

upon passage of H.R. 5005, the homeland defense bill, the Senate proceed to the terrorism insurance conference report to accompany H.R. 3210; that the Senate then vote immediately on cloture on the conference report; that if cloture is invoked, the Senate then immediately, without any intervening action or debate, vote on passage of the conference report; that if cloture is not invoked, the conference report continue to be debatable.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I do not fully understand this request. I want to know what this does to homeland security.

Mr. DASCHLE. Mr. President, if I can respond to the distinguished Senator from West Virginia, this has no effect at all on the debate on homeland defense. All Senators are protected with regard to their rights under cloture, if cloture is invoked on homeland security. This only deals with the next issue, the terrorism insurance bill, to be taken up once homeland defense has been completed.

Mr. BYRD. Mr. President, further reserving my right to object, and I will be very brief, I am supportive of the measure the distinguished majority leader is seeking to advance in connection with this request. Does this in any way have a psychological effect with respect to the cloture we are going to vote on this morning?

I plead to Senators—further reserving my right to object—I plead with Senators not to invoke cloture today. I understand cloture will be invoked at some point. I just hope it will not be today. I hope we will have the weekend for our staffs to study this bill so that we will be better prepared after we have had more time to study it.

What I am concerned about is the desire to get to the bill about which the majority leader is speaking and which I fully support. I hope that desire will not have some psychological impact on Senators causing them to vote for cloture today.

I wonder if our two leaders would propose a unanimous consent request that would vitiate a cloture vote for today, push the cloture vote over until Monday. I know cloture is going to be invoked, but for God's sake, for Heaven's sake, for the sake of liberty and justice, and for the sake of Senators being able to understand what they are voting on in this 484-page bill that has been sprung on us—and we have only been able to see it at the beginning of Wednesday, the day before yesterday—would the leaders please consider at least vitiating that vote and putting it over until Monday so that we and our staffs will have some more time for study?

For Heaven's sake, would the majority leader and minority leader consider this request? That is all I am asking.

I know cloture is going to be invoked at some point, but for Heaven's sake, we have a right to know what is in this 484-page bill, and the people out there who are watching this debate through those electronic lenses have a right also to know. We have a duty to know what we are voting on. At this moment, as we get ready to invoke cloture, we do not know what is in this bill.

Mr. President, I remove my reservation.

The PRESIDING OFFICER. Is there objection to the unanimous consent request? Without objection, it is so ordered.

Mr. DASCHLE. I thank all of my colleagues. I thank in particular the distinguished Senator from West Virginia. I yield the floor.

#### ORDER OF PROCEDURE

The PRESIDING OFFICER. The Senator from West Virginia retains the floor.

Mr. DASCHLE. Mr. President, I ask for the regular order which, as I understand, acknowledges 2 minutes remaining for Senator BYRD.

The PRESIDING OFFICER. The Senator from West Virginia has 1 minute 30 seconds remaining, and Senator LOTT retains 4½ minutes.

Mr. BYRD. I yield 1 minute to Senator LEVIN.

#### STATUS OF AMENDMENTS

Mr. LEVIN. Mr. President, parliamentary inquiry: A large number of amendments have been filed which, on their face, appear to be relevant to this bill. If cloture is invoked, not only non-germane but even relevant amendments would be precluded from being offered.

My parliamentary inquiry is this: How many of the amendments which have been filed and reviewed by the Parliamentarian would fall as being non-germane?

Mr. BYRD. What bill is the Senator referencing?

Mr. LEVIN. Homeland security.

The PRESIDING OFFICER. The Chair will attempt to answer that question.

Mr. LEVIN. The list I have, they all appear, most appear to be relevant amendments, but because of the technical rules, many of these would not be allowed apparently; many would be not allowed if they are not strictly germane. How many of these amendments are non-germane in the eyes of the Parliamentarian?

The PRESIDING OFFICER. The Parliamentarian advises the Chair that of the list of approximately 40 amendments, preliminary analysis indicates 10 are not germane and roughly 30 are either germane or are clearly relevant.

Mr. BYRD. Will the Chair repeat the response?

Mr. LEVIN. Ten of these amendments could not be offered after the vote.

The PRESIDING OFFICER. That is correct.

Mr. BYRD. Would the Chair repeat—

The PRESIDING OFFICER. And that is homeland security.

Mr. BYRD. Would the Chair please repeat the response that was given to the Senator from Michigan so we can hear it? I did not hear the response.

The PRESIDING OFFICER. Of the list of approximately 40 amendments, preliminary analysis indicates 10 are not germane. Approximately 30 are either germane or are arguably germane.

Mr. LEVIN. That was not the question. The question is, Of the amendments reviewed, how many would not be strictly germane and therefore would fall?

The PRESIDING OFFICER. There are 10 amendments.

Mr. LEVIN. Pardon?

The PRESIDING OFFICER. Ten.

The time of the Senator from West Virginia has expired. The Republican leader has 4½ minutes. The Republican leader is recognized.

Mr. GRAMM. Will the Republican leader yield to me?

Mr. LOTT. Mr. President, I yield time off my leader's time. How much time does the Senator from Texas need?

Mr. GRAMM. We have 4½ minutes. Ten minutes.

Mr. LOTT. I yield 10 minutes of leader's time to Senator GRAMM.

The PRESIDING OFFICER. The Senator from Texas is recognized for 10 minutes.

#### HOMELAND SECURITY

Mr. GRAMM. Mr. President, we have drifted into a debate which I think we should be engaged in now, and that is a debate on whether we should vote for cloture on the pending amendment and, therefore, cloture to proceed with homeland security.

At this late hour, I do not think anybody is going to be convinced in terms of whether this is a good thing or a bad thing as it is written. I think people have pretty well reached that decision. I simply would like to make a couple of points that I think are important in making the decision.

I begin by saying I do not think anybody set out with a goal of homeland security becoming an issue that sort of divided us along party lines. I do not think anybody had that intention, but the net result is it happened. We now are at a point where we have one last opportunity to do this bill.

I make two arguments for doing it that I think are strong, and I make them not to the people who are for it—they are already convinced and I hope they will not listen because I do not want to change their mind. I want to make my argument to the people who are on the other side of the issue.

The first argument is that we have had an election. It is very easy in elections to read into them what you want

to read into them. Elections are sort of like the Bible in the sense that everybody finds something in them that they want to find and they neglect the things they do not want to see. I do think one of the themes of the election was a desperate desire of the American people to see a homeland security bill passed.

Mr. BYRD. Will the Senator yield?

Mr. GRAMM. Whether it was this one or another one, I think that is open to interpretation, but I think they wanted to see it passed.

I certainly will yield.

Mr. BYRD. Just one quick observation. I hope the Senator will delete from his remarks which will appear in the RECORD any reference to the Holy Bible in the context that he was speaking. I do not think that has any place in this argument. I say that lovingly and fondly.

Mr. GRAMM. Well, I appreciate that. Let me remove "the Bible" and put "teaching" or "holy script."

What we tend to do with revered documents—whether it is the Constitution, the Koran, or some other holy teaching—is we take from it what we like and we tend to leave out what we do not like, and that was the point I was making. I thank my colleague for making the point.

The point I want to make beyond that is, I do believe an objective reading of the election shows a desire, an almost desperation of the American people, to see action taken on a homeland security bill, though I am not claiming necessarily this bill.

The second argument I hope opponents of the bill will listen to is, this bill does represent a compromise. The President would have not been subject to much criticism if, after the election, he had said: Look, I have already compromised too much on this issue. Given the results of the election and the mandate, I am going to get exactly what I want, and so as a result I am going to stop negotiating. We are going to go home, come back in January, and do it exactly my way.

He could have done that, and I do not think people could have been critical of him. But the President did not do that. Even though he perceived, and many others perceived, that he got a mandate in the election on this issue, he came back and compromised again. He compromised again by not giving public employee labor unions the ability to veto a homeland security reorganization, but by strengthening their ability to have input into it. That represented an additional compromise.

The bill before us is not a bill that all of our colleagues support. I know our dear colleague from West Virginia is very sincere in his opposition, but I say this: The first major issue that the distinguished Senator from West Virginia raised, in opposition to the original bill, was that it interfered with Congress's power of the purse by giving the President power—and the Senator and others argued arbitrary power—to rewrite appropriation bills.

I argue to our colleagues that whether they support or oppose this bill, that concern was responded to, and the bill before us sets an amount that the President has flexibility in, but it gives him no power, without reprogramming—which means the approval of the chairman and the ranking member—to move money around.

I simply say to my colleagues this is a compromise, even though it may not be one that the Senator finds supportable. But I ask the following question: Does the Senator believe the bill that will be adopted in the new Congress will be closer to what he wants than this bill is? Does he have a guarantee that in the new Congress the concerns that were dealt with here will be dealt with?

I guess really what I am saying—and not doing a very effective job in saying it—is the following: I ask my colleagues who oppose the bill to look at it in its totality, to look at the compromises that are in it, protecting our right to the purse, giving public employees an opportunity to have an input but not a veto. We all know the bill is going to pass now or it is going to pass later, and so will the bill passed in the new Congress be more to the liking of my colleagues who would vote no today than this bill? The answer is probably no.

Finally, the one thing we all agree on is, in creating this new department—whether it is a good idea or a bad one—if we do not do it now and do it 3 months later, we have lost the 3 months. So the bill we would do in 3 months might very well be less to the liking of the people who oppose it and we will be doing it 3 months later.

I think if I were on the other side, what I would probably conclude is I am not for the bill and I am going to vote against it, but doing it in the new Congress with the makeup of the new Congress will probably produce a bill that I like less and that the victories that have been won in it—and there have been some; this is a compromise—would be lost, could be changed, and waiting 3 months to get a bill that might be worse from my point of view is not a good decision.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. GRAMM. I am happy to yield.

Mr. BYRD. The Senator is absolutely right in what he says with reference to the appropriations process. That was a major weakness of the original bill, and the Senator from Texas knows that. He had a lot to do with a compromise that developed with respect to the appropriations process—he and Senator STEVENS, above all, on that side of the aisle. That part has been vastly improved. So I have not had much to say in my expressions of opposition to the way we are proceeding. I have had little to say except to compliment Senator STEVENS, and I will compliment the distinguished Senator from Texas because he has privately told me upon occasion that that was

almost an unassailable position I was taking with reference to that appropriations process within the constitutional system.

This measure has gone a long way. It has not gone all the way, but it has gone a long way. I have had very little to say about that.

Finally, let me say, would we have a better bill 3 months later?

Mr. GRAMM. Mr. President, I ask for an additional 4 minutes if the Senator is going to speak. I want to conclude with one remark.

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

Mr. BYRD. Mr. President, with reference to the question, will the bill be better 3 months from now? I say there is an excellent chance the bill would be better, that the failings of this compromise as brought to light by the press and by Members, through the help of their staffs, the things that they are complaining about in this bill, yes, we would have time to remove those after debate and we would come out with a better bill. I think always that more debate results in a better end product.

As far as I am concerned, the answer is, yes, 3 months from now we could have a better bill. We would have more time. Our staff would have more time. The press would have more time. I am just pleading for us not to invoke cloture today so we can have at least the weekend to look at this bill.

I thank the distinguished Senator.

Mr. SARBANES. Will the Senator yield?

Mr. GRAMM. I would be happy to yield, but I do want to make sure I have 3 minutes at the end to sum up and we are 5 minutes from the vote.

I am happy to yield.

Mr. SARBANES. One of the things we could do if we had more time is get the special interest provisions out of this bill. As I understand it, and with appropriate respect to the Senator from Texas, those provisions were never in the alternatives being offered in the Senate as we considered homeland security.

In fact, I may or may not agree with your provisions on homeland security and think it should be done differently, but at least it was homeland security. Now we discover and are discovering every moment there are other special interest provisions that are in this legislation. I argue we should not invoke cloture, if for no other reason than in order to address those special interest provisions.

Mr. GRAMM. Mr. President, let me address that and get back to the Senator's point, which is the relevant point.

First of all, this bill results from three things: One is the old Gramm-Miller substitute with which we are all familiar and we debated for 6 weeks. It also includes compromises that were reached with three Democrat Members to try to increase input that public employees have in the process. I am first

to say it does not give them veto power, but it gives them a greater degree to be heard. The third thing it entails is a compromise with the House. We had to meet with Members of the House to try to bring the two bills together, given we are at the end of the session, so they could pass the bill in the House and we could pass it in the Senate.

Are there special interest provisions in the bill? There are. But does anyone believe we would go to conference in February or March and not have special interest provisions in the bill? I am proud that my colleague has noted I didn't have any in the substitute we offered.

I say the following in addressing the important point of the Senator from West Virginia, and then I will conclude. I believe this is a good amendment. I believe it is a result of 6 weeks of work. It is a compromise that has been made, and then an additional compromise has been made on top of that. I believe from my point of view we might get a better bill in February, but I don't believe from the point of view of the opponents of this bill they would get a better bill. And to the extent we got greater support, we would get a bill that is not as good.

Secondly, I remind my dear colleague from West Virginia that when Benjamin Franklin read the Constitution, he asked himself: Is this the best product that we are going to get? As he knows, better than I, there were things in it he was doubtful of. I am not comparing this 484 pages to what, in a secular sense, is a document that is pretty holy to me and the Senator from West Virginia, and that is the Constitution.

But the point is relevant. This is a compromise. Even the Senator said his biggest concern has been dealt with. I say to critics, the fact that is the case says something about the fact that there was a genuine effort to compromise. I am not asking my colleagues that have taken a hard position to vote yes. I know that will not happen. I know I will not convince the Senator from West Virginia, but I hope I will convince him of two things.

The first is the most important one, and that is this bill is not all bad and there are some good things in the bill and there has been some legitimate effort to compromise. Second, when we do get cloture, we are at a point where we need to go ahead and act and adopt the bill.

I thank my colleague for the debate. Probably the Senator from West Virginia has had more impact in changing this bill than anyone else because of the strength of his arguments. I simply say, it is a long way from what he would like. I have voted on many bills here in my 18 years in the Senate, and they were a long way from what I liked. But you ultimately come down to, especially in these circumstances, the following questions: Is it going to get any better? Might it get worse? Is it worth waiting 3 months to find out?

My conclusion, and it is one I feel very strongly about, is that I believe it is a good bill. I don't believe it would get better with time, especially from the point of view of people who are concerned about workers' rights. And finally, waiting 3 months does not serve anybody's interests.

Thomas Jefferson said good men with the same opinion are prone to disagree.

Mr. BYRD. I yield the floor.

How much time does the Senator have remaining?

The PRESIDING OFFICER. Two minutes and nineteen seconds.

Mr. BYRD. I hope he has 3 additional minutes.

Mr. McCAIN. I object.

Mr. GRAMM. I give the 2 minutes to Senator BYRD.

Mr. BYRD. Mr. President, with reference to Benjamin Franklin, when the Constitutional Convention ended we are told a lady approached Benjamin Franklin with the question: Dr. Franklin, what have you given us?

His response: A republic, Madam, if you can keep it.

That is what is wrong with this bill. That is the problem. The third leg of the trilogy of reasons we have this compromise, which was related to us by the distinguished Senator from Texas, is that third leg, that compromise that he spoke of, which was entered into with the House so that the House could pass this measure over there virtually without debate, that is the leg I think we could improve with an additional 3 months. That is the leg which has the major flaw. That is the leg which has the dagger pointed to the heart of the Republic, which we all love. It is that leg which I think another month or 2 months or 3 months would vastly improve, I say with all due respect.

Mr. SARBANES. Will the Senator yield?

Mr. GRAMM. I have the time.

Mr. SARBANES. I say to the Senator, I think it is clear, I understand his point on the homeland security provisions about now or next year. But it seems to me clear that next year you will not have these special interest provisions that are in this legislation. They were not in your legislation. They have been put in here by the House. Some of them are absolutely outrageous.

Mr. GRAMM. Let me say when Senator MILLER and I wrote the substitute, it is true we did not have any special interest provisions in it. It is true that there are a few special interest provisions in this bill. But I would have to say—without getting into an argument with anybody on what may be my last words in the Senate—that more often than not when you are negotiating between the two bodies, you end up with some provisions, (a) you don't like, and (b) that have are promoted by some special interest. I would have to say—and I am sure my colleagues will remember me going through bills at midnight looking at proposed amendments

that were going to be accepted—seldom have I seen a bill that had none of those. I am not going to be here in future years, so I guess I will read about it in the paper. But if we do not invoke cloture, I would be willing to bet good money, and I hope to have it to bet at that time, that there will be more special interest provisions in it 4 months from now than there are right now.

Mr. REID. Mr. President, all time is expired on this; is that right?

The PRESIDING OFFICER. That is right.

Mr. REID. I advise all Senators, we heard a lot of debate this morning. There will be immediately an up-or-down vote on cloture on the Gramm-Miller substitute amendment to the Homeland Security Act. On our side this is opposed by Senator BYRD. It is my understanding that Senator LIEBERMAN will vote in favor of the cloture motion.

Mr. DORGAN. Mr. President, I wish to inquire of the Senator from Texas where this negotiation took place?

Mr. ROBERTS. Regular order.

The PRESIDING OFFICER. Under the previous order, the clerk will report.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senator from—

Mr. ROBERTS. I object.

Mr. BYRD. I know the Senator objects.

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. REID. Mr. President, I ask unanimous consent that the call of the quorum be terminated.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. No, reserving the—I can't reserve the right to object. I object until we get a clear understanding that the Senator from North Dakota can have 1 minute.

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

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

Mr. REID. I ask that the Senator from North Dakota be recognized for 1 minute and the Senator from Texas, Mr. GRAMM, be recognized for 1 minute.

Mr. GRAMM. And the vote occur immediately thereafter.

Mr. REID. The vote to occur immediately thereafter.

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

The Senator from North Dakota.

Mr. DORGAN. I merely wish to inquire of the Senator from Texas: He indicated in the process of completing legislation, sometimes at midnight there is a negotiation that goes on and things happen. I am wondering if the Senator from Texas can tell us where the negotiation occurred that put in the homeland security bill the special piece for the pharmaceutical industry

that shows up now, today, that says there will be special liability protections for the pharmaceutical industry. And the majority leader of the House, Mr. ARMEY, says: Well, I put it in, but it wasn't my idea; it was the White House.

I am asking, was there a negotiation someplace, sometime, between some people, of which I am unaware? Because I have heard of no such negotiation by which that provision should have ended up in this bill.

I inquire of the Senator from Texas where this negotiation occurred. Who was involved in it? Who made the decision that a special protection for the pharmaceutical industry that just spent \$16 million in the last election ought to be stuck in this bill? Who was involved in it?

The PRESIDING OFFICER. The time has expired. The Senator from Texas has 1 minute.

Mr. GRAMM. I am glad the Senator picked one with which I am totally familiar.

In the Senate bill, we had a provision where the Federal Government indemnified those manufacturers that produced items to be used in the war on terrorism whereby the taxpayer would pay liability that arose from it.

I was never much for that provision, but I was desperately trying to get the votes to prevail, and so I took that provision.

The House had a provision that limited liability, similar to what we did in World War II and what we have done in most major conflicts. When you produce an item for defense purposes, there is a limited liability. It seemed to me that, rather than the taxpayer bearing the burden, forcing these cases into Federal court and limiting liability was a preferable choice.

That is where the negotiation came from. This was not a provision out of the clear blue sky. We had a provision, they had a provision, and we took less liability protection than they had. This is a good provision of the bill.

Mrs. LINCOLN. Mr. President, I rise in support of cloture on the Homeland Security bill because our country needs a unified effort to defend our shores. But I want my colleagues on the other side of the aisle to know that I am ashamed of the tactics that you have used. And this Senator will not forget what you and your patrons in the pharmaceutical industry have done to this bill and to the American people in the dark of the night. It appears that the \$12 million PhRMA donated during the last election cycle can buy more than a handful of House and Senate seats. It can also buy a sneak attack on people—autistic children—who have been harmed by vaccines.

I say to my friends across the aisle and to my friends in the pharmaceutical industry: sneaking this unrelated provision into critical legislation like Homeland Security is not the way to make good public policy. It is un-American, and something to be ashamed of.

Why should the parents of autistic children—children who were injured by thimerosal in vaccines—lose some of their legal options in the name of Homeland Security? They too care about the security of our nation, but you cannot doubt their love and concern for their precious vulnerable children. The homeland security bill is not an appropriate vehicle to make this change to the vaccine injury compensation program on behalf of one interest group.

#### HOMELAND SECURITY ACT OF 2002

Pending:

Thompson (for Gramm) Amendment No. 4901, in the nature of a substitute.

Lieberman/McCain Amendment No. 4902 (to Amendment No. 4901), to establish within the legislative branch the National Commission on Terrorist Attacks Upon the United States.

Dodd Amendment No. 4951 (to Amendment No. 4902), to provide for workforce enhancement grants to fire departments.

#### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The 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, hereby move to bring to a close debate on the substitute amendment No. 4901 to H.R. 5005, the Homeland Security legislation.

John Breaux, Ben Nelson of Nebraska, Larry E. Craig, Jon Kyl, Mike DeWine, Don Nickles, Craig Thomas, Rick Santorum, Trent Lott, Fred Thompson, Phil Gramm, Pete Domenici, Richard G. Lugar, Olympia J. Snowe, Mitch McConnell.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call under the rule is waived.

The question is, Is it the sense of the Senate that debate on the Thompson amendment, No. 4901, for H.R. 5005, an act to establish the Department of Homeland Security and for other purposes, shall be brought to a close? The yeas and nays are required under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUE), the Senator from Maine (Mr. KENNEDY), the Senator from Maine (Mr. KERRY), and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) and the Senator from Colorado (Mr. CAMPBELL) are necessarily absent.

The PRESIDING OFFICER (Mr. DAYTON). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 65, nays 29, as follows:

[Rollcall Vote No. 244 Leg.]

#### YEAS—65

Allard	Edwards	Lugar
Allen	Ensign	McCain
Barkley	Enzi	McConnell
Bayh	Feinstein	Miller
Bennett	Fitzgerald	Murkowski
Bingaman	Frist	Nelson (NE)
Bond	Graham	Nickles
Breaux	Gramm	Roberts
Brownback	Grassley	Santorum
Bunning	Gregg	Sessions
Burns	Hagel	Shelby
Cantwell	Hatch	Smith (NH)
Carnahan	Hollings	Smith (OR)
Chafee	Hutchinson	Snowe
Cleland	Hutchison	Specter
Cochran	Inhofe	Stevens
Collins	Johnson	Thomas
Craig	Kyl	Thompson
Crapo	Landrieu	Thurmond
Daschle	Lieberman	Voinovich
DeWine	Lincoln	Warner
Domenici	Lott	

#### NAYS—29

Akaka	Dodd	Murray
Baucus	Dorgan	Nelson (FL)
Biden	Durbin	Reed
Boxer	Feingold	Reid
Byrd	Harkin	Rockefeller
Carper	Jeffords	Sarbanes
Clinton	Kohl	Schumer
Conrad	Leahy	Stabenow
Corzine	Levin	Wyden
Dayton	Mikulski	

#### NOT VOTING—6

Campbell	Inouye	Kerry
Helms	Kennedy	Torricelli

The PRESIDING OFFICER. On this vote, the yeas are 65, the nays are 29. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The majority leader.

#### AMENDMENT NO. 4902

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Lieberman amendment No. 4902 be in order.

Mr. GRAMM. Mr. President, I object. The PRESIDING OFFICER. Objection is heard.

The majority leader.

Mr. DASCHLE. Mr. President, I very regretfully make a point of order that amendment No. 4902 is not germane.

The PRESIDING OFFICER. The Chair sustains the point of order. The amendment falls.

#### AMENDMENT NO. 4911 TO AMENDMENT NO. 4901

Mr. DASCHLE. Mr. President, I call up amendment No. 4911.

Mr. BYRD. Mr. President, what is happening? What was the request? What has happened?

Mr. DASCHLE. Mr. President, I have called up amendment No. 4911. I would like it read.

The PRESIDING OFFICER. The clerk will report the amendment.

Mr. BYRD. Mr. President, parliamentary inquiry. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. BYRD. Mr. President, what was the request agreed to; what happened? What was the decision of the Senate?

The PRESIDING OFFICER. A unanimous consent request that the pending first-degree amendment be in order was objected to. Objection was heard. A point of order was then made against the amendment on the grounds that it was not germane. The Chair sustained