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Senate

(Legislative day of Wednesday, February 22, 1995)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Our prayer will be delivered by Father Paul Lavin, pastor of St. Joseph Catholic Church on Capitol Hill in Washington, DC.

PRAYER

The guest Chaplain, the Reverend Paul Lavin, offered the following prayer:

Lord God, by the mouth of Your prophet Amos You tell us:

I hate and despise your feasts, I want no more of your burnt offerings, Let me have no more of the din of your chanting, no more of the strumming of your harps. But let justice flow like water, and integrity like an unfailing stream.

Help us understand that our only feast acceptable in Your sight will be our assistance to the poor and support of the oppressed. Let the practice of justice be the song of our Nation and let each of us offer a contrite and humble heart. Then when we lift up our voices in song to You our hearts will be clean and You will love our song.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished majority leader is recognized.

SCHEDULE

Mr. DOLE. Mr. President, at 2 o'clock, leader time having been reserved, the leaders will each have 10 minutes, followed by a vote on the balanced budget amendment.

RECESS UNTIL 2 P.M.

Mr. DOLE. I now move that the Senate stand in recess until 2 p.m. today.

The motion was agreed to, and at 12:02 p.m., the Senate recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ASHCROFT).

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The Senate resumed consideration of the joint resolution.

The PRESIDING OFFICER. Under the previous order, the Democratic leader is recognized.

Mr. DASCHLE. Mr. President, this debate has now continued for more than a month. There have been many conflicting statements and some misunderstandings, but no one should misinterpret this vote. It is not a vote on balancing the budget or reducing the deficit. Democrats have been committed to that for a long time, and our record is very, very clear. We demonstrated that in 1990 on a very tough vote. And, without any help from Republicans, we again demonstrated that in 1993; \$600 billion of deficit reduction later, we find ourselves here this afternoon. We are prepared to continue that commitment for as long as it takes to put this debt behind us for good.

So no one should be misled by the political rhetoric about our position. We will do what we have already done. We will work to bring down the debt with or without a constitutional amendment.

This debate really should not even have to be about the need for a constitutional amendment. By my count, there are over 70 Senators who favor one. More than two-thirds of this body favor writing a balanced budget requirement into the U.S. Constitution, and I am one of them.

What this debate is all about is what that amendment should say. And what our Republican colleagues have said is that it has to be this version, this

amendment, or no amendment at all. That is what this debate has been about.

Can we improve upon this amendment? Can we make sure that it is our best effort? We have made a number of suggestions that, in our view, would have vastly improved the language that we are about to vote on today. We proposed that we lay out just how we achieve our goal before we begin doing so, as any other undertaking of this importance and magnitude would require. The majority said, "No, we'll do that later. Trust us. Somehow it will all work out."

We proposed changes that deal with national emergencies. The majority said, "No, we'll do that later."

We proposed changes to put the Federal Government on the same level as other governments as we make important budgetary decisions. The majority said, "No. We'll probably have to do that later."

We proposed changes to give the Federal Government the ability to deal with recessions. The majority said, "No."

Most importantly, we proposed that Social Security not be used to pay off the debt. We have argued that we have not solved anything if we create one debt to erase another. If we go further into debt to senior citizens, even more than we have already, to bring down the debt to all taxpayers, then what have we accomplished? And, more importantly, perhaps, what have we lost?

I believe we will have lost our credibility. We will have lost our commitment to working people who are counting on us this afternoon. We will have lost our only real hope of balancing the budget correctly.

So let me make it very clear. The vast majority of Democrats support a balanced budget. Many support a constitutional amendment to require one. But virtually no Democrat supports

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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using the Social Security funds that we now have to do so. It is wrong. We all know it is wrong. Republicans know it, and Democrats know it.

Originally, Republicans said it was wrong, but they just did not want to put it in writing. They wanted the certainty of a constitutional amendment to balance the budget, but they were unwilling to provide the same constitutional certainty for Social Security. Given that unwillingness, a significant number of my colleagues were left with no choice. In spite of our best efforts to find a provision that Republicans could accept, we were left with no choice but to vote against this version of an amendment. So this was their choice. This amendment could have passed by more than 70 votes.

All we ask is that we not rob the bank to pay the debt; that we not take Social Security funds away to do something that we know we must do. Too many people have put too much money into the bank for anyone to do that now. That has been our message—protect current and future Americans who are dependent upon Social Security, and we will find the votes to pass this amendment. We will do it today. The Republicans said, "No. No, it is this amendment or no amendment at all."

Already there is talk about using this amendment for political purposes. Frankly, I am disappointed to hear that. It makes me wonder whether this was just another political ploy, another bumper sticker creation, courtesy of the Republican National Committee, or something real, something which merits being added to the Constitution of the United States.

If it is politics—as I suspect this threat to bring the amendment back right before the next election may be—then I say, let us do it, let us have it out then, too.

The one thing the American people really understand when they see it is politics. And they do not like it, not when it comes to amending our Constitution, not when it is something this important. And they will not want to see us rob Social Security then any more than they do right now.

So, Mr. President, let me emphasize, let me make sure no one misunderstands, Democrats want to work to find a meaningful way to reduce the deficit. We all understand the critical nature of this vote, no matter how many times we will be called upon to cast it. We stand ready to work to reduce the debt to zero, just as we have already done. We have done it before. We will do it again.

But we also stand ready to keep our commitments to all working Americans. We will do that today, too, and we will do it again. As we cast our vote, future generations are counting upon all of us to do no less.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. First, let me announce that, after the vote, the Armed Serv-

ices Committee will meet in the President's room to report out some nominations.

Mr. President, let me just be brief, because I think we have said about all we can say about the balanced budget amendment. We will vote today. There have been a couple of matters arise since Tuesday and I think a few points bear repeating.

I have said many times before that the Senate cannot operate if there is any lack of trust between the majority and minority leaders. And I have had such relationships with Senator MITCHELL, Senator BYRD, and with Senator DASCHLE.

The distinguished Democratic leader did say, however, that he thought maybe not having the vote on Tuesday may have damaged that relationship. I believe that is not the case. As the Democratic leader knows, Senator HATCH and Senator SIMON spent much of Tuesday in discussions, which ultimately led to the amendment by the Senator from Georgia, Senator NUNN. And we even had discussions since that time. In fact, as late as 5 o'clock last night, there was some kind of a suggestion put forward by a number of Democrats who had voted for a balanced budget amendment before and now are in opposition.

So I think the point is that we did use that time and did try to come together, as the Democratic leader has just suggested. But I think now we have reached a firm decision and it is time for a vote. The time for a vote has arrived.

I must say, I have been a little bit amused, I guess you would say, about all this talk on the other side about Social Security, particularly after most every Democrat in 1993 voted to increase taxes on Social Security recipients to the tune of about \$25 billion, affecting millions and millions of retired people. So I must say I was a bit amused when I saw all the gnashing of the teeth.

I also would put in the RECORD at this point this year's budget resolution, the one that many of my colleagues voted for and are now voting against. The only difference is we changed the date of 2001 that Senators voted for last year. It is now 2002. And we also added the Nunn language.

I ask unanimous consent that both of these resolutions be made a part of the RECORD. If anybody wants the facts, the facts are there.

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

SENATE JOINT RESOLUTION 41, BALANCED BUDGET AMENDMENT TO CONSTITUTION AS VOTED ON BY THE U.S. SENATE, MARCH 1, 1994

SECTION 1: Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

SECTION 2: The limit on the debt of the United States held by the public shall not be

increased, unless three-fifths of the number of each House shall provide by law for such an increase by a rollcall vote.

SECTION 3: Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year, in which total outlays do not exceed total receipts.

SECTION 4: No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

SECTION 5: The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

SECTION 6: The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts. The power of any court to order relief pursuant to any case or controversy arising under this Article shall not extend to ordering any remedies other than a declaratory judgment or such remedies as specifically authorized in implementing legislation pursuant to this section.

SECTION 7: Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except those for repayment of debt principal.

SECTION 8: This article shall take effect beginning with fiscal year 2001 or with the second fiscal year beginning after its ratification, whichever is later.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION AS AMENDED BY SENATOR NUNN

ARTICLE —

SECTION 1. Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

SECTION 2. The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

SECTION 3. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year, in which total outlays do not exceed total receipts.

SECTION 4. No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

SECTION 5. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect, the provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each house, which becomes law.

SECTION 6. The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts. The judicial power of the United States shall not extend to any case of controversy arising under this Article except as may be specifically authorized by legislation adopted pursuant to this section.

SECTION 7. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal.

SECTION 8. This article shall take effect beginning with fiscal year 2002 or with the second fiscal year beginning after its ratification, whichever is later.

Mr. DOLE. And there was nothing in the resolution last year that protected Social Security. All this talk about protecting Social Security is a cover for the taxes that were increased on Social Security benefits by the very people who are announcing, "Oh, no; we cannot touch Social Security." We want the record to be clear on that issue, as people look at it in the next few months. There will be ample time to look at it in the next few months.

On January 26, the Senate voted 83 to 16 to adopt a sense-of-the-Senate amendment stating we should not raise Social Security taxes or cut Social Security benefits in order to balance the budget. On February 9, the Senate adopted a motion reaffirming that commitment by a vote of 87 to 10. The House had done the same by a vote of 412 to 8. No doubt about it, there is clearly strong, bipartisan support to protect Social Security.

So all these other machinations and all the games that have been played in the last few days was an effort. I do not know what the effort was all about. I guess maybe to tell people, "Well, I voted one way last year, but this is a different year, and things have changed." Well, nothing has changed in the amendment. That is why I want the amendments put in the RECORD, so the American people know precisely that some people voted for one thing, and against the same thing the next year. That is fine. We have a right to change our mind.

It seems to me that if we increase taxes on Social Security beneficiaries \$24.6 billion that probably is a cause for some concern. And not a single Republican in either the House or the Senate joined in that new tax on senior citizens. Not a single Republican.

Let me again state for the RECORD that later this year, Republicans will put forward a detailed 5-year plan to put the budget on the path of balance by the year 2002. Our plan will not raise taxes and our plan will not—will not—touch Social Security. I do not know what other assurances some people need. Maybe they do not really want assurances.

Make no mistake about it, everything else—every other spending program—will be on the table. If this amendment fails, you are still going to get the tough votes. We will offer the plan that we would have offered if this amendment had passed, and then we will see where everybody falls out, see how strongly they feel about spending cuts—not tax increases, but spending cuts.

When all is said and done, it all comes down to one question: Does the

Senate of the United States trust the American people? Well, 98 percent of Republicans do, and less than 30 percent of Democrats do. That is how it adds up: 14 out of 47, and 52 out of 53. So we trust the American people by almost 98 percent.

We are not changing the Constitution if we pass this amendment. The Founding Fathers did not give Congress that power. Instead, they reserved that power to the States and to the people, and by passing this amendment, we are in effect authorizing a national debate on the merits of a balanced budget amendment to the Constitution. That is all we do. And, over the years, we will have the pros and cons because all 50 States chosen by people in our States are going to make that determination—Democrats and Republicans and State legislatures in 50 States.

There is a word for that process. It is called democracy. It is called democracy. Nobody is going to predict with any certainty what the final outcome will be. Republicans control both Chambers in 19 States, Democrats control both Chambers in 18 States, and in 12 States each party controls one Chamber. Nebraska has a nonpartisan legislature.

It will be tough to get 38 out of 50 States to approve this amendment. I will do my best if it passes to convince the Kansas Legislature to adopt the amendment. I know the President will do his best to sway the people the other way. Even though 80 percent of the American people want this, President Clinton knows best. "This is not what you want," he is saying to the American people. "You want something else: Higher taxes, higher debt."

Thomas Jefferson himself envisioned such a process when he wrote:

I know no safe depository of the ultimate power of society but people themselves; and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform their discretion by education.

If there is one man who knows as much about the Constitution as Thomas Jefferson, it is probably Senator ROBERT BYRD. On August 4, 1982, in announcing his support for the balanced budget amendment, Senator BYRD said:

Under our democratic system, to put a question of this magnitude directly to the people is a wise and proper action. Therefore I will vote for this amendment—and thus vote to put this question directly to the American people. I cannot doubt that their ultimate decision will be the right one.

Nothing has changed since, except the debt has gotten bigger. We have not exercised the will of the Congress. It has gotten bigger. I think the American people are enlightened enough to make this decision. I happen to believe what some still think about this revolutionary principle—revolutionary principle—"Trust the people." We do not want to trust the people—98 percent of us do. I am willing to trust the American people to make the right de-

cision. Those who oppose the amendment are not.

That is what this debate is all about. Returning power to the people, returning power to the States. That is what the American people say they want. They want to make decisions. We are not going to give them that opportunity. We will take that away from them if we do not adopt this amendment. What we are saying is, in effect, if the amendment fails, "Washington knows best. This is business as usual; we know what you want. Don't tell us you know what you want, because we know better. Eighty percent of the people don't have any idea what they are talking about." That is the attitude that spurred last November's revolution.

Finally, I ask my colleagues to listen to the words Thomas Jefferson spoke in his first inaugural address:

Sometimes it is said that man cannot be trusted with the government of himself. Can he, then, be trusted with the government of others? Or have we found angels in the forms of kings to govern him? Let history answer this question.

Mr. President, history will remember how we respond to that question today. As for me, and as for a lot of our colleagues on both sides of the aisle, the answer is "democracy, democracy." The answer is, "Trust the people; trust the people." We trusted them when they voted for us. But the election is over now. Promises that were made are in the ashcan. They do not mean anything now, because I have been elected, we have been elected.

I just suggest we ought to pass this amendment; we ought to send it to the States. And we ought to say to the State legislatures, "Make the decision." And if 38 ratify the amendment, it becomes part of the Constitution. If 38 do not, it fails. So I urge my colleagues, there is still time to repent. There is still time.

The PRESIDING OFFICER. The clerk will report the joint resolution.

The assistant legislative clerk read as follows:

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

Mr. DOLE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient.

The yeas and nays were ordered.

Mr. DOLE. I ask that Senators remain at their desks, and vote from their desks.

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

The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read a third time.

The PRESIDING OFFICER. The joint resolution, having been read the third

time, the question is, Shall the joint resolution pass?

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 yeas and nays resulted—yeas 65, nays 35, as follows:

[Rollcall Vote No. 98 Leg.]

YEAS—65

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

NAYS—35

Akaka	Feinstein	Levin
Bingaman	Ford	Lieberman
Boxer	Glenn	Mikulski
Bradley	Hatfield	Moynihan
Bumpers	Hollings	Murray
Byrd	Inouye	Pell
Conrad	Johnston	Pryor
Daschle	Kennedy	Reid
Dodd	Kerry	Rockefeller
Dole	Kerry	Sarbanes
Dorgan	Lautenberg	Wellstone
Feingold	Leahy	

The PRESIDING OFFICER. On this vote, the yeas are 65, the nays are 35. Two-thirds of the Senators voting not having voted in the affirmative, the joint resolution is not passed.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. I enter a motion to reconsider the vote by which the constitutional amendment was defeated.

The PRESIDING OFFICER. The motion will be received.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

MORNING BUSINESS

Mr. DOLE. I ask unanimous consent that there now be a period for the transaction of morning business until 3:15 p.m., with Senators allowed to speak for not more than 5 minutes each.

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

BASE CLOSURE COMMISSION

Mr. COHEN. Mr. President, as if in executive session, I ask unanimous consent that at 4:15 p.m. the Senate go into executive session to consider the Defense Base Closure and Realignment Commission, Executive Calendar Nos. 12 through 17, and the nomination of

Major General Robles, en bloc under the following time limitation: 30 minutes equally divided between the majority leader and Senator NUNN; further, that at the conclusion or yielding back of time, with no intervening debate or action, the Senate immediately vote on the confirmation of the nominations en bloc.

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

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I would ask for order.

The PRESIDING OFFICER. The Senate will be in order.

Senators will please remove their conversations to the Cloakroom.

The Senator from Illinois.

Mr. SIMON. Thank you, Mr. President.

BREAKING THE SPENDING ADDICTION

Mr. SIMON. Mr. President, I wish to thank several people, and then I would like to take a couple of minutes for a brief comment on what has just taken place.

I wish to thank Senator HATCH, who has been great to work with, who has been a real leader on this. Senator CRAIG came over from the House and was like a breath of fresh air working on all of this. Senator THURMOND through the years provided leadership.

On our side, Senator HEFLIN was very helpful. I have to acknowledge a former Senator who helped prior to this time, Senator DeConcini; my colleague from Illinois, Senator CAROL MOSELEY-BRAUN has been superb; Senator CAMPBELL; Senator ROBB. And I also want to pay tribute to the leader of the opposition, with whom I sincerely differ on this, Senator BYRD. He is a powerful and highly respected opponent.

I also want to thank Congressman CHARLIE STENHOLM and the House Members for all the work they did, and very specifically Aaron Rappaport from my staff, and all the other staff members on my staff and the other staffs who spent so much time on this.

Mr. President, this is a sad day in the history of our Nation. We have narrowly missed the opportunity to give generations to come a brighter future. Presented the chance to break our addiction to economic gluttony, by the narrowest of margins, we have determined that we do not have the will to kick the habit. Like a pregnant woman whose child to be will suffer from a cocaine addiction, we cannot summon the will to break our debt addiction even though we know it will harm our children.

We will break our addiction sometime in the future, the Senate said in 1986, when it also failed to pass the balanced budget amendment by one vote. The national debt then was \$2 trillion. We can solve our problem without a

constitutional amendment, voices on the Senate floor urged then and, of course, we have not. Now the debt is \$4.8 trillion instead of \$2 trillion, and the attractive siren song of the opposition is the same.

It would have been easier to break the habit in 1986 than in 1995, and it is easier in 1995 than it will be in 1999. Each year, the grip of the addiction grows, and each year we spend more and more on interest and less and less in ways that help the most vulnerable in our society.

We are headed toward monetizing our debt and devaluing our currency, the steps nations take historically as they pile up too much debt. No nation has come close to accumulating the amount of peacetime debt that we have. When and if monetizing our debt occurs, everyone in our society will suffer.

Ironically, among those who will suffer the most are those on Social Security, because of the devaluation of the U.S. Treasury bonds which secure the Social Security retirement trust funds. I say ironically because much of the opposition to the balanced budget amendment has been mounted in the name of Social Security. The threat to Social Security is the debt, and the real way to protect Social Security is this balanced budget amendment. Instead of giving our economy a lift with lower interest rates that come with the reduced deficit, the Senate has made a decision to stumble along and have higher interest rates.

There are at least two proposals to move us on a glidepath toward a balanced budget by the year 2002 without a constitutional amendment. I probably will support one of them, though it is unlikely the goal will be achieved without the discipline of the constitutional amendment. But even if the goal is achieved, because there is not the long-term assurance to the financial markets that a constitutional amendment offers, interest rates will not be reduced as much. The Nation will pay a staggering interest penalty for which we will get nothing other than higher interest rates. Those who purchase bonds combine the need for a small profit margin plus a hedge against inflation. We have just increased the cost of the hedge against inflation.

Because the trade deficit is tied into the budget deficit, we will continue to export more American jobs, and our standard of living, that could rise significantly, will at best move up modestly, perhaps decline. With higher interest rates there will be less investment that would create more industrial and construction jobs.

Is it impossible to kick the debt habit? No. But each year that goes by it becomes more difficult and at some point it becomes politically impossible. I do not know where that point is nor does anyone else. We have done today what most addicts do—postpone the tough decision. Future generations will not look upon this day with pride.