

dependence on oil imports poses a threat to national security.

This is not a new report; we have heard this before. What is new is the lack of action that has been taken by this administration. In response to this report, President Clinton has decided not to respond; he has chosen to continue on with the same energy policies that have put us at risk.

Last year, our country imported more oil than it ever has before. Domestic production has fallen and American oil and gas workers are losing jobs. The administration should not ignore this plight.

The Commerce Department study has little to say about stripper wells. That troubles me. Nationwide, there are more than 478,000 stripper wells. These stripper wells produce more than 1.4 million barrels a day. When foreign oil floods this country, the price of oil falls below the cost of operating most stripper wells. That's what has happened in the last quarter of 1993 and the first quarter of 1994.

The Commerce Department concedes this saying, "The impact of low prices has been especially severe on small producers operating stripper wells" yet fails to provide a solution. Stripper wells serve an important role in this country and without them our dependency on foreign oil only increases.

This administration has ignored the plight of the industry for some time now. Various proposals have been discussed with the President, but no action was taken. The failure to recognize the implications to national security as well as to the economy is unacceptable.

There is a need to identify opportunities for assistance to the domestic oil and gas industry. For this reason, I have cosponsored legislation with Senator NICKLES and Senator INHOFE which will address the needs of this industry. The bill proposes support for production and addresses numerous issues that pose unnecessary burdens to the industry.

I believe this legislation is necessary to begin the discussion on the status of the domestic oil and gas industry and in light of the recent lack of action by the administration, a review of our Nation's energy policies and approaches.

#### NATIONAL ENGINEERS WEEK

Mr. PRESSLER. Mr. President, this week our Nation celebrates National Engineers Week. This week is sponsored by a coalition of 64 engineering societies, corporations, and government agencies. This year the event is being chaired by the American Institute of Chemical Engineers [AIChE] and Fluor Corp. As chairman of the Senate Commerce, Science, and Transportation Committee, I would like to take a moment to recognize the contributions the 1.8 million engineers in our country make to improve the quality of our lives.

Mr. President, try to imagine what our lives would be like without the en-

gineering achievements of the 20th century. Imagine a world with no television, no airplanes, no computers, no cordless telephones, no miracle drugs, no interstate highway system, no central heating and air conditioning, or no communication satellites.

Each of these items began only as an idea. Each needed engineers to transform the idea into reality. Engineers are the men and women who plan, design, and direct the manufacturing or construction of nearly every human-made element of the world. The very word "engineer" comes from the Latin word "ingeniare", which means "to devise." For centuries, engineers have devised things to solve problems.

From clothes to communications, medicines to microwave ovens, television to transportation, potato chips to microchips, the work of engineers touches every aspect of our lives. Engineers turn ideas into reality through technology. In the process, engineers make our lives easier, healthier, more efficient, and more fun.

Mr. President, I am sure several of my colleagues already are aware of the significant role engineers play in our society. That is because they are engineers themselves. The Senator from Virginia, Senator WARNER, and the senator from Ohio, Senator GLENN, were both trained as engineers. They each made significant contributions to the national security and leadership of our Nation before serving their country in this body. Both bring technical expertise and a much needed perspective to our public policy debates.

During National Engineers Week, we should not only look back at the achievement of engineers, but also look forward. If we are to maintain the standard of living and leadership role in the world we currently enjoy, we must assure a strong emphasis on mathematics and science in education. The quality of our future lies in our ability to attract the best and the brightest young minds to study and pursue careers in engineering.

Mr. President, I commend the engineers of the Nation, past and present, for their contributions to the well-being of our Nation. I join them in celebrating National Engineers Week.

#### THE U.N. CONVENTION ON THE RIGHTS OF THE CHILD

Mr. DOLE. Mr. President, on February 16, Ambassador Madeleine Albright signed the U.N. Convention on the Rights of the Child. The United States joined 175 other countries that have signed and/or ratified the Convention. The next step would be for the administration to send the Convention—and a statement of any reservations and understandings—to the Senate for our advice and consent.

Mr. President, in the past several days, I have received thousands of calls from all over the country in opposition to this Convention. My office has not received one call for it. These contacts

have raised many serious problems that need to be examined. They have raised questions about Articles 13, 14, and 15, which grant children the freedom of speech, thought, conscience, religion, association, and assembly. Could these articles be interpreted to limit the ability of parents to decide for themselves how best to raise their children? Should U.S. citizens be subject to some sort of international committee that enforces compliance with Article 28(2) which states: "State Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention"?

Under Article VI of the Constitution, Senate ratification of this treaty would make it the supreme law of the land. Would the Convention then supersede Federal and State laws? What would the effect of the Convention be on the tenth amendment? Is the Convention merely a symbolic exercise, or will it actually require the United States to take actions? These are sincere questions from sincere people. They deserve answers.

Mr. President, I realize the original intent of the Convention was to protect children from such abuses as forced labor and to improve the situation for those children in many parts of the world. No doubt about it, many children around the world face unbearable and unacceptable conditions every day. And for these children, a properly crafted document could provide some much needed relief.

However, I also believe we in the United States have made significant progress in protecting the rights of the child through Federal, State, and local laws. These laws are better equipped to deal with the varying challenges posed by the issue of child rights. If there is one thing this election taught us, it is the need to get excessive government out of people's lives. This applies to the Federal government, and it certainly applies to the multilateral, quasi-government that is the U.N.

I don't know the administration's timetable for sending the Convention to the Senate for advice and consent. When submitted, it will be referred to the Senate Committee on Foreign Relations—where I am certain it will receive the careful review it deserves. However, until all the questions that thousands of Americans have about the Convention are satisfactorily answered, I will not support ratification of this Convention.

#### NATIONAL ENGINEERS WEEK

Mr. SIMON. Mr. President, February 19-25, 1995 marks National Engineers Week, a time when America honors the 1.8 million men and women who make up our Nation's second largest profession.

I commend our Nation's engineers for their contributions to technology in the private and public sectors. The technological breakthroughs achieved by engineers have enabled people around the world to live healthier, more efficient, and more fulfilling lives. In my home State of Illinois, engineers have provided people with valuable scientific innovations in areas such as communications, medicine, and agriculture.

I would also like to recognize the work of three junior high students from Central School in Glencoe, IL: Stephanie Richart, Alexandra Wong, and Denise Arbruster. These three students were the Chicago-area winners of the National Engineers Week Future City Competition. This competition asked students to envision a 21st century city, and then express their ideas through computer printouts, scale models, and oral presentations. Many local engineers graciously volunteered their time to advise students on their projects. I salute everyone who participated, and I wish the Central School team well in the national competition here in Washington.

#### 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 bill clerk read as follows:

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

The Senate resumed consideration of the joint resolution.

Pending:

(1) Feinstein amendment No. 274, in the nature of a substitute.

(2) Feingold amendment No. 291, to provide that receipts and outlays of the Tennessee Valley Authority shall not be counted as receipts or outlays for purposes of this article.

(3) Graham amendment No. 259, to strike the limitation on debt held by the public.

(4) Graham amendment No. 298, to clarify the application of the public debt limit with respect to redemptions from the Social Security Trust Funds.

(5) Kennedy amendment No. 267, to provide that the balanced budget constitutional amendment does not authorize the President to impound lawfully appropriated funds or impose taxes, duties, or fees.

(6) Bumpers modified motion to refer H.J. Res. 1 to the Committee on the Budget with instructions.

(7) Nunn amendment No. 299, to permit waiver of the amendment during an economic emergency.

(8) Nunn amendment No. 300, to limit judicial review.

Mr. BUMPERS. Mr. President, I would like to ask the Senator from Oklahoma a question. He mentioned

food stamps. The Senator will recall that last year on the Agriculture appropriations bill, we debated the issue of allowing the States to experiment with giving food stamp-eligible recipients cash instead of food stamps. I have taken strong exception to that, and I do not mean to demean people who are on food stamps. But let us assume that a parent with three children is getting a couple hundred dollars a month in cash like an SSI check, or Social Security check, or anything else, and assume they get that check on the first day of the month and the television repairman, or the television cable company man shows up and says, "I am here to disconnect the cable; you are behind 2 months and our rule is we have to disconnect. You owe us \$50." I have this deep seated suspicion that the cable television guy is going to get the \$50 and the children are going to get what is left.

While that passed last year, I am going to do everything I can this year to undo that. It is still a pilot program. Some of the Governors like it because, as you know, if you go to the grocery store and spend a voucher, you have to pay sales tax on it. If you go to the grocery store and use a food stamp, you do not pay sales tax. So this is worth millions of dollars to States, which are always looking for new revenues—painless revenues, especially.

My state has a 5-percent sales tax which also applies to groceries. There are not too many States which still tax food, but mine does. That means that Arkansans who are getting food stamps will see a 5-percent reduction in the amount of food they can provide for their children, even if they are careful about spending that money only for food.

I was wondering if the Senator had any thoughts about that.

Mr. NICKLES. One, I want to say that maybe I should have given the numbers for the projected cost of food stamps. Food stamps grew at zero percent in 1994 and will grow at 4 percent for the next couple of years. Maybe some of the reforms the Senator is talking about have been successful. I share his concern, though.

I think if you want to covert a commodity program to cash it is going to be open for abuse. There was an excellent program on one of the television networks recently about people selling their food stamps for cash so they can use it for various other things, including alcohol and drugs. So I think we need to reform the program. I mentioned that the earned income tax credit has really been abused. People are going into poor areas and trying to get citizens to file a fraudulent return. They will get a persons social security number and say, "I can use this to get a \$1,500 or \$2,000 earned income tax credit, I will give you \$500 now and let me take your credit." That is one of the reasons why the IRS is trying to crack down.

I think maybe some pilot programs are in order, because there is bound to be a better way.

But I am concerned, when we start turning it into cash, that you may be increasing the incentives for abuse instead of decreasing the incentives.

Mr. BUMPERS. I appreciate the Senator's comment.

As the Senator knows, we are experimenting with a credit card type food stamp program—I am hoping that will be successful—where a grocery store just takes your credit card and they can tell you exactly how much you have left for the month. It can also kick out any ineligible commodities or groceries you have picked up so that you are not paying for something like cigarettes or toiletries, for examples.

The other thing the Senator makes a very good point on is the earned income tax credit. I happen to be a strong proponent of the earned income tax credit. I think it is a very good tool to keep people working, because you have to be working and you have to be a parent before you qualify for it.

But the IRS was in my office just recently telling me that I could expect quite a few calls from constituents about the delay in getting their tax refunds. And, of course, the papers are now full of that.

But one of the reasons it is late is because they are trying to audit two or three things. One is to make sure people report all the income that they received on 1099 forms. If the Senator, for example, gets a gas royalty at the end of the year, the gas company would send you a 1099 saying we paid you \$1,800 this year. So they want to check those against what you reported. That is very legitimate.

But the other thing, which is more time-consuming but in my opinion probably is more rife with fraud, and that is the earned income tax credit. I did not realize until recently that some people really are ripping the system off.

Mr. NICKLES. If the Senator will yield for one other comment. Congress has now expanded the EITC to people without kids. Eligibility has increased dramatically to where 40-some percent will be eligible in the District of Columbia. I believe the State of Mississippi had 50 percent of the persons eligible for earned income tax credits. A lot of people did not know they were eligible, so they are getting help from income tax filers. And it is rampant with abuse.

I think we are going to have to make some changes in eligibility to tighten up the program, because, a few years ago it cost \$5 billion and they project in a couple of years it is going to cost \$25 billion. So that is the fastest growing entitlement type program that we have. I think we are going to have to curtail it. I think we are going to have to curtail a lot of them. I look forward to working with my friend from Arkansas.

## MOTION TO REFER, AS MODIFIED

Mr. BUMPERS. I thank the Senator from Oklahoma.

Mr. President, I appreciate the indulgence of the Chair in allowing us to talk about something other than the pending motion, to which I will now return.

Let me, for the benefit of my colleagues, once again describe my proposed amendment. As I said last evening, I consider it to be an absolutely ingenious idea. When I first began to think about it, I wasn't sure that a legislative fix could cure the problems associated with the balanced budget amendment.

Everybody knows that I have consistently been a leader in the Senate on constitutional amendments. When it comes to people who willy-nilly throw these constitutional amendments around, I belong to the wait-just-a-minute club. I revere that document as I revere no other document, other than the Holy Bible. And the Constitution is our legal bible. It is the legal guide that provides people in this country with individual liberties, provides for the general health and welfare of the people of this country and for the common defense. We should not put "willy-nilly" economic policy or social policy—particularly social policy that is incapable of being enforced—into this magnificent document known as the U.S. Constitution.

People in this country literally put their hands over their hearts when they hear the Constitution mentioned, almost as though the flag is going by. And yet the people of this Nation have been led to believe that if we would just put a few words in the Constitution, this nagging budget deficit somehow will be made to disappear. It is deceptive in the extreme.

Everybody here who has read the constitutional amendment knows that this amendment does nothing to balance the budget; does very little more than we are doing right now. But there is this reverence for the Constitution and the people, subconsciously or consciously, think if we put language in the Constitution we are going to get a balanced budget out of it.

But during this entire debate, not one person has told you how. We invited those who believe in the Contract With America that the Republican House Members all strongly favor to tell us.

"How are you going to balance the budget?"

"I don't know."

"Who has standing to sue under this amendment?"

"I don't know."

"When will a lawsuit ripen?"

"I don't know."

"Would I, as a Senator, have standing to sue the Congress if they did not balance the budget?"

"I don't know."

"Could the courts raise taxes in a lawsuit? Could the Supreme Court entertain a lawsuit saying, yes, indeed,

Congress is out of compliance with this amendment. It is not in balance. Therefore, we are going to give the Congress 60 days to balance the budget unless 60 percent of the Members of each House vote otherwise." Sixty percent is not a majority. It literally defies democracy. But if the Court says, "60 percent of you have to vote to unbalance the budget or we are going to take over the legislative affairs of Congress and raise taxes and cut spending ourselves."

What if 60 days have gone by and Congress has done nothing. And the Court says, "OK, we gave you 60 days. You are still sitting on your duff. Therefore, we are going to raise all income taxes by 3 percent and we are going to cut spending across the board, including defense, by 3 percent. And, according to our calculations, that will balance the budget."

As Lincoln told Chief Justice Taney when Lincoln suspended the right of habeas corpus in the State of Maryland, "He's made his ruling. Let him enforce it."

So under this scenario, assume the Congress says to the Supreme Court, "We have three branches of Government. You are only one. We are not going to waive the balanced budget requirement with 60 votes because we can't. We have 41 obstreperous people over there who will not let us unbalance it. In addition, we are not going to raise taxes and we are not going to cut spending."

And so the Supreme Court Chief Justice calls the President and says, "Mr. President, you are charged with the responsibility of enforcing the laws of this country. Now do it."

And the President says, "Look, how am I going to enforce the laws of the country? If they refuse to act under the Constitution, I can't make Congress do anything. I am on bended knee to the Congress all the time anyway trying to get them to pass my bills."

The Court is asking me to alienate 100 Senators by removing them from office or taking some other action against them." I do not know what the President would do. What you then have is an unsolvable constitutional crisis that would threaten this Nation as nothing since the Civil War has threatened the country.

Sometimes people say to me, "You do not care what your constituents think; this is very popular." I care deeply about what my constituents think. But do you know what I want my constituents to think more than anything else? I want them to think they have a Senator up here who is thinking, who understands the Constitution, has studied it all of his life, who reads the Federalist Papers and knows what the Framers of the Constitution have said on every issue, and who has some idea about what will work in the Constitution and what trivializes the Constitution.

A Senator told me 2 days ago, "I'm going to support the constitutional

amendment because I want the courts involved." If anyone wants the courts involved they should go down to Kansas City and talk to the people down there, where a judge did not literally raise taxes, but he said, "Here is what you are going to do to achieve integration." And in order to do that, the Kansas City school district had no choice but to raise taxes. That decision was affirmed by the eighth circuit and affirmed by the U.S. Supreme Court, and is getting ready to be reargued next week.

Nobody here should suffer under the delusion that the Supreme Court will, as it does in certain cases involving Congress say, "That is a political matter and this Court does not resolve political matters; you people get back over there and do your duty." It is just as likely that the Court wouldn't say that, as it would.

Is it not interesting, the contradictions we have seen in this Chamber since we started debating the constitutional amendment? The distinguished Senator from Louisiana, BENNETT JOHNSTON, offered an amendment which would prohibit the courts from enforcing the balanced budget amendment. When that was defeated he considered offering another amendment saying the courts must enforce the constitutional amendment. And I promise, Mr. President, that, too, would have been defeated.

The Senator who said he wanted the courts involved in enforcing the amendment probably should not say that back home. The people in my State have a very healthy apprehension about people who are not elected to office, such as judges, determining their lives. How many times have you heard, "I want the Supreme Court to enforce the law, not to make laws."

So what we have is this contradiction here. On the one hand, we have some Senators saying, "I want the courts to enforce this because we won't," and you have a whole chorus of Republicans and Democrats who say, "I don't want the courts involved in this at all."

I have never heard, in my 20 years in the U.S. Senate, as many questions answered with "I don't know." Cumulatively, I have heard more "I don't know" since this debate started than in the other 20 years combined. Do you know what Norm Ornstein calls these constitutional amendments? The fix of last resort. What he should have said is the fig leaf of last resort, something to hide behind.

Senators say privately, "Well, we can't do it politically because we will lose all these interest groups. It would be disastrous if we did what we have to do. So let's put it in the Constitution, and we can hide behind that." You can put it in the Constitution, but you cannot hide.

I understand that there is probably only one Republican who will vote against the balanced budget amendment. While my Republican colleagues

in the Senate did not sign the Contract With America, they are pushing House Joint Resolution 1, which passed the House and was included in the contract. If I had signed the contract, I would be praying that the Democrats could muster enough votes to kill this, because it is totally, wholly impossible to enforce.

One look at the contract would demonstrate that the Republicans in the House are not serious about balancing the budget. The Contract With America and Speaker GINGRICH have proposed substantial increases in defense spending and tax cuts for the middle class, defined as people who make as much as \$200,000 a year. That is hardly middle class. I do not consider myself middle class. And I do not make that much money. But if I did, I certainly would not consider myself middle class. In addition, the Republicans want to cut the capital gains tax, which mostly benefits the wealthiest 5 percent of the people in the country. When we add it all up the contract would cost an additional \$471 billion over the next 7 years and more than \$700 billion over 10 years.

If we were to start right now trying to balance the budget between now and the year 2002—do not increase defense, do not cut taxes, just leave the trend line as it is—if we set out right now in the next 7 years to balance the budget, we would have to raise taxes, cut spending, or a combination of the two, to the tune of a little more than \$1 trillion. If we were to exclude Social Security it would be approximately \$1.6 trillion.

Do you know what that means? That means that we would have to cut almost \$250 billion a year for the next 7 years.

Senator, you will not get a check for your salary, because it will be abolished. The FBI will be abolished; the Justice Department will be abolished; judges will be abolished; student loans will be abolished; highways will be abolished; the FAA will be abolished; housing will be abolished. It is unfathomable to me that people can look at you with a straight face and say we will balance the budget by the year 2002, not by cutting \$1 trillion between now and then, but after we add a half trillion dollars in tax cuts and increased defense spending.

Do you want to know something else? I went home and told my constituents that I would like to cut taxes, but I am not going to vote for a middle-class tax cut. I am not going to vote for the President's middle-class tax cut, and I am not going to vote for the Contract With America's middle-class tax cut. Because I can go home and talk sense to the people in my State, and I have never hesitated to do it.

Not to make too fine a self-serving point, but this is the fourth time I have voted against the constitutional amendment to balance the budget, and I do not think I have gotten less than 60 percent of the vote any time I have

run since then. Do you know why? When I say I have a lot of faith in the American people, I mean it.

I told people all over Arkansas that I do not favor term limits. I do not favor the balanced budget amendment, and I do not favor a middle-class tax cut that can only do one thing, and that is exacerbate the very problem we pretend to be dealing with here. If we can find \$100 billion in cuts in this budget, for God's sake, we should put it on the deficit. People do not expect miracles.

But under my proposed alternative amendment, people say, "Well, the deficit problem is not subject to a legislative fix." They are wrong. It is subject to a legislative fix. Do you know the beauty of this amendment? Look at those charts. The constitutional amendment calls for a balanced budget by the year 2002, but leaves this body the discretion of not doing anything until the year 2002. My amendment says it requires a balanced budget by the year 2002. And when do we start—now. Not 2002—now.

I do not like the supermajorities. I do not even like filibusters. I have participated in a few, but I really do not like them. And I do not like the requirement of 60 votes for this and 60 votes for that.

If my amendment is adopted and then subsequently the Budget Committee comes back to this floor in April or May with a resolution on the budget that does not reduce the deficit in 1996 from what it is in 1995, I will raise a point of order, and it is going to require 60 votes in this body to overcome that point of order. Now, if that is not a fair deal, I never heard of one. My proposal is enforceable; the constitutional amendment is not.

The 60-vote requirement, which is included in both the constitutional amendment and my proposal, is not without problems. Franklin Roosevelt was detested by a lot of fairly wealthy people when he first became President because he started spending money that the Government had to borrow. But do you know what he was borrowing it for? To keep this country out of the hands of communism, which was a threat. Why? Because people were hungry.

I am just barely old enough to remember, but I am a depression child. My mother had saved a \$1,000—hen and egg and cream money—and lost every dime of it because the Bank of Charleston went broke, and by the time the receivers got through with it, she did not get one nickel. My mother never got over that.

We lived in a house which did not have natural gas. We burned coal to stay warm. My father was making \$75 a month when almost everybody else in town was making \$21 a month, plus getting a little cheese and beans at the courthouse on Saturday afternoon. By today's standards, people cannot understand that kind of unspeakable poverty—food lines, food lines all over the country—25 to 30 percent of the people in this country out of work.

So what did Roosevelt do? He started building public buildings. The gymnasium in which I played high school basketball was built by the WPA to create jobs. He built roads. We had nothing but dirt roads, except the main highway that went through town 18 feet wide. Everything else was dirt and mud.

We lived a block north of Main Street, and when it rained, you could not get home without getting stuck in the mud. In the summer, every time a car went down the street, the dust was insufferable. It choked us to death. The Federal Government loaned us and gave us enough money to pave our streets, to give us healthy water where people had died all summer long of typhoid fever before.

We eventually got indoor plumbing. My brother and I started taking five baths a day when we had indoor bathrooms. We just did not know people lived like that.

We built roads, we built public buildings, we got rural electrification. It saved my father's business. He could sell radios and electric ranges and refrigerators to country people because the Government was spending money; yes, going into debt to try to give people a fighting chance to work their way out of that Depression. There were a few New York bankers who thought it was terrible, but I can tell you, there was not one soul in Charleston, AR, who thought it was terrible. That is the reason Roosevelt carried 46 States in 1936.

We are not likely to have a depression of that magnitude in this country again, but let me ask my colleagues, what do you intend to do if we have a 10- to 20-percent unemployment rate?

Let us assume further that the deficit is beginning to climb because people are out of work, they are not paying taxes and we are having to pay unemployment insurance and more welfare payments. Our costs are going up and our revenues are going down.

But let us assume we have 41 New York banker types in the U.S. Senate who say, "I promised my people I will never vote to unbalance that budget." That will be an issue. If we pass this constitutional amendment, I promise you everybody in this country will be running on the proposition, "You'll never catch me being a part of those 60 votes to unbalance the budget."

So you have 41 people here who are insensitive enough not to care what happens. What do you do then? You have a country on your hands that is a basket case, that has turned its back on everything we really believe and that has made this country great. It is a dicey thing we are voting on.

Let me say to my colleagues—some on this side—those of you who say, "Well, the Republicans will just beat us up in 1996. If I vote against this thing and I am up for reelection next year, I can just see it now. There will

be millions of dollars spent to defeat me," and if we only get 34 votes, then all 34 of them will be accused of being the deciding vote.

I am with Harry Truman, if you cannot take the heat, get out of the kitchen. Do not mess with the Constitution because you are up for reelection in 1996. The people did not send you here to play games. They sent you here to preserve and protect and defend the Constitution. When you walked down to the well of the Senate on January 3 and held up your hand, you said: "I hereby swear that I will defend and uphold and protect and preserve the Constitution of the United States." You did not say, "I am going to vote for every trivial cockamamie idea anybody can come up with because it is popular."

You think of it, Mr. President, since 1789 when this country adopted the Constitution, Members of Congress have tried over 11,000 times to change the Constitution. You think of it: 11,000.

Take the Bill of Rights out, which is the first 10 amendments. They were adopted the same time the Constitution was. Remove those, and in 205 years, do you know how many times we have tinkered with the Constitution? Eighteen times. That speaks well for both Congress and the people.

Prohibition was the one time that we slipped up. I was from a devout Methodist family and my mother considered liquor as big a demon as we ever had. As far as I know, neither my mother nor my father ever had a drink in their lives. They hated it.

In 1919, I guess it was, the Congress submitted a resolution to the people and said, "Let's make the 18th amendment a prohibition against drinking." I am sure my mother and father supported that. Is it not ironic that they were killed by a drunken driver? But that is not the point.

The point is, we were trying to put a kind of social and religious policy about drinking in the Constitution, and people were going to drink. You can put a constitutional amendment outlawing marijuana and cocaine, and people will still use marijuana and cocaine. And so it was with prohibition. So by the time Al Capone had turned this country into an absolute bloody, bullet-ridden country, we decided we made a mistake and we repealed it. If you don't consider the two amendments dealing with prohibition, actually the people have tinkered with the Constitution 16 times, though we have had 11,000 opportunities.

Mr. President, I have a tendency to get a little too personal sometimes during these debates, but I want to be as dramatic as I can be in sounding the alarm about what we are about to do.

In 1993, the President of the United States said, "I committed myself to the people of this country to reduce the deficit," and so he, along with the leaders of the Congress, came up with a dramatic proposal to cut \$500 billion off the deficit over the next 5 years. We

adopted that proposal. We said we are going to cut a dollar of spending for every dollar in taxes we increase. And so what did we do? We raised the income tax rate on the wealthiest 1.2 percent of the people and raised the gasoline tax by less than 5 cents per gallon and cut spending by approximately \$250 billion.

I consider myself a friend of virtually everybody in this body, including the people who sit on the other side of the aisle, but we stood on this floor for days on end pleading with the people on that side of the aisle to help us get the deficit under control. We had to bring the Vice President over here to break the tie, and we passed it 51 to 50. And so the deficit in 1993 was about \$40 billion less than it was projected to be. The deficit in 1994 was \$100 billion less than it had been projected to be. This year, the deficit will be down again, and it ought to come down more.

The people do not expect miracles, as I said, but if we reduce the deficit by \$10 billion from now until the year 2002, I promise you Wall Street, the bond brokers, and the people in Charleston, AR, will be rhapsodic.

But, in 1993 we had to reduce the deficit with nothing but Democratic votes. Not one single Republican voted for it. They said, "Why, you are raising taxes." We did, on the wealthiest 1.2 percent of the people, and we cut a lot of spending that I did not want to vote for. And so what happened then? We lost a lot of Members on November 8, 1994, who had voted for it, and whose opponents said, "He is a tax and spender. He is a liberal tax and spender."

But we passed the deficit reduction bill and the deficit is down dramatically because we did it. And what happened after that? They said, "Well, that's not good enough. Let's put some words in the Constitution."

I say stiffen your spines, colleagues. Let us deal with it. Under my amendment, if the Budget Committee comes out here with a resolution that does not cut the deficit, I will make a point of order and it will take 60 votes for them to pull that off. If they cannot recruit 60 votes, they have to go back to the drawing board and get the deficit down below what it was the preceding year.

I have never seen anything that makes better common sense, more imminent common sense than this proposal. Not to coin a phrase but to emulate our friend from Texas, it is just that simple.

So, colleagues, I plead with you. This could very well be the most important vote ever cast. I have cast some really important votes in the Senate. In the past, we have always had enough votes to defeat this thing. It is going to be close. It may pass. And when the year 2002 comes and the deficit is soaring out of sight, which it certainly is going to do if this Contract With America is passed, I do not know if we will get the blame for it, but I am sure somehow or other we will.

I am willing to accept the blame if my amendment is adopted. But when it comes to the Constitution, I ask my colleagues to remember what they said when they held up their right hand with their left hand on the Bible. They took a solemn oath to defend this sacred document, and not trivialize it with something that is only going to do what Alexander Hamilton said will be the most degrading, deteriorating thing to democracy he could imagine, and that is to raise people's expectations beyond any hope of fulfillment, and make them that much more in the dark about what needs to be done.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The gallery is advised that there will be no showing of approval or disapproval of actions taken in the Chamber.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, let us just be honest about it. We can talk about statutorily saying we are going to balance the budget, as we have the last dozen times here on the floor of the Senate and House. The fact is every one of those statutes that passed that people were so enthusiastic about and said we are going to balance the budget has been ignored by subsequently passed legislation.

Now, look. There has not been one balanced budget in the last 26 years. In fact, there has only been one in the last 36 years. So all of the ranting and raving that we do around here as Members of the Senate and beating our breasts about how we should do it now and balance the budget, that is all just so much guff, and we all know it. There have only been seven balanced budgets in the last 60 years—seven.

I remember when my colleague—I just ran into him the other day; I was coming back to Washington and ran into my good friend, Harry Byrd, who brought up the Byrd amendment back in, I believe it was, 1978 or 1979, that required us to balance the budget by 1980—required us. We all voted for it. It passed overwhelmingly. Boy, we were going to do something about it. It was almost overturned overnight by a simple majority vote.

We all beat ourselves on the breasts saying we are going to balance the budget, we are going to do something about this horrendous spending of the U.S. Congress, and then we turned right around and continued this process of the last 26 years where we failed to balance the budget, only we have gone even worse and now we have the President's budget where the President

has punted the football. I do not think even the President realized what his budgetary people were doing. But that budget does absolutely nothing, nothing about deficits for the next 12 years. That budget assumes we are going to have \$190-billion-plus deficits for each of the next 12 years. Under his budget, we will reach \$6 trillion in debt in the next 5 years: Business as usual.

I know Senators are very sincere when they come on this floor and say, "We should do it now. We have the power to balance the budget now." How many times have I heard that over the 19 years that I have been here? And we have not balanced the budget once in those 19 years, because any simple statute that follows, by majority vote—we could have 26 vote for it and 25 against it—could overrule the balanced budget requisites that others are talking about.

The national debt is now over \$4.8 trillion. That is more than \$18,500 that we owe for every man, woman, and child. And our children who are being born today come into this world \$18,500 in debt because of what Members of Congress have been doing for the last 60 years during which time we have only balanced the budget seven times, as I mentioned.

The gross annual interest on the debt exceeds \$300 billion. If we did not have to pay that interest—if we did not have to pay that interest—my goodness gracious, we would have enough to balance the budget plus a surplus. That interest payment is right down the drain, and we keep talking about how we should do it now. Let me tell my colleagues, once again we are faced with a measure which tries to balance the budget on a mere legislative rule.

My friend from Arkansas—and he knows he is my friend and I care for him—I know he is sincere in wanting to do that. His motion which seeks to amend the Budget Act to provide for additional grounds for a point of order. There would be an objection to resolutions, until the year 2002, which are not on a glidepath to a balanced budget and, starting in the year 2001, for any budget with a deficit. In short, his amendment seeks to do by legislation what the balanced budget amendment would do constitutionally.

If a statutory fix—and I acknowledge he is sincere, I acknowledge that he wants to do this; and I believe he would try to do his best to do this—but if a statutory fix would be enough to balance the budget, I would be overjoyed. I am the last person in the world who would want to amend the Constitution if it was not absolutely necessary. But history has shown us repeatedly that statutory attempts to balance the budget just do not work.

Look at these, from 1921 right up to 1987. We have had the Budget and Accounting Act, a statute that said it was going to balance the budget. It did not work. Look at how the debt just kept going up.

The Revenue Act of 1964 just did not work. Any subsequent spending pro-

posal that could pass by a majority vote overruled that.

The Revenue Act of 1978 just did not work. Any subsequent majority vote overruled it.

The Humphrey-Hawkins Act of 1978 demanded that we balance the budget. My gosh, it was overturned by a simple majority vote.

The Byrd amendment, which I referred to, back in 1978 to balance the budget was overturned by a simple majority vote.

The debt limit increase, 1979 was overturned.

The Bretton Woods amendment, again overturned.

Codification of title 31, overturned.

Gramm-Rudman-Hollings; we all knew it was going to work, did we not? It was a bipartisan amendment, it passed both Houses of Congress. It did not work. It worked for a while—there were a few good things about it—but ultimately we just, by a majority vote, overturned it.

Then we went to Gramm-Rudman-Hollings II, because we could not meet the goals of Gramm-Rudman-Hollings I. So by a simple majority vote we overturned it.

History has shown us that statutory attempts, as well-intentioned as the statutory attempt of the distinguished Senator from Arkansas is, just do not work. It does not take Congress very long to avail itself of the opportunity to create exceptions and loopholes and then finally to repeal the law altogether. I see no reason why things would be any different with the proposal before us now.

Gramm-Rudman-Hollings required points of order. Gramm-Rudman-Hollings required special votes. The sad history of legislative attempts to balance the budget show the need for a constitutional amendment even more. A constitutional amendment forces us to work for a balanced budget. A statutory approach, no matter how cleverly it is written, is ultimately going to be overruled because these people want to spend. They want to tax more. They get more credit for spending than they do for conserving around here. They can go home and beat their breasts and say how much they have done for the local folks when in fact everybody in the country is doing the same thing.

Despite our best statutory efforts in the most recent deficit reduction plan, a constitutional amendment is required for at least the following reasons:

Statutes do not purport to correct the structural bias in favor of deficit spending that would be offset by a constitutional amendment. They just do not do it.

Statutes are only intended to deal with a temporary crisis, whereas the constitutional amendment will correct the bias that has caused deficits in 55 of the last 63 budget years or budget cycles.

The deficit spending bias is not a problem that has lasted, or will last,

only 5 years. It has been going on for 63 years, and it demands a permanent constitutional solution. Ultimately, no Congress can bind a succeeding Congress by a simple statute. It is just that simple. Any balanced budget statute can be repealed in whole or in part by the simple expedient of adopting another statute, which is what happened in every one of those cases that I showed you on the chart that I had up before.

Statutory limitations remain effective only as long as no majority coalition forms to overcome such statutory constraints. The virtue of a constitutional amendment is that it can invoke a stronger rule to overcome this spending bias in the Congress of the United States.

Our recent history suggests how much we need the strong rule of a constitutional amendment. Gramm-Rudman was to balance the budget by 1990. It was undone by a series of statutory amendments, not unlike what my friend and colleague would like to do here. The 1990 budget agreement led to record-setting deficits. And that was the year we were supposed to balance the budget. But it led to record-setting deficits.

Under the current budget law, the so-called deficit reduction package, we continue high deficits and increasing deficits after a momentary trough. That is after we increased the taxes the most in history. Sure, the deficit is going to go down, but it is still almost \$200 billion. It is bound to go down when you increase taxes like that. They also spent more, too.

The CBO puts the 1994 deficit at \$203 billion. It projects the fiscal year 2004 deficit will be a record \$383 billion, in spite of this so-called deficit reduction package that the President claims and most of my colleagues on the other side claim that they courageously voted for \$383 billion. Even the latest proposals, as I have mentioned, even the latest budget from President Clinton seems satisfied with a minimum of \$200 billion in deficit spending—\$200 billion in deficit spending as far as the eye can see, every year from here on in. The status quo is just plain unacceptable. That is what this battle is all about.

Even aside from the inherent weakness of statutory fixes, I have some concerns about the proposal's substance. Section 1 of the motion requires that future budget resolutions be on a glidepath to a balanced budget with "appropriate" levels of revenues, outlays, public debt, et cetera. But it does not say what appropriate levels really are.

What in the world is an appropriate level? If the deficit is a penny less than the year before, is that appropriate? I am sure my colleague would say no. But how about a dollar? How about \$100? How about \$10,000? How about \$1 billion? The motion does not say. Or



how about \$200 billion, which is what the President's budget deficit will be? Is that appropriate?

Even if "appropriate" was defined, we could not bind future Congresses to lowering the deficit by a certain amount each year. The future Members of Congress would be able to decide for themselves how much reduction there should be each year, and where that reduction would come from. If the 106th Congress, for example, does not like what we in 1995 project for the year 2000, they could just change it. That is their right. It may be their duty as leaders of the country. But it would be irresponsible to try to set those levels now, since we have no idea what the national needs or priorities will be in the future.

Mr. President, statutory attempts to balance the budget just do not work. We have a long history of them not working. We need the real thing, a constitutional amendment to fix the problem once and for all.

Let us go over it one more time: Not one balanced budget in the last 26 years, only seven in the last 63 years. Our national debt is almost \$5 trillion. In fact, we are now in the 26th day of this debate from the date that we started. Starting on day 1 our deficit then was around \$4.8 trillion, this bottom red line. It has now increased until on day 26 our deficit is now going to be \$21,565,440,000. While we have been debating this the country is burning. It is burning up with debt. We are fiddling while our country is going down the drain and while our children's and grandchildren's future is being bartered away and thrown away by profligate Congress after profligate Congress.

The fact of the matter is just in those 26 days our national debt has gone up almost \$22 billion. We still have the 27th, the 28th, the 29th, and the 30th to go yet. So you can figure that by the time we get through here we are going to be probably \$26 billion or more in debt than we were when we started the debate. All the statutes in the world are not going to help us get over that.

The national debt has increased \$3.6 trillion since the Senate last passed basically the same balanced budget amendment back in 1982; \$3.6 trillion. We have had two Gramm-Rudman-Hollings statutes, that were tougher than the distinguished Senator's statute here, both of which bit the dust. In that time we went up \$3.6 trillion since we passed the balanced budget amendment in this body in 1982 with 69-votes, two more than we needed. We need 67 this time. I will settle for 67. If we can get 67 votes, we are on the verge of helping to save this country. We are on the verge of helping to save this country from going right straight into bankruptcy, or to put in simpler terms, where we monetize the debt by printing more money to pay off the debt with cheap money or money that is worthless but nevertheless capable of paying

off the debt; where we break the whole financial standing of the country in the world. That is what is going to happen if we do not do something about it.

Since 1982, now 13 years, when we passed a balanced budget amendment in the Senate, we had 60 percent in the House but not two-thirds. So "Tip" O'Neill and those who governed the House at that time beat us. But here we have the reverse now. We have the House of Representatives for the first time in history has passed this amendment, their bipartisan Democrat-Republican consensus amendment, and now it is here in the Senate where we can do something about it.

This year, 1994, we spent an average of \$11.807 million each day on gross interest alone. That is \$564,000 each hour \$564,000 of every day. That is why we had statutory fixes like this one in place.

Just the 26 days since we started this debate has cost us in deficit spending almost \$22 billion. Where is it going to go? I do not think anybody can make a good case that statutes alone are going to solve those problems. All the shouting in the world, all the arguing in the world, all the ingenuity in the world is not going to change that fact. But a simple statute that can be amended by another simple statute anytime anybody else wants to spend more and any subsequent Congress that wants to spend more—frankly, the American people are catching on.

I think that is why there was a sea change in November of this last year. This sea change where they took people in and elected these 11 new Republican Senators here, every one of whom has participated in this debate and every one of whom will vote for the balanced budget amendment—they elected them because they now know that there is no hope to get spending under control unless we pass this balanced budget amendment. And another statute that is well thought out, as the Senator's may be, another statute, and as well-intentioned as it may be that statute is not going to cut any mustard. It will not fare any better than the statutes that have been passed in the past which were ingenious. I supported them. I tried my best to do what I could about getting spending under control. But they failed because subsequent Congresses overruled them when the going got tough.

With the balanced budget amendment, if the going gets tough, we are going to have the tough get going and we are going to have to stand up and do something about this deficit spending for the first time in the last 63 years. That is what is involved here. We all know it.

Next Tuesday we will have an opportunity to vote one way or the other. I am hoping that my colleagues will support us. It is a bipartisan effort. We only need 15 Democrats. We have 52 Republicans out of the 53. We only need 15 Democrats out of their 47. If we get them, we will be on our way to getting

this country's fiscal house in order. If we do not get them, regardless of how many statutes we pass it is going to be Katy bar the door, the same thing that we have had for the last 63 years, a lot of empty promises; or, even if they were not empty, a lot of promises that really were not lived up to. I want to see us get out of that system and get into a system where we have to do something about deficit spending and do it now.

Mr. President, I yield the floor.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, first of all, I want to thank the distinguished Senator from Utah for not yet moving to table. I have a few remarks I want to make and then I understand he will move to table.

There is not anyone in the Senate for whom I have a higher regard or a better personal relationship—off the floor—than the Senator from Utah. He is unfailingly delightful, courteous, accommodating, and I appreciate it very much.

Let me start off by saying what I said last evening when I first laid this motion down; that is, I am offended by the fact that there are 100 Senators in the U.S. Senate but House Joint Resolution 1, the pending constitutional amendment, was adopted by the House and sent to the Senate, and they said do not uncross one "t" or undot one "i". Otherwise, do not send it back to us.

Think of the arrogance of debating for almost 4 weeks now an amendment to the Constitution of the United States, where we are told by the majority party, "We will not accept one single change of one word." James Madison went to Philadelphia knowing precisely what he wanted to do, but he had to contend with the likes of John Adams, Alexander Hamilton, John Jay, and George Washington. Can you imagine them in Philadelphia saying that? Let us assume that Washington and Madison got together and said: Here it is, boys, put your seal of approval on it and let us go home. Why, they fought like saber-toothed tigers over every word for 119 days. We are told, in 30 days, that we may not make one single change. And indeed we have voted about 20 times, and every single amendment that has been offered has been offered on this side and summarily shelved, tabled, with not even an up-or-down vote.

I suppose there have been times when my party was in the majority that maybe we have been that insensitive—but not on the Constitution.

The Senator from Utah was not here when I described my amendment earlier. So I will try to state it again, because some of the assumptions the Senator was making are in error. But before doing that, let me say to the Senator that, before he arrived, I pointed out that in 1993 we voted in the U.S.

Congress to cut the deficit by \$500 billion over the next 5 years—half taxes, half spending cuts. Because the economy is better than we anticipated, there will actually be closer to \$600 billion in deficit reduction. Tragically, while the American people want us to be bipartisan and they want us to work together—you can be a Democrat and you can be a Republican, but when the chips are down, you ought to collaborate, you ought to cooperate, just like when you declare war.

The chart the Senator from Utah has used over the last 26 days points out that the deficit has risen \$23 billion since Congress began debate on the constitutional amendment. The Senator fails to make two points though. First, the constitutional amendment requires no action until 2002. Even if the amendment had passed the Congress and been ratified by the States on the first day of the debate, the deficit figures on the Senator's chart would be no different. In addition, the figures on the chart would be closer to \$30 billion had it not been for the 1993 deficit reduction package voted for only by Democrats, many of whom lost their seats—particularly in the House—because they voted for it and were accused of being tax-and-spend liberals when they went home. If it had not been for the courage of 50 Democrats and the Vice President's tie breaking vote in the Senate, the Senator's chart would have to be much taller. I have never cast a vote that I was prouder of.

The Senator from Utah made a statement that we have tried legislative remedies before and that is the reason we are here debating the Constitution. Let me make a couple of points. First, as far as I know, we have never tried a legislative remedy requiring 60 votes to repeal. If 60 votes to eliminate the constitutional balanced budget requirement is enough assurance, no one could argue in good faith that the very same 60 vote requirement to eliminate my proposed statutory requirement is insufficient.

Second, the constitutional amendment calls for a balanced budget by the year 2002 but does not require Congress to do one blessed thing for the next 7 years. The Speaker's Contract With America in the House says we will do it all in 2002. They say if the Congress will just adopt this and send it to the States and 38 States approve it, we will do it in the year 2002.

The thing that makes my amendment so much more preferable is that I say let us not wait until 2002. Start now. Cut the deficit this year below what it was last year. If Congress had done nothing in 1993, the deficit would be approaching \$400 billion. However, we have caused the deficit to decline below \$200 billion. Even the President's budget, with which I disagree, calls for \$190 billion to \$200 billion a year between now and the turn of the century.

My amendment says that the Budget Committee must come out here with a budget resolution that contains a glide

path towards a balanced budget. If they do not do that, I will raise a point of order and it will take 60 votes to overrule the point of order. That is exactly what the constitutional amendment calls for, 60 votes, not a simple majority, Senator.

The Senator says one of the flaws of my proposed amendment is that it does not say how much we would have to cut the deficit next year. That is true. But my amendment says the same thing the constitutional amendment says—that they not only must cut the deficit below what it was last year, they have to submit a budget that shows we are going to have it balanced by the year 2002—not wait until 38 States ratify this crazy constitutional amendment. Do it now and it will require 60 votes, just like the constitutional amendment. It is absolutely a more enforceable amendment than the constitutional amendment because it requires us to do it now. It requires us to start reducing the deficit now, not in 2002.

I will tell you what I think. I may have said this earlier. I think I did, but I will say it again. If we reduce the deficit \$10 billion or \$15 billion next year, below what it is this year, the American people will be happy. They know that you cannot cut a trillion dollars in spending all at once. If we were to reduce the deficit under my amendment by \$10 billion to \$15 billion a year for the next 7 years, that would be half the battle won, and you would not have thrown the economy into a tailspin. Can you believe that we are going to wait?

I have never seen a constitutional amendment that people were willing to vote for, with a serious look on their face, that says we are not going to do anything until the year 2002, or at least we are not obligated to do anything. The beauty of my amendment is that it tracks the constitutional amendment. It says a three-fifths vote will be required if we do not reduce the deficit every year and balance it by the year 2002. It does not undercut the Constitution, it protects Social Security, and mandates that we start now. My proposed amendment ought to get 100 votes in the U.S. Senate, but it will not. People will walk up to the door and up to the manager and say, "What is our vote on this?" Well, they will not have to ask, they know what their vote is. They know there has been a motion to table every single amendment. What kind of democracy is that?

What kind of thinking is that? Well, we ought to have the ability in our offices to just push a button "no" or "yes." You do not have to listen to the debate. You do not have to think. Just ask, "What's our vote?" What a travesty. What a trivialization of that sacred document we call the Constitution.

I have been sitting in that seat for a long time. I can remember walking up and down this aisle in 1981 during the debate on the Reagan economic pro-

posal to cut taxes and increase spending. President Reagan told the American people that those two, in combination, would balance the budget.

I stood right here, as I am standing right now, and I said, "You pass this budget, you pass this tax cut and this increase in defense, and you are going to create deficits big enough to choke a mule."

And only 11 Senators—11—said no, 89 Senators voted yes.

The Senator alluded to what happened over the last several years in our efforts to balance the budget. I am telling you that my vote on the 1993 Deficit Reduction Act was one of the most unpopular votes I ever cast. Think how easy it is to vote for tax cuts. If you are looking for approval ratings back home, you just put your finger to the wind and whatever is popular that day, vote for it. Eleven Senators said this is palpable nonsense. And do you know what it turned out to be? Just \$3.6 trillion of palpable nonsense.

Did you know that if we had defeated that proposal in 1981, the budget would be much closer to being balanced today? If you exclude the interest payments on the debt accumulated during the Reagan and Bush administrations the deficit today would be just \$800,000. Think of that.

And there was not any one of those 11 Senators that did not know what was popular. Sure, I knew what was popular. I always know what is popular. But I can tell you, what is popular today may be patently unpopular tomorrow.

You pass this constitutional amendment and say, "Well, we will do it all in the year 2002." There is not one soul in this body that does not know that that is absolutely impossible. As Alexander Hamilton said, "It raises the cynicism level of the people in this country who think that Congress cannot do anything right. And usually it is because Congress has not done anything right."

Again, I plead with my colleagues to support a legislative amendment that has more power and effect than the constitutional amendment and does not tinker with the Constitution.

To repeat a statement I made last night, Robert Goldman, of the conservative American Enterprise Institute, said something I could not agree with more. "True conservatives do not muck with the Constitution."

I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, as always, I enjoyed listening to my distinguished colleague from Arkansas. I know he is sincere and I know he believes this would be a better way to go. I know he is not a supporter of the balanced budget amendment for reasons that he claims to be significant. I think he is wrong.

There is no use kidding. This is no different, in real terms, from other simple statutes that have been passed.



The difference between his solution and mine is his could be easily amended. Let us say he gets 60 votes to amend it. Once it is amended, it is gone.

The balanced budget amendment is not gone. It is going to be there to maintain that three-fifths requisite if you want to increase spending. It is going to be there to require that constitutional majority if you want to increase taxes. A constitutional amendment is a stronger rule, there is no question about it, than a mere statute.

The amendment of the Senator from Arkansas certainly is a good step toward implementing the balanced budget amendment. And I will be interested in working with him on implementing legislation afterwards, and that may be the type of implementing legislation we may want to do. But it is no substitute for the balanced budget amendment. I do not think anybody could argue that, because it can be amended by another statute. It is another well-intentioned but easily avoided, weak statutory rule like all the failed attempts of the past. I do not think there is any question about it.

As a matter of fact, his point three, that the constitutional amendment may or may not be enforceable, everybody knows a constitutional amendment is enforceable at the ballot box. Everybody knows that we are sworn to uphold the Constitution. If this constitutional amendment to balance the budget becomes law, there will be tremendous force by the public at large to enforce that amendment. It certainly does not trivialize and politicize the Constitution, not at all. It was carefully put together, carefully crafted. It was done by Democrats and Republicans over a period of at least 15 years—really 38 years if you really want to start talking about when this started. And it hardly trivializes and politicizes the Constitution.

It says, "The game's over. No longer are you going to be able to just do business as usual, the old way of doing things. You are going to have to live up to some new ways of doing things."

And that is, within the Constitution, you are going to have to balance the budget by the year 2002 or give a very good reason why not—or face the voters at the ballot box. That is hardly trivialization.

It raids the Social Security trust fund. I suggest to you that is blatantly in error because we are raiding the Social Security trust fund as we sit here every day. There is a \$70 billion surplus this year, every nickel of which is being borrowed in exchange for a Treasury bill.

If we keep going into bankruptcy the way we are going, our seniors will be the most hurt of all because their dollars that they get on Social Security are not going to be worth anything. It does not require much of a knowledge of economics to understand that simple principle. If you spend into bankruptcy, that bankrupt company is not able to do much good from that point

on. Well, in this case, it is going to be the bankrupt Government. And if it does pay its debts, it will pay it with worthless money that they print over and over.

If we want to save Social Security and we want to protect Social Security and stop the raid, then let us pass the balanced budget amendment that gets our fiscal house in order so that money is worth something for those seniors when they come along. Let us stop the raid of the Social Security trust fund that is going on right now as we substitute a piece of paper for \$70 billion this year that we are spending on deficit spending. Because we are going to be over \$200 billion in debt this year, additional debt.

These are just the days of debt since we started the debate, just to highlight how much every day we are going in debt as we fiddle about the balanced budget amendment.

I made the point that if we had passed it back in 1982, we would probably be at a balanced budget today or well on our way to it. But, instead, we spent \$3.6 trillion more in debt since 1982 in those 13 years.

We did pass it in the Senate. It was the House that killed it then. The House has passed it this year and I hope to high heaven that the Senate does not kill it this time. It would just be a tragedy if we killed this balanced budget amendment.

It says no requirement for action until the year 2002 at the earliest. Give me a break. If we pass this next Tuesday, I think we go into action on implementing legislation right off the bat. It may take a year but the game is over.

Even the President is going to have the leverage for the first time since I have been here, to lead the fight to get to a balanced budget within 7 years. The President will have to, or he will not stand a chance of being reelected in 1996. And we will have to, or we will not stand a chance of being reelected.

I cannot disagree with the Senator's hypothetical, if we do not ratify this in the next 7 years, if we assume that. But let me say something. If this vote gets 67 votes next Tuesday evening, Iowa will ratify it within a minute after it is voted up. Utah and Idaho almost within the hour. I talked to Doug Wilder, former Democratic Governor of Virginia on his radio show today. He is for it. He said Virginia would ratify within a matter of days.

Mr. BUMPERS. Mr. President, would the Senator yield for a question?

Mr. HATCH. Mr. President, I yield.

Mr. BUMPERS. Does the Senator favor the Contract With America?

Mr. HATCH. I do not know what is in the Contract With America.

Mr. BUMPERS. Let me name three elements.

Mr. HATCH. I do not favor all elements.

Mr. BUMPERS. The Contract With America calls for increased defense spending, for a middle-class tax cut,

and a capital gains tax cut. In all, those three elements would cost, over the next 7 years, \$471 billion. If we do nothing and adopt the Contract With America the deficit goes up \$471 billion over 7 years and more than \$700 billion over 10 years.

The Senator says he wants to start on this deficit the minute we finish debate on the constitutional amendment, and I want to help him. That is the purpose of my proposed amendment. But how on earth can the Senator say to the American people we are going to deal with this thing while we are spending \$471 billion more than we are spending now?

I must say, Senator, increased spending on defense and cutting taxes and balancing the budget—I heard that \$3.5 trillion and 14 years ago.

Mr. HATCH. Mr. President, I think the Senator makes a good point, another point in favor of the balanced budget amendment, because if the economics as the Senator stated are true and correct, the minute this passes I think everybody will have to revamp. Everybody will have to look at what we can do to reach that glidepath in the year 2002. The game is over.

But the fact of the matter is that game will continue to be played, whether by Democrats or Republicans, until this amendment passes. Say this amendment does not pass, and the Senator was successful in passing his statute, I guarantee this game will continue the way it always has.

Mr. BUMPERS. May I ask one more question, and then I will leave the floor. I know the Senator wants to move to table my amendment.

Let me ask the Senator this question: Is there one thing in the constitutional amendment, one thing, that requires the Senate to do anything between now and the year 2002, dealing with the deficit?

Mr. HATCH. Of course, there are a number of things, but two I can think of right off the bat. It requires Members to vote if we are going to increase the deficit, or if we are going to increase taxes, as soon as this amendment is ratified.

Mr. BUMPERS. Mine requires a 60-vote majority.

Mr. HATCH. This constitutional amendment requires a 60-vote majority in order to increase the deficit, and the constitutional majority to increase taxes.

Let me make this point: The average constitutional amendment has been ratified within 21 months. This one is not the average amendment. I think it will be ratified within 1 year, and probably 9 months. And maybe shorter than that. Regardless of whether it takes 9 months or 21 months—and I believe it will be ratified—we will have to go to work.

And with the Contract With America, as the distinguished Senator said, I think everybody here is going to have to revamp.

Do I support everything in it? I would like to support much of what is in there. I will not be supportive of running the United States more into deficit spending. It is that simple.

Let me say another thing that I think is important because of what my colleague, my friend said. These motions to table may have been made by me or by Senator DOLE, but they have been bipartisan motions to table. This amendment is bipartisan. It is a Democratic-Republican consensus amendment. There has not been one motion to table that has not been supported by Democrats. I admit, very few, but nevertheless by Democrats.

All we are asking on this amendment, we are not asking 47 Democrats to vote with us. We are just asking for 15 out of 47. We are asking less than one-third of the Democrats. We are getting almost 100 percent of the Republicans voting for this.

Look, there are some Republicans that share some concerns, and I do too, about how well this will work. But we have all concluded this is the only thing that we have left to do if we are going to get this country's spending practices under control and help save the country. It is that simple.

I do not think anybody fails to understand the serious import of this. I do not mean to keep my friend any longer. I appreciate that he is trying to do something good here. I think this is more appropriate for the implementing legislation, and I will be interested in working closely with him if the constitutional amendment passes to get good implementing legislation that will help us get to that glidepath and that balanced budget by the year 2002. Some of his ideas are excellent with regard to the implementing legislation. It is no substitute for the balanced budget amendment. I do not think any person would conclude that it is.

It may be some of these ideas may be very beneficial once we pass the balanced budget amendment, and the game is over, and we start trying to implement it by getting to that glidepath vote, that glidepath balanced budget in the year 2002.

Mr. President, if the Senator does not mind, I would like to move to table this 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. No roll-call votes will be called until Tuesday. This rollcall vote will be Tuesday.

Mr. THOMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Mr. President, first of all I want to say, before the Senator from Arkansas leaves, that I always thought the U.S. Senate ought to be about great Senators debating the great issues of the day. I think that is exactly what we have here today. It is an education and a privilege to be a

part of such a debate with such distinguished Senators, the Senator from Utah, and the Senator from my neighboring State of Arkansas who I have admired for so long. He is not only, probably, the most eloquent Member of the Senate but one of the most eloquent people in the country. I think it probably has something to do with the Senator having been a country lawyer at one time. I appreciate him and his observations.

I respectfully disagree with his conclusions. I, like the Senator from Utah, believe that if we were amenable to solving this problem with legislation it would have been done some time ago. Some Members do have concerns about the way we approach these matters. Most Members do not tread easily into these constitutional waters. This is a very serious matter.

The Framers set the Congress up in a situation where we could, from time to time, revisit our basic document. Thomas Jefferson, who is quoted a lot in these proceedings himself, said that he thought every 20 years or so we ought to perhaps get together and reinvent ourselves.

We are not trying to do that, but we are about serious business. And we are doing it by means of a constitutional amendment because we have tried everything else and failed. We are struggling for a solution. We are struggling for a solution to an impending economic crisis in this country. That is what it is about.

After all of the statements have been made and all the concerns and objections have been raised, that is what it gets down to. Surely, although we disagree on the solutions, we can all agree on what we are faced with. The assumption, the moral commitment to the next generation, was in force in this country for a couple of centuries. That is changed now. That is changed.

The situation is apparent. The need for firm action is clear. I believe a constitutional amendment is the only thing, and perhaps the last clear chance we have, in this generation of doing something to avert the pending economic catastrophe that all people of good faith must conclude that we are headed toward in this country.

What is the problem? The Federal Government has run deficits in 33 of the last 34 years. It has run a deficit every single year for the past 25 years—for an entire generation, Mr. President. It took our Nation over 205 years, from 1776 to 1981, to reach a \$1 trillion national debt. It took only 11 years to reach \$4 trillion, and on the last day of 1994, the total Federal debt stood at \$4.8 trillion.

Deficit financing is clearly harmful and unfair to future generations. Each year that we endure another \$200 billion deficit, it will cost the average child just over \$5,000 in extra taxes over his working lifetime just to pay the interest costs.

The fiscal year 1995 interest payments on the national debt are ex-

pected to be in excess of \$300 billion—\$310.9 billion. These interest payments are the second largest item in the budget, 20 percent of all Federal spending; they represent 92 percent of Social Security payments, 52 percent of all individual income tax revenues—interest on the debt.

The national debt has now topped \$4.7 trillion. The Federal Government has run deficits in 56 of the last 64 years, and 33, as I said, of the last 34.

During the 1960's, deficits averaged \$6 billion per year. During the 1990's, deficits averaged \$248 billion per year. The President just submitted another budget. It looks like a \$200 billion deficit—as they used to say, as far as the eye can see.

Everyone who has taken an objective look at the situation that is facing us and the situation that is facing children yet unborn in this country, basically all reach the same conclusion. We can argue over the extent or the exact year when the catastrophe is going to hit. But I do not reasonably see how we can disagree over the basic conclusion.

The Bipartisan Commission on Entitlement and Tax Reform submitted a report last August. As you know, Mr. President, this was headed up by two distinguished Senators, one Republican and one Democrat. Senator Danforth is no longer serving, but Senator KERREY still is. These are two very well-respected, thoughtful men in this area.

Their report conclusion was very simple, very startling. They have certain recommendations, and we can agree or disagree with various items in their recommendations, as I am sure we will, but they state the following:

America is at a fiscal crossroads.

They state:

If we fail to act, we threaten the financial future of our children and of our Nation.

If this country does not respond, Americans 10, 15, and 20 years from now will ask why we had so little foresight.

They go on to point out that in the year 2012, unless appropriate policy changes are made in the interim, projected outlays for entitlements and interest on the national debt will consume all tax revenues collected by the Federal Government. Projected outlays for entitlements and interest alone—those two items alone—will consume all the tax revenues that we have in this country. That is in 2012. We talk about the next generation; that is not even the next generation. That is practically upon us.

The Concord Coalition. Many people in this body are familiar with the work of the Concord Coalition. It is headed up by two former distinguished Senators, Senator Rudman of New Hampshire, and Senator Tsongas of Massachusetts; another Democrat, another Republican, bipartisan. And again, they have a way to balance the budget that will result in a zero deficit by the year 2000.

There has been a lot of talk in this body about what are the details of your plan; let us see your budget, let us see

the details. There are enough plans and details and suggestions as to how to balance the budget to fill this room. We are not lacking for plans and details; we are lacking for the willpower. Here is what they say will happen if we do nothing:

If we ignore our mounting debt, if we just wish it would go away and do nothing about it, it will grow and grow like a cancer that will eventually overwhelm our economy and our society. The interest we owe on the debt will skyrocket. We will continue our vicious cycle of having to raise taxes and cut spending and borrow more and more to pay interest upon interest. Our productivity growth will remain stagnant, more of our workers will have to settle for low-paying jobs, and our economy will continue its anemic growth. America will decline as a world power.

Mr. President, how much more stark can the picture be made? How much clearer can the impending crisis that we face in this country be made?

This is the reason many, I believe, in this body ran for the U.S. Senate and wanted to become a Member of this body. I am among 11 new Members of this body, and I think to a person that we will say that this is one of the reasons we wanted to be here, because as we were coming in, we heard, like Senator Danforth, who I mentioned awhile ago—I read something very startling in the middle of the campaign when he was talking about his leaving. He said he left with a certain amount of sadness because he thought there was really an underlying feeling that the entire body, that the Senate as a body and that the Congress as an institution, was really doing something shameful to the next generation. He regretted the fact, despite all his efforts, he could not do more to alleviate that.

That is a feeling many of us have had over the years, those who have not been involved in elected office before. But as we watch this, as our grandchildren start coming along, as we see these statistics, as we see these bipartisan commissions and these committees and all of the objective economists who analyze this problem—Pete Peterson wrote a recent book, "Facing Up," a former distinguished Secretary of Commerce, some years ago. He has his own plan, his own proposal. But the most important part was the analysis of the problem and the impending disaster; that if we did not change our way of doing business in this country, if we did not face up to what was happening, if we did not get away from momentary political considerations about how this is going to play back home, or is some favorite constituent going to get trimmed a little bit if we have to cut his program back, and how is that going to work in the next election cycle, if we do not get away from that kind of thinking that has dominated this town and this body for so long, we are never going to solve the problem.

There have been many distinguished Members of the U.S. Congress, on both sides of the aisles, in both bodies, who

have worked hard to try to do something about this. But it has not been enough. Everyone I hear speak on the subject talks about how they have stood tall, how they have fought against the other party. It is always the other party's fault. The President of one party, Congress of another party, each side wants to say it is the other one's fault.

The President does not appropriate the money, but he is the leader, and Congress is not the President, but they spend the money. Regardless of all that, regardless of whose fault it is, everyone says that they stood tall, they did the right thing. I do not know where the problem lies, because there obviously have not been enough people over a period of time who have been willing to do the right thing and do the obvious thing.

This is not just a matter of balancing a budget. We could balance the budget next year and we would still have a tremendous problem, because the underlying factors which cause us to continually want to have our cake and eat it, too, would be there, and without a constitutional amendment, it would still get us in the end. We are going to have to do so much for so long in this country to get back on the straight and narrow. We cannot do it overnight; we cannot do it with one Congress; we cannot do it with one Senate. Before we solve this problem, probably most of the people in this body will not be here any longer.

We are going to have to do it with some structural changes that will take care of the changes that we have in terms of faces and personalities that walk these Halls around here, because we are going to have to do a lot of good over a fairly long period of time and we have a structural situation that will force us to do the right thing as we go on out. This is not a one-time problem. We talk in terms of balancing the budget, and we could balance it right quick, but if those motivations were wrong and the short-term political considerations took over once again, we would be right back into the problem in short order.

We have debated this amendment for many days. It has been debated before. I have not had the benefit as a Member of that debate. Some of the Members who oppose the constitutional amendment say that we are going too fast; this is supposed to be a deliberative body and that we are going too fast.

I for one think we ought to take our time when we are dealing with issues like this. Frankly, I do not understand why it takes so long to pass a bill dealing with congressional accountability. I do not understand why it takes so long to pass a bill dealing with lifting unfunded mandates and things of that nature, things, once we get down to a vote, that pass in overwhelming numbers. I do not understand why it needs to take that long.

However, we are dealing with maybe the most important issue that will face

some of us in our career here in this body and here in this town, and I for one would join my colleagues on the other side who say we ought to take our time on this. I think we have taken our time and we have debated the issue. But it is not just this time. It is not just these last 20-some-odd days we have been considering this amendment. The records indicate that the Senate Committees on the Judiciary have conducted hearings on the balanced budget amendment on at least 22 days extending back to the 84th Congress as well as reporting seven different joint resolutions between the 97th and the 103d Congresses.

So it is not like we just took this up and we are dealing with it lightly. This has been debated fully, fully, this session of Congress, and it has been debated in committee and in the Chamber on many occasions before. So, no, I do not think we are moving too fast.

Others raise the point that they do not want the courts overly involved in this process. They are concerned that the courts might wind up requiring us to balance the budget if we ignore the Constitution. There has been a lot of debate as to what the courts will likely do or not do and is there a possibility what the courts might do.

Mr. President, nobody in this body has any idea what the Court is going to do. I do not think anybody can predict. And I think that everybody would have to acknowledge a very wide range of possibilities as to what the Court could do. I think you can talk in terms of what the Court is likely to do, when you look at the dicta of Court decisions that have come down regarding State laws, when you look at the history involving the branches of Government and the reluctance of the Supreme Court to overly involve itself in the details of Congress, or overly involve itself in the details of the Presidency for that matter.

I remember as a young staff member on the Watergate Committee, as minority counsel in the Watergate Committee back in the 1970's when we had United States versus Nixon and the President had to finally turn over his tapes, something that probably all of us remember.

People remember that the Court required him to turn over the tapes, but people do not often remember the high degree of proof that was taken, or the very unusual circumstances that were present in that situation before the Court would reach that conclusion. The Court was very reluctant to tell the President of the United States that he had to turn over his tapes, and it only did so because some direct witnesses had come forward with direct testimony concerning alleged criminal activity.

The Court went out of its way, strained to point out that the bar was very high for anyone who wanted to come in and require the Supreme Court to go into the Oval Office of the President and require the President to turn

over documents in his office, or in that case tapes.

(Mr. THOMAS assumed the chair.)

Mr. THOMPSON. Certainly, that is not directly analogous, but I think it is significant. And looking at the history of the Court and their reluctance to get into the detailed workings of the other branches of Government, I personally do not think it is very likely the Supreme Court of the United States would want to be establishing a budget for the U.S. Congress.

Is it possible? It might be. But I submit, Mr. President, that as we get down into the details of these things, it must be argued and thrashed out to make sure we are not overlooking something obvious that we keep in mind what we are about here. Are we willing to risk maybe a court doing something that we would rather it not do, which we could rectify again and come back and address again if that was ever the case, in light of the fact that we are facing the impending bankruptcy of the next generation? Should we be arguing about how many angels can dance on the head of a pin? Should we be fiddling while Rome and the rest of the Nation is burning simply because the flames are not high enough for us to fully see yet? I do not think so.

So, yes, let us debate what the courts might do with this amendment sometime down in the future, but let us not get caught up and that to be determinative when we are facing an economic disaster somewhere down the road not very long if we do not change our way of doing business in this particular town and in this country.

The Senator from West Virginia the other day was talking about section 5 of the constitutional amendment. He was concerned that in times of a declaration of war the amendment requires a constitutional majority of 51 Senators. He thought that hurdle was too high because normally without the amendment on most votes around here it is a majority of those present with the Vice President casting a tie-breaking vote if called upon.

As I listened to that debate, it is very interesting, the possibilities are intriguing from an intellectual standpoint. Sitting and listening to Senator BYRD of West Virginia is like sitting in a good class of constitutional law. I enjoy it. If we did not have a Senator BYRD, we would need to invent one because he brings issues to the floor and to the table that need to be discussed. But again, does this not assume that 50 Senators plus the Vice President would do the right thing? He is concerned that we might not get that vote.

Here we are, we need to declare war and we might not get the 51 votes. So he assumes, I suppose, that 50 Senators plus the Vice President would do the right thing and we would get the 51 votes that way but under this amendment that 51 Senators would not do the right thing.

Now, is that not slicing it a little thin in light of what we are dealing

with here? Is that not belaboring the point? It needs to be discussed. But is that what this is going to turn on, whether or not we have 50 Senators plus a Vice President on the one hand or 51 Senators on the other?

I must say, Mr. President, it is my opinion that there are enough good people in this Chamber that if we have the kind of situation that requires a declaration of war, we would do the right thing, that we would do the right thing when the circumstances arose.

I have listened to arguments, very eloquent arguments by the Senator from New York [Mr. MOYNIHAN]. And again it is like sitting in a very good classroom to listen to him and his sense of history and the various parts of history that he has had a part of. He makes some very good points. He points out that the balanced budget amendment deprives the Government of some flexibility.

Well, indeed, it does. That is what it is about. It deprives the U.S. Congress of some flexibility. It deprives the President of the United States of some flexibility. It says in effect no longer business as usual. We are going to do things a little bit differently, and it is going to be kind of painful and maybe we are going to have put a straitjacket on you, but it is the right thing.

That is what it is about. But he makes the further point that it deprives us of the ability to, as I would interpret, fine tune the economy; that, in slow economic times, under good Keynesian theory we need to stimulate the economy and stimulate spending and offset that and thereby bring us back into recovery.

It occurs to me that proposition and that concern is based upon certain assumptions. No, 1, it assumes that the U.S. Congress or the President has the ability to foresee far enough in advance what the economic situation is going to be and that they have the ability to adopt measures far enough in advance to take effect and to meet those emerging conditions somewhere down the road so that they would have the proper effect. In fact, that is the second assumption—that these policies, this foresight, would result in not only policies but policies that would have the desired effect.

In other words, we are able to pretty much fine tune the economy. We can see what is going to happen and we can basically spend the money necessary—that is what we are talking about—in order to offset it. It further assumes that this all has to do with fiscal policy and not monetary policy. We all know that the Federal Reserve has the ability to raise and lower interest rates, and we all know, certainly, that has its effects on the economy. But as I understand the argument, we put that aside, really, and concentrate on the fiscal side, on how much the Government can spend.

Lastly, it assumes that even if we are able to foresee these impending economic conditions, and even if we are

able to adopt policies that will address those conditions and that we can have the ability to, in effect, turn things around and that it would turn things around because it had to do with how much the Government spent and not what the interest rates were, even though all those situations were present, you could not get the three-fifths vote required by this constitutional amendment that would be necessary to waive the provisions of this amendment.

I think it is obvious from my comments I do not adopt those assumptions. I am certainly not an economist. I respect those who raise these questions and make these points. But in reading my history and in listening to other economists on the other side of the issue—and we have no one-handed economists, you know; it is on the one hand this and on the other hand that—in reading the other side, many of them point out we have not been very successful in times past in fine tuning the economy.

In fact, James Bennett, an economist at George Mason University, stated recently, "If anything, I think the Government has made economic cycles worse." Bennett and 253 other economists recently signed a letter supporting a balanced budget amendment.

So, again, are these valid points to be made? Are we restricting the flexibility of the Government somewhat? Yes, we are. Do we know exactly what the effect of that is going to be? No, we do not.

But, on the other hand, do we know exactly how to fine tune the economy, if we had all the flexibility in the world, to make sure we do not have recessions or any downturns in the economy? There is nothing that I can see to indicate that we have that kind of ability.

Others raise the issue of Social Security and say, let us take this off the table, let us take that off the table—let us take Social Security off the table. That is the one that gets a lot of people's attention because we are all interested in and committed to protecting Social Security. What we are really talking about is what protects Social Security and what does not and what really exposes it. The amendment, as I understand it, that would take Social Security out of the mix does not protect Social Security. I think we need to understand that.

If that amendment were adopted, you could still raise taxes. If that amendment were adopted, you could still cut benefits of Social Security. It could simply, then, be off budget, and the present Social Security surplus would not be included to make the deficit situation look a little bit better. That would be the effect of it.

But, again, I think it is an indication and evidence of short-term thinking.

While that would be the short-term result from a bookkeeping standpoint, it would be a bad longer term result even from a bookkeeping standpoint because the Social Security trust fund is going into the red in a few years, and the greatest danger that Social Security faces is not passing a balanced budget amendment.

If we continue on the same trend we are on, if we continue to pile debt upon debt, interest upon interest, where interest is now going to be the second largest expenditure that we have and gaining on the first, at a time when the demographics are going to catch up on us—again, we are living in a good year situation now. The baby boomers are working. In a few years the baby boomers are going to start retiring and we are going to have a shrinking working population supporting a growing elderly population.

As we know, those Social Security payments come from the workers, current workers' pockets. If we have a deficit, debt, slow economy/high interest rate situation that is surely facing us in addition to the burden of fewer supporting a greater number, that is the true danger to Social Security. Because these young folks, these young working folks, these young kids, they do not want to pay 70 or 80 percent of their income in taxes. They do not feel like that is right. That debt was run up, in many cases, before they were even born.

The balanced budget amendment, I think, is the only sure way to protect Social Security. Consider a few of these numbers. Interest payments on the debt are currently \$235 billion. They are expected to rise to about \$5 trillion by the year 2030. We will start to go into the general trust fund to meet current Social Security liabilities by the year 2010. We will need an additional \$850 billion, in the year 2030 alone, over anticipated Social Security receipts to meet current liabilities. So, by the year 2030, we will have Social Security needing about an additional \$850 billion at the same time that the interest payments on the debt are exceeding 75 percent of the general revenues. The sum of interest payments and Social Security equals just under \$6 trillion; general revenues are expected to be just over \$6 trillion. Clearly, there is a problem on what we are able to fund as that situation plays out.

And what are the options under that scenario, if we continue down the current path? Certainly cutting Social Security dramatically would be an option that these young people at that point might choose. Another would be raising taxes, including Social Security taxes. Another would be keep raising the deficit. Another would be not to fund anything else, such as national defense, infrastructure, Medicare, schools, or anything else.

We do not have to go down that road. We do not have to go down that road. I respectfully submit that a way to

avoid that road is the balanced budget amendment.

I have heard it said during this debate, time and time again, that people do not realize what we are asking of them here, people do not realize the effects of a balanced budget amendment. Once people understand what is happening, they will be against a balanced budget amendment. We see charts and details that it will cost this State some money and it will cost that State some money and we might have to take money out of this program and another program and all of that.

I submit the people out in the country have a pretty good idea what is going on. I submit maybe the folks of this body sometimes are the last to find out. I do not think the large majority of people in this country feel that we can pass a balanced budget amendment or even have a balanced budget without making some incremental differences in some of the things that they have been used to. I do not think that at all. I have never in my life met a person I had a conversation with remotely concerning this subject who would not be willing to make some incremental adjustments in some program they might benefit from. Not drastic, because it does not have to be drastic now. It will have to be drastic if this scenario plays out. If we continue on the same road, it will be slash and burn and cut and rip apart.

But not now. It does not have to be that way. I have never met anyone who would not be willing to make some incremental adjustment to their life if they thought it benefited their kids or if they thought it benefited their grandkids. They do not think that now. People stand up and get defensive, and they do not want anything done, not because they are not willing to do that. It is because they think it is not going to benefit their kids. First of all, they do not trust the messenger who is delivering that message to them. That is us. The U.S. Congress continues to get comeuppance a little bit now and then.

About the change in the election, I am not going to claim credit for that because the Republican Party took over. It will be back down again, regardless. This is a temporary situation, probably unfortunately. Public opinion traditionally keeps the U.S. Congress down to the lowest part of the totem pole in terms of institutions in this country. So we come to them now, and under the present circumstances tell them some of these things. They do not trust us. They do not believe us. They do not believe we will do what we say we will do with the money. They know that for every dollar raised in taxes, we increase spending that much more; things of that nature.

But I think that, if we did some things to help restore our faith—and I think the Congressional Accountability Act was a good start on that—we are going to have an opportunity to do a few more things. We will have an opportunity to vote on a term limits

resolution that the Presiding Officer is so vitally involved with, and a few other things. I think this balanced budget amendment falls in that same category. If we begin to do some of those things to show we are serious, maybe we will develop credibility so we will have people believe us, and so that they will say yes. Yes, I will be willing to make some incremental adjustment. I am not stupid. I do not think we can have our cake forever and eat it forever, as some Members of this body apparently think people believe out in the country.

So, I believe, if we are honest with the American people, if we begin to clean up our own act and we begin to take some of the tough measures and we are willing to put a little bit of restraint on ourselves so that we cannot continue this taxing and spending our way into oblivion—it might help in our reelection campaigns, but it is driving the country to a disaster—then I think the people will respond to this. It is not the message that they are concerned with, I think, as much as it is or has been the messenger.

So what if we do not? So many of these points that have been made in this debate over the last several days are not only interesting, but some of the points are valid. There are questions that are not totally answerable as we sit here and have this debate. We must acknowledge that. But the perfect should not be the enemy of the good.

This is our last clear chance because we always have to go back to the other side of the ledger. No, we do not know exactly what a court would do. Theoretically, a court might make us do what we said we were going to do anyway under a constitutional amendment, and that is balance the budget. That is the worst-case scenario, I guess. Yes, we might have an irresponsible Congress which, even though our country was in imminent danger, would refuse to give 51 votes to declare war. I guess that is theoretically possible. On and on.

Mr. President, I submit we have to keep our eye on what we are about—the other side of the ledger. What if the balanced budget amendment does not pass? What if we do not start exercising some spending restraint and begin to get our fiscal house in order? Can there be any doubt that this interest on the debt is going to eat us alive? Can there be any doubt? Is there anyone who says that it is not a disaster waiting to happen? It is going to drive out all the other revenues that would go for savings; it is going to have an effect on our savings rate, which now I think is the lowest in the industrialized world; it is going to have an effect on our investment rate, which is becoming one of the lowest investment rates in the industrialized world. That will have an effect on our growth rate. That goes up and down.

So if you look long term and compare us with some of the other developing

countries around the world, our long-term growth rate projections are not a pretty picture. We are coming along pretty good right now. But historically, if you look at growth rates coming out of a recession, it has been about twice what ours is now. There are some indicators on the horizon that do not look good—housing starts, of course; the balance of payments, and things of that nature. But leave that aside. Those things change. But the long-term picture remains the same: The increasing reliance on Federal financing for our debt; the increasing ownership of United States assets in foreign hands, a reliance on foreign individuals for our debt. In 1993, it was \$41 billion, or more than twice of all of our other foreign aid payments that we have in this country. There is more and more reliance upon that.

We have seen what happened to our friends south of the border recently, when those who were putting the money into the country decided to take the money out of the country. If that happens, the dollar falls and interest rates go up. We are not guaranteed that financing, that foreign financing, is going to continue to be there. We have seen it over the last 20 years.

Real family income in this country has stagnated. People talk about that a lot. There is no real growth there. What people do not talk about so much, getting back to the young people again, is that for younger families, real income has dropped since 1973.

So what are the alternatives? I think we have an insight as to some of the things that we could look for if we continue down the current road. Last October, according to a memorandum by the OMB Director, Alice Rivlin, dated October 3, 1994, in order to pay for the administration's priorities, Rivlin suggested certain tax-related options, including the following options: Limiting mortgage deductions for second homes; include capital gains on the last income tax returns of the deceased; 2.5 percent value-added tax; eliminate the deduction of State and local taxes.

These are the options the administration is talking about or was talking about forcing upon the American people while adamantly fighting a balanced budget amendment.

On Social Security, the administration confirmed what we have been saying about Social Security, in reality. According to the memo, the Social Security trust fund surplus will be exhausted in 2029. Social Security will face a cash deficit in 2013, unless taxes are raised or benefits reduced.

Possible solutions to save Social Security as presented by the Rivlin memo: Increase normal retirement age to 70 by 2023; tax 85 percent of income and benefits of \$25,000 for individuals and \$32,000 for couples; include children's Social Security benefits in parents' taxable income; increase payroll taxes by 0.32 percent starting in 5 years.

These are some of the options that were being considered by the adminis-

tration—this one individual, anyway, who holds a responsible position was considering—if we are going down the same old path and continuing the same old economic policies that we have. These are not the directions the American people want to go in. This is the road that we are going on. Can we do it otherwise? The Senator from Arkansas suggested a statutory solution. I respectfully suggest that that has been tried and failed. It is not exactly like we are running in here at the last minute and coming up with a solution that has not been well thought out.

Mr. KERRY. Will the Senator yield for a question?

Mr. THOMPSON. Yes.

Mr. KERRY. Mr. President, I would ask the Senator, first of all, if he has any idea as to how long he might be as a matter of process?

Mr. THOMPSON. I see two or three of my colleagues now on the floor. In light of that, I will be delighted to wrap up here in just a minute or so.

Mr. KERRY. I thank the Senator for his answer and for his courtesy.

I would like to ask one quick question, if I may. I would assume the Senator would agree with me that if one accepts all of the urgency he has cited with respect to the budget, which I accept, and that since there are more than 60 Senators who have already declared they are going to go vote for this, there is nothing to stop those 60 Senators from simply agreeing that they will not have a filibuster, that they will come to the floor now, today, and that they will propose a balanced budget with 51 votes and deciding up or down any portion of that budget, is there?

Mr. THOMPSON. No, there is nothing that would prevent that.

Mr. KERRY. So these Senators can make a decision now to resolve this issue of the balanced budget amendment without really going out to the States and taking the time. This could happen today if those same 60 Senators wanted to put their action where their vote is?

Mr. THOMPSON. Theoretically, they could do that; you are absolutely right—or we could do that, I might add.

Mr. KERRY. I thank the Senator.

Mr. THOMPSON. I also add, however, that I think the prospects of that happening are very small. In the first place, when you get down to the details of working out a solution—as the Senator knows, in times past, it has not been an easy situation. The devil indeed is in the details. It is a complex document. There has been no constraint and no requirement that they come to a balanced budget.

Under the Senator's scenario, there would still be no requirement, no constraint requiring them to ultimately balance the budget. They have given it a good try, but walking away from the table has happened before. The Senator's scenario is one that I would prefer. My concern is that I have been

watching this process from Tennessee for a few years, and the Senator has been here for a few years and has seen it closer than I have. But I have not observed anything that would cause me to believe that that scenario could play out.

The Budget Act of 1921 required the President to recommend a balanced budget. The Revenue Act of 1964 basically said it is the sense of the Congress that we must balance the budget and balance it soon. The Revenue Act of 1978 said it is a matter of national policy that we balance the budget. The Humphrey-Hawkins Act of 1978 prioritized a balanced Federal budget. The Byrd amendment in 1978 made it law and said that by fiscal year 1981 receipts must balance with outlays. But in that very year there was a \$79 billion deficit.

As the Members here know much better than I, the Budget Act of 1974 was passed, laying the foundation for the process that we have today. I believe the thinking was that it required an annual budget resolution and people would be afraid to vote for large deficits. That did not work. The very next year, the deficit started skyrocketing. Then there was Gramm-Rudman-Hollings, and you know the history there; the 1990 budget deal, the deficit increased; the 1993 budget deal where the debt increased by \$3 trillion.

The President submitted another budget that projects \$200 billion deficits for as far as the eye can see. I know a lot of Members have been trying mighty hard over a large number of years. I do not presume to challenge that proposition. But as an institution, for whatever reason, there is no indication that we have any possibility of really getting a handle on this thing absent a balanced budget amendment. With that, unless the Senator has something else for me, I will yield the floor.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas, [Mr. PRYOR] is recognized.

Mr. PRYOR. Mr. President, I want to compliment our new colleague from Tennessee. I think our new colleague from Tennessee has made a very wise and thoughtful presentation today. I must say I do not agree with his ultimate conclusion and the outcome that he says is going to be the answer to our budget crisis or dilemma that we find ourselves in. I do not find myself in agreement with that conclusion. But I compliment him.

I watched his campaign, Mr. President. I watched that campaign from across the Mississippi River. He is our good neighbor. He has been our good neighbor for a number of years. On many occasions, I can remember, Mr. President, flying from Washington to Nashville, or from Nashville to Washington when he was a private citizen. He and I happened to join on the same



airplanes together, and I recall very good conversations that we have had. We established, I hope, the beginnings of a bond of friendship during that period of time. I welcome him to this body, and I thank him for his thoughtful presentation.

Mr. President, there are a couple of items that the Senator from Tennessee addressed that, in fact, I would like to ask him about, if I might. One is the issue of the term "incremental adjustments." He says the States and the governments might have to make some "incremental adjustments." I pose a question to my distinguished colleague on arriving at a definition of what incremental adjustments might be.

For example, the Department of the Treasury, on the 12th of January, sent information to all of the State Governors on what would occur in their respective States should the balanced budget amendment pass and should the budget have to be balanced by the year 2002.

For example, our neighboring State, the State of Tennessee—and the distinguished Senator from Tennessee represents it well—says the Treasury Department, would have to increase State taxes by 19.5 percent across the board to make up for the loss in grants. I am wondering whether this is an incremental adjustment. I am wondering if the loss of \$1.9 billion to Tennessee in Medicare benefits would be an incremental adjustment; or \$989 million per year in lost funding in Medicaid; or \$78 million in lost highway trust funds are incremental. I ask my friend from Tennessee, are those incremental adjustments?

Mr. THOMPSON. I assume the Senator from Arkansas does not believe those are incremental.

Mr. PRYOR. I do not believe they are. They are not in Arkansas. They may be across the river in Tennessee.

Mr. THOMPSON. I believe when I used that term, I was referring to individuals. I may not have. I think my main point—the main basis was that we are talking about some increases in levels of expenditures that represent cuts in the rates of growth as opposed to actually cutting into the substance of the program. I call that basically incremental; in other words, not draconian cuts, but the beginning of some reductions in the rate of increase in some programs.

With regard to what the Senator is talking about there, in the first place, with all due respect, I cannot accept the figures from the Department of the Treasury, who I think would be a little less than objective in this debate we are having and would be very much opposed to the balanced budget amendment. But, be that as it may, I do not have any idea. I think that Tennessee would lose some revenues. That is my own opinion. How much, I do not know. I doubt if the Department of the Treasury knows, because you are assuming the same rates of growth. You are assuming that the State would not make

some other choices and things of that nature. I do not think we can assume that.

But I get back to this: We are not talking about a good-news versus a bad-news situation. We are not talking about a good choice over a bad choice. We are talking about choosing between two tough choices. I would like to see everybody have everything they want in Tennessee and in Arkansas. My concern is what is the effect on Tennesseans, the effect on my grandkids living in Tennessee when they get to be working age if we do not do something about this runaway fiscal situation that we have in this country.

Mr. PRYOR. Mr. President, I applaud my colleague from Tennessee for his answer, because, to some extent, the Senator from Tennessee, in his answer, is making an argument for the amendment that I am about to call up.

That amendment, basically, says that the States have a right to tell Congress how to balance the Federal budget. This is a States rights amendment. This is an amendment that I am sure my colleague who traveled around Tennessee in that red pickup truck, through those hills and hollows of Tennessee that I love to drive through between here and Arkansas, would have agreed with when he heard those people in Tennessee say that they wanted just the facts. They wanted the right to know. They wanted the right to tell the Congress their point of view.

Well, I have an amendment that is going to do exactly that. This amendment says that the State legislatures, before voting on whether or not to ratify this constitutional amendment—this presupposes or presumes that this amendment will get 67 votes, it might not get 67, and it may not be sent out to the States—but if it does, that the State legislature will have the right to tell Congress how the pain is going to be shared.

They are going to have the right to petition Congress, so to speak, and to tell the Congress of the United States where they want these cuts to come from.

Of course, the right-to-know amendment went down. Every Republican Senator, to the best of my knowledge, with all due respect, voted against telling people in advance of our vote here as to what is going to happen in each respective State. So we are going to try now to give the States the opportunity to tell us, if this amendment passes, how those cuts should be made.

I just think that there is a feeling, Mr. President, out there in the country, that there is some kind of magical plan here in Washington. The Congress is going to wave some secret magic wand and is going to pass a balanced budget amendment and 38 States are going to ratify that amendment and all of our problems are going to be over.

Well, Mr. President, that is not going to be the case.

I just think that we still have an opportunity out in the States to show

that, one, we are for States rights; and, two, that we will listen to the State legislatures tell us how they want this pain to be allocated out in the States.

I notice, I say to the distinguished occupant of the Chair, the State of Missouri would have to raise taxes, according to the Treasury Department, across the board by 15.5 percent. This balanced budget amendment would mean, for Missouri, a \$2.4 billion loss in Medicare, \$3 billion in grants to local Governments and veterans benefits and student loans and all down the line.

I think the States have a right, Mr. President, to let us know in Congress how they prefer that pain to be allocated. This would be before the vote would occur as to whether the particular State wanted to ratify or not.

Mr. THOMPSON. Will the Senator yield for a question?

Mr. PRYOR. I am proud to yield to my friend.

Mr. THOMPSON. Does the Senator from Arkansas accept the premise that we are in a dire situation here as far as the next generation or, prior to that, the next century, that the Social Security trust fund is going into the red in a few years and the interest on the debt escalating?

I think the Senator from Massachusetts acknowledges that. I assume we all basically agree we have a real tough situation on our hands.

Mr. PRYOR. Mr. President, I would answer my friend from Tennessee, I know he was not here then, but in 1982 I supported a balanced budget amendment. That was after I had voted for President Reagan's program to decrease taxes and increase defense spending. This was a mistake on my part. Only 11 Members of the U.S. Senate stood up at a time of great national passion and opposed President Reagan. I supported President Reagan.

In 1982, I voted for the balanced budget amendment. It was worded differently. In 1986, this Senator voted again for the balanced budget amendment. It was worded a little bit differently. On two occasions, I have voted in the 1980's to freeze spending, once for 2 years and once for 1 year. I always will think, had we passed these spending freezes during that period, I say to my friend, that we would not be in the dire consequences that we are in today.

In 1990, I voted a hard vote on the deficit reduction package. In August of 1993, this Senator voted to decrease the deficit by \$500 billion. And I can tell my friend from Tennessee, that was a hard, hard, mean vote.

And right there, in the middle of that aisle, in my opinion in August of 1993, was where we saw the difference between commitment and just talking. On our side, we voted the hard choice.

And this is the only way I think we are going to be able, as we might say in Tennessee and Arkansas, to bring that horse back into the barn. Because in the mid-1980's, we let that horse out of the barn. Now how do we bring him

back? Do we do it by a constitutional amendment to balance the budget?

The problem is not in the Constitution. The problem is us. And this is why I maintain that we have to continue making tough choices here in the legislative branch and not simply pass a balanced budget amendment that is suddenly going to magically trigger in the year 2002, if it is ratified.

Mr. THOMPSON. I agree with my friend's analogy about the horse being out of the barn. My concern is that the horse is not going to have a barn to come back to before very long.

Mr. PRYOR. I would say that we are not going to have a horse if we do not do something. And we are willing to do something and we have demonstrated that we have been willing to do something. We are pleading with our colleagues on the other side of the aisle that we have to do something.

Mr. THOMPSON. May I make a couple of points?

With all due respect, I was not here during that vote, but I am very much aware of it. I am also very much aware that there were two different bodies of thought during that vote. One has been expressed eloquently by the Senator. The other was that the way we take care of our fiscal problems in this country is to cut spending and not to raise taxes. And a lot of people looked at the President's approach at that time, the one you voted for, as basically a major cut in defense spending and the largest tax increase in the history of the country.

So the thought on this side of the aisle, as I read my newspapers during all of that, was that that was not the way to go about it and that it would stifle growth in this country in the long run. My personal opinion is I think it has yet to be played out. Just so we have both theories on the record.

I am very much aware of the Senator's point.

I guess, however, my main question would be, in light of the Senator's good efforts and tireless efforts along these lines and the failure to see those efforts come to fruition, regardless of whatever reason—and it is all fun to talk about Democrats and Republicans and the President versus Congress and this administration and that—the fact of the matter is we are continuing down the same road through both Democrats and Republicans. So my question is: why is it now, in light, for whatever reason, of the continued failure to balance the budget that now causes my friend from Arkansas to think that we can do it without the constraint of a constitutional amendment?

Mr. PRYOR. First, Mr. President, I would say to my friend the problem is not in the Constitution. The problem is in Congress, and it is our commitment and our will. We can balance the budget. We can cure the deficit. We can do it in a number of years if we will make that commitment. We are pleading right now with our colleagues on the

other side of the aisle to join us in that commitment that we helped to make in 1993.

Let me say when the Senator said we are not going to cut spending, we are just going to raise taxes, I know had the Senator been here in August 1993 when that vote was counted and when the roll, as they say, was called. I know the Senator from Tennessee then would have realized that the budget reconciliation bill contained \$250 billion in new taxes, but also an equal amount, \$250 billion, in spending cuts.

We made that hard decision. We made that hard decision stick, I am sorry to say, without our colleagues on the other side.

Mr. THOMPSON. Spending cuts promised in the future that have not come to fruition.

Mr. PRYOR. Those spending cuts are beginning to come into fruition. I think what we have seen in the tremendous creation of jobs in the private sector is the result of the confidence we helped provide in the economy. We basically laid the groundwork in August 1993.

I would like to say this, Mr. President: I am going to, in a moment, call up an amendment. But before I do that, I will yield just for 60 seconds.

I would like to say one thing about the statement of the Senator from Tennessee. He made a statement that was so correct that I agree 100 percent. The Senator from Tennessee earlier in his remarks made the statement, I am not sure I can quote him exactly, I believe the Senator said, "This vote on the balanced budget amendment is the most important vote that we will cast during this term."

I certainly agreed with him as he said it. I agree with him now. I think future generations are going to look back and say that this was an important, critical vote in this session of Congress.

Mr. President, I ask unanimous consent to yield such time as the Senator from Michigan desires.

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

AMENDMENTS NOS. 273, 310, AND 311, EN BLOC

Mr. LEVIN. Mr. President, I ask unanimous consent at this time that I be allowed to call up three amendments en bloc for the purpose of complying with the 3 o'clock unanimous consent deadline and ask that the three amendments be temporarily laid aside.

I hope to come back later this afternoon or Monday and debate my three amendments at that time.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes amendments numbered 273, 310, and 311, en bloc.

Mr. LEVIN. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 273

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 and submitted to the States for ratification upon the enactment of legislation specifying the means for implementing and enforcing the Provisions of the amendment, which amendment".

AMENDMENT NO. 310

On page 2, line 17, after "roll call vote", insert "except that if the whole number of the Senate is equally divided, the Vice President shall have a vote".

On page 2, line 25, after "of each House", insert ", except that if the whole number of the Senate is equally divided, the Vice President shall have a vote".

AMENDMENT NO. 311

On page 2, line 17, after "roll call vote", insert "except that if the whole number of the Senate is equally divided, the Vice President shall have no vote".

On page 2, line 25, after "of each House", insert ", except that if the whole number of the Senate is equally divided, the Vice President shall have no vote".

Mr. LEVIN. Mr. President, I thank my friend from Arkansas and the managers of the bill.

Mr. PRYOR. Mr. President, am I correct in understanding that the Senator from Arkansas does have the floor? I will not keep the floor long. I know the Senator from Utah is back on the floor. My distinguished friend from Massachusetts is on the floor seeking recognition.

AMENDMENT NO. 307

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

The PRESIDING OFFICER. Without objection, it is ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. PRYOR] proposes an amendment numbered 307.

Mr. PRYOR. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 3, between lines 8 and 9, insert the following:

"SEC. 8. It is the intent of Congress that each State should, as a part of its ratification process, submit to Congress recommendations for reductions in direct and indirect Federal funds provided to the State and its residents (based on the State's allocation of Federal funds) necessary to balance the State's share of the Federal deficit."

Mr. PRYOR. Mr. President, I will not give this entire speech, much to the glee of my comrades in arms here this Friday afternoon, but I will summarize, basically, what this amendment is all about.

Next Tuesday, February 28, this body, if it provides 67 votes needed to pass this constitutional amendment,

the pending balanced budget amendment will go to be ratified or rejected by our 50 States.

This is not just an event or happening that takes place every day or every week around this body. Fortunately, it is very rare. Fortunately, we are putting a high priority on this particular debate, focusing on this particular issue.

The Senator from Tennessee eloquently a few moments ago stated what a good debate this has been. And truly, that is the nature, that is the soul of the U.S. Senate, to have debates like this on issues of great national interest such as the balanced budget amendment.

Accompanying this amendment when it leaves this body—there will not be with it a budget plan, there will not be a report, there will be no study that accompanies this amendment, there will be no options for the States, there will be no notion, no inkling, of information that a State can use to judge the impact that the balanced budget amendment would have on the people of their respective States.

Down there in the Tennessee State Legislature, they will call up this balanced budget amendment, as they will across the river in Arkansas, and they are going to be voting on this amendment, Mr. President. And they are not going to have anything to go by as to how it is going to affect the State programs or the Federal programs whereby we send money to the States for the States to use to provide services.

There is going to be nothing. They are going to be voting in the dark. Already we have killed the people's right to know how this budget amendment will impact the people of our country.

So my amendment is going to take a different route. My amendment at least is going to create, hopefully, a moral obligation that the people of the States, the people of Tennessee, the people of Arkansas, Missouri, Utah, and Massachusetts, can go to their State legislature and say, "Send to the Congress the message of how this pain is going to be allocated. Send to the Congress the message of how this is going to occur whereby we get so many fewer dollars."

I think, Mr. President, what we need today more than anything else accompanying this amendment, especially out in the States, are the facts. Right now, what they are going to be looking at are a few speeches made on the floor of the House of Representatives, a very short debate I might add, and then several days of speeches made in the U.S. Senate. Then, based upon those speeches and those statements and desires from constituents and phone calls and letters, then the legislators from the respective States are going to be voting yes or no.

The first Republican House majority leader in 40 years was recently quoted as saying, "We have the serious business of passing a balanced budget amendment, and I am profoundly con-

vinced that putting the details out there would make that virtually impossible." He went on to say, "If the American people understood what this means, it would make their knees buckle."

Mr. President, I suspect the Republican House majority leader is perfectly accurate in this assessment. But I am sure that this is not the way to conduct the business of this country, because I truly believe that the people of our respective States have the right and should be encouraged to tell Members how they want this pain to be shared and how they want these Federal allocations to be made.

My amendment is very simple. As part of the ratification process, each State legislature would be expected—not required, no mandate—but expected to submit to the Congress recommendations on how to cut Federal funds in that particular State. Various committees of the State legislature could hold hearings on the priority they place on Federal programs. Legislatures could deliberate, they could debate the impact of cutting these programs on their constituents.

We feel that this is a solid amendment, Mr. President. We feel that this particular amendment is one that should be approved and adopted by this body. Some will say, well, wait a minute, would this not have to go back to the House of Representatives? Would this not slow the process down?

Once again, Mr. President, we feel that an amendment like this would merely accelerate the States' knowledge of what was going to happen to them should their State ratify or reject the constitutional amendment to balance the budget before their State.

So, Mr. President, I am not going to belabor this issue any longer.

The point is that State governments have a huge stake in how we reach a balanced budget in Washington. And they have a right to tell Congress how to do it.

I believe such an exercise would be helpful to each State in preparing for the impact of a balanced Federal budget. They will invest their time and energy into this process. And, their ideas on ways to cut spending would be invaluable to Congress.

Mr. President, we are in a partnership with the States on this issue, and quite frankly, we need their help in our eventual task of reducing the deficit—whether or not this amendment ultimately passes.

Now, it is curious to me how anyone would vote for legislation when he or she has no idea how it would affect his or her constituents?

The answer to this question is, of course, that it is an extremely popular and painless way to make people happy while not cutting spending one dime. It is popular because it carries a simple and empty answer to all of our deficit problems.

Mr. President, Mark Twain once said that "for every problem there's a sim-

ple solution—and it's wrong." Mr. President, the balanced budget amendment is a simple answer—and it is wrong.

While I was home this weekend, Mr. President, I spoke with a trusted friend and long-time State legislator from my State. He told me "once the people of this country understand what this amendment means, they'll drop it like a hot potato."

Mr. President, I suspect my friend may be right. But the question is whether the people truly understand what they will be voting on. The calls from my State of Arkansas are mostly for a balanced budget amendment until I tell them about the massive spending reductions required to balance the budget. According to the U.S. Treasury Department, in Arkansas, we are looking at:

Medicare—over \$1 billion in lost benefits per year;

Medicaid—\$416 million loss in funding per year;

Highway Trust Funds—\$65 million per year in lost funding; and devastating cuts in veteran's benefits, education, job training, housing, and agriculture programs necessary to actually balance the budget.

At first the callers don't believe me. They believe that Social Security monies are protected in a trust fund, that Medicare is protected in a trust fund, and highway projects are protected in a trust fund. They believe these trust funds have billions of dollars in them, and that this amendment will not affect them.

But this is simply not true, Mr. President, and my colleagues on the other side of the aisle have proven this time and time again by refusing to exempt these programs from this amendment.

When we balance the budget there is no assurance that these programs won't be drastically cut. In fact, it is very likely that they will.

Mr. President, I know we must make heavy cuts in Government spending to reduce the Federal deficit. I have made the tough votes to reduce the deficit in the past, and I will in the future. But, as written, this constitutional amendment is a back door trick that may very well backfire on us. It could prevent any progress on the deficit in the future because we are not being honest.

The amendment I offer today will help to harness the energies and ideas of the States, and make our task of reducing the debt a more democratic process.

Mr. President, my friends on the other side of the aisle have unanimously deprived the American people of their right to know. Will they also shut off a State's right to tell Congress how to cut Federal funds in their own State?

These are the same States who we listen to in formulating national policies promoting the general welfare of our American society on issues like

crime and welfare. We should also listen to them in this process as well.

I urge my colleagues to join me in this effort.

Mr. President, I ask unanimous consent that my amendment No. 307 be temporarily laid aside until Monday.

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

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank the Chair for recognition. I ask unanimous consent that I be permitted to yield for the purposes of a unanimous-consent request of the Senator from West Virginia, and that I retain rights to the floor.

The PRESIDING OFFICER. Is there objection?

Mr. ASHCROFT. I object.

Mr. BYRD. Mr. President, will the Senator yield briefly without losing his right to the floor?

Mr. KERRY. Mr. President, may I yield without losing the right to the floor?

The PRESIDING OFFICER. Is there objection?

Mr. ASHCROFT. I object.

Mr. BYRD. Mr. President, will the Senator yield for a question?

Mr. KERRY. I would be happy to yield to the Senator from West Virginia for the purposes of a question.

Mr. BYRD. The question is: Under the previous order that was entered here, is it not required that Senators who wish to call up amendments that will be in order for a vote on next Tuesday must call those amendments up today prior to the hour of 3 o'clock p.m.?

Mr. KERRY. Mr. President, it is my understanding that is the order, and that in order to have amendments qualified they must be called up by the hour of 3 p.m.

Mr. BYRD. Does not the Senator feel that any Senator in this body, whether he is a Senator from the minority or from the majority, has a perfect right to try to get his amendments called up today before 3 p.m., so that they will be in order for a vote on next Tuesday?

Mr. KERRY. Mr. President, I have never known in my 11 years in the Senate a Senator who was present on the floor who wishes to call an amendment up—who under a previous order is permitted to do so—from being prevented from doing so.

Mr. BYRD. Does the Senator know that I wish to ask unanimous consent that the following amendments be called up and laid aside—and these are already on the list—amendments Nos. 253, 254, 255, 258, and 259; and, that in lieu of amendment No. 257 I wanted to ask—which is on the list—ask unanimous consent that amendment No. 252 be called up and laid aside? Does the Senator know that was the request I was about to make?

Mr. KERRY. Mr. President, I did not know that. But now that I do know

that, I ask unanimous consent of the Chair to have those specific amendments called up and be temporarily set aside until such time as I have completed my amendments.

The PRESIDING OFFICER. Is there objection to the request?

Without objection, it is so ordered.

Mr. KERRY. I thank the President.

Mr. BYRD. Mr. President, I thank the Senator for yielding. I thank the distinguished Senator on the other side, for perhaps he is a member of the response team who has not learned some of the usual courtesies that we try to extend to one another around here. I am going to make the unanimous-consent request now.

I ask unanimous consent that the following amendments be called up and laid aside: amendments Nos. 253, 254, 255, 258, 259; and, that in lieu of amendment No. 257, I ask unanimous consent that amendment No. 252 be called up and laid aside.

The PRESIDING OFFICER. Is there objection to the request? Without objection, it is so ordered.

Mr. BYRD. Mr. President, I again thank the Senator. I thank all Senators.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. I thank the President, and I particularly want to pay tribute to the Senator from West Virginia who has done such an extraordinary job helping to pull out this debate.

Mr. President, I commend the Senator from Arkansas on his comments and observations with respect to this amendment.

This has been a lengthy but, I think, a valuable, for the most part, enlightened debate. I congratulate colleagues on both sides of the aisle for their tempered and passionate arguments for and against a balanced budget amendment in the Constitution.

We have debated this issue before. As the Senator from Arkansas said, we have voted here previously. He previously voted for it. I have previously voted against an amendment to the Constitution, but I was, I think, one of the original cosponsors and one of the first three Democrats to be supportive of the Gramm-Rudman-Hollings law and have voted for a balanced budget law.

As we all know, and as we have heard a number of colleagues recount, the fiscal realities confronting the United States of America are more compelling today than in previous years, and they will be worse in the future unless Congress summons the courage to do something. And so a reexamination of this issue is both important and, I think, appropriate.

The question before us is whether or not passing this constitutional amendment, as drafted, shows courage and whether it is the right thing for us to do.

Over the past weeks, despite my prior vote, I have gone back to try to re-

evaluate this issue and to weigh it carefully. I have reexamined my own position on this question and I have reviewed all of the arguments in this debate, closely reading the daily RECORD, reading and rereading historical documents, analyzing the committee hearings and the report language and carefully assessing the impact of this amendment on Massachusetts and on the country as a whole.

As I mentioned in my short colloquy with the distinguished Senator from Tennessee a few minutes ago, we begin this debate, I think most of us, are genuinely in the same place—with a clear understanding of the profound fiscal condition of the Nation.

No Senator, I think, will argue that we do not need to make a set of tougher choices than we have ever made before. And no one, I think, will argue that we can just continue to go along as we have been going. The numbers do speak for themselves: The national debt now over \$4.9 trillion, three times what it was 11 years ago; gross interest on the national debt soon to be the second-largest expenditure in the entire budget, higher than defense spending; and in 1980 remembering that interest payments on the national debt were \$52 billion, this year they will be \$235 billion, an increase of over 450 percent and over 100 percent increase when adjusted for inflation.

We all now know the cliché but all too real trend lines, that each day we spend \$640 million in interest payments, that Federal spending continues to grow because of automatic increases, and that our lack of action does, indeed, threaten generations to come.

I am persuaded that with or without an amendment, like it or not, no one of us here can avoid the fiscal confrontation that faces us, except temporarily. Just like the health care issue which is, in fact, part of the current problem, we cannot avoid the issue, or hide from it, or make it disappear, or wish it away. It is going to get worse and worse and an angrier and angrier public is, ultimately, going to hold Congress accountable.

The question is whether we can summon the courage under any scenario that addresses our fiscal problems, and do what must be done before the public decides to change the players until they force responsible action.

Mr. President, the amendment before us purports to be that summoning of will. I think it is not. Let us be absolutely clear at the outset. We do not need an amendment to the Constitution in order to balance the budget, and everything about this debate has to begin at that point. The truth is—acknowledged in the committee report itself, acknowledged in the course of debate—technically, we do not need this amendment in order to balance the budget. We do not need an amendment to the Constitution. If the more than 60

Senators who are now committed to voting for this amendment would simply agree among themselves that they will not allow a filibuster, that they would vote for cloture and that 51 votes, majority Government that our Founding Fathers established to do the job, would be allowed to vote on each measure, up or down, then, Mr. President, we could balance the budget today.

I hope America focuses on that, because that is the centerpiece of this debate. It is the centerpiece of what is at stake in Washington. Not the question of whether or not we need a piece of paper and words that we transfer from our current politics into the Constitution to balance it, we could do it today, and if those 60 Senators who have made this their Holy Grail, their prime objective, would simply say "we will not filibuster, we will have a balanced budget now, we could do it this year, not make yet another promise to America that we will do something 7 years from now."

I would agree to that. I would give my solemn pledge to come to the floor, no filibuster. I do not care if it is a program in Massachusetts or a program dear to my heart, I am prepared to let 51 votes decide whether we continue it or cut it, whether we raise the debt or do not, whether we cut taxes, raise taxes, cut a program or increase a program. That is what the Founding Fathers of this country envisioned.

Those who call themselves conservatives ought to stop and think hard about what conservation really means and what conservative means with respect to the Constitution that guides our actions in this country. All they have to do is agree: Let 51 votes decide; let the chips fall where they may; we could do it this year.

So the question then is properly put to the U.S. Senate: Why are we insisting on tampering with the Constitution to accomplish what, by rights, we could accomplish now, what the American people have a right to expect we would accomplish now if we had the will?

The proponents of this amendment say that we need this amendment to, No. 1, force discipline on us. I want to quote from the committee report:

The primary enforcement mechanism is a three-fifths vote to increase the debt ceiling. The committee argues that an amendment to the Constitution "forces the Government to live within its means."

Mr. President, how does it force the Government to live within its means? In a long colloquy between Senator JOHNSTON and Senator HATCH, Senator HATCH acknowledged—in fact, insisted—there will not be court cases; this will not go to court, because the court will not have jurisdiction; the court will not take jurisdiction; it will not be justiciable; there will not be standing; there will not be ripeness, a whole set of reasons.

So, Mr. President, if the Senator from Utah is correct that you cannot

go to court, then how does this force the Government to live within its means? If it does not go to court, then the only enforcer is the Senate and the House, and the only enforcement will be the very willpower that is absent today. So here we are with a new modern catch-22, only it is a catch-22 that may be written into the Constitution of the United States of America.

Now, Mr. President, we tried to clarify the court issue. We tried to actually say what the Senator from Utah was promising us. He said it will not go to court. We said if you are so certain that it will not go to court, why not write that in—that it will not go to court? But, oh, no, there was a block vote preventing us from doing that because, in fact, there are those on the other side who want it to go to court, and who want the ambiguity. So we are in effect being asked to write ambiguity into the Constitution of the United States without an understanding of what the risks are to the Nation in doing so.

Now, that is not the only catch-22. One of the most significant catch-22's is in section 6, and I would like to read from the balanced budget constitutional amendment committee report where it says that:

Congress shall enforce and implement this article by appropriate legislation which may rely on estimates of outlays and receipts. This provision gives Congress an appropriate degree of flexibility in fashioning necessary implementing legislation. For example, Congress could use estimates of receipts or outlays at the beginning of the fiscal year to determine whether the balanced budget requirement of section 1 would be satisfied, so long as the estimates were reasonable and made in good faith.

Most importantly, Mr. President, it says this:

In addition, Congress could decide that a deficit caused by a temporary self-correcting drop in receipts or increase in outlays during the fiscal year would not violate the article.

Get that. We pass the amendment to the Constitution. We say to America we are going to have a balanced budget. But right here in the descriptions, in the fine print, there is language that says Congress could decide that a deficit caused by a temporary self-correcting drop in receipts or increases would not violate the article. So we come right back in and exercise the very same flexibility that we exercise today, and that has to be measured against their statement that this amendment to the Constitution "forces the Government to live within its means." How, if you are having that flexibility and promoting that flexibility, does this force the Government to live within its means?

Moreover, the very same paragraph says:

Similarly, Congress could state that very small or negligible deviations from a balanced budget would not represent a violation of section 1.

That is the most extraordinary thing of all to me, Mr. President. We all know the games that get played around

here. Who is going to define "very small"? Who is going to define "negligible"? Why, we are, of course. And when we define it we will in effect have decided that we can in fact not have a balanced budget. It is right here in the report.

America is being promised a balanced budget, but in the very same language that America is being promised a balanced budget is one of those small, little sections that says Congress is able to define that if you do not have a balanced budget it does not equal a balanced budget problem.

I tell you, Joseph Heller would be proud of this. This is catch-22 at its best, Mr. President.

Now, that is the first reason the proponents say we have to pass it—because this is going to force the Congress to "live within its means." But we have learned, No. 1, they will not say whether or not the courts can enforce it, so we do not know if it is really enforceable or left to the will of Congress. And they have written in some very specific means by which they can escape from responsibility for truly balancing it.

Second, proponents of this amendment say that by this particular amendment as drafted—because I think you could draft an amendment that is better than this, but as this amendment is drafted they say that by constitutionalizing the fiscal principle of a balanced budget a new moral power will overcome the Members of Congress. That is not my language. That is their language. They talk about a new moral authority. Let me quote the committee:

The committee expects fidelity to the Constitution as does the American public. Both the President and Members of Congress swear an oath to uphold the Constitution including any amendments thereto. Honoring this pledge requires respecting the provisions of the proposed amendment.

The report goes on to say:

Flagrant disregard of the proposed amendment's clear and simple provisions would constitute nothing less than a betrayal of the public trust. In their campaigns for reelection, elected officials who flout their responsibilities under this amendment will find the process will provide the ultimate enforcement mechanism.

Mr. President, that is incredible. The first reason that they have given for passing this is that it is going to force something that in effect we have shown cannot really be forced. The second reason is they say it is going to give a new moral authority to the principle that every single one of them has already adopted.

Now, Mr. President, needless to say, there is an extraordinary statement of rather pathetic admission in this glorification of new moral authority. Here we are, elected officials, already sworn to uphold the Constitution of the United States. Let me read to you from the Constitution of the United States, the preamble:

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquillity, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish \* \* \*

Mr. President, we, each of us, already raised our hands, every single one of us already came to this body swearing to uphold this Constitution, which already requires us to look out for the general welfare of the country, and to preserve it for posterity. We have a solemn duty and a responsibility today to deal with this fiscal crisis, not pass some piece of paper that goes on for 7 years into the future. We have that responsibility today under the Constitution. And all that is lacking is the courage of those 60 who say this holy grail is worth pursuing to come to the floor and agree not to filibuster, and let 51 votes uphold the responsibility that we have sworn to uphold.

Now, Mr. President, turning to section 8 of article I:

The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common defence and general Welfare of the United States.

There, it is, Mr. President, section 8 of the Constitution which every Member of this body has already sworn to uphold provides the moral authority to balance the budget today, requires us to exercise that moral authority today.

We should be ashamed of the notion that we have to come here with a whole new process that upsets the very balance of power that was created by the Founding Fathers of this country. A true conservative would think twice about voting in a way that changes the whole power structure and walks away from the personal responsibility already sworn to, to uphold the Constitution, to provide for the general welfare, to pay the debts and provide for posterity.

So I find this rather amazing, that those who already, at the highest level of Government, have a major responsibility to carry out the public trust, who are already on record in town meeting after town meeting, before editorial board after editorial board, in campaign promise after campaign promise. They came to Washington to balance the budget and they have not done it. They have the power today, and they have not exercised it.

Here we are, suggesting to the American people that new words on a piece of paper, enshrining a different concept, will give them the moral force to accomplish what nothing but the lack of personal moral commitment prevents them from doing today, right now. It seems to me there ought to be as much concern about flouting our current responsibility as there is some prospective future responsibility.

Again, I say I am prepared to say no filibuster. I will vote for cloture on any motion on any issue whatever with respect to the budget, providing we agree we are going to try to move toward

this goal. I am prepared to come to the floor and say I will vote for the line-item veto and I will vote against the tax cuts. How you can run around offering America \$700 billion of tax cuts when you are in this kind of trouble, with the exception of what you may need to help the work force—balance it against education and reeducation—is beyond me.

What if you were to accept the notion that there is a legitimacy to the argument of having some new moral force? What if you were to accept the notion that perhaps it is worthwhile to have a constitutional statement that says we ought to adopt a fiscal balanced budget approach? I think that is possible as a principle. But it seems to me if you are going to do that, you ought to deal with the Constitution as a true conservative in a neutral and fair manner. It seems to me we have an equal responsibility to amend the Constitution in a way that it does not do more injury than good, in a way that does not ignore the fundamental relationships of this democracy, and in a way that does not create the potential for serious economic problems while never even guaranteeing the goal that it sets out to achieve.

Tragically, this amendment as it is currently drafted is neither fair nor neutral. We have tried on our side to adjust that issue of fairness by dealing with the issue of the courts, by dealing with the question of capital budget and other issues. At each step, we have been rebuffed. I believe this amendment in its current form goes well beyond fiscal responsibility and, most importantly, it constitutionalizes the politics of the moment. It takes the immediate political agenda of the current majority and constitutionalizes it in a way that may ultimately do violence to the genius of the Constitution and to our form of democracy.

When the veneer is stripped from this amendment before us, I think you can see a deeply troubling political motive that goes beyond just trying to balance the budget, which by definition could not be the only reason for this amendment since the proponents know that they already have the authority to just balance the budget. They are in the majority: Balance it.

No, I think this amendment goes further than just balancing the budget. It goes to the heart of the democratic process and it is one of the reasons why, in its current form, I have the most difficulty with this amendment, because it carries with it a fundamental shift in the decisionmaking in America. It is, as I said, an attempt to constitutionalize a particular ideology, which is not illegitimate. I am not contesting the legitimacy of the belief system. What I am contesting is whether or not you want to take that current, ephemeral majority view and constitutionalize it, which truly runs counter to the notion of being conservative.

It shields a momentary ideological party view from the fundamental democratic concept of majority rule.

How does it do that? The proponents of this amendment are insisting that both Houses of Congress find 60 percent of their membership, not just 60 percent of those present and voting, but 60 percent of their membership; a fixed number must be found in order to do something, in this case to run a deficit, to raise revenues in any way, whether through user fees or taxes. And, in doing that, everything I read, everything I studied and looked at, says to me: alarm bell, red light. Stop. Take a look at this. Make a sounder judgment for history and for the future.

That would usurp the power of a majority to disagree. Those who are using this amendment as a weapon in an ideological war do not want the votes of those who think differently from them to count as much as theirs. It is that simple. If you believe that you may ever reach a different conclusion than they have, they want to make certain that your vote does not count equally by requiring that you have to find a supermajority to fight back.

We are here as passing custodians of an extraordinary trust. These desks do not belong to us. These chairs do not. This room does not. We are the custodians of the Constitution, an extraordinary document, unparalleled in the course of human events. That document is based on the notion of majority rule, and to take that now, and suggest that you are going to require a supermajority to stop some particular action that is a mere choice of policy—fiscal policy, at that—is to suggest that those votes do not count as much for something that a current view suggests is popular. It is fundamentally undemocratic. It is fundamentally revolutionary in the worst sense of the word.

That is not all that I think is wrong, though that ought to be enough, conceivably, in this current draft. The amendment also allows us to cast a vote that permits us to escape the current responsibility and only require that this take place 7 years from now. Which means 7 years from now, you have to find the \$322 billion projected as the deficit for 2002, but you do not have to do anything for 7 years.

I have been listening to my friends come to the floor and tally up each day the amount of interest we are losing just in this debate. That is really good television for the purposes of the debate, but what happens to America when this debate is over? What happens next year? The year after? The year after?

They are not saying they have to do it now. They only have to do it 7 years from now. This truly becomes the politician's freedom from responsibility act.

We were not elected to escape our responsibilities or pass legislative initiatives that further obfuscate the tough choices. If we attempt to escape



through the passage of this amendment, then I think we fail ourselves and we fail the Framers of the Constitution and, most important, we fail the American people.

I think it is a cruel hoax to suggest to the American people—as the Contract With America does—you may disagree about the full amount of tax cuts, but no one will disagree that there are big tax cuts in that contract, whether it is \$700 billion or \$500 billion. It is enough to still make it stick in your throat, when you add that to the already gargantuan task of finding \$1.23 trillion between now and the year 2002.

Mr. President, I think the U.S. Senate really owes the American people a higher level of honesty and we ought to have the courage to tell the truth and to do what is right. One of those truths was with respect to Social Security. I do not disagree that Social Security needs fixing. I think Social Security is legitimately on the table with respect to how you adequately fund it into the next century, because more and more Americans are going to be drawing down on it, with fewer and fewer paying in. There is a legitimate question of whether or not we can afford to pay out huge sums beyond what people put in. But that is a question for the Social Security trust fund, not for balancing the budget. And the promise made to the American people was that this is a fund for retirement. It is insurance against poverty, and it should not be used as an instrument to balance the budget. It is obviously upsetting that this has not been made as clear as I think it ought to be. I do not see how you can tell senior citizens that you are acting in good faith with respect to this effort if you are not willing to make that separation clear—up front.

Mr. President, for obvious reasons this is not an easy choice for anybody—I think for many people at least. There is a current fervor in the country and anger that says we want to balance the budget; solve our fiscal problems; cure it. So there is a quick instinct to want to do what is popular and to say, hey, maybe we ought to pass the balanced budget amendment, throw caution to the wind, and do it. Mr. President, we were sent here to exercise a more significant responsibility than reacting to current popular perception. We swore to do that when we each stood at the other side of the well, raised our hands, and swore to this body and to family and friends and Nation that we would uphold the Constitution.

I think that requirement requires a more sober reflection about what this really does. What does the fine print really do? What is the impact of the courts? We are a Nation that already regurgitates over court involvement in our lives. The city of Boston came to understand that only too well in the process of court-ordered busing. There is also a national sentiment against the courts making decisions for people

who want to make them for themselves.

This amendment is not going to improve that situation for Americans, if Congress fails to show the will that it could show today. And if the arguments of the proponents are so true then indeed you have to show that you are able to find some new willpower. What is the difference in finding the willpower from putting it in the Constitution versus finding the willpower from the oath we have already sworn?

Mr. President, there is this sense of popular rush to judgment here. But I suggest that we owe the country and the Constitution a slower, more deliberate process in keeping with the notion that this is the deliberative body that is meant to be the check and balance.

I have decided to vote against this particular constitutional amendment, as it is drafted today, principally because I have come to believe that it is an ill-advised attempt to memorialize in the fundamental governing document of this democracy one political party's agenda in such a way as to jeopardize majority rule, and change in a radical way what the Founding Fathers set out to do.

I will do so because this draft leaves a dangerous ambiguity existing about court involvement because it establishes an unrealistic and probably dangerous straitjacket on economic choices to respond to bumps and downturns in the economy, and because it sets the American people up for more political gimmickry and does so by putting the Constitution at risk.

Mr. President, as I said, there is a deep concern that we all should feel when we are about to exercise this most significant responsibility. Our Constitution—and I am sure my colleagues feel this—is indeed a magnificent document. I am not suggesting that my colleague on the other side holds a different view of it. I do not believe that. But we can have different interpretations as to what impact our actions will have on it. I believe that the brilliance, the profound simplicity, and the timeless articulation of fundamental principles like majority rule are worth keeping.

I know that the distinguished Senator from West Virginia, Senator BYRD, believes that we cannot alter the fundamental governing document of this Nation without deep deliberation and compelling reason, and I agree with that. Any amending of the Constitution should be done in the same spirit as the writing of the Constitution itself—with an overriding commitment to fairness, and to what is in the best interest of the Nation.

The Federalist Papers speak to us very clearly of that responsibility. I just do not believe that that fairness governs the current draft of this constitutional amendment. Indeed, I think that in its current draft, because of the problems I have cited, it represents a kind of Trojan horse, because it has

one set of rules for treatment of the deficit—the three-fifths majority—and another set of rules for the current majority of the Congress, who may wish to reduce or shift sources of revenue. One value of votes for revenue, one value of votes for deficit. That is not what the framers of the Constitution intended.

I know my colleagues are coming to the floor and saying how frustrating it is and we want to balance this budget, but we are not able to do this, so we have to do that. In fact, Mr. President, we do not have to. All we have to do is get the 60-plus Senators to come and agree, no filibuster, 51 votes. You do not have to change the balance of 60 and 51. The reason you do that is that there is something else that is trying to be achieved, and it is not the fairness, and it is not the neutrality for the process that the Constitution demands.

Mr. President, we obviously cannot amend the Constitution simply because it is fashionable, and we certainly should not do it as a symbolic gesture to score political points or to further personal ideology. We ought to do it because there is an overwhelming national interest that cannot be reached without doing it. There is no expert that I have read in all of these documents of this debate who can say with a certainty that this amendment will result in a balanced budget.

In fact, most experts say it will not result in a balanced budget, and that it may be unenforceable, which results in an extraordinary court battle that could tip the balance of power in this democracy. Who here can imagine judges deciding whether you build a particular defense program, or whether you move a bridge or a highway? Who here wants judges deciding what portion of the budget to cut and how to raise taxes? There is no expert who has suggested that there will not be some court cases.

There is no expert who has said with any certainty that there is a compelling national interest that can be defined and met by the current draft of this amendment. But the most compelling arguments against this amendment, as drafted, Mr. President, come from the real experts, the framers of the Constitution who, were they here on this floor, I am confident would vote against this amendment because it tampers with the Constitution's most fundamental principle of majority rule, and the preservation of our ability to act in the national interest in an emergency.

Mr. President, if fairness were the real consideration here, and if you absolutely felt you had to have a balanced budget amendment that creates this new moral power, then you could do so by passing an amendment that requires 51 votes with an exception, obviously, for state of war or national emergency, economic and national disaster, and you do not have to do it, clearly, in a way that leaves open the

court issue. But, you can close the court issue by simply taking them out of the process within the context of the implementing legislation.

Mr. President, I believe, if you read the Federalist Papers, they make it about as clear as it could be. In Federalist 22, Hamilton called a quorum of more than a majority "poison for a deliberative assembly." That is what is being created here—what Hamilton called poison. He pointedly notes:

The necessity of unanimity in public bodies, or of something approaching towards it, has been founded upon a supposition that it would contribute to security. But its real operation is to embarrass the administration, to destroy the energy of 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.

That is about as clear as you can get. He goes on to say:

The public business must in some way or other go forward. If a pertinacious minority, respecting the best mode of conducting it, the majority in order to something may be done must conform to the views of the minority; and thus the sense of the smaller number will overrule that of the greater and give a tone to the national proceedings.

Hamilton was worried that the requirement of more than a majority would allow the minority to rule simply by not showing up.

When you require the fixed number of a House, not the fixed number of those present and voting, you have given to the minority the capacity not even to participate, and by not participating, they win. That is a tyranny of the minority. That is not majority rule.

Hamilton said, "Its situation must always savor of weakness, sometimes border on anarchy."

Mr. President, Hamilton feared that requiring more than a majority would effectively paralyze the Government's ability to act and could result in anarchy. Harsh and outrageous as that possibility may sound, those who threaten majority rule could threaten the power of the Federal Government by limiting its ability to act at all. All of us know how frustrating it can be to bring some issue to the floor, how long it takes, and how easy it is for one or two Members to frustrate the process. If you have to find that magical number, more than the majoritarian rule, you are already shifting the power in a remarkable way. A minority could limit the Government's ability to raise revenue, however unpopular that might be, or its ability to expend funds, and therefore limit what Hamilton called in Federalist 33 "The most important of the authorities of the Federal Government."

This amendment as drafted, Mr. President, is political dogma disguised as economic policy. It is the continuation of the ongoing effort to demonize certain national interests by demonizing those who promote any kind of national program to protect the American concept of community.

Mr. HATCH. Mr. President, is the Senator finished?

Mr. KERRY. Mr. President, I will yield for a question.

Mr. HATCH. How much longer will the Senator be?

Mr. KERRY. Mr. President, I have probably another 10 or so minutes. I know there is a 3 o'clock deadline. I do not want to delay any of my colleagues. If I could, I will ask unanimous consent that I could finish my comments, and I would be happy to yield for the purpose of permitting an amendment to be called up, if I can retain my rights to the floor thereafter.

Mr. HATCH. I appreciate my colleague for saying that. At 2:55, would it be OK if our colleague would yield so the distinguished Senator from California can call up an amendment and I can call up four amendments?

Mr. KERRY. I would be happy to delay for a moment now and let my friend from Utah call them up, or anybody else, if there is an understanding that I can simply return to complete my comments.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts?

Without objection, the Senator may yield without losing his right to the floor.

Mr. KERRY. I thank the Chair.

Mr. HATCH. If I could ask the Senator, we just need to call these up right before the time expires at 3. Ours have to be called up last.

#### UNANIMOUS CONSENT AGREEMENT

Mr. HATCH. I ask unanimous consent that right before 3 o'clock the Senator from California be allowed to call up her amendment, and I then be permitted to call up the amendments I have on behalf of the majority leader and myself.

The PRESIDING OFFICER. Is there objection to the request?

Mr. KERRY. Reserving the right to object, and I will not, I want to say that I would like to also be able to call up one amendment prior to the 3 o'clock deadline.

Mr. HATCH. If I can amend my request to say that the last three people to be recognized for amendments—unless somebody else comes in—will be the distinguished Senator from California to call up an amendment, the distinguished Senator from Massachusetts to call up an amendment, and I to call up a number of amendments for and on behalf of Senator DOLE and myself; I further ask unanimous consent that immediately following the calling up of these amendments, the ability to call up of amendments be closed, and that the amendments I called up to be the last ones to be called.

The PRESIDING OFFICER. Is there objection to the request?

Mr. KERRY. Reserving the right to object for the basis of our side, I do not see anybody here, and I presume that it assumes the 3 o'clock deadline has been passed.

Mr. HATCH. Right.

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

Mr. HATCH. Will the Senator yield for one more unanimous consent request?

Mr. KERRY. I am happy to.

#### UNANIMOUS CONSENT AGREEMENT

Mr. HATCH. I ask unanimous consent that the Senator—except for that interruption—be permitted to complete his remarks today, and then the Senator from Missouri be able to complete his remarks, and the Senator from Florida be able to complete his remarks and then the Senator from California be able to complete her remarks, in that order, following the amendments.

The PRESIDING OFFICER. Is there objection to the request?

Without objection, it is so ordered.

The Senator from Massachusetts has the floor.

Mr. KERRY. Mr. President, it is my fear that this amendment as it is currently drafted—and I want to emphasize that—begins the process that may permit an erosion of Government's ability to protect certain interests of every American based on a concept of majority rule. It begins to institutionalize a particular judgment, an economic judgment, against a whole set of other judgments which may, at some point in the not too distant future, be the majority view or general interest of the country, but not sufficient to gain 60 votes—but, nevertheless, sufficient to have 51 votes. They could be precluded from then representing those interests. That is, I think, upon reflection, a genuine threat to the notion of the democratic process.

I do not question the sincerity or the intention of those who believe that this is a bad idea whose time has come. But, Mr. President, I think we have to wonder whether we are not on a very dangerous path to fundamental changes in how we govern without the due process that our democracy demands.

The potential of minority rule on an issue as fundamental as raising revenues, I think, begins a dangerous process of beginning to dissolve whatever is left of America's spirit of community by limiting our ability to make decisions that go beyond city limits and State borders, and that may, in fact, be very unpopular, but we have to, if we are going to serve the Nation, preserve the flexibility and capacity for that kind of unpopular decision to be made.

So this debate is not really about specifically spending cuts. It is not about good economic policy. It is about the proliferation into the Constitution itself of a particular philosophy of the moment that almost suggests that the concept of community is lesser than the concept of individual interests. I do