

Social Security for taking it off budget be made on the trust fund for Medicare to take it off budget?

The obvious reasons are that the folks on the other side who are making this argument are not making this argument for substantive purposes, they are making it for political purposes. The politics of the situation require that they not talk about the Medicare trust fund problem, but rather that they talk about a nonexistent Social Security issue, as of today—a major Social Security issue down the road, but as of today, a nonexistent Social Security problem.

But if they were to raise the Medicare issue, then they would have to ask about how they are going to address the fund question, because if you use their logic for the Medicare trust fund, they would have to come up with a proposal this year, if the balanced budget amendment were passed with the Social Security language that has been proposed, but if that Social Security language was also applied to Medicare—Medicare being a trust fund as important to seniors as Social Security, I would argue, and, in many instances, even more important because it is a health care insurance—well, then this year they would have to come up with a proposal to bring into balance the Medicare trust fund to the tune of \$48 billion—\$48 billion. And that would create some significant policy questions.

That is exactly what we should do, of course, and exactly what I hope we will do. But the fact is, the reason it is not being discussed in this debate is because it means you have to face up to the hard policy decisions that are involved in balancing the Medicare trust fund.

So if you are going to separate the Social Security trust fund, why not separate the Medicare trust fund? The fact that they are not separated, I think, shows the political nature of this Social Security argument.

So that is just a quick recitation or response, if you will, to those folks who got on the floor today giving us the Social Security sales pitch.

The fact is that the initial proposal to take Social Security out of the balanced budget amendment proposal means one of two things: One, they either want to privatize the surplus and have it invested in places other than the Federal Government or, two, they are just going through a bookkeeping game, because the Federal Government will continue to borrow the money.

The fact that they haven't included the Medicare trust fund only reinforces the superficiality of their position and the fact that their position is political and not substantive.

There is going to be a lot more discussion about the balanced budget amendment before we get to the end of this road, before we get to a vote. We are going to hear a lot about Social Security. But I do hope that people will look beyond the language of the debate

and actually look at the substance, because on the substance, the Social Security argument, as presented—the Social Security position, as presented—does not have any legs. You could present it so it did have legs, but, in this instance, that is not the case.

Mr. President, I yield back the remainder of my time. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

RULES OF PROCEDURE OF THE SENATE COMMITTEE ON RULES AND ADMINISTRATION

Mr. WARNER. Mr. President, I would like to remind all committee chairmen that as required by rule XXVI of the Standing Rules of the Senate, "The rules of each committee shall be published in the CONGRESSIONAL RECORD not later than March 1 of the first year of each Congress. * * *

The Committee on Rules and Administration adopted the following rules of procedure for the Committee on Rules and Administration at the committee's organizational meeting today. I ask unanimous consent that they be printed in the RECORD.

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

RULES OF PROCEDURE OF THE SENATE COMMITTEE ON RULES AND ADMINISTRATION TITLE I—MEETINGS OF THE COMMITTEE

1. The regular meeting dates of the committee shall be the second and fourth Wednesdays of each month, at 9:30 a.m., in room SR-301, Russell Senate Office Building. Additional meetings may be called by the chairman as he may deem necessary or pursuant to the provisions of paragraph 3 of rule XXVI of the Standing Rules of the Senate.

2. Meetings of the committee, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the committee on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in subparagraphs (A) through (F) would require the meeting to be closed followed immediately by a recorded vote in open session by a majority of the members of the committee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(A) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(B) will relate solely to matters of the committee staff personnel or internal staff management or procedure;

(C) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(D) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(E) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(F) may divulge matters required to be kept confidential under the provisions of law or Government regulations. (Paragraph 5(b) of rule XXVI of the Standing Rules.)

3. Written notices of committee meetings will normally be sent by the committee's staff director to all members of the committee at least 3 days in advance. In addition, the committee staff will telephone reminders of committee meetings to all members of the committee or to the appropriate staff assistants in their offices.

4. A copy of the committee's intended agenda enumerating separate items of legislative business and committee business will normally be sent to all members of the committee by the staff director at least 1 day in advance of all meetings. This does not preclude any member of the committee from raising appropriate non-agenda topics.

5. Any witness who is to appear before the committee in any hearing shall file with the clerk of the committee at least 3 business days before the date of his or her appearance, a written statement of his or her proposed testimony and an executive summary thereof, in such form as the chairman may direct, unless the chairman and the ranking minority member waive such requirement for good cause.

TITLE II—QUORUMS

1. Pursuant to paragraph 7(a)(1) of rule XXVI of the Standing Rules, 9 members of the committee shall constitute a quorum for the reporting of legislative measures.

2. Pursuant to paragraph 7(a)(1) of rule XXVI of the Standing Rules, 6 members shall constitute a quorum for the transaction of business, including action on amendments to measures prior to voting to report the measure to the Senate.

3. Pursuant to paragraph 7(a)(1) of rule XXVI of the Standing Rules, 4 members of the committee shall constitute a quorum for the purpose of taking testimony under oath and 2 members of the committee shall constitute a quorum for the purpose of taking testimony not under oath; provided, however, that in either instance, once a quorum is established, any one member can continue to take such testimony.

4. Under no circumstances may proxies be considered for the establishment of a quorum.

TITLE III—VOTING

1. Voting in the committee on any issue will normally be by voice vote.

2. If a third of the members present so demand, a record vote will be taken on any question by rollcall.

3. The results of rollcall votes taken in any meeting upon any measure, or any amendment thereto, shall be stated in the committee report on that measure unless previously announced by the committee, and such report or announcement shall include a tabulation of the votes cast in favor of and the

votes cast in opposition to each such measure and amendment by each member of the committee. (Paragraph 7(b) and (c) of rule XXVI of the Standing Rules.)

4. Proxy voting shall be allowed on all measures and matters before the committee. However, the vote of the committee to report a measure or matter shall require the concurrence of a majority of the members of the committee who are physically present at the time of the vote. Proxies will be allowed in such cases solely for the purpose of recording a member's position on the question and then only in those instances when the absentee committee member has been informed of the question and has affirmatively requested that he be recorded. (Paragraph 7(a)(3) of rule XXVI of the Standing Rules.)

TITLE IV—DELEGATION OF AUTHORITY TO COMMITTEE CHAIRMAN

1. The chairman is authorized to sign himself or by delegation all necessary vouchers and routine papers for which the committee's approval is required and to decide in the committee's behalf all routine business.

2. The chairman is authorized to engage commercial reporters for the preparation of transcripts of committee meetings and hearings.

3. The chairman is authorized to issue, in behalf of the committee, regulations normally promulgated by the committee at the beginning of each session.

TITLE V—DELEGATION OF AUTHORITY TO COMMITTEE CHAIRMAN AND RANKING MINORITY MEMBER

The chairman and ranking minority member, acting jointly, are authorized to approve on behalf of the committee any rule or regulation for which the committee's approval is required, provided advance notice of their intention to do so is given to members of the committee.

Mr. WARNER. Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

Mr. DOMENICI. Parliamentary inquiry. Are we in morning business?

The PRESIDING OFFICER. The Senate is conducting morning business. We do have a previous order to recognize the Senator from Tennessee at 4 o'clock.

Mr. DOMENICI. Mr. President, I ask unanimous consent that I be permitted to speak until 4 o'clock.

The PRESIDING OFFICER. The Senator has that right.

(The remarks of Mr. DOMENICI pertaining to the introduction of S. 222 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. Under the previous order, the Senator from Tennessee is recognized for 20 minutes.

Mr. THOMPSON. Thank you, Mr. President.

THE GOVERNMENTAL AFFAIRS COMMITTEE AND THE 1996 PRESIDENTIAL CAMPAIGN

Mr. THOMPSON. Mr. President, as everyone knows, the Governmental Affairs Committee has begun an investigation into foreign campaign contributions and fundraising activities of the 1996 Presidential campaign. I believe that it is appropriate at the outset to set forth exactly what we were about, to discuss the committee's jurisdiction, the scope of its investigation, its purpose, and what principles we will apply in resolving the issues that will face us. The reasons to discuss this now at this time are several.

First, we who are on the committee and in the Congress need to remind ourselves of these basics so we may keep our focus in the days ahead.

Second, the American people need to understand the nature and purpose of our work in order that they will respect the process and the results of our efforts.

Third, it is necessary to respond to some of the questions in the media and elsewhere as to the committee's role and purpose.

Mr. President, my own analysis of these issues is just that; it's my own analysis. It is certainly subject to other views by other people. However, I do believe that there are certain principles that apply to our endeavor that can be gleaned from the Constitution, from the rules of the U.S. Senate, from court interpretations and, hopefully, from common sense in applying the lessons learned from the successes and failures of other committee investigations.

Mr. President, the granting of the legislative power to Congress in article I of the Constitution includes the power to investigate. As the Supreme Court held 70 years ago, "A legislative body cannot legislate wisely or effectively in the absence of information respecting the conditions which the legislation is intended to affect or change; and where the legislative body does not possess the requisite information—which not infrequently is true—recourse must be had to others who do possess it." So long as an investigation addresses issues that can be the subject of legislation, the investigation is constitutionally permissible. Some of the most important inquiries the Congress has conducted in the past two centuries have involved the role of money in politics and its effect on policy: the Credit Mobilier scandal of the 1870's; an investigation of corporate campaign contributions in the 1912 campaign, at which Theodore Roosevelt testified concerning his own campaign; and, of course, the investigation of the 1972 Presidential campaign.

Congress' powers to investigate broadly encompasses all areas of the operation of the Federal Government, as well as flaws in the electoral system that makes the Government accountable to the American people. As Chief Justice Warren stated, the investiga-

tory power "encompasses inquiries concerning the administration of existing laws as well as proposed or possibly needed statutes. It includes surveys of defects in our social, economic, or political system for the purpose of enabling the Congress to remedy them. It comprehends probes into departments of the Federal Government to expose corruption, inefficiency, or waste."

Indeed, President Woodrow Wilson wrote that, "Unless Congress have and use every means of acquainting itself with the facts and the disposition of the administrative agents of the government, the country must be helpless to learn how it is being served. * * * Then he went on to say, "The informing function of Congress should be preferred even to its legislative function. * * * The only really self-governing people is that people which discusses and interrogates its administration."

Although every committee in this body exercises oversight jurisdiction, the full range of the Senate's informing functions is granted to the Senate Committee on Governmental Affairs. Its jurisdiction includes the effectiveness of the operations of all branches of Government, including misfeasance, corruption, and conflicts of interest. It is broad enough to include Presidential campaigns and even congressional campaigns if they are relevant to and reflect upon the way our Government currently operates. No other committee has within its investigatory authority the entire range of the Governmental Affairs Committee's jurisdiction, which is as broad as the Constitution permits.

The investigation we are now undertaking is neither a criminal investigation nor a seminar on campaign finance reform, although, it involves elements of both. Based on the information before us at this time, it is an inquiry into illegal or improper campaign finance activities in the 1996 Presidential campaign and related activities. This means, however, that any facts that may have occurred before the 1996 campaign that are relevant to or shed light upon that campaign or the operation of our Government may also be subject to our inquiry. Such a scope will necessarily involve examining our current campaign spending laws and how they operate.

Now, certainly, our work will include any improper activities by Republicans, Democrats, or other political partisans. It is of extreme importance that our investigation and our hearings be perceived by the American people as being fair and evenhanded. This does not mean that we must strain to create some false balance or that we have some sort of party quota system. It simply means letting the chips fall where they may. We are investigating activities here, not political parties.

While no one should be shut off for partisan advantage, we must have a sense of priorities based upon the seriousness of the activities or allegations