

[Mr. LAUTENBERG], proposed an amendment to the stalking bill weeks ago. Republicans have that amendment for weeks. The reason the stalking bill does not come up—because they do not want that amendment added to this bill.

So that is the issue, Mr. President. We can deal with any one of these bills. But it has to be in a bipartisan way.

That is all we are hoping we can do. We will continue to work with the majority leader to make his tenure as majority leader less frustrating and more productive. And I stand here ready to do it this afternoon.

I yield the floor.

Mr. LOTT. Mr. President, I do feel a need to respond to some of the Democrat leader's comments. First of all, after you pass a bill, you do not take that proverbial ball we have been talking about and go home. You go to conference. That is the way you do business around here.

Now, with regard to these cloture motions, about how we file them on the first day that a bill is brought up, I learned that from Senator Mitchell. He did it all the time.

So I ask unanimous consent to have printed in the RECORD, Mr. President, an analysis of what has happened with regard to these cloture motions.

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

#### CLOTURE COMPARISONS BETWEEN THE 103D AND 104TH CONGRESSES

	103d	104th
Number of legislative items having cloture filed against them	20.0	28.0
Of those cloture petitions, number filed on same day as legislative item is first laid before the Senate (or motion to proceed is made)	12.0	15.0
The average number of days of consideration of the remaining legislative items prior to a cloture petition being filed	4.6	4.6

Conclusion: The Republican majority filed 54 percent of their cloture petitions on the first day a measure was considered (or first motion to proceed made).

The Democrat majority filed 60 percent of their cloture petitions on the first day.

Mr. LOTT. On this, it does compare cloture motions between the 103d and 104th Congress. The number of legislative items having cloture filed against them in the 103d, 20, and 104th, 28. Of those cloture motions, the number filed on the same day as a legislative item is first laid before the Senate or motion to proceed is made, 12 in the 103d, and 15 in the 104th.

When I actually got a comparison here of first-day filings by the Republican majority, I find it is 54 percent of their cloture motions on the first day a measure was considered, the Democratic majority filed 60 percent of their cloture motions on the first day.

So maybe we all need to do a little work on that. But our record is not any worse—in fact, it is better—than the one we found from the previous Congress when I believe Democrats were in charge.

Mr. DASCHLE. On that point, if the majority leader will yield briefly, there

are three categories: Amendable vehicles, motions to proceed, and conference reports.

Now, on the motions to proceed and conference reports, we will compare notes here, but let us look at amendable vehicles and see what the record is between Democrats and Republicans. I would like to put that in the RECORD.

Mr. LOTT. My only point is we did not invent this procedure, and we have not been any worse percentagewise than our predecessors.

Now, the next point, talking about how we have worked together, on occasion we have, but let us take the unfunded mandates. I remember that one very well. I remember how long it took us at the beginning of last year to pass a very popular bill that there should not have been any problem with. It took us 3 weeks—3 weeks—to get the unfunded mandates bill through here and then it passed 86 to 10—86 to 10.

Now, with regard to the conferences, I do not know what you are so horrified about that maybe Republicans talk to each other when there is a conference going on. I remember a crime bill on which Senator SIMPSON from Wyoming was working. I remember some sort of conference the Democrats had excluded Republicans on a Sunday afternoon. I remember that. We did not invent that procedure either.

But let me point this out. On three major issues that we have passed this year and sent to the President—I was involved at the direction of Senator Dole in trying to help move those conferences—line-item veto, bipartisan effort; telecommunications, bipartisan effort—Senator HOLLINGS, Senator PRESSLER, Senator MCCAIN, we were all there, bipartisan. I remember it. And again I did not like a lot of what was going on but Democrats were in that room when that final deal was made; small business regulatory relief. This Congress ought to be embarrassed that we have not passed a big regulatory reform package. Fifty-eight Senators voted for that, and yet it languishes in the Senate because we cannot get 60 votes once again for cloture. But we did in a bipartisan way pass small business regulatory reform.

On the health care issue, the vote in the Senate, I remind my colleagues, was a very close one, 52 to 46. And if the vote were held today in the Senate on the experiment proposal that we have offered, it would pass, I would be willing to bet you, overwhelmingly. And by the way, the President has accepted the concept of a broad-based experiment for medical savings accounts. Now, you might argue over the word "broad," but we are not talking about 2,000 or 10,000. You are talking about several hundreds of thousands would be involved in this medical savings account experiment.

My colleagues, we have won. The American people have won. Why do we not declare victory? We have said we will go with an experiment. You have said the President has said, "I will accept it." What is the problem?

I know, there are a lot of details that need to be ironed out; you have to understand every little word, exactly how the deductibles will be determined, and when would there be a vote, and how would there be a vote to extend it, sunset it or whatever. You know where you work those out? Not running up and down the hall out here and your office or my office. You work it out in a conference. We can negotiate, go back and forth with the Senator from Massachusetts until the cows come home, but sooner or later we have to go to conference and work it out.

Now, talk about compromise. I wish this bill had medical malpractice in it. But the conferees have already agreed, the House has agreed to recede, take that out. We want it. I want it. But we want legitimate portability, ability to carry your insurance between jobs. We want an opportunity to deal with pre-existing illnesses. We think it is important that the self-employed be able to deduct more of the costs of their health insurance premiums. But compromise is under way.

The so-called MEWA's—a Washington word, but the ability of small businesses to form pools to give coverage to their workers, I do not understand—I will never understand—why the Federal Government should be telling small businesses you cannot form pools to provide coverage to your workers. In these fast food restaurants, the majority of the workers cannot get and the employers cannot provide health coverage. But if they could form a pool with the restaurant association or the National Federation of Independent Businesses, they could get it. But that was dropped in an effort to show good faith and compromise. We have bent over backwards, I have bent over backwards to try to be reasonable in coming to a compromise, and we are close enough we ought to go to conference with a fair group of conferees and get the job done.

#### UNANIMOUS-CONSENT REQUEST— S. 1894

Mr. LOTT. Mr. President, I ask unanimous consent that during the pendency of S. 1894, the Department of Defense appropriations bill, it be considered under the following restraints: 1 hour on the bill to be equally divided in the usual form, 1 hour on all first-degree amendments which must be relevant, 30 minutes on all relevant second-degree amendments.

I further ask unanimous consent that any rollcall votes ordered with respect to the DOD appropriations bill on Friday, July 12, and Monday, July 15, occur beginning at 9:30 a.m. on Tuesday, July 16, and that following the disposition of all amendments, S. 1894 be read for a third time, the Senate proceed immediately to H.R. 3610, the House companion bill, all after the enacting clause be stricken, the text of S. 1894, as amended, be inserted and H.R. 3610 be read for a third time and final

passage occur at 2:15 p.m. on Tuesday, July 16, notwithstanding rule XXII, and that no call for the regular order serve to displace the DOD appropriations bill.

I think this is an eminently fair unanimous-consent request on the way to deal with this very, very important bill that our colleagues are ready to handle on the floor this afternoon.

The PRESIDING OFFICER. Is there objection?

Mr. BRYAN. I regret to object.

The PRESIDING OFFICER. Objection is heard.

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UNANIMOUS-CONSENT REQUEST—  
S. 1936

Mr. LOTT. Mr. President, I ask unanimous consent the Senate now turn to consideration of S. 1936, the Nuclear Waste Policy Act, and during the pendency of S. 1936, that it be considered under the following time restraints: 1 hour on the bill to be equally divided in the usual form; 1 hour on all first-degree amendments which must be relevant; 30 minutes on all relevant second-degree amendments. Further, I ask unanimous consent any rollcall votes ordered with respect to the nuclear waste bill on Friday, July 12, or Monday, July 15, occur at 9:30 a.m. on Tuesday, July 16, and that following the disposition of all amendments, S. 1936 be read for a third time and final passage occur at 2:15 p.m. on Tuesday, July 16, notwithstanding rule XXII; and that no call for the regular order serve to displace this bill.

The PRESIDING OFFICER. Is there objection?

Mr. BRYAN. Objection.

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UNANIMOUS-CONSENT REQUEST—  
H.R. 3103

Mr. LOTT. Mr. President, I ask unanimous consent the Senate insist on its amendment to H.R. 3103, the Senate agree to the request for a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, reserving the right to object, first of all, let me begin by saying the distinguished majority leader made comments about how nice it would be to have regular order. I would just note for the RECORD that the first two unanimous consents were not in keeping with regular order. There is nothing regular about asking unanimous consent with a predetermined procedure. Regular order is to take up a bill and deal with it.

With regard to the health insurance reform conferees, for the reasons I have already stated on the RECORD just moments ago, we object.

The PRESIDING OFFICER. Objection is heard.

UNANIMOUS-CONSENT REQUEST—  
H.R. 3448

Mr. LOTT. Mr. President, I further ask unanimous consent that immediately following the appointment of the conferees, that the Senate then insist on its amendment to H.R. 3448, the small business tax package bill, the Senate then request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, reserving the right to object, I ask unanimous consent the clerk be directed to make the following changes in the enrollment of H.R. 3448, the small business minimum wage bill, and the bill be sent to the House for its consideration. These changes, which I shall send to the desk, change the effective date for the minimum wage increase to 30 days after the date of enactment, and they take care of the problem regarding the utilities which Senators MOYNIHAN and D'AMATO discussed on the floor yesterday.

Mr. LOTT. Mr. President, I object to that because the way this should be dealt with, and I feel it should be dealt with, is to go to conference. I had just made a unanimous-consent request that we appoint conferees on the minimum wage and small business tax relief package, and it was objected to. When we get conferees appointed to this conference, then we will deal with this issue.

Mr. DASCHLE. Reserving further the right to object, I would only point out the minimum wage title in the bill passed in the Senate is identical to the minimum wage title passed in the House. There is no need for a conference. But, if they insist on a conference at this time, given the fact they have also insisted on health care conferees, for both reasons, we object.

The PRESIDING OFFICER. Objection is heard.

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UNANIMOUS-CONSENT REQUEST—  
H.R. 2337

Mr. LOTT. Mr. President, I ask unanimous consent the Senate now turn to the consideration of Calendar No. 374, H.R. 2337, the taxpayer bill of rights legislation, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the measure appear at this point in the RECORD.

Mr. DASCHLE. Mr. President, reserving the right to object, we have a number of amendments to this legislation we would like considered. So we object.

The PRESIDING OFFICER. Objection is heard.

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UNANIMOUS-CONSENT REQUEST—  
H.R. 2937

Mr. LOTT. Mr. President, I ask unanimous consent the Senate proceed to

the immediate consideration of Calendar No. 380, H.R. 2937, relating to the White House Travel Office and former employee Billy Dale; further, that a substitute amendment which is at the desk be offered by Senator HATCH, that it be considered and agreed to, the bill be deemed read a third time and passed as amended, the motion to reconsider be laid upon the table.

I note that I did try this yesterday. There was some problem with an objection to it because they indicated they had not seen Senator HATCH's amendment. They have now had it and had 24 hours to review it, so I renew my unanimous consent request.

Mr. DASCHLE. Reserving the right to object, I find all these unanimous consent requests intriguing, given the eloquent comments made by the distinguished majority leader about how wonderful it would be to have regular order.

This is not regular order. As I have indicated to the majority leader, we have amendments we would like to offer to this bill, and to several of the other pieces of legislation he is propounding today. So obviously we have to object.

The PRESIDING OFFICER. Objection is heard.

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UNANIMOUS-CONSENT REQUEST—  
S. 704

Mr. LOTT. Mr. President, I ask unanimous consent the Senate now turn to the consideration of Calendar No. 449, S. 704, a bill to establish a gambling impact study commission; further, a managers' amendment that I will send to the desk be agreed to, the bill then be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the measure appear at this point in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, this is the first time we have had the opportunity to see this unanimous-consent request. Ordinarily, we are given unanimous-consent requests ahead of time so we can check with our colleagues. No one has given us this unanimous consent request. So, in order to clear it with our colleagues, I object at this time.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, I would like the RECORD to show, as a matter of fact, they did receive notice on this. We have been talking back and forth about it for days. I believe Senator SIMON had indicated he thought it had been cleared. A couple of Senators who had earlier had reservations on the Democratic side had indicated they would not object. You have seen it. There is no great big surprise here. There was a chance, I think, 3 weeks ago, to read it and reread it.

Mr. DASCHLE. Mr. President, usually we do these things leader to leader. I will be happy to talk to Senator