

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

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

The bill 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 59, nays 40, as follows:

[Rollcall Vote No. 82 Leg.]

YEAS—59

Abraham	Gorton	McConnell
Ashcroft	Gramm	Moseley-Braun
Baucus	Grams	Murkowski
Bennett	Grassley	Nickles
Bond	Gregg	Packwood
Brown	Hatch	Pressler
Burns	Hatfield	Roth
Campbell	Heflin	Santorum
Chafee	Helms	Shelby
Coats	Hutchison	Simon
Cochran	Inhofe	Simpson
Cohen	Jeffords	Smith
Coverdell	Kassebaum	Snowe
Craig	Kempthorne	Specter
D'Amato	Kerrey	Stevens
DeWine	Kyl	Thomas
Dole	Lott	Thompson
Domenici	Lugar	Thurmond
Faircloth	Mack	Warner
Frist	McCain	

NAYS—40

Akaka	Feingold	Lieberman
Biden	Feinstein	Mikulski
Bingaman	Ford	Moynihan
Boxer	Glenn	Murray
Bradley	Graham	Nunn
Breaux	Harkin	Pell
Bryan	Hollings	Pryor
Bumpers	Inouye	Reid
Byrd	Johnston	Robb
Conrad	Kennedy	Rockefeller
Daschle	Kohl	Sarbanes
Dodd	Lautenberg	Wellstone
Dorgan	Leahy	
Exon	Levin	

NOT VOTING—1

Kerry

So, the motion to lay on the table was agreed to.

VOTE ON MOTION TO TABLE AMENDMENT NO. 298

The PRESIDING OFFICER (Mr. ABRAHAM). Under the previous order, the question is on a motion to table amendment No. 298, offered by the Senator from Florida [Mr. GRAHAM].

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

The result was announced—yeas 57, nays 43, as follows:

[Rollcall Vote No. 83 Leg.]

YEAS—57

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

Specter
Stevens

Thomas
Thompson

Thurmond
Warner

[Rollcall Vote No. 85 Leg.]

YEAS—63

Akaka	Feingold	Levin
Baucus	Feinstein	Lieberman
Biden	Ford	Mikulski
Bingaman	Glenn	Moseley-Braun
Boxer	Graham	Moynihan
Bradley	Harkin	Murray
Breaux	Heflin	Nunn
Bryan	Hollings	Pell
Bumpers	Inouye	Pryor
Byrd	Johnston	Reid
Conrad	Kennedy	Rockefeller
Daschle	Kerry	Sarbanes
Dodd	Kohl	Wellstone
Dorgan	Lautenberg	
Exon	Leahy	

Abraham	Gorton	Moseley-Braun
Ashcroft	Graham	Murkowski
Baucus	Gramm	Nickles
Bennett	Grams	Nunn
Bond	Grassley	Packwood
Boxer	Gregg	Pressler
Brown	Hatch	Reid
Burns	Hatfield	Roth
Campbell	Heflin	Santorum
Chafee	Helms	Shelby
Coats	Hutchison	Simon
Cochran	Inhofe	Simpson
Cohen	Jeffords	Smith
Coverdell	Kassebaum	Snowe
Craig	Kempthorne	Specter
D'Amato	Kyl	Stevens
DeWine	Lott	Thomas
Dole	Lugar	Thompson
Domenici	Mack	Thurmond
Faircloth	McCain	Warner
Frist	McConnell	Wellstone

NAYS—37

Akaka	Feingold	Leahy
Biden	Feinstein	Levin
Bingaman	Ford	Lieberman
Bradley	Glenn	Mikulski
Breaux	Harkin	Moynihan
Bryan	Hollings	Murray
Bumpers	Inouye	Pell
Byrd	Johnston	Pryor
Conrad	Kennedy	Robb
Daschle	Kerrey	Rockefeller
Dodd	Kerry	Sarbanes
Dorgan	Kohl	
Exon	Lautenberg	

So the motion to lay on the table the motion to refer House Joint Resolution 1 was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Let me caution all Members to stay on the floor. From now on the vote will end in 10 minutes regardless. Members have been cautioned to be on the floor. We would like to complete action. We have lost about 10 or 15 minutes waiting throughout the afternoon. That will not happen again. Ten minutes, that is it.

VOTE ON MOTION TO TABLE AMENDMENT NO. 299

The PRESIDING OFFICER. Under the previous order, the question now occurs on the motion to table amendment No. 299, offered by the Senator from Georgia [Mr. NUNN].

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

The result was announced—yeas 61, nays 39, as follows:

[Rollcall Vote No. 86 Leg.]

YEAS—61

Abraham	Gorton	Murkowski
Ashcroft	Gramm	Nickles
Baucus	Grams	Packwood
Bennett	Grassley	Pressler
Bond	Gregg	Reid
Brown	Hatch	Robb
Burns	Hatfield	Roth
Campbell	Heflin	Santorum
Chafee	Helms	Shelby
Coats	Hutchison	Simon
Cochran	Inhofe	Simpson
Cohen	Jeffords	Smith
Coverdell	Kassebaum	Snowe
Craig	Kempthorne	Specter
D'Amato	Kyl	Stevens
DeWine	Lott	Thomas
Dole	Lugar	Thompson
Domenici	Mack	Thurmond
Faircloth	McCain	Warner
Frist	McConnell	
Glenn	Moseley-Braun	

NAYS—39

Akaka	Bingaman	Bradley
Biden	Boxer	Breaux

So the motion to lay on the table the amendment (No. 298) was agreed to.

VOTE ON MOTION TO TABLE AMENDMENT NO. 267

The PRESIDING OFFICER. Under the previous order, the question now occurs on the motion to table amendment numbered 267 offered by the Senator from Massachusetts [Mr. KENNEDY].

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

The legislative clerk called the roll.

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

The result was announced—yeas 62, nays 38, as follows:

[Rollcall Vote No. 84 Leg.]

YEAS—62

Abraham	Frist	McConnell
Ashcroft	Gorton	Murkowski
Bennett	Gramm	Nickles
Bond	Grams	Packwood
Brown	Grassley	Pressler
Bryan	Gregg	Reid
Burns	Hatch	Robb
Campbell	Hatfield	Roth
Chafee	Heflin	Santorum
Coats	Helms	Shelby
Cochran	Hollings	Simon
Cohen	Hutchison	Simpson
Coverdell	Inhofe	Smith
Craig	Jeffords	Snowe
D'Amato	Kassebaum	Specter
DeWine	Kempthorne	Stevens
Dole	Kyl	Thomas
Domenici	Lott	Thompson
Exon	Lugar	Thurmond
Faircloth	Mack	Warner
Feinstein	McCain	

NAYS—38

Akaka	Feingold	Levin
Baucus	Ford	Lieberman
Biden	Glenn	Mikulski
Bingaman	Graham	Moseley-Braun
Boxer	Harkin	Moynihan
Bradley	Inouye	Murray
Breaux	Johnston	Nunn
Bumpers	Kennedy	Pell
Byrd	Kerrey	Pryor
Conrad	Kerry	Rockefeller
Daschle	Kohl	Sarbanes
Dodd	Lautenberg	Wellstone
Dorgan	Leahy	

So the motion to lay on the table the amendment (No. 267) was agreed to.

VOTE ON MOTION TO TABLE MOTION TO REFER

The PRESIDING OFFICER. Under the previous order, the question now occurs on agreeing to the motion to lay on the table the motion to refer House Joint Resolution 1, offered by the Senator from Arkansas [Mr. BUMPERS].

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

The bill clerk called the roll.

The result was announced—yeas 63, nays 37, as follows:

Bryan	Graham	Levin
Bumpers	Harkin	Lieberman
Byrd	Hollings	Mikulski
Conrad	Inouye	Moynihan
Daschle	Johnston	Murray
Dodd	Kennedy	Nunn
Dorgan	Kerrey	Pell
Exon	Kerry	Pryor
Feingold	Kohl	Rockefeller
Feinstein	Lautenberg	Sarbanes
Ford	Leahy	Wellstone

So the motion to lay on the table the amendment (No. 299) was agreed to.

Mr. HATCH. Mr. President, I ask for the yeas and nays on the Nunn amendment.

The PRESIDING OFFICER. Is there a sufficient?

There is a sufficient second.

The yeas and nays were ordered.

VOTE ON AMENDMENT NO. 300, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, the question occurs on amendment No. 300, as modified, offered by the Senator from Georgia [Mr. NUNN].

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

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

The result was announced—yeas 92, nays 8, as follows:

[Rollcall Vote No. 87 Leg.]
YEAS—92

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

NAYS—8

Brown	Harkin	Moseley-Braun
Feingold	Leahy	Moynihan
Gramm	McCain	

So the amendment (No. 300), as modified, was agreed to.

VOTE ON MOTION TO TABLE AMENDMENT NO. 273

The PRESIDING OFFICER. Under the previous order, the question is on the motion to table amendment No. 273 offered by the Senator from Michigan [Mr. LEVIN].

The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

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

The result was announced—yeas 62, nays 38, as follows:

[Rollcall Vote No. 88 Leg.]

YEAS—62

Abraham	Gorton	Murkowski
Ashcroft	Gramm	Nickles
Baucus	Grassley	Packwood
Bennett	Gregg	Pressler
Bond	Hatch	Reid
Brown	Harkin	Rockefeller
Bryan	Hatfield	Roth
Burns	Heflin	Santorum
Campbell	Helms	Shelby
Chafee	Hutchison	Simon
Coats	Inhofe	Simpson
Cochran	Jeffords	Smith
Cohen	Kassebaum	Snowe
Coverdell	Kempthorne	Specter
Craig	Kyl	Stevens
D'Amato	Lott	Thomas
DeWine	Lugar	Thompson
Dole	Mack	Thurmond
Domenici	McCain	Warner
Faircloth	McConnell	Wellstone
Frist		

NAYS—38

Akaka	Feingold	Leahy
Biden	Feinstein	Levin
Bingaman	Ford	Lieberman
Boxer	Glenn	Mikulski
Bradley	Graham	Moseley-Braun
Breaux	Hollings	Moynihan
Bumpers	Inouye	Murray
Byrd	Johnston	Nunn
Conrad	Kennedy	Pell
Daschle	Kerrey	Pryor
Dodd	Kerry	Robb
Dorgan	Kohl	Sarbanes
Exon	Lautenberg	

So the motion to table the amendment (No. 273) was agreed to.

VOTE ON MOTION TO TABLE AMENDMENT NO. 310

The PRESIDING OFFICER. Under the previous order, the question now occurs on the motion to table amendment No. 310, offered by the Senator from Michigan [Mr. LEVIN].

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

The assistant legislative clerk called the roll.

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

The result was announced—yeas 57, nays 43, as follows:

[Rollcall Vote No. 89 Leg.]

YEAS—57

Abraham	Gorton	McConnell
Ashcroft	Gramm	Murkowski
Bennett	Grams	Nickles
Bond	Grassley	Packwood
Brown	Gregg	Pressler
Burns	Hatch	Reid
Campbell	Hatfield	Roth
Chafee	Heflin	Santorum
Coats	Helms	Shelby
Cochran	Hutchison	Simon
Cohen	Inhofe	Simpson
Coverdell	Jeffords	Smith
Craig	Kassebaum	Snowe
D'Amato	Kempthorne	Specter
DeWine	Kyl	Stevens
Dole	Lott	Thomas
Domenici	Lugar	Thompson
Faircloth	Mack	Thurmond
Frist	McCain	Warner

NAYS—43

Akaka	Conrad	Harkin
Baucus	Daschle	Hollings
Biden	Dodd	Inouye
Bingaman	Dorgan	Johnston
Boxer	Exon	Kennedy
Bradley	Feingold	Kerrey
Breaux	Feinstein	Kerry
Bryan	Ford	Kohl
Bumpers	Glenn	Lautenberg
Byrd	Graham	Leahy

Levin	Murray	Rockefeller
Lieberman	Nunn	Sarbanes
Mikulski	Pell	Wellstone
Moseley-Braun	Pryor	
Moynihan	Robb	

So the motion to lay on the table the amendment (No. 310) was agreed to.

VOTE ON MOTION TO TABLE AMENDMENT NO. 311

The PRESIDING OFFICER. Under the previous order, the question now occurs on the motion to table the amendment No. 311 offered by the Senator from Michigan [Mr. LEVIN].

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

The legislative clerk called the roll.

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

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 90 Leg.]

YEAS—100

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

So the motion to lay on the table the amendment (No. 311) was agreed to.

VOTE ON MOTION TO TABLE AMENDMENT NO. 307

The PRESIDING OFFICER. Under the previous order, the question now occurs on the motion to table amendment No. 307, offered by the Senator from Arkansas [Mr. PRYOR].

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

The bill clerk called the roll.

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

The result was announced—yeas 63, nays 37, as follows:

[Rollcall Vote No. 91 Leg.]

YEAS—63

Abraham	Cohen	Gorton
Ashcroft	Coverdell	Graham
Bennett	Craig	Gramm
Bingaman	D'Amato	Grams
Bond	DeWine	Grassley
Brown	Dole	Gregg
Burns	Domenici	Hatch
Campbell	Exon	Hatfield
Chafee	Faircloth	Heflin
Coats	Feinstein	Helms
Cochran	Frist	Hollings

Hutchison	McConnell	Simon
Inhofe	Murkowski	Simpson
Jeffords	Nickles	Smith
Kassebaum	Nunn	Snowe
Kempthorne	Packwood	Specter
Kyl	Pressler	Stevens
Lott	Reid	Thomas
Lugar	Roth	Thompson
Mack	Santorum	Thurmond
McCain	Shelby	Warner

NAYS—37

Akaka	Feingold	Lieberman
Baucus	Ford	Mikulski
Biden	Glenn	Moseley-Braun
Boxer	Harkin	Moynihan
Bradley	Inouye	Murray
Breaux	Johnston	Pell
Bryan	Kennedy	Pryor
Bumpers	Kerrey	Robb
Byrd	Kerry	Rockefeller
Conrad	Kohl	Sarbanes
Daschle	Lautenberg	Wellstone
Dodd	Leahy	
Dorgan	Levin	

So the motion to lay on the table the amendment (No. 307) was agreed to.

VOTE ON THE MOTION TO TABLE AMENDMENT NO. 252

The PRESIDING OFFICER. Under the previous order, the question occurs on the motion to lay on the table amendment No. 252 offered by the Senator from West Virginia [Mr. BYRD].

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

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

The result was announced—yeas 69, nays 31, as follows:

[Rollcall Vote No. 92 Leg.]

YEAS—69

Abraham	Faircloth	Mack
Ashcroft	Feinstein	McCain
Baucus	Frist	McConnell
Bennett	Gorton	Moseley-Braun
Biden	Graham	Murkowski
Bingaman	Gramm	Nickles
Bond	Grams	Nunn
Brown	Grassley	Pressler
Bryan	Gregg	Reid
Burns	Hatch	Robb
Campbell	Hatfield	Roth
Chafee	Heflin	Santorum
Coats	Helms	Shelby
Cochran	Hollings	Simon
Cohen	Hutchison	Simpson
Conrad	Inhofe	Smith
Coverdell	Jeffords	Snowe
Craig	Kassebaum	Specter
D'Amato	Kempthorne	Stevens
DeWine	Kohl	Thomas
Dole	Kyl	Thompson
Domenici	Lott	Thurmond
Exon	Lugar	Warner

NAYS—31

Akaka	Glenn	Mikulski
Boxer	Harkin	Moynihan
Bradley	Inouye	Murray
Breaux	Johnston	Packwood
Bumpers	Kennedy	Pell
Byrd	Kerrey	Pryor
Daschle	Kerry	Rockefeller
Dodd	Lautenberg	Sarbanes
Dorgan	Leahy	Wellstone
Feingold	Levin	
Ford	Lieberman	

So the motion to lay on the table was agreed to.

VOTE ON MOTION TO TABLE AMENDMENT NO. 254

The PRESIDING OFFICER. Under the previous order, the question now occurs on the motion to table amendment No. 254, offered by the Senator from West Virginia [Mr. BYRD].

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

The legislative clerk called the roll.

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

The result was announced—yeas 68, nays 32, as follows:

[Rollcall Vote No. 93 Leg.]

YEAS—68

Abraham	Feinstein	McConnell
Ashcroft	Frist	Moseley-Braun
Baucus	Gorton	Murkowski
Bennett	Gramm	Nickles
Bingaman	Grams	Nunn
Bond	Grassley	Packwood
Brown	Gregg	Pressler
Bryan	Harkin	Reid
Burns	Hatch	Robb
Campbell	Hatfield	Roth
Chafee	Heflin	Santorum
Coats	Helms	Shelby
Cochran	Hutchison	Simon
Cohen	Inhofe	Simpson
Conrad	Jeffords	Smith
Coverdell	Kassebaum	Snowe
Craig	Kempthorne	Specter
D'Amato	Kohl	Stevens
DeWine	Kyl	Thomas
Dole	Lott	Thompson
Domenici	Lugar	Thurmond
Exon	Mack	Warner
Faircloth	McCain	

NAYS—32

Akaka	Ford	Levin
Biden	Glenn	Lieberman
Boxer	Graham	Mikulski
Bradley	Hollings	Moynihan
Breaux	Inouye	Murray
Bumpers	Johnston	Pell
Byrd	Kennedy	Pryor
Daschle	Kerrey	Rockefeller
Dodd	Kerry	Sarbanes
Dorgan	Lautenberg	Wellstone
Feingold	Leahy	

So the motion to lay on the table the amendment (No. 254) was agreed to.

VOTE ON MOTION TO TABLE AMENDMENT NO. 255

The PRESIDING OFFICER. Under the previous order, the question now occurs on the motion to table amendment No. 255, offered by the Senator from West Virginia [Mr. BYRD].

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

The bill clerk called the roll.

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

The result was announced—yeas 62, nays 38, as follows:

[Rollcall Vote No. 94 Leg.]

YEAS—62

Abraham	Frist	McConnell
Ashcroft	Gorton	Murkowski
Baucus	Gramm	Nickles
Bennett	Grams	Packwood
Bond	Grassley	Pressler
Brown	Gregg	Reid
Bryan	Hatch	Robb
Burns	Hatfield	Roth
Campbell	Heflin	Santorum
Chafee	Helms	Shelby
Coats	Hollings	Simon
Cochran	Hutchison	Simpson
Cohen	Inhofe	Smith
Conrad	Jeffords	Snowe
Coverdell	Kassebaum	Specter
Craig	Kempthorne	Stevens
D'Amato	Kyl	Thomas
DeWine	Lott	Thompson
Dole	Lugar	Thurmond
Domenici	Mack	Warner
Faircloth	McCain	

NAYS—38

Akaka	Bingaman	Bradley
Biden	Boxer	Breaux

Bumpers	Harkin	Mikulski
Byrd	Inouye	Moseley-Braun
Daschle	Johnston	Moynihan
Dodd	Kennedy	Murray
Dorgan	Kerrey	Nunn
Exon	Kerry	Pell
Feingold	Kohl	Pryor
Feinstein	Lautenberg	Rockefeller
Ford	Leahy	Sarbanes
Glenn	Levin	Wellstone
Graham	Lieberman	

So the motion to lay on the table the amendment (No. 255) was agreed to.

MOTION TO TABLE AMENDMENT NO. 253

The PRESIDING OFFICER. Under the previous order the question now occurs on the motion to table amendment No. 253 offered by the Senator from West Virginia [Mr. BYRD].

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

The assistant legislative clerk called the roll.

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

The result was announced—yeas 63, nays 37, as follows:

[Rollcall Vote No. 95 Leg.]

YEAS—63

Abraham	Feinstein	McCain
Ashcroft	Frist	McConnell
Bennett	Gorton	Murkowski
Biden	Gramm	Nickles
Bond	Grams	Nunn
Brown	Grassley	Packwood
Bryan	Gregg	Pressler
Burns	Hatch	Reid
Campbell	Hatfield	Roth
Chafee	Heflin	Santorum
Coats	Helms	Shelby
Cochran	Hollings	Simon
Cohen	Hutchison	Simpson
Coverdell	Inhofe	Smith
Craig	Jeffords	Snowe
D'Amato	Kassebaum	Specter
DeWine	Kempthorne	Stevens
Dole	Kyl	Thomas
Domenici	Lott	Thompson
Exon	Lugar	Thurmond
Faircloth	Mack	Warner

NAYS—37

Akaka	Ford	Lieberman
Baucus	Glenn	Mikulski
Bingaman	Graham	Moseley-Braun
Boxer	Harkin	Moynihan
Bradley	Inouye	Murray
Breaux	Johnston	Pell
Bumpers	Kennedy	Pryor
Byrd	Kerrey	Robb
Conrad	Kerry	Rockefeller
Daschle	Kohl	Sarbanes
Dodd	Lautenberg	Wellstone
Dorgan	Leahy	
Feingold	Levin	

So the motion to lay on the table the amendment (No. 253) was agreed to.

VOTE ON MOTION TO TABLE AMENDMENT NO. 258

The PRESIDING OFFICER. Under the previous order, the question now occurs on the motion to table amendment No. 258 offered by the Senator from West Virginia [Mr. BYRD].

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

The legislative clerk called the roll.

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

The result was announced—yeas 75, nays 25, as follows:

[Rollcall Vote No. 96 Leg.]

YEAS—75

Abraham	Baucus	Biden
Ashcroft	Bennett	Bingaman

Bond	Graham	Moseley-Braun
Bradley	Gramm	Murkowski
Brown	Grams	Murray
Bryan	Grassley	Nickles
Burns	Gregg	Nunn
Campbell	Harkin	Packwood
Chafee	Hatch	Pressler
Coats	Hatfield	Reid
Cochran	Hefflin	Robb
Cohen	Helms	Roth
Coverdell	Hollings	Santorum
Craig	Hutchison	Shelby
D'Amato	Inhofe	Simon
DeWine	Jeffords	Simpson
Dole	Kassebaum	Smith
Domenici	Kempthorne	Snowe
Dorgan	Kohl	Specter
Exon	Kyl	Stevens
Faircloth	Lott	Thomas
Feingold	Lugar	Thompson
Feinstein	Mack	Thurmond
Frist	McCain	Warner
Gorton	McConnell	Wellstone

NAYS—25

Akaka	Glenn	Lieberman
Boxer	Inouye	Mikulski
Breaux	Johnston	Moynihan
Bumpers	Kennedy	Pell
Byrd	Kerrey	Pryor
Conrad	Kerry	Rockefeller
Daschle	Lautenberg	Sarbanes
Dodd	Leahy	
Ford	Levin	

So the motion to table the amendment (No. 258) was agreed to.

VOTE ON MOTION TO TABLE THE MOTION TO COMMIT

The PRESIDING OFFICER. Under the previous order, the question now occurs on the motion to table the motion to commit House Joint Resolution 1, offered by the Senator from Massachusetts [Mr. KERRY].

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

The bill clerk called the roll.

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

The result was announced—yeas 63, nays 37, as follows:

[Rollcall Vote No. 97 Leg.]

YEAS—63

Abraham	Faircloth	Mack
Ashcroft	Frist	McCain
Baucus	Gorton	McConnell
Bennett	Graham	Murkowski
Biden	Gramm	Nickles
Bond	Grams	Packwood
Brown	Grassley	Pressler
Bryan	Gregg	Roth
Burns	Harkin	Santorum
Campbell	Hatch	Shelby
Chafee	Hatfield	Simon
Coats	Hefflin	Simpson
Cochran	Helms	Smith
Cohen	Hutchison	Snowe
Coverdell	Inhofe	Specter
Craig	Jeffords	Stevens
D'Amato	Kassebaum	Thomas
DeWine	Kempthorne	Thompson
Dole	Kyl	Thurmond
Domenici	Lott	Warner
Exon	Lugar	Wellstone

NAYS—37

Akaka	Ford	Mikulski
Bingaman	Glenn	Moseley-Braun
Boxer	Hollings	Moynihan
Bradley	Inouye	Murray
Breaux	Johnston	Nunn
Bumpers	Kennedy	Pell
Byrd	Kerrey	Pryor
Conrad	Kerry	Reid
Daschle	Kohl	Robb
Dodd	Lautenberg	Rockefeller
Dorgan	Leahy	Sarbanes
Feingold	Levin	
Feinstein	Lieberman	

So the motion to lay on the table the motion to commit was agreed to.

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

MOTIONS WITHDRAWN

Mr. MACK. Mr. President, I ask unanimous consent that motions offered by Senator DOLE be withdrawn.

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

The motions were withdrawn.

MOTION TO RECONSIDER VOTES EN BLOC

Mr. MACK. I ask unanimous consent that I may move to reconsider and table all previous votes en bloc at this time.

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

Mr. MACK. I move to reconsider and table en bloc the previous rollcall votes.

The motion was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia is recognized for 15 minutes.

The Senator from West Virginia.

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

Mr. President, I first would like to commend the proponents of the constitutional amendment for their spirited defense of this balanced budget amendment, misnamed though it is. I cannot commend them, however, on the content of their proposal. I believe that the proposal is inherently flawed, wrong-headed and worth absolutely nothing in terms of real deficit reduction. But I do believe that the debate has been enlightening, and I also believe that an adequate amount of time has been accorded to a thorough discussion of the amendment. So I thank Senator HATCH and Senator DOLE and all of the proponents for the time that we have deliberated. And I thank them for their spirited defense of the amendment.

I also commend Senator SIMON. He obviously believes so wholeheartedly in this proposal that one must admire his constancy.

There have been many profiles in courage, Mr. President, and they will very soon make themselves manifest. But the profiles in courage displayed by Senator MARK HATFIELD and Senator TOM DASCHLE must not pass unnoticed—must not pass unnoticed—as we near the end of this long debate. Both of these Senators, and others who likewise will have displayed great courage in voting against this amendment, have lived up to the highest standards imagined by the Framers when they devised the marvelous institution of the Senate and envisioned Senators as men who would be able to withstand pressure, lift themselves above the political fray, and, according to the consciences, do the right and the honorable thing, regardless of political cover.

Mr. President, I ask for attention in this Senate, and I do not want the time to be charged against me.

The PRESIDING OFFICER. The Senate will be in order. The time will not be charged against the Senator from West Virginia. He will suspend while the Senate comes to order.

I ask that all Senators and staff please take the conversations off the floor.

The Senator from West Virginia.

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

Mr. President, I have spent most of my adult life in service to my country. No small part of that time has been engaged in trying to protect the Framers' views of the powers of the legislative branch, and particularly in attempting to thwart attacks on the powers of the U.S. Senate. I am so thoroughly in awe of the genius of the Framers, their foresight, their judgment, their tempered wisdom, that I would make any political sacrifice to protect the Constitution from permanent harm.

But we have entered an age, Mr. President, when reverence for our Constitution and for the wisdom of history have rather gone out of fashion. Talk shows, public opinion polls, bumper sticker slogans, and a so-called political Contract With America are the order of the day. There is little patience with going against the tide, and one man's courage may be judged as nothing more than foolhardy if that courage jeopardizes his chances for reelection.

Yet, I remain a believer in the old values. I believe that a solemn oath binds one. I believe that courage is eventually rewarded and has its own reward in any event. And I believe that preserving the constitutional system intact for future generations, insofar as the constitutional system itself is concerned, is the most solemn and important thing that a Member of this body can ever do.

There are those who would scoff at these old-fashioned views. There are those who would put efficiency, expediency and political agenda before any considerations of courage, fealty to an oath, loyalty to a higher purpose, or the preservation of the genius of a 200-year-old charter.

"Change" is the watchword of the day—change, merely for the sake of change, is suddenly a virtue above all others, a goal to be achieved at all costs. But I will never, never, never bow to those messengers of expediency or to the managers of any political party's agenda when basic principles are at stake.

The hurricanes may blow, the tides may rise, but there still remain those of us who will never, never bend, because we believe it is our sworn duty not to yield to attacks on our constitutional system of mixed powers and checks and balances.

So whatever the final outcome of this vote, I will retire to my bed tonight satisfied that I have done all that one man can do to live up to the oath that I have taken over and over again to

protect the written framework of our representative democracy.

If the amendment should pass, I shall fervently hope that the States will have the wisdom that the Senate could not find to reject this dangerous and unwise proposal. If the amendment should fail, I shall be enormously proud of this body to which I have devoted so much of my life. And, most particularly, I will be proud of those Senators who set their sails against the wind and who chose the harder course in order that our venerable Constitution might be saved for yet a little while longer.

Our cherished liberties were not easily won, and they are not easily maintained. The preservation of our hard-won freedoms always has a price. But we who serve here are charged with the awesome duty of preserving those freedoms for generations yet unborn. The bruising battle that we have just been through demonstrates, once again, that we who have the honor of calling ourselves United States Senators must be ever vigilant to guard what has been bequeathed to us by wise men—men of vision, men of courage, men of character.

The political seas may churn and boil, but our solemn duty as Senators must always be to drown out the noise and keep faith with our own inner voices. The Senate, from time to time, is the very last bulwark against the too-hot passions that rail in this land. However various Senators may vote today, it is my hope that each of us will take away from this debate some lessons learned and wisdom gained. As in no other institution of this great and marvelous democracy—in the Senate, one individual can make a difference. Service here is difficult and it is demanding. It requires the very best of one's nature and the most assiduous cultivation of one's character. When the battle is over and the roar of the debate has subsided, whether one's side has won or lost is not the final thing. In the final analysis, service here boils down to one quality. Horace Greeley expressed it best when he said:

Fame is a vapor, popularity an accident; riches take wings, and those who cheer today may curse tomorrow—only one thing endures; character!

Mr. President, to all those who have stood straight and tall in the fight I salute them with the words "morituri te salutamus." And may they, like I, feel as did the Apostle Paul in writing his second Epistle to Timothy, when he said: "I have fought a good fight, I have finished my course, I have kept the faith."

Mr. President, I ask unanimous consent that a series of pertinent commentaries from the press be printed in the RECORD.

There being no objection, the commentaries were ordered to be printed in the RECORD as follows:

[From the Washington Post, Feb. 28, 1995]

THE URGENCY OF POLITICAL COURAGE

It is hard to decide which would be worse: if the balanced budget amendment that the Senate is voting on today functioned as its sponsors intend, thereby locking the country into what would often be an ill-advised economic policy; or if Congress found a way to duck the command, thereby trivializing the Constitution and creating a permanent monument to political timidity.

Take the second possibility. The Constitution of the United States is remarkable because no country in the world has taken its written Constitution so seriously. It is a concise Constitution, and it has not been amended lightly. Other countries have acted as if their constitutions were merely pieces of legislation to be changed at will, but not the United States.

The balanced budget amendment marks the intrusion of the worst kind of legislative politics onto our constitutional tradition. For about a decade and a half, for mostly political reasons, Congress has not found the fortitude to come even close to balancing the budget. Instead of doing what it should and voting the spending cuts and taxes to narrow the deficit, Congress wants to dodge the hard choices by changing the Constitution. But as Sen. Daniel P. Moynihan argued on "Meet the Press" this Sunday: "My proposition is that you avoid trying to pretend a machine will do this for you. . . . You have to do it yourself." With or without the amendment, only Congress will get the budget balanced. And who is to say that the amendment, which becomes effective only in 2002, won't delay Congress from making the hard decisions until it is against the wall of its mandate, give it yet another excuse? "Gosh, we passed the balanced budget amendment," the unfailingly inventive members will be inclined to say, "and it goes into effect in just a few years. Isn't that enough? What do you want us to do? Balance the budget?"

Sen. Sam Nunn, whose vote could prove decisive, has argued forcefully that this amendment could lead to the judiciary's making decisions on spending cuts and tax increases that ought only be made by the legislative branch. Last night, Sen. Byron Dorgan, another whose vote had been in doubt, voiced a similar reservation. Supporters of the amendment are now trying to win their votes by arguing that legislation could be passed to protect against judicial supremacy. But surely Mr. Nunn's first instinct was right: No legislation can supersede the Constitution. If the amendment itself does not protect against judicial interference, there is no guarantee as to how a court will act. And if, on the other hand, there is no enforcement mechanism for the amendment, then why pass it in the first place? It becomes an utterly empty symbol, which is exactly what the United States Constitution has never been and never should be.

As bad as this prospect is, an effective balanced budget amendment might be even worse. By requiring three-fifths votes to pass unbalanced budgets, it would enshrine minority rule. And while deficits in periods of prosperity make little sense, modest deficits during economic downturns have been powerful engines for bringing the economy back to prosperity. This amendment, if it worked as planned, would shackle government to economic policies that are plainly foolish. Since government revenues drop during recessions and since payments for benefits such as food stamps and unemployment compensation increase, the amendment would require Congress by constitutional mandate to pursue exactly the policies that would only further economic distress: to raise taxes, to cut spending, or do both.

Moreover, as Mr. Moynihan and others have pointed out, the amendment could one day lead to the devastation of the banking system. This might happen because a balanced budget amendment could stall or stop the government from meeting its obligations to protect the depositors of banks that failed during an economic downturn. Mr. Moynihan is not exaggerating when he says that "everything we have learned about managing our economy since the Great Depression is at risk."

Voting against this amendment should be easy. It has been said that were today's vote secret, the amendment would certainly fail. But the political pressures on the undecided senators—Mr. Nunn, Mr. Dorgan, John Breaux, Kent Conrad and Wendell Ford—are immense and largely in the amendment's favor. These senators have an opportunity only rarely given public figures: to display genuine courage on an issue of enormous historical significance. They should seize their moment and vote this amendment down.

[From the New York Times, Feb. 28, 1995]

WHY FEAR DEBT?

(By Robert Heilbroner)

It is doubtful that the balanced-budget amendment, which the Senate votes on today, would be effective, even if ratified. The reason is there are many ways of placing expenditures outside the budget—Social Security, for example. What is not doubtful is that the real cause for worry is a balanced, not an unbalanced, budget.

Here's why: Deficit spending is legitimate when it is used to protect the future well-being of the nation.

Though one hears much about "living beyond our means," very few people can concisely define deficit spending. In fact, it means one and only one thing: borrowing. A deficit refers to the amount the government has borrowed. If there is no borrowing, there cannot be a deficit. That introduces a ray of light into the darkness for it makes us ask whether there might be circumstances in which the Government ought to borrow.

Suppose a law enjoined households from any borrowing. That would cut down gambling losses, but it would also prevent families from buying houses by taking out mortgages. Similarly, a prohibition on all business borrowing might eliminate a few extravagances, but it would cripple private investment. In the same way, a blanket injunction against Federal borrowing might cause the Government to eliminate waste, but it also would make much public investment impossible.

That would mean goodbye to such improvements as bridges, tunnels, highways, public-health research centers and other undertakings that would normally be considered public-sector business but could not be financed by taxation, because, as is the case with mortgages and business capital expenditures, the outlay is too large to be charged against one year's income.

What about the Federal debt?

We hear pious declarations about the need to remove the burden of our profligacy from the shoulders of our innocent children. I often wonder how my own children would feel if they opened my safe deposit box at my death to find it stuffed with Government debt—bonds. Would my heirs feel I had burdened them unfairly, as they transferred the bonds to their own safe deposit boxes?

In a word, whatever its problems—and a debt, like all borrowing, always poses financial management considerations—a national debt also serves a vital purpose. It provides the only asset in which households, insurance companies, corporations, banks and,

not least, pension funds, including Social Security, can invest whatever assets need to be placed in the least risky of all financial instruments.

Do not forget, there is no income-producing investment other than Government securities that enjoys the power of the Government to assure that it will be redeemed at full face value.

Obviously, these arguments are not an excuse for Government profligacy any more than the legitimacy of consumer or corporate debt is an excuse for mindless private borrowing. But these arguments do suggest that the Government needs to depict its borrowing in a more understandable way. Specifically, it should have what it does not now have: a formal capital budget in which its expenditures for investment are identified. Such an accounting method would reassure the anxious public that at least an identifiable part of the "deficit" represents borrowing for purposes that most would approve.

Since there is no such accounting system, all public borrowing is deemed to be the work of the devil—when, properly understood, it may be crucial to the future strength and vitality of the nation.

[From Business Week March 6, 1995]

THE WRONG WAY TO BALANCE THE BUDGET (By Christopher Farrell)

In the early days of the American republic, financial panics often led to steep declines in economic activity. Yet the last time a financial crisis triggered an economic collapse was the Great Depression. In the half-century following World War II, financial blowups have had minimal impact, and the economy has enjoyed a relatively smooth ride.

Now, Congress confronts the possibility of returning us to the chaotic days of yore. In the coming weeks, after years of debate, the Senate will decide whether to require the federal government to balance its budget. Many GOP lawmakers back the amendment. They shouldn't. The Balanced Budget Amendment would strip away much of the government spending that cushions the economy in hard times—just when disinflation and the prospect of deflation are raising the odds of financial crises.

The U.S. economy is a remarkably stable system, in large part because of the government's expansive safety net. Federal deposit insurance, for example, prevented the collapse of the savings-and-loan industry in the late 1980s from turning into a depression of the 1990s. A market collapse in Mexico sparks jitters in the U.S. but not much more.

Needed Net. Impose the Balanced Budget Amendment, however, and the system breaks down. Today, as soon as the economy begins to slump, government tax collections fall, and government transfer payments, such as food stamps, increase. The result is higher deficit spending during recessions—but these automatic stabilizers also put more money into the hands of Americans precisely when they most need it.

A Balanced Budget Amendment, by contrast, would require an explicit vote of Congress to run a larger deficit to counteract an economic slow-down. Given the current climate against deficits, politicians may be reluctant to approve large-scale deficit spending until a recession is well under way. The result? Bigger swings in the economy and a far more volatile financial system.

This at a time when changing economic conditions are creating a world where stability will be particularly in demand. For years, the powerful interaction of inflation hawks at the Federal Reserve Board, bond-market vigilantes, and the new world economic order have been exerting a firm downward pressure on prices. As a result, "we are

a lot closer to the edge of deflation than we have been in some time," says Edward E. Yardeni, chief economist at C.J. Lawrence Inc.

The Fed, for one, is pursuing an austere monetary policy toward its goal of wringing inflation out of the economy. By almost any measure, the U.S. money supply is growing at an anemic rate—hardly fertile ground for price increases. Similarly, bond-market investors send interest rates sharply higher on any hint of inflation news. "The bond market will not whatever is necessary to make sure inflation won't take off," says Charles I. Clough Jr., chief investment strategist at Merrill Lynch & Co.

Meanwhile, with the collapse of communism and the embrace of freer markets by much of the developing world, the supply of goods, services, capital, and labor is soaring. White-hot domestic and international competition helps explain why last year's inflation rate in the U.S., measured by hourly compensation, was the lowest since 1949—easily offsetting price increases of many commodities and crude-materials prices. Disinflation is here to stay.

Vicious Cycle. So what? In a world of low inflation, the risk from unexpected financial crises soars. A stock market crash, a bank failure, or a drop in the dollar's value could send asset prices plunging. Suddenly, interest payments become onerous. Credit contracts. This is the sort of vicious cycle that was common in the pre-World War II era—and that deficit spending later eased. "The stability of our economy is drastically diminished when the federal government is powerless to intervene to prevent a disastrous debt deflation," says Hyman P. Minsky, an economist at the Jerome Levy Economics Institute at Bard College.

The Balanced Budget Amendment wouldn't leave us completely defenseless. The Fed always can open the money spigots to offset the immediate impact of a financial panic, much as it did following the stock market crash of 1987. But monetary policy is a tool best used to control inflation, not to counteract the cyclical ebbs and flows of the economy and financial markets. Getting the government's finances in order makes sense. But the Balanced Budget Amendment is a dangerous step back into the 19th century.

[From the Baltimore Sun, Feb. 28, 1995]

RISKY CONSTITUTIONAL AMENDMENT

"The last thing we want to do is turn over taxing and spending to the federal courts," Sen. Sam Nunn told Ross Perot Sunday night, in explaining why he wants to amend the Balanced Budget Amendment to forbid courts to get involved in any "case or controversy" arising out of Congress' failure to balance the budget. "I don't think we want to vest [judges] with spending and tax decisions. I think that would stand the Constitution on its head. I think the taxpayers of this country would be in revolt the first time a federal judge came down and said, 'You're mandated to increase taxes by \$50 billion.'"

You bet taxpayers would be in revolt. But what could they do?

Nothing without Senator Nunn's modification, which will be voted on today before the vote on the Balanced Budget Amendment itself (and maybe nothing with it). Senator Nunn fails and then the main amendment passes and ultimately becomes part of the Constitution, judges would soon be rewriting the budget, based on lawsuits demanding that this tax be raised and that one lowered, etc. And citizens whose benefits were cut would also be in court, arguing that welfare should go down but not agricultural price supports, etc.

That is what is really at stake if the Balanced Budget Amendment as now written becomes the law of the land.

Sen. Orrin Hatch, leading the effort for the amendment, says Senator Nunn's concerns can be met with legislation. We dispute that, and so do most legal scholars—from Robert Bork on the right to Laurence Tribe on the left. The result would likely be hundreds, if not thousands of lawsuits around the country," Judge Bork has written. And Professor Tribe says, "Someone who has been cut off from a program, a taxpayer—these people will be able to go to court. No question about it."

This nation has never constitutionalized its taxing and spending process, so saying with complete confidence what judges would do is in a sense speculation. But there is a record worth noting. In states which have balanced budget requirements in their constitutions, judges have taken over the legislative and executive function regarding spending and taxing a result of lawsuits. That has happened in recent years in New York, Georgia, Wisconsin, California and Louisiana.

We have made it clear that we oppose the Balanced Budget Amendment for many reasons, including the prospect of judges taking over the budgeting process. So even if the Nunn amendment is added, we would oppose it. And Senator Nunn and others who dread judicial control of taxing and spending better be careful. Even seemingly clear language in an amendment doesn't guarantee hands off. There's always a risk.

As Sen. Howell Heflin, a former chief justice of the Alabama Supreme Court recently put it, "Every constitutional amendment that has ever been adopted has had to be interpreted, has had the court to have to look at it and make some kind of interpretation."

[From the Washington Post, Feb. 28, 1995]

HOW STATES HANDLE DEBT MAY NOT WORK FOR NATION—STAYING IN BALANCE REQUIRES SOME JUGGLING

(By Dan Morgan)

If the Senate approves today a constitutional amendment requiring a balanced federal budget, 48 states will say, "Welcome to the club."

Only Vermont and Wyoming do not have some kind of similar statutory or constitutional requirement, and state officials have been among the loudest critics of the federal debt spree.

But studies of how these requirements work in practice show that states can find their ways around them when necessary. And some experts question whether the states are a good model for the federal government to be copying, given their vastly different responsibilities and fiscal systems.

"It is naive to believe that since states balance their budgets, the federal government should be able to do so as well," said Steven D. Gold, director of the Center for the Study of the States, who testified before the House Budget Committee in 1992. "States do not always balance their budgets. Many states avoid deficits only by using funds carried from previous years, or by relying on gimmicks that often represent unsound policy."

A 1993 study by the General Accounting Office for Congress, found that 10 states had carried over end-of-year deficits or borrowed money to finance such deficits in the previous three years. "Furthermore," the report noted, "some states reported balanced budgets at year end at least in part through one-time budget strategies," such as dipping into cash reserves, delaying payments to suppliers or using their accounting tricks.

States balance their budgets most of the time. But they have also been known to sell

assets, temporarily reduce pension contributions and accelerate tax collection in order to stay within the letter of budget law.

Despite a requirement that the governor submit a balanced budget to the legislature, California has had at least four deficits since 1983, and its fiscal predicament "clearly shows that a balanced budget provision is no panacea—in fact, at present it seems almost an irrelevancy," Gold told the Budget Committee. Since then, California's financial plight has worsened.

States with large, persistent operating deficits, including Louisiana, New York, and Connecticut, have issued bonds to finance the shortfall, a device that is permitted under some state balanced budget requirements.

Most of the 35 constitutional and 13 statutory balanced budget requirements on the books of the states apply only to state general funds—the operating budgets that pay for basic, day-to-day governmental services out of revenues from taxes, fees and sometimes lottery proceeds.

Outside of this, however, states borrow heavily to finance longer-term needs for buildings, roads, education and other infrastructure. They also maintain numerous "off budget" public authorities (for ports, highways, pensions and mineral extraction, for example) that issue bonds and incur debts.

Some experts say that longstanding political tradition, and fear of a downgraded credit rating, exert at least as much pressure on governors to run tight fiscal ships as the balanced budget requirements.

Because of these pressures, governors often take harsh austerity measures that would face far more resistance in Washington. During the 1991 recession, 23 states did not give workers salary increases; 17 states cut welfare benefits and many cut funding for higher education. According to Gold, a widespread response to state fiscal stress has been to increase tuition at state colleges, enabling state governments to reduce contributions to higher education.

Some say this kind of austerity, if extended to the federal budget because of the sanctions of a balanced budget amendment, would increase the severity and pain of economic downturns in a way that has not been true since the Depression.

State balanced budget requirements "generally have worked for state and local government," said Philip M. Dearborn, director of government finance research at the U.S. Advisory Commission on Intergovernmental Relations. "But there is a substantial difference between the management of states and of the federal government."

(During today's session of the Senate, the following morning business was transacted.)

COMMENDING DR. ROBERT D. REISCHAUER

Mr. DOMENICI. Mr. President, today brings to an end the very distinguished term of the third Director of the Congressional Budget Office—Dr. Robert D. Reischauer. He has served in that office with the highest degree of professionalism. Under some very difficult conditions in his 6 years as Director he has been able to maintain the independence and high respect all of us have for the CBO. He has always given his best, and called them as he saw them—sometimes to the chagrin of both sides of the aisle.

In the 21 years of the CBO there have been only three Directors. The first,

Dr. Alice Rivlin, followed by Dr. Rudy Penner and then Dr. Robert Reischauer. Dr. Reischauer will now be followed in the high tradition of those Directors by Dr. June O'Neill. Quite frankly, one of the difficulties in finding someone to replace Bob's expired term was the very high standards of professionalism and objectivity Bob and his predecessors have brought to that office.

This is as it should be. The CBO directorship is a critical position and one that must provide objective, nonbiased, and professional analysis to the Congress—not an easy task in this day of instant communications and many well funded, organized lobbyists' "think tanks." Just being able to sort out the wheat from the chaff has become a full time responsibility of the CBO. Over the years we have also given CBO more responsibilities as in the recent case of the unfunded mandates legislation. Of course, we have not necessarily always given them more resources to go along with the additional workload.

Last evening the U.S. Senate adopted by unanimous consent, Senate Resolution 81, commending Dr. Reischauer for his long and faithful service to the Congress and the American public. The resolution was cosponsored by myself and the ranking member of the Budget Committee, the distinguished majority and minority leaders of the Senate, all the members of the Senate Budget Committee, and many others. I am sure, had time and resources permitted we would have had 100 original cosponsors.

The resolution we adopted unanimously last evening can only be considered a very small token of the Senate's appreciation of Dr. Reischauer's service to the Congress. In this arena today, where making decisions about complicated, complex, and difficult public policy issues that can affect the future course of this country, Dr. Reischauer has been a clear and concise voice. We may not have always agreed with Dr. Reischauer's analysis, but we always respected his analysis. He always gave his best. He always was fair and honest in his analysis. Somehow, I think wherever Bob Reischauer's career now takes him, that mantle of honesty and integrity will always go with him.

I now wish him and his family the best and I congratulate him for his public service and a job well done.

HARRY V. MCKENNA FUNERAL— THE PASSING OF A PIONEER

Mr. PELL. Mr. President, I rise to share with my colleagues the news that Harry V. McKenna died last week and I recently returned from his funeral in Rhode Island.

Harry McKenna was not only the dean of broadcast journalism in our State for many decades, he was a premier broadcast journalist whose high standards remain a challenge for his successors.

Harry became the touchstone for Rhode Island politicians until his retirement in 1983. It seems you would not be taken seriously as a candidate, unless you were interviewed by Harry McKenna.

When I first ran for the Senate, almost 36 years ago, my first public interview was with Harry. His weekly "Radio Press Conference" ran for 32 years and was Rhode Island's longest-running news broadcast.

I was saddened when I learned of his death and I was touched by the gathering that honored him at his funeral. He was a good friend and an exemplary journalist.

After he retired, I missed him. Now I miss him even more.

My wife's and my deepest sympathy go to his wonderful wife, Julie, and his children and grandchildren.

I ask unanimous consent that the text of an obituary that appeared in the Feb. 22, 1995 issue of Providence (RI) Journal be printed in the RECORD.

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

HARRY V. MCKENNA; DIRECTED NEWS
PROGRAM ON LOCAL RADIO

(By S. Robert Chiappinelli)

CRANSTON—Harry V. McKenna, the former WEAN news director who became an institution himself while interviewing Rhode Island's movers and shakers, died yesterday at the Roger Williams Medical Center.

Mr. McKenna, of 107 Grace St., was the husband of Julie (Lister) McKenna.

A large man with a resonant voice, blustery style, and in later years, a shock of white hair, Mr. McKenna was called the dean of Rhode Island news correspondents.

His weekly *Radio Press Conference* ran for 32 years and was Rhode Island's longest-running news broadcast.

"He had kind of a special place," former Gov. J. Joseph Garrahy recalled yesterday. "He always sat at the right-hand corner of my desk at a press conference."

After each press conference, Mr. McKenna would collar the willing governor for a special telephone interview for WEAN.

"We had a wonderful relationship," Garrahy said.

Mr. McKenna, a member of the Rhode Island Heritage Hall of Fame, won respect both among politicians and fellow members of the press.

"For more than three decades, Rhode Island radio audiences tracked the course of state government and politics through the WEAN news reports of Harry McKenna," James V. Wyman, *Journal-Bulletin* vice president and executive editor, said.

"His familiar deep voice resonated with authority and credibility as he applied his aggressive style to interviews with key governmental officials," Wyman said.

"Harry's approach to newsgathering was both straightforward and relentless. But he was known and respected for his fairness."

Mr. McKenna joined the *Journal-Bulletin* in 1944 as nightside police and fire reporter. In 1949, he was named WEAN news director and was the station's news and public affairs director when he retired. More than 1,400 persons attended his retirement party in February, 1983.

John P. Hackett, former *Journal-Bulletin* chief editorial writer and longtime political writer who often teamed with Mr. McKenna on Radio Press Conference, said he was a