Mr. BYRD. Mr. President, I ask unanimous consent to address the Senate for not to exceed 5 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, the Senator may proceed for 5 minutes.

Mr. BYRD. Mr. President, may we have order in the Senate.

The PRESIDING OFFICER. Will Senators please take their chairs.

The Senator seeks to address the Senate for 5 minutes. The Chair asks that Senators please clear the aisles.

The Senator from West Virginia.

Mr. BYRD. Mr. President, I want to correct something I said last night I see in the RECORD.

I said last night that Brutus married the sister of Cato. Actually, Brutus was the son of Servilia, who was the sister of Cato—just to make that little correction for the record.

Mr. President, the Senate by a decisive vote has moved to table the matter presented to the Senate by Mr. HARKIN. This will not be the last time the effort will be made to amend rule XXII. That is why I impose on the Senate for these few minutes while there is something of a larger audience than there was last night and this morning. And I want to compliment the distinguished Senator from Iowa and the distinguished Senator from Connecticut. I thought we had some good exchanges in this debate.

But while there are Senators who are listening, let me point out to them, as I have pointed out in this debate, paragraph 2 of Rule VIII of the Standing Rules of the Senate.

Mr. President, most of the so-called filibusters have occurred on motions to proceed. Once that motion to proceed is approved, once the matter itself is taken up, generally the filibusters have gone away. It has too often been the practice here of late that when the leader asks unanimous consent to take up a matter, there is an objection heard from the other side of the aisle, and that is then called a filibuster. The leader immediately puts in a cloture motion. That is all the debate there is on that matter for the next few days. That is called a filibuster. And it goes out over the land what a horrendous thing this filibuster is, and Senators stand up here with these charts and point out how many times—10 times—as many filibusters in the last year as there were in the last 100 years, or something to that effect. Well, these are really not filibusters.

I think the rule has been abused. But I do not think we ought to take a sledgehammer to kill a beetle.

We have the standing rules here. Let me read paragraph 2, rule VIII. Senators should know what is in the current rules before they start so-called reforms of the Senate and of the rules.

Rule VIII, paragraph 2:

All motions made during the first two hours of a new legislative day to proceed to the consideration of any matter shall be determined without debate, except motions to proceed to the consideration of any motion, resolution, or proposal to change any of the Standing Rules of the Senate shall be debatable.

As I ascertained through a parliamentary inquiry earlier today, that rule was never used in the last session.

So, Mr. President, the rules are here. The type of filibuster, the type of so-called filibuster that we have seen recently, which is filibuster by delay, with no debate on it, is not good. But most problems with this filibuster can be addressed within the existing rules, and I have just read the rule which has not been used. It was not used in the last session. It was not used in the session before that. And yet we complain about there being so many filibusters.

Mr. President, we can handle most of the minifilibusters around here. If there is a sizable minority, one that consists of 41 Members, that is a large minority. That minority may represent a majority of the people outside the beltway. Who knows?

I maintain that, as long as the United States Senate retains the right of unlimited debate, then the American people's liberties will not be endangered.

They do not have unlimited debate on the other side of the Capitol, and there are those over there who want the Senate to do away with the filibuster. But under the Constitution, each House shall determine its own rules. It is not my place to attempt to tell the other body what they should do with their rule. But this rule has been in effect since 1806 when the Senate did away with the previous question, when it recodified the rules in 1806. And it did so upon the recommendation of Aaron Burr, the Vice President, who, when he left the Senate in 1805, recommended that the previous question be done away with. It had not been used but very little during the previous years since 1789. So that rule on the previous question, which is to shut off debate, was eliminated from the Standing Rules of the Senate and it has been out of there ever since.

So, Mr. President, I commend Senators for voting to table the Harkin amendment. I also commend those who differ with me. I commend those who offered the amendment to change the rule. I think the Senate has acted wisely in retaining the rule that has governed our proceedings since 1806. I hope that Senators will read the Standing Rules of the Senate.

I thank all Senators for their patience.

The PRESIDING OFFICER (Mr. SHELBY). The question now is on the adoption of the resolution.

The resolution (S. Res. 14) was agreed to, as follows:

S. RES. 14

Resolved, That paragraph 2. of Rule XXV of the Standing Rules of the Senate is amended for the 104th Congress as follows:

Strike ''18'' after ''Agriculture, Nutrition and Forestry'' and insert in lieu thereof ''17''.

Strike ''29'' after ''Appropriations'' and insert in lieu thereof ''28''.

Strike ''20'' after ''Armed Services'' and insert in lieu thereof ''21''.

Strike ''21'' after ''Banking, Housing and Urban Affairs'' and insert in lieu thereof ''16''.

Strike ''20'' after ''Commerce, Science, and Transportation'' and insert in lieu thereof ''19''.

Strike ''20'' after ''Energy and Natural Resources'' and insert in lieu thereof ''18'';

Strike ''17'' after ''Environment and Public Works'' and insert in lieu thereof ''16''.

Strike ''19'' after ''Foreign Relations'' and insert in lieu thereof ''18''.

Strike ''13'' after ''Governmental Affairs'' and insert in lieu thereof ''15''.

Strike ''14'' after ''Judiciary'' and insert in lieu thereof ''18''.

Strike ''17'' after ''Labor and Human Resources'' and insert in lieu thereof ''16''.

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

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995

The PRESIDING OFFICER. The Senate will now proceed to S. 2. The clerk will report.

The bill clerk read as follows:

A bill (S. 2) to make certain laws applicable to the legislative branch of the Federal Government.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The majority leader.

RESOLUTION AMENDING RULE XXV

Mr. DOLE. Mr. President, I send an unrelated resolution to the desk and ask for its immediate consideration. It has to do with committee assignments. I think it has been cleared on both sides.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 27) amending rule XXV.

The PRESIDING OFFICER. Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 27) reads as follows:

Resolved, That at the end of Rule XXV, add the following:

A Senator who on the date this subdivision is agreed to is serving on the Committee on Armed Services, and the Committee on Environment and Public Works, may, during the One Hundred Fourth Congress, also serve as a member of the Committee on Governmental Affairs, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995

The Senate continued with the consideration of the bill.