

"Senator Brown is correct that there has not been a significant amount of litigation in the states interpreting their balanced budget provisions, and that this is a factor that weighs against the argument that there would be an avalanche of litigation under a federal balanced budget amendment."

Mr. HATCH. I yield 5 minutes to the distinguished Senator from Louisiana.

Mr. BREAUX. I thank the Senator for yielding his time.

Mr. President, my colleagues, amendments to the Constitution cannot be passed by the Congress alone. It is a partnership arrangement. The process must also include ratification by the various States. Three-fourths of the States, 38 States, must also join with the Congress in ratifying any proposed amendment to the Constitution before it comes part of the Constitution.

In order for me to justify not even voting to send this proposal to my State of Louisiana and the various other States for them to debate and to vote on this measure, I must be convinced that on its face this amendment is such bad public policy that it must die here in Washington. Is this amendment perfect? No, it certainly is not. Its faults are many and they raise serious concerns in a number of areas.

No. 1, can unelected Federal judges who are appointed for life raise taxes and cut programs to enforce this measure? The Nunn and Johnston amendments address this particular question. I understand that there are those this morning who are willing to correct it with the adoption of the Nunn amendment which would go a long ways to correcting this very serious problem. The question of how can the States cast an intelligent vote on ratification without having the right to know in advance, for instance what will happen to them if it is ratified, is a very serious concern that needs further debate and consideration. Are programs, such as those that have trust funds as a means of funding programs, like the Social Security Program, in danger of being cut under this amendment? There needs to be further discussion and further debate on that particular issue.

The answers to these questions are not clear and more debate, not less, must occur. It is an issue that has generated a great deal of justified emotion. National polls and polls of my State of Louisiana indicate that approximately 75 percent of American people support a balanced budget amendment. But the polls also indicate, at the same time, that they do not support the balanced budget amendment if it means that there will be cuts in Social Security, or there will be cuts in Medicare, or there are likely to be cuts in some other favorite program of our constituents.

I voted for a balanced budget amendment to the Constitution in the past as I believe the long-term debt of our Nation is a critical problem that, so far, we have been giving to our children and to our grandchildren. We have made good efforts on reducing the deficits, as we have in 1993 in adopting

President Clinton's deficit reduction plan which cut the deficit by \$500 billion over 5 years. I might add we made that very difficult decision without a single Republican vote. But more needs to be done, and if this amendment passes there will be many more and difficult decisions to make. It will not be easy.

I cannot vote to kill this effort today, here in Washington. Our States must be involved. They should have the right to bring this measure up in our State legislatures, debate it, and then have the right and indeed the obligation to vote on it. For me to vote no here in Washington is to say to my State of Louisiana, and the other States, that I know so much more than you on this particular issue that I now vote no so that you cannot vote at all. I will not do that. So today I will vote yes on the balanced budget amendment and send it to the States for ratification and consideration.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

UNANIMOUS-CONSENT AGREEMENT

Mr. HATCH. Mr. President, I ask unanimous consent that it be in order for me to move to table the following amendments en bloc, and the ordering of the yeas and nays be in order, with one show of seconds.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia

Mr. BYRD. Mr. President, I ask the Senator to clarify his request to make sure that the request does not include the tabling of several amendments listed en bloc.

Mr. HATCH. As I understand it, what we are trying to do is make sure the motions to table on each of these amendments will be in place. They can be called up separately.

I modify my unanimous-consent request to make that clear.

Mr. LEAHY. Reserving the right to object, then, now that the unanimous consent has been modified, will the Chair restate it, please?

The PRESIDING OFFICER. It is the Chair's understanding that the Senator has requested to move to table each individual amendment en bloc, and to order the yeas and nays en bloc, but that the votes would actually be taken individually. Is that correct?

Mr. HATCH. That is correct. I now move to table the following amendments.

Mr. LEAHY. I am still reserving my right to object.

Mr. HATCH. Sure.

Mr. LEAHY. Those votes would occur beginning this afternoon, is that correct?

The PRESIDING OFFICER. It is the Chair's understanding that they would take place this afternoon.

Mr. LEAHY. I have no objection.

Mr. HATCH. Mr. President, with that understanding I now move to table the following amendments and motion and ask for the yeas and nays: The Kennedy amendment No. 267, Nunn amendment No. 299, Levin amendment No. 273, Levin amendment No. 310, Levin amendment No. 311, Pryor amendment No. 307, Byrd amendment No. 252, Byrd amendment No. 254, Byrd amendment No. 255, Byrd amendment No. 253, Byrd amendment No. 258, Kerry motion to commit to budget committee.

The Nunn amendment is as modified.

The PRESIDING OFFICER. Is there objection?

Mr. HATCH. Excuse me—that is right. I withdraw that last statement. Just the amendments I read the numbers for.

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

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I want to personally chat with the distinguished Senators from Georgia and Louisiana. I have listened to their comments carefully and will agree that we would take the amendment of the distinguished Senator from Georgia, as modified—hopefully by a voice vote. It will save us all time but nevertheless to accommodate the distinguished Senator. And hope that would, of course, allow us to proceed from there.

Mr. NUNN. I thank my friend from Utah and my friend from Illinois, and also Senator CRAIG and Senator LOTT and others who have worked hard making this amendment acceptable.

The Senator from Washington State, Senator DORGAN, and I have had some conversations also. Some of the language in this amendment now as is modified has been suggested by the Senator from Washington.

Mr. President, I think this is enormously important, as I said. I will not repeat my remarks but I appreciate the fact that the managers of the bill have agreed to accept this amendment or to recommend its acceptance to the Senate. I urge my colleagues to vote for the amendment. Assuming as I do assume that the amendment will be part of this constitutional amendment, then I will vote for the final passage on the constitutional amendment and I urge my colleagues to join in that effort.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. DASCHLE. Mr. President, there are a number of Senators who have expressed concerns about a voice vote on this amendment. Given the fact that it has been the subject of debate and people are on record on this amendment during the course of the last several weeks of debate, I suggest that we have a rollcall, just to provide Senators the opportunity to express themselves on this amendment.

But that is consistent with the unanimous-consent request. I urge we do that.

At this time I yield 7 minutes to the distinguished Senator from North Dakota.

Mr. DORGAN. Mr. President, I thank the Senator from South Dakota for yielding the time. Twelve years ago I was a member of the House Ways and Means Committee when we wrote a piece of legislation called the Social Security Reform Act, one of the most significant, important, and useful things we did during the entire decade of the 1980's. We raised payroll taxes on both the employees and employers, we did a whole series of things to make the Social Security system work for, we thought then, 50 years. And we solved it for that period of time.

During the writing of that bill, which I participated in, I expressed great concern about the fact that the surpluses that we designed to occur in the Social Security system would be misused unless we protected them. We created surpluses. This year the surplus alone is \$69 billion and the question is, is it being protected? The answer is no.

All during the discussion of this constitutional amendment, and on previous occasions when we have debated it, I have raised this question. Unfortunately, following an hour and a half discussion yesterday with the proponents of this legislation, it appears that this question will not be resolved. I indicated two concerns, one of which has now been resolved, for which I am appreciative: The enforcement issue. I think that resolved that concern.

But I am also concerned about the Social Security trust fund. Does anyone in this room believe that it is appropriate to use Social Security trust funds for other purposes? That is what is happening. That is what will happen under the imprimatur of the Constitution if the balanced budget amendment is passed with this language.

The way to correct this problem is with the Reid amendment. We had a vote on that and lost. The way to correct it is with the substitute offered by Senator FEINSTEIN. We will have a vote on that, and I expect that will lose.

The other way to correct it is for the proponents to bring up implementing language today, before we pass the constitutional amendment, which defines expenditures and receipts as not including Social Security, and that will solve the problem as far as I am concerned. Pass the Reid amendment or pass the Feinstein substitute, either of which will solve this problem as far as I am concerned. If that does not happen, when the final roll is called, I will be voting against this amendment, and I want people to understand why.

This is three-fourths of a trillion dollars. This is not a \$10 or \$20 billion issue. It is three-fourths of a trillion dollars and deals with the promise between those who work and those who have retired and deals with the agreement that we made in 1983 about how

we would protect the future of the Social Security system in this country. We can protect it in this constitutional amendment to balance the budget. It is our decision. The will of the Senate will be expressed to determine whether we do that or do not. I am told that it is not possible to protect Social Security because there are not sufficient votes for it. If that is the case, then it is not possible for me to vote for this constitutional amendment to balance the budget. If between now and the end of the day people say that is possible, I say, fine, let us do it then. And then I will revisit this issue.

But I just want people to understand that my notion of this issue has not changed. It is an enormously important consideration. Social Security is one of the most important things this country has ever done. The 1983 reform act was one of the most significant pieces of legislation in the last decade and a half. And the question is whether we are going to be true to our word and stand for the solvency of the Social Security system for the long term.

On the broader question, do we need a balanced budget amendment? You had better believe we do. We need greater balanced budget discipline, whether it is a constitutional amendment or whether some new legislative initiative. We are sinking in a sea of debt. Yes, we need to do this. But you do not pull yourself out of a sea of debt by inappropriately spending three-fourths of a trillion dollars of Social Security revenue. One is not a tradeoff for the other.

I will simply not vote for a constitutional amendment to balance the budget unless this problem is solved in one of two ways: either pass the implementing legislation to redefine what is meant by receipts and outlays before we pass the constitutional amendment, or pass the Reid amendment as embodied in Senator FEINSTEIN's substitute. One or the other is satisfactory to me. If it appears neither will be done, those who count votes should understand I will then vote no on the constitutional amendment.

I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I yield.

Mr. DASCHLE. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. We have about 8 minutes 10 seconds.

Mr. DASCHLE. I yield the remainder of my time to the distinguished Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished leader.

Mr. President, I compliment the distinguished Senator from Georgia [Mr. NUNN] on his efforts to cure a major flaw in this constitutional amendment to balance the budget. I shall vote for his amendment. Nevertheless, Mr. President, I do not feel that this

amendment by Mr. NUNN will effectively bar the courts from intervening in cases or controversies that will arise outside this or even inside the article. Let us read the amendment. The "judicial power of the United States." Mr. President, that language does not appear to say anything about the State courts. In fact, by omitting any reference to State courts, the language impliedly invites them to come in.

The judicial power of the United States shall not extend to any case or controversy arising under this article.

"Under this article." Suppose the case or controversy arises under some other article, under the takings clause, under the obligations of contract clause, or under the due process clause. The Supreme Court of the United States, if it construes a case or controversy as affected by this amendment, is going to take into consideration the whole document, the four corners of the Constitution and the other amendments thereto. And if there is a John Marshall on that court, he will find a way because, after all, the major purpose of this constitutional amendment is to bring into balance the outlays and receipts annually of the United States.

The amendment goes on to say—Mr. President, may we have order in the Senate? Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. We will not proceed until we have order in the Senate, please.

The Senator from West Virginia.

Mr. BYRD. Mr. President, I will read the Nunn amendment again.

The judicial power of the United States shall not extend to any case or controversy arising under this article, except as may be specifically authorized by legislation adopted pursuant to this section.

Mr. President, we say here that the judicial power of the United States shall not extend to any case or controversy arising under this article except as may be specifically authorized by legislation adopted pursuant to the article.

We all know that legislation that may be adopted to implement the article may change from Congress to Congress. A subsequent Congress can amend or repeal the implementing language enacted by a previous Congress.

So what we are setting up here is a situation in which uncertainty will continue to be a key factor in the judgments that are to be reached, not only uncertainty within the government itself but by the people. We are leaving it to the Congress to pass legislation authorizing thus and so, perhaps authorizing the courts to enter into this kind of case or that kind of case or another sort of controversy. So we are left with the same uncertainty with this amendment as we are without it.

Mr. President, the proposed language by Mr. NUNN seeks to—and it may effectively do so up to a point—eliminate court jurisdiction over legitimate

claims raised under the balanced budget amendment. This means, in effect, that the Nunn amendment confers no right not to be convicted under a statute passed, for example, in violation of section 4 of the amendment. Section 4 reads:

No bill to increase Federal revenue shall become law unless approved by a majority of the whole number of each House by rollcall vote.

Of course, the Constitution requires that bills that raise revenues originate in the other body. If a person is convicted under a criminal statute that originates in this body, but the contents of which criminal statute result in an increase in revenues, then the defendant who seeks relief will do well on the basis of a bill which raises revenue—even though it was a criminal statute under which he was indicted and convicted—which did not originate with the other body.

The Nunn amendment confers no right not to be convicted under a statute passed in violation of any of the sections of this amendment.

The Nunn amendment may, in certain cases, take away the right of an injured citizen to challenge any cuts in benefits—mandated by law—ordered by a President who is seeking to enforce the amendment by impounding funds. As to due process, this amendment is writing the due process clause out of the Constitution, as far as such claims are concerned. I have already indicated that citizens could be convicted of a crime in violation of the Constitution, or taxed in violation of the Constitution. Yet, Congress would have the power to deny these citizens access to the courts in which to vindicate their rights.

The courts could refuse to hear challenges to unconstitutional actions. It is unclear, Mr. President, whether this amendment can be raised as a defense. While the amendment seeks to bar plaintiffs from access to the Federal courts to claim a violation of their rights, it is not clear whether the proposed language also would bar governmental actors—for example, the President of the United States—from raising the balanced budget amendment as a defense. Here is an example: Suppose the President cuts Social Security. The plaintiff might sue, but he does not sue under the balanced budget amendment but under a statute. The President raises the defense that the balanced budget amendment justifies his action. How would a court rule? Would the court rule that the case should be dismissed because of the balanced budget amendment? But then, all the President has to do to escape scrutiny is to invoke the amendment. Would the court rule that the plaintiff wins because the court has no power to review the defense? Then other plaintiffs could bring similar actions and the budget would go unbalanced.

Mr. President, let us say that the Nunn amendment is effective in barring intervention by the Federal courts

into cases or controversies arising "under this article." Even then, the result could be a shift to the President of unreviewable power to impound funds. The Federal courts would be barred by this amendment from reviewing the President's action, despite the Framers' view that the power of the purse should be left in the hands of the Congress, the closest representatives of the people. And if Congress should respond to presidential impoundment by granting the courts the power to review such actions, then the courts would again be embroiled in the budget process and, quite possibly, in the unseemly role of a conscripted ally of one branch against the other.

So, Mr. President, even if this amendment is effective in accomplishing the goal that the distinguished Senator from Georgia seeks, it seems to me that it creates a greater impetus to the flow of legislative power and the control of the purse from the legislative branch to the President. The amendment provides that the courts, in essence, may be authorized to intervene based on implementing legislation that may be passed or may not be passed and may be changed from Congress to Congress. And thus, it gives authority for the Congress to transfer legislative powers to the courts.

Subsequent legislation to implement the article may be vetoed. That would require two-thirds of both Houses to override the President's veto. Even if it becomes law, a subsequent Congress can change the law. The provision may be read as granting Congress the power to confer sweeping legislative powers over taxing and spending priorities on the courts, in the guise of implementing legislation.

This is a mess. Congress may very well, in implementing legislation, decide just to hand the whole mess over to the courts of the land. Such legislation would abdicate Congress' fundamental responsibility over taxing and spending and transfer it to unelected judges, and thus decrease the accountability of the Federal Government to the taxpayers. The courts would be blamed for making the tough choices, though it may be two, three or four, five years down the road. But by then the fingerprints of the proponents of this amendment would be cold, and the mess would be left in the hands of the courts. The courts would be blamed for making the tough choices, which should be the responsibility of the elected officials.

Assuming, Mr. President, that the amendment would be effective in stripping court jurisdiction and assuming further that Presidential impoundment is not the result—and those are large assumptions—the amendment would be an empty promise inscribed in the fundamental charter of our Nation.

Mr. President, the proponents of this amendment have thus far tabled all amendments. Their ears have been deaf to the pleas of those Senators who have sought to protect the Social Security

trust fund. There was no give on that amendment. There was no give on amendments that would deal with the ups and downs, the rises and the falls in the economy—no give on that. But suddenly, here comes an amendment that the proponents on the other side of the aisle seem to be willing to take. What about all of the other amendments that they have rejected?

If the Nunn amendment is included in this overall constitutional article, then the balanced budget constitutional amendment as amended goes back to the House. If the House does not accept the Nunn language, then the balanced budget amendment will go to a conference. The whole balanced budget amendment may then be rewritten in that conference. When that conference report comes back to the Senate, it may not look like the balanced budget amendment that is presently before the Senate. Senators would certainly not have the opportunity to debate at length a conference report on a constitutional amendment that had been measurably changed in the conference process.

Mr. President, I see many slips between the cup and lip in connection with this amendment. It is well-intentioned. I intend to vote for it. But, Mr. President, it demonstrates the farce that we are about to vote on later today—the farce in the form of this constitutional amendment to balance the budget. It is a mess! It is a "quick fix", and there is no way to fix this quick fix. The Nunn amendment clearly demonstrates that.

I reserve the remainder of my time.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from Utah has 38 minutes under his control.

Mr. HATCH. Mr. President, I yield 4 minutes to the distinguished Senator from Illinois.

Ms. MOSELEY-BRAUN. Mr. President, today the Senate stands poised to vote on one of the most important measures that will come before this Congress. Indeed, for many in this Chamber, the vote on the balanced budget amendment will be the most important vote they cast in their career, and I urge each of my colleagues to support it.

As I have stated on this floor before, I chose a career in public service because, throughout my life, the public—through government—helped broaden my opportunities. I am fundamentally committed to ensuring that future generations have the same opportunities I enjoyed. Every child born in this country—whether black or white, whether rich or poor—should have the chance to achieve his or her dreams. Every person should have a chance to contribute to society, to the maximum extent their talent or ability will allow.

Government should play an active role in expanding people's opportunities. The Government should invest in technology and infrastructure, in job

creation and training, and in education, in order to raise the people's living standards. The Government should help unemployed Americans get back on their feet, should help those who want to work to find jobs, should ensure that high-quality, affordable health care is available to all Americans, and should protect our environment. Government is not the enemy of society; it should be a partner, an instrument of the people's will, and a facilitator of our public interest. But if the Government does not get its fiscal house in order—if we don't act now to stop our runaway deficit spending—the Government will have little money left to provide for the public interest. Only the holders of the treasury bonds will be assured of any Government assistance.

As I learned through my work on the Entitlements Commission, unless we get the deficit under control, we will be leaving our children—and our children's children—a legacy of debt that will make it impossible for them to achieve the American dream of living a better life than their parents.

There is simply no way to get around the fact that our present spending trends are not sustainable in the long term. In 1963, Mandatory spending—the combination of entitlement programs and interest on the national debt—comprised 29.6 percent of the Federal Budget. By 1983, that number has almost doubled, to 56.3 percent. Ten years later, in 1993, mandatory spending was 61.4 percent of the annual budget. Let me underscore that: today, mandatory spending—entitlements, plus interest on the national debt—comprise almost two thirds of the entire Federal Budget.

But what about the future? If we don't act now, by the year 2003—8 years from now—mandatory spending will comprise 72 percent of the Federal Budget, 58.2 percent for entitlement programs, and 13.8 percent for net interest on the national debt. Obviously, if we are spending 72 percent of budget on mandatory spending, there is not much left over for defense, education, or infrastructure.

Consider this example. In real terms, AFDC benefits have actually declined since 1970. The significance of that fact should not be lost on anyone. We are spending ourselves into a deeper and deeper hole, yet people are not better off as result.

I have heard many opponents of the balanced budget amendment question the need to tackle the deficit immediately. America is not, they maintain, in the midst of a budgetary crisis. In the short term—the next 7 years—that's perhaps true. The country can probably continue on its current irresponsible path for a few years into the next century. But, after that, it will no longer be possible to ignore the basic demographic and health care cost trends driving the increases in Federal spending. We simply will not be able to continue on our current path, and ex-

pect the Federal Government to function as a partner of the people well into the next century. And, if we wait to act until crisis comes, any action we take will be that much more painful, and that much less effective.

The entire Federal deficit for the current fiscal year—estimated at \$176 billion—represents the interest owed on the huge national debt run up during the 1980's. This year, and next year, the budget would be balanced if not for the reckless supply-side economics that caused the deficit to balloon from its 1980 level of about \$1 trillion to its current level of more than \$4.7 trillion. If we had acted in 1980 to tackle the deficit, rather than adopting programs that merely fed its rapid growth, the problems we face today—in terms of demographics, and the aging of the baby boomers—would seem much more manageable. In 1980, interest on the debt was \$75 billion—that is a lot of money, Mr. President, but it is nowhere near the \$950 billion we currently pay. How much better off we would be if, in 1980, congress had possessed the courage to make the difficult choices, and balance the budget. Not passing the balanced budget amendment will not make our problems go away. Our ability to meet our priorities will be much greater if we enact the balanced budget amendment now, if we tackle the tough problems now, instead of waiting until the country is on the brink of financial ruin. If we need any convincing about the need to address the deficit now, in 1995, we should just look at the consequences of our failure to address it then, in 1980.

But I disagree that deficit spending is the most effective way to accomplish that. In 1966, when our deficit totaled \$3.7 billion, 2.6 percent of our budget went toward funding long-term investment. Now, with our budget deficit about to hit \$268 billion, our long-term investment has shrunk to 1.8 percent of the budget. The reason, I think, is obvious—more and more of our funds must be devoted to paying interest on the debt, leaving less and less for investment.

I have heard opponents of House Joint Resolution 1 state that we should not be tinkering around with the Constitution. Well, I couldn't agree with them more. The years I spent studying law at the University of Chicago gave me a deep appreciation for the Constitution. I believe the U.S. Constitution to be the finest exposition of democratic principles ever written. I make that statement fully aware that, in its original form, the Constitution included neither African-Americans nor women in its vision of a democratic society. But it changed to better realize the promise of America. The beauty of the Constitution is that it can, through a deliberate, cumbersome and sometimes painful process, be amended to reflect the changing realities, and meet new challenges faced by our Nation. This current problem—the problem of our growing fiscal disorder—is

too important not to act on today. Who could be opposed to affirmatively stating in the Constitution that current generations must act responsibly, so that future generations will not be forced to bear the burden of their irresponsibility? What could be more important than the fiscal integrity of our Nation? As another of our Founding Fathers, Thomas Jefferson once said, "We should consider ourselves unauthorized to saddle posterity with our debts, and morally bound to pay them ourselves." Why is that proposition not important enough to be included in the Constitution?

Last year I had the honor of reading George Washington's farewell address to the Nation on the floor of the Senate. In that address, Mr. Washington left us with some words of wisdom that, I believe, support the notion of a balanced budget amendment. I would like to quote those here today:

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering, also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasion of expense, by my vigorous exertions, in times of peace, to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear.

Finally, Mr. President, I would like to take head on the political implications of this debate, because it is an important political question for the Congress. I am not a signatory of the Contract with America. Indeed, I agree with Senator BYRD; the only contract with America that matters to me is the U.S. Constitution.

But I want to be clear that this issue is not a partisan one. It reflects philosophical differences that have little to do with party lines. The senior Senator from my State of Illinois, Senator SIMON, has been one of the chief advocates of the balanced budget amendment for years. Senator SIMON's liberal credentials are without question. He is, and has always been, a Democrat—he was at one time even a candidate for our Presidential nomination. so this is not a Republican versus Democrat debate. Nor is this a battle of the conservatives against the liberals. I am proud to call myself a liberal, for the simple reason that I believe government has a positive and constructive role to play in promoting the public good. I do not believe government is the enemy of progress. I believe it can promote progress. In my lifetime, I have seen firsthand the positive contributions a commitment to the American dream of equality and opportunity can make, I would not be here but for the struggles of people of good will to make the American dream a reality. And it is precisely because I so value their struggles that I believe we must take the steps that a commitment to

providing opportunity requires. We have a duty to use our decisionmaking power in a manner that preserves freedom and opportunity for all Americans, not only in this generation, but in every generation to come.

Poor people are not helped by the deficits and out-of-control spending habits we cannot seem to shake. Its interesting as I listen to the debate that swirls around the issue of the balanced budget amendment and Social Security. The reason that debate is so intense, Mr. President, is that current recipients of Social Security—and even those of us in the baby boom generation who will be collecting checks in the not so distant future—have an absolute expectation that Social Security will provide for us in our retirement. The same cannot be said for those in our younger generations. When you speak to people who are my son Matthew's age, they have absolutely no faith that Government will be there for them when they need it, that it will help them enjoy retirement security or affordable health care or a high standard of living. And why should they, Mr. President? Since my son was born in 1977, he has never seen a balanced budget. He has no idea what it means to live under a Federal Government that spends within its means. He has heard politician after politician promise to balance the budget, yet has only seen the deficit skyrocket.

That cynicism grows deeper and deeper every day, despite pronouncements of politicians that a brighter day is just around the corner. The fact is, with current budget trends, a brighter day is not around the corner. What lies ahead, if we fail to act, is slower economic growth, greater debt, fewer options and higher taxes. The time has passed for us to realize that by failing to act, we are indeed making a choice—a choice that involves throwing away most of our options for dealing with our fiscal problems. The only way we will be able to turn current budget trends around is to face reality with the help of the balanced budget amendment.

Mr. President, I want to take this debate back to the beginning—to the Constitution. The Constitution states, in its preamble:

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and to secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

Mr. President, I believe that this constitutional preamble sets the stage for the vote we will soon cast on this balanced budget amendment, and tells us the direction in which we should go.

This Constitution gives Congress the power to protect Social Security, to respond to fiscal emergencies, and to foreclose judicial interference in budgeting. It gives us the power to do everything necessary to respond to con-

cerns that have been raised in opposition to this balanced budget amendment.

Unfortunately, absent the balanced budget amendment, the Constitution does not give us what we now lack—the will to make the difficult decisions necessary for us to get our fiscal house in order. That is what the balanced budget amendment is calculated to do. It will impose on Congress the fiscal discipline to do what we should have done years ago, what George Washington exhorted us to do in his farewell address to the Nation, and what the preamble to this Constitution tells us to do.

This is not a partisan debate, or at least it shouldn't be. The essence of this debate boils down to whether each individual Senator, regardless of party, believes we have a fundamental obligation to our posterity, and a fundamental obligation to the American people, to abide by the Constitution that we are all sworn to uphold.

Mr. President, I call upon my colleagues to take the pledge by voting for this amendment that we will deficit spend no more, that we will be responsible for the debts that we incur, that we will be responsible for the budgets we pass, and that we will be responsible to future generations, and not saddle them with debt. I call on my fellow Senators to transcend the hysteria and fear that has fueled the opposition to this balanced budget amendment, and respond instead to our hopes, and to the responsibility that we are given as Members of this U.S. Congress to get our fiscal house in order, to discharge our debts, and not to ungenerously throw upon posterity the burdens which we ourselves ought to bear.

Mr. President I thank the Senator from Utah for his yielding, and I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I yield 4 minutes to the distinguished Senator from Virginia.

Mr. ROBB. Mr. President, I will be brief. My views are already known to most of the Members of this body. I support the balanced budget amendment reluctantly—as a bad idea whose time has come. What I really support are the balanced budgets this amendment seeks to achieve.

I support the amendment because I do not believe we are ever going to have the will to actually balance our budgets without it and that our failure to do so puts our future in doubt and demands extraordinary and uncommon action by this Congress.

Let me begin by saying that I endorsed this amendment more than a decade ago, not because I believed then or now, that it will, in and of itself, bring our budget into balance, but because it establishes both a call to action and a destination—and because it takes away an excuse for not making the hard choices we are going to have to make with or without the amend-

ment. It forces us to confront—head-on—the fiscal disaster we have created, and it will force an essential discipline in our budget process that has been sadly absent.

President Clinton deserves enormous credit for the \$500 billion deficit reduction package, which passed this body in 1993. It took courage and he did not have the bipartisan help he deserved. But it was not enough.

Mr. President, during the course of this debate, I have heard many thoughtful and sincere arguments in opposition to this amendment. This morning, I would like to address just two of them—whether or not the amendment will result in deep cuts to important programs and whether or not the amendment is worthy of constitutional consideration.

Mr. President, those who oppose this amendment because it will lead to painful cuts are arguing not against the amendment, but against actually balancing the budget. None of the choices are easy.

But to oppose this amendment because of the difficult choices it will force, is to say to the American people that we do not have the will to govern responsibly and live within our means.

Making these choices means establishing essential priorities for our Nation, identifying effective programs, that provide hope and opportunity for our people, programs that defend our freedom at home and abroad, and programs that invest in a better tomorrow for our children and our grandchildren.

Protecting these priorities means: saying "no" to less critical spending; and having the fortitude to turn to the revenue side when we cannot responsibly cut spending any more; and refusing to enact new tax cuts we cannot afford and tackling entitlement reform, the 800 pound gorilla of the 21st century.

If we do not, Mr. President, if we continue on our present course and speed, entitlements and interest on the debt—and nothing more—will absorb the entire tax revenue base of the Federal Government by the year 2012. It will absorb all of it, with nothing left for national defense or any other Federal program.

How then do we invest in our children?

Interest payments on the national debt will not ever put a single poor child through college. Interest payments on the national debt will not ever provide nutrition for a disadvantaged pregnant woman, special education for a child with disabilities, or the only hot meal of the day for a 6-year-old living in poverty.

I support this amendment, reluctantly, Mr. President, not because I want to endanger programs that provide real opportunity for our children, but because I fear for the strength and security of the world we leave them, and their children if we do not act today.

A child born today will be 17 years old—a senior in high school—the year entitlements and interest on the debt begins to absorb all our tax revenue.

What kind of a nation will that child inherit? Will it even resemble the world of unlimited possibilities that our parents left us?

Today, we make that decision, Mr. President. Today, we decide the future of the class of 2012. Today, we either begin to assume the responsibility for our own debt or we leave it to our children and our grandchildren.

Our Founding Fathers would be dismayed to know that we have reached the point where amending their Constitution is necessary to protect the strength and security of future generations of Americans. And if we had governed with the political courage of our forefathers, we would not be facing a fiscal crisis of such enormous proportion.

But I would argue, Mr. President, that paying our own bills is not a trivial matter. Protecting our ability to invest in the kind of America we want for our children, is not a minor academic argument. Tripling our debt in 15 years is not an inconsequential act. Mr. President, \$6 trillion is not trivial.

To me our own lack of will in paying our bills trivializes our Constitution—and this institution—far more than a balanced budget amendment.

To the children graduating from high school in 2012, an amendment to balance our Federal budget will be more important to the kind of country they inherit than the last amendment we added to the Constitution. That amendment, the 27th, ratified in May, 1992, required intervening elections before congressional pay raises go into effect.

The legacy of debt we leave our children, can never be trivial nor inconsequential. It violates a sacred obligation that has passed through generations of Americans, an obligation which has endured since the birth of our democracy and the adoption of our Constitution. That obligation is to leave a future brighter than our past. If we do not act today we are violating that obligation.

Mr. President, I yield the floor and I thank the manager.

Mr. HATCH. Mr. President, we are down to our last half-hour. It is my honor to yield 4 minutes to the distinguished Senator from South Carolina, who was the first to ever fight for a balanced budget amendment on our side and who deserves a lot of credit if this amendment passes.

Mr. THURMOND. Mr. President, we have seen the national debt and deficits rise because, in large part, the Federal Government has grown. It has grown tremendously out of reason.

The first \$100 billion budget in the Nation occurred in 1962. This was almost 180 years after the Nation was founded. Yet it took only 9 years, from 1962 to 1971, for the Federal budget to reach \$200 billion. Then, the Federal

budget continued to skyrocket: \$300 billion in 1975, \$500 billion in 1979, \$800 billion in 1983, and the first \$1 trillion budget in 1987. The budget for fiscal year 1995 was over \$1.5 trillion.

Federal spending has gripped the Congress as a narcotic. It is time to break the habit and restore order to the fiscal policy of the Nation. It is incumbent upon this body to send the balanced budget amendment to the American people for ratification. I am pleased that we have reached agreement to vote on final passage today.

I want to say this: The federal debt is \$4.8 trillion. How did it come about? Big government, big spending, not following sound fiscal policy at all. The annual interest on this debt—the annual interest we pay for which we get nothing, it just goes down the drain—\$235 billion. That is the second largest item in the budget.

The average annual deficit for each year during this decade has been \$259 billion. It is unreasonable. How are we going to stop it? I have been here 40 years. We have balanced the budget only one time in 32 years. The budget has been balanced only eight times in the last 64 years. When are we going to stop it? When are we going to stop spending more than we take in? When are we going to stop putting this debt on our children and grandchildren and generations to come.

I say to Members that we must take action. Today is the day to do it. Today is the day to pass this amendment and let the American people know we mean business and we are going to protect this country. We have to protect it from this big spending just like we have to protect it in time of war. Either can ruin this Nation.

Now, I want to mention this: The leadership in both houses have stated that Social Security will be protected in the implementing legislation once the balanced budget amendment is adopted. I have long supported our senior citizens and believe that the promise of Social Security is not to be broken. The Federal debt is the greatest threat to Social Security. Adoption of the balanced budget amendment and strong language in the implementing legislation will ensure the viability of Social Security.

The Senate should pass this amendment. My home State of South Carolina has a balanced budget requirement. We have abided by it for years. We do not run any deficits. Why? Because we have the mandate of a balanced budget by constitutional provision. That is what we are trying to get here. We also have a statute.

I say to Members, if we do not pass this amendment today, we will miss a great opportunity. There is no one piece of legislation we can pass this year or any year to come that is more important than this balanced budget amendment. I hope we pass it today. It is for the good of America. It is for the good of our country. We ought to do it without delay. I yield the floor.

Mr. HATCH. Mr. President, I yield to the distinguished Senator from Tennessee for 1 minute.

Mr. THOMPSON. Thank you, Mr. President.

Mr. President, there is nothing more basic to human nature than looking out for the interests of those we bring into this world. Yet we are not doing that in this country. On the contrary, we are creating an economic disaster for the next generation, a debt that they will never be able to dig out of and the prospects of living in a second-rate country.

We are doing this not because of some great depression. We are doing this not because of some great war. We are doing this not because of some natural disaster. We are doing this simply because we have lacked the will to make the tough decisions.

Mr. President, through the history of the course of this country, in times of crisis, leaders of both parties have banded together to face that crisis and overcome it. We must do so again this very day because, indeed, it is a crisis we face. We must do so by passing this balanced budget amendment.

The people's voice could not be more clear on this matter. They have spoken in the polls. They have spoken through their legal, elected representatives in the House. They stand ready to speak again in State legislatures throughout this Nation once we have done our duty. Let it not be said that it was the Senate of the United States of America that stifled the strong, clear voice of the American people. I yield the floor.

Mr. HATCH. Mr. President, I yield 1 minute to the distinguished Senator from Maine.

Ms. SNOWE. I thank the Senator.

Mr. President, Robert Louis Stevenson once said, "These are my politics: To change what we can to better what we can." With today's vote, we have the chance to do both.

Like so many other times in this great Nation's history, we are standing today before the American people on the cusp of monumental change. We have inherited the challenges and the responsibilities of leadership of previous generations of Americans, Americans who have stood in this Chamber and voted for difficult votes that molded the image of their generation.

In this century alone we had women's suffrage, the declaration of World War II, and civil rights laws. Each of these events ended the status quo of one generation and ushered in a new beginning for the next.

The prophetic nature of this debate cannot be understated in the annals of America's history. This is a defining moment for our generation. This is our chance to be remembered for what is just and right in our time. This is our last chance to roll back the years of indebtedness.

This legacy of debt is not just an imbalance between revenues and expenditures. It is an imbalance between trust and responsibilities. The last time the

Congress balanced its budget was when America put a man on the moon.

If there is one thing that we have learned in the last 26 years, it is this: We cannot balance our budget in the absence of a stronger force than politics.

Mr. HATCH. Mr. President, I yield 1 minute to the distinguished Senator from Arizona.

Mr. KYL. Mr. President, outside the Senate Chamber on the Capitol grounds, the debt clock is ticking: an additional \$9,600 every second, \$576,000 every minute, \$35 million every hour, and \$829 million every day. That is nearly \$1 billion in additional debt the Federal Government is accumulating each and every day. It is a catastrophe waiting to happen.

The choice before the Senate today is clear. We can defuse that time bomb of debt by passing the balanced budget amendment and begin to make the tough decisions necessary to put our Nation's fiscal house in order, or we can bury our collective heads in the sand and pretend that spending \$1 billion a day beyond our means will not have devastating economic consequences.

But we ought to be honest with the American people: Without the balanced budget amendment, there is no plan to balance the budget—not in 5 years, not in 10 years, or ever. The budget that President Clinton submitted to the Congress earlier this month proposes \$200 billion deficits as far as the eye can see. The President has no plan to balance the budget.

Although the new Congress is poised to make significant cuts in spending, there is no assurance that when the pain begins to be felt in a few years, it will not opt to mitigate pain by resuming Federal borrowing as Congresses in the past have done. That is why Gramm-Rudman failed several years ago. It is why nothing less than the balanced budget amendment will succeed in the future.

Mr. President, this is a debate about the future, about preserving what is best in America. It is about protecting senior citizens on Social Security. It is about letting our families keep what they earn. It is about protecting our children's future.

I am hopeful today when this day ends the U.S. Senate will have passed the balanced budget amendment.

Mr. HATCH. Mr. President, I yield 1 minute to the distinguished Senator from Ohio.

Mr. DEWINE. Mr. President, the passage of a balanced budget amendment will do more to bring about the fundamental change that the American people voted for in 1994 than anything else that we can do. This is a vote about our future. This is a vote about our children.

Let me share some sobering facts. When my parents graduated from high school in the early 1940's, the debt on each child that graduated was about \$360 dollars. By the time my wife and I

graduated in the mid-1960's it was up to \$1,600. When my children, Patrick and Jill and Becky, graduated in the mid-1980's, it was up to almost \$9,000.

If we continue to go the way we have been going, by the time my grandson, Albert, graduates in the year 2012, it will be up to almost \$25,000.

Mr. President, this is a defining moment. We vote today to change the Government. We vote today to carry out the mandate that was given to this Congress in 1994.

Mr. HATCH. Mr. President, I yield 1 minute to the distinguished Senator from Wyoming.

The PRESIDING OFFICER (Mr. CRAIG). The Senator from Wyoming is recognized for 1 minute.

Mr. THOMAS. Mr. President, I am proud to rise today to urge the passage of House Joint Resolution 1, the balanced budget amendment to the Constitution. I am profoundly convinced that the future of our Government, indeed the future of our country, depends upon reaching a measure of financial responsibility. I am equally convinced that failure to pass this amendment will result in continued deficit spending and added burdens of debt and interest payments.

As Members of this body, we are honored to be trustees in the area of public policy for those who we represent, for the people of the United States. The financial stewardship of this Congress has not met the test of fiscal and moral responsibility.

I am persuaded that the people of Wyoming demand that Congress respond to their voice in November. They called for smaller Government, less expensive Government. The test of good Government is the responsiveness of that Government to the will of the people. We have that opportunity today.

Mr. HATCH. Mr. President, I yield 1 minute to the distinguished Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 1 minute.

Mr. SANTORUM. Mr. President, we see here 11 freshmen who were elected in the last election, and sophomores who are with us. You do not see this many Members in the Senate—at least I do not usually when I have gotten up to speak.

We are here because we got the message. We are here because the American people sent us on a mission. They sent us on a mission to make Government leaner, smaller and more efficient, and this balanced budget amendment is the vehicle by which all of that happens.

If this does not pass, all those things that the people voted for on November 8 will not happen. But let me tell you something, the balanced budget amendment will pass. Oh, it may not pass today—I think it will—but it may not. But it will pass. The people who will stand in the way of this balanced budget amendment today will not be around long to stand in the way the

next time. It will pass. It is just a matter of when.

It is a matter of when we are going to be able to look in the eyes, as I do, of my 2-year-old little boy and my 3-year-old little girl and say that "it is time to look out for your future, too. It is time that someone stands up and cares about you and your opportunities."

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HATCH. Mr. President, I yield 1 minute to the distinguished Senator from Minnesota.

Mr. GRAMS. Mr. President, at the State capital building in St. Paul, MN, lawmakers presented Gov. Arne Carlson with this petition yesterday. It says:

We, the undersigned officials, duly elected by the citizens of the great State of Minnesota, commit our support to congressional passage of the balanced budget amendment and its ratification by the Minnesota State Legislature.

Our petition is signed by 81 representatives on the Federal and State level, Republicans and Democrats, who are concerned that this debt that we are heaping onto the backs of our children is not just wrong, it is criminal.

I ask unanimous consent that this document be printed into the RECORD.

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

MINNESOTANS FOR A BALANCED BUDGET AMENDMENT

(As of February 25, 1995)

We the undersigned officials, duly elected by the Citizens of the Great State of Minnesota, commit our support to congressional passage of the Balanced Budget Amendment and its ratification by the Minnesota State Legislature:

United States Senator Rod Grams.
Governor Arne Carlson.
U.S. Representative Gil Gutknecht (IR-1st CD).
U.S. Representative David Minge (DFL-2nd CD).
U.S. Representative Collin Peterson (DFL-7th CD).
U.S. Representative Jim Ramstad (IR-6th CD).
State Senate Republican Leader Dean Johnson.
State House Republican Leader Steve Sviggum.
State Senator Charlie Berg (DFL-District 13).
State Senator Joe Bertram, Sr. (DFL-District 14).
State Senator Florian Chmielewski (DFL-District 8).
State Senator Dick Day (IR-District 28).
State Senator Steve Dille (IR-District 20).
State Senator Dennis Frederickson (IR-District 23).
State Senator Paula Hanson (DFL-50).
State Senator Terry Johnston (IR-District 35).
State Senator Sheila Kiscaden (IR-District 30).
State Senator Dave Kleis (IR-District 16).
State Senator Dave Knuston (IR-District 36).
State Senator Cal Larson (IR-District 10).
State Senator Arlene Lesewski (IR-District 21).
State Senator Warren Limmer (IR-District 33).

State Senator Bob Lessard (DFL-District 3).

State Senator Tom Neuville (IR-District 25).

State Senator Ed Oliver (IR-District 43).

State Senator Gen Olson (IR-District 34).

State Senator Mark Ourada (IR-District 19).

State Senator Pat Pariseau (IR-District 37).

State Senator Martha Robertson (IR-District 45).

State Senator Linda Runbeck (IR-District 53).

State Senator Kenric Scheevel (IR-District 31).

State Senator Dan Stevens (IR-District 17).

State Senator Roy Terwilliger (IR-District 42).

State Senator Jim Vickerman (DFL-District 22).

State Representative Ron Abrams (IR-District 45A).

State Representative Hilda Bettermann (IR-District 10B).

State Representative Dave Bishop (IR-District 30B).

State Representative Fran Bradley (IR-District 30A).

State Representative Sherry Broecker (IR-District 53B).

State Representative Tim Commers (IR-District 38A).

State Representative Roxann Daggett (IR-District 11A).

State Representative Steve Dehler (IR-District 14A).

State Representative Jerry Dempsey (IR-District 29A).

State Representative Ron Erhardt (IR-District 42A).

State Representative Don Frerichs (IR-District 31A).

State Representative Jim Girard (IR-District 21A).

State Representative Bill Haas (IR-District 48A).

State Representative Tom Hackbarth (IR-District 50A).

State Representative Elaine Harder (IR-District 22B).

State Representative Mark Holsten (IR-District 56A).

State Representative Virgil Johnson (IR-District 32B).

State Representative Kevin Knight (IR-District 40B).

State Representative Le Roy Koppendray (IR-District 17A).

State Representative Ron Kraus (IR-District 27A).

State Representative Philip Krinkie (IR-District 53A).

State Representative Peggy Leppik (IR-District 45B).

State Representative Arlon W. Kindner (IR-District 33A).

State Representative Bill Macklin (IR-District 37B).

State Representative Dan McElroy (IR-District 36B).

State Representative Carol Molnau (IR-District 35A).

State Representative R.D. Mulder (IR-District 21B).

State Representative Tony Onnen (IR-District 20B).

State Representative Mike Osskopp (IR-District 29).

State Representative Dennis Ozment (IR-District 37A).

State Representative Erik Paulsen (IR-District 42B).

State Representative Tim Pawlenty (IR-District 38B).

State Representative Dick Pellow (IR-District 52B).

State Representative Walt Perl (DFL-District 57A).

State Representative Jim Rostberg (IR-District 18A).

State Representative Alice Seagren (IR-District 41A).

State Representative Steve Smith (IR-District 34A).

State Representative Doug Swenson (IR-District 51B).

State Representative Howard Swenson (IR-District 23B).

State Representative Barb Sykora (IR-District 43B).

State Representative Eileen Tompkins (IR-District 36A).

State Representative H. Todd Van Dellen (IR-District 34B).

State Representative Tom Van Engen (IR-District 15A).

State Representative Barb Vickerman (IR-District 23A).

State Representative Charlie Weaver (IR-District 49A).

State Representative Steve Wenzel (DFL-District 12B).

State Representative Gary Worke (IR-District 28A).

Mr. GRAMS. Mr. President, whether by fax or phone or during our conversations together in town halls, Minnesotans, just like the rest of America, are demanding action on this balanced budget amendment.

If this Senate is going to do the will of the people as we were elected to do, then this balanced budget amendment will pass and the final vote would be 100-0. Mr. President, let us make February 28, 1995, the day we finally take responsibility for the uncontrolled spending of Congress in the 1980's. Let us make February 28, 1995, the day that we, the Congress, keep our promise to the American taxpayers and deliver a balanced budget amendment.

Mr. HATCH. Mr. President, I yield 1 minute to the distinguished Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 1 minute.

THREE WORST EXCUSES AGAINST THE BALANCED BUDGET AMENDMENT

Mr. ASHCROFT. Mr. President, here are the three worst excuses that have been made against voting for the balanced budget amendment in this Chamber.

Bad excuse No. 1: We do not need a balanced budget amendment because Congress already has the authority to balance the budget.

Of course, we have the authority to balance the budget. What we need is a prohibition against doing what is wrong. The Constitution is not needed to protect Americans from Congress doing what is right. Americans need the Constitution to protect them from Congress doing what is wrong: Spending the money of the next generation.

The first five words of the Bill of Rights are, "Congress shall make no law." These words shield the people from Congress. Now we need to protect the rights and resources of the next generation from debts incurred by Congress.

Bad excuse No. 2: Before we have a balanced budget amendment, we must

specify every detail about how we will achieve it. When President Kennedy made the commitment to send a man to the Moon, he did not lay out the design for the Apollo spacecraft or the booster rocket. He did not decide which astronaut would be the first man to set foot on the Moon. No, President Kennedy called America to greatness, he challenged people to a higher standard, because it was critical to our future.

Today, we need to challenge America to greatness again, because balancing our budget is essential for our future.

Bad excuse No. 3: A supermajority requirement is undemocratic because it gives a minority the right to block the will of the majority.

What is undemocratic is that this Congress spends the resources of the unrepresented next generation. No taxation without representation was the cry of our Founding Fathers, and it is my cry on behalf of unrepresented generations yet to come.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HATCH. Mr. President, I yield 1 minute to the junior Senator from Tennessee.

The PRESIDING OFFICER (Mr. GRAMS). The junior Senator from Tennessee is recognized for 1 minute.

Mr. FRIST. Mr. President, 4 months ago, I was elected to the U.S. Senate with the mandate to aggressively treat problems that have been readily diagnosed by the American people. The national debt is a malignant cancer growing every second of every day, consuming the health and vitality of this Nation.

The future hard work and dreams of our children are being sacrificed every day to feed this cancer. Conventional treatment has failed.

Congress has demonstrated a lack of discipline to rein in Federal spending. The President has said he will tolerate increasing the debt from \$18,000 to \$24,000 for every individual.

But there is a cure: The balanced budget amendment.

Clearly, we are mortgaging the future of our children if we do not take action today. I want the children of America to inherit a prosperous future, not a legacy of debt. For this reason, I urge my colleagues to join me in supporting the balanced budget amendment.

I yield the floor.

Mr. HATCH. Mr. President, I yield 1 minute to the distinguished Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 1 minute.

Mr. ABRAHAM. Mr. President, I will undoubtedly cast many hundreds of votes during my tenure in the Senate, but it is unlikely I will cast any more important vote than the one I will make later today.

With that vote, I will seek to amend the Constitution of our Nation to require that our national budget be balanced. There are many reasons why I

will vote this way, but first among them is my conviction that our responsibility to secure the economic future of our country can only be fulfilled if we adopt this amendment.

Last night, when I said good night to my 20-month-old twin daughters, I thought about the country they will inherit when they grow up. I will not bequeath to them and their generation a legacy of debt.

For too long, this Congress has failed to meet this responsibility to future Americans. The failures have occurred on both sides of the political aisle, and so now the solution must be bipartisan as well.

I call on my colleagues to provide Betsy and Julie Abraham, and the other children of this country, the future they deserve—a future in which they will have the fullest opportunity to realize the promise of America.

Mr. President, I urge this Senate to adopt this amendment to the Constitution.

Mr. HATCH. Mr. President, I yield the distinguished Senator from Oklahoma 1 minute.

The PRESIDING OFFICER. The Senator is recognized.

Mr. INHOFE. Mr. President, for weeks on end now we have been debating this issue, and I think we know what the arguments are.

The other night I took to the floor and spent 1 hour and 10 minutes diffusing the 11 arguments that have been given against the balanced budget amendment. The bottom line is that those are not real arguments. The bottom line is that those individuals who are going to use arguments against the balanced budget amendment really do not want to cut spending.

Mr. President, the American people do. Let us look at what happened on last November 8. Last November 8, using the two indices of the stimulus bill for spending hikes and the National Taxpayers Union rating for tax increases, virtually everyone in the House and the Senate that was defeated on November 8 voted for the stimulus increase—that is the spending increase—and was rated either a “D” or an “F” by the National Taxpayers Union.

The bottom line is the big spenders and the big taxers do not want a balanced budget amendment, but the American people do. And we have the unique opportunity to give them what they asked for on November 8.

Mr. HATCH. Mr. President, I am really impressed that all 11 new Members to the Senate have spoken for the balanced budget amendment. It shows the difference between what has gone on in the past and what is really going to go on in the future.

I hope our colleagues pay attention, because this is the wave of the future, and we have to pass this balanced budget amendment.

I yield 1 minute to the distinguished Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized for 1 minute.

Mr. BENNETT. Mr. President, I am impressed by the unanimity of this freshman class. I am reminded of one great truth around here, and that is that people who come to Washington and stay a long time sometimes—and I underline sometimes because it is not universal. I see many Members on the floor for whom it is not true—sometimes lose touch with the people back home. It is always the most dangerous political thing that can happen to a Member of the Senate, is to lose touch. My father got to the Senate because his predecessor became too important in Washington to pay attention to the people of Utah. My colleague, the senior Senator from Utah, became a Senator because the man he defeated got out of touch. He was just reelected for a fourth term, indicating that has not happened to him.

But the 11 Members who have come here now, who are the most recent people to face the voters, come unanimously in favor of the balanced budget amendment. When I return home to Utah and conduct my efforts to stay in touch, I find, again, unanimously the voice of the people are demanding that we do this. So I rise to say I think the people in this body should listen to the people of the country who are telling us overwhelmingly this is what they want, and as their representatives here it is time for us to give them what they want.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I yield 1 minute to the distinguished Senator from New Hampshire.

Mr. SMITH. Mr. President, I say to my colleagues, I have only been around here 5 years. I am hardly considered a veteran. But I have never seen a more impressive display in my time in the Senate, indeed in all the years I have spent in the Congress, both the House and the Senate. This is a very personal appeal, talking about their children on behalf of the millions of other American children, and what this is going to do to them in the future. That kind of unanimity, speaking on behalf of the elections in November as you have, is something I hope my colleagues who are still on the fence will hear.

This is much bigger than any one Senator or any one Senator's views. This is the American people at stake here. This is the economic future of America. All this talk we hear about how we are going to get it done, we do not need the amendment—we are not getting it done.

This has been a crusade for me since the first day I ran for Congress and announced I was running in 1979. I am just proud to be with you, all of you, and appreciate what you have done.

If this passes it will be because of you.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HATCH. Mr. President, I yield a minute to the distinguished Senator from New York.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, let me commend my colleagues, not only for their statements but for their clarity, the clarity they have brought to this argument, that they campaigned on. They did not just forget their campaign promises. They are committed to cutting down the size of Government.

We must pass the balanced budget amendment. Those who oppose this amendment will face the wrath of the people. We must force the Federal Government to live within its means. The Federal Government spends too much and taxes too much.

Today, as we vote on this amendment, it is ironic that the Denver International Airport is finally opening—more than 16 months late and \$3 billion over its original budget.

This \$4.9 billion boondoggle demonstrates why we need the balanced budget amendment. It demonstrates why we need less government, not more.

If you have any question about the balanced budget amendment, take a look at the Denver airport.

The FBI, SEC and the Denver district attorney are investigating allegations of fraud and public corruption involving the construction of DIA.

This airport is a monument to Government waste and mismanagement. The FAA has already poured almost \$700 million of Federal dollars into this white elephant. How much more will be needed to keep this airport from crash landing?

In 1989, when Denver voters approved the construction of DIA, the politicians promised that the new airport would cost \$1.7 billion and have 120 gates. The airport's price tag has now reached almost \$5 billion, and the airport has only 87 gates. What happened to gates 88 to 120?

The taxpayers have a right to know why DIA's cost increased by \$3 billion while the airport shrunk in size? Where did the extra \$3 billion go?

The Denver airport was built on the expectation of 56 million passengers per year. But a total of only about 32 million passengers will fly in and out of Denver this year.

It is outrageous that Denver travelers will reportedly have to pay \$40 extra on every round-trip ticket to support this airport.

Why was this Taj Mahal of the Rockies ever built? Why wasn't Denver's existing airport, Stapleton, simply expanded? Who is to blame for this folly?

The new Denver airport was built with almost \$4 billion in municipal bonds. In the wake of the Orange County debacle, the Banking Committee is looking into the adequacy of disclosure to DIA bondholders.

Were bondholders adequately advised of DIA's projected revenues and costs? Was information about Denver's faulty

baggage system withheld? What is the long-term viability of DIA? Will DIA's bondholders be paid in full?

The airport's bonds have a junk rating. Standard & Poor's says that "DIA faces major ongoing uncertainties that could lead to inadequate capacity to meet timely debt service payments." Will Denver's taxpayers have to pick up the tab if the airport defaults?

As we vote on the balanced budget amendment, we must remember the Denver airport. We must remember what happens when taxpayers' money is wasted on grandiose schemes. We must force Government to live within its means.

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

Mr. HATCH. Mr. President, this has been a very good debate. I appreciate our friends and colleagues and the others who have spoken. There are a number of others who would like to speak. Frankly, I would like to yield the remainder of our time to a person who I think has fought his guts out for this amendment, who I think has shown a great deal of courage, who I know has been badgered both ways, and for whom I have the utmost respect in this matter. That is the distinguished Senator from Illinois.

Mr. SIMON. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes and 45 seconds.

Mr. SIMON. Mr. President, I thank Senator HATCH, Senator CRAIG, and everyone who has played a part in this. I got on the Dirksen elevator the other day and right after me came in Senator JOHN CHAFFEE and he said, "What a horrible debt we are imposing on future generations." That sums it all up.

We heard precisely the same arguments in 1986. We had \$2 trillion worth of debt and now we have \$4.8 trillion worth of debt. This year we will spend \$339 billion on interest. We will spend twice as much as what we spend on our poverty programs, 11 times as much as we spend on education, 22 times as much as we spend on foreign economic assistance. In fact, we spend twice as much money on foreign aid for the wealthy in terms of interest on bonds that are held overseas than we spend on foreign aid for the poor.

Will it be painful if we pass this? Yes. There is going to be some pain. There is going to be infinitely more pain for this Nation and a lowered standard of living if we continue to have these huge deficits. The pain we are asked to impose upon ourselves is small compared to some of the steps that, for example, Margaret Thatcher took in Great Britain to turn that country around.

If you assume no change in interest rates, and every projection is that if we pass this, interest rates are going to go lower—but if you assume no change in interest rates, and no deductions on Social Security, it means that we can grow 1.7 percent a year in income. Put another way, in the year 2002, it is an-

ticipated we will have about \$300 billion more in income than we are spending this year. We can have a gradual growth, but we will have to have restrained growth.

I have read the editorials, Mr. President, as have you, criticizing this. It is interesting that not a single editorial has mentioned economic history. Take a look at this chart right here. This is the latest CBO estimate of where we are going in deficit versus national income, GDP. Historically, as nations have come around 9 or 10 or 11 percent, right around here, they have started monetizing the debt, started the printing presses rolling, started devaluing their currency. Those who vote against this are taking the chance that we can be the first nation in history to go up to this kind of debt without monetizing the debt. But what a huge gamble with the future of our country. As responsible Members of this body we should not be making that gamble.

I have heard a lot of about Social Security on the floor of the Senate today and these past days. I want to protect Social Security. The only way you can protect Social Security is to make sure we do not devalue our currency. I think it is vital for the future of our Nation and our children and generations to come that we pass this constitutional amendment.

The PRESIDING OFFICER. The remaining time is under the control of Senator BYRD.

Mr. BYRD. Mr. President, I thank the Chair.

Mr. President, I note that we have the entire Republican response team on the floor here today. They are out in full numbers. I have thought heretofore, when only one or two members of the response team came to the floor, that the other seven might be compared with the Seven Sleepers of Ephesus, to whom Gibbon referred in his magnificent magisterial work, "The Decline and Fall of the Roman Empire." But they are all here today. They really did not sleep as long as the Seven Sleepers, who slumbered 187 years, from the reign of Decius, who reigned from 249 to 251 A.D., until the reign of Theodosius II, who reigned from 408 to 450 A.D. Congratulations to the Republican response team. They have worked hard and acquitted themselves well.

Mr. President, it may be of historical interest to some Senators, as it is to me, that on this very day 200 years ago, the Congress was debating public debt legislation—on February 28, 1795—just as we are today, on February 28, 1995.

I will ask to include in tomorrow's RECORD, for the information of Senators, the materials pertinent to that debate, and to the statute that resulted therefrom.

Mr. President, rarely have I seen in all my years in the Senate a measure so flawed as the one before us today. If adopted, this constitutional amendment will surely create more mischief, generate more surprise consequences,

and spin-off more unfortunate crises than has any other single legislative proposal in the history of this Nation. How something that seems so simple and straightforward to the casual observer can be so truly diabolical and destructive in nature confounds conventional wisdom. But a closer look reveals the impossible nature of this oft-touted but little understood amendment.

Section VI of the amendment states that "The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts." The amendment is immediately rendered unworkable with those 20 words in section VI. If one looks at the history of budget forecasts, it quickly becomes apparent—and no one would know this better than the distinguished Chairman of the Budget Committee, Senator DOMENICI—that forecasting budget receipts and outlays is not unlike forecasting the weather. Both are far from exact sciences, although the local weatherman probably hits the bull's eye with much more frequency than even our best budget prognosticators.

Under Section VI of this balanced budget proposal, erroneous and changing budget forecasts would have us dealing with the budget almost continually. Planned spending enacted before the fiscal year could have to be changed one or more times during the fiscal year. In a constantly fluctuating economy, where outlays and receipts alter with business cycles, as well as with unemployment, earthquakes, fires, and overseas conflicts, requiring rigid end-of-year budget balance, to be determined by estimates is nothing short of a recipe for utter chaos. As if that were not enough, the problem of inaccurate estimates is compounded by the text of Section II. Section II requires that the limit on debt held by the public not be increased absent a three-fifths vote. Since an increase in debt closely correlates with an excess of outlays over receipts, the amendment actually requires Congress to take two actions to allow for a deficit in any given fiscal year: pass a law to increase the debt limit, and pass another law for a specific deficit for the year.

To further elaborate on the "shop of horrors" which this amendment offers, let us discuss for a moment the principle of majority rule. This amendment would, for the first time, I believe, overturn the principle of majority rule. The budget of this Nation and critical economic decisions that relate to that budget could, at the most critical of times, be placed in the hands of a minority. Minorities are not elected to control the Nation's policies. Majorities are charged with that duty. Yet, this amendment would actually hand a minority the power to determine economic policy, and it would hand that power over during times of domestic or foreign economic crises, natural disasters, international turmoil, recessions,

or other economic emergencies. That makes no sense. It makes no sense at all.

Moreover, the amendment's wording in section II—"The limit on the debt of the United States held by the public shall not be increased. . . ." allows the Federal Government to keep borrowing from the trust funds, including the Social Security trust fund, because "debt held by the public" refers to externally-held debt, not internally-held debt. So, we can keep putting IOU's into the trust funds and borrowing to mask the true size of the deficit, without ever having to make good on our IOU's. In the case of the Social Security trust fund, when the baby boomers reach retirement age and the revenues in the trust fund drop because fewer people are working and paying into the fund and more people are drawing benefits out of the fund, how will we ever be able to replace the nearly \$3 trillion which we have borrowed?

The amendment is so full of flaws, so reflective of flabby thinking, so arrogant in its disregard for the traditional checks and balances and separation of powers, that its consequences could be nothing short of a calamity.

The amendment so blurs and smudges the historical balance among the three branches that it renders our traditional constitutional structure to a mere shadow of its former clarity. Congress's traditional power of the purse is seriously hamstrung by the yearly supermajority requirements to waive the provisions of the amendment, and by the possibility of unchecked impoundments of appropriated funds by the Executive. The President's flexibility on budgetary matters is also seriously impaired because he must present a balanced budget every year whether he deems it wise or not.

The courts will either gain tremendous power over both branches and over matters of budget policy or be rendered largely impotent, depending upon how the implementing legislation, if there ever is any, is written, and depending upon the course of events. One thing is certain: uncertainty will reign.

One additional thing is certain. The ghost of John Marshall was not looking over the shoulders of the authors of this most unfortunate amendment.

There is no reason to spoil our grandest historical document with this macabre twisting of the balance of powers. We can begin to address budget deficits right now by passing legislation to further reduce the deficits, and without waiting on any constitutional amendment to provide us cover for the hard choices we were elected to make.

Political cover has its place and can be helpful in some situations, but this cover is far too costly. Destroying the Constitution is too high a price to pay for political cover.

We can cut the deficit without this amendment. But, I fear that the paramount concern of some is whether, absent this amendment, they can vote to

cut deficits and be reelected. That is hardly a noble reason to proceed to rewrite our carefully preserved national charter, preserved for us with blood and protected through the statesmanship and the courage of the past membership of this and the other body through 200 years of time. It is now up to the Members of this current Senate to live up to the standard of patriotism and courage set by our predecessors on important and critical matters throughout our history. There will be no more important vote any of us will ever cast.

Before this day has passed, each of us will be tested as to strength of character and fealty to our sworn oath as Senators.

I hope, Mr. President, we will not, in this critical moment, be found wanting. The amendment will have consequences which no one can predict—no one. We have tried to explore some of those consequences throughout the 30 days of debate which have been consumed on this proposal. But it seems that the more one studies the amendment, the more flaws become apparent.

I am confident that should we go on another 30 days, additional flaws and problems would very likely be found. However, here we are at the 11 hour, witnessing desperate—desperate—last-minute efforts to salvage this amendment through a cut-and-paste process designed only to win votes and to somehow shove this extremely perilous proposal through the Senate. Have we lost all of our senses? What other flaws are we writing into the Constitution with this quick editing process which is currently going on on the Senate floor? What other checks and balances are we compromising with this insane bidding war for votes?

So here we are at the last minute, the 11 hour, the 59th minute of the 11 hour, and there is this hurried, desperate effort to find a way to garner another vote. Cut and paste. Change. We see this frenetic exercise being carried on here, all the hurry at the last moment now to try to patch over some of the flaws that have been brought to light.

Careful consideration has been thrown to the four winds, and all that seems to matter at this point now, Mr. President, is a victory for the proponents, at all costs. We are not filling in a crossword puzzle. We are not trying this word or that word out to win a prize. We are writing a constitutional amendment. John Marshall said: "Let us not forget that it is the Constitution we are expounding." I add my own modest footnote by saying that it is the Constitution that we are amending. We are writing a constitutional amendment—something that will affect the representative democracy for generations of Americans through the coming ages. I regret the rather tawdry attempt at the last-minute tinkering being made to try to salvage a proposal that is so flawed that it ought to be

immediately rejected by the Senate. I hope that we will come to our senses and defeat this patched-up, pulled-together "Frankenstein" before it is too late.

Mr. President, on March 2, 1805—that is only 2 days away from being exactly 190 years ago—Aaron Burr, after he had presided over the impeachment trial of Samuel Chase and before leaving the Senate Chamber for the last time, spoke to the Members of that body over which he had presided for 4 years. The speech was one which left many of the Senators of that ancient day in tears. As we come to a close of this debate very soon, his closing words should ring in the ears of today's men and women who serve in this body. Aaron Burr said, with regard to the U.S. Senate: "This House is a sanctuary—a citadel of law, of order, and of liberty; and it is here—it is here, in this exalted refuge—here, if anywhere, will resistance be made to the storms of political phrensy and the silent arts of corruption; and if the Constitution be destined ever to perish by the sacrilegious hands of the demagogue or the usurper, which God avert, its expiring agonies will be witnessed on this floor."

Mr. President, the decision which the Senate will make before this day's sun has set can very well turn out to be the prophetic end of Burr's words. I have cast 13,744 votes in this Senate since I came to the Senate, now going on 37 years ago. This does not include the more than 400 votes that I cast in the other body before I came to the Senate. But barring none, this is the most important vote of my political career on Capitol Hill. It is important, because we are tampering with the Constitution of the United States, an immortal document that has served us well over a period of 206 years. And we are reaching a critical point in the history of this country and in the history of the Constitution when we face the awful prospect of an amendment, which has been rushed through the other body in 2 day's time, and which has the support all over this country of the overwhelming majority of the American people—because they have not been duly informed of its contents and of the ramifications that will flow from its adoption and ratification. It is said that there is only one vote that stands between the Senate and the Constitution and that awful end which Burr prognosticated which would be witnessed on this floor. "If the Constitution be destined ever to be destroyed by the sacrilegious hands of the demagogue or the usurper, which God avert, its expiring agonies will be witnessed on this floor."

Mr. President, I pray to God that Senators will rise to the occasion—I have seen this Senate demonstrate courage and character before, and I hope it will do so today—and that Senators will cast their vote to protect for their children and their children's children throughout all the ages to come,

this unique Constitution that was written by those illustrious men, like Hamilton and Madison and the other Framers who sat in Philadelphia in 1797, lacking only 2 years, Mr. President, of being 210 years ago.

Mr. President, I close with the urgent plea that we remember Marshall's admonition. Let us not forget that it is a Constitution that we are expounding and let us not forget also, Mr. President, that it is a Constitution that we are amending.

God save the United States of America! God save the Constitution of the United States! May this Senate rise to do its duty in order that our children may have cause to honor the memories of their fathers as we have cause to honor the memory of ours.

The PRESIDING OFFICER. The time has expired.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I ask unanimous consent to proceed for just 30 seconds.

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

Mr. SARBANES. Mr. President, I know time has expired. I asked for 30 seconds to express my very profound gratitude to the distinguished Senator from West Virginia for his powerful statement on behalf of the Constitution.

I know of no Member of the Congress who has a deeper, more enduring dedication to the Constitution than does the Senator from West Virginia. I take his wise and moving words to heart. I am privileged to serve with him. I want to thank him for standing resolutely on this floor day in and day out and eloquently championing the basic, fundamental document of our Republic—the Constitution—which has served us so well for 206 years.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I ask unanimous consent to proceed for 30 seconds.

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

Mr. DODD. Mr. President, I just want to join my colleague from Maryland in commending our beloved colleague from West Virginia.

However the Senate decides this afternoon, I can speak with a great deal of certainty that the children, grandchildren, great grandchildren, and great-great-grandchildren of the distinguished Senator from West Virginia will indeed be proud of how he has stood for his country and has stood for the Constitution. I am deeply proud to stand with him.

I have cast no vote in the past 20 years that will be as important as the one I cast this afternoon. I am proud to cast my vote along with that of the Senator from Maryland and the Senator from West Virginia in defending our Constitution from this assault.

Mr. BYRD. Mr. President, I ask unanimous consent for 30 seconds.

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

Mr. BYRD. I wish to express my thanks to the Senator from Maryland and the Senator from Connecticut for their constant and vigilant defense of our Constitution of the United States against this assault that is being made on the Constitution.

I thank them for their vigor, for their constant diligence, and for their spirit of defense of a great Government.

RECESS UNTIL 2:15 P.M.

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

Thereupon, the Senate, at 12:34 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. SANTORUM).

The PRESIDING OFFICER. The Senate will now come to order.

Mr. DOLE. Mr. President, let me indicate to my colleagues the first vote will be a 20-minute vote. All subsequent votes will be 10 minutes.

It is my hope that it will not take 10 minutes on each vote. I urge my colleagues on both sides to stay on the floor. There will be 17, 18, 19, or 20 votes, and we can complete action on the votes, hopefully by 5 o'clock, if we all stay right here. There will not be time to go anywhere else. I urge my colleagues to stay on the floor.

VOTE ON MOTION TO TABLE AMENDMENT NO. 274

The PRESIDING OFFICER (Mr. THOMPSON). Under the previous order, the vote now occurs on the motion to table amendment No. 274 offered by the Senator from California [Mrs. FEINSTEIN].

The yeas and nays have been ordered. The clerk will call the roll.

Mr. FORD. I announce that the Senator from Massachusetts [Mr. KERRY] is necessarily absent.

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

The result was announced—yeas 60, nays 39, as follows:

[Rollcall Vote No. 80 Leg.]

YEAS—60

Abraham	Exon	Kyl
Ashcroft	Faircloth	Lott
Bennett	Frist	Lugar
Bond	Gorton	Mack
Brown	Gramm	McConnell
Burns	Grams	Moseley-Braun
Campbell	Grassley	Murkowski
Chafee	Gregg	Murray
Coats	Hatch	Nickles
Cochran	Hatfield	Packwood
Cohen	Helms	Pressler
Coverdell	Hutchison	Robb
Craig	Inhofe	Rockefeller
D'Amato	Jeffords	Roth
DeWine	Kassebaum	Santorum
Dole	Kempthorne	Shelby
Domenici	Kerrey	Simon

Simpson
Smith
Snowe

Specter
Stevens
Thomas

Thompson
Thurmond
Warner

NAYS—39

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Conrad
Daschle
Dodd

Dorgan
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Johnston
Kennedy
Kohl

Lautenberg
Leahy
Levin
Lieberman
McCain
Mikulski
Moynihan
Nunn
Pell
Pryor
Reid
Sarbanes
Wellstone

NOT VOTING—1

Kerry

So the motion to lay on the table the amendment (No. 274) was agreed to.

VOTE ON MOTION TO TABLE AMENDMENT NO. 291

The PRESIDING OFFICER. Under the previous order, the question now occurs on the motion to table amendment No. 291, offered by the Senator from Wisconsin [Mr. FEINGOLD].

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Massachusetts [Mr. KERRY] is necessarily absent.

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

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 81 Leg.]

YEAS—99

Abraham	Feingold	Lugar
Akaka	Feinstein	Mack
Ashcroft	Ford	McCain
Baucus	Frist	McConnell
Bennett	Glenn	Mikulski
Biden	Gorton	Moseley-Braun
Bingaman	Graham	Moynihan
Bond	Gramm	Murkowski
Boxer	Grams	Murray
Bradley	Grassley	Nickles
Breaux	Gregg	Nunn
Brown	Harkin	Packwood
Bryan	Hatch	Pell
Bumpers	Hatfield	Pressler
Burns	Heflin	Pryor
Byrd	Helms	Reid
Campbell	Hollings	Robb
Chafee	Hutchison	Rockefeller
Coats	Inhofe	Roth
Cochran	Inouye	Santorum
Cohen	Jeffords	Sarbanes
Conrad	Johnston	Shelby
Coverdell	Kassebaum	Simon
Craig	Kempthorne	Simpson
D'Amato	Kennedy	Smith
Daschle	Kerrey	Snowe
DeWine	Kohl	Specter
Dodd	Kyl	Stevens
Dole	Lautenberg	Thomas
Domenici	Leahy	Thompson
Dorgan	Levin	Thurmond
Exon	Lieberman	Warner
Faircloth	Lott	Wellstone

NOT VOTING—1

Kerry

So the motion to lay on the table the amendment (No. 291) was agreed to.

VOTE ON THE MOTION TO TABLE AMENDMENT NO. 259

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the motion to lay on the table the amendment numbered 259 offered by the Senator from Florida [Mr. GRAHAM]. On this question, the yeas