

## SENATE—Tuesday, February 7, 1995

(Legislative day of Monday, January 30, 1995)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Rabbi Joshua O. Haberman, of the Washington Hebrew Congregation.

## PRAYER

The guest Chaplain, the Rabbi Joshua O. Haberman, offered the following prayer:

Let us pray:  
Rock of Ages:  
We whose lives are forever in motion, from moment to moment, from place to place, even from life to death, we turn to Thee, Creator of all, who alone remains eternally the same in this ever-changing world.

Though we be but specks of dust in this vast universe, not knowing why and for what purpose we were brought into life, we are still Thy creatures and Thou art the very source of our being. In this moment of prayer and in spiritual linkage with Thee, we partake of Thine eternity and glory in the faith that Thou hast set meaning and purpose for our existence. Amen.

## RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

## RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished chairman of the Judiciary Committee is recognized.

Mr. HATCH. I thank the Chair.

## SCHEDULE

Mr. HATCH. As the President pro tempore said, this morning time for the two leaders has been reserved and the Senate will immediately resume consideration of House Joint Resolution 1, the constitutional balanced budget amendment.

For the information of all of my colleagues, according to the consent agreement entered last night, Senator DOLE or his designee will move to table the Daschle motion to commit at 12 o'clock noon tomorrow. Therefore, there will be debate only today on the pending amendments, so there will be no rollcall votes during today's session.

Also, the Senate will recess between the hours of 12:30 to 2:15 for the weekly policy luncheons to meet.

I notice my friend and colleague from Wisconsin is here and would desire to speak, so I yield the floor.

Mr. KOHL. I thank the Senator.

Mr. President, I ask to speak as if in morning business.

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

## REDUCING GUNS IN AMERICA

Mr. KOHL. Mr. President, last week was Schools Without Violence week in the Milwaukee public schools. However, last Monday, at the same time that students in my alma mater, Washington High School, were preparing essays on a theme of "Peace Begins with Me," gunshots shattered that peace. In the first shooting ever in a Milwaukee classroom, a 19-year-old former student shot a high school senior in the arm and leg. He was fortunate that he was not killed.

In the aftermath, one concerned mother stated:

Washington High School is a place of learning for kids. They should feel safe enough to learn. For this to happen here is unfair.

Mr. President, this is not just unfair. It is unacceptable. Young people should be able to concentrate on their biology and math classes and not on avoiding bullets.

Of course, there is no easy cure for the violence that is riddling our streets and ravaging our schools. We need more police, more prisons, and better family structure. However, I do believe that in the last Congress we passed three measures which can begin to make a difference: The Brady Act, the Youth Handgun Safety Act, and the assault weapons ban. I do not believe that any of these bills infringe on anyone's second amendment rights, and I am a strong supporter of these rights.

First, the evidence strongly supports the fact that during the 11 months that it has been in effect, the Brady law has helped save lives. According to the Bureau of Alcohol, Tobacco and Firearms, the Brady law has resulted in approximately 2 percent of all applicants being turned down from purchasing firearms because they were ineligible. Fugitives, rapists, murderers, and convicted felons have been arrested while trying to purchase guns.

In my own State of Wisconsin, which has a 2-day waiting period and a back-

ground check on handguns, more than 800 convicted felons have been prevented from buying handguns in the past 3 years.

Second, as we all know, homicides involving firearms, especially among our Nation's young, are on the increase. The risk of being murdered by a firearm in the United States has more than doubled since 1966. But for young people aged 15 to 19, it is much worse. The rate has increased nearly seven times. In our America of 1995, far too many of our young people are being killed and far too many of our young people are killing each other.

The problem of young people and guns has concerned me ever since I came to Washington. Last year, we finally made some progress. We enacted the Youth Handgun Safety Act as part of the crime bill which makes it a Federal crime to sell a handgun to a minor and for a minor to possess a handgun under most circumstances. Our measure had bipartisan support, from Senators CRAIG and THURMOND to former Senator Metzbaum, from the NRA to law enforcement. It is not a total solution, but it does take a step toward stemming the violence.

Finally, we have all read reports that some House Members want to repeal the ban on assault weapons as part of a new crime bill. I believe that this would be a terrible mistake. Have we forgotten about the 1989 massacre of innocent schoolchildren in Stockton, CA, and have we forgotten about the Long Island Railroad commuters who were ruthlessly gunned down just last year?

The ban on assault weapons is supported by almost 80 percent of the American people and numerous police organizations. Law enforcement claims that these are the weapons of choice for gang members and drug kingpins and that repealing the ban would ensure that gangs outgun police officers who walk the beat. In any event, to repeal the ban would be to reopen a partisan political wound just at a time when we are trying to work together on behalf of the American people. For that reason alone, Senators DOLE and HATCH deserve credit for not including a repeal in their crime legislation.

Yes, things have certainly changed from when I was a student at Washington High School. Back then, we did not have to worry about gangs and drugs and assault weapons and broken homes. Young people were not raised in front of TV sets that bombarded them with senseless violent images. And now

for many young people guns, crime, and violence are the only way that they think they can get ahead.

Mr. President, this is not the kind of a world that our children deserve, but it is one in which too many do in fact live. And so I look forward to working with my colleagues in the 104th Congress to reduce the number of guns in school and the number of young people with guns.

I thank the Chair.

#### BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The PRESIDENT pro tempore. 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.

Pending:

Daschle motion to commit the resolution, with instructions to report back forthwith, with Daschle amendment No. 231, to require a budget plan before the amendment takes effect.

Dole amendment No. 232 (to instructions to commit), to establish that if Congress has not passed a balanced budget amendment to the Constitution by May 1, 1995, with 60 days thereafter, the President shall transmit to Congress a detailed plan to balance the budget by the year 2002.

Dole amendment No. 233 (to amendment No. 232), in the nature of a substitute.

Mr. HATCH. Mr. President, I would like to just continue where I was yesterday. I appreciate the comments of my dear friend from Wisconsin and the leadership he is providing on the balanced budget amendment as well.

Yesterday I brought up a Balanced Budget Act debt tracker, and you can see by this tracker that since we have been debating—we are now in our ninth day—since we have been debating the balanced budget amendment, each day the national debt has gone up \$829,440,000. That was day one. As you can see, each day that we are debating this amendment, the deficit that the American taxpayers are owing is going up by that amount. It is a steady climb. As of yesterday, we were up to \$6,635,520,000. As of today, the ninth day of our debate, we are now up to \$7,464,960,000.

The trend line is straight up and we have only debated this 9 days. The President's budget does not do anything about that. As a matter of fact, his budget is going to go on at about \$200 billion a year in deficits.

Today I added this other bar to this balanced budget amendment debt tracker. The debt, as I said, is now increased by \$7,464,960,000 in just the 9 days we have been on this balanced budget amendment. A staff member

told me this morning, regarding the balanced budget, in an attempt to balance his own budget at home he spends \$50 a week for groceries. This \$7.4 billion that we have just spent in 9 days, putting us into more bankruptcy—that \$7.4 billion would buy that staff member groceries for 2,871,138 years at \$50 a week. So you can see how big this really is. If you look in the Wall Street Journal yesterday there is a very clever article related to the debt.

I ask unanimous consent it be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Feb. 6, 1995]  
IF YOU BOUGHT 2 TRILLION COPIES OF THIS  
PAPER \*\*\*

(By Stephen Moore)

Today, President Clinton releases his fiscal 1996 budget. Already the Associated Press is reporting that officials claim the budget "proposes to abolish or consolidate hundreds of government programs, reducing federal spending by \$144 billion over the next five years." No doubt the president will firmly insist that this is the most tight-fisted, penny-pinching budget in 20 years.

Why is this so predictable? Because this is what every president since Richard Nixon has said. But 20 years ago the federal budget was \$370 billion. Today, Mr. Clinton will request almost \$1.6 trillion. Even adjusting for inflation, the federal budget is twice as large as it was during the last years of the Nixon presidency. Besides, without the sleight of hand of baseline budgeting, President Clinton's new budget calls for a \$50 billion increase in spending from the current budget. And that was \$70 billion more than was spent the year before that. Yet the budget-busting news is bound to be greeted with a national yawn of unconcern.

Why is there more public outrage when we learn that Washington wastes \$100 on Al Gore's famous ashtray than that it wastes nearly \$1.6 trillion on everything else? Much of the problem seems to be that 1½ trillion is an incomprehensibly large number. So here are some simple ways to picture how enormous the U.S. government is today:

One trillion dollars—\$1,000,000,000,000. That's 12 zeroes to the left of the decimal point. A trillion is a million times a million. It would take more than 1½ million millionaires to have as much money as is spent each year by Congress.

One of the highest-paid workers in America today is basketball superstar Shaquille O'Neal, who reportedly earns about \$30 million a season in salary and endorsements. He is rich beyond our wildest imaginations. But he'd have to play 33,000 seasons before he earned \$1 trillion. It would take a Superdome full of Shaquille O'Neals to have enough to pay all of Congress's bills each year.

Here's an experiment. What if we were to try to pay off the \$4 trillion national debt by having Congress put one dollar every second into a special debt-buy-down account? How many years would it take to pay off the debt? One million seconds is about 12 days. One billion seconds is roughly 32 years. But one trillion seconds is almost 32,000 years. So to pay off the debt, Congress would have to put dollar bills into this account for about the next 130,000 years—roughly the amount of time that has passed since the Ice Age.

Even if we were to require Congress to put \$100 a second into this debt-buy-down ac-

count, it would still take well over 1,000 years to pay the debt down.

Try this one on for size. Imagine a train of 50-foot boxcars crammed with \$1 bills. How long would the train have to be to carry the \$1.6 trillion Congress spends each year? About \$65 million can be stuffed in a boxcar. Thus, the train would have to be about 240 miles long to carry enough dollar bills to balance the federal budget. In other words, you would need a train that stretches the entire Northeast corridor, from Washington, through Baltimore, Delaware, Philadelphia, New Jersey, and into New York City.

Former Office of Management and Budget Director Jim Miller calculates that if a military jet were flying overhead at the speed of sound and spewing out a roll of dollar bills behind it, the plane would have to fly for more than 15 years before it reeled out 1.6 trillion dollar bills.

Here's a challenging one: If you laid \$1 bills from end to end, could you make a chain that stretches to the moon with 1.6 trillion? Answer: without a sweat, with billions and billions of dollars left over. In fact, they would stretch nearly from the Earth to the sun.

The newspaper tabloids report that O.J. Simpson is paying some \$55,000 a day in legal fees. The trial would have to last 26 million days, or almost 100,000 years, before the lawyers earned \$1.6 trillion.

This year the White House wants to spend three times as much as America did to win World War I, which cost roughly \$500 billion in today's dollars. Adjusted for inflation, the combined cost of defeating the Nazis and the Japanese in World War II and winning World War I was \$4.5 trillion. This is what Washington will spend in peacetime in just the next three years to continue losing the war on poverty, drugs, illiteracy, homelessness and so on.

So far, we've just been counting the amount Washington spends each year. When state and local expenditures are included, total annual government spending now surpasses \$2.5 trillion. That's more than \$23,000 of government for every household in America. In constant dollars government spends twice as much per household as it did in 1960—though most Americans believe that government services have deteriorated since then.

With the \$2.5 trillion government spends each year, you could purchase all of the farmland in the U.S. (market value: \$725 billion), plus all of the stock of the 100 most profitable U.S. corporations today (\$1.6 trillion). You would then still have just enough money left to pay the advance on Newt Gingrich's book deal.

All of this points to one conclusion: The budget that Bill Clinton is presenting today is not lean; it is not efficient; it is not frugal. It is a monstrosity. It should be greeted with heaps of ridicule and scorn. No matter how you stack it, \$1.6 trillion is a whole lot of money—even in Washington.

Mr. HATCH. That article lists how much \$1 trillion really is.

As I look at the President's recent budget, the way deficit cuts are calculated by the administration is like a 200 pound man claiming he lost weight when he weighs in at only 300 pounds because he thought he would be 400 pounds. Only in Washington can an increase be called a cut, and that is precisely what is happening.

The Daschle motion to recommit has rightly been called the right-to-stall

proposal. It purports to put off the requirement of a balanced budget until Congress actually achieves a balanced budget, by adopting such a budget plan.

Mr. President, this proposal purports to give Congress a constitutional right to stall the requirement of a balanced budget by mere failure to balance the budget. Mr. President, the very reason we need a balanced budget amendment is because Congress has failed to balance the budget for decades. The Daschle right-to-stall amendment would make that abject failure of responsibility the explicit condition of avoiding the acceptance of that responsibility. If there is a better manner to lock in business as usual, a better way to constitutionalize or borrow and spend status quo—our ever-steeper slide into the debt abyss—I admit I cannot think of it.

Think of it, Mr. President, the proponents of the right-to-stall amendment want to use Congress' historical inability to balance the budget as a reason—a constitutional reason—to deny the American people, to deny future generations, the requirement they want to force Congress to act responsibly, get its fiscal house in order, and live within its means. Talk about a recipe for inaction. The right-to-stall proponents say "if Congress cannot balance the budget, they should not have to." They say, "if Congress has been and is unable to balance the budget in the absence of a balanced budget requirement, we should not impose a balanced budget requirement on it." Is this what the American people want? Do they want Congress' failure to fulfill its responsibility to be a reason to drop the requirement? Does this even make any sense?

Mr. President, I do not think so. If someone borrowed money from you, would you forgive the debt simply because they had not repaid it or had no plan to do so? I do not think so. If someone were dangerously overweight, would you suggest they not resolve to go on a diet because they did not yet have a full and particularized diet plan? I do not think so. When the Framers established the Congress in article I of the Constitution, did they first require that all subsequent legislation be disclosed before ratification? I do not think so.

Mr. President, the "right-to-stall" amendment confuses the difference between choosing rules and making choices within the rules. This distinction was elaborated by Prof. James M. Buchanan, a Nobel Prize-winning economist in a letter to the editor in yesterday's Wall Street Journal. I would like to quote it because I believe it points up a basic fallacy in the reasoning of the objection of the right-to-stall proponents. Professor Buchanan says:

The essential argument [of the Daschle amendment proponents] against the bal-

anced budget amendment reflects a basic misunderstanding of the difference between a choice of rules and choices made with rules. The Clinton-Democratic argument suggests that proponents of the amendment should specify what combination of spending cuts and revenue increases are to be implemented over the seven-year transition period. This argument reflects a failure to understand what a choice of constitutional constraint is all about and conflates within-rule choices and choices of rules themselves.

Consider an analogy with an ordinary game, say poker. We choose the basic rules before we commence to play within whatever rules are chosen. Clearly, if we could foresee all of the contingencies beforehand (for example, how the cards are to fall), those of us who know in advance that we shall get bad hands would not agree to the rules in the first place. Choices of rules must be made in a setting in which we do not yet know the particulars of the within-rule choices.

Applied to the politics of taxing and spending, the constitutional amendment imposes a new rule of the game, under which the ordinary interplay of interest groups—majoritarian politics will generate certain patterns of taxing-spending results. By the very nature of what rules-choices are, outcome patterns cannot be specified in advance.

The opponents of the proposed balanced budget amendment should not be allowed to generate intellectual confusion about the difference between choices among vs. within rules. There are, of course, legitimate arguments that may be made against the amendment, but these involve concerns about the efficacy of alternative rules, including those that now exist, rather than a specific prediction of choices to be made under any rule or choices made during the transition between rules.

That was James M. Buchanan's letter to the Wall Street Journal on February 6 of this year.

Mr. President, Professor Buchanan is right. Proponents of the balanced budget amendment recommended a rule change. Opponents argue against the amendment on the basis of either possible choices under the new rule which could hurt well-organized special interest groups or the failure to specify which well-organized special interest groups will be hurt under the new rule. Either objection is, as Professor Buchanan points out, intellectually confused as an objection to the new rule. The proponents do not advocate any particular outcomes, just a new way of making those choices. That is what we proponents feel. The right-to-stall motion offered by the Democrat leader does not move the debate forward.

In fact, Mr. President, the Daschle right-to-stall amendment is nothing more than a way to stop Congress from adopting the resolve to force itself to act responsibly and balance the budget and live within its means in the future.

Now, the opponents point to President Clinton's tax plan of 1993 as the great epitome of budgetary courage we should follow. But, Mr. President, that was no plan to balance the budget. I would ask my colleagues, did the 1993 tax bill balance the budget? Does the President propose a path to a balanced

budget? Just look at the President's budget released this week. It projects \$200 billion yearly budgets as far as the eye can see—and that is the best case scenario with the most optimistic assumptions. There is no budget balancing leadership here.

As a matter of fact, there are pundits now saying in the press that the reason the President has done that is because he wants the Republican Congress to have to make the cuts so that he can then criticize them for making them. I certainly hope Congress will pass a balanced budget constitutional amendment. We will have to.

Those who offer the right-to-stall proposal seek to distract us and the Nation from the clear principle of a balanced budget requirement by starting the budget battle before the rules are established. They either seek to divide the strong coalition who supports the principle by the implementing details which can and should change with the national priorities over time; or they hope to be able to say, once such a budget plan is adopted, that we no longer need the amendment. Either way this is simply a distraction tactic to stall the amendment and protect the status quo.

Mr. President, those who say we can balance the budget without the balanced budget amendment are the ones who should show us how they propose to do it. They are the ones who say, regardless of history, we can balance the budget now, without a rules change.

The President has not done it, and he is against the balanced budget amendment. And neither will those who are against it here on the floor. But I continue to ask in vain, how do they propose to do it, Mr. President? Why should we trust they will do better under the status quo than they have for the last 26 years?

Mr. President, I ask again: What is their budget plan to reach a balanced budget? If you read this one, the administration recent budget, it just throws in the towel and says there will be \$190 billion-plus deficits every year for the next 12 years. Is this the plan that they want?

Mr. President, their plan is no plan at all. Their plan is more of the same. It is preservation of the status quo. It is the old order. We are saying it is time for a new view, a new order, where we start living within our means. The only way we are going to get there is if we change the rules of the game so that there are incentives to get there.

The beauty of this balanced budget amendment is it does not force us to get there, but it gives us the incentives to get there. That is something we need to do.

Mr. President, the administration's type of budgeting will not do. Is this their plan? Mr. President, their plan is no plan. Their plan is more of the same.

We should adopt the binding resolve to accept our responsibility, and then fulfill it. We should not avoid responsibility on the ground that we have so far failed to act responsibly. We should not be able to deny the American people and future generations the responsible rule of fiscal discipline on the grounds of our historical lack of discipline. And, Mr. President, the correct way to proceed is the way of the Dole need-to-need proposal, which suggests that if President Clinton and his allies succeed in defeating the balanced budget amendment once again, they should have to show us how to balance the budget without the amendment. And if they are going to make this argument that we ought to show them before we set the rule in place, then where are their ideas on how to do it without the rule in place?

Let us take the first step first. Let us get our house in order by adopting the balanced budget amendment.

Finally, let me go back to this chart one more time. This red line happens to be our current national debt, \$4.8 trillion. These green blocks represent how much that debt has now gone up above the \$4.8 trillion each day that this debate has been going on. We are now in our 9th day of this matter and we have gone from an \$829,440,000 increase in this \$4.8 trillion deficit on the 1st day to the 9th day, where we are at \$7,464,960,000. So every day that this debate goes on, and every day that we do not have a balanced budget amendment, we are going to continue to increase the debt.

Last but not least, with the President's budget, over the next 5 years we will have the deficit go up \$1.3 trillion more.

So you have the idea. It is time for this fiasco to end, for us to pass a rule called the balanced budget amendment that will put some mechanism in place to get us to move in the right direction so that we can save this country. We cannot allow this country to go into a fiscal bankruptcy through monetizing the debt and paying off our debts with worthless dollars. We have to pass this balanced budget amendment now. I hope our colleagues will do it.

I notice the distinguished Senator from Vermont has been waiting. I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont [Mr. LEAHY] is recognized.

Mr. LEAHY. Mr. President, the Senator from Utah, of course, was a trial attorney, as was I and the distinguished occupant of the chair. I listened to his debate. I recall some of the trials that I was in. I recall some where we were ending up having long trials on contracts. Usually, what brought us there was the fact that somebody had said at one point, "Sign this contract. You do not have to read all of the print in it. Let us hurry up and get this going because time is wasting."

Then, later on, of course, we were in a long trial trying to figure out just what somebody had signed away.

Basically, my good friend from Utah is saying that time is wasting. Sign this. He, of course, says it is a rules change. It is a lot more than that. We are amending the Constitution.

We are the most powerful nation on Earth. We are also the most powerful democracy history has ever known.

No other country has achieved, in economic or military power, the diversity the United States has. No other country has even come close to such a clear and concise Constitution as we have. We have only amended it 17 times since the Bill of Rights.

Yet, in the past few weeks, since the elections last fall, we have had 75 proposals to change the Constitution. Can you imagine, Mr. President? We were able to keep on somehow as a country for 200 years, amending the Constitution only 17 times since the Bill of Rights; but somehow America has so changed in the last 4 months since the elections in November that we have to have 75 new constitutional amendments? I really cannot accept that.

I say to my good friend from Utah that when he speaks of the amount the debt has gone up, and that if we pass this, somehow the suggestion is that it would stop—well, the balanced budget amendment, which is far more than a rules change, which does not say how we are going to get there, says that in the year 2002, whoever might still be standing will somehow come up and miraculously balance the budget. It does nothing to stop this increase in debt.

In fact, I point out that during the 1980's, incidentally, during the 6 years that the party of the chairman of the Judiciary Committee controlled the U.S. Senate, they, along with the President, nearly quadrupled the national debt, more than the debt that had been piled up over in the previous 200 years, including two world wars. During that 6 years, they were in control and quadrupled the American debt.

In fact, when you look at how much the debt is piling up today, virtually all of it is interest on the debt they piled up during those 6 years. We spend nearly \$500 million every working day just on interest on the debt that was piled up during those halcyon days of the 1980's.

President Clinton was the first President since I have been in the Senate who actually had a budget which, 3 years in a row, has cut the deficit. President Clinton is the first President to cut the deficit for 3 years in a row since President Truman. He would actually have a balanced budget if he was not having to find money to pay for the interest on the debt run up by his two Republican predecessors. I do not say that to be partisan but simply to set the record straight.

In fact, one of the local dailies in Vermont, the Burlington Free Press, has a cartoon in today's paper. It shows a rather rotund person flying through the congressional Chambers, little wings flapping away. He is smoking a big cigar, and he has a thing on his shirt that says "Balanced Budget Amendment." And here are all these eager, young Members of Congress clapping and clapping, saying, "If you believe in fairies, keep clapping, keep clapping."

That is what the balanced budget amendment is about.

Frankly, Mr. President, I would like to know more of what we are going to do if this passes. We can look at how much debt is piling up. This debt will keep piling up to the year 2002, I am afraid, even if we pass this, unless we have the will to vote to actually cut the deficit. The only Presidential budgets that have cut the deficit have been those President Clinton has submitted in the last couple of years—with no votes on the Republican side of the aisle to actually bring down the deficit. The Republican side of the aisle voted to quadruple the debt when they were in control of the Senate and when they had the Presidency. Not one of them voted to bring it down.

We overwhelmingly passed a bill against unfunded mandates. But the balanced budget amendment may be the biggest unfunded mandate of all time. It ignores the two fundamental principles underlying the reasons we are against unfunded mandates: The Federal Government should not shift burdens onto the States without paying for them; and to protect against such shifts, we have to examine the unintended consequences of Federal actions on State and local governments.

The nonpartisan Congressional Budget Office has estimated that Congress has to achieve \$1.2 trillion in deficit reductions if we are going to balance the budget by 2002. If we are going to do that, all of us know it is going to affect local and State governments.

Unless we carefully balance the budget, the balanced budget constitutional amendment could be a disaster for the States. I do not support the balanced budget amendment, but I assume it is going to pass. I worry about what it will do in my own State. If we look at some of the ways we could have cuts, we can do across-the-board spending cuts, for example, and that avoids having to make the choices needed to balance the budget.

But the Treasury Department looked at this, in answer to a question from Governor Dean of Vermont. They said that assuming Social Security and defense cuts were off the table—and the Republican majority said they are—then the Treasury analysis predicts cuts in Medicaid, highway grants, welfare, and other Federal grants in Vermont that would total \$200 million. If

we wanted to offset these losses, Vermont would have to increase State taxes by 17 percent.

They also looked at other States. New York would lose over \$8 billion in Federal grants, resulting in a State tax increase of 17 percent to make up the difference. California would lose \$7.7 billion in Federal grants, resulting in a State tax increase of 9 percent to make up the difference. Texas would lose over \$4 billion in Federal grants, resulting in a State tax increase of 14 percent to make up the difference. Louisiana would lose \$2 billion, resulting in a State tax increase of 27 percent to make up the difference.

In another study, the Center on Budget and Policy Priorities estimates that by 2002, Vermont would have cumulative cuts in Federal aid to the State and local government of \$1 billion due to the balanced budget amendment. We are a very small State; others would lose a great deal more.

The Children's Defense Fund has estimated what the balanced budget amendment would do to children. Children do not vote, children do not have PAC funds, and children do not have political influence; but children are going to really feel it. In Vermont, 4,850 babies, preschoolers, and pregnant women would lose infant formula under the WIC program; 13,900 children would lose subsidized school lunches; 13,750 children would lose Medicaid health coverage. The other 49 States would, of course, have similar losses.

So House Joint Resolution 1, the balanced budget amendment, may become the super silent unfunded mandate. I know what is going to happen in my State. We will do everything possible in our churches, our synagogues, our private organizations, to pick up the difference, but the State will ultimately have to pick up a great deal of it. It may not pick up all of it. To do so would require 17 percent in higher taxes. I do not believe that would happen. We would find a lot of the children, pregnant women, and others left off the rolls. At the same time, Vermont taxes would go up.

Basically, it is the ultimate budget gimmick. It is the easy, feel-good budget gimmick. We do not have to make any hard choices. We can just pass this and say we did our bit, and guess what? In the year 2002, a Senate and House full of angels will stand up here and somehow do everything that we are unwilling to do and, of course, what they will do is simply pass it on to the States and the local communities.

We have passed the buck to the States before. Federal aid to State and local governments fell sharply in the 1980's, at the same time we were quadrupling the national debt. In fact, during that time, in my State of Vermont—I suspect as in most other States—State and local taxes went up to make up the difference.

So let us talk to the States and tell them exactly what is in here. I support Senator DASCHLE's amendment. We should let the States know what the details are; and if they know what the details are, then those who do support this balanced budget amendment can work in conjunction with them to ratify this constitutional amendment.

What I am afraid of is we are going to pass this, and everybody is going to go home and say, "Look what we did," and instead of the checks in the mail to the States, the bill will be in the mail.

I would note that almost every weekend when I go home, I have a lot of people come up to me when I am pumping gas in my car, shoveling snow, in the grocery store or just walking down the street to pick up a paper, people come up to me and say they favor this amendment, but only if they know what is going to be in it. They want to know the effect of this constitutional amendment before it is passed.

And in Vermont, we are no different than the rest of the country. CNN did a poll that said 74 percent of those surveyed support the right to know. The Los Angeles Times found it was 80 percent. They surveyed the whole Nation. Eighty percent of Americans want what Senator DASCHLE is suggesting in his amendment. Let us know what is in the balanced budget amendment.

I said before that when I practiced law and a client would come in with a contract that had some big type and a whole lot of little type, I would say: You go ahead and read the big type. You do not need a lawyer for that. You need a lawyer to read the small type. That is the "gotcha" kind of type. The effects of this amendment are the small type, the "gotcha. The big type is the balanced budget amendment. We could put that on a bumper sticker. "We balanced the budget," whoop-de-do. It means that someone in the next century, the next millennium, will then stand up and make the hard choices.

But what we should do is say we are going to at least tell you what is involved in this amendment, where the cuts are, what the States are going to have to do. Then, if the Congress and the States want to amend the Constitution for the 18th time in nearly 200 years after the Bill of Rights, then go ahead and do it. If it is that important, then do it.

But do not sell the American people on the idea that suddenly, if we just tamper with this Constitution, the real contract with America, we are going to solve all our budget problems. Do not tell the American people that after 200 years of the most powerful, diverse democracy in history, a democracy that has existed with only 17 amendments to the Constitution since the Bill of Rights, that suddenly we need these 75 amendments, including this one, to make us a real democracy.

We are the envy of the rest of the world. Every emerging democracy looks at our Constitution to see how to do it. And we should not allow that to change.

So does the debt rise each day, even as we debate? Of course, it does.

But I would point out there are a lot of people who stood on this floor during the 1980's, when the other party controlled the Senate, as they do now, and voted for one huge—one huge—deficit after another. President Reagan proposed them and then President Bush did. They quadrupled the national debt.

There are only seven of us left in this body who voted against that, and I am one of them. Ironically, had we been listened to, we would have a balanced budget today. Instead, our deficit today is about what we are paying for the interest, legally obligated interest, on that debt of the 1980's.

So next time we talk about doing this by slogans, let the reality at least come up even with the rhetoric, and the reality is a lot different than the rhetoric.

Mr. President, I yield the floor.

Mr. BRADLEY addressed the Chair.

The PRESIDING OFFICER (Mr. KYL). The Senator from New Jersey is recognized.

Mr. BRADLEY. Mr. President, I thank the Chair and I thank the distinguished Senator from Vermont for his statement. I also thank the manager of the bill for yielding the floor at this time.

Mr. President, I intend to take the next hour or so, maybe a bit longer, to try to lay out the case for at least letting the people know what might be entailed in a balanced budget amendment.

But let me try to put this balanced budget amendment in a broader context. We will shortly get into a lot of numbers, because if you are going to deal with the balanced budget amendment, you have to get into numbers. However, before we get into those numbers, let me try to establish what I think is the proper context for the balanced budget debate.

During the 1992 campaign, the Clinton campaign had a theme song by Fleetwood Mac, called "Don't Stop Thinking About Tomorrow." This song represented a kind of theme for the campaign—change, hope, "don't stop thinking about tomorrow"; tomorrow is coming, think about it, it is important.

Yet, if you actually thought about that song and you thought about what has been happening in the country, it is clear that we have not been thinking about tomorrow and we have not been thinking about tomorrow for a long time.

Every speaker needs a text, or theme, for his or her statements. I would like to take as the text for my remarks today one of Aesop's fables. It is an old

fable. All of us knew it when we were children. This is about the grasshopper and the ant. The fable goes like this:

It was wintertime. The ants' stored grain had gotten wet and they were laying it out to dry. Along came a hungry grasshopper and asked them to give him something to eat. One of the ants said, "Why didn't you gather food in the summer like us?" The grasshopper replied, "I didn't have any time. I was busy making sweet music." The ants laughed and said, "Very well, then, since you piped in the summer, now dance in the winter."

The moral of the story: In everything, beware of negligence if you want to escape distress and danger.

Now, that is the Aesop fable. It is a pretty clear message: If you do not work in the summer and put the food away, you are not going to have the food in the winter.

And I think that it basically is saying that not thinking about tomorrow means being negligent, acting like the grasshopper instead of the ant. Too many of us, I think, have been grasshoppers for too long, not thinking about tomorrow.

Let me just give you a couple of examples. Let us just think about urban America. Each year it gets poorer, more violent, more populated with families in distress. If we stopped to think about this reality, the reality that is there, we would be compelled to act because of the morality. If you are your brother's keeper, you have to walk your talk. Because of self-interest, I mean, we are never going to compete and our living standards will be lower with a larger and larger unskilled population on our collective backs.

And as for world leadership, how are we going to lead the world by the power of our example after the events that occurred in Los Angeles a couple years ago which popped across television screens from Tokyo to London? Or where 40 percent of the people in America who wanted to vote were denied this basic right because they were not registered.

Clearly, on this issue, Mr. President, we have not been thinking about tomorrow. If we were thinking about tomorrow, we would see the human and national tragedy that is building in our cities and we would act to change those conditions. But we have not.

Like the grasshopper, we have been playing our sweet music in the suburbs, while things have just gotten worse in the cities.

Then, Mr. President, there is the plight of our children. Not just poor children, but all children. How can we say that we are thinking about tomorrow but continue to neglect our children?

In 1975, one-third of married couples with children had both spouses working. By 1993, that percentage had dou-

bled, as nearly two-thirds of all married couples with children had both spouses working. It is no mystery as to why that is the case. Without the second paycheck, many families just would not make it. Yet with it, their children are often alone and without supervision from an early age.

Parents in this Chamber and in this institution know the pressures. Certainly I know the pressures. Certainly the distinguished Member from Vermont in the Chair knows the pressure. Certainly the staff knows the pressure. Certainly those who are listening know the pressures. If parents are lucky, they have a loving relative living in the neighborhood who can help take care of the children. If you are upper income, you can hire somebody to provide full-time care. If you do not have a relative in the neighborhood or you do not have enough money, then it becomes a little more difficult.

There are only a few possible answers to this. For a spouse of either gender to have the option of staying at home, the salary of the spouse that continues to work outside of the home has to be a lot higher than it is now, or companies are going to have to give family leave that is measured not just in weeks but in years, or everyone will have to pay more taxes so Government can subsidize day care at the company, union, neighborhood center, the church, the synagogue or the mosque.

Those seem to me to be the options. The only given, the only imperative, is that someone has got to provide loving care for our Nation's children. Too often, this does not happen. We have not given child care a priority. Like the grasshopper, we have been dancing toward winter. Not facing the reality that is staring everyone in the face. We have not been thinking about tomorrow.

So, Mr. President, there is urban America, the plight of our children, but by far, probably the best obvious example of our failure to think about tomorrow is the enormous debt that we have amassed over the last 12-14 years. It is not only public debt. Between 1980 and 1987 consumer credit increased 90 percent. People under economic stress did not consume less, they borrowed and consumed more. And they borrowed and in some cases to speculate. However, in 1989, 1990, 1991, the bubble burst and it was over. People cut back, businesses started to pay debt down and, gradually, the private sector began to come back.

Here in Washington the bubble has never burst. It just keeps getting bigger and bigger. The national debt went from about \$800 billion in 1980 to about \$4.5 trillion by the end of 1994. Over the next 5 years, unless we change our ways, the debt will exceed \$5.5 trillion. Over 58 percent of all personal and corporate savings go to finance the interest on this debt.

It is as though in 1980 you owed about \$10,000 on the credit card and now you owe \$43,000 and the interest you have to pay is money that you do not have to spend on your kids' college education, to buy a house, to buy a car, to put an addition into your factory and hire more workers. People do not have the money and they cannot borrow it because it is being sucked up by the Government to pay interest on the debt.

In other words, Mr. President, we have placed the burden of our irresponsibility on the backs of our children. Someone once said democracies are pretty good dealing with today's problems, but sometimes they are not very good thinking about tomorrow. By amassing this debt and passing this burden onto our children, I believe we have shown that we are not very good thinking about tomorrow.

So, Mr. President, this brings us to the question, "What do we actually do about this debt?" I will not talk about remedies for urban America or child care. This is a balanced budget amendment debate, a debate about Federal spending. Therefore, today I would like to focus the rest of my remarks on the Federal budget and what do we can do about this debt. I would also like to point out how facing reality means actually facing the numbers in this budget.

First, Mr. President, we will take the analogy that we often hear—that is, the family household. Every family manages its income and the Federal Government has things way out of whack. A giant deficit—that does not happen in a family, at least not for very long. However, before we begin with this analogy, we need to think about what a budget is. A budget is not a snapshot of what happened yesterday. It is a guess about what is going to happen in the future. It is not a picture of what happened last year with respect to spending or taxes, it is a guess about what will happen in the future on spending and taxes.

We will take it to the household level. You sit around the kitchen table, trying to figure out what will your budget be for the coming year. What is the first thing you do? You figure out what is your income likely to be. Some basic questions come up. Are you going to work? Am I going to work? Is he going to work? How many people in the household are going to work? How many incomes are we going to count? Do we count the husband and the wife? How about the teenage son? Is that the family income? Do we count the husband, the wife, and the wife's older sister who is living with the family? Is that counted as income? What is the income? That is fairly central to devising a budget. What is the income that we can count on?

Second, there is the issue of growth. Well, do you anticipate, will there be bonuses in the year? Will you work

overtime? Will you get a raise? Will the company, because it is doing well, give you a 15 percent increase? All of these would provide more income. Each family has to figure these out in an effort to decide what is likely to happen. Each family also has to figure out where are prices going. What can we afford? What should we spend our income on? Last year you might have spent  $x$  on food; what will it be this year? What will the price of food be? If there is inflation, if there is a crisis in the coffee market and you have to buy coffee and it goes up three times from the cost of last year, suddenly you have to deal with inflation. It increases prices. It also has the effect of increasing taxes, often. It pushes you into a higher bracket. Less so at the Federal level, but more so at the State level.

Then there is interest. How do you calculate your interest expenditure? You could say well, I have a variable rate mortgage. I got that variable rate mortgage at 9 percent and during the last couple of years interest rates had been going down. Interest rates were down around 7 percent. However, in laying out a budget, each family has to think about how much it will pay next year. Maybe interest rates will go back up. If the Federal Reserve continues on its current path, clearly the interest rates will go back up and that means more pressure on the family budget. With a variable rate mortgage, the family will have to pay more in interest charges to pay back the bank.

So every family, Mr. President, when it makes a set of budget decisions, has to figure out what is the income coming in, and what it is going to spend money on. The income depends on how many people are working and depends on whether you think times are good or times are bad. Will you get a raise? Are interest rates going up? What is the inflation rate going to be? How much can I actually spend? How much can I actually buy? These are factors in any kind of household decision.

Mr. President, these types of factors apply equally to the Federal budget. Let us assume that you miscalculated on your variable rate mortgage and you have to pay 1 percent more in interest because the rates have gone back up. Well, if you are the Federal Government and you miscalculate your interest on your projected budget, you add \$20 billion to the deficit that year alone.

If a family is counting on the income of one of its members, that family will have a big problem if that family member loses his or her job. Similarly, in the country as a whole, if a number of people unexpectedly lose their jobs, we will have a big problem: a much bigger deficit. Just a 1-percent increase in unemployment, adds \$60 billion to the Federal deficit.

What about growth? Let us assume that our economy grows 1 percent less

than we predicted. This small change in the assumptions adds \$32 billion to the deficit. These are aspects of budget policy that change in the course of a year. If unemployment is higher, that costs the Government more. If inflation is higher, that costs the Government more. If interest rates are higher, that costs the Government more. If growth is lower, fewer people have a chance to work, less money is earned, and the Government receives less revenue and pays more in benefits. All of this adds to the deficit.

So let us begin this by simply laying these points out that when you do a budget, you are basically making a projection and the projection is affected by things that are out of your control in your household. For example, there are plenty of people in this Congress who know the Federal Reserve's efforts to raise interest rates are out of our control. These things, over time, will have an impact on your family's budget, just as they have a dramatic effect on the Federal budget.

Let us discuss for a few moments what is the Federal budget. What I want to do today is to lay out clearly what is the Federal budget. What do we spend taxpayer's money on, and where do we get these funds. Every year we debate a budget resolution, 50 hours equally divided. Our colleagues get up, read their opening statements, and a couple hours are already gone already. As a result, despite the debates, I am not sure that the American public gets an opportunity to fully understand what is in the Federal budget. If we are going to consider balancing the budget, I think the American public should know what is in the budget. They are entitled to know what things are likely to be cut or what taxes will be increased. You cannot decide what things will be cut or what taxes will be increased until you know what is in the budget and how the Government raises the money to pay for its spending.

So let us go with the basic point, a very basic point. The expenditures of the Federal Government in 1994 were roughly \$1.5 trillion. The revenue, the total of all taxes that have been collected, are \$1.3 trillion. Because the \$1.3 trillion in revenue was less than what was spent, we ended up with a deficit, an annual deficit, of \$200 billion.

It would be important to know what are the taxes? Where does the Federal Government get its \$1.3 trillion? Who pays the \$1.3 trillion? Taxes are broken down into the following categories:

The individual income tax is, in total, 43 percent of all revenues, and it raised \$545 billion in 1994. Now remember, we spent \$1.5 trillion. The individual income tax raises \$545 billion.

The next largest set of taxes is what are called social insurance taxes. Those are the Social Security taxes, the FICA tax, and unemployment insurance col-

lections. Of the \$460 billion that was raised with social insurance taxes, \$430 billion of that was the Social Security FICA tax. Everybody has it deducted from their wage statement each pay period. The total of that is \$430 billion. Unemployment insurance taxes made up the remaining \$30 billion.

So you have individual taxes, social insurance taxes, and corporate taxes. Corporate taxes raise \$140 billion a year. All of the corporations in America pay in total \$140 billion a year.

And then you have a category called other, which totaled \$60 billion. That consists of essentially estate taxes. You die, you pass on your estate, you pay a tax on that; customs duties, you import something into the United States, you pay a tariff or a duty. Those taxes equal \$60 billion.

And then finally, the smallest amount of total taxes are the excise taxes, like the gasoline tax and the cigarette tax, which raise approximately \$55 billion.

So in total, the U.S. Government raised \$1.3 trillion in 1994—\$545 billion come from the individual income tax; \$460 billion come from the Social Security and unemployment insurance taxes; \$140 billion from all of the corporations in America; \$60 billion come from estate and gift taxes; and \$55 billion come from the gasoline tax, cigarette tax, and other excise taxes.

So that is it, that is where the money comes from. That is the money that the Federal Government has to spend from taxpayers. Total: \$1.3 billion.

Now the question is, What do we spend this money on? Well, first, I would like to give you a quick overview, and then I will provide a more detailed explanation.

Broadly speaking, there are three big categories of Federal expenditures.

In total, the expenditures are \$1.5 trillion. One of the three main types of Government spending is on what are called mandatory expenditures. Mandatory expenditures are really expenditures for which Congress does not appropriate a specific amount of money every year. Instead, we write into the law certain eligibility rules and benefit levels. For example, if you are over 65 and have made certain minimum payments into the system, you are entitled to Social Security benefits. If you are poor, you may qualify for certain benefits to help you meet a minimum income level. Or, if you are a veteran, you may be entitled to other benefits. These are mandatory expenditures that automatically flow to eligible recipients. The total amount of mandatory expenditures is \$790 billion. In other words, nearly half of the Federal budget is for mandatory expenditures.

Next are the discretionary expenditures. These total about \$545 billion. This amount includes spending on things such as national defense, education, housing, transportation—\$545

billion. These are discretionary expenditures, meaning that Congress, if it wants to, every year can change that amount. It does not have to appropriate that amount of money, unlike a mandatory spending which occurs almost automatically. A discretionary expenditure is the Federal Government deciding whether it wants to spend a specified amount each year on national defense or education.

The third category after mandatory and discretionary spending is interest—interest on the national debt. Last year, we paid roughly \$205 billion in interest on the national debt. As the debt has grown—especially since 1980—the more we have paid in interest, because the more you have to borrow, the more people you have to pay interest to those who have loaned you, the Government, money.

Now, an interesting caveat about interest is that when the Government collects all of those taxes, the first call on these funds, the first place that money has to be spent is not defending the Nation or feeding children or providing for education or building highways or sending money to Social Security recipients. The first place that money has to be spent is to pay those bondholders who have loaned us money. So right off the top, \$205 billion goes to people in this country—and others—who buy Government debt, people who have enough money to buy Government securities, Treasury bills, Treasury bonds, people who are not spending all of their money every year just to get by, but rather people who have enough money to buy Government bonds. The more we have to pay in interest, the more that interest flows to those bondholders.

So in terms of total expenditures, you have \$790 billion in mandatory spending, \$540 billion in discretionary spending, and \$205 billion in interest payments.

Mr. President, this is a rough overview of the Federal budget: where the revenues come from and where they go. What I would like to do on the spending side—because we are discussing a balanced budget amendment, and the American public should know how this budget is going to be balanced—is to take a closer look at Federal spending so that we can determine what Federal spending must be cut in order to balance the budget.

First, let us look again at the mandatory spending programs, again about half of all Federal spending. These funds go to eligible recipients at preset benefit levels—at a total of \$790 billion worth of benefits.

Well, what is this \$790 billion spent on? First, we need to make one distinction on the mandatory programs. Some mandatory spending programs flow to everybody who is eligible. Others flow only to those who have lower income; in other words, means tested and non-

means tested. Take the biggest mandatory program, Social Security. Social Security is not means tested. Everybody in America who meets certain age and contribution requirements, gets Social Security. If you are a millionaire and you worked 30 years and paid into Social Security, you receive these benefits, just as the guy that worked in the GM plant in Detroit or in the neighborhood drugstore who paid Social Security for 30 years. In fact, these folks all probably get the same amount. It is not a means tested program.

The next largest mandatory program, Medicare, is the same thing. If you are over 65, you are eligible for Medicare. The Federal Government will pay your health costs under the provisions and rules of the system. If you are a multimillionaire and you check into a hospital and you stay several days and you have a hospital bill of \$10,000, send it to Medicare. It is a non-means-tested program. This means that a millionaire gets the same amount of money as somebody, a husband or wife, who worked for 30 years, gets sick, goes to the hospital, and needs that same \$10,000 treatment.

Then there are other mandatory programs. You take \$25 billion in unemployment benefits. If you are unemployed in the United States, you are eligible for unemployment compensation. We have had that in place for 50 years or more. It is one of the things we learned from the Great Depression. Because we have an automatic stabilizer, we are less likely to have as deep of a recession. We are all better off if we have an automatic stabilizer, this one being unemployment compensation, because the economy then will not go down so far. People will at least have enough money to buy some food or begin to keep themselves until they get another job.

We also spend \$70 billion automatically each year for the civilian and military pension and disability systems. Every member of the military, every member of the Federal Government who has a retirement plan pays into that plan, and that plan then pays benefits. Last year, those benefits were \$70 billion.

Then there is Medicaid. Medicaid is a means-tested program. This means that if you are dirt poor in America and you get sick and you go to the hospital, somebody is going to take care of you. And because somebody takes care of you, somebody has to pay, and the Federal Government will chip in its share if the State agrees to pick up some part of the cost as well. But it is a mandatory spending program based on income, and it accounts for roughly \$80 billion in annual spending.

Now, in this category of other mandatory spending are such things as food stamps—again, means tested. If you are poor, you are eligible for this type of assistance. This is \$25 billion.

Supplemental security income, again, goes to the poorest, overwhelmingly elderly, overwhelmingly female population, who just cannot get by without some assistance. In addition, there is child nutrition which totals about \$7 billion.

So the mandatory portion of the Federal budget is the amount of money that flows simply because of certain eligibility criteria—you are over 65 and eligible for Social Security, you are over 65 and eligible for Medicare.

Thus, \$460 billion of mandatory expenditures, nearly one-third of the whole budget, goes to people over 65 who have paid into the Social Security and Medicare systems throughout their lifetimes. You are eligible, regardless of income, if you have paid into the system. The other areas of mandatory spending are Medicaid, food stamps, supplemental security income, retirement, and unemployment benefits.

So when we talk about cutting the Federal budget and we decide that we are not going to touch any entitlements—meaning the mandatory spending—we have to realize that this leaves a much smaller portion of the budget and this remaining portion will have to cut a lot more to balance the budget. But to cut those mandatory expenditures, we would have to change the eligibility rules and we would have to change the benefit levels. We could say that you have to be poorer to get food stamps or Medicaid, or we could say that you have to pay more, if you are above a certain income level, for Medicare. But we would be changing the rules. That is the way that entitlements would be cut.

Mr. President, let us look for a moment at the next biggest chunk of Federal expenditures. First, we have mandatory expenditures. Now we have approximately \$545 billion of discretionary expenditures. This is the money that the appropriations committees appropriate every year. The tax dollars come in. The appropriations committees meet, and they decide that this program or that program merits funding. What do the appropriations committees spend \$545 billion on? Overwhelmingly, the money in discretionary programs is spent on the national defense. It is \$280 billion a year out of the total of \$545 billion which is spent on discretionary programs.

What are the other big discretionary expenditures in addition to national defense? You have \$40 billion for education, training and social services. This includes education for the handicapped—it used to be that if you had a child that was autistic, the child had no chance of getting into any school anywhere, and had no chance of going to the public school. Now because of a Federal program for handicapped education, we are able to challenge that child and develop that child's potential.

In addition, there is transportation spending, primarily for mass transit, highways, and airports. There is spending for income security which is essentially housing assistance.

There is also spending to support Government activities which cost \$30 billion. This amount is basically what it costs to run the Federal Government. Of this \$30 billion, the Congress accounts for \$2.5 billion. The other Government activities include running the Department of the Interior, the Park System, the FBI, keeping guards in our prisons, and making sure that the IRS collects taxes. Some people do not like that. But spending for these, and other, Government activities represents what it costs to run the Federal Government, \$30 billion out of \$1.5 trillion.

In addition to all of this is foreign aid. Foreign aid—for both humanitarian and security assistance—represents \$20 billion out of \$1.5 trillion.

So discretionary spending is divided among defense, education, training, social services, transportation, income security, Government activities, foreign aid, and other domestic non-defense programs.

Mr. President, there is a point that should be made on discretionary spending. I have implied that discretionary spending is whatever the appropriations want to spend money on. That is true. Yet, since 1991 this spending has been capped. We have said by law that the Congress and the Government cannot spend above a certain amount. It has been capped. As we discussed earlier, inflation is not capped. Inflation continues to eat away at the purchasing power of American families, and it continues to eat away at the purchasing power of Government.

So when you cap spending programs, all \$545 billion in discretionary spending, that means it will buy less. Essentially the caps on discretionary spending shrink in real terms what this will buy, by about 9 percent between now and 1998.

There are no caps on mandatory spending; no caps at all. How could there be? You do not know how many people are going to be unemployed. You do not know how many people are going to be poor. You do not know how many people are going to qualify for the mandatory spending programs. However, for those things that the Congress and the Government have direct control over, there has been a cap since 1991. You can argue the caps should be lower. But there has been a cap.

With the next chart I would like to demonstrate how Federal spending has changed over the years. Back in 1963, a long time ago, discretionary spending represented 70 percent of what the Federal Government spent. Entitlements—the so-called mandatory expenditures, such as Social Security—represented 22 percent. Net interest represented 6 per-

cent. In 1965 we added in Medicare and Medicaid, and in 1972, we indexed Social Security. In 1973, discretionary gets a little smaller, entitlements get a little bigger. In 1983, entitlements have grown to 45 percent of the budget and discretionary has dropped. But 1983 was, of course, 2 years after the Reagan defense buildup and tax cut and the start of gigantic deficits. So interest rates and the amount we spent on interest are higher.

In 1993, suddenly entitlements are up to 47 percent. Discretionary expenditures are down to 39 percent. It is projected that if current law continues, by 2003 mandatory spending—those things we talked about earlier, such as Social Security, Medicare, income security—will eat up almost 60 percent of the budget, and interest will be almost 14 percent. And all of the rest of the money that the Government spends, such as for transportation, education, and defense, will be 28 percent of the budget.

So, Mr. President, what clearly we see is that over the years those mandatory portions of spending have increased dramatically. So dramatically that, by 2003, interest payments on the debt will equal almost half of all discretionary spending.

Mr. President, I think that it is important here to talk about another kind of spending, and that is essentially what I call off-budget spending through the Tax Code. You have \$1.5 billion of Federal expenditures. We talked about that already. And we raise \$1.3 billion through all taxes. If you recall, we raise \$545 billion from the individual income tax. But, of course, the income tax does not apply to everybody in the same way. You would think that under an income tax system the same rules and rates would and apply to everybody. No, no, no, not the case.

Over the last several years, much to my own distress, we have returned to aggressive spending through the Tax Code, meaning we tell people that if they simply do this activity, they will pay less in taxes. Some of these activities that we tell people will lower their taxes have been long established in the Tax Code. If you buy a house and pay mortgage interest, that interest is deductible, so you pay less taxes because you have mortgage interest. If your employer pays health insurance premiums for you, those premiums are not included in your taxable income. If you have a pension plan that builds up, or investment income building up, you do not pay taxes on those. If you pay State and local taxes, like property taxes and State income taxes, you deduct those and you do not pay Federal taxes on them. The more taxes you pay, or the bigger your pension plan is, or the more generous your employer-paid health benefits are, or the bigger your mortgage interest is, the less you pay in taxes.

Those are some of the well-known, biggest tax expenditures. And then there are, of course, the little special ones that are not used by the vast majority of Americans. These are not in the Tax Code because of a particular public policy reason—whether flawed or not—but because a lobbyist had a way to insert into a tax bill a special exclusion for a particular category of people. For example, I do not know how many people in America know that if you rent your home for 2 weeks a year, you do not pay any income tax on that income. That is a special exclusion. It costs \$50 million a year in foregone income. How did that happen? Well, the story goes that a guy who had a big house close to the Masters Golf Tournament also had a friend on the Finance Committee. During one of those late night sessions, the friend slipped in an amendment to a bill which said if you rent your house for 2 weeks a year, you do not pay any income tax on that income. This is not going to help me and probably will not help a lot of other people, if they are living in your house. But if you have a big house next to a big international event, you might make a little money.

How about the \$12 million a year that we use to essentially subsidize the production of some of the most toxic chemicals and minerals in the world? On the one hand, you have the Federal Government telling people to take asbestos out of the schools and workplaces. We have ads on television about lead contamination telling how it makes our children's intelligence lower than it otherwise should be. Meanwhile, you have the Tax Code telling people that if you mine asbestos or if you mine lead, you pay less tax.

Mr. President, the point is that \$545 billion is raised from personal income taxes. But that Tax Code that sets rates is riddled by exceptions to those rates. And because of all those exceptions, the people who use those exceptions end up paying less tax and the rest of us end up paying a higher rate of tax than we otherwise would have to pay. And the question is raised, since this is a balanced budget amendment debate, how much would revenues be if we did not have any of those loopholes? We have had a little debate about a flat tax led by Congressman ARMEY on the other side. If we did not have any of those loopholes, how much more money would the Federal Government raise? The answer is \$455 billion a year. In 1986, we trimmed this amount back dramatically. Since then, it has exploded. It is one of the fastest growing Government programs and accounts for \$455 billion a year in tax expenditures.

So, Mr. President, you can see if you had a deficit of \$176 billion—as is projected for 1995—if you simply trimmed a third off of the tax expenditures, you could eliminate the entire budget deficit. Earlier we talked about mandatory

spending, discretionary spending, and interest on the debt. Now, we have seen that we also spend off budget through the Tax Code.

Mr. President, if I could, I think that it helps to get a picture of how these deficits have changed over time. I have interns who come into my office thinking that the deficit is a little like oxygen. They would not know how to exist if the deficit did not exist. It has been there their whole lives.

People say that the Federal Government has always run a deficit. Are politicians not always spending more money than they have? Are we not always living beyond our means as a Government? Well, the answer to that question is absolutely not. In the 1940's and 1950's, Harry Truman had a few surpluses. Dwight Eisenhower had surpluses in a couple of years. In fact, Lyndon Johnson had a surplus in 1969. As hard as that is to believe, they collected more than they spent. No depressions occurred in the late 1940's and early 1950's. No depressions occurred in the mid-1950's. In the early 1960's when we had a tremendous economic boom, the deficit was minuscule, and the debt was minuscule, and policymakers were thinking about tomorrow.

But the story changes in 1980. And we all know that story—defunded Government, dramatic tax cuts. A lot of the hotels in this town were built after 1980 because the Federal Government said in that tax bill, "If you build this hotel for \$20 million, you can write \$1.5 million off a year of income taxes." We gave depreciation in 15 years on structures that were going to last 30 and 40 years. So a lot of lobbyists decided they would become hotel investors and pay no tax.

We also were going to trade tax benefits from one corporation to another corporation. We also gave dramatic individual income tax cuts, 30 percent across the board, and defunded Government.

At the same time, we began a massive defense buildup—not to say we should not spend more on defense—but unlike Lyndon Johnson in the 1960's, Ronald Reagan in the 1980's did not finance his defense buildup. And as a result of these facts—a dramatic decrease in tax revenues, a dramatic increase in defense expenditures, and a continued growth of mandatory spending—the deficit took a dramatic turn for the worse.

In the 1940's, 1950's, and 1960's, not much of a deficit; there was even a surplus in some years. But then what happened in the 1980's? Well, you can see what happened. Here is the passage of the tax bill, around August 1981. See what happens to the deficit? It starts going up and up, and soon becomes over \$200 billion. It only took a couple of years for the national deficit to grow larger than the whole debt of the country in the previous 15 to 20 years.

The deficit then dropped a little in 1984, came back up in 1985 and 1986, and then dropped significantly for 1987 and 1988 due to cosmetic and process changes such as the Gramm-Rudman Act, which arguably kept things under control for a short while. But the deficit then exploded again after 1989, and kept rising until 1992. As a result, from 1980 to 1992, the national debt of this country grew from \$800 billion to \$4.3 trillion. Is that thinking about tomorrow? Hardly.

Since 1992, what has happened? Because of the 1993 deficit reduction package, the national deficit has dropped dramatically.

My point here is simply that these deficits have not always been a part of our history. They are a part of bad public policy, and they have placed a gigantic burden on the backs of our children. And if we do not face up to this burden all of our tomorrows will be darker than they otherwise would have to be.

And it is also important to note that these deficit figures actually mask the seriousness of the problem. This is because we have been using the surpluses that are accumulating in our trust funds to hide the true size of the deficit in the rest of the budget. Because of changes we made to Social Security in the mid-1980's, this program now raises more funds than it pays out. Prior to 1983, Social Security was a pay-as-you-go program. Money would come in, stay a few months, and immediately be paid out to eligible recipients. But in 1983, we changed the program so that it would start accumulating surpluses, so we could supposedly guarantee that there would be enough money there for my generation when we retired. But right now we are actually spending these surpluses, by borrowing them to pay for deficits in other parts of the Federal budget. And, Mr. President, if action is not taken to stop this practice, the Federal Government will borrow an additional \$636 billion from the Social Security trust fund between 1996 and 2002. So let us be candid about that.

So, once again, Mr. President, here is the history of our national debt. The situation was pretty good during the late 1940's and 1950's, with surpluses under both Truman and Eisenhower. Under Kennedy and Johnson we had solid fiscal policy. Under Nixon, Social Security was indexed and high inflation began. This inflation accelerated throughout the decade, and was accompanied by oil shock repercussions, but the deficit still remained relatively under control, with the national debt less than \$1 trillion. But the 1980's heralded the sudden arrival of tax cuts, increased defense expenditures, and out-of-control mandatory spending, which have led to today's debt of nearly \$5 trillion.

Mr. President, that is a cautionary tale. What would the ant say to the

grasshopper if at this point the grasshopper said, "Let me come in from the cold into the house that you prepared, because you were not spending beyond your means"? The ant would say, "Play your sweet music in the summer, dance in the winter. You're on your own." Unfortunately, this is the position we all find ourselves in as a result of this profligate activity.

Mr. President, how do we make this situation real to people? How do we get them to understand? It is such a complicated issue. People do not want to think it through. They want to sound bite it. They want to have a quick answer. They want to believe if they vote for the balanced budget amendment they do not have to make any of these tough choices about cutting spending.

Mr. President, that is the furthest thing from the truth.

Think of it this way: If the average taxpayer's share of Federal spending and revenues were arranged in the form of a credit card statement, it would look something like this table entitled "Uncle Sam Says Charge It."

Mr. President, the first line shows the balance due. Take the national debt, divide it by all the taxpayers in the United States, and the result is that every taxpayer in this country had a debt of \$37,838 at the start of this year. Each one of us. That is just to get to where we are right now. Each one of us has to pay that debt. And it is getting larger all the time. So the first line shows the outstanding balance. As you can see, at the start of 1994, it was \$37,838.

But what about Government spending during 1994? Well, we ran a big deficit again, about \$200 billion, in that year. How did that break down for each citizen of the United States? Well, each citizen is spending about \$4,000 per person on Social Security; about \$2,400 for national defense; about \$1,900 for income security and welfare; about \$926 for health; about \$389 for education, training, and employment programs; \$313 for agriculture and natural resources; \$320 for transportation; and \$133 for the administration of justice.

Now, that comes to a total of about \$2,273.

What about the money that we have taken in, per person? Well, average, this totaled about \$4,700 in income taxes, \$3,700 in Social Security taxes, and about \$2,484 in other forms of payments to the Government, such as customs, estate taxes, and excise taxes. This comes to a total of \$10,932 for each taxpayer. Compare this to total spending per taxpayer of \$12,700. The result is \$1,765 added to the credit card bill of every taxpayer—and remember that this is added on top of the \$37,838 that every taxpayer owes from previous years.

Now, Mr. President, what happens in this kind of situation? We cannot continue down this path. Something has to

give. About 3 years ago, the distinguished chairman of the Budget Committee, the Senator from New Mexico, and I asked the General Accounting Office to tell us what would happen if we do nothing about this deficit situation. They came back with a report that said if we do nothing, every one of our income will be 40 percent less than it otherwise would be by the year 2020—40 percent less.

That is understandable, given all the money which must be sucked in from the economy just to pay interest to bondholders, in order to keep financing our \$5 trillion in national debt. None of that money is available to create jobs, pay raises, buy cars, or purchase homes.

Things have changed since that GAO report. If we recall the last graph, the deficit came down in 1993. We took action in 1993, passing the biggest deficit reduction package in history. But there is still an awful lot to do.

So, Mr. President, having discussed what is in the federal budget, we now come to the more difficult part. We clearly need to reduce the deficit, but the question is, What are we going to do to cut spending? Let us start by asking how much spending cuts will be needed in order to balance the budget. If we do not implement the tax cuts that are included in the Contract With America, we would need to cut on average \$922 for every resident of my State. If the contract tax cuts are enacted, then this number rises to about \$1,265.

What does this mean? These are vague numbers. All the budget debates eventually turn into numbers, and people turn them off. What is the real impact of cutting \$922 or \$1,265 per person in New Jersey, and of making similar cuts in other States? What does this mean in terms of the Federal spending that we have talked about?

Given our current fiscal policies, balancing the budget would require a 13-percent cut in every spending program—13 percent. The question is, Are we willing to tolerate cuts in every one of those programs? Are we willing to take a 13-percent cut in Social Security? Are we willing to take a 13-percent cut in the national defense? Of course, we cannot take a 13-percent cut on interest. The bondholders get paid, regardless.

However, if Social Security is off the table, and everybody in this Chamber has given speeches that have resonated across America promising that there will be no cuts at all in Social Security, then the size of cuts needed in all other programs goes up to 18 percent. Take Social Security off the table, and everything else is cut 18 percent. Medicare, defense, grants to State and localities, and all other spending—18 percent.

Let us carry this a little further. I know no one in here wants to make the United States vulnerable, even in the

post-cold-war world. So in addition to taking Social Security off the table let us take defense off also. And remember that interest is automatically off the table because we have to pay the bondholders. If we say that there are to be no cuts in any of these three areas, then the remaining programs are subject to across-the-board cuts of 22 percent. And if the tax cuts outlined in the Contract With America are implemented, then the level of cuts needed to balance the budget rises to 30 percent. That would be a 30 percent cut in all non-Social Security entitlements, including Medicare, and in every other existing program except Social Security and defense. That would mean a 30-percent cut in grants to state and local governments. It would require that we cut areas such as investment in infrastructure and unemployment compensation by 30 percent.

Now, Mr. President, it is not really likely we will cut 30 percent of the FBI or 30 percent of the Immigration Service or 30 percent of the Internal Revenue Service or 30 percent of Federal prisons or 30 percent of military pensions or 30 percent of veterans programs. To be honest, we will take certain things off the table in the same way that Social Security and defense will be off the table. We will have to take these other programs off the table as well.

As a result, the cuts in the other programs are going to be even deeper. This means cuts of over 30 percent in Medicare, State and local grants, environmental programs, automatic stabilizers like unemployment compensation, and many other programs. What would cuts of at least 30 percent mean to these remaining programs? Well, in 1993, Medicare payments to doctors were approximately 40 percent less than private-sector payments. Imagine cutting them by at least another 30 percent. And cutting back on many of the other programs would be pennywise and pound-foolish. We could cut back on programs for early childhood but end up paying more later for prisons.

Mr. President, going to this next table, what if we decided to cut grants to State and local governments? We give them \$200 billion a year. The Federal Government gives it right to the States, many of whom are advocating the balanced budget amendment. Well, going after those grants for States, what are they for? Highways, airports, and other forms of transportation spending total 11 percent, or over \$20 billion in Federal spending. Then take education, training, employment and social services, such as the handicapped education program, special education, foster care. These total about \$25 billion in Federal spending, or 16 percent of grants to State and local governments. Cut it. What about income security, welfare, section 8,

school breakfast, WIC, nutrition, and related programs—these total 24 percent. Cut it. Medicaid is 40 percent. Cut it.

So say that we cut all these programs that go to States, and in doing this we balance the budget. Then the State has to make the decision: Does it increase taxes, or does it forget about the education programs, the health programs, the housing programs?

So, Mr. President, what would significant cuts to States and localities look like? As I said, grants to States and local governments totaled \$200 billion in 1994. In New Jersey, we received about \$6 billion in Federal grants. This money funded a significant number of programs. Roughly 40 percent of the Federal funds went to health, 16 percent to education, 24 percent to welfare, and 11 percent to fund transportation.

On average—this is an important point—on average, Federal grants to support programs administered by States comprise 25 percent of all State revenues—25 percent. Remove those.

This is money that Governors have to spend—States get more money from the Federal Government than they raise with the personal income tax, more money than they raise with the general sales tax, more money than they raise with any other kind of taxes. If the Federal Government eliminated this 25-percent contribution, it would either lead to a dramatic increase in State or local taxes or else essentially eliminate many of these programs.

I think people have not really focused on what the impact of this will be. I know that people in this body have not focused on impact, but I guarantee you the State legislatures will. In my State of New Jersey, only about 20 percent of our State budget comes from the Federal Government. We have a diverse State, with a broadly based economy and rapid growth. New Jersey is quick to rebound from recessions, heavily export oriented, dramatically changed from manufacturing to services, and it has a very flexible work force with very talented people. The Federal Government gives us 20 percent of our State revenues.

This percentage is a little different in other places: in Arizona, it is 30 percent; in Michigan, 30 percent; in California, 34 percent; and in Idaho, 32 percent. This raises a very interesting question. Your people send tax dollars to Washington. They get dollars back from Washington, in terms of Federal expenditures.

My State has the second-highest income in the country. We pay a lot of taxes, because a lot of people with high income pay taxes. We do not have a lot of big defense expenditures in the State. We do not get back much relative to what we give the Federal Government, but a lot of other States do

pretty well. For every dollar that New Mexico sends to Washington it gets back \$1.96; Mississippi gets back \$1.63; West Virginia gets back \$1.45; North Dakota, \$1.41; Virginia, \$1.38. What do these figures mean? They mean that more Federal dollars are being spent in these States than are being sent to Washington from those States.

So here we have the West, the site of some of the strongest supporters of the balanced budget amendment. In the West, the Federal Government still plays as big a role as the Governor plays; for example, in Arizona, 30 percent of State revenues come from the Federal budget; the percentage is 32 percent in Idaho; 34 percent in California. Some of these States are owned by the Federal Government. Ninety percent of the land in Nevada is owned by the Federal Government; 1 percent of the land in New York is owned by the Federal Government. I think 9 percent of the land in Michigan is owned by the Federal Government; 90 percent of the land in Nevada is owned by the Federal Government.

So the point, Mr. President, is that if we are going to cut spending and we are going to do it across the board 30 percent, then those States that are getting more money back from the Federal Government than they are contributing are going to be disproportionately cut. It is not only going to be poor people who are going to be affected. So you might want to look at some of the other ways to raise revenue.

For example, right now we have public lands all over the West. Let us say I want to mine gold. Well, I pay about \$500 to \$1,000 max. I go in and mine the gold, and I do not pay the Government anything. I do not owe the Government anything. If we are asking individuals to pay more in taxes or we are cutting money to help them send their kids to college, do you think we might want to ask some of the mining companies to pay more if they mine minerals on public lands?

So the advocates of the balanced budget amendment have to understand the disproportionate impact that these cuts or additional revenue increases will have on their respective States.

So, Mr. President, I think that the analysis makes two points very clear, and they are that we have to balance the budget for the sake of our children's long-term economic prospects and that doing so is inevitably going to be very painful. What looks like a cheap move or an easy move here—cutting back that State and local Government transfer—will translate into, in some cases, higher taxes in many States.

Finally, as much as it is necessary to reduce the deficit—and it will be a bitter pill for the country—I think that it is absolutely essential that we do so. Trying to rush a balanced budget

amendment through the Congress without a thorough discussion of how the budget will be balanced is, in my view, unfair and undemocratic.

So a lot of those Western States are probably going to have second thoughts when they look at the numbers. Alabama, with about \$2.38 on every dollar, is going to look at it and have a second thought. The amendment will have dramatic effects on the lives of American citizens and every one of these citizens has a right to know what these effects will be before their elected representatives are asked to vote on this issue.

Mr. President, I have heard an awful lot of people saying, particularly States: Oh, you ought to balance your Federal budget; we want the balanced budget Federal amendment.

And yet, Mr. President, Governors do not have to balance their budgets in the way we have to balance our budget here in Washington. Governors have the right to, and in many cases do, have capital budgets, which means that instead of raising taxes and spending money, they simply borrow from these bondholders that we are borrowing from to create a Federal deficit, except when they borrow, it does not count in their State because they have a capital budget. I do not know about all States, but if you look in total, public indebtedness has dramatically increased at the State level.

So, increasingly, what the State governments are doing is the same thing the Federal Government did in the 1980's except they do not need a balanced budget amendment because they have simply defined the problem away. What if we had the same capital budget at the Federal level that exists in most States, mine included? Do you know what portion of the Federal budget would be included as a capital budget? And that includes all physical infrastructure, defense and non-defense, and all education programs. Do you know what that would be? \$225 billion. If we simply defined our Federal budget as most States do, in one stroke of the pen we would have no Federal deficit this year. We would have a \$25 billion surplus.

So when Governors tell me that they want to have a balanced budget amendment, I say to them: Give me the same capital budget. Give me the same capital budget you have, and we will have a surplus.

So, Mr. President, I think before we get a vote on the balanced budget amendment, we ought to have the specifics. I have spent almost 2 hours here today laying out what this budget is. The proponents of the amendment have not stepped forward and told us what they are going to cut. Which of the mandatory programs are they going to cut? Which of the discretionary programs are they going to cut?

I have a suspicion that there might be another game going on here. I do

not mean to cast aspersions on anyone, and I do not. But my guess is that the other side will not take my suggestion of defining the problem away with a capital budget. A capital budget would make a lot of sense. It would be like State governments. I mean it would be like most businesses that have a capital budget. It would be like most families. You have mortgage interest. You have a mortgage on your house. You are in debt. But you can make your debt payments. You do not have to pay the whole thing immediately. Everybody in America has debt. The question is how you manage the debt and, most importantly, how you structure the debt.

Let us make a reform: a capital budget. Then we have a surplus. Then we have a surplus. That is a change that I could certainly support.

I am concerned there is going to be another approach, though. I already see it rumbling out there. And that is going to be to redefine CPI, saying that the deficit is not as big as you think it is because we have exaggerated inflation. Inflation is really lower, and if you calculate it in this different way, we will save \$150 billion over 5 years just like that, so the deficit is much less.

Well, to those who are contemplating this, I would simply say beware, because—I am almost inviting the people to do this—the result is you pay about \$21 billion in higher taxes every year if you do that. Why? You pay \$21 billion in higher taxes because we have indexed the rates. But if you understate what inflation is, then people are going to be pushed into higher rates and pay more taxes. And about \$28 billion less, in terms of less benefits, will go out because the CPI is calculated at a lower level. That is my fear.

If you really wanted to come out of this with significant reform that would be right to every legislator, it would be to implement a capital budget, take Social Security out and focus on the operating expenditures.

My hope is that, before this is over, at least we will have a chance to think about that. If we are serious about cutting the budget, at the minimum why not do it on a basis of some principle as opposed to lobbyists mud wrestling? Why not say, look, here is the deficit. We looked at this gigantic budget deficit we have. We have to do something about it. We are tired of being grasshoppers. We want to start to be the ant. We want to start to think of our future. We want to start thinking of tomorrow.

What we are going to do, maybe what we will say is, "What principle could we use?" Well, we have a principle for liberals and a principle for conservatives. If we join the two principles, we might actually have a way to proceed here. The principle for liberals would be, I would say, well, why not make income a principle? You get a Federal

benefit up to a certain income level. Above that level you get less or you get none. Why should the millionaire who goes to the hospital get the same payment from Medicare as my struggling uncle who went to work every day in the lead factory for 40 years? Why should that happen? Why should a wealthy farmer who makes \$3 million a year get the same farm subsidy or the same water subsidy that a struggling family farmer with 600 or less acres such as in the great State of Iowa or even the cotton farmers in Arizona gets? Why should it be the same for the millionaire as for the average person? Well, that is one principle. Maybe make income a criterion.

The other principle, for my conservative friends, would be to ask: How about the market? Everybody talks about the market. Yes, we want the market to allocate resources. Well, great, get the Government away from the market. Let the market allocate the resources. Cut the budget by eliminating all these subsidies that impede the function of the market.

If we join those two, having a principle of income and a principle of no subsidies, then you would have a way to proceed and explain to people why we are cutting this and not that. Otherwise, it is going to be that the agriculture people are stronger than the mass transit people, who each have their lobbyists trying to figure what levels of subsidies are there going to be.

So, Mr. President, as I tried to demonstrate today in this talk, it is not going to be easy to cut the Federal budget. It is not going to be easy at all to balance this budget. It is going to require bigger cuts in expenditures than anyone has heretofore contemplated. And as we proceed, if we proceed, I hope we will have not only a suggestion from the proponents of the amendment as to how they would balance the budget, but I think also those who oppose it might raise specific questions of how they would reduce the budget deficit. I believe that reducing the budget deficit is an imperative, second only to getting growth started in our economy. That is a big debate. What comes first, growth or deficit, savings or investment? I think you have to first get growth; second, reduce the deficit, and reducing the deficit has the potential of improving the prospects for growth. It requires some tough choices.

Mr. President, to go back to the cautionary tale, we are living in a time when the grasshopper and the ant continue to look at each other across the great divide. The grasshopper says to the ant, the ant that has worked all through summer and put food away for the winter, "Please, please, Mr. Ant, let me come into your warm home in the winter."

And the ant says to the grasshopper, "What did you do all summer?"

"I made sweet music."

"If you make sweet music in the summer, you die in the winter, and you are on your own."

More and more are we saying that. And more and more have we acted as the grasshopper and not the ant. Less and less have we thought of tomorrow. As I hope the last hour and a half has made abundantly clear, less and less have we thought of tomorrow with regard to our urban centers, with regard to our children. It is about time we start thinking of tomorrow and tell the truth to the American people.

I yield the floor.

REPLY TO SENATORS LEAHY AND BRADLEY

Mr. HATCH. Mr. President, I would like to take this time to briefly respond to certain contentions made by Senators LEAHY and BRADLEY regarding the balanced budget amendment. These contentions fall into several categories: First, that the balanced budget amendment does absolutely nothing to balance the budget; it is an unenforceable gimmick; second, that the deficit is the result of the Reagan administration; third, that President Clinton's deficit program effectively deals with the deficit program; and fourth, that the balanced budget amendment is the largest Federal unfunded mandate program to date and will be ruinous to the States because it forces the States to assume the cost of Federal social spending programs. Each of these contentions are either false or widely exaggerated.

BALANCED BUDGET AMENDMENT IS  
UNENFORCEABLE

Senator LEAHY's assertion that the amendment is an unenforceable gimmick that does nothing to balance the budget, is both wrong and misleading. Of course, the amendment does not balance the budget by itself. But neither does the first amendment protect free speech nor the free exercise of religion by itself. The balanced budget amendment, similar to most of the Constitution, establishes a process, a mechanism to effectuate governmental power and obligations. The amendment establishes a limitation on Congress' taxing, spending, and borrowing power that furthers the goal of a balanced budget.

Moreover, the notion advanced by opponents of the balanced budget amendment that it is a paper tiger—that Congress will flout its constitutional authority to balance the budget—is simply wrong. First, the amendment has sharp teeth. It is self-enforcing. Because, historically, it has been easier for Congress to raise the debt ceiling, rather than reduce spending or raise taxes, the primary enforcement mechanism of House Joint Resolution 1 is section 2, which requires a three-fifths vote to increase the debt ceiling. This provision is a steel curtain that will shield the American public from an all ill-disciplined and profligate Congress.

Furthermore, Members of Congress overwhelmingly conform their actions

to constitutional precepts out of fidelity to the Constitution itself. We are bound by article VI of the Constitution to "support this Constitution." I fully expect fidelity by Members of Congress to the oath to uphold the Constitution. Honoring this pledge requires respecting the provisions of the proposed amendment. Flagrant disregard of the proposed amendment's clear and simple provisions would constitute nothing less than a betrayal of the public trust. In their campaigns for reelection, elected officials who flout their responsibilities under this amendment will find that the political process will provide the ultimate enforcement mechanism.

WHOSE FAULT IS THE DEFICIT

Both Senators LEAHY and BRADLEY claim that the current deficit is the work of the Republicans—particularly former President Ronald Reagan. They claim it was the massive defense build-up of the 1980's along with the Reagan tax cuts that led to the present day deficits. In President Reagan's words, "Well, there they go again."

In reality, one thing and one thing only has led to our massive deficits, Congress' voracious appetite to spend and spend. During the 1980's, the Reagan tax cuts stimulated the economy and led to the largest peace time boom in American history. About 20 million new jobs were created and revenue increased by about \$1 trillion. The problem was that Congress, whose constitutional authority it is to oversee and legislate the budget, spent \$1.4 trillion.

In fact, it really doesn't matter whose fault it is. This is a bipartisan problem with fault enough for both sides of the aisle. Let's stop pointing fingers and work together.

Senator BRADLEY, who presented a very detailed and erudite exegesis of the budget process—I wish more of my colleagues were present on the floor to see it—hit the nail on the head when he stated that the real problems of the budget shortfalls is the mammoth growth in entitlement spending and payments on interest on the debt. He even seemed at times to make a case for passage and ratification of the amendment since he must concede that Congress, without a balanced budget amendment, has been wholly ineffective in resolving the budgetary crisis.

Furthermore, both Senators proudly point to President Clinton's deficit reduction plan as some kind of solution to the deficit problem. But they neglected to mention one simple thing—that after a small drop in the deficit for the first few years of the plan—the deficit continues to rise, surpassing \$200 billion in 1996, reaching the record level of \$297 billion in 2001, and topping \$421 billion in 2005. Even the President's new budget plan fails to resolve the deficit problem as it averages about \$200 billion deficits for each year of the budget plan.

BALANCED BUDGET AMENDMENT AS AN  
UNFUNDED MANDATE

Finally, both Senators LEAHY and BRADLEY contend that passage and ratification of the balanced budget amendment will act as an enormous fiscally crushing Federal unfunded mandate, forcing the States to assume responsibilities for social spending that the Federal Government has shouldered for years. This statement is the mother of exaggerations. First of all, it does not take into account that many of these Federal programs come with inflexible bureaucratic strings attached and oftentimes hamper localities resolve economic and social problems. Indeed, many Governors, including Governors Wilson of California, Allen of Virginia, Whitman of New Jersey, and my own Governor, Governor Leavitt of Utah, have publicly stated that they will gladly take the decrease in Federal proceeds due to a Federal balanced budget for control over how moneys are spent in States and localities. I truly believe that the States and localities will be far more efficacious in how money is spent without Big Brother Federal Government looking over their shoulder.

Of course, passage and ratification of the balanced budget amendment will require sacrifices, sacrifices from all of us. But the returns on a balanced budget are enormous—increased economic growth and more and better jobs. Indeed, as Senator SIMON often cites, GAO estimates that a balanced budget in the late 1990's will result in a 33-percent increase in the standard of living in about 10 years. I bet Senators LEAHY and BRADLEY did not take this into account.

Mr. GRASSLEY addressed the Chair. The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Iowa.

THE PRESIDENT'S FISCAL YEAR  
1996 BUDGET

Mr. GRASSLEY. Mr. President, the issue of constitutional amendment for a balanced budget that has been before us for a week and probably will be before this body for several more days before we make a final decision has had the debate on that issue intertwined pretty much with the present budget situation and even lately with the budget that the President has presented to this specific Congress.

The President's budget of yesterday reflects an abdication of leadership. It fails not only to put the budget on a glidepath toward balance, it also fails to seek even the President's own goal and promise to the American people. That promise, if you remember, Mr. President, was as stated in the 1992 campaign that the deficit would be cut in half by the 1996 election. That will not be the case under the budget that the President has presented to Congress.

So I am overcome by the farcical vision of how this budget must have been sent up here to Capitol Hill. Members of the President's team lined up on Pennsylvania Avenue and punted. They punted copies of that budget up here one by one.

On January 24, after the President's State of the Union Address, I had occasion to remark when I was asked about his address that it seemed that the President was very willing to accept the leadership of Congress and to follow our agenda because he recognized the outcome of the election. That election gave Republicans the responsibility to lead. Today, through his actions, the President confirmed my suspicion and submitted a budget that says, "Let Congress make the tough choices. Let Congress lead."

According to reports, several of the President's high-level advisers counseled that, since the administration has failed to get credit from previous deficit reductions, there is little wisdom in trying to cut more. I hope that this is not the case. For, if it were true, there would be no clearer signal of the absence of leadership from this administration.

Just last month administration officials were boasting about their achievements on the deficit front. They were bemoaning the fact that the message of what they supposedly have cut and accomplished on the deficit scene was not getting out.

So why are they now abandoning what they consider a virtuous policy instead of working to get that message out, if they want to be viewed with any sort of credibility? Because in my estimation, in abandoning their goal of more deficits, the administration has also abandoned its promise to the American people and, as a consequence, the President has lost all moral authority to lead.

Clearly, this President has chosen to play defense; that is, after the punting of the budget to us, they are now saying "You"—meaning Republicans—"call the plays, now. It is your turn with the ball and let us see if you can do any better." We have heard that for a long period of time and just this morning on the floor of this body.

I believe that Congress can do better. For the sake of our children and grandchildren, we can and must do better. The President has followed the lead of the American people who spoke in November. Thus he has passed the mantle of leadership on to us.

With that leadership, the Republican Congress has already delivered on making Congress more accountable to the public and State governments, and now we will work toward making Congress more accountable to our children and grandchildren.

BALANCED BUDGET AMENDMENT  
TO THE CONSTITUTION

The Senate continued with the consideration of the joint resolution.

THE DASCHLE AMENDMENT TO THE BALANCED  
BUDGET AMENDMENT

Mr. GRASSLEY. Mr. President, what the 104th Congress is all about is ending business as usual in Washington. We started out by passing the bill that Senator LIEBERMAN and I introduced to make Congress live by the same laws it passes for everyone else. Then we passed a bill to restrict unfunded mandates.

These proposals represent a change from business as usual. The voters last November demanded a change in business as usual in Washington. And this Congress has delivered. And I am confident that we will continue to deliver.

One of the changes the American people wanted is a balanced budget amendment. They are tired of Congress coming up with clever rhetoric that has defeated this amendment over the years. Now, those same critics want us to spell out on an account by account basis the receipts and outlays for fiscal years 1996 to 2002. The proposal is yet another rhetorical trick designed to let big spenders defeat the balanced budget amendment by people who want no fiscal discipline.

The proposal represents a last gasp by the old guard to continue business as usual. For them, business as usual means a continually expanding Federal Government. The voters have spoken, and the business-as-usual crowd refuses to listen. That is not what representative government and democracy is all about.

We all know that a balanced budget is achievable. I know that our respected colleague Senator DOMENICI, chairman of the Budget Committee on which I serve, is working on a variety of fiscal strategies to show that it can be done—without touching Social Security. The numbers are clear.

We can limit spending growth to over 2 percent and reach a balanced budget, again without touching Social Security. Under current fiscal policy, Federal spending in fiscal 2002 will be 44 percent higher than this year if we do nothing. By holding growth to 22 percent, Republicans can balance the budget without cutting Social Security or raising taxes. Federal spending will increase under either approach.

But by how much? That is the question. Many of the supporters of this right-to-know amendment think Government spending must double by 2002. Supporters of the balanced budget amendment think Government can get by on approximately \$260 billion more than we are currently spending, but half of what other people think we should spend.

I say that is enough money, taking inflation into account, to balance the budget while still allowing programs to

grow. The argument has been made by my colleagues that, in 1993, Congress and the President acted honestly and forthrightly in enacting the fiscal 1994 budget. They say specific cuts and tax increases were spelled out to bring us toward a reduced budget deficit. Now opponents say supporters of this constitutional amendment have a similar obligation to spell out our plan. But the premise of the argument is invalid and the conclusions do not follow.

The 1993 tax bill raised taxes, and it had very few spending cuts. I doubt that anybody outside of the beltway can name a single real cut. The whole premise of the tax bill that the deficit would be cut was fallacious. The President's own budget predicts \$200 billion in budget deficits for the next 5 years if we do nothing. Notwithstanding the 1993 tax bill, the President still projects deficits as high as an elephant's eye.

And so the debt still continues to grow clear up to the sky. The so-called honesty in budgeting of 1993 is a very slender reed on which to base a so-called right-to-know amendment.

In addition to serving on the Budget Committee, I also serve on the Judiciary Committee and I am concerned that the Democratic leader's amendment—another amendment before our body—will be beyond the intent of the Constitution. It says that the amendment shall not take effect until Congress passes a budget reconciliation act.

But article V of the Constitution—that is, the amending article—provides that when both Houses of Congress pass a proposed constitutional amendment, it "shall be valid to all intents and purposes, as a part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress." But the proposal before us would not allow the amendment to be effective once Congress has passed it and, in this case, three-fourths of the State legislatures having ratified it. Instead, we put a whole new condition on the amendment that we have before us, the amendment to be ratified: The passage of a 7-year budget reconciliation act.

That is not a constitutional convention for the ratification of an amendment. And I think this amendment by the leader of the minority should be beaten.

We have heard it said that if Congress may constitutionally insist as a condition for ratification that the States ratify a proposed constitutional amendment within 7 years, then it is constitutional for Congress to impose a condition such as the Daschle amendment before Congress submits the proposal to the States. This analysis is incorrect for two reasons.

First, the courts have upheld limitations on the ratification process, but no case has ever upheld the imposition of a condition for initiating ratification proceedings once Congress has adopted an amendment.

Second, the Supreme Court has ruled that although it is a political question, article V implicitly requires a contemporaneous majority to ratify an amendment. Thus, a 7-year or equivalent period is a constitutional necessity under the case law. But no such status pertains to the proposal by the Senator from South Dakota.

So, Mr. President, we should pass the balanced budget amendment. We should not adopt the Daschle amendment to that amendment because it is impractical and because it is unconstitutional. The American people want us to end business as usual. They see the so-called right-to-know amendment to be business as usual—a business-as-usual approach, rejected by the people in the November 8 election, a business-as-usual approach rejected by Congress for the first time in 40 years, as we try to bring to a vote all of the things that have been buried in Congress by a Congress controlled for 40 years by the now minority party.

We accept our responsibilities to reject business as usual, with our surveys showing 80 percent support for the constitutional amendment for a balanced budget. It has been before this body four or five times over the past 15 years. Now is the time to pass it.

I yield the floor and the remainder of my time.

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada [Mr. BRYAN], is recognized.

Mr. BRYAN. Mr. President, if the Chair and the acting floor manager will indulge me, I ask unanimous consent to speak for 3 minutes as in morning business and to extend the time before the recess.

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

#### ILLEGAL IMMIGRANTS OCCUPYING PUBLIC HOUSING

Mr. BRYAN. I thank the Chair and my colleague from Iowa. Mr. President, I want to call the attention of my colleagues a situation, which I discovered during our recent December recess, dealing with public housing.

Since 1980, the law has been clear that those who are illegal immigrants are not entitled to occupy public housing. So I was somewhat astonished in visiting with a housing authority director in my own State and to have him tell me that in the city of Reno, he would estimate that approximately 10 percent, maybe a little more, maybe a little less of those who occupy public housing are, in fact, illegal immigrants. At the same time, in the city of

Reno—and I think this is replicated throughout the country—there are some 500 families waiting to occupy public housing.

So I asked the question, well, if it is illegal for them to occupy public housing, why have you not done something about it? That, Mr. President, is an astonishing story. In 1982, 1984, and 1986, apparently, efforts were made to implement by regulation what the statute establishes by way of policy. Through a series of administrative or bureaucratic delays and obfuscation, in fact, none of these regulations have been implemented.

So currently the housing authority directors in America are told that although the 1980 law remains in effect, you may not inquire and you may not verify the resident status of those persons who seek to make application to occupy public housing. May I say, Mr. President, this is absolutely absurd and ridiculous.

The law says that they ought not to be eligible—those who are illegal immigrants—to occupy public housing. Nevertheless, they are permitted to do so. There is a glimmer of hope. That is, that there is a rule making its way through the Office of Management and Budget, and I urge OMB to implement that regulation immediately so that the policy since 1988 may be carried out.

I thank you, Mr. President for your courtesy and that of the distinguished Senator from Iowa.

I yield the floor.

#### RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:38 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. COHEN).

The PRESIDING OFFICER. The Chair recognizes the Senator from Indiana.

(Mr. THOMPSON assumed the chair.)

Mr. COATS. Mr. President, for decades Congress has enjoyed the unlimited luxury of unlimited debt. Our practices, which are pleasing for the moment to constituencies that profit from the practice of unlimited debt, have seriously undermined the credibility of this institution with the American people.

Skepticism and cynicism abound. That skepticism and cynicism—directed toward those who have made hollow promises, unfulfilled year after year, perceived to have been made for political purposes—brought about, in my opinion, the results that we saw in the November election. The American people want Congress to be honest and

to be straightforward with them, even if it brings some unpleasant truths.

Now, with the passage in the House of Representatives of the balanced budget amendment by a historic 301 to 132 vote, the spotlight has turned on the Senate. As such, we, in a sense, are on trial. Our credibility is at stake. We are debating something of which the American people have become very well aware—the impact, year after year, for 25 straight years, of expenditures that exceed our revenues.

It has become apparent to the American people that we are forfeiting not only our own future but, more importantly, that of future generations and their opportunity to participate in the American dream.

I do not think there should be any argument about the urgency of our circumstances. Every child born in America inherits about \$18,000 in public debt. This unfair burden placed on the future is the result of a failure of political will and it is a betrayal of moral commitments.

It was Thomas Jefferson who noted long ago:

The question of whether one generation has the right to bind another by the deficit it imposes is a question of such consequence as to place it among the fundamental principles of Government. We should consider ourselves unauthorized to saddle posterity with our debts, and be morally bound to pay them ourselves.

"The fundamental principles of Government," Jefferson noted. What is perhaps the most fundamental of those fundamental principles?

It is the same principle that applies to each person in our individual lives, to our family life, to corporate America, to business America, to virtually every institution. That fundamental principle involves being responsible and accountable to the people we serve, to our employees, to our family members, to ourselves. It means not spending more than we receive and running up a debt to the extent where we have become unable to pay that debt. Or, in paying that debt, we must squander resources that should go for essential purposes and essential services.

That is exactly what has happened here in the United States. We now face a national debt of \$4.8 trillion. Applied across the board per capita that is \$18,000 for each individual child born in America.

The debt robs people of the opportunity for economic progress. It steals their opportunity to set essential priorities of how they will spend their money. This failure of fundamental principle has led some of the most distinguished Members of this body to leave out of frustration, perhaps, or disgust. These respected Senators lost faith in our ability to act.

As I said earlier, the public generally shares that skepticism. With the House of Representatives now having passed the balanced budget amendment—and I

hope the Senate will soon follow—we can begin to recover the trust of the American people. Despite the pleas of constituencies that walk in each of our offices and say, "Yes, it is a problem, but not my program," I believe the American people instinctively know that we have got to get our hands on this monster that has just grown beyond anybody's ability to control.

Now, I understand that amending the Constitution is serious business. Perhaps it is the most serious act of which this Congress is capable. It alters the most basic social contract between government and its citizens. The continued accumulation of debt threatens the endurance, the very endurance of that very contract, because it is an agreement not only with ourselves but an agreement with our children.

The constitutional amendment is, admittedly, a strong measure, a strong remedy. Sometimes it is needed, as we have demonstrated in the past. It is needed when the crisis is truly here. And it is truly here.

A General Accounting Office report says that interest payments will exceed \$1 trillion by the year 2020 if we simply remain on our present course. That fact has to be unacceptable to every Member of this body. That continued load of interest on the debt means that we hinder our economy from growth it can provide in jobs and opportunities for Americans. It means that we divert money from essential expenditures that this Congress needs to make while continually taking more money from hard-working taxpayers who need those funds to meet basic individual and family needs.

We borrow at the rate of \$1 billion a day—\$1 billion a day. What could we do in this country with \$1 billion a day to meet essential needs, to return funds, or allow taxpayers to retain more hard-earned dollars, to make decisions for themselves and their family. What can we do with those funds.

So it does come down to a test of will. It does come down to political courage. But this Congress and previous Congresses have demonstrated, to date, that we do not have the political courage or the will because it is simply too easy to take the expedient route, to say "yes" to the constituent groups that might help ensure our reelection, rather than say, "I am sorry. We simply do not have the funds." We can say what legislators of 48 States have to say to their constituents. That is, "Yes, I recognize your concerns. I understand the need. But you must understand we have to decide how we will spend our scarce revenue dollars on the basis of priorities. That's what we are elected to do."

This body has not had to do that. It has become an all too convenient method of ensuring political longevity and reelection to be able to say "yes" while we ask future generations to pay for that "yes."

Spending habits of Congress are simply too entrenched. There is an ideology of many Members that has nothing to do with left or right, liberal or conservative, Republican or Democrat. It has to do with power. Power to use the Federal Treasury to please special interests, to make powerful constituencies happy, to ensure our longevity and our reelection.

Deficit spending has always made political sense because it allows Congress to please people in the present by placing burdens on the future. The future, significantly, has no vote in the next election. We have built that power on the ability to buy constituent support for cash funded from debt. That power, it is obvious here, will not be easily surrendered even when we face a crisis of our own creation. Even when the views of most Americans are clear, that power will not be easily surrendered.

Make no mistake, what we are talking about with the balanced budget amendment is surrendering power, power which I contend we have handled irresponsibly. The record is clear. I came to this body, the body of Congress, in 1981. I remember the recoiling of new Members over the prospect of having to vote early on in 1981 to raise the debt limit to over \$1 trillion. I stand here today, a few short years later, and we are looking at the prospect of a \$5 trillion debt.

It is a failure of political will. We all bear responsibility. The question now is, how do we address the problem, given the fact that the crisis is here and we must not continue the past practice of increasing debt and placing the responsibility on the shoulders of future generations—how do we address that? That is the fundamental question.

We have had proposal after proposal, scheme after scheme, promise after promise that holds out the hope that we finally will have summoned the political will and the courage to address the crisis in a legislative manner. Yet the record is clear. Year after year, proposal after proposal, we have failed in that responsibility.

So now comes the moment of truth. Now comes the opportunity for Members to enshrine in the Constitution of the United States—perhaps the one promise none of us dares violate—a mandate to which we will pledge fealty upon our swearing in, a mandate that says, "Thou shalt not spend more than you bring in." Such an oath will make honest politicians out of all, honest legislators out of all. Having placed our left hand on the Bible and raised our right hand, swearing to uphold the Constitution of the United States, including the injunction that "We will not spend more than we take in," we will have to face the music at every legislative session. We will have to look our constituents in the eye and

say, "We are sworn to uphold this Constitution, and this Constitution forbids us from going into debt. So your program, your proposal, the additional spending that you seek may be worthy, but it has to be placed among the categories and lists of priorities that we will have to decide each time we meet."

We will be forced to establish those priorities. We will be able to summon the wherewithal to finally live up to the responsibility that each of us has failed in, and that is to be careful guardians of the dollars that the public entrusts to Members. It will force us to avoid a system which allows Members to transfer that responsibility from the present to the future, and ensure that we do not place on future generations the debts which we are obligated to pay.

The constitutional amendment to balance the budget would transform the nature of our commitment to a responsible budget. It is one thing to vote for a deficit, it is something entirely else to violate the Constitution.

That, Mr. President, I contend is what is at issue here. The constitutional amendment to balance the budget is an opportunity, a chance to leave some legacy other than monumental debt.

I ask my colleagues, many of whom have provided many, many years of meritorious service, what legacy do you want to leave when your time is finished? What legacy, what heritage do you want to pass on, given the service that you have been privileged to provide as a Member of the U.S. Congress? Do we want to leave a legacy of debt which places a burden on the opportunities for this Nation. Do we want to leave a legacy for our children and grandchildren and future generations that denies them the very opportunities of which we have taken advantage? Is that the legacy we want to leave?

I suggest that it is not the legacy we want to leave. I suggest that every other attempt that we have made, every other proposal that we have addressed has not solved the problem or even come close to solving the problem. There has been too much temptation to please the present by shifting the responsibility to the future. We have demonstrated that we are not capable of dealing with it.

So we are almost asking to approve the balanced budget amendment as a way of saving ourselves, saving ourselves from the continued moral failure of being responsible to the very people that we are privileged to represent. Let us leave a legacy of which we can be proud, a legacy that will ensure for future generations the rights and privileges that we have been so fortunate to enjoy.

The balanced budget amendment is also a chance to restore some needed trust, to prove that the Congress can

stand for something other than defense of its own power and its own privilege.

Mr. President, I will have, obviously, many opportunities to speak further on this issue. It is a critical one. We will spend a considerable amount of time dealing with it. There are obviously divisions of opinion as to how we should get from here to there. I look forward to speaking and participating on this issue in the days ahead.

Mr. President, I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I have listened to the closing words of my distinguished friend from Indiana, Mr. COATS. Speaking for myself, I do not want to leave my children and my grandchildren the legacy of a crippled Constitution. I believe that the balanced budget amendment, if adopted, would be an irresponsible act that would cripple this Nation's capacity to cope with the economic problems of the 21st century and beyond.

Does the Senator wish me to yield?

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I wonder if the distinguished ranking member of the Appropriations Committee will yield to me for the purpose of making a statement on another issue for approximately 7 or 8 minutes.

Mr. BYRD. Mr. President, as for myself, I have no problem with yielding to the Senator. I do know that Senator BUMPERS has been waiting patiently to speak, and there are others who wish to speak.

I ask unanimous consent that I may be permitted to yield to the distinguished Senator from Montana for not to exceed 8 minutes without losing my right to the floor.

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

The Senator from Montana.

Mr. BAUCUS. Mr. President, I very deeply thank the Senator from West Virginia and the Senator from Arkansas, Senator BUMPERS, who I know wishes to speak.

I ask unanimous consent to speak as in morning business.

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

#### BUTTE, MT

Mr. BAUCUS. Mr. President, today I begin a series of statements about a place that is very special to me, the city of Butte, MT. These statements will focus on Butte's economy, its people, its quality of life, and other special attributes of Butte.

I will begin today by discussing the recent history of Butte's economy.

Butte, MT, is 1 of 13 communities across the Nation under consideration for a new microchip manufacturing

plant to be constructed by Micron Technologies.

Now, Butte and Micron may seem to have little in common; after all, why would one of the Nation's leading high-technology companies want to set up a shop in an old western mining town like Butte?

Yet, if you scratch just below the surface, Butte and Micron have a lot in common. Thanks to the basic American values of hard work, patriotism, ingenuity, competitiveness, both Butte and Micron have grown and prospered over the past 10 years. And Micron has done this without shipping jobs overseas.

Many of their managers have told me, with great and justifiable pride, that their corporate philosophy is to grow jobs not overseas but in America. It is exactly that kind of loyalty that has helped the people of Butte rebuild their economy after the loss of the largest employer more than a decade ago.

For over a century, the business of Butte was mining. Butte's first settlers called it "the glittering hill." Later, Butte would be known as the "mining city." At first, it was silver and gold but primarily copper.

While the mining industry flourished, Butte grew and prospered, and some in Butte got very wealthy. Many others made a hard but a decent living in the mines. During the early part of this century, Butte's population rose to nearly 100,000 people, about the same size as today's Billings, MT, our largest city.

With copper prices falling in the 1970's, Butte's once mighty mining industry began to slowly taper off.

Then it happened. The mines closed. This January 7, 1983, headline, a replica, a mockup of the Montana Standard, reads like a death sentence for Butte: "Butte Mining to Stop." There is a big stop sign; a death sentence for Butte, MT.

Hundreds of jobs were lost, direct jobs; over \$32 million in annual payroll disappeared; over \$1 million in yearly tax payments to the local government were lost, and Butte lost a big chunk of its identity—mining. The "mining city" became the "former mining city."

Butte's chief executive at the time was a good friend of mine named Don Peoples. Don told the local paper:

It's like being told that a patient has a terminal illness. You first feel frustration, anger and then sit back and determine how you fight on.

Don's reaction of the news was typical of the spirit, optimism, and loyalty that helped make Butte such a special place.

Yet, there were a lot of other people, most of whom, by the way, do not live in Butte, who counted Butte out. They thought Butte was destined to become nothing more than a very large ghost town on the western landscape.

But were they ever wrong. Perhaps they underestimated the teamwork and the ingenuity of Butte's leaders, people like Don Peoples, Harp Cote, Joe Quilici, Bob Pavlovich, J.D. Lynch, Judy Jacobson, Fritz Daily, Evan Barrett, Bob Gannon, and Jack Lynch. And I know they underestimated the thousands of other hardworking Montanans who were still proud—fiercely proud—to call Butte their home.

These people were not about to pack up and leave. They were determined to stay in Butte and build a better life for themselves and their families, and they did it. By working together and creating a probusiness environment, they made Butte of 1995 a great economic success story.

There is much, much more to the Butte of 1995 than mining.

The Montana technology companies have earned Butte international recognition as a center for the development, testing, and marketing of new environmental technologies. They have done it themselves in Butte.

Montana Power Co., based in Butte, operates one of the most dynamic utility and energy businesses in the Nation.

Butte's Montana Tech turns up on any list of the best engineering and science schools in the country. For instance, in a survey of college presidents recently published in U.S. News and World Report, Tech, Montana Tech was voted the top ranked small college science program in the Nation—top, No. 1.

Hundreds of new small businesses have grown up and prospered in Butte.

Well, 12 years have now passed since the mines closed. Mining has come back to Butte. With the development of Montana Resources several years ago, Butte can again rightfully call itself the mining city.

In short, if Micron is looking for a good place to do business, Butte is the best place. Its industrious people are the perfect match for Micron's record of growth and productivity.

Over 30,000 Montanans from Butte and southwest Montana have signed petitions urging Micron to locate in Butte. I can only add my voice to theirs by expressing my fervent hope that Micron will become Butte's next economic miracle.

I thank the Chair, and I thank the Senator from West Virginia.

I yield the floor.

#### BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The Senate continued with the consideration of the joint resolution.

Mr. BYRD. Mr. President, today we continue one of the most important debates in the history of the Senate. The debate involves whether to change the basic, fundamental, organic law of this Nation forever, and for the first time

to write fiscal policy into the Constitution of the United States—for the first time, amended only 27 times in its history. The Constitution of the United States is one of the most brilliant, uplifting, and inspired documents ever written by the hand of mere mortals. It has served as a model for other nations, nations that are struggling to emulate the American genius and ensure a government that allows maximum freedom for its people, and yet also fairly imposes the strictures of the rule of law.

Such a document, with its carefully weighted checks and balances, its beautiful guarantees of freedom and liberty, its eloquent preamble of 52 words, and its visionary flexibility has inspired and guided this great Nation of ours for generations.

Now the decision to preserve it for our future generations rests with this body—100 men and women sworn to support and defend this marvelous Constitution against all enemies, foreign and domestic. And the decision rests with us. The buck stops here. I have taken that oath 13 times in the last 48 years—to support and defend the Constitution against all enemies, foreign and domestic. I have administered the oath of office on a good many occasions to several of my colleagues, and I have considered it an honor and a privilege to do so.

This body has a solemn responsibility to debate the proposed amendment carefully, fully, thoroughly and with diligence. Nothing on the Senate's agenda is as important as this proposal. It is the most important decision that will be made in this Senate this year. And if, which God avert, this amendment is adopted, it will prove to have been the most important amendment, the most important change to the Constitution since the Constitution became effective 206 years ago, and it will be the first time out of 27 times that an amendment has been adopted to damage this inimitable document.

Nothing on the Senate's agenda, as I say, is as important as is this proposal. So I say that no politically crafted, so-called Contract With America—you have heard about that, the Contract With America, the so-called Contract With America. Let me show you my contract with America. Here it is, the Constitution of the United States. It cost me 15 cents. There it is—15 cents. Any Senators who wish to get similar copies may do so from the Government Printing Office. It only costs a dollar even at today's prices.

So this so-called Contract With America, which I did not sign on to, and which just sprouted up like the prophet's gourd overnight, during the last election, should not drive this debate or crowd out the thorough consideration of this proposed constitutional amendment.

We have a duty to air all sides before the public, lest there be any misunder-

standing about what is being proposed. If we are to adopt this most serious of alterations to our Constitution, let us not do so without telling the American people exactly what the change will mean to them. Let us not do so without telling the American people exactly, to the very best of our ability, what the change will be to them, the American people.

The debate may be at times tedious. It deals with concepts and truths which are not usually on the public radar screen. But it is our responsibility to focus the public, if we can, on this issue which is so fundamental, so fundamental to the future of our Nation.

And so it is my hope that the Senate and its Members will concentrate their fractured attention spans, clear the decks, and listen to and participate in this extraordinary debate. Now, this is no ordinary bill. It is no mere amendment to a statute. This is the supreme law of the land about which we are talking. We are talking about amending the supreme law of the land, the Constitution of the United States, the supreme law of the land, the guarantor of our freedoms and the freedoms of generations of Americans which we are considering here on this Senate floor. We are considering an amendment to write into the Constitution for the very first time language dealing with fiscal policy. That is a subject which the framers of the Constitution, in their wisdom, left for the decisions of the elected representatives of the people in this body and in the other body.

I hope that we will be guided by at least a limited wisdom of the Framers. There is a kind of pretense that one can read between the lines in this amendment, namely that the statesmen of today are wiser than those Framers of the Constitution who acted 208 years ago to submit to the States for their ratification the great document. I hope that we will reread the solemn oath that we all took when we were sworn in. I hope that Members will listen to their consciences and resist the political winds that have already blown through the other body.

Now is the Senate's time to shine. It can fulfill the task before us, with faithfulness to its purpose, by an exhaustive review of the impact of this proposal. Nothing we do during our collective service in the Senate will ever be more important than this task which is before us today, the task of examining, scrutinizing, dissecting, and hopefully rejecting this constitutional amendment.

The people hopefully will remember one truth as they watch and as we engage in this historic debate; that is, that there is no disagreement over the goal of getting to a balanced budget by reducing the Federal deficit. This debate, however, is about tampering with the United States Constitution in such a way as to mandate a zero deficit each

and every year for the life of this Republic—for the life of this Republic—not just for a few years, but for centuries. Who knows? This is an extreme and serious remedy, indeed.

We can change a statute a month after it is enacted, 2 weeks after it is enacted, or a year after it is enacted. A statute can be repealed by the same Congress that originally enacted it. But not so with an amendment to the Constitution. Once this surgery has been performed, once the frontal lobotomy has been done, it will be very difficult to undo if we do not like the consequences.

That is why as much should be known about this proposal as possible, including a blueprint for exactly how the proponents would get the budget into balance by 2002. If that blueprint cannot be produced, then the American people should be aware from the outset that the amendment may be a sham and a cruel hoax by politicians looking to curry favor by making promises that they cannot keep, and by using the Constitution—this Constitution of the United States—as cover for their singular lack of courage.

Public service should mean more than that. The welfare of the people should mean more than that. And the Constitution of the United States must surely mean more than that.

Mr. President, I have heard the great name of Thomas Jefferson invoked time and time again during this debate by some of those who support this constitutional amendment on the balanced budget. Thomas Jefferson was not one of those at the Constitutional Convention. Thomas Jefferson was not one of the 39 signers of the Constitution. He was a Minister to France at the time that the Constitutional Convention was underway.

We all know that a failure of the Congress under the Articles of Confederation to provide the Nation with a responsible financial system was the principal stimulus to the drafting of the Constitution. That was one of the things that was wrong with the Congress under the Confederation, one of the things that weakened the Continental Congress.

The First Continental Congress met on September 5, 1774. The Second Continental Congress met in 1775, and it continued until 1781, in which year the Articles of Confederation were created, and the Congress under the Confederation continued to exist until 1789, when this Republic, created under the new Constitution, came into being.

One of the principal reasons why it became clear that the Congress was ineffective under the Confederation was the fact that its financial system was really a paralyzed system, one in which the Congress had to depend upon the States for their good will and their support in coming up with the funds that were levied against them. The

Congress had little power. It had to requisition moneys from the States, and the moneys were not always forthcoming.

So, it was decided that there would have to be a new form of Government, and a new Constitution was thus written. There were also problems with regard to commerce between and among the States. All those things came into focus and made clear the need for a new Constitution and a new form of Government. That Constitution, therefore, was written during those 116 days that occurred between and including May 25 and September 17, 1787.

Jefferson did not help to write that Constitution. Jefferson was not at the Constitutional Convention. So why invoke his name? This notion that today's populace should not be able, by borrowing, to burden future generations with debt was never seriously considered by the convention. Such an amendment to the Constitution was never submitted to the people.

Jefferson was President of the United States from 1801 to 1809. Why did he not suggest or recommend that such an amendment be submitted to the people by the Congress? He had the opportunity to do it. Why did he not do it?

I think we have to recognize a limitation as to what we are willing to include in the Constitution by recognizing that there is a vast gulf between what might be considered a Utopian Constitution and what it might contain, and what a Constitution in the real world can achieve.

One should never underestimate the price of making promises that even a Constitution might not be able to deliver.

Thomas Jefferson took no part in the debates, as I have said, of the 1787 Convention that produced the Constitution. He was in France. He did not return home until October 1789. The Constitution had already gone into effect on March 4, 1789.

A month previous to his return home from Paris, Jefferson wrote the celebrated "The Earth Belongs to the Living" letter, and he wrote it to James Madison. In that letter, Jefferson argued that "no generation can contract debts greater than may be paid during the course of its own existence," and Jefferson calculated such a period to be about 19 years. We would calculate it to be a longer period these days.

James Madison, though, is generally recognized to be the Father of the Constitution. Here it is in my hand, the Constitution of the United States. This is not the so-called Contract With America; this is the Constitution of the United States. That is my contract with America.

James Madison is generally agreed to have been the Father of the Constitution of the United States. He continued to explain that "the improvements made by the dead form a charge

against the living who take the benefit of them." In other words, the improvements made by those of this generation, who years hence, would be dead. The improvements made by the dead form a charge against the living generations hence, who will take the benefit of those improvements. Continuing, Madison said, "Debts may be incurred for purposes which interest the unborn, as well as the living"—This is not ROBERT C. BYRD talking; this is James Madison. I was not there when this Constitution was written. I did not have a thing to do with writing it. But it is my contract with America. Madison said: "The improvements made by the dead form a charge against the living who take the benefit of them. Debts may be incurred for purposes which interest the unborn, as well as the living; such are debts for repelling a conquest, the evils of which may descend through many generations."

Madison's view, therefore, was that "debts may be incurred principally for the benefit of posterity." Jefferson said, in essence, we should not pass debts on to our children and grandchildren. But Madison took the other view—the better view, in my judgment—that "debts may be incurred principally for the benefit of posterity."

I think greater weight should be given to Madison's view than to Jefferson's more abstract idea, written from the distant European shores. Particularly compelling is Madison's salient observation of the year 1790, namely, that "the present debt of the United States"—in 1790—"far exceeds any burdens which the present generation could well apprehend for itself." Even in 1790, the next year following the flowering of this new republic, under the new Constitution.

Madison believed in the "descent of obligations" from one generation to another. "All that is indispensable in adjusting the account between the dead and the living," he wrote, "is to see that the debts against the latter do not exceed the advances made by the former." As I stated earlier, Jefferson later became President. Why did he not propose a constitutional amendment? Why did he not lead an effort to propose a constitutional amendment to carry out the "Earth Belongs to the Living" theory? Say what you want; he did not do it.

To the contrary, in 1803, Jefferson encountered an unexpected offer from France to purchase the Louisiana Territory. Although he felt that he lacked clear constitutional authority to act, Jefferson accepted the offer—and I am glad that he did—and incurred a public debt to pay the required \$15 million. Where did he get the money? He borrowed it from English and Dutch banks. Grappling with this contradiction now, Jefferson said in 1810 that the question was "easy of solution in principle, but somewhat embarrassing in

practice," and then Jefferson went on to suggest that the "laws of necessity" were sometimes higher than the written laws of government and concluded that it would be absurd to sacrifice the end to the means. I think he did the right thing.

I have no doubt that, once the American people are better informed on this question before the Senate, the judgment of the American people will be sound.

Talleyrand, who dominated the politics of Europe for 40 years—he was Prime Minister of France, who served under Napoleon—said there is more wisdom in public opinion than is to be found in Napoleon, Voltaire, or all the ministers of State, present and to come.

(Ms. SNOWE assumed the chair.)

Mr. BYRD. But, Madam President, it has to be an informed public opinion. It has to be an informed public opinion.

And that is, more than anything else, why the Senate is the premier deliberative body of the world today. It is the forum of the States and the forum of minorities, and a forum in which there is unlimited debate, the right of unlimited debate, only to be shut off by a cloture motion adopted or by a unanimous consent agreement.

I happen to believe that the American people are not fully informed as to the ramifications of this snake oil constitutional amendment which would mandate—mandate—a balanced budget every year from now until kingdom come; every year.

Madison, in Federalist Paper No. 63, said:

\*\*\* so there are particular moments in public affairs when the people, stimulated by some irregular passion, \*\*\* or misled by the artful misrepresentations of interested men, may call for measures which they themselves will afterwards be the most ready to lament and condemn.

Now he was talking about the Senate. That is what Madison was talking about. Go look at the Federalist Paper No. 63. He was talking about the Senate.

"In these critical moments," he said, "how salutary will the interference of some temperate and respectable body of citizens in order \*\*\* to suspend the blow meditated by the people against themselves until reason, justice and truth can regain their authority, over the public mind."

Madison was talking about the Senate.

"What bitter anguish" he said, "would not the people of Athens have often escaped if their government had contained so provident a safeguard against the tyranny of their own passions? Popular liberty might then have escaped the indelible reproach of decreeing to the same citizens the hemlock on one day and statutes on the next."

That was Madison, the father of the Constitution, talking about the Sen-

ate. William Ewart Gladstone—who was prime minister four times under Queen Victoria—referred to the U.S. Senate as "that remarkable body, the most remarkable of all the inventions of modern politics."

Madison was talking about the Senate, referring to it as a body of "temperate and respectable" citizens who might interfere and "suspend the blow meditated by the people against themselves" in a time of partisan political passion, "until reason, justice, and truth can regain their authority over the public mind."

That is why we have the Senate. That is why we are here to debate these issues.

Madam President, for more than a week now I have listened with great fascination as some of the proponents of the balanced budget constitutional amendment have laid out every conceivable reason as to why we should adopt this measure. If I did not know better, if I did not certainly think I knew better, I might be convinced by all of the rhetoric that the amendment is the silver bullet cure-all for everything that ails the country. But I do know better, and, more importantly, the American people will know better, too, if only they can be fully informed on the matter.

Unfortunately, left unsaid in all the pro-amendment talk has been one of the most important parts of this, what it will really amount to, what it really amounts to in my judgment will be an immense fraud: the people's right to know how implementation of the amendment will affect them. How will the adoption of this amendment affect you, Mr. and Mrs. America, you and your children and your grandchildren?

And, contrary to what some may think, the public does have a right to know how they will be affected. The people have a right to know how spending cuts on the magnitude of \$1.5 trillion over the course of a 7-year span will impact their lives and the lives of their children.

The fact that the public is beginning to understand that they are going to be hit and hit hard can be seen in the results of a recent nationwide survey. Last week, the American Association of Retired Persons released a poll, conducted by the Wirthlin Group during the last week of January, which showed that 75 percent of the American people want to know the details of what will have to be cut to balance the budget before the amendment is voted on. Notice, I said "before the amendment is voted on."

So, as will be seen by this chart here, the American people are saying, "Spell out the cuts." Spell out the cuts.

Three out of four Americans, according to this poll that was released by the American Association of Retired Persons last week, three out of four Americans want to know, Madam

President, where, oh where, we intend to come up with \$1.5 trillion and they want to know it before the vote on this fiscal pie-in-the-sky proposal takes place.

Even more amazing than those overwhelming numbers, though, is that the support for the radical idea of knowing the details ahead of time runs across party lines.

The chart to my left plainly states that 68 percent of the Republicans polled by the Wirthlin Group want to know what will be cut first before Congress passes the balanced budget amendment. Seventy-seven percent of the Democrats want to know. Eighty-three percent of the independents want to know. Want to know what? What will be cut first?

They want to know first, before we adopt any such amendment, they want to know the figures that will be cut.

These results of the poll show that the argument over the people's right to know is not a partisan argument. It is not, as some have suggested, simply a way of delaying a vote on the balanced budget amendment. Sixty-eight percent of the Republicans polled do not believe that it is simply a way of delaying the vote. Seventy-seven percent of the Democrats polled do not believe it is just a way to delay the vote. They want to know what is in the amendment. Eighty-three percent of the independents do not believe it is just a way to delay the vote. They want to know what is going to be cut.

It is not, as some have suggested, simply a way of delaying a vote on the balanced budget amendment. On the contrary, the people's right to know is a very real issue that must be confronted. In reality, Madam President, none of the Members should be surprised by the poll results because the American people are not reckless.

People know, for example, that before they buy a house, they need to ask whether or not the roof leaks. They know that before they buy an insurance policy, they should read the fine print to see exactly what it covers. And they know if they want to cut the amount of fat and cholesterol in their diets, they should read the label on the foods that they buy at the supermarket.

The people take the time to think about what they are being asked to buy. They consider all of the pluses and all of the minuses of what they are judging. They do not run out willy-nilly and lay down their money without asking for the details of what they are about to purchase. They do not take it on faith that what they are being told is the full story. They ask questions. They ask questions. They expect to be given clear and honest answers to their questions.

Now that the American people are asking questions, now that they are asking the details of the \$1.5 trillion

magic pill that will shrink the deficit without pain or suffering, are they going to be ignored? Is the American people's right to know going to be ignored? By refusing to honor the public's right to know, the proponents will, in effect, be telling the American people that we here in Washington know what is best.

"Take it on faith," is what the American people are being told. "Trust us. Trust us. Do not press us. Do not press us for all of these messy details." Is that what Senators think the public was telling Members last November? Do Senators honestly believe the message out of the last election was that the American people want Members to pass legislation in such a hurry that we do not tell the American people the ramifications?

Does anyone think that the public is happy with being kept in the dark on this \$1.5 trillion scam? In my view that is what it is, unless we tell them, let them look under the hood, unless we tell them what is on the label, unless we at least put a label on this bottle. If anyone thinks that, then they should think again. The American people have a right to know the details behind this amendment. They have a right to know whether or not their children are going to be able to get a student loan, whether or not the national parks in their State will be closed, whether or not the National Institutes of Health will be able to continue with breast cancer research, whether or not they will see fewer cops on the beat in their cities, whether or not the Federal Government will continue to offer financial help with highways and water treatment plants in their communities. People have a right to know.

Nearly everyone is making promises, as I listen, promises that Social Security will not be cut under the balanced budget amendment. There will be amendments offered to exempt Social Security, we hear, and promises made to protect Social Security from cuts. I do not want our senior citizens to be misled. Taking the Social Security trust fund off the table does not totally ensure our elderly citizens from the devastation of this amendment. Taking the Social Security trust fund off the table simply means that even more pressure for cuts falls on Medicare and on other programs that help the elderly, such as Meals on Wheels.

Moreover, there are backdoor ways, backdoor ways of getting at Social Security even if it were to be taken off the table. One such idea which is being explored, I believe by our Republican friends, is to recalculate the way we measure cost-of-living increases in order to help to reduce the deficit. That proposal, that recalculation, would actually mean a reduction in inflation adjustments for taxpayers' standard deductions and personal exemptions on their income tax form.

Those changes, then, would result in both a cut in Social Security benefits and a tax hike to the recipients of Social Security benefits. So Social Security recipients should not rest easy, even if the trust fund were to be exempted.

Social Security recipients will not be protected. The mammoth cuts that will have to be made under this balanced budget amendment, even if Social Security were to be taken off the table, will mean that state taxes and local taxes will likely go through the ceiling so that States can pay for some of the essential services which the Federal Government no longer will be able to provide.

The elderly, along with everybody else in the Nation, will see their incomes eroded by higher taxes in the States. The elderly will be hurt by this balanced budget amendment, whether or not the trust fund is exempted. And I say make no mistake about that.

Additionally, I do not want to see a kind of generational and interest group warfare set up by the enactment of this amendment. There will be interest group and generational hand-to-hand combat the like of which we have never seen if this amendment is adopted, and the warfare and sniping will worsen if Social Security were to be exempted.

A recent study shows that 26 percent of the children under 6 years old live in poverty in the United States. Do we want to set up a situation that forces Members to choose between helping the elderly and helping the children; helping the elderly and helping the grandchildren of the elderly?

What about pitting the elderly against their grandchildren? What about pitting the elderly against the veteran? Certainly, we should not want to see that. Many senior citizens also receive veterans benefits. This amendment sets one American against another, one interest group against another, and would tend to force severe across-the-board cuts under the guise of fairness. Instead of using our judgment, instead of looking at what could and should be cut, Senators would likely buckle under competing interest group pressure, put the blindfolds on, and enact sweeping, meat-ax cuts on all programs.

That would be bad public policy. But if that is to be the policy, then the elderly, the veterans, the mayors and Governors, the parents and grandparents of the children and everybody else in America, including the Members of this body, need to know now, in order to be able to make an informed choice about the wisdom, or the unwisdom, of this constitutional amendment.

Did the Senator ask me a question?

Mr. HOLLINGS. I thought you completed your comments. I will wait.

Mr. BYRD. I say to my able friend, I will not go longer than another 5 min-

utes at most. The Senator has been sitting here waiting. I did not see him sitting back there because this chart is between the two of us. If the Senator will indulge me just another 3 or 4 minutes.

Mr. HOLLINGS. I have been enjoying it.

Mr. BYRD. I thank the Senator.

Mr. President, the American people have a right to know these things, and while many of them come to the floor to speechify on the need for a balanced budget amendment, over the past 5 years we here in the Congress have already cut more than \$900 billion from the deficit. In the Budget Enforcement Act of 1990, Congress cut \$482 billion from the deficit. We followed that effort with \$432 billion worth of deficit reduction in 1993—without, I would note, the help of many of those who favor a balanced budget amendment. And each and every one of those dollars of deficit reduction, Mr. President, was cut without—without—a constitutional amendment. What was required to do the job then, and what will be required to do the job in the future, was putting a budget plan out here on the Senate floor, getting down to business and discussing the pros and cons of the proposed cuts in full view of the American public, and then voting up or down.

Yesterday, we were treated to several hours of bashing of the President's budget by the proponents of this constitutional amendment to balance the budget. But I hope that no one will be confused by those transparent attempts to obscure the central point of this debate. That point is that the American people need to know how the proponents intend to get to a perfect budget balance by the year 2002, and they need to know it before their Senators vote on the amendment. The President has submitted his budget. He does not support a constitutional amendment to balance the budget by 2002; therefore, it is not incumbent upon him to produce a budget that does so. He will not even have a chance to sign such an amendment or veto such, constitutional amendment, because that amendment goes straight to the States if we in the Congress approve it, God forbid. The President is largely a mere observer in this process. The decision to amend the Constitution is a decision that is reserved for the Congress and for the people of the several States.

But the President's budget is a useful illustration of one thing. Budget balance, or even a continuing glidepath to deficit reduction, is difficult to achieve if tax cuts are part of the equation. Be that as it may, I believe that the President has given us an honest budget, even if I personally do not agree with it. I do not believe he has cooked the numbers. We have seen plenty of that in the past. He has held the deficit steady, even though health care costs

will grow by more than 9 percent a year for the next 5 years. And I believe that we could have had a continuing glidepath of deficit reduction if the tax cuts had been dropped from the President's budget.

But, the President has put his cards on the table. What about the amendment's supporters? They say that they are in favor of this so-called constitutional amendment, but they refuse to show their cards. And, worse, they propose to start on the road to this constitutional amendment with a gigantic tax cut—one that dwarfs the administration's modest proposal, by something like three to one. Just last week, the staff of the Joint Committee on Taxation estimated that the revenue loss to the Treasury, if the Republican tax cuts are enacted, would be almost \$205 billion over 5 years. Even that figure is somewhat misleading because the tax cuts which the proponents are suggesting are back-loaded. Taking the back-loading into account, in the fifth year alone, revenue losses would be some \$69 billion.

But, the proponents claim that, not only can they pay for these tax cuts with spending cuts; they can cut even further and get the budget to balance by 2002. So far, the proponents will only make vague promises about what they will not cut. They have listed Social Security, defense, and interest on the debt as items that will not be touched. Those three items together make up a little over one-half of the Federal budget. To get to budget balance by 2002, the proponents would have to cut the remaining Federal budget by about one-third. The largest category of spending in the half of the budget that is to be on the chopping block are the health care programs. Medicare and Medicaid amount to about one-sixth of all Federal spending. These same health care programs, Medicare for the elderly and the disabled, and Medicaid for the poor, are also the fastest growing programs in the half of the budget which the proponents propose to cut.

So why do the proponents not stop talking about what they will not cut and tell the American people what they will cut? It is popular to say Social Security is off the table. But how about telling the American people what is left on the table? Medicare is on the table. State and local grants are on the table. Why not tell the Governors and the mayors and the elderly about the cuts that will be necessary for budget balance by 2002? Veterans pensions, civilian and military retirement pensions, highway grants, environmental cleanup, WIC, education—all those items are left on the table. Why do the proponents not show down? This so-called balanced budget amendment is their idea, not mine, not President Clinton's. So, let us hear how the proponents intend to deliver. Let us know

how the proponents plan to enact giant tax cuts, protect Social Security from any cuts, protect defense from any cuts, pay the interest on the debt and still get the budget into balance by 2002. The silence from the proponents about the specifics of how we get to budget balance is positively deafening. Why is that? Will someone please tell the American people why we are not laying out a plan for their scrutiny? I can only say what I believe. I believe that we are hearing nothing from the proponents because it cannot be done, or because they will not do it.

We are already required to project the deficits for at least 5 years out. Why can the proponents not project the plan for this amendment, as it will affect the American people, 7 years out? I believe that we are hearing nothing from the proponents because they don't really want the American people to know.

Tax cuts, coupled with removing Social Security, defense, and interest payments from any consideration for spending reductions, make balancing the budget by 2002 without totally devastating the economy of this Nation and the 50 States, is mission impossible.

Let us not tell the patient that he is going under the knife for cosmetic liposuction—lipo comes from the Greek, l-i-p-o, meaning "fat"—when, in fact, we all know that he will wake up with most of his intestines and part of his stomach missing. Let us not sign on to this contract with evasion. We hear so much about the so-called Contract With America. This is a contract with evasion and deceit. Unless we tell the American people how we intend to get the budget to balance by the year 2002 before we vote, this amendment amounts to little more than a contract with deceit. The Senate would have to be infected with the virus of collective madness to adopt this contract with deceit and evasion.

But as the poll shows, the American people have caught on to this unbecoming ruse, and they are not going to let us get away with it. Passing the buck is a political cop out. In the case of the constitutional amendment to balance the budget, the buck stops right here.

Madam President, I ask unanimous consent to insert in the RECORD at this point an article from the Wall Street Journal of today, titled "GOP Tax Cuts Are Seen Costly Over 10 Years," which states that the GOP tax cuts would cost \$704.4 billion over the next decade.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Feb. 7, 1995]  
**GOP TAX CUTS ARE SEEN COSTLY OVER 10 YEARS**

NEW CONGRESSIONAL ANALYSIS FINDS LOSS OF REVENUE REACHING \$704.4 BILLION

(By Jackie Calmes and Christopher Georges)  
 WASHINGTON.—Even as Republican lawmakers lambasted President Clinton's bud-

et for its failure to slash federal deficits, a new congressional analysis put the cost of their promised tax cuts at \$704.4 billion over the next decade.

That analysis yesterday from Congress' nonpartisan Joint Committee on Taxation, whose estimates are the basis for Republican legislation on taxes, closely parallels the Clinton administration's own earlier finding, which many GOP leaders criticized at the time. Now both have found that the revenue loss from the proposed tax cuts would balloon in later years far beyond the five-year estimates of \$200 billion that Republicans previously have cited. The Treasury Department last month put the cost of the Republican tax cuts at \$725.5 billion through fiscal 2005.

Although Republicans in Congress have vowed to offset the five-year cost through \$200 billion in matching spending cuts, the effort has proved such a struggle that the House isn't expected to act on the package until at least mid-March. Only afterward will it turn to drafting a budget aimed at slashing deficits. While Congress bases its budgets on five-year outlooks, the new 10-year forecast for the tax cuts is pertinent given the Republicans' current push for a constitutional amendment mandating a balanced budget by 2002.

Meanwhile, at a news conference on the president's budget, Senate Majority Leader Robert Dole said "the administration has given up" on the deficit, a realization that "will certainly help our cause to get enough votes for a balanced-budget amendment." The Senate is in the second week of debate on the amendment.

President Clinton and his advisers yesterday defended their budget after it was released as one that would reduce the deficit gradually if measured as a percentage of the gross domestic product, the total value of goods and services produced in the country. "There is no magic amount of deficit reduction that you need," Budget Director Alice Rivlin told reporters. "We now have a deficit that's under control and coming down in relation to the size of the economy."

"The best way or the most obvious way to do additional deficit reduction," Ms. Rivlin said, "is the one that we talked so much about last year, namely, controlling the out-year costs of health care." She described the administration's decision to essentially ignore health-care reform in this year's budget as a tactical one. The president still wants to work with Congress to slow the growth in the cost of health care and to improve access to health care, she said.

The budget projects a deficit of \$196.7 billion, or 2.7% of GDP, in fiscal 1996, which begins Oct. 1. If Mr. Clinton's proposals were adopted by Congress and if the economy performs precisely as the White House projects—two unlikely outcomes—then the deficit is projected to be 2.7% of GDP the following year and to fall to 2.4% of GDP in fiscal 1998. But it would remain around \$200 billion a year for the foreseeable future.

The new White House economic forecast published in the budget shows that the administration thinks the Federal Reserve is finished raising interest rates. The president's economic advisers anticipated the increase of one-half percentage point in short-term interest rates that the Fed engineered last week, but they don't foresee any further boosts, chief White House economist Laura Tyson said.

#### BALLOONING COSTS

The congressional committee previously estimated that the Republican tax-cut proposals would cost \$203.9 billion in the first

five years. But over 10 years, the reductions would cost the Treasury more than three times as much because the cost of some proposals balloon in the future. GOP proposals to reduce capital-gains taxes would lose \$170.3 billion over 10 years—up from \$53.9 billion in the first five years. The Treasury projects similar revenue drains, of \$60.9 billion in the first five years, and \$183.1 billion over 10.

The similarity of the Treasury and Joint Committee findings—and particularly those on the much-debated capital-gains proposals—provides striking evidence that the new GOP-controlled Congress hasn't significantly departed from longstanding procedures for measuring the impact of tax changes. For years, some Republicans had vowed to overhaul those procedures to reflect their belief that tax cuts boost revenues through economic growth, rather than lose revenues.

Two GOP proposals that are shown to raise revenues over the first five years would become revenue-losers after that period, as Treasury had found. One, to liberalize the existing deductions for individual retirement accounts, would raise an estimated \$2.2 billion through 2000 but then increasingly lose revenue—for a total of \$23.9 billion over 10 years. Early on, the new proposal would encourage taxpayers to transfer existing IRAs into new "American Dream Savings Accounts," but they would have to pay taxes on the amount transferred. After five years, however, savers could withdraw money from the new accounts tax-free.

#### WRITE-OFF PROVISION

The second provision, liberalizing write-offs for capital-intensive businesses' plant and equipment, would raise \$16.7 billion over the first five years but lose \$88.8 billion over 10 years. The early gain comes because the proposal would create less generous write-offs for the first years of an investment, in exchange for more generous write-offs later. The Treasury found an even larger loss from this "neutral cost recovery" provision—\$120.4 billion over a decade.

The Treasury says President Clinton's tax cuts for the middle class would cost \$62.7 billion over five years and \$171.2 billion over 10 years.

Although many private forecasts anticipate further increases in short-term interest rates, last week's employment report has led some to conclude that the Fed won't raise rates much more than it has already.

"They'll be wrong on interest rates, but not by much. We'll get one more rate hike from the Fed this year," Elliott Platt, an economist at Donaldson, Lufkin & Jenrette, said of the White House forecast. The Fed has increased short-term rates three percentage points in the past year.

The economic forecast in the budget says the unemployment rate, now at 5.7% of the work force, will climb to 6% by the fourth quarter of this year. But the president's Council of Economic Advisers has already changed its mind and now predicts that unemployment will range between 5.5% and 5.8% over the rest of the decade.

#### NEW OR HIGHER FEES

Nearly all the significant features of the president's budget were leaked over the weekend. Among the details in documents released yesterday are a number of new or higher fees, including some on small-business loans and pesticide registration. The president also proposes:

To levy a border-crossing fee of \$3 a vehicle and \$1.50 a pedestrian, with discounts for those who cross the border frequently.

To fund the Commodity Futures Trading Commission with a 10-cent fee for each round-turn transaction on commodity futures and options contracts.

To charge federal employees for parking, but only where the agency heads decide to do so.

To raise about \$1 billion over five years by requiring the Federal Deposit Insurance Corp. and the Federal Reserve to assess fees from state-chartered banks they regularly examine. The fees would be calculated according to the size of the banks; those with assets of less than \$100 million would be exempt.

To submit a plan to raise \$4.8 billion over five years by expanding Federal Communication Commission authority to auction off more of the radio spectrum or to levy new user fees.

To collect fees from medical-device makers that are seeking Food and Drug Administration product approvals, using the money to hire more staff to speed reviews.

Mr. BYRD. I yield the floor.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from South Carolina.

Mr. HOLLINGS. I thank the distinguished Chair.

Madam President, there is an old axiom in the court of equity that is he who seeks equity must do equity; he who comes into the court of equity must come with clean hands. We have had many chants and claims in recent days calling on Members to submit a balanced budget.

Two weeks ago, with that equitable axiom in mind, I did exactly that. I felt that I lacked standing in this so-called court of the U.S. Senate to demand that my colleagues submit a budget blueprint that I had not submitted myself.

Two weeks ago, I included it in the RECORD and attempted to highlight certain realities of our present fiscal situation. The reality is that balancing the budget in a 7-year period requires \$1.2 trillion in spending cuts.

The other reality was that the savings from entitlement reform would not be enough to balance the budget. Clearly, we must try our best to slow

health costs and reform our welfare system. Likewise, we can save some Federal dollars by reviewing supplementary security income as Mort Zuckerman suggested in last week's U.S. News and World Report.

But putting these reforms in place costs money. Anyone who argues that they can set up a work program for welfare recipients, care for their children, and reap large savings is whistling Dixie. Likewise, in reforming in health care, our focus has been on slowing the growth of overall spending rather than cutting back on existing funds. President Clinton's commitment to health care reform has already led to marketplace reforms in my own State of South Carolina. In fact, not too long ago the chairman of the board of one of the largest employers in my State said, "Fritz, you keep on debating that health reform package up there, because whatever happens is healthy. Rather than seeing increases, I am now getting a 10 percent decrease in premiums for coverage of my employees."

So while the President has done a magnificent job in encouraging the marketplace to make reforms, we are still a long way from getting on a realistic path to a balanced budget. In short, to stop the hemorrhaging in interest costs, spending cuts as well as taxes are necessary.

I ask unanimous consent, Madam President, to include once again in the RECORD this particular document which lists the budget realities and a potential list of discretionary spending cuts.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### SENATOR HOLLINGS ON TRUTH IN BUDGETING

Reality No. 1: \$1.2 trillion in spending cuts necessary.

Reality No. 2: Not enough savings in entitlements. Yes, welfare reform but job program will cost; savings questionable. Yes, health reform can and should save some, but slowing 10 percent growth to 5 percent—not enough savings. No, none on social security; off-budget again.

Reality No. 3: Hold the line budget on Defense—no savings.

Reality No. 4: Savings must come from freezes, cuts in domestic discretionary—not enough to stop hemorrhaging interest costs.

Reality No. 5: Taxes necessary to stop hemorrhage in interest costs.

	1996	1997	1998	1999	2000	2001	2002
Deficit CBO Jan. 1995 (using trust funds)	207	224	225	253	284	297	322
Freeze discretionary outlays after 1998	0	0	0	-19	-38	-58	-78
Spending cuts	-37	-74	-111	-128	-146	-163	-180
Interest savings	-1	-5	-11	-20	-32	-46	-64
Total savings (\$1.2 trillion)	-38	-79	-122	-167	-216	-267	-322
Remaining deficit using trust funds	169	145	103	86	68	30	0
Remaining deficit excluding trust funds	287	264	222	202	185	149	121
5 percent VAT	96	155	172	184	190	196	200
Net deficit excluding trust funds	187	97	27	(17)	(54)	(111)	(159)
Gross debt	5,142	5,257	5,300	5,305	5,272	5,200	5,091
Average interest rate on the debt (percent)	7.0	7.1	6.9	6.8	6.7	6.7	6.7

	1996	1997	1998	1999	2000	2001	2002
Interest cost on the debt	367	370	368	368	366	360	354

Note.—Does not include billions necessary for middle class tax cut.

Mr. HOLLINGS. Here is a list of the kinds of nondefense discretionary spending cuts that would be necessary now as a first step to get \$37 billion of savings and put the country on the road to a balanced budget:

Nondefense discretionary spending cuts	1996	1997
Cut space station	2.1	2.1
Eliminate CDBG	2.0	2.0
Eliminate low-income home energy assistance	1.4	1.5
Eliminate arts funding	1.0	1.0
Eliminate funding for campus based aid	1.4	1.4
Eliminate funding for impact aid	1.0	1.0
Reduce law enforcement funding to control drugs	1.5	1.8
Eliminate Federal wastewater grants	0.8	1.6
Eliminate SBA loans	0.21	0.282
Reduce Federal aid for mass transit	0.5	1.0
Eliminate FDA	0.02	0.1
Reduce Federal rent subsidies	0.1	0.2
Reduce overhead for university research	0.2	0.3
Repeal Davis-Bacon	0.2	0.5
Reduce State Dept. funding and end misc. activities	0.1	0.2
End P.L. 480 title I and III sales	0.4	0.6
Eliminate overseas broadcasting	0.458	0.570
Eliminate the Bureau of Mines	0.1	0.2
Eliminate expansion of rural housing assistance	0.1	0.2
Eliminate USTTA	0.012	0.16
Eliminate ATP	0.1	0.2
Eliminate airport grant in aids	0.3	1.0
Eliminate Federal highway demonstration projects	0.1	0.3
Eliminate Amtrak subsidies	0.4	0.4
Eliminate RDA loan guarantees	0.0	0.1
Eliminate Appalachian Regional Commission	0.0	0.1
Eliminate untargeted funds for math and science	0.1	0.2
Cut Federal salaries by 4 percent	4.0	4.0
Charge Federal employees commercial rates for parking	0.1	0.1
Reduce agricultural research extension activities	0.2	0.2
Cancel advanced solid rocket motor	0.3	0.4
Eliminate legal services	0.4	0.4
Reduce Federal travel by 30 percent	0.4	0.4
Reduce energy funding for Energy Technology Development	0.2	0.5
Reduce Superfund cleanup costs	0.2	0.4
Reduce REA subsidies	0.1	0.1
Eliminate postal subsidies for nonprofits	0.1	0.1
Reduce NIH funding	0.5	1.1
Eliminate Federal Crop Insurance Program	0.3	0.3
Reduce Justice State-local assistance grants	0.1	0.2
Reduce Export-Import direct loans	0.1	0.2
Eliminate library programs	0.1	0.1
Modify Service Contract Act	0.2	0.2
Eliminate HUD special purpose grants	0.2	0.3
Reduce housing programs	0.4	1.0
Eliminate Community Investment Program	0.1	0.4
Reduce Strategic Petroleum Program	0.1	0.1
Eliminate Senior Community Service Program	0.1	0.4
Reduce USDA spending for export marketing	0.02	0.02
Reduce maternal and child health grants	0.2	0.4
Close veterans hospitals	0.1	0.2
Reduce number of political employees	0.1	0.1
Reduce management costs for VA health care	0.2	0.4
Reduce PMA subsidy	0.0	1.2
Reduce below cost timber sales	0.0	0.1
Reduce the legislative branch 15 percent	0.3	0.3
Eliminate Small Business Development Centers	0.056	0.074
Eliminate minority assistance, score, Small Business Institute and other technical assistance programs, women's business assistance, international trade assistance, empowerment zones	0.033	0.046
Eliminate new State Department construction projects	0.010	0.023
Eliminate Int'l Boundaries and Water Commission	0.013	0.02
Eliminate Asia Foundation	0.013	0.015
Eliminate International Fisheries Commission	0.015	0.015
Eliminate Arms Control Disarmament Agency	0.041	0.054
Eliminate NED	0.014	0.034
Eliminate Fulbright and other international exchanges	0.119	0.207
Eliminate North-South Center	0.002	0.004
Eliminate U.S. contribution to WHO, OAS, and other international organizations including the U.N.	0.873	0.873
Eliminate participation in U.N. peacekeeping	0.533	0.533
Eliminate Byrne grant	0.112	0.306
Eliminate Community Policing Program	0.286	0.780
Moratorium on new Federal prison construction	0.028	0.140
Reduce Coast Guard 10 percent	0.208	0.260
Eliminate Manufacturing Extension Program	0.03	0.06
Eliminate Coastal Zone Management	0.03	0.06
Eliminate National Marine Sanctuaries	0.007	0.012
Eliminate climate and global change research	0.047	0.078
Eliminate national sea grant	0.032	0.054
Eliminate state weather modification grant	0.002	0.003
Cut Weather Service operations 10 percent	0.031	0.051

Nondefense discretionary spending cuts	1996	1997
Eliminate regional climate centers	0.002	0.003
Eliminate Minority Business Development Agency	0.022	0.044
Eliminate public telecommunications facilities, program grant	0.003	0.016
Eliminate children's educational television	0.0	0.002
Eliminate National Information Infrastructure grant	0.001	0.032
Cut Pell grants 20 percent	0.250	1.24
Eliminate education research	0.042	0.283
Cut Head Start 50 percent	0.840	1.8
Eliminate meals and services for the elderly	0.335	0.473
Eliminate title II social service block grant	2.7	2.8
Eliminate community services block grant	0.317	0.470
Eliminate rehabilitation services	1.85	2.30
Eliminate vocational education	0.176	1.2
Reduce chapter 1, 20 percent	0.173	1.16
Reduce special education, 20 percent	0.072	0.480
Eliminate bilingual education	0.029	0.196
Eliminate ITPA	0.250	4.5
Eliminate child welfare services	0.240	0.289
Eliminate CDC Breast Cancer Program	0.048	0.089
Eliminate CDC AIDS Control Program	0.283	0.525
Eliminate Ryan White AIDS Program	0.228	0.468
Eliminate maternal and child health	0.246	0.506
Eliminate Family Planning Program	0.069	0.143
Eliminate CDC Immunization Program	0.168	0.345
Eliminate Tuberculosis Program	0.042	0.087
Eliminate Agricultural Research Service	0.546	0.656
Reduce WIC, 50 percent	1.579	1.735
Eliminate TEFAP—administrative	0.024	0.040
Commodities	0.025	0.025
Reduce Cooperative State Research Service 20 percent	0.044	0.070
Reduce Animal Plant Health Inspection Service 10 percent	0.036	0.044
Reduce Food Safety Inspection Service 10 percent	0.047	0.052
Total	36.941	58.402

Note.—Figures are in billions of dollars.

Mr. HOLLINGS. Madam President, we have heard a lot in recent days about a simple way to balance the budget—the so-called 3 percent growth approach—which the Senator from Texas spoke of last week. But let's look at the facts. According to CBO, the budget is growing annually at about 6.2 percent or by \$94 billion. Thus, if you plan to cut that in half to 3 percent growth, that is \$46 billion. But wait, we all agree Social Security is off the table and will grow by \$18 billion next year. Similarly, we will have to pay the interest costs on the debt which will increase by \$25 billion next year. Kick in the last \$3 billion to try and hold the line on defense spending and you quickly see that there's not much left of that 3 percent. While seductively simple, this approach fails to spell out the impact on the American people. If the 3 percent is used up, what is the effect on Medicare and Medicaid programs, education, and law enforcement?

The glidepath that I have put before the Senate requires \$37 billion in spending cuts for the first year. It meets that target by listing some 80 spending cuts that I do not think for a minute would ever pass on the floor of the Senate. In addition to cuts in discretionary programs, I also included a list of possible entitlement programs to pick and choose from that was circulated earlier this year by Senator GREGG of New Hampshire.

We tried such budget cutting exercises before. Give credit to Senator DO-

MENICI, who was chairman of the Budget Committee in 1986, when he offered an amendment to adopt President Reagan's budget cuts. Do you know how many votes they got? Fourteen, fourteen votes.

Last year, on the House side, Congressman Solomon corralled together a list of cuts that had been recommended by various groups. He put them all together and came up with \$700 billion in cuts over 5 years. Do you know who voted against it? Congressman KASICH. Do you know who voted against it? Speaker GINGRICH. Do you know how many votes they got? Seventy-three out of four hundred and thirty-five.

Madam President, you have to face the realities and I think one stark reality is the one stated by the House majority leader who feared that coming forward with specific spending cuts would cause members knees to buckle. That is the truth.

I have come to the floor this afternoon to say a word about those who are blaming President Clinton for not doing anything about the deficit. If there is one fellow who had nothing to do with this deficit, it would be President William Jefferson Clinton. He came from Arkansas up to Washington, and he inherited fiscal chaos.

I do not mean to sound rude. I mean to sound factual and to give you the reality of the situation. Yesterday, we honored our distinguished past President, President Reagan, on his birthday. We gave him a birthday present but he has given us a birthday present. That birthday present is an increase in taxes of a billion a day. It is the biggest tax increase in the history of this land.

I constantly hear about the largest tax increase. We were there, this particular Senator, and Senator Mathias on the other side of the aisle at the birth of Reaganomics. Eleven of us voted against the massive tax cuts that some called a riverboat gamble. President Bush called it voodoo economics.

But the fact of the matter is this Senator voted against the tax cuts of Reaganomics and for the spending cuts. Only three Senators who voted against the tax cuts but for spending cuts: Senators BRADLEY, Mathias, and myself.

So we have positioned ourselves with some kind of credibility on trying to balance the budget. When they talk about the biggest tax increase in history, we only have to refer very quickly, Madam President to—and I was going to at length, but I only just refer to it—the article by Judy Mann in the Washington Post entitled "Fiddling With the Numbers."

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FIDDLING WITH THE NUMBERS

(By Judy Mann)

Gov. Christine Todd Whitman, the Republican meteor from New Jersey, had the unusual honor for a first-term governor of being asked to deliver her party's response to President Clinton's State of the Union message last week.

And she delivered a whopper of what can most kindly be called a glaring inaccuracy.

Sandwiched into her Republican sales pitch was the kind of line that does serious political damage: Clinton, she intoned, "imposed the biggest tax increase in American history."

And millions of Americans sat in front of their television sets, perhaps believing that Clinton and the Democrat-controlled Congress had done a real number on them.

The trouble is that this poster lady for tax cuts was not letting any facts get in her way. But don't hold your breath waiting for the talk show hosts to set the record straight.

The biggest tax increase in history did not occur in the Omnibus Budget Reconciliation Act of 1993. The biggest tax increase in post-World War II history occurred in 1982 under President Ronald Reagan.

Here is how the two compare, according to Bill Gale, a specialist on tax policy and senior fellow at the Brookings Institution. The 1993 act raised taxes for the next five years by a gross total of \$268 billion, but with the expansion of the earned income tax credit to more working poor families, the net increase comes to \$240.4 billion in 1993 dollars. The Tax Equity and Fiscal Responsibility Act of 1982, by comparison, increased taxes by a net of \$217.5 billion over five years. Nominally, then, it is true that the 1993 tax bill was the biggest in history.

But things don't work nominally. "A dollar now is worth less than a dollar was back then, so that a tax increase of, say, \$10 billion in 1982 would be a tax increase of \$15 billion now," says Gale. In fact, if you adjust for the 48 percent change in price level, the 1982 tax increase becomes a \$325.6 billion increase in 1993 dollars. And that takes it the biggest tax increase in history by \$85 billion.

Moreover, says Gale, the population of the country increased, so that, on a per person basis, the 1993 tax increase is lower than the one in 1982, and the gross domestic product increased over the decade, which means that personal income rose. "Once you adjust for price translation, it's not the biggest, and when you account for population and GDP, it gets even smaller."

He raises another point that makes this whole business of tax policy just a bit more complex than the heroic tax slashers would have us believe. "The question is whether [the 1993 tax increase] was a good idea or a bad idea, not whether it was the biggest tax increase. Suppose it was the biggest? I find it frustrating that the level of the debate about stuff like this as carried on by politicians is generally so low."

So was it a good idea? "We needed to reduce the deficit," he says, "we still need to reduce the deficit. The bond market responded positively. Interest rates fell. There may be a longer term benefit in that it shows Congress and the president are capable of cutting the deficit even without a balanced budget amendment."

Other long-term benefits, he says, are that "more capital is freed up for private investment, and ultimately that can result in more productive and highly paid workers."

How bad was the hit for those few who did have to pay more taxes? One tax attorney says that his increased taxes were more than offset by savings he was able to generate by refinancing the mortgage on his house at the lower interest rates we've had as a result. The 1993 tax increase did include a 4.3-cent-a-gallon rise in gasoline tax, which hits the middle class. But most of us did not have to endure an income tax increase. In 1992, the top tax rate was 31 percent of the taxable income over \$51,900 for single taxpayers and \$86,500 for married couples filing jointly. Two new tax brackets were added in 1993: 36 percent for singles with taxable incomes over \$115,000 and married couples with incomes over \$140,000; and 39.6 percent for singles and married couples with taxable incomes over \$250,000.

Not exactly your working poor or even your average family.

The rising GOP stars are finding out that when they say or do something stupid or mendacious, folks notice. The jury ought to be out on Whitman's performance as governor until we see the effects of supply side economics on New Jersey. But in her first nationally televised performance as a spokeswoman for her party, she should have known better than to give the country only half the story. In the process, she left a lot to be desired in one quality Americans are looking for in politicians: honesty.

Mr. HOLLINGS. Madam President, I quote:

The biggest tax increase in post-World War II history occurred in 1982 under President Ronald Reagan.

Because when you cut all the revenues on the one hand and then you increase all the spending on the other hand, rather than growth, growth—"growth." That is what they are trying to come up again with. It is the same act, same scene, same players, same disaster, in this Senator's opinion. When they come up with that growth, instead of growing out of the deficit, we have grown into the worst deficit and debt, saddling us with interest costs.

Madam President, in 1981 the gross interest cost on the national debt with President Reagan—of course, he had nothing to do with that one because that one was already made up by President Carter. But, incidentally, President Carter cut the deficit that he received from President Ford, and President Lyndon Johnson gave us a balanced budget. So I have been around when we have been cutting deficits and when we balanced the budget in this Government.

But President Reagan came to town and he was elected on the promise that, "I am going to put this Government on a pay-as-you-go plan." He said, "I am going to do it in a year." When he got to town, he said, "Oops. This is worse than I ever thought. It is going to take 2 to 3 years to do it." He cut back, and never increased that interest cost of \$95.5 billion.

I am listening to the other side of the aisle and the blame game on President Clinton about what he said and what he is doing. President Reagan said that he was going to balance the budget in a

year and not add to the interest costs. Rather, he has the interest up to \$339 billion, according to CBO, and that does not take into account the increase by Alan Greenspan, the Federal Reserve, here this past week.

So it is going to be about \$350 billion, \$352 billion—\$1 billion a day. That is what it is. The interest cost cannot be avoided. It has to be paid. There are two things in life: Death and taxes. It has to be paid. But interest cost is interest taxes. You get absolutely nothing for it. The deficit this year is only conceived to be \$176 billion by CBO. We would have a \$67 billion surplus if President Ronald Reagan had not given us that birthday present of the biggest tax increase.

So here they come to town and talk about "taking a walk," "white flag of surrender," and on "life supports." I know Speaker GINGRICH gives out to the troops the right expressions around here to make on the 7 o'clock news. But that does not take over the facts. The facts remain that we are in one heck of a fix financially, and you cannot do it without taxes.

On that score, do not blame President Clinton. President Clinton came and struggled in his first year as a freshman President for a \$500 billion cut in the deficit, and there was not a soul talking about taking walks. They squatted, sat in the chair fixed, on both sides of the aisle, and would not move, would not give a vote. Then after he did that, he went about health care reform. And in health reform, yes, he recommended Medicare cuts. But he said, "I have to get health reform with it." Now they blame him.

Do you know why they blame him, Madam President? It is very interesting. Because they put out the alternative budget, the "GOP Alternative: Deficit Reduction and Tax Relief." This was last year.

You cannot get anything out of them this year except the blame game and the catchy phrases they are putting out here, and now the "white flag of surrender" and "taking a walk."

"GOP Alternative: Deficit Reduction and Tax Relief; Slashing the Deficit, Cutting Middle Class Taxes."

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

The Republican Alternative Budget will reduce the deficit \$318 billion over the next five years—\$287 billion in policy savings and \$31 billion from interest savings. This is \$322 billion more in deficit reduction than the President proposes and \$303 billion more in deficit reduction than the House-passed resolution contains.

Moreover, the GOP alternative budget helps President Clinton achieve two of his most important campaign promises—to cut the deficit in half in four years and provide a middle-class tax cut. The GOP plan:

Reduces the deficit to \$99 billion in 1999. This is \$106 billion less than the 1999 deficit projected under the Clinton budget.

Even under this budget federal spending will continue to grow.

Total spending would increase from \$1.48 trillion in FY 1995 to more than \$1.7 trillion in FY 1999.

Medicare would grow by 7.8-percent a year rather than the projected 10.6-percent. Medicaid's growth would slow to 8.1-percent annually rather than the projected 12-percent a year growth.

It increases funding for President Clinton's defense request by the \$20 billion shortfall acknowledged by the Pentagon.

Provides promised tax relief to American families and small business:

Provides tax relief to middle-class families by providing a \$500 tax credit for each child in the household. The provision grants needed tax relief to the families of 52 million American children. The tax credit provides a typical family of four \$80 every month for family expenses and savings.

Restores deductibility for interest on student loans.

Indexes capital gains for inflation and allows for capital loss on principal residence.

Creates new incentives for family savings and investments through new IRA proposals that would allow penalty free withdrawals for first time homebuyers, educational and medical expenses.

Establishes new Individual Retirement Account for homemakers.

Extends R&E tax credit for one-year and provides for a one-year exclusion of employer provided educational assistance.

Adjusts depreciation schedules of inflation (neutral cost recovery).

Tax provisions result in total tax cut of \$88 billion over five years.

Fully funds the Senate Crime Bill Trust Fund, providing \$22 billion for anti-crime measures over the next five years. The Clinton budget does not. The house-passed budget does not. The Chairman's mark does not.

Accepts the President's proposed \$113 billion level in nondefense discretionary spending reductions and then secures additional savings by freezing aggregate nondefense spending for five years.

Accepts the President's proposed reductions in the medicare program and indexes the current \$100 annual Part "B" deductible for inflation. Total medicare savings would reach \$80 billion over the next five years.

Achieves \$64 billion in medicaid savings over the next five years, by capping medicaid payments, reducing and freezing Disproportionate Share Hospital payments at their 1994 level.

Achieves additional savings through reform of our welfare system totaling \$33 billion over the next five years.

Repeals Davis-Bacon, reduces the number of political appointees, reduces overhead expenditures for university research, and achieves savings from a cap on civilian FTE's.

Mr. HOLLINGS. I will not read it all. I want to be accurate:

The GOP plan:

Accepts the President's proposed reductions in the medicare program and indexes the current \$100 annual Part "B" deductible for inflation. Total medicare savings would reach \$80 billion over the next five years.

And then:

Achieves \$64 billion in medicaid savings

So you see, that was \$144 billion in savings that the President did not stand over them for to ride on.

I saw my distinguished chairman of the Budget Committee on the House

side throw a duck fit. Cover it. Oh, no. He got caught off base. He was the one in December, I say to the Senator from Utah, who said: "We are on a roll. I have to meet the press, right here." He said: "We have three budgets now. When that is done, Alan"—he is talking to Alan Murray. He says, "at the same time, we are going to move onto the glidepath of zero now." Who is taking a walk? That was December, one for January, one of three budgets; we are moving, we are going, and where is his?

That is what the Senator from West Virginia wants. That is what this Senator wants. I put up mine. We ask that they put up theirs. This rings in my ears when they say take a walk, when they talk about the largest tax increase in the history of the Government. We are suffering from the largest tax increase. That is why, with all the spending cuts, even in entitlements, on the SSI, some of the programs, and domestic discretionary, try it on for size. You are going to need tax increases in order to get on top of this monster. You are going to need tax increases.

I recommended a 5-percent value added tax. I disagree with President Clinton. I think the need of the hour is just that, to get physically sound, put us on a pay-as-you-go basis and a Marshall plan for the United States. We have 40 million in poverty. We have 10 million homeless, sleeping on the streets of America. We have 12 million hungry children. We have the cities, dens of violence and crime; the land is drug infested. And we have the biggest deficit in the balance of trade. That age group between 17 and 24, 73 percent of that age group cannot find a job out of poverty. They are the hope of the land.

We need now, with the fall of the Wall and the sacrifices to occur in order to keep the alliance together, to sacrifice for ourselves. We need a 5 percent value added tax; \$180 billion could start paying down the deficit, the debt, take care of health costs, and get the country moving with respect to women and infants feeding, Head Start, and title I for the disadvantaged. Biotechnical research at NIH, they are cutting. They are all going around being proud to cut. I do not believe in dismantling the Government.

I got the first triple A credit rating of any State from Maryland around to Texas. So I have been down the road. We know how to pay our bills. I have said time and again we need more South Carolina-led Government than Washington Government in South Carolina.

So I go along with my Republican colleagues on that particular score. But when they come around here now and they say, about welfare and pulling the wagon—that is another one. Pulling the wagon. The idea is, of course, that we here are pulling the wagon and

the welfare people are all squatting in the wagon. We are all in the wagon and nobody is pulling it, except maybe the Japanese who are buying the bonds. Yes. Get trade policy, and try to go against Japan. If the Chinese want to get out of this soup that they are in on CD's, tell them to buy a few Treasury bills and the Secretary of Treasury will come over and say, "I am sorry. We didn't mean to talk. We have a special relationship."

We are in the hands of the Philistines because we have to sell those bonds to finance this debt. That is what is going on. They all know it. We are all in the wagon to the point of \$1 billion a day, and nobody is pulling it. So let us get away from that particular expression. But they do not want Government and everything else.

Another thing, then I will close. But I have to refer to this because I have the greatest respect for, and I have worked very closely with the distinguished Senate majority whip, TRENT LOTT of Mississippi.

Senator LOTT said, "Nobody, Republican, Democrat, conservative, liberal, moderate, is even thinking about using Social Security to balance the budget."

Absolutely false. They are not thinking about it; they are working on it. When I was buddied up with the distinguished Senators from Texas and New Hampshire in Gramm-Rudman-Hollings, I talked to Senator GRAMM, and the first page he gave me was an across the board cut entitlements including Social Security. I said, "PHIL, I can tell you now that is a nonstarter. You will not get a single Democrat, including me, that is going to vote for that one." So, we exempted Social Security and split it in half with entitlements and discretionary spending on one side and defense on the other. I knew he was particularly anxious to cut Social Security. I am particularly unanxious to cut any kind of Social Security because it pays for itself. If you want a contract for America, let us pull out the 1935 contract for the senior citizens of America. As a result of that agreement, taxes are paid, put in a trust fund, and they want to violate it.

On July 10, I offered the Social Security Preservation Act before the Budget Committee. There were 20 yeas with the Senator from Texas [Mr. GRAMM] voting nay. Then, the distinguished Senator from Texas came along last year and introduced his Balanced Budget Implementation Act on February 16, 1993, at page S1635, and I read: "Exclusion from budget. Section 13301(a) of the Budget Enforcement Act of 1990 is amended by adding at the end thereof the following: This subsection shall apply to fiscal years beginning with fiscal year 2001."

I put section 13301 into the Budget Enforcement Act because I did not want to use the Social Security funds. We put it into statutory law by almost

a unanimous vote on this floor. There were only two dissenters, but we had 98 others who supported it. But the Senator from Texas, in his own budget there, is proposing it.

Madam President, it is against the law to cite the deficit using the Social Security trust funds, but Members of Congress and the White House violate it at every level. I cannot get them to enforce the law. I do not want to go along with any constitutional amendment that violates that law, because I am talking about truth in budgeting. That is how we passed Gramm-Rudman-Hollings.

I could go on, Mr. President, but I want to yield. I will tell you, this off-Broadway show generalities and percentages fails to tell the American people the true facts about the fiscal crisis we face. I challenge them, or anyone on this side of the aisle, or on any aisle in any House, to give me a 1-year budget that only grows by 3 percent.

Republicans can continue to give us the gamesmanship and the percentage arguments, but let us cut out this blame game. There is one thing we cannot charge William Jefferson Clinton with and that is the responsibility for the deficit. He came up with a plan to cut it \$500 billion during his first year. The second year he has proposed terminating 131 programs and consolidating 271 programs into 27. He has not left much for "President" DOLE, if he ever takes over this budget in Government.

I do not believe in dismantling the Government. I think we live in the real world and we have to come out here and quit dancing around the fire. Let's end the argument and provide the American people with a 1-year budget that has only a 3-percent increase and puts Government in the black. They cannot do it without taxes.

I thank the Senator from Minnesota for yielding time, and I thank the Senator from Utah.

Mr. WELLSTONE. Mr. President, the distinguished Senator from Utah may want to speak.

Mr. HATCH. I notice the Senator from Minnesota is trying to get to an appointment. So why do we not proceed. If I could ask some comity, I know the Senator from Arkansas is waiting, too. Senator SPECTER would like to speak. I will defer my remarks until later if we can go to Senator SPECTER for a few minutes after the distinguished Senator from Minnesota, and then to the distinguished Senator from Arkansas; is that OK?

Mr. BUMPERS. Yes.

Mr. HATCH. I ask unanimous that be the case—first the Senator from Minnesota and then the Senator from Pennsylvania and then the Senator from Arkansas and perhaps myself.

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

#### BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The Senate continued with the consideration of the joint resolution.

The PRESIDING OFFICER. The Senator from Minnesota [Mr. WELLSTONE] is recognized.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the Senator from Pennsylvania be allowed to speak for several minutes—he has a plane to catch—after which I would go forward with my remarks.

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

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank my colleague from Minnesota for yielding for a few moments. I am about to join colleagues in going to St. Louis for an event in honor of Senator Danforth. I appreciate this time.

#### NOMINATION OF DR. HENRY FOSTER, JR., TO BE SURGEON GENERAL

Mr. SPECTER. Mr. President, I urge my colleagues in the Senate to withhold judgment on Dr. Henry Foster, Jr., the nominee for Surgeon General, until we know all the facts. I do not believe that performing a legal medical procedure should be a litmus test for confirmation for Surgeon General of the United States.

According to news reports, Dr. Foster flatly denies what purports to be a transcript of his statement that he performed "a lot of amniocentesis and therapeutic abortions, probably near 700."

I am very much concerned about allegations that Dr. Foster misrepresented his record. If the issue is veracity and character, that may be a basis for disqualification. If the facts support Dr. Foster's statement that he has "performed fewer than a dozen pregnancy terminations, all in hospitals, and were primarily to save the lives of women or because the women had been the victims of rape or incest," then his status looks much stronger, although the White House still has to answer for its representation that he had performed only one abortion.

If some wish to deny Dr. Foster confirmation because he has performed any abortions, then I believe the Senate should debate and carefully consider whether a nominee should be disqualified where he has performed a medical procedure which is legal under the U.S. Constitution.

I do not believe that there ought to be a litmus test which would disqualify a person from being Surgeon General if he/she has performed a medical procedure which is legal under the U.S. Constitution. It is already difficult to persuade qualified people to accept governmental appointments because so

often the character of an individual is irreparably damaged by charges before the facts are known. What is printed in the newspaper, uttered on television, or heard on the radio simply cannot be erased. The facts cannot catch up with that.

I hope that the President and the Senate will give Dr. Foster an opportunity to state his case before we rush to judgment.

I thank the Chair, and again I thank my colleague from Minnesota for permitting the interruption.

#### BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, let me just associate myself with the very, very thoughtful and important remarks of the Senator from Pennsylvania. I thank my colleague for the timely and I think judicious and very important statement that he made on the floor.

Mr. President, let me thank my colleague from Utah for his graciousness. I know he wanted to respond to some of the remarks of my colleague from West Virginia and the Senator from South Carolina.

Mr. President, let me, first of all, present a little bit of context, which I think is important to this debate. The Congressional Budget Office has calculated that to reach a balanced budget by 2002, subtracting interest that we would save from projected spending cuts, still we would have to cut a trillion dollars. The question is, where are we going to make the cuts? The question is, what kind of standard of fairness will be employed, and will this be some standard of fair sacrifice, shared sacrifice, if you will?

I have a lot of passion about this issue because I think this is the central issue of this Congress in this decade. But I think objectivity serves my subjectivity. I believe I can marshal evidence that will support my point of view, evidence that I want the people in Minnesota, our State, and people around the country, to carefully consider.

If you add to the equation the proposed \$82 billion of defense increases over the next 5 years in the Contract With America, and in addition the \$364 billion that would be required to pay for additional Republican tax cuts, Mr. President—by the way, tax cuts which I have not supported since I think it is difficult, to use the old Yiddish proverb, to dance at two weddings at the same time, and to be talking about deficit reduction while you are also in a bidding war to cut taxes yet further.

I believe the Senator from South Carolina was trying to speak directly to that contradiction.

Then we have \$1.481 trillion of cuts before us. The question that the people in Minnesota and people around the country deserve an answer to is: Where are we going to be making the cuts?

Who is going to be asked to sacrifice? Is it going to be by some standard of fairness? What is its impact going to be on people in Minnesota and around the Nation?

So far, Mr. President—and I would say this to my colleague from Arkansas who has been really trying to push hard for defense and other cuts to be made according to some standard of fairness—so far, what the Senator from North Dakota has called the Republican credibility gap really sort of just stares you in the face, because all we have heard so far from Republican proposals is that there will be \$277 billion of cuts. Not as in tax cuts, but budget cuts.

So on the one hand we have \$1.481 trillion of budget cuts that have to be made to have a balanced budget in the year 2002 and so far the only thing we have had listed is \$277 billion.

Mr. President, that is one huge credibility gap. That is \$1.200 trillion to go.

Mr. President, given this credibility gap, it is in this context and knowing that we would be involved in this historic debate that, from the very beginning of this 104th Congress, I have tried to push forward on the idea of accountability.

Mr. President, what I worry about is simple. Given a bidding war to cut taxes, given a bidding war not to decrease the Pentagon's budget but to increase the budget, understanding full well that Social Security is not going to be a part of this plan and is taken off the table, understanding that interest that we have to pay on debts can't go unpaid, then it is crystal clear to me that there are only a relatively few other areas where cuts can take place.

Mr. President, my concern is that the deficit reduction that will take place and the way in which we will meet a balanced budget deadline, if in fact we pass this balanced budget amendment, will be to make the cuts according to the path of least resistance; that is to say, ask some of the citizens in this country to tighten their belt who are least able to tighten their belt.

Mr. President, I came to the floor early on in the session and I had an amendment on the unfunded mandates bill. It was a sense-of-the-Senate amendment that we in the U.S. Senate would go on record that we would not pass any legislation, make any cuts that would increase homelessness or hunger among children. I could not get a majority vote. It was defeated on essentially a party-line vote. I want people in the country to know that. I could not get a majority vote.

Then I had another amendment that said if we are going to talk about accountability, we ought to have a child impact analysis. When we pass legislation out of committee, if there is a report that accompanies that legislation, there ought to be a child impact statement. Mr. President, I could not get a majority vote for that.

Then I came to the floor several weeks ago and offered a motion very similar to the amendment that our leader, Senator DASCHLE, has presented, which is now before us.

This amendment came straight from our State of Minnesota, where the Minnesota State Senate unanimously, and the House of Representatives, I think, three votes short of a unanimous vote, signed by the Governor January 20, sent a resolution here. I took the wording of that resolution and brought it to the floor of the Senate as an amendment which essentially said that if we pass a balanced budget amendment, before we send that amendment to the States, we should present to the States a detailed analysis of the impact of this amendment on our States.

Where will the cuts take place? What is the budget over the next 7 years? How will it shape the lives of the people we represent? Will this become some shell game where a State like Minnesota sees cuts, and then is required to raise taxes to make up the difference?

Under the balanced budget amendment, there will be cuts in higher education, in K-12 education, child nutrition programs, early childhood development programs, veterans programs, agriculture programs, health care programs, and others on which regular middle-class Minnesotans depend. No question about it. In fact, they would have to cut them 30 percent across the board to reach this target, given the parameters that have been set.

By the way, Mr. President, nowhere in the Contract With America, and not once in the debate that has taken place in the Senate from those who have been pushing so far for a balanced budget amendment, have I heard any analysis of all of the benefits of the tax loopholes and deductions that go to large corporations and large financial institutions in America. We will cut child nutrition programs; school lunch and school breakfast; women, infants, and children's programs, but we will not cut subsidies for oil companies.

Mr. President, this is the reason there is such resistance to this right-to-know amendment. I raise the question again on the floor of the Senate: What is it that we do not want the people in our States to know? Were the Minnesota Legislature, Democrats and Republicans alike, and the Governor correct in saying before they send the balanced budget amendment, please present an analysis of the cuts that will be ahead, and how it will affect our States so we know what we will have to pick up through an income tax or sales tax or property tax? And we are not willing to do that. That goes against the very essence of accountability.

Now, Mr. President, about a week ago, I filed a motion that I will make on the floor of the Senate at the appro-

priate time that would refer this House joint resolution to the Budget Committee with instructions to report it to the Senate with a report containing a detailed description of the 7-year budget plan.

I say to my colleagues, here is the one irony to the debate. There are many ironies, but here is one central irony. If we believe, and many do, that State legislators and Governors ought to understand the impact of this balanced-budget amendment, if we agree that they have a right to know exactly what it is that they will be voting on for ratification, if we agree that decisionmakers ought to know what they are voting on, if we agree that the people back in our States ought to have an understanding of what exactly is going to happen, where will the cuts take place, and how will it affect them, then it seems to me that we as Senators ought to also know what the impact of this plan will be on the people we represent before we vote on it.

That is why sometime during this very historic debate, I will move to refer this to committee so that the Budget Committee can present to Senators a detailed 7-year plan on how to get to balance by the year 2002, and then we will know what we are voting on.

Mr. President, I am not in favor of constitutional amendment, for all the reasons that Senator BYRD and others have spelled out, I think in a more profound way than I can. But as far as deficit reduction and moving toward balancing the budget, of course we should do that. But how can anyone vote on it until we know what the choices are? If we were going to have cuts in the Pentagon budget, if we were going to look at tax expenditures, if we were going to look honestly at how we knew to raise revenue, or if we were going to do this by some standard of fairness, I might be all for it; that is to say, an effort to move toward balancing the budget. But there is no accountability here.

Now, Mr. President, in the last part of my remarks today, I want to speak to one issue that I think tells the large story of what is going on. I also want to ask unanimous consent that the amendment that I will be filing today be printed in the RECORD. It would, at the appropriate place in section 1 of this balanced budget amendment, amend the section which reads "total outlays for any fiscal year shall not exceed total receipts for the fiscal year unless," to add "unless a majority of the whole number of each House of Congress shall determine that compliance with this requirement would increase the number of hungry or homeless children." I believe we should all be held accountable on this issue.

It seems to me a reasonable proposition that we do not want to do anything that would increase hunger or homelessness among America's children.

Mr. President, I will file another amendment, and I am not sure I was clear in my unanimous consent. I would like to have both amendments printed in the RECORD.

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

Mr. WELLSTONE. Mr. President, I will file another amendment that will say again, in the same place as the first, "a balanced budget unless a majority of the whole number of each House of Congress shall determine that compliance with this requirement would not provide for the common defense and promote the general welfare."

Mr. President, that comes from the Preamble to the Constitution and from section 8. When we are talking about the general welfare, it strikes me that if it becomes clear that we are going to cut Medicare, cut Medicaid, slash and burn, make higher education not affordable for young people, cut into child nutrition programs for our children, we are moving away from investing in our people, in our communities. That has had a lot to do with the general welfare.

Mr. President, there is one issue that I do not think has been discussed thoroughly on the floor that I want to talk about for a few moments, and then I want to yield because I know Senator BUMPERS is anxious to speak. That issue is Medicare.

Mr. President, let me be crystal clear with my colleagues: You cannot dance at two weddings at the same time. You cannot say you are for this balanced budget amendment but you are unwilling to lay out where you will make the cuts. But you already made it clear you want to increase the Pentagon budget, you already made it clear you want tax cuts, you already made it clear that Social Security is off the table, and then we look at the big expenditure items that are left, and Medicare is clearly one of them. Of course, Medicare will be cut deeply.

Now, let me take Members back to last year's debate. We had some health care proposals, the single-payer plan being one of them, about which the Congressional Budget Office and General Accounting Office, depending on which estimate we want to look at, talked about projected savings of up to \$100 billion a year.

And Mr. President, we had other health care proposals—for example the President's plan—that talked about putting a limit on insurance company premiums. Some of us during that debate were talking about how we could contain costs. The single-payer plan contained health care system costs while also providing universal coverage with choice of doctor and a huge administrative savings. But, granted, the insurance companies would have to give something up.

And that's why Mr. President, very early on in the health care debate, the

whole issue of how we contain health care costs by putting some limit on insurance company premiums was taken off the table. Huge amounts of money were pouring into the Congress in the form of campaign contributions. We saw a huge amount of lobbying from powerful interests. No way were they going to see any of their profit hurt. So what happened was, the special interests made the argument that premium limits—the only way you can do cost containment—would lead to rationing. What they neglected to say was that rationing only happens when you limit spending on one population without limiting the spending on the whole system.

Mr. President, I want to be clear on the floor of the Senate today that the very Senators who were most vociferous in their opposition to universal health care coverage—and we could not do universal coverage unless we could contain costs—the very Senators who blocked that legislation, the very Senators who yelled about rationing, right now when it comes to deep cuts in Medicare and Medicaid, which will lead to rationing among the elderly and the disabled and the poor, have nothing to say.

Their silence is deafening. And Mr. President, here is why. Looking at some Treasury Department estimates, total Medicare cuts would total \$404 billion between 1996 and 2002. Medicare cuts in 2002 alone would equal \$106 billion. That translates into roughly \$10,000 per senior citizen over a 7-year period.

I hope that I was clear with these numbers. Let us not be fooling people in any State. I do not want to fool people in Minnesota. There are going to be deep cuts in Medicare. There have to be. There is no way you can get there any other way: \$404 billion between 1996 and 2002; \$106 billion in 2002.

Now, there are a number of ways that you could make these cuts. And none of them makes any sense in a country where we are trying to improve coverage and contain total system costs. One of the ways you could do it would be to reduce provider payments. Most hospitals—and I know, Mr. President, that you know this, especially in rural Minnesota—are already reimbursed by Medicare at less than cost. Let me just say this as best I can. We should be trying to improve health care in this country, not ruin it. When you cut the Medicare reimbursement, either your hospitals close—especially your rural hospitals—or your providers have to make it up some way, and this leads to charge shifting. Those people who have private health insurance are charged more and then their premiums go up and then less people can afford it. That is where we are heading.

Not only are we going to have this kind of vicious cost shifting, but in addition, those people who are going to

be most severely hurt by these severe cuts in Medicare are going to be precisely the rural and public hospitals that have been providing care to those citizens who have had the least care in this country and who have the most trouble accessing services.

A few days ago, I met with John Stindt, the CEO of Swift County-Benson Hospital in Benson, MN. Swift County-Benson is a small rural hospital 30 miles from Willmar, MN. Seventy-five percent of Swift County's revenues come from Medicare and 11 percent from Medicaid.

Last year they had a loss of \$148,000 from operations. They have two family practice physicians and are desperately trying to hire more to handle their patient load. Mr. President, they do not have any room for any further cuts. Do not ask people who cannot tighten their belts to tighten their belts. Do not sacrifice the health care of citizens in this country who most need it. Cut the oil company subsidies, cut the insurance company subsidies, cut some of the large global corporation subsidies. I do not hear a word about cuts there. Deep cuts in Medicare, that is what is going to be. That is exactly the direction we are going in and that is why our colleagues do not want to spell out where they are going to make these cuts.

Mr. President, I lived 20 years in Northfield, MN and I can just tell you that severe cuts in Medicare are going to have just a cruel impact on rural communities. Hospitals in communities like Rush City, Aitkin, Grand Marais, Comfrey, Karlstad, Virginia, and Bigfork are all struggling to make ends meet.

Closing down local hospitals does not make a lot of sense, either from a health care or an economic development perspective. There was an article in the Minneapolis Star Tribune entitled "When a Hospital Closes Its Doors." It talked about a hospital in Karlstad that closed last week because of financial difficulties—low Medicare reimbursements—and the inability to recruit doctors. It left a northwestern community in shock and limbo.

Mr. President, in Minnesota, 10 percent of the population already lives 30 miles from their doctor. We are seeing an increased reliance on helicopters to move people from rural areas to our cities to get care. It is not cheaper to transport people by helicopter. And in Minnesota, helicopters cannot fly in the fog and in the snowstorms.

We should be supporting community-based health care, not dismantling it. The reason that many of my colleagues do not want to vote for a right-to-know amendment and lay out where the cuts will take place and the impact these cuts will have on people that we represent is because they know we are going to have to make these cuts, they know it is wrong, they know what its

impact will be and they are unwilling to step forward and be accountable.

In Minnesota, there is a shortage of 300 physicians and 180 midlevel providers in the rural communities. Places like University of Minnesota Duluth do a phenomenal job of training and retaining family practitioners who practice in rural communities. But, they need more than a pat on their back and a cut in their training budget to continue this work.

There are a number of other ways that these cuts will take place, but I just want to focus on one other. One option is to shift more of the cost back on the beneficiaries. Seniors already spend close to 25 percent of their household incomes on health costs, about \$2,803 per person, and I am not including the health care costs of people that are in nursing homes.

I have received more than 1,000 letters from elderly citizens in Minnesota who are concerned about Medicare costs. Let me just read a few of them. A couple from Detroit Lakes, MN, writes:

DEAR SENATOR WELLSTONE: My husband and I are concerned about Medicare cuts. When we reached 65, we were advised to sign up for Medicare, so we did, also taking out medigap insurance. We pay over \$3,000 for medigap insurance plus the Medicare that is withheld from our Social Security. Medicare is a great help to decent taxpaying people. The GOP have a contract for the American people. We feel that Social Security and Medicare is also a contract with the American people.

A woman from Coon Rapids writes:

We paid into both Social Security and Medicare all the working years of our life. Reducing the deficit must be done in a fair and balanced way. They did not ask our wealthiest citizens and corporations to share the burden by giving up their tax loopholes.

And she is absolutely right, absolutely right. Not one word, not one word in the Contract With America is asking large corporations to share.

And finally a woman from Watertown, MN:

I am writing to you about the proposal to cut Social Security and Medicare. I hope you will say no to these unfair and irresponsible cuts. I am 86 years old. My husband and I worked hard all our lives. He died 8 years ago after being in a nursing home for 5 years. That took all of our savings. I receive \$489 a month from Social Security and I think I have saved enough for my funeral. We never wanted to be a burden to our children or anyone else. I recently had to go on medical assistance. I have enjoyed good health, and I am a foster grandparent to a child center three mornings a week. We never missed voting and really worked hard for conservation and betterment of our country. I hope this has not inconvenienced your time. Perhaps you did not find time to read it, but I surely hope you will vote "no" on that proposal.

Well, Mr. President, for me that letter pretty much says it all. And, of course, we hear discussions about also restructuring Medicare. I'm willing to hear some more details on this—none of which have been outlined for us—but

it sounds to me like a poorly disguised way of forcing seniors into managed care and cutting their benefits. Managed care should be an option for seniors—not a mandate.

I conclude this way with first, a policy discussion and second, a ringing denunciation and enunciation.

Policy statement: We will have premium death spiral in health care if we go forward with this balanced budget amendment which will necessitate deep cuts in Medicare. What will happen is we will have to reduce the payments for our public programs—and many citizens are dependent on those programs—and providers will cost shift to those of us who have private insurance. The insurance premiums will go up, fewer people will be able to afford coverage and the base of payers becomes smaller and smaller. Then you get more cost shifting and premiums keep going up.

Mr. President, last session we were talking about universal health care coverage. We were talking about decent health care for our citizens. And last session, when we tried to do that, my colleagues, too many of them, talked about rationing. They said cost containment would be rationing—a catastrophic end to quality health care. Now we really are about to ration because we are talking about cuts for only certain programs. Now we are about to ration care for the elderly, ration care for the poor, and ration care for the disabled. But do you hear any of those same voices yelling now? No. As I said before, their silence is deafening.

I come from a State that had probably one of the greatest Senators ever to serve in the Senate, Hubert Humphrey. Hubert Humphrey said the test of a government and the test of a society is how we treat people in the dawn of their life, our children; in the twilight of their life, the elderly; and in the shadow of their life, people who are struggling with an illness or struggling with a disability or those who are needy and those who are poor.

I did not come to the Senate to vote for a balanced budget amendment—which is essentially a pig in the poke—when I do not even know what it means, and when I have no idea as a decisionmaker where the cuts are going to take place. I know full well, given the parameters of what has been laid out, that some of the deepest cuts and some of the cruelest cuts will have to affect the very people that Senator Humphrey talked about. I am not going to be a Senator who is going to vote for cuts directly or indirectly in nutrition programs for children, and I am not going to be a Senator who is going to vote for cuts in a way that takes one of the most successful parts of health care in this country and begins to dismantle it. I am talking about Medicare.

My mother and father both had Parkinson's disease, and every time I hear

people criticize Medicare, I remember that for them Medicare was the difference between being able to make it and utter financial chaos and disaster.

So, Mr. President, I just want to remind my colleagues that this amendment in the Chamber right now, the minority leader's amendment, which has been superseded by the majority leader's amendment, is right on the mark.

It is irresponsible, it is not being accountable, it is not being straightforward to vote for a balanced budget amendment unless we have the courage to lay out specifically where those cuts are going to take place, what kinds of choices we are going to make, and how it affects the people we represent. For my own part, I think people have made a big mistake. I think this 2002 date makes very little sense, given the parameters that have been spelled out. For myself, we need to have deficit reduction, and we need to invest in our people. That is the challenge for us, and we should do it. But we ought to be straightforward and lay out for the people in this country what that means to them. That I think is the only responsible approach to take, and as a Senator from Minnesota that is the position I take in this debate.

I yield the floor.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, there is a great story about Winston Churchill. It is probably apocryphal. Somebody was introducing him one night at a dinner, and they alluded to his drinking habits. And whoever it was that introduced him drew an imaginary line on the wall and said, I bet if all the whiskey Winston Churchill had drunk were put in this room, it would fill this room up to this mark. Churchill looked at that line, looked at the ceiling and said, "Oh, so much to do and such a short time in which to do it."

Now, here we have a constitutional amendment, and everybody has said everything that needs to be said—well, I guess everything that needs to be said has been said but everybody has not said it. So I come late to the debate, 10 days after it began, to put in my 2 cents' worth and express my undying opposition to this proposal.

When it comes to the Constitution of the United States, I belong to the wait-just-a-minute club. I confess that I voted for a constitutional amendment early on in my career in the Senate. I would not do it again.

I have taken plenty of political heat in my lifetime. I remember that great school prayer amendment in 1984 which would have allowed the school board or the State legislature to compose prayers or adopt prayers composed by others and demand their recitation by the students in school. And now it has become so commonplace to offer an

amendment to cure every seemingly intractable problem.

As to the Contract With America, I join my colleague from West Virginia. I am not a party to that contract. My contract is with the people of America: the Constitution of the United States. But right in this session, there is a proposal to require a balanced budget, which is the debate now, a proposal to again address the prayer in school issue, and a proposal to limit the terms of Members of Congress, which I also consider to be a very bad idea. Every time we demonstrate to the people of America that we do not have the spine or the political courage to deal with a pressing problem, somebody says, "Well, let's amend the Constitution."

In 205 years, Mr. President, the Bill of Rights, the first 10 amendments to the Constitution, have not been tinkered with. So far as our Constitution is concerned, 205, coming on 206 years old, we have amended it 27 times including the 10 amendments which constitute the Bill of Rights. So actually, the people of this country in their infinite wisdom have seen fit to tinker with the Constitution only 17 times.

When you take out the constitutional amendment that said, "We will not drink," and the ensuing constitutional amendment of 1933 that said, "We will drink," only 15 times in 205 years have we chosen to tinker with this very precious document. There is a fellow named Robert Goldwin at the American Enterprise Institute. I do not know him, but I was reading an article by Robert Samuelson the other day where he quotes Robert Goldwin as saying, the first principle of a conservative should be "Don't muck with the Constitution."

Now, I do not agree with the American Enterprise Institute very often. I do not always agree with Robert Samuelson. But I can tell you there is infinite wisdom in that statement for everybody who considers himself or herself a conservative. "Do not muck with the Constitution."

When the House of Representatives came back into session, and Speaker GINGRICH told Members of Congress that they ought to read some of these early documents. Two that he mentioned were the Federalist Papers and Alexis de Tocqueville's "Democracy in America."

I read those in political science 103A. I read them again in law school, and have read them a couple of times since then. The Federalist Papers, written by James Madison, Alexander Hamilton, and John Jay, were published in New York newspapers explaining to the people what the Constitution would do, and why they ought to vote to ratify it. New York and Virginia were key States and were absolutely essential for the ratification of the Constitution.

Incidentally, do you know how old James Madison was when he wrote that

magnificent series of papers? Hamilton wrote most of them. Hamilton was 31, and Madison was 37. I think John Jay was the old man in the crowd, and he was 44. But the point is that the most important point that Madison made in the Federalist Papers was that we have three separate branches of government, and we have created all these checks and balances so that one branch does not run amuck or usurp the powers of another. He said we should let the President nominate Supreme Court Justices, but Congress is the one that is going to have to sign off on them. Time after time Madison returned to the theme of checks and balances. Lets not muck with it now.

I will come back to this in a moment. There is absolutely no question that this amendment is utterly foolish, totally unenforceable, unless the courts, the judiciary branch of Government, enforce it. Who wants that? You go back home to the coffee shop, Senators. Go home this weekend and walk into small town America in the coffee shop, and say, "We are passing that balanced budget amendment up there. We are going to get our house in order."

Maybe some old farmer or small business owner says, "Well, now, Senator, how you going to enforce that amendment?"

You say, "Well, we are going to let the courts do that."

And he is going to say, "Wait just a minute. Are you telling me that you people are so spineless that you cannot deal with this deficit, and so you are going to put a few words in the Constitution and buck it over to the courts?"

I promise you that you just lost his vote.

If there is anything America does not need or want it is for the Court to say, "Congress, you must raise taxes. Congress you must cut spending." Where? When? How much? In what programs? It is the height of folly.

You know sometimes we all ought to go listen to the folks at the coffee shop more often. I never will forget in 1979 speaking to the Nevada County Cattleman's Association. Jimmy Carter had just imposed a grain embargo on the Soviet Union. I voted for it. I thought, "We will show those Soviets." And the embargo had an effect precisely opposite what we expected. It did not bother the Soviets at all. They just bought wheat in other places, and the American wheat farmers saw the price of their product go down dramatically.

So this old cowboy said, "Senator, you voted for that grain embargo against the Soviet Union?"

I said, "Yes. I did." By that time, I knew I had done the wrong thing, and, I said, "I am sorry about that. I will never do it again."

Then he said, "I hope you won't Senator, because I think a fat, happy Rus-

sian is a lot less dangerous to us than a starving Russian."

I said, "You are wiser than most of the people I serve with in the U.S. Senate."

I remember in 1981 when President Reagan came to town, he said, "We are going to grow our way out of this deficit. We are going to have an economy so hot people will be paying more taxes, and we are going to balance this budget in nothing flat." That was in 1984. Those were his words. They were not mine.

Ronald Reagan is the one who said we will balance the budget by 1984, and that we might even do it in 1983. I remember it so distinctly. When we asked him how, he said, "We are going to cut taxes, double defense spending, and balance the budget." And with the utmost respect to everybody who was here at the time, I say it was a lunatic idea; sheer lunacy. When I die I want my epitaph to say, "DALE BUMPERS was 1 of the 11 Senators in the U.S. Senate that voted no." Very shortly after that vote we saw the deficit start zooming. That was \$3.5 trillion ago, Senator; 14 years and \$3.5 trillion ago that we were told that was the way to balance the budget.

Did you know that if we had not done that, if we did not have those mammoth deficit increases during the 12 years before Bill Clinton became President—the deficit today would be \$800,000, less than \$1 million. Virtually every dime of the interest we are paying on the national debt today is due to the deficit from 1981 to 1992.

So everybody says, well, we mucked that up. We forgot something. What did we forget? We forgot to put a few words in the Constitution.

Mr. President, you could put all the words in the Constitution you want to put in, and it will not matter. I do not mean to be denigrating to anyone, but I can tell you what this is all about. It is about two or three things.

No. 1, it is about putting the balanced budget amendment into the Constitution, your simply declaring that we will achieve balance by the year 2002. Then everybody hoped and assumes that by the year 2002 the American people have forgotten what was said in 1995.

No. 2, what we are in effect saying is that we do not have the spine or the courage to do what we have to do to get the deficit under control. Therefore, let us put a few words in the Constitution that we can hide behind for at least another 7 years. Members will say, "I probably will want to be out of here then anyway, so what difference does it make?"

Finally, Mr. President, the Contract With America says we will amend the Constitution, and we will balance the budget by 2002 or 2 years after the States ratify the Constitution, whichever is later.

I want you to think about that. What does that mean? It means that the people who are championing this amendment and saying "Trust me," are also saying that we will cut spending by \$1.6 to \$2 trillion over the next 7 years, and we will do it while increasing defense spending and we will not touch Social Security, and obviously, we cannot touch interest on the debt.

So what does that mean? That means that at least 30 percent of all the rest of Government spending has to be cut. There is not one person in this body, Republican or Democrat, who believes that is even remotely possible—not even remotely possible. Yet, we plow ahead asking the American people to not probe too deeply into what we are doing here, hoping they will not expose us for our hypocrisy and our cynicism.

When the year 2002 rolls around and the deficit is still soaring, we will have done exactly what Alexander Hamilton said we should guard carefully against, and that is: Do not raise people's expectations beyond the point of fulfillment. Every time you promise the American people something you fail to deliver, they become that much more cynical.

Mr. President, let me show you a chart here regarding the space station. Everybody knows that I think the space station is an utter waste of money. I saw the picture this morning of the Russian cosmonaut waving at the American astronauts. That is heady stuff—sending a shuttle up there and to come within 35 feet of the Russian space station *Mir*. I do not want to berate the space station, but that is the seventh space station Russia has had orbiting the Earth. One guy aboard has been on it 2 years. We say we want to put one up there, too. That is going to cost about \$70 billion.

So last year, 63 Senators voted for a constitutional amendment to balance the budget, yet within 3 months, 43 of them voted to plow ahead with this \$70 billion boondoggle, the space station. Some of the other amendments I offered last year to cut spending were just as embarrassing, or more so. So now we have people saying, "Well, it did not work in 1981 when we proposed to cut taxes, raise defense spending, and balance the budget. But this time we really mean it, and we are going to put some words in the Constitution, and now it will work." Some very wise reporter here in Washington has properly called it *deja voodoo*.

You remember the comedian Flip Wilson, who used to say "The Devil made me do it." I suppose people in this body think that in the future when they have to make the tough choices and cut spending, they will have the Constitution to rely on. They can go home, and when everybody is irritated because their program got cut, they can say, "The Constitution made me do it." If we just put a few lines into the

Constitution, you can go home and say, "We had to cut Medicare, Social Security, and all of those things because the Constitution made me do it." But did it? Will it?

This proposal, as the Senator from Utah well knows, provides that if 60 people in this body want to vote to unbalance the budget, the budget will be unbalanced and we can have all the deficit spending we want. If you do not think they will do that, look at this chart. This bar represents the 60 votes it would require to unbalance the budget and these bars represent the votes we made on the 13 appropriations bills last year. The lowest vote on any appropriation bill was 71. On average the appropriations bills, where we do the real spending, passed with 84.5 votes.

So, do you think the Members of the Senate are not going to vote to unbalance the budget if it means a cut in Social Security and Medicare? When you mention those two programs, 100 Senators dive under their desks. Let us assume, for the sake of argument, that 60 Senators will not vote to unbalance the budget. Where does that leave you? Let us assume that the economy is in a recession, as it was in 1929 and 1930 and 1931, and only Government can bring it out and avoid a depression. So somebody comes on the Senate floor and says we have to vote for spending money we do not have because people are homeless, out of work, and they are hungry; we have to vote to unbalance the budget until we get over this recession. Forty-one Senators—a very slim minority—can say, no, we are not going to unbalance the budget. Forty-one Senators can bring this country to its knees by refusing to address a dramatic economic crisis in the country.

Do you know another thing I remember about the Reagan years and the Carter years? Senators, especially on that side of the aisle, decided they would quit voting to raise the debt limit to match spending. That's liking going into a restaurant and eating the biggest steak and when they bring the bill, you say, "I am not going to pay it." So everybody thought this it would be a great campaign issue to vote not to raise the debt ceiling. They said, "I voted for all these appropriations bills, all the spending; but now I have decided I am not going to vote to raise the debt ceiling." That happened five times in 5 years. And one time we brought the Government to a halt over the weekend and a good part of Monday and Friday, and it cost the taxpayers of this country \$150 million. That is just peanuts compared to the damage we risk under this amendment. Under this amendment, 41 Senators can bring this country to its knees.

Do you think when that thing comes up on the floor, though, and somebody says we are going to have to cut Social Security 10 percent, cut 20 percent out of Medicare, we are going to have to

close 18 veterans' hospitals, we are going to have to cut back civil service pensions, do you think 60 Senators will not vote in a minute to unbalance the budget?

(Mrs. HUTCHISON assumed the chair.)

Mr. BUMPERS. Madam President, to the lay people who may not understand the workings of Congress, here is the way it works. The Budget Committee goes into session when we first come into session, and they decide what revenues next year are expected to be, how much we are going to take in. And then they go through the various budget functions and they say, here is how much we are going to spend. And they say, in order to have a balanced budget, we have to cut spending by this amount. Let us assume, just for easy figuring, that they say we are going to have \$2 trillion in revenues and here is our \$2 trillion in expenditures, the budget is balanced.

They bring it before the Senate. It passes by a lopsided majority. We put ourselves on the back, give ourselves the good Government award, and go home happy as a clam.

Then, October 1 rolls around and it looks as though the economy is not doing so well. Within 5 or 6 months, it is obvious that we are going to have a \$50 billion deficit.

So what happens? Well, somebody goes to court and says, "Why, those clowns told us they had a balanced budget, and look here. They are going to run a \$50 billion deficit."

Who can sue? First of all, will the Federal courts have jurisdiction? We do not know. Not one person in this body can answer that question.

Second question: Who has standing to challenge the budget in Federal court? Everybody? Taxpayers? State and local governments? Foreign nationals? We do not know.

Third question: What will we do while the current budget is tied up in court? We do not know.

Fourth question: How will the amendment force Congress to reach an agreement as to what they are going to cut or what tax hikes they are going to adopt? We do not know.

Fifth: Would the courts find that enforcement of the balanced budget amendment is a political question on which they refuse to rule? We do not know.

Sixth question: Can the Congress just ignore the amendment as drafted, and go merrily on their way? They probably can, and they probably would.

Another scenario: Let us assume that even before October 1, in the beginning of the year 2002, as soon as Congress adopts the budget resolution, 6 months before October 1, somebody says, "Why, you guys are crazy. What are you talking about? You're projecting a \$2 trillion income. You're not even going to come close."

They go to court even before the year starts and say, "Those people are mucking with the figures, cooking the books. They say they are going to have an income of \$2 trillion when they are going to be lucky to have \$1.9 trillion. Make them do it right. Make them cut more spending or raise taxes."

And let us assume for the purposes of argument that court then says, "You're right. I agree with you. Those people have overestimated revenues by \$100 billion," and issues an order to Congress to close the gap and Congress does not do it. Can the court raise taxes to make us comply with this amendment? Maybe.

Would that not be a beautiful thing to see? Would that not be something? James Madison would be whirling so hard in his grave, it would be like a fan in the kitchen. He would be saying, "What have those clowns done to abdicate their responsibility to another branch of Government, the one thing I warned against?"

Madam President, I could go on with scenarios like this.

Senator JOHNSTON has an amendment that is going to clarify this. It is going to say the courts can take jurisdiction over these questions. I think it ought to be clarified. Can they or can they not? And if the courts cannot take jurisdiction, if the courts have no role to play in this, who is going to enforce it? There is nobody left but us. If we are the ones that are already flagrantly violating the constitutional amendment we are debating here today, we are flagrantly violating it, do you think we are going to correct it?

Let us assume, finally, one further scenario. Let us assume that my colleague, Senator PRYOR over here, is so upset about the fact that he does not believe we have a balanced budget, and maybe the court has already said "You are right. The budget is \$100 billion off, but this is a political question and we are not going to get involved in it. This would be meddling in legislative affairs and we are not going to do it."

So then Senator PRYOR goes to court and says: "I want an injunction to prevent the Treasury Department from issuing one single bond, T-bill, or note to pay off that \$100 billion deficit for this year."

A court might take jurisdiction of a case like that. The plaintiff would simply be saying that if compliance with the balanced budget amendment is a political question and the courts are not going to make Congress pass a balanced budget, then keep them from doing anything, namely, issuing scrip, bonds, notes to cover the deficit.

Some will say the courts will not do that, but in fact they already have. Most people here have heard of Missouri versus Jenkins, the Kansas City segregation case where the courts ordered the city of Kansas City to raise taxes. The Supreme Court affirmed it.

You know something, Madam President, if I went home to that same coffee shop I talked about a moment ago and I told my friends sitting around the coffee shop in Charleston, AR, that the effect of this amendment would be to turn the budget over to the courts and the courts would have jurisdiction to raise taxes or cut spending, the balanced budget amendment would not have a 75-percent approval rating; it would be lucky to get a 25-percent approval rating.

Madam President, we keep dealing with distractions and issues that are not relevant to the real problems of this country.

The Contract With America has some things in it which are legitimate and which Democrats ought to join Republicans in passing, as we have already done on the congressional compliance question. In thumbing through the Federalist Papers yet once again this weekend, I found that James Madison talked considerably about the House. Strangely, he did not say Congress or the Senate. He said the House of Representatives should be very careful not to pass a law from which they are protected.

So we are 205 years late passing a bill to make us comply with the laws other people have to comply with, and I was happy to vote for that bill.

But this idea that we are going to do middle-class tax cuts—when it comes to doing what is popular, Madam President, let me tell you something that is interesting. Seventy-nine percent of the people say they favor a balanced budget amendment to the Constitution. Over 80 percent favor the right-to-know amendment, which is the pending business here. The right-to-know amendment simply says if you people in Congress are so hot for this amendment and you can balance the budget by the year 2002, you tell us now how you are going to cut between \$1.5 and \$2 trillion between now and the year 2002.

That is an absurdity on its face. It is as utterly impossible as my soaring out of here into the heavens, flapping my arms.

We have a right to know. And the reason everybody is silent is because they do not have a clue as to how they would even come close to cutting that kind of spending. It is ridiculous in the extreme.

Yesterday, the Joint Tax Committee, which does the best job of estimating, says the Republican tax cuts over the next 10 years—listen to this, I say to the Senator—those tax cuts are \$704 billion. Add that to the trillion-dollar base line just for the first 7 years, \$704 billion in lost revenue for the middle-class tax cut plus the capital gains tax cuts and the IRA's. That ought to cause people to wake up screaming.

What is the biggest item on the budget now? Interest. Interest on the debt.

But talk about how popular this amendment is, the right to know is popular, too. Know what else is popular? The idea that if we can find \$80 or \$200 billion in spending cuts to provide for a middle-class tax cut, we should apply that money to reducing the deficit, rather than a tax cut. And 81 percent of the people favor that idea, Senator.

I disagree with the President's budget to this extent. I am not willing to accept \$190 to \$200 billion a year in deficits for the next 7 or 8 years. We can do better. We can do a lot better. I have seven bills pending that will save \$133 billion over the next 15 years, \$33 billion over the next 5 years.

Madam President, we have big problems. We have a crime problem. We have welfare problems. Our educational system has been failing miserably. Our culture is degenerating. On that point, is it not curious that when people are becoming increasingly uncivil to each other and we have crime on every street corner, the proposals in the House are to cut funding for the Corporation for Public Broadcasting, the one station we can watch without getting blood all over ourselves. One small piece of culture left, and they want to torpedo that.

That is not enough. They want to abolish the Education Department. Take ourselves back to the stone age while we are at it. And abolish the National Endowment for the Arts, without which the State of Arkansas probably would not have the Arkansas Symphony. Who cares about the old music that Bach and Beethoven and all those guys wrote 200 or 300 years ago? Get rid of that, too. The National Endowment for the Humanities who gave Arkansas a \$50,000 grant when I was Governor and allowed Betty Bumpers to start artist programs in every first grade in the State. Get rid of that. What are we doing teaching first graders about art? What a waste. They are trying to scrap every smidgen of culture left in this society.

There are not any words that we can put into the Constitution, Madam President, that are going to stiffen one single spine. Not one word in the Constitution will make somebody vote against Social Security or the space station, the latter, particularly if there is a contract providing 500 jobs in your State. No, words in the Constitution do not change people's character. We vote for what is popular around here.

James Madison, again, "Do not take that stale bait of popularity \* \* \*," as opposed to what is best for the country. Many of the people of this country think there is enough waste, fraud, and abuse to balance the budget. A lot of them think if we change our salaries and the pension fund we could balance the budget. Take away our airport parking, install term limits. With issues like that, nobody will notice much of anything we do around here.

In August 1993 we did something that we are asking the Republicans to do this year. I will never forget the month or the year. We said we would get the budget deficit going down, and keep it going down. We said we would do that by raising taxes on the wealthiest 1.2 percent of the people in this country by \$250 billion, and cutting spending by \$250 billion. And we did it. We did it just before the August recess. I voted for it, unhappily. Even though we told people exactly what we were going to do, exactly what the tax hike would be, we still did not get one single Republican vote. Not one.

Now the \$500 billion in deficit reduction we promised over the next 5 years, has turned into nearly \$600 billion, maybe headed for \$700 billion. It was the most courageous thing, the most important thing that has been done since I have been in the Senate.

I have screamed my head off about the deficit. I have offered amendments here every fall to cut spending. I might as well be shouting in a rain barrel. But we passed that bill, 50 votes from Democrats alone, plus the Vice President in the Senate Chamber. Everybody knew exactly what we were doing.

And now we are saying, You tell us exactly how you will come up with almost \$2 trillion in spending cuts in the next 7 years. Why should they not? People on Social Security want to know if they are included. People on Medicare, people on Medicaid, people who pay taxes, want to know what it will do to them.

Mrs. BOXER. Madam President, would the Senator yield for a question?

Mr. BUMPERS. Madam President, I am happy to yield.

Mrs. BOXER. I say to the Senator, Madam President, he is so eloquent in bringing home this point to the American people. We put ourselves out here on the line and we cast a tough vote.

By the way, I serve on the Budget Committee. I will tell the Senator that Members should have heard the Republicans in the Budget Committee. I have their comments in writing. "This thing will lead to higher deficits. This budget will lead to unemployment. This will be the worst thing that ever happened." In fact, we have the best economy that we have had in 25 years.

So I would say to my friend, since our colleagues will not tell Members what they have in mind for the American people, we have to make some educated guesses on that point. I would ask my colleague this: Is it not true that the Republicans said they would not touch Social Security even though they are not supporting removing it from this amendment? Have they not said they are taking that off the table?

Mr. BUMPERS. Madam President, the Senator is absolutely right. They have said they will not touch Social Security, and obviously they cannot avoid interest on the debt. Although

they did not say defense was off the table, they said, "We will increase defense spending." I think one could assume if they increase spending it is also off the table.

Mrs. BOXER. Madam President, I was going to make that point.

The contract calls for increases in military spending, even though, as we know, we are spending in excess of two to five times that of all our enemies combined. So if they take Social Security off the table, I say to my friend, and if defense is taken off the table, and if they come through with a \$700 billion tax cut, I ask my friend what is going to happen to Medicare? What is going to happen to veterans' benefits? What is going to happen to crime fighting? What will happen to the Border Patrol? What will happen to roads and highways and freeways and research on breast cancer that is so important, and AIDS and other things that are real threats to the people of this Nation.

If the Senator, who has been around here a lot longer than I, could paint that picture I would greatly appreciate it.

Mr. BUMPERS. Madam President, let me just say that common sense dictates three or four conclusions that seem obvious to me.

No. 1, the Contract With America says we will not include Social Security or interest on the debt. Obviously we cannot do anything about interest on the debt. We have to pay it. As I said, they are proposing to increase defense spending. That leaves Medicare, and Medicaid, and it leaves nondefense domestic discretionary spending.

In order to reach a balanced budget under that scenario, we would have to cut crime prevention, education, highways, law enforcement, everything that goes to making us a decent civilization. We would have to cut every one of those by at least 30 percent. In my opinion, in 2002 we would still have a deficit. I appreciate the Senator raising the question.

If you want to do what is popular, vote for this amendment. There is not any question about its popularity. Public opinion is contradictory about it because the people also support the right to know amendment which would require to say what we are going to cut. Seventy-four percent of the American people want the middle-class tax cut to be applied to the deficit instead of their tax bill. They want that to go on the deficit. Yet, the same people who are hot for a middle-class tax cut ignore the popular will of the people on that one.

But I am willing to admit I am going to vote "no" on this, and that is not the popular vote. So if you want to do what is popular, you vote "aye."

If you really, in your heart of hearts, believe that you can meet the mandate that I just laid out for you about balancing the budget in the year 2002, for

God's sake vote "aye" if you think you can do that.

If you think the Founding Fathers did not know what they were doing when they crafted this most magnificent of all organic laws in the world, vote "aye."

If you are one of the 11 new Senators who came to this body in January and you do not have the courage to do what you told those voters you were going to do when you were campaigning about spending cuts, you vote "aye."

If you want to postpone the tough choices until the problem is even worse than it is now, vote "aye."

With an "aye" vote, you get 7 more years of grace in which the budget will balloon. The Senator from Utah has a chart over there showing how much the debt has gone up since we have been debating this. If this constitutional amendment were on the books right now, or any time in the future, that chart would be exactly the same. Nothing would be changed by a balanced budget amendment.

But if my colleagues believe that the highest calling they have is their duty to the Constitution, to be honest with their constituents, if they believe that their constituents can handle the truth no matter how unpleasant, even though all they have been getting is talk-show idiocy, distortions, pap, and partisan snapping, then they should vote "no." And then they should follow that with a few courageous votes on cutting spending, even if it tears their hearts out to cast those votes.

Ten times nobler is the man who bit the bullet in his quest to fulfill the promise of a great nation than the man who reaps the contempt and hatred of historians and, thereafter, the people, because political expediency overcame our nobler instincts.

If you take that stale bait of popularity over what is best for our country, you are, in effect, saying, "Let this great Nation perish."

I yield the floor, Madam President.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. HATCH. Madam President, I am happy to have the Senator from Arkansas recognized. I hope he will be the last speaker of the day. I would like to say a few words in closing, and we can recess the Senate. I am hoping he will be the last speaker.

Mr. PRYOR. Madam President, I thank my distinguished and good friend from Utah for allowing me to speak at this time. I want to compliment my worthy friend and colleague from Arkansas for delivering one of the eloquent, forceful, and thoughtful speeches of this debate on amending the Constitution with a balanced budget amendment.

Although we always marvel at this great constitutional system that we have, somehow or another, we cannot

help tinkering with it. We love to mess with our Constitution. Over 10,000 proposals in our some 200 years of history have been introduced in the Congress to amend the Constitution. But over this same 200-year period, we have adopted only 17 since our Bill of Rights containing the first 10 amendments was enacted.

These relatively few amendments which have actually survived the amending process suggest how very difficult it is to amend the Constitution, as our Founding Fathers intended it to be, and also just how high the stakes really are.

Efforts to make our Government budget more responsible date back not just 2 or 3 years ago, but they date back to the early days of our forefathers. And these efforts have taken on various forms from reorganizing our budget process to amending the Constitution.

Today's debate, whether to authorize a constitutional amendment to be sent out to the States to balance the Federal budget, has been unfolding, Madam President, since 1982 when the Congress first attempted and failed to write a constitutional amendment to balance the budget.

After this first attempt, proponents have pushed and failed to authorize the amending process in 1986, 1990, and 1994.

I have participated in each of these four very difficult debates, and I have argued at length, not only here but in my home State of Arkansas, on the merits and the demerits of amending our Constitution with such an amendment.

In these debates, the U.S. Senate, and my friends on each side of the aisle—all of us together—have struggled during this debate to overcome our differences. But what is so striking today is not our differences, but our common goal, a goal that every Member of this body agrees with: The goal of achieving a balanced budget.

No one quarrels with this debate. No one quarrels with this notion. No one quarrels with this goal. It is the one unifying idea that binds us. At the same time, it is the course of this particular devise of achieving our common goal, a constitutional amendment, which fractures us so very deeply, and there is a fundamental reason for this.

Americans have shaped their lives through laws, and for more than 200 years, the Constitution has been at the very core, the very center of our Nation of laws. It is the world's oldest written charter in continuous effect.

When we change the Constitution, Madam President, we alter who we are as a people. We change our lives by changing the way we govern ourselves. So before taking this ominous step of changing who we are as a people, we have an obligation to fully explore the consequences of amending our Constitution.

These consequences are neither obvious or simple. By this, I mean that by solving one problem, we may be creating a whole new set of problems. Certainly the consequences of balancing the budget will create a wide range of hardship and difficulty for some Americans—some of which will be foreseen and some of which will not.

So before we launch into this long and complex process of changing our Constitution of changing our lives, along with those who will follow, the American people deserve and expect our honesty and they deserve our leadership.

Madam President, I have been carrying around with me for the past several weeks a report from the Bipartisan Commission on Entitlement and Tax Reform. We call this effort in the Senate the Kerrey-Danforth commission, cochaired in a bipartisan manner by Senator BOB KERREY and Senator John Danforth. Senator John Danforth, of course, is no longer a Member of this body. I want to congratulate the authors of this report and I hold it out to my colleagues and the American people as an effort of true leadership and honesty in explaining today's budget dilemma in which we find ourselves.

Finding No. 3 in this report, on pages 10 and 11, tells us a story we just cannot run away from. It is found actually on this chart, Madam President, and it starts in 1963, when mandatory spending, which is comprised mainly of Social Security, Medicare, Medicaid, military retirement, civil retirement, and interest on the debt, amounted to 29.6 percent of our Federal outlays. We see those combined, net interest on the debt and entitlements, on the chart as mandatory spending of 29.6 percent of our Federal outlays.

Madam President, we see in the blue-green area of the pie chart what happened also in 1963 in the area of discretionary spending. The remaining portion represented some 70 percent of the total Federal outlays, while some 30 percent was mandatory.

Chart No. 2, Madam President, shows the story when 30 years later, in 1993, mandatory spending is now at 61 percent, that is, entitlements of 47 percent, and net interest of 14 percent. Add the two and we find 61 percent of our budget is comprised of mandatory expenditures and discretionary spending shrunk to only 39 of total Federal outlays.

The third chart is revealing, Madam President, because the third chart indicates what is going to happen in 8 years. Eight years from now, only 1 year after this proposed constitutional amendment to balance the budget will go into effect. If we continue as we are at this time, we are going to see mandatory spending increased to 72 percent. That is net interest on the debt, 13.8; entitlements, 58.2, and discretionary spending, Madam President,

down to the very small percentage of 28 percent.

Now, what does all this mean when we actually put ourselves in this straitjacket of a constitutional amendment over the next 7 years to balance the Federal budget.

Two weeks ago, Dr. Robert Reischauer was before the Senate Finance Committee. He was testifying before our committee, and I asked him what does this mean if we are to balance the budget? His answer, and I quote, Madam President,

I do not think that you can find them out of discretionary spending, especially if you listen to the concerns that many of your colleagues have about defense spending and think that defense spending is over one-half of discretionary spending. Clearly, the major portion of the answer has to lie in the entitlement area or in the tax code. And there is no escaping that.

Clearly, Madam President, the major portion of the dollars needed to be cut to balance the budget has to come from entitlements or the Tax Code, and there is no escape from that fact.

In the next question, I asked Dr. Reischauer before the Senate Finance Committee, if we exclude Social Security, which we should, from a balanced budget amendment, then what is going to be left for us to find the funds to balance the budget?

Dr. Reischauer responded by citing among others Medicare, Medicaid, civil service, military retirement, veterans pensions, and veterans compensation, student loans, farm price support systems, AFDC, food stamps, and SSI.

The point is, Madam President, the consequences of a balanced budget will definitely be felt by all Americans, present and future, who depend on these programs which Dr. Reischauer cited in his testimony a few days ago.

Now, how will these Americans be affected? This is the question that we in Congress must do our dead level best to be honest with the American people about. With no plan set forth to achieve a balanced budget by the year 2002, it is impossible, absolutely, totally impossible to tell the people even our best guess of the consequences of balancing the Federal budget.

Madam President, I do not wish to blame any one person or any political party or any sponsor of this particular amendment before the Senate today for not having a specific plan because the cuts would be extremely painful, extremely unpopular, and standing alone both Democrats and Republicans have much to lose by offering such a plan at this time.

In the absence of a plan at this date, a number of studies and reports are now coming out, that are now being issued which break down in very real terms the effect of actually balancing the budget with across-the-board spending cuts.

Madam President, I can say that those findings from these reports are

sobering. CBO estimates that the balanced budget amendment would require a cut of \$1.2 trillion in Federal spending over the next 7 years. What does that mean? The Treasury Department has now reported that a balanced budget amendment for the State of Arkansas would require reducing Federal grants and other annual spending in the State by some \$3 billion—\$416 million lost per year in Medicaid, \$65 million lost per year in highway funding, \$225 million a year in lost funding for education, for job training, environment and housing, and \$1.1 billion per year in lost benefits for the elderly.

These are enormous, unthinkable numbers that mean little when we say them, but what does it mean to actual people? It means that seniors will see massive reductions in health care benefits along with the hospitals and the doctors who serve them. In turn, the cost of the public health care burden is going to be shifted to private employers and their employees. It means millions of requests by seniors for rides to the doctor's office, grocery store, and pharmacy will go unanswered. It means millions and millions of home delivered meals will not get delivered, will not go to the homes of the elderly persons who are disabled.

Some now claim that these findings are meant only to spread fear and to scare people about the balanced budget amendment. However, Madam President, I think that the people making this claim are missing the point. Sometimes being honest in budgeting is a very, very frightful proposition, but it is my responsibility, it is our responsibility collectively to explain in advance the best way we can—what we are going to do and how we are going to do it—even if it scares us all.

I know, Madam President, that the President has received a lot of criticism in the last few hours about the submission of his budget that he sent to the Congress yesterday.

Here is the budget. "A Citizens Guide to the Federal Budget" is the first booklet. We have all of the appendices to the budget that he has proposed. We have an "Analytical Perspective of the Budget of the United States Government." We have "Historical Tables, Budget of the United States Government," and then finally the document that most of us hopefully have seen, the "Budget of the United States Government," in a form that I think most of us hopefully can comprehend.

What this says, Madam President, is our President has kept faith with his part of the contract. He has submitted a budget. It may be controversial. As my colleague Senator BUMPERS just said, we may not be willing to accept \$180 billion deficits into the outyears. But be that as it may, this is at least a good faith effort to let the people of America know where we stand with the budget, and to know what our plans are with the budget.

However, as we look around the Senate Chamber today, on the eve of a very critical vote on the balanced budget amendment, the right-to-know amendment, offered by the distinguished minority leader, Senator DASCHLE, and several colleagues, we find that there is absolutely not one scintilla, not one scintilla of a plan offered by the proponents of the constitutional amendment to balance the budget, to show us how that budget is going to be balanced, to show us if it is going to require new revenues, or to show us the number of dollars that we are going to have to cut spending.

Madam President, here is a blank piece of paper. There is nothing on it. And, thus far, this is about all we have from the proponents of this amendment to tell us how they plan to balance the budget.

Our colleague, Senator DOMENICI, the distinguished Senator from New Mexico and chairman of the Budget Committee, has been very straightforward from the outset of this debate. But should not we be just as straightforward about the consequences to millions of Americans who are going to be impacted by these cuts? We should know the plan of action. We should know how they propose to balance the budget.

No one who is a part of this debate is suggesting we do nothing to balance the budget. That is not an option. We all want to balance the budget. The price of doing nothing is too high. What is at the core of this debate is the right of Americans to see the direction we are heading to achieve this goal before we take this drastic step of amending our 200-year-old Constitution. Without this direction, I believe such a proposal is going to do more harm than good.

During this debate an amendment to exclude Social Security from this balanced budget amendment is going to be offered and I am going to be supporting that amendment. The Social Security System is a 60-year-old contract with the American people. It has worked. It has worked well. And if changes need to be made, I am willing and ready to consider them. We made some changes back in 1983 that put our Social Security System back in a very good financial posture. But I will consider them on their own merit, not as a part of any across-the-board spending cut because I think our contract with the elderly people of our country as they pay into Social Security is a separate contract which they started some 60 years ago. And this is a contract of 60-year standing that I plan to honor and I hope our colleagues in the Senate will honor.

The Democratic Joint Economic Committee has recently estimated that if both Social Security and Medicare were included in across-the-board spending cuts, the average senior citizen in America would lose some \$2,000 a

year in Social Security benefits; some \$1,500 a year in Medicare benefits. The consequences of this debate to retirees, to widows, to the disabled are too important to subject them to broad brush budget cuts. And I will not support a constitutional amendment that allows this to happen.

In last week's debate it was pointed out the balanced budget amendment does not require a balanced budget. This is true. Section 1 of the proposed amendment that is before this body at this time allows for three-fifths of both the House and the Senate to waive the requirement for a balanced budget. So, if the amendment as proposed does not require a balanced budget, what does it do? That is the question today.

One, this proposal gives the President and two-fifths plus 1 of either Chamber a procedural lock on deficit spending and debt ceiling limits.

Let us place to one side the argument that we are frustrating the democratic process by allowing minority rule of our economic order. That point has been made repeatedly. I think it has been made well.

Madam President, let us take another look at the amendment and compare that, to see how this proposal fits into the framework, the overall global framework of the Constitution. Compare it to, say, the first amendment.

The proposed amendment before us is going to allow, if adopted, a supermajority to waive the requirement of a balanced budget. In this respect, this amendment is truly a first. It is a first in the 200-year history of our constitutional Republic. We have never had such an amendment. This is the first time. Let us compare it, if we might, to the first amendment:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble; and to petition the Government for a redress of grievances.

Madam President, nowhere in this language of the Constitution in the first amendment does it even suggest about providing that: Congress shall make no law respecting the establishment of religion unless three-fifths of each House passes legislation specifying otherwise. And to suggest so would be ludicrous.

When we take the oath of office to protect and defend this Constitution, do we do so unless three-fifths of each house of Congress passes legislation specifying otherwise? Of course not. If the proponents of a balanced budget amendment believe it is so important to our way of life, why is this procedural loophole included?

This is not the only loophole. Let us look at section 6, which provides that the "estimates of outlays and receipts may be used by Congress when drafting legislation to enforce and implement the provisions of this amendment."

This may be the biggest loophole of all. The amendment will be enforced by "estimates," agreed to by Congress. Even on our best, our luckiest days, estimates are just that, good faith estimates, but often they differ greatly. They change over time. And estimates in the wrong hands for the wrong reasons can be very, very destructive.

Do we really want to introduce this notion into our Constitution? I think not. It is just one more example of why the balanced budget amendment will not balance the budget. And what happens, finally, Madam President, if Congress does not balance the budget? What happens if this straitjacket that we have placed ourselves in is such that we cannot abide by those rules? Would the Federal courts be called upon to enforce them? Are we going to be like Kansas City when the Federal judge, who was unelected, appointed for life said: I will raise the taxes, I will run the schools? Many have grave doubts whether the courts should assume this role. This is the role for the Congress. This is a role for the President. Further, even Federal judges today are very skeptical that the courts would assume this particular role.

Judge Robert Bork has predicted that "hundreds, if not thousands, of lawsuits would arise from such an amendment."

No tinkering with our Constitution is going to substitute for the courage it will take actually to balance the Federal budget. The introduction of gimmicks and loopholes and uncertainty into the Constitution will not give us the courage or the political cover to reach this goal.

The Declaration of Independence, the Constitution, the Bill of Rights—are housed just a few blocks from here. In fact, this morning I was sitting in my office and I was thinking about this vote that we are going to have tomorrow, Wednesday, at high noon; a vote whether to require that the public and the Congress have the right to know basically the glidepath or some of the numbers as to how we are going to achieve a Federal budget, if we support this constitutional amendment.

I got to thinking about the Declaration and the Constitution and the Bill of Rights. We talk about them all the time in this body. I remembered I had not seen those documents since I was about 16 years of age.

So I called up the Archives. I said, "Would it be possible for me to come down on short notice and have explained to me how we protect and look after these very sacred documents?" So I got in the car. I went to the Archives. I found that on each day at 10 o'clock sharp every day, except Christmas, on display we find the Declaration of Independence, the Constitution, and the Bill of Rights.

These founding documents of our country are in cases shielded by tinted

glass and inert gases. Each evening these cases are lowered into a recessed, reinforced vault. If the Capital of our country were attacked, the vault would continue to protect its contents long after the city above ceased to exist. The Constitution, the Bill of Rights, and the Declaration of Independence for this country would survive long after all of us were gone.

The scene at the National Archives, I think, reinforces the reverence we have for these documents. This scene, I think, demonstrates the degree of respect for the Founding Fathers who wrote these particular documents.

While I was standing there this morning—and I took several members of our staff, Madam President, to the National Archives to see the Constitution, the Declaration of Independence, and the Bill of Rights once again—I watched the people as they walked in. As they approached these documents, they approached them with reverence, with quiet, and deep respect for the environment in which they were in.

There was a couple. I started visiting with them quietly. They were from Washington State. I introduced myself. They introduced themselves. They said that this was their very first trip to Washington, DC. They said that they thought they would never have the opportunity to be so close to the reason that this country has become so great and so powerful as it is today.

It makes me shudder to think that we would, in effect, remove this Constitution from its specially protected environment in the National Archives and inscribe on its parchment something that we believe is a bad idea. The reverence inspired by the Constitution comes from the impression that it is permanent and that it is enduring. A bad idea cannot endure, and we should not discolor the Constitution with it. We should not taint it. We should not stain this magnificent document with such an untried extreme as this particular amendment presents.

Madam President, can we balance the budget without this amendment?

Madam President, I see my distinguished friend from Utah rising. I want him to know, if he will allow me about 2 or 3 more minutes, I am going to sit down and let him conclude today's activities in the Senate, if that would be permissible with the distinguished manager.

Can we balance the budget without a constitutional amendment? The answer is "yes." Is it going to be easy? The answer is "no."

The 1990 and 1993 deficit reductions which were passed represent over \$1 trillion in deficit reduction. I voted for them. We did this without a balanced budget amendment. We can do it again, and we can do it by keeping the Constitution intact. It is very difficult, and some may not have liked it. It was uncomfortable. It caused heartburn.

But I think very few would disagree with the fact that we reduced the deficit of the U.S. Government, and once again, we did it by keeping the Constitution of our country intact.

Some Democrats lost their seat in this Congress to vote on the 1990 and 1993 deficit reduction bills. But these individuals did it anyway because they knew that their first obligation was to their country, to their children and to their grandchildren, and they knew they must make tough choices. Many who support this balanced budget proposal have never voted for a tough deficit reduction package. To vote on this amendment does not in any way ensure that they will in the future.

Whatever the outcome of this debate might be, Madam President, I hope that I will be able to continue to make the tough votes to reach this goal. I support a balanced budget. But I will not support a bad idea to achieve it.

To our colleagues in the Senate who have just arrived here—and I note that all 11 have signed a letter recently, dated January 18, 1995. The new freshmen Members of the U.S. Senate which have come from 10 of our great States in this Union, have all supported this balanced budget amendment. I would like to say a word, Madam President, in closing to those fine new colleagues of ours. That is this: This is going to be the easiest vote that they have ever cast. This is an easy vote for them. It is an easy vote for anyone in this body because it says that we are going to propose an amendment to the Constitution that requires a balanced budget, but it ultimately does not require a balanced budget; that we are going to propose an amendment to the Constitution that says we are going to let the next Congress basically balance the budget. We are going to let the next President basically balance the budget. And what we will be doing in the meantime is sending out press releases and stating what a great thing we have done by supporting a constitutional amendment to balance the budget.

Madam President, I hope our colleagues will rethink this position. I know they realize—because they are not only good people, they are smart people—we did not get ourselves as a country, as a Nation, into this predicament in 7 years. And let us be honest, we are not going to get ourselves out of it in 7 years.

Madam President—and I say to my wonderful friend of long standing from Utah who has been eloquent in his management and his statements on this issue—I would like to conclude my statement this afternoon by quoting a paragraph from a 1993 book that has just come out. It is called "Amending America," written by Richard Bernstein and Jerome Agel. Up here on the top on the cover, I say to my colleague from Utah and the distinguished occupant of the chair, it says: "If We Love

the Constitution So Much, Why Do We Keep Trying to Change It?"

A paragraph from page 185 in the book states this, which is relative to the debate in 1992 on the constitutional amendment:

In June 1992, Stanley Collender, the director of Federal budget policy for Price Waterhouse, pointed out another problem with enforcing the amendment. Under present law, no person would have standing to bring suit to compel Congress to obey this amendment. If the courts could not enforce it, then the amendment would have no teeth and its failure would breed contempt for the Constitution and the rule of law, again, echoing the disaster of constitutional prohibition.

Mr. Collender concluded, "This whole effort is nothing but a scam."

Madam President, I am not calling this effort a scam, but I do call it misguided, and I truly believe that there is another way to attack the national debt and our deficit, and at the same time keep our revered and respected Constitution intact.

I thank the Chair and I thank my colleague from Utah, Senator HATCH, for having the patience to sit and listen and for managing this legislation.

Mr. HATCH. Madam President, I want to make a few comments before we close for the day. If the courts cannot enforce the balanced budget amendment—and they will not be able to—I do not believe there is any way people can meet across the board the standing justiciability and the political questions in order to have the courts enforce the balanced budget amendment. The only way it is going to be enforced is through moral suasion, because it will be part of the Constitution and it will be enforced just like the States enforce their amendments to their constitutions. They revere their State constitutions and the State Governors and legislatures balance the budget in accordance with the State constitution. It will be the same here.

Every Member of this body is sworn to uphold the Constitution, and the moral suasion alone will cause us to do what we should. That does not mean we cannot get a three-fifths vote or a constitutional majority. Maybe we can, in cases of severe distress and difficulty. This is the only chance that we have to pass something that will get spending under control.

If there is ever an argument as to why we need a balanced budget amendment, the Senator from Arkansas was extremely eloquent in talking about the importance of this budget. The fact of the matter is that this budget agreement, I think, is a great argument for the balanced budget constitutional amendment. It is not because I want to criticize it so much as it is that the President has thrown in a sponge.

If you read this budget, over the next 12 years, we are not going to go toward

a balanced budget at all, but we will be at a \$200 billion deficit for the next 12 years. What happens to our kids and grandkids? Who cares about them? Can we not do something to stop this incessant spending? I think we can. Here we have a Democrat and Republican amendment to do this.

Madam President, by codifying these terms and concepts in our Constitution, the supporters of the Daschle amendment will constitutionalize the very processes that have produced trillions of dollars in red ink. This is the politics of the past. It is business as usual.

We may find that we have to go about the budget process differently at some point in the future. But the Daschle amendment locks us pretty much into one particular process.

Instead of working for change, the supporters of the Daschle amendment want to freeze the status quo in place. Is that what the American people want?

I must say, the Daschle amendment fits hand in glove with the Clinton budget—there is no real change there either. President Clinton promises at least \$200 billion in deficits as far ahead as we can project, year after year.

Instead of attacking the deficit, the President's budget plans attack the wallets of our citizens. Our citizens will wind up paying more taxes to pay the ever growing interest on our skyrocketing national debt. And our citizens will pay more for the material things they want in life, from housing to automobiles to everyday consumer spending. These deficits will keep interest rates higher than they otherwise would be. These deficits will crowd out the private sector, resulting in fewer jobs and lower wages.

The President campaigned on change. He has demonstrated he is part of the status quo.

I ask unanimous consent that a letter to me from Lincoln Oliphant be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,  
REPUBLICAN POLICY COMMITTEE,  
Washington, DC, February 7, 1994.

HON. ORRIN G. HATCH,  
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

Re the Daschle amendment is anti-constitutional

DEAR MR. CHAIRMAN: This is the first of two letters that assess the constitutional implications of the Daschle amendment.

H.J. Res. 1, proposing an amendment to the Constitution relative to a balanced budget, is being debated on the Senate floor. On Friday, February 3, 1995, Senator Daschle moved to commit H.J. Res. 1 to the Judiciary Committee with instructions to report back forthwith with a Daschle substitute amendment.

The Daschle substitute would add to H.J. Res. 1 a new and lengthy and complicated

section 9 that requires Congress to use the processes of the Congressional Budget Act to reach a balanced budget. Senator Daschle's section 9 is longer than the original H.J. Res. 1, and it is far more complicated. For example, subsection 9(b) of the Daschle amendment reads as follows:

"The directives required by subsection (a)(3) shall be deemed to be directives within the meaning of section 310(a) of the Congressional Budget Act of 1974. Upon receiving all legislative submissions from Committees under subsection (a)(3), each Committee of the Budget shall combine all such submissions (without substantive revision) into an omnibus reconciliation bill and report that bill to its House. The procedures set forth in section 310 shall govern the consideration of that reconciliation bill in the House of Representatives and the Senate."

The Daschle amendment sounds like it came out of the Code of Federal Regulations, not the Constitution of the United States, but Article V of the Constitution which governs amendments does not require constitutional amendments to be written elegantly or even well. This paper is not, however, concerned with the coarseness of the Daschle language, nor with its merits *per se*, but with its fitness for inclusion in the Constitution of the United States.

WHAT THE DASCHLE AMENDMENT MEANS FOR THE CONSTITUTION OF THE UNITED STATES

The Daschle amendment seeks to take a statute of the United States, the Congressional Budget Act of 1974, and graft it onto the Constitution of the United States. This appears to mean that a future amendment to the Budget Act would constitute a change in the Constitution of the United States.

Section 310 of the Congressional Budget Act, 2 U.S.C. 641 (1988 ed. & Supp. V 1993), was enacted on July 12, 1974, P.L. 93-344, §310, 88 Stat. 315. It was amended on Dec. 12, 1985, P.L. 99-177, 99 Stat. 1053, and again on Nov. 5, 1990, P.L. 101-508, 104 Stat. 1388-608, -618, -620. In the future, these kinds of amendments (which were relevant to the Budget Act), and all other amendments to section 310 (no matter their relevance to budgetary matters), will be incorporated into the Constitution of the United States through the language of the Daschle amendment, if ratified.

"Constitutionalizing" a statute of the United States is unprecedented because it is antithetical to the Constitution of the United States. The Daschle amendment allows Congress and the President (or Congress alone when it overrides a presidential veto) to re-enter the constitutional text at will and change it. This is *anti-constitutional*.<sup>1</sup>

The Daschle amendment is open-ended, there is no limit on future amendments. It would "constitutionalize" the Congressional Budget Act on the date of enactment and forever thereafter, however amended. The Daschle amendment could have avoided the possibility of future amendments by providing that the trust funds were to be "constitutionally fixed" on a date certain. This would have been a large step away from the charge of anti-constitutionalism, though it would have brought charges of grotesque constitutional drafting because it would have made chunks of the Budget Act a permanent part of the Constitution of the United States. America's Constitution-makers have stayed away from such rigidity because they have believed that laws like the Budget Act should be able to be amended without requiring a constitutional amendment.

<sup>1</sup>Footnotes at the end of article.

The Daschle amendment is at cross-purposes with the structure and intent of the American Constitution—it threatens such fundamentals as the separation of powers, federalism, and the rule of law, as will be shown below.

THE PRACTICAL EFFECT OF THE DASCHLE AMENDMENT: THE EXAMPLE OF ARTICLE V

Article V of the Constitution provides the sole method for amending the Constitution. It reads in relevant part:

"The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two-thirds of the several States, shall call a Convention for proposing amendment, which, in either case, shall be valid to all Intents and Purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States \* \* \*"

The sole mode of amendment established by the Constitution, therefore, involves only the States and the Congress, and Article V requires the consent of a super-majority of both. The President has no formal role in the proposing or ratifying of constitutional amendments. *Hollingsworth v. Virginia*, 3 U.S. 378 (1798). The Judicial Branch has no formal role in the proposing or adopting of amendments and only a limited role in reviewing Article V cases. *Coleman v. Miller*, 307 U.S. 433 (1939) (many issues arising under Article V are political questions which are nonjusticiable).

In the ordinary Article V case (the convention method for proposing amendments never having been used), two-thirds of the Senate and two-thirds of the House of Representatives propose an amendment to the Constitution which can be adopted only by the consent of three-fourths of the States. There is no other way to amend the Constitution—unless the Daschle amendment is ratified!

If the Daschle amendment is adopted, there will be two additional ways in which the Constitution may be amended:

First, if Congress passes a bill to amend relevant sections of the Congressional Budget Act and the President signs the bill, the Constitution will be changed.

Second, if Congress passes a bill to amend the relevant sections of the Congressional Budget Act and the President vetoes the bill, Congress can enact the bill unilaterally by overriding the President's veto by a two-thirds vote.

By allowing Congress alone, or Congress with the concurrence of the President, to change the Constitution, the Daschle amendment overthrows settled understandings of the separation of powers<sup>2</sup> and federalism.<sup>3</sup> The Daschle amendment is, therefore, anti-constitutional.

Additionally, the Daschle amendment is anti-constitutional because it undermines the concept of a written Constitution superior to all other enactments. U.S. Const. Art. VI. *The Federalist* no. 78 ("No legislative act . . . contrary to the Constitution can be valid"). See also, *Marbury v. Madison*, 1 U.S. 137, 177 (1803) ("Certainly all those who have framed written constitutions contemplate them as forming the fundamental and paramount law of the nation"). The excerpt from *Marbury v. Madison* that appears in the Appendix emphasizes this weakness of the Daschle amendment.

Sincerely,

LINCOLN C. OLIPHANT,  
Counsel.

FOOTNOTES

<sup>1</sup>The word "anti-constitutional" signifies a proposal that is contrary to the structure and purposes

of the founders' constitution. A statutory provision which is forbidden by the constitution is said to be "unconstitutional" (and that is the subject of our second letter on the Daschle amendment), but a proposed constitutional amendment that would stand the Constitution on its head is "anti-constitutional."

<sup>2</sup>The Constitution of the United States is predicated on a separation of the legislative, executive, and judicial powers. U.S. Const. Art. I, Art. II & Art. III. *The Federalist* No. 47 ("The accumulation of all powers, legislative, executive, and judiciary, in the same hands . . . may justly be pronounced the very definition of tyranny. Were the federal Constitution, therefore, really chargeable with the accumulation of power . . . no further arguments would be necessary to inspire a universal reprobation of the system. I persuade myself, however, . . . that the charge cannot be supported").

<sup>3</sup>The Constitution of the United States is predicated on federalism, a diffusion of powers between the national government and the States. See, e.g., U.S. Const. Art. I, sec. 8 (enumerated powers), Amend. X (reserving powers to the States), & Amend. XI (protecting States against lawsuits). *The Federalist* No. 45 ("The powers delegated by the proposed Constitution to the federal government are few and defined. Those which are to remain in the State governments are numerous and indefinite. The former will be exercised principally on external objects, as war, peace, negotiation, and foreign commerce . . . The powers reserved to the several States will extend to all the objects which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people").

APPENDIX

MARBURY V. MADISON—1 CRANCH (5 U.S.) 137, 176-78 (1803)

"That the people have an original right to establish, for their future government, such principles as, in their opinion, shall most conduce to their own happiness is the basis on which the whole American fabric has been erected. The exercise of this original right is a very great exertion; nor can it, nor ought it, to be frequently repeated. The principles, therefore, so established, are deemed fundamental. And as the authority from which they proceed is supreme, and can seldom act, they are designed to be permanent.

"This original and supreme will organizes the government, and assigns to different departments their respective powers. It may either stop here, or establish certain limits not to be transcended by those departments.

The government of the United States is of the latter description. The powers of the legislature are defined and limited; and that those limits may not be mistaken, or forgotten, the constitution is written. To what purpose are powers limited, and to what purpose is that limitation committed to writing, if these limits may, at any time, be passed by those intended to be restrained? The distinction between a government with limited and unlimited powers is abolished, if those limits do not confine the persons on whom they are imposed, and if acts prohibited and acts allowed, are of equal obligation. It is a proposition too plain to be contested, that the constitution controls any legislative act repugnant to it; or, that the legislature may alter the constitution by an ordinary act.

"Between these alternatives there is no middle ground. The constitution is either a superior paramount law, unchangeable by ordinary means, or it is on a level with ordinary legislative acts, and, like other acts, is alterable when the legislature shall please to alter it.

"If the former part of the alternative be true, then a legislative act contrary to the constitution is not law: if the latter part be true, then written constitutions are absurd attempts, on the part of the people, to limit a power in its own nature illimitable.

"Certainly all those who have framed written constitutions contemplate them as forming the fundamental and paramount law of the nation, and, consequently, the theory of every such government must be, that an act of the legislature, repugnant to the constitution, is void.

" \* \* \*

"It is emphatically the province and duty of the judicial department to say what the law is. . . . If two laws conflict with each other, the courts must decide on the operation of each.

"So if a law be in opposition to the constitution; if both the law and the constitution apply to a particular case, so that the court must either decide that case conformably to the law, disregarding the constitution; or conformably to the constitution, disregarding the law; the court must determine which of these conflicting rules governs the case. This is of the very essence of judicial duty.

"If, then, the courts are to regard the constitution, and the constitution is superior to any ordinary act of the legislature, the constitution, and not such ordinary act, must govern the case to which they both apply.

"Those, then, who controvert the principle that the constitution is to be considered, in court, as a paramount law, are reduced to the necessity of maintaining that courts must close their eyes on the constitution, and see only the law.

"This doctrine would subvert the very foundation of all written constitutions. It would declare that an act which, according to the principles and theory of our government, is entirely void, is yet, in practice, completely obligatory. It would declare that if the legislature shall do what is expressly forbidden, such act, notwithstanding the express prohibition, is in reality effectual. It would be giving to the legislature a practical and real omnipotence, with the same breath which professes to restrict their powers within narrow limits. It is prescribing limits and declaring that those limits may be passed at pleasure.

"[I]t thus reduces to nothing what we have deemed the greatest improvement on political institutions, a written constitution. . . ."

Mr. HATCH. Two more things, Madam President. We started this morning by pointing out our balanced budget amendment debt tracker. You can see we have been in debate for 9 days now. You can see the green mark is up from the \$4.8 trillion baseline we have. Each day, the national debt is going up almost \$1 billion as we debate this. It is really mind boggling.

Let me point this out to our general public. This chart is "Calculating the Deficit Under President Clinton." This budget puts us in this deficit picture. We are in 1995, right here. In 1994, the deficit was projected to be 3.2; in 1995, 194.7; in 1996, 192.5; in 1996, 193.1; in 1997, 193.4, and then 194.4, and on into the future. This is all red ink for our children and grandchildren and everybody in this country.

Over the next 5 years, we will have a \$1.39 trillion total increase, projected increase in the deficit from 1994 to the year 2000—billions of dollars in debt, with not one hope for anybody of bringing that line down unless we pass this balanced budget amendment. That is why we are fighting so hard for it now

and why we are asking colleagues to consider voting for it. We are also asking the people to be heard with regard to this.

Eighty-five percent of the people want a balanced budget amendment. There is good reason for it and that is a perfect illustration why. On both of these charts, this continual red-ink deficit, and the continual going up—even while debating it on a daily basis, it is going up \$1 billion a year.

I do not want to keep the Senate any longer. We are prepared to close the Senate. I will end my remarks at this point.

#### APPOINTMENTS BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Senate Resolution 105, adopted April 13, 1989, as amended by Senate Resolution 280, adopted October 8, 1994, announces the following appointments and designations to the Senate Arms Control Observer Group:

The Senator from Alaska [Mr. STEVENS] as majority Administrative co-chairman; and

The Senator from South Carolina [Mr. THURMOND] and the Senator from Indiana [Mr. LUGAR] as cochairmen for the majority.

#### APPOINTMENTS BY FINANCE COMMITTEE CHAIRMAN

The PRESIDING OFFICER. The Chair announces on behalf of the chairman of the Finance Committee, pursuant to section 8002 of title 26, U.S. Code, a substitution in the membership of the Joint Committee on Taxation. The Senator from Kansas [Mr. DOLE] has resigned from the joint committee and will be replaced by the Senator from Utah [Mr. HATCH] for the duration of the 104th Congress only. Therefore, the membership of the Joint Committee on Taxation for the 104th Congress is as follows: the Senator from Oregon [Mr. PACKWOOD], the Senator from Delaware [Mr. ROTH], the Senator from Utah [Mr. HATCH], the Senator from New York [Mr. MOYNIHAN], and the Senator from Montana [Mr. BAUCUS].

#### MORNING BUSINESS

Mr. HATCH. Madam President, I ask unanimous consent that there now be a period for morning business, with Senators permitted to speak therein for not to exceed 10 minutes each.

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

#### TRIBUTE TO LT. GEN. EDWARD CRAIG

Mr. HEFLIN. Madam President, I rise today to pay tribute to one of the Ma-

rine Corps' most outstanding leaders, Lt. Gen. Edward Craig, who recently passed away.

Lieutenant General Craig was born in Danbury, CT, in 1896. He later attended St. Johns Military Academy in Delafield, WI. Upon graduation from the academy in 1917, he was commissioned a second lieutenant in the Marine Corps, and reported for duty on August 23, 1917.

In November 1917, he was assigned to duty with the 8th Marine Regiment, and in April 1919, was ordered to foreign shore duty in Haiti and later with the Second Provisional Brigade marines in the Dominican Republic.

His overseas World War II commands began in the summer of 1943 when he was given command of the 9th Marine Regiment at Guadalcanal. He was my regimental commander. He inspired great confidence in his officers and men. He was a superb battle commander. He led this regiment in the Bougainville invasion that fall. While remaining the colonel in charge of this regiment, he was in the forefront in the liberation of Guam, for which he was awarded the Navy Cross. The last of his World War II involvements included service in the 5th Amphibious Corps in the fall of 1944. As the corps operations officer, Lieutenant General Craig designed and actually participated in the landing and assault on Iwo Jima in 1944. He returned to the United States from the Pacific in July 1945.

Following the end of World War II, he was again ordered overseas as assistant division commander of the 1st Marine Division, reinforced, in Tientsin, China.

On June 1, 1947, he was assigned as commanding general, 1st Provisional Marine Brigade, Fleet Marine Force, on Guam, where he remained for 2 years.

When the Korean conflict began he was assigned to Korea and served as the commanding general of the 1st Provisional Marine Brigade and participated in fighting around the Pusan perimeter. He later served as assistant division commander of the 1st Marine Division and took part in the landing at Inchon and operations in northeast Korea.

At the time of his retirement on June 1, 1951, he was the director of the Marine Corps Reserve and was a veteran of more than 33 years of Marine Corps service.

All of his endeavors in the service led to many well-deserved medals and honors. They include the Navy Cross; the Distinguished Service Medal; the Silver Star Medal; the Legion of Merit; the Bronze Star Medal; and the Air Medal with Citation; and the Navy Unit Citation. His other decorations and medals include the Presidential Unit Citation; the Navy Unit Citation; two Korean Presidential Unit Citations; the Victory Medal; the Haitian

Campaign Medal in 1919; the Marine Corps Expeditionary Medal with one Bronze Star, Dominican Republic 1919-21, and China 1924; the Second Nicaraguan Campaign Medal, 1929-30; the American Defense Service Medal with Fleet Clasp; the American Campaign Medal; the Asiatic-Pacific Campaign Medal with four Bronze Stars; the World War II Victory Medal; the China Service Medal, 1947, the Navy Occupational Medal, Japan 1946; and the Korean Campaign Medal.

Memories of Lt. Gen. Edward Craig and his wife, Mrs. Marion Mackie Craig will always be with me. He was truly an American hero and a marine's marine.

#### TRIBUTE TO JUDGE WILLIAM C. SULLIVAN

Mr. HEFLIN. Madam President, I want to pay tribute and offer my congratulations to my dear friend Judge William C. Sullivan on his new-found lifestyle—retirement.

Before starting his legal career in 1951, and becoming a circuit judge for Talledega County, Bill served in the U.S. Navy; played on a semi-pro baseball league; and was mayor of Lincoln, AL.

When recalling my many memories of Judge Sullivan, I remember a rather humorous occasion which occurred in the summer of 1954. A police chief came to a baseball game in which Sullivan was a player only to tell him a gubernatorial candidate, "Big Jim" Folsom, wanted to see him. William sent word back to Jim that he would have to wait until the end of the game before he would break loose.

When the two met, Bill of course in his soiled uniform, Big Jim was in disbelief—he even told Bill Sullivan he did not look like a mayor. Sullivan simply smiled and reminded Big Jim he was only a candidate, and not a Governor.

The two later reunited when Big Jim swore Bill in as a judge 4 years later.

Perhaps Judge Sullivan is most known for a 1962 civil rights case he presided over in which the late Supreme Court Justice Thurgood Marshall was an acting attorney.

Bill and I share one belief—we both agreed the transition from attorney to judge was difficult because once we became judges, we simply acted as referees. Thus, we could not "slug it out" in court with other attorneys.

Judge Sullivan obviously knew his stuff. He went 20 years without a single reversal.

Bill and his followers are proud of the fine job he did while serving on the Alabama Pattern Jury Instructions Committee, since it was his panel that published a reference book for jury instructions in civil cases used by most judges and lawyers in the State today.

Bill has said he will not miss the workload, but will miss the challenging

cases being played out in the courtroom.

Upon his retirement, Talledega lost one of its best judges. I wish him all the best in his retirement and commend him for his leadership over the years.

TRIBUTE TO PUBLISHER W.M.  
"BILL" STEWART

Mr. HEFLIN. Madam President, publisher William Mathews "Bill" Stewart passed away on January 21 at the age of 74. A noted newspaperman in the State of Alabama for many years, Bill had been the owner of the Monroe Journal and a Monroeville, AL radio station.

Bill bought the Journal in 1947, and in 1952 started radio station WMFC. He also established WBCA radio in Bay Minette, AL. Since 1958, he and his family owned the paper and the radio station. He remained editor of the paper until 1989 and was active in its management until very recently. He also owned papers in Bay Minette, Brewton, Camden, and Jackson, AL.

A native of Autaugaville, Bill was a former president of the Alabama Press Association and the American Newspaper Representatives, an advertising agency. He earned his degree in journalism at the University of Alabama, was a reporter at the Huntsville Times, and served in the Army during World War II.

Bill was also active in his local community. He was a past president of the Monroeville Chamber of Commerce and the Monroeville Kiwanis Club, and an organizer of the Monroe Country United Way. He was also a Sunday school teacher. The Kiwanis Club named him "Man of the Year" in 1996 and "Citizen of the Year" in 1990. He devoted most of life to bringing information to the people in his region of the State.

Bill Stewart was totally committed to his profession and to serving his community through the written and spoken word. He truly understood the power of information and the importance of communication. He was known in the community as a leader dedicated to making his hometown the best place in the world in which to live. He was warm and friendly, and the depth of his compassion for people was reflected through his employment of the disabled. His demeanor was always that of a true gentleman.

Bill's quiet and calm leadership helped lead Monroeville through the social changes of the last 35 years. It is never easy being the publisher of a small-town newspaper, but he was more willing than most to sacrifice popularity for his conscience. He was referred to by his minister as a "tower of righteousness and integrity."

Bill Stewart will be greatly missed by all those who had the pleasure of knowing him over the years. I extend

my deepest condolences to his wife, Carolyn Hall Stewart, and her entire family in the wake of this tremendous loss.

I ask unanimous consent that an editorial from the Mobile Register commenting on the life and career of Bill be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Mobile Register, Jan. 24, 1995]

BILL STEWART: EDITOR, LEADER

William M. "Bill" Stewart made his money and his reputation the old-fashioned way. He earned them.

When his family and friends said farewell to the long-time newspaperman Monday in a Monroeville cemetery, they saluted the former publisher of the Monroeville Journal for his contributions to the newspaper profession—contributions that began at the University of Alabama, where he earned his journalism degree. From an early stint in daily journalism at the Huntsville Times, he went on to discover his real love: community newspapers.

Bill Stewart's ensuing achievements were many. He was a former president of the Alabama Press Association, where he championed the rights of the state's newspapers large and small. For a time, he also headed the American Newspaper Representatives, a national advertising service. He had owned or been a partner in newspapers in Bay Minette, Jackson, Camden and Brewton, and he helped found two radio stations, including WMFC in Monroeville, which his family continues to own.

But it was his ownership of the Monroe Journal for which Bill Stewart was best known. He bought the paper in 1947 with a partner from Bay Minette, Jimmy Faulkner, and acquired sole ownership of it 11 years later. Devotion to reporting the news of Monroeville and its surrounding rural communities was his hallmark.

One notable writer who passed through the Journal's newsroom was syndicated columnist Rheta Grimsley Johnson, who now writes for the Atlanta Constitution and United Feature Syndicates. She worked in Monroeville in 1975, by which time Mr. Stewart's son and daughter-in-law were operating the newspaper. Ms. Johnson, who occasionally writes about her days as a young reporter in South Alabama, recently remembered the paper as "a model weekly" that was devoted to and in touch with its readers.

"And that doesn't come easy," Ms. Johnson said. "It's certainly the cleanest newspaper. There's never a typo in the Monroe Journal; if there is, heads will roll."

Today, Bill Stewart's sons Steve and David own and operate the newspaper and radio station. Until their father's death from complications of Parkinson's disease, however, he had maintained a vigorous interest in the family's businesses.

It is doubtlessly safe to predict that residents of Monroe County can count on the sons, who have won journalistic accolades in their own right, to carry on the senior Mr. Stewart's commitment to community journalism.

BASEBALL

Mr. DOLE. Madam President, I will just take a second. I need to testify on another matter, but I want to say a word about baseball.

Mr. BRADLEY. Baseball?

Mr. DOLE. Not basketball, baseball. I note the distinguished Senator from New Jersey.

Mr. BRADLEY. Madam President, will the majority leader yield? He said he wanted to make a statement about baseball?

Mr. DOLE. Baseball.

Mr. BRADLEY. Not basketball.

Mr. DOLE. I would be happy to make a statement about basketball, football, hockey—

Mr. BRADLEY. The national sport.

Mr. DOLE. I thank my colleague from New Jersey, one of the great players of all time.

Madam President, for nearly 6 months now, baseball fans all across America have patiently stood by watching the transformation of our Nation's pastime into a crass tug-of-war over money.

Multimillion-dollar players and multimillion-dollar owners have argued, haggled, argued some more, and ultimately deprived the American people of one of the most exciting seasons in recent memory.

After 179 days of confrontation, the players and the owners must now put aside their differences and find common ground. Not tomorrow. Not 2 weeks from now. But today: Tuesday, February 7. There is simply no more sand left in the negotiating hourglass. The integrity of the institution of baseball is far more important than anyone's bottom line.

With that said, let me be crystal clear on one important point: Neither party—player nor owner—should be looking to Congress for any magic solutions. The magic solution can only be found at the bargaining table.

If, for some reason, the players and owners cannot reach an agreement today, then they should do the next best thing—which is to voluntarily accept whatever settlement special mediator Bill Usery may propose. If it is good enough for Bill Usery, I am confident it is good enough for baseball.

Here is a man who has had long experience, he has worked tirelessly on this matter as he has done successfully in many other areas. He said this is the toughest he has ever negotiated.

But I would just say again, today is the day. We do not have any magic wand up here. Congress cannot solve these things if they cannot be solved in negotiations. So if everything else fails, my advice would be, before 3 p.m. today, they accept the efforts of the negotiator, Bill Usery.

I thank my colleagues and I yield the floor.

Mr. HATCH. Madam President, I appreciate the remarks of our distinguished majority leader. I hope his remarks are taken very seriously by all concerned. We need to resolve this matter very much.

PRESIDENT CLINTON'S  
IMMIGRATION INITIATIVE

Mr. KENNEDY. Madam President, today, President Clinton announced an important and innovative new \$1 billion immigration initiative to address the problems of illegal immigration. This initiative represents a coordinated new approach by the Immigration Service, the Customs Service, and the Labor Department to confront this problem head-on, and to do so in ways which protect the rights of law-abiding Americans and legal immigrants.

This initiative comes on top of already substantial accomplishments by the Clinton administration in the enforcement of the immigration laws. This administration, more than any other, has enhanced border enforcement by increasing the ranks of the Border Patrol and applying modern enforcement tools. It has sought—and received—the largest budget increases in the history of the Immigration and Naturalization Service. It has expanded efforts to identify and remove criminal aliens from the country. And it has provided specific assistance to States which bear the brunt of the costs of illegal immigration.

It is clear that effective control of illegal immigration requires not only strong border enforcement, but also removal of the magnet of employment that attracts illegal aliens to the United States.

For the past 2 years, the administration has focused unprecedented new resources on the problem of illegal border crossers. The administration's fiscal year 1996 plan will add 700 new Border Patrol officers this year, and bring the total officers added during this administration to 1,750. It will give these Border Patrol officers the backup support they need to do their jobs, by adding 140 support staff and by providing additional sophisticated border technology such as surveillance cameras and motion sensors.

Millions of people enter the United States for business and tourism each year. The administration's goal is to ensure that legitimate border crossers are assisted in entering as rapidly and efficiently as possible, and that potential law-breakers are identified and kept out.

The administration's proposal will provide 680 new INS inspectors and 375 new Customs inspectors to facilitate legal entries and to prevent smuggling of aliens, drugs, and other contraband. The plan will provide these inspectors with upgraded lookout systems and other computer facilities for rapid detection of those unqualified for entry. Since legitimate border crossers benefit most by these enforcement activities, the administration is seeking authorization to charge a nominal border crossing fee, for use exclusively in upgrading ports of entry and in border enforcement.

Aliens enter the United States illegally, or overstay legitimate visitor visas, principally because too many employers are willing to violate the law to hire them. The second aspect of the administration's proposal will invest an additional \$93 million in workplace-related enforcement. The administration will add 365 new INS investigators and 202 Department of Labor wage and hour investigators to target geographical locations and industries where illegal aliens most commonly find employment.

The majority of American employers want to comply with the law. But many find it difficult to determine which aliens are eligible to work. To address this problem, the Commission on Immigration Reform has called for establishment of a nationwide database of INS and Social Security data that employers can use to verify the work-authorized status of job applicants.

The Commission's recommendation has significant support, but a number of critics have raised important questions about the wisdom of a nationwide database. Experts in computer privacy and civil liberties have questioned it, and others have suggested that the cost of such a database may be prohibitive.

The administration's plan is a step-by-step approach to test the feasibility and desirability of the Commission's proposal, and to explore other methods of verifying eligibility for employment. This approach will permit us to evaluate the potential benefits and costs of such reforms, while making real improvements in existing systems now.

The third major portion of the administration's plan provides \$178 million in additional funding for the deportation of criminal and other deportable aliens, including a major enhancement of an existing program that permits INS to deport criminal aliens immediately after they have finished serving their criminal sentences. The administration will also concentrate greater resources on locating and deporting noncriminal aliens who have been ordered deported in the past but have failed to leave the country.

Madam President, I commend the Administration for its proposal. I look forward to hearings and action by Congress on this critical issue, and I ask unanimous consent that a summary of the administration's proposal may be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

EXECUTIVE SUMMARY—THE PRESIDENT'S 1996  
IMMIGRATION INITIATIVE

STRENGTHENING THE NATION'S IMMIGRATION  
SYSTEM

After two years of unprecedented efforts, the President's FY 1996 budget includes an additional \$1 billion to further strengthen the Administration's commitment to border security and to its comprehensive strategy

“that addresses job security through work-site enforcement, community security through removal of criminal aliens, and economic security through assistance to states.”

*Strengthen border enforcement and management*

With a record infusion of new resources in 1994 and 1995, this Administration is taking control of the border. The FY 1996 budget provides an additional \$369 million to strategically reinforce our border strategy and to build on successes. This strategy includes:

700 new border patrol agents, 680 new INS inspectors, and 165 new support staff, bringing the number of INS personnel devoted to nationwide border control to nearly 9,000, a 51 percent increase over 1993. On the Southwest border alone, we will have increased border control staffing (agents, inspectors, and support) by 60 percent by the end of FY 1996.

Over 1,000 new INS and Customs inspectors for land ports of entry to complement border enforcement activities and facilitate commercial vehicular and pedestrian traffic;

Continued technological improvements, including surveillance cameras, fingerprint technology, encrypted radios, and sensors to augment agent effectiveness;

Automated lookout systems and case tracking systems to facilitate traffic and inspections processes and provide electronic information exchanges between overseas Consular offices and the domestic inspection process;

Enhanced domestic and overseas enforcement and intelligence enforcement resources to deter alien smuggling and the use of fraudulent documents; and

A new Border Services User Fee program at land border ports of entry to pay for improvements that will ease traffic congestion, expedite the issuance of Border Crossing Cards and detect fraudulent documents.

*Expand and improve worksite enforcement and verification*

The President's budget includes \$93 million to reverse years of inattention to enforcement of labor standards and employer sanctions. The Administration also has firmly endorsed the recommendations of the Jordan Commission to conduct pilots to test various techniques for improving verification of employment authorization and is now seeking substantial funding to implement these pilots. The worksite initiatives will help to ensure that jobs are available only to those who are authorized to work in the United States. The budget enhancement provides:

365 new INS investigators—an 85 percent increase over 1993—for a targeted enforcement effort in the seven states with the largest number of illegal immigrants and against industries that have historically exploited illegal workers;

202 new Department of Labor Wage and Hour investigators and other enforcement personnel to maintain fair and lawful labor practices; and

\$28 million for several verification pilots, including expanding the INS Telephone Verification System for employers. We also will significantly improve the quality of INS records and make additions to Social Security Administration databases that contain information related to work eligibility.

*Triple the number of illegal aliens deported since 1993 and increase detention*

The Administration's immigration strategy will ensure that more aliens who have been ordered deported or excluded actually

depart from the United States. The Administration's FY 1996 budget requests \$178 million to expand the capacity to detain and remove both criminal aliens and other deportable aliens. With these resources, the Administration will:

Triple the deportation of both criminal and non-criminal aliens from 37,000 in 1993 to more than 110,000 in 1996, based on current projections. Next year, we expect to deport more than 58,000 criminal aliens, more than double the number of criminal aliens we plan to deport in 1995;

Increase detention of deportable aliens by adding more than 2,800 beds to detention facilities, an increase of 46 percent over 1993;

Implement streamlined administrative procedures authorized in the Violent Crime Control and Law Enforcement Act of 1994 to deport aggravated felons, saving costs related to the judicial process; and

Ensure that those denied asylum are deported from the United States.

#### Expand assistance to States

Detering illegal immigration is the best way to contain the associated costs to states. Beyond this clear federal responsibility to support states by deterring illegal immigration and removing illegal aliens, the Administration is requesting a total of \$563 million for direct assistance to states and improved services, including \$550 million to offset the states' costs associated with illegal immigrants. Of the total \$563 million budget request for assistance and services, \$383.4 million represents the increase from FY 1995. See funding summary attached. The resources requested will:

Fund the commitment established in 1986 by Congress to reimburse states for the costs of incarcerating illegal aliens. The \$300 million in resources requested for incarceration costs represents the full amount authorized and exceeds reimbursements in 1995 by \$170 million;

Provide \$100 million for grants to school districts that enroll large numbers of recent immigrant students—double the amount provided for FY 1995; and

Provide \$150 million for a new discretionary grant program to help states cover the costs of providing emergency and certain other medical services.

Expand the current Law Enforcement Support Center pilot, which assists local law enforcement agencies in determining whether criminals arrested for felonies are non-citizens.

Fund a high quality Center for Immigration Statistics to collect, evaluate, and disseminate accurate and timely immigration data to Congress, state and local governments, and the public.

#### Deny public benefits to undocumented migrants

Undocumented migrants should not be eligible for public services or benefits, with very limited exceptions. These exceptions include emergency medical services, children's right to an education, temporary emergency or humanitarian disaster assistance, and services necessary for the protection of public health and safety interests (e.g., immunization programs).

The Administration will work to improve benefit eligibility verification to protect the integrity of these programs from eligibility fraud by undocumented migrants.

#### Summary of \$1 billion immigration budget enhancement

[In millions]

Border enforcement and management:	
Border control between ports of entry .....	\$81.0

Facilitation/enforcement at ports of entry .....	260.1
Enhance anti-smuggling, intelligence, and overseas deterrence .....	28.2
Subtotal .....	369.3

Worksite enforcement and verification:	
Department of Justice .....	53.7
Department of Labor .....	11.0
Verification information systems pilots .....	28.3
Subtotal .....	93.0

Detention and removal of criminal and deportable aliens .....	178.0
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Assistance to States:	
Incarceration of criminal aliens .....	170.0
Medicaid/emergency medical services .....	150.0
Immigrant education .....	150.0
Law enforcement support center .....	3.4
Center for quality immigration statistics .....	10.0
Subtotal .....	1383.4

Total increase required:	
Financed through fees .....	\$219.0
New appropriations (budget authority) needed .....	804.7

<sup>1</sup> Amounts represent increases from FY 1995 to FY 1996.

#### Total 1996 assistance to States

[In millions]

Assistance to States:	
Incarceration of criminal aliens .....	\$300.0
Medical/emergency medical services .....	150.0
Immigrant education .....	100.0
Law enforcement support center .....	3.4
Center for quality immigration statistics .....	10.0
Subtotal .....	1563.4

<sup>1</sup> Includes \$550M for incarceration/medical/education.

Immigration and Naturalization Service's budget increases by over 70 percent since 1993 and a 24-percent increase over 1995:

	Billion
1993 .....	\$1.5
1994 .....	1.6
1995 .....	2.1
1996 .....	2.6

#### SENATE QUARTERLY MAIL COSTS

Mr. STEVENS. Madam President, in accordance with section 318 of Public Law 101-520 as amended by Public Law 103-283, I am submitting the frank mail allocations made to each Senator from the appropriation for official mail expenses and a summary tabulations of Senate mass mail costs for the first quarter of fiscal year 1995 to be printed in the RECORD. The first quarter of fiscal year 1995 covers the period of October 1, 1994, through December 31, 1994. The official mail allocations are available for frank mail costs, as stipulated in Public Law 103-283, the Legislative Branch Appropriations Act for fiscal year 1995.

There being no objection, the allocations were ordered to be printed in the RECORD, as follows:

#### SENATE QUARTERLY MASS MAIL VOLUMES AND COSTS FOR THE QUARTER ENDING, DEC. 31, 1994

Senators	Total piece	Pieces per capita	Total cost	Cost per capita	FY 1995 official mail allocation
Abraham .....	0	0	0.00	0	\$140,289
Akaka .....	0	0	0.00	0	29,867
Ashcroft .....	0	0	0.00	0	83,043
Baucus .....	0	0	0.00	0	34,694
Bennett .....	0	0	0.00	0	30,689
Biden .....	0	0	0.00	0	28,591
Bingaman .....	0	0	0.00	0	30,834
Bond .....	0	0	0.00	0	108,312
Boren .....	0	0	0.00	0	18,822
Boxer .....	0	0	0.00	0	582,722
Bradley .....	0	0	0.00	0	151,392
Breaux .....	0	0	0.00	0	82,088
Brown .....	0	0	0.00	0	74,406
Bryan .....	0	0	0.00	0	45,030
Bumpers .....	0	0	0.00	0	48,743
Burns .....	0	0	0.00	0	34,694
Byrd .....	0	0	0.00	0	34,593
Campbell .....	0	0	0.00	0	74,406
Chafee .....	0	0	0.00	0	30,524
Daschle .....	0	0	0.00	0	111,738
Coats .....	0	0	0.00	0	48,596
Cochran .....	0	0	0.00	0	48,596
Cohen .....	1,786	0.00145	\$368.04	\$0.00030	37,937
Conrad .....	0	0	0.00	0	25,438
Coverdell .....	0	0	0.00	0	137,674
Craig .....	12,795	0.01199	\$2,650.73	0.00248	31,846
D'Amato .....	0	0	0.00	0	335,341
Danforth .....	0	0	0.00	0	29,786
Daschle .....	3,300	0.00464	1,069.20	0.00150	27,650
DeConcini .....	0	0	0.00	0	22,805
Dewine .....	0	0	0.00	0	168,128
Doyle .....	949	0.00029	183.34	0.00006	66,615
Dole .....	0	0	0.00	0	51,907
Domenici .....	0	0	0.00	0	30,834
Dorgan .....	0	0	0.00	0	25,438
Durenberger .....	0	0	0.00	0	24,183
Eaton .....	0	0	0.00	0	32,516
Faircloth .....	111,300	0.01626	20,088.20	0.00294	140,612
Feingold .....	0	0	0.00	0	97,556
Feinstein .....	0	0	0.00	0	582,722
Ford .....	0	0	0.00	0	74,054
Frist .....	0	0	0.00	0	78,686
Glenn .....	0	0	0.00	0	219,288
Gorton .....	0	0	0.00	0	106,532
Graham .....	0	0	0.00	0	323,488
Gramm .....	22,000	0.00125	4,696.47	0.00027	352,339
Grassley .....	0	0	0.00	0	67,423
Gregg .....	0	0	0.00	0	34,552
Harkin .....	0	0	0.00	0	56,381
Hatch .....	0	0	0.00	0	30,689
Hatfield .....	0	0	0.00	0	62,019
Heflin .....	0	0	0.00	0	81,113
Helms .....	0	0	0.00	0	140,612
Hollings .....	0	0	0.00	0	72,302
Hutchison .....	0	0	0.00	0	352,339
Inhofe .....	0	0	0.00	0	52,475
Inouye .....	0	0	0.00	0	29,867
Jeffords .....	0	0	0.00	0	23,830
Johnston .....	0	0	0.00	0	82,088
Kassebaum .....	0	0	0.00	0	51,907
Kempthorne .....	0	0	0.00	0	31,846
Kennedy .....	0	0	0.00	0	121,391
Kerrey .....	0	0	0.00	0	32,516
Kerry .....	0	0	0.00	0	121,391
Kohl .....	0	0	0.00	0	97,556
Kyl .....	0	0	0.00	0	63,581
Lautenberg .....	0	0	0.00	0	151,392
Leahy .....	975	0.00171	203.21	0.00036	23,830
Levin .....	0	0	0.00	0	182,978
Lieberman .....	0	0	0.00	0	66,615
Loft .....	0	0	0.00	0	48,596
Lugar .....	0	0	0.00	0	111,738
Mack .....	0	0	0.00	0	323,488
Mathews .....	0	0	0.00	0	11,084
McCain .....	0	0	0.00	0	82,928
McConnell .....	0	0	0.00	0	74,054
Metzenbaum .....	0	0	0.00	0	60,304
Mikulski .....	0	0	0.00	0	91,956
Mitchell .....	0	0	0.00	0	10,433
Moseley .....					
Braun .....	0	0	0.00	0	216,454
Moynihan .....	0	0	0.00	0	335,341
Murkowski .....	0	0	0.00	0	23,179
Murray .....	3,900	0.00076	825.18	0.00016	106,532
Nickles .....	0	0	0.00	0	68,442
Nunn .....	0	0	0.00	0	137,674
Packwood .....	0	0	0.00	0	62,019
Pell .....	0	0	0.00	0	30,524
Pressler .....	0	0	0.00	0	27,650
Pryor .....	0	0	0.00	0	48,743
Reid .....	0	0	0.00	0	45,030
Riegle .....	0	0	0.00	0	50,319
Robb .....	0	0	0.00	0	124,766
Rockefeller .....	0	0	0.00	0	34,593
Roth .....	0	0	0.00	0	28,591
Santorum .....	0	0	0.00	0	182,834
Sarbanes .....	0	0	0.00	0	91,956
Sasser .....	0	0	0.00	0	28,222

SENATE QUARTERLY MASS MAIL VOLUMES AND COSTS FOR THE QUARTER ENDING, DEC. 31, 1994—Continued

Senators	Total piece	Pieces per capita	Total cost	Cost per capita	FY 1995 official mail allocation
Shelby .....	0 0		0.00	0	81,113
Simon .....	0 0		0.00	0	216,454
Simpson .....	0 0		0.00	0	19,826
Smith .....	0 0		0.00	0	34,522
Snowe .....	0 0		0.00	0	29,086
Specter .....	0 0		0.00	0	238,468
Stevens .....	0 0		0.00	0	23,179
Thomas .....	0 0		0.00	0	15,200
Thompson .....	0 0		0.00	0	94,111
Thurmond .....	0 0		0.00	0	72,302
Wallop .....	0 0		0.00	0	5,452
Warner .....	0 0		0.00	0	124,766
Wellstone .....	0 0		0.00	0	87,939
Wofford .....	0 0		0.00	0	65,579

Other offices	Total Pieces	Total Cost
The Vice President .....	0	0.00
The President Pro-Tempore .....	0	0.00
The majority leader .....	0	0.00
The minority leader .....	0	0.00
The assistant majority leader .....	0	0.00
The assistant minority leader .....	0	0.00
Sec of Majority Conference .....	0	0.00
Sec of Minority Conference .....	0	0.00
Agriculture Committee .....	0	0.00
Appropriations Committee .....	0	0.00
Armed Services Committee .....	0	0.00
Banking Committee .....	0	0.00
Budget Committee .....	0	0.00
Commerce Committee .....	0	0.00
Energy Committee .....	0	0.00
Environment Committee .....	0	0.00
Finance Committee .....	0	0.00
Foreign Relations Committee .....	0	0.00
Governmental Affairs Committee .....	0	0.00
Judiciary Committee .....	0	0.00
Labor Committee .....	0	0.00
Rules Committee .....	0	0.00
Small Business Committee .....	0	0.00
Veterans Affairs Committee .....	0	0.00
Ethics Committee .....	0	0.00
Indian Affairs Committee .....	0	0.00
Intelligence Committee .....	0	0.00
Aging Committee .....	0	0.00
Joint Economic Committee .....	0	0.00
Joint Committee on Printing .....	0	0.00
Jcmte Congress Inaug. .....	0	0.00
Democratic Policy Committee .....	0	0.00
Democratic Conference .....	0	0.00
Republican Policy Committee .....	0	0.00
Republican Conference .....	0	0.00
Legislative Counsel .....	0	0.00
Legal Counsel .....	0	0.00
Secretary of the Senate .....	0	0.00
Sergeant at Arms .....	0	0.00
Narcotics Caucus .....	0	0.00

THE RETIREMENT OF JAMES E. CARNEY FROM THE RHODE ISLAND DEPARTMENT OF HEALTH

Mr. PELL. Madam President, at the end of 1994, the Rhode Island Department of Health suffered an enormous loss—the retirement of James E. Carney. Jim was with the department of health for 16 years, serving as its director of community affairs for 13 years.

And what a job he did. There was no question, no deadline, no request that I or my staff made that Jim Carney could not handle quickly, courteously, and to the point. He was always well informed about the activities and mission of the department, and the need for communication and coordination with other branches of government. He was a public servant in the very finest sense of the word, and we will sorely miss his help, his good humor, and his presence at the department of health.

Jim was involved in the passage and implementation of many laws and programs, including the HMO Act of 1983; the central cancer registry at the de-

partment of health; newborn screening programs, childhood immunization and lead screening programs; oversight of the State medical examiner's office; protection of the rights of the terminally ill, and promotion of public health research and minority health programs.

I regret to hear that Jim has not been in the best of health recently, and, on behalf of myself, my staff, and the people of Rhode Island, I want to wish him a speedy recovery, a long and happy retirement, and the best of everything in the future.

RETIREMENT OF ROBERT J. PFEIFFER

Mr. INOUE. Madam President, I have known Robert J. Pfeiffer, the outgoing chairman of the Board of Alexander & Baldwin, Inc. for many years. He is an acknowledged and respected leader in the shipping industry in Hawaii and in our Nation. I wish to join the people of Hawaii in wishing him a happy and rewarding retirement.

Bob Pfeiffer was born in Fiji in 1920. As a very young child he came to Honolulu, was educated at McKinley High School and became a deckhand for the Inter-Island Steam Navigation Co., Ltd., of which he later became president.

Bob Pfeiffer's career with Alexander & Baldwin [A&B] began in 1956 when he joined its subsidiary, Matson Navigation Co., Inc. Matchinal Corp., a Matson off-shoot, was a stevedoring and terminal company in the San Francisco Bay area, which Bob Pfeiffer joined as vice president and general manager. In 1962 he was promoted to president of Matson Terminals, Inc., another Matson subsidiary. He was appointed Matson president and CEO in 1973; he has served as Matson's chairman continuously since 1979. At Matson, he guided the company through a period of tremendous growth and success and in the process transformed it into one of the world's most efficient, modern ocean transportation companies.

Bob Pfeiffer was named to A&B's board of directors in 1978; he was appointed president of A&B the next year. He assumed the posts of chief executive officer and chairman of the board in 1980. Under his leadership, A&B has grown, modernized, and diversified. Bob Pfeiffer also earned the company a solid reputation for involvement in philanthropic activities and community affairs, both in Hawaii and California, its two principal places of business.

Today, the Alexander & Baldwin Foundation, which he created, has established a level of giving in excess of \$1 million a year. Bob Pfeiffer has served on many corporate, professional and non-profit boards and organization, often in leadership positions. These in-

clude First Hawaiian, Inc.; First Bank; the Chamber of Commerce of Hawaii; the American Bureau of Shipping; the Maritime Transportation Research Board of the National Academy of Sciences, as chairman; and many others.

Bob Pfeiffer's community and professional leadership earned him numerous honors. The latest was the presentation to him on January 25, 1995, of the Charles Reed Bishop Medal by Honolulu's Bishop Museum, which cited his "leadership and personal example" in making A&B "a leader in corporate citizenship \* \* \* through its exemplary support of community organizations \* \* \*"

In 1986 the Aloha Council of the Boy Scouts of America honored him with the Distinguished Citizen of the Year Award and in 1985 the United Seamen's Service gave him its Admiral of the Ocean Sea Award in New York. Bob Pfeiffer has been granted honorary doctorates by the Marine Maritime Academy, the University of Hawaii, and Hawaii Loa College.

His outstanding contributions to the State of Hawaii and to our Nation will not be forgotten.

THREAT OF ORGANIZED CRIME IN EASTERN EUROPE

Mr. NUNN. Madam President, in May of last year the Senate Permanent Subcommittee on Investigations held a hearing on the growing threat of organized crime in Eastern Europe and the countries of the former Soviet Union. This hearing featured an historic joint appearance by Louis Freeh, the Director of the FBI, Hans-Ludwig Zachert, the President of Germany's Bundeskriminalamt, and General Mikhail Yegorov, the head of Russia's Organized Crime Control Department.

In his prepared statement submitted to the subcommittee, General Yegorov made reference to an Austrian company by the name of Nordex, implying that its president was an individual known as Umar Vokov, who is suspected by Russian authorities of underground criminal activity. Recently, the subcommittee has received a letter from the real president of Nordex, a Mr. G. Loutchansky, disputing General Yegorov's statement and denying any relationship between Nordex and Umar Vokov. Mr. Loutchansky also provided the subcommittee with a letter from the Russian Ministry of Internal Affairs to Nordex's attorney in which the Ministry accepted Nordex's assurances concerning Vokov and expressed regret to Nordex for any inaccuracies in General Yegorov's statement.

Mr. Loutchansky had sought to have these letters added to the subcommittee's hearing record in order to correct any misimpressions which could result from the printing of General Yegorov's original statement. Unfortunately, by

the time the subcommittee received Mr. Loutchansky's request the hearing record had already gone to print. While I have directed that Mr. Loutchansky's material be included in the official exhibits to the hearing, I believe it is important that they also be placed on the public record. For this reason, I would ask that the correspondence between Mr. Loutchansky and the subcommittee and the letter from the Russian Ministry of the Internal Affairs to Nordox's attorney be reprinted in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,  
COMMITTEE ON GOVERNMENTAL AFFAIRS,  
Washington, DC, February 7, 1995.

Mr. G. LOUTCANSKY,  
President, Nordex G.m.b.H.,  
Vienna, Austria

DEAR MR. LOUTCANSKY: The Permanent Subcommittee on Investigations has received your letter of December 2, 1994, in which you dispute a statement in the prepared testimony of First Deputy Minister Mikhail Yegorov submitted to the Subcommittee in connection with its May 25, 1994 hearing on "International Organized Crime and Its Impact on the United States." This statement concerned an alleged relationship between your company and an individual named Umar Vokov, who is suspected by Russian authorities of criminal activity. Attached to your letter was a letter from the Russian Ministry of Internal Affairs which accepted your assurances of a lack of any relationship between your company and this individual and expressed regret for any inaccuracies regarding this matter in the statement of First Deputy Minister Yegorov.

You have requested that these letters be made a part of the printed record of the Subcommittee's proceedings. Under normal circumstances, the Subcommittee would be happy to accommodate such a request; however, by the time the Subcommittee received your letter, the hearing record was already in the process of being printed. Although the Subcommittee is thus unable to include this information in the printed record, I have directed that it be included in the official exhibits to the hearing. As such the information will become part of the permanent records of the Subcommittee with respect to these proceedings. I will also request that your material be reprinted in the Congressional Record.

I thank you for bringing this matter to the attention of the Subcommittee.

Sincerely,

SAM NUNN.

NORDEX,  
Vienna, Austria; Dec. 2, 1994.

Subject: hearing of the Committee on May 25, 1994, Testimony of Mr. Mikhail Yegorov, First Deputy Minister and Head of the Organized Crime Control Department, Russian Ministry of Internal Affairs.

Hon. Senator SAM NUNN,  
Chairman, Committee on Governmental Affairs,  
Permanent Subcommittee on Investigations,  
Capitol Hill, Washington, DC.

DEAR SENATOR NUNN, In subject Testimony the Russian Deputy Minister stated:

"Vokov's brother Umar is the President of the Austrian company Nordex, located in Vienna, and also suspected of underground business."

This statement of Minister Yegorov went on the Congressional files, and had probably also been picked up by various agencies of the Government of the United States of America.

We were very concerned about this statement and its implications, since neither Vokov nor his brother Umar are or were shareholders, directors, or employees of our company or any of their associated companies. We have, therefore, taken up this matter with the Russian Ministry of Internal Affairs and enclosed herewith is a copy of their letter, dated November 9, 1994, together with a translation thereof, which I believe clarifies the position.

Nordex G.m.b.H. is a very big Trading house based in Vienna and has no connections whatsoever to organized crime or any other illegal activities.

It is, therefore, essential that the correction and expression of regret contained in the a/m letter of the Russian Ministry of Internal Affairs, dated November 9, 1994, be entered into the public record of your Committee and also passed on to the various governmental organizations, so that the reputation of Nordex G.m.b.H. and its associates, is cleared.

May we ask you to kindly confirm the receipt of this letter and for your consent to take the requested steps. If you require any further information, please feel free to contact us.

We remain, Sir,  
Sincerely yours,

G. LOUTCANSKY,  
President.

MINISTRY OF INTERNAL AFFAIRS  
OF THE RUSSIAN FEDERATION,  
City Moscow, November 9, 1994.

To Dr. GABRIEL LANSKY,  
Lawyer,  
Vienna, Austria.

DEAR MR. LANSKY, The Ministry of Internal Affairs of the Russian Federation has examined your letter of August 29, 1994, and subsequent letters, concerning the speech of the First Deputy Minister of Internal Affairs, M. Egorov, on May 25, 1994, in the course of open hearings of the Permanent Subcommittee on Investigations of the USA Senate on the question of organized crime in the republics of the former USSR.

The quotation in your letter has been taken from M. Egorov's written thesis, which was handed to the organizers of the hearings, and not from the transcript of proceedings of his speech in the Subcommittee.

Having received your assurances that Umar Bokov is neither an employee, nor a manager, nor a shareholder of either the "Nordex GmbH" company or of any of its branches, representative offices or joint ventures, one could state with regret, that an inaccuracy occurred in the quotation, which was caused by two circumstances.

Firstly, in the course of the investigation of the criminal case in connection with the murder of a militiaman, Umar Bokov, while given evidence, stated his place of work as the firm "Nordex", situated in Vienna, and also presented himself as its president. The preliminary examination proved the existence of a firm with the given name in Vienna and the fact that U. Bokov used to leave for Austria on commercial business trips. There was no need to prove U. Bokov's place of work because he was merely a witness in that case.

Secondly, at the stage of translation or typing of M. Egorov's thesis, the important word in this context, "likely" (also given in

English in the text), which applied to the phrase that U. Bokov is the president of the Austrian company "Nordex", was omitted.

Expressing regret concerning the inaccuracy, we declare that the Ministry of Internal Affairs of Russia had no basis for, or intention of, connecting the "Nordex GmbH" company and its actual President, G. Loutchansky, with the underground business in general or, in particular, with international drug trafficking.

The quotation stated in your letter applies exclusively to Umar Bokov.

Yours faithfully,

V.P. GORTCHAKOV.

#### SUBCOMMITTEES OF THE COMMITTEE ON FOREIGN RELATIONS

Mr. HELMS, Madam President, I ask to have printed in the RECORD the membership and jurisdiction of the subcommittees of the Committee on Foreign Relations as agreed to by the committee pursuant to its business meeting on January 11, 1995.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

##### COMMITTEE ON FOREIGN RELATIONS

(The chairman and ranking minority member of the full committee are ex officio members of each subcommittee on which they do not serve as members)

##### SUBCOMMITTEE ON EUROPEAN AFFAIRS

###### Jurisdiction:

The subcommittee deals with matters concerning the continent of Europe, including the newly independent states of former Soviet Union and member states of the North Atlantic Treaty Organization. Matters relating to Greenland, Iceland, and the north polar region are also the responsibilities of this subcommittee.

This subcommittee's responsibilities include all matters, problems and policies involving promotion of U.S. trade and export; terrorism, crime and the flow of illegal drugs; and oversight over U.S. foreign assistance programs that fall within this subcommittee's regional jurisdiction.

##### Republicans

##### Democrats

Richard G. Lugar, Chair	Joseph R. Biden, Jr., Ranking
Nancy L. Kassebaum	Claiborne Pell
Hank Brown	Paul S. Sarbanes
Olympia J. Snowe	Russell D. Feingold
Fred Thompson	

##### SUBCOMMITTEE ON AFRICAN AFFAIRS

###### Jurisdiction:

The subcommittee has geographic responsibilities corresponding to those of the Bureau of African Affairs in the Department of State. The subcommittee considers all matters and problems relating to Africa, with the exception of countries bordering on the Mediterranean Sea from Egypt to Morocco, which are under the purview of the Subcommittee on Near Eastern Affairs.

This subcommittee's responsibilities include all matters, problems and policies involving promotion of U.S. trade and export; terrorism, crime and the flow of illegal drugs; and oversight over U.S. foreign assistance programs that fall within this subcommittee's regional jurisdiction.

## Republicans

## Democrats

Nancy L. Kassebaum, Chair  
Olympia J. Snowe  
John Ashcroft

Russell D. Feingold, Ranking  
Dianne Feinstein

SUBCOMMITTEE ON NEAR EASTERN AND SOUTH ASIAN AFFAIRS

## Jurisdiction:

This subcommittee deals with all matters and problems relating to the Middle East and Arab North Africa, including Arab-Israeli and inter-Arab issues, economic relations, and general security in the Persian Gulf, Mediterranean, the Middle East and North Africa. This subcommittee also deals with matters and problems relating to Afghanistan, Bangladesh, Bhutan, India, the Maldives, Nepal, Pakistan, and Sri Lanka.

This subcommittee's responsibilities include all matters, problems and policies involving promotion of U.S. trade and export; terrorism, crime and the flow of illegal drugs; and oversight over U.S. foreign assistance programs that fall within this subcommittee's regional jurisdiction.

## Republicans

## Democrats

Hank Brown, Chair  
Olympia J. Snowe  
Fred Thompson  
Craig Thomas  
Rod Grams

Dianne Feinstein, Ranking  
Paul S. Sarbanes  
John F. Kerry  
Charles S. Robb

SUBCOMMITTEE ON WESTERN HEMISPHERE AND PEACE CORPS AFFAIRS

## Jurisdiction:

The geographic scope of this subcommittee extends from the Arctic Ocean to Tierra del Fuego, including the Caribbean. Problems which are of concern to the subcommittee include relations between the American nations, U.S.-Canadian affairs, boundary matters, the implementation of various treaties and conventions, economic relations and security matters affecting the Western Hemisphere, and the Organization of American States.

This subcommittee also exercises general oversight over all of the activities and programs of the Peace Corps.

This subcommittee's responsibilities include all matters, problems and policies involving promotion of U.S. trade and export; terrorism, crime and the flow of illegal drugs; and oversight over U.S. foreign assistance programs that fall within this subcommittee's regional jurisdiction.

## Republicans

## Democrats

Paul Coverdell, Chair  
Jesse Helms  
Richard G. Lugar  
Fred Thompson

Christopher J. Dodd, Ranking  
Claiborne Pell  
Charles S. Robb

SUBCOMMITTEE ON INTERNATIONAL OPERATIONS

## Jurisdiction:

The subcommittees responsibilities include all matters, problems and policies involving international operations. This jurisdiction includes the general oversight responsibility for the Department of State, the United States Information Agency, the Foreign Service, international educational and cultural affairs, foreign broadcasting activities, foreign buildings, operational budget of the United States Agency for International Development, United States participation in the United Nations, its affiliated organizations, and other international organizations

not under the jurisdiction of other subcommittees. The subcommittee also has jurisdiction over general matters of international law, law enforcement, and illegal activities.

## Republicans

## Democrats

Olympia J. Snowe, Chair  
Jesse Helms  
Hank Brown  
Paul Coverdell  
John Ashcroft

John F. Kerry, Ranking  
Claiborne Pell  
Joseph R. Biden, Jr.  
Russell D. Feingold

SUBCOMMITTEE ON INTERNATIONAL ECONOMIC POLICY, EXPORT AND TRADE PROMOTION

## Jurisdiction:

The subcommittee's responsibilities encompass U.S. foreign economic policy, including export enhancement and trade promotion, and international economic growth and development. The subcommittee's jurisdiction includes measures that address:

(1) the enhancement of American exports and promotion of U.S. trade opportunities and commercial interests abroad;

(2) the promotion of and protection of economic interests of U.S. citizens abroad;

(3) international investment, management, intellectual property, technological transfer and general commercial policies;

(4) international monetary policy, including U.S. participation in international financial institutions.

The subcommittee is also responsible for matters and policies involving the use, development and protection of the environment, including the oceans and space.

## Republicans

## Democrats

Fred Thompson, Chair  
Craig Thomas  
Rod Grams  
John Ashcroft

Paul S. Sarbanes, Ranking  
Claiborne Pell  
Joseph R. Biden, Jr.

SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS

## Jurisdiction:

The geographic scope of the subcommittee extends from China and Mongolia to Burma, inclusive of the mainland of Asia, Japan, Taiwan, Hong Kong, the Philippines, Malaysia, Indonesia, Australia and New Zealand, Oceania, and the South Pacific Islands.

This subcommittee's responsibilities include all matters, problems and policies involving promotion of U.S. trade and export; terrorism, crime and the flow of illegal drugs; and oversight over U.S. foreign assistance programs that fall within this subcommittee's regional jurisdiction.

## Republicans

## Democrats

Craig Thomas, Chair  
Richard G. Lugar  
Nancy L. Kassebaum  
Paul Coverdell  
Rod Grams

Charles S. Robb, Ranking  
Joseph R. Biden, Jr.  
John F. Kerry  
Dianne Feinstein

RULES OF THE COMMITTEE ON FOREIGN RELATIONS

Mr. HELMS. Madam President, pursuant to the requirements of paragraph 2 of Senate rule XXVI, I ask to have printed in the RECORD the rules of the Committee on Foreign Relations for the 104th Congress adopted by the committee on January 11, 1995.

There being no objection, the rules were ordered to be printed in the RECORD, as follows:

RULES OF THE COMMITTEE ON FOREIGN RELATIONS

(Adopted January 11, 1995)

RULE 1—JURISDICTION

(a) Substantive.—In accordance with Senate Rule XXV.1(j), the jurisdiction of the Committee shall extend to all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Acquisition of land and buildings for embassies and legations in foreign countries.

2. Boundaries of the United States.

3. Diplomatic service.

4. Foreign economic, military, technical, and humanitarian assistance.

5. Foreign loans.

6. International activities of the American National Red Cross and the International Committee of the Red Cross.

7. International aspects of nuclear energy, including nuclear transfer policy.

8. International conferences and congresses.

9. International law as it relates to foreign policy.

10. International Monetary Fund and other international organizations established primarily for international monetary purposes (except that, at the request of the Committee on Banking, Housing, and Urban Affairs, any proposed legislation relating to such subjects reported by the Committee on Foreign Relations shall be referred to the Committee on Banking, Housing, and Urban Affairs).

11. Intervention abroad and declarations of war.

12. Measures to foster commercial intercourse with foreign nations and to safeguard American business interests abroad.

13. National security and international aspects of trusteeships of the United States.

14. Ocean and international environmental and scientific affairs as they relate to foreign policy.

15. Protection of United States citizens abroad and expatriation.

16. Relations of the United States with foreign nations generally.

17. Treaties and executive agreements, except reciprocal trade agreements.

18. United Nations and its affiliated organizations.

19. World Bank group, the regional development banks, and other international organizations established primarily for development assistance purposes.

The Committee is also mandated by Senate Rule XXV.1(j) to study and review, on a comprehensive basis, matters relating to the national security policy, foreign policy, and international economic policy as it relates to foreign policy of the United States, and matters relating to food, hunger, and nutrition in foreign countries, and report thereon from time to time.

(b) Oversight.—The Committee also has a responsibility under Senate Rule XXVI.8, which provides that " \* \* \* each standing Committee \* \* \* shall review and study, on a continuing basis, the application, administration, and execution of those laws or parts of laws, the subject matter of which is within the jurisdiction of the Committee."

(c) "Advice and Consent" Clauses.—The Committee has a special responsibility to assist the Senate in its constitutional function of providing "advice and consent" to all treaties entered into by the United States

and all nominations to the principal executive branch positions in the field of foreign policy and diplomacy.

#### RULE 2—SUBCOMMITTEES

(a) Creation.—Unless otherwise authorized by law or Senate resolution, subcommittees shall be created by majority vote of the Committee and shall deal with such legislation and oversight of programs and policies as the Committee directs. Legislative measures or other matters may be referred to a subcommittee for consideration in the discretion of the Chairman or by vote of a majority of the Committee. If the principal subject matter of a measure or matter to be referred falls within the jurisdiction of more than one subcommittee, the Chairman or the Committee may refer the matter to two or more subcommittees for joint consideration.

(b) Assignments.—Assignments of members to subcommittees shall be made in an equitable fashion. No member of the Committee may receive assignment to a second subcommittee until, in order of seniority, all members of the Committee have chosen assignments to one subcommittee, and no member shall receive assignments to a third subcommittee until, in order of seniority, all members have chosen assignments to two subcommittees.

No member of the Committee may serve on more than four subcommittees at any one time.

The Chairman and Ranking Minority Member of the Committee shall be ex officio members, without vote, of each subcommittee.

(c) Meetings.—Except when funds have been specifically made available by the Senate for a subcommittee purpose, no subcommittee of the Committee on Foreign Relations shall hold hearings involving expenses without prior approval of the Chairman of the full Committee or by decision of the full Committee. Meetings of subcommittees shall be scheduled after consultation with the Chairman of the Committee with a view toward avoiding conflicts with meetings of other subcommittees insofar as possible. Meetings of subcommittees shall not be scheduled to conflict with meetings of the full Committee.

The proceedings of each subcommittee shall be governed by the rules of the full Committee, subject to such authorizations or limitations as the Committee may from time to time prescribe.

#### RULE 3—MEETINGS

(a) Regular Meeting Day.—The regular meeting day of the Committee on Foreign Relations for the transaction of Committee business shall be on Tuesday of each week, unless otherwise directed by the Chairman.

(b) Additional Meetings.—Additional meetings and hearings of the Committee may be called by the Chairman as he may deem necessary. If at least three members of the Committee desire that a special meeting of the Committee be called by the Chairman, those members may file in the offices of the Committee their written request to the Chairman for that special meeting. Immediately upon filing of the request, the Chief Clerk of the Committee shall notify the Chairman of the filing of the request. If, within three calendar days after the filing of the request, the Chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, a majority of the members of the Committee may file in the offices of the Committee their written notice that a special meeting of the Committee will be held, specifying the date

and hour of that special meeting. The Committee shall meet on that date and hour. Immediately upon the filing of the notice, the Clerk shall notify all members of the Committee that such special meeting will be held and inform them of its date and hour.

(c) Minority Request.—Whenever any hearing is conducted by the Committee or a subcommittee upon any measure or matter, the minority on the Committee shall be entitled, upon request made by a majority of the minority members to the Chairman before the completion of such hearing, to call witnesses selected by the minority to testify with respect to the measure or matter during at least one day of hearing thereon.

(d) Public Announcement.—The Committee, or any subcommittee thereof, shall make public announcement of the date, place, time, and subject matter of any hearing to be conducted on any measure or matter at least one week in advance of such hearings, unless the Chairman of the Committee, or subcommittee, determines that there is good cause to begin such hearing at an earlier date.

(e) Procedure.—Insofar as possible, proceedings of the Committee will be conducted without resort to the formalities of parliamentary procedure and with due regard for the views of all members. Issues of procedure which may arise from time to time shall be resolved by decision of the Chairman, in consultation with the Ranking Minority Member. The Chairman, in consultation with the Ranking Minority Member, may also propose special procedures to govern the consideration of particular matters by the Committee.

(f) Closed Sessions.—Each meeting of the Committee on Foreign Relations, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the Committee or a subcommittee on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in paragraphs (1) through (6) would require the meeting to be closed followed immediately by a record vote in open session by a majority of the members of the Committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of Committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct; to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person, or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

A closed meeting may be opened by a majority vote of the Committee.

(g) Staff Attendance.—A member of the Committee may have one member of his or her personal staff, for whom that member assumes personal responsibility, accompany and be seated nearby at Committee meetings.

Each member of the Committee may designate members of his or her personal staff, who hold a Top Secret security clearance, for the purpose of their eligibility to attend closed sessions of the Committee, subject to the same conditions set forth for Committee staff under Rules 12, 13, and 14.

In addition, the Majority Leader and the Minority Leader of the Senate, if they are not otherwise members of the Committee, may designate one member of their staff with a Top Secret security clearance to attend closed sessions of the Committee, subject to the same conditions set forth for Committee staff under Rules 12, 13, and 14. Staff of other Senators who are not members of the Committee may not attend closed sessions of the Committee.

Attendance of Committee staff at meetings shall be limited to those designated by the Staff Director or the Minority Staff Director.

The Committee, by majority vote, or the Chairman, with the concurrence of the Ranking Minority Member, may limit staff attendance at specified meetings.

#### RULE 4—QUORUMS

(a) Testimony.—For the purpose of taking sworn or unsworn testimony at any duly scheduled meeting a quorum of the Committee and each subcommittee thereof shall consist of one member.

(b) Business.—A quorum for the transaction of Committee or subcommittee business, other than for reporting a measure or recommendation to the Senate or the taking of testimony, shall consist of one-third of the members of the Committee or subcommittee, including at least one member from each party.

(c) Reporting.—A majority of the membership of the Committee shall constitute a quorum for reporting any measure or recommendation to the Senate. No measure or recommendation shall be ordered reported from the Committee unless a majority of the Committee members are physically present. The vote of the Committee to report a measure or matter shall require the concurrence of a majority of those members who are physically present at the time the vote is taken.

#### RULE 5—PROXIES

Proxies must be in writing with the signature of the absent member. Subject to the requirements of Rule 4 for the physical presence of a quorum to report a matter, proxy voting shall be allowed on all measures and matters before the Committee. However, proxies shall not be voted on a measure or matter except when the absent member has been informed of the matter on which he is being recorded and has affirmatively requested that he or she be so recorded.

#### RULE 6—WITNESSES

(a) General.—The Committee on Foreign Relations will consider requests to testify on

any matter or measure pending before the Committee.

(b) Presentation.—If the Chairman so determines, the oral presentation of witnesses shall be limited to 10 minutes. However, written statements of reasonable length may be submitted by witnesses and other interested persons who are unable to testify in person.

(c) Filing of Statements.—A witness appearing before the Committee, or any subcommittee thereof, shall file a written statement of his proposed testimony at least 48 hours prior to his appearance, unless this requirement is waived by the Chairman and the Ranking Minority member following their determination that there is good cause for failure to file such a statement.

(d) Expenses.—Only the Chairman may authorize expenditures of funds for the expenses of witnesses appearing before the Committee or its subcommittees.

(e) Requests.—Any witness called for a hearing may submit a written request to the Chairman no later than 24 hours in advance for his testimony to be in closed or open session, or for any other unusual procedure. The Chairman shall determine whether to grant any such request and shall notify the Committee members of the request and of his decision.

#### RULE 7—SUBPOENAS

(a) Authorization.—The Chairman or any other member of the Committee, when authorized by a majority vote of the Committee at a meeting or by proxies, shall have authority to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials. When the Committee authorizes a subpoena, it may be issued upon the signature of the Chairman or any other member designated by the Committee.

(b) Return.—A subpoena, or a request to an agency, for documents may be issued whose return shall occur at a time and place other than that of a scheduled Committee meeting. A return on such a subpoena or request which is incomplete or accompanied by an objection constitutes good cause for a hearing on shortened notice. Upon such a return, the Chairman or any other member designated by him may convene a hearing by giving 2 hours notice by telephone to all other members. One member shall constitute a quorum for such a hearing. The sole purpose of such a hearing shall be to elucidate further information about the return and to rule on the objection.

(c) Depositions.—At the direction of the Committee, staff is authorized to take depositions from witnesses.

#### RULE 8—REPORTS

(a) Filing.—When the Committee has ordered a measure or recommendation reported, the report thereon shall be filed in the Senate at the earliest practicable time.

(b) Supplemental, Minority and Additional Views.—A member of the Committee who gives notice of his intentions to file supplemental, minority, or additional views at the time of final Committee approval of a measure or matter, shall be entitled to not less than 3 calendar days in which to file such views, in writing, with the Chief Clerk of the Committee, with the 3 days to begin at 11:00 p.m. on the same day that the Committee has ordered a measure or matter reported. Such views shall then be included in the Committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report. In the absence of timely notice, the Committee

report may be filed and printed immediately without such views.

(c) Rollcall Votes.—The results of all rollcall votes taken in any meeting of the Committee on any measure, or amendment thereto, shall be announced in the Committee report. The announcement shall include a tabulation of the votes cast in favor and votes cast in opposition to each such measure and amendment by each member of the Committee.

#### RULE 9—TREATIES

(a) The Committee is the only Committee of the Senate with jurisdiction to review and report to the Senate on treaties submitted by the President for Senate advice and consent. Because the House of Representatives has no role in the approval of treaties, the Committee is therefore the only congressional committee with responsibility for treaties.

(b) Once submitted by the President for advice and consent, each treaty is referred to the Committee and remains on its calendar from Congress to Congress until the Committee takes action to report it to the Senate or recommend its return to the President, or until the Committee is discharged of the treaty by the Senate.

(c) In accordance with Senate Rule XXX.2, treaties which have been reported to the Senate but not acted on before the end of a Congress "shall be resumed at the commencement of the next Congress as if no proceedings had previously been had thereon."

(d) Insofar as possible, the Committee should conduct a public hearing on each treaty as soon as possible after its submission by the President. Except in extraordinary circumstances, treaties reported to the Senate shall be accompanied by a written report.

#### RULE 10—NOMINATIONS

(a) Waiting Requirement.—Unless otherwise directed by the Chairman and the Ranking Minority Member, the Committee on Foreign Relations shall not consider any nomination until 6 calendar days after it has been formally submitted to the Senate.

(b) Public Consideration.—Nominees for any post who are invited to appear before the Committee shall be heard in public session, unless a majority of the Committee decrees otherwise.

(c) Required Data.—No nomination shall be reported to the Senate unless (1) the nominee has been accorded a security clearance on the basis of a thorough investigation by executive branch agencies; (2) in appropriate cases, the nominee has filed a confidential statement and financial disclosure report with the Committee; (3) the Committee has been assured that the nominee does not have any interests which could conflict with the interests of the government in the exercise of the nominee's proposed responsibilities; (4) for persons nominated to be chief of mission, ambassador-at-large, or minister, the Committee has received a complete list of any contributions made by the nominee or members of his immediate family to any Federal election campaign during the year of his or her nomination and for the 4 preceding years; and (5) for persons nominated to be chiefs of mission, a report on the demonstrated competence of that nominee to perform the duties of the position to which he or she has been nominated.

#### RULE 11—TRAVEL

(a) Foreign Travel.—No member of the Committee on Foreign Relations or its staff shall travel abroad on Committee business unless specifically authorized by the Chair-

man, who is required by law to approve vouchers and report expenditures of foreign currencies, and the Ranking Minority Member. Requests for authorization of such travel shall state the purpose and, when completed, a full substantive and financial report shall be filed with the Committee within 30 days. This report shall be furnished to all members of the Committee and shall not be otherwise disseminated without the express authorization of the Committee. Except in extraordinary circumstances, staff travel shall not be approved unless the reporting requirements have been fulfilled for all prior trips. Except for travel that is strictly personal, travel funded by non-U.S. Government sources is subject to the same approval and substantive reporting requirements as U.S. Government-funded travel. In addition, members and staff are reminded of Senate Rule XXXV.4 requiring a determination by the Senate Ethics Committee in the case of foreign-sponsored travel. Any proposed travel by Committee staff for a subcommittee purpose must be approved by the subcommittee chairman and ranking minority member prior to submission of the request to the Chairman and Ranking Minority Member of the full Committee. When the Chairman and the Ranking Minority Member approve the foreign travel of a member of the committee not accompanying a member of the Committee, all members of the Committee shall be advised, prior to the commencement of such travel of its extent, nature, and purpose.

(b) Domestic Travel.—All official travel in the United States by the Committee staff shall be approved in advance by the Staff Director, or in the case of minority staff, by the Minority Staff Director.

(c) Personal Staff.—As a general rule, no more than one member of the personal staff of a member of the Committee may travel with that member with the approval of the Chairman and the Ranking Minority Member of the Committee. During such travel, the personal staff member shall be considered to be an employee of the Committee.

(d) Personal Representatives of the Member (PRM).—For the purposes of Rule 11 as regard staff foreign travel, the officially-designated personal representative of the member (PRM) shall be deemed to have the same rights, duties, and responsibilities as members of the staff of the Committee on Foreign Relations. Furthermore, for the purposes of this section, each Member of the Committee may designate one personal staff member as the "Personal Representative of the Member."

#### RULE 12—TRANSCRIPTS

(a) General.—The Committee on Foreign Relations shall keep verbatim transcripts of all Committee and subcommittee meetings and such transcripts shall remain in the custody of the Committee, unless a majority of the Committee decides otherwise. Transcripts of public hearings by the Committee shall be published unless the Chairman, with the concurrence of the Ranking Minority Member, determines otherwise.

(b) Classified or Restricted Transcripts.—  
(1) The Chief Clerk of the Committee shall have responsibility for the maintenance and security of classified or restricted transcripts.

(2) A record shall be maintained of each use of classified or restricted transcripts.

(3) Classified or restricted transcripts shall be kept in locked combination safes in the Committee offices except when in active use by authorized persons for a period not to exceed 2 weeks. Extensions of this period may

be granted as necessary by the Chief Clerk. They must never be left unattended and shall be returned to the Chief Clerk promptly when no longer needed.

(4) Except as provided in paragraph 7 below, transcripts classified secret or higher may not leave the Committee offices except for the purpose of declassification.

(5) Classified transcripts other than those classified secret or higher may leave the Committee offices in the possession of authorized persons with the approval of the Chairman. Delivery and return shall be made only by authorized persons. Such transcripts may not leave Washington, DC, unless adequate assurances for their security are made to the Chairman.

(6) Extreme care shall be exercised to avoid taking notes or quotes from classified transcripts. Their contents may not be divulged to any unauthorized person.

(7) Subject to any additional restrictions imposed by the Chairman with the concurrence of the Ranking Minority Member, only the following persons are authorized to have access to classified or restricted transcripts.

(i) Members and staff of the Committee in the Committee rooms;

(ii) Designated personal representatives of members of the Committee, and of the Majority and Minority Leaders, with appropriate security clearances, in the Committee's Capitol office;

(iii) Senators not members of the Committee, by permission of the Chairman in the Committee rooms; and

(iv) Members of the executive departments involved in the meeting, in the Committee's Capitol office, or, with the permission of the Chairman, in the offices of the officials who took part in the meeting, but in either case, only for a specified and limited period of time, and only after reliable assurances against further reproduction or dissemination have been given.

(8) Any restrictions imposed upon access to a meeting of the Committee shall also apply to the transcript of such meeting, except by special permission of the Chairman and notice to the other members of the Committee. Each transcript of a closed session of the Committee shall include on its cover a description of the restrictions imposed upon access, as well as any applicable restrictions upon photocopying, note-taking or other dissemination.

(9) In addition to restrictions resulting from the inclusion of any classified information in the transcript of a Committee meeting, members and staff shall not discuss with anyone the proceedings of the Committee in closed session or reveal information conveyed or discussed in such a session unless that person would have been permitted to attend the session itself, or unless such communication is specifically authorized by the Chairman, the Ranking Minority Member, or in the case of staff, by the Staff Director or Minority Staff Director. A record shall be kept of all such authorizations.

(c) Declassification—

(1) All restricted transcripts and classified Committee reports shall be declassified on a date twelve years after their origination unless the Committee by majority vote decides against such declassification, and provided that the executive departments involved and all former Committee members who participated directly in the sessions or reports concerned have been consulted in advance and given a reasonable opportunity to raise objections to such declassification.

(2) Any transcript or classified Committee report, or any portion thereof, may be de-

classified fewer than twelve years after their origination if:

(i) The Chairman originates such action or receives a written request for such action, and notifies the other members of the Committee;

(ii) the Chairman, Ranking Minority Member, and each member or former member who participated directly in such meeting or report give their approval, except that the Committee by majority vote may overrule any objections thereby raised to early declassification; and

(iii) the executive departments and all former Committee members are consulted in advance and have a reasonable opportunity to object to early declassification.

RULE 13—CLASSIFIED MATERIAL

(a) All classified material received or originated by the Committee shall be logged in at the Committee's offices in the Dirksen Senate Office Building, and except for material classified as "Top Secret" shall be filed in the Dirksen Senate Building offices for Committee use and safekeeping.

(b) Each such piece of classified material received or originated shall be card indexed and serially numbered, and where requiring onward distribution shall be distributed by means of an attached indexed form approved by the Chairman. If such material is to be distributed outside the Committee offices, it shall, in addition to the attached form, be accompanied also by an approved signature sheet to show onward receipt.

(c) Distribution of classified material among offices shall be by Committee members or authorized staff only. All classified material sent to members' offices, and that distributed within the working offices of the Committee, shall be returned to the offices designated by the Chief Clerk. No classified material is to be removed from the offices of the members or of the Committee without permission of the Chairman. Such classified material will be afforded safe handling and safe storage at all times.

(d) Material classified "Top Secret," after being indexed and numbered shall be sent to the Committee's Capitol office for use by the members and authorized staff in that office only or in such other secure Committee offices as may be authorized by the Chairman or Staff Director.

(e) In general, members and staff undertake to confine their access to classified information on the basis of a "need to know" such information related to their Committee responsibilities.

(f) The Staff Director is authorized to make such administrative regulations as may be necessary to carry out the provisions of these regulations.

RULE 14—STAFF

(a) Responsibilities—

(1) The staff works for the Committee as a whole, under the general supervision of the Chairman of the Committee, and the immediate direction of the Staff Director; provided, however, that such part of the staff as is designated Minority Staff, shall be under the general supervision of the Ranking Minority Member and under the immediate direction of the Minority Staff Director.

(2) Any member of the Committee should feel free to call upon the staff at any time for assistance in connection with Committee business. Members of the Senate not members of the Committee who call upon the staff for assistance from time to time should be given assistance subject to the overriding responsibility of the staff to the Committee.

(3) The staff's primary responsibility is with respect to bills, resolutions, treaties, and nominations.

In addition to carrying out assignments from the Committee and its individual members, the staff has a responsibility to originate suggestions for Committee or subcommittee consideration. The staff also has a responsibility to make suggestions to individual members regarding matters of special interest to such members.

(4) It is part of the staff's duty to keep itself as well informed as possible in regard to developments affecting foreign relations and in regard to the administration of foreign programs of the United States. Significant trends or developments which might otherwise escape notice should be called to the attention of the Committee, or of individual Senators with particular interests.

(5) The staff pay due regard to the constitutional separation of powers between the Senate and the executive branch. It therefore has a responsibility to help the Committee bring to bear an independent, objective judgment of proposals by the executive branch and when appropriate to originate sound proposals of its own. At the same time, the staff shall avoid impinging upon the day-to-day conduct of foreign affairs.

(6) In those instances when Committee action requires the expression of minority views, the staff shall assist the minority as fully as the majority to the end that all points of view may be fully considered by members of the Committee and of the Senate. The staff shall bear in mind that under our constitutional system it is the responsibility of the elected Members of the Senate to determine legislative issues in the light of as full and fair a presentation of the facts as the staff may be able to obtain.

(b) Restrictions—

(1) The staff shall regard its relationship to the Committee as a privileged one, in the nature of the relationship of a lawyer to a client. In order to protect this relationship and the mutual confidence which must prevail if the Committee-staff relationship is to be a satisfactory and fruitful one, the following criteria shall apply:

(i) members of the staff shall not be identified with any special interest group in the field of foreign relations or allow their names to be used by any such group;

(ii) members of the staff shall not accept public speaking engagements or write for publication in the field of foreign relations without specific advance permission from the Staff Director, or, in the case of minority staff, from the Minority Staff Director. In the case of the Staff Director and the Minority Staff Director, such advance permission shall be obtained from the Chairman or the Ranking Minority Member, as appropriate. In any event, such public statements should avoid the expression of personal views and should not contain predictions of future, or interpretations of past, Committee action; and

(iii) staff shall not discuss their private conversations with members of the Committee without specific advance permission from the Senator or Senators concerned.

(2) The staff shall not discuss with anyone the proceedings of the Committee in closed session or reveal information conveyed or discussed in such a session unless that person would have been permitted to attend the session itself, or unless such communication is specifically authorized by the Staff Director or Minority Staff Director. Unauthorized disclosure of information from a closed session or of classified information shall be cause for immediate dismissal and may, in the case of some kinds of information, be grounds for criminal prosecution.

## RULE 15—STATUS AND AMENDMENT OF RULES

(a) Status.—In addition to the foregoing, the Committee on Foreign Relations is governed by the Standing Rules of the Senate which shall take precedence in the event of a clear inconsistency. In addition, the jurisdiction and responsibilities of the Committee with respect to certain matters, as well as the timing and procedure for their consideration in Committee, may be governed by statute.

(b) Amendment.—These Rules may be modified, amended, or repealed by a majority of the Committee, provided that a notice in writing of the proposed change has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken. However, Rules of the Committee which are based upon Senate Rules may not be superseded by Committee vote alone.

## UNITED STATES TRADE SANCTIONS ON THE PEOPLE'S REPUBLIC OF CHINA

Mr. THOMAS. Madam President, late yesterday afternoon the Office of the United States Trade Representative received a letter from Wu Yi, the PRC Minister of Trade, stating that the Chinese were prepared to resume talks in Beijing next week on the issue of infringements on American intellectual property rights.

As I noted on the floor of the Senate yesterday, since 1992 the PRC has failed to live up to its obligations under the memorandum of understanding on intellectual property rights. Factories throughout China, especially in the southern and eastern provinces, continue to mass-produce pirated versions of American computer software, compact discs, CD-ROM's, and video and audio cassettes mostly for sale abroad. The USTR estimates that the sale of these pirated items has cost U.S. businesses more than \$1 billion. Efforts by the USTR to bring the PRC into compliance with the MOU have failed, resulting in the proposed sanctions announced by the administration on Saturday.

Madam President, I am very pleased that the Chinese Government has agreed to resume negotiations over this vitally important issue. A strong and equitable relationship between our two countries is of the utmost importance, and I know that no one relished the prospect of a protracted trade dispute. I hope that the PRC will use this opportunity to constructively address our grievances, and move toward adopting stronger measures to curb economic piracy.

IS CONGRESS IRRESPONSIBLE?  
THE VOTERS HAVE SAID YES

Mr. HELMS. Madam President, the incredibly enormous Federal debt is a lot like television's well-known energizer bunny—it keeps going and going—at the expense, of course, of the American taxpayer.

A lot of politicians talk a good game—when they are back home—

about bringing Federal deficits and the Federal debt under control. But so many of these same politicians regularly voted in support of bloated spending bills during the 103d Congress—which perhaps is a primary factor in the new configuration of U.S. Senators.

This is a rather distressing fact as the 104th Congress gets down to business. As of Friday, February 3, 1995, the Federal debt stood—down to the penny—at exactly \$4,804,906,983,189.27 or \$18,239.50 per person.

Madam President, it is important that all of us monitor, closely and constantly, the incredible cost of merely paying the interest on this debt. Last year, the interest on the Federal debt totalled \$190 billion.

Madam President, my hope is that the 104th Congress can bring under control the outrageous spending that created this outrageous debt. If the party now controlling both Houses of Congress, as a result of the November elections last year, does not do a better job of getting a handle on this enormous debt, the American people are not likely to overlook it in 1996.

ED LEVI—AN OUTSTANDING  
ATTORNEY GENERAL

Mr. KENNEDY. Madam President, today marks the 20th anniversary of the swearing-in of Edward Levi as Attorney General of the United States under President Gerald Ford.

Throughout our history, we have been fortunate when the right man has served in the right job at the right time. Ed Levi was the right man at the right time when he was nominated by President Ford and confirmed by the Senate as Attorney General.

Those were turbulent times. Skepticism and cynicism abounded. The Department of Justice was still suffering from the Watergate scandal. Two Attorneys General had been indicted. Another had resigned rather than follow a President's order. In just over a year, the Department of Justice had three Attorneys General, three Deputy Attorneys General, and even more assistant attorneys general. Stories began to surface about abuses committed by the Federal Bureau of Investigation—the arm of government entrusted with the investigation of violations of the law. Select committees were formed to investigate the FBI as well as the CIA and other intelligence agencies. Faith in the fairness and integrity of the administration of Federal justice was at a low ebb.

Levi, in his 2 short years as Attorney General, restored that faith. He did it by the sheer force of his own integrity, by a concerted effort to articulate the standards that would govern government conduct, and by his demonstration to the public that these standards would ensure that our Nation remained a government of laws.

There was not time, of course, to do everything. There never is. But much was accomplished. Standards were formulated to guide the conduct of the FBI. As a protection against abuses of the past, guidelines were developed for the first time to govern domestic security, foreign intelligence and counter-intelligence investigations, and other aspects of the Bureau's work, including the handling of informants and background employment investigations.

All of these issues were extremely controversial. One statistic demonstrates the profound effect that these guidelines have had on the Bureau's operation. In July 1973, the FBI had more than 21,000 open domestic security cases. Many were investigations of Americans and American groups who were considered to be threats to domestic security. After the guidelines were adopted, by September 1976, the number was reduced to 626. It is even lower today.

The test of time has demonstrated that these efforts did not hamstring the FBI. They strengthened the Bureau and protected its agents. These principles still guide the Bureau's operations.

Another controversial practice split constitutional scholars and sowed the seeds of Government distrust. When Ed Levi became Attorney General, the FBI tapped telephones and planted microphones to gather foreign intelligence without any prior judicial approval—that is, without a warrant. Though approval of the Attorney General was required for this warrantless electronic surveillance, suspicions were rife about who was being wiretapped and how many listening posts existed throughout the country.

To reassure the public, Attorney General Levi took several steps. He announced that there were no outstanding instances of warrantless taps or electronic surveillance directed against American citizens. He then undertook, at every opportunity, to discuss the process and safeguards that guided the use of electronic surveillance. But he realized that he could not eliminate this distrust of Government without legislation that would balance the need to protect personal privacy and the need to protect the Nation from foreign terrorism.

He proposed a law that provided a judicial warrant mechanism employed by a special court, shaped to meet the particular problems of foreign intelligence and to do so within constitutional standards. Just as he had done in drafting the FBI guidelines, he consulted with Congress in the best nonpartisan tradition. Indeed, the legislation was drafted by the staffs of the Department of Justice and the Senate Judiciary Committee, working closely with the Attorney General and many Members of Congress. I recall frequent conversations with Attorney General Levi concerning this proposed legislation. Soon

after its introduction, the bill was overwhelmingly approved by the Senate Judiciary Committee and the Senate Intelligence Committee. It was enacted in the next Congress as the Foreign Intelligence Surveillance Act and it is a tribute to Attorney General Levi's principled and effective leadership.

Other accomplishments were just as important. As the guidelines governing decisions about how and when to conduct investigations were nearing completion, the process was launched to establish standards to govern the equally important area of prosecutorial decisions—such as when to charge an accused, when to bargain for a guilty plea, when the Federal Government should prosecute an individual already prosecuted in State court for a related offense, and when to grant immunity in exchange for testimony. Immigration policies were reformulated to deal with illegal immigration within a framework that protected the rights of individuals. His comments then are just as relevant today:

We must remember that we face the problem of unlawful immigration because we remain the world's best hope. Unauthorized immigrants are responding to the same human impulses that motivated each of our forebears. We must address the illegal alien issue in a manner compatible with our democratic values and our tradition as a nation of nations.

I also recall the time when the Ford administration, acting through Attorney General Levi, proposed major new handgun control legislation to require a waiting period before a handgun could be purchased. The Ford administration sought in vain to find a Senator from the President's own party willing to introduce such legislation. I met with the Attorney General and offered to sponsor the administration's legislation in an effort to advance the debate over handgun control. The Attorney General recognized that any comprehensive effort by the Federal Government to stem the tide of violent crime required effective handgun control legislation. The successful and bipartisan enactment of the Brady law in the last Congress owes a great deal to the leadership of Ed Levi many years ago.

Throughout his tenure as Attorney General, Ed Levi was guided by the fundamental principle of equal justice under law for all Americans. He believed that faith in the law must continually be renewed or else it is lost. As he said near the end of his services as Attorney General in words that should still guide us today—

In a society that too easily accepts the notion that everything can be manipulated, it is important to make clear that the administration of justice seeks to be impartial and fair, and that these qualities are not inconsistent with being effective.

A grateful Nation pauses today on this anniversary to honor a great At-

torney General for all he did at a difficult period in our history to restore the Nation's faith in its system of law and justice. Ed Levi is a profile in courage, and a proud example for all citizens of excellence in the law and justice at its best.

#### HOMICIDES BY GUNSHOT IN NEW YORK CITY

Mr. MOYNIHAN. Madam President, I rise today to continue my weekly practice of reporting to the Senate on the death toll by gunshot in New York City. Last week, 8 people were killed by firearms in New York City, bringing this year's total to 66.

#### THE PRESIDENT'S IMMIGRATION INITIATIVE

Mr. SIMON. Madam President, the administration has come under much criticism lately for its alleged failure to provide leadership on issues that are important to the nation. The 1996 Immigration Initiative announced by the administration this week, however, belies these contentions. The administration's policy proposal on this extremely important issue is thoughtful and comprehensive, and I applaud it.

The administration's initiative recognizes, as do the people of this country, the need to formulate an effective response to the problem of illegal immigration, and proposes increased resources not only for border enforcement, but also increased resources to eliminate the job magnet that will continue to draw undocumented aliens into the country regardless of the success of our border policy. The initiative also reflects a desire to improve our ability to deport those aliens that have been identified as deportable, and to assist States that have long borne the burdens of our inability to prevent illegal immigration.

For each of these objectives the administration has proposed the commitment of substantial resources; yet, at the same time, the initiative contains little that unnecessarily feeds the anti-immigrant xenophobia that has characterized the immigration policy debate in recent years. Rather, the administration's proposal takes a measured yet aggressive approach to the problems we must face. In short, while it has taken an undeniably firm stance against illegal immigration, the administration has not succumbed to the belief that immigration in all its shapes and forms is a bad thing. Quite the contrary: the initiative reflects the fact that, as the President has said, an effective immigration policy must combine deterrence of illegal immigration with an encouragement and celebration of legal immigration.

I look forward to working with the administration and my colleagues in the Senate to effect this delicate bal-

ance, and to implement an immigration policy that is both tough and fair. The administration's proposal is certainly a great step in this direction.

#### SENATOR CLAIBORNE PELL'S SPEECH BEFORE THE GEORGETOWN UNIVERSITY LAW CENTER ON THE LAW OF THE SEA CONVENTION

Mr. DODD. Madam President, on Friday, January 27, 1995, Senator CLAIBORNE PELL spoke at the Georgetown University Law Center on the topic of the United Nations Convention on the Law of the Sea. During that speech, Senator PELL made a very strong case for United States ratification of the Law of the Sea Treaty.

As many of my colleagues may already know, Senator PELL has been a leading advocate for promoting the peaceful uses of the oceans for more than four decades. I believe he first became interested in the subject as a young man in the service of the U.S. Coast Guard—an interest he has continued to pursue with energy and imagination since he was elected to the Senate in 1960.

While the national security implications associated with the Law of the Sea Convention have been widely discussed over the years, I do not believe that as much attention has been focused on the economic implications of the treaty. In that regard, Senator PELL's speech on January 27, very clearly spelled out the economic importance of the treaty to the United States. I found his arguments most useful in gaining a fuller appreciation of the treaty's many provisions.

I know that Senator PELL very enthusiastically endorsed President Clinton's decision to sign the Law of the Sea Convention and to seek the advice and consent of the Senate to its ratification. And, that he believes it to be of the utmost importance that the United States become a party to this important convention as soon as possible.

I am confident that Senator PELL is willing and eager to play an active role in educating this body on the very important issues associated with the Law of the Sea Convention. I hope that the Senate will have an opportunity to address this subject during the 104th Congress.

Madam President, I ask unanimous consent that a copy of Senator PELL's speech at Georgetown University Law Center be printed in the RECORD at this point.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

#### ADDRESS BY SENATOR CLAIBORNE PELL

It is a great pleasure to join you here this evening at the Georgetown University Law Center to discuss the United Nations Convention on the Law of the Sea. This is a subject that is near to my heart and one that I

have been involved with for much of my working career.

With its transmission to the Senate in October and entry into force in November, the Convention has again moved to the fore as an issue for public debate.

These events make today's symposium particularly timely, and I want to thank the organizers, and especially Mr. Eric Fersht, for their outstanding work. The panels you have heard from provide a truly exceptional array of information about the Law of the Sea Convention.

The initial support for this idea was led by Arvid Pardo, Malta's delegate to the United Nations, with his famous "Common Heritage of Mankind" speech before the United Nations General Assembly in 1967.

The Convention then became the interest of many people. I remember particularly the "Pacem in Maribus"—Peace on the Seas—meetings organized by Elizabeth Mann Borgese.

Her book, *The Ocean Regime*, published in 1968, gave written expression to the ideas that were to gain a wider audience through *Pacem in Maribus*, on their way to being embodied in the negotiated texts of the Law of the Sea Convention.

For me the dream began even earlier. It was during my service in the U.S. Coast Guard during World War II that I wrote my first memorandum on the subject to Admiral Woesche, then Commandant of the Coast Guard. And even before that I had been appointed by President Eisenhower as a Delegate to the first meeting of IMCO (the International Maritime Consultative Organization).

My service on the staff of the San Francisco Convention that prepared the UN Charter, just fifty years ago this summer, further confirmed me in my belief that ways could be found to create a working ocean peace system.

The Law of the Sea Convention is the product of one of the more protracted negotiations in diplomatic history. When the process began, the Vietnam War was nearing its peak; the Cold War was at its height; it had been only five years since the construction of the Berlin Wall.

I was proud to serve as a delegate and observer to those early Law of the Sea negotiations, one of the few who had also attended a *Pacem in Maribus* meeting. My enthusiasm led me in 1967 to introduce the first Senate Resolution calling on the President to negotiate a Law of the Sea Convention.

That resolution and a draft treaty that I proposed in 1969 led to the Seabed Arms Control treaty, which was ratified by the Senate in 1972. This little-known treaty has permanently removed nuclear weapons and other weapons of mass destruction from the ocean floor, which is seventy percent of the earth's surface.

It has been signed by nearly 100 countries, it works, and it provides a good precedent for the Convention on the Law of the Sea.

With the Seabed Arms Control Treaty as my model, you can appreciate my enthusiasm for the Law of the Sea Convention. In my view there are few actions that the Senate can take in the year or two ahead that can have greater long term benefits for the world as a whole than to ratify this Treaty.

The implications for world peace are enormous; the potential for trade and development is equally far-reaching. I hope this Convention will not be caught up in a spate of politics as usual, but will be seen in the framework of a renewed commitment to bipartisanship in foreign policy.

The old saying was that "politics stops at the water's edge." That would be an apt motto for our consideration of Law of the Sea, since its scope begins precisely at "the water's edge."

Let me outline just a few of the reasons that have come to make me such a strong supporter of the Convention.

Of greatest importance, the Convention will enhance our national security, because it establishes as a matter of international law, freedom of navigation rights that are critical to our military forces.

At the Foreign Relations Committee's hearing on the Convention in August, Admiral William Center—whom you heard this morning—testified, "The Convention underpins strongly the worldwide mobility America's forces need. It provides a stable legal basis for governing the world's oceans. It reduces the need to fall back on a potentially volatile mixture of customary practice and gunboat diplomacy."

The Secretary of Defense, William J. Perry, also supports prompt Senate action "to send a strong signal that the United States is committed to an ocean regulatory regime that is guided by the rule of law."

I have heard arguments that the Convention's provisions on freedom of navigation are not really important because they reflect customary international law. I disagree with that argument.

Customary international law is inherently unstable. Governments can be less scrupulous about flouting the precedents of customary law, than they would be if such actions are seen as violating a treaty.

Moreover, not all governments and scholars agree that all of the critical navigation rights protected by the Convention are also protected by customary law.

They regard many of those rights as *contractual* and, as such, available only to parties to the Convention.

For example, it was not long ago that the United States claimed a territorial sea of only three miles. Now it is twelve. I am certain there are countries that would like to expand their territorial sea even further. Only the Convention establishes limits on countries' claims to territorial seas as a matter of international law.

These navigational rights are of very real importance to our armed forces. There have been recent situations where even U.S. allies denied our forces transit rights in times of need.

For example, during the 1973 Yom Kippur war our ability to resupply Israel was critically dependent on transit rights through the Strait of Gibraltar. In 1986, U.S. aircraft passed through the Strait to strike Libyan targets in response to that government's acts of terrorism directed against the United States.

On February 11, 1992, the USS BATON ROUGE (SSN689) was struck by a Russian Sierra-class attack submarine while on patrol in the Barent Sea, off the major naval port of Murmansk. The USS BATON ROUGE, a Los Angeles-class attack submarine, was submerged at a depth of 59 feet at the time of the collision, in waters claimed by Russia as territorial, but considered by the United States to be high seas.

In addition, the following examples are situations where having the Law of the Sea Convention in effect might have made a difference:

Between 1961 and 1970, Peru seized 74 U.S. fishing vessels over disputed tuna fisheries.

In 1986, Ecuador interfered with the USAF aircraft flight over the high seas 175 miles from the Ecuadorian coast.

Since 1986, Peru has repeatedly challenged U.S. aircraft flying over its claimed 200 nautical mile territorial sea. During several of these challenges, the Peruvian aircraft operated in a manner that unnecessarily and intentionally endangered the safety of the transiting U.S. aircraft and its crew.

This includes an incident where a U.S. C-130 was fired upon and a U.S. service member was killed.

In 1986, two Cuban MIG-21 aircraft intercepted a USCG HU-25A Falcon flying outside of its 12 nautical mile territorial sea, claiming it had entered Cuban Flight Information Region (FIR) without permission.

In 1988, Soviet warships intentionally "bumped" two U.S. warships engaged in innocent passage south of Sevastopol in the Black Sea.

In 1984, Mexican Navy vessels approached U.S. Coast Guard vessels operating outside Mexican territorial waters and interfered with valid USCG law enforcement activities.

Libyan claims to the Gulf of Sidra have resulted in repeated challenges and hostile action against U.S. forces operating in high seas.

During the 1980's, transits of the Northwest Passage by the USCG POLAR SEA and POLAR STAR were challenged by the Canadian government.

I do not doubt that, if necessary, the United States Navy will sail where it needs to to protect U.S. interests. But, if we reject the Convention, preservation of these rights in non-wartime situations will carry an increasingly heavy price for the United States.

By remaining outside of the Convention, the United States will have to challenge excessive claims by other states not only diplomatically, but also through conduct that opposes these claims. A widely ratified Convention would significantly reduce the need for such expensive operations.

It would also afford us a durable platform of principle to ensure support from the American people and our allies when we confront claims we regard as illegal.

The Convention's provisions on freedom of navigation are also vitally important to the U.S. economy and the thousands of U.S. workers whose jobs are dependent on exports and imports. We live in an interdependent world, and 80 percent of trade between nations in this interdependent world is carried by ship.

Oil is one example of this. In 1993, 44 percent of U.S. petroleum products supplied came from imported oil. This oil was carried on tankers that every day pass through straits, territorial waters, and exclusive economic zones of other nations.

The U.S. has a vital interest in the stability of the international legal order that serves as the basis for this commerce. We also have an interest in avoiding higher prices for consumers and job losses that can result from costly coastal state restrictions on navigation.

The benefits of the Convention extend to many other areas. Protection of submarine cables is one example. The new fiber optic cables that connect the United States to other countries are crucial for international communications and our increasingly information-based economy.

These cables are enormously expensive. A new fiber optic cable connecting the United States to Japan can carry up to one million simultaneous telephone calls, and is valued at \$1.3 billion. The total value of existing cables is measured in the many billions of dollars.

When these cables are broken, U.S. companies, and ultimately U.S. consumers, incur

huge repair costs. The Convention contains new provisions that strengthen the obligation of all states to take measures to protect the cables, and cable owners.

Past U.S. concerns with the Convention's provisions on deep seabed mining—concerns that had prevented the United States from signing the Convention—were resolved in an agreement signed in July at the United Nations in New York.

Earlier today, you heard about this subject from Wes Scholz, the head of the U.S. delegation to the negotiations on the Part XI Agreement. He and his negotiating team did a truly superb job in adjusting the Convention's provisions on seabed mining to provide a workable framework for the 21st century.

Looking to the future, U.S. interests in the Convention lie not only in what it is today, but in what it may become. Just as form and substance have been given our Constitution by the courts, so too will future uses of the oceans be influenced and shaped by decisions made under the Convention.

With the Convention's entry into force last November 16th, the United States stands on the threshold of a new era in oceans policy. Under the Convention, U.S. national interests in the world's oceans would be protected as a matter of law. This is a success of U.S. foreign policy that will work to our benefit in the decades to come.

The question on many people's minds now is: will the Senate act on the Convention during this, the 104th Congress?

I think that those who support the treaty should help make the case for its approval. The benefits of the Convention are many. We should not be shy in making them known. The consequences of not ratifying the Convention are also many. Those too should be made known.

Over the past 25 years, the Convention and its supporters have overcome many obstacles. The same tenacity and commitment that brought the Convention to where it is today will be needed to take the Convention the next step.

U.S. ratification of the Convention may not come quickly, but I am confident it will come. It is up to us to make that happen sooner rather than later. And when it happens, that for me will be a nearly life-long dream come true.

#### MESSAGES FROM THE HOUSE

At 2:24 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill; in which it requests the concurrence of the Senate:

H.R. 2. An act to give the President item veto authority over appropriation acts and targeted tax benefits in revenue acts.

#### MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 2. An act to give the President item veto authority over appropriation acts and targeted tax benefits in revenue acts; pursuant to the order of August 4, 1977; referred jointly to the Committee on the Budget and the Committee on Governmental Affairs.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with

accompanying papers, reports, and documents, which were referred as indicated:

EC-372. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-370 adopted by the Council on December 6, 1994; to the Committee on Governmental Affairs.

EC-373. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-371 adopted by the Council on December 6, 1994; to the Committee on Governmental Affairs.

EC-374. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-373 adopted by the Council on December 6, 1994; to the Committee on Governmental Affairs.

EC-375. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-374 adopted by the Council on December 6, 1994; to the Committee on Governmental Affairs.

EC-376. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-375 adopted by the Council on December 6, 1994; to the Committee on Governmental Affairs.

EC-377. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-376 adopted by the Council on December 6, 1994; to the Committee on Governmental Affairs.

EC-378. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-377 adopted by the Council on December 6, 1994; to the Committee on Governmental Affairs.

EC-379. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-378 adopted by the Council on December 6, 1994; to the Committee on Governmental Affairs.

EC-380. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-379 adopted by the Council on December 6, 1994; to the Committee on Governmental Affairs.

EC-381. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-380 adopted by the Council on December 6, 1994; to the Committee on Governmental Affairs.

EC-382. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-381 adopted by the Council on December 6, 1994; to the Committee on Governmental Affairs.

EC-383. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-382 adopted by the Council on December 6, 1994; to the Committee on Governmental Affairs.

EC-384. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-383 adopted by the Council on December 6, 1994; to the Committee on Governmental Affairs.

EC-385. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of

D.C. Act 10-385 adopted by the Council on December 6, 1994; to the Committee on Governmental Affairs.

EC-386. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-386 adopted by the Council on December 6, 1994; to the Committee on Governmental Affairs.

EC-387. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-387 adopted by the Council on December 6, 1994; to the Committee on Governmental Affairs.

EC-388. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-388 adopted by the Council on December 6, 1994; to the Committee on Governmental Affairs.

EC-389. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-391 adopted by the Council on December 6, 1994; to the Committee on Governmental Affairs.

EC-390. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-390 adopted by the Council on December 6, 1994; to the Committee on Governmental Affairs.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SMITH (for himself, Mr. GRASSLEY, Mr. INHOFE, and Mr. KEMPTHORNE):

S. 360. A bill to amend title 23, United States Code, to eliminate the penalties imposed on States for noncompliance with motorcycle helmet and automobile safety belt requirements, and for other purposes; to the Committee on Environment and Public Works.

By Mr. D'AMATO (for himself and Mr. MOYNIHAN):

S. 361. A bill to amend title 38, United States Code, to provide that the monthly amounts paid by a State to blind disabled veterans shall be excluded from the determination of annual income for purposes of payment of pension by the Secretary of Veterans Affairs; to the Committee on Veterans Affairs.

By Ms. MIKULSKI:

S. 362. A bill to amend the Metropolitan Washington Airports Act of 1986 to provide for the reorganization of the Metropolitan Washington Airports Authority and for local review of proposed actions of the Airports Authority affecting aircraft noise; to the Committee on Commerce, Science, and Transportation.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 363. A bill to improve water quality within the Rio Puerco watershed, New Mexico, and to help restore the ecological health of the Rio Grande through the cooperative identification and implementation of best management practices that are consistent with the ecological, geological, cultural, sociological, and economic conditions in the region, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BROWN:

S. 364. A bill to authorize the Secretary of the Interior to participate in the operation

of certain visitor facilities associated with, but outside the boundaries of, Rocky Mountain National park in the State of Colorado; to the Committee on Energy and Natural Resources.

By Mr. BROWN (for himself and Mr. CAMPBELL):

S. 365. A bill to amend the Federal Water Pollution Control Act to provide for the use of biological monitoring and whole effluent toxicity tests in connection with publicly owned treatment works, and for other purposes; to the Committee on Environment and Public Works.

By Mr. FEINGOLD:

S. 366. A bill to amend certain Federal civil rights statutes to prevent the involuntary application of arbitration to claims that arise from unlawful employment discrimination based on race, color, religion, sex, national origin, age, or disability, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DORGAN:

S. 367. A bill to amend the Internal Revenue Code of 1986 to increase and make permanent the deduction for health insurance costs of self-employed individuals; to the Committee on Finance.

S. 368. A bill to amend the Internal Revenue Code of 1986 to provide that installment sales of certain farmers not be treated as a preference item for purposes of the alternative minimum tax; to the Committee on Finance.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. STEVENS:

S. Con. Res. 5. A concurrent resolution permitting the use of the Capitol for a ceremony to commemorate the days of remembrance of victims of the Holocaust; to the Committee on Rules and Administration.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SMITH (for himself, Mr. GRASSLEY, Mr. INHOFE, and Mr. KEMPTHORNE):

S. 360. A bill to amend title 23, United States Code, to eliminate the penalties imposed on States for non-compliance with motorcycle helmet and automobile safety belt requirements, and for other purposes; to the Committee on Environment and Public Works.

##### MOTORCYCLE HELMET AND SAFETY BELT PENALTY ELIMINATION

• Mr. SMITH. Mr. President, section 153 of the Intermodal Surface Transportation Efficiency Act [ISTEA] of 1991 (Public Law 102-240) penalizes States that do not institute mandatory motorcycle helmet and seatbelt laws. Today, I will introduce a measure to repeal this patently unfair provision that forces States to transfer scarce construction funds to other programs.

The November elections have shown that the American people want more decisionmaking authority with their State and local governments as op-

posed to heavy handed Federal mandates. Furthermore, outlining how a State spends its own money, which is collected through the consumer gas tax, infringes on States' ability to control their own budgets. Dangling essential highway construction money in front of States to coerce them into adopting helmet and seatbelt laws is fiscal blackmail. State governments are aware of the need for safety programs and I do not support Washington's micromanagement of issues that should clearly be left up to the States.

Mr. President, I am a strong supporter of highway safety. However, mandatory motorcycle and seatbelt laws do not guarantee safety. In fact, of the 10 safest States in which to ride a motorcycle, 7 do not require mandatory helmet use for adults. Furthermore, New Hampshire, which does not have mandatory helmet and seatbelt laws, has been ranked as one of the five States with the best highway safety record in the Nation, as far as fatalities per million miles traveled.

Mr. President, highway safety education programs are the key to highway safety and I believe that States have the expertise and know-how to develop their own programs without Federal intimidation. I invite my colleagues to join me in supporting their States' highway departments and highway users by repealing helmet and seatbelt mandates. •

By Mr. D'AMATO (for himself and Mr. MOYNIHAN):

S. 361. A bill to amend title 38, United States Code, to provide that the monthly amounts paid by a State to blind disabled veterans shall be excluded from the determination of annual income for purposes of payment of pension by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

##### LEGISLATION TO ASSIST BLIND VETERANS

• Mr. D'AMATO. Mr. President, since the mid-1930's, New York State has paid blind disabled veterans a monthly annuity. Qualified veterans—of which there are less than 2,000—receive monthly payments of \$41.66, the same amount as has been paid since the program's inception.

The blind annuity has not been adjusted upward, because should a State decide to increase its blind annuity, the U.S. Department of Veterans Affairs would respond by reducing Federal pensions paid to these individuals by the same amount. Thus, there would be no net benefit for veterans receiving the annuity.

The legislation that I and my distinguished colleague from New York, Senator MOYNIHAN, are reintroducing today will prevent the VA from penalizing blind veterans, should any State undertake or increase a blind annuity. Charity begins at home. My legislation will allow States to compensate those

who have paid a very high price in defense of our country, at no cost to the Federal Government.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

##### S. 361

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. EXCLUSION OF CERTAIN AMOUNTS FROM INCOME DETERMINATION FOR PENSION PURPOSES.

Section 1503 of title 38, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (9);

(2) by striking out the period at the end of paragraph (10) and inserting in lieu thereof "and"; and

(3) by adding at the end the following new paragraph:

"(11) amounts equal to amounts paid to a veteran by a State under a program of such State to make monthly payments to qualifying veterans who are blind and totally disabled." •

By Ms. MIKULSKI:

S. 362. A bill to amend the Metropolitan Washington Airports Act of 1986 to provide for the reorganization of the Metropolitan Washington Airports Authority and for local review of proposed actions of the Airports Authority affecting aircraft noise; to the Committee on Commerce, Science, and Transportation.

##### WASHINGTON AIRPORT ACT AMENDMENTS

Ms. MIKULSKI. Mr. President, today I introduce S. 362, the Metropolitan Washington Airports Act Amendment of 1995.

In light of the Supreme Court's decision last month which compels congressional action, I am sponsoring this legislation which finally eliminates congressional oversight over the Airports Authority Board of Directors, and makes this Board more accountable to the communities it serves. Similar legislation was introduced in the House of Representatives by my colleague, Mrs. MORELLA of Maryland.

This legislation will amend the Metropolitan Washington Airport Act of 1986 by reorganizing the Metropolitan Washington Airports Authority and providing for greater local involvement in the management of Dulles and Washington National Airports.

I believe in strong local involvement in the management of our airports. The Airports Authority Board structure which was struck down recently by the Supreme Court did not adequately incorporate representation of local communities. The legislation will restore the involvement of communities in this region into the management of the Washington area airports by reorganizing the Airports Authority Board of Directors into 11 members who reside in the Washington, DC, region. These

board members will be appointed by the chief executives of Virginia, Maryland, and the District of Columbia, the Virginia State legislature, or by the local council of governments.

The legislation also ensures local involvement in any decision by the Washington Metropolitan Airports Authority Board of Directors which could result in a change in aircraft noise in the vicinity of our local airports. The legislation mandates that a local group of citizens, the committee on noise abatement, be notified by the Board of any decision affecting noise abatement so that they have the opportunity to review the proposed action. In the interest of the citizens most affected by aircraft noise, I feel that local oversight is important in any airport authority decision involving the serious issue of noise abatement.

I hope my colleagues will agree with me that airports should be accountable to the communities they serve, and I hope we will see enactment of this legislation during the 104th Congress. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 362

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the "Metropolitan Washington Airports Act Amendments of 1995".

SEC. 2. FINDINGS.

Section 6002(7) of the Metropolitan Washington Airports Act of 1986 (49 U.S.C. App. 2451(7)) is amended—

(1) by inserting "declining" after "perceived"; and

(2) by striking "the growing local interest," and inserting "the increasing need for local planning and management on a metropolitan statistical area basis."

SEC. 3. AIRPORTS AUTHORITY.

(a) BOARD OF DIRECTORS.—Section 6007 of the Metropolitan Washington Airports Act of 1986 (49 U.S.C. App. 2456) is amended by striking subsections (e), (f), (g), and (h) and inserting the following:

"(e) BOARD OF DIRECTORS.—

"(1) APPOINTMENT.—The Airports Authority shall be governed by a board of directors of 11 members as follows:

"(A) 1 member shall be appointed by the Governor of Virginia.

"(B) 1 member shall be appointed by the Mayor of the District of Columbia.

"(C) 1 member shall be appointed by the Governor of Maryland.

"(D) 2 members shall be appointed by the Virginia State legislature.

"(E) 2 members shall be appointed by those representatives from Virginia local governments who are on the Board of Directors of the Metropolitan Washington Council of Governments.

"(F) 2 members shall be appointed by those representatives from the District of Columbia government who are on the Board of Directors of the Metropolitan Washington Council of Governments.

"(G) 2 members shall be appointed by those representatives from Maryland local govern-

ments who are on the Board of Directors of the Metropolitan Washington Council of Governments.

The Chairman shall be appointed from among the members by a majority vote of the members and shall serve until replaced by a majority vote of the members.

"(2) RESTRICTIONS.—Members (A) shall serve without compensation other than reasonable expenses incident to board functions, and (B) must reside within the Washington Standard Metropolitan Statistical Area.

"(3) TERMS.—Member shall be appointed for terms of 4 years.

"(4) REQUIRED NUMBER OF VOTES.—7 votes shall be required to approve bond issues and the annual budget.

"(f) AIRPORT NOISE.—

"(1) BALANCED ENVIRONMENTAL PROTECTION.—In order to protect the public from the impact of aircraft noise and at the same time provide for suitable air transportation service to the Washington Standard Metropolitan Statistical Area, a proposed action of the board of directors which could result in a change in the impact of aircraft noise in the vicinity of a Metropolitan Washington Airport may not take unless, at least 60 days before the action is to take effect, the board of directors—

"(A) notifies, in writing, the Committee on Noise Abatement at National and Dulles Airports of the Washington Council of Governments of the action for the purpose of allowing such committee the opportunity to review, and submit comments on, the action; and

"(B) submits, in writing, to such committee a response to any comment of such committee with respect to the action within 30 days after the date of receipt of such comment."

SEC. 4. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsections (b) and (c), the amendments made by sections 2 and 3 shall take effect on the date of the enactment of this Act.

(b) LIMITATION ON APPLICABILITY.—Persons appointed as members of the board of directors of the Metropolitan Washington Airports Authority on the date of the enactment of this Act shall continue to serve on such board until their respective terms expire under former section 6007(e).

(c) INITIAL APPOINTMENTS.—

(1) VIRGINIA APPOINTMENTS.—The Governor of Virginia shall appoint under new section 6007(e)(1)(A) a person to fill the vacancy of the first member appointed by the Governor of Virginia under former section 6007(e)(1)(A) whose term expires after the date of the enactment of this Act. The Virginia State legislature shall appoint under new section 6007(e)(1)(D) persons to fill the vacancies of the second and third members appointed by the Governor under former section 6007(e)(1)(A) whose terms expire after such date of enactment. Representatives from Virginia local governments shall appoint under new section 6007(e)(1)(E) persons to fill the vacancies of the fourth and fifth members appointed by the Governor under former section 6007(e)(1)(A) whose terms expire after such date of enactment.

(2) DISTRICT OF COLUMBIA APPOINTMENTS.—The Mayor of the District of Columbia shall appoint under new section 6007(e)(1)(B) a person to fill the vacancy of the first member appointed by the Mayor of District of Columbia under former section 6007(e)(1)(B) whose term expires after the date of the enactment of this Act. Representatives from the District of Columbia government shall appoint under new section 6007(e)(1)(F) persons to fill

the vacancies of the second and third members appointed by the Mayor under former section 6007(e)(1)(B) whose terms expire after such date of enactment.

"(3) MARYLAND APPOINTMENTS.—The Governor of Maryland shall appoint under new section 6007(e)(1)(C) a person to fill the vacancy of the first member appointed by the Governor of Maryland under former section 6007(e)(1)(C) whose term expires after the date of the enactment of this Act. Representatives from Maryland local governments shall appoint under new section 6007(e)(1)(G)—

(A) a person to fill the vacancy of the second member appointed by the Governor under former section 6007(e)(1)(C) whose term expires after such date of enactment; and

(B) a person to fill the vacancy of the member appointed by the President under former section 6007(e)(1)(D) when the term of such member expires after such date of enactment.

(d) DEFINITIONS.—In this section, the following definitions apply:

(1) FORMER SECTION 6007(e).—The term "former section 6007(e)" means section 6007(e) of the Metropolitan Washington Airports Act of 1986 as in effect on the day before the date of the enactment of this Act.

(2) NEW SECTION 6007(e).—The term "new section 6007(e)" means section 6007(e) of the Metropolitan Washington Airports Act of 1986, as amended by section 3 of this Act.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 363. A bill to improve water quality within the Rio Puerco Watershed, New Mexico, and to help restore the ecological health of the Rio Grande through the cooperative identification and implementation of best management practices that are consistent with the ecological, geological, cultural, sociological, and economic conditions in the region, and for other purposes; to the Committee on Energy and Natural Resources.

RIO PUERCO WATERSHED ACT

• Mr. BINGAMAN. Mr. President, today I am introducing legislation that will authorize a coordinated approach for restoration of the Rio Puerco Watershed, which at 7,000 square miles is the largest tributary to the Rio Grande in terms of area and sediment. The Rio Puerco was once known as New Mexico's breadbasket, with water supply and soil tilth to support that reputation.

Over time, extensive ecological changes have occurred in the Rio Puerco Watershed, some of which have resulted in damage to the watershed that has seriously affected the economic and cultural well-being of its inhabitants. This has resulted in the loss of existing communities that were based on the land and were self-sustaining. Mr. President, a healthy and sustainable ecosystem is essential to the long-term economic and cultural viability of the region.

According to the Bureau of Land Management, the Rio Puerco contributes only 6 percent of the total water but over 50 percent of the sediments which enter the Rio Grande. Accelerated, progressive soil erosion within

the basin threatens not only the sustained productivity of the rangeland watershed, but also the middle Rio Grande aquatic system, irrigators dependent on those waters, and the economic foundation of the Mesilla Valley dependent on Elephant Butte Reservoir.

A substantial proportion of the rural population is concerned about its ability to maintain a traditional lifestyle with an economy which is natural resource based and dependent upon the productivity of land with multiple ownership. The vast Rio Puerco drainage system is a mosaic of land ownership and agency management. No single agency has watershed-wide expertise and management responsibility. It is imperative that the numerous agencies and individuals with resource management responsibility—Indian pueblos, Federal and State agencies, and private citizens—work together to develop a plan for and implement an effective Rio Puerco Watershed management program.

This legislation directs the Secretary of the Interior to lead and coordinate a management program in the Rio Puerco Watershed with the advice and input of a Rio Puerco Management Committee composed of the various landowners, affected Indian pueblos, local, regional, State, and Federal governments, and other interested citizens.

The committee will prepare a management plan to identify reasonable and appropriate goals and objectives for land owners and managers in the Rio Puerco Watershed; to describe potential alternative actions to meet the goals and objectives; to recommend voluntary implementation of appropriate best management practices on both public and private lands; to provide for cooperative development of management guidelines for maintaining and improving the ecological, cultural, and economic conditions on both public and private lands; and other activities that will promote cooperation and information sharing among those that own and manage land in the Rio Puerco Watershed.

Mr. President, I am pleased that Senator DOMENICI is a cosponsor of this legislation. It is our hope that this legislation will advance the restoration of and maintenance of a healthy Rio Puerco Watershed that will serve New Mexico and its citizens in the future as well as it has served us in the past. We have a lot of work ahead of us. A clear path must be outlined and a base of authorization, from which this program can be funded, established. Most importantly, this legislation authorizes an approach that brings all of the stakeholders together. The Federal Government cannot, and should not, undertake this effort alone. The support and contributions of local citizens, tribes, governmental entities, and others is

crucial. I urge my colleagues to support this legislation, and I ask unanimous consent that the full text of my remarks and this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 363

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Rio Puerco Watershed Act of 1995".

**SEC. 2. FINDINGS.**

Congress finds that—

(1) over time, extensive ecological changes have occurred in the Rio Puerco watershed, including—

(A) erosion of agricultural and range lands;

(B) impairment of waters due to heavy sedimentation;

(C) reduced productivity of renewable resources;

(D) loss of biological diversity;

(E) loss of functioning riparian areas; and

(F) loss of available surface water;

(2) damage to the watershed has seriously affected the economic and cultural well-being of its inhabitants, including—

(A) loss of communities that were based on the land and were self-sustaining; and

(B) adverse effects on the traditions, customs, and cultures of the affected communities;

(3) a healthy and sustainable ecosystem is essential to the long-term economic and cultural viability of the region;

(4) the impairment of the Rio Puerco watershed has caused damage to the ecological and economic well-being of the area below the junction of the Rio Puerco with the Rio Grande, including—

(A) disruption of ecological processes;

(B) water quality impairment;

(C) significant reduction in the water storage capacity and life expectancy of the Elephant Butte Dam and Reservoir system due to sedimentation;

(D) chronic problems of irrigation system channel maintenance; and

(E) increased risk of flooding caused by sediment accumulation;

(5) the Rio Puerco is a major tributary of the Rio Grande, and the coordinated implementation of ecosystem-based best management practices for the Rio Puerco system could benefit the larger Rio Grande system;

(6) the Rio Puerco watershed has been stressed from the loss of native vegetation, introduction of exotic species, and alteration of riparian habitat which have disrupted the original dynamics of the river and disrupted natural ecological processes;

(7) the Rio Puerco watershed is a mosaic of private, Federal, tribal trust, and State land ownership with diverse, sometimes differing management objectives;

(8) development, implementation, and monitoring of an effective watershed management program for the Rio Puerco watershed is best achieved through cooperation among affected Federal, State, local, and tribal entities;

(9) the Secretary of the Interior, acting through the Director of the Bureau of Land Management, in consultation with Federal, State, local, and tribal entities and in cooperation with the Rio Puerco Watershed Committee, is best suited to coordinate management efforts in the Rio Puerco watershed; and

(10) accelerating the pace of improvement in the Rio Puerco watershed on a coordinated, cooperative basis will benefit persons living in the watershed as well as downstream users on the Rio Grande.

**SEC. 3. MANAGEMENT PROGRAM.**

(a) IN GENERAL.—The Secretary of the Interior, acting through the Director of the Bureau of Land Management shall—

(1) in consultation with the Rio Puerco Management Committee established by section 4—

(A) establish a clearinghouse for research and information on management within the area identified as the Rio Puerco Drainage Basin, as depicted on the map entitled "The Rio Puerco Watershed" dated June 1994, including—

(i) current and historical natural resource conditions; and

(ii) data concerning the extent and causes of watershed impairment; and

(B) establish an inventory of best management practices and related monitoring activities that have been or may be implemented within the area identified as the Rio Puerco Watershed Project, as depicted on the map entitled "The Rio Puerco Watershed" dated June 1994; and

(2) provide support to the Rio Puerco Management Committee to identify objectives, monitor results of ongoing projects, and develop alternative watershed management plans for the Rio Puerco Drainage Basin, based on best management practices.

(b) RIO PUERCO MANAGEMENT REPORT.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary of the Interior, in consultation with the Rio Puerco Management Committee, shall prepare a report for the improvement of watershed conditions in the Rio Puerco Drainage Basin described in subsection (a)(1).

(2) CONTENTS.—The report under paragraph (1) shall—

(A) identify reasonable and appropriate goals and objectives for landowners and managers in the Rio Puerco watershed;

(B) describe potential alternative actions to meet the goals and objectives, including proven best management practices and costs associated with implementing the actions;

(C) recommend voluntary implementation of appropriate best management practices on public and private lands;

(D) provide for cooperative development of management guidelines for maintaining and improving the ecological, cultural, and economic conditions on public and private lands;

(E) provide for the development of public participation and community outreach programs that would include proposals for—

(i) cooperative efforts with private landowners to encourage implementation of best management practices within the watershed; and

(ii) involvement of private citizens in restoring the watershed;

(F) provide for the development of proposals for voluntary cooperative programs among the members of the Rio Puerco Management Committee to implement best management practices in a coordinated, consistent, and cost-effective manner;

(G) provide for the encouragement of, and support implementation of, best management practices on private lands; and

(H) provide for the development of proposals for a monitoring system that—

(1) builds on existing data available from private, Federal, and State sources;

(ii) provides for the coordinated collection, evaluation, and interpretation of additional data as needed or collected; and

(iii) will provide information to—

(I) assess existing resource and socioeconomic conditions;

(II) identify priority implementation actions; and

(III) assess the effectiveness of actions taken.

#### SEC. 4. RIO PUERCO MANAGEMENT COMMITTEE.

(a) **ESTABLISHMENT.**—There is established the Rio Puerco Management Committee (referred to in this section as the "Committee").

(b) **MEMBERSHIP.**—The Committee shall be convened by a representative of the Bureau of Land Management and shall include representatives from—

(1) the Rio Puerco Watershed Committee;

(2) affected tribes and pueblos;

(3) the National Forest Service of the Department of Agriculture;

(4) the Bureau of Reclamation;

(5) the United States Geological Survey;

(6) the Bureau of Indian Affairs;

(7) the United States Fish and Wildlife Service;

(8) the Army Corps of Engineers;

(9) the Natural Resources Conservation Service of the Department of Agriculture;

(10) the State of New Mexico, including the New Mexico Environment Department and the State Engineer;

(11) affected local soil and water conservation districts;

(12) the Elephant Butte Irrigation District;

(13) private landowners; and

(14) other interested citizens.

(c) **DUTIES.**—The Rio Puerco Management Committee shall—

(1) advise the Secretary of the Interior, acting through the Director of the Bureau of Land Management, on the development and implementation of the Rio Puerco Management Program described in section 3; and

(2) serve as a forum for information about activities that may affect or further the development and implementation of the best management practices described in section 3.

(d) **TERMINATION.**—The Committee shall terminate on the date that is 10 years after the date of enactment of this Act.

#### SEC. 5. REPORT.

Not later than the date that is 2 years after the date of enactment of this Act, and biennially thereafter, the Secretary of the Interior, in consultation with the Rio Puerco Management Committee, shall transmit to the Committee on Energy and Natural Resources of the Senate and to the Committee on Resources of the House of Representatives a report containing—

(1) a summary of activities of the management program under section 3; and

(2) proposals for joint implementation efforts, including funding recommendations.

#### SEC. 6. LOWER RIO GRANDE HABITAT STUDY.

(a) **IN GENERAL.**—The Secretary of the Interior, in cooperation with appropriate State agencies, shall conduct a study of the Rio Grande that—

(1) shall cover the distance from Caballo Lake to Sunland Park, New Mexico; and

(2) may cover a greater distance.

(b) **CONTENTS.**—The study under subsection (a) shall include—

(1) a survey of the current habitat conditions of the river and its riparian environment;

(2) identification of the changes in vegetation and habitat over the past 400 years and the effect of the changes on the river and riparian area; and

(3) an assessment of the feasibility, benefits, and problems associated with activities to prevent further habitat loss and to restore habitat through reintroduction or establishment of appropriate native plant species.

(c) **TRANSMITTAL.**—Not later than 3 years after the date on which funds are made available to carry out this Act, the Secretary of the Interior shall transmit the study under subsection (a) to the Committee on Energy and Natural Resources of the Senate and to the Committee on Resources of the House of Representatives.

#### SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out sections 1, 2, 3, 4, and 5 a total of \$7,500,000 for the 10 fiscal years beginning after the date of enactment of this Act.●

#### By Mr. FEINGOLD:

S. 366. A bill to amend certain Federal civil rights statutes to prevent the involuntary application of arbitration to claims that arise from unlawful employment discrimination based on race, color, religion, sex, national origin, age, or disability, and for other purposes; and to the Committee on Labor and Human Resources.

#### CIVIL RIGHTS PROCEDURES PROTECTION ACT

● Mr. FEINGOLD. Mr. President, today I am introducing a bill that I also introduced in the 103d Congress. This bill mirrors a House bill introduced last year by Representatives PATRICIA SCHROEDER, EDWARD MARKEY, and Marjorie Margolies-Mezvinsky as companion legislation to my original bill, S. 2012, the Protection From Coercive Employment Agreements Act of 1994.

This bill addresses a rapidly growing practice in employment relations—the practice of requiring employees to submit claims of discrimination or harassment to arbitration as a term or condition of employment or advancement, and prohibiting the employee from resolving their claim in a court of law.

This bill amends seven specific civil rights statutes to make clear that the powers and procedures provided under those laws are the exclusive ones that apply when a claim arises. The legislation would invalidate existing agreements between employers and employees that require the employment discrimination claims to be submitted to mandatory arbitration.

The statutes this would amend are title VII of the Civil Rights Act of 1964, section 505 of the Rehabilitation Act of 1973, the Americans With Disabilities Act, section 1977 of the Revised Statutes, the Equal Pay Act, the Family and Medical Leave Act, and the Federal Arbitration Act [FAA]. The amendment to the FAA extends the protections of the bill to claims of unlawful discrimination that arise under State or local law, and other Federal laws that prohibit job discrimination.

Mr. President, I want to reiterate that this legislation, as in the case of S. 2012, is in no way intended to bar the use of voluntary arbitration, conciliation, mediation or other informal quasi-judicial methods of dispute reso-

lution. In fact, I strongly support the use of voluntary alternative dispute resolution methods as a way of reducing the caseloads of civil and criminal courts where appropriate.

This bill closes a widening loophole in the enforcement of civil rights laws in our Nation. An entire industry—Wall Street—and a growing number of companies and firms in many other industries have been able to circumvent formal legal challenges to their unlawful employment practices in court—a right intended to be protected by the statutes this bill amends. Employers can tell current and prospective employees, "if you want to work for us, you'll have to check your rights as an American citizen at the door."

Mr. President, this practice should be stopped now. It is simply unfair to require an employee to waive, in advance, his or her statutory right to seek remedy in a court of law, in exchange for employment or a promotion. This bill will restore integrity in the relations between employees and employers.

I ask unanimous consent that the text of the legislation be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 366

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Civil Rights Procedures Protection Act of 1995".

#### SEC. 2. AMENDMENT TO TITLE VII OF THE CIVIL RIGHTS ACT OF 1964.

Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) is amended by adding at the end the following new section:

#### "EXCLUSIVITY OF POWERS AND PROCEDURES

"SEC. 719. Notwithstanding any Federal statute of general applicability that would modify any of the powers and procedures expressly applicable to a claim arising under this title, such powers and procedures shall be the exclusive powers and procedures applicable to such claim unless after such claim arises the claimant voluntarily enters into an agreement to resolve such claim through arbitration or another procedure."

#### SEC. 3. AMENDMENT TO THE AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967.

The Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.) is amended—

(1) by redesignating sections 16 and 17 as sections 17 and 18, respectively; and

(2) by inserting after section 15 the following new section 16:

#### "EXCLUSIVITY OF POWERS AND PROCEDURES

"SEC. 16. Notwithstanding any Federal statute of general applicability that would modify any of the powers and procedures expressly applicable to a right or claim arising under this Act, such powers and procedures shall be the exclusive powers and procedures applicable to such right or such claim unless after such right or such claim arises the claimant voluntarily enters into an agreement to resolve such right or such claim through arbitration or another procedure."

**SEC. 4. AMENDMENT TO THE REHABILITATION ACT OF 1973.**

Section 505 of the Rehabilitation Act of 1973 (29 U.S.C. 795) is amended by adding at the end the following new subsection:

"(c) Notwithstanding any Federal statute of general applicability that would modify any of the procedures expressly applicable to a claim based on right under section 501, such procedures shall be the exclusive procedures applicable to such claim unless after such claim arises the claimant voluntarily enters into an agreement to resolve such claim through arbitration or another procedure."

**SEC. 5. AMENDMENT TO THE AMERICANS WITH DISABILITIES ACT OF 1990.**

Section 107 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12117) is amended by adding at the end the following new subsection:

"(c) Notwithstanding any Federal statute of general applicability that would modify any of the powers and procedures expressly applicable to a claim based on a violation described in subsection (a), such powers and procedures shall be the exclusive powers and procedures applicable to such claim unless after such claim arises the claimant voluntarily enters into an agreement to resolve such claim through arbitration or another procedure."

**SEC. 6. AMENDMENT TO SECTION 1977 OF THE REVISED STATUTES OF THE UNITED STATES.**

Section 1977 of the Revised Statutes (42 U.S.C. 1981) is amended by adding at the end the following new subsection:

"(d) Notwithstanding any Federal statute of general applicability that would modify any of the procedures expressly applicable to a right to make and enforce a contract of employment under this section, such procedures shall be the exclusive procedures applicable to a claim based on such right unless after such claim arises the claimant voluntarily enters into an agreement to resolve such claim through arbitration or another procedure."

**SEC. 7. AMENDMENT TO THE EQUAL PAY REQUIREMENT UNDER THE FAIR LABOR STANDARDS ACT OF 1938.**

Section 6(d) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(d)) is amended by adding at the end the following new paragraph:

"(5) Notwithstanding any Federal statute of general applicability that would modify any of the powers or procedures expressly applicable to a claim based on violation of this subsection, such powers and procedures shall be the exclusive procedures applicable to such claim unless after such claim arises the claimant voluntarily enters into an agreement to resolve such claim through arbitration or another procedure."

**SEC. 8. AMENDMENT TO THE FAMILY AND MEDICAL LEAVE ACT OF 1993.**

Title IV of the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.) is amended by adding at the end the following new section:

**"SEC. 406. EXCLUSIVITY OF REMEDIES.**

"Notwithstanding any Federal statute of general applicability that would modify any of the procedures expressly applicable to a claim based on a right provided under this Act or under an amendment made by this Act, such procedures shall be the exclusive procedures applicable to such claim unless after such claim arises the claimant voluntarily enters into an agreement to resolve such claim through arbitration or another procedure."

**SEC. 9. AMENDMENT TO TITLE 9 OF THE UNITED STATES CODE.**

Section 14 of title 9, United States Code, is amended—

(1) by inserting "(a)" before "This"; and  
(2) by adding at the end the following new subsection:

"(b) This chapter shall not apply with respect to a claim of unlawful discrimination in employment if such claim arises from discrimination based on race, color, religion, sex, national origin, age, or disability."

**SEC. 10. APPLICATION OF AMENDMENTS.**

The amendments made by this Act shall apply with respect to claims arising on and after the date of the enactment of this Act.●

By Mr. DORGAN:

S. 367. A bill to amend the Internal Revenue Code of 1986 to increase and make permanent the deduction for health insurance costs of self-employed individuals; to the Committee on Finance.

**HEALTH INSURANCE DEDUCTION FOR THE SELF-EMPLOYED**

Mr. DORGAN. Mr. President, today I rise to urge my colleagues in Congress to work quickly to pass legislation to correct a serious problem affecting our Nation's farmers, ranchers, and small businesses.

As you know, the 25-percent tax deduction for the health insurance costs of self-employed individuals expired on December 31, 1993. This provision is absolutely critical to the health care concerns of small business owners and farmers who conduct their businesses as sole proprietors. While the 25-percent health costs tax deduction enjoys broad bipartisan support, it was not restored last year when the prospects for broader health care reform collapsed.

We should expect the outcry from small businesses to be deafening this April unless we move quickly to extend this provision beyond its December 31, 1993 expiration date. Further, it is indefensible that our tax laws tell some businesses that they can deduct 100 percent of their health costs, while others, mostly smaller businesses, are told they can deduct none of their health care costs.

The health of a farm family or small business owner is no less important than the health of the president of a large corporation, and the Internal Revenue Code should reflect this simple fact.

That's why I am reintroducing legislation to restore tax fairness for sole proprietors who acquire health insurance coverage for themselves and their families. My bill would renew the 25-percent health insurance tax deduction as if it had not expired in December 1993. It also expands the current 25-percent deduction to 100 percent over the next several years. As a result, sole proprietors would receive the exact same tax treatment that large corporations now enjoy.

Almost no one disagrees that the tax code unfairly discriminates against self-employed business owners with re-

spect to health care costs. Yet, Congress has always scrambled to simply retain the current 25-percent health tax deduction.

We can no longer afford to allow this provision to be held hostage to sunset provisions or politics. So long as we turn a blind eye to this problem, millions of Americans are prevented from purchasing adequate and affordable health care for themselves and their families.

We ought to move to correct this matter without further delay. This matter needs immediate attention.

By Mr. DORGAN:

S. 368. A bill to amend the Internal Revenue Code of 1986 to provide that installment sales of certain farmers not be treated as a preference item for purposes of the alternative minimum tax; to the Committee on Finance.

**TAX TREATMENT OF INSTALLMENT SALES LEGISLATION**

Mr. DORGAN. Mr. President, today I rise to introduce legislation to rectify a serious tax problem confronting our family farmers.

The Internal Revenue Service [IRS] has, in my opinion, mistakenly taken a position that may preclude our farmers from using deferred payment grain contracts, which have been routinely used in their businesses for decades. In my judgment, the IRS' position imposes an unintended and unacceptable financial hardship on the farming industry.

Let me briefly explain. For years, family farmers have used deferred payment grain contracts to sell their commodities to grain elevators to help manage the business income. A typical grain contract between a farmer and grain elevator calls upon a farmer to sell and deliver grain to a grain elevator—often because the farmer does not have adequate storage—for a fixed amount. In many cases, one or more payments paid by the elevator to the farmer under the contract occur after the close of the farmer's taxable year.

For regular tax purposes, farmers are allowed to defer income from the deferred payments under the grain contracts in computing their regular tax liability. But because the IRS apparently views all deferred payment grain contracts as installment sales, it now requires them to add back this income in computing the Alternative Minimum Tax [AMT] in the tax year preceding the year of payment. As a result, thousands of family farmers are facing hefty tax bills because they are being whip-sawed by an AMT provision which effectively repeals their ability to use such contracts.

To make matters worse, many farmers were advised by tax experts that some kinds of traditional deferred payment grain contracts do not amount to an installment sale that would require an AMT calculation. For this reason, they did not make an AMT adjustment

on their income tax returns. Now they are being told by the IRS that they owe large tax bills on income that they will not receive until later.

That is why I am introducing legislation to ensure that our family farmers are allowed to engage in deferred payment transactions and get the same kind of tax treatment they have always received.

I do not believe that Congress intended this kind of tax treatment for farmers using deferred payment grain contracts for legitimate business purposes. It seems to me that the IRS position is based upon an incorrect interpretation which ignores the fact that our family farmers are, by law, permitted to manage their business operations on a cash basis.

My bill would simply make clear the original intent of Congress in the Tax Acts of 1986 and 1987, which was to allow farmers to continue to receive the tax benefit provided from the use of cash method accounting and from installment sales for their deferred payment grain transactions.

I urge my colleagues to include this much-needed legislation in any revenue measure considered by the Senate this year.

#### ADDITIONAL COSPONSORS

S. 5

At the request of Mr. DOLE, the names of the Senator from Indiana [Mr. COATS], and the Senator from New Hampshire [Mr. GREGG] were added as cosponsors of S. 5, a bill to clarify the war powers of Congress and the President in the post-cold war period.

S. 104

At the request of Mr. D'AMATO, the names of the Senator from Kentucky [Mr. MCCONNELL], and the Senator from Maine [Mr. COHEN] were added as cosponsors of S. 104, a bill to establish the position of Coordinator for Counter-Terrorism within the office of the Secretary of State.

S. 150

At the request of Mr. MCCAIN, the name of the Senator from Arizona [Mr. KYL] was added as a cosponsor of S. 150, a bill to authorize an entrance fee surcharge at the Grand Canyon National Park, and for other purposes.

S. 154

At the request of Mr. BUMPERS, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 154, a bill to prohibit the expenditure of appropriated funds on the Advanced Neutron Source.

S. 157

At the request of Mr. BUMPERS, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of S. 157, a bill to reduce Federal spending by prohibiting the expenditure of appropriated funds on the United States International Space Station Program.

S. 184

At the request of Mr. HATFIELD, the names of the Senator from Hawaii [Mr. INOUE], the Senator from Illinois [Mr. SIMON], and the Senator from New Hampshire [Mr. GREGG] were added as cosponsors of S. 184, a bill to establish an Office for Rare Disease Research in the National Institutes of Health, and for other purposes.

S. 233

At the request of Mr. MCCAIN, the names of the Senator from Arizona [Mr. KYL] and the Senator from Ohio [Mr. DEWINE] were added as cosponsors of S. 233, a bill to provide for the termination of reporting requirements of certain executive reports submitted to the Congress, and for other purposes.

S. 234

At the request of Mr. CAMPBELL, the names of the Senator from New Hampshire [Mr. GREGG], the Senator from Wyoming [Mr. THOMAS], and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of S. 234, a bill to amend title 23, United States Code, to exempt a State from certain penalties for failing to meet requirements relating to motorcycle helmet laws if the State has in effect a motorcycle safety program, and to delay the effective date of certain penalties for States that fail to meet certain requirements for motorcycle safety laws, and for other purposes.

S. 277

At the request of Mr. D'AMATO, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 277, a bill to impose comprehensive economic sanctions against Iran.

S. 281

At the request of Mr. D'AMATO, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 281, a bill to amend title 38, United States Code, to change the date for the beginning of the Vietnam era for the purpose of veterans benefits from August 5, 1964, to December 22, 1961.

#### SENATE CONCURRENT RESOLUTION 5—RELATING TO THE USE OF THE ROTUNDA OF THE CAPITOL FOR A CEREMONY FOR VICTIMS OF THE HOLOCAUST

Mr. STEVENS submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 5

Whereas, pursuant to such Act, the United States Holocaust Memorial Council has designated April 23 through April 30, 1994, as "Days of Remembrance of Victims of the Holocaust"; and

Whereas the United States Holocaust Memorial Council has recommended that a one-hour ceremony to be held at noon on April 27, 1995, consisting of speeches, readings, and musical presentations as part of the days of remembrance activities: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the rotunda of the United States Capitol is hereby authorized to be used on April 27, 1995 from 8 o'clock ante meridian until 3 o'clock post meridian for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust. Physical preparations for the conduct of the ceremony shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

#### AMENDMENTS SUBMITTED

##### BALANCED BUDGET AMENDMENT

##### WELLSTONE AMENDMENTS NOS. 234-235

(Ordered to lie on the table.)

Mr. WELLSTONE submitted two amendments intended to be proposed by him to the joint resolution (H.J. Res. 1) proposing a balanced budget amendment to the Constitution of the United States; as follows:

##### AMENDMENT No. 234

On page 2, line 3, following the word "unless", insert the following:

"(a) compliance with this requirement would increase the number of hungry or homeless children, or (b)".

##### AMENDMENT No. 235

On page 2, line 3, following the word "unless", insert the following:

"(a) a majority of the whole number of each House of Congress shall determine that compliance with this requirement would not provide for the common defense and promote the general welfare, or (b)".

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. COATS. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Tuesday, February 7, at 9:30 a.m., in SR-332, to discuss what tax policy reforms will help strengthen American agriculture and agribusiness.

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

##### COMMITTEE ON ARMED SERVICES

Mr. COATS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, February 7, at 9:30 a.m. in open session to receive testimony on U.S. national security strategy.

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

##### COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. COATS. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Tuesday, February 7, at 9:30 a.m. for a hearing on the subject of regulatory reform.

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

#### ADDITIONAL STATEMENTS

##### REGARDING THE COURAGE OF MRS. DEVORAH HALBERSTAM

• Mr. D'AMATO. Mr. President, I rise today to present the remarks of a courageous woman, Devorah Halberstam, whose son Ari was brutally murdered by Rashid Baz on March 1, 1994, in a cowardly act of terrorism on the Brooklyn Bridge.

Mrs. Halberstam's statement before New York State Supreme Court Justice Harold Rothwax on January 18, 1995, took place before the sentencing of Rashid Baz, who subsequently received 141 years in prison for a single count of second-degree murder, 14 counts of attempted murder in the second-degree, and one count of criminal use of a firearm in the first-degree.

Mr. President, what happened that day on the Brooklyn Bridge was nothing less than an act of terrorism and we should call it just that. Ari Halberstam was murdered for one reason: He was a Jew.

In her poignant statement before the court, Mrs. Halberstam relates a tearful plea that she hopes that what happened to her and her family, never happen to any other family. Her statement is a powerful one and I urge my colleagues to read it so that they may gain a greater insight into the sorrow and grief suffered by a woman whose son was taken from her in an act of terrorism.

Mr. President, I ask that the text of Mrs. Halberstam's statement be included in the RECORD following the conclusion of my remarks.

The statement follows:

STATEMENT BY MRS. DEVORAH HALBERSTAM BEFORE STATE SUPREME COURT JUSTICE HAROLD ROTHWAX, JANUARY 18, 1994

Your Honor: Fourteen boys testified before this Court. Fourteen very special young men whose pure and innocent lives are dedicated to the betterment of our world. Fourteen adolescents whose own lives were forever changed on the Brooklyn Bridge less than a year ago on March 1st.

But the youngest of the students—the fifteenth—his voice was silent. And will remain silent forever.

Ari's blue eyes were deep as the ocean—windows to a soul in which I swam and energized myself every day of his 16 brief years.

A soul who feared nothing but the Almighty, whose humility was an inspiration, whose days and nights were testimony to the heights of human endeavor and aspiration.

A soul hand-picked by the Lubavitcher Rebbe and the Rebbe's wife, to serve as their surrogate child from earliest infancy, to be surrounded by their holiness and kindness and universal love.

A gem of a human being who combined the rigors of Chassidic life with its long days of study, with a grace on the basketball court that was star quality. A mere child who would jump at the opportunity—and they

were numerous—to relinquish his own bed to a tired guest. A prince of a boy who was generous to a fault with his time—always ready to listen to a troubled friend.

But above all he loved his family, especially his sisters and brothers.

That, your honor, was my son Ari.

That, your honor is the witness who could not be here to testify.

Which is why I have gathered what fragments are left of my energy and sanity, your honor, to address this court today.

On May 6, 1977, I was blessed and overjoyed as my first born son Ari came into this world.

On March 1, 1994 I was there at his side watching as the final color of life ebbed from his dying face. And on that day, I too died your honor. And my husband.

Our lives will never be the same. Yes, my life has been forever shattered by the hot bullet released by Rashid Baz's cold and calculating and viciously Jew-hating hand.

Your honor, we are compelled to look at the shocking and outrageous events that are going on in our world.

Several weeks ago, Islamic terrorists hijacked a French airliner with nearly 200 passengers. Their intent was to explode the jet in the heart of Paris in a suicide mission that would have killed thousands.

Their mission was not the complete success they had hoped for—instead of thousands, only five innocent civilians were actually murdered.

That very week, an Islamic terrorist—explosives strapped to his body—detonated himself beside a crowded public bus in the heart of Jerusalem. His mission was not the complete success he had hoped for—because only one person was seriously wounded, four others less seriously. The 50 passengers on the target bus were miraculously unharmed.

Two years ago, Islamic terrorists attempted to detonate the World Trade Center hoping to collapse a 110 story building and kill tens of thousands of our fellow Americans.

Their mission was not the complete success they had hoped for—because only 6 were actually killed and dozens more wounded.

On March 1st of last year an Islamic terrorist armed with an arsenal of sophisticated weapons stalked a van carrying 15 Rabbinical students on the Brooklyn Bridge with the intent to kill them all. His mission was not the complete success he had hoped for—because only one of the fifteen was killed—And that as you know, was my precious son Ari.

Your honor. The civilized world cannot afford "failures" like these.

Each day, innocent people—men, women and children—are being targeted in the cross hairs of these mass murderers who would kill and wound indiscriminately, not only others, but even themselves.

They murder with the sanction and participation of governments in Teheran and Baghdad, Damascus, Lebanon, Tripoli and Khartoum. Governments whose representatives roam our streets freely. Whose diplomatic pouches—laden with plastic explosives and conventional weapons—are inviolate. Whose treacherous plans sow destruction, mayhem and terror in the hearts of civilized people everywhere.

They murder with the blessing of fanatical religious leaders—some of whom are guests in this great land.

They murder in the name of a god they call "Allah the Merciful."

These killers are a disgrace to all people of faith, including the many millions of their own coreligionists who pray for peace in

their hearts but dare not speak peace because they fear for their lives.

These murderers respect no territorial boundaries. They obey no law. They view anybody and everybody, but especially Jews, as fair game. They believe—not without justification—the more blood they shed the more ready the world will be to capitulate to their nefarious and bloodthirsty aims.

A cowardly world hands down token sentences to those who are apprehended. Spineless western governments discreetly free some of the most wanton mass killers—releasing them into the hands of the very fundamentalist, dictatorships and theocracies which dispatched them in the first place.

They do this in order to improve their balance of trade, or worse yet, as a payoff, selfishly and foolishly hoping to forestall further acts of terrorism against their own people and on their own territory. This, your honor, is the world we live in. And the time has come to say, "Enough, we won't take it anymore."

I have addressed you on behalf of a civilized world which will be further threatened, further degraded, and further destabilized if this killer gets anything less than the maximum sentence you can give.

The man you will sentence today, Rashid Baz, killed my baby. And robbed Nachum Sossoukin of his youth. And he felt immune and invincible because the world's track record in dealing with his kind is an embarrassment to all civilized and justice-loving people.

The jury which declared this murderer guilty showed incredible personal courage in reaching its verdict. Because the community of Islamic terrorists is as vindictive as it is sadistic.

Yes, Rashid Baz's mission on the Brooklyn Bridge was a failure. Because 14 of his 15 intended victims are still alive.

But for me, my husband, my aged parents, and my four other children—as for the mothers and fathers and grandparents and sisters and brothers and sons and daughters of the other murder victims from those other "failures" I mentioned before—his mission was a success.

For we will never see our Ari again \* \* \* For I will never see my tall, beautiful, kind, scholarly, charming, friendly 16 year old son grow to maturity \* \* \* For my younger children will never again have the loving, compassionate guidance of the older brother they adored \* \* \* For my husband and I will never see the grandchildren we had expected.

And the generations upon generations of descendants that were to have come from Ari will never be—generations that were meant to replace and replenish the catastrophic loss of Jewish life that is our legacy from the Holocaust.

On March 1st Rashid Baz murdered Ari. But he also sentenced me and my family to a lifetime of mourning. To an endless series of sleepless nights. To a wound which can never heal. To a living death which chips away at us, measured in the slow cadence of endless seconds \* \* \* to a limbo of joylessness which will end only when we ourselves are reunited with Ari.

Indeed, there is nothing that can happen here today, nothing you or anyone else can do to bring Ari back. There is no way to give me back all those years of joy, love and worry. There is no sentence that you can give Baz for my murdered heart or for the security that was robbed from the lives of my children and replaced instead with cobrains, glocks and terror.

What can you say to Ari's sister Sara who grew up side by side with him and was her best friend throughout her life?

Or Chanie, his sister who fears going into any taxicab.

Or Mendy, Ari's brother, who looked up to Ari as his mentor and protector. And who lost his older brother on the day of his birthday.

Or Ari's four year old brother, who keeps asking me when Ari will be back. And whose last prayer at night is I love you Ari with my whole heart please come back home.

Your honor, our pain is too great to bear. We long for our son constantly. We listen for his footsteps and voice in hour home.

Yet life must go on, and justice, the inadequate justice that humans can mete out, must be done.

And now, your honor, it is your responsibility to show courage, and demonstrate that we in America are not cowards. That we do not capitulate to the blackmail of terrorism. That we value life and liberty. That those who would presume on American hospitality and freedom in order to bring civilization to its knees will find no refuge in this land. And that here, at least justice will prevail, and this cold blooded killer will never see the light of freedom again so long as he lives.

There is no death sentence in New York State. If there were, I would surely be tempted to ask for it.

Because death would send a message to the world that America knows how to deal with terror.

And death, too, might have brought a measure of finality to the horror me and my family have to live with.

But death, unfortunately, is not an option.

Which is why I beseech you, your honor, from a heart filled with pain and anguish, in the name of civilization and the values we hold dear, in memory of my son, and out of basic consideration for me and my family—sentence Rashid Baz to the very same sentence to which he sentenced us—namely, that not a day, not an hour, not a minute or a second of his life should go by without him being reminded of what he has done.

Remorse? The only remorse he has is over his faulty aim, and the fact that his mission was not completed entirely.

This murderer must live and die behind bars and barbed wire. He must spend the remainder of his natural life caged like the remorseless creature that he is. Deprived of any of the rights or freedoms he mocks. Separated from any opportunity to continue in his ways. Reduced to a number in the impersonal hell of prison. Consigned to a life of living death until God takes him and renders the eternal justice which we on earth cannot.

Your honor, this is the least you can do. Unfortunately, it is also the most.

Thank you.●

#### CRUELTY TO PATIENTS

● Mr. SIMON. Mr. President, one of the more thoughtful writers on our scene today is Joan Beck with the Chicago Tribune.

Recently, she had a column on our national health care system that takes a slightly different perspective on where we are and some of our problems.

I believe her comments merit serious consideration.

We are talking about some modification of the health care system this year.

On the floor of the Senate, several of us on both sides of the aisle have talked about the need for bipartisan cooperation.

I hope we can go ahead.

In the meantime, I urge my colleagues to read the Joan Beck column, and I ask to insert it into the RECORD at this point.

The column follows:

#### CRUELTY TO PATIENTS—NATION'S HEALTH CARE SYSTEM NEEDS AN EXAMINATION

(By Joan Beck)

Even without new federal legislation, health care in America is changing rapidly. Many of these changes are worrisome. Some are deadly scary.

Increasingly, the focus of medical care is becoming to reduce costs, to do only the minimum possible for patients, to wring money out of the system for a new set of corporate providers.

Fewer people are now allowed by HMOs and insurance company rules to see specialists. Far more surgery—more than half in many hospitals—is being done on an outpatient basis, often with assembly-line rules. Hospital stays after childbirth are often numbered in hours, not days.

Hospitals are cutting nursing staffs, lowering the level of patient care and substituting other caregivers with less training and lower pay. Teaching hospitals, with their higher costs and heavy load of patients needing specialized treatment, are getting squeezed.

Many doctors, like Ma and Pa stores swallowed up when a Wal-Mart comes to town, are losing their independence to a whole new world of corporate-managed health care.

Physicians, in fact, don't really seem to be major players in the health-care business these days. Politicians, administrators, employers, insurance companies, even the financial markets, are shaping the future of health care to an extent that makes many people highly uncomfortable—and may endanger their health.

There is a new emphasis on efficiency, not on humanitarianism and healing. Hospitals are competing for contracts from insurance companies, HMOs and big employers to care for large groups of people, often for a fixed, per-person fee. Then they must try to push down their costs however they can—by eliminating unnecessary tests and treatments, by being more efficient, by avoiding as many high-cost procedures as possible, perhaps even by taking risks with patients' health.

Federal efforts to pass national health-care legislation seem to be in hiatus for now, although Illinois Sen. Paul Simon has been trying to talk up the issue again. There are new threats to make drastic cuts and changes in Medicare and Medicaid. Congress may do some tinkering with insurance regulations.

But in the immediate future, changes in health care will not come from Washington. There will be more efforts by hospitals to trim costs. More efforts from HMOs, insurers and employers to get discount prices. More pressures on physicians to follow HMO and insurance company rules. More attempts at change by the states, particularly California, Minnesota, Washington, Hawaii and Pennsylvania. And more lamenting that while the increase in costs is slowing down, health care still takes 14 percent of the gross national product.

It is difficult to measure the impact of all of these changes on the nation's well-being.

But a useful yardstick is to evaluate how these changes affect the way physicians can do their job and how well they safeguard patient choice in their doctors.

Doctors should be the ones to decide the future of health care in the United States—not Hillary Rodham Clinton or Ira Magaziner or Newt Gingrich or Bob Dole or the Republicans or the Democrats or Prudential or Humana or General Motors or Exxon.

It's disappointing to see how little impact doctors have actually had on the health-care debate and on the future of health care and how quietly most of them have gone along with restrictions on how they care for patients.

Medical societies, of course, have issued proposals and lobbied legislators. The American Medical Association has a big lobbying arm in Washington and in 1990 proposed its own Health Access America plan. The Journal of the American Medical Association has published hundreds of articles and proposals, as have other medical journals. But these efforts have not had major impact on the future of health care.

It is taken for granted among health-care reformers that a major factor in high costs has been overtreatment by physicians who stand to make a buck by doing so. Yet these same reformers assume that the same physicians can be trusted not to undertreat patients when the economic incentives are reversed.

Undertreatment is hard to define and, often, to detect. It's difficult to measure outcomes; the data is subject to interpretation, not only for individuals, but for HMO populations, communities and states. Monitoring and evaluation protocols are not well developed. Clinical guidelines need further development if they are to be used as protection against undertreatment. Databases that will permit comparisons are still far from adequate.

People must rely on their physicians to withstand pressures to undertreat, to do what's best for patients regardless of new and increasing incentives to do less than that.

If the kinds of changes now happening in health care really reflect advances in medicine and commendable efforts to reduce unnecessary expenses and unneeded treatment, we should all be cheering. But how can we be sure that pressures from insurers and employers and HMOs won't push doctors and hospitals to cut even more corners that will risk patients' health?

There is still an enormous reservoir of trust in physicians in this country. But it will be increasingly hard for doctors to keep that trust and to deserve it in the new regimes of red tape and cost controls. They will have to figure out how to control the health-care system, not be controlled by others. And they will have to stand up for patients against the cost-cutters and the administrators when they interfere with optimum treatment if we are to be comfortable and safe with our health care in the future.●

#### RULES OF THE COMMITTEE ON THE JUDICIARY

● Mr. HATCH. Mr. President, in accordance with rule XXVI, section 2, of the Standing Rules of the Senate, I hereby submit for publication in the CONGRESSIONAL RECORD, the Rules of the Committee on the Judiciary. The rules follow:

COMMITTEE ON THE JUDICIARY

I. MEETINGS OF THE COMMITTEE

1. Meetings may be called by the Chairman as he may deem necessary on three days notice or in the alternative with the consent of the Ranking Minority Member or pursuant to the provision of the Standing Rules of the Senate, as amended.

2. Each witness who is to appear before the Committee or any Subcommittee shall file with the Committee, at least 48 hours in advance of the hearing, a written statement of his testimony in as many copies as the Chairman of the Committee or Subcommittee prescribes.

3. On the request of any Member, a nomination or bill on the agenda of the Committee will be held over until the next meeting of the Committee or for one week, whichever occurs later.

II. QUORUMS

1. Ten Members shall constitute a quorum of the Committee when reporting a bill or nomination; provided that proxies shall not be counted in making a quorum.

2. For the purpose of taking sworn testimony, a quorum of the Committee and each Subcommittee thereof, now or hereafter appointed, shall consist of one Senator.

III. PROXIES

When a record vote is taken in the Committee on any bill, resolution, amendment, or any other question, a quorum being present, a Member who is unable to attend the meeting may submit his vote by proxy, in writing or by telephone, or through personal instructions. A proxy must be specific with respect to the matters it addresses.

IV. BRINGING A MATTER TO A VOTE

The Chairman shall entertain a non-debatable motion to bring a matter before the Committee to a vote. If there is objection to bring the matter to a vote without further debate, a rollcall vote of the Committee shall be taken, and debate shall be terminated if the motion to bring the matter to a vote without further debate passes with ten votes in the affirmative, one of which must be cast by the minority.

V. SUBCOMMITTEES

1. Any Member of the Committee may sit with any Subcommittee during its hearings or any other meeting, but shall not have the authority to vote on any matter before the Subcommittee unless he is a Member of such Subcommittee.

2. Subcommittees shall be considered de novo whenever there is a change in the Subcommittee chairmanship and seniority on the particular Subcommittee shall not necessarily apply.

3. Except for matters retained at the full Committee, matters shall be referred to the appropriate Subcommittee or Subcommittees by the chairman, except as agreed by a majority vote of the Committee or by the agreement of the Chairman and the Ranking Minority Member.

VI. ATTENDANCE RULES

1. Official attendance at all Committee markups and executive sessions of the Committee shall be kept by the Committee Clerk. Official attendance at all Subcommittee markups and executive sessions shall be kept by the Subcommittee Clerk.

2. Official attendance at all hearings shall be kept, provided that Senators are notified by the Committee Chairman and ranking Member, in the case of Committee hearings, and by the Subcommittee Chairman and ranking Member, in the case of Subcommittee hearings, 48 hours in advance of the hearing that attendance will be taken; otherwise, no attendance will be taken. Attendance at all hearings is encouraged.

ORDERS FOR TOMORROW

Mr. HATCH. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9:15 a.m. on Wednesday, February 8, 1995; that following the prayer, the Journal of the proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day; that there then be a period for the

transaction of morning business not to extend beyond the hour of 9:30 a.m., with Senators permitted to speak for not to exceed 5 minutes each, with Senator LAUTENBERG to be recognized for up to 15 minutes; further, that at the hour of 9:30 a.m., the Senate resume consideration of House Joint Resolution 1, the balanced budget constitutional amendment, and the time between 9:30 and 11:30 be equally divided between the two leaders or their designees; that at the hour of 11:30 a.m., Senator DASCHLE be recognized for 15 minutes, to be followed by Senator DOLE for 15 minutes.

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

SCHEDULE

Mr. HATCH. Madam President, for the information of all of my colleagues, under the previous order, on Wednesday at 12 noon, Senator DOLE, or his designee, will make a motion to table the Daschle motion to commit. Therefore, Senators should be on notice that a rollcall vote will occur on that motion to table at 12 noon tomorrow.

RECESS UNTIL WEDNESDAY, FEBRUARY 8, 1995, AT 9:15 A.M.

Mr. HATCH. If there is no further business to come before the Senate and no other Senator is seeking recognition, I now ask that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 6:19 p.m., recessed until Wednesday, February 8, 1995, at 9:15 a.m.