

and workforce are unique—and must be maintained.

And nowhere does the concept of a full accounting become more important than at the Army Publications Distribution Center in Middle River. This center is competitive with the most technologically advanced private sector operations, yet the recommendation to close was flatout wrong when it said that they are not automated. I will push to make sure that one of the BRAC Commissioners visits this site, so that they can see this state-of-the-art facility first hand. With the facts in hand, I am confident that the Commission will recommend to the DOD that they revisit their recommendation entirely.

There are some silver linings for Maryland. The far-reaching and forward-thinking consolidation at the Naval Air Warfare Center, Patuxent River will continue. Pax River is the only Navy base in the country that can do aircraft acquisition, research, development, and training. This "one-stop-shop" is a crown jewel in the Navy. I will stand sentry during this BRAC process to ensure that the next century mission of Pax is not overlooked or undermined. And across southern Maryland, I am pleased that the value to the Nation of NESEA and the Naval Surface Warfare Center at Indian Head was acknowledged and maintained.

Another piece of good news is that additional jobs will be coming to both Aberdeen Proving Ground and Fort Meade. Each of these posts has a proud history of service and stand ready to make significant contributions as the military continues to reexamine the roles and missions they must perform in the new millenium.

Mr. President, before a serious consideration of the fate of Maryland's bases can begin, we must first confirm the nominations to the Base Closure and Realignment Commission. I fully support these nominees. They will be seeing a lot of me, because I will be fighting tooth and nail for Maryland's unique facilities and capabilities.

Mr. THURMOND. Mr. President, I yield back time on our side.

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

The PRESIDING OFFICER. Eleven minutes forty-four seconds.

Mr. NUNN. I yield back the time on this side.

The PRESIDING OFFICER. All time having been yielded back, the question is, Will the Senate advise and consent to the nominations on the Executive Calendar, Nos. 12 through 17 and No. 34, en bloc, Alton W. Cornella, of South Dakota; Rebecca G. Cox, of California; James B. Davis, U.S. Air Force, Retired, of Florida; S. Lee Kling, of Maryland; Benjamin F. Montoya, of New Mexico; Wendi Louise Steele, of Texas; Josue Robles, Jr., of Texas, to be members of the Defense Base Closure Realignment Commission?

So the nominations were confirmed.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the nominations were confirmed.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. THURMOND. Mr. President, I ask unanimous consent that the President be immediately notified of the Senate's action and that the Senate return to legislative session.

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

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDER OF PROCEDURE

Mr. THURMOND. Mr. President, on behalf of the majority leader, I wish to announce that there will be no further rollcall votes today.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

THE BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

Mr. BUMPERS. Mr. President, I had thought that I might wait until tomorrow to speak on the vote that occurred this afternoon, but I think perhaps now is as good a time as any simply to reflect on what happened today, what has happened in the past and what is likely to happen in the future.

First of all, taking Social Security out of the amendment was a perfectly legitimate issue and I supported the Reid amendment and I supported the efforts of the Senator from North Dakota to take it out, but that is not the real reason I voted against this amendment. I voted against it because I have a reverence for the Constitution of the United States. I do not want it trivialized. I do not want to put economic theory in it. I do not want to put an unenforceable requirement in it. I do not want to put a requirement in there which can be taken away by 60 votes. And I do not want to have the people expecting to see the budget balanced in the year 2002 when that is highly unlikely in any case and utterly impossible under the other provisions of the Contract With America. That would raise the cynicism level about Congress still higher.

What I want to do is put this Nation on a glidepath toward a balanced budget and stick with it. We could reduce

the deficit \$20 billion a year and not disrupt the economy. The economy could handle it. And if the American people saw us doing that, year after year, they would be happy, they would see that we are solving the problem.

It is true the polls show that about 70 to 80 percent of the people of the country favor the so-called constitutional amendment to balance the budget, but I promise you they favor it because they are frustrated and they think it is the last best hope. And, second, they think there is some magic machine in the amendment that will balance the budget if they just put it in the Constitution as the 28th amendment.

Unhappily, nothing could be further from the truth. This afternoon the argument was made, why not submit it to the people? It is a powerful argument. The people like that argument. But for just a moment let me give a couple of extra thoughts on that. Since this great Republic of ours was founded in 1789, there have been over 11,400 proposals by Members of Congress to change that document—11,400. And we have adopted 18 of them, counting the Bill of Rights as one—that is the first 10 amendments to the Constitution all adopted at the same time.

Since then, 17 amendments have been ratified out of 11,400 proposed. What if we took the argument that every time a constitutional amendment came up on the floor we had a duty to submit it to the people? The people would not have time to work. They would be so busy voting on constitutional amendments they would not have time to hold a job.

Why do the Members of this body think that James Madison and Ben Franklin and all the rest of the Framers, in 1787, when they crafted this document—why do they think they gave Congress the first responsibility? And more important, why do they think they insisted that 67 percent of the Congress vote for it before it is submitted to the people? They did not say lay down in the aisle of the Senate and vote aye. They said we should deliberate. If they expected a two-thirds majority of both Houses to approve this thing before it went to the people of the country, surely to God they intended us to have a sensible debate on it. And we had one.

Mr. President, when you start tinkering with the Constitution of the United States, I belong to the "wait just a minute" club. I do not care how meritorious a proposal sounds. The Constitution has given this Nation 205 years of unfettered freedom the likes of which no other nation on Earth has enjoyed. And when you start trivializing the Constitution with amendments that are wholly unenforceable, people will lose their reverence for that sacred document. You see, I do not want just a balance-the-budget amendment that merely says we will balance the budget. I want actually to balance the budget. The people in my State and your

State, they think that opposing a balance-the-budget amendment is like saying "I oppose a balanced budget."

Who in this body does not favor a balanced budget? No one, but there are some who are not quite as committed to it as others. But in 1993, in August, the President and the Democrats in the Congress proposed a \$500 billion deficit reduction. We stood up and we said exactly what the people in the pool hall say, "I wouldn't mind paying taxes if they cut spending." So we raised taxes on the wealthiest 1.2 percent of the people in this country. You had to have an income of \$180,000 to be affected by it. I wish I were in that category, I would be tickled to death to pay those taxes. We raised taxes on 1.2 percent of the wealthiest people in the country to the tune of \$250 billion over 5 years and we cut spending, dollar for dollar, \$250 billion, for a total of \$500 billion in deficit reduction. And, yes, we said in that same bill, in the future couples who make \$44,000 a year and are on Social Security will pay taxes on 85 percent of that amount that exceeds \$44,000.

Who thinks I enjoyed voting for that? I hated it. But you are not going to solve the deficit problem on people flipping hamburgers down at McDonald's. Justice Holmes said taxes are what you pay in order to live in a civilized society. So we passed that deficit reduction bill and we have now lowered the deficit for three straight years for the first time since Harry Truman was in the White House.

Mr. President, it has been said time and time again, and it is worth repeating: not one single Republican favored deficit reduction that day—not one. They said, "We hate taxes." I do, too, but I hate deficits as well. And on October 1, 1994, the deficit was \$100 billion less than it would have otherwise been if we had not passed the deficit reduction package. You think about it. We cut the deficit \$100 billion last year. And it will be down \$110 to \$120 billion this year from what it would have otherwise been.

The distinguished majority leader, whom I respect and admire and consider to be my friend, this afternoon said that the Senate walked away from the American people today. In August 1993, the Republicans ran away from the people of this country. Not one vote.

Mr. President, we have never put anything into the Constitution in 205 years that you can suspend with 60 votes in the U.S. Senate. You think about it. Anytime this amendment is adopted and subsequent thereto, 60 people in this body can say we vote for an unbalanced budget and those words will mean nothing. What if I came on this floor and said: Here is an amendment that says, the fourth amendment, which protects us against unlawful searches and seizures—can be suspended by 60 percent of the Congress? You would be home calling the carpenter to put some more locks on your door, never knowing when Congress

might cast 60 votes to suspend your right to be protected from police who might want to knock your door down on any flimsy excuse they can find, or ne excuse at all.

Women are now permitted to vote as a result of the 19th amendment adopted in 1921. Can you believe the women have only had the right to vote in this country since 1921? Suppose we passed an amendment saying, with 60 votes of both Houses, we could suspend the right of women to vote. With 60 votes, we can suspend the right of due process. With 60 votes, we can suspend religious freedom, freedom of the press, freedom of speech. With 60 votes, we will put the poll tax back in. With 60 votes, we will take any right in the Constitution out of it. The people would be marching in the streets.

So where does that leave us on this amendment? We say, "Well, here is an amendment that requires us to balance the budget by the year 2002." How? I do not know. Well, can we go to court? No. We took care of that in order to accommodate the Senator from Georgia, Senator NUNN. The courts could not involve themselves in the budget unless Congress expressly gave them jurisdiction. Next question: Who can enforce this amendment? Search me. I do not know.

If you have an amendment that requires a balanced budget by the year 2002 and the courts are taken out in that same amendment, who does that leave you to enforce it? The same U.S. Congress that has refused to do it in the past. We are back to square one. You pass this amendment, and the American people will have been hoodwinked like they have never been hoodwinked before in the history of this Nation. That is right. We are right back where we started, with the U.S. Congress having to balance the budget, and with the right to ignore it with 60 votes. We have never put anything in the Constitution that was not absolute and inviolate. We act as if we are dealing with a State constitution around here. The balanced budget amendment is legislation all dressed up in the finery of the Constitution.

I remember that spectacle in 1993 where only the Democrats voted for a bill to actually reduce the deficit. It is the most significant thing that has happened since I have been in the U.S. Senate. Every fall, for 7 years, I have stood at this desk and offered amendment after amendment after amendment to cut spending. In 1993 I offered six amendments to kill or cut appropriations. Those amendments would have saved the taxpayers over \$420 billion, including interest over the next 35 years, but 13 Republican votes was my highwater mark on those votes. It reminds me of the back bencher who hears the preacher say "Who all here wants to go to Heaven?" and replies, "I do, but not tonight."

I want a balanced budget, and I do not like to have to go home and tell the voters that we cut the spending

that affects their job or affects something else important to them or raises their taxes. We just want to talk about it.

Here on this chart are the budget-cutting amendments I put in just the other day for this year. I want my colleagues to look at these right now because they are coming, I promise you. The space station, 5-year savings of \$10 billion; long-term savings, \$52 billion. The same people who will vote to cut food stamps, Medicare, put children in orphanages, will vote to spend every dime of that. The F-22 fighter, we do not need it. We can postpone it for at least 4 years; it will cost \$6 billion next year; in 5 years, \$24 billion. I will not go through all of them, but we could save \$33 billion over the next 5 years, and \$114 billion over the next 15 years just on the amendments that I have introduced.

Mr. President, if I get 13 votes on the Republican side this year for any of those, I will be absolutely amazed. Everybody wants to go to Heaven. But not just yet.

There is not one thing in this amendment that would require us to do anything between now and the year 2002. There is not one single enforceable thing about this that would require us to cut the deficit one dime between now and the year 2002.

I offered an amendment. I got 37 votes. The amendment I offered said that, starting this year, the budget resolution must contain a deficit smaller than last year. And, in addition to that, it must show us how we are going to reach a balanced budget by the year 2002; that would be difficult to achieve but at least my amendment would keep us honest.

I submit that the people of this country would be immensely gratified if they could go to bed tonight and realize that Congress is going to cut the deficit every year for the next 7 years, not wait until the year 2002. Do it now.

The Contract With America—and to the eternal credit of the Republicans in the U.S. Senate, they are not a party to that. They want us to spend \$471 billion in tax cuts and defense increases between now and the year 2002, and then start dealing with the deficit.

Do you think I enjoy standing here and saying I am not going to support a so-called middle-class tax cut? Do you think the people of my State do not need tax relief? If you do what the Contract With America proposes, I will tell you where you wind up. You will wind up with a deficit that will choke a mule, that will cause interest rates to start soaring again, and the poor guy who would have otherwise gotten a tax cut that might buy him a pizza every Friday night will lose two pizzas every Friday on interest costs. And 74 percent of the people of this country agree that they would rather see the savings put into deficit reduction.

Over and over and over again, I heard people say the balanced budget amendment is very popular, that 75 percent of

the people in this country favor it. When you get down to a little tax cut, I will be saying that 75 percent of the people would rather see this go on the deficit than into a middle-class tax cut. You say we must do what 75 percent of the people want on one thing. But on the next thing that 75 percent of the people want, you say something else.

Mr. President, I will tell you what ought to happen. The Republican and Democratic leaders ought to get together and say, look, we share a common goal, and that common goal is to keep faith with the American people. In order to do that, we have to start getting the deficit under control. You go back to your people and submit a list of cuts, and we will come up with our own cuts; then we will get back together and try to figure out what we can agree on. Once we agree on what we can cut, once we are convinced in our own minds that we are going to actually cut the deficit this year and the next year and the next year, the leaders, Democrats and Republicans, can go before the television cameras and say solemnly to the American people: Here is our contract. We all agree on it.

If we keep going like we are going, Mr. President, the Constitution and the American people both are going to lose mightily. I did not sign that contract. As far as I know, not a single one of the 100 Members of the U.S. Senate signed that contract. Can you believe that that contract would be as dramatically unrealistic as it is—we are going to have a constitutional amendment to balance the budget, provide \$471 billion in tax cuts, and defense increases. Most of the people who signed that are wannabes, people running for Congress who will say anything, sign their name to anything, and worry about the details later, after they have been elected.

And they will do it in 100 days. We are supposed to be a deliberative body. If it takes 100 days, fine; if it takes 300 days, fine. These things are supposed to be seriously considered. 100 days? It would not have been unthinkable in this Senator's mind to spend half of that—which we almost did—on this amendment until the American people focused on it and understood precisely what the consequences were going to be.

I must say I was terribly chagrined when I realized that no change to the constitutional amendment was going to be adopted. We were presented with a constitutional amendment that was crafted by the House of Representatives and sent to the Senate, and they said here it is, do not change one word. Do not uncross one "t," do not undot one "i," do not change anything. Think of that, saying to Senators here, who represent the people of their States, who want to improve it or kill it or otherwise change it. And they say, no, you do not count. We have 52 votes locked up over here and we will table anything you try to do. What kind of

deliberative body is that? It is like saying we do not care that we are dealing with this precious document and we do not care what you think.

That is not a fan you hear, Mr. President, that is the sound of James Madison whirling in his grave.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

Mr. NICKLES. Mr. President, I rise to make a couple comments concerning the balanced budget amendment vote today, because I think in my 14½ years in the Senate, it is probably the most important vote that we have cast. In my Senate career, we voted on a balanced budget amendment four times—three times for real; and once on a cloture vote to end debate on a balanced budget amendment which I offered.

We passed it once, in 1982. We passed it with 69 votes. It was a bipartisan vote. At that time, the majority leader of the Senate was Howard Baker. I remember his support for the amendment. We had the support of Ronald Reagan, who was President at the time. But we lost by just a few votes in the House of Representatives.

The reason we lost the vote today is because six people who voted for the balanced budget amendment a year ago voted against it today. They have the right to change their minds. Many of the people that voted against it today who voted for it last year said they wanted to protect Social Security. But when they voted for it last year, there was no specific protection for Social Security. Those individuals thought the balanced budget amendment was worthy of voting for last year, but they voted against it this year. They have that right, and I respect Senators for their votes. I also think they should be held accountable.

When people are running for reelection, they many times claim, "Oh, yes I have always voted for a balanced budget amendment."

But today we had a chance to vote for one for real. The one we voted on last year, in all likelihood, was not going to pass. The House tried it last year and they lost by a few votes. We lost by a few votes.

This year, the House passed it. This year, if the Senate had passed it and we worked out whatever small differences we had between the House and the Senate, it would have gone to the States and we would have found out whether 38 States would have ratified it. My guess is, they would. My guess is, we would have followed the advice of

Thomas Jefferson. We would have enacted an additional amendment which would prohibit Congress from spending more than they take in. Thomas Jefferson was right.

BOB DOLE was right when he made his comments. I want to compliment Senator DOLE for his leadership. He has shown great patience. We spent over a month on this amendment. The House of Representatives debated it for 2 days. The Senate spent a month. Senator DOLE indicated the willingness to spend another week if we could have picked up the necessary votes. But we might spend another 2 months and still not get 67 votes. Senator DOLE can count votes. All of us can. Many of us were working, trying to make a difference, but we were not successful, mainly because six people changed their minds. They have the right to change their minds, but people need to know why we did not pass it.

In the November elections, we elected a lot of new people.

As a matter of fact, all 11 new Senators elected in the 1994 elections voted for it. But six people who voted for it in the past decided to vote against it. That is the reason the amendment failed.

To pass a constitutional amendment is a high bar to jump over. It is not easy. You have to pass the constitutional amendment by two-thirds in both Houses, and then additionally it has to be ratified by three-fifths of the States. That is not easily done.

We have had 27 amendments to the Constitution, 10 of which were the Bill of Rights and were ratified very early in our history. We have only had 17 since then. Sixty-six Members of this body felt as though we should have the balanced budget amendment, as well. The American people have supported it. It was mentioned two or three times on the floor that 80 percent of the American people believe we should have it.

I have been here long enough to know we need a balanced budget amendment. I have served on the Budget Committee; I have served on the Appropriations Committee; and now I serve on the Finance Committee. I think we need the discipline. It would not be necessary if we had a strong majority of both bodies, being fiscally responsible Members. Maybe then we would not need a balanced budget amendment.

Mr. President, I am totally committed to trying to balance the budget, whether we pass the amendment or not. I think we ought to do it by the year 2002. So I hope that we will pass a budget resolution that will move Congress toward balancing the budget no later than the year 2002. I hope we can pass it in both the House and the Senate.

Maybe that will be the easy part. Then we will have to pass the implementing legislation to make it happen, pass what we call a reconciliation bill and all 13 appropriations bills. We will