

Association of Small Business Development Centers.  
 Automotive Service Association.  
 Automotive Recyclers Association.  
 Bowling Proprietors Association of America.  
 Building Service Contractors Association International.  
 Christian Booksellers Association.  
 Cincinnati Sign Supplies/Lamb and Co.  
 Council of Fleet Specialists.  
 Council of Growing Companies.  
 Direct Selling Association.  
 Electronics Representatives Association.  
 Florists' Transworld Delivery Association.  
 Health Industry Representatives Association.  
 Helicopter Association International.  
 Independent Bakers Association.  
 Independent Bankers Association of America.  
 Independent Medical Distributors Association.  
 International Association of Refrigerated Warehouses.  
 International Communications Industries Association.  
 International Formalwear Association.  
 International Television Association.  
 Machinery Dealers National Association.  
 Manufacturers Agents National Association.  
 Manufacturers Representatives of America, Inc.  
 Mechanical Contractors Association of America, Inc.  
 National Association for the Self-Employed.  
 National Association of Catalog Showroom Merchandisers.  
 National Association of Home Builders.  
 National Association of Investment Companies.  
 National Association of Plumbing-Heating-Cooling Contractors.  
 National Association of Private Enterprise.  
 National Association of Realtors.  
 National Association of Retail Druggists.  
 National Association of RV Parks and Campgrounds.  
 National Association of Small Business Investment Companies.  
 National Association of the Remodeling Industry.  
 National Association of Truck Stop Operators.  
 National Association of Women Business Owners.  
 National Chimney Sweep Guild.  
 National Association of Catalog Showroom Merchandisers.  
 National Coffee Service Association.  
 National Electrical Contractors Association.  
 National Electrical Manufacturers Representatives Association.  
 National Food Brokers Association.  
 National Independent Flag Dealers Association.  
 National Knitwear Sportswear Association.  
 National Lumber & Building Material Dealers Association.  
 National Moving and Storage Association.  
 National Ornamental & Miscellaneous Metals Association.  
 National Paperbox Association.  
 National Shoe Retailers Association.  
 National Society of Public Accountants.  
 National Tire Dealers & Retreaders Association.  
 National Tooling and Machining Association.  
 National Tour Association.  
 National Venture Capital Association.  
 National Wood Flooring Association.  
 Opticians Association of America.

Organization for the Protection and Advancement of Small Telephone Companies.  
 Passenger Vessel Association.  
 Petroleum Marketers Association of America.  
 Power Transmission Representatives Association.  
 Printing Industries of America, Inc.  
 Professional Lawn Care Association of America.  
 Promotional Products Association International.  
 Retail Bakers of America.  
 Small Business Council of America, Inc.  
 Small Business Exporters Association.  
 SMC/Pennsylvania Small Business.  
 Society of American Florists.  
 Turfgrass Producers International.

NATIONAL ROOFING  
 CONTRACTORS ASSOCIATION,  
 Washington, DC, February 2, 1995.

Hon. CHRISTOPHER BOND,  
 Chairman, Committee on Small Business, U.S.  
 Senate, Washington, DC.

DEAR CHAIRMAN BOND: NRCA recently testified before the House Small Business Committee in support of strengthening the Regulatory Flexibility Act of 1980 (Reg Flex). Judicial review for Reg Flex is a priority for us, and we are pleased that it's a key component of the new Republican congressional majority's agenda for regulatory relief. We are also pleased to inform you that NRCA strongly supports the Regulatory Flexibility Amendments Act of 1995.

I am certain that I speak for the Regulatory Flexibility Act Coalition, consisting of some 60 organizations representing small business and small government entities, when I state that we stand ready to assist your committee's effort to amend Reg Flex to help control excessive government regulation.

Please call if there's anything I can do.

Best wishes.

Sincerely,

CRAIG S. BRIGHTUP.

IMPORTANCE OF INTELLECTUAL  
 PROPERTY TO AMERICA'S TRADE

Mrs. MURRAY. Mr. President, tomorrow is a critical date in United States trade relations with the People's Republic of China [PRC]. The United States Trade Representative has found that the PRC is seriously deficient in its protection of intellectual property rights. Talks have broken off, and unless the Chinese change their laws and improve their enforcement at this eleventh hour, the United States will impose steep tariffs on a number of products imported from the PRC, starting tomorrow.

I am disappointed that the situation has deteriorated to this point. More than 1 year ago I invited the Chinese Ambassador, United States executives and other Members of the Washington congressional delegation to my office to discuss this issue. I spoke with President Clinton and U.S. Trade Ambassador Michael Kantor as well. I encouraged all sides to get together and work toward a solution to the problem.

As a proponent of free trade, I am hopeful talks will be resumed and the Chinese Government will take serious steps to protect intellectual property rights. Hard-working people in the State of Washington are losing too

much money to international pirates. This must end, and our relationship with this important trading partner must resume as quickly as possible.

It is up to the Clinton administration, and, more importantly, to the Chinese, to show some leadership. If China wants to be a global economic player, they have to play by the global economic rules. And those rules don't allow piracy.

Mr. President, as you know, I come from a State which is, per capita, the largest exporting State in the country. Washington State is home to America's single largest exporting company—the Boeing Co. We send the literal fruits of our labors—our apples and wheat—to every corner of the globe.

And, we are the site of some of America's most forward-looking, cutting-edge industries. We have big companies like the Microsoft Corp and Nintendo of America as well as small concerns all along the I-5 corridor which specialize in a dazzling array of high technology and biotech products.

These companies produce goods rich in intellectual property, the cornerstone of American innovation. Protecting these inventions through intellectual property rights is vital. Enforcing copyrights, patents and trademarks means that when you build a better mousetrap, you can reap the rewards of innovation. That's why we need and have strict laws in this country which protect inventions and punish thievery.

I am pleased that intellectual property has been included as a new discipline in the General Agreement on Tariffs and Trade [GATT]. Accordingly, it is important that all our trading partners uphold and enforce the strongest intellectual property laws possible, especially those countries that wish to join the GATT.

That is why the looming deadline is so disheartening. I sincerely hope China will address this situation, and prove they deserve a place in the global economic community.

WILLIAM J. BAROODY, JR.

Mr. MOYNIHAN. Mr. President, for a quarter century I have been involved with the Woodrow Wilson International Center for Scholars. I was a member of its first board of trustees in 1969, and served as vice chairman from 1971 to 1976. During the center's existence, five remarkable men have served as chairmen of its board: Hubert H. Humphrey, 1969-72; William J. Baroody, Sr., 1972-79; Max M. Kampelman, 1979-82; William J. Baroody, Jr., 1982-94; and now Joseph H. Flom, 1994-.

William J. Baroody, Jr.'s term on the board expired just this week, and I would like to join his colleagues at the Wilson Center in honoring his remarkable tenure. A dinner was given in Bill's honor following the last board meeting in October, when he stepped down from its chairmanship, and I ask unanimous consent that the text of the

evening's richly deserved tribute be printed in the RECORD.

REMARKS AT DINNER HONORING WILLIAM J. BAROODY, JR., OCTOBER 11, 1994

Mr. BLITZER. I want to join Joe Flom in welcoming all of you here this evening to this richly deserved tribute to Bill Baroody, a man who served with enormous devotion skill and wisdom as Chairman of the Board of Trustees of the Woodrow Wilson Center for nearly half of the Center's life.

During the years I have known Bill, and particularly during the six years that I've served under his chairmanship, my respect for him has constantly grown as has my affection. I can say with absolute sincerity that during those years I have never asked Bill for his help without receiving it. Similarly I have never sought his advice without receiving suggestions that contributed substantially and fruitfully to my own ideas and those of my colleagues. In many ways I would say that Bill has been a model of what a chairman should be. He shared with us the knowledge and the wisdom gained in the legislative and executive branches of government, including in the White House, and as the head of a kindred but not quite identical institution, and in all of this he has somehow managed to guide without being intrusive.

His chairmanship of the board, a board composed of distinguished and often strong-minded people appointed by three presidents of two parties, and his leadership of the Center under two directors, have been characterized by an extraordinary combination of effectiveness, tact, evenhandedness and self-effacement. Indeed if it is possible to be modest to a fault that perhaps is Bill's singular fault. With his clear sense of the delicate balance between the legal responsibility of a board and the authority of a director, he served the Center well and made the experience for me at least, and I suspect for my predecessor, of serving under him a genuine pleasure. It is for that accomplishment, and for his stewardship of this institution that his fellow trustees, the Center's staff, his friends, his family and I join in honoring him this evening with deep respect and affection.

TED BARREAU. I have been given the assignment of reading one of the letters that Bill Baroody has received from the former Presidents who have appointed him to various posts. But before that I wanted to tell you all what a pleasure it is for me to be here tonight because I've known Bill for many years. The two of us met almost thirty years ago, and we were both at various points in our lives aides of President Nixon. Now I don't know if Bill's memory fades in and out as occasionally most Nixon aides' memories do, but my experience when I first met Bill was illustrative of what became a very warm and valued friendship.

I met Bill as I said nearly thirty years ago in the spring of 1967, when I was in Washington to have lunch on a Saturday morning with a friend of mine, Congressman Glenn Lipscomb from California. He was a close ally and colleague of Congressman Mel Laird, for whom Bill worked.

I didn't have a chance to work with Bill while he was at the Defense Department or in Congress, but I worked very closely with him when he was the public liaison for President Ford. I had the pleasure not only of working with Bill when he was a White House aide but also when I spent twelve years on the Board of Trustees of the Wilson Center. I served under Bill's father, I served under Max Kampelman, and I served under Bill.

The one thing about Bill that impressed me as well as all of the other trustees and the Fellows is Bill's commitment to public

service. He provided two characteristics that I think really mean public service to me, and he carried them out with firmness and commitment and dedication and with an élan and an ease that made it appear even more beautiful than it ordinarily is. The first of these is satisfaction. He demonstrated clearly the satisfaction one derives from the formulation of public policy. There are dozens of key policy issues where he played a central role and he did it always with grace and intelligence and style.

And the second is sacrifice. I was always impressed by the fact that he never capitalized in a personal way on his public service, which is terribly impressive when you consider that although there is nothing wrong with that, he chose a different road.

President Ford, whose letter I've been asked to read tonight, shares many of my sentiments, and I'll share his letter with you now.

"Dear Bill, I write with congratulations and best wishes on the occasion of your retirement as Chairman of the Woodrow Wilson Center Board of Trustees. It is indeed an enjoyable task to acknowledge your generosity and commitment to that fine institution."

"I also remember with great pleasure your time as a member of our White House team and I am so pleased that you and many of your colleagues have continued a tradition of outstanding public service. Thanks to your dedicated leadership, the Wilson Center is now known throughout the world as a place of both scholarly excellence and practical relevance."

"I am delighted to have this opportunity to express my appreciation of your devotion to the Center and its scholarly ideals."

"I am delighted to have this opportunity to express my appreciation of your devotion to the Center and its scholarly ideals."

"Thank you for your many kindnesses and loyal support."

Warmest, best regards,

GERALD R. FORD."

I would now like to toast Bill Baroody who is not only a friend, a colleague and a boss, all three things you get to be when you're Chairman of the Board of the Center, but he's also a very special human being.

GERTRUDE HIMMELFARB. I cannot I'm afraid compete with Ted who has known Bill for thirty years. I can only claim to have known him for less than twenty years. I was then a Fellow of the Woodrow Wilson Center and Bill Baroody, Sr. was then Chairman of the Board. The Baroodys were my introduction to Washington and I assure you it was a very enjoyable, a very interesting, a very exciting experience.

I then met Bill some ten years later when I was a member of the board and Bill, Jr. was its Chairman. I came to admire Bill as all of us did, and not only for his extraordinary devotion to the Woodrow Wilson Center, his mastery of all the details of the operation of the Center, his assiduous attendance at meetings, board meetings, fellowship and other committee meetings even in periods of ill health and an evident discomfort, but also because of his very good judgment and his wisdom in helping to keep the Center on a steady course at a rather perilous time for institutions such as this, for cultural and academic institutions which were being buffeted about as they still are by all the vagaries of intellectual fads and fashions and by political and social pressures. As I say it was a very heartening experience to serve under a chairman who was able to perform that not inconsiderable feat.

I'd like now to take the occasion to pay tribute not only to Bill but also to Charles Blitzer and to the staff of the Woodrow Wilson Center, all of whom manage to work so

harmoniously together and all of whom manage to resist those fashions and those pressures, who manage to preserve the integrity of the Center and to maintain the very high standards of scholarship and research that the Center is in fact now known for, always has been known for.

Bill, Sr. would be very proud of you Bill, and I think he would like to join us in this toast to you. But first I would like to read a letter from someone who can express his appreciation of Bill more eloquently than I can.

"DEAR BILL, I am delighted to join your friends, family, and colleagues in congratulating you on the occasion of your retirement from the Woodrow Wilson International Center for Scholars."

"I hate to be the one to break the news to you, but I've found that there is no such thing as retirement! I had a fleeting notion way back: to find a shady spot under a tree and a good sturdy hammock. It was a grand plan, but it never materialized. I hope you have better luck with it than I did!"

"Seriously, you have every reason to be proud of your twelve years of honorable commitment to the Center and to nationwide scholarship. You have proudly carried on your family tradition as an able and dignified leader, and it is that noble legacy which will continue to flourish thanks to your constant nurturing and tireless commitment. You have my deepest gratitude and admiration for the wisdom and integrity you have consistently shown in your devotion to the Center."

"I wish you all the happiness and success you deserve as you begin this exciting new chapter in your life. God bless you for your dedication and unwavering faith in this great nation."

Sincerely,

RONALD REAGAN."

I think President Reagan would like to join us in this toast to Bill.

LYNNE CHENEY. I want to bring you greetings, Bill, not only from myself and from the signator of the letter I'm about to read, but from Dick Cheney who is sorry he can't be with us tonight. Dick and I first knew Bill more than twenty years ago back in the Nixon and Ford years, and you were out there on the front line for public liaison putting Gerry Ford in exactly the setting in which he performed most brilliantly, dealing with citizens in forums across the country, answering questions, and Dick as White House Chief of Staff, was exceedingly grateful for your imaginative use of the President's time and for presenting him as the really great leader he was. I'm so glad that I was here tonight to hear Gerry Ford's letter to you.

Dick and I are now at the American Enterprise Institute, another organization in which you had such an important role to play, so our lives have been intertwined for quite a long time. I will remember with gratitude and warmth the opportunity that I had to serve with you as a member of the Woodrow Wilson Center's Board of Trustees. We had some challenging meetings, some interesting issues with which to deal, and I do love now seeing them all begin to come to fruition knowing that this Center will soon be housed in a way that it should be in order to honor the memory of Woodrow Wilson to whom this Center was established.

So many people are grateful to you for your service, Dick and I chief among them; and I'm especially proud tonight to have the honor to read to you a letter from yet another former President, What friends you have, Bill.

"DEAR BILL, word has reached me of your retirement as Chairman of the Woodrow Wilson Center's Board of Trustees, and I am delighted to join your family and colleagues in congratulating you for a job well done.

"Your distinguished tenure as chairman is one marked by significant accomplishment, and you can be proud in the knowledge that your many contributions helped to enhance America's leadership in a turbulent and sometimes dangerous world. As one of several Presidents to benefit from your dedicated career in service to our Nation, I am pleased to have this opportunity to thank you for your loyal support, counsel, and friendship through the years. "You will be missed, but I have a feeling this won't be the last we hear from you. In the meantime, Barbara joins me in sending best wishes for your very happiness.

Sincerely,

GEORGE BUSH."

I would like all of you to join me in a toast to Bill Baroody for whom all of us here, like all of the Presidents who have so far been named, have the greatest respect, admiration and to whom we'd like to extend our thanks.

JAMES BILLINGTON. I would like to speak to you from my heart about Bill Baroody because we honor tonight someone who is part of a unique contribution to the life of this city and to the country.

We have a kind of apostolic succession here. It began with Hubert Humphrey who was the first chairman, then Bill Baroody, Sr. succeeded him, then Max Kampelman (who had been so close to Hubert Humphrey) succeeded Bill, and then Bill, Jr. succeeded Max, and now of course we have a new chairman. I second Bea Himmelfarb's warm words of praise for Charles Blitzer and the staff. It is wonderful to see the sustaining over the years of the real commitment to quality, one of the things that the Baroodys have always been committed to and that Bill has helped this very talented staff sustain so well.

I liked Ted Barreaux' emphasis on public service, because it seems to me Bill has had an extraordinary career which has never been fully documented. There was service in Congress, with Mel Laird. There was service in the Pentagon, and a variety of different functions in the White House.

I would say there are four things that characterize Bill's public service. The first of these is an extremely self-effacing kind of leadership. When the spotlight is on, Bill always runs the other way. He reminds me very much of people like Paul McCracken and Bryce Harlow, names that you don't read very often in the history books, who had this soft spoken, quiet kind of integrity when integrity wasn't always the first currency of the day. Bill is very much a part of that world and part of that type of public servant who never gets enough attention, never gets enough praise.

The second is the commitment to dialogue. At the Ford White House, Bill bridged a gap that was very real in those days between government and the broader private sector and established a very important kind of dialogue. It continued during his days at AEI, and he certainly has sustained the Center's tradition for dialogue, one of its great contributions to this city.

And the third thing closely related to it is quality—the defense of the pure quality of scholarship in a city very closely concerned with advocacy. To maintain the purest standards of high quality in the midst of the political pressures and vortex of this city has been a wonderful achievement, and I must say we owe that to our whole apostolic succession of chairmen.

And the fourth thing that Bill has provided is something that's not always found even

where there's dialogue and where there's quality, and that is genuine depth. One of Bill Baroody, Sr.'s great contributions to the intellectual dialogue of this city was introducing deeper themes such as the role of religion in public life. Bill Baroody, Jr. has continued that role.

This is a man who not only has quietly in a self-effacing way sustained dialogue and sustained quality in this wonderful institution that we celebrate and honor today, but who behind it all has a passion and understanding for the deeper things of life that are somehow inextricably connected to our broader public and individual lives.

I'd like to propose a toast to Bill Baroody and to the past—I am reminded of a wonderful evening Max Kampelman hosted like this for Bill's father here about fifteen years ago. Please join me in a toast to Bill and to the past, present and future of a wonderful family.

MAX KAMPELMAN. There is an old Yiddish superstition that if a mother wishes her newborn child to be a great thinker or a great philosopher she kisses the child on the head. If she wishes her child to be a great pianist or musician she kisses the child on the fingers. If she wishes her child to be a singer she kisses the child on the neck close to the vocal chords. I don't know where our mothers kissed Bill Baroody, Joe Flom and me when we were born, but I do know that all three of us have been blessed with the opportunity to serve as chairpersons of the Woodrow Wilson International Center for Scholars. Speaking for myself it has been one of the most satisfying public experiences of a full and busy life.

My first exposure to the Wilson Center came through my friend Hubert Humphrey who became the first Chairman of the Board. I vividly recall the excitement with which he joined the effort to create a living memorial of scholarship through which to perpetuate the memory of Woodrow Wilson in our nation's capital. I recall the deep sense of honor that he felt in being appointed by President Johnson to serve as this Center's first chairman. My long-time friend William Baroody, Bill's distinguished father, succeeded Hubert as its chairman. Bill, you and I know that your dad was a great man; a giant of a man, and I am convinced that you have filled his shoes with distinction.

Tonight we meet to acknowledge your selfless and devoted service to our Center as its fourth chairman. Your wisdom and integrity have added luster to our Center and strength to our staff. The comments we have heard this evening all add credence to that sentiment. You presided over our Center at a critical period of our nation's transition away from the Cold War with its clear challenges and objectives into a new set of problems and opportunities and you did so with dignity and determination.

In partnership with our most distinguished director Charles Blitzer you have further fashioned and strengthened our Center into one of the most distinguished and respected institutions of learning in the world.

To Joe Flom, our experienced and wise new chairman, I say let us rededicate ourselves to our mandate from Congress to harmonize and strengthen the relationship between the world of learning and the world of public affairs. It is with that aspiration that I appropriately ask all of you tonight to join me in a toast to our friend, Bill Baroody.

JOE FLOM. As the new chairman of the Woodrow Wilson Center for International Scholars I have been given the pleasurable duty by the board to read a resolution which was adopted unanimously today with respect to Bill. I would first like to thank Bill for the help he has given me in the transition. His courtesy, his wisdom and his judgment

are very much appreciated. He has set a standard which I hope I can match in my role. I would now like to read this resolution, which was unanimously passed today by the Board of Trustees:

Whereas, William J. Baroody, Jr., in more than thirteen years of distinguished service to the Woodrow Wilson International Center for Scholars, both as a member of its Board of Trustees and as its Chairman, devoted himself unstintingly, wisely, and supportively to the Center's growth and well-being; and

Whereas, his devotion brought to the Center the bountiful benefits of his extraordinary wisdom, experience, and thoughtfulness, as well as his deep commitment to and participation in the worlds of scholarship and public affairs; and

Whereas, his unfailing dedication to the Center and his sensitive, fair-minded leadership and often subtle guidance have increased the Center's stature and strengths,

Therefore, be it resolved that the members of the Board of Trustees—in their own names, in the names of the Center staff, of all the scholars who have studied at the Center, and of all persons, in the United States and throughout the world, for whom the Wilsonian ideals of scholarship and high public purpose remain beacons of hope and humanity—extend to William J. Baroody, Jr., deep gratitude, lasting affection, and the sincere hope that the Center will remain close to his considerate and warm heart, and that he will continue to sustain the Baroody family tradition by participating in its life and exciting future.

JOSEPH H. FLOM AND CHARLES BLITZER.

Mr. BAROODY. I do thank you most sincerely for the kind words. I guess it's a little like perfume: It's okay to sniff it as long as you don't swallow it. This has really been a treat for me. I'm very, very proud that three presidents and some fifty-two different board members have tolerated my presence on the board of this incredibly magnificent institution for as long as they have.

I listened to the tape of a similar event held in honor of my father on June 9, 1980 just a few weeks before he died. I don't cite that tape or that event in invite comparisons, but as Max Kampelman introduced himself in that wonderfully humble way he has, Max insisted he had not replaced my father. He said he had succeeded, but not replaced my father as chairman, for no one could replace him.

I mention that tape of that event among other very personal reasons because Pat Moynihan, the patron saint of this great Center, reminisced that night about his affiliation with the Center and with my father. Pat said that when he and Charles Blitzer conspired together in 1968 to draft the legislation to create the Center, their vision was to create a center of learning which the 22nd Century would regard as having influenced the 21st.

I used to talk to dad about his vision for the Center, and in his response he would always mention an exchange he had with Pat Moynihan concerning the report dad commissioned at the beginning of his tenure as chairman in 1969 to help the Center determine what kind of an institution it should become. Pat Moynihan was then Ambassador to India, and dad cabled him to ask for his views on the mission of the Wilson Center. Ambassador Moynihan cabled back one sentence: "Think no small thoughts." Well, I dare say that all four chairmen and three directors so far have demonstrated a commitment to building an institution that can fulfill the dream that emerged from the legislative drafting session in 1968, and the mission statement in 1969. From what I've seen of the

Center's fifth chairman, there is no danger of that vision being distorted as we look to the future.

This fall we conclude the first twenty-five years of the Wilson Center's existence. It has been my privilege to serve as the fourth chairman for almost half of the Center's existence. I have had the good fortune personally of observing and delighting in the increasing prominence and impact of the Center throughout the world. The essence of the Woodrow Wilson Center of course is its Fellows who come here from all over the world to pursue their scholarly studies and participate in the life of the Center. More than 1300 Fellows and guest scholars have been in residence since its creation and the fellowship selection process has become increasingly competitive each year, compelling evidence of the Center's expanding international reputation.

Over the past quarter century the Wilson Center has retained its unique status in our nation's capital as a high quality international nonpartisan center. The great public value of a scholarly center like the Wilson Center cannot be overstated. Everyone associated with it should not only take pride in its accomplishments but also in the high reputation and standards it maintains, and to that end I would be remiss if I did not single out the two directors of the Wilson Center who have occupied that position during my tenure.

Jim Billington whose vision and skill were largely responsible for building the Center into a world-class institution and Charles Blitzer who was there at the creation and in its formative years as Dillon Ripley's able agent and in the last several years as we have been consolidating and rethinking our mission in preparation for the second twenty-five years of this great institution. The Wilson Center and the country have been well served by the stewardship of these two extraordinarily able leaders and their very able staffs.

I want to thank each of my fellow board members and friends who spoke tonight. I want to thank all of you for coming and I would like to conclude by raising my glass in a toast to the extraordinary men and women who have served on the staff of the Woodrow Wilson International Center for Scholars throughout its first twenty-five years. Its future is assured if it can maintain that caliber for the future.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. 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 bill.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I really appreciate the remarks of the distin-

guished Senator from Texas. She is a great leader and is undaunted in this balanced budget amendment fight like so many other Republicans and some Democrats willing to stand up and do what is necessary in this battle. I for one appreciate very much her leadership. She has been a leader ever since she has gotten to the U.S. Senate. She is right up there, up front, doing what she believes is correct and proper. I might add she is right. This is the most important vote any of us are going to cast in our whole time in the U.S. Senate. I have cast a lot of very important votes. But this one is in my opinion a save-the-country vote. We have to do everything we can to save this country.

Right now it is going to take the help of a lot of people out there in our country to work with our colleagues to let them know that they want this balanced budget amendment. Because, if you want to protect Social Security, if you want to protect some of these other important social spending programs, then we had better protect the dollar, our economy, and the things that will keep our Government and our Nation strong. Frankly, if we do not adopt this balanced budget amendment, I fear we might attempt a monetization of the debt which would wreck this country, and we really cannot allow that to happen.

Mr. President, I would now like to respond to some of the comments of some of the opponents of the balanced budget amendment.

Some of my colleagues contend that section 6 of House Joint Resolution 1, the section that mandates that Congress enforce the amendment through implementing legislation, is similar to section 5 of the 14th amendment, which permits Congress to enforce that amendment. Because they are similar, the argument goes, and because courts enforce the 14th amendment, courts will also be able to enforce the balanced budget amendment to the extent courts enforce the 14th amendment.

This analogy is misleading. First, courts may only enforce an amendment when legislation or executive actions violate the amendment or when Congress create a cause of action to enforce the amendment. An example of the latter is 42 U.S.C. section 1983, the 1871 Civil Rights Act that implements section 1 of the 14th amendment.

Of course, Congress has not created, and need not create, an analogous cause of action under section 6 of the balanced budget amendment. So there is no direct judicial enforcement in existence similar to section 1983, and I cannot imagine Congress giving that authority.

Second, as to the judicial nullification of legislation or executive action that is inconsistent with a constitutional amendment, the "case or controversy" requirement of article III requires that a litigant demonstrate standing. As I have stated at great length already during this debate, it is very improbable that a litigant can

demonstrate standing—that the litigant could demonstrate a particularized injury, which is what is required for standing—different from the generalized harm facing any citizen or taxpayer. Contrast this with cases under the 14th amendment, where standing was found because a litigant could demonstrate a particular, individualized, and concrete harm. The perfect illustration could be the case of Reynolds versus Sims, a 1962 case, the one man/one vote decision.

Third, in this circumstance, the separation of powers doctrine prevents courts from redressing a litigant's alleged harm. That is, courts will not entertain a suit where they cannot bring supply relief to the litigant. The most important case here is a recent case, Lujan versus Defenders of Wildlife, decided in 1992. The Constitution, under Article I, delegates to Congress taxing, spending, and borrowing powers. These are plenary powers that exclusively and historically have been recognized as belonging only to Congress. The balanced budget amendment does not alter this. Courts, consequently, will be loathe to interfere with Congress' budgetary powers. It is simply an exaggeration to contend that courts will place the budgetary process under receivership or that the courts will cut spending programs.

Fourth, the political question doctrine will deter courts from enforcing the balanced budget amendment. Budgetary matters, such as where to cut programs or how to raise revenues, are prototypically a political matter best left to the political branches of Government to resolve. Courts, under the political question doctrine, will naturally leave these matters to Congress.

Finally, it is ludicrous to assume that Congress would just sit by in the unlikely event that a court would commit some crazy act. Believe me, Congress knows how to defend itself. I would be at the forefront of that defense. Congress knows how to strip the courts of jurisdiction or limit the scope of judicial remedies. We do not like to do it, but in the case of outrageous judicial interference, and ignorance of the law, including prior case law, and of the Constitution, we would do that.

I might say that I do not think that it is necessary. Lower courts follow precedent, and the precepts of standing, separation of powers, and the political question doctrine effectively limit the ability of courts to interfere in the budgetary process.

Let me just give some examples of judicially unenforceable political questions. The guaranty clause of the Constitution, at issue in Luther versus Borden, back in 1849, was found to be outside the range of certain separated powers.

Treaty termination by the President, decided by Goldwater versus Carter. The conduct of foreign policy by the President is almost always found to be a political question.