

APPOINTMENTS DURING
ADJOURNMENT

Mr. LOTT. Mr. President, the following appointments were made pursuant to law during the sine die adjournment of the Senate:

To the National Gambling Impact Study Commission, pursuant to Public Law 104-169, Dr. Paul Moore, of Mississippi and Dr. James Dobson, of Colorado (Oct. 4, 1996)

To the National Committee on Vital, and Health Statistics, pursuant to Public Law 104-191, Richard K. Harding, of South Carolina (Nov. 4, 1996)

To the Senate Delegation to the North Atlantic Assembly during the Second Session of the 104th Congress, to be held in Paris, France, Nov. 17-21, 1996, pursuant to 22 U.S.C. 1928a-1928d, Senators HATCH, WARNER, GRASSLEY, SPECTER, MURKOWSKI, COATS, and BENNETT (Nov. 8, 1996)

To the National Gambling Impact Study Commission, pursuant to Public Law 104-169, Leo McCarthy, of California (Nov. 25, 1996).

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

SEATING OF SENATOR LANDRIEU

Mr. LOTT. Mr. President, earlier today, the Senate seated Senator MARY L. LANDRIEU without prejudice to the Senate's constitutional power to be the judge of the election of its Members. In so seating Senator LANDRIEU, the rights of any person or entity involved in the election contest petition are also preserved.

As a practical matter, what this means is that Senator LANDRIEU has the same rights and privileges as any other Senator with no limitation. However, her election has been contested and, as in other cases in recent history, depending on the resolution of this dispute in the Rules Committee, the Senate may ultimately be required to consider a report from the Rules Committee or not once they find out the details of what transpired.

Senator WARNER, the chairman of the Rules Committee, and Senator WENDELL FORD, ranking member, have met and discussed this matter. Senator DASCHLE and I have discussed it. They have retained counsel who are reviewing the material that is available, and at some point, once they have had an opportunity to review that and hear from the interested parties, namely Senator LANDRIEU and the candidate, Woody Jenkins, then they will make a determination depending on the facts as to whether or not an investigation

and subsequent action would be required by the Rules Committee.

The Senate may take any of several courses of action. It may dismiss the petition at that time; it may declare the election to be set aside and call for a special election to fill the seat; or the Senate may declare the petitioner the winner of the election and replace the Senator already seated. Each one of those have been done at various times in the past.

But again, I think it is very important that we not prejudice anything. I do not think any Senator knows many of the details of what is involved. The committee of jurisdiction is working on it, and we should allow them to proceed in a careful but thorough and bipartisan way.

Obviously, we are removed from making any determination today, and we should be. We are just seeing that the allegations are being investigated and, as soon as possible, the Senate Rules Committee, then, will make a formal decision on whether to go forward. It is my intention, and I know it is the intention of the Democratic leader and Senator WARNER and Senator FORD, that the investigation will be thorough and fair, and that it will be handled expeditiously, and that it will be in accordance with all the rules that are established in the past with regard to what the Senate protocol is in these matters.

Not only should the investigation be fair, it should be conducted in a manner that allows us to do the people's business. That is the primary reason for seating Senator LANDRIEU without prejudice. We want to allow the Senate to proceed to its business with all 100 Senators present, accounted for, and involved in the process, while we gather whatever facts that are there and are available and need to be known. At such time as the Rules Committee makes a recommendation of disposition, the report is highly privileged and will then be subject to the Senate for consideration.

I think it is important that we apply the same fair principles to the consideration of the Rules Committee report, should one be issued. Under ordinary procedures, as with most business of the Senate, such a report would be fully debatable and subject to the usual rules and filibusters and cloture votes. However, I believe that the American people, and particularly this institution, would be better served if we agree in advance that ample opportunity will be given to all Senators for debate and consideration of any such Rules Committee report, but that ultimately debate will draw to a close, the matter will be decided, and we can move on to other business of our country that we have been sent here to accomplish.

I know, in the case a few years ago, maybe it was in the 1970's, there was a matter that was contested based, as I recall it, purely on the closeness of the election. The Senate spent 6 months and over 40 votes until it was finally

resolved by setting aside the election, calling for another election, and that occurred and Senator Durkin was elected. I hope we do not have anything like that occur this year. My presumption at the beginning is nothing of that kind. There may be no further action on this, other than what happened in the Feinstein matter and in the Coverdell matter, but I would feel a need to clarify what the rules would be, or to identify what the rules will be as we proceed. I will, therefore, offer a unanimous-consent agreement which incorporates my desire to be fair to all parties but also to ensure that the matter does not become mired in a lengthy or purely partisan situation.

So, I ask unanimous consent that any resolution reported by the Committee on Rules recommending a disposition of the matter of the Louisiana Senate election of 1996 be laid before the Senate for immediate consideration following the request of the majority leader, after notification of the minority leader.

I further ask unanimous consent that time for debate on such resolution be limited to not more than 30 hours, equally divided in the usual form, and that at the conclusion of that time the Senate proceed immediately to a vote on the Rules Committee resolution, with no amendments being in order.

The PRESIDING OFFICER. Is there objection? The minority leader.

Mr. DASCHLE. Mr. President, let me commend the distinguished majority leader for the manner with which he has brought this matter to the floor. We have had a number of opportunities to consult with regard to his intention to make this unanimous-consent request. He has ably outlined the options available to the Rules Committee just now. He has also indicated his desire to ensure that we expedite the consideration of the report of the Rules Committee at the appropriate time.

I share his confidence in the leadership of the Rules Committee. Senator WARNER is a man of impeccable credibility, and Senator FORD has also led that committee in a similar manner. I know that he and Senator WARNER have talked about this matter already and I know that both of them are determined to bring this matter to, not only a successful conclusion, but an objective consideration at the earliest possible date.

There is no desire, let me emphasize, there is no desire to hinder the progress of the Rules Committee or the Senate itself, as we expeditiously consider the resolution and the ultimate seating of Senator LANDRIEU. As the distinguished majority leader has said, Senator LANDRIEU was seated today without prejudice, as were Senator COVERDELL and Senator FEINSTEIN in previous Congresses. So, it is with every expectation that Senator LANDRIEU will continue to present herself to the Senate with all the credibility of any other Senator that I am sure this matter will be resolved in a fair