

in the Los Angeles Times on Jan. 20 on the Presidency of Lyndon B. Johnson.

Mr. Valenti enumerates many of President Johnson's accomplishments, including his fight for civil rights and voting rights for all Americans, the initiation of the Medicare and Head Start programs and the passage of the Elementary and Secondary Education Act, which helps provide Federal loans, scholarships, and grants to all American college students.

Indeed, President Johnson's accomplishments are many. And I would emphasize one more, which no President since has matched. Lyndon Johnson not only balanced the Federal budget, but gave Richard Nixon a surplus. In this era of a \$4.8 trillion debt, that is one heck of an accomplishment.

Mr. President, I urge my colleagues to read this article and ask that it be printed in its entirety in the CONGRESSIONAL RECORD.

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

[From the Los Angeles Times, Jan. 20, 1995]

RECALLING A MAN WHO STAYED THE COURSE
(By Jack Valenti)

On this day 30 years ago, Lyndon B. Johnson was inaugurated in his own right as the 36th President of the United States. He had been elected President the previous November in a landslide of public favor, with the largest percentage of votes in this century, matched by no other victorious President in the ensuing years. This day plus two is also the 22nd anniversary of his death.

Is it odd or is it merely the lament of one who served him as best I could that his presidency and his passing find only casual regard on this day?

He was the greatest parliamentary commander of his era. He came to the presidency with a fixed compass course about where he wanted to take the nation, and unshakable convictions about what he wanted to do to lift the quality of life. Against opposing forces in and outside his own party, in conflict with those who thought he had no right to be President, contradicting conventional wisdom and political polls, he never hesitated, never flagged, never changed course. He was a professional who knew every nook and cranny of the arena, and when he was in full throttle, he was virtually unstoppable.

He defined swiftly who he was and what he was about. He said that he was going to pass a civil-rights bill and a voting-rights bill because, as he declared, "every citizen ought to have the right to live his own life without fear, and every citizen ought to have the right to vote and when you got the vote, you have political power, and when you have political power, folks listen to you." He promptly told his longtime Southern congressional friends that though he loved them, they had best get out of his way or he would run them down. He was going to pass those civil-rights bills. And he did.

He made it clear that he was no longer going to tolerate "a little old lady being turned away from a hospital because she had no money to pay the bill. By God, that's never going to happen again." He determined to pass what he called "Harry Truman's medical-insurance bill." And he did. It was called Medicare.

He railed against the absence of education in too many of America's young. He stood on public rostrums and shouted. "We're going to make it possible for every boy and girl in America, no matter how poor, no matter

their race or religion, no matter what remote corner of the country they live in, to get all the education they can take, by federal loan, scholarship or grant." And he passed the Elementary and Secondary Education Act.

He was in a raging passion to destroy poverty in the land. He waged his own "War on Poverty," giving birth to Head Start and a legion of other programs to stir the poor, to ignite their hopes and raise their sights. Some of the programs worked. Some didn't. But he said over and over again, "If you don't risk, you never rise."

He often said that no President can lay claim to greatness unless he presides over a robust economy. And so he courted, shamelessly, the business, banking and industrial proconsuls of the nation and made them believe what he said. And the economy prospered.

On the first night of his presidency, he ruminated about the awesome task ahead. But there was on the horizon that night only a thin smudge of a line that was Vietnam. In time, like a relentless cancer curling about the soul of a nation, Vietnam infected his presidency.

If there had not been 16,000 American soldiers in Vietnam when he took office, would he have sent troops there? I don't believe he would have. But who really knows? What I do know is that he grieved, a deep-down sorrow, that he could not find "an honorable way out" other than "hauling ass out of there."

I think that grieving cut his life short. Every President will testify that when he has to send young men into battle and the casualties begin to mount, it's like drinking carbolic acid every morning.

But it was all a long time ago. To many young people not born when L.B.J. died, he is a remote, distant figure coated with the fungus of Vietnam. They view him, if at all, dispiritedly.

But to others, to paraphrase Ralph Ellison, because of Vietnam, L.B.J. will just have to settle for being the greatest American President for the undereducated young, the poor and the old, the sick and the black. But perhaps that's not too bad an epitaph on this day so far away from where he lived.

COMMENDING TOMAS JICINSKY

Mr. LIEBERMAN. Mr. President, I rise today to honor the exemplary and commendable efforts of Tomas Jicinsky to bring about democracy in the former Czechoslovakia. Mr. Jicinsky was instrumental in orchestrating and supplying democratic forces with information within the former Czechoslovakia. I salute the effort of Glenn Piasecki of Southington, CT, in recognizing Tomas Jicinsky's tireless struggle.

Mr. Jicinsky supplied democratic forces with information within the former Czechoslovakia, and organized underground meetings to begin the eventual downfall of the Communist regime. He worked with Charter 77, an organization dedicated to initiating and sustaining democratic principles throughout the world. I salute Mr. Jicinsky for his dedication to bring about democracy in the former Czechoslovakia.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that I may speak as if in morning business.

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

Mr. FEINGOLD. I thank the Chair.

EMERGENCY SPENDING CONTROL ACT OF 1995

Mr. FEINGOLD. I rise today to join with my good friend, the Senator from Arizona, Senator MCCAIN, to discuss the measure we recently introduced, the Emergency Spending Control Act of 1995.

I want to just first relate how Senator MCCAIN and I came to work together on this.

After the election, of course, the results were not particularly happy for those of us in the minority party at this point, but the Senator from Arizona [Mr. MCCAIN], even though he is now in the majority, was kind enough to call and say he wanted to work together on a number of reform items during the 104th Congress and that he wanted to do so on a bipartisan basis.

We talked about the revolving door issue, the issue of Members of Congress and staff leaving this institution and going to work for some of the interests that they have worked with and regulated in the past. We talked about the gift ban legislation. We also talked about the issue of what happens sometimes when we have a piece of emergency spending, a disaster bill, that comes before us and sometimes things are added to those bills that have very little to do with the disaster and sometimes have very little at all to do with what is being addressed.

So the Senator from Arizona and I decided to join together and introduce a piece of legislation that would limit the abuse of the emergency legislation. I am happy to say we also have some good bipartisan support in the form of cosponsorship by the Senator from Kansas [Mrs. KASSEBAUM]; the Senator from California [Mrs. FEINSTEIN]; and the Senator from Colorado [Mr. CAMPBELL].

The goal of our bill is simple. It is to limit the consideration of non-emergency matters in emergency legislation.

Mr. President, I think this is the right time for this legislation for many reasons but especially for two. The first is, of course, that once again we have the tragic reality of yet another disaster in this country, in particular in the State of California. This time it is floods, and there is a possibility of another bill arising out of the sympathy and concern and need to help the people of California.

Let me be clear. Even though this legislation is about preventing abuses on these disaster bills, my feelings and concerns for those who have suffered from that disaster are very real, and I know that is true of the Senator from Arizona and everyone who is involved in this legislation.

This follows after bills that have had to do with California earthquakes, floods in the Midwest, hurricanes, fires, droughts, you name it. We have had a terrible rash of these disasters in this country so there could, unfortunately, be more vehicles coming through the Congress that would allow the attachment of extraneous matter to this must-pass type of legislation.

So that is one reason. The other is, this is a very good time to bring this up because what we are discussing here in the Chamber, is the balanced budget amendment, the fact that we have got to find a way, whether we agree with the balanced budget amendment or not we have got to find a way to clean up our budget process here. And the balanced budget amendment is one approach. There are other examples of where the American people have seen what they believe to be an abuse of process, the insertion of pork items into pieces of legislation. That means money being spent that probably would not have been approved by the majority of Members if they were subjected to a separate vote and held up to the plain light of day.

So I think it is very important, in looking at the need to achieve a balanced budget and ways to do this, we find a way to stop this practice of funding some of these questionable items. Whether it be the Lawrence Welk thing or the tea-tasting board, these are the things that, even though they might not amount to a whole lot of money, stick in the craw of the American people as symbols of perhaps a fear that the folks out here are not always keeping their eye on the ball and worrying about the tax dollars they have to work so hard to raise and send to the Federal Government.

It is these types of things that wind up on the prime time type of shows, these types of things that cause other pieces of legislation that would otherwise be worthy types of legislation to get names like "Christmas trees" or "gravity train," and this becomes particularly unpleasant when the purpose of legislation is to show the compassion of the Federal Government, in particular the American people, for those who have suffered horrible unnatural disasters in their States.

So these are good reasons to bring this legislation forward at this time. The provisions of the bill limit emergency spending solely to emergencies by establishing a new point of order. The point of order lies against non-emergency matters if they are not rescissions of budget authority or reductions in direct spending. A point of order would apply to any emergency bill that contains a non-emergency measure or any amendment to an emergency measure or a conference report that adds nonemergency matters to the emergency measure.

Mr. President, there are also additional enforcement mechanisms. We prohibit the Office of Management and Budget from adjusting the caps on dis-

cretionary spending or from adjusting the sequester process for direct spending for any emergency appropriations bill if that bill includes the type of extraneous items that we have been discussing.

Mr. President, those are the main provisions of the Emergency Spending Act. I think they are timely also because of the progress that has been made in the last couple of years in reducing the Federal deficit by almost half, by almost \$100 billion. It is encouraging but unfinished progress that has been made that has come from a willingness to identify and follow through on making specific spending cuts and certain revenue increases. I realize that simply creating a point of order is not going to be sufficient to help us make the hard choices out here that we have to make in order to balance the budget. I would say, though, Mr. President, that those points of order and the other rules we have and the rules that we have imposed upon ourselves in terms of caps are some of the effective things that buttress the efforts to identify specific spending cuts.

In terms of the progress in the last 2 years, I think we can very honestly say that we made a downpayment on reducing the Federal deficit, but we have a lot more ground to cover. The rules do help stop it, but no particular procedure, statute or even a constitutional amendment can replace specific policy action, making the hard choices that we must. I think this new point of order can assist us, at least, when it comes to emergency legislation.

The reason I rise on this issue and on this particular bill is that it is these exceptions that cause the people to feel we are not serious about everything we do here.

I am also worried that if we do not go forward with cleaning up the process by which emergency legislation is considered, in the end it is possible people will not look kindly on the idea of having emergency legislation at all—just let people fend for themselves in these places if there is a possibility this will be used to circumvent the fiscal discipline that is needed.

What I do suggest is emergency legislation that has to recognize the urgency but not allow the circumventing of the normal budget process. There are two ways that this process has been circumvented in the past. One way is to declare something an emergency and then have it attached to the emergency bill. That is possible. You do not have to have it be the same set of circumstances or the same natural disaster. If an emergency designation is made, these bills can be put together. The other possibility is the adding of explicit nonemergency items to emergency legislation to get expedited consideration.

Mr. President, our bill does not take care of the first problem. It does not take care of the problem where somebody has actually declared an emer-

gency that may not, in fact, be a real emergency. And I think that is something we have to look at in the future.

Last year, on the California earthquake bill, I recall the Department of Defense managed to call an emergency a \$1.2 million expenditure that was supposed to be for peacekeeping operations, ongoing, continuing peacekeeping operations that we knew about for the operations in Somalia, Bosnia, Iraq, and Haiti. Unfortunately, in my view, that was designated an emergency and suddenly attached to the California earthquake bill. And even though I tried to stop it with an amendment, that amendment was rejected, in part, out of fear that somehow this would derail the California earthquake bill. So I think this is a problem. I think it needs to be addressed. But at this point the problem that I think we can actually address correctly is to establish new rules when it comes to attaching specifically nonemergency items to emergency legislation.

Mr. President, let us look at the California earthquake bill. What was it originally set up to do? Well, it had \$7.8 billion for the L.A. earthquake. It had \$1.2 billion for the peacekeeping missions which I just mentioned and which I think should not have been in there. It had \$436 million for the Midwest floods and \$315 million as a result of the continuing problems from the 1989 California earthquake.

Mr. President, that was the status as the bill came into the Congress. But by the time it left, these additional extraneous items had been tossed on to the California earthquake bill: A \$1.4 million expenditure to fight potato fungus, a \$2.3 million item to give the FDA people pay raises, \$14.4 million for the National Park Service, \$12.4 million for the Bureau of Indian Affairs, \$10 million for a new Amtrak station in New York, \$20 million for a fingerprinting lab, \$500,000 for the U.S. Trade Representative's travel office, and finally \$5.2 million for the Bureau of Public Debt.

All of this was thrown onto and became part of the gravity train pulled by the California earthquake bill. Under current law, if these nonemergency items are on a bill and they are still under the spending caps, then the legislation can go forward. And that is exactly what happened. In the case of the California earthquake bill, the caps had actually been reached but the rescissions had been used, a group of rescissions had been used essentially to offset the cost of these additional items. That, I suppose you could say, is paying for what you want to do.

But, the fact is, those rescissions could have been much better used to reduce our Federal deficit, to do a little bit about the problem we are going to be talking about so much here in the next couple of weeks on the floor of the Senate. How do we specifically find ways to eliminate the Federal deficit? So this process was an unfortunate one.

These items, of course, could have been considered separately in an appropriate appropriations bill and in a more honest and direct manner.

So this issue of emergency spending and preventing nonemergency items from being attached to emergency spending is part and parcel of the overall goal of budgetary sanity and the goal of stopping the abuse that so many Americans like to call putting pork into bills.

I think it could also help make sure that our bills that have to do with disasters have some credibility as they go through the process. They should not be the subject of laughter or derision or prime time shows. The disaster bills should be the expressions of the American people's compassion for those who have been unlucky and subject to disasters that they had nothing to do with creating.

This identical legislation passed the House, the other House, last session, the 103d Congress, on a bipartisan vote as a substitute amendment, 322 to 99, and then finally, as amended, 406 to 6.

I now urge my colleagues to join me and the Senator from Arizona, in supporting this measure. As we engage in this very intense debate on the balanced budget amendment, let us at least join together on a bipartisan basis to get rid of the abuses that have to do with emergency legislation.

Mr. President, I ask unanimous consent that the text of the bill and an editorial from The Washington Post dated August 22, 1994, on this type of legislation be printed in the RECORD.

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

S. —

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 "Emergency Spending Control Act of 1995".

SEC. 2. TREATMENT OF EMERGENCY SPENDING.

(a) EMERGENCY APPROPRIATIONS.—Section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding at the end the following new sentence: "However, OMB shall not adjust any discretionary spending limit under this clause for any statute that designates appropriations as emergency requirements if that statute contains an appropriation for any other matter, event, or occurrence, but that statute may contain rescissions of budget authority."

(b) EMERGENCY LEGISLATION.—Section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding at the end the following new sentence: "However, OMB shall not designate any such amounts of new budget authority, outlays, or receipts as emergency requirements in the report required under subsection (d) if that statute contains any other provisions that are not so designated, but that statute may contain provisions that reduce direct spending."

(c) NEW POINT OF ORDER.—Title IV of the Congressional Budget Act of 1974 is amended by adding at the end the following new section:

"POINT OF ORDER REGARDING EMERGENCIES"

"SEC. 408. It shall not be in order in the House of Representatives or the Senate to consider any bill or joint resolution, or amendment thereto or conference report thereon, containing an emergency designation for purposes of section 251(b)(2)(D) or 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 if it also provides an appropriation or direct spending for any other item or contains any other matter, but that bill or joint resolution, amendment, or conference report may contain rescissions of budget authority or reductions of direct spending, or that amendment may reduce amounts for that emergency."

(d) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 407 the following new item:

"Sec. 408. Point of order regarding emergencies."

[From the Washington Post, Aug. 22, 1994]
EMERGENCIES ONLY

The House voted 322 to 99 the other day in favor of a new budget rule that's a good idea. The Senate should concur in it. If not, the House leadership should find some other way of putting it into effect, for Congress's own good.

The revolutionary notion is that emergency appropriations bills should be limited to * * * emergencies. There tends to be at least one of these bills almost every year. They are used not just to provide emergency funds, but often as vehicles for funding lesser projects of a much more ordinary kind. What better place for a little something for the folks back home than in the fine print of a bill intended to rescue a region from a natural disaster? Who would sink so low as to complain about a minor extra favor in a bill with as generous a purpose as that?

The emergencies-only rule—no hitchhikers in the ambulance—is one of a series that have been proposed by Reps. Charles Stenholm, Tim Penny and John Kasich to tighten up the budget process. We've opposed some of the other changes. This one is called for.

For the sake of the spending that matters, Congress ought to learn to lay off the pork. You see the bad effects of doing otherwise, of lapsing into self-indulgence, all the time. The crime bill is only the latest example of a measure in which critics have been able to use questionable spending to tar and hold up constructive spending as well.

In fact, the amount of pork in the budget each year is greatly exaggerated—and of course what seems to one man to be pork may genuinely seem to another to be spending for an essential public purpose. There's no magic line. But there is some line—and some things seem to be pretty clearly on the porky side of it. Those are the things that people remember, the indefensible examples that come to typify all spending. If only they'd cut out the pork, the public is led to believe, there wouldn't be a deficit. It isn't true, and some of the greatest critics of pork are also among the greatest porkers on the side—but that doesn't matter.

The spenders ought to clean up their act. In this case, the anti-spenders are helping to point the way. The leadership should disarm them by doing as they suggest. Emergencies-only in emergency bills makes sense.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. FRIST). Morning business is closed.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

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

The assistant legislative clerk read as follows:

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

The Senate resumed consideration of the joint resolution.

The PRESIDING OFFICER. Under the previous order the Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, we are now, really, beginning debate on the proposed amendment to the Constitution of the United States.

I think before we propose to alter our fundamental charter of freedom, in fact, the blueprint for our representative democracy, I believe that we need to each step back from the political passions of the moment. We are debating a constitutional amendment, not just a political slogan or plank of a campaign platform or partisan win or loss or something that is supposed to fit on a bumper sticker. This is the Constitution. This is the bedrock of 200 years of the greatest democracy history has ever known. This is the standard set for the most powerful Nation on earth, the most powerful democracy ever imagined in history.

And even though we have very, very carefully amended this Constitution over the past 200 years—rarely amending, because we know that our whole democracy is built on it—suddenly the floodgates open. We have in the first 3 weeks of this new Congress 75 proposed amendments to the Constitution—75 proposed amendments. Can you imagine what the Founders of this country would think if they actually thought that in 1 year 75 proposed amendments would be here? Seventy-five.

The Founders of our country assumed that maybe once every several generations there might be some huge matter so necessary to amend the Constitution. Nobody ever assumed 75 proposals would come rushing in.

The House has passed one. It is not the extreme version supported by the House Republican leadership, but they still passed one. The Senate Judiciary Committee sent a companion measure to the full Senate for consideration.

Indeed, we have a backlog of proposed constitutional amendments in the Judiciary Committee. After a single day's hearing, we have two constitutional amendments to limit congressional terms on the committee's next agenda. There was also a hearing on another important topic, line-item veto, on which are pending four more constitutional amendments.

The proposals for constitutional amendments already introduced in this