in term limits. As the representative of a small State, I am acutely aware that we fulfil the purposes of the Senate and the best interests of our States when we obtain a bit of seniority and a track record on the issues. I urge all of our colleagues from smaller States to consider on this point the additional views of Senator BIDEN and Senator HATCH from the Committee report. As Senator BIDEN eloquently noted, the Connecticut Compromise and the equality of small States are put at issue by this proposed constitutional amendment. Term limits were viewed by the Founders as both "pernicious" and "ill-founded".

I have an enormous amount of respect for the distinguished majority leader. I have served with him throughout my whole Senate career. But he would have had to leave at the end of my first term had there been a 2-term

limit in effect. The distinguished majority leader is one of the most able legislators of either party with whom I have served. I think that the country is better off because he is here. I hope that does not hurt his standing back home, but I mean it most sincerely.

This could be said of all of the majority and minority leaders we have had here in both parties. These have been extremely able people—Senator Mansfield, Senator Baker, Senator BYRD, Senator Mitchell, Senator DOLE, and Senator Scott. These are people that we would not have seen under term limits.

I must oppose what I perceive to be a growing fascination with laying waste to our Constitutions and the protections that have served us well for over 200 years. The First Amendment, separation of powers, the power of the purse, the right of the people to elect their representatives, should be supported and defended. That is the oath that we swore when we entered this public service. That is our duty to those who forged this great document, our commitment to our constituents and our legacy to those who will succeed us.

The Constitution should not be amended by sound bite. This proposed constitutional amendment evidences a distrust not just of congressional representatives but of those who sent us here, the people of our States. Term limits would restrict the freedom of the electorate to choose and are based on disdain for their unfettered judgment. These are not so much term limits as limits on the electorate to choose their representatives.

To those who argue that this proposal will embolden us or provide us added independence because we will not be concerned about reelection, I would argue that you are turning our democracy on its head. This proposal would have the effect of eliminating accountability, not increasing it.

It is precisely when we stand for reelection that the people, our constituents, have the opportunity to hold us accountable. This proposal would eliminate that accountability by removing opportunities for the people to reaffirm or reject our representation. It would make each of us a lame duck immediately upon reelection.

My fundamental objection to the proposed constitutional amendment is this: It is, at base, distrustful of the electorate. It does not limit candidates so much as it limits the rights of the people to choose whoever they want to represent them. We should be acting to legislate more responsively and responsibly, not to close off elections by making some candidates off limits to the voters. I will put my faith in the people of Vermont and keep faith with them to uphold the Constitution.

Now, let me ask, Madam President, I would like the opportunity to call up my amendment. I filed it to the underlying bill and to the variety of procedural alternatives filed by the Republican majority. It is my understanding

that in the procedural posture that we have been put, I cannot call up my amendment as Leahy amendment Nos. 3700, 3701, 3702, or the four second-degree amendments I filed earlier this afternoon.

Is my understanding correct that no Leahy amendment is in order?

The PRESIDING OFFICER. At this point, there is no amendment in order, and the Senator's time has expired.

Mr. LEAHY. I yield myself 1 more minute.

Madam President, would my amendments be in order if cloture was voted?

The PRESIDING OFFICER. Until an amendment is acted upon, no further amendment is in order.

Mr. LEAHY. At some time, Madam President, when my amendments are still pending and all other amendments have been acted on, would they be in order under cloture?

The PRESIDING OFFICER. If the pending amendments are not acted on within the 30 hours, no other amendments would be in order.

Mr. LEAHY. Is it the Chair's ruling that if you had an amendment pending and the 30 hours ran out, that it would not be voted on even though there was no time for debate?

The PRESIDING OFFICER. All of the pending amendments could be acted on but no further amendment could be called up.

Mr. LEAHY. Madam President, what the Chair is saying, for a layman, is that the Republican leadership has set up a way to make sure that nobody would be able to vote on a true term limit amendment, that is, one that was retroactive in the sense that it would apply to us. Rather, the situation we are in is one in which we could only vote on something that would allow a fourth or fifth or sixth-term Senator to still run for as many as three more terms.

I yield the floor. I reserve the remainder of my time.

Mr. THOMPSON. Madam President, I yield the remaining time to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. ASHCROFT. Madam President, I thank you very much for this opportunity to speak. I express my deep appreciation to the majority leader for scheduling this historic opportunity for the Senate to act in a way which will allow the States to make a decision about whether or not to amend the Constitution of the United States to limit the terms of those of us who serve in the Congress.

Senator DOLE, by bringing this issue to the floor when no other leader has been willing to do so for the last several decades, has staked himself clearly on the side of the American people, the 70 to 80 percent of the American people who have endorsed term limits. And they have done so knowingly. They have done so having had experience. They understand that the President of the United States has been

term limited since the early 1950's, that the Governors of 41 States are term limited, that legislatures in a number of States are term limited, that city councils are term limited from New York to Los Angeles and many cities in between, and State officials in addition to the Governor. What we find is that there is a tremendous exception that has been carved out for the Congress.

The suggestion that somehow the proposal before the Congress today does not involve real term limits because they are not retroactive really flies in the face of what the people across this country have done regarding term limits at home, for their city councils, for their Governors, for their State legislatures. It flies in the face of their efforts because none of their efforts really provide for all this retroactivity.

When the people have spoken, they have decided that our laws should operate prospectively. This amendment would say that after its enactment, if it were to be embraced by the States, no person could be elected more than twice.

I believe that is a step in the right direction. It is a step in the right direction, and it is a necessary step because it reflects the will of the people. We need to accord to the people the opportunity to make a judgment about whether they want to amend the Constitution of the United States so as to impose term limits on the Congress.

There have been those who have come to say that this is an idea of passionate demagogues, who as a result of frustration in the body politic have now somehow embraced this issue because it is one for demagogues.

This issue was close to the heart of Thomas Jefferson. It was close to the heart of Richard Henry Lee. It was part of the debate at the founding of our Republic. And then when they find out they do not want to call Thomas Jefferson a demagogue and they do not want to say that Richard Henry Lee was a passionate individual just trying to play upon the passions of the voters, they say, well, they decided against term limits for the Senate and House and therefore the decision has been made and we must respect it.

In all honesty, we have to understand that the Senate is a different body than it was when the Founding Fathers created it. When the Founding Fathers assembled our Constitution and when it was embraced by the colonies which were States, the Senate was not composed of people elected in popular elections. It was composed of individuals who were sent here by the State legislatures. None of the problems with elections, none of the problems with campaign financing, none of the incredible value to incumbents had surfaced. The Founding Fathers could not possibly have anticipated that the Senate would need term limits because none of them really anticipated the popular election of Senators.

So for us to say that we need to give States the opportunity to implement or employ term limits is for us to allow the people of the United States to fine tune a change they have already made to the Constitution. The change already made was to provide for the popular election of Senators which resulted in the campaigns we see, resulted in the influence of resources in the campaigns, and it is high time that we be able to correct an adjustment which we already made.

It is an adjustment which has tilted the playing field so dramatically toward incumbents that incumbency is a virtual guarantee of reelection. Nine out of every 10 incumbents end up being reelected. It is no wonder then when there are incumbencies the number of people who are running for office is constricted. People do not bother to try to get involved. That offends a fundamental value of America which is access and participation.

It is kind of interesting to look back. Two years ago I was running for the Senate. One of my opponents was a Member of the House. In the year before he chose to step down and run for the Senate, there were only two candidates. This year there are only two candidates for his seat. But in the year it was an open seat, there were 11 candidates. Some people say that to have term limits would reduce the number of choices. If you reduce it from 11 to 2, I think it is an exponential explosion in the number of choices. So the real choice would be expanded by term limits, not limited.

Then there are those who say we have to have experience in the House and Senate. Nothing would keep us from having experience. People who are experienced in State government, people experienced in the House move to the Senate. People experienced in the Senate move to the House. They would not have the value of incumbency to tilt the playing field.

More importantly, I think it is essential that we recognize there is experience in this life that counts every bit as much as experience in the House or the Senate, and the people of America know about that experience. It is the experience of raising families. It is the experience of living under the laws. It is the experience of the private sector.

One of our colleagues said that we needed the experience of one Senator who is particularly good in the area of scientific awareness. Well, for Heaven's sake, the Senate is not the repository of science in America. We need to welcome people from outside who know about science. And as I think about my colleague from Tennessee, who is a surgeon in heart transplantation, that is the kind of experience you cannot get in the Senate. When we talk about things relating to medical challenges and how we are going to solve problems of access for people regarding health care, we have to listen carefully to experience that comes from beyond Government. People of America know that

the future of this country is far too important to trust to Government alone or to those who are experienced in Government alone. We need to welcome experience from far beyond just the governmental sector. I think it is important to listen to what George Washington said. Washington said:

Nor can the Members of Congress exempt themselves from consequences of any unjust and tyrannical acts which they may impose upon others for in a short time they will mingle with the mass of the people.

It was anticipated that Members of the Congress would shortly mingle with the mass of the people. One of those who has debated in this Chamber suggested that the anticipation of mingling with the mass of the people might somehow undermine the commitment of a person for service.

George Washington saw it absolutely opposite. He thought that people who knew they were going to have to go out there and live with the people would render better service, not render lesser service; that their service would be more noble. And how do you measure nobility? By whether or not it makes it better for the general public, whether it elevates the general welfare. George Washington said beware because you will have to be mingling with the public. I think every Member of the House and Senate should look forward to mingling with the public. They should look forward to going home. They should look forward to being in a situation at a time and place when they live under the laws that we not only propose but under the laws which we enact.

So we have a tremendous opportunity. It is an opportunity which will reinforce fundamental values of America.

The people's will must be served. Let me just reinforce this point. Seventy to 80 percent of Americans, with the knowledge of 50 years of experience of term limits, say, "It is something we want, we like."

I think we ought to represent the people to the extent we are saying, "If you think you like that, let us give you a choice," not impose term limits on them, but let us send it out to the States and create a great debate about it and let States determine whether or not they want term limits. Let the people participate.

Seventy-four percent of the American people, according to one poll, support term limits. Twenty-three States, almost all of which had the initiative so that people could start the movement for term limits themselves with petitions, have enacted term limits.

We have the new "electronics to petition the Congress." Over 50,000 people visited the home page for term limits here in the U.S. Senate. Well over 7,000 people signed the petition. Of those—it was overwhelmingly in favor of term limits.

I believe that, in a democracy, we should accord to the people the opportunity to make decisions. We should trust them.

Then there is this idea, "Oh, somehow we have to be careful that we do not find ourselves absent the talent." There has been a wonderful parade of public figures oratorically through the Chamber of all the people who were here and who might not have been able to serve for life or for extended periods had we had term limits.

If George Washington had thought that he was the only person who could lead America, he would not have walked away after two terms. If Thomas Jefferson had thought that there was a limited pool of talent, that the American people were a very shallow pool and you could not trust anyone else but them, he would not have walked away. President after President walked away for the first 100 years of this Republic because they had a different kind of confidence in the American people than we have heard expressed all too often here. They had a confidence that there was greatness in this Republic and it was not limited to a few who had been elected.

I was interested in what those people who wrote me on the Internet had to say. One was "7100" who communicated, who said:

I see that you're a Republican. I'm not. This is one issue, however, more important to me than the success of any party.

Another said:

Serving the public was never meant to be a way to amass power and money. Our Founding Fathers would be ashamed. Please stop the insanity and pass term limits now.

I think what we have is a great opportunity to say to the people, "We welcome your participation in Government." We hope that more people will find their way into elections, and they will if there are fewer incumbencies that are extremely well funded. We hope that more people will find their way into office to bring the wisdom of America to Washington, DC.

We do not distrust the talent of the American people. We think there are plenty of people who are capable of serving.

We think that the nature of real choice will be expanded, and we think that there will be the evidence of a discipline in the Senate which will come from individuals who expect to return to mingle with the public.

There are those who have said, "Well, unless we make term limits retroactive so that we will virtually say anybody who has already served two terms will be out from the date of enactment forward, we will not have real term limits." Let me tell you, that is not the way term limits have ever worked. The American people know how term limits work. They have seen it work in their city councils, they have seen it work in their States, they have seen it work for 40-plus Governors, and they have seen it work for the President of the United States. The truth of the matter is, so many of those individuals who suggest they want that kind of term limits are opposing term limits altogether.

Madam President, I ask unanimous consent for 1 minute in which to conclude.

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

Mr. ASHCROFT. Madam President, the fundamental values of the American people compel us to accord them the opportunity to evaluate an amendment to the Constitution proposing term limits, the value of choice, the value of representing the people, the value of access and participation in politics and the value of limited power.

All of these components of American history, all of these principles by which we have stood are the principles which call upon us now in the voices of 70 to 80 percent of the population in saying to us, "Give us the opportunity to participate in Government by ratifying an amendment to the U.S. Constitution which would limit terms of Members of the U.S. Congress."

I thank the Chair.

The PRESIDING OFFICER. All time has expired for the majority side. Is there anyone seeking recognition from the minority side?

Mr. THOMPSON. Madam President, I am informed that we have permission to yield back the time of the minority.

#### CLOTURE MOTION

The PRESIDING OFFICER. All time having been yielded back, under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the committee substitute to Calendar No. 201, Senate Joint Resolution 21, a joint resolution proposing a constitutional amendment to limit Congressional terms.

Bob Dole, Fred Thompson, Spence Abraham, Rod Grams, Mike DeWine, John Ashcroft, Craig Thomas, Jon Kyl, Trent Lott, John McCain, Slade Gorton, Rick Santorum, Bill Frist, Larry E. Craig, Paul Coverdell, Lauch Faircloth.

#### CALL OF THE ROLL

The PRESIDING OFFICER. The mandatory quorum call has been waived.

#### VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the committee substitute to Senate Joint Resolution 21, a joint resolution proposing a constitutional amendment to limit congressional terms, shall be brought to a close?

The yeas and nays are required. The clerk will call the roll.

The assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 58, nays 42, as follows: