

effective once Congress has passed it and, in this case, three-fourths of the State legislatures having ratified it. Instead, we put a whole new condition on the amendment that we have before us, the amendment to be ratified: The passage of a 7-year budget reconciliation act.

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

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

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

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

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

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

I yield the floor and the remainder of my time.

Mr. BRYAN addressed the Chair.

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

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

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

ILLEGAL IMMIGRANTS OCCUPYING PUBLIC HOUSING

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

Since 1980, the law has been clear that those who are illegal immigrants are not entitled to occupy public housing. So I was somewhat astonished in visiting with a housing authority director in my own State and to have him tell me that in the city of Reno, he would estimate that approximately 10 percent, maybe a little more, maybe a little less of those who occupy public housing are, in fact, illegal immigrants. At the same time, in the city of Reno—and I think this is replicated throughout the country—there are some 500 families waiting to occupy public housing.

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

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

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

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

I yield the floor.

RECESS UNTIL 2:15 P.M.

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

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

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

(Mr. THOMPSON assumed the chair.)

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

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

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

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

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

It was Thomas Jefferson who noted long ago:

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

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

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

That is exactly what has happened here in the United States. We now face a national debt of \$4.8 trillion. Applied across the board per capita that is

\$18,000 for each individual child born in America.

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

As I said earlier, the public generally shares that skepticism. With the House of Representatives now having passed the balanced budget amendment—and I hope the Senate will soon follow—we can begin to recover the trust of the American people. Despite the pleas of constituencies that walk in each of our offices and say, "Yes, it is a problem, but not my program," I believe the American people instinctively know that we have got to get our hands on this monster that has just grown beyond anybody's ability to control.

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

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

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

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

So it does come down to a test of will. It does come down to political courage. But this Congress and previous Congresses have demonstrated, to date, that we do not have the political courage or the will because it is simply too easy to take the expedient route, to say "yes" to the constituent groups that might help ensure our reelection, rather than say, "I am sorry. We simply do not have the funds." We

can say what legislators of 48 States have to say to their constituents. That is, "Yes, I recognize your concerns. I understand the need. But you must understand we have to decide how we will spend our scarce revenue dollars on the basis of priorities. That's what we are elected to do."

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

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

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

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

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

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

So now comes the moment of truth. Now comes the opportunity for Members to enshrine in the Constitution of the United States—perhaps the one promise none of us dares violate—a mandate to which we will pledge fealty upon our swearing in, a mandate that says, "Thou shalt not spend more than

you bring in." Such an oath will make honest politicians out of all, honest legislators out of all. Having placed our left hand on the Bible and raised our right hand, swearing to uphold the Constitution of the United States, including the injunction that "We will not spend more than we take in," we will have to face the music at every legislative session. We will have to look our constituents in the eye and say, "We are sworn to uphold this Constitution, and this Constitution forbids us from going into debt. So your program, your proposal, the additional spending that you seek may be worthy, but it has to be placed among the categories and lists of priorities that we will have to decide each time we meet."

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

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

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

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

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

So we are almost asking to approve the balanced budget amendment as a way of saving ourselves, saving ourselves from the continued moral failure of being responsible to the very people that we are privileged to represent. Let

us leave a legacy of which we can be proud, a legacy that will ensure for future generations the rights and privileges that we have been so fortunate to enjoy.

The balanced budget amendment is also a chance to restore some needed trust, to prove that the Congress can stand for something other than defense of its own power and its own privilege.

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

Mr. President, I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

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

Does the Senator wish me to yield?

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

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

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

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

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

The Senator from Montana.

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

I ask unanimous consent to speak as in morning business.

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

BUTTE, MT

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

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

Butte, MT, is 1 of 13 communities across the Nation under consideration for a new microchip manufacturing plant to be constructed by Micron Technologies.

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

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

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

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

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

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

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

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

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

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

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

Yet, there were a lot of other people, most of whom, by the way, do not live in Butte, who counted Butte out. They thought Butte was destined to become

nothing more than a very large ghost town on the western landscape.

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

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

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

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

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

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

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

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

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

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

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

I yield the floor.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The Senate continued with the consideration of the joint resolution.

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