

Vegas to honor those dedicated to enhancing the quality of life for many people in the Silver State. I would like to extend my thanks and appreciation to the devoted professionals involved in this occupation for their commitment and service. Chiropractors have made many Nevadans' lives better through their practice.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION.

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of House Joint Resolution 1, which the clerk will report.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 1) proposing a balanced budget amendment to the Constitution of the United States.

The Senate resumed consideration of the joint resolution.

Mr. WELLSTONE. Mr. President, I know that my colleague, Senator KERREY from Nebraska, has come to the floor to speak.

I ask unanimous consent that, after he speaks, it then be in order to call up a motion.

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

Mr. WELLSTONE. I thank the Chair.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, this debate is about amending the U.S. Constitution. If we approve the proposal as offered by the distinguished Senator from Utah and others—as the House already has—it will be up to the States of this country to ratify or reject what would become the 28th constitutional change in 206 years.

The Constitution of the United States represents the greatest democratic achievement in the history of human civilization. It—and the self-evident truths which are its bases—has guided the decisions and the heroic sacrifices of Americans for two centuries. Its precepts are the guiding light and have been a shining beacon of hope for millions across the globe who hunger for the freedoms that democracy guarantees. It has served not only us, it has served the world, as well.

It is not, Mr. President, a document, therefore, to be amended lightly. Indeed, my strongest objection to this proposal is that it does not belong in our Constitution; it belongs in our law.

In addition to this argument, I also intend to suggest that the political will to enact changes in law to balance our budget—which was missing from many previous Congresses—now appears to be here.

In fact, I wish the time taken to debate this change in our Constitution

was instead spent debating the changes needed in the statutes that dictate current and future spending. This does not mean, Mr. President, I agree with those who have complained about the length of time we have spent on this proposal. This complaint is without merit.

This great document should not be amended in a rush of passion. It is evident from the Constitution itself that its authors intended the process of amendment to be slow, difficult, and laborious. So difficult that it has been attempted with success only 17 times since the Bill of Rights. This document is not meant to be tampered with in a trivial fashion.

As I said, the proposed 28th amendment to the Constitution is intended to affect the behavior of America's congressional representatives. In that regard, it is unique. Except for the 25th amendment, which addresses the issue of transfer of power, other amendments affecting the behavior of all Americans by limiting the power of Government, protecting public freedoms, prohibiting the majority from encroaching on the rights of the minority or regulating the behavior of the States.

This would be the only amendment aimed at regulating the behavior of 535 Americans, who the amendment assumes are incapable of making the difficult decisions without the guidance of the Constitution's hand. That theory is grounded in the assumption that Congress and the public lack the political will to balance the budget.

Specifically, the proposal contains 294 words. It would raise from a simple majority to three-fifths the vote necessary in Congress for deficit spending. It would set a goal of balancing our budget by the year 2002.

The amendment empowers Congress to pass legislation detailing how to enforce that goal, but does not itself specify enforcement measures. The only answer to the question of what will happen if Congress and the President fail to balance the budget is that nobody knows. The only mechanism our country has for enforcing the Constitution is the courts. So the amendment's ambiguity prevents the serious possibility of protracted court battles which give unelected judiciary unwarranted control over budget policy.

The proponents of this amendment sincerely believe our Constitution needs to be changed in order to force Members of Congress to change their behavior, which supporters argue they will not do because they are afraid of offending the citizens who have sent them here in the first place. On that basis there is a long list of constitutional change they should propose, including campaign finance reform, lobbying reform, and term limits, just to name a few.

Mr. President, I support the goal of a balanced budget, and have fought and am fighting and will continue to fight to achieve it. However, desirability of a goal cannot become the only standard to which we hold constitutional

amendments. Constitutional amendments must meet a higher standard.

The Constitution and its 27 amendments express broadly our values as a Nation. The Constitution does not dictate specific policies, fiscal or otherwise. We attempted to use the Constitution for that purpose once, banning alcohol in the 18th amendment, and it proved to be a colossal failure. Fundamentally, we should amend the Constitution to make broad statements of national principle. And most importantly, Mr. President, we should amend the Constitution as an act of last resort when no other means are adequate to reach our goals.

We do so out of reverence for a document we have believed for two centuries should not be changed except in the most extraordinary circumstances. We have used constitutional amendments to express our preference as a Nation for the principles of free speech, the right to vote and the right of each individual to live free.

The question before Members today is whether the need for a balanced budget belongs in such distinguished company. While I oppose this amendment, Mr. President, I understand the arguments for it. I have had the privilege of serving here for 6 years and I am entering my seventh budget cycle as a consequence. Every time the President of either party, since I have been here, has sent a budget to this body it has been greeted with speeches and promises and rhetoric about the need to balance the budget. And each time, those speeches and promises and rhetoric have been greeted with votes in the opposite direction.

Many of those whose judgment I most respect in this body support this amendment, including the senior Senator from Nebraska, whose reputation as a budget cutter needs no expounding by me. I am sympathetic. Clearly something is wrong with a system which so consistently produces deficits so large.

The question for me is not whether something is wrong, but precisely, what is wrong? Do we run a massive deficit because something in the Constitution is broken? Were the Founding Fathers mistaken in assigning the elected representatives of the people the task of setting fiscal and budget policy? And is a constitutional amendment, as opposed to a statute requiring a balanced budget, the only workable solution? If the answers to these questions were yes, then a constitutional amendment in my judgment would be appropriate. But my answer in all three of these questions, is a resounding no.

If, on the other hand, the problem lies in the behavior of the 535 individuals whose actions produce the deficit, as opposed to the document that governs it, then a constitutional amendment is both an inappropriate and ineffective means for balancing the budget. If a simple statute rather than an