Mr. MITCHELL. Mr. President, I move to instruct the Sergeant at Arms to request the attendance of absent Senators, and I ask for the yeas and nays.

The PRESIDENT pro tempore. Is the demand of the majority leader sustained? Obviously, the demand is sustained.

The yeas and nays were ordered. The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Maine. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll. Mr. SIMPSON. I announce that the Senator from Wyoming (Mr. WALLOP) is not present.

I further announce that the Senator from South Dakota (Mr. PRESSLER) is absent due to a death in the family.

The PRESIDENT pro tempore. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 97, nays 1, as follows:

[Roll Call Vote No. 174 Leg.]

YEAS—97

Byrd
Chafee
Conor
Conrad
Cranston
D'Amato
Dandridge
Daschle
DeConcini
Dixon
Dodds
Domenici
Durenberger
Eckstein
Eckstein

NAYs—1

Gramm

NOT VOTING—2

Presler
Wallops

So the motion was agreed to. The PRESIDENT pro tempore. A quorum is present.

SELECT COMMITTEE ON ETHICS INVESTIGATION OF SENATOR DAVID F. DURENBERGER

The PRESIDENT pro tempore. The hour of 3:30 p.m. having arrived, under the order, the Senate will proceed to the consideration of Senate Resolution 311, which the clerk will read in its entirety.

The legislative clerk read as follows:

A resolution (S. Res. 311) concerning the Select Committee on Ethics Investigation of Senator David F. Durenberger—S. Res. 311

Resolved, That the conduct of Senator Durenberger in connection with his arrangement with Pirhana Press, his failure to return proceeds in connection with his arrangements in connection with his stays in his Minneapolis condominium, his pattern of prohibited communications respecting the condominium, his repeated acceptance of prohibited gifts of limousine service for personal purposes, and the conversion of a campaign contribution to his personal use, has been reprehensible and has brought the Senate into disfavor and disrepute;

That Senator Durenberger knowingly and willingly engaged in conduct which was in violation of statutes, rules, and Senate standards and acceptable norms of ethical conduct;

That Senator Durenberger's conduct was clearly and unequivocally unethical, and;

That therefore, pursuant to article I, section 5, clause 2 of the United States Constitution and Senate Resolution 338 of the 98th Congress, as amended, Senator David Durenberger be, and he hereby is:

(1) denounced by the United States Senate;

(2) referred to the Republican Party Conference for attention; and

(3) directed to reimburse $29,050 plus interest to the Senate; and to pay to charities with which he has no affiliation, $89,730, less State and Federal taxes previously paid on that amount, in excess honoraria improperly retained during 1985 and 1986, such payments to be made at the regular intervals over the balance of his United States Senate term.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the following staff members of the Senate Select Committee on Ethics, the Office of the Senate Legal Counsel, and staff and outside counsel for Senator DURENBERGER be granted the privileges of the floor during consideration of Senate Resolution 311: Wilson R. Ashburn, Victor M. Haupt, Robert S. Bennett, David Apol, Houston Fuller, Annette Gillis, Jack Maskell, Tom Polgar, Jim Farrell, Beth Ryan, Abby Raphael, Fran Wetzel, Michael Davidson, Claire Sylvia, Bert McFay, James Hamilton, Alice Negratt, and Steve Moore.

The PRESIDENT pro tempore. Is there objection? The Chair hears no objection. It is so ordered.

Mr. MITCHELL. Mr. President, this afternoon, in accordance with the provisions of article I, section 5, clause 2 of the Constitution, the Senate is fulfilling one of its most solemn responsibilities—the consideration of and judgment on the behavior of one of its own Members. This is not a pleasant task, but it is a necessary one. I ask each of my colleagues to remain in their seats and give each of the speakers their attention as the Senate considers this important resolution.