

SENATE—Tuesday, February 14, 1995

(Legislative day of Monday, January 30, 1995)

The Senate met at 9:15 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 a guest chaplain, the Reverend Richard C. Halverson, Jr., Arlington, VA.

PRAYER

The guest chaplain, the Reverend Richard C. Halverson, Jr., of Arlington, VA, offered the following prayer:

Let us pray:

Almighty God, Thy Word declares: "And thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy mind, and with all thy strength: This is the first commandment. And the second is like, namely this, thou shalt love thy neighbor as thyself. There is none other commandment greater than these."

Lord, on this St. Valentine's Day, as we labor to pass important legislation, cause us to observe that preeminent law which was decreed at the beginning of time, which is revered in every religion, and which is the foundation of every good law, the law of love.

Help us, Lord, to love Thee, whom we most often neglect. Help us to love our neighbor, whom we cannot always select. Help us to love ourselves, whom we sometimes do not accept. And help us to love our country in the laws we here direct.

In the name of Him who is incarnate love, Jesus Christ. Amen.

RESERVATION OF LEADER TIME

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

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of House Joint Resolution 1, which the clerk will report.

The assistant legislative clerk read as follows:

A House 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:

Reid amendment No. 236, to protect the Social Security system by excluding the receipts and outlays of Social Security from balanced budget calculations.

Mr. REID addressed the Chair.

The PRESIDENT pro tempore. The distinguished Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that—the Senator from Utah will soon be here, is that right?

Mr. LOTT. Yes.

Mr. REID. I ask unanimous consent that the Senator from Utah and the Senator from Nevada each have 7½ minutes. That was the original agreement, and it will put off the vote for approximately 3 or 4 minutes.

Mr. LOTT. Mr. President, that is my understanding. I think we can go ahead and begin. Perhaps the Senator can take his time and Senator HATCH will be here momentarily.

Mr. REID. I am going to reserve the final 2½ minutes because it is my amendment.

Mr. BUMPERS. If the Senator will yield, is he saying the vote will not occur until when?

Mr. REID. Within 3 or 4 minutes of 9:30.

Mr. BUMPERS. I thank the Senator.

Mr. LOTT. If the Senator will yield 1 second more, I understand that the majority leader, Senator DOLE, wants 2 minutes at the very end.

Mr. REID. I forgot to mention that Senator DASCHLE is also going to speak for a brief time.

Mr. BUMPERS. I wanted to point out, Mr. President, that if I do not leave here at 9:30, I am not going to get to make a speech. Obviously, I am not going to be able to make that speech.

Mr. REID. Mr. President, I ask the Chair to advise me when I have 2½ minutes remaining.

Mr. President, Social Security is presently running huge surpluses. This year, \$70 billion; in 2002 over \$700 billion, and a few years after that, it will be \$3 trillion.

It now appears that there are people who want to tap into that surplus in an effort to balance the budget. My amendment draws a line in the sand that says you cannot tap Social Security to balance the budget. Those Social Security trust funds which have been set aside for some 60-odd years, should be kept in the trust fund and they should not be looted. It should not become a Social Security slush fund. It is unfair to seniors, unfair to the baby boomers, and certainly unfair to today's youth, to raid the Social Security trust fund.

This Congress realizes this. This Senate realized this when, in 1990, by a vote of 98 to 2, we set up Social Security as a separate part of our revenues. It was no longer part of the general

revenues of this country. A vote to kill my amendment will mark the death knell, I predict, of Social Security.

Everybody in this Chamber has made public pronouncements that they want to protect Social Security. The only way to protect Social Security is by voting for my amendment.

Mr. President, if you try to do it by implementing legislation, it is unconstitutional once the underlying amendment passes. Anything less than my amendment would be an express statement that you are willing to have the fox guard the henhouse or allow Willie Sutton to guard the bank.

Those watching this debate should not be fooled by transparent arguments being put forth as to why my amendment will not work. The amendment simply says Social Security shall not be used to balance the budget. That is all it says.

No one watching this debate should be under any illusions about what this vote is about. A vote to kill this amendment means that Social Security will be used to balance the budget of this country. That would be unfair.

There have been advertisements in the State of Nevada and around the country by the Republican National Committee to try to get me to back off this amendment. I am not going to. There is not enough money in the world to stop me from doing that, because I am obligated not only to protect today's senior citizens but my children's vested interest in Social Security, and my children's children.

They have a right, of course, to put out these advertisements. I recognize that. But rights carry responsibilities. And it is simply irresponsible to jeopardize the viability of Social Security. The reason they are after Social Security is because that is where the money is. As we all know, you cannot balance the budget with ease unless you use Social Security moneys. They are wanting to say: "OK, I did what I could to protect Social Security. I am sorry the amendment passed and now we must use Social Security to balance the budget." That is wrong. They want to be able to take the billions and billions and even trillions of dollars out of the Social Security trust funds to balance this budget. A vote to kill or defeat my amendment will allow them to do just that. It is not right, it is not fair, and it is not equitable.

I reserve the remainder of my time.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Utah.

Mr. HATCH. Mr. President, as we approach the vote to table the Reid amendment, which would carve out a constitutional exemption for Social Security from the balanced budget amendment, let me just express a few last thoughts.

First, let me thank the distinguished Senator from Nevada and those on both sides of this debate for comporting themselves with dignity throughout this debate. There are differences of opinion, but there has not been any rancor in this debate. I attribute that to my friend and colleague from Nevada, and we can all be proud of that.

Now, let me just point out why the Senate should reject the Reid amendment, in addition to the fact that writing a statute into the Constitution really should not be done. That is why we have implementing legislation. And this amendment provides that we shall have implementing legislation to do exactly what the distinguished Senator says.

Mr. President, let us just be honest about it. The Social Security trust fund is off budget, but the Federal Government is borrowing from it daily and giving a piece of paper, an IOU, for the repayment. If we do not do something to straighten out the budgetary problems of this country and do something about the deficit, those IOU's are going to be worthless pieces of paper, no matter what this amendment seems to say.

The fact of the matter is that not only will they be worthless pieces of paper, but this country is not going to be able to pay for Social Security or any other programs in the future if we do not get spending under control, especially deficit spending which drives up our interest costs and crowds out our ability to spend on anything else. The only way we are going to get spending under control is if we put a fiscal mechanism into the Constitution that requires us to do so.

Also, if you refer to a statute, as my good friend and colleague would like us to do here, if you write a statute into the Constitution, as it were by reference, you are talking about putting in tremendously convoluted and technical language and giving quasi-constitutional effect to language like this here on this poster. We would not know from week to week what the Constitution means as long as Congress can amend the underlying language of the statute referred to. That is just one illustration.

Let me give you another illustration on this next poster. It is a technical amendment to the Social Security Act in the sections referenced by the pending amendment. This is not constitutional language. But all of these details would have some type of constitutional significance under the pending amendment.

Let me further illustrate the complexity involved in referring to a stat-

ute in the Constitution. This poster shows just one of the definitions in the statute as referred to by the amendment. Is this constitutional language? It covers pages in the United States Code. And, Congress could make whatever changes it wants to in the Constitution any time it wants to by a mere 51-percent vote by merely changing the underlying statute. Or perhaps the opposite is true: Perhaps we could only amend the underlying statute through the process of a constitutional amendment. My sense is that the former is the more likely, that the meaning of the Constitution could be altered by altering the referenced statute.

Mr. President, look at this statutory language on disability insurance benefit payments in the statutory definitions of "disability" and "benefit payments" on this poster. And this is just one set of definitions in the United States Code, covering a number of pages. There are thousands of pages on the subject of the pending amendment and thousands of regulations, all of which would be written into the Constitution by reference. It would become the biggest loophole we could imagine. It would make the balanced budget amendment a totally worthless piece of paper and it would denigrate the Constitution.

Last week, we voted 87 to 10 to direct the Budget Committee to come up, at its earliest convenience, with a way of balancing the budget without touching Social Security, either from a revenue or from a spending standpoint. It will show that we can do what we said we could without taking the unprecedented and unjustifiable step of placing a mere statute into the text of the Constitution.

The real threat to Social Security is our staggering national debt and the high interest costs it drives. High Government debt and yearly deficits slow economic growth, make wages stagnant, increase interest costs, and can lead to inflation. All of these things hurt Social Security recipients by decreasing the amount of trust fund revenues and decreasing the real value of the benefits paid from the fund. As the mammoth pile of debt increases, the Government comes under increasing pressure and is less able to repay its debt to retirees unless it prints more money, which would drive inflation higher.

Balancing the budget is not a threat to Social Security, but a protection of Social Security for our current retirees and future ones, and is a protection against economic chaos and Government disaster. Any exemption in the balanced budget amendment can and would be used to avoid the strictures of the amendment and would be used to continue business as usual with ever-spiraling debt.

As I have pointed out here in this debate, this exemption would take the

unprecedented step of writing a mere statute into the text of the Constitution and exempting that statute from the operation of the balanced budget amendment. Such a step opens a loophole that Congress can redefine in any way it wishes in the future. All the pressure of balancing the budget would be focused on adding popular spending programs into the Social Security system, endangering the primary purpose of Social Security and evading the balanced budget amendment. This course risks devastating both Social Security and our Nation's economy by allowing the dangerous spending spree to continue as it has in the past. Our growing national debt threatens the strength of our Government, our economy, and our Nation for future generations.

As we have pointed out in our balanced budget debt tracker, every day that we have debated our budgetary deficit has grown from the \$4.8 trillion that we started with, at a rate of over \$829 million a day. We are now on our 16th day since we started this particular debate, and we now have a national debt that has increased \$13,271,040,000 just in the 16 days that have expired since we started this debate.

Mr. President, the debt is the threat to Social Security. We need to enact a rule into the Constitution to end this process of spending our children's legacy and threatening our ability to meet our commitments to retirees by running up a mountain of debt that we may not be able to service much longer. Let us reject all loopholes like this one offered by the Senator from Nevada, one which ironically could endanger the very program the exemption proponents are attempting to save, and which could gut the balanced budget amendment, our last best hope for setting the Nation's fiscal house in order. Let us table the Reid amendment now, and any others like it that may be offered hereafter.

Mr. President, may I ask the Chair how much time we have remaining?

The PRESIDING OFFICER. The Senator has 1 minute 45 seconds remaining.

Mr. HATCH. I reserve the remainder of my time.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I spent a lot of time yesterday talking about honoring honesty. It occurred to me, as I was driving home last night, that no group better exemplifies those virtues than the generation now most dependent on the solvency of Social Security—that is, the Social Security trust fund—and that is the generation that fought and won World War II.

There are now events honoring those that fought and died and survived places like Iwo Jima. Yesterday, there were events that signified the fact that

50 years ago there were 2 days of intensive bombing in Germany. These grizzled veterans had a clear notion of right and wrong. They were fighting to protect future generations against the tyranny over the minds and souls of man so dark and so bloody that it had to be eradicated. They were fighting, Mr. President, for decency and for honesty, for dignity and even honor. They were fighting not only for themselves, but for their children and for unnumbered generations yet unborn.

Though there are a sprinkling yet of these heroes still serving, even in this Chamber, those victors of World War II have largely passed the torch to new hands.

Are we, Mr. President, to let its light go dim when we pass it on to the next generation? We bear—we Members of the U.S. Senate—the same responsibility to those generations yet to come as we did and do to the heroes of that great conflict.

We are faced today with a decision of whether to abrogate moral responsibility or to face it squarely and honor a promise we have made to the American people. If we fail to keep that promise, if we break our word, we have twice failed that generation of giants. We have threatened their security in the years when the old soldier should be warmed by the fireside and his widow comforted.

Even worse, I think, in the eyes of those heroes is we have also failed to keep the commitment they made to those generations yet unborn: The promise of security for the old, the orphaned, and the infirm.

If we fail to keep that promise, may we be forgiven, for I daresay the American people have a very long memory. May we honor their memories by our vote today, by protecting the Social Security trust funds.

I reserve the balance of my time.

Mr. GRASSLEY. Mr. President, I sympathize with the amendment offered by Senator REID. But, for several reasons, I am not going to support it.

Mr. President, I do not believe that the benefits of current Social Security retirees are threatened by this amendment. For several very good reasons, those benefits will be protected as we begin to move toward a balanced budget.

It is important to remember that a balanced budget amendment will have to be implemented by enabling legislation which specifies what spending reductions and revenue increases are to be made.

In developing such enabling legislation Social Security is certain to fare well. This is true for several reasons. The Social Security Program has always enjoyed strong support in the Congress. The political power of increasing numbers of older people dependent on Social Security will certainly help to protect the program.

It is also important to remember that the Social Security system is currently running large surpluses. I believe that the income to the retirement fund from the FICA taxes will exceed the amount needed to pay beneficiaries this year by around \$69 billion. So the Social Security Retirement Program is not part of our deficit problem.

Several existing statutory provisions also protect the Social Security Program. They establish a firewall around the program. They do so in the following ways:

Any legislation which worsens the actuarial balance of the Social Security trust funds is subject to a point of order requiring a three-fifths vote of the Senate to waive.

Section 310(g) of the Budget Control and Impoundment Act stipulates that a point of order, requiring 60 votes to override, may be brought against any provision in a budget reconciliation bill pertaining to the Old Age, Survivors, and Disability Insurance Program established under title II of the Social Security Act.

This provision of the Budget Act makes it very difficult to alter the benefit and tax structure of the Social Security Program. Essentially, it requires 60 votes, rather than a simple majority, to pass changes in the Social Security Act program through reconciliation legislation.

Finally, the leadership of the House of Representatives and of the Senate has promised not to touch the Social Security Retirement Program for at least 5 years.

Mr. President, I said that I did not believe that Social Security would be the target of deficit reduction efforts and I said also that I do think that that is necessary.

In the long run, however, the Social Security Retirement Program faces a major imbalance between its own income and expenditures. And in the long run, therefore, there will have to be changes made in Social Security. I think everyone understands that. A number of Senators who have spoken in this debate in favor of the amendment to take Social Security out of the balanced budget amendment have acknowledged this point.

The most recent reports of the board of trustees of the Social Security trust funds, released in April 1994, concluded that the trust fund faces longer range funding problems.

The trustees predicted that the disability part of the system would become insolvent in 1995. They expected the buildup in the retirement part of the system to peak in the year 2020, and then be drawn down as the number of baby boomers drawing Social Security retirement increases rapidly after they begin to retire in the year 2010. The trustees estimated that the retirement fund would be exhausted by the year 2036.

Legislation enacted late last year will keep the disability trust fund solvent until the year 2015. With the enactment of that legislation, the retirement fund begins to spend out more than it takes in in approximately 2013. According to recent estimates, that retirement fund will be completely exhausted in approximately 2030.

Mr. President, I do not believe that excluding Social Security from the balanced budget amendment is going to protect the program from very difficult decisions in this longer range future I am describing.

After 2030, the non-Social Security operating accounts of the Federal Government could be in perfect balance. They would be required to be in balance by the balanced budget amendment.

But the Social Security deficit after 2030 could grow to huge proportions as the gap increases between the income to the trust funds from the FICA taxes, and the benefits paid out to beneficiaries.

If those Social Security trust funds themselves face a large Social Security deficit, how are we going to pay the benefits due to the baby boomers and the generation X'ers who follow them?

We are not going to pay those benefits from the trust fund surpluses shown on the books of the Social Security Administration. A number of Senators have already noted that, given that we have been running a large deficit for some years, the Social Security surpluses have already been spent on the operating expenses of the Federal Government. The trust fund balances will continue to be spent for other Federal activities as long as we are running a deficit in the operating accounts of the Federal Government. This happens whether or not Social Security is an independent agency. It happens whether or not Social Security is displayed on-budget or off budget. It will happen even were we to accept this amendment to take Social Security out of the balanced budget amendment.

This happens because the balances in the Social Security trust funds are held in the form of Treasury securities—loans to the Treasury in return for which the Treasury essentially issues IOU's to the Social Security Program. When the time comes for the Social Security Administration to redeem those IOU's, the Treasury will have to find the money to pay them.

Achieving a balanced budget at some point in the future will help reduce this drain on the Social Security trust funds. But by the time we have arrived at that point we will already have spent on other Federal activities tens of billions of dollars from the Social Security funds. Those funds are not going to be there when the Social Security Administration goes to the Treasury to make good on the IOU's it holds.

Thus, when that time comes after the baby boomers begin to retire, we will

face some difficult choices. We will have to substantially raise Social Security taxes. Or we will have to float massive new debt. Or we will have to cut back on benefits.

Mr. President, I am confident that the Congress will act to guarantee that the Social Security promise will be there for future generations. I am not able to say exactly how we will do that. But I remember back to the early 1980's when we had to form the National Commission on Social Security reform to figure out how to save the system from bankruptcy. We saved the system then, and we will do whatever we have to do in the future to guarantee the integrity of the system.

When that time comes, I do not believe that having Social Security out of the balanced budget amendment will shield us from the need to do one, or some combination, or those things—raise payroll taxes, float more debt, or reduce benefits—in order to maintain the integrity of the Social Security Program.

Mr. President, it is obvious that we cannot wait until the year 2030 until we begin to make changes in the Social Security Retirement Program. The baby boomers begin to retire in the year 2010. Once they have entered retirement, it will be difficult to make the changes that will be required. It will be difficult both because it would be unfair to change the terms of retirement for people already retired, even though the last Congress did just that when it raised the percentage of Social Security benefit subject to the personal income tax for retirees above a certain income level. And it will be difficult because the big baby boom generation will resist changes in the program.

So, Mr. President, certainly not later than 10 years from now the country, and the Congress, is going to have to face the pressing need to make changes in the retirement program that will go into effect not later than the year the baby boomers begin to retire. That is not a long time in the development of public policy.

Mr. President, it is important to remember that large Federal deficits threaten the Social Security Program. In fact, I do not think it is an exaggeration to say that they are the main threat to the current, and especially the future, Social Security Program. Social Security benefits to retirees are drawn from the wealth of the society into which they retire. Current and future economic health and prosperity are thus the first line of defense for the current and future Social Security Program.

Most economists believe that growing deficits result in lower productivity and lower living standards. As real wages decline because of large Federal deficits, there will be increasing resistance to paying the taxes necessary to

support the Social Security system. Growing deficits also contribute to high interest rates and growing Federal interest payments for Federal debt. Such interest payments can crowd out other spending, including spending for Social Security. Currently, interest payments on the Federal debt are around \$300 billion per year.

It is very important that we begin to get a grip on our deficit spending habits and I think that passage of this balanced budget amendment is the best way to do it.

I want to make one other point, Mr. President. And that is that we must remember that we are considering an amendment to the Constitution of the United States. As a former member of the Constitution Subcommittee of the Judiciary Committee, I had ample opportunity to reflect on the Constitution. That document establishes the basic structure of American Government. It does so with just a few thousand words. Those words outline fundamental principles of our governmental system. They outline fundamental relationships between the branches of Government.

Surely it is inappropriate to include mention of any statute, even a statute as important as the Social Security Act, in a document such as the Constitution.

This is not a precedent we should establish. Once we have added mention of the Social Security Act, what other statutes will future Congresses be tempted to add—statutes which provide veterans benefits? Statutes which provide medical care to the elderly?

We should remember that a constitutional amendment should provide general guidance on basic principles or concepts.

Mr. ABRAHAM. Mr. President, I rise to oppose the amendment offered by Senator REID. The purpose of the amendment is basically sound—to protect Social Security from budget cuts. Most of us support this.

However, in my view, the Reid amendment will likely fail to protect Social Security as well as the intent of the balanced budget amendment—to eliminate billions of dollars of annual deficits.

Right now, we fund Social Security and run up billions of dollars of debt. What the American people want is to protect Social Security from cuts and to put an end to deficits. That is what we propose.

The American people are saying that \$1.5 trillion in taxpayer dollars is enough. Spending 19 percent of national income on Government is enough. They want us to make it work.

But this amendment will have as its long-term effect funded Social Security and billions of dollars in annual budget deficits. This is true because although Social Security will have the political

clout to remain a funding priority, the Social Security trust fund will begin to run operating deficits in the year 2013 and will be completely exhausted in the year 2029. Thereafter, Social Security will run large annual budget deficits. While I am confident the Government will continue to make these transfer payments, I am equally certain we will not pay these bills if Social Security is not contained within the balanced budget amendment.

Furthermore, in the short term, this amendment will produce cuts in all other spending programs which will make the cuts opponents of the balanced budget amendment have described as draconian, seem trivial.

For instance, many Senators who support the Reid amendment have warned that in order to balance the budget by 2002—hold harmless national defense, Social Security, and interest on the debt, and pay for the Contract With America's tax cuts, all other Government spending programs would have to be cut by 30 percent across the board.

The irony is that the Reid amendment would have the practical effect of forcing even deeper cuts in Government programs than those about which Senators on the other side have expressed concern.

Here is how this would occur. According to the Congressional Budget Office, the accumulated Social Security trust fund surpluses will total \$636 billion from 1996 to 2002. If we were to remove that surplus from the budget, the annual budget deficit will increase accordingly—and the required reductions in spending would be much more than 30 percent if we must balance that portion of the budget not included in the Reid amendment.

At last Wednesday's Budget Committee hearing, I asked Office of Management and Budget Director Alice Rivlin to give me a rough estimate about how much more spending would have to be cut in all other areas of the budget if we totally remove Social Security from the rest of the budget as this amendment suggests.

Dr. Rivlin told the committee that all other Government programs would have to be reduced by 40 percent. According to the Congressional Budget Office and the Senate Budget Committee staff, spending would have to be reduced across-the-board spending cuts between 40 and 50 percent.

In other words, the amendment will produce massive short-term budget dislocations and no long-term end to the red ink. Accordingly, I will oppose it.

Mr. President, the simple fact is that today Social Security will be protected from budget cuts because an overwhelming number of Congressmen and Senators will vote to protect it. It will be protected after the balanced budget amendment is passed because that

same group of Congressmen and Senators will vote to protect Social Security in the balanced budget enabling legislation. And in the future, it will be protected. This is because Social Security will always be able to compete effectively as a budget priority, especially as the number of recipients increases as a percentage of the electorate.

Mr. President, I urge my colleagues to oppose the Reid amendment because it fails to protect both Social Security and the intent of the balanced budget amendment.

I yield the floor.

Ms. MOSELEY-BRAUN. Mr. President, Social Security is without a doubt the most important and the most successful program Government has created in the entire 20th century. We hear a great deal these days about the Contract With America. With all due respect to the drafters of that document, I agree with Senator BYRD—the only contract I have with America is the Constitution of the United States.

However, a close second to the Constitution is the Social Security contract. Social Security represents a real contract with the American people. It represents an almost sacred trust; and our job, as fiduciaries of that trust, is to act with prudence and responsibility, so that Social Security will be there when Americans need it.

The Social Security Act was signed into law by President Franklin D. Roosevelt on August 14, 1935. In 1934, in a speech outlining the objectives of his administration, President Roosevelt stated that,

Our task of reconstruction does not require the creation of new and strange values. It is rather the finding of the way once more to known, but to some degree forgotten, ideals and values. If the means and details are in some instances new, the objectives are as permanent as human nature. Among our objectives, I place the security of the men, women and children of the Nation first.

Accordingly, President Roosevelt announced that he would be sending to Congress a proposal to "Provide security against several of the great disturbing factors in life—especially those which relate to unemployment and old age." That proposal, of course, became what is now our Social Security system. When signing the legislation into law, President Roosevelt noted:

We can never insure 100 percent of the population against 100 percent of the hazards and vicissitudes of life, but we have tried to frame a law which will give some measure of protection to the average citizen and to his family against the loss of a job and against poverty-ridden old age.

Sixty years after President Roosevelt uttered those words, his vision has become reality. Social Security has helped millions of Americans avoid living out their final years in destitution. In fact, there is probably no other Federal program that has made such an extraordinary difference in the lives of so many Americans.

As a result, Americans view Social Security as a binding commitment, valid, and enforceable against the Federal Government. It has achieved a special status, and is viewed with reverence by current beneficiaries—and even by many baby boomers, who will be collecting Social Security benefits much sooner than we like to think.

But the same is not true for those in our younger generations. As many of you in this body know, I have a 17-year-old son, Matthew. I have mentioned him often during the course of this debate, because the most fundamental issue at stake in the balanced budget amendment debate—whether the American dream will be alive and well for the next generation and beyond—is so critically important to Matt, and to the rest of his generation.

When you speak to people who are Matthew's age, one thing becomes clear. Young people today—members of the so-called generation X—have absolutely no faith that Government will be there for them when they need it, that it will help them enjoy retirement security, or affordable health care, or the opportunity to enjoy a higher standard of living than their parents had.

And why should they, Mr. President? Since my son was born in 1977, he has never seen a balanced budget. He has no idea what it means to live under a Federal Government that spends within its means. He has heard politician after politician promise to balance the budget, yet has only seen the deficit skyrocket.

Our children have been told, time and time again, that a brighter day is just around the corner. They have been told that the Government will provide for people—including them—in their old age. The Federal Government has told them, time and time again, to trust me. But our children are not stupid. They are every bit as informed and aware of the political system, and how that system impacts on their lives, as we were at their age. And the failure of politicians to face the facts and acknowledge the difficult choices we face—politicians who would prefer to sweep our fiscal problems under the rug to score points with current voters, at the expense of future generations—has fueled a cynicism about Government that grows deeper and deeper every day, notwithstanding all our efforts to convince people that a brighter day is just around the corner.

The current debate surrounding Social Security—whether it should be on or off budget; whether proposals to keep it off budget should be included in the text of the constitutional amendment itself, or instead be dealt with in implementing legislation—only feeds public skepticism. I spoke the other day of my work on the Entitlement Commission. I believe that one of the

most important messages delivered by that body was the warning that, if Social Security is to remain viable well into the next century—allowing it to ensure retirement security for my son Matthew and beyond—there must be reform, Congress must act. Indeed, according to the Social Security trustees, reform is the only way to ensure that Social Security will be there for my son.

I realize that, anytime you mention Social Security reform, people get scared. But there is no reason to fear Social Security reform. Reform will not lower, by even 1 penny, the amount of benefits collected by any current Social Security recipients, or of anyone old enough to be thinking seriously about retirement. Indeed, if the changes are to be viewed as legitimate, they must be known well in advance. They must be long term ones, phased in gradually over time, when an opportunity for all Americans to fully participate in the dialog and debate over what form those changes should take. There are numerous options for reform, but it would be wrong for this Congress to choose any of them in advance of expensive consultation with the American people as to why reform is necessary, and what the merits and problems each option for reform presents.

However, the bottom line is that this debate must take place, a bottom line that is in no way affected by whether Social Security is kept on or off budget. In the long run, it makes no difference. Without reform, we will not be able to keep Social Security's promise to Matt and millions of other Americans.

We need to tell the American people the truth, Mr. President, about our budget problems generally, and about the need for long-term reform of Social Security specifically. The American people don't fear the truth. Far from it. They want to know the truth, and I am confident, that once they have it, they will want Congress and the President to do what the facts require—to act to keep Social Security secure for future generations and to restore real budget discipline to the Federal Government.

Among the truths Americans have a right to know is this one: America is graying, due both to longer life expectancies and the aging of the baby boomers. When the Social Security system was established, the average life expectancy was 61 years; now, it is 76. This simple truth has numerous implications. Social Security benefits are funded primarily from payroll taxes on current workers. As our population ages, and as the baby boom generation retires, there will be fewer workers to support more retirees. While in 1990 there were almost five workers for each retiree, in 2030, there will be less than three. What that means is that, if current trends remain unchanged, the Social Security trust fund will begin to

pay out more than it takes in by 2012. By 2029, the fund will have exhausted all of its previously accumulated surpluses. In other words, without long-term reform, Social Security will not be able to fully meet the promises it has made.

Now, it is true that the long-term Social Security imbalance doesn't have to be fixed today. But it is also true that the longer we wait, the more unnecessary risk for future Social Security recipients we create. So we should act—now.

What we have before the Senate today, however, are not proposals for reform that will guarantee Social Security's long-term solvency. Instead, what we have is a proposal to constitutionally reform Social Security from the budget. Frankly, Mr. President, if I thought this proposal would make any difference at all to the long-term prospect for Social Security—if it would make Social Security's future any more secure at all—I would oppose any balanced budget constitutional amendment that did not include it. More than that, I would filibuster around the clock to prevent the passage of any constitutional amendment that did not contain the Social Security proposal now before us.

And I have to say that I strongly support the idea of taking Social Security out of the budget for purposes of helping the American people understand what our real budget problems are—and what it will take to solve them.

The truth is, however, that this proposal has a short-term focus when our budget problems, and protecting Social Security's future, demand a long-term solution. And the truth is that even adding a provision to the Constitution to take Social Security out of the budget will not be able to accomplish that goal in anything other than in an accounting sense.

I share the view that decisions involving Social Security should be made only for Social Security-related reasons. I do not think Congress should ever make changes in Social Security to solve problems in other areas of the budget. Unfortunately, taking Social Security out of the budget, even via constitutional amendment, cannot guarantee that. Only the continued active involvement of the American people, only their continuing interest in keeping the Social Security compact intact, can guarantee that.

It is true that for the next 15 to 17 years, Social Security will be running a surplus—it will be taking in more than it spends. I agree that the existence of these annual surpluses does make the consolidated budget deficit look smaller in the relatively short-run. But that surplus is a temporary phenomenon. After about 2012, Social Security will be paying out more than it takes in. After that point, Social Security will be consuming its accumulated surplus.

The temporary or permanent nature of the surpluses perhaps would not be important if it were actually possible to take Social Security completely out of the rest of the Federal Government. However, as long as the Social Security system buys Treasury bonds, it is not. The simple truth is that taking Social Security off-budget won't raise or lower the amount of bonds the Treasury Department will have to issue between now and the year 2002—the date the balanced budget is supposed to be achieved—by even \$1.

Right now, the Treasury Department is selling bonds to the public, both here and abroad, and to the Social Security system. Whether Social Security is part of the budget or not, it will buy exactly the same amount of bonds. And that means that, whether Social Security is part of the budget or not, the Treasury Department will be selling exactly the same amount of bonds to the public—and it is the amount of bond sales to the public that is the real measure of Federal deficits in any given year.

On the other hand, if by the year 2012, when the Social Security trust fund ceases to take in more money than it pays out, the Government will be required to pay off those Treasury bonds. Whether Social Security is part of the budget or not is irrelevant to the fact that the Treasury Department will have to find the cash to pay off those bonds. And there are only three basic ways to do that: issue new bonds to the public, thereby increasing Federal deficits in those years, raising taxes by the amount necessary, or cutting spending on other programs by the amounts needed.

Talking Social Security out of the budget, therefore, does nothing to make our long-term budget problems either better or worse. It does nothing to protect Social Security from the rest of the budget, because Treasury bond purchases and sales continue to bind Social Security tightly to the rest of the budget. And perhaps most importantly, it does nothing to protect the long-term future of Social Security.

After all, as we vote on the balanced budget amendment, we have to keep our eyes on the prize. The point of this exercise is not simply to balance the budget by the year 2002. The point is to ensure that the budget stays balanced, not merely in 2002, but in each year thereafter. Without taking the steps necessary to reform the Social Security system, it will be impossible to ensure the budget stays balanced.

Mr. President, I know it is not popular to talk about reforming the Social Security system. But the people back in Illinois who sent me to the Senate told me that it was important for politicians to level with the American people. They told me it was important to stand up for what is right, to end the conspiracy of silence surrounding our

Nation's fiscal programs—including long-term problems facing Social Security—and to end the practice of ignoring the facts that are staring us in the face.

As I have said before, the American people are tired of the cynical manipulations, the smoke and mirrors, that have been used to obscure our budget problems in the past. The people know that getting our fiscal house in order will not be easy, and certainly will not be painless, but the long-term consequences of not acting are far worse than any short-term pain.

We have to take actions that will actually make a difference, instead of just making us feel good. We need to define the objectives that are important to us as a nation, then work to see how we can most effectively accomplish those objectives. On the issue of retirement security, the American people have spoken loud and clear: there are few, if any, goals as important to Americans. But deciding that the Government should provide old age security is only half the battle; in order to succeed, we need to continuously keep our eyes firmly fixed on the future.

Mr. President, the other day when I spoke of why it was so important that Congress act now on the balanced budget amendment, I pointed out that the Federal deficit for the current fiscal year—estimated at \$193 billion—would not exist if the huge increases in our national debt run up during the 1980's had not occurred. This year, and next year, the budget would be balanced if not for the reckless supply-side economics that caused the deficit to balloon from its 1980 level of about \$1 trillion to its current level or more than \$4.7 trillion. If we had acted in 1980 to tackle the deficit, rather than adopting programs that merely fed its rapid growth, the problems we face today—in terms of demographics, and the aging of the baby boomers—would seem much more manageable.

We, therefore, need to acknowledge that not acting will not make our problems go away. Our ability to guarantee retirement security for all Americans will be much greater if we begin reform of the system now. We need to face Social Security's long-term future not for any reason connected to the rest of the budget, but to meet our responsibility to future generations of Social Security recipients. We cannot afford to let any distractions related to budgetary accounting keep us from acting on what is really important—keeping Social Security viable.

Because taking Social Security off budget does not help us keep the promise of Social Security alive for future generations, including my own son, I cannot support it. What I do support is keeping Social Security's contract with the American people. And keeping that contract, by acting to protect the

long-term integrity of the Social Security system, will help bring greater integrity to the Federal budget generally—and that is a fringe benefit that will help every American.

Mr. CAMPBELL. Mr. President, I would like to take this opportunity to respond to the amendment introduced by my friend, the Senator from Nevada, [Mr. REID] and my other distinguished colleagues on this side.

Social Security, as well as Medicare, has been one of the more successful government-run programs in the history of this country. Every hard-working, taxpaying American participates in these programs—we all have a vested interest in the Social Security program whether we are present or future beneficiaries.

As it stands now, Social Security is set up to go bankrupt in 2029. Only a few years ago, the Social Security program was projected to go broke in 2036.

I acknowledge the fact that Social Security may be on the caboose of this balanced budget train because of its current surplus versus other more problematic programs like Medicare and Medicaid, but this program is still connected to the budget as a whole.

This Senator believes Social Security is vital to a high quality of life for all Americans. It is my belief that the Senators who are offering this amendment are doing so because they, too, believe Social Security is vital to our Nation.

There are indications that an exemption for Social Security is the only way to get the balanced budget amendment through the Senate. As a supporter of the balanced budget amendment, I hope that is not the case. Even so, to keep one of the largest programs in the country out of the balanced budget discussion is fiscally irresponsible and wrong.

It is wrong because it would provide constitutional protection to a single statutory program—Social Security. The Constitution should not be used for this purpose. There are sound reasons to consider ways to keep Social Security solvent beyond 2029 in the coming years. Codifying Social Security in the U.S. Constitution prevents Congress from considering anything that may in fact be intended to preserve Social Security for the future.

The Constitution is not the place to set budget priorities, nor to enshrine statutes passed by Congress. Congress can exempt Social Security through statute.

I would also ask why not, if Social Security, any other worthy program? The argument that Americans have paid into Social Security and should not be denied getting those benefits rings hollow when we all know for a fact that a majority of current and past retirees are receiving or will receive far more in benefits than what they paid into Social Security plus interest.

Americans also pay into a variety of very good and worthy programs as well, in the form of taxes. Should those worthy programs also be exempted using that kind of argument?

Keep in mind that the balanced budget amendment does not specify where the cuts will take place. This language only forces Congress to balance the budget by the year 2002. Year after year, Congress will have the authority, should this measure pass, to choose what cuts will come from what programs.

Social Security would not necessarily have to be cut. This hype we are getting about how necessary it is to have a Social Security exemption in order to preserve benefits is driven by powerful lobbying groups and is unjustified. You and I know that Congress will not vote to cut Social Security benefits to those who need those benefits.

There may be trimmings of benefits for the wealthiest of Americans, but we are not about to vote to deny benefits to the millions of Americans who rely on Social Security as their only source of retirement income. So a constitutional exemption is not necessary.

To prioritize which program or programs are worthy of exemption in the balanced budget amendment will only chip away, piece by piece, the value of a balanced budget amendment and pit one program against another.

Let me take just a few more minutes and read to you a couple letters I have received this month from Coloradans regarding the treatment of Social Security and Medicare, the two largest entitlement programs in our Federal budget. Take for example, Donald Kynion, from Walsenburg, CO, who says:

I feel you should do what is best for the country. If changes in Social Security and Medicare are necessary then make them. Cut spending and too much government!

Or listen to 72-year-old Edith Seppi from Leadville, CO, who says:

I hope you will be fair to all Americans and pass legislation that will cut the debt, even if we all must be a part of the cuts. I hope interest groups will not control the decisions you make. I hope you do what you believe is best for our country. So, count me in on the side that says do the best that you can.

Doing the best that we can, is not allowing certain privileged programs to be exempt from this difficult task of balancing our budget.

If a family was forced to balance their budget for the month, could they be successful by omitting their mortgage payments? Where should this family then get the money to make this payment? Where then should Congress find the funds to pay the baby boomers when they retire?

I beg my colleagues not to exempt any program, no matter how successful or useful it is to us, from the balanced budget amendment. If we are forced to

balance the budget, all programs on this train, whether they are Medicare, veteran's pensions, unemployment compensation, SSI, and Social Security, will have a chance for a better tomorrow if we balance our budget today.

The balanced budget amendment gives this country hope for a better quality of life further down the tracks. Let us not derail this effort.

Mr. BIDEN. Mr. President, for years now, from the first time this amendment to balance the budget came before us, several of its features have caused me concern.

In addition to the constitutional issues involved in how we will enforce a balanced budget, and the lack of any provision for long-term investments, I have been most concerned by the inclusion of the social security trust fund in the budget that House Joint Resolution 1 requires to be in balance each year.

Those concerns have been the grounds not only for my statements here on the Senate floor, in the Judiciary Committee, and elsewhere, but also for my votes in the last two sessions of Congress.

Last year, I voted for a constitutional balanced budget amendment, one that excluded Social Security from budget calculations.

Back in my State of Delaware, my constituents share my concern about the Social Security trust fund, so when I raise that issue here I am speaking about their worries as well as my own.

Social Security is a unique program with a unique impact on our budget. That is why we voted, 98 to 2, to take it offbudget in 1990.

Here on the Senate floor, Senator REID and Senator FEINSTEIN have shown us the exact language with which we took Social Security offbudget in the 1990 budget agreement.

By the way, Mr. President, we all owe them our gratitude for raising this issue, and for leading the defense of Social Security here on the floor.

That 1990 agreement was made between the bipartisan leadership of Congress and President Bush.

We took that step for a very good reason, Mr. President. We were undertaking significant budget reforms and deficit reduction, and concluded that the most honest bookkeeping procedure would be to keep the Social Security trust fund out of the calculations of the annual budget.

I see no reason to reverse that decision now, particularly in light of its effects on future deficits, and certainly not in the Constitution.

The Social Security trust fund holds a unique position in our political system, and it deserves special consideration as we set a course for the Federal budget that could last for the next 200 years.

The Social Security system has been the very symbol of the National Government's promise to provide a safety

net under those who contributed to the trust fund, and by, extension, to this country's prosperity.

Ironically, that same system that has been for so many years a symbol of a promise made and a promise kept is now seen by the generation just moving into the work force—the generation of my sons and, in a few years, my daughter—as a symbol of the Federal Government's duplicity and irresponsibility.

We have all heard that humorous opinion poll finding, that more young people today believe in UFO's than believe that the Social Security system will be there for them when they need it.

That might be funny, Mr. President, if it were not such a sad commentary on the attitude of our young people about our Government more generally.

Of all the harm our inability to manage our finances has caused, that may be the most damaging—the declining faith in our Government's ability, even willingness, to keep its word.

There are of course many reasons for the cynicism of our young people, which is just part of a wider national disaffection.

But at the top of anyone's list of reasons must be the perception that Social Security—the symbol of a responsive Government for my parents' generation—has become for my children's generation the symbol of a Government that takes from the unorganized and gives to the people with the best lobbyists.

For my parents' generation, Social Security is symbol of a Government guarantee of a secure future; for my children's generation, it is a symbol of why they are increasingly insecure about the future.

I'm afraid, Mr. President, that keeping Social Security in the budget—by constitutional mandate, no less—we may well prove those skeptics right.

Let there be no mistake, Mr. President, the money in the Social Security surplus—\$69 billion this year alone, and it will accumulate to nearly \$3 trillion by the year 2020—will be far too tempting for us if we are to be bound by the Constitution to balance our budgets.

Those funds could be used to ease a lot of short-term pain as we face the major budget choices needed to lower our deficits.

It is precisely because we do not trust ourselves or future Congresses to write responsible budgets that we are considering this balanced budget amendment right now.

If we leave an extra \$3 trillion on the table do we really expect that we will leave Social Security alone?

This fiscal year, we will have the benefit of a \$69 billion Social Security surplus, that under the terms of the balanced budget amendment, we would be constitutionally allowed to use to make the deficit in the rest of the Government's operations look smaller.

By the year 2002, that Social Security surplus will be \$111 billion. Every year thereafter, the annual surplus will grow, as it should, to cover the future obligations of the Federal Government to Social Security beneficiaries.

And therefore, every year the task of balancing the budget to meet the requirements of the balanced budget amendment will be that much easier. At least, Mr. President, for the short term.

Mr. President, by the very logic that led to this debate today, we will use that money to delay those tough choices for future decades.

If we lack the will to do the right thing about our deficits without a constitutional requirement, why should we be trusted to leave Social Security alone if its surpluses will help us avoid some of the political pain of complying with the Constitution?

The Social Security system is not the cause of today's deficit problem; it should not be made the short-term solution for those problems, either.

That is why we should protect Social Security by accepting the Reid amendment.

To be sure, the system faces its own imbalances—even monumental deficits—all too soon, when the baby boomers retire.

At that time, the Social Security system will begin a freefall into deficits that will eventually swamp the rest of the Federal budget in red ink.

At that time, our problem will be the reverse of the short-term temptation to use the current surplus to mask the cuts needed to get the rest of the budget into balance.

When the Social Security trust fund heads south, when its surplus becomes an increasing deficit, we will then be scrambling to find ways to cut the rest of the budget to accommodate the requirements of the Constitution.

The Social Security balances will accumulate surpluses up to roughly 2020, when the whole system just falls right off the table, as we spend out at a rapid rate to meet obligations to an increasing number of retiring baby boomers who will be supported by a declining number of workers.

The Social Security system's financial problems are driven by a number of factors, some of which we can control. But there is one factor that will always be beyond our control.

Demographic trends—the most famous of which we call the baby boom—will determine how many beneficiaries will be receiving benefits from the system and how many workers will be paying their payroll taxes into the system.

The Social Security system—no matter how well our policies are designed—cannot be balanced on an annual basis but must be balanced over decades, even over generations.

Therefore, unless we do away with Social Security all together, the bal-

anced budget amendment will mix—in the constitutional definition of the budget—programs with very different balances.

I might add that is the same problem we will have if we neglect to provide for a capital budget, a way of carrying the cost of long-term assets on our books without having to count them as a current expense.

By attempting to lump every kind of activity into a single definition of the budget, the balanced budget amendment ignores the kinds of distinctions we all make in our daily lives.

Mr. President, we all distinguish between our savings accounts, our mortgage payments, and our monthly checkbook balances.

We do not count our savings account balances—or the balances in our retirement accounts—when we balance our checkbooks every month. In the real world, it wouldn't do us any good anyway—we would still have to pay our bills.

Unless we intend to use that retirement account to pay our current monthly bills, that retirement account should not even be considered when we balance our checkbooks.

Unless we intend to use the Social Security surplus to cover annual operating expenses, Mr. President, there is no reason to keep the Social Security trust funds in the constitutional definition of our annual budget.

No one here would deny that Social Security needs fixing on its own terms. And, Mr. President, we all know that we will never give it the attention it needs if we are able to hide behind a constitutional definition of the budget that uses the surplus to mask the true extent of the deficit in the rest of the Government's operations.

I for one don't for a minute think that those choices—how to cut the deficit—will be made easier if we hold the system apart from the rest of the Federal budget.

They will not be made more easily if we accept this amendment, Mr. President, but they will be made more honestly.

Those tough choices should not be tangled up with the solution for other budget issues not caused by the Social Security system.

The Reid amendment will preserve the Social Security system's unique place in our laws, and will permit us to address its very real problems on their own merits.

That is, after all, only what the opponents of the Reid amendment say they want, too—to keep Social Security off the table when we start the cutting that will be required to comply with the balanced budget amendment.

If that's what they want, then let them join us in taking it off the table now.

Surely, they cannot argue that Senator DOLE's amendment that we accepted earlier provides the protection

that Social Security needs and deserves.

As Senators HOLLINGS and HEFLIN have conclusively argued, once the Social Security system is included in the constitutional definition of the Federal budget, no mere statute or statement of this Congress' intention will prevent future Congresses from using the Social Security surpluses to comply with the balanced budget requirement.

So we can talk all we want about what we would do, or what we expect future Congresses to do. The Reid amendment takes care of this problem at its roots, in the Constitution.

Even with Senator DOLE's amendment, the temptation to use these funds—and the equally distressing prospect of saddling ourselves with those future deficits—will always be there.

Even now, Mr. President, despite the apparently bipartisan chant that we should keep our hands off of Social Security, there are other voices out there that we should be aware of, too.

The new Speaker of the House, in his opening address on January 4, referring to the balanced budget amendment, said, and I quote, "I think Social Security should be off limits, at least for the first 4 to 6 years, because I think it will just destroy us if we bring it into the game."

And the chairman of the House Judiciary Committee, during hearings on the balanced budget amendment, said that failure to include the assets of the Social Security system "would require us to make spending cuts more sweeping than currently contemplated."

In other words, the House chairman intends that those funds be available to make the transition to a balanced budget easier—to cover the deficit in the rest of the budget with the assets set aside for future Social Security beneficiaries.

It is statements like that, Mr. President, that make me more than a little concerned about the future of Social Security, especially now that the majority has rejected our call for a specific plan to bring our budget into balance.

Having failed to get any specifics about a plan to get us to a balanced budget, we are now asking a much narrower, more focused, and easier question: "Will you leave Social Security out of the constitutional definition of a balanced budget?"

Mr. President, that is all that Senator REID's amendment calls for—an honest accounting of one very important program. It calls for an honest accounting of how we will deal with the Social Security system.

Those of us who want an honest accounting will vote for this amendment. I cannot understand why anyone would vote against it.

Mr. NUNN. Mr. President, I rise today to announce my support for the

Reid amendment to the constitutional balanced budget amendment. This amendment proposes to exempt explicitly Social Security from the constitutional balanced budget amendment.

I support the Reid amendment for one fundamental reason. Its passage would promote truth in budgeting to the American people. For the past 10 years, the surplus from the Social Security trust fund has been used to mask the size of the annual Federal deficit. Instead of being saved or invested to pay for the retirement of the baby boom generation in the next century, the surplus is being borrowed and used to pay for general fund obligations. Its use in this fashion understates the annual deficit by \$70 billion in fiscal year 1995, and this amount will keep increasing each year between now and 2002, at which point the general fund will have borrowed \$1 trillion from the Social Security trust fund. Over the next 7 years, the general fund will borrow and spend over \$630 billion from the Social Security trust fund. I oppose the use of these surpluses in this fashion. I believe we are setting a fiscal time bomb for the next generation.

I understand well why many of my colleagues oppose the Reid amendment. Its passage would make the job of balancing the budget, a goal I support with or without the constitutional balanced budget amendment, more difficult. Under current projections, over \$1 trillion in deficit reduction will have to be found over the next 7 years to bring the budget in balance by 2002. Not being able to use the Social Security trust fund surplus would require an additional \$110 billion in deficit reduction in the year 2002 in order to balance the budget that year.

Budget cuts of this magnitude cannot be made painlessly, although there is a continuing search for such painless methods in order to avoid facing the tough decisions. Realistically, I think the passage of this amendment would mean also that the time frame for balancing the budget would have to be extended, probably by about 3 years.

There are some who are promoting the Reid amendment as an effort to avoid all tough decisions on Social Security and to pretend that the system can remain unchanged. I dissent from this view. We must dispel the notion that everything is well with the Social Security trust fund. The important findings of the Kerrey-Danforth Bipartisan Commission on Entitlement and Tax Reform clearly spelled out the demographic and fiscal challenges which confront the Social Security system. Thirty years ago, there were four workers for every Social Security beneficiary. Today, there are only three. Thirty years from now, there will be only two. If we do nothing, we know what awaits us. In 2013, receipts from payroll taxes will no longer pay for So-

cial Security benefits. And their news gets even worse—in 2029, if no changes are made, the Social Security system will be insolvent.

Some who support this amendment view it as rendering Social Security untouchable. I not only disagree with this interpretation; I believe that considering Social Security untouchable will bring about the long-term insolvency of the Social Security program.

My reasons for voting for the Reid amendment are simple. I believe that we are courting fiscal disaster by continuing to use social Security surpluses for general funding programs—in effect putting IOU's from the general fund into the Social Security trust fund for these borrowed funds.

According to the Social Security Board of Actuaries, by the year 2013, when payroll tax receipts will no longer cover the cost of Social Security benefit payments, the general fund—the taxpayers of America—will owe the Social Security trust fund over \$2.5 trillion.

This means that when the demographics turn around in 2013, the general fund will have to begin paying back the Social Security trust fund. At this point, the Social Security trust fund will remain solvent, but the general funds will be under severe pressure because of the debt which must be repaid each year.

The dilemma is that for the next 18 years, based on current projections, excluding Social Security from the constitutional balanced budget requirement will require a tighter fiscal policy and more efforts to balance the budget. Once the Social Security trust fund begins running a deficit, the exclusion will make fiscal policy less stringent.

I believe that we must begin to realize that we are mortgaging the future for the taxpayers in years ahead unless we balance the budget without using the Social Security trust fund surpluses. These surpluses should be invested in outside activities beyond the reach of the Federal Government, so that we will no longer borrow these surpluses and mask the true fiscal picture.

One of the three central findings of the Strengthening of America Commission, which I cochaired with Senator DOMENICI, was the need to balance the budget by the year 2002 without using the Social Security surplus. The Commission did not advocate a adoption of a balanced budget amendment, but the balanced budget amendment we have before us, as amended by the Reid amendment, would be consistent with the recommendations of our Commission: balancing the budget by the year 2002 without using the Social Security surplus. Our Commission, however, believed that getting to a real balance without using the Social Security surplus would require 10 years rather than 7.

I believe solutions for Social Security's long-term problems can be found and enacted in a fashion which will preclude cuts in benefits for current retirees or those about to retire, and provide for the long-term fiscal soundness of the Social Security system. But if we ignore the long-term challenges facing the Social Security system, its future is at risk.

I think it is important to note that the Reid amendment does not make Social Security a constitutionally protected benefit. It merely excludes it from the calculations under this amendment. The challenge of finding a way to keep the Social Security program solvent into the 21st century remains, with or without the Reid amendment. Indeed, even a constitutional amendment that did purport to guarantee Social Security benefits would be futile. The only guarantee that future benefits can be paid is future economic growth. No amendment can guarantee people a slice of a pie that does not exist.

I do not view this amendment as a vote to make a particular Government benefit program a constitutional right. I certainly do not view it as the first step in an effort to place one program after another outside the bounds of the budget process, exempt from scrutiny. Social Security is a unique program with a unique demographic and financial situation. It has a large surplus today, and it will have even larger deficits in the future. My vote for the Reid amendment is in recognition of the fact that we need two solutions: a long-term solution for Social Security, and a long-term solution for the rest of the Federal budget.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, we have had a good debate on this amendment, as we promised the distinguished Senator from Nevada we would have.

I do believe now we have come to a point where we would like to conclude action on this very important legislation this week. We have been on it now, this is the 11th day, as I calculate. And I hope, I think, the votes are there. Or they are not there. The 67 votes are there or they are not there.

I think there is broad bipartisan support for protecting Social Security, though I must say, personally, sometime—the Entitlements Commission pointed out earlier—we will have to face up to some of these issues. Senator Danforth and Senator KERREY issued a report last December. But I think for the moment, everybody is willing to protect Social Security. We voted 83 to 16 to adopt a sense-of-the-Senate amendment stating we should not raise Social Security or cut Social Security benefits in order to balance the budget.

On Friday, we adopted a motion reaffirming that commitment by a vote

of 87 to 10. We will be putting forward—and in fact, Senator DOMENICI is working on it right now—a 5-year plan to put the budget on a path to balance by 2002.

Our plan will not raise taxes. Our plan will not touch Social Security. Everything else, every Federal program, from Amtrak to zebra mussel research, will be on the table, including agriculture, which talk show hosts always ask me about, since I am from Kansas. Everything will be on the table.

I urge my colleagues on both sides of the aisle to vote to table the Reid amendment.

Mr. President, I move to table the Reid amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Missouri [Mr. ASHCROFT] is necessarily absent.

Mr. FORD. I announce that the Senator from New York [Mr. MOYNIHAN] is necessarily absent.

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

The result was announced—yeas 57, nays 41, as follows:

[Rollcall Vote No. 65 Leg.]

YEAS—57

Abraham	Frist	McConnell
Bennett	Gorton	Moseley-Braun
Bond	Gramm	Murkowski
Brown	Grams	Nickles
Burns	Grassley	Packwood
Campbell	Gregg	Pressler
Chafee	Hatch	Robb
Coats	Hatfield	Roth
Cochran	Helms	Santorum
Cohen	Hutchinson	Shelby
Coverdell	Inhofe	Simon
Craig	Jeffords	Simpson
D'Amato	Kassebaum	Smith
DeWine	Kempthorne	Snowe
Dodd	Kerrey	Stevens
Dole	Kyl	Thomas
Domenici	Lott	Thompson
Exon	Lugar	Thurmond
Faircloth	Mack	Warner

NAYS—41

Akaka	Feinstein	Levin
Baucus	Ford	Lieberman
Biden	Glenn	McCain
Bingaman	Graham	Mikulski
Boxer	Harkin	Murray
Bradley	Heflin	Nunn
Breaux	Hollings	Pell
Bryan	Inouye	Pryor
Bumpers	Johnston	Reid
Byrd	Kennedy	Rockefeller
Conrad	Kerry	Sarbanes
Daschle	Kohl	Specter
Dorgan	Lautenberg	Wellstone
Feingold	Leahy	

NOT VOTING—2

Ashcroft	Moynihan
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So the motion to lay on the table the amendment (No. 236) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

Mr. HATCH. I object.

The PRESIDING OFFICER. There is an objection.

The legislative clerk continued with the call of the roll.

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

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

CLOTURE MOTION

Mr. DOLE. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators in accordance with the provisions of rule XXII of the Standing Rules of the Senate do hereby move to bring to a close debate on House Joint Resolution 1, the constitutional balanced budget amendment:

Bob Dole, Orrin G. Hatch, Larry Craig, Trent Lott, Bill Frist, R.F. Bennett, Kay Bailey Hutchison, Alfonse D'Amato, Jon Kyl, Fred Thompson, Ted Stevens, Olympia J. Snowe, John Ashcroft, Craig Thomas, Conrad Burns, Mike DeWine, Judd Gregg, Rick Santorum, Rod Grams, Lauch Faircloth.

Mr. DOLE. Mr. President, we have had, I think, now 10 or 11 days of debate. Nobody has been crowded. Everybody has been given all the time they need.

It seems to me, if we are going to continue with our work in the Senate—we have a number of matters we would like to bring up—we need to come to a vote one way or the other, a final vote on the balanced budget amendment. Knowing it takes 67 votes, and knowing there is bipartisan support, we have tried to approach it on that basis. I congratulate the Senator from Utah, Senator HATCH, and others, Senator SIMON and others who have been debating some of the very important issues—including Senator REID who has just completed I think 3 days of debate on an amendment.

What we would like to do—obviously we want to finish action on this measure by Thursday evening, this Thursday evening, if at all possible. That

will be our intent. If not, we will come back on next Wednesday and finish it next week. I do not believe anybody—there was some misunderstanding on unfunded mandates. We thought we understood what was happening but then there was this big flap about there was not any committee report, even though we thought we had it understood if it would be printed in the RECORD that would satisfy concerns. So in this case it was the intention of the leadership on this side to make certain that would not happen. We did not want any misunderstanding. We wanted to protect every Member's rights.

Hopefully we have done that. Some just do not want the balanced budget to ever pass. They could care less if we ever vote on anything as long as we are eating up time. But we have the line-item veto, we have other measures that we would like to take up. So I hope, if the Senator from California intends to offer an amendment, we can get a time agreement. If not, we will have no recourse but to move to table amendments from here on to try to bring this matter to a conclusion. I think we have spent ample time. Some people have criticized us for spending too much time. I hope we could have some agreement to bring this matter to a conclusion by Thursday evening.

The PRESIDING OFFICER. The distinguished Democratic leader.

Mr. DASCHLE. Mr. President, the majority leader is certainly within his rights to offer the cloture motion. We understand his reasons for doing so. But I must say I am disappointed that he has seen the need to do so this soon. This is not just another bill. This is not just another amendment. This is a proposal to amend the Constitution of the United States for the first time in 200 years to directly affect the fiscal policy of this country.

We have only had the opportunity thus far to offer two amendments. As I have watched the debate I have been very pleased with the extraordinary participation on both sides on both issues. We debated the right to know for several days. We had a good vote. Unfortunately we did not get any Republican support for the effort to propose the right to know.

We then had a very good debate on the Social Security amendment that has just been completed. Again we had very little Republican support. But we have only had those two amendments, two very significant amendments. We have amendments relating to capital budgeting, additional amendments relating to natural disasters—issues that have a very consequential effect on how ultimately this amendment may be proposed to the Constitution. I certainly hope we could hold off on cloture votes and some effort to curtail debate, given the consequence of this amendment, given the legitimate concerns expressed, I think, by people on

this side of the aisle with regard to just what ought to be a constitutional amendment on balancing the budget.

So I urge the leader, with all of the concerns he has with scheduling—legitimate as they are—to give us an opportunity to have the debate that this amendment deserves. As I say, we will debate a lot of issues in this session of Congress relating to virtually everything. But to have a debate longer on unfunded mandates or on congressional coverage than we have on a constitutional amendment to balance the budget would certainly not serve the country and not serve this body.

I certainly hope we can continue to have the kind of debate we have had, now, for several good days on issues that are of direct concern to the American people and certainly affecting the people in this body as we continue to come to some conclusion on this amendment itself.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, I am advised this is the 12th day, not the 11th day. I stand corrected. It will be 3 weeks Thursday we have been on this. I think we have spent far too much time on congressional coverage and unfunded mandates. It took 1 hour and 20 minutes in the House, we spent at least a week on congressional coverage. Unfunded mandates, we had people extending debate when they were for unfunded mandates. It passed 86 to 10. You kind of wonder what all the fuss was about. That took a couple of weeks. Now we are in almost 3 weeks on the balanced budget amendment.

What it will mean is we will not have any recesses this year. I can say very clearly, we can eat up all the time we want but it is going to come out of the calendar. It is not going to come out of anything else. If that is the wish of the membership—my view is we get paid for being here every day and we will be here every day. You can count on that, as I think one ad used to say, if we cannot move this legislation.

People are opposed to this amendment. They do not care if they talk for a week. They do not care how long they talk if they think they can kill the amendment and frustrate those who are for it on both sides of the aisle.

This is a bipartisan effort. I have not gone back to check to see the length of debates we have had in previous years on this amendment, but I doubt it has taken any more time or as much time as we have spent now.

So I would just say to the Democratic leader, I certainly understand the need for full debate. But I am prepared now to have a time agreement, if there is going to be an amendment by the Senator from California, for 2 hours for the Senator from California, 30 minutes on this side, and then have the vote.

If not, we will just have to move to table at the earliest possible time and

that time will come sometime today or sometime during the night. So I hope we can work it out. Those who are opposed to the balanced budget amendment, we know they do not want to do anything but to frustrate the efforts of a clear majority in this body, hopefully 67 or more, who support the amendment.

So I ask the Senator from California if she intends to offer an amendment, and if so, if she is prepared to enter into a time agreement?

Mrs. BOXER. If we could have a quorum call then perhaps we can discuss it?

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SPECTER. Mr. President, I thank the Chair and thank my colleagues, Senator DORGAN and Senator BOXER, for agreeing to a brief comment by me and also a brief discussion with the manager of the bill, the senior Senator from Utah, Senator HATCH.

I favor the balanced budget amendment and have on three votes since I have been in the U.S. Senate in the past 14 years. I think it is very important that the Government of the United States live within its means, just as every other government has to—the Commonwealth of Pennsylvania and every county in my State, every city and every other State in the Union, just as we must all do so as individual citizens. But I have a considerable problem with the amendment which we just voted on where I voted in favor of excluding Social Security from the computation.

Although I know my vote was on the losing side I wanted to express myself briefly on the subject and perhaps have a comment or two with Senator HATCH.

I have consistently voted to exclude Social Security from a constitutional amendment, going back to a vote on July 29, 1982, August 4, 1982, March 12, 1986, and March 1, 1994. I have also voted to keep Social Security off budget, a subject which was explained by my late colleague, the distinguished Senator John Heinz.

The concerns that I have are when we have a trust fund established for a specific purpose and specific contributions as a very basic principle of law, those funds ought to be used for no other purpose. And when the Secretary of the Treasury, James Baker, invaded the trust fund, I took the floor and said that, if this were a matter within the jurisdiction of the district attorney's office when I was district attorney of Philadelphia, this would be an appropriate matter for criminal prosecution

because it is fraudulent conversion. You have a trust fund established for a specific purpose and when that purpose is violated by having the funds used for something else it is in fact a fraudulent conversion.

When we have a balanced budget amendment, I think it is very important that we not spend more than we take in. It is not truth in accounting where you have other funds, a trust fund like Social Security, figured into the accounting process, or we have the accounting processes on other trust funds, such as the airport trust fund and the highway trust fund where again, in my judgment, they ought not to be used in the computation of the balancing of our budget. Those are not funds for general revenue purposes. They ought not to be taken into consideration because they are set up for a specific purpose, like Social Security, the highway trust fund or the airport trust fund. I believe there is a very, very basic fundamental principle of law of such a nature that I would put it in the constitutional amendment recognizing the very high level of legal procedure which is embodied in a constitutional amendment.

I thank my colleague from Utah for being willing to have a brief discussion. The essence of my question to Senator HATCH is, is it not true that under the law the Social Security trust fund is set up for a specific purpose, to receive revenues, contributions made by citizens, contributions made by employees and employers for the specific purpose of paying benefits to those employees when they have reached the eligibility status at age 62 or 65, or whenever?

Mr. HATCH. The Senator is correct.

Mr. SPECTER. Will the Senator from Utah agree with me that the truth in accounting to have a balanced budget would be that we ought to calculate the revenues, the taxes which the U.S. Government receives and deduct from that the expenses of the U.S. Government without including the artificial raising of the revenues which are Social Security revenues, or for that matter even the highway trust fund or the airport trust fund?

Mr. HATCH. I would agree with the Senator—certainly as to the Social Security trust fund—as does the Senate. We voted last week 87 to 10 to direct the Budget Committee to find ways of balancing the budget without touching Social Security.

Mr. SPECTER. I thank my colleague for that answer. I appreciate the vote we had last week. I supported the amendment by the distinguished majority leader, Senator DOLE, to have that direction. But my followup question is: Is there any assurance that that direction will be carried out?

Mr. HATCH. There is assurance by the vote on the unfunded mandates bill concerning a resolution to this effect, which Members are on record as favor-

ing overwhelmingly; and, the vote last week on the Dole motion to refer to the Budget Committee which was also overwhelmingly supported by both sides of the aisle; and the assurance that has been made on the floor by many that the implementing legislation will also work to establish what the distinguished Senator would like to have established, which is the protection of the Social Security trust fund.

Mr. SPECTER. I thank my colleague for that answer. When it comes to the unfunded mandates, I would suggest that is a significantly different category.

Mr. HATCH. If the Senator will yield so I may add a little bit more.

Mr. SPECTER. I so yield.

Mr. HATCH. Nothing under the balanced budget amendment will keep us from segregating accounts or running a surplus equal to or exceeding the value of the trust fund surplus. We have other trust funds like the crime trust fund, the highway trust fund, as the Senator has mentioned, and things can and will continue on as they have in the past; that is, we protect Social Security as we have always wanted to do, and I believe will do. So the amendment does not stop us from doing it as we have done in the past.

Mr. SPECTER. I agree with my colleague that it does not stop us from doing that, but the concern I have is that it does not tell us to do that.

Mr. HATCH. It does not; it does not require us to make any changes in the protections Social Security now enjoys.

Mr. SPECTER. I ask the distinguished Senator from Utah one other question about a field that I have had perhaps more experience than some, having been a district attorney for Philadelphia for 8 years.

Would my colleague agree with me that on the general principle of law where you have a trust fund set up for a specific purpose, such as contributions and specific beneficiaries, that if someone takes money from that trust fund for a purpose other than specified it is in fact a fraudulent conversion?

Mr. HATCH. I agree generally, except the Government is doing that every day as they give IOU's to the Social Security trust fund and take the money and use it for other expenditures in the Government; that is the law, and that is how the trust funds are dealt with under current law; the trust fund loans money to the Treasury in return for Treasury bonds. But I think the Senator makes a good point. I do not know whether we should call it fraudulent conversion as such. But I think we can certainly call it a fraud on the taxpayers to take moneys out of the Social Security trust fund that are dedicated to those who have paid into the trust fund on a monthly basis, and dedicated to those who deserve those funds.

Mr. SPECTER. I would accept my colleague's statement that it is a fraud on the taxpayers which is about the same thing as a fraudulent conversion, which I think is the technical term.

Mr. HATCH. The technical term would be a fraudulent conversion.

Mr. SPECTER. That would be a fraudulent conversion.

I find it is of great interest that my friend from Utah said except that Government does it every day, a multitime offender. It is not a 3-time loser or 33-time loser. It is a 33,000-time loser, maybe a 33 million-time loser, or 33 billion-time loser. That is the concern I have.

I have a very deep concern that there is not truth in accounting when, instead of taking our revenues and expenditures to balance the budget, we add other funds which are set up as a trust fund. It seems to me that this is such a very basic principle of law, trust law, criminal law, that it is worth embodying in the Constitution.

And then, of course, you have the concerns which the senior citizens of America talk about; whether they are being treated fairly and whether their trust funds are being segregated so that they will have funds when they seek to retire. That is an enormous concern with many, many of the elderly who worry about every political statement which is made and every 30-second campaign ad, let alone a constitutional amendment for a balanced budget which does not isolate and protect their funds.

I thank my colleague from Utah for engaging in this discussion. I thank my other colleagues for interrupting the regular schedule.

Mr. President, I support the amendment offered by the distinguished Senator from Nevada. In order to fully protect the earnings of our senior citizens and the generations that follow, I believe we must keep the Social Security trust fund set apart as it was meant to be.

I have consistently supported the interest of older Americans and future generations as a U.S. Senator. In March 1994, the Senate considered a substitute balanced budget amendment offered by Senator REID which would have, among other things, exempted Social Security from budget calculations. After very careful consideration, I decided to vote for that amendment. I believe the Social Security trust fund is a self-financed program that must be preserved and protected. It is supported entirely by employer and employee-paid payroll taxes, and more importantly, it is a contract between Americans and their government. In addition, by law the fund must be self-supporting because it has no claim on general tax revenues.

My Senate voting record on the Social Security issue has been consistent. When the Senate considered a balanced

budget amendment in 1982, I voted in favor of an amendment offered by Senator MOYNIHAN to exempt Social Security. A few days later I voted for another amendment authored by Senators Cranston and MOYNIHAN to exempt Social Security, and veterans' benefits, which our senior citizens depend upon. When the Senate considered a balanced budget amendment to the Constitution in 1986, I voted against tabling a Metzenbaum amendment to exempt Social Security. As I mentioned, in March 1994, I voted for the substitute amendment offered by our colleague from Nevada, Senator REID. And most recently, in January of this year, when the balanced budget amendment was being considered by the Senate Judiciary Committee, I voted against tabling an amendment to exempt Social Security authored by Senator FEINSTEIN.

I have voted several other times on the Senate floor to preserve the integrity of Social Security. In 1990, I voted in favor of an amendment by Senator Heinz to remove Social Security from inclusion in deficit calculations. In that same year, I voted for an amendment offered by Senator HOLLINGS to exclude Social Security trust funds from inclusion in budget deficit calculations.

I believe there is a prevailing view that we ought to leave Social Security alone and not subject it to budget cuts. I appreciate the need to reduce the Federal deficit while keeping Social Security fiscally sound because confidence in the stability of the program is of great importance to current and future retirees.

In conclusion Mr. President, we must protect Social Security or we run the risk of jeopardizing the futures of young and old Americans alike. I believe this amendment will enable us to balance the budget in a way that will protect the hard earned savings Americans have set aside for their twilight years. I urge my colleagues to support the amendment.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

UNANIMOUS-CONSENT AGREEMENT

Mr. HATCH. Mr. President, I ask unanimous consent that at 10:30 a.m. Senator BOXER be recognized to offer an amendment regarding disasters and that the time prior to the motion to table be limited to 3 hours 15 minutes to be divided in the following fashion, with no second-degree amendments in order prior to the motion to table: 2 hours 45 minutes under the control of the distinguished Senator from California [Mrs. BOXER] and 30 minutes under the control of the Senator from Utah [Mr. HATCH]. I further ask that at the conclusion or yielding of time today the majority leader or his designee be recognized to make a motion to table the Boxer amendment.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object, Mr. President, I agree with this. I think it is an excellent time agreement. I want to clarify because a couple of my colleagues would like to speak as if in morning business. If they should go over the 10:30 time by just a few minutes—I do not think it is their intent to speak too long—we can adjust this so that we still have the time. We may be starting later than 10:30.

Mr. HATCH. I am certainly amenable to that, as long as the majority leader is.

I ask unanimous consent that those who are talking in morning business, if they go beyond the hour of 10:30—and I hope they will not—that the time will be adjusted so that the distinguished Senator from California will still have her 2 hours 45 minutes and I will still have 30 minutes.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object, I want to thank the Senator.

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

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota [Mr. DORGAN] is recognized.

Mr. HATCH. If the Senator will yield, as I understand it, there is a definite time when this is to take place and that will start at 10:30 and there will be 3 hours and 15 minutes for the debate. The definite time is scheduled for a 3:30 vote.

The PRESIDING OFFICER. The Senator is correct.

Mr. DORGAN. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for the next 10 minutes.

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

Mr. DORGAN. Mr. President, it is my intention to yield to my friend, Senator CONRAD from North Dakota, when I finish speaking. But for 1 minute, let me yield on a matter of national importance to my friend from Connecticut, Senator LIEBERMAN.

UNIVERSITY OF CONNECTICUT BASKETBALL

Mr. LIEBERMAN. I thank my friend from North Dakota. This is a matter of national importance.

Mr. President, I have had the honor for the last 6-plus years to stand and speak on many occasions on behalf of the people of Connecticut. Today, I stand to crow on behalf of the people of Connecticut because of the extraordinary accomplishments of the University of Connecticut men's and women's basketball teams.

Mr. President, Connecticut, a small State, is proud of its many firsts: The world's first written Constitution; the

world's first warship and nuclear-powered submarine; the world's first American dictionary was published in Connecticut.

But another first today: The first time that a university's men's and women's basketball teams were rated No. 1 in the country at the same time.

Connecticut is a small State, but these extraordinary athletes and their fine coaches have made us all feel 10 feet tall today. We congratulate them. We know it has not come easily. They have worked hard and played by the rules.

In the spirit of the amendment under discussion, they are an extremely balanced team, and they have been rewarded with the victory and recognition they have now received.

Mr. President, I thank my colleagues. I hope this debate moves expeditiously during the day so that it will allow Senator DODD and I to go to the UConn-Georgetown game at the arena tonight.

A NEW DIRECTOR FOR THE CONGRESSIONAL BUDGET OFFICE

Mr. DORGAN. Mr. President, let the record show that my colleague from Connecticut crowed, as he said he would.

It is probably appropriate that he talked about basketball because he will understand that one important element of the game is a referee. Nobody would go to a basketball game and wonder about the results, if he did not think the referee was going to be fair. Give me a referee, and I will win any game I ever played.

I want to talk about referees for a second, though. One of the most important appointments that we are going to make in Congress is going to be the appointment of somebody to head the Congressional Budget Office. This person will, in effect, be the referee on budget issues, tax issues, economic issues. The referee. How can our referee, the Congressional Budget Office, discharge its obligation effectively? Well, by having the confidence of the Members of the Senate that the CBO will do so impartially and in a manner that is eminently fair.

For that reason, the law with respect to the Congressional Budget Office says that the Director of the Congressional Budget Office shall be chosen "without regard to political affiliation and solely on the basis of his fitness to perform his duties." That language is not an accident. That is written into the law for a very specific purpose. This is a critical appointment, and the appointment must be of someone of great substance, first of all, and second, somebody who will be respected as fair, nonpartisan.

We understand that the majority has decided to appoint Prof. June O'Neill to that post. I will not stand here and in any way try to tarnish the reputation of Professor O'Neill. I have never

met her and I do not know her. I come to express great concern about this appointment and to say, along with my colleague, Senator CONRAD, I am sending a letter to the President pro tempore asking that he not effect this appointment of Professor O'Neill to head the CBO.

Senator EXON, the ranking minority member of the Budget Committee, said in his letter to the chairman of the Budget Committee: "It has been our recommendation that we should seek additional applicants before reaching a decision."

They are not comfortable with this appointment, and I am not comfortable with it for several reasons. I do not know much more than what I have read, but if what I read is accurate, then I am very concerned with the notion that they are finding someone who believes that when you score issues, they ought to be scored dynamically.

What is dynamic scoring. This theory says that if you cut tax rates, economic activity will increase to such an extent that the Government will actually collect more revenue. If you cut capital gains taxes, for instance, the Federal Government will supposedly collect a lot more money. Well, we have seen that sort of dynamic scoring in the past. This theory held sway in 1980 and 1981, and the result—\$3½ trillion later—was massive hemorrhaging of red ink in our Government. That is the result of dynamic scoring.

Well, that is the kind of refereeing I do not want to see happening at CBO. I want scoring to be professional and to be nonpartisan. There is a question about the Consumer Price Index—do we put somebody at the head of CBO who believes the CPI radically overestimates inflation, as Alan Greenspan said? The consequence would be to reduce the deficit, if you can say the CPI is overstated. And you can cut Social Security payments and increase taxes, as well.

I am concerned about this appointment, and I hope it will be held at this point until other Members of the Senate can review the records and determine whether they think this candidate has the credentials and capability and the nonpartisan approach we would expect for somebody to head the Congressional Budget Office.

Mr. President, I yield to my friend, Senator CONRAD from North Dakota, for further comments on this issue.

CONCERN ABOUT CONGRESSIONAL BUDGET OFFICE APPOINTMENT

Mr. CONRAD. Mr. President, I thank the Chair and I thank my colleague, Senator DORGAN, as well. I think this is a very serious matter. The appointment of the head of the Congressional Budget Office is supposed to be nonpartisan. This is supposed to be done with both sides working together.

For the first time since I have been in the U.S. Senate, that is not what is occurring. Instead, the majority has decided they are going to put in the scorekeeper, the person who makes the forecast for the Federal Government, for the Government of the United States, and they are doing so on what appears to be partisan basis. That is a break from the past; that is a break from tradition; that is a break from what the law provides.

Mr. President, I think this is a very serious matter. If we are going to work collegially, if we are going to cooperate, if we are going to work together, then there has to be a basis of trust. Always in the past, part of that basis of trust is the person who is made the head of the Congressional Budget Office is somebody of very high professional standards, someone who is above being considered partisan.

I can say, in terms of the Democrats, since I have been here, they have had Bob Reischauer, Rudy Penner, Alice Rivlin, all of them broadly respected, all of them above partisanship. As a matter of fact, I cannot remember a concern that has been raised by the majority side while I have been in the Senate about CBO scoring on partisan basis.

But now, Mr. President, the majority has decided to impose on the Congress their choice, without the kind of agreement, without the kind of consultation, without the kind of, I think, nonpartisan working together that this position requires. And so, Mr. President, what is at stake? I can say that I am on the Budget Committee and the Finance Committee, and we are very dependent on what the Congressional Budget Office says the results of policies will be.

We now have before us someone, frankly, who does not have a national reputation, someone who is not of the stature that one would expect of someone appointed to be the head of CBO. And even more disturbing than that is that this is someone who has indicated they are willing to consider so-called dynamic scoring.

Well, what is dynamic scoring? It is largely make-believe. It is make-believe. It says if you cut taxes, you get more money. We tried that back in the 1980's in this country, and it was an absolute unmitigated disaster for this country. We saw people saying we could cut taxes, we can increase spending, and somehow it would all add up. It did not add up. It did not come close to adding up.

Instead of adding up, we got an explosion of the national debt; we got an explosion of deficits that have put this country in a deep hole that we have yet to climb out of and now it appears we are about to repeat the exercise.

I understand that this is a matter that should be handled in a different way. The appointment of the head of

the Congressional Budget Office ought to be done together, both sides putting someone in place who is of the highest professional reputation, of the highest professional standards, and someone who both sides recognize will not do forecasts in a partisan, political manner. Unfortunately, Mr. President, that is not the suggestion for an appointment that we have before us.

I have joined my colleague from North Dakota in asking the President pro tempore that he not go forward with this appointment until and unless there is broad bipartisan agreement with respect to the appointment.

I thank the Chair.

Mr. DORGAN. Mr. President, I ask unanimous consent for 2 additional minutes.

The PRESIDING OFFICER. Is their objection to the unanimous consent request?

Mr. CRAIG. Mr. President, reserving the right to object—and I do not object to the Senator's additional 2 minutes—let me amend that to add 3 minutes for the Senator from Montana and that this additional 5 minutes does not come off from the total time agreed upon for the Boxer amendment.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object, I just want to make sure that the vote would now be 5 minutes later, or at 3:35. If that is part of the agreement, that is fine.

The PRESIDING OFFICER. The Chair would observe that would be 3:37.

Is there objection? Hearing none, the Senator from North Dakota is recognized for 2 minutes.

Mr. DORGAN. Mr. President, let me simply underscore, in my 2 minutes remaining, the point that Senator CONRAD just made. We are asking the President pro tempore of the Senate to withhold action on this appointment, to withhold action on this appointment to give the Senate and other Senators time to get some answers about this candidate.

We are not talking about just any appointment or a run-of-the-mill appointment or some general candidate being appointed to some office or another. The CBO Director is the referee who will score every economic decision, every financial judgment that will be made on legislation. And when they pick a referee—when I say "they," those who have effected this, the congressional majority—when they pick a referee who gives me the impression that this referee is on the home team, then I say, "Wait a second. That is not the kind of game we play."

We have very aggressive games around here that are played for real and for big stakes. We need to have referees who are fair and impartial and who do not owe their allegiance to either side.

This appointment is not—it is not—in the genre of an appointment of Mr.

Reischauer or Mr. Rudy Penner, as an example, both of whom would be considered to have been generally non-partisan and very well qualified. This appointment falls short on that.

And my interest is not in tarnishing this person. I do not know the person. But, based on what I have read, I certainly want to find out more about the person before this Senate would decide that this person shall become our referee.

That is the purpose of our making this request to the President pro tempore. I hope he and the majority would honor that request so that we can understand more about this candidate. And if this candidate does not meet the test of fairness, does not meet the qualifications test, then I think we ought to find someone who does and who would be acceptable on a bipartisan basis to this body. That I think is the fair way for us to proceed. I hope the President pro tempore will agree.

Mr. President, with that I yield the floor.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator is recognized.

IWO JIMA

Mr. BURNS. Mr. President, on this date 50 years ago, a formidable American armada moved even closer to another objective in the Pacific. While that was going on, long-range bombers were in the air and continued to bombard an 8-mile square chunk of volcanic rock and ash known as Iwo Jima. The Japanese high command was acutely aware of the island's strategic and psychological importance and their forces on Iwo Jima constructed elaborate defenses that would be the toughest encountered by forces of the United States, in particular the United States Marine Corps, during the war of the Pacific.

Our Army, Navy, and air forces subjected Iwo Jima to the longest and most intensive preparation given any objective in the Pacific during World War II. Beginning June 15, 1944, American air attacks continued steadily through the summer and the fall, culminating in a 74-day round of continuous strikes by Saipan-based bombers. These air attacks, plus heavy naval gunfire 3 days before the assault, destroyed everything, or almost everything, above ground on Iwo Jima. But most of the Japanese underground guns and defenses were relatively untouched.

Against Iwo's rocky terrain and caves, naval gunfire could do only so much and victory or defeat would rest with the fighting spirit of 70,000 men of the 5th Air and Amphibious Corps, under the command of Maj. Gen. Harry Schmidt. This force included the 3d, 4th, and 5th Marine Divisions, many of whose members were battle-hardened veterans of earlier Pacific assaults.

Facing them on Iwo was a force of around 20,000 dedicated Japanese soldiers, every one of whom was under orders to make it his duty to take 10 of the enemy before dying. In a matter of days, the opposing forces would clash in a struggle that would prove decisive in the war in the Pacific. It was here on this island atop Mt. Suribachi, where the most famous of all photos was taken from the Pacific—the raising of the flag. It has been a symbol of American gallantry, the symbol of pride and dedication of the U.S. Marine Corps, and all of those who shared in that pride with that uniform. And I, not being one of those that went on Iwo, have I shared that uniform.

Mr. President, I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The Senate continued with the consideration of the joint resolution.

AMENDMENT NO. 240

Mrs. BOXER. Mr. President, thank you very much. And I thank my colleagues for working with me to get a time agreement, which I hope will enable all of our colleagues who have various views on the amendment I shall offer an opportunity to express them today before we have a vote.

Mr. President, my amendment, which has been coauthored by Senator LEAHY of Vermont, will enable the Congress to respond to a federally declared disaster should the balanced budget amendment become part of the Constitution.

I am proud that we have a number of cosponsors. They include Senator FEINSTEIN, my colleague from California; Senator BUMPERS from Arkansas; Senators INOUE and AKAKA from Hawaii; Senator MURRAY from Washington, and there are others.

Mr. President, balancing the Federal budget is a goal we should attain. You know, I saw this national debt go from \$1 trillion to \$4 trillion in the decade of the eighties and there was a very clear reason why this happened—huge increases in the military, huge tax cuts to the wealthy. And I will tell you, it does not add up to a balanced budget. It led to a terrible situation which finally, under President Clinton, we were able to get our arms around when, unfortunately on straight party lines, we did have a vote to reduce that deficit, and the deficit is now about half of where it would have been. So we are making progress.

There are those who believe we must have this amendment in the Constitution in order to continue progress. I think the facts belie that. I just want to make sure that if we do have this amendment, it is in fact a flexible one. We should be able to act to meet the needs of our people. Why else are we here if we cannot do so?

The only exception in this amendment that would enable Congress to take the budget out of balance with a simple majority vote rather than a supermajority vote is a declaration of war. Of course, that makes sense. But there are other times that it should take a simple majority.

For every other emergency right now in this amendment to the Constitution, we would have to have 60 votes in the Senate out of 100 Senators and 261 out of 435 votes in the House of Representatives to respond.

In other words, Mr. President, we would need a supermajority to take the budget out of balance for the particular year in which a disaster struck. We are not just talking about a small problem here. We are talking about a federally declared disaster. We would take a supermajority to take us out of balance to fund that disaster emergency.

Now, Mr. President, I believe that creates a dangerous situation that flies in the face of reason. It flies in the face of reason. It is dangerous. I believe it is reckless, because I believe responding to disasters and emergencies is one of the most honorable and dutiful obligations of this U.S. Senate.

Many Members have felt the pain of seeing our States damaged very badly. Our people dislocated, families mourning the dead and the injured because of a natural disaster. Floods, tornadoes, hurricanes, earthquakes, severe storms, volcanoes.

Many have gone to the shelters. I think the most haunting memories of all those trips that I have made, unfortunately, on too many occasions in my State in the north and the south and everywhere, the most haunting memories to me are the faces of the elderly and the children who were so disoriented when something like this happens. They are rooted out of their homes and they are afraid. We need to respond in those kinds of desperate circumstances.

Now, I think a reasonable question to ask me is, Senator, how big a problem is this in the Nation? Are you just talking about your State of California? Some might say we could understand why you would feel this way, but what about the rest of the United States?

I think the chart I have up here will explain that there truly is not a State that is immune from the possibility of disaster, and as a matter of fact, the likelihood. Before I point out what this chart means, I want to say that today there is not a State in the Union that is not vulnerable to flooding.

This report from the National Research Council states, "Floods occur more frequently in the United States than any other natural hazard. All 50 states have communities at risk from flooding which occurs primarily as flash floods caused by thunderstorms, rapid melting of ice and snow and storm surges." It talks about the great Midwest floods.

The point I am making is that this chart does not even show the flooding possibilities, because basically the chart would be covered, because every single State has the possibility of disastrous floods.

Looking at the chart, here are the earthquakes in this teal color. The light teal color shows the low risk of earthquake, and we see it is all over the country. If we point to the various teal colors here, all through the country. We are not talking about merely in California. Now, the medium risk, we can see where that lies, pretty much through the country. There is actually a high risk here in the Midwest for earthquakes.

Now, looking at tornadoes we see the whole midsection of the country over to the east and the extreme risk of tornado here in the midsection of the country.

The blue and yellow shows the hurricane, some risk for hurricane, and the dark blue is extreme risk for hurricane, which we see on the coastal areas and of course over in Hawaii.

There is also volcano risk, which many can never forget Mount St. Helens, that is in the West. And tsunami risk, the entire west coast of the Nation, including the islands as well.

As we look on this chart we can see that this country is magnificent. It is also quite vulnerable to disasters if we look at this risk profile.

While many of my colleagues here truly believe that responding to the needs of his or her people is not a requirement to ensuring domestic tranquility. I always go back to the preamble of the Constitution. We read it as kids in school, but it is very meaningful, or it should be quite meaningful to everyone.

When we say we are to ensure domestic tranquility, I can say when a person is forced out of their home because of an earthquake, a flood, a drought—many things by the way, not even on this chart; droughts we do not even show—but you are forced out because you cannot get water or farm your land, let me assure you, you do not have a situation of domestic tranquility when so many of your people are dislocated. It is pretty basic.

Now, I asked my colleagues, who would ever want to be a Senator in Japan after the Kobe disaster? Many have seen the elected officials and the people in the government going to various town hall meetings and gatherings throughout Kobe, and looking at the memorial there and saying "I am sorry. We are powerless to act. We do not have a plan in place. We cannot act."

I assure Members that without the Boxer-Leahy amendment, we are in effect, I think, unilaterally surrendering this body's commitment to disaster relief. I will prove it. I will prove it. If we need a supermajority to act we are simply not going to be able to act.

Our amendment provides a critical safety valve. It says that in any fiscal year in which spending occurs as a result of an emergency declaration by the President and the Congress has also said, "Yes, it is an emergency," the provisions of the balanced budget amendment may be waived by a majority vote of those present and voting in each House.

I want to make a point here. We purposefully constructed it such that it is not a 51 vote, but those present and voting. When we have a disaster we need to act fast. Suppose there happened to be a couple of seats vacant in the Senate, or people are ill and not here in the U.S. Senate. We should be able to move with the majority. Majority vote is a very important concept.

This amendment does violence—not my amendment, but the balanced budget amendment to the Constitution—does violence to that notion of fairness of majority rule. When we require a supermajority to act, whether it is a recession period, a depression situation, a natural disaster, if we require a supermajority we are giving a huge amount of power to the minority. When we do that we can tie this body in knots. We have seen it happen here many, many times.

By the way, I know what I am talking about. I voted to end the filibuster, although I am now in a minority in this body. I think inaction is inexcusable. We should not put ourselves in a situation where we cannot act. Full debate, absolutely. But at some point we decide we have had the debate, and we move on.

As I said at the outset of this debate on the balanced budget amendment, our States are not colonies of the Federal Government. Neither are they separate fiefdoms. When disaster strikes, we should be, as the words above the beautiful Capitol dome, *e pluribus unum*, from the many, one. What a beautiful thought that is. From the many, one. *E pluribus unum*. We help each other. That is the way it should be. One nation, under God, indivisible. That is what I believe in. From the many, one. We pull together, in times of crisis, in times of disaster. And we do not allow one State—whether it is in the middle of the country or at either end or anywhere in between—to stand alone in that circumstance.

We talk a lot about family values here and caring and compassion. My goodness, when we are in the midst of one of these disasters, that is the time to pull together. And we should not create hurdles in this balanced budget amendment which will make it impossible or very difficult for Members to move to resolve and to move quickly.

I believe that without the Boxer-Leahy provision, we will not be from the many, one. We will be divided. We will be stressed. We will be incapable of acting, because getting 60 votes to

fully respond to a disaster will be extremely difficult. If we cannot get that, we will need to get offsetting moneys to fund the disaster. Budget cuts right on the spot, turning sensible budgeting out the window.

We will throw sensible budgeting out the window because of a disaster. If we cannot get 60 votes, we will have to cut the budget elsewhere. We will have to cut into the bone of education, transportation, health research, defense, things we need to do in this country to respond to a disaster.

Let me tell you, Mr. President, we have had those votes, and every time it has failed. Every time we have tried to get offsets to pay for an emergency, we never got the votes. It did not work. Why? Common sense tells you, an emergency is unexpected. It happens to us in our families. We should have a rainy day fund—of course we should—and we try to give FEMA a rainy day fund. But sometimes the rains keep on coming. And I can tell you they are coming right now again in Los Angeles today, and we hope we will not experience the kind of problems we did last month.

So you plan for a rainy day, but you do not know when it is going to happen and to what extent it is going to happen. That is not something to be upset about. It is something to be ready for. It is life, and life does throw us some curves sometimes in our personal lives and here sitting in the U.S. Senate.

Why do I say that it will be very difficult to get 60 votes or a supermajority to respond to a disaster? The Republican leadership in the House of Representatives has given us a preview in a letter dated February 7, signed by House Speaker NEWT GINGRICH, House Majority Leader RICHARD ARMEY, House Budget Committee Chairman JOHN KASICH, and House Appropriations Committee Chairman BOB LIVINGSTON.

Mr. President, let me talk a little bit about this letter. Their letter threatens no action on disaster relief. Right now, forget about waiting for a balanced budget, they are right out here. They are already on the record.

The President has asked for funding for an emergency supplemental to meet the needs of several disasters. He has asked for emergency funding in the supplemental to deal with the Midwest floods and the Northridge earthquake. He also asked for emergency funds to deal with unexpected military obligations and the House leadership is not objecting to that. They have found some offsets, as I understand it, in the military. But when it comes to the emergency supplemental which, in the main, has this money for California and the Midwest—and by the way, 40 States, as I understand it, still need to be paid for emergencies—what do they tell us? I am quoting from the letter:

We will not act on the balance of requests until you have identified offsets and deductions to make up for the funding. Whether these activities are emergencies or not, it will be our policy to pay for them rather than add them to the deficit.

Now, here it is, here it is. So this is not any guessing game we have here. The House leadership says it is their policy, and you know they seem to be able to control the votes over there. I think they had about seven or eight people who went off the party line on one vote, and they got called to the woodshed. This is discipline, my friends. They are not interested in going out of balance to meet these needs, and I can assure you, this emergency supplemental is going to be in trouble. So if we do not act and we get this balanced budget amendment into the Constitution requiring 60 votes, we are in deep trouble.

I am going to repeat what they said:

Whether these activities are emergencies or not, it will be our policy to pay for them rather than add them to the deficit.

Mr. President, since a large proportion of FEMA's funding for disasters supports repair and recovery of public buildings, more reliable estimates of the actual dollars that would be necessary for the Northridge recovery were not available when the revised supplemental was transmitted to Congress last year. Here is the point: A lot of these supplemental requests come before we know the extent of the damage. You do not want to go out there with estimates, you want to go out there with real numbers.

So many times there is a time lag. We had in California 120,000 schools, hospitals, city buildings, and other businesses and residences with damage from the quake. It takes time. You cannot judge the extent of the damage to a structure by looking at the exterior. You need to go in there, and then you can find out what the damage is. It takes time.

Look what happens after it takes time. After the rush of sympathy is over, what do they tell us?

Whether these activities are emergencies or not, it will be our policy to pay for them rather than add them to the deficit.

Meaning they are going to seek offsets, and I will tell you, Mr. President, it is going to be hard to find those offsets when we already are in tight budgetary times.

An example of this late discovery of damage is California State University at Northridge. The library appeared only to have minor damage, but once the inspectors got behind the drywall, they found all 86 steel beams were sheared in half.

I am talking about California clearly because I know it the best. But it is not the only State that would lose if this attitude and this balanced budget amendment passes without the Boxer-Leahy language.

The disaster supplemental, again, requested by the President includes funds, as I said, for 40 States and territories. James Lee Witt, the Director of the Federal Emergency Management Agency, has warned us that without these supplemental appropriations, the agency will not be able to meet any disaster requirements by May 1 and no further spending on current relief programs after July.

I will tell you, Mr. President, get down on your hands and knees tonight because if you have a disaster in your State and you see those looks on people's faces when they are living in shelters and they cannot go home and they are afraid to enter their home because of fear of flood or earthquake, you stand up there and say, "Gee, I didn't realize it when I voted against Boxer-Leahy."

I ask you this: Will disasters go away because we want them to, because we are in a tough time right now? Will they go away because of this balanced budget amendment?

Let us look at my second chart called "Probable Costs of Future Natural Disasters." I want to make this point to my friends because, again, those people who say, "Well, sure, Senator BOXER is up here speaking about disasters. It is her State," let us take a look at the east coast and take a look at the largest disasters that we are looking at across the country.

Let us take a look at this. We are talking here about the predictable future. I want to make a side point that a lot of this work that was done, so that we know what our future holds in our country, was done by the U.S. Geological Survey. I think it is important to point that out because in the Republican Contract With America, they want to do away with the funding for the U.S. Geological Survey, which is where we get our information as to where the high risks are so we can share this information with others, but I will not get into that debate today because there will be other times to raise that question.

But let us take a look across the country. If you look at the Northeast, a \$45 billion class 4 hurricane, and that is really the whole Northeast. Then a \$52 billion class 4 hurricane out of New York which would impact that region. Out of Hampton, VA, a \$33.5 billion class 5 hurricane is predicted. In Miami, a \$53 billion class 5 hurricane is predicted; in New Orleans, a \$25.6 billion class 5 hurricane. And I wanted to note that Senator JOHNSTON is also a cosponsor of this amendment.

In the Midwest, the real big earthquake. It is very interesting, my friends. It is not predicted for California. We do have a couple of huge ones here and also in Seattle, but the real big one is predicted in the midsection of our Nation, a \$69.7 billion loss, an 8.6 earthquake predicted on this fault.

Here, moving to Galveston, TX, a \$42.5 billion class 5 hurricane. In past disasters, we have had some very conservative Members of the Senate on this floor demanding that we act fast not to get offsets but to take care of their people. Why? Because they looked at their faces. It is real easy to say, well, we will vote against Boxer-Leahy, but wait until it comes to your State and you cannot act. And that is what I am trying to get colleagues to think of on both sides of the aisle. This is one that comes back to haunt you, not maybe but probably. Remember, the whole country is subjected to floods, serious floods. We do not even show that.

Now we get over here to Honolulu, a \$30 billion class 4 hurricane. How we can ever forget the last one that hit there? Los Angeles, a 7.0 earthquake, \$57 billion; San Francisco, \$84 billion, 8.2; and up in Seattle, where a lot of people do not think of it that much, a 7.5 earthquake costing \$33 billion.

(Mr. KEMPTHORNE assumed the chair.)

Mrs. BOXER. So let us not kid the American people; disasters are not going to go away. And I have to tell you again no disaster supplemental appropriation has ever been passed with offsetting spending required. It just has not. It is on the books. We have the votes to show you. It does not happen. And why? Because these are emergencies, and we do not want to destroy everything else we need to do for this country when one of our States is in trouble. So we come together, *e pluribus unum*, come together from the many as one, and we help and we do not destroy the rest of the budget. And then the next year we look back and we say, yes, we had some of these disasters; we are going to be even tougher on our budgeting, but we do not force 60 votes because it is not going to happen. Disasters are beyond our planning.

Mr. President, I am not a constitutional scholar, but I do know a little bit about the origins of our Government. I know that the Constitution was not the first fundamental law governing this Nation; the Articles of Confederation preceded the Constitution. But that document regulating the relations among the States proved weak and inefficient. The articles provided for a supermajority vote before the National Government could request revenue from the States. And do you know what James Madison called that? A "radical infirmity"—a radical infirmity to require a supermajority. Without careful change to ensure flexibility, this balanced budget amendment is a radical infirmity of the 1990's. It is an infirmity. It is a condition. And it is radical because it takes away the rule of the majority.

Now, I know a lot of people said this election was about a revolution. Maybe it was. But I hope we respect the

Founding Fathers here and realize that there is a reason we have majority rule in most cases in this body. We should not shackle the ability of the Congress to respond to emergencies by requiring a supermajority vote.

Now, a measured attack on the budget deficit is a priority of the Congress. I am on the Budget Committee. I have been on the Budget Committee over on the House side, now on the Senate side. I am proud to be here. And I was proud to vote for the largest deficit reduction package in history that has worked. We are on the path. We should restrain spending for the benefit of generations to come, but we must not allow this constitutional amendment to turn the back of the Senate on decent Americans. And listen to this one. If you think about who is impacted by disasters, they are decent Americans who usually, if you look at all these areas, pay their fair share in taxes, who probably have never asked the Federal Government for anything else in their life.

I have seen it. I have seen people who said, "I never asked the Federal Government for anything. All I want now is a chance to get back on my feet," because they were hit with a flood, a hurricane, an earthquake, frost, drought, and they are knocked off their feet. And they are saying, yes, I have some insurance, but I need to have my Government be a partner in helping me continue to be productive.

It seems to me that is reasonable. That is why we are one nation, to act as one when there are serious emergencies, and that is what we do with our amendment, the Boxer-Leahy amendment.

From fiscal year 1988 to fiscal year 1993, Congress has passed six major disaster relief supplemental appropriations bills. I wish to explain this. They totaled \$17 billion in budget authority—since 1988, \$17 billion in budget authority. In 1994, Congress passed a supplemental that included \$8.4 billion for disasters. That is a lot. But compare it to the military budget that is about \$280 billion every year. You can see we spend a great deal defending this Nation, as we should. We have to defend our Nation when we are struck with the hurricanes, the floods, the devastation of earthquakes, tsunamis, whatever are predicted to happen—\$17 billion since 1988.

Now I am going to show you some photographs from some of these disasters because I think again we have to put a human face on what we are talking about here. This is what happens to America in these times. And the funding that I show here basically is a small proportion of the funds that went for FEMA programs because these were put together by the Federal emergency people. There are other dollars that are added, and I will go into that.

But here is South Carolina, Hurricane Hugo, 304,369 victims. You can see

the child, the mother, the ruination, the shock. I have been to too many of these.

Here is the Cypress Freeway in Oakland. I am really familiar with this because my husband takes his car over this freeway, or did, every day for 20 years plus. An hour before it went down, he was on that freeway. This is not something that is far away from my heart.

This happened on the night of the World Series between two California teams, and everyone was sitting in their seats waiting for them to play ball. We did not have a baseball strike. That is a local other issue. But they never did play ball that night because the earthquake struck. People died. There were 896,245 victims—meaning not deaths, victims—people touched by this. And I want you to know something. It took us a while to get the plans to rebuild the Cypress structure because, guess what, we did not want to build it the same way it was built originally because it would have fallen down again. So we had to go back and get the engineering done and do it in a way that would not hurt the community. So it took a while.

There was a move on this Senate floor to deny the funds to rebuild this freeway. I remember it because I had to fight it. And I won that vote by a vote of—I think we had 53 votes, not 60, friends. If this supermajority requirement had been in place, forget it; we would be looking at disaster. Now, tell me something, is that what we want to see in our communities?

Here is Hurricane Andrew. This is extraordinary. There were 219,825 victims, in other words people hurt directly by this disaster. The homes are literally gone.

Do we want 60 votes to be able to make these people have a chance at life again? I hope not. We would be like they are in Kobe, Japan, going to community meetings saying, "Gee, we're sorry, we cannot act. Move to another place, move to another town."

I can imagine the American people's reaction. Forget it. We are not reserved here. Anybody who has had community meetings, you stand up and you are sent to protect the people of your States and help them—if you stand up at a community meeting and say, "Sorry, I could not get 60 votes"—it is not even a viable thought.

Here is Hurricane Iniki. This literally looks as if a bomb dropped on this house; the magnificent blue sky and a complete, total wreck of a home. That is what it looks like. This is what we are talking about. I am not up here because this is an unimportant issue. I want to show you some more pictures. Missouri floods, 168,340 victims. Their dreams, their hopes, their memories, their wedding book pictures—destroyed.

Northridge earthquake, Los Angeles area. I will never forget the first thing

I heard about was a policeman rushing out to help people and he could not see that the freeway was gone. He was one of the first deaths. I have to go get 60 votes if this amendment passes without the Boxer-Leahy language.

I hope my colleagues on both sides of the aisle will help me with this one. Let us not do another party line vote here. My God, I do not ask people if they are Republicans or Democrats when they are faced with this. I do not care. We are Americans when these things happen. We help each other. Let us not put something in the Constitution that ties our hands, whether Republicans or Democrats, that ties our hands and says you cannot act in a disaster except if you have a supermajority.

After this election, half the people said, "What's going to happen in the Senate?"

I said, "You know what is going to happen? We are not going to be partisan here. It is not like the House that tends to be very partisan. We are going to see reasonable people here come together."

I am waiting. This is a good one. Reasonable people should say that we should not require a supermajority to act in times of disaster.

Here is one that was unbelievable, the volcano eruption in Washington State. That does look like a bomb went off, 1,891 victims.

Then let us look at Houston, TX—horrible floods, 34,000-plus victims. This looks literally like something dropped on this house. You say a flood? This is a picture of what happens when the water is so high.

I have to tell you, I visited northern California in the last flood that we had. I was driving down the road and I looked out the window and I said there is the Russian River. Somebody said the Russian River has never been there, it is on the other side of the bank. In other words it had made a second river.

These things happen. Does it mean we should not require that people who live in a floodplain have insurance? Of course, and we do. We should have insurance programs in place. I am on a task force looking at how better to meet these needs. But the bottom line is with insurance, with savings, with all the things we do, once in a while we are going to have a disaster that is beyond our ability to plan for. Do we then turn our backs because we need a supermajority? Or do we in fact make it possible for us to respond in a reasonable fashion, a majority of those present and voting? I hope that makes common sense to my colleagues.

I want to give my friends a picture of the number of times we have had to respond to disasters, and I will show the chart of the predicted disasters. We are here talking about the whole Nation, not just California. Between 1977 and

1993, the Federal Government responded to 578 disasters or emergencies, totaling \$120 billion in inflation-adjusted dollars. The reason I say that is you need to know that we are just talking about very large numbers here, of people across the Nation and not just in California.

I want to make a point. With all these disasters that we have had in the past, this is what will probably happen in the future. When Senator LEAHY gets here—and I expect that he is on his way and will be here shortly to talk about it from his perspective on the east coast. It is going to be hard to believe this, but experts have told us that with all the horror stories and all the photos I showed, in many ways they say we have been lucky. How can they say we have been lucky? Because if Hurricane Andrew in Florida had struck just 25 miles further north into the heart of Miami, there would not have been 350,000 homeless but 1.6 million homeless. So, 25 miles made a difference between 350,000 homeless, which is horrendous, and 1.6 million homeless. The damages would not have been \$20 billion but what have been \$62 billion, according to the study by the Miami Herald.

The Northridge Earthquake severed eight major roads right here leading to downtown Los Angeles. Gas and water lines ruptured. I flew over that area hours after the disaster happened, and it was the most extraordinary thing you ever did see. For miles it was pitch black, no electricity, people not able to function. Again, the elderly and the children are the most vulnerable. We always talk about them here—the elderly and the children, the most vulnerable, the most dislocated. And many of the children still have what they call the post-traumatic symptoms: After the trauma.

We talked about gas and water lines ruptured, fires, power failures. I talked about water service disruption. More than 50,000 homes and apartments were damaged, nearly 170 schools were damaged. And as bad as this disaster was—and it was horrible, hard to imagine—I have to tell you that disaster struck at 4:31 a.m. on a holiday. Had it struck on a school day, you can just imagine what could have happened: 700,000 school children, 6 million commuters. So when these things happen we wonder why, we ask ourselves why, and then we say, "My God, the experts say it could have even been worse."

Looking at the future, we do not know where the worst could occur. It could happen anywhere—east, west, north, south. I am saying to my friends here, please—this has been my decade to see the disasters. Somebody started calling me Calamity Jane because I am coming down here and telling these stories about what happens to my people. But the next decade it could be someone else's decade. I do not wish

that on any of my friends here or the people that they represent.

I wish it were possible to say this is not true. They say there is nothing certain except death and taxes. I think we can say death, taxes, and natural disasters are going to happen. The question before this body with the Boxer-Leahy amendment is: Do we want to put ourselves in a circumstance where it is so difficult to respond that people suffer while we try to get 60 votes or find offsets in an already tight budget?

I see my friend, the coauthor of this amendment, has arrived. So I am going to wind down and finish my remarks for this time in the next few minutes while he gets ready to address the Senate.

I mentioned before, I say to my friend from Vermont, that all 50 States are at risk of flooding and tornadoes and about 40 are at risk for earthquakes. There are 65 active or potentially active volcanoes in the United States. Most of the Pacific Northwest, Alaska and Hawaii, and the entire west coast is subjected to tsunami risk—which are these incredible waves that are caused from an earthquake which is out at sea. A study by the University of Southern California on the probable cost of future natural disasters estimates that an earthquake at 7.0 in the Richter scale in LA, West Los Angeles, would cost \$57 billion. You see that reflected on this chart.

I think it is important to note that James Lee Witt, Director of FEMA, the Federal Emergency Management Agency, noted recently another earthquake along the New Madrid fault in America's heartland has a 50-50 chance of occurring in the next 5 years. If such an 8.6 earthquake struck at Memphis, the cost would be \$69.7 billion. I say to my friend from Vermont, it is extraordinary, everyone thinks of earthquakes as being a California phenomenon. The next large earthquake predicted to hit, the largest one, would be in the middle of our country.

So the Boxer-Leahy amendment is not about California and it is not about any one State. It is about America. I have to tell you that in this very sobering information a 7.0 earthquake along this fault, that is along the New Madrid, that is even smaller than the 8.6 they expect, could kill 14,000 and cause 240,000 homeless. That is unbelievable. These are not fantasy figures. Earthquakes estimated at greater than 8.0 struck the Mississippi Valley in late 1811 and early 1812. In 1990, a 4.7 earthquake struck the new Madrid region.

So I show these charts, and my colleagues will do so as well, not to frighten anybody but to say that we need to be prepared for this. It is very immature to close your eyes to problems.

Mr. LEAHY. Mr. President, I wonder if the Senator will yield?

Mrs. BOXER. Yes.

Mr. LEAHY. Mr. President, I would like to add one thing to what the dis-

tinguished Senator from California said. She reminded us that this is not a California amendment; it is not only for earthquakes in California. In fact, one of my colleagues asked me walking through the halls this morning, "Why is this a Boxer-Leahy amendment? You don't have earthquakes in Vermont." For a practical matter we do have very mild ones. But I said this is not a Vermont amendment. This is not a California amendment.

There are a lot of areas, whether it is the flooding in the Midwest that we saw last year, that this amendment addresses. I remember, Mr. President—and the distinguished Senator from California and I have discussed this—the time when I first became chairman of the Senate Agriculture Committee. We were in a massive drought, unprecedented drought throughout the Midwest. There were Time magazine cover stories. Networks were doing special segments on it. I took the Senate Agriculture Committee staff else in an airplane and we went around for 3 days to view what was going on and see the extent of the disaster.

I recall one place in North Dakota where they were digging a well down through the soil to where they first found moisture. They found moisture about 2½ feet down in this particular place, and the crop has a root system of only 2 or 3 inches.

We came back here and with bipartisan support we wrote a disaster bill, a very significant disaster bill. But had we not been able to move quickly through the House and the Senate, we would have seen not only thousands of farms go out of business but the ripple effect of thousands of other businesses, everything from the tractor dealers to the clothing stores to the shipping companies to those who export to other parts of the world. It would have affected our balance of payments, especially in a country like ours where we have had now for a number of years balance of payment deficits except in agriculture and some of the intellectual property areas. That was a disaster.

Mrs. BOXER. I say to my friend, I am about to yield to him as much time as he wishes on this subject. He is such a respected Member of this Senate. I am so proud that we are working together. I wanted to conclude my portion right here at this time—or course, we have time reserved until approximately 3:30—to say that according to the report by the National Research Council for the World Conference on Natural Disaster Reduction, and I am quoting:

There are more people and investments at risk, natural disasters today, than ever before. More than half of the U.S. population live in coastal zones or along fault lines.

Therefore, I say to my friend, my colleague, a coauthor of this amendment, that this is not the time for the Federal Government to bind itself from responding to disasters. And without the

Boxer-Leahy amendment to this balanced budget provision I think we are doing just that.

I yield as much time as he may consume to the Senator from Vermont.

The PRESIDING OFFICER. Will the Senator from California send the amendment to the desk?

AMENDMENT NO. 240

(Purpose: To provide Federal assistance to supplement State and local efforts to alleviate the damage, loss, hardship, and suffering caused by disasters or emergencies by exempting spending that is designated emergency requirements by both the President and the Congress)

Mrs. BOXER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER], for herself, Mr. LEAHY, Mrs. FEINSTEIN, Mr. BUMPERS, Mr. INOUE, Mr. AKAKA, and Mrs. MURRAY, proposes an amendment numbered 240.

At the end of Section 5, add the following: "The provisions of this article may be waived by a majority vote in each House of those present and voting for any fiscal year in which outlays occur as a result of a declaration made by the President (and a designation by the Congress) that a major disaster or emergency exists."

Mrs. BOXER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

The Senator from California has yielded time to the Senator from Vermont.

Mrs. BOXER. That is correct.

The PRESIDING OFFICER. The Senator from Vermont is recognized for up to 10 minutes.

Mr. LEAHY. Mr. President, I ask again for the yeas and nays on the pending Boxer-Leahy amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. Mr. President, is my understanding correct that the Senator from California has yielded to me such time as I may require?

Mrs. BOXER. That is correct.

The PRESIDING OFFICER. That is correct.

Mr. LEAHY. Mr. President, how much time is remaining under the control of the Senator from California?

The PRESIDING OFFICER. The Senator from California has 114 minutes.

Mr. LEAHY. I thank the Chair.

Mr. President, I might ask one more question of the Chair, I was not here when the unanimous consent was entered into. What time was the Senate to recess for the party caucuses?

The PRESIDING OFFICER. The Senate, under the previous order, will recess at 12:30.

Mr. LEAHY. I thank the Chair.

Mr. President, I rise in strong support of the Boxer-Leahy amendment to House Joint Resolution 1, the constitutional balanced budget amendment.

In fact, I think those of us who are concerned about such issues as natural disasters and our country's response to them have to commend the distinguished Senator from California for her leadership. She has been the spearhead in this area. I also thank Senator BUMPERS and others who have come with their support.

Senator BOXER has stated more passionately and eloquently than I ever could the reason why this amendment would give Congress the authority to waive the balanced budget amendment if we need Federal relief for major disasters and emergencies, but only if they have been declared so by the President of the United States. And even then, if it had been declared so by the President, Congress would still—while it would have the flexibility that it needs—require a majority vote of those present and voting in each House of Congress for Federal relief.

I would like to think that we would never have such an emergency. The fact of the matter is that we all know from even recent history that the Federal Government has been called on to give critical aid to supplement State and local efforts to protect the public health and safety in response to major disasters and emergencies. Much of this aid has been paid for by supplemental appropriations not only because of the unexpected nature of the disasters but also because of the size of the disasters.

Flooding in the Midwest a year ago was of a size and severity that nobody had predicted. Certainly the terrible scenes of the earthquake in Los Angeles are such that even as we watched them, most of us—certainly here in the East—could hardly believe what we were seeing, and I expect the same could be said of the inhabitants of Los Angeles. To just show you what happened, the chart I have here displays supplemental appropriations from fiscal years 1989 through 1994. In those years, Congress had to appropriate supplemental major disaster and emergency relief in every year but one. Look what we have.

In 1989, the administration requested \$200 million. We ended up with a supplemental of \$1,108,000,000. In 1990, \$1,150,000,000 went for disaster relief. These were, incidentally, votes cast overwhelmingly by Republicans and Democrats alike, realizing that the Nation faced, in parts of the country, such disasters that we could address them only as a Nation, and that no one State or region could address it. The Nation had to come together to do it.

In 1991, we were fortunate. There were no supplemental appropriations. But in 1992, the supplemental was

\$4,136,000,000. Again, Mr. President, I ask, is there any part of the country, any one State that could, in facing a disaster, come up with \$4 billion by itself? Not even the 10 most populated States could do that. Certainly in areas like my own—a State of under 600,000 people—we could not begin to respond like that. In 1993, it was \$2 billion. And last year, \$4,709,000,000 in supplemental. That is a pretty significant supplemental, especially when it came up to total outlays of \$5,001,000,000.

To give you some idea of where this went, in 1992, over \$4 billion in supplemental appropriations went to a number of areas: the Los Angeles riots; Chicago floods; Hurricane Andrew. In 1993, it was \$2 billion. That went to help victims of the Midwest floods. In 1994, as we have already said, it was \$4 billion to help victims of the Northridge earthquake in Los Angeles.

In each one of these years, certainly it was my feeling that—and also from the calls and letters that came to my office and the reaction from around the country—people realized that as a Nation we had to come together. We had to spread the pain and the efforts to take care of these disasters.

I know firsthand the devastation of a major disaster and the benefits of swift Federal relief. Let me speak of one not the size of California or the Midwest, but I use as example my home town of Montpelier, VT, the capital of our State. It is a beautiful capital, I might say, Mr. President. But it is a city of only 8,500 people. If it is not the smallest in population of any capital, it is certainly among the smallest.

I was born and raised in a home right on State Street, almost diagonally across the street from our State capitol, a lovely marble building—a little like a miniature version of this Capitol. It is nestled in the hills of Vermont, with a beautiful river running along it. But that river becomes the rub, because in 1992 we were hit by enormous amounts of rain, ice jams, and a flood—the worst flood in my lifetime in Vermont. In fact, it was the single greatest catastrophe to hit Montpelier since the floods of 1927.

I mention that because one of our country's largest newspapers reported after those floods that Vermont would never be heard from again, that this natural calamity was such that it could wipe out the State of Vermont. We had been hit with a number of problems during the Civil War. We had one of the highest mortality rates of any State, on a per capita basis. Many of our soldiers that joined the Union during World War I—again, a case where Vermonters had answered the call so strongly—never came back. And now this devastating flood. At that time, the President of the United States went to Vermont and declared help and we had it.

In this case, in the downtown part of Montpelier, VT, virtually everything is

on the same level. The town is surrounded by hills. The State House and everything are on the same level. All the stores along the streets downtown, on which I had walked back and forth to school, where I delivered newspapers, were badly damaged and some were destroyed. The printing shop that my father and mother had in downtown Montpelier, where we had been raised, was in that damaged area.

Again, there are 8,500 people, and unless you live there, that may not seem like an enormous amount or anything in the grand scheme of things. It obviously was to those of us from Montpelier, those of us who lived there. I use the example of Montpelier not out of some parochial interest but because it showed what can go right in this country when there is a disaster.

I talked with the President about the floods. He was not a President of my own party. It was President Bush, who I want to say responded immediately and showed great concern and talked with me about it. He sent Federal officials up to Montpelier. The President declared Montpelier and five surrounding counties a major disaster. He took a personal interest in it. I want to commend President Bush for that.

The Federal Government swiftly provided disaster relief at a critical time in the local cleanup effort. Major figures within the Bush administration that were involved in disaster relief went to Montpelier, and when the cleanup effort was finally completed, the Federal Government had provided \$4 million. That may not be much compared to disasters in other parts of this country, but it was \$4 million that the people of Vermont and the State of Vermont could not have provided. And to the people of Vermont in Montpelier and other areas, that relief came at the darkest moment. Today, Montpelier is back as the beautiful capital it once was and will always be, and it enjoys a thriving downtown.

Now the current version of the balanced budget amendment would make it much harder for future Congresses to help victims of major disasters and emergencies like the Montpelier floods. Instead of a simple majority, the balanced budget amendment would require a supermajority of both Houses of Congress to help major disaster and emergency victims through supplemental appropriations that might throw the budget out of balance.

In fact, a small minority of both bodies could hold critical disaster and emergency relief hostage, making it impossible for the majority to speak on such things.

And I might say, Mr. President, if your State is hit by a major disaster or emergency, do you want, as a Member of this body, to have critical Federal assistance hang on the whims of 41 Senators? I will fight for the 51, but I would hate to have to have a supermajority.

I think relief for major disasters and emergencies has to be flexible, especially as it is often the aid that comes immediately that is most valuable and most needed, as compared to the aid that might come a year or 2 or 3 years later. Disaster and emergency relief by constitutional mandate is a prescription for gridlock, not for swift action, not for the help people need.

The Founding Fathers of this country rejected requirements of supermajorities, and I think we ought to ask why. I mean, this was the time that allowed this country to become the most powerful, most respected democracy in history. We have to look at their sound reasons for rejecting supermajority requirements before we impose on our citizens a three-fifths supermajority vote to provide Federal relief for major disasters and emergencies.

Go back to the Federalist papers, I believe it was No. 22, where Alexander Hamilton painted an alarming picture of the consequences of the "poison" of supermajority requirements. Mr. Hamilton said that supermajority requirements served "to destroy the energy of the government, and to substitute the pleasure, caprice, or artifices of an insignificant, turbulent, or corrupt junto to the regular deliberations and decisions of a respectable majority."

I could not say it better myself, Mr. President; would not even pretend that I could come close.

But Alexander Hamilton said it very well in speaking of the supermajority requirements as a recipe for increased gridlock and not more efficient action.

Let me read again from Hamilton. He said: "Hence, tedious delays; continual negotiation and intrigue; contemptible compromises of the public good."

In fact, I would go somewhat further, I say to my friend from California, even further than what Mr. Hamilton said. I would say that the supermajority requirements reflect not only a basic distrust just of Congress, but of the electorate itself. I reject that notion. I reject the notion that somehow the majority of the people in this country cannot be expected to do what is right.

I fear that if you require a supermajority requirement, in effect, saying we do not trust democracy, we do not trust a democracy and the rules of democracy that made us the greatest, most respected power on Earth, then you are going to lead Congress to play politics with critical relief from disasters and emergencies; you will have them playing politics with those very things that bind us together as a nation.

It is a question of a person in Vermont helping to respond to a disaster in Colorado or Idaho or California, or vice versa. These are the things that remind us why we have come together as a Union and why, as a democracy, even with the individual identities of

our 50 great and different States, those 50 great and different States come together to help each other when needed.

Even today, where we have a simple majority requirement for supplemental appropriations for disaster and emergency relief, we have seen the potential for partisan politics. And even with a simple majority, if you have a chance at partisan politics, imagine what it would be with a supermajority.

In fact, last Friday's Wall Street Journal reported that:

A multibillion-dollar disaster-aid package for California is caught in the budget wars between President Clinton and House Republicans.

The Journal article reported that the House Republican leadership was delaying action on a request from the President for \$6.7 billion in supplemental appropriations for emergency relief for victims of the California floods and Los Angeles earthquake.

Now, Senator BOXER, our distinguished colleague from California, well documented this gamesmanship. Earlier today, she read from the House Republican leadership's letter. That, plus the Wall Street Journal article, shows exactly what can happen with the politics of a simple majority. Can you imagine what it would be like if you are talking about a supermajority? If you would have to clear that supermajority hurdle to pass disaster emergency relief, what we have seen in that letter and what we have seen in the Wall Street Journal article would look like child's play.

I am no fan of the balanced budget amendment. As I have said before, I worry why we should even have to start amending the Constitution for everything. I worry that some of the strongest supporters of the balanced budget amendment are the same people that voted for the enormous deficits of the Reagan era, and now say we need a constitutional amendment so in the year 2002 somebody will pay off the bills we ran up in the eighties, and of those who speak of a deficit today without realizing those deficits are basically just paying interest on the debt they voted for in the last decade. But I digress.

Even as bad an idea as the balanced budget amendment is, this amendment would improve what is a flawed balanced budget amendment. I think we should tear down as a requirement the supermajority barrier. Otherwise, you are telling future Congresses they are not going to be able to provide the critical disaster and emergency relief that would be needed by those in other parts of our country.

So, Mr. President, I commend the Senator from California. I thank her for yielding me this time. I strongly support the Boxer-Leahy amendment. I am pleased and proud to have had my name joined on her amendment.

Mrs. BOXER. Mr. President, parliamentary inquiry. I just want to

make sure we reserved the remainder of the time.

Mr. LEAHY. Mr. President, I reserve the remainder of the time of the Senator from California to her or to her control.

The PRESIDING OFFICER. Who yields time?

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, at this time, I will only speak briefly to the Boxer amendment. But I think it is important that the record of the Congress, as it relates to dealing with emergencies in our country and disasters in our country so declared by our President, be very clear for the record.

The Senator from California and the Senator from Vermont are absolutely correct. There has not been a time in the Congress of the United States, when we were faced with a natural disaster that had badly damaged a State or region of the country and put our citizens in peril, that we did not respond.

And so, when I was looking at crafting a balanced budget amendment, along with a lot of other Senators and Representatives, one of the things we needed to recognize was the very thing the Senator from California is speaking about; that the amendment itself and the requirement, because we wanted to put it in the Constitution, could not be so rigid as not to respond to the needs of the public. And so we provided the supermajority to be the escape valve, if you will. But only under a critical situation could it be applied, not under the simple majority, not even the constitutional majority that I am surprised the Senator did not require in her amendment.

Be that as it may, here is what the record of the U.S. Congress has been like for the last decade in responding to natural disasters. In 1989, for Hugo, pictures 1 and 2 so demonstrated on that display by the Senator from California, the Senate voted 97 to 1, almost 37 votes beyond the supermajority required by our amendment, to fund Hugo.

There was no question in the mind of any Senator that this was not something that we ought to respond to.

The House voted 321 to 99, clearly beyond the supermajority target that we have spoken about and that is embodied within the Constitution.

It causes us all to think. It causes us all to be tremendously dedicated to looking at the details of the proposal as presented by the Budget Committee or by the President for us to consider an emergency, and that we should do. It ought not be the snap of a finger and a simple majority here, not even a constitutional majority, to do so. But clearly, we fell under the purviews of the amendment as it is proposed, not the Boxer amendment, but Senate

Joint Resolution 1, the true constitutional amendment.

Again, in 1990, the Hugo supplemental, the Senate voice voted it. It was so easy to get through the Senate, so understanding that there was a crisis down there that had to be adhered to that we voice voted it. The House, 362 to 59, an even larger vote than the initial supplemental appropriation for the Hugo disaster.

In 1992, Andrew, Senate, 84 to 10; House, 297 to 124, once again, well beyond the supermajority that is required under the Constitution.

The Midwest floods, in 1993, the House voted 400 to 27; the Senate voice voted it. We recognized the magnitude of that disaster, and we responded to it.

In essence, what I am saying is, in every case I cited, what the Senator from California is proposing simply was not necessary and, at the same time, under the amendment as I and others have drafted it, we allowed this kind of flexibility and the standard was met, though it could have been waived. But what our amendment would do would cause the Senate and the House to seriously consider and work with the States to make sure that the money was being well spent, that the States could not handle their particular disaster and that, in the end, if it was absolutely necessary, the general public of this country, the general taxpayer, would respond through the General Treasury of our Federal budget.

The 1994 L.A. earthquake, the very kind that the Senator from California is talking about that has brought her to the floor with her concern—and I do not question that concern in any sense—what was the vote in the Senate? 85 to 10, well beyond the 60 that would be required under the constitutional amendment. The House voted 337 to 74.

From 1978 down through 1994, time and time again, and as I look at the voting record I find in only one situation in the Senate where, under the supplementals as they were proposed, the supermajority would not have been acquired. And in most instances, where the House had a recorded vote, the Senate voice voted it. What does that voice vote express? That without question, this was something that the Senate jointly, in a majority, in fact with a unanimous vote, agreed to.

Having said that and looking at the details of the amendment as proposed by the Senator from California, what we find here is a waiving by a simple majority for an entire year of any moneys that might be necessary. I believe that is an opening up of this amendment that cannot be accepted.

I also believe that the premise, not the emotion, not the concern and not the dedication by which the Senator from California has offered this amendment, but under the premise of what

she has offered the amendment, that the supermajority could not be acquired, simply does not exist on the record. The record clearly shows that this Senate time and time again, by a supermajority vote in the seventies and eighties and nineties and unanimously, has voted out the supplemental moneys to fund the emergencies that she talks about because she, like I, understands that what can happen to California might some day happen to the State of Idaho or it might happen to the State of Vermont, as the Senator from Vermont spoke.

Where we may differ is on different funding programs. On these national disasters where the lives and the properties of our citizens are truly in peril, we have always stood united. It is on the extra where it is really questionable whether the money can be wisely spent do you find the House or the Senate backing away.

In fact, in the instances of California, it has been the Governor of California over the last several years that has been saying to the Federal Government, "Get out of my way, back away from your regulations and your obstacles and your controls, we can do it for less money. Your Feds and your regulators have created environments that are much more costly in responding to the needs of the citizenry."

As it happened in the California earthquake, it has happened in the California floods recently where the Governor has had to say to the Federal Government, "Back away, let us do it quickly and let us do it right and we can save hundreds of millions of dollars."

While that is not directed at this amendment or the amendment that the Senator is amending, my point is, with restraint and with the current understanding of the Congress of the United States, these problems can be handled through the current amendment as it was crafted. Both the House Judiciary and Senate Judiciary Committees understood these problems, and it is my premise, my firm belief that it is dealt with in the amendment and the amendment by the Senator from California simply is not necessary to deal with her concerns or the concerns that I have as it deals with national disaster. I retain the remainder of my time.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I yield myself such time as I might consume.

The Senator from Idaho is a wonderful debater and he fights hard for his State and he makes his points well. I have to say to the Senator, he is incorrect in some of the things he has just stated, and I would like to particularly point out that when the Senator from Idaho says that the Governor of California says to the Federal Government, "Back away," when it comes to disasters, you have the wrong Governor.

Pete Wilson is here after every disaster or calling, as well he should, Members of the Senate, Members of the Congress on a bipartisan basis saying, "Help us in this disaster."

So where the Senator from Idaho gets the idea that former Senator Wilson, currently Governor Wilson, does not want the Federal Government's help in a disaster, I do not know because I have never seen that happen. As a matter of fact, I would say to my friend—

Mr. CRAIG. Will the Senator yield?

Mrs. BOXER. Let me finish and then I will be happy to yield to you. I say to my friend, not only does he want help 90 percent of the way, he asked us to waive the law so we can pay for California 100 percent of the way. I will be glad to yield.

Mr. CRAIG. I was not referencing the money, and that is exactly what the Senator from California was talking about. What I was referencing are the rules and regulations, the web of regulations that causes the rebuilding of freeways at twice the expense it ought to cost or the replacing of a bridge in Monterey, CA, that costs twice as much because you have to do environmental impact statements and all of those kinds of things.

Mrs. BOXER. Let me just take—do you want to take it on your own time? Would the Senator like to take it on his own time?

Mr. CRAIG. My point is, the Governor from California asked those rules be waived.

Mrs. BOXER. Parliamentary inquiry. Who has the time at this point?

The PRESIDING OFFICER. The Senator from California has the floor. The Senator may yield if she wishes.

Mrs. BOXER. I am not going to yield on my time. If the Senator would like to yield on his time.

Mr. CRAIG. If I can complete my statement on my time.

Mrs. BOXER. Absolutely.

Mr. CRAIG. You and I do not have any disagreement. I was referencing Federal rules and regulations that the Governor of California did ask that the Feds back away from so they can complete the freeway rebuilding way ahead of schedule. That is exactly what happened. I was not referencing money. You are absolutely right, the Governor of California was here and by a supermajority of the U.S. Senate, completely within the compliance of the amendment we have proposed, the Governor of California got the money he asked for.

Thank you. I retain the remainder of my time.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Let me say to my friend, perhaps my friend does not remember this, the Governor from California almost did not get the money

because to rebuild this Cypress structure, let me tell you what the vote was. The vote was 43 to 52. We only got 52 votes to rebuild this structure.

I want to make the point, when I started my rebuttal to my friend, that the facts are not what they are alleged to be by my friend from Idaho. He makes a great debating point. He says we always vote a supermajority. Wrong, we do not.

The vote to rebuild this structure, a direct result of the Loma Prieta earthquake, was not a supermajority. And I say to my friends who are going to vote against this amendment, beware, because you may not get the 60 votes.

Now, the Senator from Idaho makes the point that he corrects the record. He said, oh, yes, Governor Wilson did not back away from the money; he wanted you to back off on regulations. Let me again say for the record the cooperation between the Clinton administration's Federal Emergency Management Agency and the State disaster team headed by Dick Andrews is superlative. They worked together, as they should, and they were able to be flexible enough to rebuild freeways in record time. But to say that the Governor of the State of California was up here telling us to back away does not make any sense whatsoever in this regard because what this is about is getting the funding. Of course, that is what this is about. This Boxer-Leahy amendment is about getting the funding.

I see that my friend from Maine is in the Chamber. I have had the privilege of working with her for many years over in the House. And, believe it or not, we do work together on some things, and I hope sometime in the Senate soon we will be able to do that again.

I call to her attention the facts about Maine, that between the years of 1989 and 1994, Maine received disaster funds nine times for flooding, ice jam, severe storms, Hurricane Bob, coastal storms, heavy rains, ice jams—these are all the different incidents—snow, severe blizzard conditions, the Yellow Mine fire.

I am sure she knows of all of these things very, very well. It is important to point out to her and all my colleagues here because I think when we talk about disasters and we look at this chart again, we see they have been all over the country. I would say to my friend from Maine, I hope she is never in a position that I was in where I almost was unable to get the funding from this Senate to complete this horrible problem where the Cypress structure fell down. Also, it is an economic issue if people cannot get to work.

Ms. SNOWE. Will the Senator yield?

Mrs. BOXER. I will be glad to yield on her time.

Ms. SNOWE. I would like to make a point.

How much time does the majority have?

The PRESIDING OFFICER. The majority has 20 minutes 15 seconds. The Senator from California controls 87 minutes 39 seconds.

Ms. SNOWE. I thank the Chair. I will do it on my time.

I just want to respond to the Senator from California because the Senator is correct in suggesting that the State of Maine has benefited from emergency supplemental assistance in times of disaster, as have many States throughout the country, including her State of California.

I think the point is that Congress has risen to that occasion, has demonstrated its compassion when it has been necessary to respond to emergencies and disasters as they have occurred in this country over the past years. And unfortunately and regretfully, California has had more than its share. I think the point is that we do not want to obviate the need for a balanced budget amendment, because I think what the Senator's amendment is doing is essentially, by requiring just a majority vote in each house, definitely eliminating the requirements of the three-fifths majority to raise the debt ceiling. So a simple majority could remove the requirements for a balanced budget amendment in making the decisions on supplemental appropriations. So really it is circumventing the entire intent of the constitutional amendment to balance the budget.

As the Senator from Idaho indicated with his examples, time and time again the House and the Senate, far beyond a three-fifths requirement, have in fact approved many of the emergency supplementals to respond to the disasters that have occurred in California, Maine, and elsewhere. So we have demonstrated that on many occasions.

I think the concern that I and many of us have about the amendment of the Senator is that basically it is going to undermine the effectiveness of the balanced budget amendment because it only requires a simple majority in the dead of night to remove the three-fifths requirement of the balanced budget amendment. That would really preempt the effectiveness of a balanced budget amendment, not to mention the amount of money that we might indebt ourselves because it would only be a simple majority.

So I would like to respond to the Senator from California in that regard. We certainly understand what she is trying to do. But I think the point is here that the balanced budget amendment will take care of that with a three-fifths majority. In many cases that is exactly what has happened in the House and Senate without a balanced budget amendment. We have done that and will do that in the future. And a balanced budget amendment will not preclude our compassion in instances of disasters and when we recognize a justifiable need.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER (Mrs. HUTCHISON). The Senator from California.

Mrs. BOXER. Madam President, I will make a couple of remarks and I will yield to my friend, or let him take as much time as he wishes.

I wish to say to my friend from Maine I never ever have questioned her compassion. I do not worry about her vote in an emergency. But we are putting an amendment into the Constitution here, and when the Senator from Maine talks about an exception for a disaster "just a majority vote in the dead of night," I am stunned with that phrase. Just a majority vote. I would assure the Senator if she won by just a majority vote, which she did, and fairly so, and a nice majority—I do not think it was 60 percent. I might be wrong. Was it 60 percent? She did.

Well, this Senator won by a margin of 6 percentage points, a little bit under, but I do not think that the Senator from Maine would question the fact that a majority vote is a hallmark of democracy. So to talk about "just a majority vote in the dead of night" is astounding to me.

As a matter of fact, I say to my colleague from Vermont, it makes me feel so much stronger about this amendment than I did before because if that is the attitude of the other side of the aisle, "a majority vote in the dead of night," that is a statement against majority rule and against democracy and for tyranny of the minority, and it gives me great trouble in my heart and soul to hear that kind of language on the Senate floor—"just a majority vote in the dead of night."

I say to my friend, we did not get a supermajority to rebuild the Cypress structure.

Show me the next chart here. Let me show you what else did not get "a majority vote in the dead of night" or middle of the day—this, the Midwest flood, an amendment by Senator Durenberger to offset the money, not to leave these people without help—a majority vote, just a majority vote. Fortunately, it did not prevail. If we have a balanced budget amendment, it is not a majority vote. It is a supermajority vote. I have shown you two occasions where that did not happen. And had the balanced budget amendment been in place, we could not have rebuilt the Cypress structure and we could not have helped the people in the Midwest floods because there was a requirement for an offset.

I am going to yield to my friend from Vermont and then my friend from Washington before we have the break for the various conferences, but I want to again let my colleague know, maybe she is unaware, that the House Speaker signed on to a letter—I wonder whether the Senator's State is even affected by this—talking about the emergency sup-

plemental that is coming up which deals with natural disasters.

Whether these activities are emergencies or not, it will be our policy to pay for them rather than add to the deficit.

Which means in plain, simple language they are going to have to cut other programs, and I assure you, we may have a lot of trouble getting funding for those States. As I understand it, 40 States are involved in that.

So I yield to my friend from Vermont as much time as he needs; saving some time for my colleague from Washington.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I will be very brief. I have suggested over and over again on this floor as one who reveres the Constitution, I worry very much when we add anything to the Constitution at all, but I especially worry when we add supermajorities.

This is not a case, when we have matters involving great disasters, where somehow we slip in here in the dead of night and pass them. One of the things I cherish about the House and Senate is that they are open to the public and the press at every hour when we are in session. People can see, especially with television, exactly what we vote on and how we vote on it. That is, of course, as it should be.

But my concern on supermajorities again is what Alexander Hamilton said when he spoke: "Hence, tedious delays; continual negotiations and intrigue; contemptible compromises of the public good."

Madam President, I have managed more bills on the floor of the Senate, I believe, than anybody who is presently on the floor. I have managed a number of major bills, including disaster bills. I know by the time we come to the floor, there have been all kinds of negotiations or other steps before the bill even gets here on the floor. Sometimes it has been joked that more legislation gets passed in the Cloakrooms or the elevators than on the floor.

But the fact of the matter is on a major bill you have Senators of both parties and members of the administration going back and forth negotiating what might be done. Those negotiations would be seen in an entirely different light if anybody involved in them knows whatever you have to do requires a supermajority.

I have won close elections and I have won landslide elections. I have been fortunate that every single time I have run for office in my native State I have gotten more votes than I did the time before. I appreciate that kind of trust that the people of Vermont have shown.

I also remember the statement of my father, God rest his soul, that it is better to win by one vote than lose by a landslide. But what he was doing was referencing that under our system of

democracy one vote makes you a majority.

In a country that has seen the benefits of adhering to democratic principles of majority votes, we should be always very, very hesitant when we do anything to change the requirement of just a majority vote and especially hesitant to write it into that sacred covenant, our Constitution.

So I hope we will think back to what Alexander Hamilton said. As we stand here almost in indecent haste, wanting to amend our Constitution, think of a little bit of history. Think of a little bit of history.

We have only amended the Constitution 17 times since the Bill of Rights. Already in this session alone there have been about 75 proposals to amend it. Somehow this country, this great, wonderful, powerful democracy, the model democracy for the world, has been able to survive for 200 years with only 17 amendments after the Bill of Rights. Somehow since the elections of November the country has gone to such hell in a hand basket because we now need 75 new proposals to amend the Constitution.

Madam President, I do not believe that is happening. My State was not one of the Thirteen Original—it was the 14th State. But I know people in my own State feel we should go slowly in making changes.

I yield to the Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I yield so much time as she may consume to the Senator from Washington [Mrs. MURRAY].

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. I thank my colleague from California for sponsoring this amendment, and I am honored to be here today as a strong cosponsor of this amendment, to add my voice of support to those of my distinguished colleagues, Senator BOXER and Senator LEAHY.

One's decision on this amendment can be made very easily. If any of my colleagues can foresee their state's future forever free of disasters and emergencies, then their opposition to this amendment will be understood. Lacking the powers of Nostradamus, though, all of us must realize the unfortunate certainty of natural disasters and unpredictable emergencies.

A balanced budget, we all agree is a goal we must work towards rapidly. I am concerned however, that House Joint Resolution 1 would block the ability of the Federal Government to respond immediately in the event of a national disaster. The current proposal's only exception from the requirement of a three-fifths vote to approve spending above a balanced budget is upon a declaration of war.

This flexibility is needed, however not only to defend our national security, it is just as needed to defend our security against natural disasters and unforeseen emergencies that would require an immediate response by Congress and the President.

I have come to know the tragedy of natural disasters through the heavy and devastating tolls they have placed upon the residents of Washington State. From the unusual volcanic eruption of Mount St. Helens to seasonal fires and floods, Washingtonians have responded to these increasing emergencies through the support of our Federal Government. The Federal Emergency Management Agency is the only body prepared to handle disasters of this magnitude. Their ability to quickly respond is the key to emergency management.

FEMA's mission is to provide national leadership and support to reduce the loss of life and property. This endeavor serves not only those impacted by the disaster but begins the economic steps of rebuilding the community.

I am sure many of my colleagues have toured disaster sites immediately following an emergency. These are the memories we should recall when deciding whether a balanced budget overrides the concerns of our constituents in need. I had the unfortunate opportunity to visit the fire-ravaged lands of my State last summer. Hearing the stories of those left homeless, of firefighters burned while saving others, puts a very real face on the numbers we hear in the news. A few moments ago my colleague from California, Senator BOXER, put up a chart by Air, Risk Engineering, Inc., that predicted that a Seattle earthquake may occur in the very near future of 7.5 magnitude, costing as much as \$33-plus billion.

I cannot imagine going back to my State in those times of pain and suffering and explaining to my neighbors that a balanced budget amendment prevents them from receiving assistance. Just as we mandate that hospitals can not turn away those in need of medical attention, the Government of the people cannot turn its back on those ravaged by unforeseen natural disasters.

Sadly, none of us are immune from nature's wrath. Fires in my State are no different from hurricanes on the gulf, flooding in the Midwest, ice storms in the East, or earthquakes in California. In 1994 alone, FEMA responded to 36 major disasters totaling over \$3.6 billion. Remember that 90 percent of all disasters are funded through supplemental appropriations. No budget can prepare for the destruction, the death, or the injury caused by these unforgiving tragedies.

All of our hearts are extended to the citizens of Kobe, Japan who have experienced one of the greatest disasters of

recent history. If any lesson can be unearthed from that devastation, it is a sign of our feeble attempt to control nature. Technology and preparedness can not combat the unrelenting will of the Earth.

At best, in an emergency we can respond and cope. Our ability to aid disaster victims and rebuild fallen communities must not be held hostage by political amendments. I urge my colleagues to support the Boxer-Leahy amendment and remember their constituents who may well be the victims of their State's next natural disaster.

I thank my colleague from California and I yield her back the time.

Ms. SNOWE. Madam President, I want to respond to a couple of points of the Senator from California. I will be very brief.

The point is she makes reference to one project with respect to the fact they did not receive a supermajority vote. Yet, time and again, as I mentioned earlier in my remarks, the House and the Senate voted on emergency disaster funds with overwhelming votes. The fact is that out of 14 occasions since 1978, all but 2 were passed by voice vote here in the U.S. Senate. They were passed by overwhelming votes in the House every time there was a recorded vote taken. And I have before me a resolution that passed on October 26, 1989, a joint resolution, by a vote of 97 to 1 here in the Senate. It provides specifically for funding for reconstruction of highways which were damaged as a result of Hurricane Hugo in September 1989 and the Loma Prieta earthquake of October 17, 1989. In fact, that section refers to the fact that the \$100 million limitation contained in that section shall not apply to the expenditures with reference to the reconstruction of those highways in either one of those disasters.

The point is that time and time again the House and the Senate have demonstrated their compassion and their acknowledgment of the serious damage that has been done by the events beyond one's control. I think it is important to reference that.

I know the Senator was making reference to my comments about a simple majority the other night. I should remind the Senator that often I was reminded in my campaign about the midnight pay raise that occurred here in the U.S. Senate a few years ago. But it did occur in the dead of night. And it may have been off the budget. But no one was informed of the fact that vote was going to be taken. The point in all of this is that we have been on record in recognizing disasters and that we were willing to take the action necessary.

The Senator's amendment would really bypass and I think really render the balanced budget amendment ineffective by only requiring a simple majority—a simple majority—to waive

the requirement of the balanced budget amendment. That is the issue here. We well know that this could easily circumvent the intent and the purpose of the balanced budget amendment.

Madam President, I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I know that sometimes in debate both sides might use overstatement. But I have to respond to this one. To say that this exception for disaster—by the way, there is already an exception in the balanced budget amendment. Let us not get away with not recognizing that—declaration of war. I assume that my friend fully supports that exception. I am sure she does because she supports the amendment as it is. There is an exception because, yes, in the dead of night we might declare war, and we do not want to see that a minority could stop us from funding that national emergency.

So let us not make it seem that the Boxer-Leahy amendment is opening up an exception in and of itself because it is not. What we are saying is in time of war, says the amendment, there is an exception to the three-fifths vote, the 60 votes. We agree. What the Boxer-Leahy et al., Senator FEINSTEIN, Senator JOHNSTON, Senator INOUE, Senator AKAKA, and others are saying, sometimes our people are in deep trouble. Let us take a look at this.

This is deep trouble. There is deep water. They are trying to survive a hurricane. Guess what? That is a disaster too. People are killed, I say to my friend from Maine, in disasters as sure as people are killed in national emergencies that see us bringing home coffins from far away places. What we are saying is it is time to make sure that we do not take the Constitution that has worked so well and go back to the days of the Federalist papers, when the Articles of Confederation did not work so well—they were called radical—when we said we have to get a supermajority vote to act. We are saying no. We are not opening up an exceptions clause here. There already is an exceptions clause. This looks like a war, I say to my friend. This looks like war. So does this. So does this. So does this. It is a war on our people which comes from a natural disaster. We are saying let us not require a supermajority.

What I find amazing is that the argument is made over and over that it is easy to get these supermajorities. The fact is my colleagues are ignoring specific votes that just took place in which we failed to get a supermajority to help the people in the flood and we failed to get a supermajority to rebuild this freeway. So I am not making up some doom and gloom scenario. And my friends are ignoring a letter from the Republican leadership in the House saying—my friends, it is in black and

white; it is in the RECORD; read it—they are not going to act on that emergency supplemental until they can figure out what they are going to cut in Maine, in Texas, in California, wherever they decide they are going to cut.

So my friend from Maine is engaging in a wishful thought when she says we will always respond, that it is easy to get 60 votes. I show her the RECORD. I show her in the RECORD. As a matter of fact, one of those was led by Senator DOLE. I think it is going to be very interesting when he comes to northern California. I am going to take him to see the Cypress Freeway. He led the fight not to fund it. I had to fight against Senator DOLE. That was hard. We won, though. We were able to make our case, despite his eloquence, that in fact this was a disaster and it needed to be funded. But I could not get 60 votes on that vote. What did I get? Fifty-two. So it was a bare two-vote majority. We could fix this freeway.

I see my friend from Hawaii has come on to the floor, a major sponsor of this amendment. I have a picture here to share with him from Hurricane Iniki in Hawaii. If this does not look like a war zone, what does?

I thank my friend from sponsoring the amendment. I would like to yield to him at this time.

Mr. INOUE. Madam President, will the Senator yield?

Mrs. BOXER. I yield.

Mr. INOUE. Madam President, the amendment by the Senator from California is deserving of most serious consideration because nature's work and God's work are unpredictable, for one thing. In the case of Hurricane Iniki, if that hurricane had proceeded just one-quarter of a degree to the west, it would have devastated the city of Honolulu. And the cost of that would have been astronomical. It would not have been \$1 billion, \$2 billion, or even \$3 billion. It would have exceeded \$50 billion. To suggest that this is not an unusual cost item would seem rather strange.

Thank you very much.

Mrs. BOXER. Madam President, I want to again thank the Senator from Hawaii. He is a leader in this U.S. Senate making sure that our country is prepared for defending itself. He is the ranking member on the Defense Appropriations Committee. And to have his support, his active support, is very meaningful to me as well as Senator AKAKA. Let me tell you why. They have seen the faces of the children and the old people and the young people and the families who get into these situations.

Madam President, it is my understanding that we are going to stop this debate momentarily and then come back after the conferences for lunch.

I ask at this time that I retain the balance of my time.

How much time remains on both sides?

The PRESIDING OFFICER. The Senator from California has 56 minutes and 21 seconds, the majority side has 15 minutes and 13 seconds.

Mrs. BOXER. Thank you very much, Madam President. I look forward to resuming this debate when we return from the caucus lunches.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 being 1 minute away, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:29 p.m., recessed until the hour of 2:15 p.m. Whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. COATS].

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The Senate continued with the consideration of the joint resolution.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, it is certainly my honor, under the previous order, to continue debating an amendment that I have offered on behalf of myself, Senator LEAHY, and several other Senators, which essentially would say that should the balanced budget amendment become part of the Constitution, in addition to a waiver for a declaration of war, where you would no longer have to have 60 votes to go out of balance but a majority vote, that you would add to that exception a federally declared, Presidentially declared, congressionally declared, natural disaster—an emergency.

I think it is very important because if you really look around the country, you can see that we really live in a country where we are at risk. If you look here on the chart, here are the earthquake risks. We can see them not just in the West, by the way, but here and all the way across. The tornado risks are centered here, some of these quite extreme in the smaller circle. The hurricane risks are here; some are noted over here and, of course, closer to the coast is a tremendous risk of hurricanes. On the entire west coast here, as well as the islands, the risk of tsunami, which is a terrible, overpowering wave that occurs because of an earthquake in the ocean floor.

So as we look at our Nation—the most beautiful Nation on Earth, the most prosperous Nation on Earth, the most wonderful Nation on Earth—we do have times when we have disasters, and if ever there was a time to pull together as one, it certainly would be during those times.

In the course of the debate this morning, there were those who said:

Senator BOXER, you are totally right, we do have these problems, but there has not really been any time when the Nation has not responded and the Senate has not responded overwhelmingly, as well as the House. The truth is that there have been occasions where we have not received 60 votes to move ahead when there was earthquake rebuilding or, frankly, recovery from flood. I have documented that on at least two occasions in the Senate where we did not get 60 votes. We got 52 on one occasion and 54 on another occasion. Today I read into the RECORD excerpts of something from House Speaker NEWT GINGRICH and the leadership of the House which says very clearly that they are not interested in funding these emergencies off budget. In fact, they will not even consider funding them until they are offset.

What does this mean? It means that if there is a horrible disaster anywhere in our Nation—and it could occur anywhere—and if the view of the new Republican Speaker of the House prevails—and he seems to have the votes over there on everything he has done—there would have to be offsets, and you could not, in fact, take care of an emergency the way we have done it in the past.

I want to make it clear that in the past, under every single Budget Act we have had, we have always exempted emergencies. I think this is a very important point to make at this time in the debate.

The Republican-controlled Office of Management and Budget in 1990 said, in the budget summit agreement of 1990, that "for a Presidentially declared emergency request for supplementals or regular appropriations bills, the across-the-board offset would not apply to the extent the fund requested by the President * * *."

In other words, that is bureaucratic language to say that when a supplemental appropriation does come down to the Senate floor because we have run out of money for an emergency, it will not have to be offset, as everything else would have to be. In other words, if, in the middle of the budget year, a Senator comes down to the floor with a great new idea on how to teach our children and has a great grant program that he or she wants to put forward, that would have to be offset with spending cuts.

But, under the bipartisan agreement of that 1990 Budget Act and, as I stated before, agreed to by the Office of Management and Budget, which was a Republican Office of Management and Budget, emergencies would not have to have offsets.

Additionally, under Gramm-Rudman-Hollings, which amended the Budget Act, the same thing was true. There was an exception from ordinary budget rules and ordinary budget caps for disaster emergencies.

So, basically, the Boxer-Leahy amendment, which would give this constitutional amendment more flexibility, is actually in line with all the other budget laws.

One of my colleagues said today, in opposition, "Well, Senator, your amendment would do violence to the balanced budget amendment." And I am quoting her, I think, directly. She said "In the dead of night, you could come in here and, with a mere majority, take this budget out of balance."

The fact of the matter is, in a bipartisan way, ever since the 1980's, we have been working with the assumption that when an emergency strikes, we would meet that emergency and not wait until we identified other parts of the budget to cut. Under the balanced budget amendment as it is before us, without the Boxer-Leahy amendment added, we would need 60 votes, my friends, to act in an emergency.

I want to go over these charts one more time. One of my colleagues will be arriving shortly, at which time I am going to yield him the floor.

This is a chart that shows the probable costs of future natural disasters, because many times we look back and we learn from history. And that is very important. What we learn from history now is we do not always get 60 votes to respond to a disaster. That is why I find this Boxer-Leahy amendment so important, because we would have been in big trouble if that 60-vote requirement had been before us.

But let me show you what is predicted here by the experts. Starting on the east coast, we are looking at class 4 hurricanes here in the Northeast. This looks like one is out of New Jersey and one is out of New York. These would impact on all these States here, up and down the Northeast, \$45 billion here—that is the loss that would be incurred—\$52 billion, a class 4 hurricane here in New Jersey; in Virginia, a class 5 hurricane, costs \$33 billion. Remember, just because it starts here does not mean it does not impact the whole coast. It impacts the whole coast and I would say inland areas, as well.

In Miami, looking at another huge class 5 hurricane, \$53 billion in losses; in New Orleans, a class 5 hurricane, \$25 billion; in Texas, a class 5 hurricane at \$42 billion.

Centered in Memphis—it is interesting because people think about earthquakes being a California phenomena—one of the largest predicted earthquakes in the future, 8.6 on the Richter scale, \$69.7 billion, is centered in Memphis, again affecting all these mid-section States.

And in Seattle, a 7.5 earthquake—something else that is not really thought about, the Northwest, an earthquake here; a predicted earthquake in San Francisco, in Los Angeles; in Honolulu, a class 4 hurricane.

So we see, these are just the biggest, most expensive disasters.

I want to point out to my friends that in fact, every single State in the Union, according to a report that I read into the RECORD, is subjected to floods—floods that could be very, very damaging.

So I say that the Boxer-Leahy amendment, which has many cosponsors at this point and gaining all the time, speaks to an issue that is of great import to the entire Nation. Again, there is a change in atmosphere now. That is why this amendment is so important.

We have the Speaker of the House, the new Republican Speaker, proudly sends a letter, saying to the President, "Do not bother sending up an emergency supplemental"—by the way covering 40 States, 40 States that need this money in the emergency supplemental—"unless you cut spending elsewhere."

Now, all of us want to be fiscally responsible. I cast one of the toughest votes of my life when I voted for the deficit reduction bill. The fact of the matter is it passed by one vote and, as a result, we have cut the deficit in half from where it was supposed to be. That was a tough vote.

The balanced budget amendment vote, that is an easy vote. That is an easy vote. You are not voting to cut anything. You are just going to go home and tell your constituencies that you are a fiscal conservative.

Well, I think the question Americans have to ask, and I think they need to ask, their Senator and their Congressperson is this: "Do you vote for an amendment to the Constitution that is going to take effect in 2002 if the States ratify it?" Or, "Do you have the guts and the courage to vote to cut spending now?" And, "Are you going to vote for an amendment that ties the hands of the Federal Government to respond to ensure domestic tranquility?" Which is so important it is in the preamble to the Constitution.

And do you have domestic tranquility when you have situations like this?

Hurricane Hugo in South Carolina. You can see the faces of these victims. The Cypress Freeway in Oakland, which, by the way, we could not get 60 votes to fix. So unless Boxer-Leahy passes, the Cypress Freeway could have remained this way.

Look at this, Hurricane Andrew in Florida. It looks like any war zone you could imagine.

And the beautiful blue sky of Hawaii, look at what was once a beautiful home after Hurricane Iniki.

These are times when you want to help people, whether you are from Indiana or California or anywhere else.

I will show you some more photos. The flooding in the Midwest. They cannot even take their eyes off it, because they cannot believe here right in front of their house they are knee deep in

water. The Northridge earthquake, where a police officer, rushing to help people, did not realize the freeway was down and lost his life, one of the first lives lost there.

Mount St. Helens in Washington; and the Houston, TX, floods. It almost looks like—it actually looks like a bomb dropped on this House. We need to be able to respond to that.

So, Mr. President I see that my friend, my adviser, my colleague from West Virginia is here. I know he wishes to speak on this amendment. I would ask him if he is prepared at this time to begin.

Mr. BYRD. I am.

Mrs. BOXER. I am prepared to yield to him as much time as he might consume, just assuring that we do save 5 minutes. If he does intend to take that much time, that is fine with me. I just want to make sure 5 minutes are reserved to close.

At this time, I am very honored to yield to my colleague, Senator BYRD.

The PRESIDING OFFICER. The Senator from California yields all her remaining time, with the exception of 5 minutes, to the Senator from West Virginia.

Mr. BYRD. Thank you, Mr. President. I thank my friend from California, Senator BOXER, for yielding to me at this time.

Mr. President, mankind has always been plagued with floods, famines, droughts, plagues, and other pestilences of one kind or another, which we refer to ordinarily as acts of God or natural disasters.

The first flood for which there is any record was that which is chronicled in the Book of Genesis, when God caused it to rain 40 days and 40 nights upon the Earth.

The hills and mountains were covered, and all flesh died that moved upon the Earth, both of fowl, and of cattle, and of beast and of every creeping thing that creepeth upon the Earth and every man. All in whose nostrils was the breath of life, of all that was in the dry land, died. Only Noah remained alive, and they that were with him in the ark; namely, his wife and his three sons—Shem, Ham, and Japheth; and his sons' wives.

The first fire that I found recorded was the fire that was rained upon the cities of Sodom and Gomorrah. God destroyed those cities with fire out of Heaven, and he destroyed all the plain and all the inhabitants of the cities and that which grew upon the ground. Only Lot, his wife, and two daughters were spared destruction in the fire, and Lot's wife later was turned into a pillar of salt because she disobeyed God's warning.

The first famine of which I can find any record occurred in Egypt, and it was 7 years of duration. Joseph opened all the storehouses. The famine was sore in all lands.

Most of us are familiar with the plagues of Egypt during the sojourn of the Israelites in that country. The Israelites came into Egypt somewhere between 1,700 and 2,100 years before Christ, and their sojourn lasted 430 years. We have long been familiar with the plagues in Egypt which were chronicled by Moses, the author of the Pentateuch, the first five books of the Bible—Genesis, Exodus, Leviticus, Numbers, and Deuteronomy. The waters were turned to blood, and all fish in the river died. There were subsequent plagues of frogs, lice, flies, a plague on all cattle, the plague of boils on human beings, and the plagues of hail, locusts, and darkness, followed by the deaths of the first born.

The first tidal wave of which I can find any record was the tidal wave in the midst of the Red Sea which covered the chariots and the horsemen and all the host of Pharaoh that came into the sea in their attempt to overcome and subdue the Israelites who were being led by Moses, and there remained not so much as one of them.

As to earthquakes, I turned again to that history of all histories, the Bible. There was the earthquake which occurred when Elijah fled from Jezebel, and while Elijah stood upon a mountain, the Lord passed by and a great and strong wind rent the mountains and broke in pieces the rocks, and then the earthquake occurred. In the Book of Amos and also in the Book of Zechariah, we read of the earthquake which occurred in the 27th year of Uzziah, King of Judah. Josephus says that this earthquake was so violent as to divide a mountain in half, which lay to the west of Jerusalem.

Subsequent such disasters have occurred in our own times. There was the great Galveston, Texas, tidal wave in 1900. Charleston, South Carolina, suffered an earthquake in 1886, when most of the city was destroyed, and we have heard of the great San Francisco earthquake of 1906, about which songs have been written.

History tells us of the Black Death of the Middle Ages, a very, very virulent form of plague that ravaged Asia and Europe in the 14th century. It raged in England during the years 1348–1349, and again in 1361–1362, and again in 1368–1369 causing a mortality in some places probably as high as two-thirds of the population.

There was the Great Flood of 1927—that was the year in which Lindbergh flew across the Atlantic in the Spirit of St. Louis. He flew 3,600 miles in 33½ hours. He carried five sandwiches with him and ate 1½ of them. Sometimes he was 10 feet above the water, and sometimes he was 10,000 feet above the water. And as he took off and flew over Cape Breton, those with powerful glasses, according to the New York Times, could see the number 211 on that little plane which carried a load of 5,500 pounds.

Nineteen hundred and twenty-seven was also the year in which I first saw a radio. I was living in a coal mining community in southern West Virginia, a community named Stotesbury, and my foster father, a coal miner, had promised me that on that occasion we would listen to the second Dempsey-Tunney prize fight and we would listen to it on the radio. So, we walked about a mile from where I lived in the upper end of the coal mining community, down the road, to what we referred to as the community grill, where one could buy a bottle of Coca-Cola, if he had a nickel. And there, upon that occasion, upon that night—I can see it as though it were last evening—there was Julius Sleboda, the operator of the community facility, and there were a group of men and boys—I do not recall any ladies being there—they were gathered around waiting to hear the fight.

Jack Dempsey was my idol when I was a boy. I was 10 years old at that time. I am still a boy, but I am 77 years old now. So, I stood there with open eyes and open ears and open mouth waiting to hear Jack Dempsey put Gene Tunney out of the ropes and into the floor with the crowd. But it did not happen. I went away that night a disappointed lad. I was disappointed because Jack Dempsey did not win the fight and I did not hear the radio. There was only one set of earphones. And so Julius Sleboda listened to the fight. He wore the earphones. The rest of us could not hear it. Finally, the general manager of the operation came into the grill, and he was Mr. C.R. Stahl. He took the earphones from Julius and put them on, and he gave to us a blow-by-blow description of one of the greatest fights of all times.

So that was 1927, and in that year there was a great flood that overflowed the Mississippi from Cairo, IL, to the Gulf of Mexico.

Then came 1937. That was the year in which I married my high school sweetheart. We were still in the throes of the Great Depression. And speaking of my high school sweetheart, there was a boy in my class by the name of Julius Takach. His father had a grocery store down at Ury, commonly called Cook Town in Raleigh County.

Every day when Julius came to school, he would fill his pockets with candy and chewing gum from his father's grocery store. He would hand out the candy and chewing gum, and I made it a point, Mr. President, to be the first always to greet Julius when he arrived at the schoolhouse door. He would give me some candy and chewing gum, and I did not chew the gum or eat the candy, may I say to my colleague, Senator HATCH. I always waited until the class had changed and gave the chewing gum and candy to my sweetheart, Erma James.

If I may advise some of these youngsters around here, that is the way you

court your girl—with another boy's bubble gum! And it stuck, as you see. I am still married to that same girl now 57 years later. And the Good Lord willing, if we can live another 3 months from the 29th of this month, then we will have been married 58 years.

Well, in 1937, the Ohio and the Mississippi Valleys were overrun by the rivers; 400 people died, 1 million were left homeless, and \$500 million worth of property destroyed. That was \$500 million in 1937. So one might imagine what it would be now.

In the Book of Matthew, we were told by Jesus that "Ye shall hear of wars and rumors of wars * * * there shall be famines and pestilences and earthquakes in divers places."

He knew what he was talking about. We have had them 2,000 years later, throughout the 20 centuries, and we will continue to have them.

In just the last few years the Congress has appropriated billions of dollars for disasters caused by fires, floods, hurricanes, earthquakes, and drought right here in our own country.

Mr. President, no one except the Almighty has any control over the timing, the frequency, or the magnitude of such natural disasters. They sometimes seem to come just in batches. Who is to say we will not have more frequent and more costly natural disasters in the coming years? No one can say. What will the next earthquake cost in terms of damages and lives, the destruction of buildings and towns and cities, highways, railways? When will it occur? Where will it occur? No one can say. They cannot be anticipated by the Office of Management and Budget. OMB cannot tell us when there will be an earthquake, a flood, a drought, a fire, a hurricane, a tornado, a cyclone. They cannot be predicted by any Senate committee. Their cost cannot be forecast in any State of the Union Address prior to their happening. They cannot be budgeted for in advance with any accuracy. That is why it is so important we provide a means to quickly pay for the costs of natural disasters. We have to protect the victims and the area economies from the devastation.

Now, this chart to my left sets out a number of natural disasters that have occurred in the United States during the last 15 years.

The Mount St. Helen's volcano eruption, which occurred in May 1980, required appropriations totalling \$1,015,337,000. Hurricane Hugo occurred in September 1989 and the budget authority and loan authority amounted to \$2,826,522,000. It wreaked havoc along the Atlantic Coast. And who paid the bill? The Federal taxpayers, as I say, were called on to provide more than \$2.8 billion for needed assistance to the victims who had lost their jobs, their homes and their livelihoods.

Also, in 1989, we had the Loma Prieta earthquake, for whose victims Congress appropriated \$3,027,155,000. Then

we were spared further major disasters until the summer of 1992 when we suffered the destruction from both Hurricanes Andrew and Iniki and Typhoon Omar which required appropriations of \$10,449,513,000. That is a lot of money—\$10,449,513,000. In 1993, we had the terrible floods of the Mississippi, for which \$6,886,433,000 has been appropriated. And finally in January 1994, we had the Northridge earthquake which required \$10,127,583,000 in Federal appropriations.

Mr. President, our Nation has responded immediately to each of these natural disasters with the enactment of emergency appropriations bills to help their victims and to restore the devastated communities which resulted from each of these freaks of nature. We had to act quickly.

I was chairman of the Appropriations Committee at the time we appropriated the moneys for Hurricane Hugo, at the time we appropriated the moneys for the Loma Prieta earthquake, at the time Congress appropriated moneys for Hurricanes Andrew and Iniki and Typhoon Omar, and, of course, I was chairman and brought the emergency supplemental appropriations bills to the floor to deal with the Mississippi flood in 1993 and the Northridge earthquake in 1994. We responded quickly, and my distinguished colleague, Senator HATFIELD, who was the ranking member at that time, who is now the chairman of the Appropriations Committee, and his colleagues on the Republican side, responded quickly, and we worked together and brought these bills to the floor to give help.

We could not afford to wait until we could have a long debate about which areas of the budget to cut in order to fully offset these unanticipated costs. Can you imagine the outcry if the Senate became mired in debate for weeks or even months about how to offset the costs of a natural disaster, while victims were left to twist in the wind and drown in the swirling waters while local economies perished? That is exactly what could happen if the balanced budget amendment to the Constitution ever becomes part of the national charter.

It was precisely to avoid such delay and such misery that emergency funding was exempted by statute from any requirement for funding offsets. We made that decision at the budget summit in 1990 during the Bush administration, that such disasters would be provided for by emergency funds that would be exempted from any requirement for funding offsets. But this is no loophole for frivolous spending. To qualify for this exemption, appropriations for emergencies must meet certain requirements; namely, such funding must be:

A necessary expenditure—An essential or vital expenditure, not one that is merely useful or beneficial;

Two, such funding must be for an emergency that has occurred suddenly—quickly coming into being, not building up over time;

Also, it must be urgent—pressing and compelling need requiring immediate action.

We are talking about what qualifies for the designation "emergency."

It must have been unforeseen—not predictable or seen beforehand as a coming need (an emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, would not be "unforeseen"). So it has to be unforeseen.

And it must not be permanent—the need is temporary, it is urgent, it is necessary, unforeseen, and it is not permanent in nature.

In addition, as I have previously stated, to qualify as emergencies, appropriations must be so designated by the President and by Congress. They must agree on designating the appropriation as an emergency. So it has to be designated in law, passed by Congress.

To further emphasize the utter confusion we will face if the balanced budget amendment is enacted, let us examine more closely the funding requirements for such unforeseen emergencies and natural disasters.

Specifically, section 251(b)(2)(D) of the Budget Enforcement Act reads as follows:

Emergency Appropriations.—(i) If, for any fiscal year, appropriations for discretionary accounts are enacted that the President designates as emergency requirements and that the Congress so designates in statute, the adjustment shall be the total of such appropriations in discretionary accounts designated as emergency requirements and the outlays flowing in all years from such appropriations.

This very important provision of law allows us to quickly respond to natural disasters such as earthquakes, floods, hurricanes, typhoons, and forest fires. It enables the President and Congress to provide emergency funding for the victims of such disasters expeditiously, without having to find funding offsets from other programs.

We do not have time to tarry around. We do not have time to wait and to quibble. The people who have been hit with these sudden terrible disasters need help.

It enables the President and Congress to provide emergency funding for the victims of such disasters expeditiously, without having to find offsets from other programs.

Mr. President, as Senators are aware, the constitutional amendment to balance the budget now before the Senate does not include any such exemption for emergencies and natural disasters.

That is what the very distinguished and eloquent Senator from California, Senator BOXER, is concerned about. She is trying to correct that by offering the amendment which is at the desk.

But we are told by the proponents not to worry. "Don't worry, be happy," they say. They claim that surely we will be able to muster the 60 votes necessary to waive the balanced budget requirements of this amendment for such important things as earthquakes and fires and hurricanes and droughts, tidal waves, and floods. Indeed, one such proponent has even stated that he has researched the past votes of the House and Senate on funding for natural disasters and found that those emergency appropriation bills passed by larger margins than the 60-percent supermajorities required under the balanced budget amendment. Are we, therefore, to conclude that, indeed, Congress would follow that pattern in every case in the future and thereby we could expect to continue to be able to exempt funding for natural disasters from the balanced budget amendment requirements?

I wish that I could share that kind of optimism. However, I have, I believe, good reason to question his conclusions.

As my colleagues are aware, last Monday Congress received President Clinton's budget request for fiscal year 1996.

There is a part of the President's budget upon which Congress has been asked to act immediately. That part of the budget is the President's request for 1995 supplemental funds for emergencies for defense totaling \$2,557,000,000 and for FEMA disaster relief totaling \$6,700,000,000. The FEMA request, Mr. President, is to enable the President to continue to meet the continued funding needs of some 40 States in connection with disasters which have already occurred.

For the Northridge earthquake, which occurred on January 17, 1994, and devastated southern California, affecting over 700,000 people and 120,000 structures, including schools, hospitals, municipal buildings, and private residences, the President is requesting an additional \$4,865,603,000. Remember now, this is 1 year later and the costs are still coming in.

The balance of the request is to fund and complete projected requirements from previously declared disasters in at least 40 States; and ensure that adequate funds are available to address future disaster assistance requirements during the current fiscal year that already well exceed FEMA's 1995 disaster relief fund appropriation of \$320 million.

I ask unanimous consent that this statement which deals with the FEMA disaster relief fund and indicating the States and territories affected, and the additional requirements for each State and territory, be printed in the RECORD at this point.

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

FEDERAL EMERGENCY MANAGEMENT AGENCY DISASTER
RELIEF FUND
(Dollars in thousands)

State/territory	Number of States	Additional requirements
Alabama		\$2,683
Alaska		947
Arizona		54,978
Arkansas		2,019
California		5,285,240
Florida		7,576
Georgia		10,479
Hawaii		40,575
Illinois		47,491
Indiana		1,155
Iowa		34,663
Kansas		5,518
Kentucky		201
Louisiana		948
Maine		770
Maryland		788
Massachusetts		4,598
Michigan		449
Minnesota		13,570
Mississippi		1,647
Missouri		15,384
Montana		902
Nebraska		16,285
New Hampshire		368
New Jersey		18,757
New Mexico		804
New York		60,338
North Carolina		1,050
North Dakota		5,526
Oklahoma		856
Oregon		10,394
Pennsylvania		2,336
Rhode Island		665
South Carolina		3,301
South Dakota		8,911
Tennessee		3,074
Texas		111,794
Utah		50
Virginia		435
Washington		14,049
Subtotal, States	41	5,791,924
District of Columbia	1	196
Territories		
Guam		2,760
Micronesia		11,309
North Mariana Islands		299
Puerto Rico		14,537
Samoa		19,716
Virgin Islands		21,254
Subtotal, territories	6	69,875
Total, States and territories	48	5,861,995

Mr. BYRD. Mr. President, in past years, we have been able, on a bipartisan basis, to quickly enact emergency appropriations for such important disaster relief efforts. We do this in order to get needed relief to the victims of such natural disasters as quickly as we can, even though we fully recognize that we will often have to add more funding later, once the full extent of the damage caused by each earthquake, flood, hurricane, and so on is known. That is the purpose of the President's latest \$6.7 billion emergency FEMA request.

I am sorry to say, Mr. President, that the new leadership of the House of Representatives has now taken a position that these emergencies should no longer be exempt from funding offsets. I have here a letter to the President, dated February 7, 1995, on the stationery of the Speaker of the House, which I will read into the RECORD.

Here to my left is a replica of the letter addressed to the President on February 7, 1995, by NEWT GINGRICH, Speaker of the House, RICHARD ARMEY, the majority leader of the House, JOHN KASICH, chairman of the House Com-

mittee on the Budget, ROBERT LIVINGSTON, chairman of the House Committee on Appropriations, and the letter reads as follows. It is written by the Speaker of the House of Representatives, as all who view the charts can see. So I will read the letter:

DEAR MR. PRESIDENT: The Fiscal Year 1996 budget which you transmitted to Congress contains an additional \$10.4 billion in supplemental budget requests for Fiscal Year 1995. Your budget submission further reflects only \$2.4 billion in rescissions and savings for FY 1995. Most of these requests are for emergencies.

The House Appropriations Committee will proceed to review and act on these requests. But highest priority will be given to replenishing the accounts in the Department of Defense badly depleted by contingencies in the Persian Gulf, Somalia, Rwanda, Haiti and other activities. The committee in the House in turn will act only after offsets for these activities have been identified.

However, we will not act on the balance of the request until you have identified offsets and deductions to make up the balance of the funding. Whether these activities are emergencies or not it will be our policy to pay for them rather than to add to our already immense deficit problems.

We, therefore, ask you—

Meaning you, Mr. President, the President of the United States— to identify additional rescissions as soon as possible so we can move expeditiously on your supplemental request.

Mr. President, unless I misunderstand the intent of this letter, it lays down a marker that its authors do not intend to even consider funding the \$6.7 billion in emergency FEMA disaster relief funding until the President recommends offsets.

Could this mindset with the likely impact of a constitutional amendment to balance the budget and I believe what emerges is a nation which may be totally unable to help its people at a time of national disaster.

Imagine that! Another California earthquake occurs, a flood in Iowa, a hurricane in Georgia or South Carolina, thousands of homeless children injured, death, devastation, sadness, whole communities wiped out and the response of the Nation is, tough luck! Never mind the misery. Never mind the sadness. First things first, And first things first means we will have to find a way to pay for every dollar, offset every dollar, before we lift a finger to help the victims.

Where is the Christian brotherhood in that approach?

Oops, sorry Mr. and Mrs. Taxpayer. The hurricane in Florida will actually cost us \$10 billion instead of \$5 billion so we are out of budget balance and you owe us some more money for last year's tax bill. Or do we just say, tough it out Florida? We cannot afford the hurricane bill. Maybe you could petition Japan for a little disaster assistance.

Because of its ill-crafted, rigid inflexibility, I believe that this budget

amendment will have us careen from budget crisis to budget crisis.

Think of what the Desert Storm conflict could have done to our budget situation. We began the military deployment in August 1990, I believe. It was never a declared war. We do not declare wars any longer. But, it was certainly a hotly debated issue here in the Senate. We were out trying to rustle up dollars from our allies in order to help pay for that action, and we did not know until the conflict was nearly over to what extent our costs would actually be reimbursed by contributions from our friends and allies. Even though we were reimbursed, it was necessary for the United States to pay for substantial costs at the outset of the deployment.

The full cost of Desert Storm was unknown for months, for the very good reason that it was impossible to predict how difficult the conflict would be and how long it would last, how easy it would be for us to prevail, what our casualties would be, how well the coalition would work together, and other variables which are always uncertainties in any armed conflict. Can we be sure that future important international involvements, undeclared wars, but important military actions, can be declared a threat to national security by a joint resolution adopted by the whole number of each House? That is talking about a majority of the whole number of each House.

How in the world are we ever going to know what conflicts we are going to be able to afford in the future? First, we will have to be sure that we can waive the provisions of this amendment by having a serious threat to national security declared by a joint resolution and adopted by a majority of the whole number of each House, which becomes law. How will the Department of Defense ever be able to adequately plan? Will our allies ever again rest easy knowing that we may have to hedge on our commitments to them because of uncertainty about our financial ability to fully engage our forces in their behalf? How will we ever be sure that we can come up with the money should the fiscal year have ended in the middle of a conflict, and the costs had thrown the budget badly out of balance?

Suppose the conflict became unpopular after it had begun and support for paying to complete U.S. responsibilities had ebbed. Talk about a bouncing ball of fiscal uncertainty. We could become unable to be certain of our ability to handle any emergency either abroad or at home.

In a perfect world, there are no uncertainties. In a perfect world, storms do not rage, famine and drought never occur, and all inconvenient problems abroad end before the close of the fiscal year with money left over to pay the bills.

But we do not live in a perfect world. We live in a dangerous, crisis-ridden, unpredictable world, and we will rue the day that we handcuff our fiscal policy to the fallacies and flaws of this most imperfect and thoroughly misguided balanced budget amendment.

Mr. President, I ask unanimous consent that a letter to the President from the House Republican leadership be printed in the RECORD.

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

HOUSE OF REPRESENTATIVES,
Washington, DC, February 7, 1995.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: The Fiscal Year 1996 Budget which you transmitted to Congress contains an additional \$10.4 billion in supplemental budget requests for Fiscal Year 1995. Your budget submission further reflects only \$2.4 billion in rescissions and savings for FY 95. Most of these requests are for emergencies.

The House Appropriations Committee will proceed to review and act on these requests. But highest priority will be given to replenishing the accounts in the Department of Defense badly depleted by contingencies in the Persian Gulf, Somalia, Rwanda, Haiti and other activities. The Committee and the House in turn will act only after offsets for these activities have been identified.

However, we will not act on the balance of the requests until you have identified offsets and deductions to make up the balance of the funding. Whether these activities are emergencies or not it will be our policy to pay for them, rather than to add to our already immense deficit problems.

We therefore ask you to identify additional rescissions as soon as possible so we can move expeditiously on your supplemental requests.

Sincerely,

NEWT GINGRICH,
Speaker of the House.

JOHN KASICH,
Chairman, House Committee on the Budget.

RICHARD ARMEY,
Majority Leader of the House.

ROBERT L. LIVINGSTON,
Chairman, House Committee on Appropriations.

Mr. BYRD. Mr. President, I congratulate the distinguished Senator from California, Senator BOXER, for offering this amendment. I support her amendment, and I hope if there is a motion to table the amendment, that motion will be rejected.

I return any time I may have remaining to Senator BOXER.

Mrs. BOXER. Mr. President, how much time remains on each side?

The PRESIDING OFFICER (Mr. THOMPSON). The Senator from California has 9 minutes and there are 15 minutes remaining on the other side.

Mrs. BOXER. I ask my friend, does he have anything to contribute? I would like to, first, if it is all right, yield 4 minutes to my friend from Arkansas at this time and I will retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Arkansas [Mr. BUMPERS] is recognized.

Mr. BUMPERS. I thank the Senator from California for yielding me 4 minutes. Let me preface my remarks by saying I will never forget this. I had been Governor of my State I guess about 3 months. Arkansas is part of what we call "tornado alley." We have a terrible tornado in Brinkley, AR, and my staff said, "You have to go over there." I said, "They would think I was trying to politicize their plight." They said, "You do not understand it; they are desperate and they want to see authority figures. They want to know somebody is going to help them." They finally talked me into going, even though I thought it was a political thing to do. I never failed to go immediately to every flood and tornado after that, because when those people saw me, they crowded around me and wanted me to hear their stories, wanted me to assure them that everything was going to be all right. It was one of the most gratifying things I ever did in my life.

Senator BOXER's amendment is the exemplification of simplification. It just simply says that if we have a big disaster in this country, by a majority vote—and who could quarrel with that? By a simple majority vote, we can spend the money to alleviate the terrible plight of people in California, southern California or northern California, who had been hit by a terrible earthquake; or we can cover 10 States in the Midwest, whose homes, farms, cities had been wiped out. Can you not just see us sitting here and people dying, water washing their homes away and saying: Well, we tried. We got 59 votes but we just could not quite cut the mustard. You people just do the best you can.

How silly can you get? That is not what this country is made of. I admit that a flood in Arkansas gets my attention more than a flood in West Virginia or California. You know, some day, if you look at this map, you will see that the New Madrid fault in Northeast Arkansas is one of the most dangerous areas in the United States. The maximum risk of earthquake is along the New Madrid fault. The Presiding Officer knows where it is because Tennessee is part of it, too. To sit here and say that, in the interest of killing every single amendment, we are going to kill this one, too, and we are not going to allow a simple majority vote in the Senate to determine whether we are going to help American citizens who through no fault of their own have been decimated, it would be the height of irresponsibility to vote to table an amendment as well conceived and sensitive as this one is.

So, Mr. President, I applaud the Senator from California for offering the amendment. I am very pleased to co-

sponsor it, to vote for it, and I hope the people who walk in this Chamber in about 15 minutes will not just vote that knee-jerk vote we have been watching ever since we started this amendment, but stop and reflect. If you cannot go home and tell the people of your State that you voted for this because you want to take care of them in case of emergency, you do not deserve to be here.

I yield the floor.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania [Mr. SANTORUM] is recognized.

Mr. SANTORUM. Mr. President, I yield myself such time as I may consume. I wanted to make a couple of comments about some of the arguments that have been made today with respect to this amendment. I think it is a good amendment in the sense that it brings the very important issue to light of how we will deal with natural disasters under the strictures of the balanced budget amendment.

I will first state that we have 7 years before we have to get to a balanced budget. And during the first 6 years, there are no strictures at all placed on either body, other than the ones now in place with respect to the Budget Act, to passing supplemental emergency appropriations bills. For the first 6 years, we are pretty much under the same rules we have been, which I see as an opportunity, as Senator SIMON suggested, with respect to the overall budget, but I think even more particular with respect to emergency appropriations, for us to be able to build up reserve funds over the next 6 years, specifically targeted for this kind of emergency. We know emergencies will occur. We have had votes on emergency supplementals just since my election in 1990 to the House. We have had 16 such votes in the House and Senate. Under the 1990 Budget Act, which put in a high hurdle to get an emergency supplemental appropriation passed, we have done that. I think what we should do is understand that emergencies will occur and we should set aside some funds to be available for that purpose. We have 6 years between now and the year 2002 when we have to get to the balanced budget to accumulate money in that account.

So I suggest that that might be an effort that the Senator from California and others from other States who are subject to more natural disasters than other States would work on and hopefully implement.

The other point I wanted to make is with respect to the margin with which all of these supplemental appropriations since the 1990 Budget Act have passed. We have had 16 such votes in the U.S. Senate. All 16 passed with greater than a 60-vote margin. Every single one of them would have passed under the constitutional amendment

that we are now considering, which requires a 60-vote margin here in the Senate, requires three-fifths.

All of those would have passed here and we would have, in a sense, waived the constitutional requirements for a balanced budget here in the Senate. All but two would have passed in the House of Representatives. The only two that would not have passed is one having to do with the Los Angeles riots; and it was a very controversial aid package because of some of the measures that were put in it, controversial measures that were put in for the city of Los Angeles. I do not think anyone had any problem with providing financial assistance to the riot-torn areas of Los Angeles, but there were some measures that were included that caused some controversy; but that was a close vote, relatively close. The other had to do with extension of unemployment benefits in 1993, which was a relatively close vote in the House.

Both of which, I think you can make the argument with respect to some of the pork that was in the Los Angeles riot bill and the need in 1993 when in the middle of the President's debate on passing his deficit reduction package that we were going to throw more money to unemployment benefits without paying for it, both had legitimate reasons for objections in the House.

But I think it just goes to show you that when this country, when this body and the other body is faced with a natural disaster, such as the earthquake that Senator BOXER has been referring to, we stepped to the floor and in overwhelming numbers passed the disaster assistance.

I will refer to the Northridge, CA, earthquake last year, the disaster in 1994, 337 to 74 in the House and 85 to 10 in the Senate. The Midwest flood, a flood in the Mississippi River and other rivers in the Midwest, 400 to 27 in the House, and it was voice voted in the Senate, which shows fairly unanimous support here in the Senate.

When the disasters are serious, when people are in need, we understand we have an obligation to respond to that and we do in overwhelming numbers. We do not need an amendment to this constitutional amendment to solve this problem. We will solve it on our own and we have met and will continue to meet the expectations of the public when such disasters occur to this country.

So, while I support the intention of the amendment of the Senator from California, I think it is unnecessary. And I believe if it truly is a disaster the House will go ahead—they do not have a supermajority provision right now; they can pass bills over there with a simple majority. Here in the Senate, we, in a sense, have a supermajority requirement already. We have filibusters here and we have cloture votes. Most legislation around here, if

it is somewhat controversial, has to get that 60-vote requirement to pass. And so we already have what the constitutional amendment would require of us here in the Senate.

Really, all this constitutional amendment does is put a little higher burden on the House. And I do not think that is a bad idea. I think, in fact, it may screen out some "emergencies," like some of the ones I described here, make those bills that respond to those emergencies be cleaner and directly targeted to the aid, as opposed to Christmas treeing it with a whole bunch of other projects that Members of the Senate and House may want to attach.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. How much time do we have remaining?

The PRESIDING OFFICER. Eight minutes and forty-five seconds.

Mr. HATCH. Mr. President, I really appreciate the comments of my distinguished colleague from Pennsylvania. He spoke great truth here. He has made it very clear why this amendment needs to be defeated.

Naturally, I am opposed to this amendment, because it is one more proposed loophole to the balanced budget amendment.

As the distinguished Senator from Pennsylvania said, and Senator CRAIG and Senator SNOWE demonstrated this morning when they reviewed congressional votes in recent years approving various disaster relief measures, Congress has never been reluctant to approve, by overwhelming margins, emergency relief for Americans suffering the effects of natural disasters—never. The balanced budget amendment is not going to stop Congress from continuing to do that, and so there is no need for this amendment.

But the amendment that the distinguished Senator from California sincerely is putting forth here actually would open a loophole as wide as a barn for any kind of spending program to go through.

House Joint Resolution 1 would not deprive the Congress of the ability to continue to respond to such emergencies, since it already contains a mechanism for dealing with fiscal emergencies.

First, when the balanced budget amendment goes into effect, implementing legislation can address the prospect of unexpected developments. It can set aside a contingency fund, available for use in such emergencies, as part of a balanced Federal budget.

Second, in drafting the balanced budget amendment, the authors have anticipated the possibility of sudden and unexpected emergencies, such as natural disasters, requiring prompt action by the Congress and the Federal Government to provide needed relief to

disaster victims or people who suffer from disasters.

For that reason, the amendment already includes mechanisms which give Congress the flexibility necessary to respond in emergencies by providing relief to disaster victims:

Under section 1 of the amendment, three-fifths of both Houses can vote a specific excess of outlays over receipts.

Under section 2 of the amendment, the Congress, by three-fifths vote of each House, would have the power to increase the debt limit where necessary in order to provide emergency relief and assistance in the wake of any natural disaster.

The amendment proposed by our friend from California, however, does not simply create a mechanism by which Congress, reacting to a sudden and unexpected emergency, may waive the debt limitation provision of the balanced budget amendment in order to provide emergency relief to disaster victims.

Let us be very clear about this. What is being proposed in this amendment is not a waiver for emergency disaster relief only. Read the fine print. Senator BOXER's amendment provides that in any money, even \$1, is spent "as a result of a declaration made by the President—and a designation by the Congress—that a major disaster or emergency exists "the Congress, by the smallest of margins, a simple majority not of the whole congress but only of those present and voting at a particular moment, may completely waive the balanced budget amendment for that entire fiscal year.

Under the language of the Boxer amendment, there is no link whatsoever between the amount of emergency disaster relief and the increase in the debt ceiling. This goes way beyond being a loophole through which Congress could slip a few billion dollars in new debt whenever it chooses. Once a so-called disaster relief waiver is passed by a simple majority of those present and voting, there would no longer by any limitation on increasing the national debt in that fiscal year. Actually, none. What a loophole. The door is open; the roadblocks are removed; the Federal pork-barrel, deficit-spending express is back on track, cleared once again to run full speed ahead, carrying the American people to economic ruin.

This amendment would not only permit future Presidents and Congresses to evade what would otherwise be a constitutional mandate that the Federal Government finally live within its means, it would be an open invitation to such evasion, precisely because it would make such evasion so very easy.

The fact is that in every fiscal year after the balanced budget amendment goes into effect, there will be sufficient pretext for a spending-minded President and simple majority of Congress

to invoke the disaster relief waiver and thereby eliminate the prohibition on new debt if they so choose. And that is exactly what they will choose—we have 25 straight years of deficit spending since 1969, with 5 more years and another trillion dollars of debt to come according to President Clinton's 1996 budget proposal, as proof of that contention.

Talk about disasters; if this amendment passes, the balanced budget amendment dam will be broken, releasing a further flood of red ink which will drown the American people in an ever-rising sea of debt.

Congress does not need the debt limitation waiver mechanism proposed by this amendment in order to retain its ability to respond, as it always has, to the needs of disaster victims. The American people, however, cannot afford to have dangling before future Presidents and Congresses what would almost certainly prove to be an irresistible temptation to circumvent the necessary discipline of a balanced budget amendment. This amendment is not only unnecessary, but potentially fatal to our economic future. I urge that it be defeated.

If you read the language of this amendment, the language is just unbelievably broad.

The provisions of this article may be waived by a majority vote in each House of those present and voting for any fiscal year in which outlays occur as a result of a declaration made by the President and a designation by the Congress that a major disaster or emergency exists.

Once the President declares an emergency or disaster, Congress could spend any amounts it wants—on any programs—during that whole fiscal year, according to the way this is written.

I have to say that there was another amendment filed on this subject that at least did not go that far. It was more narrowly tailored than this one. But this one goes so far that it would allow any big-spending President and any big-spending Congress to deficit-spend whenever they want to do it, and without any consideration whatsoever to the taxpayers of America.

So this amendment deserves to be defeated, and we are going to move to table as soon as the distinguished Senator from California finishes her concluding remarks.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, the re-writing of history that goes on around here is really incredible. The Senator from Utah gets so worked up about the idea that a majority of the Members of this body could vote to say that an emergency that kills people, that is happening in our country, could say to this Senate, "Yes, we are going to pay for that and we are going to do it now."

Do you know that every year since the Republicans had control of the Sen-

ate, Mr. President, that has been the rule. Where has the Senator from Utah been? I never heard him complain about it before, when Republican Presidents said, "Yes, a disaster should be an exception by a majority vote, and we should not have to find offsets." It happened in a Republican Senate.

So my amendment is the conservative one. Without this amendment, we are being radicalized by this U.S. Senate into a position that we cannot respond. I was happy to hear the comments of my friend from Pennsylvania, and I agree with him. We will have some time to work on this problem, and we are. I am appointed to a task force, and I hope the Senator can join us.

Senators should know we do have rainy day funds now that are in the budget. The problem is some years it rains more than the rainy day fund. And that is the definition of a disaster emergency. You do not know where it will hit and how much it will hit.

I ask if we could have a final chart on the newspaper story. By the way, I want to say to my friend from Pennsylvania, in his own case in Pennsylvania in 1993, \$24 million for severe snowfall winter storms; in 1994, severe winter storms, snow and rain, \$72 million the Senator's State received. I hope and pray you do not have this experience again, but I also hope and pray if you do, you do not have to count on 60 votes, because unlike what was said by the Senator from Pennsylvania and others today, twice on this very floor we failed to get 60 votes for emergency spending for disaster relief. We fell short. We got 52 votes. But guess what, this is America, majority rules. But not if you vote for this balanced budget amendment to the Constitution. You are giving the power of the American people to a minority in this U.S. Senate.

Let me show you this headline. L.A. Times, February 5: "FEMA Chief"—that is the Federal Emergency Management Agency—"Warns of a Kobe-Like Quake in the United States. Visiting disaster area, James Lee Witt says chances of temblor in Midwest are growing. He declines to criticize Japan's emergency response," which is a very interesting story in and of itself. This is what he said:

If a quake the size of the Kobe temblor struck along the New Madrid, the eastern part of the United States could be deprived of much of its petroleum supplies, Witt says.

*** "And if [an earthquake] hits in the wintertime, we're in big-time trouble," Witt said.

Witt said his agency has been trying to persuade operators of pipelines to install safety shutoff valves.

The percentages gets higher and higher every year for a major earthquake on the "New Madrid. By the year 2000, it's more than a 50-50 chance that you could have a major earthquake," he said.

I want to get to Kobe. I want my colleagues here, Republicans and Demo-

crats alike, to think about what it would be like to stand in front of a group of constituents in your hometown and tell them, "Sorry, I couldn't get 60 votes, move to another city." And to my colleagues who get up here and say this is a terrible amendment, this is going to ruin America, let me tell them that more people died in two earthquakes in California than died in Desert Storm. We are talking about terrible, terrible outcomes here. We have an exception for war, and we should. I did not write that exception. The Republican Congress wrote that exception. I am saying we ought to add an exception for an emergency like this because dead is dead is dead.

Now I want to tell you:

About 250,000 refugees are still living in parks or government-managed evacuation centers in unheated gymnasiums.

This happened in Kobe.

The PRESIDING OFFICER. The time of the Senator has expired.

Mrs. BOXER. I further say people died in those shelters because they did not have enough doctors to take care of them. At this point, I yield the floor. I understand there is going to be a motion to table. I urge my colleagues to vote against that motion.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. How much time do we have left?

The PRESIDING OFFICER. Two minutes.

Mr. SANTORUM. If the Senator will yield, I have a question for the Senator from California [Mrs. BOXER]. She keeps referring to a 52 vote on something. I am looking at all these disasters since 1987. I do not see anything here that says 52 votes.

Mrs. BOXER. I am very glad that the Senator asked me that. I already placed it in the RECORD. I will give you exact dates. On February 10, 1994, last year, by a vote of 43 to 52, the Senate defeated the Dole amendment to strike funding to repair the Cypress freeway which was destroyed in the 1989 Loma Prieta earthquake—we have a picture of it—and to find offset budget cuts. That failed and also another vote failed—

Mr. SANTORUM. Can I reclaim my time?

Mrs. BOXER. On the floods as well.

Mr. SANTORUM. That was the 1984 earthquake supplemental which passed 85 to 10 which would have met the scrutiny. What you are referring to is an amendment that failed. That, obviously, would not require a three-fifths vote. An amendment to a supplemental appropriations would not be violative of the balanced budget amendment. What finally happened—

Mrs. BOXER. The Senator is incorrect on that.

Mr. SANTORUM. What happened is 85 to 10 on final passage of that bill.

Mrs. BOXER. The Senator is incorrect. Had that amendment been before

this body under the rules of the balanced budget, we could not have rebuilt this freeway on which people died, period, end of quote. We would have needed 60 votes. I could only get 52 votes. Thank the Lord, we were able to rebuild this freeway. The same thing happened with the Midwest floods.

Mr. SANTORUM. If I can reclaim my time. The fact of the matter is that bill passed 85 to 10, which is well in excess of two-thirds. An amendment is not under the strictures of a three-fifths majority. I believe the Senator from California is aware of that. I will be happy to yield back the time.

Mr. HATCH. We yield back the remainder of our time.

Mr. AKAKA. Mr. President, I rise in support of the amendment offered by my friend and colleague from California, Senator BOXER, which would allow Congress to respond quickly and responsibly to Presidentially declared emergencies.

Mr. President, on September 11, 1992, Hurricane Iniki struck the island of Kauai and the Waianae shore of Oahu with the force of a sledgehammer. Sustained winds of 140 miles per hour, with gusts of up to 226 mph, were recorded. In a few nightmare hours, the lives of Kauai's 51,000 permanent residents and thousands of tourists had been radically transformed for the worse. On Kauai alone, 7 people died and over 100 were injured, and \$2 billion in damage was recorded in private and public property loss.

More than 14,000 residences were destroyed or damaged, leaving thousands homeless or poorly sheltered from the elements. Five thousand utility poles were knocked down, leaving residents without electricity or the ability to communicate with themselves or the outside world. The loss of power also meant that no water could be pumped to faucets. Tons of debris blocked roads, shutting down transportation island-wide. Harbors, schools, offices, and other government infrastructure sustained heavy damage. And the local airport, the island's major link with the rest of the State, was knocked out of commission, preventing immediate relief and evacuation.

Today, 2½ years later, thanks to the quick reaction of Federal, State, and local officials, the energy and enthusiasm of volunteer agencies, and to the courage and fortitude of the people of Kauai, Kauai is slowly recovering. Unemployment is still unacceptably high, and the rebuilding is not complete by any stretch of the imagination, but a semblance of normalcy has returned. Roads are open, the phones are working, and tourists are returning to newly refurbished hotels and beaches.

Yet, Mr. President, little of this would have been possible without the \$1.2 billion in Federal disaster assistance that Congress appropriated in the months following Hurricane Iniki.

That funding ensured that a tiny island like Kauai, and a small State like Hawaii, which on its own would never have been able to raise the necessary funds to avert massive homelessness and unemployment, would in time recover.

And this is what the Boxer amendment is all about, Mr. President. It is about helping your neighbor when he is in need. It is about extending a helping hand to those who, through no fault of their own, are struck down by disaster, natural or otherwise. It is about pulling together as a country when the chips are down. It is about Californians helping Missourians cope with floods; it is about Missourians helping South Carolinians rebuild after a hurricane; and, it is about South Carolinians aiding Californians when the Earth shakes.

Mr. President, I have previously articulated my opposition to a constitutional balanced budget amendment. But if we must adopt the measure, we must ensure that Congress has the necessary flexibility to respond quickly and responsibly to emergencies that are well beyond the means of localities and States to address. We must avoid the risk of undermining the very reason for the Union itself. Our national motto is and remains United We Stand, not United We Stand, Unless We Run a Fiscal Deficit.

So, for the sake of unity and compassion, for the sake of shared responsibility, I urge my colleagues to support this important, prudent, and altogether necessary amendment. Let us not sacrifice our sense of common purpose on the altar of fiscal expediency.

I yield the floor.

Mrs. FEINSTEIN. I am pleased to co-sponsor this amendment which will waive the provisions of the bill before us when the President of the United States declares a Federal disaster.

Over the last few years the United States has experienced more disasters than at any other time—the Loma Prieta earthquake in California; Hurricane Hugo which struck the Carolinas; Typhoon Omar which struck Guam; Hurricanes Andrew, Bob, and Iniki; the floods that covered much of the Midwest; the more recent floods that devastated Texas; the wildfires which struck southern California; the Northridge earthquake in southern California just over 1 year ago; and the floods that are still plaguing California.

In California, earthquake activity has dramatically increased. Leading seismologists have predicted that there is an 86-percent chance of a 7.0 quake in southern California in the next 30 years.

California can do more and will do more to prepare for future disasters, but as we saw in Kobe, Japan, even what is considered good planning can be ripped apart.

But much more than California is at risk. It is inevitable that Florida and the eastern seaboard will see another hurricane. Hawaii will see another hurricane or a volcano. A tornado, floor, or deep freeze will hit the Midwest, and on down the list. Currently, there are outstanding requests for disaster assistance in 40 States. Every State in the Union is at risk from Mother Nature.

This exemption is not frivolous. More times than not, FEMA has had the capability to cover the costs of a federally declared disaster. FEMA has provided assistance in cases of heavy snow, tornadoes, floods, and many other situations, and has not required additional funding from Congress. People should not be under the impression that FEMA marches up to Capitol Hill after every disaster and request more money.

We need this exemption for those infrequent instances when the size and scale and destructive force of a disaster is simply too overwhelming for the affected local and State officials to handle.

Twelve times since 1974 the administration has requested a supplemental appropriations bill to pay for the costs of disasters. Seven of those twelve times, the supplemental request has been less than \$1 billion. In no instance has Congress required these bills to be offset by cuts in other funding, which would be the required course of action if this amendment fails.

Congress passed the Robert T. Stafford Disaster Relief and Emergency Assistance Act to outline in what ways the Federal Government should supplement State and local efforts in times of disaster.

Through the Stafford Act, the Federal Government has recognized that it has a vital role in responding to disasters. We must maintain that commitment, and this amendment will ensure that we do so.

Oftentimes we in the Senate do not move quickly to pass bills. Thankfully, we have moved quickly to pass bills to help restore the lives of disaster victims. In such cases of catastrophic disasters, when local officials cannot meet the needs of the victims, we must not let budget debates and haggling over how to achieve 60 votes slow our effort to meet our commitment.

Some may argue that the Federal Government is too intrusive in our lives—but when disaster strikes, trust me, even the greatest government cynic is glad to see someone wearing a FEMA jacket.

In response to the Northridge earthquake in my State of California, Congress passed a bill that included \$8.6 billion in Federal emergency assistance. This money has been absolutely vital in getting Los Angeles back on its feet. Federal disaster relief funds have played a critical role in Hawaii, and Florida, and the Midwest as well.

Some will argue that if these billions of dollars are so small in comparison to our Federal budget, why should they be so difficult to offset? Let me address that question. Last week the House Appropriations Committee approved a measure to offset the supplemental spending bill that was requested by the President to pay for military operations in Haiti and elsewhere. This \$3.2 billion bill was offset with \$1.8 billion in cuts in defense spending, and \$1.4 billion in nondefense spending. The \$1.4 billion in cuts in nondefense cuts, had little if any hearing and were cut at the expense of programs totally unrelated to the purposes for which they were going to be sacrificed.

Will we use bills to help victims of disasters as a vehicle to wantonly cut unrelated programs with little or no thought? If this becomes the case, when these disaster bills finally wind their way to the floor, as victims wait for our assistance, the programs that have been cut in committee will be the subject of debate, and the victims of the disaster will sit and wait. The debate on disaster bills should be about the victims, not about the budget.

There is another point I would like to make with respect to the Budget Act of 1990. Under the provisions of balanced budget amendment, 60 votes in the Senate would be necessary to waive the requirement of balancing the budget. The Budget Act of 1990 specifically gave the Congress the authority to consider bills deemed to be emergency spending by both Congress and the President, without subjecting the bill to a point of order. Once a bill is the subject of a point of order, it takes 60 votes to waive the provisions of the budget act. By subjecting emergency bills to the balanced budget amendment, we would be requiring 60 votes the amendment, the same requirement that emergency bills were specifically exempted from in 1990.

Additionally, there has been criticism in the past that these bills have been loaded up with pork unrelated to disasters. I have cosponsored a bill with Senators MCCAIN and FEINGOLD to eliminate amendments to these bills that are unrelated to the disasters so emergency funding bills are only for emergencies. I hope that bill will see swift passage.

Disasters are unexpected, and can cause, in some cases, tremendous amounts of damage. We cannot plan for them, and funds for assistance must not be delayed because of our fear of throwing the budget out of balance, but the speed with which we pass these bills can be vital to an effective recovery effort.

As an aside, I would like to make a suggestion to my colleagues with respect to helping to prevent the need for emergency disaster bills in the future. FEMA will have approximately \$320 million this year for its disaster relief

fund, a figure based on an old average of yearly needs, when in fact the average outlays from the disaster relief fund from fiscal year 1985 through fiscal year 1996 projected—is \$1.527 billion. I would suggest to my colleagues that we use this figure as a new baseline instead of the \$320 million. These funds if not expended, can build up, so we would be better prepared financially for future disasters. I recognize that we would need to find an additional \$1.2 billion annually to cover the difference, but perhaps that would be easier than finding the much bigger sums that we have to produce all in 1 year in the face of huge disasters such as Northridge.

To close, I would like to say, disaster bills will not break the budget, but will help put the lives of the thousands of disaster victims back together.

I urge my colleagues to support this amendment.

Mr. DOLE addressed the Chair. The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, I appreciate the debate we have had. I listened to part of it in my office. It seems to me this amendment would create a gaping loophole in the balanced budget amendment. According to the language of the amendment, if the President declares that a major disaster emergency exists "a simple majority vote in both Houses of Congress would waive the balanced budget requirement for that year."

The balanced budget amendment already contains a safety valve. If there is a major disaster emergency, a three-fifths supermajority vote could raise the debt limit to cover the potential cost of disaster relief.

I think, as everybody pointed out on the floor, I think I voted for every disaster we had in America, whether it was California, Florida, or the Midwest. It is not difficult to achieve the three-fifths vote. After all, we are going to be responsive wherever the disaster may be. I think that will be true in both Houses of Congress.

So it seems to me we want to move on with this effort. We would like to pass the balanced budget amendment this week and get it out to the 38 States. I think you will see the States quickly ratify the amendment. They understand the importance of it. I hope we can speed up the process. Therefore, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from California.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] and the Senator from New York [Mr. MOYNIHAN] are necessarily absent.

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

The result was announced—yeas 70, nays 28, as follows:

[Rollcall Vote No. 66 Leg.]

YEAS—70

Abraham	Gorton	McConnell
Ashcroft	Graham	Moseley-Braun
Baucus	Gramm	Murkowski
Bennett	Grams	Nickles
Biden	Grassley	Nunn
Bond	Gregg	Packwood
Brown	Harkin	Pressler
Bryan	Hatch	Reid
Burns	Hatfield	Robb
Campbell	Heflin	Roth
Chafee	Helms	Santorum
Coats	Hutchison	Shelby
Cochran	Inhofe	Simon
Cohen	Jeffords	Simpson
Coverdell	Kassebaum	Smith
Craig	Kempthorne	Snowe
D'Amato	Kerrey	Specter
DeWine	Kohl	Stevens
Dodd	Kyl	Thomas
Dole	Lieberman	Thompson
Domenici	Lott	Thurmond
Exon	Lugar	Warner
Faircloth	Mack	
Frist	McCain	

NAYS—28

Akaka	Feinstein	Levin
Bingaman	Ford	Mikulski
Boxer	Glenn	Murray
Breaux	Hollings	Pell
Bumpers	Inouye	Pryor
Byrd	Johnston	Rockefeller
Conrad	Kennedy	Sarbanes
Daschle	Kerry	Wellstone
Dorgan	Lautenberg	
Feingold	Leahy	

NOT VOTING—2

Bradley Moynihan

So the motion to lay on the table the amendment (No. 240) was agreed to.

Mr. HOLLINGS addressed the Chair. The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 241

(Purpose: Proposing an amendment to the Constitution relative to contributions and expenditures intended to affect elections for Federal, State, and local office)

Mr. HOLLINGS. Mr. President, I send an amendment to the desk on behalf of myself and the senior Senator from Pennsylvania, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from South Carolina [Mr. HOLLINGS], for himself, and Mr. SPECTER, proposes an amendment numbered 241.

The amendment is as follows:

On page 1, beginning on line 3, strike "That the" and all that follows through line 9, and insert the following: "that the following articles are proposed as amendments to the Constitution, all or any of which articles, when ratified by three-fourths of the legislatures, shall be valid, to all intents and purposes, as part of the Constitution:"

On page 3, immediately after line 11, insert the following:

"ARTICLE—

"SECTION. 1. Congress shall have power to set reasonable limits on expenditures made

in support of or in opposition to the nomination or election of any person to Federal office.

"SECTION. 2. Each State shall have power to set reasonable limits on expenditures made in support of or in opposition to the nomination or election of any person to State office.

"SECTION. 3. Each local government of general jurisdiction shall have power to set reasonable limits on expenditures made in support of or in opposition to the nomination or election of any person to office in that government. No State shall have power to limit the power established by this section.

"SECTION. 4. Congress shall have power to implement and enforce this article by appropriate legislation."

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator from Texas is recognized.

Mrs. HUTCHISON. I thank the Chair. (The remarks of Mrs. HUTCHISON pertaining to the introduction of S. 400 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

UNANIMOUS CONSENT AGREEMENT

Mr. HATCH. Mr. President, I ask unanimous consent that the Feingold amendment be the next amendment and that the pending Feingold motion be limited to the following time prior to a motion to table and that no amendments be in order prior to the motion to table: It will be 60 minutes under the control of Senator FEINGOLD and 30 minutes under the control of Senator HATCH. I further ask that following the conclusion or yielding back of time, the majority leader or his designee be recognized to make a motion to table the Feingold motion.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HATCH. Mr. President, I ask unanimous consent that immediately following the disposition of the Feingold amendment vote, the Hollings amendment No. 241 become the then-pending amendment; that it be limited to the following time prior to a motion to table, and that no amendments be in order prior to the motion to table: 60 minutes under the control of the distinguished Senator from South Carolina; 30 minutes under the control of Senator HATCH. I further ask that following the conclusion or yielding back of time, the majority leader or his designee be recognized to make a motion to table the Hollings amendment.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Reserving the right to object, and I will not object to the request, but it is my understanding that the unanimous-consent agreement would lead to two votes, the last of which would occur somewhere around 7:30 or 7:45?

Mr. HATCH. The Senator is correct. There would be two amendments pursuant to these unanimous-consent requests. Both will be 1½ hour in length with a motion to table and votes following.

Mr. DORGAN. Will those be the last votes today?

Mr. HATCH. Not necessarily. I have no knowledge about where we go from there.

Mr. DORGAN. Those two votes will occur consecutively?

Mr. HATCH. No. They will occur at the conclusion of each 1½ hours of debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

MOTION TO REFER

Mr. FEINGOLD. Mr. President, on behalf of myself, Senators BUMPERS, ROBB, MURRAY, HOLLINGS, MOSELEY-BRAUN, EXON, and WELLSTONE, I send a motion to the desk to refer House Joint Resolution 1 to the Budget Committee with instructions to report back forthwith and ask that it be immediately considered.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD], for himself, Mr. BUMPERS, Mr. ROBB, Mrs. MURRAY, Mr. HOLLINGS, Ms. MOSELEY-BRAUN, Mr. EXON, and Mr. WELLSTONE, proposes a motion to refer.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that reading of the motion be dispensed with.

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

The motion is as follows:

On behalf of myself and Senators Bumpers, Robb, Murray, Hollings, Moseley-Braun, Exon, and Wellstone, I move to refer House Joint Resolution 1 to the Budget Committee with instructions to report back forthwith House Joint Resolution 1 in status quo and at the earliest date possible to issue a report, the text of which shall be the following:

"The Committee finds that—

(1) the Congress is considering a proposed amendment to the Constitution to require a balanced budget;

(2) the Federal budget according to the most recent estimates of the Congressional Budget Office continues to be in deficit in excess of \$190 billion;

(3) continuing annual Federal budget deficits add to the Federal debt which is projected to soon exceed \$5 trillion;

(4) continuing Federal budget deficits and growing Federal debt reduce savings and capital formation;

(5) continuing Federal budget deficits contribute to a higher level of interest rates than would otherwise occur, raising capital costs and curtailing total investment;

(6) continuing Federal budget deficits also contribute to significant trade deficits and dependence on foreign capital;

(7) the Federal debt that results from persistent Federal deficits transfers a potentially crushing burden to future generations, making their living standards lower than they otherwise would have been;

(8) during the 103rd Congress, the annual Federal deficit declined for two years in a row for the first time in two decades and is projected to decline for a third year in a row;

(9) the progress in reducing the Federal deficit achieved during the 103rd Congress could be reversed by enacting across-the-board or so-called middle class tax cut measures proposed in the 104th Congress;

(10) enacting such tax cuts is inconsistent with and contrary to efforts being made to achieve further Federal deficit reduction during the 104th Congress and the goal of achieving a balanced budget; and

(11) It is the Sense of the Committee that reducing the Federal deficit should be one of the nation's highest priorities, that enacting an across-the-board or so-called middle class tax cut during the 104th Congress would hinder efforts to reduce the Federal deficit and that enacting such tax cuts would be inconsistent with proposals to adopt a Constitutional amendment to balance the budget."

Mr. FEINGOLD. Mr. President, this is a motion to refer House Joint Resolution 1 to the Budget Committee with instructions to report back forthwith in status quo and require the Budget Committee to issue a report at the earliest possible time which would include the text of a sense-of-the-Senate resolution and which, Mr. President, I had originally intended to offer directly to House Joint Resolution 1 at the appropriate time.

The procedural situation before us makes it difficult to have a sense-of-the-Senate resolution considered directly because we are considering the language of a possible constitutional amendment.

The instructions attached to the motion to refer that we have here have the effect, however, of allowing us to vote on the substance of what would have been a sense-of-the-Senate resolution if a regular legislative measure had been pending.

Mr. President, the language of the instruction is intended to put the Senate on record for the first time with respect to the issue of whether an across-the-board tax cut or a middle-class tax cut is consistent with efforts to balance the Federal budget and reduce the Federal deficit. And the motion goes through some of the issues that all of us know to be involved in not having a balanced budget, issues having to do with the fact that the Federal deficit is still in excess of over \$190 billion a year despite the efforts we have made in the past couple of years.

The fact is that the Federal debt within the next couple of months will, for the first time in our country's history, exceed the astonishing figure of \$5 trillion. This motion points out that the Federal budget deficits and the

growing Federal debt have a strong tendency to reduce savings and capital formation in this country. We also point out that the Federal budget deficits contribute, very unfortunately, to a higher level of interest rates than would otherwise occur. This raises capital costs. It has the consequence of hurting our economy by curtailing the total investment that we have in the economy.

Add to this, the failure to balance the Federal budget contributes to significant trade deficits and dependence on foreign capital. And worst of all, the point that is perhaps most often made on this floor having to do with the issue of balancing the budget and the balanced budget amendment, the failure to deal with the Federal deficit and the Federal debt is very likely to leave a potentially crushing burden on future generations that would make their living standards lower than they otherwise would have been.

As we have pointed out frequently on this floor, Mr. President, during the 103d Congress, the annual Federal deficit actually declined. It declined for 2 years in a row for the first time in two decades. And now, under the current estimates, it is projected to decline for a third straight year in a row. This has not happened for many, many decades, I believe as far back as President Truman.

Our concern in offering this motion is that the progress in reducing the Federal deficit achieved during the 103d Congress could be very quickly reversed if we do not have the will to say no to either an across-the-board tax cut or a middle-class tax cut. If we do not say no to these tax cuts—a difficult thing to do politically—the legacy of the 104th Congress will not be the passage of a balanced budget amendment. The legacy will be dropping the ball and forever making the Federal deficit and the Federal debt unsurmountable barriers.

Quite simply, our motion says that enacting such tax cuts is inconsistent with and contrary to efforts being made to achieve further deficit reduction during the 104th Congress and that tax cuts are clearly, Mr. President, contrary to the goal of achieving a balanced budget.

So, Mr. President, the motion concludes by saying it is the sense of the committee—this being the Budget Committee—that reducing the Federal deficit should be one of the Nation's highest priorities, and that enacting across-the-board or so-called middle-class tax cuts during the 104th Congress would hinder efforts to reduce the Federal deficit, and that enacting such tax cuts would be inconsistent with proposals to adopt a constitutional amendment to balance the budget. So that is our intent.

I believe that this is an opportunity for both sides of the aisle, Republican

and Democrat, to go on record for the first time on this very key issue. And the issue is whether or not the November 8 elections were really about tax cuts.

People have a lot of theories about what was intended by the electorate in that election. One theory is that people wanted a tax cut, that was the driving force, and that is why the President, supposedly, offered a middle-class tax cut, and that is why the Republican contract offers an even more dramatic and surprisingly large tax cut at a time of major Federal deficits.

I believe, based on my reading of this issue—and I think my cosponsors agree—that is not what the electorate meant at all. The people of this country were not calling for a tax cut, because they know the hard and difficult facts. They know who they are stealing from if we do not reduce the Federal deficit. They know that a tax cut today means a larger deficit and larger debt for tomorrow for their children and grandchildren. And the numbers bear it out very well.

Mr. President, one of the charts I have here today describes the impact of the smaller tax cut proposal, the proposal by the President for a \$63 billion tax cut over the next 5 years. As the chart shows, if we go through with the President's proposal, by fiscal year 2000 the deficit would still be hovering at almost \$200 billion after we, under the leadership of that very same President, finally got the deficit below that figure for the first time in many years.

What this chart suggests is that if we do not enact the President's tax cuts, and add to it the interest savings that accrue from not making the deficit worse, you net out about a \$25 billion difference in the fifth year alone. In one year alone, not doing this tax cut could mean a \$25 billion improvement in our deficit picture. And that is not something to sneeze at.

Put together all those 5 years, again you are talking about just \$63 billion saved, plus all the interest saved.

What I believe the American people think is that if we have these cuts to be made—the President says he has them, he has identified them, he has put them on paper, he has put his name to them and taken the political heat—what the American people are saying is, "Good. Do those cuts, but use them to bring down the Federal deficit," as this chart shows we could fairly easily do just using the President's own figures.

Now a second illustration is even more dramatic. It suggests, as I certainly would, that compared to the President's proposal, which at least pays for all the tax cuts with spending cuts, that there is an even more extreme proposal in the Republican Contract With America.

Over that same time period of 5 years, the Contract With America calls

not for \$63 billion in tax cuts, but the whopping sum of \$196 billion in tax cuts by the year 2000.

Now, this is from the same folks, largely, who say they are going to pass a balanced budget amendment, that they do not need to tell you where the money is going to come from, that we do not need a glidepath, and that we are going to be able to give out this tax cut and everything is going to be just fine. We are going to have a balanced budget amendment.

But if we do what the Contract With America suggests over the next 5 years, we will not have this type of deficit reduction and we will miss a tremendous opportunity to enormously decrease the Federal deficit.

This second chart shows that in the fiscal year 2000, if we do not do the Republican tax cut—which I do not think the American people want anyway—that instead of having an almost \$200 billion deficit, we could finally be making real progress. We could take all those Republican cuts and the deficit would be down to \$114 billion in fiscal year 2000.

In other words, we would actually be within reach of our shared goal. And that shared goal, whether we are for the balanced budget amendment or not, is that, at least by the year 2002, this figure would be zero, that we would have a balanced budget.

How can the Contract With America talk about a balanced budget and a balanced budget amendment and then propose a tax cut that takes us just in the opposite direction? Two-hundred billion dollars in the wrong direction.

So, Mr. President, I suppose those who support the Republican Contract With America's tax cuts are advocates of trickle down Reaganomics, if you will. They may argue that by doing these tax cuts the economy may do better than doing nothing; somehow the revenues will come in and these figures will then be reduced and our estimating will be wrong and we will wipe out the deficit that way. I sure hope that is true, if we go down that road.

The way we got into this deficit in the first place was 12 years where tax cuts for all folks, including high-income folks, had just the opposite result, where the deficit went out of control.

I suppose those on the other side of the aisle could say that President Clinton's proposal for a middle-class tax cut is, in effect, trickle up. Give middle-income people some money, they will spend it, and the economy will do better and that will bring in the revenues to solve our fiscal problems. I hope that is true. I like his idea better than the Republican contract.

But the evidence is just not there that that will be the actual impact on our Federal budget. I would suggest just the opposite would occur. Putting that money in the economy at this

point may actually drive up inflation, drive up interest rates, and lead to just the opposite conclusion.

So whether you look at it from the point of view of the Contract With America or from the point of view of the President's proposal, which I know he offers in good faith, neither proposal is consistent with or makes any sense if people in this body are sincere when they talk about balancing the Federal budget over the next 7 years. We cannot have it both ways.

And what I am most struck by is that the American people are, of course, ahead of us on this, as they so often are. They know better than we do. They are ahead of our rhetoric. They are ahead of the tax cut.

In fact, it gets even worse if you look into the outyears. The 10-year cost of the President's tax cuts is not just \$63 billion. The 10-year cost of the so-called middle-class tax cut is \$174 billion. That is a pretty high figure. Of course, it is not even as high as the entire amount of the Republicans' \$196 billion for the first 5 years.

So what is the 10-year impact if we go down the road of the Republican contract and their tax cut? Believe it or not, the Republican contract and its tax cut call for a \$704 billion tax cut over the next 10 years, and they are going to balance the budget? Who in this country would even begin to believe that that was possible? That is the guaranteed route to the worst budget disaster we would ever have, and it is hard to believe we could do worse than in the 1980's. If we do that one in 10 years, that is exactly where we will be.

Just in terms of interest costs, the interest we would save in the 10th year alone by not adopting the Republican contract tax cuts is \$48.4 billion, just in the 10th year; \$50 billion worth of interest. That is almost as much as the President's whole 5-year tax-cut plan. That is what the Contract With America calls for in the name of the balanced budget amendment.

That is 30 percent more than the Federal Government will spend on transportation in fiscal year 1996 and more than we will spend this year on all of the Federal judiciary, the entire legislative branch and the programs and personnel of the Small Business Administration, the General Services Administration, the Commerce Department, the State Department, the Environmental Protection Agency, the Interior Department and the Justice Department combined. That is just the interest that we lose and that we have to pay out on just the 10th year of the Republican plan that includes as well the notion of a balanced budget amendment. Mr. President, this makes no sense on the facts.

I would like to take a few minutes to point out that although some say it is very courageous to stand up here and

make this motion to refer and, of course, that is nice for me and all the Senators, it does not take that much courage to go along with what your constituents are telling you to do.

Since December 15, in my office we have received well over 400 letters and phone calls on the issue of whether the people of Wisconsin want us to do the middle-class tax cut. The figures are surprising perhaps to some but they do not surprise me, because I find almost no one in my State who wants this tax cut.

Here are the figures: 356 people who have contacted me say they do not want the tax cut. They say they want the money used from the cuts on programs to reduce the Federal deficit. Only 73 people contacted us to say go ahead with the tax cut. I realize it goes against political conventional wisdom, but I guess I would be the first to say that even though the November 8 elections were clearly not about people wanting a tax cut. I do not think there is any evidence of that, but I do know what the November 8 elections were about is that people are tired of politics as usual. Even though politicians are taught in politics 101 or in their first campaign, do not ever go against a tax cut, the American people are smashing that conventional wisdom. They are saying that they know it is pandering. They are saying that they know we have a greater problem, a problem that affects not just them and the bills they have today, but a problem that could destroy the future of their children and grandchildren.

That is the experience the other Senators who are cosponsoring this have had. They have come up to me, have done the town meetings in their States and have said, Senator FEINGOLD, we are hearing the same thing you are. People are saying do the cuts, please take the fat out of the Federal Government, pare it down, but do not throw away that money on a meaningless tax cut that fails to deal with our national budgetary problems.

So I have been pleased with the support in this body. I actually have not had a single conversation with any Member of the Senate who says he or she is very much for the tax cut. At best, they are ambivalent about it. I know in the House there is more support for a tax cut. After all, it is part of the Republican contract. There is a certain group looking to see what percentage of the items in the contract may pass. Is it going to be 100? I do not think so because I do not think term limits is going to pass. But some are shooting for 70, 80 percent, some magic number. These are numbers in the contract that the other body ought to take a look at because I do not think the people want that tax cut.

That is what one of the Members of the other House discovered when he went out and decided to have a town

meeting of his own, apparently, over the weekend.

I ask unanimous consent that an article from the Washington Post of February 12, entitled "Many Say They could Skip the Tax Cut," be printed in the RECORD.

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

[From the Washington Post, Feb. 12, 1995]

MANY SAY THEY COULD SKIP TAX CUT

(By Dale Russakoff)

MANVILLE, N.J., Feb. 11.—The House Budget Committee came to this town today to hear how real people feel about the federal budget crisis. After three hours of listening to people of all ages demand less federal spending on defense, welfare, the arts, public broadcasting and congressional salaries, committee Chairman John R. Kasich (R-Ohio) hit the crowd of about 1,000 with a hardball question.

Who was so concerned about the federal deficit that he or she would forgo tax cuts promised by both Republicans and Democrats until after the budget is balanced?

The question apparently wasn't hard at all. In the packed meeting hall of a Veterans of Foreign Wars center here in heavily Republican central New Jersey, hands went up everywhere. Kasich then asked how many people wanted their tax cuts up front, before the budget is balanced. Only a few hands went up, and they were booed.

"Both parties are offering a political rebate," Cole Kleitsch, 33, a property manager who lives in Princeton, N.J., and works for the debt-fighting Conquer Coalition, told the committee. "The people it [the debt] is going to hurt most—the children—are not in this room. That's our posterity and we're supposed to take care of it. So far, we're taking care of our posterior."

Despite the overwhelming sentiment for deferring tax cuts, which Kasich said he and the committee also found in three previous field hearings in the Midwest, West and South, the chairman said there are no plans to reconsider the \$200 billion in tax relief that Republican House candidates promised in their "Contract With America."

"The number one thing we have to do in this country is keep our word, and keeping our word involves doing the kind of relief that is promised in the contract," Kasich said after the hearing. "It's something of a problem when you have people overwhelmingly saying, 'We don't want to do this.' But I think if we start breaking our word, they're just going to say, 'Ah, it's just another group of politicians.'"

"It's not as clear to the public as it is to us that the way you bring down deficits is to deny the government revenue," said Rep. Robert S. Walker (R-Pa.), a close friend and adviser of House Speaker Newt Gingrich (R-Ga.), explaining the determination to press ahead with tax cuts.

Kasich emphasized that four hearings hardly constitute a scientific example of national sentiment. (Voters told a Washington Post-ABC poll that they favor deficit reduction over tax cuts by a margin of 3 to 2).

But Kasich said that if the Senate pares down the tax relief the House intends to pass—including a \$500 per child tax credit and a capital gains tax cut—sentiments like those expressed at his committee's field hearings might make it easier for House members to go along.

The hearing drew heavy turnout in this hard-luck community that was the home of

Johns-Manville Corp., the asbestos manufacturer bankrupted by an avalanche of lawsuits from victims of asbestos disease. More than 100 people were turned away after the meeting hall filled to capacity.

An aide to Kasich said this was the first field hearing that appeared to draw "special interests," which he defined as union members and advocates of tuition aid to the poor. A number of anti-GOP banners were displayed outside the hall, including: "Big Welfare for the Rich and Orphanages for the Poor? No Way!" Another, with an arrow pointing toward the meeting hall, said: "The Tooth Fairy?"

Most speakers proposed cutting the budget in ways that would not affect them directly. Phil Nicklas, who is not a food stamp recipient, told the committee to eliminate the food stamps program. Joel Whittaker said to toss out the Legal Services Corp. and the National Endowment for the Arts. Sherry Zowader said every member of Congress should take a 15 percent pay cut.

But Carol Kasabach, 54, who lives near Trenton, told the committee that she and her husband, who both are employed and successful, would be willing to forgo some of the Social Security benefits due them in order to help reduce the deficit.

Walker responded that this would turn Social Security into "just another welfare program" for those who qualify based on need. Kasabach raised her voice and told Walker: "This is for the welfare of all of us, and we have a responsibility to each other."

The Corporation for Public Broadcasting had as many friends as enemies in the audience. Walker challenged one advocate, Sherry Zowader, to explain why her position did not mean that working families should pay taxes "to subsidize a \$1 billion industry called Big Bird."

"We can all pick out in government what we don't like our money being spent on," Zowader said. "And you have to pay for some things you don't like as well as the things you like. That's democracy."

The sentiment against tax cuts was summed up powerfully by Lynn Dill of Colonia, N.J., who told the committee: "I want the best thing for the country and the children. And if both parties did the right thing, congressmen wouldn't have to worry about getting reelected."

This moved Rep. Martin R. Hoke (R-Ohio) to remark: "We are getting so much wisdom from this testimony, we should require half of all the hearings in Congress be held not in Washington, D.C., but outside."

Mr. FEINGOLD. Mr. President, let me just take a moment on what happened when Representative KASICH went out and asked the folks—apparently he does not pretend it was otherwise—if they were for the tax cut. The article says, "Who was so concerned about the Federal deficit that he or she would forego tax cuts promised by both Republicans and Democrats until after the budget is balanced?"

That is what he asked the crowd. How many people out there would give up their tax cut so that the budget would be balanced?

The article says the question apparently was not hard at all, it was easy for everyone.

In the packed meeting hall of the Veterans of Foreign Wars Center here in heavily Republican central New Jersey, hands went up everywhere. Kasich then asked how many

people wanted their tax cuts up front before the budget is balanced.

The newspaper reports only a few hands went up and they were booed.

So the message is finally reaching the other House that the American people are ahead of the politicians, that the American people know that this problem cannot be solved if we are going to spend \$60 or \$200 or \$700 billion on tax cuts at the same time we are pretending—pretending—to do something about the problem of the balanced budget amendment.

I am also pleased to say, Mr. President, that the Concord Coalition, which has done a fine job of marshaling this issue of the Federal deficit, has today endorsed our motion, writing that this is backed by the 150,000 members in all 50 States and saying that, of course—of course—it is inconsistent for somebody to support the balanced budget amendment and at the same time say they want a giant tax cut. No one buys that story.

The same goes for the public opinion polls. On December 20, just 5 days after the President's speech when everyone assumed that everyone was for the tax cut, just 5 days later, a USA Today-CNN/Gallup Poll said 70 percent of the American people say that reducing the deficit is a higher priority than a tax cut.

In the Washington Post, an ABC news poll on January 6, 1995, says the people favor deficit reduction over tax cuts by a three-to-two margin. So in every measure I can find, whether it be a man-on-the-street or woman-on-the-street poll, the words of economists, calls to my office, the letters to my office, I cannot find a constituency out there in the United States of America for this kind of fiscal recklessness.

But perhaps my favorite indication of this always is a political cartoon. I have to say that being a Senator has to be about the best job in the world, but if I had the talent, I would also love to be a political cartoonist. I do not have the artistic talent nor do I have, perhaps, the ability to do this. But this cartoon from our Milwaukee Sentinel typifies this whole issue.

It shows an enormous creature, sort of a Jabba the Hut entitled "deficit." It just keeps eating and eating. And what it is eating is the catering provided by a caterer called "Tax Cuts R Us, Catering and Pandering."

Instead of putting this deficit monster on a diet, what this institution is on the verge of doing if we do not reverse course is to continue to feed this monster to the detriment of everyone today, tomorrow, and in the future.

Mr. President, I think this is an opportunity for us to make a bipartisan statement. No matter what else you feel about the balanced budget amendment itself, we cannot have it both ways. The cosponsors of my amendment include those who oppose the bal-

anced budget amendment, such as myself. It includes some who have stated they will vote for the balanced budget amendment, and it includes some who have said they are undecided.

What we all agree upon is that it cannot be either a rational or honest process if we continue to feed this monster. A balanced budget amendment cannot work hand in hand with an irresponsible tax cut that is being advocated, the false belief that the November 8 elections had anything to do with it.

So I urge my colleagues to support the motion. I reserve the remainder of my time.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I have been authorized by Senator HATCH's staff to take 5 minutes of Senator HATCH's time.

Let me say, I agree with 99 percent of what my colleague from Wisconsin has to say. I applaud his leadership on this. A tax cut just does not make sense when we have this kind of a deficit.

I am going to vote against his amendment because I do not want to get it mixed up with the balanced budget amendment. But I could not agree with him more in terms of the substance. It is not only the things that he mentioned. The Clinton tax cut is, frankly, more responsible than the Republican tax cut, but they are both wrong.

But in terms of equity, it is very interesting, for those who have an income of \$30,000 or less, even the Clinton tax cut gives them only 5½ percent of the tax cut, while those of us who get \$100,000 to \$200,000 a year—and that is the majority of us in the U.S. Congress—some exceed that amount—we get 12.4 percent of the tax cut—a much, much smaller number of people get a much bigger chunk of the tax cut.

A tax cut just does not make sense. My colleague from Wisconsin has been leading the effort on this, and I applaud his effort. I assume this issue is going to come before the Budget Committee. I am going to be with Senator FEINGOLD there. I assume it will be debated in the Chamber. I am going to be with Senator FEINGOLD in the Chamber. I do not favor having it on this particular constitutional amendment. I think we should try to avoid everything that might confuse the constitutional amendment. But in terms of principle, he is absolutely on target, and I commend him.

I yield back the remainder of my 5 minutes to Senator HATCH.

Mr. FEINGOLD. Mr. President, I thank the Senator from Illinois, who was one of the very first persons who came up to me after the new year and said that, in fact, he was having the same experience in his State. Even though Wisconsin and Illinois are very close physically, they are certainly not

identical States. But he was having the same experience. He was going around the State and people were saying do not take these cuts that you have identified and use them to do a tax cut. Take those opportunities to reduce the Federal deficit. I believe that is the conversation we had.

Mr. SIMON. If I may, if my colleague will yield, the first time I did this was at a town meeting somewhere. Someone asked about the tax cut, and I said I believe in telling you the truth, and I do not anticipate my answer is going to be popular. Frankly, I had not seen the polls. And I told them I was opposed to the tax cut; that we ought to be using that money to reduce the deficit. And instead of boos, I got cheers from the town meeting, and that has been my experience ever since. I think that would be the experience of most Members of the Senate when they try it out with the people.

Mr. FEINGOLD. Mr. President, I do feel the need to address what the Senator just suggested, that it somehow confuses people for the Senate to go on record on this issue. How can this be confusing? This motion does not delay. I think no one disputes that. It is an automatic referral back from the Budget Committee. This is not an effort to slow down the balanced budget amendment.

I have also pointed out to the body that this does not become part of the constitutional amendment itself. This does not go out to the States for purposes of their ratification process. That would not make a lot of sense, since it is up to us here to decide whether we are going to have a middle-class tax cut or an across-the-board tax cut, so I do not see how this could possibly confuse anyone, that the Senate would choose to go on record that we are going to be straight with the American people and not kid them that we can afford a tax cut at the same time we are passing a balanced budget amendment. I do not understand how anyone could be confused by that logic.

Mr. SIMON. Will my colleague yield on that?

Mr. FEINGOLD. I am happy to yield.

Mr. SIMON. I think the reality is if we put this in as a sense of the Senate here now, there are some of my colleagues who disagree with the Senator and me, in fact probably a majority disagree with the Senator and me on this. But even assuming it is a majority on our side, there may be some who would vote against the proposition because this sense of the Senate is there, and so I think it has the possibility—I am not saying it is a probability, but I think it has the possibility of losing a vote or two, and I think my colleague from Utah would agree we need every vote we can get.

Mr. FEINGOLD. Mr. President, I think this is exactly what is wrong with this balanced budget amendment

process. We saw this with regard to the so-called glidepath amendment, the so-called right to know. In the desperate desire to get enough votes to pass the balanced budget amendment, we are closing the door on honesty with the American people.

This body has, unfortunately, refused to lay out that 5- or 7-year plan that would tell us where it is going to come from. That is bad enough. But when you close off an opportunity to make a clean statement that we cannot afford the tax cut and still have a balanced budget amendment, then you are even going farther because what you are doing with this tax cut is digging an even deeper hole. It is already hard enough to lay out exactly how we are going to put together the numbers under the current problem. But when you add another \$60, \$200, \$700 billion, \$1 trillion, as you claim to be solving the problem, that is where the real obfuscation, the real confusion, the real misleading of the American public comes.

Mr. President, do you know what the American people think when they hear about the balanced budget amendment? I believe they think we are going to actually balance the budget when we do this. I do not think they really all realize that we are setting into motion here something that is going to take probably the better part of a decade, and in the meantime there will be no legal requirement that we balance the budget.

So what is a more important and appropriate time than right now, as this amendment comes to a vote in the Chamber in the next few days or weeks, to tell the American people we understand that cutting taxes will make it virtually impossible either to meet the balanced budget requirement, if it is enacted, or that the human consequence and the pain that will be suffered by people in this country will be enormous if we suddenly cut \$200 or \$700 billion out of our Federal revenues at this point, leaving it even more impossible to balance the Federal budget in any kind of humane way? And for anyone who thinks this motion is either confusing or inappropriate, this is precisely the motion the distinguished majority leader used in order to put forward his motion on Social Security.

Now, if this is confusing, why was that not confusing? Presumably we would not put anything on the bill if it is an issue of confusion. I think the source of confusion is clear. The effort to confuse is from those who do not want to tell the truth to the American people, which is that the Contract With America goes completely in two directions at the same time.

Several Members on the other side of the aisle have publicly stated, in the Finance Committee and also in public statements and in statements in the Chamber, that they, too, do not sup-

port the tax cuts, knowing what it means for the budget.

So I feel strongly that there is no reason not to pass a simple sense-of-the-Senate resolution at this time. It does not go out to the States, and it tells the truth. And that is that all these tax cut plans are the ultimate demonstration that many supporters of the balanced budget amendment are not as dedicated to balancing the budget as they pretend.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I appreciate what the distinguished Senator is trying to do. I know he feels very sincerely and is very dedicated to deficit reduction, as he has said. But the bottom line of this motion to refer is that we should protect the largest tax increase in history and that we should avoid enacting tax cuts that even the President, President Clinton, has called for.

This is political cheerleading for the action of a single Congress in a single piece of legislation and I think it is wholly inappropriate to a constitutional debate like this one we are having with regard to the balanced budget amendment, because the Constitution sets in place broad principles and leaves yearly budgeting priorities to be set by each succeeding Congress, as it is each Congress' right and duty to do.

What I suggest to my friend from Wisconsin is that we can have this debate more appropriately when Congress debates the implementing legislation contemplated by the amendment. That would be a perfect place for him to bring his concerns to the Senate. If the Congress chooses to accept the point of view of the distinguished Senator from Wisconsin that there should be no further tax cuts, then Congress can do so. But in this context I really do not see a reason to vote for this motion to refer.

It is ironic, indeed, for those of us who have been watching this debate, to see that those who have criticized proponents of the balanced budget amendment for writing fiscal policy into the Constitution, as they say—and of course this balanced budget amendment does not do that—it is ironic to see them attempt to set tax policy during this debate.

The motion before us serves only two purposes, I think. One, to make a political point in praise of the tax hikes of the 103d Congress. And, two, to attempt to keep the same level of taxing that we now have to ensure there is more money and more spending than Congress might otherwise have, if the American people decide that the spending is not worth the taxes.

So I do urge the defeat of this motion and express the hope that we can move to final passage of the balanced budget amendment soon, so we can finally

begin to move this Government to fiscal responsibility. Because every day that goes by while we are debating this, another \$829 million is added to the national debt, as is shown on our balanced budget debt tracker here.

The distinguished Senator from Wisconsin is concerned about the national debt, wanting to keep the tax increases in place, not wanting to allow any tax cuts that might stimulate the economy and get more people paying taxes. And every day we have more amendments like this the debt is going up \$829 million.

We are now in the 16th day since we started this debate and we have been on the floor 12 days of that time, and during that time the national debt has increased \$13,271,040,000. Actually we are higher than that because we are almost into the 17th day. So the debt is going up while we fiddle around here in Washington and watch our country burn to the ground.

Let me just make an additional point or two here regarding the time spent in previous debates on the balanced budget amendment, because some have complained that we are trying to move the process along too fast. I have a brief breakdown of previous Senate action on other constitutional amendments to balance the budget.

When I was chairman of the Constitution Subcommittee in the 97th Congress, Senator THURMOND and I brought to the floor—it was the first time anybody ever brought to the floor of either House of the Congress—a balanced budget amendment to the Constitution. We brought that to the floor and the floor action on the resolution took 11 days. During that period of 11 days 31 amendments were offered, 24 Democrat amendments and 7 Republican amendments. The resolution finally passed the Senate by a rollcall vote of 69 yeas to 31 nays.

It went to the House, of course, and was defeated there. Tip O'Neill led the troops over there and he defeated us even though we got 60 percent of the vote. But it was 11 days of debate on the Senate floor at that time, and we had 31 amendments.

In the 99th Congress we brought it again to the floor. This was in 1986. Again I was still chairman of the Constitution Subcommittee. We had 7 days of debate on the resolution, 13 amendments were offered, 7 of them were offered by Democrats, 6 by Republicans, and the resolution failed by rollcall vote 66 yeas to 34 nays. By one vote that resolution failed back in 1986.

Then again, the third time it was ever brought to the floor of the Senate was in 1994, last year, it was designated Senate Joint Resolution 41. On that resolution we spent 5 days of floor debate, we had one amendment offered that was a Democrat amendment, and the resolution failed by four votes, 63 to 37.

Now, already in this 104th Congress, on House Joint Resolution 1, we are in the 12th day of consideration and debate. We have had six amendments and three motions, three of them have been Democratic amendments with one motion a Democrat motion and three have been Republican amendments with one motion—plus this one. So what I am saying is that we are moving awfully slow here this year by historical standards, and we should get moving on to final passage. But I appreciate the distinguished Senator from Wisconsin. I know he is sincere. I know he is trying to resolve the deficit problems in his own way.

But really this debate ought to wait until the implementing legislation where he may have a better chance of actually passing substantive language that may get him where he wants to be, which seems to be to stop any kind of tax reduction or tax cut—even ones like the President wants—at that more appropriate time.

I am prepared to yield the remainder of our time but I will be happy to yield the floor. I see the Senator wants to speak longer but I am prepared to yield back if the Senator will.

Mr. FEINGOLD. Mr. President, we are not prepared to yield back our time. The senior Senator from Arkansas will speak in a minute.

Let me just say briefly I am somewhat amused at the notion that the distinguished chairman of the Judiciary Committee brings up, the fact the deficit is going up every day as we speak, as if somehow it is the fault of this debate that the deficit is going up.

But even under the terms of the balanced budget amendment, the notion is there would not be a balanced budget until the year 2002. I ask you, what is more damaging to the goal of balancing the Federal budget? Debating a subject as to how consistent it is to have tax cuts and balance the budget at the same time and debating that for a few days? Or to pretend that somehow after we dig this huge hole for the Federal deficit again that we will be able to solve it over the course of those next 7 years? It does not make sense.

The notion that we are going to cut off debate on the basic budgetary choices that are involved in the context of the balanced budget amendment debate does not make any sense to me. I do not think it makes any sense to the American people. It would be one thing if we were all agreed that we were going to move in the same direction. If everybody in both Houses said of course we are going to make sure that everything we do brings down the deficit, that would be one thing. But what I and Senator BUMPERS and others are trying to point out is that this particular notion of a tax cut flies in the face of any reasonable person's notion of what is supposed to happen here, which is reducing the Federal def-

icit, not increasing it by \$200 or \$750 billion.

With that I am happy to yield to the senior Senator from Arkansas, who has been a leader on deficit reduction here and has been a great help on this amendment.

The PRESIDING OFFICER (Ms. SNOWE). The Senator from Arkansas.

Mr. BUMPERS. Madam President, I thank my colleague from Wisconsin for yielding. But more important, I think him for crafting this sense-of-the-Senate resolution which ought to pass 100-0.

I do not know how many votes we have had—maybe 60 votes since we came back into session. And I will hand it to the Republicans, they know how to stick together. I am speaking of votes occurring not only on the balanced budget amendment but everything that has come up since we came into session. It has been unanimous on the other side. I think on one vote two Republicans defected.

So it makes you have second thoughts about even standing up here and talking what you think is ordinary common sense. But the Senator from Wisconsin, with whom I am pleased to join in this amendment, is simply saying it is time we quit playing games and start debating the real issue, and that is, "What are we going to do about the deficit?" The balanced budget amendment is probably a done deal. But as far as the deficit is concerned, it does not make any difference whether the balanced budget amendment passes or not. If it passes or if it fails, we are going to be back to square one after we vote on final passage because we are going to have to figure out how to actually balance the budget.

You see that chart over there? That is clever. I give the Republicans credit for putting that chart up. It shows how much the deficit has gone up each day since we started debating the balanced budget amendment. I wish we had a chart on this side showing how much the deficit would have gone up if we had not passed the President's deficit reduction plan in 1993 without a single Republican vote. It would be 50 percent higher each day. Our chart would show the deficit going up 50 to 75 percent more every day than that chart shows. And we reduced the deficit that much without one single Republican vote.

So, Madam President, I rise today to try to talk common sense. There is a new book out. I was down at Wake Forest University today delivering a speech at a convocation. A man caught me just as I was leaving. He said, Senator, you must read this new book called "The Death of Common Sense, How It Is Suffocating America." Well, that is what we are trying to talk about—common sense.

I want you to think about this, Senators. The Republican Contract With America is not a contract I signed, but

it says we are going to pass this balanced budget amendment. And we are going to give the American people expanded IRA's to increase savings. And we are going to provide an across-the-board tax cut that costs \$200 billion over the next 5 years and \$700 billion over the next 10 years. Then we are going to increase defense spending by somewhere between \$60 and \$80 billion. Then we are going to provide a capital gains tax cut, 90 percent of which goes to the richest 5 percent of the people in America. We are going to do all this and balance the budget in the year 2002. What that adds up to, Madam President, is \$1.6 trillion that must be cut in the next 7 years.

Everybody here who has been here any time at all knows that is absolutely lunacy. That is not going to happen. There are not very many people in State hospitals in this country that believe we are going to make all those tax cuts, increase defense spending, and balance the budget. Yet the Congress bought that same argument 14 years and \$3.5 trillion ago.

Did you know that if it were not for the interest on the increased debt that built up during the 12 years of the Ronald Reagan and George Bush Presidencies, we would have a surplus today. Not a deficit—a surplus—if we were not paying the interest on that staggering debt we accumulated when we bought the same argument we are asked to buy again today.

There is one thing that is really crafty about the Contract With America. The middle-class tax cut in the Contract With America is supposed to cost \$200 billion in the first 5 years. Then, in the next 5 years, it will cost \$500 billion. That is very crafty. But the only time you ever hear this Chamber so silent that you can hear the termites working is when you ask, "How are you going to pay for it?" It would make Houdini blush to suggest that this can be done in the next 7 years.

Every Member of Congress, every economist in the country, and every citizen of America, knows that this is palpable nonsense. With his amendment, the Senator from Wisconsin is saying it is time we start actually doing something about the deficit instead of just putting a few words in the Constitution.

Let me say to my colleagues that you do not even have to be courageous to vote for this amendment. Look here. Here is a USA Today poll; 70 percent of the people of this country say put those spending cuts on the deficit. Everybody says, "Senator you are going to vote against the balanced budget amendment. It is very popular." I say, "You are going to provide middle-class tax cuts and that is very unpopular."

Let me just read a couple of letters. These are ordinary citizens, constituents of mine.

Dear Senator BUMPERS: The truth is, as much as I hate paying taxes, I don't want

this tax break. I would much rather see the cuts made as proposed, taxes kept at the current rate, and see some serious reduction in the national debt. This is a price for my future and that of my children that I am willing to pay.

Madam President, the people of America are way ahead of this crowd.

Here is another letter from a constituent in Warren, AR:

Dear Senator BUMPERS: I urge you with your vote to cut spending by the Federal Government in every way possible and to not even think about tax reductions or refunds.

He says that we need to reduce the deficit.

Madam President, I ask unanimous consent those two constituent letters be printed in the RECORD.

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

Warren, AR, January 5, 1995.

Sen. DALE BUMPERS,
Dirksen Senate Building, Washington, DC.

DEAR SEN. BUMPERS: I urge you with your vote to cut spending by the Federal government in every way possible and to not even think about tax reductions or refunds. In my opinion, we need to not only reduce the deficit spending but to eliminate it and start reducing the debt.

I realize my request is almost impossible to fulfill but there has to be a day of reckoning where the dollar won't be worth two cents if we continue our deficit spending for things the nation can not afford. We have been living in a fairland for too many years.

Respectfully yours,

F. MARTIN HANKINS.

Siloam Springs, AR.

DEAR SENATOR BUMPERS. I am writing to you in regard to the numerous tax reduction plans for the middle class. I am, I assume, one of those discussed, as the combined annual income of my wife and I fall in the 40-50,000 dollar range.

The truth is, as much as I hate paying taxes, I don't want this tax break. I would much rather see the cuts made as proposed, taxes kept at the current rate, and see some serious reduction in the national debt. This is a price for my future and that of my children that I am willing to pay.

I am not alone in my belief. I have talked to a great many people on this issue, and all of them have been of the same voice. We would rather see the money invested in debt reduction than to go out to McDonald's an extra time each month on the tax savings.

On the issue of budget cuts, I recently returned from my fourth trip from the National Fire Academy. This is a superb organization and would very much like to see it's funding maintained or increased. The U.S. continues to have the highest fire loss in the industrialized world. There is much that needs to be done. But the results produced by the National Fire Academy and the U.S. Fire Administration have made a tremendous difference in training, education and research. I hope that room may be found to allow them to press forth with their plans for the future.

Thank you for your time, interest and involvement.

ANDY MITCHELL.

Mr. BUMPERS. Madam President, it just drives me insane, the talk about providing \$700 billion in tax cuts, then providing another Lord knows how

much for the Pentagon, and, then say, "Folks, just as soon as we can get these words in the Constitution, we will balance the budget in the year 2002." What are we doing? We are treating them like children who could not possibly understand the nuances, the sophistication, the complication of the budget process. "But they understand if you put it in the Constitution. The Constitution is a sacred document."

We have had 11,000 constitutional amendment proposals since this country was founded. Besides the Bill of Rights, those 10 amendments adopted together in 1789, the people of this country have amended the Constitution 17 times. But people here in Congress have tried to get them to amend it over 11,000 times. You know something else. Of the 11,000, the majority of those amendments have occurred in the last 32 years. And 35 constitutional amendments have been proposed since we came back into session January 3. That is one a day. Jefferson, Jay, Adams, Hamilton, the most brilliant congregation of minds ever assembled under one roof, gave us this sacred document and we trivialize it. Norm Ornstein said the Constitution is the fix of last resort. Do you want a figleaf to go home and talk to your constituents about instead of actually doing something to reduce the deficit? Term limits, put it in the Constitution. Prayer in school, put it in the Constitution. The Constitution is not crafted to deal with social problems for which there is a legislative fix. You know that virtually every one of the 35 constitutional amendments that have been introduced this year have been introduced by Republicans, who consider themselves conservatives. But you know what, Robert Gowin, a scholar at the American Enterprise Institute, a very conservative think tank here, says: "Conservatives revere our institutions and our traditions." True conservatives. Robert Gowin says, "True conservatives do not muck with the Constitution." I could not agree with him more.

Madam President, what we are talking about is spine, a little courage, not a figleaf to hide behind by putting a few words in the Constitution and hope that 7 years from now people will have forgotten the grandiose and wholly unkept promises.

The Senator from Wisconsin and I are simply trying to introduce a grain of common sense into this debate. The American people deserve it. If the President can find \$63 billion for a middle-class tax cut, then put it on the deficit. If the Republicans can find \$200 billion or \$700 billion for tax cuts and increases in defense spending, put it on the deficit.

Finally, let me reiterate, Madam President, that this is a sense-of-the-Senate resolution that does not cost you a nickel. You are not changing the

constitutional amendment that is before us, House Joint Resolution 1. You are simply saying, yes, I agree that we need to get the show on the road in a serious way and quit talking nonsense. I yield the floor.

Mr. FEINGOLD. Madam President, first of all, I thank the Senator from Arkansas for his wonderful statement of common sense. That is all we are trying to do is to be a little bit direct with the American people and say that it is wholly impossible to balance the Federal budget at the same time you are talking about massive tax cuts.

In a moment, the distinguished Senator from Minnesota will join with us. But let me just say that I think what the Senator was saying at the end is important to reiterate. A lot of folks here that are for the balanced budget amendment—and maybe some of them do not plan to be around here when we have to actually make these hard decisions; maybe some will retire; maybe some will be President; maybe some will be term limited; maybe they will be kicked out of here by their own vote for term limits. But this is an awfully sweet deal for a politician. If you vote for a balanced budget amendment, you get to hand out a giant tax cut to everybody, and you do not have to say what you are going to cut for many years. It is like a hat trick. That is about the best thing a politician could have. That is exactly the kind of concern I have here. I think many people are very sincere about balancing the Federal budget. But if we are not honest about this issue, that you cannot have it both ways, you cannot have a tax cut and balance the budget, then we are failing our responsibility to be direct with the American people.

Madam President, I want to note one thing about the debate thus far. The hour and a half is coming to an end. I have not heard one single Senator say one good thing about the tax cut proposal. Not a single Senator has come out and said it is a good idea to cut taxes across the board or to have a middle-class tax cut. But I have heard at least four Members from the other side of the aisle—the distinguished Senator from Vermont, the distinguished Senator from Rhode Island, the distinguished Senator from Pennsylvania, and the distinguished Senator from Oregon, chairman of the Finance Committee—all publicly say that this might not make sense. They may not well be able to support this tax cut.

Madam President, I guess what I am in search of now is, who is for this? Why do we not start building the foundation of a balanced budget by pointing out that there is nobody in the U.S. Senate who cares enough to come down here and defend the Contract With America's tax cut provision. There is not a single Senator that has come out and defended the President's notion of a middle-class tax cut. I am reading

from today's debate that there is not a constituency—certainly not among the American public. Maybe the good news here is that we are not even going to try to do this. If that is what we get out of this process, I will be delighted. I await the day when a Senator comes out here and says, First, he is for a tax cut of this magnitude, \$200 billion, and second, he can show us how to have a balanced budget while he does it.

I am delighted to yield 5 minutes to the distinguished Senator from Minnesota.

Mr. KYL. Mr. President, if I might, I would like to respond to the challenge of the Senator from Wisconsin very briefly before we hear the comments of the Senator from Minnesota.

Mr. FEINGOLD. Mr. President, I assume that comes off of their time.

The PRESIDING OFFICER. It does.

Mr. KYL. I thank the Senator. I will challenge it in this way, without talking about all of the proposals in the Contract With America.

One of the key proposals in the Contract With America is to reverse part of the tax increase, the largest tax increase in the history of this country, that raised a tax on seniors. As a matter of fact, it says that if you are a wealthy senior making a grand sum of \$34,000 a year, we are going to tax 85 percent of your Social Security. We think that is wrong and we think that tax increase should be repealed. That is part of the Contract With America.

What the amendment of the Senator from Wisconsin suggests is that that tax cut ought to be off the table, that we should not consider any part of the Contract With America tax cuts, because it will make it too hard to balance the budget. Well, in some respects it does make it harder to balance the budget because you have to, in effect, pay for the tax cuts and the reductions called for in balancing the budget. But there are some of us who think the Federal Government spends far too much and we can achieve the savings to accomplish both goals.

We also believe that it is important as a matter of public policy and as a commitment to the seniors of this country to repeal that pernicious tax increase that was part of the President's large tax increase of 2 years ago—this Social Security tax increase.

In the last several days, a lot of Members—particularly from the other side—were in the body here proposing that we protect seniors by taking Social Security off budget. "We cannot allow the balanced budget amendment to hurt seniors," they said. But they are willing to say that we should not help seniors by repealing this onerous 85-percent Social Security tax increase. It is a little bit like playing the first half of a ball game—of course, the Democratic party was in the majority 2 years ago; they had the House, the Senate, and the Presidency, so they had

the power to ram that tax increase through—and then when the second half of the ball game starts and the Republicans are in control of the Senate and the House of Representatives and we would like to play in the game and we would like that tax increase that the President got through and that they supported, they say no, no, we are going to call an end to the ball game now. We are not going to play the second half. We are going to leave that tax increase in the law so that a wealthy senior who makes \$34,000 a year—wealthy by that definition, of course—is going to be taxed 85 percent on Social Security. We say that is not right, that we should repeal that tax and that we can repeal that tax at the same time that we are beginning the process of balancing the budget. It will take 6 or 7 years, but we will get there and we will get there for one reason: Because the balanced budget amendment will force us to get there.

Mr. FEINGOLD. Madam President, briefly, I appreciate the input of the Senator from Arizona. We want to find out what Senators are supporting so-called tax cuts, and we are interested to know how in the world it is going to be paid for while we go forward with increasing defense spending and balancing the Federal budget and all of the things provided for in the contract. I think this is exactly what we are concerned about. We are concerned that the contract's effect is not to balance the budget, but to undo the progress made in the last 2 years.

The Senator just described one of the elements that led to the reduction of the Federal deficit for the first time in many, many years. He is on record that he is going to try to repeal it. We do not have on record how we are going to pay for that item, or how we are then going beyond that. Because the problem with repealing that is you have to come up with the money to pay for its repeal, and even then you still have not done one single penny of net deficit reduction. You have gone in the wrong direction.

So that is what the debate has to be about. That is what the American people are entitled to.

I now yield 5 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Thank you, Madam President.

First of all, let me thank the Senator from Wisconsin [Mr. FEINGOLD], for his leadership on this issue. I think, Madam President, the thing that I appreciate the most about the Senator from Wisconsin is his insistence that we be very straightforward with people and that we treat the people that we represent with intelligence and that we lay out very honestly and truthfully what the options are.

Now we can disagree in good faith about what those options are. And I understand that full well. But from my perspective, Madam President—and I have said this a couple of times about these tax cuts—I really liken this, to use an old Jewish proverb, to trying to dance at two weddings at the same time. I just think you cannot talk about more deficit reduction and at the same time say you are going to have this broad-based tax cut—broad-based; we are not talking about one particular proposal, broad-based to the tune of \$200 billion since we are talking about a balanced budget amendment between 1996 and 2002 and then another \$500 billion between 1992 and 1997. That is \$700 billion of tax cuts that is to be made that has to be made up somewhere even before we begin to then get back to deficit reduction.

And so, Madam President, my concern about the direction of all this, as I have stated on the floor before, is that when I add up the baseline \$1 trillion that we know we have to do by way of budget cuts to get to this balanced budget by 2002 and then the additional revenue that we lose by virtue of the tax cuts, which we have to make up, plus the increase in the military budget, we are talking about somewhere in the neighborhood of \$1.4 trillion.

So, Madam President, it is interesting. My framework is not that deficit reduction is the only public policy goal. That is not what I believe. I have always believed there are two deficits. One of them is the budget deficit; the other is the investment deficit.

I will have an amendment on the floor dealing with children and education, again, because I think we make a terrible mistake in the ways in which we have abandoned children and not invested in children in our country. So from the point of view of the Senator from Minnesota, who understands, on the one hand, there are certain decisive areas of life in our Nation where we need to make the investment and, on the other hand, understands that we have to continue on this path of deficit reduction, I do not see how in the world some of my colleagues can be talking about yet more tax cuts.

This amendment, which asks the Budget Committee to look at this, which essentially challenges all of us to have, I think, some real intellectual rigor on this issue, is an extremely important contribution.

Madam President, I have to say one other thing that actually the Senator from Wisconsin got me thinking about. The politics of this are nifty. It sort of reminds me of 1981 again, where basically what some of the leadership in the country said to the people and the Nation was, we are going to ask you Americans to make a huge sacrifice. And if you make that sacrifice, our country will be much better off—high

levels of productivity, the deficit will go down, more jobs, all the rest. We ask you, will you let us cut your taxes?

And people said, "Great."
Well, what happened? We cut taxes, dramatically increased the Pentagon budget and built up a huge deficit and a huge debt. We cannot repeat that mistake again. We have to get real with people. We have to make difficult choices.

I have never been identified as a deficit hawk. I get criticized sometimes for not being hawkish enough on this issue, because I keep saying we have to invest in children, education, and we have to invest in health care as well.

But I also understand that we cannot make these investments where we need to make the investments in our people and our communities and continue to reduce the deficit and eventually get to the point where we balance the budget—though I think 2002 is a political date—without getting real.

And that is the importance of this amendment. I would think that this amendment would command broad-based support among all Senators who have said that they consider deficit reduction to be one of their top priorities. Broad-based tax cuts of this kind take us in precisely the opposite direction, and we know it. That is what the Senator from Wisconsin is trying to speak to.

I yield the floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Madam President, how much time do we have remaining?

The PRESIDING OFFICER. The Senator has remaining 4 minutes 9 seconds.

Mr. FEINGOLD. Thank you, Madam President.

I cannot think of any better allies on an issue like this than the Senator from Arkansas and the Senator from Minnesota, who I know are in this for the long haul. We are in this for the long haul on the balanced budget amendment, on the budget resolution, on reconciliation, you name it. We are going to continue to raise this issue of the irresponsibility of these tax cuts every chance we get with the goal of defeating it.

I think the Senator from Minnesota just made a tremendous point when he pointed out what happened in the early 1980's. Naturally, when people were told we are going to give you a tax cut, it will cause the economy to broom and everything will be great, they said, "That sounds pretty good." Human nature. Nothing wrong with it. It might have worked.

But the amazing thing now is that in 1995, the American people are hearing that same line again, and what I am so impressed by and delighted by is that they simply are not being fooled twice. It is not going to work this time. Tell-

ing the American people, as President Reagan did, that he is going to balance the budget and give everybody a giant tax cut—he did not do it, the Congresses then did not do it, and neither will the 104th Congress, because it cannot be done.

And so to conclude our argument on this, I would just like to return to those people from my State who just laid it on the line and who say they are not going to fall for this again, this idea that 2 plus 2 equal 6 when it comes to balancing the Federal budget.

A couple from, for example, Eagle River, WI, wrote about the tax cut:

What I need, and what the country needs, is to have the budget deficit paid off so that 20% of the national budget does not go to raising money lenders into the upper class, and so that in 20 years my children and grandchildren won't have to suffer having their entire taxes go to pay the interest and getting none of the services that government should properly provide.

Folks from Cornucopia, WI, which is the northernmost point of Wisconsin, wrote and said:

The thing is, I can't figure out why this is happening—this race to cut taxes—when the majority of people, according to all I've seen, heard, and read, don't care. We want the deficit cut and we want our money spent more wisely.

A gentleman from Madison, WI, wrote:

I would like to pay less taxes. I have a family to feed and a mortgage to pay, but what is even more important to me is the yearly federal deficit and the expanding national debt.

He says to us here in the Senate:

Don't try to make me feel good and make some political points by giving me a tax cut that my children will have to pay for. I'm not that stupid. That doesn't impress me. Short-term, feel-good tax cuts may look good to the weak-minded voters, but frankly I'm extremely concerned about the national debt that we will be leaving our children to pay off long after you are out of office. Let's do what is right for the kids, (even though they are not voters yet, you politicians!). Let's make the spending cuts, leave the tax rates where they are, pay off the federal debt, and leave this country in a secure financial position that won't leave our children cursing on our graves!

And finally, Madam President, from Birnamwood, WI:

Dear Mr. FEINGOLD:

I am writing about the proposed tax cuts and write-offs being proposed lately. I am all for cutting spending and lowering taxes as my many letters to you prove. But throwing a few crumbs of bread to the masses to keep them quiet is not the answer. By all means cut government spending. But use that savings to eliminate the deficit and pay down the debt that threatens to overwhelm us.

Madam President, in conclusion, the American people are very clear on this. Why in the world can we not be clear with them and say that it is impossible to push for a balanced budget amendment in good faith and still believe we can have the giant tax cuts being proposed, in particular, by the Contract With America?

Mrs. MURRAY. Madam President, I rise in support of the amendment offered by my good friend, the Senator from Wisconsin.

Madam President, I serve as a member of the Senate Budget Committee, and I take that assignment seriously. The budget process starts in that committee. The deficit reduction starts there.

And, Madam President, the tough choices are made there.

And, because in the last 2 years, we made tough choices, the deficit is finally going down.

This country racked up more debt during the 1980's than we had during the previous two centuries. We can never allow this type of explosive debt to creep into the budget process again.

When I was sworn in 2 years ago, I wanted to offer a change in thinking, and help to solve the problem of poor fiscal management.

And, we are solving this problem. We are cutting unnecessary and wasteful programs. We are streamlining other projects.

This year alone, the President has sent us a budget for fiscal year 1996 that eliminates 130 programs and significantly 270 more.

And, because our fiscal house is finally being put in order, the budget deficit has been reduced for 3 years in a row—that is the first time that has happened since Harry Truman was in the White House.

Madam President, we finally have seen some commonsense, rational solutions in budgeting. And, we must continue providing leadership with level-headed moderate decisions, even if they are based on tough choices.

That is why I support the Feingold amendment. It is common sense. It recognizes that we do not have a lot of money to go around. And, the last thing we should be doing when the deficit is finally being reduced is to engage in a political bidding war to enact broad-based, across-the-board tax breaks.

This would only send our deficit soaring again, just like the 1980's. Just like the days when we were told "you can have it all, and not pay for it." Just like the time when we racked up the highest amount of debt in the history of the world.

Madam President, let me be clear. Our colleagues should understand that a vote for the Feingold amendment is not a vote against tax relief. Certain Americans need tax relief. Certain tax laws are antiquated and need to be changed. I believe, for example, we need to revise our estate and gift tax laws.

But, we need to go through this with common sense. I have seen many of the proposals for tax breaks before us. Who do they really help?

My friends and neighbors discuss the Federal budget with me all the time.

And Madam President, they tell me time and again that we should reduce the deficit before we discuss broad-based tax breaks.

Fighting this deficit is too serious for political game-playing. We clearly cannot push off on our kids an exploding deficit. Sometimes, spending programs are urgent, and, sometimes, tax relief is necessary.

But, bidding wars to cut taxes for political popularity are not urgent and not necessary. As I said, Madam President, these proposals might be popular, but they are dangerous.

And, Madam President, I will start worrying about my own personal popularity when I know my kids have a secure economic future.

This amendment is good common sense. I thank my friend, Senator FEINGOLD, for having the courage to bring it before the Senate. And, I urge its swift adoption.

Mr. BAUCUS. Madam President, I rise in opposition to the sense-of-the-Senate resolution advanced by my colleague from Wisconsin.

The citizens of Montana want deficit spending brought under control. They want the budget balanced and they want the job done within a specified period of time. The balanced budget amendment achieves that result, although, as I have noted on several occasions, not without a great deal of pain.

The resolution before us attempts to establish priorities between balancing the budget and a middle-class tax cut.

I serve on the Finance Committee. Provisions to implement a middle-class tax cut will come before that committee in the near future. After hearings and after due consideration, I and the other members of the Finance Committee will determine whether a middle-class tax cut should be enacted and what form it should take. After the committee takes action, each and every Member of this body will have a chance to express their view on the proposed middle-class tax cuts, if in fact, the committee forwards such cuts to the full Senate for their consideration.

The working citizens of Montana would benefit from a middle-class tax cut. At the same time, they have expressed to me time and again that deficit reduction is their primary concern. The issue I and my colleagues will face on the Finance Committee is whether we can accommodate both a reduction in the deficit and tax cuts for America's middle class.

These priorities are properly decided by the members of the Finance Committee after due consideration, not by a sense-of-the-Senate resolution.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I think this debate is far more appro-

priate to a debate on the implementing legislation. I hope our fellow Senators will vote down this motion to refer. I encourage the distinguished Senator, who is very sincere in trying to handle deficit matters, to do this on the implementing legislation after the balanced budget amendment passes. That is the way to do it, and not at this particular time. If the balanced budget amendment does not pass, then he has plenty of other vehicles to try and make his points known.

There are many of us who believe that tax cuts actually increase revenues to the Federal Government. That was proven during the eighties. Had we not passed all kinds of additional spending programs as part of a deal made in order to get the marginal tax rate reductions, we would have had an even greater economic expansion. As it was, every time President Reagan wanted marginal tax cuts reduced, Congress added a bunch of spending programs on the side as part of the bills. As a result, we still had more revenues, but we had even greater spending increases than revenue increases. Of course, part of those increases were defense and national security spending.

I am not here to assess blame on anybody. All I am saying is that many of us believe that tax rate reductions done in the appropriate and proper way actually create more opportunities for working people, more savings, more investment, more jobs, and more people working, and therefore, more people paying into the system.

So, having said that, I hope that our fellow Senators will realize that this is not the time to pass on a status quo tax policy method of implementing the balanced budget amendment as embodied in this motion, but this is a time to stand up for the balanced budget amendment. Let us stay on the beam, let us stay on the ball. Let us stay focused on what has to be done.

Has the distinguished Senator yielded back the remainder of his time? I yield back the remainder of my time.

Madam President, I move to table and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question now occurs on agreeing to the motion to lay on the table the motion to refer House Joint Resolution 1 to the Budget Committee with instructions. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Kansas [Mrs. KASSEBAUM] is necessarily absent.

Mr. FORD. I announce that the Senator from New York [Mr. MOYNIHAN] is necessarily absent.

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

The result was announced—yeas 66, nays 32, as follows:

[Rollcall Vote No. 67 Leg.]

YEAS—66

Abraham	Frist	Mack
Ashcroft	Gorton	McCain
Baucus	Gramm	McConnell
Bennett	Grams	Mikulski
Biden	Grassley	Murkowski
Bond	Gregg	Nickles
Bradley	Hatch	Pressler
Brown	Hatfield	Rockefeller
Bryan	Heflin	Roth
Burns	Helms	Santorum
Campbell	Hutchison	Sarbanes
Coats	Inhofe	Shelby
Cochran	Jeffords	Simon
Coverdell	Kempthorne	Simpson
Craig	Kennedy	Smith
D'Amato	Kohl	Snowe
DeWine	Kyl	Specter
Dodd	Lautenberg	Stevens
Dole	Leahy	Thomas
Domenici	Lieberman	Thompson
Faircloth	Lott	Thurmond
Feinstein	Lugar	Warner

NAYS—32

Akaka	Exon	Levin
Bingaman	Feingold	Moseley-Braun
Boxer	Ford	Murray
Breaux	Glenn	Nunn
Bumpers	Graham	Packwood
Byrd	Harkin	Pell
Chafee	Hollings	Pryor
Cohen	Inouye	Reid
Conrad	Johnston	Robb
Daschle	Kerry	Wellstone
Dorgan	Kerry	

NOT VOTING—2

Kassebaum Moynihan

So the motion to lay on the table the motion to refer House Joint Resolution 1 to the Budget Committee with instructions was agreed to.

AMENDMENT NO. 241

The PRESIDING OFFICER. Under the previous order of the Senate, we will now resume consideration of amendment No. 241, offered by the Senator from South Carolina, Mr. HOLLINGS.

The Chair recognizes the Senator from South Carolina.

Mr. HOLLINGS. Madam President, let me emphasize that this is not intended to delay the constitutional amendment for a balanced budget. In fact, we have agreed to an hour and a half time limit. My amendment is drafted so that, if adopted, it will be engrossed separately by the States, and therefore voted on separately by the States, so it will not kill the balanced budget amendment. In other words we are not trying to delay or are confuse.

Madam President, let me go to the history of this, because I was there. In the 1968 race for President, the distinguished former Secretary of Commerce, Maurice Stans, he came to my State and he said: Now, you textile leaders, you all have to contribute \$35,000 apiece for the Presidential race. He raised \$350,000.

I had been in Government 20 years. I had been elected Lieutenant Governor, I had been elected Governor, and they were my friends, and they never got up \$350,000 for this Senator.

I remember this course of events well. In the Presidential campaign of

1968, the Nixon folks went all of the county to the rich and asked that they contribute to the campaign. One fellow from Chicago gave \$2 million. There were several others who gave \$400,000 and \$500,000. Following the election, John Connally went to President Nixon and said, "Mr. President, there have been some real valued contributors, substantial contributors, and they have not even met you or been thanked by you." They agreed that the President would come down the next week to the ranch in Texas for a barbecue. As that week arrived and they were turning into the barbecue at the Texas ranch, Dick Tuck, the prankster from the Kennedy days, put a Brink's truck by the gate. Then they got a picture of it. We were all embarrassed: The public thought the Government was up for sale.

Madam President, it has gotten worse. Back in 1974, in a bipartisan fashion—I remember the debate well—we amended the Federal Election Campaign Practices Act. With these amendments we said the Government is not up for sale. You cannot receive cash. Every dollar must be on top of the table, accounted for here at the Secretary of the Senate and the Secretary of State back in your home State. You can only get \$1,000 individually, \$5,000 by way of a PAC and you will be limited to so much per voter. Most importantly, the total expenditures of the campaign would be limited. In the State of South Carolina it would be about \$500,000, half a million dollars. But in the State of California or Texas it would be, of course, millions.

I say it has gotten worse. But let me emphasize, we had a strong vote on the Federal Election Campaign Practices Act in 1974 and our good friend, the distinguished Senator from New York at that time, Senator Jim Buckley—and I speak affectionately because his father contributed to my races, William F. Buckley, Sr.—but Jim said: Oh, no, I am going to sue the Senate. You can't limit what I spend on my races. You have taken away my speech.

And in a very distorted decision, a contorted decision, the Supreme Court agreed. By the Courts decision in Buckley versus Valeo, rather than freedom of speech under the first amendment, for individuals and people, the Supreme Court gave freedom of speech to the rich. Freedom to those with money, rather than to the people. The Court essentially took the speech away from the poor.

For example, if I have \$1 million and you have \$50,000, I wait until the first week of October and then I just offload—spending all my money on television, signs, radio, farmer shows, talk shows and everything I can possibly think of. And whoever I am running against, their friends and family say, "I wonder why he does not answer."

You do not answer because you do not have the money. It takes literally millions of dollars now.

It seems like somehow somewhere there would be some shame in this body. I have tried over the last 20 years. You can not offer a joint resolution as an amendment to a bill. It seems that in every Congress there were always campaign reform bills, but I could not offer my joint resolutions to them. Offering joint resolutions to bills is barred by the rules.

These campaign reform bills usually included some form of public financing. That always lead to gridlock. It appears we are not going the way of public financing. I hope not, with a \$4.85 trillion deficit. We are not going to find a new mission for the taxpayer—that of financing politicians. So we are not going to do that. We have to control campaign expenditures. We have to somehow control it. For heaven's sake, we have tried, and it has been bipartisan.

I thank my distinguished colleague from the other side, the distinguished Senator from Pennsylvania, Senator SPECTER, and the others who cosponsored and willingly voted to help in this particular cause.

My amendment does not say what the limits would be. I would contemplate going back to what we intended, namely, limiting spending to so much per voter in each State; the small States the smaller amount of money and the large States the larger amount of money. But now today you have to raise \$13,200 each and every week of a six year term for the average Senator to get reelected—\$13,200 a week. He is in business, not to legislate, not to debate, not to listen, not to discuss, not to hear, but by gosh to track down everybody he can and pick their pockets—\$13,200 a week.

I heard the distinguished Senator from California, who was just reelected, say with her contributions and with the party contributions, it took her \$19 million to run. Senator FEINSTEIN would admit that. Her opponent, Mr. Huffington, spent almost \$30 million.

This is a disgrace. Do not come in here with this "ying yow" about, yes, it is a good idea, but not on the balanced budget amendment. It is just our opportunity. We have had time and time again votes on my amendment. We had a vote on this particular matter back in 1988. We got 52 votes. We brought it up again later in that same year and we got a vote of 53 votes, and, on May 27 of 1993 we got 52 votes for a Sense-of-the-Senate resolution expressing that the Senate should adopt this amendment.

Mr. HATCH. Mr. President, will the Senator yield for a unanimous consent request?

Mr. HOLLINGS. Yes. I yield.

Mr. HATCH. I thank my friend.

Mr. President, I ask unanimous consent that the 30 minutes designated to me be designated to the distinguished Senator from Kentucky.

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

Mr. HOLLINGS. Mr. President, let us be done with the phony charge that spending limits are somehow an attack on freedom of speech. This is false. If anything the Courts decision is an attack on free speech. As Justice Marshall points out in his dissent the Court's decision actually limits the speech of those with less money. Justice Marshall states, and I quote:

It would appear to follow that the candidate with the substantial personal fortune at his disposal is off to a significant head start.

Indeed, Mr. President, Justice Marshall went further when he argued that by upholding the limits on contributions but striking down the limits on overall spending, the Court put an additional premium on a candidate's personal wealth.

The effect of this decision was discussed before a hearing that we held in the Judiciary Committee. We have had several hearings. At one of those hearings, back in 1988, the Committee on the Constitutional System's Lloyd Cutler appeared, and he said and I quote:

Along with Senator Nancy KASSEBAUM of Kansas and Mr. Douglas Dillon, I am a co-chairman of the Committee on the Constitutional System, a group of 700 present and former legislators, Executive branch officials, political party officials, professors and civic leaders who are interested in analyzing and correcting some of the weaknesses that have developed in our political system.

Quoting further:

The courts approved the Presidential Campaign Financing Fund created by the '76 amendments, including the condition it imposed barring any Presidential nominee who accepted the public funds from spending more than a specified limit. However, it remains unconstitutional for Congress to place any limits on expenditures by independent committees or on behalf of a candidate. In recent Presidential elections, these independent expenditures on behalf of one candidate exceeds the amounts of Federal funding he accepted. Moreover, so long as Congress remains deadlocked on proposed legislation for the public financing of congressional campaigns, it is not possible to use the public financing device as a means of limiting congressional campaign expenditures.

Accordingly, the Committee on the Constitutional System has come to the conclusion that the only effective way to limit the explosive growth of campaign financing is to adopt a constitutional amendment.

Mr. President, in reality my amendment really restores the freedom of speech. If you have money, you have unlimited speech. If you do not have money, you have the freedom to shut up, say nothing.

I can tell you, the last five amendments to the Constitution itself dealt with elections and all were ratified by

three-fourths of the States in an average of 17 months. If we adopt this today the States can ratify it and we can enforce limits on campaign expenditures for the 1996 elections.

My amendment, in effect, gets us back to an even playing field where everyone has the same freedom, rich or poor, Republican or Democrat, conservative or liberal or otherwise.

With respect to incumbency, I think we have learned from the last election that—at least we Democrats have learned—it does not pay to be an incumbent. I can tell you that right now. There were 10 Senators that were here last year that are not here today.

Right to the point, Mr. President, for 20 years Congress has been like a dog chasing its tail. We have tried to correct Buckley versus Valeo. We have had, time and time again, debates on all forms of campaign reform. Again and again and again, it does not go anywhere. When it looks as if it is going somewhere, it is threatened with the veto. Here, with this particular approach, there is no veto. The amendment would go directly to the States.

I yield 5 minutes to the distinguished Senator from New Jersey.

Mr. BRADLEY. Mr. President, I rise in support of the effort by the Senator from South Carolina. I think that, at a minimum, we have to limit the amount individuals can contribute to their own campaigns. The Senator's analysis is very clear that in order to do that, given Buckley versus Valeo, we must have a constitutional amendment.

Mr. President, my own personal view is that the problem that lies at the heart of the political process is the money in the political process. There is no doubt that this is true. And I believe that while the Senator's amendment is necessary, and a constitutional amendment is necessary to achieve the end of preventing those with enormous resources from buying elections, I do not think it is sufficient. I support it because I think it is an important step that plugs up one gigantic loophole in this process that allows those with means to buy the microphone. When you have a system where only the rich can buy paid media in sizable amounts, you directly impede political equality. That is what has happened, and this is the only way under our current circumstances to change that.

Mr. President, if we do this amendment and leave all the rest there, we still have a major problem: too much money in politics. So I offer, in support of the amendment and in addition to the amendment—and a very simple idea that our only way to get money out of politics is to get money out of politics—two very simple proposals. One, that anybody in America, on their Federal income tax form, above their tax liability, can designate an additional \$200 to go to a political fund. In July, or at sometime after the primary

election for Federal office in a particular State, that fund is divided between Republican, Democrat, and/or qualified independent, and the only money that is permissible is the money from that fund. And the money in that fund can only be contributed from citizens in your State.

If citizens in a particular State chose to give very little, they would be less informed, no doubt in my mind. They would be less informed, but they would be in charge. And the system would adjust. And, who knows, maybe we would end up with a system in which attack ads would go and public discourse would grow. Unless we are prepared to cross the path to the side that says the only money available is money contributed by citizens in your State—no PAC's, no party conduits, no big contributors, and no wealthy individuals able to buy the means and the microphone in an election—unless we are prepared to do all of that, we are just kidding ourselves. We are going to be arguing around the edges about this political reform or that political reform. But unless we take, I think, this radical step, we will not end money in politics. It is as simple as that.

So the Senator's effort is not only laudable but central to getting control of the democratic process.

I see the distinguished Senator from Pennsylvania is on the floor and is going to speak, and he has the opportunity, given what his activities are these days on the national scene, to champion fundamental campaign finance reform. I hope that we will cross that line and say: No individual contributions, no big contributions, no PAC's, no party conduits, and no millionaires buying elections. You can put up to \$200 above your tax liability into a fund several months prior to the general election, which is divided among Republicans and Democrats and qualified independents, and that is the only money; it is only the money from tax returns in your State. If we do not do something that radical, we will not have fundamental campaign finance reform.

I salute the Senator for his amendment.

Mr. HOLLINGS. Mr. President, I yield whatever time necessary to my distinguished cosponsor, the Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I support the amendment offered by the distinguished Senator from South Carolina. This is an issue which we have raised repeatedly on the floor of the U.S. Senate, because it is a direct way to deal with campaign finance reform without having a further burden on the Treasury of the United States.

We have debated campaign finance reform repeatedly in a variety of contexts. Most of them come down to a proposition to have Federal subsidies for candidates and then to call upon

the candidates to relinquish their rights under Buckley versus Valeo in order to qualify for Federal funding. I have opposed such Federal funding because I think it is unwise to further burden the Treasury by having campaigns paid for by the U.S. Treasury.

The necessity for this amendment was created by the decision of the Supreme Court of the United States in 1976 in Buckley versus Valeo. That particular decision had a very significant impact on this Senator, because at that time I was running for the U.S. Senate. Under the 1974 statute, there was a limited amount a candidate for the Senate could spend of his or her own money, based on population.

When I entered the race in late 1975, for a seat which was then being vacated by a very distinguished U.S. Senator, Senator Hugh Scott, the Federal law said that, on a population basis, a candidate in a primary in Pennsylvania would be limited to \$35,000. That was about the limit of the means which I had at that time, having been extensively in public service as district attorney of Philadelphia and for a relatively short period of time in the private practice of law. Halfway through that campaign, on January 29, 1976, the Supreme Court of the United States said that the limitation on what an individual could spend of his or her own money was unconstitutional.

At that time, I was running against a very distinguished Pennsylvanian, the late Senator John Heinz, with whom I served in this body for many, many years. Senator Heinz had substantially more financial capabilities and, as was appropriate under the law, utilized the invalidation of the spending limit at that time.

It has always seemed to me that Congress ought to have the authority to establish a spending limit in Federal elections without regard to the first amendment limitation which was applied by the Supreme Court in Buckley versus Valeo.

In approaching this matter, Mr. President, I am very concerned about amending the first amendment to the United States Constitution—freedom of speech, religion, press, assembly. But the amendment that we are talking about really does not go to any of these core first amendment values. This is not a matter affecting religion. It is not a matter really affecting speech.

I think it was a very far stretch when the split Court of the U.S. Supreme Court said that a campaign expenditure for an individual was a matter of freedom of speech. At that time, the Supreme Court did not affect the limitation on spending where an individual could contribute only \$1,000 in the primary and \$1,000 in the general, except for contributions by PAC's, political action committees.

At that time, in 1976, my brother had considerably more financial means

than I did and would have been very much interested in helping his younger brother, but the limitation on my brother in that primary was for \$1,000. It seemed to me then and it seems to me now that if a candidate has the right to spend as much of his or her money as he or she chooses, then why should not any other citizen have the same right under the first amendment to express himself or herself by the political contributions.

So the decision by the Supreme Court in Buckley versus Valeo, I submit, was a unusual one and I think not well founded. And within our framework of Government we can change that by having this amendment at this time.

I discussed this matter earlier today with my distinguished colleague from South Carolina. We talked about the procedural aspect of offering legislation to come up through the Judiciary Committee and at this time, on this resolution, it is an appropriate field to deal with this matter. And as we are dealing with the constitutional amendment for a balanced budget, we can deal with the constitutional issue raised in Buckley versus Valeo.

This year, Mr. President, I am undertaking another venture at the present time, exploratory travel looking toward the Republican nomination for President of the United States. And I am impressed again with how important fundraising is and how disproportionate it is to the undertaking for a political candidacy.

My idea about running for elective office, Mr. President, is a matter of issues, a matter of tenacity, a matter of integrity, and how you conduct a campaign. But money has become the dominant issue in the Presidential campaign. And the media focus on it to the virtual exclusion of the many issues of substantive matters which are really involved in a campaign for the candidacy for the Presidency.

So I think that the amendment which is now pending will leave it up to the Congress of the United States to decide what campaign finance limitations should be, authority which we have under the Constitution. Under a constitutional provision, the Congress does have the authority to deal with this issue. Article 1, section 4, of the Constitution specifically vests the authority in Congress to regulate national elections.

Absent the decision in Buckley versus Valeo, we would have that authority. Similarly, State legislatures would also have the authority to regulate their own campaigns if Buckley versus Valeo were not the law of the land.

In essence, Mr. President, I think that Buckley was wrongly decided. I think that it has limited the Congress in regulating the expenditure of funds. Money is too important in elections for the House of Representatives, for the

U.S. Senate, as well as for the Presidency of the United States.

So I hope we will have an affirmative vote. The last time this matter came up in a sense-of-the-Senate resolution, it was passed. And if we could pass it here today, I think it would be a very, very important step forward for reform to eliminate money as a dominant factor in so many elections.

I thank the Chair and yield the floor. Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I thank my distinguished colleague from Pennsylvania, because he has given a real life example of the frustration that we have.

Let me yield so the other side can respond.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, this need not be a lengthy debate. I would be more than happy to yield back whatever time I may have left if the Senator from South Carolina would like to do the same. We have been over this turf before.

I want to commend the Senator from South Carolina for understanding and realizing that all of the campaign finance reform bills we have dealt with in recent years have been unconstitutional. So at least the Senator from South Carolina understands that the proposals that have been kicking around here for the last 5 or 6 years clearly trash the first amendment.

But I would say where I differ with the Senator from South Carolina is not in his judgment about the fact that the campaign finance reform bills that we have dealt with were unconstitutional—and they clearly were—but the Senator now says we ought to amend the first amendment. We ought to change the first amendment to the Constitution for the first time in 200 years.

And by suggesting that, Mr. President, my good friend from South Carolina has managed to come up with a proposal that even Common Cause is against and the Washington Post is against. So we have two entities that have been in the forefront of calling for campaign finance reform. Common Cause, a leading outside interest group, special interest group, advocating a campaign finance reform, says amending the first amendment is a bad idea, so they oppose the HOLLINGS proposal. And the Washington Post, which has clearly been interested in seeing a campaign finance reform bill, also opposes amending the first amendment.

So Mr. President, I would submit a letter of a few years back by Common Cause opposing the HOLLINGS constitutional amendment and ask unanimous consent that it be printed in the RECORD.

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

COMMON CAUSE,

Washington, DC, March 23, 1988.

DEAR SENATOR: The Senate is expected to consider shortly S.J. Res. 21, a proposed amendment to the Constitution to give Congress the power to enact mandatory limits on expenditures in campaigns. Common Cause urges you not to support S.J. Res. 21.

The fundamental problems caused by the massive growth in spending for congressional elections and by special interest PAC giving demand effective and expeditious solution. The Senate recently came within a handful of votes of achieving this goal. For the first time since the Watergate period, a majority of Senators went on record in support of comprehensive campaign finance reform legislation, including a system of spending limits for Senate races. It took an obstructionist filibuster by a minority of Senators to block the bill from going forward.

The Senate now stands within striking distance of enacting comprehensive legislation to deal with the urgent problems that confront the congressional campaign finance system. The Senate should not walk away from or delay this effort. But that is what will happen if the Senate chooses to pursue a constitutional amendment, an inherently lengthy and time-consuming process.

S.J. Res. 21, the proposed constitutional amendment, would not establish expenditure limits in campaigns; it would only empower the Congress to do so. Thus even if two-thirds of the Senate and the House should pass S.J. Res. 21 and three-quarters of the states were to ratify the amendment, it would then still be necessary for the Senate and the House to pass legislation to establish spending limits in congressional campaigns.

Yet it is this very issue of whether there should be spending limits in congressional campaigns that has been at the heart of the recent legislative battle in the Senate. Opponents of S. 2, the Senatorial Election Campaign Act, made very clear that their principal objection was the establishment of any spending limits in campaigns.

So even assuming a constitutional amendment were to be ratified, after years of delay the Senate would find itself right back where it is today—in a battle over whether there should be spending limits in congressional campaigns. In the interim, it is almost certain that nothing would have been done to deal with the scandalous congressional campaign finance system.

There are other serious questions that need to be considered and addressed by anyone who is presently considering supporting S.J. Res. 21.

For example, what are the implications if S.J. Res. 21 takes away from the federal courts any ability to determine that particular expenditure limits enacted by Congress discriminate against or otherwise violate the constitutional rights of challengers?

What are the implications, if any, of narrowing by constitutional amendment the First Amendment rights of individuals as interpreted by the Supreme Court?

We believe that campaign finance reform legislation must continue to be a top priority for the Senate as it has been in the 100th Congress. If legislation is not passed this year, it should be scheduled for early action in the Senate and the House in 1989.

In conclusion, Common Cause strongly urges the Senate to face up to its institutional responsibilities to reform the disgraceful congressional campaign finance sys-

tem. The Senate should enact comprehensive legislation to establish a system of campaign spending limits and aggregate PAC limits, instead of pursuing a constitutional amendment that will delay solving this fundamental problem for years and then still leave Congress faced with the need to pass legislation to limit campaign spending.

Sincerely,

FRED WERTHEIMER,
President.

Mr. MCCONNELL. And also, an editorial in the Washington Post also opposing the Hollings constitutional amendment. I ask unanimous consent that the editorial be printed in the RECORD, as well.

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

[From the Washington Post, Apr. 6, 1988]

CAMPAIGN SPINACH

Sen. Ernest Hollings was not an admirer of S. 2, the sturdy bill his fellow Democrats tried to pass to limit congressional campaign spending by setting up a system of partial public finance. He agreed to vote for cloture, to break a Republican filibuster, only after Majority Leader Robert Byrd agreed to bring up a Hollings constitutional amendment if cloture failed. Mr. Byrd, having lost on S. 2, is now about to do that.

Right now Congress can't just limit spending and be done with it; the Supreme Court says such legislation would violate the First Amendment. Limits can only be imposed indirectly—for example, as a condition for receipt of public campaign funds. The Hollings amendment would cut through this thick spinach by authorizing Congress to impose limits straightaway. The limits are enticing, but the constitutional amendment is a bad idea. It would be an exception to the free speech clause, and once that clause is breached for one purpose, who is to say how many others may follow? As the American Civil Liberties Union observed in opposing the measure, about the last thing the country needs is "a second First Amendment."

The free speech issue arises in almost any effort to regulate campaigns, the fundamental area of free expression on which all others depend. There has long been the feeling in and out of Congress—which we emphatically share—that congressional campaign spending is out of hand. Congress tried in one of the Watergate reforms to limit both the giving and the spending of campaign funds. The Supreme Court in its *Buckley v. Valeo* decision in 1976 drew a rather strained distinction between these two sides of the campaign ledger. In a decision that let it keep a foot in both camps—civil liberties and reform—it said Congress could limit giving but not spending (except in the context of a system of public finance). In the first case the court found that "the governmental interest in preventing corruption and the appearance of corruption" outweighed the free speech considerations, while in the second case it did not.

Mr. Hollings would simplify the matter, but at considerable cost. His amendment said, in a recent formulation: "The Congress may enact laws regulating the amounts of contributions and expenditures intended to affect elections to federal offices." But that's much too vague, and so are rival amendments that have been proposed. Ask yourself what expenditures of a certain kind in an election year are not "intended to affect" the outcome? At a certain point in the process, just about any public utterance is.

Nor would the Hollings amendment be a political solution to the problem. Congress would still have to vote the limits, and that is what the Senate balked at this time around.

As *Buckley v. Valeo* demonstrates, this is a messy area of law. The competing values are important; they require a balancing act. The Hollings amendment, in trying instead to brush the problem aside, is less a solution than a dangerous show. The Senate should vote it down.

Mr. MCCONNELL. So, Mr. President, what the Senator from South Carolina is proposing here is that not only the Federal Government but State governments, reading from the amendment, "have the power to set reasonable limits on expenditures made in support of or in opposition to the nomination or election of any person to Federal office."

Now, Mr. President, it should not be a surprise to anyone that the American Civil Liberties Union also thinks this is a terrible idea. Not only do they think it is a terrible idea with regard to the power that would be granted to limit speech of candidates, the provision I just made reference to, which said "in support of or in opposition to the nomination or election of any person to Federal office," but would also give to the Congress the power to do the following.

And, Mr. President, I read from an opinion of the American Civil Liberties Union, which says:

"Finally, as an amendment subsequent to the First Amendment, the existing understandings about the protection of freedom of the press would also be changed—freedom of the press would also be changed—"thereby empowering Congress to regulate what newspapers and broadcasters can do on behalf of the candidates they endorse or oppose. A candidate-centered editorial, as well as op-ed articles or commentary, are certainly expenditures in support of or in opposition to political candidates. The amendment, as its words make apparent," says the American Civil Liberties Union, "would authorize Congress to set reasonable limits on the involvement of the media in campaigns when not strictly reporting the news. Such a result would be intolerable in a society that relishes a free press."

So the proposal we have before us, Mr. President, first, amends the first amendment for the first time in history. And many people feel that is not a good idea; that the first amendment has served us well.

The second manages to draw the opposition of even the principal advocates of campaign finance reform, Common Cause and the Washington Post, and, also, Mr. President, even though this issue in the past was quite partisan—most Republicans opposing it, most Democrats supporting it—the following Senators on the other side of the aisle voted against this proposal when it was last offered in May 1993.

I want to commend those Senators publicly for respecting the first amendment, for agreeing—although they like the idea of a campaign finance reform bill—with Members that amending the Constitution of the United States, amending the first amendment for the first time in history, was a terrible idea. Senator BOXER agreed with that proposition, Senator KERREY of Nebraska, Senator KOHL, Senator LEAHY, Senator MIKULSKI, Senator MOYNIHAN, Senator PELL, and Senator ROCKEFELLER, all, even though I know they basically supported the various campaign finance reform bills proposed by those on the other side of the aisle, agreed with this Senator and the ACLU and Common Cause and the Washington Post that amending the first amendment to the U.S. Constitution for the first time in history was a terrible idea.

So, Mr. President, at the appropriate time I will be making a motion to table, and I hope that Senators will certainly agree that no matter how they may feel about passing some kind of campaign finance reform bill or another—and we certainly have had our differences on that issue—no matter how they may feel about that, it is not a good idea to amend the Constitution, to amend the first amendment to the Constitution for the first time in history.

Now, with regard to the Buckley case on the question of whether spending is speech, the Supreme Court was clear. My recollection was that eight out of nine members of the Supreme Court said spending is speech. So there is not any question that this is an amendment about speech. No matter whether some Senators wish spending were not speech or not, the Supreme Court has said that spending is speech. So no matter how much some Senators may wish that the Court had not said that, no matter how much some Senators wish the Buckley case was decided otherwise, the fact of the matter is the Supreme Court has said spending is speech.

So this amendment, Mr. President, is about amending the first amendment to the Constitution for the first time in history. So I hope that this will be defeated on a bipartisan basis, because it is really quite a terrible idea.

Mr. President, I will retain the remainder of my time should I need it, and I yield the floor at this point.

Mr. HOLLINGS addressed the Chair. The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I enjoyed references to Senators and their votes. It is not necessarily Dale Carnegie's approach to winning friends and influencing people. I am in the business of trying to obtain votes. So I necessarily try my best to resist the record.

The distinguished Senator from Kentucky made a record and he talks

about the first time we amended the first amendment. Well, this is the first time an amendment would do it.

Now, the fact of the matter is, on October 19, 1989, 5 years ago or a little more, the distinguished Senator from Kentucky voted with the majority—it did not get two-thirds—but the distinguished Senator from Kentucky voted to amend the first amendment with respect to burning the flag of the United States of America.

I would be delighted to yield. I am looking at this record. If the record is incorrect, I would be delighted to yield.

Mr. McCONNELL. Mr. President, I thank my friend from South Carolina for yielding.

We have had this same colloquy before. The Senator from South Carolina raised this the last time we had this discussion, and the Senator from South Carolina, I am sure, recalls my reply. My reply was, "If I had to do it over again, I would have voted differently." In fact, upon reflection, my view is that I am sure the Senator from South Carolina, in his history here, has never cast a vote that he regretted, but I have not been so fortunate as to never having regretted a vote I cast here. The Senator from South Carolina and I had this exchange the last time we had this debate, and he, I am sure, recalls that I said that I thought I had made a mistake in voting that way on the flag-burning amendment, and should such an amendment come before Members again, I would not so vote again.

Mr. HOLLINGS. Mr. President, the question is not whether it is a mistake. The question is whether it is a fact that a majority of the U.S. Senate, 51 Senators, duly elected and voting, voted at that particular time to amend the first amendment with respect to burning the flag of the United States of America.

There have been other votes to amend the first amendment. Of course, we have had a majority vote on this amendment at least three times. The truth of the matter is, and the reality is, and the fact is, that the Supreme Court in Buckley versus Valeo amended the first amendment.

I mean, after all, it was a 5-4 decision. If we get down to it we know that, yes, it limits spending, it limits speech. Speech is equated with spending. For those who have money, they can talk all they want. For those who do not, they do not have the freedom of speech. Those who do not have the money are limited.

Of course, the Buckley versus Valeo decision found nothing wrong with limiting speech because they said the \$1,000 was constitutional for an individual contribution; the \$5,000 for political action committees was also constitutional. So everybody wants to act like we are making some kind of history and changing it around.

When we had the other constitutional amendments affecting elections,

they refer, of course, to the matter of elections on term limits. That is the 22d amendment. The 23d amendment, the electoral votes in Presidential elections. The 24th amendment, elimination of the poll tax with respect to voting. And the 26th amendment gave 18-year-olds the right to speak. Someone could give the same argument that 18-year-olds did not have the right to speak under the Constitution in elections. But then they were given the freedom of speech at 18 years of age.

We are dealing with elections and campaign financing. It is totally a shame and disgrace. Absolute shame and disgrace. I will never forget the feel, politically, that you get in campaigns.

I think it is very healthy, Mr. President, to go back on to the main street and walk up and down both sides and see the same merchants that you saw. You asked for their vote. You made certain promises, I guess, certain representations. You told them about your beliefs and what you stand for. You go out into the rural areas to the farmers. You visited around in the hospitals, the doctors, and everything else of that kind.

That is the way we politic in the small State of South Carolina. Of course, it is totally impossible in large New York or large California. I am not contending that it is. But right after the last election in 1992, just a couple of years ago, I went around to each one of the counties and we had town meetings, and I made the call.

My friends kept asking, they say, "Why are you coming around? You just got elected. You got 6 years." And I said, "I couldn't see you in the campaign. I didn't have time. I had to go raise money." On and on and on. It is just like a veritable treadmill you get these campaign managers, consultants, and otherwise, they will break that time down for you. They will break down when you are going to talk and have your early morning for the farmers and when you will have time when the students come back to the university campuses and most importantly when you will raise money.

This is all sophisticated. It is all tried. It is understandable and it is part of the game. It is very, very, very expensive. To get around and really expose yourself, you do not have time to talk to people unless you are asking for their money and being nice and making the obligatory appearances at debates and certain programs and you try to generate free television.

The distinguished Senator from New Jersey came forward with a nice idea, if it could work. I question it. The premise of the distinguished Senator from New Jersey is that the people of New Jersey and the people of South Carolina are just as interested in the elections as the Senator from New Jersey and the Senator from South Carolina. I doubt it.

We just had an election in my State about 10 days ago, a special election. Out of some 180,000 voters, only 6,000 cast votes. It was on radio; it was on TV. Signs were plastered all over, and everything else like that. But we have less participation—and it is getting worse in this particular country—less than 50 percent. You get, in Australia and other countries, almost 100 percent voting.

So the recommendation of the distinguished Senator from New Jersey to check-off for elections themselves to finance politics, I tell you now, that is a tough one, that is a very, very tough one. I can see that would have very limited chance to really be heard.

Eighty percent of your money is expended on television. We have had different proposals of free TV. After all, the people of America own the airwaves. With the people of America owning these airwaves, it seems as if we can allocate some to public office and the attaining of public office. Each side would have so much free television. We have tried that approach. We have tried financing; we have tried voluntarily putting up so much money. We have tried any number of other solutions. They have all failed.

Like I say, it has been a dog chasing its tail because we know that none of these particular bills will pass because every one of them runs into that unconstitutional decision, *Buckley v. Valeo*. There is not any question that that is a distortion.

I ask unanimous consent to have a very good article by former Congressman Jonathan Bingham, of New York inserted into the RECORD.

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

[From Annals of the American Academy,
July 1986]

DEMOCRACY OF PLUTOCRACY? THE CASE FOR A CONSTITUTIONAL AMENDMENT TO OVERTURN *BUCKLEY V. VALEO*

(By Jonathan Bingham)

Abstract: In the early 1970s the U.S. Congress made a serious effort to stop the abuses of campaign financing by setting limits on contributions and also on campaign spending. In the 1976 case of *Buckley v. Valeo*, the Supreme Court upheld the regulation of contributions, but invalidated the regulation of campaign spending as a violation of the First Amendment. Since then, lavish campaigns, with their attendant evils, have become an ever more serious problem. Multimillion-dollar campaigns for the Senate, and even for the House of Representatives, have become commonplace. Various statutory solutions to the problem have been proposed, but these will not be adequate unless the Congress—and the states—are permitted to stop the escalation by setting limits. What is needed is a constitutional amendment to reverse the *Buckley* holding, as proposed by several members of Congress. This would not mean a weakening of the Bill of Rights, since the *Buckley* ruling was a distortion of the First Amendment. Within reasonable financial limits there is ample opportunity for that "uninhibited, robust and wide-open" debate

of the issues that the Supreme Court correctly wants to protect.

"The First Amendment is not a vehicle for turning this country into a plutocracy," says Joseph L. Rauh, the distinguished civil rights lawyer, deploying the ruling in *Buckley v. Valeo*.¹ It is the thesis of this article that the Supreme Court in *Buckley* was wrong in nullifying certain congressional efforts to limit campaign spending and that the decision must not be allowed to stand. While statutory remedies may mitigate the evil of excessive money in politics and are worth pursuing, they will not stop the feverish escalation of campaign spending. They will also have no effect whatever on the spreading phenomenon of very wealthy people's spending millions of dollars of their own money to get elected to Congress and to state office.

When the Supreme Court held a national income tax unconstitutional, the Sixteenth Amendment reversed that decision. *Buckley* should be treated the same way.

BACKGROUND

The Federal Election Campaign Act of 1971 was the first comprehensive effort by the U.S. Congress to regulate the financing of federal election campaigns. In 1974, following the scandals of the Watergate era, the Congress greatly strengthened the 1971 act. As amended, the new law combined far-reaching requirements for disclosure with restrictions on the amount of contributions, expenditures from a candidate's personal funds, total campaign expenditures, and independent expenditures on behalf of identified candidates.

The report of the House Administration Committee recommending the 1974 legislation to the House explained the underlying philosophy:

"The unchecked rise in campaign expenditures, coupled with the absence of limitations on contributions and expenditures, has increased the dependence of candidates on special interest groups and large contributors. Under the present law the impression persists that a candidate can buy an election by simply spending large sums in a campaign. . . .

"Such a system is not only unfair to candidates in general, but even more so to the electorate. The electorate is entitled to base its judgment on a straightforward presentation of a candidate's qualifications for public office and his programs for the Nation rather than on a sophisticated advertising program which is encouraged by the infusion of vast amounts of money.

"The Committee on House Administration is of the opinion that there is a definite need for effective and comprehensive legislation in this area to restore and strengthen public confidence in the integrity of the political process."²

The 1974 act included a provision, added pursuant to an amendment offered by then Senator James Buckley, for expedited review of the law's constitutionality. In January 1976 the Supreme Court invalidated those portions that imposed limits on campaign spending as violative of the First Amendment's guarantee of free speech.

In his powerful dissent, Justice White said, "Without limits on total expenditures, campaign costs will inevitably and endlessly escalate."³ His prediction was promptly borne out. Multimillion-dollar campaigns for the Senate have become the rule, with the 1984 Helms-Hunt race in North Carolina setting astonishing new records. It is no longer un-

usual for expenditures in contested House campaigns to go over the million-dollar mark; in 1982 one House candidate reportedly spent over \$2 million of his own funds.

In 1982 a number of representatives came to the conclusion that the Buckley ruling should not be allowed to stand and that a constitutional amendment was imperative. In June Congressman Henry Reuss of Wisconsin introduced a resolution calling for an amendment to give Congress the authority to regulate campaign spending in federal elections. In December, with the cosponsorship of Mr. Reuss and 11 others,⁴ I introduced a broader resolution authorizing the states, as well as the Congress, to impose limits on campaign spending. The text of the proposed amendment was:

"Section 1. The Congress may enact laws regulating the amounts of contributions and expenditures intended to affect elections to federal office.

"Section 2. The several states may enact laws regulating the amounts of contributions and expenditures intended to affect elections to state and local offices.⁵

In the Ninety-eighth Congress, the same resolution was reintroduced by Mr. Vento and Mr. Donnelly and by Mr. Brown, Democrat of California, and Mr. Rinaldo, Republican of New Jersey. A similar resolution was introduced in the Senate by Senator Stevens, Republican of Alaska. As of the present writing, the resolution has been reintroduced in the Ninety-ninth Congress by Mr. Vento.⁶

No hearings have been held on these proposals, and they have attracted little attention. Even organizations and commentators deeply concerned with the problem of money in politics and runaway campaign spending have focused exclusively on statutory remedies. Common Cause, in spite of my pleading, has declined to add a proposal for a constitutional amendment to its agenda for campaign reform or even to hear arguments in support of the proposal. A constituency for the idea has yet to be developed.

THE NATURE OF THE PROBLEM

This article proceeds on the assumption that escalating campaign costs pose a serious threat to the quality of government in this country. There are those who argue the contrary, but their view of the nature of the problem is narrow. They focus on the facts that the amounts of money involved are not large relative to the gross national product and that the number of votes on Capitol Hill that can be shown to have been affected by campaign contributions is not overwhelming.

The curse of money in politics, however, is by no means limited to the influencing of votes. There are at least two other problems that are, if anything, even more serious. One is the eroding of the present nonsystem on the public's confidence in our form of democracy. If public office and votes on issues are perceived to be for sale, the harm is done, whether or not the facts justify that conclusion. In *Buckley* the Supreme Court itself, in sustaining the limitations on the size of political contributions, stressed the importance of avoiding "the appearance of improper influence" as "critical . . . if confidence in the system of representative government is not to be eroded to a disastrous extent."⁷ What the Supreme Court failed to recognize was that "confidence in the system of representative government" could likewise be "eroded to a disastrous extent" by the spectacle of lavish spending, whether the source of the funds is the candidate's own wealth or the result of high-pressure fund-raising from contributors with an ax to grind.

Footnotes at end of article.

The other problem is that excellent people are discouraged from running for office, or, once in, are unwilling to continue wrestling with the unpleasant and degrading task of raising huge sums of money year after year. There is no doubt that every two years valuable members of Congress decide to retire because they are fed up with having constantly to beg. For example, former Congressmen Charles Vanik of Ohio and Richard Ottinger of New York, both outstanding legislators, were clearly influenced by such considerations when they decided to retire. Vanik in 1980 and Ottinger in 1984. Vanik said, among other things, "I feel every contribution carries some sort of lien which is an encumbrance on the legislative process. . . . I'm terribly upset by the huge amounts that candidates have to raise."⁸ Probably an even greater number of men and women who would make stellar legislators are discouraged from competing because they cannot face the prospect of constant fundraising or because they see a wealthy person, who can pay for a lavish campaign, already in the race.

In "Politics and Money," Elizabeth Drew has well described the poisonous effect of escalating campaign costs on our political system:

"Until the problem of money is dealt with, it is unrealistic to expect the political process to improve in any other respect. It is not relevant whether every candidate who spends more than his opponent wins—though in races that are otherwise close, this tends to be the case. What matters is what the chasing of money does to the candidates, and to the victors' subsequent behavior. The candidates' desperation for money and the interests' desire to affect public policy provide a mutual opportunity. The issue is not how much is spent on elections but the way the money is obtained. The point is what raising money, not simply spending it, does to the political process. It is not just that the legislative product is bent or stymied. It is not just that well-armed interests have a head start over the rest of the citizenry—or that often it is not even a contest. . . . It is not even relevant which interest happens to be winning. What is relevant is what the whole thing is doing to the democratic process. What is at stake is the idea of representative government, the soul of this country."⁹

Focusing on the different phenomenon of wealthy candidates' being able to finance their own, often successful, campaigns, the late columnist Joseph Kraft commented that "affinity between personal riches and public office challenges a fundamental principle of American life."¹⁰

SHORTCOMINGS OF STATUTORY PROPOSALS

In spite of the wide agreement on the seriousness of the problems, there is no agreement on the solution. Many different proposals have been made by legislators, academicians, commentators, and public interest organizations, notably Common Cause.

One of the most frequently discussed is to follow for congressional elections the pattern adopted for presidential campaigns: a system of public funding, coupled with limits on spending.¹¹ Starting in 1955, bills along these lines have been introduced on Capitol Hill, but none has been adopted. Understandably, such proposals are not popular with incumbents, most of whom believe that challengers would gain more from public financing than they would.

Even assuming that the political obstacles could be overcome and that some sort of public financing for congressional candidates might be adopted, this financing would suffer

from serious weaknesses. No system of public financing could solve the problem of the very wealthy candidate. Since such candidates do not need public funding, they would not subject themselves to the spending limits. The same difficulty would arise when aggressive candidates, believing they could raise more from private sources, rejected the government funds. This result is to be expected if the level of public funding is set too low, that is, at a level that the constant escalation of campaign costs is in the process of outrunning. According to Congressman Bruce Vento, an author of the proposed constitutional amendment to overturn Buckley, this has tended to happen in Minnesota, where very low levels of public funding are provided to candidates for state office.

To ameliorate these difficulties, some proponents of public financing suggest that the spending limits that a candidate who takes government funding must accept should be waived for that candidate to the extent an opponent reports expenses in excess of those limits. Unfortunately, in such a case one of the main purposes of public funding would be frustrated and the escalation of campaign spending would continue. The candidate who is not wealthy is left with the fearsome task of quickly having to raise additional hundreds of thousands, or even millions, of dollars.

Another suggested approach would be to require television stations, as a condition of their licenses, to provide free air time to congressional candidates in segments of not less than, for instance, five minutes. A candidate's acceptance of such time would commit the candidate to the acceptance of spending limits. While such a scheme would be impractical for primary contests—which in many areas are the crucial ones—the idea is attractive for general election campaigns in mixed urban-rural states and districts. It would be unworkable, however, in the big metropolitan areas, where the main stations reach into scores of congressional districts and, in some cases, into several states. Not only would broadcasters resist the idea, but the television-viewing public would be furious at being virtually compelled during pre-election weeks to watch a series of talking-head shows featuring all the area's campaigning senators and representatives and their challengers. The offer of such unpopular television time would hardly tempt serious candidates to accept limits on their spending.

Proponents of free television time, recognizing the limited usefulness of the idea in metropolitan areas, have suggested that candidates could be provided with free mailings instead. While mailings can be pinpointed and are an essential part of urban campaigning, they account for only a fraction of campaign costs, even where television is not widely used; accordingly, the prospect of free mailings would not be likely to win the acceptance of unwelcome campaign limits on total expenses.¹²

Yet another method of persuading candidates to accept spending limits would be to allow 100 percent tax credits for contributions of up to, say, \$100 made to authorized campaigns, that is, those campaigns where the candidate has agreed to abide by certain regulations, including limits on total spending.¹³ It is difficult to predict how effective such a system would be, and a pilot project to find out would not be feasible, since the tax laws cannot be changed for just one area. For candidates who raise most of their funds from contributors in the \$50-to-\$100 range,

the incentive to accept spending limits would be strong, but for those—and they are many—who rely principally on contributors in the \$500-to-\$1000 range, the incentive would be much weaker. This problem could be partially solved by allowing tax credits for contributions of up to \$100 and tax deductions for contributions in excess of \$100 up to the permitted limit. Such proposals, of course, amount to a form of public financing and hence would encounter formidable political obstacles, especially at a time when budgetary restraint and tax simplification are considered of top priority.

Some of the most vocal critics of the present anarchy in campaign financing focus their wrath and legislative efforts on the political action committees (PACs) spawned in great numbers under the Federal Election Campaign Act of 1974. Although many PACs are truly serving the public interest, others have made it easier for special interests, especially professional and trade associations, to funnel funds into the campaign treasuries of legislators or challengers who will predictably vote for those interests. Restrictions, such as limiting the total amount legislative candidates could accept from PACs, would be salutary¹⁴ but no legislation aimed primarily at the PAC phenomenon—not even legislation to eliminate PACs altogether—would solve the problem so well summarized by Elizabeth Drew. The special interests and favor-seeking individual givers would find other ways of funneling their dollars into politically useful channels, and the harassed members of Congress would have to continue to demean themselves by constant begging.

PAC regulation and all the other forms of statutory regulation suffer from one fundamental weakness: none of them would affect the multimillion-dollar self-financed campaign. Yet it is this type of campaign that does more than any other to confirm the widely held view that high office in the United States can be bought.

Short of a constitutional amendment, there is only one kind of proposal, so far as I know, that would curb the super-rich candidate, as well as setting limits for others. Lloyd N. Cutler, counsel to the president in the Carter White House, has suggested that the political parties undertake the task of campaign finance regulation.¹⁵ Theoretically, the parties could withhold endorsement from candidates who refuse to abide by the party-prescribed limits and other regulations. But the chances of this happening seem just about nil. Conceivably a national party convention might establish such regulations for its presidential primaries, but to date most contenders have accepted the limits imposed under the matching system of public funding; John Connally of Texas was the exception in 1980. For congressional races, however, it is not at all clear what body or bodies could make such rules and enforce them. Claimants to such authority would include the national conventions, national committees, congressional party caucuses, various state committees, and, in some cases, county committees. Perhaps our national parties should be more hierarchically structured, but the fact is that they are not.

On top of all this, the system would work for general election campaigns only if both major parties took parallel action. If by some miracle they did so, the end result might be to encourage third-party and independent candidacies.

Let me make clear that I am not opposed to any of the proposals briefly summarized earlier. To the extent I had the opportunity

to vote for any of the statutory proposals during my years in the House, I did so. Nor am I arguing that a constitutional amendment by itself would solve the problem; it would only be the beginning of a very difficult task. What I am saying is that, short of effective action by the parties, any system to reverse the present lethal trends in campaign financing must have as a basic element the restoration to the Congress of the authority to regulate the process.

THE MERITS OF THE BUCKLEY RULING

The justices of the Supreme Court were all over the lot in the Buckley case, with numerous dissents from the majority opinion. The most significant dissent, in my view, was entered by Justice White, who, alone among the justices, had had extensive experience in federal campaigns. White's position was that the Congress, and not the Court, was the proper body to decide whether the slight interference with First Amendment freedoms in the Federal Election Campaign Act was warranted. Justice White reasoned as follows:

"The judgment of Congress was that reasonably effective campaigns could be conducted within the limits established by the Act. . . . In this posture of the case, there is no sound basis for invalidating the expenditure limitations, so long as the purposes they serve are legitimate and sufficiently substantial, which in my view they are. . . .

" . . . expenditure ceilings reinforce the contribution limits and help eradicate the hazard of corruption. . . .

"Besides backing up the contribution provisions, . . . expenditure limits have their own potential for preventing the corruption of federal elections themselves.¹⁶

Justice White further concluded that "limiting the total that can be spent will ease the candidate's understandable obsession with fundraising, and so free him and his staff to communicate in more places and ways unconnected with the fundraising function.

"It is also important to restore and maintain public confidence in federal elections. It is critical to obviate and dispel the impression that federal elections are purely and simply a function of money, that federal offices are bought and sold or that political races are reserved for those who have the facility—and the stomach—for doing whatever it takes to bring together those interests, groups, and individuals that can raise or contribute large fortunes in order to prevail at the polls.¹⁷"

Two of the judges of the District of Columbia Circuit Court, which upheld the 1974 act—judges widely respected, especially for their human rights concerns—later wrote law journal articles criticizing in stinging terms the Supreme Court's holding that the spending limits were invalid. For example, the late Judge Harold Leventhal said in the *Columbia Law Review*:

"The central question is: what is the interest underlying regulation of campaign expenses and is it substantial? The critical interest, in my view, is the same as that accepted by the [Supreme] Court in upholding limits on contributions. It is the need to maintain confidence in self-government, and to prevent the erosion of democracy which comes from a popular view of government as responsive only or mainly to special interests.¹⁸

"A court that is concerned with public alienation and distrust of the political process cannot fairly deny to the people the power to tell the legislators to implement this one word principle: Enough!¹⁹

Here are excerpts from what Judge J. Skelly Wright had to say in the Yale Law Journal:

"The Court told us, in effect, that money is speech.

" . . . [This view] accepts without question elaborate mass media campaigns that have made political communications expensive, but at the same time remote, disembodied, occasionally . . . manipulative. Nothing in the First Amendment . . . commits us to the dogma that money is speech.²⁰

" . . . far from stifling First Amendment values, [the 1974 act] actually promotes them . . . In place of unlimited spending, the law encourages all to emphasize less expensive face-to-face communications efforts, exactly the kind of activities that promote real dialogue on the merits and leave much less room for manipulation and avoidance of the issues.²¹"

The Supreme Court was apparently blind to these considerations. Its treatment was almost entirely doctrinaire. In holding unconstitutional the limits set by Congress on total expenditures for congressional campaigns and on spending by individual candidates, the Court did not claim that the dollar limits set were unreasonably low. In the view taken by the Court, such limits were beyond the power of the Congress to set, no matter how high.

Only in the case of the \$1000 limit set for spending by independent individuals or groups "relative to a clearly identified candidate" did the court focus on the level set in the law. The Court said that such a limit "would appear to exclude all citizens and groups except candidates, political parties and the institutional press from any significant use of the most effective modes of communication."²² In a footnote, the Court noted:

"The record indicates, that, as of January 1, 1975, one full-page advertisement in a daily edition of a certain metropolitan newspaper cost \$6,971.04—almost seven times the annual limit on expenditures "relative to" a particular candidate imposed on the vast majority of individual citizens and associations²³"

The Court devoted far more space to arguing the unconstitutionality of this provision than to any of the other limits, presumably because on this point it had the strongest case. Judge Leventhal, too, thought the \$1000 figure for independent spending was unduly restrictive and might properly have been struck down. As one who supported the 1974 act while in the House, I believe, with the benefit of hindsight, that the imposition of this low limit on independent expenditures was a grave mistake.

Let us look for a moment at the question of whether reasonable limits on total spending in campaigns and on spending by wealthy candidates really do interfere with the "unfettered interchange of ideas," "the free discussion of governmental affairs," and the "uninhibited, robust and wide-open" debate on public issues that the Supreme Court has rightly said the First Amendment is designed to protect.²⁴ In Buckley the Supreme Court has answered that question in the affirmative when the limits are imposed by law under Congress's conceded power to regulate federal elections. The Court answered the same question negatively, however, when the limits were imposed as a condition of public financing. In narrow legalistic terms the distinction is perhaps justified, but, in terms of what is desirable or undesirable under our form of government, I submit that the setting of such limits is either desirable or it is not.

Various of the solutions proposed to deal with the campaign-financing problem, statutory and nonstatutory, raise the same question—for example, the proposal to allow tax credits only for contributions to candidates who have accepted spending limits, and the proposal that political parties should impose limits. All such proposals assume that it is a good public policy to have such limits in place. They simply seek to avoid the inhibition of the Buckley case by arranging for some carrot-type motivation for the observation of limits, instead of the stick-type motivation of compliance with a law.

I am not, of course, suggesting that those who make these proposals are wrong to do so. What I am suggesting is that they should support the idea of undoing the damage done by Buckley by way of a constitutional amendment.

Summing up the reason for such an amendment, Congressman Henry Reuss said, "Freedom of speech is a precious thing. But protecting it does not permit someone to shout 'fire' in a crowded theater. Equally, freedom of speech must not be stressed so as to compel democracy to commit suicide by allowing money to govern elections."²⁵

INDEPENDENT EXPENDITURES IN PRESIDENTIAL CAMPAIGNS

Until now the system of public financing for presidential campaigns, coupled with limits on private financing, has worked reasonably well. Accordingly, most of the proposals mentioned previously for the amelioration of the campaign-financing problem have been concerned with campaigns for the Senate and the House.

In 1980 and 1984, however, a veritable explosion occurred in the spending for the presidential candidates by allegedly independent committees—spending that is said not to be authorized by, or coordinated with, the campaign committees. In both years, the Republican candidates benefited far more from this type of spending than the Democratic: in 1980, the respective amounts were \$12.2 million and \$45,000; in 1984, \$15.3 million and \$621,000.²⁶

This spending violated section 9012(f) of the Presidential Campaign Fund Act, which prohibited independent committees from spending more than \$1,000 to further a presidential candidate's election if that candidate had elected to take public financing under the terms of the act. In 1983 various Democratic Party entities and the Federal Election Commission, with Common Cause as a supporting amicus curiae, sued to have section 9012(f) declared constitutional, so as to lay the groundwork for enforcement of the act. These efforts failed. Applying the Buckley precedent, the three-judge district court that first heard the case denied the relief sought, and this ruling was affirmed in a 7-to-2 decision by the Supreme Court in *FEC v. NCPAC* in March 1985.²⁷

The NCPAC decision clearly strengthens the case for a constitutional amendment to permit Congress to regulate campaign spending. For none of the statutory or party-action remedies summarized earlier would touch this new eruption of the money-in-politics volcano.

True, even with a constitutional amendment in place, it would still be possible for the National Conservative Political Action Committee or other committees to spend unlimited amounts for media programs on one side of an issue or another, and these would undoubtedly have some impact on presidential—and other—campaigns. However, the straight-out campaigning for an individual or a ticket, which tends to be far more effective than focusing on issues alone, could be brought within reasonable limits.

LOOKING AHEAD

The obstacles in the way of achieving a reversal of *Buckley* by constitutional amendment are, of course, formidable. This is especially true today when the House Judiciary Committee is resolutely sitting on other amendments affecting the Bill of Rights and is not disposed to report out any such amendments.

In addition to the practical political hurdles to be overcome, there are drafting problems to solve. The simple form so far proposed²⁸—and quoted previously—needs refinement.

For example, if an amendment were adopted simply giving to the Congress and the states the authority to "enact laws regulating the amount of contributions and expenditures intended to affect elections,"²⁹ the First Amendment question would not necessarily be answered. The argument could still be made, and not without reason, that such regulatory laws, like other powers of the Congress and the states, must not offend the First Amendment. I asked an expert in constitutional law how this problem might be dealt with, and he said the only sure way would be to add the words "notwithstanding the First Amendment." But such an addition is not a viable solution. The political obstacles in the way of an amendment overturning *Buckley* in its interpretation of the First Amendment with respect to campaigns spending are grievous enough; to ask the Congress—and the state legislatures—to create a major exception to the First Amendment would assure defeat.

The answer has to be to find a form of wording that says, in effect, that the First Amendment can properly be interpreted so as to permit reasonable regulation of campaign spending. In my view, it would be sufficient to insert in the proposed amendment,³⁰ after "The Congress," the words "having due regard for the need to facilitate full and free discussion and debate." Section 1 of the amendment would then read, "The Congress, having due regard for the need to facilitate full and free discussion and debate, may enact laws regulating the amounts of contributions and expenditures intended to affect elections to federal office." Other ways of dealing with this problem could no doubt be devised.

Another drafting difficulty arises from the modification in the proposed amendment of the words "contributions and expenditures" by "intended to affect elections." This language is appropriate with respect to money raised or spent by candidates and their committees, but it does present a problem in its application to money raised and spent by allegedly independent committees, groups, or individuals. It could hardly be argued that communications referring solely to issues, with no mention of candidates, could, consistent with the First Amendment, be made subject to spending limits, even if they were quite obviously "intended to affect" an election. Accordingly, a proper amendment should include language limiting the regulation of "independent" expenditures to those relative to "clearly identified" candidates, language that would parallel the provisions of the 1971 Federal Election Campaign Act, as amended.³¹

These are essentially technical problems that could be solved with the assistance of experts in constitutional law if the Judiciary Committee of either house should decide to hold hearings on the idea of a constitutional amendment and proceed to draft and report out an appropriate resolution.

Many of those in and out of Congress who are genuinely concerned with political

money brush aside the notion of a constitutional amendment and focus entirely on remedies that seem less drastic. They appear to assume that Congress is more likely to adopt a statutory remedy, such as public financing, than to go for an enabling constitutional amendment that could be tagged as tampering with the Bill of Rights. I disagree with that assumption.

Incumbents generally resist proposals such as public financing because challengers might be the major beneficiaries, but most incumbents tend to favor the idea of spending limits. The Congress is not by its nature averse to being given greater authority; that would be especially true in this case, where until 1976 the Congress always thought it had such authority. I venture to say that if a carefully drawn constitutional amendment were reported out of one of the Judiciary Committees, it might secure the necessary two-thirds majorities in both houses with surprising ease.

The various state legislatures might well react in similar fashion. A power they thought they had would be restored to them.

The big difficulty is to get the process started, whether it be for a constitutional amendment or a statutory remedy or both. Here, the villain, I am afraid, is public apathy. Unfortunately, the voters seem to take excessive campaign spending as a given—a phenomenon they can do nothing about—and there is no substantial constituency for reform. The House Administration Committee, which in the early 1970's was the spark plug for legislation, has recently shown little interest in pressing for any of the legislative proposals that have been put forward.

The 1974 act itself emerged as a reaction to the scandals of the Watergate era, and it may well be that major action, whether statutory or constitutional, will not be a practical possibility until a new set of scandals bursts into the open. Meanwhile, the situation will only get worse.

FOOTNOTES

¹ Personal communication with Joseph L. Rauh, Mar. 1985; *Buckley v. Valeo*, 424 U.S. 1 (1976).

² U.S., Congress, House, Committee on House Administration, *Federal Election Campaign Act Amendments of 1974: Report to Accompany H.R. 16090*, 93rd Cong., 2d sess., 1974, H. Rept. 93-1239, pp. 3-4.

³ 424 U.S., p. 264.

⁴ The other representatives were Mrs. Fenwick, Republican of New Jersey; Ms. Mikulski, Democrat of Maryland; and Messrs. Beville, Democrat of Alabama; Donnelly, Democrat of Massachusetts; D'Amours, Democrat of New Hampshire; Edgar, Democrat of Pennsylvania; LaFalce, Democrat of New York; and Wolpe, Democrat of Michigan.

⁵ U.S., Congress, House, *Proposing an Amendment to the Constitution of the United States Relative to Contributions and Expenditures Intended to Affect Congressional, Presidential and State Elections*, 97th Cong., 2d sess., 1982, H.J. Res. 628, p. 2.

⁶ *Ibid.*, 99th Cong., 1st sess., 1985, H.J. Res. 88.

⁷ 424 U.S., p. 27, quoting *CSC v. Letter Carriers*, 413 U.S. 548, 565 (1973); see also 424 U.S., p. 30.

⁸ Quoted by Congressman Henry Reuss, in U.S., Congress, House, *Congressional Record*, daily ed., 97th Cong., 2d sess., 1982, 128(81): H3900.

⁹ *New Yorker*, 6 Dec. 1982, pp. 55-56.

¹⁰ *Washington Post*, 2 Nov. 1982.

¹¹ In the *Buckley* case the Supreme Court simply assumed that limits on spending were not a violation of free speech when acceptance of such limits was made the condition for receiving public funds, 424 U.S., pp. 85-110. See also Charles McC. Mathias, Jr., "Should There Be Public Financing of Congressional Campaigns?" this issue of *The Annals of the American Academy of Political and Social Science*.

¹² A variation of the idea of free television and/or mail, proposed by Common Cause and others, would provide for such privileges as a means of answering attacks made on candidates by allegedly independent organizations or individuals. See Fred Wertheimer, "Campaign Finance Reform: The Unfinished Agenda," this issue of *The Annals of the American Academy of Political and Social Science*.

¹³ See *ibid.*

¹⁴ The Obey-Railsback Act, which contained such restrictions, actually passed the House in 1979, but got no further. See *ibid.*

¹⁵ See Lloyd N. Cutler, "Can the Parties Regulate Campaign Financing?" this issue of *The Annals of the American Academy of Political and Social Science*.

¹⁶ 424 U.S., pp. 263-64.

¹⁷ *Ibid.*, p. 265.

¹⁸ Leventhal, "Courts and Political Thicketts," *Columbia Law Review*, 77:362 (1977).

¹⁹ *Ibid.*, p. 368.

²⁰ Wright, "Politics and the Constitution: Is Money Speech?" *Yale Law Journal*, 85:1005 (1979).

²¹ *Ibid.*, p. 1019.

²² 424 U.S., pp. 20-21.

²³ *Ibid.*, p. 21.

²⁴ *Roth v. United States*, 354 U.S. 476, 484 (1957); *Mills v. Alabama*, 384 U.S. 214, 218 (1966); *New York Times v. Sullivan*, 376 U.S. 254, 270 (1964).

²⁵ U.S., Congress, House, *Congressional Record*, 97th Cong., 2d sess., daily ed., 128(81): H3901.

²⁶ *New York Times*, 19 Mar. 1985.

²⁷ *FEC v. NCPAC*, 105 S. Ct. 1459 (1985).

²⁸ U.S., Congress, House, *Contributions and Expenditures*, H.J. Res. 628.

²⁹ *Ibid.*

³⁰ *Ibid.*

³¹ 2 U.S.C.A. §431(17).

Mr. HOLLINGS. I thank the distinguished Chair.

The time is about up. I am sorry to have taken more time, but I wanted to get into the full measure of this thing. It is a bipartisan approach to restore free speech. What *Buckley* versus *Valeo* did is take away the speech of the poor and give enhanced speech to the rich. You know it and I know it. This amendment will put us back to where we were when the 1974 act was passed. It will limit spending in campaigns. That is what we all want to do. We did it in 1974, we thought, until the *Buckley* versus *Valeo* decision.

I thank the distinguished Chair.

Mr. MCCONNELL. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Kentucky has 21 minutes and 51 seconds.

Mr. MCCONNELL. Mr. President, I do not know; maybe we can check with the Cloakrooms to see if anybody objects to yielding back time. I do not know whether my friend from South Carolina has time left he wants to use, but I was going to suggest that I make a few more observations and if the Senator from South Carolina is ready to yield back, I would yield back as well. But there could be those who are depending on this vote occurring at a certain time, so if we could ask the staff to check on that, I would appreciate it.

Mr. President, the past majority leader, Senator Mitchell, who just left the Senate a couple of months ago said on June 26, 1990, "For 200 years," referring to the first amendment, "it has protected the liberties of generations of Americans. During that time, the Bill of Rights has never been changed or amended," not once, ever. It stands today, word for word, exactly as it did when it was adopted two centuries ago. Senator George Mitchell went on on the same day:

Never in 200 years has the first amendment been changed or amended. As a result, never

in 200 years has Congress been able to make a law abridging freedom of speech.

Now, that was Senator George Mitchell, the Democratic majority leader, expressing his views about the importance of leaving the first amendment unamended, untampered with.

The current majority leader, Senator DASCHLE, said on June 21, 1990:

What chapter will we have ghosted for our autobiographies to explain away our writing a loophole into the free speech clause of the Bill of Rights of the Constitution of the United States?

Senator DASCHLE was, of course, referring to the debate on the flag burning amendment, but his point, his point, was about the first amendment and freedom of speech.

Now, the American Civil Liberties Union, which I indicated earlier strongly opposes the Hollings proposal, says:

The proposed constitutional amendment to limit Federal campaign expenditures would amend the free speech guarantee of the first amendment as interpreted by the Supreme Court, thereby limiting the amount of political speech that may be engaged in by any candidate or by anyone else [anyone else] seeking to be involved in the political process.

The ACLU said, Mr. President:

It is a highly flawed proposal, one that is constitutionally incapable [incapable] of being fixed and raises—

Said the ACLU:

a number of significant issues. It deserves to be rejected by the Senate.

Now, Mr. President, I have been quoting from a number of organizations that are supposedly on the liberal side of the political spectrum. Just to reassure some of my conservative friends, it is also the view of conservatives that the Hollings amendment is a bad idea. George Will in a June 28, 1993, Newsweek column said this. He was really, I would say to my friend from South Carolina, admiring the Senator in many ways. This is a quote from Mr. Will's column, which I will ask in a moment be inserted in the RECORD. He said:

Hollings claims—you have to admire his brass—

And, boy, we do admire the brass of the Senator from South Carolina. He has more brass than anybody else in the Senate, and we do admire him. He said:

Hollings claims—you have to admire his brass—that carving this huge hole in the first amendment would be "a big boost to free speech." But by "free" he means "fair," and by "fair" he means equal amounts of speech—the permissible amounts to be decided by incumbents in Congress and State legislatures.

George Will went on. He said:

Note also the power to limit spending not only "by" but even "in support of, or in opposition to" candidates.

That gets back to the point I made earlier about giving Congress the power to shut the newspapers up, too.

The Senators who voted for this included many who three years ago stoutly (and rightly)—

George Will said.

Opposed carving out even a small exception to the first amendment protections in order to ban flag burning. But now these incumbents want to empower other incumbents to hack away at the Bill of Rights in order to shrink the permissible amount of political discourse.

Mr. President, I ask unanimous consent that the George Will column be printed in the RECORD; also, that the letter to which I have referred several times from the American Civil Liberties issue be included in the RECORD.

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

[From Newsweek, June 28, 1993]

SO, WE TALK TOO MUCH?—THE SUPREME COURT'S TWO-WORD OPINION OF THE SENATE'S REFORM BILL MAY BE GOOD GRIEF!

(By George F. Will)

Washington's political class and its journalistic echoes are celebrating Senate passage, on a mostly party-line vote, of a "reform" that constitutes the boldest attack on freedom of speech since enactment of the Alien and Sedition Acts of 1798. The campaign finance bill would ration political speech. Fortunately, it is so flagrantly unconstitutional that the Supreme Court will fling it back across First Street, N.E., with a two-word opinion: "Good grief!"

The reformers begin, as their ilk usually does, with a thumping but unargued certitude: campaigns involve "too much" money. (In 1992 congressional races involved a sum equal to 40 percent of what Americans spent on yogurt. Given the government's increasing intrusiveness and capacity to do harm, it is arguable that we spend too little on the dissemination of political discourse.) But reformers eager to limit spending have a problem: mandatory spending limits are unconstitutional. The Supreme Court acknowledges that the First Amendment protects "the indispensable conditions for meaningful communication," which includes spending for the dissemination of speech. The reformers' impossible task is to gin up "incentives" powerful enough to coerce candidates into accepting limits that can be labeled "voluntary."

The Senate bill's original incentive was public financing, coupled with various punishments for privately financed candidates who choose not to sell their First Amendment rights for taxpayers' dollars and who exceed the government's stipulated ration of permissible spending/speech. Most taxpayers detest public financing. ("Food stamps for politicians," says Sen. Mitch McConnell, the Kentucky Republican who will lead the constitutional challenge if anything like this bill becomes law.) So the bill was changed—and made even more grossly unconstitutional. Now it limits public funding to candidates whose opponents spend/speak in excess of government limits. The funds for the subsidy are to come from taxing, at the top corporate rate, all contributions to the candidate who has chosen to exercise his free speech rights with private funding. So 35 percent of people's contributions to a privately funded candidate would be expropriated and

given to his opponent. This is part of the punishment system designed to produce "voluntary" acceptance of spending limits.

But the Court says the government cannot require people "to pay a tax for the exercise of that which the First amendment has made a high constitutional privilege." The Court says that the "power to tax the exercise of a right to power to control or suppress the exercise of its enjoyment" and is "as potent as the power of censorship."

Sen. Fritz Hollings, the South Carolina Democrat, is a passionate advocate of spending limits but at least has the gumption to attack the First Amendment frontally. The Senate bill amounts, he says candidly, to "coercing people to accept spending limits while pretending it is voluntary." Because "everyone knows what we are doing is unconstitutional," he proposes to make coercion constitutional. He would withdraw First Amendment protection from the most important speech—political discourse. And the Senate has adopted (52-43) his resolution urging Congress to send to the states this constitutional amendment: Congress and the states "shall have power to set reasonable limits on campaign expenditures by, in support of, or in opposition to any candidate in any primary or other election" for federal, state or local office.

Hollings claims—you have to admire his brass—that carving this huge hole in the First Amendment would be "a big boost to free speech." But by "free" he means "fair," and by "fair" he means equal amounts of speech—the permissible amounts to be decided by incumbents in Congress and state legislatures. Note also the power to limit spending not only "by" but even "in support of, or in opposition to" candidates. The 52 senators who voted for this included many who three years ago stoutly (and rightly) opposed carving out even a small exception to First Amendment protections in order to ban flag-burning. But now these incumbents want to empower incumbents to hack away at the Bill of Rights in order to shrink the permissible amount of political discourse.

Government micromanagement: The Senate bill would ban or limit spending political action committees. It would require privately funded candidates to say in their broadcast advertisements that "the candidate has not agreed to voluntary campaign limits." (This speech regulation is grossly unconstitutional because it favors a particular point of view, and because the Court has held that the First Amendment protects the freedom to choose "both what to say and what not to say.") All this government micromanagement of political speech is supposed to usher in the reign of "fairness" (as incumbents define it, of course).

Incumbents can live happily with spending limits. Incumbents will write the limits, perhaps not altogether altruistically. And spending is the way challengers can combat incumbents' advantages such as name recognition, access to media and franked mail. Besides, the most important and plentiful money spent for political purposes is dispensed entirely by incumbents. It is called the federal budget—\$1.5 trillion this year and rising. Federal spending (along with myriad regulations and subsidizing activities such as protectionist measures) often is vote-buying.

It is instructive that when the Senate voted to empower government to ration political speech, and even endorse amending the First Amendment, there was no outcry from journalists. Most of them are liberals and so are disposed to like government regulation of (other people's) lives. Because, journalists know that government rationing of

political speech by candidates will enlarge the importance of journalists' unlimited speech.

The Senate bill's premise is that there is "too much" political speech and some is by undesirable elements (PACs), so government control is needed to make the nation's political speech healthier. Our governments cannot balance their budgets or even suppress the gunfire in America's (potholed) streets. It would be seemly if politicians would get on with such basic tasks, rather than with the mischief of making mincemeat of the First Amendment.

AMERICAN CIVIL LIBERTIES UNION,
Washington, DC, June 4, 1992.

DEAR SENATOR:

The American Civil Liberties strongly opposes S.J. Res. 35, the proposed constitutional amendment to limit federal campaign expenditures. The proposal would amend the free-speech guarantee of the First Amendment, as interpreted by the Supreme Court, thereby limiting the amount of political speech that may be engaged in by any candidate or by anyone else seeking to be involved in the political process. It is a highly flawed proposal, one that is constitutionally incapable of being fixed, and raises a number of significant issues. It deserves to be rejected by the Senate.

First, as many members of the Senate recognized during the debate about the flag-burning amendment proposed a few years ago, it is wrong for the Senate to consider changing the First Amendment, a provision that is a justifiable source of pride for the United States and much admired throughout the world. If Congress could carve out exceptions to the reach of free speech through constitutional amendment, particularly in the important area of political speech, then none of our liberties and freedoms are safe and proposals to give Congress authority over other forms of speech will abound. Moreover, since the Constitution does not grant freedom of speech to the people, but is a reflection of its Framers' natural-rights philosophy—one that recognizes that these rights inhere in the people and are inalienable—it is unlikely that Congress, even by way of constitutional amendment, has the authority to interfere with or restrict those rights. In other words, S.J. Res. 35 may well be an unconstitutional constitutional proposal.

Second, if the proposed amendment were implemented, it would operate to distort the political process in numerous ways. If implemented evenhandedly, it would operate to the benefit of incumbents who generally have a higher name recognition and thus an ability to do more with lesser funding. And it would operate to the detriment of dark-horse and third-party candidates who start out with fewer contributors and whose only hope of obtaining the visibility necessary to run a serious campaign may come from the backing of a few large contributors or from their own funds. Thus, rather than assure fair and free elections, the proposal would likely operate to the benefit of those in power and to the disadvantage of those challenging the political status quo.

Additionally, the wording of the proposed amendment would actually permit Congress to set a different limit on incumbents versus challengers, wealthy candidates versus those without vast personal funds to mount a campaign, or candidates from underrepresented groups versus those who are well represented, as long as these were justified on a rational basis. The First Amendment prop-

erly prevents the government from making these kinds of distinctions, but S.J. Res. 35 would enable Congress to set these limitations notwithstanding currently existing constitutional understandings. Some of the dangers to the First Amendment are most apparent when S.J. Res. 35 is viewed from that perspective.

Finally, as an amendment subsequent to the First Amendment, the existing understandings about the protections of freedom of the press would also be changed, thereby empowering Congress to regulate what newspapers and broadcasters can do on behalf of the candidates they endorse or oppose. A candidate-centered editorial, as well as op-ed articles or commentary, are certainly expenditures in support of or in opposition to political candidates. The amendment, as its words make apparent, would authorize Congress to set reasonable limits on the involvement of the media in campaigns when not strictly reporting the news. Such a result would be intolerable in a society that cherishes a free press.

Last year, we celebrated the 200th anniversary of the Bill of Rights with speeches, articles, and lessons about the importance of our cherished liberties. This year should not mark the end of that bicentennial legacy by an ill-conceived effort to cut back on freedom of speech and the press. Please reject S.J. Res. 35.

Sincerely,

ROBERT S. PECK,
Legislative Counsel.

Mr. McCONNELL. Let me just say again, hopefully in conclusion, if both sides are ready to yield back their time—I do not know whether they are not, but if they are, I am prepared to, but let me summarize again that this proposal has the opposition of Common Cause, the opposition of the Washington Post, the opposition of the ACLU, and the opposition of George Will. That pretty well covers it, Mr. President. It is opposed by people from left to right.

I hope that the Senate would support the motion to table I will make at such time as we conclude the debate.

So, Mr. President, I would just inquire of my friend from South Carolina, do we want to yield back and go ahead or have we heard from our Cloakrooms?

Mr. HOLLINGS. I would like to accommodate the distinguished Senator from Kentucky. What happens is I have the Senator from Nevada on the way.

Mr. McCONNELL. All right.

Mr. HOLLINGS. He is on the way.

Mr. McCONNELL. Mr. President, then I will just reserve the remainder of my time and yield the floor.

Mr. HOLLINGS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from South Carolina has 10 minutes 46 seconds.

Mr. HOLLINGS. Mr. President, I enjoy serving with the distinguished Senator from Kentucky. When he was going down the list of the American Civil Liberties Union and the Washington Post and all these liberal folks, he should not get too enthralled with this particular issue, because somebody will pick up that RECORD, the way they run

campaigns now, and say he is running around with the ACLU. I could see that 20-second bite right now.

I have a good friend. He wanted to contribute to me. He said he could get \$5,000 from a group, and I said, "Look, it will take me \$50,000 to \$100,000 to explain that group. I just cannot accept it."

You have to look at elections. It is unfortunate, but that is what we are talking about. If you get it back down to where you have a limited amount in a small State like South Carolina of \$1 million, the incumbent, I can tell you right now, is at a disadvantage, because I have a record of votes, thousands of votes. What I fear as an opponent is some nice, young, clean-cut law graduate, married, with two or three children and who has never voted on anything. All he has is a picture of himself going into church on Sunday. What am I going to argue about?

I was lucky in my last race. I had a former Congressman as an opponent. I survived by the skin of my teeth because they zeroed in with lots of money and lots of TV. Money talks. Money talks. If we can start limiting that money in these campaigns, we will get it back to the people.

The expenses are just absolutely unheard of. For example, the average cost of winning a Senate seat in 1980 was \$1.2 million, but by 1984 it rose to \$2.1 million, and by 1986 it skyrocketed to \$3.1 million—this is the average—in 1988, to \$3.7 million, and last year the average seat was \$4.1 million.

This past year Ollie North in Virginia spent \$19.8 million. Senator ROBB spent \$5.4 million. Mr. President, \$19.8 and \$5.4 million—that's a total of \$25.2 million.

You can go down the list. I do not really want to make a public record because I know the sensitivities of Senators. Frankly, it is embarrassing what we all spend. I know my opponent, for example, spent just as much as I did and tried to report it differently.

When are we going to correct this thing? Here is an opportunity to do just exactly that. We have a wonderful opportunity. Whatever the Senator from Kentucky says I want to consider it, because he and I have been on the same side against public financing: The public now contributing to politics. You would never get anybody out up here if that were the case. That is really where the incumbents can spend all their time prissing and preening and actually getting absolutely nothing done. In fact, that is the way we are. We are on a treadmill to make absolutely sure that nothing gets done.

How much time do I have left?

The PRESIDING OFFICER. The Senator from South Carolina has 2 minutes 30 seconds.

Mr. HOLLINGS. I reserve the remainder of my time.

I yield to the distinguished Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah.

UNANIMOUS-CONSENT AGREEMENT

Mr. HATCH. Mr. President, I ask unanimous consent that when the Senate resumes the joint resolution at 9:30 a.m. on Wednesday, the pending business be the Bingaman amendment re: supermajority, and that time on that amendment prior to a motion to table be as follows, and that no second-degree amendments be in order prior to the motion to table: 45 minutes under the control of Senator BINGAMAN, 15 minutes under the control of Senator HATCH.

I further ask that following the conclusion or yielding back of time the majority leader or his designee be recognized to make a motion to table.

The PRESIDING OFFICER. Is there objection?

Mr. PRYOR. Reserving the right to object, Mr. President, will the distinguished Senator from Utah please repeat the first part of the request for unanimous consent? If he does not mind? I apologize.

Mr. HATCH. I will be glad to.

Mr. President, I ask unanimous consent that when the Senate resumes the joint resolution at 9:30 a.m. on Wednesday, the pending business be the Bingaman amendment re: supermajority, and that time on that amendment prior to a motion to table be as follows, and that no second-degree amendments be in order prior to the motion to table: 45 minutes under the control of Senator BINGAMAN, 15 minutes under the control of Senator HATCH.

I further ask that following the conclusion or yielding back of time the majority leader or his designee be recognized to make a motion to table.

Mr. PRYOR. Mr. President, would that be presuming that this will be the final vote of the evening, on the Hollings amendment?

Mr. HATCH. This is going to be the final vote.

Mr. PRYOR. I do not object and I yield the floor and thank the Senator.

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

Mr. HATCH. Mr. President, I further ask unanimous consent that following the disposition of the Bingaman amendment, Senator WELLSTONE be recognized to make a motion to refer, and the time on that motion be limited in the following fashion prior to a motion to table, and that no amendments be in order to the motion prior to the tabling motion: 45 minutes under the control of Senator WELLSTONE, 15 minutes under the control of Senator HATCH.

I further ask unanimous consent that following the conclusion or yielding back of time, the majority leader or his designee be recognized to make a motion to table the motion to refer.

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

Mr. HATCH. Mr. President, I have been authorized to tell the Senate that following the vote on the amendment of the distinguished Senator from South Carolina there will be no more rollcall votes this evening. But we will have those two rollcall votes first thing in the morning starting after the debate at 9:30 and after the second debate at that time.

I am wondering if both sides would be willing to yield their time.

Mr. HOLLINGS. Just in a few minutes.

Mr. President, I ask unanimous consent that the testimony of the distinguished Lloyd N. Cutler before the Senate Judiciary Committee be printed in the RECORD.

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

STATEMENT OF LLOYD N. CUTLER BEFORE THE SENATE JUDICIARY COMMITTEE, SUBCOMMITTEE ON THE CONSTITUTION, MARCH 17, 1988

My name is Lloyd N. Cutler. Along with Senator Nancy Kassebaum of Kansas and Mr. Douglas Dillon, I am a Co-Chairman of the Committee on the Constitutional System, a group of several hundred present and former legislators, executive branch officials, political party officials, professors and civic leaders who are interested in analyzing and correcting some of the weaknesses that have developed in our political system.

One of the most glaring weaknesses, of course, is the rapidly escalating cost of political campaigns, and the growing dependence of incumbents and candidates on money from interest groups who expect the recipient to vote in favor of their particular interests. Incumbents and candidates must devote large portions of their time to begging for money; they are often tempted to vote the conflicting interests of their contributors and to create a hodgepodge of conflicting and indefensible policies; and in turn public frustration with these policies process.

A serious attempt to deal with the campaign financing problem was made in the Federal Election Campaign Act of 1974 and the 1976 amendments, which set maximum limits on the amounts of individual contributions and on the aggregate expenditures of candidates and so-called independent committees supporting such candidates. The constitutionality of these provisions was challenged in the famous case of *Buckley v. Valeo*, 424 U.S. 1, in which I had the honor of sharing the argument in support of the statute with Professor Archibald Cox. While the Supreme Court sustained the constitutionality of the limits on contributions, it struck down the provision limiting expenditures for candidates and independent committees supporting such candidates. It found an inseparable connection between an expenditure limit and the extent of a candidate's or committee's political speech, which did not exist in the case of a limit on the size of each contribution by a non-speaker unaccompanied by any limit on the aggregate amount a candidate could raise. It also found little if any proven connection between corruption and the size of a candidate's aggregate expenditures, as distinguished from the size of individual contributions to a candidate.

The Court did, however, approve the Presidential Campaign Financing Fund created by the 1976 amendments, including the condition it imposed barring any presidential

nominee who accepted the public funds from spending more than a specified limit. However, it remains unconstitutional for Congress to place any limits on expenditures by independent committees on behalf of a candidate. In recent presidential elections these independent expenditures on behalf of one candidate exceeded the amount of federal funding he accepted. Moreover, so long as the Congress remains deadlocked on proposed legislation for the public financing of Congressional campaigns, it is not possible to use the public financing device as a means of limiting Congressional campaign expenditures.

Accordingly, the Committee on the Constitutional System has come to the conclusion that the only effective way to limit the explosive growth of campaign financing is to adopt a constitutional amendment. The amendment would be a very simple one consisting of only 46 words. It would state merely that "Congress shall have power to set reasonable limits on campaign expenditures by or in support of any candidate in a primary or general election for federal office. The States shall have the same power with respect to campaign expenditures in elections for state and local offices."

Our proposed amendment would enable Congress to set limits not only on direct expenditures by candidates and their own committees, but also on expenditures by so-called independent committees in support of such a candidate. The details of the actual limits would be contained in future legislation and could be changed from time to time as Congress in its judgment sees fit.

It may of course be argued that the proposed amendment, by authorizing reasonable limits on expenditures, would necessarily set limits on the quantity of speech on behalf of a candidate and that any limits, no matter how ample, is undesirable. But in our view the evidence is overwhelming by now that unlimited campaign expenditures will eventually grow to the point where they consume so much of our political energies and so fracture our political consensus that they will make the political process incapable of governing effectively. Even the Congress has found that unlimited speech can destroy the power to govern; that is why the House of Representatives has imposed time limits on Members' speeches for decades and why the Senate has adopted a rule permitting 60 senators to end a filibuster. One might fairly paraphrase Lord Acton's famous aphorism about power by saying, "All political money corrupts; unlimited political money corrupts absolutely."

Finally, Mr. Chairman, I would not be discouraged from taking the amendment route by any feeling that constitutional amendments take too long to get ratified. The fact is that the great majority of amendments submitted by Congress to the states during the last 50 years have been ratified within twenty months after they were submitted. All polls show that the public strongly supports limits on campaign expenditures. The principal delay will be in getting the amendment through Congress. Since that is going to be a difficult task, we ought to start immediately. Unlimited campaign expenditures and the political diseases they cause are going to increase at least as rapidly as new cases of AIDS, and it is high time to start getting serious about the problem.

Mr. Chairman, on three past occasions we the people have amended the Constitution to correct weaknesses in that rightly revered document as interpreted by the Supreme Court. On at least two of those occasions—

the Dred Scott decision and the decision striking down federal income taxes, history has subsequently confirmed that the amendments were essential to our development as a healthy, just and powerful society. A third such challenge is now before us. The time has come to meet it.

For a fuller discussion of the case for a constitutional amendment, I am attaching an article written shortly before his death by Congressman Jonathan Bingham, my college and law school classmate and, in my view, one of the finest public servants of our times.

Mr. HOLLINGS. Mr. President, in the process of completing the thought, to raise the kind of money necessary now in races the average Senator must raise over \$14,000 a week every week of his or her 6-year term. Overall spending in congressional races increased from \$403 million in 1990 to more than \$590 million in 1994; a 50 percent increase in 4 short years.

Mr. President, with \$50,000-plate dinners, with \$11 million evening fundraisers, it is going up, up and away. This amendment is not just spasmodic or spurious or unstudied. I went to the Parliamentarian, Mr. Dove, and asked if it would confuse a constitutional amendment on the balanced budget. He said the way I had it written it would be engrossed separately and be voted on by the States separately. Thereupon, I included language in the first section to make sure that it would not cause confusion and that it would be voted on separately. Of course, having agreed to the time—and I thank the distinguished Presiding Officer—the distinguished Senator from Kentucky having agreed to a time limit, I appreciated the time given.

This certainly was not intended for delay. It is a serious amendment. It is a wonderful opportunity for all of us to say what we mean and mean what we say by voting in the affirmative for this amendment.

The PRESIDING OFFICER. Does the Senator yield the remainder of the time?

Mr. HOLLINGS. I yield the remainder of the time.

Mr. McCONNELL. Mr. President, in conclusion, let me remind everybody that on this proposal offered by the distinguished Senator from South Carolina, Common Cause, the Washington Post, the ACLU, and George Will all think it is a bad idea.

Mr. President, I rest my case. I hope the motion of the Senator from Utah to table will be agreed to.

I yield the remainder of my time.

Mr. HATCH. Mr. President, I move to table the Hollings amendment, and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Utah to lay on the

table the amendment of the Senator from South Carolina. On this motion, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from North Carolina [Mr. HELMS] and the Senator from Kansas [Mrs. KASSEBAUM] are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina [Mr. HELMS] would vote "yea."

Mr. FORD. I announce that the Senator from New York [Mr. MOYNIHAN] is necessarily absent.

The PRESIDING OFFICER (Mr. ABRAHAM). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 52, nays 45, as follows:

[Rollcall Vote No. 68 Leg.]

YEAS—52

Abraham	Frist	McConnell
Ashcroft	Gorton	Murkowski
Bennett	Gramm	Nickles
Bond	Grams	Packwood
Brown	Grassley	Pressler
Burns	Gregg	Roth
Chafee	Hatch	Santorum
Coats	Hatfield	Simon
Cochran	Heflin	Simpson
Cohen	Hutchison	Smith
Coverdell	Inhofe	Snowe
Craig	Jeffords	Stevens
D'Amato	Kempthorne	Thomas
DeWine	Kyl	Thompson
Dole	Lott	Thurmond
Domenici	Lugar	Warner
Faircloth	Mack	
Feingold	McCain	

NAYS—45

Akaka	Exon	Levin
Baucus	Feinstein	Lieberman
Biden	Ford	Mikulski
Bingaman	Glenn	Moseley-Braun
Boxer	Graham	Murray
Bradley	Harkin	Nunn
Breaux	Hollings	Pell
Bryan	Inouye	Pryor
Bumpers	Johnston	Reid
Byrd	Kennedy	Robb
Campbell	Kerrey	Rockefeller
Conrad	Kerry	Sarbanes
Daschle	Kohl	Shelby
Dodd	Lautenberg	Specter
Dorgan	Leahy	Wellstone

NOT VOTING—3

Helms	Kassebaum	Moynihan
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So, the motion to lay on the table was agreed to.

Mr. CRAIG. Mr. President, I move to reconsider the vote by which the motion was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. CRAIG. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for not to exceed 15 minutes each.

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

Ms. MOSELEY-BRAUN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Ms. MOSELEY-BRAUN. Thank you, Mr. President.

75TH ANNIVERSARY OF THE LEAGUE OF WOMEN VOTERS

Ms. MOSELEY-BRAUN. Mr. President, the Senator from Texas and I would like to take a moment in morning business to congratulate the League of Women Voters on their 75th anniversary.

Mr. President, I want to take this opportunity to congratulate the League of Women Voters on their 75th anniversary. The League is a quintessentially American institution—one that has served this country very well.

The league's accomplishments are many. I am particularly proud of the leadership the league provided in the 72 year struggle to give women the right women to vote. A struggle the league finally won when the 19th amendment became a part of the U.S. Constitution.

In 1919, Carrie Chapman Catt founded the league in Chicago, at the Convention of the National American Women's Suffrage Association. While the fight for women's right to vote helped create the league, however, its mission has always been much larger. Seventy-five years ago, Carrie Chapman Catt said that "Winning the vote is only an opening wedge * * * but to learn to use it is a bigger task."

That statement is as true today as it was when the League was founded—and the league's continuing work is perhaps the best evidence of that truth. The league continues to educate and inform citizens and get people involved in their communities; it plays a critical role in helping to make government work better. League members work at the grassroots to build citizen participation in the democratic process, and to promote positive solutions to community issues through education and advocacy.

While the league can be justifiably proud of its many accomplishments, league members are not content. They know there is still much work that remains to be done. In 1995, there are still far too many Americans who are not registered to vote and who do not participate in the democratic process. This is the focus of the league's most recent "Take Back the System" campaign. Its goal is to make voter registration more accessible, to provide voters with information on candidates and issues, and to restore the voters' confidence and involvement in the system.

The campaign has been very successful. Its crowning achievement came last year, when the Congress passed the National Voter Registration Act. Motor-voter has begun to enfranchise millions of Americans who have been shut out of the political process, because it makes voter registration more

uniform and more accessible. In the past month since the statute has been in force, tens of thousands of new voters have signed up to register and participate in the political process. This is very positive. I am hopeful that my State of Illinois will implement it as well.

The league has played a large role over the years in many other issues related to increasing participation in the democratic process. After the Brown versus Board of Education Supreme Court decision, local leagues began to work in the community to discuss the issue of desegregation. Their goal was to promote calm, reasonable discussions, to diffuse the tension the decision had caused, especially in the South. At that time, the leagues in the South were representative of women in the South. Local leagues held forums and talks on the issue. Their efforts at providing education and building consensus were successful. In 1956, the Atlanta league made headlines when it voted to strike the word white from its bylaws restricting membership to white women. The league has provided leadership on behalf of the enfranchisement and civil rights of all Americans.

And the league has been very involved in preserving civil liberties and protecting the privileges written into the Bill of Rights. In 1947, President Truman initiated his Loyalty Program, whose purpose was to root out spies in the Federal Government. Anyone whose loyalty came under question was required to testify before a loyalty board, and was often denied due process. During this period, the league developed a program to educate citizens about individual rights. In 1955, League President Percy Maxim Lee, testified before the House Un-American Activities Committee against Senator McCarthy's abuses of congressional investigative power. She emphasized that:

Tolerance and respect for the opinions of others is being jeopardized by men and women whose instincts are worthy patriotic, but whose minds are apparently unwilling to accept the necessity for dissent within a democracy.

Today, the league is working in the emerging democracies of Eastern Europe to promote grassroots political education. League members have spent time in Poland and Hungary training people about how to make local government more responsive, and how to increase citizen participation in the democratic process. They have also brought people to the United States to learn how local leagues promote positive solutions to community issues through education and advocacy.

The league's programs are always unbiased and nonpartisan. They never support or oppose candidates for office. Although the message is political—the mission is to influence public policy—the goal is to promote an open, rep-

resentative, and accountable government which has the confidence of the American people.

I have been a member of the League of Women Voters' Illinois chapter and Chicago chapter for 15 years. As a member of the league, I invite all of my colleagues, as well as all the people listening at home on C-SPAN, to involve yourselves with this grassroots organization. Across the Nation, there are over 100,000 members and supporters that build the strength of the league. Our members include people of all colors, creeds, and both genders, and we embrace new members with open arms. In the words of Susan Lederman, a former president of the league, "Our energy, experience, and enthusiasm will be contagious. Our democracy will be stronger and better for the effort we make."

Mr. President, again, I wish to congratulate and commend the league and its members for their continued efforts in behalf of keeping our political and governmental institutions vital ones. Their role in protecting and promoting democracy in this country, frankly, has been unparalleled.

I know Senator HUTCHISON has a statement, as well.

I just wanted to take this moment to wish the league and its members a happy 75th anniversary—and there will be at least 75 more years—and that I join them in this celebration for the tremendous contribution they have made to the people of this great country.

I would like now to yield to the Senator from Texas.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

TRIBUTE TO THE LEAGUE OF WOMEN VOTERS ON ITS 75TH ANNIVERSARY

Mrs. HUTCHISON. Mr. President, I would just like to follow my distinguished colleague from Illinois in talking just for a minute about the League of Women Voters. I think all of us agree that the League of Women Voters has made a great contribution to this country. Today, Valentine's Day, marks the 75th anniversary of the league's founding.

The league's first and most widely recognized success was its role in the 19th amendment's ratification. In the wake of this historic victory, however, the League realized that an even more formidable challenge remained ahead—the task of actually bringing the millions of newly enfranchised American women into the realm of politics.

Over the course of 75 years, the league launched ambitious programs to increase voter participation and to enhance public understanding of major policy issues. At the same time, the

league continued its campaign to improve the legal status of women. In my home State of Texas, the league worked to secure secret balloting and won the battle to allow women to serve on juries in Texas.

As time has progressed, the success of league endeavors has become increasingly apparent; in government and politics today, the presence and influence of women are stronger than ever. And though the league was founded out of the struggles for women's suffrage, its vision and legislative agenda have broadened over the years to encompass much more than voting rights and women's issues. State and local leagues have pursued public policy matters ranging from the environment to international cooperation.

Most importantly, Mr. President, the league has never wavered from its commitment to nonpartisanship nor its grassroots origins. In its town hall meetings and candidate forums in thousands of local communities across the country, the league has endeavored to ensure that voters are presented with balanced information that reflects the diverse viewpoints of its membership.

It is with much admiration and gratitude, Mr. President, that I recognize this uniquely American organization and the pioneering women who founded it and strengthened it through the years. We have all benefited tremendously from their first 75 years of service to our country. I look forward to another 75 years of great league achievements.

I think it is very important that all of us realize the great contributions that the League of Women Voters has made to our country and to the awareness of our opportunity and responsibility to vote. I think the League of Women Voters should be commended today on the 75th anniversary of their founding, and I am very proud to be part of the group that is recognizing that important date.

Mr. President, I yield the floor.

LEAGUE OF WOMEN VOTERS 75TH ANNIVERSARY

Mr. GRAMS. Mr. President, I rise today to mark the 75th anniversary of the League of Women Voters.

For many of us, America in the early 1900's is recalled mostly through the grainy, black and white images of newsreel footage. We are too young to remember American life back then, but the old films are portholes on the past. We laugh at the clothes, marvel at the cars, and wonder about the celebrities of the times whose names have long since been forgotten. We've seen newsreels of the suffragists, too, marching and protesting for the right to vote. Yet it is easy to forget that these are more than distant, cellulose images—that these are real people, with deep-

felt passions about the precious right to vote.

But the League of Women Voters has not forgotten. The league, in fact, grew out of the suffrage movement and the fight to ratify the 19th amendment to the Constitution. In my home State of Minnesota, the Legislature ratified the 19th amendment on September 8, 1919. The following month, on October 29, 1919, the Minnesota League of Women Voters was formed. For the three-quarters of a century since its founding, the Minnesota league—like its national partners—has balanced a dual mission of voter education and advocacy.

Even in its earliest years, the Minnesota League of Women Voters took a leading role in nonpartisan voter education services. A 1922 booklet of Minnesota election laws—"State Election Laws Clearly Stated for the First Time!"—was an early league project, and such outreach continues today with annual Voter Guides and Election Information Hotlines. The League's election-year televised debates have become a critical source of candidate information for hundreds of thousands of Minnesota voters.

I enjoy the unique perspective of having seen the League of Women Voters at work from both sides of the political fence—as a journalist asking questions on the panel of a League debate, and as a candidate answering questions during my 1994 U.S. Senate campaign. I remain impressed by the league's ability to reach out to Minnesotans on all levels, as evidenced by its 2,500 local members in more than 100 Minnesota communities.

The League of Women Voters has earned my respect and gratitude for its 75 years of urging Americans to get involved, to vote, to take a stand on issues. A great deal has changed in this country since the newsreel days, but the league's dedication to encouraging citizen participation in their government has not. I join my Senate colleagues in saluting the League of Women Voters and its membership on their anniversary of service.

THE LEAGUE OF WOMEN VOTERS

Mrs. KASSEBAUM. Mr. President, I rise today in celebration of the 75th anniversary of the founding of the League of Women Voters. Across the country, the League of Women Voters has presented women the opportunity to study national, State, and local issues without the spin of outside interest groups of one kind or another. A nonpartisan organization, the league has played a historic role in not only the women's suffrage movement, but in a variety of issues including child labor law, education, and environmental concerns.

As a woman from the State of Kansas, I believe it is important to recognize the league's efforts to reach out to women from rural areas. Providing a

forum for honest discussions, with a concentration on the facts rather than prejudiced thought, the league has proven an inspiration and an awakening for many. The league encourages women to think analytically and independently, creating opportunities to lead discussions, present the pros and cons of an issue, and learn practical use of parliamentary principles. As a result, the league has instilled in many women the belief that their contributions and opinions can and do make a difference. More importantly, however, is the realization that world issues, no matter how complex, can be understood and discussed by ordinary people.

Our current political climate includes and welcomes the participation of women at all levels of national debate and government. This is a sharp contrast from the early days of the League of Women Voters. Today, I imagine that many young women find it difficult to comprehend that women's suffrage was even an issue at the time. And, although I believe this means we have made progress, I also feel it is important to remember our history. We owe a debt of gratitude to the League of Women Voters for encouraging women everywhere to help bring this about. Freeing women of all educational backgrounds to believe they could study significant issues is a gift the league has given to women all over America.

THE 75TH ANNIVERSARY OF THE LEAGUE OF WOMEN VOTERS

Ms. SNOWE. Mr. President, February 14, 1995, marks the 75th anniversary of the founding of the League of Women Voters of the United States, a nonpartisan organization with more than 1,100 chapters and 150,000 members throughout the country.

In 1848, the first national convention for women was held in Seneca Falls, NY, to discuss the conditions and rights of women in America. The suffrage movement grew out of this meeting, and in 1890 the National American Woman Suffrage Association was formed. In 1920, this organization became the League of Women Voters.

Due to the efforts of the National American Woman Suffrage Association and later the League of Women Voters, the 19th amendment to the Constitution was declared ratified by the legislatures of 36 of the 48 States. This amendment, which declares that the rights of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex, was first proposed to the State legislatures for ratification by the 66th Congress on June 5, 1919. My own State of Maine was the 19th State to ratify the amendment on November 5, 1919.

Fortunately for the millions of Americans over the last 75 years who have benefited from the work of the league, the vision of Carrie Chapman

Catt, the league's founder, was much larger than the single-minded achievement of the ratification of the 19th amendment. She envisioned an organization which would continue to educate and motivate Americans for citizenship and responsible voting. And the league has done an excellent job of achieving this vision.

For example, in my own State of Maine, the Maine League of Women Voters has over 400 members, with local branches in Portland, Brunswick, and Mount Desert Island, in addition to many members-at-large. One very important objective of the Maine League is to understand and improve the way Maine's government works. I am particularly proud of the way the Maine League carefully analyzes issues to develop consensus and follows that with strong advocacy efforts. Issues studied recently include health care, families at risk, and the environment.

I would like to submit for the record two very informative articles which were recently printed in the Brunswick Times Record. One article, written by Julie D. Stevens, discusses the history of the National League of Women Voters, while the other, written by Nan Amstutz, discusses the history of the Maine League of Women Voters. Together, these articles illustrate the profound impact of the league on Maine and America, and I ask unanimous consent that these full articles be printed in the RECORD.

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

[From the Times Record, Feb. 10, 1995]

THE LEAGUE OF WOMEN VOTERS OF MAINE—75 YEARS

(By Nan Amstutz)

"If only one woman in Maine wants to vote she should have that chance." Governor Carle Millikan argued in November 1919 when he opened the special session of Maine's legislature called to ratify the 19th amendment to the United States Constitution. Although the amendment giving women the right to vote was ratified in Maine with only a few votes to spare, it was the successful culmination of a long struggle by the Maine Woman Suffrage Association. Within a year, the Association would hold its last meeting and be replaced by a new organization, the Maine chapter of the League of Women Voters.

The road to equal suffrage in Maine had not been a smooth one. Success had appeared near when the legislature in 1917 amended the state constitution to allow women to vote, only to have the measure overturned at the polls several months later by a vote of almost two to one. Some of the parties on both sides of the debate bear names which are still familiar today. One bill to give women the right to vote had been introduced by Senator Guy Gannett and Representative Percival Baxter, both of Portland, and women's suffrage had been supported by most of the state's newspapers, including the Brunswick Record. In few other states, however, had women anti-suffragists played so conspicuous a role as in Maine, arguing that most women didn't want to vote and that

participation in political life was inimical to women's natural role. Giving active support to this view was Miss Elizabeth McKeen of Brunswick.

Many of the same women who had been active in the suffrage movement now became active members of the new League of Women Voters of Maine, which began with some 60 to 75 members. Its principle legislative interest in the early years concerned the welfare of women and children, and it supported aid to dependent children, strengthened child-labor laws, improved adoption procedures, and better court treatment of juvenile offenders. Today the Maine League has over 400 members, with local branches in Portland, Brunswick, and Mt. Desert Island. As a rural state, Maine has many members-at-large, too scattered to belong to a local branch, although they sometimes gather as an informal unit as has happened in Ellsworth. Issues studied by the state League today, health care, families at risk, and the environment, are as relevant to contemporary problems as were the issues studied in 1920 to concerns of that era.

Throughout its almost 75-year history, the League of Women Voters of Maine has retained as a major focus, understanding and improving the way Maine's government works. This has meant taking on issues that are important, studying them carefully, reaching a consensus among members, and then undertaking concerted advocacy. It has meant studying such subjects as jury selection, better ways to reapportion the legislature, lengths of term in office, the state tax structure, and how to finance education. An early example of the League's focus on state government was its long and successful effort to interest the public in the need for a merit system in Maine government, an effort which culminated in the passage of the 1937 Personnel Law.

In promoting the active and informed participation of citizens in government, the League's goal is to train its members to become leaders, although, as a non-partisan organization, it can not support them if they run for political office.

A number of League members are in the present state legislature. Rep. Jane Saxl of Bangor, a former state League president, sees the League as a training ground which gave her background and information on local and state issues and also provided her with confidence to run for office. "I met elected officials and discovered they weren't all that different from the rest of us. Then when I read the Wisconsin League's publication, *See Jane Run*, I knew it was meant for me." Saxl served first on the local school board and later on the Bangor City Council, before running for the state legislature. "My one claim to fame on the City Council, curbside recycling was a direct result of my League experience. Where else would I have studied subjects such as waste management or water quality?"

On February 14, members of the League throughout Maine will celebrate the national League's 75th birthday at the State House in Augusta during the League's annual "Keys to the Capitol" program. As Nancy Neuman, keynote speaker at the celebration, has written, "The purpose of the League is as relevant today as it was in 1920. Making a success of American democracy is a never-ending commitment, requiring tenacity, patience, and a sense of humor."

[From the Times Record, Jan. 27, 1995]
LEAGUE OF WOMEN VOTERS, AT 75, IS STILL
GOING STRONG

(By Julia D. Stevens)

On Feb. 14, 1995, the League of Women Voters of the United States and of the state of Maine will celebrate 75 years of promoting the active informed participation of citizens in government.

Although the League was not officially founded until February 1920, on the eve of final ratification of the 19th Amendment to the Constitution giving women the right to vote, its roots had begun almost 75 years earlier. In 1848 the first national convention for women was held in Seneca Falls, N.Y., to discuss the social, civil, religious conditions and rights of women. The women at this meeting decided to fight for the right to vote, but it was not until 1890 that the National American Woman Suffrage Association was formed. In 1920, this organization became the League of Women Voters.

MIGHTY EXPERIMENT

Carrie Chapman Catt, the League's founder, designed the League to be "a mighty political experiment"—"an anomaly, we will be a semi-political body—we want political things; we want legislation; we are going to educate for citizenship . . . we have got to be nonpartisan and all-partisan."

Seventy-five years later, the League is still an anomaly in American politics. It is non-partisan and political. It educates and advocates. Its members are feminist, but the League describes itself as a citizens' organization. It trains women and men leaders, but it cannot support them if they run for public office.

SOCIAL REFORMERS

The founders of the League were social reformers, concerned with protecting the rights of working-class women and advancing the status of women in American society. The first League program included: protecting women factory workers against sweatshop conditions; promoting pay based on occupation, not gender; maternal health and child welfare; independent citizenship and equal property rights for married women; uniform marriage and divorce laws; jury service for women; election law reform; a Women's Bureau in the Department of Labor; pure food laws; prevention of venereal disease; a merit system at all levels of government, and compulsory education.

VOTER EDUCATION

Voter education has always been a central focus of the League. Before every election, the League provides voters with nonpartisan information about candidates and issues. In its early days, citizenship schools to study basic principles of government were conducted across the country, and women voters were instructed how to register and vote. Nonpartisan voters guides were distributed and many state and local Leagues held candidates meetings. In 1923, "Know Your Town" questionnaires were developed to help new Leagues study conditions in their own communities.

Nonpartisanship, consensus on issues, and concerted advocacy are central to the League's philosophy. The League thoroughly researches and studies issues before it arrives at a public position. After weighing the pros and cons of policy choices, League members discuss areas of agreement and disagreement, eventually arriving at a consensus.

CHANGING ISSUES

During World War II the League educated the public about the importance of American

democracy and was a vocal advocate for the formation of the United Nations.

The 1950s were years of growth in membership—by 1958, the League had 128,000 members. The League was active in water resources issues and through its "Freedom Agenda" took a visible leading role in opposing McCarthyism.

In the 1960s, the League was involved in apportionment, air and water pollution control, equal access to education, employment and education, civil rights and the women's movement.

During the 1970s, the League was active in issues such as campaign finance, voting rights, international trade, land use, solid waste, urban policies and presidential debates. In 1974 the League admitted men as full voting members. Membership peaked in 1974 at 177,838 members, with 1,340 local and 50 state Leagues.

The 1980s were years of involvement in social and environmental issues, fiscal policy, arms control, reproductive choice and agriculture. In the 1990s the League has established positions on health care and gun control, and has been instrumental in the passage of "motor voter" legislation.

MIDDLE OF THE ROAD

Within the American political system, the League is a moderate organization: It has been attacked by the left as too conservative, by the right as too liberal. Maud Wood Park, the League's first president (1920-24) noted that the League: "has chosen to be a middle-of-the-road organization in which persons of widely differing political views might work out together a program of definite advance on which they could agree. . . . It has held to the belief that no problem of democracy is really solved until it is solved for the average citizen."

For 75 years the League has prodded the nation to fulfill its promises. Making a success of American democracy is a never-ending commitment, requiring tenacity, patience and a sense of humor. In the next 75 years, the League intends to continue its efforts to educate and motivate citizens. The League plans to further diversify its membership, programs and approaches to better meet the needs of U.S. citizens. The League welcomes any citizen over 18 years of age to become a member, either as active participants or as supporters.

The League's 75th birthday party will take place on Feb. 14 at the State House in Augusta during the League's annual "Keys To The Capitol" program.

THE 75TH ANNIVERSARY OF THE LEAGUE OF WOMEN VOTERS

Mr. DODD. Mr. President, I rise to pay tribute to the League of Women Voters which is celebrating its 75th anniversary today. On February 14, 1920, in anticipation of the ratification of the 19th amendment granting women the right to vote, this group was formed to educate these new voters about politics. By encouraging informed and active participation in government, this organization continues to play an important role in American politics. The league deserves both thanks and recognition for its efforts.

The fight for women's suffrage is a part of our history that, in my opinion, does not receive enough attention today. We would all do well to reflect on the incredible courage and strength the women of that era demonstrated in

their quest for the right to vote. The battle for women's suffrage lasted generations, and many forget that women were jailed and physically punished simply because they believed that women were created equal to men. The suffragists hoped that by winning a say in their Nation's affairs, they could better the conditions of all Americans. They were right, and the continued work of the League of Women Voters is testament to that fact.

Carrie Chapman Catt, founder of the National Woman Suffrage Association, proposed "a League of Women Voters, nonpartisan and nonsecretarial, to finish the fight and aid in the reconstruction of the nation." By encouraging the participation of all citizens in government, the league has adhered to that charge, and remains a powerful force for productive change.

Today, the league is composed of both men and women who work together to strengthen the democratic process and to seek positive solutions to the problems of our time. Their efforts to increase citizen participation and educate voters exemplify the spirit that makes American government unique in the world. Eleanor Roosevelt, one of the league's more famous members, once said: "Life was meant to be lived, and curiosity must be kept alive. One must never, for whatever reason, turn his back on life." These words accurately describe the league's ongoing activities. On issues ranging from agriculture to arms control, the league has been a tireless voice, and it continues to influence the course of our Nation.

I would also like to take this opportunity to commend the members of the League of Women Voters in my home State of Connecticut. Their work is indicative of the broad range of activities the league is now involved in nationwide. In addition to the many local voter education projects, Connecticut members have been extremely active working behind the scenes to gain passage of numerous pieces of crucial State legislation. They have also participated in several recent international fellowship programs. This past summer, the Connecticut League of Women Voters hosted two Hungarian fellows in the interest of promoting the exchange of democratic ideas worldwide. It is this type of information exchange that embodies the work league members have accomplished during the past 75 years.

Through its efforts, the League of Women Voters demonstrates that politics need not be partisan, and that increased participation in a democracy is always a change for the better. I congratulate and commend all members, both past and present, who have worked on these efforts. We should all take time to reflect upon the women's suffrage movement that brought the league into existence and the vital work this organization continues to do today.

THE 75TH ANNIVERSARY OF THE LEAGUE OF
WOMEN VOTERS

Mr. HEFLIN. Mr. President, I want to take a moment to congratulate the League of Women Voters as it turns 75 years old today. Many congratulations are certainly in order for this outstanding organization that has done so much over the decades as "a voice of citizens and a force for change."

The League of Women Voters is a nonpartisan political group which encourage the informed and active participation of citizens in government, works to increase understanding of public policy issues, and influences policy through education and advocacy. Every American has benefited from the league's many contributions at the local, State, and national levels of government during its 75 years.

In 1976, the league sponsored the first Presidential debates since those famous ones in 1960. This capped a nationwide petition drive to have candidates for Nation's highest office "Meet in public debate on the issues facing the country." The league also sponsored debates during the general election campaigns of 1980 and 1984, and during the primaries of 1988 and 1992.

Most of us know the league through our local chapters, since it is organized in more than 1,000 communities, in all 50 States, the District of Columbia, Puerto Rico, and the Virgin Islands. Its education fund, founded in 1957, provides local and State leagues with information and educational services on elections and on current public policy issues. It is renowned for its ability to make complex and controversial issues accessible to the average citizen in a clear and balanced way.

There is no more important civic duty we have as Americans than expressing ourselves through informed, consistent voting. I am proud to commend and congratulate the League of Women Voters for helping to foster that civic expression for 75 years.

COMMEMORATING THE 75TH ANNIVERSARY OF
THE LEAGUE OF WOMEN VOTERS

Mr. CONRAD. Mr. President, today we celebrate an important organization in the modern history of American politics. The League of Women Voters, a nonpartisan organization which encourages informed and active participation in the political process, celebrates its 75th anniversary.

The League of Women Voters is open to all of American voters. The League of Women Voters is an established grassroots organization; encouraging and enabling individuals to become true participants in the important public policy and political debates of our time.

The League of Women Voters has an active presence in each of the 50 States. In North Dakota, the League of Women Voters has had an active presence for the past 45 years. The North Dakota League of Women Voters' ac-

tivities include preparing voters' guides which explain ballot measures, helping communities draft governing documents, and supporting bills before the State legislature. The North Dakota League of Women Voters is a valuable asset to my State.

Mr. President, I join my Senate colleagues and the American people in congratulating the League of Women Voters on its remarkable achievements. I wish the League of Women Voters many years of continued success.

THE 75TH ANNIVERSARY OF THE LEAGUE OF
WOMEN VOTERS

Mr. DOMENICI. Mr. President, 1995 is the 75th anniversary of the passage of the 19th amendment, which granted women the right to vote. The year 1995 is also the 75th anniversary of the founding of the League of Women Voters. I want to commend the league for its efforts to encourage the informed and active participation of citizens in government. I particularly want to recognize the activities of the League of Women Voters in New Mexico.

In 1924, 4 years after the formation of the national league, the New Mexico League started its first chapter in Albuquerque. The league concentrated upon informing citizens on legislation before the New Mexico House and Senate. By 1949, three league chapters were active in Albuquerque, Los Alamos, and Las Vegas, NM. By 1953, two more chapters had been added in Las Cruces and Santa Fe, and members were being recruited for chapters in Tucumcari and Gallup. As membership grew, local league chapters began to work on local and federal issues in addition to issues before the State legislature.

Today, before every general election, local leagues publish voters guides and hold candidate forums and debates. Between elections, the league publishes Who's Who pamphlets listing the names of local elected officials and holds seminars on issues important to New Mexicans. Issues including health care, transportation, and children and youth have been the topics of recent seminars. These publications, forums, and seminars are valuable resources for citizens.

I would like to salute the New Mexico league for its untiring efforts to inform citizens about State, local, and national issues. I would like to particularly recognize five members of the New Mexico league who will be honored by our Governor Gary Johnson on February 24: Trula Johansson, Jessie Rudnick, Marjorie Burr, Barbara Bell, and Elizabeth Platts. Trula Johansson joined the New Mexico league in 1948 and was president of the Albuquerque/Bernalillo County chapter; Jessie Rudnick started a league-sponsored farmers market in Los Alamos; Marjorie Burr was a founder of the Las Cruces chapter; Barbara Bell organized a member-at-large league in Grants;

Elizabeth Platts is past president of the Santa Fe league. These five women are outstanding examples of the contributions the league has made to New Mexico.

I also want to recognize the efforts of those who helped New Mexican women gain the right to vote. The New Mexico Federation of Women's Clubs and the Congressional Union, an organization of suffragettes, were instrumental in pressing the New Mexico State Legislature to ratify the 19th amendment to the U.S. Constitution. Mr. President, I request that an article that better describes women's suffrage in New Mexico be inserted into the RECORD at the conclusion of my remarks.

Mr. President, I salute those who worked to give women the right to vote. I salute the members of the New Mexico League of Women Voters and the principles in which they believe and support. The league believes in representative government and in the individual liberties established in the Constitution of the United States, that democratic Government depends upon the informed and active participation of its citizens, and that responsible government should be responsive to the will of the people. The league's education and advocacy activities in support of these principles have served all New Mexicans well by helping them better exercise their right to vote. On behalf of all New Mexicans, I want to express my appreciation for the hard work and dedication of the members of the League of Women Voters.

[From The League of Women Voters of New Mexico, Winter 1995]

SUFFRAGE IN NEW MEXICO

(By Shelly Shepherd, President, LWV/ABC)

I recently spoke before the Federal Aviation Administration for Women's Equality Day on the topic of Women's Suffrage in New Mexico. I am particularly interested in this topic, as we are approaching the 75th Anniversary of Passage of the 19th Amendment and the 75th Anniversary of the National League of Woman Voters of the United States.

I was surprised to find that little has been written about the Women's Movement in New Mexico. I learned that most people, including myself, have little or no knowledge about the efforts that were made and who made them. Older accounts of Women's Suffrage in the west omit New Mexico because it was the only western state without Women's Suffrage by 1914. I thought I'd share a few historic facts that I have uncovered in my research.

The first organized pressure groups for Women's Suffrage in New Mexico came during the Constitutional Convention of 1910. Before 1900, Hispanic and Anglo support was insufficient to make suffrage a real issue. In 1910, the National Women's Suffrage Association (NAWSA) had only two subscribers to its publication on suffrage. One name had "dead" scribbled after it, and the other person was in a Silver City sanatorium. This was hardly a suitable base for an active women's movement.

Letter from Ada Morley to the Congressional Union reporting on the campaign to

have the New Mexico delegation support passage of the Susan B. Anthony Women's Suffrage Amendment in Congress, together with other letters in the National Women's Party Papers in the Library of Congress, indicate the existence of an active women's movement in New Mexico during the early 20th Century.

During the first decade of the 20th Century, several hundred New Mexico women organized into nine clubs in which women could work together on civic, educational, and cultural affairs. In 1909, women's clubs federated into a state organization. In 1910, the president of the federated organization presented a petition to delegates of the State Constitutional Convention in support of women's suffrage. Of three published memoirs, only two mention women's suffrage. One says, "Members compromised on women's suffrage" while the other notes, "The very nature of New Mexico's background was against giving women the voting privilege with men."

The 1910 Constitution gave women the right to vote in school district elections and made them eligible to hold public office as superintendent, director, or member of a local board of education. However, Article VII restricted the right of women to vote for these officials if enough men objected.

In addition, the constitutional compromise protected the elective franchise of Hispanic males, through whatever mechanism it might be achieved and "make it virtually impossible to amend the Constitution to give women the right to vote." To amend the franchise provision, three quarters of the voters in each county had to approve; and this made it exceedingly difficult to achieve voting rights for women. Ada Morley wrote to the Congressional Union, "Federal action is our only hope."

Amid the celebrations of new statehood, a small group of women were dissatisfied with their disenfranchisement. At first, some of the club women worked through the National American Women's Suffrage Association (NAWSA) which attempted to expand its activities in New Mexico between 1912 and 1915. Deane Lindsey, an active club woman and former teacher from Portales, became State Chairman. NAWSA offered little incentive for New Mexico to become politically active, however, because it had begun to focus on suffrage referendums that were inappropriate in New Mexico.

More important than NAWSA for fueling the engine of women's discontent in New Mexico was the National Federation of Women's Clubs (NFWC) with which the New Mexico Federation of Women's Clubs (NMFWC) became affiliated in 1914.

When the Congressional Union sent their first organizer to New Mexico in 1914, New Mexico club women were ready to act. A splinter group under the leadership of Alice Paul that separated from NAWSA in 1912, the Congressional Union (CU), had adopted the militant and sophisticated pressure tactics of the "British Suffragettes," as the British called their campaigners. The group of women that the CU pulled together in New Mexico launched its first campaign in 1915, continued to mobilize during the war, and remained the most active organization during the ratification battle. Once the state network was set up, CU organizers planned the type of pageant that the CU had made famous—a mass meeting, a parade, and a deputation to Senators Thomas Catron and Albert Fall.

The woman who rallied to the CU were not representative of various regions of New

Mexico, ethnic groups, or classes. They were predominantly Anglo elite centered in Santa Fe, Albuquerque, and other northern cities. An overwhelming number of the members' husbands identified with the Republican Party, the dominant party in the state at the time.

Ella St. Clair Thompson, CU organizer in New Mexico in 1915, made efforts to recruit daughters of Hispanic politicians. Thompson had leaflets printed in Spanish and English. Although the CU records only mention six Hispanic women as participants, these six were key players. Aurora Lucero, daughter of the Secretary of State, joined, as did three nieces of Solomon Luna, including 34 year old widow Adelina Otero-Warren, who became the most influential woman in the CU.

If any woman could be credited as being the "Susan B. Anthony of New Mexico," it would be Adelina Otero-Warren.

Beginning as a timid woman unwilling to speak in public, Adelina gradually became a political force. Her uncle, Solomon Luna, the powerful and popular head of the Republican Party, had died in 1912; but her father was still active in politics. And other Otero males were moving into positions in the Republican Party. In 1917, Otero-Warren was appointed school superintendent in Santa Fe, and in 1918 she defeated a male opponent to retain this elective position. Otero-Warren guided the last phase of the campaign to pry the amendment out of Congress. She accepted leadership of the New Mexico CU and was soon skillfully evaluating local tensions among factions. She stated, "I will keep out of local fuss but will take a stand and a firm one whenever necessary." Otero-Warren kept the group intact through the war and only resigned from the CU to become chair of the Women's Division of the Republican State Committee for New Mexico.

The women in the CU realized, after storming the office of US Senator Catron (Senior congress Member) on the suffrage matter, that he would not budge from his anti-suffrage position. "He thinks all we are good for is to stay home, have children, have more children, cook and wash dishes," a suffragette complained bitterly after Catron rebuffed one delegation. Other U.S. Congressmen from New Mexico were unwilling to openly endorse suffrage as long as Catron opposed it.

Republican women moved into action by nominating another candidate to Catron's seat. They were unsuccessful in urging the Republican party to nominate pro-suffrage candidate Frank Hubbel in 1916. That year, for the first time, parties in New Mexico supported the suffrage amendment.

The CU maintained its bipartisan stand in the election of 1916, opposing Democrats who would not endorse suffrage and refusing to campaign for Republicans. Both Hubbell and Hernandez (Republicans) were defeated in the Wilson landslide of 1916. The 1916 election placed two pro-suffrage Democrats from New Mexico in Congress—William Walton and Andrejus Jones.

Senator Jones, who replaced Catron in Congress, moved into the chair of the Senate Committee on Women's Suffrage. He proved his support by visiting CU militants jailed for their Washington protests.

When Senator Walton began to waiver on suffrage, Otero-Warren turned up the political heat. This last minute pressure steadied Walton so that he voted for the 19th Amendment that passed the House of Representatives in January, 1918. The Senate voted favorably in June, 1919.

With the federal amendment out of Congress, political focus now shifted back to

New Mexico where the Legislature had to approve the amendment. Suffragettes were so confident that the amendment would easily pass in the January, 1919 session that the new head of the state CU, now calling itself the National Women's Party (NWP), made the mistake of leaving for California. Otero-Warren lobbied among the Hispanics, and the amendment passed the House early. New Mexico was predicted to be one of the first states to ratify the amendment. However, in the Senate a Republican member sidetracked the amendment by substituting a state referendum measure which, as everyone knew, could not pass. This defeat bitterly disappointed women and national suffrage leaders.

Women knew that the longer the ratification process took, the more the opposition would organize against its passage. Anti-suffragists began labeling those supporting suffrage as disloyal and Bolshevik agents. Suffrage leaders were compelled to spend time refuting claims of the "anti's" that women would vote socialist once they were enfranchised during this "red scare" period. The National Women's Party was militant in its activism during the war, even picketing the President. This distressed more moderate suffragists. The two major suffrage groups thus became divided because the leadership believed in different tactics.

Early in 1920 Arizona and Utah ratified after governors from these states promised their support. Governor C.A. Larrazolo of New Mexico promised the NAWSA and NWP leaders passage of the amendment at a special session called for February 16, 1920. If New Mexico ratified as the 32nd state, only 4 more would be needed for passage of the 19th Amendment.

Final victory in New Mexico resulted from coalition work by NWP and Republican Women. Otero-Warren swung into action in January, lining up Republican leaders behind the amendment. Republican anti-suffragists hoped to convince Hispanics that women's suffrage was against their interests and convince them to vote it down. Anglo politicians could then blame Hispanic males for the defeat of a law Anglos did not want enacted.

Suffragist women packed the Senate galleries to hear the final debate, and Republicans shifted support to the amendment. On February 19, 1920, the Senate ratified the amendment by a vote of 17 to 5. On the last day of the struggle, February 19, 1920, after the Senate had ratified and the House had balked at passing the amendment, Otero-Warren spent three hours in a Republican caucus. Dan Padilla withdrew his referendum proposal; Republican leader R.I. Baca shifted to support the amendment; and the House ratified the amendment 36 to 10. New Mexico became the 32nd state to ratify.

Oklahoma, Washington, and West Virginia followed New Mexico. The final battle was fought in Tennessee, where anti-suffragists were accused of buying votes and instigating opposition of every sort. On August 15, 1920, Tennessee ratified! After almost a century of talk about suffrage and more than a decade of campaigning in New Mexico, women had the right to vote. We owe a great vote of thanks to Adelina Otero-Warren and all those who worked with her for so many years. I only hope that we can have this type of dedication to work toward favorable resolution of issues which face the League and our country both now and in the future.

THE 75TH ANNIVERSARY OF LEAGUE OF WOMEN VOTERS

Mrs. FEINSTEIN. I am proud to join today with my colleagues in celebrat-

ing the 75th anniversary of an organization that has focused on bringing women into the political system:

As people who are informed.
People who ask questions.
People who take an active role.
People who can make a difference.
People who would become U.S. Senators.

I believe that it is fair to say that the League of Women Voters, not alone, but with others, has served as the backbone, a sort of grassroots engine moving women forward, not only as activists, but as leaders.

The league was founded in 1920 at the Chicago convention of the National American Woman Suffrage Association, 6 months prior to passage of the 19th amendment granting women the right to vote. On the eve of its establishment, Carrie Chapman Catt, its founder said:

Winning the vote is only the opening wedge, but to learn to use it is a bigger task.

And thus, for 75 years the league has been teaching its membership and all citizens how to use the power of the vote. The league fought to make candidate debates part of campaigning for elective office.

At the national level, it has educated and engaged women in the debate over foreign policy and organized the grassroots on domestic issues—the equal rights amendment, the Voting Rights Act, voter registration reform, and campaign reform to name a few.

At the local level, the league has served to educate the electorate about important public policy issues by sponsoring forums for candidate debates, and providing guides to the issues on the ballot, and more.

In the February 1995, issue of "Today's Voter" a newsletter put out by the League of Women Voters of San Bernardino, CA, the organization's president, Jan Green, said there are four kinds of bones:

She said, and I quote:

The body of a club or group is made of four kinds of bones: the wishbones, who spend all their time wishing someone would do all the work; the jawbones, who do all the talking but very little else; the knucklebones who knock everything that everybody else tries to do; and the backbones who get under the load and do the work as they enjoy the fun of fellowship that come with it.

These words were obviously prodding the membership of the organization toward greater participation in the work of the league. But I believe that these words provide something even more for both elected officials and the electorate.

For elected officials, it is a call for quality representation. Leadership not filled with a lot of talk—political rhetoric on partisan bickering. It is a call for leadership that respects the political process, and the institutions that have served this country well for over 200 years and hopefully long in the future.

For the electorate, it is a call to greater engagement in the political process and the decisions that will shape our future. To go beyond the surface of soundbites and look deeper to the heart of the issues. And most importantly, to vote on election day.

While the influence of the League of Women Voters in shaping the role of women in politics cannot be overstated, I believe their role in the coming years will be equally as important, if not more important. Important victories have been won for women, in terms of the number of elected officials at the national, State, and local levels, and in terms of the legislative victories that have resulted.

In this session, alone critical issues for women are on the table—research for women's health, reproductive choice, welfare reform, and equal opportunity to name a few. The role of the league becomes vital in preserving those gains, whether it be by energizing women voters on election day or galvanizing their forces behind important issues on the legislative agenda.

I want to thank the League of Women Voters for the valuable work it has done for 75 years and for it continued work on issues important to women, in particular, and the electorate at-large.

Thank you, Mr. President.

THE 75TH ANNIVERSARY OF THE LEAGUE OF WOMEN VOTERS OF THE UNITED STATES

Mr. KENNEDY. Mr. President, today marks the 75th anniversary of the founding of the League of Women Voters. It is with pleasure on this auspicious anniversary to salute this organization that has become an American institution.

Founded in 1920, the League of Women Voters was born out of the women's suffrage movement, just 6 months before the 19th amendment granted women the right to vote. During its 75-year history, the league has made unparalleled contributions to the advancement of public policy and to groundbreaking legislation that changed the Nation.

Across the United States, the League of Women Voters has worked tirelessly to educate citizens about their rights and responsibilities, and to increase voter participation in the political process. Initiatives such as the public policy forums, candidate debates, voter guides and courses in the schools are just a few examples of the contributions by the league to the best of the American political tradition.

Through its membership, the league has played an essential role in promoting the involvement of citizens at all levels of government. Its success in mobilizing voters and improving the policymaking process is evident in the history of this Nation's most significant legislation. The Social Security

Act, the Clean Air Act, and the National Voter Registration Act are examples of the league's policy and legislative accomplishments.

In Massachusetts, the league has been a valuable and respected presence. The League of Women Voters of Massachusetts was founded in 1920 as one of the first leagues in the country, and continues to have the largest number of local league chapters in the United States.

The Massachusetts league has been vigorous in the achievement and protection of basic advances in reproductive rights, gun control, education, and civil rights. It has worked hard to prevent and treat child abuse and neglect, and to combat domestic violence against women and children. It has also had a significant impact in the struggle to preserve and protect our environment, and has been an effective leader on issues such as recycling and hazardous waste collection.

I commend the League of Women Voters for its success, and for its outstanding contributions to the Nation. It has been an honor to work with the league over the years, and I look forward to working closely with the league in the years ahead.

THE 75TH ANNIVERSARY OF THE LEAGUE OF WOMEN VOTERS

Mrs. BOXER. Mr. President, today we celebrate 75 years of achievement by the League of Women Voters.

In the 75 years since women won the vote and the League of Women Voters was founded, the league has enabled millions of women and men to cast an informed vote through political education. The League of Women Voters in my home State of California, while excelling at that worthy goal, also has been a leader in the effort to promote equality, involve citizens in shaping their government, and build a better California for our children.

From filing a brief advocating a minimum wage in 1923, to producing award-winning environmental videos in the 1990's, the League of Women Voters of California has had a long and distinguished history.

In 1992, the League of Women Voters of California held their first convention at the St. Francis Hotel in San Francisco, and 70 delegates attended. Today, the California league has over 70 chapters around the State and over 10,000 members.

In 1935, the league of California spoke out in support of unemployment insurance and they worked for tougher child labor laws in 1942. In 1969, the league helped pass stronger water pollution laws, and then in 1976, they helped pass the Coastal Act Initiative to protect California's coastline. In 1987, the league registered thousands of high school seniors to vote. In the 1990's, the league in California has spoken out and provided crucial information to voters on issues ranging from hazardous waste to reproductive choice.

Most important, the efforts of the League of Women Voters to ensure equality at the ballot box, in our schools, and in the workplace, have helped open up opportunities for women to succeed at all levels of American life. The league has inspired millions of women to learn the issues, get involved, and vote.

The past 75 years have been filled with both struggles and accomplishments. As I look back at the rich history of the League of Women Voters, I can only hope that future generations of women will have the league to educate them, inform them, and motivate them to become involved in their communities.

THE 75TH ANNIVERSARY OF THE LEAGUE OF WOMEN VOTERS

Mrs. MURRAY. Mr. President, I rise this morning in honor of the 75th anniversary of the League of Women Voters of the United States.

Founded in 1920, out of the Women's suffrage movement, the leagues has served 75 years educating voters about the most complex public issues of the day.

The league has an impressive history. It has a long tradition of providing voters information—from the first national radio broadcast of a candidate forum in 1928, to its Emmy-Award-winning 1976 debates between former Presidents Jimmy Carter and Gerald Ford.

The league encourages citizen participation in the democratic process. The organization has educated and advocated on issues ranging from—passage of the 19th amendment to the U.S. Constitution giving women the right to vote—to the passage of the motor-voter law in the last Congress.

And, the leagues do not shy away from taking on the issues. For example, in 1955, the league's president testified against Senator Joseph McCarthy's abuse of congressional investigative powers.

Organized in thousands of communities throughout the Nation, the league emphasizes the need for government to be representative, accountable, and responsive.

Mr. President, the League of Women Voters is an excellent organization and I am proud to honor the league's 75th anniversary today.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

HALEYVILLE, AL, EMERGENCY 911 DAY

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 78, a resolution designating Haleyville, AL, Emergency 911 Day, submitted earlier today by Senator HEFLIN; that the resolution and preamble be agreed to, en bloc, and the motion to reconsider be laid upon the

table; and that any statements appear in the RECORD, as if read.

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

So the resolution (S. Res. 78) was agreed to.

The preamble was agreed to.

The resolution (S. Res. 78), with its preamble, reads as follows:

S. RES. 78

Whereas 27 years ago a new era of providing emergency service was ushered in with the creation of the emergency 911 service;

Whereas the first emergency 911 service in the United States was developed by the independent Alabama Telephone Company, a member of the Continental system;

Whereas the Alabama Telephone Company chose Haleyville, Alabama, as the site of the first emergency 911 service in the United States;

Whereas Haleyville, Alabama, became the birthplace of emergency 911 service on Friday, February 16, 1968, when a demonstration call was made from Alabama Representative Rankin Fite of Hamilton, Alabama, at the Haleyville City Hall, to United States Representative Tom Bevill of Jasper, Alabama, at the Haleyville Police Department;

Whereas the historic first call began service that now serves the entire United States and has saved thousands of lives during the past 27 years; and

Whereas numerous men and women in the Haleyville area have conscientiously answered thousands of emergency phone calls during the past 27 years and have provided fast assistance as well as needed assurance to victims of accidents, crime, and illness: Now, therefore, be it

Resolved, That the President is requested to issue a proclamation designating February 16, 1995, as "Haleyville, Alabama, Emergency 911 Day" and calling on the people of the United States to observe the day with appropriate ceremonies and activities.

IS CONGRESS IRRESPONSIBLE?
THE VOTERS HAVE SAID YES

Mr. HELMS. Mr. 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 Monday, February 13, 1995, the Federal debt stood—down to the penny—at exactly \$4,805,964,501,071.04 (or \$18,243.52 per person).

Mr. 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 alone on the Federal debt totaled \$190 billion.

Mr. President, my hope is that the 104th Congress can and will 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.

BUDGET SCOREKEEPING REPORT

Mr. DOMENICI. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under Section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the First Concurrent Resolution on the Budget for 1986.

This report shows the effects of congressional action on the budget through February 10, 1995. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the Concurrent Resolution on the Budget (H. Con. Res. 218), show that the current level spending is below the budget resolution by \$2.3 billion in budget authority and \$0.4 billion in outlays. Current level is \$0.8 billion over the revenue floor in 1995 and below by \$8.2 billion over the 5 years 1995-1999. The current estimate of the deficit for purposes of calculating the maximum deficit amount is \$238.7 billion, \$2.3 billion below the maximum deficit amount for 1995 of \$241.0 billion.

Since my last report, dated January 30, 1995, there has been no action that affects the current level of budget authority, outlays, or revenues.

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 13, 1995.

Hon. Pete Domenici, Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report for fiscal year 1995 shows the effects of Congressional action on the 1995 budget and is current through February 10, 1995. The estimates of budget authority, outlays and revenues are consistent with the technical and economic assumptions of the 1995 Concurrent Resolution on the Budget (H. Con. Res. 218). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements of Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated January 30, 1995, there has been no action that affects the current level of budget authority, outlays, or revenues.

Sincerely,

ROBERT D. REISCHAUER.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE FISCAL YEAR 1995 104TH CONGRESS, 1ST SESSION AS OF CLOSE OF BUSINESS FEBRUARY 10, 1995

(In billions of dollars)

	Budget resolution (H. Con. Res. 218) ¹	Current level ²	Current level over/under resolution
ON-BUDGET			
Budget authority	1,238.7	1,236.5	-2.3
Outlays	1,217.6	1,217.2	-0.4
Revenues:			
1995	977.7	978.5	-0.8
1995-99 ³	5,415.2	5,407.0	-8.2
Maximum deficit amount	241.0	238.7	-2.3
Debt subject to limit	4,965.1	4,712.6	-252.5
OFF-BUDGET			
Social Security outlays:			
1995	287.6	287.5	-0.1
1995-99	1,562.6	1,562.6	0.4
Social Security revenues:			
1995	360.5	360.3	-0.2
1995-99	1,998.4	1,998.2	-0.2

¹ Reflects revised allocation under section 9(g) of H. Con. Res. 64 for the Deficit-Neutral reserve fund.

² Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

³ Includes effects, beginning in fiscal year 1996, of the International Anti-Corruption Act of 1994 (P.L. 103-438).

⁴ Less than \$50 million.

Note.—Detail may not add due to rounding.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 104TH CONGRESS, 1ST SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1995 AS OF CLOSE OF BUSINESS FEB. 10, 1995

(In millions of dollars)

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			978,466
Permanents and other spending legislation	750,307	706,236	
Appropriation legislation	738,096	757,783	
Offsetting receipts	(250,027)	(250,027)	
Total previously enacted	1,238,376	1,213,992	978,466
ENTITLEMENTS AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	(1,887)	3,189	
Total current level ¹	1,236,489	1,217,181	978,466
Total budget resolution	1,238,744	1,217,605	977,700
Amount remaining:			
Under budget resolution	2,255	424	
Over budget resolution			76

¹ In accordance with the Budget Enforcement Act, the total does not include \$1,394 million in budget authority and \$6,466 million in outlays in funding for emergencies that have been designated as such by the President and the Congress, and \$877 million in budget authority and \$935 million in outlays for emergencies that would be available only upon an official budget request from the President designating the entire amount requested as an emergency requirement.

Notes.—Numbers in parentheses are negative. Detail may not add due to rounding.

DEATH OF ROBERT MIER

Mr. SIMON. Mr. President, I rise today to commemorate Robert Mier, a distinguished Illinoisan who died of lymphoma on February 5. Mr. Mier's impact on cities in Illinois and throughout the world has been great.

Robert Mier served as the city of Chicago's economic development director from 1983 to 1989. During this time, he was the architect of Chicago's 1984 development plan, which became a national model for equity-oriented local

municipal development. Mier's approach emphasized jobs, neighborhoods, and equitable distribution of resources and opportunities as a means to combat urban crime and poverty. During his Chicago tenure, Mr. Mier also spearheaded efforts to fight plant closings, and he worked toward empowering neighborhoods to spur development.

Mr. Mier joined the faculty of the University of Illinois in 1975, specializing in teaching and research on community economic development, social policy planning and methods of implementation. As founder of the University of Illinois' Center for Urban Economic Development, Mier prepared future generations in a "bottom up" approach to dealing with the problems facing our cities. The center continues today to provide technical assistance to community-based development organizations and policy research on local development.

More recently, Mr. Mier focused on writing and teaching, while still remaining active in developing urban economic programs in Chicago, as well as Los Angeles, Denver, and Belfast, Ireland.

Robert Mier's passing leaves a great void that will be felt not only by his family, friends, and colleagues, but by the world as well. His life is a sterling example of an activist leader of an important cause, whose insight and commitment will inspire generations to come.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-31. A resolution adopted by the Association of Hawaiian Civic Clubs relative to agriculture; to the Committee on Agriculture, Nutrition, and Forestry.

POM-32. A resolution adopted by the Legislature of the State of Minnesota; to the Committee on the Judiciary.

"RESOLUTION NO. 1

"Whereas, the 50 States, including the State of Minnesota, have long been required by their state constitutions to balance their state operating budgets; and

"Whereas, the States have long done so by making difficult choices each budget session to insure that their expenditures do not exceed their revenues; and

"Whereas, without a federal balanced budget, the deficit may continue to grow within the next ten years from \$150 billion gross domestic product (GDP) per year to \$400 billion GDP per year, continuing the serious negative impact on interest rates, available credit for consumers, and taxpayer obligations; and

"Whereas, the Congress of the United States, in the last two years, has begun to reduce the annual federal deficit by making substantial reductions in federal spending; and

"Whereas, achieving a balanced budget by the year 2002 will require continued reductions in the annual deficit, averaging almost

15 percent per year over the next seven years; and

"Whereas, it now appears that the Congress is willing to impose on itself the same discipline that the States have long had to follow, by passing a balanced-budget amendment to the United States Constitution; and

"Whereas, the Congress, in working to balance the federal budget, may impose on the States unfunded mandates that shift to the States responsibility for carrying out programs that the Congress can no longer afford; and

"Whereas, the States will better be able to revise their own budgets if the Congress gives them fair warning of the revisions Congress will be making in the federal budget; and

"Whereas, if the federal budget is to be brought into balance by the year 2002, major reductions in the annual deficit must continue without a break; and

"Whereas, these major reductions will be more acceptable to the people if they are shown to be part of a realistic, long-term plan to balance the budget; now, therefore, be it

Resolved by the Legislature of the State of Minnesota, That it urges the Congress of the United States to continue its progress at reducing the annual federal deficit and, when the Congress proposes to the States a balanced-budget amendment, to accompany it with financial information on its impact on the budget of the State of Minnesota for budget planning purposes.

Be it further resolved, That the Secretary of State of Minnesota shall transmit copies of this memorial to the Speaker and Clerk of the United States House of Representatives, the President and Secretary of the United States Senate, the presiding officers of both houses of the legislature of each of the other States in the Union, and to Minnesota's Senators and Representatives in Congress."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROTH, from the Committee on Governmental Affairs, with amendments:

S. 244. A bill to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes (Rept. No. 104-8).

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. DASCHLE (for himself, Mr. CONRAD, and Mr. HARKIN):

S. 399. A bill to amend the Food Security Act of 1985 to provide more flexibility to producers, and more effective mitigation, in connection with the conversion of cropland to wetland, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. HUTCHISON (for herself and Mr. GRAMM):

S. 400. A bill to provide for appropriate remedies for prison conditions, and for other purposes; to the Committee on the Judiciary.

By Mr. LEAHY (for himself and Mr. JEFFORDS):

S. 401. A bill to amend the Internal Revenue Code of 1986 to clarify the excise tax treatment of hard apple cider; to the Committee on Finance.

By Mr. KOHL:

S. 402. A bill to provide for the appointment of 1 additional Federal district judge for the eastern district of Wisconsin, and for other purposes; to the Committee on the Judiciary.

By Mr. AKAKA (for himself, Mr. DASCHLE, Mr. WELLSTONE, Mr. INOUE, and Mr. JEFFORDS):

S. 403. A bill to amend title 38, United States Code, to provide for the organization and administration of the Readjustment Counseling Service, to improve eligibility for readjustment counseling and related counseling, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. SNOWE:

S. 404. A bill to consolidate the administration of defense economic conversion activities in the Executive Office of the President; to the Committee on Armed Services.

S. 405. A bill to amend the Defense Economic Adjustment, Diversification, Conversion, and Stabilization Act of 1990 to give priority in the provision of community economic adjustment assistance to those communities most seriously affected by reductions in defense spending, the completion, cancellation, or termination of defense contracts, or the closure or realignment of military installations; to the Committee on Armed Services.

S. 406. A bill to amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies to the recipient's surviving spouse, subject to a reduction of 50 percent in the last monthly payment if the recipient dies during the first 15 days; to the Committee on Finance.

S. 407. A bill to amend the Internal Revenue Code of 1986 to allow a deduction from gross income for home care and adult day and respite care expenses of individual taxpayers with respect to a dependent of the taxpayer who suffers from Alzheimer's disease or related organic brain disorders; to the Committee on Finance.

S. 408. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives relating to the closure, realignment, or downsizing of military installations; to the Committee on Finance.

S. 409. A bill to amend the Internal Revenue Code of 1986 to allow defense contractors a credit against income tax for 20 percent of the defense conversion employee retraining expenses paid or incurred by the contractors; to the Committee on Finance.

S. 410. A bill to amend the Internal Revenue Code of 1986 to make the dependent care credit refundable, and for other purposes; to the Committee on Finance.

S. 411. A bill to amend the Internal Revenue Code of 1986 to provide for the treatment of long-term care insurance, and for other purposes; to the Committee on Finance.

By Ms. SNOWE (for herself and Mr. COHEN):

S. 412. A bill to amend the Federal Food, Drug, and Cosmetic Act to modify the bottled drinking water standards provisions, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. PELL, Mr. DODD, Mr. SIMON, Mr. HARKIN, Ms. MIKULSKI, Mr. WELLSTONE, Mr. LEAHY, Mr. LAUTENBERG, and Mr. KERRY):

S. 413. A bill to amend the Fair Labor Standards Act of 1938 to increase the mini-

mum wage rate under such Act, and for other purposes; to the Committee on Labor and Human Resources.

By Mrs. MURRAY (for herself and Mr. HATFIELD):

S. 414. A bill to amend the Export Administration Act of 1979 to extend indefinitely the current provisions governing the export of certain domestically produced crude oil; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HATCH (for himself, Mr. MOYNIHAN, Mr. GRAHAM, and Mr. BINGAMAN):

S. 415. A bill to apply the antitrust laws to major league baseball in certain circumstances, and for other purposes; to the Committee on the Judiciary.

By Mr. THURMOND (for himself and Mr. LEAHY):

S. 416. A bill to require the application of the antitrust laws to major league baseball, and for other purposes; to the Committee on the Judiciary.

By Mr. KOHL:

S. 417. A bill to amend the Internal Revenue Code of 1986 with respect to the eligibility of veterans for mortgage revenue bond financing; to the Committee on Finance.

By Mr. CONRAD (for himself, Mr. DASCHLE, Mr. WELLSTONE, and Mr. BAUCUS):

S. 418. A bill to amend the Food Security Act of 1985 to extend, improve, increase flexibility, and increase conservation benefits of the conservation reserve program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HEFLIN:

S. Res. 78. A resolution to request the President to issue a proclamation designating February 16, 1995, as "Haleyville, Alabama, Emergency 911 Day," and for other purposes; considered and agreed to.

By Mr. MACK (for himself, Mr. D'AMATO, Mr. SHELBY, Mr. BOND, Mr. FAIRCLOTH, Mr. GRAMS, Mr. FRIST, Mr. BROWN, Mr. MURKOWSKI, Mr. BENNETT, and Mr. GRAMM):

S. Con. Res. 6. A concurrent resolution to express the sense of the Congress that the Secretary of the Treasury should submit monthly reports to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking and Financial Services of the House of Representatives concerning compliance by the Government of Mexico regarding certain loans, loan guarantees, and other assistance made by the United States to the Government of Mexico; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DASCHLE (for himself, Mr. CONRAD, and Mr. HARKIN):

S. 399. A bill to amend the Food Security Act of 1985 to provide more flexibility to producers, and more effective mitigation, in connection with the conversion of cropland to wetland, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

WETLANDS REFORM LEGISLATION

Mr. DASCHLE. Mr. President, in 1985, as part of the farm bill, Congress enacted landmark legislation to protect America's wetlands. The swampbuster provision, as it is called, significantly reduced artificial incentives to drain agricultural wetlands.

In 1990, Congress reauthorized the farm bill. In the process, it evaluated problems that emerged from the implementation of the swampbuster provision and modified the law to meet those concerns.

It is now time for Congress to pass a new multiyear farm bill. Once again, this exercise provides an opportunity to address legitimate problems in wetlands policy.

Let me be clear. America's agricultural producers understand the need for wetlands conservation. Farmers accept that agricultural wetlands provide critical habitat for birds, animals and plants, and supply a mix of other benefits such as water storage, water purification and aesthetics that often decline when wetlands are altered.

But farmers are also rightfully concerned about the arbitrary way in which certain wetlands regulations are enforced by the USDA. And so am I.

I've spoken with farmers all across South Dakota who are deeply frustrated by the inflexibility of certain USDA wetlands regulations. I've heard horror stories about farmers who have been slapped with huge fines—ruinous fines—for unintentional and accidental violations of the law.

I've looked into many of these claims and found the complaints to be legitimate. Farmers have been penalized unfairly because of the inflexibility of agricultural wetlands policy. And some of the problems are a result of a lack of agreement between various Federal agencies regarding the intent of the swampbuster legislation.

The vast majority of farmers are doing everything they know how to preserve wetlands. They understand it is in their interest to do so. But no one can comply with regulations if they cannot understand them, or if the agencies responsible for enforcing them can't agree on policy.

The bill we are introducing today establishes a simpler, more flexible agricultural wetlands policy. It provides a reasonable, commonsense approach to real problems that farmers face while at the same time protecting our Nation's precious wetlands.

Our legislation addresses three major problems. First, it simplifies the rules under which farmers may mitigate wetlands.

Second, it reforms the penalty system to distinguish between inadvertent or accidental damage and willful destruction of wetlands.

And third, it provides farmers who voluntarily agree to conserve wetlands with a fair return from their land.

Under the current law, farmers are allowed to move and replace an existing wetland, but only if they agree to restore a wetland that had been drained prior to December 31, 1985. This process is called mitigation.

The new law extends this option to agricultural wetlands that are frequently farmed but were not drained before 1985. It will add flexibility for producers by giving them another option to choose from while still protecting valuable wetlands.

That's the first section of this bill.

The bill also makes a distinction between accidental and willful harm to wetlands. As many of you know, the penalties for wetlands violations—even minor violations—sometimes are so harsh that they can literally force farmers out of business. I spoke with one South Dakota farmer, for instance, who was going to be fined \$97,000 because someone else had driven a tractor through a wetlands area on his farm without his knowledge or consent. The tractor had caused deep ruts and altered the condition of the wetland.

Fortunately, the USDA agreed to reduce the fine if the farmer restored the property to its original condition. However, he still had to pay a fine of \$2,000 for a violation he did not commit.

This bill reduces the penalty for first-time violations if—and only if—the producer acted in good faith. Instead of being subjected to huge fines, the farmer would be required to restore the wetland to its former condition. The proposal would still deal firmly with repeat violators by subjecting them to graduated fines up to \$10,000. And those who willfully destroy wetlands would face repayment of program benefits and expulsion from future farm programs.

Finally, this legislation gives farmers who voluntarily retire some of their acreage a fair return for their land by permitting them to enroll wetlands in the Federal Conservation Reserve Program. Farming is risky business that often operates on narrow profit margins. Farmers cannot afford to retire productive acreage without receiving some compensation.

Mr. President, our proposal is based on the original intent of the Swampbuster legislation, which was to encourage producers to do the right thing, not to drive them out of business. We can protect America's fragile wetlands without ruining producers financially or punishing them unjustly. The key is sensible, flexible regulations that motivate, rather than discourage, compliance. This legislation meets that test, and I hope that the appropriate congressional committees will give it timely and serious consideration.

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. 399

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVERSION OF CROPPED WETLAND.

(a) EXEMPTIONS.—Section 1222 of the Food Security Act of 1985 (16 U.S.C. 3822) is amended—

(1) in subsection (f)(2), by inserting after "1985," the following: "through the enhancement of cropped wetland described in section 1231(b)(4)(F), or through the creation of a wetland."; and

(2) in subsection (h)—

(A) in paragraph (1), by striking "may be reduced under paragraph (2)" and inserting "shall be waived";

(B) by striking paragraph (2) and inserting the following:

"(2) GRADUATED SANCTIONS.—In lieu of making a person ineligible under section 1221, the Secretary shall reduce by not less than \$750 nor more than \$10,000, depending on the degree to which wetland functions and values have been impaired by the violation of section 1221, program benefits described in section 1221 that the person would otherwise be eligible to receive in a crop year if the Secretary determines that—

"(A) the person—

"(i) is actively restoring the wetland under an agreement entered into with the Secretary to fully restore the characteristics of the converted wetland to its prior wetland state; or

"(ii) has previously restored the characteristics of the converted wetland to its prior wetland state, as determined by the Secretary; and

"(B) the Secretary determines that—

"(i) the penalty for violation of section 1221 has been waived under paragraph (1) for the person only once in the previous 10-year period on a farm of the person; and

"(ii) the person converted a wetland, or produced an agricultural commodity on a converted wetland, in good faith and without the intent to violate section 1221."; and

(C) by adding at the end the following:

"(4) AFFILIATED PERSONS.—If a person is subject to a reduction in benefits under section 1221 or this section and the affected person is affiliated with other persons for the purpose of receipt of the benefits, the reduction in benefits of the affiliated persons under section 1221 or this section shall be in proportion to the interest held by the affected person."

(b) CONSERVATION RESERVE.—Section 1231(b)(4) of the Act (16 U.S.C. 3831(b)(4)) is amended—

(1) in subparagraph (C), by striking "or" at the end;

(2) in subparagraph (D), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(F) if the crop land is a wetland on which the owner or operator of a farm or ranch uses normal cropping or ranching practices to produce an agricultural commodity in a manner that is consistent for the area where the production is possible as a result of a natural condition, such as drought, and is without action by the producer that destroys a natural wetland characteristic."

By Mrs. HUTCHISON (for herself and Mr. GRAMM):

S. 400. A bill to provide for appropriate remedies for prison conditions,

and for other purposes; to the Committee on the Judiciary.

THE STOP TURNING OUT PRISONERS ACT

Mrs. HUTCHISON. Mr. President, I have introduced a bill today called the STOP Act. The purpose of the STOP Act is to keep our Federal courts from taking over State prisons. Many States today are operating at over 100 percent capacity. In my State of Texas, however, the Federal courts have ruled in the Ruiz case that on any given day 6,100 beds, 14 percent of total space available in Texas, are vacant. This Ruiz settlement has forced many of our State prisons to maintain a permanent vacancy rate of 11 percent.

What has happened, Mr. President, is that there has been release of violent criminals early. They are serving an average of 2 months for every year of their sentence in my State to comply with a ruling that is patently unreasonable.

This is actually a compromise. This bill will curb the ability of Federal courts to take over the policy decisions of State prisons, particularly when they do not have any responsibility to pay for these added costs. A massive construction program in Texas that will be completed within the next year will give the State of Texas an official prison capacity of 146,000. But if we could eliminate the effect of this case, we could add 6,000 more people who would serve their sentences and would not be going out on the streets of Texas murdering, raping, and injuring the people of my State.

In fact, Mr. President, I have to say that one of my friends from college, a wonderful person, was murdered by one of these early-release prisoners. It was a stunning thing to happen. Unfortunately, that was not the only time it has happened in my State.

Our present system today is operating and constructing prisons with a budget of \$3.75 billion and is expected to grow to \$4.4 billion for the next 2-year period beginning September 1 of this year. What we are going to try to do with this bill is pare back the ability of Federal judges to substitute their judgment for that of State governments who are required to keep the people safe and also, of course, to keep the prisoners in prison. It is their job to pay for it; it is their job to implement criminal law in their States.

The bill will set out the right for prisoners to live as comfortably as possible. But that will not be more important than the right of the victims, the right of the people to live safely in their neighborhoods. It is a matter of prioritizing what the rights are.

I think it is very important that we speak to this issue, and I am very proud that the House of Representatives has already done so. Congressman BILL ARCHER sponsored this bill in the House and has put it on as an amendment to a bill that will be coming to

the Senate shortly. I think it is important that I have introduced the bill today, because what has happened in my State is so stark and we are spending billions on prisons because of this onerous decision which was not appealed. I had urged that it be appealed but it was not. So we are building these extra prisons because of a ruling that I think could have been appealed and would have been overturned at the appellate level. It will give standing to local officials and State government officials to step in on a case when they think that the Federal courts have gotten out of line.

We need relief and many other States in this country need relief. After all, the Federal prisons are operating at approximately 160 percent of capacity. Yet, in my State, it is lower than 90 percent capacity. We certainly need those extra beds. What has happened is, of course, our counties are burgeoning with prisoners that they cannot send up to the State prison system because there is no space under this onerous ruling. So I have introduced this bill today. I hope we can get swift enactment and, most especially, I hope if the bill comes over from the House, that we will be able to make sure that it is also in the Senate bill.

By Mr. LEAHY (for himself and Mr. JEFFORDS):

S. 401. A bill to amend the Internal Revenue Code of 1986 to clarify the excise tax treatment of hard apple cider; to the Committee on Finance.

HARD APPLE CIDER TAX TREATMENT LEGISLATION

Mr. LEAHY. Mr. President, today, I am introducing tax legislation designed to stimulate the apply industry in the United States. I am pleased that my friend from Vermont, Senator JEFFORDS, is joining me as an original co-sponsor of this bill.

In recent years, hard apple cider or apple cider with an alcohol level at or below 7 percent has emerged as a popular alternative to beer. Current tax law, however, unfairly taxes hard apple cider at a much higher rate than beer despite the two beverages similar alcohol levels. The bill I am introducing today will correct this inequity.

Present law taxes hard apple cider regardless of its alcohol level as a wine, subject to a tax of \$1.07 per wine gallon. My legislation would clarify that hard apple cider containing not more than a 7-percent alcohol level be taxed as beer, subject to a tax of approximately 22.6 cents per gallon. The legislation would continue taxing small domestic producers of hard apple cider at a reduced rate.

I believe this small tax change would allow hard apple cider producers to compete fairly with beermakers. As hard apple cider grows in popularity, applegrowers and processors across the country should prosper because hard

apple cider is made from culled apples, the least marketable apples. I have received letters from the Vermont Department of Agriculture, the New Hampshire Department of Agriculture, the Maine Department of Agriculture, and the New York Apple Association in support of this legislation.

Mr. President, I ask for 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. 401

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLARIFICATION OF TAX TREATMENT OF HARD APPLE CIDER.

(a) HARD APPLE CIDER CONTAINING NOT MORE THAN 7 PERCENT ALCOHOL TAXED AS BEER.—Subsection (a) of section 5052 of the Internal Revenue Code of 1986 (relating to definitions) is amended to read as follows:

“(a) BEER.—For purposes of this chapter (except when used with reference to distilling or distilling material)—

“(1) IN GENERAL.—The term ‘beer’ means beer, ale, porter, stout, and other similar fermented beverages (including saké or similar products) of any name or description containing one-half of 1 percent or more of alcohol by volume brewed or produced from malt, wholly or in part, or from any substitute thereof.

“(2) HARD APPLE CIDER.—The term ‘beer’ includes a beverage—

“(A) derived wholly (except for sugar, water, or added alcohol) from apples containing at least one-half of 1 percent and not more than 7 percent of alcohol by volume, and

“(B) produced by a person who produces more than 100,000 wine gallons of such beverage during the calendar year.”.

(b) CONFORMING AMENDMENT.—Subsection (a) of section 5041 of the Internal Revenue Code of 1986 (relating to imposition and rate of tax) is amended by striking “wine” and inserting “wine, but not including hard apple cider described in section 5052(a)(2)”.’.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply on and after the date of the enactment of this Act.

By Mr. KOHL:

S. 402. A bill to provide for the appointment of one additional Federal district judge for the Eastern District of Wisconsin, and for other purposes; to the Committee on the Judiciary.

THE WISCONSIN FEDERAL JUDGESHIP ACT OF 1995

● Mr. KOHL. Mr. President, I introduce the Wisconsin Federal Judgeship Act of 1995, which would create an additional Federal judgeship for the Eastern District of Wisconsin and situate it in Green Bay, where a district court is crucially needed. Let me explain how the current system hurts—and how this additional judgeship will help—businesses, law enforcement agents, witnesses, victims, and individual litigants in northeastern Wisconsin.

The four full-time district court judges for the Eastern District of Wisconsin currently reside in Milwaukee. Yet for most litigants and witnesses in

northeastern Wisconsin, Milwaukee is well over 100 miles away. Thus, litigants and witnesses must incur substantial costs in traveling from northern Wisconsin to Milwaukee—costs in terms of time, money, resources, and effort. Indeed, driving from Green Bay to Milwaukee takes nearly 2 hours each way. Add inclement weather or a departure point north of Green Bay—such as Oconto or Marinette—and the driving time alone often results in witnesses traveling for a far longer period of time than they actually spend testifying.

Moreover, Mr. President, as is the case all across America, Federal crimes are on the rise in northeastern Wisconsin. These crimes range from bank robbery and kidnapping to Medicare and Medicaid fraud. The trials for these crimes are held in Milwaukee, requiring victims and witnesses to travel a substantial amount of time, and passing on to the taxpayers the expenses for transportation, board, and housing.

Mr. President, many manufacturing and retail companies are located in northeastern Wisconsin. These companies often require a Federal court to litigate complex price-fixing, contract, and liability disputes with out-of-State businesses. But the sad truth is that many of these cases are never filed—precisely because the northern part of the State lacks a Federal court.

Prosecuting cases on the Menominee Indian Reservation causes specific problems that alone justify a Federal judge in Green Bay. Under current law, the Federal Government is required to prosecute all felonies committed by Indians that occur on the Menominee Reservation. The reservation's distance from the Federal prosecutors and courts—more than 150 miles—makes these prosecutions problematic. And because the Justice Department compensates attorneys, investigators, and sometimes witnesses for travel expenses, the existing system costs all of us.

Mr. President, the creation of an additional judgeship in the Eastern District of Wisconsin is clearly justified on the basis of caseload. In 1994 the Judicial Conference, the administrative and statistical arm of the Federal judiciary, recommended the creation of additional Federal judgeships in 16 different judicial districts. In determining where to place these judges, the Conference looked primarily at "weighted filings," that is, the total number of cases filed per judge modified by the average level of case complexity. In 1994, new positions were justified where a district's workload exceeded 430 weighted filings per judge. On this basis, the Eastern District of Wisconsin clearly merits an additional judgeship: it tallied more than 435 weighted filings in 1993 and averaged 434 weighted filings per judge between 1991–93. In fact, though our bill would not add an

additional judge in the Western District of Wisconsin, we could make a strong case for doing so because the average weighted filings per judge in the Western District was almost as high as in the Eastern District.

Mr. President, this legislation is simple, effective, and straightforward. It creates an additional judgeship for the Eastern District, requires that one judge hold court in Green Bay, and gives the Chief Judge of the Eastern District the flexibility to designate which judge holds court there. And this legislation would increase the number of Federal district judges in Wisconsin for the first time since 1978. During that period, more than 252 new Federal district judgeships have been created nationwide, but not a single one in Wisconsin.

And don't take my word for it, Mr. President, ask the people who would be most affected: each and every sheriff and District Attorney in northeastern Wisconsin urged me to create a Federal district court in Green Bay. I ask unanimous consent that a letter from these law enforcement officials be included in the RECORD at the conclusion of my remarks. I also ask unanimous consent that a letter from the U.S. Attorney for the Eastern District of Wisconsin, Tom Schneider, also be included. This letter expresses the support of the entire Federal law enforcement community in Wisconsin—including the FBI, the DEA, and the BATF—for the legislation I am introducing. Perhaps most importantly, the people of Green Bay also agree on the need for an additional Federal judge, as the endorsement of my proposal by the Green Bay Chamber of Commerce demonstrates.

In conclusion, Mr. President, having a Federal judge in Green Bay will reduce costs and inconvenience while increasing judicial efficiency. But most importantly, it will help ensure that justice is more available and more affordable to the people of northeastern Wisconsin. As the courts are currently arranged, the northern portion of the Eastern District is more remote from a Federal court than any other major population center, commercial or industrial, in the United States. For these sensible reasons, I urge my colleagues to support this legislation and its House companion, H.R. 362, introduced by my good friend Representative TOBY ROTH.

We hope to enact this measure, either separately or as part of an omnibus judgeship bill the Judiciary Committee may consider later this Congress.

Mr. President, I ask unanimous consent that the text of the bill and additional material be printed in the RECORD.

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

S. 402

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITIONAL FEDERAL DISTRICT JUDGE FOR THE EASTERN DISTRICT OF WISCONSIN.

(a) **SHORT TITLE.**—This Act may be cited as the "Wisconsin Federal Judgeship Act of 1995".

(b) **IN GENERAL.**—The President shall appoint, by and with the advice and consent of the Senate, 1 additional district judge for the eastern district of Wisconsin.

(c) **TABLES.**—In order that the table contained in section 133 of title 28, United States Code, shall reflect the change in the total number of permanent district judgeships authorized under subsection (a), such table is amended by amending the item relating to Wisconsin to read as follows:

"Wisconsin:	
"Eastern	5
"Western	2"

(d) **HOLDING OF COURT.**—The chief judge of the eastern district of Wisconsin shall designate 1 judge who shall hold court for such district in Green Bay, Wisconsin.

AUGUST 8, 1994.

Senator HERB KOHL,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR KOHL: We are writing to urge your support for the creation of a Federal District Court in Green Bay. The Eastern District of Wisconsin includes the 28 eastern-most counties from Forest and Florence Counties in the north to Kenosha and Walworth Counties in the south.

Green Bay is central to the northern part of the district which includes approximately one third of the district's population. Currently, all Federal District Judges hold court in Milwaukee.

A federal court in Green Bay would make federal proceedings much more accessible to the people of northern Wisconsin and would alleviate many problems for citizens and law enforcement. Travel time of 3 or 4 hours each way makes it difficult and expensive for witnesses and officers to go to court in Milwaukee. Citizen witnesses are often reluctant to travel back and forth to Milwaukee. It often takes a whole day of travel to come to court and testify for a few minutes. Any lengthy testimony requires an inconvenient and costly overnight stay in Milwaukee. Sending officers is costly and takes substantial amounts of travel time, thereby reducing the number of officers available on the street. Many cases are simply never referred to federal court because of this cost and inconvenience.

In some cases there is no alternative. For example, the Federal government has the obligation to prosecute all felony offenses committed by Indians on the Menominee Reservation. Yet the Reservation's distance from the Federal Courts and prosecutors in Milwaukee poses serious problems. Imagine the District Attorney of Milwaukee being located in Keshena or Green Bay or Marinette and trying to coordinate witness interviews, case preparation, and testimony.

As local law enforcement officials, we try to work closely with other local, state and federal agencies, and we believe establishing a Federal District Court in Green Bay will measurably enhance these efforts. Most important, a Federal Court in Green Bay will make these courts substantially more accessible to the citizens who live here.

We urge you to introduce and support legislation to create and fund an additional Federal District Court in Green Bay.

Gary Robert Bruno, Shawano and Menominee County District Attorney.

Jay Conley, Oconto County District Attorney.

John DesJardins, Outagamie County District Attorney.

Douglas Drexler, Florence County District Attorney.

Guy Dutcher, Waushara County District Attorney.

E. James FitzGerald, Manitowoc County District Attorney.

Kenneth Kratz, Calumet County District Attorney.

Jackson Main, Jr., Kewaunee County District Attorney.

David Miron, Marinette County District Attorney.

Joseph Paulus, Winnebago County District Attorney.

Gary Schuster, Door County District Attorney.

John Snider, Waupaca County District Attorney.

Ralph Uttke, Langlade County District Attorney.

Demetrio Verich, Forest County District Attorney.

John Zakowski, Brown County District Attorney.

William Aschenbrenner, Shawano County Sheriff.

Charles Brann, Door County Sheriff.

Todd Chaney, Kewaunee County Sheriff.

Michael Donart, Brown County Sheriff.

Patrick Fox, Waushara County Sheriff.

Bradley Gehring, Outagamie County Sheriff.

Daniel Gillis, Calumet County Sheriff.

James Kanikula, Marinette County Sheriff.

Norman Knoll, Forest County Sheriff.

Thomas Kocourek, Manitowoc County Sheriff.

Robert Kraus, Winnebago County Sheriff.

William Mork, Waupaca County Sheriff.

Jeffrey Rickaby, Florence County Sheriff.

David Steger, Langlade County Sheriff.

Kenneth Woodworth, Oconto County Sheriff.

Richard Awonhopay, Chief, Menominee Tribal Police.

Richard Brey, Chief of Police, Manitowoc.

Patrick Campbell, Chief of Police, Kaukauna.

James Danforth, Chief of Police, Oneida Public Safety.

Donald Forcey, Chief of Police, Neenah.

David Gorski, Chief of Police, Appleton.

Robert Langan, Chief of Police, Green Bay.

Michael Lien, Chief of Police, Two Rivers.

Mike Nordin, Chief of Police, Sturgeon Bay.

Patrick Ravet, Chief of Police, Marinette.

Robert Stanke, Chief of Police, Menasha.

Don Thaves, Chief of Police, Shawano.

James Thome, Chief of Police, Oshkosh.

U.S. ATTORNEY,

EASTERN DISTRICT OF WISCONSIN,

Milwaukee, WI, August 9, 1994.

To the District Attorney's, Sheriffs and Police Chiefs Urging the Creation of a Federal District Court in Green Bay:

Thank you for your letter of August 8, 1994, urging the creation of a Federal District Court in Green Bay. You point out a number of facts in your letter:

(1) Although 1/3 of the population of the Eastern District of Wisconsin is in the northern part of the district, all of the Federal District Courts are located in Milwaukee.

(2) A federal court in Green Bay would be more accessible to the people of northern Wisconsin. It would substantially reduce witness travel time and expenses, and it would make federal court more accessible and less costly for local law enforcement agencies.

(3) The federal government has exclusive jurisdiction over most felonies committed on the Menominee Reservation, located approximately 3 hours from Milwaukee. The distance to Milwaukee is a particular problem for victims, witnesses, and officers from the Reservation.

I have discussed this proposal with the chiefs of the federal law enforcement agencies in the Eastern District of Wisconsin, including the Federal Bureau of Investigation, Federal Drug Enforcement Administration, Bureau of Alcohol, Tobacco and Firearms, Secret Service, U.S. Marshal, U.S. Customs Service, and Internal Revenue Service-Criminal Investigation Division. All express support for such a court and give additional reasons why it is needed.

Over the past several years, the FBI, DEA, and IRS have initiated a substantial number of investigations in the northern half of the district. In preparation for indictments and trials, and when needed to testify before the Grand Jury or in court, officers regularly travel to Milwaukee. Each trip requires 4 to 6 hours of round trip travel per day, plus the actual time in court. In other words, the agencies' already scarce resources are severely taxed. Several federal agencies report that many cases which are appropriate for prosecution are simply not charged federally because local law enforcement agencies do not have the resources to bring these cases and officers back and forth to Milwaukee.

Nevertheless, there have been a substantial number of successful federal investigations and prosecutions from the Fox Valley area and other parts of the Northern District of Wisconsin including major drug organizations, bank frauds, tax cases, and weapons cases.

It is interesting to note that the U.S. Bankruptcy Court in the Eastern District of Wisconsin holds hearings in Green Bay, Manitowoc, and Oshkosh, all in the northern half of the district. For the past four years approximately 29% of all bankruptcy filings in the district were in these three locations.

In addition, we continue to prosecute most felonies committed on the Menominee Reservation. Yet, the Reservation's distance from the federal courts in Milwaukee poses serious problems. A federal court in Green Bay is critically important in the federal government is to live up to its moral and legal obligation to enforce the law on the Reservation.

In summary, I appreciate and understand your concerns and I join you in urging the creation of a Federal District Court in Green Bay.

THOMAS P. SCHNEIDER,

U.S. Attorney, Eastern District of Wisconsin.●

By Mr. AKAKA (for himself, Mr. DASCHLE, Mr. WELLSTONE, Mr. INOUE, and Mr. JEFFORDS):

S. 403. A bill to amend title 38, United States Code, to provide for the organization and administration of the Readjustment Counseling Service, to improve eligibility for readjustment counseling and related counseling, and for other purposes; to the Committee on Veterans' Affairs.

THE READJUSTMENT COUNSELING SERVICE AMENDMENTS ACT OF 1995

Mr. AKAKA. Mr. President, in behalf of myself and Senators DASCHLE, WELLSTONE, INOUE, and JEFFORDS, I am today reintroducing legislation I offered in the last Congress that would make numerous improvements in the organization, policies, and programs known as the vet center program. The Readjustment Counseling Service Amendments of 1995 is similar to legislation I introduced in the 103d Congress, S. 1226, the Readjustment Counseling Service Amendments of 1994, which the Senate unanimously approved last March. The bill I am introducing today is in fact identical to S. 1226 as reported by the Veterans' Affairs Committee on November 3, 1993.

As my colleagues know, vet centers are storefront, community-based centers operated by the Department of Veterans Affairs [VA] that, in an informal, user-friendly environment, offer counseling services to returned Vietnam-era veterans and post-Vietnam combat veterans. Since the program was first authorized in 1979, it has grown from 87 facilities to 202 today, operating in all 50 States. Together, these centers have helped more than 1.1 million veterans successfully readjust to civilian life, including 94,686 last year. In the process, the vet center program has established leadership in such areas as post-traumatic stress disorder, homelessness, disaster assistance, sexual trauma, alcohol and substance abuse, suicide prevention, the physically disabled, and minority veterans.

The Readjustment Counseling Service Amendments of 1995 attempts to ensure that the program remains viable, relevant, and responsive to the needs of today's veterans. It hopes to accomplish these goals by achieving two general aims. On the one hand, it would preserve that which is best in the vet center program by codifying and improving its organizational structure and those administrative practices which have hitherto made the program uniquely effective. On the other hand, it would enhance the ability of vet centers to undertake new challenges by expanding eligibility to new categories of veterans and encouraging VA to explore the potential of vet center-based health care and benefits services.

Specifically, my legislation would: Codify the current organizational structure of RCS and require that funding for the program be specifically identified in the budget; raise the director of RCS to the Assistant Chief Medical Director level; expand eligibility for Vet Center services to all combat veterans, regardless of period of service, and authorize services for all other veterans on a resource-available basis; authorize bereavement counseling provided through vet centers for the families of veterans who

died in combat, and authorize such counseling to survivors of veterans who died of other service-related causes on a resource-available basis; establish a statutory Advisory Committee on the Readjustment of Veterans; require VA to develop a plan to assign additional employment, training, and benefit counselors at vet centers; require a report on the feasibility and desirability of collocating vet centers and VA outpatient clinics; and, undertake a pilot program authorizing the provision of limited, primary health care services at veteran centers.

Mr. President, the provisions of my bill have been variously endorsed by the major veterans service organizations, RCS field staff, and the Department itself at hearings on S. 1226 conducted by the Veterans' Affairs Committee during the last Congress. Indeed, the full Senate effectively endorsed the provisions of the bill I am offering today when it passed S. 1226 early last year. I hope that Senators will once again express support for the preserving and improving the unique vet center program by cosponsoring and supporting enactment of this important legislation.

Mr. President, I ask unanimous consent that the full 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. 403

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 "Readjustment Counseling Service Amendments of 1995".

SEC. 2. ORGANIZATION OF THE READJUSTMENT COUNSELING SERVICE IN THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Section 7305 of title 38, United States Code, is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6) the following new paragraph (7):

"(7) A Readjustment Counseling Service."

(b) ORGANIZATION.—The Readjustment Counseling Service shall have the organizational structure and administrative structure of that service as such structures were in existence on January 1, 1993.

(c) REVISION OF ORGANIZATIONAL STRUCTURE.—(1) The Secretary of Veterans Affairs may not alter or revise the organizational structure or the administrative structure of the Readjustment Counseling Service until—

(A) the Secretary has submitted to the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing a full and complete statement of the proposed alteration or revision; and

(B) a period of 60 days has elapsed after the date on which the report is received by the committees.

(2) In the computation of the 60-day period under paragraph (1)(B), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 calendar days to a day certain.

(d) BUDGET INFORMATION RELATING TO THE SERVICE.—Each budget submitted to Congress by the President under section 1105 of title 31, United States Code, shall set forth the amount requested in the budget for the operation of the Readjustment Counseling Service in the fiscal year covered by the budget and shall set forth separately the amount requested for administrative oversight of the activities of the service (including the amount requested for funding of the Advisory Committee on Readjustment of Veterans).

SEC. 3. DIRECTOR OF THE READJUSTMENT COUNSELING SERVICE.

(a) DIRECTOR.—Section 7306(b) of title 38, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following:

"(4) one shall be a person who (A)(i) is a qualified psychiatrist, (ii) is a qualified psychologist holding a diploma as a doctorate in clinical or counseling psychology from an authority approved by the American Psychological Association and has successfully undergone an internship approved by that association, (iii) is a qualified holder of a master in social work degree, or (iv) is a registered nurse holding a master of science in nursing degree in psychiatric nursing or any other mental-health related degree approved by the Secretary, and (B) has at least 3 years of clinical experience and 2 years of administrative experience in the Readjustment Counseling Service or other comparable mental health care counseling service (as determined by the Secretary), who shall be the director of the Readjustment Counseling Service."

(b) STATUS OF DIRECTOR.—Section 7306(a)(3) of such title is amended by striking out "eight" and inserting in lieu thereof "nine".

(c) ORGANIZATIONAL REQUIREMENT.—The Director of the Readjustment Counseling Service shall report to the Under Secretary for Health of the Department of Veterans Affairs through the Associate Deputy Under Secretary for Health for Clinical Programs.

SEC. 4. EXPANSION OF ELIGIBILITY FOR READJUSTMENT COUNSELING AND CERTAIN RELATED COUNSELING SERVICES.

(a) READJUSTMENT COUNSELING.—(1) Subsection (a) of section 1712A of title 38, United States Code, is amended to read as follows:

"(a)(1)(A) Upon the request of any veteran referred to in subparagraph (B) of this paragraph, the Secretary shall furnish counseling to the veteran to assist the veteran in readjusting to civilian life.

"(B) A veteran referred to in subparagraph (A) of this paragraph is any veteran who—

"(i) served on active duty during the Vietnam era; or

"(ii) served on active military, naval, or air service in a theater of combat operations (as determined by the Secretary, in consultation with the Secretary of Defense) during a period of war or in any other area during a period in which hostilities (as defined in subparagraph (D) of this paragraph) occurred in such area.

"(C) Upon the request of any veteran other than a veteran referred to in subparagraph (A) of this paragraph, the Secretary may furnish counseling to the veteran to assist the veteran in readjusting to civilian life.

"(D) For the purposes of subparagraph (A) of this paragraph, the term 'hostilities' means an armed conflict in which the mem-

bers of the Armed Forces are subjected to danger comparable to the danger to which members of the Armed Forces have been subjected in combat with enemy armed forces during a period of war, as determined by the Secretary in consultation with the Secretary of Defense.

"(2) The counseling referred to in paragraph (1) shall include a general mental and psychological assessment of a covered veteran to ascertain whether such veteran has mental or psychological problems associated with readjustment to civilian life."

(2) Subsection (c) of such section is repealed.

(b) OTHER COUNSELING.—Such section is further amended by inserting after subsection (b) the following new subsection (c):

"(c)(1) The Secretary shall provide the counseling services described in section 1701(6)(B)(ii) of this title to the surviving parents, spouse, and children of any member of the Armed Forces who is killed during service on active military, naval, or air service in a theater of combat operations (as determined by the Secretary, in consultation with the Secretary of Defense) during a period of war or in any other area during a period in which hostilities (as defined in subsection (a)(1)(D) of this section) occurred in such area.

"(2) The Secretary may provide the counseling services referred to in paragraph (1) to the surviving parents, spouse, and children of any member of the Armed Forces who dies while serving on active duty or from a condition (as determined by the Secretary) incurred in or aggravated by such service."

(c) AUTHORITY TO CONTRACT FOR COUNSELING SERVICES.—Subsection (e) of such section is amended by striking out "subsections (a) and (b)" each place it appears and inserting in lieu thereof "subsections (a), (b), and (c)".

SEC. 5. ADVISORY COMMITTEE ON THE READJUSTMENT OF VETERANS.

(a) IN GENERAL.—(1) Subchapter II of chapter 17 of title 38, United States Code, is amended by inserting after section 1712B the following:

"§ 1712C. Advisory Committee on the Readjustment of Veterans

"(a)(1) There is in the Department the Advisory Committee on the Readjustment of Veterans (hereafter in this section referred to as the 'Committee').

"(2) The Committee shall consist of not more than 18 members appointed by the Secretary from among veterans who—

"(A) have demonstrated significant civic or professional achievement; and

"(B) have experience with the provision of veterans benefits and services by the Department.

"(3) The Secretary shall seek to ensure that members appointed to the Committee include persons from a wide variety of geographic areas and ethnic backgrounds, persons from veterans service organizations, and women.

"(4) The Secretary shall determine the terms of service and pay and allowances of the members of the Committee, except that a term of service may not exceed 2 years. The Secretary may reappoint any member for additional terms of service.

"(b)(1) The Secretary shall, on a regular basis, consult with and seek the advice of the Committee with respect to the provision by the Department of benefits and services to veterans in order to assist veterans in the readjustment to civilian life.

"(2)(A) In providing advice to the Secretary under this subsection, the Committee shall—

"(i) assemble and review information relating to the needs of veterans in readjusting to civilian life;

"(ii) provide information relating to the nature and character of psychological problems arising from service in the Armed Forces;

"(iii) provide an on-going assessment of the effectiveness of the policies, organizational structures, and services of the Department in assisting veterans in readjusting to civilian life; and

"(iv) provide on-going advice on the most appropriate means of responding to the readjustment needs of veterans in the future.

"(B) In carrying out its duties under subparagraph (A), the Committee shall take into special account veterans of the Vietnam era, and the readjustment needs of such veterans.

"(c)(1) Not later than March 31 of each year, the Committee shall submit to the Secretary a report on the programs and activities of the Department that relate to the readjustment of veterans to civilian life. Each such report shall include—

"(A) an assessment of the needs of veterans with respect to readjustment to civilian life;

"(B) a review of the programs and activities of the Department designed to meet such needs; and

"(C) such recommendations (including recommendations for administrative and legislative action) as the Committee considers appropriate.

"(2) Not later than 90 days after the receipt of each report under paragraph (1), the Secretary shall transmit to the Committees on Veterans' Affairs of the Senate and House of Representatives a copy of the report, together with any comments and recommendations concerning the report that the Secretary considers appropriate.

"(3) The Committee may also submit to the Secretary such other reports and recommendations as the Committee considers appropriate.

"(4) The Secretary shall submit with each annual report submitted to the Congress pursuant to section 529 of this title a summary of all reports and recommendations of the Committee submitted to the Secretary since the previous annual report of the Secretary submitted pursuant to that section.

"(d)(1) Except as provided in paragraph (2), the provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the activities of the Committee under this section.

"(2) Section 14 of such Act shall not apply to the Committee."

(2) The table of sections at the beginning of chapter 17 of such title is amended by inserting after the item relating to section 1712B the following:

"1712C. Advisory Committee on the Readjustment of Veterans."

(b) ORIGINAL MEMBERS.—(1) Notwithstanding subsection (a)(2) of section 1712C of such title (as added by subsection (a)), the members of the Advisory Committee on the Readjustment of Vietnam and Other War Veterans on the date of the enactment of this Act shall be the original members of the advisory committee recognized under such section.

(2) The original members shall so serve until the Secretary of Veterans Affairs carries out appointments under such subsection (a)(2). The Secretary shall carry out such appointments as soon after such date as is practicable. The Secretary may make such appointments from among such original members.

SEC. 6. PLAN FOR EXPANSION OF VIETNAM VETERAN RESOURCE CENTER PILOT PROGRAM.

(a) REQUIREMENT.—(1) The Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a plan for the expansion of the Vietnam Veteran Resource Center program established pursuant to the amendment made by section 105 of the Veterans' Administration Health-Care Amendments of 1985 (Public Law 99-166; 99 Stat. 944). The plan shall include a schedule for, and an assessment of the cost of, the implementation of the program at or through all Department of Veterans Affairs readjustment counseling centers.

(2) The Secretary shall submit the plan not later than 4 months after the date of the enactment of this Act.

(b) DEFINITION.—In this section, the term "Department of Veterans Affairs readjustment counseling centers" has the same meaning given the term "center" in section 1712A(i)(1) of title 38, United States Code.

SEC. 7. REPORT ON COLLOCATION OF VET CENTERS AND DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINICS.

(a) REQUIREMENT.—(1) The Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the feasibility and desirability of the collocation of Vet Centers and outpatient clinics (including rural mobile clinics) of the Department of Veterans Affairs as current leases for such centers and clinics expire.

(2) The Secretary shall submit the report not later than 6 months after the date of the enactment of this Act.

(b) COVERED MATTERS.—The report under this section shall include an assessment of the following:

(1) The results of any collocation of Vet Centers and outpatient clinics carried out by the Secretary before the date of the enactment of this Act, including the effects of such collocation on the quality of care provided at such centers and clinics.

(2) The effect of such collocation on the capacity of such centers to carry out their primary mission.

(3) The extent to which such collocation will impair the operational independence or administrative integrity of such centers.

(4) The feasibility of combining the services provided by such centers and clinics in the course of the collocation of such centers and clinics.

(5) The advisability of the collocation of centers and clinics of significantly different size.

(6) The effect of the locations (including urban and rural locations) of the centers and clinics on the feasibility and desirability of such collocation.

(7) The amount of any costs savings to be achieved by Department as a result of such collocation.

(8) The desirability of such collocation in light of plans for the provision of health care services by the Department under national health care reform.

(9) Any other matters that the Secretary determines appropriate.

SEC. 8. VET CENTER HEALTH CARE PILOT PROGRAM.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall carry out a pilot program for the provision of health-related services to eligible veterans at readjustment counseling centers. The Secretary shall carry out the pilot program in accordance with this section.

(b) SERVICES.—(1) In carrying out the pilot program, the Secretary shall provide the

services referred to in paragraph (2) at not less than 10 readjustment counseling centers in existence on the date of the enactment of this Act.

(2) The Secretary shall provide basic ambulatory services and health care screening services by such personnel as the Secretary considers appropriate at each readjustment counseling center under the pilot program. The Secretary shall assign not less than one-half of a full-time employee equivalent at each such center in order to provide such services under the pilot program.

(3) In determining the location of the readjustment counseling centers at which to provide services under the pilot program, the Secretary shall select centers that are located in a variety of geographic areas and that serve veterans of a variety of economic, social, and ethnic backgrounds.

(c) PERIOD OF OPERATION.—(1) The Secretary shall commence the provision of health-related services at readjustment counseling centers under the pilot program not later than 4 months after the date of the enactment of this Act.

(2) The pilot program shall terminate 2 years after the date on which the Secretary commences the provision of services under paragraph (1).

(d) REPORT.—(1) The Secretary shall submit to Congress a report on the pilot program established under this section. The report shall include the following:

(A) A description of the program, including information on—

(i) the number of veterans provided basic ambulatory services and health care screening services under the pilot program;

(ii) the number of such veterans referred to Department of Veterans Affairs general health-care facilities in order to provide such services to such veterans; and

(iii) the cost to the Department of Veterans Affairs of the pilot program.

(B) An analysis of the effectiveness of the services provided to veterans under the pilot program.

(C) The recommendations of the Secretary for means of improving the pilot program, and an estimate of the cost to the Department of implementing such recommendations.

(D) An assessment of the desirability of expanding the type or nature of services provided under the pilot program in light of plans for the provision of health care services by the Department under national health care reform.

(E) An assessment of the extent to which the provision of services under the pilot program impairs the operational or administrative independence of the readjustment counseling centers at which such services are provided.

(F) An assessment of the effect of the location of the centers on the effectiveness for the Department and for veterans of the services provided under the pilot program.

(G) Such other information as the Secretary considers appropriate.

(2) The Secretary shall submit the report not later than 18 months after the date of the enactment of this Act.

(e) DEFINITIONS.—For the purposes of this section:

(1) The term "Department of Veterans Affairs general health-care facility" has the meaning given such term in section 1712A(i)(2) of title 38, United States Code.

(2) The term "eligible veteran" means any veteran eligible for outpatient services under paragraph (1), (2), or (3) of section 1712(a) of such title.

(3) The term "readjustment counseling center" has the same meaning given the term "center" in section 1712A(i)(1) of such title.

By Ms. SNOWE:

S. 406. A bill to amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies to the recipient's surviving spouse, subject to a reduction of 50 percent in the last monthly payment if the recipient dies during the first 15 days, to the Committee on Finance.

SOCIAL SECURITY PRO-RATE AMENDMENT
LEGISLATION

• Ms. SNOWE. Mr. President, today I am introducing legislation to correct an inequity that exists in our Social Security system.

Currently, when a Social Security beneficiary dies, his or her last monthly benefit check must be returned to the Social Security Administration. This provision often causes problems for the surviving spouse because he or she is unable to financially subsidize the expenses accrued by the late beneficiary in their last month of life.

Current law makes an inappropriate assumption that a beneficiary has not incurred expenses during his or her last month of life. I know that my colleagues have heard, as have I, from constituents who lost a husband or wife toward the end of the month, received the Social Security check and spent all or part of it to pay the bills and then received a notice from Social Security that the check must be returned. For many of these people, that check was the only income they had and they are left struggling to find the money to pay back the Social Security Administration and pay the rest of the expenses their spouse incurred in their last month.

Therefore, my legislation would allow the spouse of the beneficiary who dies in the first 15 days of the month to receive one half of his or her spouse's regular benefits, and the spouse of the beneficiary who dies in the latter half of the month to receive the full monthly benefit.

I believe this is a fair and direct approach to an unfair situation. I hope that my colleagues will join me in supporting this legislation.●

By Ms. SNOWE:

S. 407. A bill to amend the Internal Revenue Code of 1986 to allow a deduction from gross income for home care and adult day and respite care expenses of individual taxpayers with respect to a dependent of the taxpayer who suffers from Alzheimer's disease or related organic brain disorders; to the Committee on Finance.

S. 408. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives relating to the closure, realignment, or downsizing of military

installations; to the Committee on Finance.

S. 409. A bill to amend the Internal Revenue Code of 1986 to allow defense contractors a credit against income tax for 20 percent of the defense conversion employee retraining expenses paid or incurred by the contractors; to the Committee on Finance.

S. 410. A bill to amend the Internal Revenue Code of 1986 to make the dependent care credit refundable, and for other purposes; to the Committee on Finance.

DEFENSE CONVERSION LEGISLATION

• Ms. SNOWE. Mr. President, I introduce a package of legislation that will guide the Federal Government in a role that is becoming more and more important to communities across America—defense conversion. In today's economic climate, the American people are demanding greater accountability for every dollar spent, so that even as we reduce spending we do so wisely, and in a way that does not compromise our Nation's economic security. The legislation I will introduce today will help the Federal Government live up to its defense conversion responsibilities by reassigning and consolidating coordination of our efforts to the Executive Office of the President; providing tax credits for training and defense conversion efforts, and ensuring that economic development tools are available first to communities and industries hardest-hit by defense base closings.

With the end of the cold war and the disintegration of the Soviet military threat to Western Europe, the new environment of international security makes it possible to reduce the level of defense spending. I believe that any defense reductions must be made, however, in a careful and thoughtful manner because we must keep in mind the unrest in regions from Bosnia to Chechnya has threatened this fragile peace.

I believe that sound defense planning must be focused on the level of military capability this Nation would need in wartime. While an austere defense posture may seem adequate in peacetime, even a limited international crisis can upset these perceptions almost overnight.

It has been more than 5 years since the collapse of the Berlin Wall and the end of the cold war. The dramatic change in superpower relations has permitted the United States to make significant cuts in defense spending. That has led to a debate about how much to cut from the defense budget, and along with many of my colleagues, I believe that defense spending has been cut too much, too fast. Since 1987, the Defense Department's procurement budget has been cut by 47 percent. This will be the 12th year in a row that inflation-adjusted defense spending has declined, and the first year that defense spend-

ing was exceeded by another area of America's budget, spending on entitlements and human services.

Even as we reduce the defense budget, however, the Federal Government still has a responsibility to help the industries, communities, and individuals adversely affected by these drastic cuts in defense spending and by the closure or major realignment of military installations across the country. The challenges of successful defense conversion are enormous. And as we address these enormous challenges, we must provide the economic policies, tools, and incentives needed to stimulate both the economy and defense conversion initiatives.

My home State of Maine has endured a great deal of hardship brought on by cuts in defense spending. Defense-related enterprises in Maine span the spectrum of defense activities, ranging from the large Brunswick Naval Air Station and Kittery-Portsmouth Naval Shipyard, to smaller bases such as Cutler Naval Telecommunications Station and the Listening Station at Winter Harbor. Maine is also proud of the numerous large and small private companies that do business with the Pentagon. These range from the State's largest private employer—Bath Iron Works—to smaller firms such as Saco Defense and Fiber Materials.

And we must not forget the hundreds of subcontractors and vendors that do business with these bases and companies. It is these smaller firms that are often overlooked when defense conversion is discussed. The fact is that defense-related jobs reach into every county in my home State of Maine. Every one of those jobs is important—military or civilian, large company or small. And whether in Maine or across the Nation, defense-related industries provide good jobs for hundreds of thousands of workers.

The closure of Loring Air Force Base this past September 30 exemplifies the defense conversion challenge facing Maine. Loring's closing resulted in the loss of nearly 20 percent of the employment, 14 percent of the income, and about 17 percent of the population of Aroostook County. At the other end of the State, Kittery-Portsmouth Naval Shipyard has seen its workforce cut almost in half since the fall of the Berlin Wall, from over 8,000 employees to just 4,100. And Bath Iron Works has seen its employment drop from a peak of 12,000 to just under 9,000 as a result of cuts in the defense budget. These stark numbers graphically illustrate the importance of successful defense conversion to the long-term health of Maine's economy.

Successful defense conversion does not happen overnight, and this legislation reflects that understanding. We must also realize that successful defense conversion cannot be imposed

from the top down by the Federal Government. Instead, the Federal Government must work with industries and communities in crafting defense conversion strategies and options that can help those same industries and communities in their efforts to overcome the severe economic consequences of defense downsizing.

The Department of Defense has always been the dominant government agency involved in defense conversion. Yet virtually every one of its defense conversion programs were imposed upon it by either the President or the Congress, not designed by the Pentagon itself.

My legislation proposes to change this relationship, and consolidates responsibility for most of the Federal Government's defense conversion activities squarely where it belongs: within the Executive Office of the President. Companion legislation that I am introducing today would also, in effect, establish a defense conversion czar, a high-level executive official who is directly responsible to the President for the implementation and coordination of this critical effort.

The simple fact of the matter is that of all the agencies within the Federal Government, the Defense Department is institutionally unsuited to direct such a crucial government venture. The central purpose of the Defense Department is to provide, equip and train the military forces needed to ensure the security of the Nation, to deter war, and to fight and win wars if deterrence fails. These institutional goals run counter to the basic premise of defense conversion—to help people, communities, and industries become less dependent on defense spending.

A report issued last year by the General Accounting Office underscored that the Pentagon and defense conversion are fundamentally mismatched. That GAO report cited an evaluation by the Defense Department's own Inspector General of the department's defense conversion programs. After closely examining one of those programs, the inspector general found that "ineffective planning and oversight had resulted in implementation problems."

Implementation problems. I don't believe that the working people of Maine who depend on wise defense conversion for their jobs and livelihood will understand implementation problems. I don't believe that the communities of Maine and America will tolerate implementation problems. This is why we must consider the advice of the congressional mandated Defense Conversion Commission, which 3 years ago took a hard look at the Federal Government's defense conversion efforts. Along with other Members of Congress whose State and districts have a big stake in the success of defense conversion efforts, I appeared before the Commission, and closely followed its findings.

In its final report, the Commission made an even stronger case for decreasing the influence of the Defense Department. The Commission noted that:

While the Department of Defense has a large role to play, overall direction for defense conversion and transition actions must come from the Executive Office of the President.

I agree with the Commission's conclusion.

The legislation I am introducing today will consolidate America's defense conversion efforts within the Executive Office of the President—a step that, based on this sort of unequivocal report, should have been taken long ago. The thousands of Maine workers who depend on defense-related industries for their livelihoods, the millions of Americans who are watching our actions today, and indeed, all of our citizens need to know that the Federal Government will wisely consider conversion efforts. Americans should know that one individual, reporting directly to the President, is responsible for the effective implementation and coordination of our overall defense conversion strategy.

I have long believed that tax credits can provide an excellent incentive to encourage economic development and growth. Two of the bills that I am introducing today utilize this concept. The first provides tax credits to help give employers the incentive to hire workers who have lost their jobs through either the closure of a military installation or from reductions-in-force at a military installation. It will also provide those same tax credits to employers who have hired laid off workers from a defense contractor or major subcontractor. The second bill will provide tax credits to defense-dependent industries to invest in worker retraining and retooling in order to help them diversify into commercial markets.

Finally, the Economic Development Administration [EDA] within the Department of Commerce is actively involved in numerous successful defense conversion efforts throughout the country. The legislation I am introducing today amends the fiscal year 1991 Defense Authorization Act, which has served as the guidance for the EDA's defense conversion duties when utilizing funds authorized in defense bills.

Under current law, the EDA does not give any special preference to defense conversion projects. This legislation specifically directs that, when funds are authorized for use by the EDA through the Defense Authorization Act, the EDA will "ensure that [these] funds are reserved for communities identified as the most substantially and seriously affected by the closure or realignment of a military installation or the curtailment, completion, elimination, or realignment of a major defense contract or subcontract."

Mr. President, defense conversion ultimately boils down to another form of economic development—albeit one which affects the livelihoods of millions of Americans. Our mission is to ensure that the Federal Government makes successful defense conversion a reality. We must give our citizens the tools they need to literally turn swords into plowshares. While this will take a great deal of time and hard work, I believe that a partnership between private enterprise and government will make it a reality. The legislation that I introduce today will help move that effort along. As I said on the Floor of the House in 1991, our responsibilities to the American people do not end with the base closure process. Instead, our responsibilities are only beginning.

I urge my colleagues to join me in supporting this package of legislation to ensure sound defense conversion policies into the future.●

By Ms. SNOWE:

S. 411. A bill to amend the Internal Revenue Code of 1986 to provide for the treatment of long-term care insurance, and for other purposes; to the Committee on Finance.

THE LONG-TERM CARE IMPROVEMENT ACT

● Ms. SNOWE. Mr. President, long-term care means different things to different people. It means home-health care for those who need some help, but do not require round-the-clock care. It means respite care so those families who are struggling to keep a loved one at home can have a short break and some time to themselves. And it means nursing home care for those in need of institutional services.

As we continue the debate on health care reform this year, it is important that we all remember that any major reform of our health care system will be incomplete if it does not address some of the problems facing our long-term care system. I am introducing legislation today that addresses four areas that are in need of change: setting standards for private long-term care insurance; changing the tax code to make insurance more affordable; providing respite care tax credits for family caregivers; and providing a tax credit to those who care for Alzheimer's victims at home.

Private insurance coverage for long-term nursing home care is very limited with private insurance payments amounting to 1 percent of total spending for nursing home care in 1991. In 1986, approximately 30 insurers were selling long-term care insurance policies of some type and an estimated 200,000 people were covered. As of December 1991, the Health Insurance Association of America [HIAA] found that more than 2.4 million policies had been sold, with 135 insurers offering coverage.

HIAA estimates that the long-term care policies paid \$80 a day for nursing

home care and \$40 a day for home health care; they had a lifetime 5 percent compounded inflation protection; a 20-day deductible period and a 4-year maximum coverage period. These policies had an average annual premium in December 1991 of \$1,781 when purchased at the age of 65, and \$5,627 when purchased at the age of 79.

We need to make sure that these policies are not only affordable, but that they deliver the benefits they promise. The National Association of Insurance Commissioners [NAIC] has produced standards for long-term care policies which cover the spectrum of issues—from disclosure to clearly defining the benefits, cost and time period covered. The Federal Government should require that all States meet this standard in any long-term care policies sold in their States. My bill would put the NAIC standards into law.

There is general agreement that we need to change the tax code to take away any disincentives to purchasing long-term care insurance. In addition, the change may encourage employers to offer long-term care policies as an optional benefit, as they would be able to deduct the cost, too. This bill will treat private long-term care insurance policies like accident and health insurance for tax purposes. It would also define a dependent as any parent or grandparent of the taxpayer for whom the taxpayer pays expenses for long-term care services. This change will allow children and grandchildren to deduct the long-term care expenses they pay. Current law requires that an individual must pay 51 percent of the expenses for a dependent before they can be deducted.

Over 80 percent of disabled elderly persons receive care from their family members, most of whom are their wives, daughters, or daughters-in-law. Family caregivers provide between 80 and 90 percent of the medical care, household maintenance, transportation and shopping needed by older persons. Numerous studies have found that family caregivers give up their jobs, have reduced their working hours or have rejected promotions in order to provide long-term care to loved ones.

My bill will expand the dependent care tax credit to make it applicable for respite care expenses and make the credit refundable. A respite care credit would be allowed for up to \$1,200 for one qualifying dependent and \$2,400 for two qualifying dependents. This money could go, for example, toward hiring an attendant for an elderly dependent during the work day, or for admittance to an adult day care center. The credit for respite care expenses would be available regardless of the caregiver's employment status.

Such a respite care credit will save dollars for both caregiving families and the Government by postponing, or even avoiding, expensive institutionalization.

Finally, this legislation will provide tax deductions from gross income for individual taxpayers who maintain a household which includes a dependent who has Alzheimer's disease or a related disorder. It would allow deductions of expenses, other than medical, which are related to the home health care, adult day care and respite care of an Alzheimer's victim.

In most cases of Alzheimer's disease, families will bear the brunt of the responsibility of care. Many caregivers of dementia victims spend more than 40 hours a week in direct personal care. These families are trying to cope with the needs of a dependent older Alzheimer's victim with little or no financial or professional help.

In the face of the continued and intense involvement of the family caregiver, services that provide respite from the ongoing pressures of care become essential in the caregivers' ability to support the Alzheimer's victim at home. Home health care, adult day care and long-term respite care all provide opportunities to free caregivers from their caregiving responsibility and are crucial in enabling employed caregivers to continue working. Most caregivers willingly provide care for dependent and frail elderly family members. Even so, the presence of these supportive services can be a crucial factor in continued caregiving activities.

It is important to provide some tax relief for those expenses related to their continued care in the home. Perhaps by such action we can delay the institutionalization of dementia victims. Surely we can provide some financial relief to their caregivers.

I urge my colleagues to join me in supporting this bill. ●

By Ms. SNOWE (for herself and Mr. COHEN):

S. 412. A bill to amend the Federal Food, Drug, and Cosmetic Act to modify the bottled drinking water standards provisions, and for other purposes; to the Committee on Environment and Public Works.

THE BOTTLED WATER STANDARDS ACT OF 1995

● Ms. SNOWE. Mr. President, today, I, along with Senator COHEN, am introducing legislation designed to make the regulatory process for bottled water more efficient and responsive, while expanding health protections for the consuming public.

This bill, the Bottled Water Standards Act of 1995, requires the FDA to publish final regulations for a contaminant in bottled water no more than 6 months after EPA has issued regulations for that same contaminant in public drinking water. It may come as a surprise to some Senators that public drinking water and bottled water are regulated by different agencies of the Federal Government. But in fact, the FDA has the responsibility for ensur-

ing the safety of bottled water, while EPA maintains separate authority for regulating public drinking water supplies.

Unfortunately, the FDA has not always been timely in issuing its regulations for bottled water after EPA publishes its standards for tap water. On December 1, 1994, FDA published a final rule of 35 contaminants in bottled water. Nearly 4 years earlier, however, in January 1991, the EPA regulations for these contaminants have already been issued. In the interim period, bottled water producers and consumers were left in limbo. Their product was subject to industry safety standards and various State rules, but the Federal standards that provide an important additional assurance for bottled water had not been completed. This circumstance was very unfair to both producers and consumers of bottled water and we should not let it continue.

My bill will ensure a more expeditious response in the future. In addition to the 6-month deadline for new contaminants, the FDA will be given 1 year to issue final regulations for contaminants that the EPA already regulates, but that have not yet received new FDA standards for bottled water. If the FDA fails to meet either the 6-month or 1-year deadlines, the existing EPA standard is automatically implemented for bottled water.

In some cases, FDA may determine that a particular contaminant regulated by EPA does not occur in bottled water. My bill would allow the FDA to simply issue such findings in the Federal Register before the deadline periods expire.

The bill also stipulates that in all cases, the FDA standards for bottled water must be at least as stringent as the EPA's standards for public drinking water. The bill does reserve the FDA's right to issue more stringent standards, however, adding an extra measure of public health protection if necessary.

Mr. President, it is my hope that this legislation will prompt the FDA to coordinate its regulatory activities for drinking water contaminants with the EPA. The bill would therefore have the effect of improving the efficiency of the Federal regulatory process—something all of us agree is necessary—while enhancing health protections for consumers. It represents a clear win-win proposition for our constituents.

The bottled water industry generates sales in the billions, and it serves millions of American consumers. Surely, these producers and consumers alike deserve the kind of consideration from their Government that my bill guarantees. Last year, Members in both the House and the Senate agreed with this commonsense approach. Language very similar to that found in my bill was included in the House and Senate versions of the Safe Drinking Water Act

reauthorization bills considered last year, and it was included without controversy. I hope that the Bottled Water Standards Act of 1995 will enjoy similar support in the Senate this year.●

● Mr. COHEN. Mr. President, I am pleased to join my colleague from Maine, Senator SNOWE, today to introduce legislation that will help to ensure public safety and consumer confidence.

More and more Americans are drinking bottled water every day. Companies such as Poland Spring in Maine, have grown tremendously in recent years. Unfortunately, because of a jurisdictional quirk, all too common in our Federal Government, bottled water is not currently required to meet the same safety standards that we have placed on tap water.

Tap water is regulated by the Environmental Protection Administration, which sets rigorous and comprehensive standards to ensure the safety of our Nation's drinking water. Bottled water is considered a food item and is therefore regulated by the Food and Drug Administration. In carrying out its responsibility to regulate bottled water, the FDA has failed, for whatever reason, to keep pace with EPA's detailed tap water regulations. Consequently, tap water must meet higher standards than bottled water.

I want to make it clear that the bottled water industry firmly believes that their product is as safe, if not safer than tap water. But because bottled water is not required to meet tap water standards, the industry cannot adequately defend itself against allegations about the quality of bottled water.

In an effort to resolve this dispute, the legislation being introduced today would simply require the FDA to publish regulations for a specific contaminant in bottled water no more than 6 months after the EPA has issued regulations for that same contaminant in tap water. If that contaminant is not a risk for bottled water, then FDA must formally make such a determination. If the FDA fails to meet this 6 month deadline, the EPA regulations would then apply to both tap water and bottled water.

I believe this proposal is a very reasonable and workable solution to this problem. I think both consumers and the bottled water industry, which welcomes this bill, would benefit from the changes this legislation attempts to achieve. I look forward to working with my colleagues toward the passage of this bill.●

By Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. PELL, Mr. DODD, Mr. SIMON, Mr. HARKIN, Ms. MIKULSKI, Mr. WELLSTONE, Mr. LEAHY, Mr. LAUTENBERG, and Mr. KERRY):

S. 413. A bill to amend the Fair Labor Standards Act of 1938 to increase the

minimum wage rate under such act, and for other purposes; to the Committee on Labor and Human Resources.

THE WORKING WAGE INCREASE ACT OF 1995

Mr. DASCHLE. Mr. President, generations of Americans have been raised to believe that hard work is a virtue and that if you work hard, you can get ahead and share in the American dream. But for many Americans today, putting in 40 hours per week will not ensure that they will be able to buy their own home or send their children to college.

In fact, for some workers, a full-time job doesn't even pay enough to keep their families out of poverty.

Workers who earn the minimum wage have seen their standard of living decline dramatically since the 1970's. Even with an adjustment for inflation, the minimum wage is now 27 percent lower than it was in 1979.

Looked at another way, the minimum wage is at its second lowest level in four decades. And if it remains at \$4.25 per hour, its buying power will continue to erode.

As the value of the minimum wage has fallen, the number of working families living in poverty has increased. I'm sure that many Americans would be shocked to learn that more than 11 percent of families with children where the householder is employed have incomes below the poverty line.

That an individual could work 40 hours per week, 52 weeks per year and still not provide for his or her children goes against our most basic notions of fairness and equity.

This startling fact becomes even more important as the Nation turns its attention to the issue of welfare reform. Most Americans—Democrats and Republicans alike—feel strongly that we must break the cycle of dependency upon public assistance and require those who are able to work.

But the simple truth is this. We can't encourage people to work if the wages they earn will not even pay for their most basic needs and the needs of their children.

So we must find a way to make work pay.

Raising the minimum wage is not the sole solution to this problem, but it is a good first step.

And for the 36 percent of minimum-wage workers who are the sole breadwinners in their families, it is a very meaningful first step.

The legislation I am introducing today with Senators KENNEDY, PELL, DODD, SIMON, HARKIN, MIKULSKI, WELLSTONE, LEAHY, KERRY, and LAUTENBERG will help to restore the earning power of the minimum wage. Modeled on the last increase in the minimum wage—which passed with overwhelming bipartisan support and was whelmed by President Bush—the bill calls for a 45-cent increase in July, followed by a second 45-cent increase next year.

This modest increase will not fully compensate for the erosion in the value of the minimum wage since the 1970's. However, when combined with the 1993 expansion of the earned income tax credit, this increase will ensure that minimum-wage workers and their families remain above the poverty level.

The American public understands that men and women should be paid a living wage for their labor. In a poll conducted by the Wall Street Journal and NBC, 75 percent of those polled support an increase in the minimum wage.

Despite the broad public support for an increase, some Republican leaders have expressed their opposition, arguing that requiring businesses to pay higher wages will lead to overall job loss. However, recent studies by some of the Nation's leading labor economists have concluded that when the minimum wage is at a low level, a modest increase will not effect employment negatively.

In 1992, for example, New Jersey raised its minimum wage by 80 cents per hour, from \$4.25 to \$5.05. Economists found no reduction in employment opportunities as a result of this increase.

Paying workers a living wage is not a Democratic or Republican issue. It is an issue of fairness and equity. It's my hope that Senators and Representatives on both sides of the aisle will join together to do what is right for low-wage workers.

I think a recent editorial in the *Huron, SD, Plainsman* said it best: "Taking home \$5 per hour is hardly making a living. But those on the lower end of the pay scale * * * deserve at least that much."

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. 413

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 "Working Wage Increase Act of 1995".

SEC. 2. INCREASE IN THE MINIMUM WAGE RATE.

Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

"(1) except as otherwise provided in this section, not less than \$4.25 an hour during the period ending July 3, 1995, not less than \$4.70 an hour during the year beginning July 4, 1995, and not less than \$5.15 an hour after July 3, 1996:"

Mr. DODD. Mr. President, I rise today as an original cosponsor of legislation increasing the minimum wage because I see it as one of our best tools to reform welfare by making work pay.

Nearly everyone recognizes the need to overhaul our welfare system to encourage work and responsibility. We

must institute work requirements and provide job training to make work possible. But we must also take concrete action to make work more attractive than public assistance.

The current minimum wage is simply inadequate. If you work full time for \$4.25 an hour, your annual income is only \$8,500 a year. That is well below \$12,500, which is the poverty level for a family of three.

The minimum wage continues to lose ground as a percentage of average hourly wages—in fact, by next year the minimum wage will be at its lowest point since the Eisenhower administration. A recent survey in Baltimore found that 27 percent of the regulars at city soup kitchens and food pantries were working people with low-wage jobs. It is clear that the minimum wage is not a living wage, and it's time for us to do something about it.

Many opponents claim that most minimum wage earners are middle-class high school students. That is simply not true. Two-thirds of the Nation's 4.2 million minimum-wage workers are adults over the age 21. The average minimum-wage earner brings home about half of his or her family's annual income.

Another claim frequently made by critics of the minimum wage is that it destroys entry-level jobs. This argument is repeated so frequently that it has become a mantra, but recent economic analysis suggests it doesn't hold up. Several recent economic studies have found that the last two increases in the minimum wage had a negligible impact on employment.

After surveying the literature on the subject, Harvard labor economist Richard Freeman concludes that "at the level of the minimum wage in the late 1980's, moderate legislated increases did not reduce employment and were, if anything, associated with higher employment in some locales."

In the past, increasing the minimum wage has been a broadly bipartisan issue. In 1989, the vote to increase the wage was 382-37 in the House and 89-8 in the Senate. The public has clearly spoken about the issue. A Wall Street Journal/NBC News poll found that 75 percent of the public supports increasing the minimum wage, while only 20 percent oppose it.

I hope that we can put our partisan differences aside to provide millions of hard-working Americans with a modest boost they very much need and reduce welfare dependency at the same time.

By Mrs. MURRAY (for herself and Mr. HATFIELD):

S. 414. A bill to amend the Export Administration Act of 1979 to extend indefinitely the current provisions governing the export of certain domestically produced crude oil; to the Committee on Banking, Housing, and Urban Affairs.

THE ALASKA NORTH SLOPE OIL EXPORT BAN ACT
OF 1995

Mrs. MURRAY. Mr. President, I am pleased to join with my colleague from Oregon, Senator HATFIELD, in reintroducing legislation that will extend indefinitely the restrictions on the export of Alaska North Slope crude oil. Twenty years ago, Congress passed legislation that enabled oil to be produced on the North Slope. That legislation involved a careful balancing of a variety of interests. Foremost was our national energy security. In the face of a heavy reliance on imported oil, Congress determined that any oil produced from the North Slope should be used by American consumers unless the President found and Congress agreed that it was in the national interest to export all or any portion of that oil. Of equal importance, Congress was deeply concerned about the Alaska environmental impacts of North Slope oil production. Knowing that the Alaskan tundra and the wildlife would be endangered by oil pipeline construction and oil production, Congress saw no sense in facing these risks for the sake of supplying oil to foreign nations.

By 1977, ANS crude was flowing through the Trans-Alaska pipeline system to the lower 48 States and Hawaii. From the pipeline's terminus at Valdez, AK, it moved by U.S.-flag Jones Act tankers to ports in the States of Washington and California. In both of these States, refineries were either built or modified to handle the surge of oil, which immediately reduced west coast reliance on imported crude. In Oregon, as well as in California and Washington, shipyards expanded to handle the construction and repair of more than 50 ships that carried ANS crude. A pipeline was built across Panama to provide an efficient means of transporting ANS crude that could not be sold on the west coast to gulf coast ports. Shipyards in the gulf benefitted from new tanker construction and repair business. The U.S. merchant marine was also a beneficiary of ANS crude, with the creation of over 2,000 jobs and the maintenance of a U.S. flag tanker capacity that would not have existed if ANS crude had been exported. This merchant marine capability not only created jobs, it helped to bolster our national defense by providing tankers flying the U.S.-flag that could be—and subsequently were used—in times of national emergency. In the early years of ANS crude production, west coast consumers enjoyed lower prices at the pump because of the abundant supply of Alaska oil. Above all, ANS crude reduced our reliance on imported oil and, together with a national energy conservation effort, helped to prevent our reliance on imported oil from being used against us as a foreign policy weapon.

Mr. President, we in the State of Washington are directly affected by the

congressional policy of restricting exports of Alaska oil. With ANS crude exports, we would have an influx of large foreign-flag tankers offloading crude oil to smaller ships along our coast so our refineries could be supplied with the oil we need. This offloading is an environmental hazard that we can ill afford. Thousands of jobs in refineries and related industries have been created in our State, and many Washingtonians perform ANS tanker repair work in the port of Portland.

In this Congress, as they have done many times in the past, my distinguished colleagues from Alaska, Senators STEVENS and MURKOWSKI, have proposed legislation that would eliminate the ANS export restrictions. Their goal is understandable. Every barrel of ANS oil that is exported increases that State's severance tax revenues. However, I remind my colleagues that the law says that exports should be permitted only if they are in the national interest, not just the interest of the State of Alaska.

Indeed, that question is an important one for the Senate to keep in mind as it considers this issue. Congress has also passed other laws that place nearly identical national interest restrictions on the export of all oil from any State, as well as from offshore areas and the naval petroleum reserves. My distinguished colleagues from Alaska are asking for an exemption from a policy that applies to every other State where oil is produced.

At a time when our reliance on imported oil has reached a historic high, and when the Commerce Department has found that the level of oil imports poses a national security threat, Congress should not be permitting exports of ANS crude. Our energy security demands that the national interest restrictions on exports remain in place. Equally compelling is our need to protect the environment. Every barrel of Alaska oil that is exported must be replaced by a barrel of foreign oil that will come to the United States on large foreign-flag tankers. That would amount to a reckless endangerment of our coastal environment.

Aside from increasing the tax revenues of the State of Alaska, the primary beneficiary of Alaska oil exports would be British Petroleum, the largest producer of ANS crude. This foreign-owned oil company will be able to reduce its oil transportation costs and, thus, increase its profits. None of us should be lulled into the false belief that British Petroleum's increased profits would mean increased production in Alaska. The North Slope fields are producing at their maximum level today. They are now old fields whose production has inevitably gone into decline, but continue to produce 25 percent of our Nation's oil.

Nor will taking ANS crude from its west coast markets increase California

oil production. The refineries that process Alaska oil can't handle the additional volumes of heavy grade of oil produced in California. They will replace any lost Alaska oil with foreign oil. In addition, Alaska oil sells on both the west and gulf coasts at world price levels. The only price impact of exports would be to permit British Petroleum to gain the power to set higher prices for the smaller amounts of ANS crude that would remain available to the west coast. If that price is passed through, it will harm consumers. The integrated oil company refineries—including those who are able to use supplies of oil they produce in Alaska—will be able to absorb any price increase. However, west coast independent refiners are in a poor position to absorb increases in the price of their crude oil stocks because their profit margins will not permit it. In addition, these independents do not have the docking facilities to handle large foreign-flag ships, nor do they have the storage tanks to handle supplies of this size. Inevitably, ANS exports will endanger the continued existence of independent refineries and the thousands of men and women who depend on these refineries for their livelihood.

Finally, Mr. President, there is the issue of ships. The fleet that carries Alaska oil is aging. Within the past few days, the U.S. Coast Guard has launched an investigation to determine if existing regulation of these tankers is adequate. Their action comes on the heels of the discovery of four structural failures in ships that carry ANS crude to the west coast ports within the past month alone. Congress has already dealt with the issue of tanker safety in the Oil Pollution Act of 1990, which requires the gradual phase-in over the next few years of new, double-hulled tankers that will present far less danger to our environment. The proposal to export Alaska oil stipulates the U.S.-flag ships be used. There is a significant difference between a U.S. flag and a Jones Act ship. Jones Act ships must be built and repaired in the United States, while U.S.-flag ships can be foreign vessels that are placed under U.S. registry. To replace its aging fleet on ANS tankers, British Petroleum would under current law be required to enter into long-term charters ranging from 10 to 15 years in order to guarantee the financing and the construction of these ships. However, if it is permitted to use foreign-built vessels, British Petroleum can engage in short-term hires of existing, single-hulled vessels whose age does not require replacement under OPA90 for several years. British Petroleum should be constructing new Jones Act ships now. That would be the responsible and prudent policy to follow. Instead, they are continuing to use aging ships that pose a threat of structural failures. In addition, British Petroleum and its allies

in Congress seek to deprive United States shipyards of much-needed new construction work. Jobs that would have been created by this work will be lost at the same time as our environment is endangered.

Mr. President, it is clear that the State of Alaska and British Petroleum will benefit from Alaska oil exports. However, it is equally clear that these are the only beneficiaries of exports. Our national energy security, our environment, and the jobs of U.S. workers will be placed in jeopardy. Maintaining the restrictions on ANS exports is good policy for America. I urge my colleagues to cosponsor the legislation I am proud to introduce today.

Mr. HATFIELD. Mr. President, I am pleased to join Senator PATTY MURRAY in introducing legislation to extend the current restrictions on exports of Alaskan North Slope crude oil contained in section 7(d) of the Export Administration Act. In previous years, Congress has expressed strong bipartisan support for these restrictions. I am confident that Congress will again affirm its commitment to promoting national energy security by passing this important legislation.

Since the Alaskan oil export restrictions were first exacted by Congress in 1973, they have provided enduring benefits for our Nation. We now have an efficient transportation infrastructure to move crude oil from Alaska to the lower 48 States and Hawaii. In addition, these restrictions have helped limit our reliance on OPEC and unstable Persian Gulf oil supplies. Furthermore, we have been able to enhance a domestic merchant marine that continues to help supply the essential oil requirements of our domestic economy and our military.

Despite the lessons of two major oil crises and the Persian Gulf War, we foolishly continue to rely on foreign oil as a major energy source. U.S. oil imports now exceed half of our daily oil requirement. Government and private estimates now predict that by the year 2010, imports will equal 59 percent.

Permitting the export of any Alaskan North Slope crude would only exacerbate this already serious problem. By allowing the export of Alaskan oil to Japan and other Pacific rim countries, we would further increase our dependency on Middle Eastern oil, increase consumer petroleum costs on the west coast, threaten the vitality of our domestic tanker fleet, and cause net Federal revenue losses. Moreover, Alaskan oil exports would cause job losses in the maritime and related ship-supply industries on the west coast. Mr. President, these are costs which this Nation simply cannot afford.

Our ability to withstand future energy crises will certainly be tested if we fail to take the appropriate steps now to protect our own energy re-

sources. By extending indefinitely the current export restrictions on Alaskan crude oil in section 7(d) of the act, we will reaffirm the policy of keeping this country on the right path toward energy security.

I commend Senator MURRAY for her leadership. I look forward to working with her, members of the Senate Banking Committee, and other interested Senators, as this proposal moves forward.

By Mr. HATCH (for himself, Mr. MOYNIHAN, Mr. GRAHAM, and Mr. BINGAMAN):

S. 415. A bill to apply the antitrust laws to major league baseball in certain circumstances, and for other purposes; to the Committee on the Judiciary.

THE PROFESSIONAL BASEBALL ANTITRUST REFORM ACT OF 1995

Mr. HATCH. Mr. President, I am pleased to introduce legislation that, if and when it becomes law, will bring about an end to the baseball strike. In fact, the players have already voted to end their strike if this bill becomes law.

Unlike other legislation that has been proposed, my bill would not impose a big-government solution. On the contrary, it would get government out of the way by eliminating a serious Government-made obstacle to settlement. Seventy-three years ago, the Supreme Court ruled that professional baseball is not a business in interstate commerce and is therefore immune from the reach of the Federal antitrust laws. This ruling was almost certainly wrong when it was first rendered in 1922. Fifty years later, in 1972, when the Supreme Court readdressed this question, the limited concept of interstate commerce on which the 1922 ruling rested had long since been shattered. The Court in 1972 accurately noted that baseball's antitrust immunity was an aberration that no other sport or industry enjoyed. But it left it to Congress to correct the Court's error.

A limited repeal of this antitrust immunity is now in order. Labor negotiations between owners and players are impeded by the fact that baseball players, unlike all other workers, have no resort under the law if the baseball owners act in a manner that would, in the absence of the immunity, violate the antitrust laws. This aberration in the antitrust laws has handed the owners a huge club that gives them unique leverage in bargaining and discourages them from accepting reasonable terms. This is an aberration that Government has created, and it is an aberration that Government should fix.

The legislation that I am introducing would provide for a limited repeal of professional baseball's antitrust immunity. This repeal would be limited to the subject matter of major league labor relations. It would not affect

baseball's ability to control franchise relocation, nor would it affect the minor leagues. It also would not affect any other sport or business.

This legislation would not impose any terms of settlement on the disputing parties, nor would it require that they reach a settlement. Rather, it would simply remove a serious impediment to settlement—an impediment that is the product of an aberration in our antitrust laws. In short, far from involving any governmental intrusion into the pending baseball dispute, the legislation would get Government out of the way.

I am pleased to report that this bill has bipartisan support. Original cosponsors include Senators MOYNIHAN, GRAHAM, and BINGAMAN.

I am even more pleased to report that the baseball players have already voted to end their strike if this bill becomes law. There will be a full 1995 baseball season if Congress acts quickly on this long overdue measure.

I urge my colleagues in the Senate and the House to support this legislation.

• Mr. MOYNIHAN. Mr. President, I am pleased to be an original cosponsor of the Professional Baseball Antitrust Reform Act of 1995, a bill drafted by the distinguished chairman of the Judiciary Committee, Senator HATCH. I hope this legislation will help to facilitate negotiations in—and settlement of—the professional baseball strike that has gone on for 6 long months now.

This bill is designed to be a partial repeal of major league baseball's antitrust exemption. It would leave the exemption in place as it pertains to minor league baseball and the ability of major league baseball to control the relocation of franchises.

On January 4, 1995, the first day of the 104th Congress, I introduced my own legislation on this subject. My bill, S. 15, the National Pastime Preservation Act of 1995, would apply the antitrust laws to major league baseball without the exceptions suggested by my friend from Utah.

In 1922, the Supreme Court of the United States, in *Federal Baseball Club versus National League*, held that "exhibitions of base ball" were not interstate commerce and thus were exempt from the antitrust laws. Fifty years later, in *Flood versus Kuhn* in 1972, the Court acknowledged that in fact baseball is a business engaged in interstate commerce, but declined to reverse *Federal Baseball*, citing a half century of congressional inaction on the matter.

Clearly baseball is a business engaged in interstate commerce, and should be subject to the antitrust laws to the same extent that all other businesses are. But the greater point is that the strike must be settled through good-faith bargaining between the parties. I will support this and any other effort that will move the parties forward to-

ward a collective bargaining agreement—and the resumption of baseball in America as soon as possible.

I thank my friend from Utah for inviting me to cosponsor this legislation, and hope other Senators agree with us that the time has come to act. •

By Mr. THURMOND (for himself and Mr. LEAHY):

S. 416. A bill to require the application of the antitrust laws to major league baseball, and for other purposes; to the Committee on the Judiciary.

THE MAJOR LEAGUE BASEBALL ANTITRUST REFORM ACT OF 1995

Mr. THURMOND. Mr. President, I rise today to introduce the Major League Baseball Antitrust Reform Act of 1995 to repeal the antitrust exemption which shields major league baseball from the antitrust laws that apply to all other sports. I am pleased to have Senator LEAHY, the ranking member of the Antitrust, Business Rights, and Competition Subcommittee which I chair, join me in introducing this bill.

The Thurmond-Leahy legislation addresses baseball's antitrust exemption, but is not specially drafted in an attempt to solve the current baseball strike. Although the ongoing strike raises questions about the antitrust exemption, major league baseball's problems go far deeper than this one strike. Baseball has suffered a strike or lock-out every time a contract has expired during the last quarter century. Baseball has had eight strikes or lockouts in a row, the worst work stoppage record of all professional sports. Removing the antitrust exemption will not automatically resolve baseball's problems, but I believe it will move baseball in the right direction.

Despite our interest in seeing the players return to the field, we must be ever mindful of the need to limit Federal Government intervention into matters best left to private remedies. The Congress should determine how much Federal involvement, if any, serves the public interest in this area. But as long as the special antitrust exemption remains in place for baseball, the Congress is involved. The Congress has an impact on the sport by simply permitting the special exemption to remain long after the factual basis for it has disappeared.

It is now well-known that baseball's antitrust exemption is essentially a historical accident. The exemption was established in 1922 by the Supreme Court—not the Congress—when the Court held that professional baseball was not interstate commerce and therefore could not be subject to the Federal antitrust laws. Since that time, the Supreme Court held that baseball is, of course, interstate commerce, but the Court refused to end the exemption. Instead, the Court held that it is up to the Congress to make any necessary changes in the exemp-

tion. In light of the Supreme Court decisions in this area, we must recognize that responsibility has shifted to the Congress to address the exemption and whatever effects it may have on major league baseball's problems.

Some Members of Congress believe that we should not get involved during the current strike, while other Members have asserted that in the absence of a strike there is no need for the Congress to take action on this issue. Whether there is a strike or not, it is my belief that it is proper for the Congress to consider this antitrust issue as a matter of public policy. The Congress has considered baseball's antitrust exemption in the past, including serious attention by the Senate Judiciary Committee last year, prior to the current strike. I intend to continue working on this issue, even if the strike were to end today.

As a practical matter, there is no guarantee that any legislation on this subject will be enacted promptly, despite our best efforts, given the press of other business in both the Senate and the House. Thus, this legislation ought to have little impact on baseball's negotiations. The players and owners certainly should continue to work to settle their differences without assuming that congressional intervention will occur.

The Thurmond-Leahy legislation would repeal baseball's antitrust exemption, while maintaining the status quo for the minor leagues. Protecting the current relations with the minor leagues is important to avoid disruption of the more than 170 minor league teams which are thriving throughout our Nation. This is a priority which other Members and I have clearly expressed. The Thurmond-Leahy bill also makes clear that it does not override the provisions of the Sports Broadcast Act of 1961, which permits league-wide contracts with television networks.

Nor does the Thurmond-Leahy legislation affect the so-called nonstatutory labor exemption. The nonstatutory labor exemption shields employers from the antitrust laws when they are involved in collective bargaining with a union. Court interpretations of the nonstatutory labor exemption are somewhat unsettled. But there is no doubt that, at a minimum, repealing baseball's special exemption would permit antitrust challenges in the absence of a collective bargaining arrangement, and would place baseball on the same footing as other professional sports and businesses.

I am also concerned about the issue of franchise relocation, a subject on which I held hearings in the mid-1980's while serving as chairman of the Judiciary Committee. Relocation is a significant issue to baseball, as well as other professional sports. If the antitrust laws need adjustment in this area, we should consider this matter in

the context of all professional sports. Thus, the Thurmond-Leahy bill does not address franchise relocation, but separate legislation is being considered to protect objective franchise relocation rules in all professional sports.

Mr. President, I join the millions of Americans who are anxious for the 1995 baseball season to begin, and encourage the owners and players to resolve their differences. But again, I believe the proper role for the Congress is to repeal the Court imposed antitrust exemption. This will restore baseball to the same level playing field as other professional sports and businesses. By removing the antitrust exemption, the players and owners will have one less distraction keeping them from developing a long-term working relationship, and the Congress will no longer be intertwined in baseball because of the special exemption.

• Mr. LEAHY. Mr. President, today I join with Senator THURMOND to introduce the Major League Baseball Antitrust Reform Act of 1995. As chairman and ranking Democrat on the Senate's Antitrust Subcommittee, we will be participating in hearings later this week into the exemption from the Federal antitrust laws enjoyed by major league baseball. Our antitrust laws are intended to protect competition and benefit consumers. No one is or should be above the law. Yet for over 70 years, major league baseball has operated outside our antitrust laws. I think that should be reviewed and corrected.

Last summer, the Senate Judiciary Committee had an opportunity to right this situation when we considered a bill to repeal baseball's antitrust exemption that was very similar to the bill we are introducing today. While Senator THURMOND and I supported the measure, some of our colleagues blinked and the measure was defeated.

Soon thereafter negotiations between major league baseball owners and players disintegrated. We have since witnessed a preemptive strike, the unilateral imposition of a salary cap, failed efforts at mediation, the loss of one season and likely obliteration on a second, and pleas from all corners to resolve the current impasse going for naught.

In my view, major league baseball's exemption from Federal antitrust laws has significantly contributed to the problem that confronts us all today. Had Congress repealed that out-of-date, judicially proclaimed immunity from law, I believe that this matter would not be festering. I hope that we will, at long last, take up the issue of major league baseballs' antitrust exemption.

Baseball has been the national pastime. It has served to bind parent to child. It teaches important values including the benefits of teamwork and doing ones best. It is part of our history. The game's current caretakers are about to cost the American people another year without baseball.

Seniors who look forward to the joys of spring training and to following their favorite teams on radio or television will have to do without. Youngsters looking for positive role models, contemporary heroes, and a sport to span generations or Americans will be shortchanged.

Cities and towns that have invested millions in facilities to support major league baseball will be cheated. Vendors and others who rely on baseball for jobs that help them scratch out a living for themselves and their families will be hit, again.

There is a public interest in the resumption of true, major league baseball. The current situation derives at least in part from circumstances in which the Federal antitrust laws have not applied, Congress has provided no regulatory framework to protect the public, and the major leagues have chosen to operate without a strong, independent commissioner who could look out for the best interests of baseball. Thus, competing financial interests continue to clash, with no resolution in sight.

In my view, the burden of proof is on those who seek to justify baseball's exemption from the law. No other business or professional or amateur sport is possessed of the exemption from law that major league baseball has enjoyed and abused.

I look forward to our prompt hearings and to move ahead thoughtfully to consider whether major league baseball, as it is currently organized, is entitled to exemption from legal requirements to which all other businesses must conform their behavior. It is time to forge a legal framework in which the public will be better served. Since the multibillion-dollar businesses that have grown from what was once our national pastime are now big business being run accordingly to a financial bottom line, a healthy injection of competition may be just what is needed.

By Mr. KOHL:

S. 417. A bill to amend the Internal Revenue Code of 1986 with respect to the eligibility of veterans for mortgage revenue bond financing; to the Committee on Finance.

MORTGAGE REVENUE BOND FINANCING
LEGISLATION

• Mr. KOHL. Mr. President, I reintroduce legislation that will help Wisconsin and several other States extend one of our most successful veterans programs to Persian Gulf war participants and others. This bill will amend the eligibility requirements for mortgage revenue bond financing for State veterans housing programs.

Wisconsin uses this tax-exempt bond authority to assist veterans in purchasing their first home. Under rules adopted by Congress in 1984, this program excluded from eligibility veter-

ans who served after 1977 or who had been out of service for more than 30 years. This bill would simply remove those restrictions.

Wisconsin and the other eligible States simply want to maintain a principle that we in the Senate have also strived to uphold—that veterans of the Persian Gulf war should not be treated less generously than those of past wars. This bill will make that possible.

By Mr. CONRAD (for himself, Mr. DASCHLE, Mr. WELLSTONE, and Mr. BAUCUS):

S. 418. A bill to amend the Food Security Act of 1985 to extend, improve, increase flexibility, and increase conservation benefits of the conservation reserve program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE CONSERVATION RESERVE PROGRAM
EXTENSION ACT OF 1995

• Mr. CONRAD. Mr. President, I introduce the Conservation Reserve Program Extension Act of 1995. I am pleased to be joined in offering this legislation by Senator DASCHLE, Senator WELLSTONE, and Senator BAUCUS.

Established in the 1985 farm bill, the Conservation Reserve Program [CRP] is one of the most popular programs ever offered by the U.S. Department of Agriculture. Its objective, as stated in the 1985 farm bill, was "to assist owners and operators of highly erodible cropland in conserving and improving the soil and water resources of their farms or ranches."

Several factors led to the creation of the program: The United States had accumulated large surpluses of agricultural commodities; commodity prices were extremely low; the agricultural economy was in a precipitous downturn; the cost of agricultural programs was increasing, and soil erosion was actually increasing in some areas of the country. Thus, Congress decided to initiate a program to reduce surplus commodities by retiring cropland, increase prices, boost producer income, and just as important, sharply reduce soil erosion.

Although the program's goal of maintaining higher prices was not as measurable as producers in my State would have liked—a goal which is obviously affected by other factors—the program was well-received and achieved positive results. Between 1986 and 1989, farmers were given nine opportunities to enroll land in the CRP, and they enrolled 33.9 million acres. As a result, the program returned normalcy to the agricultural sector and, along with conservation compliance requirements of the 1985 farm bill, helped reduce soil erosion substantially.

Conditions were different during the debate over the 1990 farm bill, and the CRP was modified to meet those conditions. The CRP was broadened to include more environmentally sensitive

lands. Bids were accepted on the basis of an environmental benefits index that measured the potential contribution to conservation and environmental program goals that land would provide if enrolled. Seven goals were set for the program. The goals included surface water quality improvement, potential ground water quality improvement, preservation of soil productivity, assistance to farmers most affected by conservation compliance, encouragement of tree planting, enrollment in hydrologic unit areas identified under the water quality initiative, and enrollment in conservation priority areas established by Congress. These changes broadened the scope of the program, helping it achieve positive, measurable results.

Although initially mandated to research 40 to 45 million acres, according to USDA's Economic Research Service the CRP now includes 36.4 million acres through 375,000 contractual agreements. This represents about 8 percent of total U.S. cropland. The CRP has reduced soil erosion by 700 million tons per year, a reduction of 22 percent compared with conditions that existed prior to the program. In addition, the program has produced enormous benefits for wildlife, both game and nongame species. It is no surprise that reauthorization of the CRP is the primary legislative goal of nearly every wildlife organization.

The CRP has had a significant impact on North Dakota agriculture. Consider the following statistics provided by USDA's Agricultural Stabilization and Conservation Service:

Number of bids	26,600
Number of contracts	18,520
Acres contracted	3,180,569
Average rental rate	\$38
Total annual rental	\$121,998,974

Commodity base acres involved include:

Wheat	1,138,046
Corn	134,417
Barley	580,059
Oats	263,683
Sorghum	1,837

Total base acres 2,118,042
Total annual erosion reduction:
45,842,990 tons.

The future of this program is central to the debate over the 1995 farm bill in my State.

The legislation we are introducing today represents our effort to address the questions of participants in our States and many others who have concerns about the future of CRP: farm implement dealers, fertilizer and pesticide companies, local business people, lenders, conservationists, ranchers, hunters, and various other parties.

Recently, the U.S. Department of Agriculture made two significant announcements that signal its intentions over the future of the CRP. On August 24, 1994, USDA announced 1-year contract extensions to participants whose contract expires on September 30, 1995.

On December 14, 1994, USDA announced that action would be taken to modify and extend all CRP contracts and to improve the targeting of the CRP to more environmentally sensitive acres.

As a result of these announcements, the Congressional Budget Office [CBO] adjusted its baseline projections for CRP spending. However, the new baseline suggests that the new CRP will shrink to less than half its size, about 15 million acres.

I believe a 15-million acre CRP is insufficient to maintain the broad benefits of the program. Passage of this legislation is necessary to maintain program benefits.

First, environmental benefits will be lost. As I noted, the CRP provides outstanding improvements in water quality, soil quality, and wildlife habitat. Even more benefits could be gained through enactment of our bill. A mistake was made once before in allowing a similar program, the soil bank, to expire. From 1956 to 1972, USDA managed the soil bank, to divert cropland from production in order to reduce inventories, and to establish and maintain protective vegetative cover on the land. In 1960, there were 28.7 million acres under contract. Although many forces were at work in ending the program such as commodity prices in the world market, by the mid-1970's most land had returned to crop production. Many of those acres are now enrolled in the CRP.

Second, commodity prices will likely fall. As CRP contracts expire, several surveys have shown that a majority of farmers will return the land to production, increasing stocks and depressing prices. According to USDA's Economic Research Service, wheat prices would fall 9 percent; corn prices would fall 5 percent. Lower prices and increased acreage receiving payments would increase total deficiency payments 21 percent.

Third, the debate over the 1995 farm bill could become an increasingly difficult budget fight. Some members of Congress continually suggest that Federal farm programs should be cut significantly to solve our budget deficit. I disagree. Agriculture spending has been cut significantly in recent years. If other Federal programs had taken the same reductions agriculture has, our deficit problem would be much less serious, if not solved. If we fail to fully extend the CRP, the budget pressures on agriculture will very likely increase dramatically, threatening farm income that is already at insufficient levels.

Fourth, the combination of lower prices and the loss of rental payments will have serious financial implications for producers and landowners in North Dakota and many other States. If, as some of my colleagues have suggested, the CRP is significantly downsized at the same time farm programs are

eliminated, the combined impact would seriously erode land values, and hurt rural schools, businesses and communities, and lending institutions.

I believe that is the wrong approach to Federal agriculture policy. I believe the CRP is an important part of a long-term strategy to maintaining a sound rural economy. The bill I am introducing would lead us in that direction by accomplishing the following:

Requiring the Secretary of Agriculture to offer current contract holders the option of renewing their current contract for 10 years upon expiration. Acreage not reenrolled would be required to follow a basic conservation plan.

Requiring the Secretary to use a bidding system to enroll new acres into the CRP with cost-share assistance available for carrying out conservation measures and practices. Three criteria shall be used by USDA to determine new enrollment: water quality, soil quality, and wildlife habitat.

By moving forward on such a policy, it is my belief that we will be making better long-term decisions for this valuable national resource. The benefits to society in improved water and soil quality and wildlife habitat are real and measurable. Let us not repeat the errors of the past when the soil bank was cavalierly eliminated.●

ADDITIONAL COSPONSORS

S. 12

At the request of Mr. ROTH, the names of the Senator from Colorado [Mr. BROWN], the Senator from Utah [Mr. HATCH], the Senator from Utah [Mr. BENNETT], the Senator from Montana [Mr. BURNS], the Senator from Idaho [Mr. CRAIG], the Senator from Texas [Mr. GRAMM], the Senator from Texas [Mrs. HUTCHISON], the Senator from Idaho [Mr. KEMPTHORNE], the Senator from Florida [Mr. MACK], the Senator from Oklahoma [Mr. NICKLES], the Senator from South Carolina [Mr. THURMOND], the Senator from Tennessee [Mr. THOMPSON], and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of S. 12, a bill to amend the Internal Revenue Code of 1986 to encourage savings and investment through individual retirement accounts, and for other purposes.

S. 262

At the request of Mr. GRASSLEY, the names of the Senator from Ohio [Mr. DEWINE] and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of S. 262, 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.

S. 275

At the request of Mr. GRASSLEY, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 275, a bill to establish a

temporary moratorium on the Inter-agency Memorandum of Agreement Concerning Wetlands Determinations until enactment of a law that is the successor to the Food, Agriculture, Conservation, and Trade Act of 1990, and for other purposes.

S. 285

At the request of Mr. MCCAIN, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 285, a bill to grant authority to provide social services block grants directly to Indian tribes, and for other purposes.

S. 311

At the request of Mr. MCCAIN, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 311, a bill to elevate the position of Director of Indian Health Service to Assistant Secretary of Health and Human Services, to provide for the organizational independence of the Indian Health Service within the Department of Health and Human Services, and for other purposes.

S. 324

At the request of Mr. WARNER, the name of the Senator from New Hampshire [Mr. GREGG] was added as a cosponsor of S. 324, a bill to amend the Fair Labor Standards Act of 1938 to exclude from the definition of employee firefighters and rescue squad workers who perform volunteer services and to prevent employers from requiring employees who are firefighters or rescue squad workers to perform volunteer services, and to allow an employer not to pay overtime compensation to a firefighter or rescue squad worker who performs volunteer services for the employer, and for other purposes.

S. 348

At the request of Mr. NICKLES, the names of the Senator from Minnesota [Mr. GRAMS], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 348, a bill to provide for a review by the Congress of rules promulgated by agencies, and for other purposes.

SENATE CONCURRENT RESOLUTION 3

At the request of Mr. SIMON, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of Senate Concurrent Resolution 3, a concurrent resolution relative to Taiwan and the United Nations.

SENATE CONCURRENT RESOLUTION 6—RELATIVE TO MEXICO

Mr. MACK (for himself, Mr. D'AMATO, Mr. SHELBY, Mr. BOND, Mr. FAIRCLOTH, Mr. GRAMS, Mr. FRIST, Mr. BROWN, Mr. MURKOWSKI, Mr. BENNETT, and Mr. GRAMM) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 6

Whereas Mexico is an important neighbor and trading partner of the United States;

Whereas on January 31, 1995, the President announced a program of assistance to Mexico, that includes swap facilities and securities guarantees in the amount of \$20,000,000,000, using the exchange stabilization fund established pursuant to section 5302 of title 31, United States Code and the Federal Reserve System;

Whereas the program of assistance also involves the participation of the Federal Reserve System, the International Monetary Fund, the Bank for International Settlements, the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Bank of Canada, and several Latin American countries;

Whereas the involvement of the exchange stabilization fund and the Federal Reserve System means that United States taxpayer funds will be used in the assistance effort to Mexico;

Whereas assistance provided by the International Monetary Fund, the International Bank for Reconstruction and Development, and the Inter-American Development Bank may require additional United States contributions of taxpayer funds to those entities;

Whereas the immediate use of taxpayer funds and the potential requirement for additional future United States contributions of taxpayer funds necessitates congressional oversight of the disbursement of funds from the exchange stabilization fund, the Federal Reserve System, and the International Monetary Fund; and

Whereas the efficacy of the assistance to Mexico is contingent on the pursuit of sound economic policy by the Government of Mexico: Now, therefore, be it

Resolved, That it is the sense of the Congress that—

(1) the Secretary of the Treasury should, in conjunction with reports required under section 5302 of title 31, United States Code, by the 30th day after the end of each month, submit a detailed report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking and Financial Services of the House of Representatives describing, with respect to such month—

(A) the condition of the Mexican economy;

(B) any consultations between the Government of Mexico and the Department of the Treasury or the International Monetary Fund; and

(C) any funds disbursed from the exchange stabilization fund, including any swap facilities or securities guarantees, pursuant to the approval of the President issued on January 31, 1995;

(2) each report submitted under paragraph (1) should include, with respect to the month for which the report is submitted—

(A) a full description of the activities of the Mexican Central Bank and Mexican exchange rate policy, including the reserve positions of the Mexican Central Bank and data relating to the functioning of Mexican monetary policy;

(B) information regarding the implementation and the extent of wage, price, and credit controls in the Mexican economy;

(C) a complete documentation of Mexican tax policy and any proposed changes to such policy;

(D) a list of planned or pending Mexican Government regulations affecting the Mexican private sector;

(E) any efforts to privatize public sector entities in Mexico; and

(F) a full disclosure of all financial transactions, both inside and outside of Mexico,

directly involving funds disbursed from the exchange stabilization fund and the International Monetary Fund, including transactions with—

- (i) individuals;
- (ii) partnerships;
- (iii) joint ventures; and
- (iv) corporations; and

(3) the Secretary of the Treasury should continue to submit reports under paragraph (1) until the Secretary determines that no further risk exists to United States taxpayers of default by the Government of Mexico on funds provided from the exchange stabilization fund, the Federal Reserve System, or the International Monetary Fund pursuant to the program of assistance approved by the President on January 31, 1995.

• Mr. MACK. Mr. President, a few weeks ago, President Clinton arranged a financial package for Mexico. The package involves the exchange stabilization fund, the International Monetary Fund, the Federal Reserve, and other international organizations and governments to help Mexico get through its liquidity crisis. There is no doubt that the United States has a great interest in the health of Mexico's economy. We are concerned about Mexico, not only as a trading partner but as a good neighbor. This particular financial package expands that relationship. Indeed, it puts U.S. tax dollars at risk, and Congress needs to play an oversight role.

I am concerned that Mexico's problems leading to this financial arrangement were rooted in bad economic policies. Mexico's central bank violated sound money principles. Excessive money supply growth was the root cause of the devaluation of the peso. Followup policies of wage and price controls will drive away private investors and hurt Mexican citizens.

My understanding is that Treasury Secretary Rubin has promised the House and Senate Banking Committees a "detailed picture of developments in Mexico" so that Congress can be fully informed of Mexican economic policies and therefore its ability to repay loan obligations. The Treasury is currently required to report to Congress on any disbursements from the exchange stabilization fund. Because of the magnitude of the current commitment, I feel it is necessary for Treasury to provide additional information to the Banking Committee regarding the condition of the Mexican economy and consultations between the Government of Mexico and the International Monetary Fund or the United States Treasury Department. That is why I, with several other Senators, am introducing the Mexican Loan Compliance Resolution.

This resolution will make sure that the information Congress needs to evaluate the Mexican loan is the same information that will be provided by Treasury. The resolution asks for Treasury to provide: Information on monetary policy in Mexico, including potential devaluation plans and information on the Mexican money supply;

information on the institution of wage and price controls, changes in tax policy, and privatization efforts; a list of planned or pending Mexican Government regulations affecting the Mexican private sector; and a full disclosure of all financial transactions directly involving funds disbursed from the exchange stabilization fund and the International Monetary Fund.

Just as American voters made clear to our government in November that they wanted change, Mexican voters rallied for change in their election last Sunday. The Institutional Revolutionary Party [PRI], the party of President Zedillo, that delivered the devaluation of the Mexican peso, suffered a bruising defeat. The people in the Mexican state of Jalisco voted overwhelmingly for candidates from the National Action Party [PAN], electing a new governor, achieving a majority in the state legislature, and winning 90 of 124 municipal offices. While only the Mexican people can determine whether the PAN party will fully reflect their desire for change, the Mexican people recognized who was responsible for 40 percent of their purchasing power vanishing with the devaluation, and they held their leaders accountable. The new Congress elected in November recognizes that it's accountable too. By ensuring that Mexico follows policies that will help the Mexican people and strengthen its economy, we will fulfill our obligation to protect United States taxpayers whose dollars are on the line.●

SENATE RESOLUTION 78—RELATIVE TO HALEYVILLE, AL, EMERGENCY 911 DAY

Mr. HEFLIN submitted the following resolution; which was considered and agreed to:

S. RES. 78

Whereas 27 years ago a new era of providing emergency service was ushered in with the creation of the emergency 911 service;

Whereas the first emergency 911 service in the United States was developed by the independent Alabama Telephone Company, a member of the Continental system;

Whereas the Alabama Telephone Company chose Haleyville, Alabama, as the site of the first emergency 911 service in the United States;

Whereas Haleyville, Alabama, became the birthplace of emergency 911 service on Friday, February 16, 1968, when a demonstration call was made from Alabama Representative Rankin Fite of Hamilton, Alabama, at the Haleyville City Hall, to United States Representative Tom Bevill of Jasper, Alabama, at the Haleyville Police Department;

Whereas the historic first call began service that now serves the entire United States and has saved thousands of lives during the past 27 years; and

Whereas numerous men and women in the Haleyville area have conscientiously answered thousands of emergency phone calls during the past 27 years and have provided fast assistance as well as needed assurance to victims of accidents, crime, and illness: Now, therefore, be it

Resolved, That the President is requested to issue a proclamation designating February 16, 1995, as "Haleyville, Alabama, Emergency 911 Day" and calling on the people of the United States to observe the day with appropriate ceremonies and activities.

AMENDMENTS SUBMITTED

BALANCED BUDGET CONSTITUTIONAL AMENDMENT

BOXER (AND OTHERS) AMENDMENT NO. 240

Mrs. BOXER (for herself, Mr. LEAHY, Mrs. FEINSTEIN, Mr. BUMPERS, Mr. INOUE, Mr. AKAKA, and Mrs. MURRAY) proposed an amendment to the joint resolution (H.J. Res. 1) proposing a balanced budget amendment to the Constitution of the United States; as follows:

At the end of Section 5, add the following: "The provisions of this article may be waived by a majority vote in each House of those present and voting for any fiscal year in which outlays occur as a result of a declaration made by the President (and a designation by the Congress) that a major disaster or emergency exists."

HOLLINGS (AND SPECTER) AMENDMENT NO. 241

Mr. HOLLINGS (for himself and Mr. SPECTER) proposed an amendment to the joint resolution, House Joint Resolution 1, supra; as follows:

On page 1, beginning on line 3, strike "That the" and all that follows through line 9, and insert the following: "That the following articles are proposed as amendments to the Constitution, all or any of which articles, when ratified by three-fourths of the legislatures, shall be valid, to all intents and purposes, as part of the Constitution:"

On page 3, immediately after line 11, insert the following:

"ARTICLE—

"SECTION. 1. Congress shall have power to set reasonable limits on expenditures made in support of or in opposition to the nomination or election of any person to Federal office.

"SECTION. 2. Each State shall have power to set reasonable limits on expenditures made in support of or in opposition to the nomination or election of any person to State office.

"SECTION. 3. Each local government of general jurisdiction shall have power to set reasonable limits on expenditures made in support of or in opposition to the nomination or election of any person to office in that government. No State shall have power to limit the power established by this section.

"SECTION. 4. Congress shall have power to implement and enforce this article by appropriate legislation."

JOHNSTON AMENDMENTS NOS. 242-243

(Ordered to lie on the table.)

Mr. JOHNSTON submitted two amendments intended to be proposed by him to the joint resolution House Joint Resolution 1, supra; as follows:

AMENDMENT NO. 242

On page 3, between lines 3 and 4, insert the following:

"Section 7. The judicial power of the United States courts shall extend to any case or controversy arising under this Article.

"Section 8. Any person may commence an action for appropriate redress in any federal court of competent jurisdiction to enforce this Article."

AMENDMENT NO. 243

At the end of Section 6, add the following:

"The power of any court to order relief pursuant to any case or controversy arising under this article shall not extend to ordering any remedies other than a declaratory judgment or such remedies as are specifically authorized in implementing legislation pursuant to this section."

JOHNSTON (AND OTHERS) AMENDMENT NO. 244

(Ordered to lie on the table.)

Mr. JOHNSTON (for himself, Mr. BUMPERS, Mr. LEVIN, Mrs. BOXER, and Mr. PRYOR) submitted an amendment intended to be proposed by them to the joint resolution House Joint Resolution 1, supra; as follows:

At the end of Section 6, add the following:

"No court shall have the power to order relief pursuant to any case or controversy arising under this article, except as may be specifically authorized in implementing legislation pursuant to this section."

JOHNSTON AMENDMENTS NOS. 245-247

(Ordered to lie on the table.)

Mr. JOHNSTON submitted three amendments intended to be proposed by him to the joint resolution, House Joint Resolution 1, supra; as follows:

AMENDMENT NO. 245

On page 3, between lines 8 and 9, insert the following:

"SECTION . Nothing in this article shall authorize the President to impound funds appropriated by Congress by law, or to impose taxes, duties, or fees."

AMENDMENT NO. 246

On page 1, lines 4 and 5, strike "is proposed as an amendment to the Constitution of the United States, which" and insert "shall be proposed as an amendment to the Constitution of the United States and submitted to the States for ratification upon the enactment of legislation specifying the means for enforcing the provisions of the amendment, which amendment".

AMENDMENT NO. 247

At the end of Section 6, add the following:

"The judicial power of the United States shall not extend to any case or controversy arising under this article, except for cases or controversies seeking to define the terms used herein, or directed exclusively at implementing legislation adopted pursuant to this section."

BINGAMAN AMENDMENT NO. 248

(Ordered to lie on the table.)

Mr. BINGAMAN submitted an amendment intended to be proposed by him to the joint resolution, House Joint Resolution 1, supra; as follows:

On page 3, strike lines 9 through 11, and insert the following:

"SECTION 8. This article shall take effect beginning with the later of the following:

"(1) fiscal year 2002;
 "(2) the second fiscal year beginning after its ratification; or

"(3) the end of the first continuous seven-year period starting after the adoption of the joint resolution of Congress proposing this article during which period there is not in effect any statute, rule, or other provision that requires more than a majority of a quorum in either House of Congress to approve either revenue increases or spending cuts."

FEINGOLD AMENDMENTS NOS. 249-250

(Ordered to lie on the table.)

Mr. FEINGOLD submitted two amendments intended to be proposed by him to the joint resolution House Joint Resolution 1, supra; as follows:

AMENDMENT NO. 249

On page 2, line 6 after "vote" insert: "or unless Congress shall provide by law that an accumulated budget surplus of not to exceed 1 percent of total outlays for a fiscal year shall be available to offset outlays to the extent necessary to provide that outlays for that fiscal year do not exceed total receipts for that fiscal year".

AMENDMENT NO. 250

On page 2, line 3 after "not exceed" insert: "99 per centum of".

LEAHY (AND OTHERS) AMENDMENT NO. 251

(Ordered to lie on the table.)

Mr. LEAHY (for himself, Mr. DASCHLE, and Mr. BUMPERS) submitted an amendment intended to be proposed by them to the joint resolution, House Joint Resolution 1, supra; as follows:

On page 1, line 4, strike "is proposed as an amendment to the Constitution of the United States, which" and inserting "shall be proposed as an amendment to the Constitution of the United States and submitted to the States for ratification upon the completion by the General Accounting Office of a detailed analysis of the impact of the article on the economy and budget of each State and".

At the end of section 3, add the following: "The President shall include with the proposed budget a report detailing the impact of the budget on the economy and budget of each State."

NOTICES OF HEARINGS

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ROTH. Mr. President, I would like to announce the third in a series of hearings on regulatory reform before the Senate Committee on Governmental Affairs. This hearing, to be held on Wednesday, February 15, will provide a forum for various witnesses to discuss cost/benefit analysis, regulatory accounting, and risk analysis.

The hearing will be held in the Senate Dirksen Office Building, SD-342, from 9:30 a.m. to 12:30 p.m.

For further information, please call Paul Noe at (202) 224-4751.

COMMITTEE ON ENERGY AND NATURAL RESOURCES, SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT, AND COMMITTEE ON APPROPRIATIONS, SUBCOMMITTEE ON ENERGY AND WATER DEVELOPMENT

Mr. DOMENICI. Mr. President, I would like to announce for the public that a joint hearing has been scheduled before the Subcommittee on Energy Research and Development of the Committee on Energy and Natural Resources and the Subcommittee on Energy and Water Development of the Committee on Appropriations.

The hearing will take place Tuesday, February 28, 1995, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to review the findings of the Task Force on Alternative Futures for the Department of Energy National Laboratories.

Those wishing to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call David Garman at (202) 224-7933 or Judy Brown at (202) 224-7556.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources on S. 395, the Alaska Power Administration Sale Act, including title II, the Trans-Alaska Pipeline Amendment Act of 1995.

The hearing will take place on Wednesday, March 1, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

Those wishing to testify or who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Andrew Lundquist at (202) 224-6170.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. CRAIG. 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 14, at 9:30 a.m., in SR-332, to discuss what regulatory reforms will help strengthen agriculture and agribusiness.

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

COMMITTEE ON ARMED SERVICES

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 9:30 a.m. on Tuesday, February 14, 1995, in open session, to receive testimony from the unified commanders

on their military strategies, operational requirements, and the defense authorization request for fiscal year 1996, including the future years defense program.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, February 14, 1995, at 10 a.m. to hold a hearing on foreign policy overview and the State Department fiscal year 1996 budget presentation.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Tuesday, February 14, 1995, beginning at 9:30 a.m., in room 485 of the Russell Senate Office Building on the fiscal year 1996 budget.

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

COMMITTEE ON THE JUDICIARY

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary, be authorized to meet during a session of the Senate on Tuesday, February 14, 1995, at 9 a.m. in Senate Dirksen room 226, on Federal crime control priorities.

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

SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. CRAIG. Mr. President, I ask unanimous consent that the Subcommittee on Transportation and Infrastructure of the Committee on Environment and Public Works be granted permission to meet Tuesday, February 14, 1995, at 2:30 p.m., to conduct a hearing on the Reauthorization of the Water Resources Development Act and the U.S. Army Corps of Engineers' fiscal year 1996 budget request.

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

ADDITIONAL STATEMENTS

STATEMENT ON THE INTRODUCTION OF S. 395, ALASKA POWER ADMINISTRATION SALE ACT

• Mr. STEVENS. Mr. President, yesterday, Senator MURKOWSKI and I introduced legislation to authorize and direct the Secretary of Energy to sell the Alaska Power Administration's two hydroelectric projects and terminate the Alaska Power Administration; and to permit the export of Alaskan North Slope crude oil carried on U.S. flag vessels. I urge my colleagues to join in support of this legislation.

For Senators who are less familiar with the Alaska Power Administration,

it is a unit of the U.S. Department of Energy. The Alaska Power Administration has had the responsibility for operation, maintenance, transmission, and power marketing for the two Alaskan Federal hydroelectric projects, Eklutna and Snettisham, which were authorized to encourage economic and industrial development in Alaska. Congress never intended that Snettisham and Eklutna would remain under Federal control. And, as this is an issue that I have worked on for many years, I am glad that the present administration supports the Federal divestiture of these two projects and the termination of the Alaska Power Administration upon completion of the sales.

This legislation includes significant improvements over previous proposed legislation. The sales of the projects will proceed under the terms of two separate purchase agreements that provide and require transition plans for the Federal employees of the projects, including but not limited to Federal employee benefits for Alaska Power Administration employees, delineation of responsibilities of the purchasers and the sellers through the transition to new ownership, protection for nonpower users of project lands and water, and environmental management plans. Additionally, the projects, including future modifications, will continue to enjoy their exemption from the requirements of the Federal Power Act.

Our legislation will also amend the Trans-Alaska Pipeline Authorization Act to permit the export of Alaskan North Slope crude oil. As I have said before, this vital legislation will create jobs around the Nation and increase oil production in Alaska and California. It will also ensure the continued survival of the independent U.S. tanker fleet manned by U.S. crews, and thus enhance our national security while eliminating an injustice that for too long discriminated exclusively against the citizens of Alaska. With the administration's support, we intend to move this bill as quickly as possible to begin creating jobs, spurring energy production, and preserving our independent tanker fleet.

Congress enacted the original export ban shortly after the commencement of the Arab-Israeli war and the first oil boycott in 1973. The original intent of the law was to enhance energy security, but today it actually threatens our energy security by discouraging energy production and creating unnecessary hardships for the struggling domestic oil industry. In 1994, for the first time in history, more than half the oil used in the United States was imported. Imports in 1994 accounted for 50.4 percent of domestic demand, and it is the decline in domestic production that has led to higher imports. Most North Slope crude oil is delivered to the west coast, especially California,

on U.S. flag vessels. The export ban drastically reduces the market value of the oil and creates an artificial surplus on the west coast. This depresses the production and development of both North Slope crude and the heavy crude produced by small independent producers in California.

Our legislation would go a long way toward helping to revive the domestic oil industry, create American jobs, and preserve our U.S. tanker fleet. In June 1994, the Department of Energy released a comprehensive report which concluded that Alaskan oil exports would boost production in Alaska and California by at least 100,000 barrels per day by the end of the decade. The Department also concluded that exports of this oil on U.S. flag ships would help create as many as 25,000 new jobs and generate hundreds of millions of dollars in new State and Federal revenues. Our legislation would require the use of U.S. flag ships to carry the exports, meaning that, in general, the ships which carry this oil today will continue to do so in the future.

Mr. President, I emphasize that this legislation will increase jobs for Americans. It will help small businesses by permitting the oil market to function normally. It will help keep U.S. seamen employed in a U.S. tanker fleet. It will slow the decline of production of North Slope crude oil and encourage production in California, which will, in turn, help to salvage our energy security. Finally, it will help to eliminate an injustice which has unfairly discriminated against Alaska's citizens for too long. We urge the administration to join with us to help move this legislation as quickly as possible.●

FIRST WOMAN PILOT IN SPACE

● Mr. MOYNIHAN. Mr. President, it is with great pleasure that I rise today to recognize the achievements of Air Force Lieutenant Colonel Eileen Marie Collins, a native of Elmira, NY. On Friday, February 3, Lt. Col. Collins became the first woman to pilot a NASA space shuttle. As pilot on the *Discovery*, Col. Collins' main duty was to operate and maintain the engines, battery-powered hydraulic system, and electrical system. As we all saw, the *Discovery* rendezvoused with the Russian space station *Mir*, another historic achievement on this flight. The *Discovery's* 8-day flight is the first of eight missions NASA hopes to carry out this year.

Colonel Collins began taking flying lessons at the age of 19 while studying mathematics and science at Corning Community College, in Corning, NY. She holds a bachelor of arts degree in mathematics and economics from Syracuse University. After graduating in 1979 from Air Force undergraduate pilot training at Vance Air Force Base in Oklahoma, she became an instructor on T-38 and C-141 aircraft. From 1986 to

1989 she taught mathematics at the Air Force Academy and continued as a flight instructor. It was in 1990, while she was attending the Air Force Test Pilot School at Edwards Air Force Base in California, that NASA selected her to be an astronaut.

Now Colonel Collins joins the ranks of other astronauts from New York such as Mario Runco, Jr., and Ronald J. Grabe. I congratulate her for this great milestone in her career, and wish her success in all future endeavors.●

THE SURGEON GENERAL NOMINATION

● Mr. MCCONNELL. Mr. President, as most of my colleagues know, I have generally held the view that a President is entitled to the nominees of his choice, and the Senate's constitutional role of advice and consent is an inherently limited one.

At least until the Supreme Court nomination of Judge Robert Bork, it seemed to me that matters of ideology and politics should not figure prominently into the Senate's calculation when it reviewed a President's nominees. That standard may have been irrevocably transformed by the still-painful memories of the Bork nomination, but I think it still applies to less consequential presidential nominations.

Now that the White House is embroiled in yet another embarrassing battle over one of its nominees, it is attempting to raise the specter of unfair, ideologically driven opposition. Caught in a self-made web of contradictory statements and blatant falsehoods, the administration is now asserting that concerns about Dr. Henry Foster, its nominee for Surgeon General of the United States, are motivated entirely by moral conservatism, all engineered by the "religious right."

This smokescreen is an insult to the intelligence of every Member of this body.

Since when are ACT-UP and the National Organization for Women considered rightwing zealots? Yet both these organizations have serious reservations about Dr. Foster's record. I imagine that the Democratic Senators who have expressed misgivings about this botched nomination would be amused to hear themselves described as hard-line conservatives—agents of the religious right, no less. Yet that is what the White House wants us to believe.

Perhaps a little history is in order to set the record straight.

Ever since the President's nomination of Dr. Foster as Surgeon General, we have been subjected to yet another round of White House credibility bingo. When Senator KASSEBAUM first asked about Dr. Foster's abortion practices, the White House responded that he had performed only one. Then Dr. Foster announced that the number was "under

a dozen." Then 55 and 700 abortions popped up in public accounts of Dr. Foster's research on abortion-related procedures. Now, Dr. Foster has called bingo at 39.

One doesn't have to be against abortion to find it troubling that a nominee can't get his story straight about how many of them he has performed. After all, we're not talking about how many M&M's the man has eaten in his lifetime.

But the White House credibility game gets worse. Last weekend, it was disclosed that Dr. Foster also performed experimental sterilizations on severely retarded women. Leaving aside the serious issues of privacy rights and medical ethics which these incident raise, it is again troubling that neither the White House nor its nominee found them significant enough to mention at the outset. Perhaps they hoped no one would find out.

Mr. President, more is at issue here than one nominee. Because of this administration, we are struggling to salvage the public respect and dignity of the position of Surgeon General. Over the last 2 years, our Nation has been forced to sit and watch as this once-respected office was made an object of ridicule by the actions and remarks of the previous appointee. We cannot allow that to happen again—before or after a nominee is confirmed.

The White House just can't figure out that the business of the Surgeon General is public health—not politics. It is about fighting serious diseases and health risks, not promoting some left-wing, politically correct agenda. After the embarrassing controversies and ultimate removal of Dr. Joycelyn Elders, one would think the White House had finally learned its lesson. But this is one administration that never quite seems to get it.

The Nation's advocate for public health does not have a large staff at his or her disposal, or a large budget. Instead, the primary asset which a Surgeon General must use in protecting the public's health is the public's trust. If a Surgeon General is regarded as untrustworthy or ill-equipped by the public, that Surgeon General will be unable to perform his or her job in any meaningful way.

That is why the issue of credibility is so fundamental to this particular nomination. And on the question of credibility, this nominee has a serious problem—one which has been compounded by severe incompetence at the White House. As stated in a February 10 editorial in the New York Times:

Misleading statements by candidates for high position simply cannot be condoned * * *. [T]he Administration put out false information on the number of abortions performed by Dr. Foster * * *. [B]oth he and the Administration made it look as if their accounts were unreliable or designed to mask a more troubling history.

Rather than admit the plain facts, the administration now wants to turn

this nomination into a holy war over abortion. That is a gross distortion of reality and an evasion of the White House's responsibility for its negligent handling of this nomination.

A number of Senators, newspapers, and outside interest groups—all of whom could be fairly characterized as pro-choice—have expressed deep concerns regarding this nomination, because of the credibility issue. In fact, I think it is fair to say that this nominee's problems have no more to do with abortion than Zoe Baird's problems had to do with antitrust policy.

We have had a number of controversial Surgeons General, some of whom I have disagreed with vehemently. But I have never seen, at least not since this administration, a Surgeon General who—by their own actions and statements—utterly squandered the public trust that is so essential to this job.

As I said at the outset, it is generally my approach to give the President wide latitude in appointing the various members of his administration. But with the facts that have come tumbling out about this nominee—many of them in direct conflict with each other—and given the excruciating history of the last Clinton administration official to hold this job, I must regretfully join with my colleagues who have called on the White House to withdraw the nomination immediately.

Every day that goes by will simply do more damage to a nominee who is, by all accounts, a decent and accomplished individual. What is more, every new report of withheld and false information will only serve to further erode the credibility of the office of Surgeon General, at a time when public esteem for the position is at an all-time low.

I think everyone in this body is ready to work with the President to find a new candidate for Surgeon General who would command the public's trust at the very outset. I may not agree with that new nominee on some issues, or even on most issues. But the point is to restore the integrity and dignity of the office, and that will require a nominee who comes untarnished by lapses in candor or allegiance to an extreme political agenda.

Playing the abortion card—as the White House is now doing so extravagantly—is merely a convenient dodge. The real issue is credibility: the credibility of the nominee, and the credibility of this administration.●

RETIREMENT OF REAR ADM. JOHN E. GORDON

● Mr. NUNN. Mr. President, on April 19, 1994, the Senate confirmed the nomination of Adm. Frank Kelso, the Chief of Naval Operations, to retire in grade. During the debate on the nomination, a number of Senators raised issues concerning Admiral Kelso's accountability with respect to matters related to the

misconduct at the 1991 Tailhook Symposium. At one point, a Senator indicated that no one, other than a victim of the misconduct, lost his or her job as a result of Tailhook. In response, I noted that a number of individuals, including the Secretary of the Navy, resigned as a result of Tailhook.

In the course of my remarks, I stated that "the Navy JAG, the Judge Advocate General, resigned over this." I made that statement based upon the fact that the retirement of the Judge Advocate General was announced at the time that the Navy made public its initial reaction to the DOD inspector general's report on the Navy's conduct of the Tailhook investigations. Subsequent to my remarks, I have been informed by the Navy that the then-Judge Advocate General, Rear Adm. John E. Gordon, did not resign in response to the Tailhook report.

The Navy has advised me that Rear Admiral Gordon was appointed to be the Judge Advocate General on November 1, 1990, and was immediately scheduled for retirement on November 1, 1992, in accordance with prior Navy practice. Rear Admiral Gordon formally submitted his request for retirement on September 9, 1992, prior to the September 21, 1992 issuance of the DOD/IG report, and retired on November 1, 1992, in accordance with the date originally set in 1990. The Navy has further advised me that no official adverse action was taken against Rear Admiral Gordon.

To put this matter in perspective, the Navy has advised me that in the aftermath of the Tailhook matter, 29 Navy and Marine Corps personnel were punished under article 15 of the Uniform Code of Military Justice—non-judicial punishment—and 3 flag officers received letters of censure from the Secretary of the Navy. Sixty Navy and Marine Corps personnel received non-punitive administrative letters and 19 received informal counseling.

I appreciate the opportunity to clarify the record.●

MEXICAN LOAN COMMITMENTS RESOLUTION

● Mr. D'AMATO. Mr. President, I am pleased today to cosponsor with Senator MACK the Mexican loan commitments resolution.

As I stated on February 8, the President never should have circumvented the will of the American people to bail out a mismanaged Mexican Government and global currency speculators. I remain outraged that American taxpayers have been forced to do something they did not want to do. The President knew full well that Congress would never approve a \$40 billion bailout. He never should have submitted to economic blackmail.

The President's use of \$20 billion from our Exchange Stabilization Fund

[ESF] to bail out Mexico was unprecedented. This fund was intended to stabilize the dollar, not the Mexican peso or any other foreign currency. It is not the President's personal piggy bank. The President has now committed \$20 billion of the approximately \$25 billion the ESF has available for lending. Are sufficient funds left in the ESF to stabilize the dollar's exchange rate in the event of a crisis? What happens if Mexico defaults? Does the President propose to raise taxes or cut needed domestic programs to replenish the ESF?

The Banking Committee intends to hold oversight hearings on the President's use of the ESF to bail out Mexico. These hearings will address, among other issues: First, the President's legal authority to use the ESF to provide \$20 billion in loans, loan guarantees, and other assistance to Mexico; second, the need for such assistance to Mexico; third, Mexico's compliance with the conditions imposed for United States assistance; fourth, the administration's monitoring of economic conditions in Mexico during 1994, including whether the administration or the International Monetary Fund [IMF] participated in Mexico's December 20 decision to devalue the peso; and fifth, lessons of the Mexican peso crisis, including the risk of similar crises occurring in other nations.

The Mexican loan commitments resolution expresses the sense of the Senate that Congress must receive sufficient information to judge the success or failure of the President's Mexican adventure. This resolution urges the Secretary of the Treasury to provide the Senate Banking Committee with monthly information on: First, economic conditions in Mexico, and second, Mexico's use of the funds it obtains from the ESF and IMF. The Secretary now submits a monthly ESF financial statement to the Senate and House Banking Committees.

Mr. President, in a February 9 letter to me, Secretary Rubin expressed a willingness to provide some additional information to the Banking Committee on Mexico's economic condition, and Mexico's use of our assistance. I ask that the Secretary's letter be included in the RECORD at the conclusion of my remarks.

(See exhibit 1.)

The purpose of this resolution is to detail the information that the Senate believes the Secretary must submit to allow the Banking Committee to monitor the President's extraordinary use of the ESF to aid Mexico.

The resolution urges the Secretary to provide the Banking Committee with information on:

The activities of the Mexican Central Bank, including the reserve positions of the Mexican Central Bank and data relating to the functioning of Mexican monetary policy;

The implementation and extent of wage, price, and credit controls in the Mexican economy;

Mexican tax policy;

Planned or pending Mexican Government regulations affecting the Mexican private sector; and

Any efforts to privatize public sector entities in Mexico.

This information will allow the committee to determine whether Mexico's Government has instituted the tight money and free market reforms needed to improve its economy.

The resolution further asks that the committee be provided with a full disclosure of all financial transactions, both inside and outside of Mexico, directly involving funds disbursed from the ESF or the IMF. This information will allow the committee to determine whether these funds are being used to strengthen the peso or to refinance Mexico's debt. As Senator BENNETT urged last week, these funds should be used to extinguish excess pesos not to bail out speculators in Mexican tesobonos.

Finally, this resolution asks that the committee be informed of any consultations involving Mexico between the United States Department of the Treasury, the IMF, and the Bank of International Settlements. This information will assist the committee in evaluating the success of the multilateral effort to aid Mexico.

Mr. President, I hope my dire predictions about the President's use of the ESF to aid Mexico turn out to be wrong. I hope that Mexico prospers, and that American taxpayers are not left holding the bag.

Mr. President, I strongly urge passage of the Mexican loan commitments resolution. The information specified in this resolution will allow Congress to blow the whistle if Mexico fails to live up to its commitments—to stop the peso press, to balance its budget, and to privatize. We must protect American taxpayers, not badly run foreign governments.

EXHIBIT 1

SECRETARY OF THE TREASURY,
DEPARTMENT OF THE TREASURY,
Washington, DC, February 9, 1995.

Hon. ALFONSO M. D'AMATO,
Chairman, Senate Committee on Banking, Housing, and Urban Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR D'AMATO: In your floor statement of February 8, you called on the Department of the Treasury to provide the Banking Committee with monthly information on (i) economic conditions in Mexico, and (ii) Mexico's use of the funds it will obtain through our support package. As you know, the Treasury Department presently submits a monthly report to the House and Senate Banking Committees on Exchange Stabilization Fund (ESF) operations. We are happy to supplement this monthly report with the information you requested. The report will also provide a detailed picture of developments in Mexico, as well as an analysis of Mexico's compliance with our agreed

economic terms and conditions. This information will enable the Congress and the American people to review actions we are taking in America's interests to deal with Mexico's financial situation.

Let me assure you that we fully share your concerns about the need to ensure Mexico's proper use of our support.

To that end, Mexico has already agreed to meet a tough set of economic conditions imposed by the IMF as a requirement for accepting support from the Fund. These include strict monetary targets that will hold Mexico to negative real monetary growth, and disciplined fiscal targets that will move Mexico to budget surplus. In addition, the Mexicans have committed themselves to pushing forward with their privatization program and further opening their economy.

Our own framework agreement with Mexico will take the IMF program as a base. But we will also require the Mexicans to agree to additional obligations, over and above those imposed by the IMF, to protect our own resources. We will insist that Mexico take steps to assure the independence of its central bank. Moreover, we will require far greater transparency and regular reporting on Mexico's financial condition and policies. We will further ensure Mexico provides us with the data we need to determine independently whether Mexico is complying with our conditions and the IMF's conditions. Let me emphasize to you that we will preserve the right to halt our support program if we conclude that Mexico is not cooperating, or if we judge that Mexico's economic situation is deteriorating.

Please let me know if I or my staff can be of any further assistance.

Sincerely,

ROBERT E. RUBIN.●

HOMICIDES BY GUNSHOT IN NEW YORK CITY

● Mr. MOYNIHAN. Mr. 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, 7 people were killed by firearms in New York City, bringing this year's total to 75.

With over 16,000 murders by gunshot nationally each year, we obviously have a long way to go in our efforts to curb the plague of gun violence. To be sure, we've made some progress, particularly with passage of the Brady law and the recent ban on semiautomatic assault weapons. Unfortunately, there is a powerful lobby working against us. If any one doubts this, they need only look at the most recent congressional elections. The National Rifle Association's \$3.2 million campaign to defeat targeted congressional candidates proved successful in 19 of 24 races.

We must continue to fight the gun lobby. Efforts at the national level will continue to be difficult, and we must enlist the help of States and localities. Indeed, some States and localities have already taken important steps. Last year, for instance, the city of Chicago became the first in the Nation to ban the sale of all handgun ammunition. In addition, as reported in a New York Times article late last year, police departments in two other cities, Indianapolis and Kansas City, have mounted

successful campaigns to rid their streets of guns. Simply by vigorously enforcing infractions of the law that give them the legal basis to search individuals, police in these two cities have confiscated an impressive number of illegal guns. In the first 3 weeks of the program in Indianapolis, special police teams seized an AK-47 rifle, a Mac 10 semiautomatic weapon, a Glock 19 semiautomatic pistol, and a host of other illegal guns. In Kansas City, which has already completed a 6-month gun-interception experiment, gun-related crimes declined by almost 50 percent in the area in which the program was implemented.

These are by no means novel approaches. In fact, New York City's Police Commissioner William Bratton adopted similar methods when he headed the city's transit police. In an effort to crack down on the thousands of fare-evaders on the city's subway system each day, Bratton directed sweep teams to apprehend these illegal passengers. As it turns out, 1 in 20 of those passengers carried illegal weapons. The resulting arrests led to a 48-percent decline in subway crimes.

I commend the efforts of the cities of Chicago, Indianapolis, and Kansas City to the attention of Senators, and I hope the Senate will consider gun control and ammunition control legislation in the near future.●

RULES OF THE COMMITTEE ON SMALL BUSINESS

● Mr. BOND. Mr. President, pursuant to Senate rules, I ask unanimous consent that the Committee on Small Business' rules for the 104th Congress be printed in the RECORD at this time. The Committee rules follow:

COMMITTEE RULES

(As adopted in executive session January 11, 1995)

1. GENERAL

All applicable provisions of the Standing Rules of the Senate and of the Legislative Reorganization Act of 1946, as amended, shall govern the Committee.

2. MEETINGS AND QUORUMS

(a) The regular meeting day of the Committee shall be the first Wednesday of each month unless otherwise directed by the Chairman. All other meetings may be called by the Chairman as he deems necessary, on 3 days notice where practicable. If at least three Members of the Committee desire the Chairman to call a special meeting, they may file in the office of the Committee a written request therefor, addressed to the Chairman. Immediately thereafter, the Clerk of the Committee shall notify the Chairman of such request. If, within 3 calendar days after the filing of such request, the Chairman fails to call the requested special meeting, which is to be held within 7 calendar days after the filing of such request, a majority of the Committee Members may file in the Office of the Committee their written notice that a special Committee meeting will be held, specifying the date, hour and place thereof, and the Committee shall meet

at that time and place. Immediately upon the filing of such notice, the Clerk of the Committee shall notify all Committee Members that such special meeting will be held and inform them of its date, hour and place. If the Chairman is not present at any regular, additional or special meeting, the Ranking Majority Member present shall preside.

(b)(1) A majority of the Members of the Committee shall constitute a quorum for reporting any legislative measure or nomination.

(2) One-third of the Members of the Committee shall constitute a quorum for the transaction of routine business, provided that one Minority Member is present. The term "routine business" includes, but is not limited to, the consideration of legislation pending before the Committee and any amendments thereto, and voting on such amendments. 132 Cong. Rec. §3231 (daily ed. March 21, 1986).

(3) In hearings, whether in public or closed session, a quorum for the asking of testimony, including sworn testimony, shall consist of one Member of the Committee.

(c) Proxies will be permitted in voting upon the business of the Committee by Members who are unable to be present. To be valid, proxies must be signed and assign the right to vote to one of the Members who will be present. Proxies shall in no case be counted for establishing a quorum.

3. HEARINGS

(a)(1) The Chairman of the Committee may initiate a hearing of the Committee on his authority or upon his approval of a request by any Member of the Committee. Written notice of all hearings shall be given, as far in advance as practicable, to Members of the Committee.

(2) Hearings of the Committee shall not be scheduled outside the District of Columbia unless specifically authorized by the Chairman and the Ranking Minority Member or by consent of a majority of the Committee. Such consent may be given informally, without a meeting.

(b)(1) Any Member of the Committee shall be empowered to administer the oath to any witness testifying as to fact if a quorum be present as specified in Rule 2(b).

(2) Interrogation of witnesses at hearings shall be conducted on behalf of the Committee by Members of the Committee or such Committee staff as is authorized by the Chairman or Ranking Minority Member.

(3) Witnesses appearing before the Committee shall file with the Clerk of the Committee a written statement of the prepared testimony at least 48 hours in advance of the hearing at which the witness is to appear unless this requirement is waived by the Chairman and the Ranking Minority Member.

(c) Witnesses may be subpoenaed by the Chairman with the agreement of the Ranking Minority Member or by consent of a majority of the Members of the Committee. Such consent may be given informally, without a meeting. Subpoenas shall be issued by the Chairman or by any Member of the Committee designated by him. A subpoena for the attendance of a witness shall state briefly the purpose of the hearing and the matter or matters to which the witness is expected to testify. A subpoena for the production of memoranda, documents and records shall identify the papers required to be produced with as much particularity as is practicable.

(d) Any witness summoned to a public or closed hearing may be accompanied by counsel of his own choosing, who shall be permitted while the witness is testifying to advise him of his legal rights.

(e) No confidential testimony taken, or confidential material presented to the Committee, or any report of the proceedings of a closed hearing, or confidential testimony or material submitted voluntarily or pursuant to a subpoena, shall be made public, either in whole or in part or by way of summary, unless authorized by a majority of the Members of the Committee.

4. SUBCOMMITTEES

The Committee shall have no standing subcommittees.

5. AMENDMENT OF RULES

The foregoing rules may be added to, modified or amended; provided, however, that not less than a majority of the entire Membership so determine at a regular meeting with due notice, or at a meeting specifically called for that purpose.●

ORDERS FOR WEDNESDAY, FEBRUARY 15, 1995

Mr. INHOFE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9:30 a.m. on Wednesday, February 15, 1995, and that following the prayer, the Journal of the proceedings be deemed approved to date and the time for the two leaders be reserved for their use later in the day; that the Senate immediately resume consideration of House Joint Resolution 1, the constitutional amendment to balance the budget.

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

PROGRAM

Mr. INHOFE. Mr. President, for the information of all Senators, votes are expected to occur throughout Wednesday's session of the Senate, with the first vote occurring possibly as early as 10:30 a.m.

In addition, it may be necessary for the Senate to remain in session into the evening in order to make progress on the pending balanced budget amendment.

ORDER OF PROCEDURE

Mr. INHOFE. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senator INHOFE recognized to speak for up to 45 minutes; and that following the conclusion of the Senator's statement, the Senate stand in recess under a previous order.

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

THE 11 ARGUMENTS IN OPPOSITION

Mr. INHOFE. Mr. President, last Sunday I had occasion to be attending church at the First Presbyterian Church in Tulsa, OK, which is not unusual since I was married in that

church 35 years ago. Dr. James Miller, who is the head minister there, preached a sermon on Matthew 28, verses 16 and 17.

For somebody who may not remember that last chapter of Matthew, it was after Christ had been crucified and had been resurrected. During that timeframe, there were some women who said that they had seen Christ somewhere around the hills above the Sea of Galilee, so they told the disciples to go up there and they could find the living Christ, who had surely arisen. So 11 disciples went up. Those 11 disciples saw Christ with their own eyes. They heard him with their own ears, and still they doubted him.

It occurred to me if such incontrovertible truth could have been doubted by the disciples back then, then maybe we have been worrying too much about the American people. Because certainly if they doubted truth like that, then the American people would see through the phony and transparent arguments against the balanced budget amendment.

So I went home and I got the Congressional RECORD out. I do not think many Members of Congress or either House spend a lot of time reading the CONGRESSIONAL RECORD. I know I do not. But I did that morning. I looked up to find the 11 strongest arguments that were made in opposition to the balanced budget amendment.

I decided I would have one argument for each of the disciples. That seemed to be a reasonable thing. Most of these were arguments that were articulated by the very gifted Senator from West Virginia, [Mr. BYRD].

I would like to run over these arguments, the 11 arguments, that have been used over and over and over again in opposition to the passing of the balanced budget amendment to the Constitution.

The first one, which I will read verbatim is:

Proponents have refused to lay out a detailed plan to get to a balanced budget. How can you tell if it will be good for the country if you do not know the details?

Well, I know we have already voted on that amendment, and we were able to successfully table the amendment. But what we can tell and what we do know is that the status quo is bad for the country. Continuing business as usual, doing nothing, just keeping on doing the same thing we have been doing for the past 40 years, is not going to work, and the public is not demanding a detailed plan.

I think that is very significant. We hear so much about, "Tell us exactly what you are going to do. Tell us where you are going to cut. Tell us, play by play, what is going to happen in the next 7 years." They are not asking about that. That is not what this amendment is all about.

What we do not realize, many Members, is that this is really, truly a his-

toric time in America. When we think about the other historic decisions that were made throughout the history of this country, they were never followed by detailed plans.

We can remember so well when John Fitzgerald Kennedy made a commitment that within a decade we would put a man on the moon. Now, I think there may have been some around that time that said, "Show us how you will do it. We do not want to make that commitment. We do not know what it will cost. We do not know how to do it. We need the details."

But at that time, the rockets were not built. The astronauts were not named. There were not any spacecrafts designed. No one could say exactly how to do it. Yet, following the same line of reasoning, we would say that we would have expected President Kennedy to have said: All right, on February 20, 1962, we are going to get an astronaut by the name of John Glenn to orbit the earth three times. Then, 3 years later, on December 15, 1965, we will go get a great Oklahoman named Tom Stafford, along with Wally Schirra, and they are going to achieve the first rendezvous in space between Gemini 6 and Gemini 7. Then, 3 years later, Christmas of 1968, we are going to have the first manned lunar orbit by Apollo 8 spacecraft. Three astronauts are going to go up and they are going to read aloud from the Book of Genesis. And then, finally, on July 20, 1969, we will have two astronauts, Neil Armstrong and Buzz Aldrin, that are going to land and walk on the moon.

No one believes that that is a reasonable request, that he should have done that.

Some Members in this Chamber are old enough, as I am, to remember when Franklin Delano Roosevelt declared war in the Axis powers, and that threat that was out there—and there were many people in Congress at that time who did object to it, who did not want to go to war, who did not think it was necessary. They actually did ask for the plan at that time.

How could he have given any details? Could he have said that on June 6, 1944, we are going to send 156,000 troops into Normandy onto five beaches? Then, 6 months later, December 26, we will time this to the day after Christmas, we will have the Battle of the Bulge, and General Patton will send his third army in and do their thing. And then, finally, on August 6, 1945, if you declare war with me, we will drop an atomic bomb on Hiroshima, and I think we will use a B-29 to do that, and we will name it the Enola Gay.

Now, all Senators know that that is not reasonable. Yet, that is the way we went into war, and there were people expecting more details than we were able to give them at that time. I suggest, Mr. President, that this is war that we are in the middle of now. We

have been waiting for this time, this opportunity, for 40 years. It is here. We must seize this opportunity.

The second objection that was made by the very distinguished Senator from West Virginia was that proponents want to treat people like children, hiding the hard truth from them.

Well, now, I take exception to that, because I have four children. I never hid the hard truth from them. I remember once, when my number two child, whose name is Perry, was a very small child, and he looked a little bit like this guy here. We got him his first bicycle and we live in kind of a hilly neighborhood, and we taught him to balance. He was so excited. Finally, he was ready to go all the way around the block, and he came back to his home in triumph. He was sweating; he was hot. He came up to me and said, "Dad, I wish the whole world was downhill." So I told him the hard truth is the whole world is not downhill. The world is uphill and downhill. And I never hid the truth from them. The hard truth is that continuing business as usual will lead to disaster, procrastinating and avoiding the problem, acting like it does not exist. It is time for our country to grow up into this stage of maturity where it understands the significance on what we are to embark. The hard truth is the world is not all downhill, you have to pedal uphill. The balanced budget amendment is not going to be easy—it will take sacrifice—but we have to do it for our children.

The third argument that was made was that proponents say they are tired of Washington telling people what to do, the Washington-knows-best mentality, but the balanced budget amendment is the ultimate Washington mandate. No, Senator, you have it backward. Those who oppose the balanced budget amendment, who have been running things in this town for the last 40 years, they are the ones with the Washington-knows-best mentality. They have continued business as usual for the past 40 years, in spite of the fact that 70 to 80 percent of the people in America want a balanced budget amendment to the Constitution.

You might wonder, why do they want a balanced budget amendment to the Constitution? Why can they not just say, "Let's elect people who are going to balance the budget?" It is because for 40 years we, in this body, have demonstrated very clearly that we are incapable of balancing the budget.

I cannot remember one person that I have seen campaigning in the years I have been in politics who said, "Elect me and I want to go to Washington, I am going to spend more money and raise taxes and we are also going to raise the deficit and increase the national debt." They never campaign on that. And yet when they get here, that is what they do.

That is what the last election was all about. Those who stood up in the last

election and caused the revolution of November 8, as it has now become familiar with most of the people, have done so because they know that the time is here and those standing in the way, like the Senator that is making these statements, are saying that they know better than 70 or 80 percent of the people know.

In a way, though, he is right, the balanced budget amendment to the Constitution is a mandate, but it is a mandate on Congress that says, "Do what you are elected to do but whatever you do, you have to balance the budget by" a certain date, which happens to be the year 2002.

What this would do is force Congress to do what it should have been willing to do without being forced to do. We had a Congressman in the State of Oklahoma that used to take exception to me when I talked about passing a balanced budget amendment to the Constitution. He would say, "Why? That is what we are elected to do, we are supposed to do that." The point is, for 40 years, we have demonstrated that we are incapable of doing it and we have not done it.

Argument No. 4 was that proponents of the balanced budget amendment are saying swallow the snake oil but do not read the label. In fact, there is no label.

The problem, I say to that Senator, is we have been swallowing the snake oil now for 40 years and every year they have been buying votes by spending the taxpayers' money on program after program. But where was the label that ever warned that if you keep spending money like this our future generations are going to have to pay for it?

The problem is the politicians never told us how their well-meaning spending programs would affect the future generations and put us on the brink of bankruptcy. The day is here and the public is demanding change.

If anybody has to swallow the snake oil, I rather it be us and not our children and grandchildren.

The fifth argument that was used is all these Governors who are boasting about cutting taxes in their States should know that the balanced budget amendment will require them to impose huge State tax increases.

That is simply not true, and we hear this over and over again and yet, why do the majority of the Governors of the States throughout America want a balanced budget amendment to the Constitution? If what the Senator says is true, they would not, but they know that they are in a position to cut tax rates, to encourage economic growth and to actually do something about increasing revenue through economic activity.

This is exactly what happened in the 1980's. I stood on the floor today and I watched four Senators refute the fact that in the 1980's we increased revenues

by cutting taxes. In fact, they stood up and they said, "Look what happened in the 1980's. Reagan came along and he cut taxes and we had huge deficits as a result of it."

Let us look at what happened in the 1980's. In the 1980's, yes, we did cut the tax rate. We had the most devastating cuts that we have had in contemporary history. The total revenues after those cuts—keep in mind the marginal rate, the top rate, went from 70 percent down to 28 percent, and what happened as a result of that? We dramatically increased revenues because people were free to participate in the profits that they could make that they knew the Government was going to let them keep. So we lowered the rate and we increased economic activity and we increased revenues. This all happened in the 1980's.

In 1980, the total revenues generated for the Federal Government amounted to \$517 billion. In 1990, after all of these cuts, the total revenues had grown to \$1.31 trillion, almost double. And look at the income tax. That is where all the cuts took place, capital gains tax and income tax. The total gross revenues that were derived from the income tax of 1980 amounted to \$244 billion. In 1990, it was \$466 billion. It almost doubled, and that is after the greatest tax cuts in the marginal rates.

And yet people in this body will not understand that. They do not understand that America was founded on a principle that if you go out and work harder, you are able to keep that which you have earned and pass it on to future generations. It is no wonder when you look at some of the leaders of this country; look at Laura Tyson. Laura Tyson, in case some are not familiar, was chief economic adviser to the President of the United States. Laura Tyson was quoted in 1992 in the Wall Street Journal as saying, and I am going to read this quote because I do not want to get it wrong, and I may read it twice because it is hard for people to understand that this actually was a person in this kind of a position who would make this statement. Listen to what she said:

In direct contradiction to 12 years of Republican ideology, there is no relationship between the level of taxes the Nation pays and its economic performance.

No relationship between the level of taxation—in other words, you could raise the level of taxation to 100 percent so that a person would not be able to keep anything and that person would end up having to take nothing home and would still be motivated to risk his capital to go out and participate in this great economic system.

It is just not true. But we have top leaders in this country that are saying it is true. It is just incredible to believe that this could happen. We had two Senators from North Dakota today that said, "Look what happened in this

country during the 1980's: We cut taxes and the deficits went up." Do you know why the deficits went up, Mr. President? They went up because people in this body and the body down the hall kept increasing Federal programs, kept spending more money, and as more and more money came in, as the revenues doubled between 1980 and 1990, they still insisted on raising the number of programs and Government expenditures to the point where the deficits went on up and up and up and up.

The balanced budget amendment will require the rate of increase in Federal spending to be slowed, we know that, but it does not mean that any programs actually have to be cut.

And all the scare tactics—they are calling veterans and saying your benefits are going to be cut, your COLA's are going to be cut. They are calling Social Security recipients and telling older Americans—what an inhuman thing to do to them—telling them their Social Security is going to be impaired, their Medicare is going to be impaired and that just is not true. Those who are saying it know it is not true.

There was a study made a couple years ago and updated the other day, that said if you take the Government programs we have in place today and increase these Government programs by 2 percent a year—in other words, put growth caps on—have every Government program increase by 2 percent a year, we would be able to balance the budget by the year 2001, and that is without cutting one program.

We know in reality it would not happen that way because there are some programs that are good programs and maybe they should increase, but the average would have to stay down within that growth cap. And that is realistic. That is something that can happen. And the people of America understand this. The States understand this. Three-quarters of the States right now are just waiting, just waiting to be in a position to ratify this amendment.

Objection No. 6 was that the balanced budget amendment is a pig in a giant poke. I am not sure what he is talking about. Maybe you know what it means, Mr. President, but I am not sure I know. But if it means that a pig in the poke is something bad that is made to look like something good, and if that is true, then the chronic deficits as far as the eye can see are the real pig in the poke.

I had an experience the other day. I got a call from a young lady who is a brilliant intellectual. She instructs at the University of Arkansas, coincidentally, the home State of our President, and yet she is a conservative intellectual scholar. Her name is Dr. Molly Rapert.

Anyway, I got a call and she said, "You know, Senator, I know something about pigs."

Well, now, for those of you not familiar with Arkansas, it is the home of the Arkansas Razorbacks, and so they kind of use pigs and hogs and razorbacks interchangeably. And she said, "I know something about pigs. And if there are pigs in a poke, then those pigs are in Washington and they are the ones that are at the trough eating all that is out there, raising the deficit, increasing spending. Those are the true pigs in the poke." And that comes from someone in academics, a very bright young lady.

It is kind of interesting because it was not long ago I had a conversation with the young lady and she made a reference that an awful lot of people her age are not having families because they know if they have families, those families are going to be born into an environment where children are going to have to pay, according to the CBO, 82 percent of their income in taxes. And I can understand that. Why give birth to someone who is going to be enslaved working for the Government?

The other day at the National Prayer Breakfast, I was entertaining international visitors that came in, and there was one from one of the Baltic States who said, "How much money can you keep of the money that you earn?" And I said, "Well, you keep about 60 percent of it." And that was just kind of somebody I grabbed out of the air. He said, "That's wonderful." He said, "Did you know in my country we can only keep about 20 percent of it?"

Mr. President, if we do not do something to change the course we are on, the young people like Dr. Molly Rapert are going to give birth to children who will have to pay 82 percent of their income in taxes, more than in that Baltic country that was represented here at the National Prayer Breakfast. But I can say to the Molly Raperts and others around, do not worry about it. It is time to have families because we are going to pass this balanced budget amendment to the Constitution and we are going to downsize Government. The time is here to do it.

The next statement that was made by one of the Senators on this floor that I pulled out of the RECORD was, "The balanced budget amendment will give the politicians license to cut and slash and burn needed programs."

If you change one word in that sentence and substitute the word courage for the word license, it would read this way and I would agree with it: "The balanced budget amendment will give the politicians courage to cut and slash and burn programs that we are currently paying for."

You stop to think about the amount of money that is thrown around in this Government that we could save. Right now we are talking about bailing out Mexico. We have a President of the United States who unilaterally said that we are going to spend as much as

\$40 billion bailing out Mexico. And then we find out that most of the money is not going to go to Mexicans when they need it; it is going to go to creditors.

It happens that the President of Mexico prior to this President, Carlos Salinas, did a very fine job; he did a lot to stabilize the economy, so all of a sudden we had European investors, multinational banks—we had investors from all over the world that heretofore would not invest, would not buy Mexican debt and now they are doing it. And they are getting paid high interest rates for it. All of a sudden something happened to the economy down there. They looked at dear old America, and we have a President—I just heard something today. That figure dropped down to \$20 billion. It may be back up to \$40 billion of our taxpayers' money could be impaired to bail out Mexico.

How many people in America know that it was not long ago, the 21st of October, that the President of the United States unilaterally said to North Korea, we are going to offer up to \$4 billion of our American dollars to help you with a light water reactor because you promise you are going to get out of the nuclear business and we want to help you do it—\$4 billion. In the meantime, until you get it built, we are going to give you \$25 million worth of crude oil between now and the time that it is built. This is taxpayers' money we are talking about. How recklessly it is handled.

Back in the real world, I had a number of businesses. I was in real estate development, insurance, and I was also in aviation, and here a couple years ago I had the honor of becoming the first Member of Congress—I was serving in the other body at that time—to fly an airplane around the world—at his own expense. And so I did, and we went across, to follow the tracks of a very famous aviator from Oklahoma. His name was Wiley Post. Some may remember, Mr. President, he was the one with the patch over one eye and you wonder how could he be such a good pilot with one eye.

Anyway, he flew the *Winnie Mae* around the world, and we were celebrating in Oklahoma, since he was one of our two famous Oklahomans that we are very proud of. I was going to retrace his tracks, and I did. We went across Siberia, at a very unique time in history, that is, when it was still the Soviet Union but the wall was down so we were able to go places that no one from the United States had been in 60 years since Wiley Post was there 60 years ago.

One place right here was Sovetski, Sovetski in Northwestern Siberia. Sovetski is so remote that in northwestern Siberia they still harness reindeer as their primary mode of transportation. I landed there. I saw one man who had not seen an American in 60

years since he saw Wiley Post there 60 years ago. And I spent a night there. They live in the communes we hear about. It was a beautiful, big, log structure. They all not only slept in the same big room; they ate in the same kitchen at the same table out of the same bowl. We think, well, how barbaric that is by our standards. These are the happiest people I ever saw. It is so remote in Sovetski that they never got into anti-American propaganda. They did not know we were ever bad guys.

And so we rejoiced together, made new friendships, and I spent the night in that same room, ate from the same bowl with them. I never saw a happier bunch of people in my life up in Sovetski in northwestern Siberia. That was in July and the snow was on the ground then.

We got back, and it was not more than a month later we had a bill that was going to take care of the housing needs in Russia, in that former Soviet Union. I looked at it, and I saw that a lot of that money was going to a little village called Sovetski in northwestern Siberia to help them with their housing needs.

Now, first of all, how presumptuous of us to say that those people in Sovetski would want to change and adopt our way of life. They are perfectly happy doing what they have done for a thousand years there, and they were doing quite well, I thought. And yet we are going to spend thousands and thousands of American taxpayer dollars to help those poor people in Sovetski that were so happy.

Wiley Post was the one who was flying the airplane when the other famous Oklahoman, Will Rogers, was killed. It crashed at Point Barrow, AK.

I think that Will Rogers is one of the great philosophers of history and I will read a quote from Will Rogers. Keep in mind, this was in 1934. He said: "Lord, the money we do spend on Government. And it's not one bit better than the Government we got for one-third the money 20 years ago."

Do you know what the total budget was that year, in 1934? Mr. President, \$6.5 billion is what it cost. And that was three times more than it was 20 years before that. So we keep growing and growing and spending and spending and we do not have to do that.

There is no group that comes into our office that tells us to spend less money. A study was made the first year I was in the other body, which was 1987. And they analyzed and they talked to everyone when they came in the door of one particular Representative's office, and they did that for the entire year. They found out that 95 percent of the people who walk across the threshold of a congressional office are walking across to talk to the Congressman or the Senator to convince him or

her to spend more money on a program. There is nobody out there coming in saying we want you to spend less money; it is to spend more money. So the people who stay here in Congress year after year and decade after decade, they get to thinking those are real people who are coming in. They do not realize the people out in America, real America, do not want that type of thing.

It is not the lobbyists and the individuals who come in who want money for a particular cause that are destroying us. It is the Congressmen in the House, and Senators in the Senate, who are voting for these massive increases.

The balanced budget amendment will work. In the State of Oklahoma it worked. We put it in in 1941. I went back and read some of the debate on the floor of the State senate in Oklahoma when we were installed, and some of the same arguments we are using here today they were using in 1941 in the State legislature. While liberals in the State legislature fight it every time, every year they try to figure out ways to get around the balanced budget amendment in Oklahoma, they cannot do it.

Several of my liberal friends came up to me over in the other body when we were considering this a couple years ago. They said, "You know, Inhofe, I have to vote against the balanced budget amendment but I sure hope you get it passed."

I said, "Why is that?"

They said, "That gives us an excuse so when people come in and they want me to vote for a program that I know I should not vote for, I can say, 'If it had not been for those guys passing the balanced budget amendment I would do it.'"

I know it is difficult to cut down the size of Government. One of my heroes in politics—and I think many Republicans share my notion about this man—was Ronald Reagan. I remember a speech that Ronald Reagan gave way back in 1964. I have often said that speech should be required reading for young people who are coming into the marketplace and into the society. One of the things he said in that speech I remember so well was, "Immortality—there is nothing closer to immortality on the face of this Earth than a Government program once installed."

That is true, because Government programs come along, at least theoretically, to take care of problems that exist in the country. If we have an environmental problem they form a Government agency and that Government agency comes in and says we are going to go ahead and take care of this problem. Then, when the problem goes away, the Government agency stays.

I had an experience many years ago, back in 1978. I was elected to be mayor of the city of Tulsa, a city of about a half-million people. I decided to con-

duct an experiment. Those cities that were large cities—they used the benchmark of 250,000 people—large cities at that time had a tendency to double in size every 5 years. I thought, why is this? What is the very nature of the bureaucracy? Bureaucracies want to grow.

I was on a radio talk show tonight and they talked about zero-based budgeting. Sure, great idea. The problem is, your bureaucrats will merely take a zero base, justify the budget they spent last year, and then come up and say why they need to spend more this year. It is a status symbol for bureaucrats to grow. They do not want to get small; they want to grow.

Anyway, I was the mayor of the city of Tulsa and I remember I was going to try to cut down the size of government. I knew there was a lot of waste so I found people who were inefficient or were not performing a function and I would fire them. A couple of weeks would go by and I would see the same people in the elevator. I would say "I thought I fired you," and they would say, "Well, you did, but I have been reinstated."

Back then I found you cannot fire people for inefficiency in government. I developed a program and started defunding agencies and got them all. It worked beautifully.

No. 1 was a public television station. I never will forget, when I was first elected a guy came up to me and said, "Congratulations, Mayor Inhofe, on your overwhelming victory. We are looking forward to having you as mayor of the city of Tulsa. When would you like to have Inhofe Hour? Every month? Or every week? Or every day?"

I said, "What is Inhofe Hour?"

He said, "That is when we take your programs and we put it on television, on cable. We have designated a time for that purpose, and the people out there can know what your program is, what you are trying to do as mayor of Tulsa."

I said, "You are using taxpayers' money to propagandize the taxpayers."

They said "I guess it's that way."

I said, "I do not want the Inhofe Hour every month and I do not want the Inhofe Hour every week or every day. As a matter of fact, I am going to defund you."

And I will never forget, across that screen for several weeks was, "Call the mayor's office. They are trying to shut the doors of government."

But you see, we did it anyway and it worked. We went through 5 years of holding government stable in terms of the size and the cost of government and expanding services at the same time. If you can do it in Tulsa, OK, and you can have a balanced budget amendment in the State of Oklahoma, you can certainly do it in our Federal Government.

The eighth statement that was made was, "Senators are sent here to make

intelligent and well-informed decisions on the people's behalf. How can they do that without the details?" They are bringing up that same argument again and again.

They do it by looking at the record of the last 40 years. Nobody gave us the details when 40 years ago we started spending money that future generations are going to have to pay back. No one give us any details when we ran up a debt of \$4.8 trillion. All they told us was the great things they were doing by opening the Federal Treasury, time and time again. Now we find a crisis which threatens the future, especially that of our children.

The balanced budget amendment is not a fly-by-night thing. It is not something that just was thought of recently. It is something that has been with us for a long time. I think someone may have already said this on the floor during this debate. Keep in mind, we are in the 12th day of debating the balanced budget amendment, the same one that passed the other body over there in 2 days.

Someone, I think, already mentioned the fact that a great Democrat, Thomas Jefferson, many years ago was not here, as many thought he was, during the construction of the Constitution. I believe he was in France at the time. When he got back over here he made a statement and said that if I could have one thing I would improve in this great document, the Constitution of America, it would be a mechanism that would prohibit Government from borrowing money. That was Thomas Jefferson.

It has been around for a long time. The first time I was exposed to the balanced budget amendment was many years ago when there was a very conservative and well-known U.S. Senator from the great State of Nebraska by the name of Senator Carl Curtis. Carl Curtis had an idea. Carl Curtis said, "What we need to do is get the point across to the people in Congress, in both Houses of Congress, that Americans want to have a balanced budget amendment." He said, "I have devised a way to do it and, State senator out in Oklahoma, I want you to help me." He came out in Oklahoma and this is what we did. We put together a program where we would preratify—since it takes three-quarters of the States to ratify the Constitution—we would preratify it by passing a resolution saying we are ratifying it the second it passes the U.S. Congress.

We started the first one in Oklahoma. I introduced the resolution. It says: We hereby ratify the balanced budget amendment that will be passed in the U.S. Congress. In fact, this is the first one that was there. There was a guy, Anthony Kerrigan, who was a syndicated columnist at that time. He wrote a column—this is 22 years ago. He called it "A Voice in the Wilderness."

Way out in Oklahoma the State senators have found a way to balance the Federal budget.

By the way, that was 1972. The total debt in 1972 was \$240 billion. I remember when the National Taxpayers Union, or one group like that, they had an ad on television. They were trying to impress upon the people of America how significant \$240 billion was. That was our debt at that time. Today it is \$4.8 trillion. It was \$240 billion. So they took \$100 billion and started stacking them up until they were the height of the Waldorf Astoria. That was a high building in those days. That was to impress upon people how significant it was that our debt had reached the level of \$240 billion. The deficit that year, by the way, was \$15 billion.

I hope that if nothing else is accomplished from the debate that is taking place in both bodies on the balanced budget amendment, that the people of America are now so much better informed as to what is really going on when we talk about the deficit and the debt. We are talking about two different things. They are hardly related to each other because the deficit increases the debt.

Let me get to the ninth argument. I want to expand on that in just a minute. This was a rather long argument that was made. Argument No. 9:

The proponents talk of the balanced budget amendment, talk about the public opinion. Years ago Talleyrand said, "There is more wisdom in public opinion than is to be found in Napoleon, Voltaire, or all the ministers of state, present or to come."

But this is true only to the extent that public opinion is informed opinion. In the case of the balanced budget amendment public opinion is not informed. Even Senators do not know the details.

I see this as an insult to the people of America because people are informed. But you know, he was right when he said that there is more wisdom in public opinion than there is to be found in all of the great leaders. But this is not about details. This is about responsibility. I would submit that Talleyrand was right. There is more wisdom in public opinion than is to be found in the President, the Vice President, the entire Cabinet, and all of the rest of the ministers of the Clinton administration along with the Democratic Party who are all out lobbying against the passage of the balanced budget amendment to the Constitution.

The fact is the public is informed. People know that we cannot get serious and have a discussion about details unless we first make the commitment that we are going to pass a balanced budget amendment to the Constitution, and that we cannot spend more money than is coming in.

I am glad that the Senator brought up Talleyrand because he was a brilliant guy. If you remember, Talleyrand

was the French foreign minister during the Napoleonic stage. One of the quotes was, "It seems to me, sir, to be the beginning of the end."

You know, I think he was right. I think this is the beginning of the end of big spenders in Congress in America.

He said, "Speech was given to man to disguise his thoughts."

I have seen a lot of that around here, too. I have seen a lot of Senators and Representatives making statements about all the bad things that were going to happen and all the trauma that would exist if we passed the balanced budget amendment to the Constitution. Yet they know better. They know this has to be done.

Talleyrand also said, "Throw mud, throw mud. Some of it may stick." We have seen a lot of that in the last 12 days. Throw mud and hope some of it will stick.

But lastly, Talleyrand said—I kind of like this one; this is neat. He said, "The wine is drawn. The wine is drawn. It must be drunk."

I think what he was saying there is there comes a time when action has to take place. That time has come. The wine is drawn, it must be drunk. There are some partisan Republicans who have come up to me, and I probably should not divulge this. They said, "If you were half as smart, you would let the Democrats defeat the balanced budget amendment to the Constitution. Then in 1996, we would wipe out everybody in office who voted against you." I guess looking at it from a purely partisan perspective, maybe that is the right way to do it. I do not believe that. I believe the Democrats and Republicans alike are going to respond to the people who are out there. But it is time. We cannot go any longer. We are going to have to do something.

There was a very famous person 150 years ago that came over to the United States of America. His name was Alexis de Tocqueville. A lot of people do not know this. But de Tocqueville came over here to study our system. When he got here he was so impressed with the wealth of this Nation, with the fact that people could work and take home the products of their own labors, and that that had produced an incredible wealth that had not been dreamed of any time in the history of the world. It was all happening right here in this new world. But he was a very intelligent man. And de Tocqueville wrote a book about the wealth of this country. I am paraphrasing. He said once the people of this country find they can vote themselves money out of the public trust, the system will fail.

Are we almost there now? Yes, we are. They say that when that moment comes, it is when you have the majority of people on the receiving end of government and the system will fail because productivity will be gone.

The 10th argument that has been used by the well-meaning Senators,

those who are very articulate, is one that I hope you will listen to very carefully, Mr. President. They said:

The 1990 and the 1993 budget deals worked. The way to deal with the deficit is to continue the successful deficit reduction efforts of the last 5 years.

This is a Senator saying this on this floor.

Since 1990, we have achieved over \$900 billion in deficit reduction. We did not do it with a balanced budget amendment. But we did it with two major budget agreements, detailed blueprints which raised revenues, cut expenditures, and made hard choices. These budgets were on the table. All the details were fully debated.

Remember they said the 1990 and the 1993 budget deals worked, the successful deficit reduction efforts of the last 5 years.

This is the big problem we have in America. A lot of people believe that stuff. We have a President of the United States who stood up in the State of the Union Message and talked about all of this deficit reduction. Yet, while he is in there, every day the debt goes higher and higher and higher. Please do not think I am disrespectful when I talk about our President.

Teddy Roosevelt said:

Patriotism means stand by your country. It does not mean stand by the President of the United States or any other elected official, save exactly the degree that he stands by his country. It is unpatriotic not to oppose him to the same degree that he by inefficiency or otherwise fails to stand by his country.

So we have a President who stands up and he passes these things. The first one we cannot hang on him. That was 1990. George Bush was President of the United States at that time. Several of us watched as he tried to accommodate the Democrats out at Andrews Air Force Base, when he had the Budget Committees from the House and the Senate out there saying, if you do not do this, we are not going to go along with any of your programs. And, finally, President Bush decided that he would agree to a tax increase, right after he had said in the campaign "Read my lips." Look what happened. That was the cause of his demise. Everybody knows that. He knows it himself. He knows he should not have done that. But it was a judgment call made in good faith, trying to get along, trying to reach a bipartisan agreement on a budget. And he agreed to a tax increase when he did not need to do a tax increase.

I do not like all of this talk about what they talk about when they say that we cut the deficit. There is an article by the way, Mr. President. You ought to read it. I bet you have not read it yet. I believe it was in the December 1993 Reader's Digest, and the name of the article was "Budget Baloney." Then in this article he describes, in a better way than I have ever seen it described before, just how we are able

to tell it to the people at home that we are doing something and not let them really know what we are doing. He says, let us say a guy who has \$5,000 wants a \$10,000 car. He says, "What I really want is a \$15,000 car. So I will settle on a \$10,000 car. I've just cut the deficit by \$5,000." That is the losing game that we have been playing around here. The argument that we have had success in these budget deals is laughable. It has been a dismal failure. Yet, this is the strongest argument that they keep coming up with over and over again.

The budget deals were the largest tax increases in this Nation's history. The one in 1993 passed by one vote in the Senate and one vote in the House. It was against overwhelming public opposition. It helped lead to the Republican revolution of November 8, 1994. In fact, it was characterized as the largest tax-and-spend increase in the history of America or in public finance in America or any place in the world.

Let me repeat that: The largest tax and spend increase in the history of public finance in America or anyplace in the world. Those are not the words of conservative Republican Senator JIM INHOFE; those are the words of the Democrat Senator who was chairman of the Senate Finance Committee. Yet, this is used as an example of how we ought to behave in the future—to continue to pass these tax increases and spending increases and meanwhile the deficits go up and up and up.

Let me give you some specific figures. The 1993 Clinton budget deal, between the years 1994 and 1998, those 5 years, would increase the debt by \$1.4 trillion. How many people in America know that—with all this talk about deficit reduction—if we do his budget deal from 1994 and carry it through to his projections through 1998, it would increase the debt by \$1.4 trillion. If we go on up to the year 2000, it increases the debt by \$2.1 trillion. In 1990, the same thing was true at that time. We had a budget deal that was made to go, over a period of 10 years, from 1990 to the year 2000, to \$3.5 trillion.

Mr. President, this is the last argument that has been used by Senators who are opposed to a balanced budget and specifically to the balanced budget amendment to the Constitution. The argument is that the balanced budget amendment is nothing more than a slogan, an empty promise, and that most Senators who support it will not even be here in the year 2002 when it will

take effect. Let me respond by saying that if the Senators vote against it, they are not going to be here at the end of their term.

I would like to, for a moment, give you a profile of those individuals who are opposed to the balanced budget amendment. If you look over here at the chart, we defeated the Right-To-Know Act. These are the supporters, the cosponsors. There were 41 cosponsors to the Right-To-Know Act. Of those 41 cosponsors, all 41 of them voted for the \$16 billion stimulus plan, which was the largest single spending increase under one vote, and they also are rated by the National Taxpayers Union a "D" or an "F." A lot of people do not realize that there are many rating organizations in Washington.

I never remember anyone going out and running for office saying "I want to increase your taxes and increase spending." But when they get up here, that is exactly what they do. How is a voter to know how they are performing? Look at how they are rated. The National Taxpayers Union takes spending bills and says how we are rated in conjunction with the spending bills. If you look at those who wanted to kill the balanced budget amendment by having the right-to-know amendment on it, those individuals, all of them, voted for this \$16 billion stimulus program.

Let me just tell you what that stimulus program had in it. That program was a \$16.3 billion increase in spending; \$500 million for shortfalls in the District of Columbia budget; for Federal agency staff increases; \$1 billion for summer jobs; \$1.1 billion for programs for housing programs; for AIDS treatment; \$1.2 billion for Amtrak subsidies; \$2.5 billion for pork-barrel community programs such as swimming pools, parking lots, ice rink, warming huts, alpine ski lifts, and other pork-barrel projects. That was \$3 billion for various rich projects located strategically in various districts of those Members of Congress who went along with all of this.

Those are the individuals who voted for and who were cosponsors of the Right-To-Know Act. I do not say this in a disparaging way about these people, but you have to know who is opposed to the balanced budget amendment. The other chart we have, I think, addresses what this Senator—it happened to be the Senator from West Virginia that said most Members of Congress were not going to be around

in 2002. This is why I say if they do not vote for this, they are not going to be around anyway. It does not matter. If you look very carefully, we not only had the spending bill increase, but the 1993 tax increase was the one that included a \$267 billion tax increase and still would increase the debt by \$1.4 trillion.

There are eight Senators who are not here today who were here before. All eight of these Senators voted "yes" on the spending bill increase. All eight of the Senators voted "yes" on the Clinton tax increases—or seven out of eight of them. All eight of them have a "D" or an "F" rating by the National Taxpayers Union. In the House of Representatives, the same thing is true there.

So the conclusions I come to after having said all of this is that this is a war. This is the chance that we have to change all of this. And those of us who have been working for a balanced budget, by virtue of adding a balanced budget amendment to the Constitution, are not just considering what is happening to us today but to future generations.

Every dollar we spend now we are borrowing from future generations. That is why I have this picture. I will introduce you to these two people. This little girl is 21 months old. Her name is Maggie Inhofe. This little boy is 22 months old. His name is Glade Inhofe. They happen, by coincidence, to be my grandchildren. If we do not pass this, the CBO has said that during their lifetime—and there are 10 million more their age in America right now—they will have to spend 82 percent of their lifetime income on Government.

This is our chance to take them out of their bondage and their chains. I really believe now that Talleyrand was right. He said, "The wine is drawn, it must be drunk." The time is here to pass a balanced budget to the Constitution and to turn our future generations free.

Thank you very much, Mr. President. I yield the floor.

RECESS UNTIL TOMORROW AT 9:30 A.M.

The PRESIDING OFFICER (Mr. GRAMS). Under the previous order, the Senate now stands in recess until 9:30 tomorrow morning, February 15.

Thereupon, the Senate, at 8:36 p.m., recessed until Wednesday, February 15, 1995, at 9:30 a.m.