

of the issue, and I hope that the American people are tired of it, too. I hope that this incident forces my colleague and his associates at the RNC to actually read the full text of my speeches and stop the blatant misrepresentation.

And Mr. President, from the National Journal's Congressional Daily, they have a quote on page 8 of March 2.

On Wednesday, Ford's Washington office received 407 phone calls supporting the balanced budget amendment and 765 opposing it, according to the office spokesman. The ratio has remained about the same throughout the week in the Washington and State offices, he said. In addition, Republican National Chairman Haley Barbour shrugged off a claim by FORD that RNC ads running in FORD's home State of Kentucky backfired and helped solidify FORD's position on the amendment.

And I quote Mr. Barbour. Mr. Barbour says, and I quote:

"I was born at night but not last night," Barbour said, adding that he does not believe "any member of the United States Senate could vote against the wishes of his constituents merely because he got his feelings hurt by a TV ad."

Now, Mr. President, I was born at night, but I was not born last night. What I said was when they started running the ads against me in Kentucky, it stirred up a hornet's nest. It caused other groups that were opposed to the amendment to gear up. They put on radio ads; they put on TV ads, and they stirred it up. If he had left it alone—that is what I am saying. He stirred up the activity himself, and it did not hurt my feelings. I am a grown man. I have been around a long time. Dad told me, in politics, when they tear the hide off of you, just remember it grows back and you are tougher.

You are looking at one tough son of a gun today, Mr. President. I just want people to understand, lest we forget, they put that out and misquoted us again. They misquoted us again. I think that the record ought to be made straight, and I have all the documentation necessary to prove that this statement of mine was lifted from the RECORD, not actually the statement I made. It was a statement I made as it related to a substitute amendment that we thought would be a better amendment that would work better for the American people and, yes, would help our children and our grandchildren.

And so, Mr. President, I make this statement just to defend myself because I do not want this statement to hang out there longer because it would, I think, be detrimental to what I hope my constituents understand and what I believe to be the facts.

Mr. DORGAN. Mr. President, I wonder if the Senator will yield 1 minute.

Mr. FORD. Mr. President, I yield to the Senator from North Dakota.

Mr. DORGAN. Mr. President, I wanted to follow on those comments by saying that my experience with respect to information put in the CONGRESSIONAL RECORD about statements I made last

year was similar to that of the Senator from Kentucky [Mr. FORD].

Other Senators have spoken on the floor of the Senate about our sincerity in working to protect Social Security. They were asking—about the Senator from Kentucky, my colleague from North Dakota, the Senator from California, myself and others—these other Senators were wondering where were we last year when we voted on the same identical balanced budget amendment? Senators were asking why we were not worried then. Why did we not, et cetera, et cetera.

And then they put parts of our statements in the RECORD. The problem is that what they put in was not all of the statements, but simply a couple of paragraphs.

Let me read, if I might, from last year's statement that I made on the floor of the Senate. Let us see whether the Senator who mentioned this statement might want to modify his remarks, because I think, if he had known all of what I had to say last year, he might have spoken differently last week. These are my words last year on the Senate floor. I said to Senator SIMON:

I would like to ask the Senator a question about the Social Security issue.

We are now, by design, running surpluses in the Social Security system in order to prepare for the time when we will need them, when the baby boomers retire. I do not want to be in a situation where we use those surpluses to balance the Federal budget. That would be dishonest.

If we did that, we would, in effect, steal money from a trust fund. We collect this money from the payroll taxes, out of workers' paychecks and businesses, and we assure them that this money will go into a trust fund. We promise people that it will be used only for trust fund purposes.

If we use that money to offset the operating budget deficits, we are misusing that money. We cannot allow that to happen.

That is me speaking last year, not this year.

Again, quoting myself, speaking last year.

The fact is we must not count the surplus between now and the year 2035. Between now and then we will have an enormous bubble of surplus \* \* \*.

The reason we increased taxes on payrolls in this country is we decided we must force national savings to meet a need after the turn of the century. To fail to do so is irresponsible.

That is why I say to the Senator from Illinois (speaking to Senator Simon that day) that—whether it is under the current budget scheme in Congress without respect to this constitutional amendment, or whether it is with respect to a constitutional amendment—we must do the right thing with respect to the Social Security trust funds. The right thing is not to count them in the balanced budget computation.

That is the only way to achieve national forced savings that we promised the workers and businesses in this country we were going to achieve.

Now, I read that to say that is what I said in the Chamber last year, and yet Senators have come to the floor and wondered where I was last year. Senators said that we did not bring

this up, that we did not talk about this. And they put in the RECORD part of the statement and left all of this out.

Now, I hope it is an accident because accidents happen. But maybe we can be accurate with each other about what we did or did not do and what we said or did not say. Maybe we can decide that we respect each other's views. We differ. We feel strongly about things on this floor, and we represent the people the best we can. But I think that we ought to understand that what we should give each other in this Chamber is not just the truth but the whole truth, the whole truth. We do not need to in any way—and I would never, and I will not impugn motives here—but I do not think we should ever intend, nor do I expect anyone would ever intend, to misrepresent.

So believing that to be the case, I hope others who will take the floor in the future will not ever again say this: Where were they last year? Why were they not making these kinds of representations last year?

I will not read this a second or third time, but anybody who heard what I just read could not fail to understand. If you heard, you cannot fail to understand I raised exactly the same points last year as I raised this year.

I hope I do not hear someone again make the mistake, and I assume it is a mistake, not to include those statements I made in the Chamber last year in representations that they bring to the floor this year.

All of us understand what a lot of this is. It is a lot of politics. That is fine. We operate in a political system. I am not defensive about it. I just believe that when we discuss things with each other, let us do it with all the facts, let us do it with the truth and the whole truth.

That is what I hope to do with all of my colleagues in this Chamber. That is what I hope they would do with me as well.

I appreciate the Senator from Kentucky yielding.

Mrs. FEINSTEIN. May I ask the Senator from Kentucky to yield for an additional statement?

Mr. FORD. Mr. President, the Senator can get the floor in her own right.

The PRESIDING OFFICER. The Senator from Kentucky does not have the floor.

Mr. FORD. The Senator can get it in her own right.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. May I speak as in morning business?

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

#### CORRECTING THE BALANCED BUDGET AMENDMENT DEBATE

Mrs. FEINSTEIN. Mr. President, I also would like to correct the record,

and so I rise today to set it straight. I am reacting to the fact again that the Senator from Mississippi submitted a portion of my floor statement from balanced budget debate last year and incorrectly described the context of my remarks, and I would like to put those remarks in context.

The Senator claims in the CONGRESSIONAL RECORD that the statement was made in response to the balanced budget amendment as submitted by Senators SIMON and HATCH. In fact, there were two proposals last year on the balanced budget amendment. The statement that is attributed to me was made in reaction and in support of the balanced budget amendment proposed by Senator REID, which would have protected the Social Security trust fund. I would like to put the statement submitted by the Senator from Mississippi in context by briefly reading a couple of paragraphs from my floor speech made on February 24, 1994.

I am here to speak on behalf of the Reid amendment. I believe it is improved over the Simon amendment. This amendment would protect Social Security. I do not believe that the trust fund should be used to balance the budget. It would allow the creation of a capital budget (that is this amendment), just as many cities and States do now. It would allow flexibility in times of recession. And it would keep the courts from mandating actions that are legislative prerogatives.

These changes make this amendment a much more workable balanced budget amendment.

There are many in this body who believe that amending the Constitution is very strong medicine, perhaps too strong. I have listened very carefully to those arguments. But I have come to the conclusion that without the strong medicine the patient is not going to heal.

People have said to me: You come from California and you supported an amendment for earthquake disaster relief that was off budget.

Yes, I did. Disaster relief for floods was off budget. Disaster relief for Hurricane Iniki was off budget. Disaster relief for Hurricane Andrew was off budget. So why should California be treated any differently? That is why we need an amendment to make everyone play by the same rules.

I think this is the heart of the matter. If people believe that under our present way of doing business we can balance this budget, then they should vote against a balanced budget amendment.

This is the part that I was quoted in.

If in their heart of hearts they believe we are not going to be able to balance the budget under the current process, then I believe they should support the balanced budget amendment. At least that is the conclusion to which I have come. Without a constitutional amendment, a balanced budget just is not going to be achieved.

That is the context of my remarks, out of which one paragraph was taken and attributed to my not being concerned about Social Security last year. I submit this as proof that I was concerned about Social Security last year. This year I presented a substitute amendment which was the balanced budget amendment with Social Security excluded, and it lost before this body.

If I might just quickly restate my views, because I believe it is important. Let me speak as someone who does believe in a balanced budget amendment. It may not be the same identical one you believe in, Mr. President, but then that is why we are legislators, to legislate, hear the ebb and flow of debate, make up our minds, and improve legislation. I quite genuinely believe, and I think the figures will corroborate, that we can take Social Security off budget, create a capital budget—as the city of which I was mayor does, as the State of California does, as more than 40 other States do—and actually, by so doing, have less trouble balancing the budget by the year 2002 than we would if the present balanced budget amendment passed.

Now, perhaps the Federal Government is so far removed from States or cities that they cannot countenance financing large items of capital like aircraft carriers, at \$1 billion per, through a capital budget, but I think we can. I think there is room for people to have different views about a balanced budget amendment. And I hope that, as others state our views, that they would do so correctly.

I have heard many Members supporting a balanced budget amendment say—and heard one on tape just a half-hour ago—“We have no intentions of using Social Security to balance the budget.” That is wrong. Social Security’s revenues would be used in the balanced budget amendment recently voted on to balance the budget.

Why do I believe that Social Security is as important a contract with America as the revisionist Contract With America? The reason I believe it is because for years people have been paying FICA taxes with the assurance that those taxes are not used for budget purposes, they are used for their retirement. That is a contract with America. You pay 6.2 percent of your salary, your employer matches it, the Federal Government holds that and invests it in Treasury bills, and you get it back as you retire.

I believe that obligation ought to be kept intact. If we find we cannot keep the obligation intact because more people are retiring and not enough are earning, then the system needs adjustment. And I am the first one to say that. Or the money is not going to be there, do not make young working people with young families pay the FICA tax today. Do the honest thing and cancel the FICA tax.

So I think there are very major and legitimate public policy questions at play in this balanced budget amendment and I hope that the mentality that I have been surprised to see in the last week—which is almost the mentality that anyone who dares disagree with the great pundits and proponents of the balanced budget amendment is not quite as good an American and does not have the right to disagree—would cease. I think that makes a mockery out of the public policy de-

bates of the No. 1 one public policy forum of the United States, the U.S. Senate.

I believe we have a right to listen to debate. I believe we have a right to try to forge a better amendment. And I think taking Social Security out of the balanced budget amendment does in fact make it a better amendment and there is a way to compensate for the loss and that is by doing something that most States and every big city in this Nation does, which is fund their major capital improvements through a capital budget.

Mr. President, I thank you for the opportunity and I yield the floor.

Mr. LOTT. Mr. President, last week, I inserted in the RECORD a list of quotations concerning the balanced budget amendment, from several of our colleagues who voted against the balanced budget amendment on March 2 of this year. Those quotes demonstrated their support for the balanced budget amendment in earlier years, especially in 1994, when there was little chance that it would actually pass.

Earlier this afternoon, our distinguished colleague from Kentucky, Senator FORD, suggested an error in the words attributed to him. As I understood him, he has not claimed that he never said the words I quoted him as saying. But rather, he said them in support of a substitute amendment to the balanced budget amendment, not in support of the original legislative language.

That substitute—a Reid-Ford-Feinstein amendment—had the effect of exempting Social Security from the constitutional strictures of the balanced budget amendment.

The Senator is correct in pointing that out. The words I quoted were spoken on March 1, 1994, in support of that substitute amendment, which, because of its Social Security exclusion, did differ from the balanced budget amendment the Senator voted against on March 2 of this year.

If I had been aware of that, I would have duly noted it in the material inserted in the RECORD, but not read. So I apologize to the Senator for that misimpression. But in the interest of fairness, I think we should lay out the whole story. As another of our colleagues said here this afternoon, we want, not just the truth but the whole truth.

And the whole truth is that, after our distinguished colleague from Kentucky spoke those quoted words in support of the Reid-Ford-Feinstein amendment, that amendment was rejected by the Senate by a vote of 22 to 78.

The next vote came 5 hours later. It was a vote on final passage of Senate Joint Resolution 41, the balanced budget amendment virtually identical to the one narrowly defeated by the Senate only last week. And on that vote, Senator FORD voted “yea.”

Let me make that clear. Although the Senator’s words I quoted were directed toward the Reid-Ford-Feinstein

substitute amendment, the Senator from Kentucky did indeed vote for the original balanced budget amendment last year which was basically identical to the one we voted on this year which he voted against.

Methinks, maybe, he protest too much.

I was raised to believe that actions speak louder than words. And the point of my remarks in the RECORD last week was that the actions of several of our colleagues with regard to the balanced budget amendment last year just do not compute, as Dr. Spock would say, with thier actions this year.

I do regret any inconvenience to the Senator caused by the publication of his quote from 1994. And I want to assure him that all future quotes will be triple-checked for their precise parliamentary context.

But at the same time, those of us who truly support a balanced budget amendment owe it to the public—to the taxpayers—to make clear why that amendment was defeated, at least temporarily, in this body last week.

It was defeated because several Senators who voted for its exact language 1 year ago found some reason, some excuse, to change their position 180 degrees this year.

Whatever their reasons for doing so, that abrupt change is what is at issue here. It is what the public is asking question about. And, in some cases, it may be difficult to explain.

One thing is for sure: No one can explain away that radical change in position regarding the balanced budget amendment by pointing to the Reid-Ford-Feinstein substitute of 1994. That substitute was indeed the subject of Senator FORD's remarks as I quoted them, but it was the original, untouched, unamended, unaltered, authentic balanced budget amendment for which he voted on March 1, 1994.

And it was the same amendment, with only the beneficial addition of Senator NUNN's language concerning the federal judiciary, which he voted against on March 2, 1995.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I ask unanimous consent that I may speak for not to exceed 10 minutes as in morning business.

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

#### THE BALANCED BUDGET AMENDMENT FIGHT

Mr. BYRD. Mr. President, the balanced budget amendment fight has ended for the moment, but some rather unattractive reverberations seem still to be echoing in this Chamber and around this city. Honorable men and women wrestled with their consciences and did the best that they could to reach the right decision on the balanced budget amendment to the Constitution. Thirty days of good solid de-

bate in the best Senate tradition persuaded some that the amendment was the right thing and some that it was the wrong thing. That is exactly what the constitutional Framers intended when they set up the difficult amending process laid out in the Constitution. But the Framers probably did not foresee the aftermath of political guerrilla-warfare tactics that is now in progress, nor would they have understood or appreciated this particular unfortunate turn of events.

Attack ads are already running in the States of certain Members who could not support the amendment this year because of its glaring deficiencies. Because of the thorough examination of the amendment on this floor and elsewhere, the constitutional amendment has been somewhat discredited. The idea has lost some support with the people and in its present form, it has lost the support of some Senators who had supported it in the past. There is nothing unusual about that. Proposals often fall out of favor when careful examination reveals their flaws. That is healthy. That is good for the Republic. That is representative democracy.

But, the ugliness which continues to pervade the air on the days after the amendment's defeat is unwarranted, unwise, and to be regretted.

Senators who have used their best judgment are under attack and in the most extreme of cases one Senator, it is rumored, has been threatened with his position on a Senate committee.

When Senators are asked to check their integrity at the door to continue in good standing their membership in any political party, something is very, very wrong. When a Senator has to subordinate his conscience and his dedication to the Constitution of the United States to any political party, then we have come to a very poor pass in this Senate and in this country. When Members of the Senate are subjected to hit-list tactics because of their position of conscience on an important constitutional amendment, somewhere, somebody's perception of the word "Honorable" is seriously off track. And when losing a fair fight prompts the loud public "chewing of rags" which we have seen since last Thursday evening, everybody loses, including the Nation.

I hope that the coming days will see a restoration of sanity and comity in this body. What we need to do now is to get on with the business of reducing the deficit, which is what the American people have really asked us to do. This Senate which so distinguished itself only last week with a wise and courageous decision on the balanced budget amendment, must cease the self-destructive and embarrassing threats and recriminations and once again distinguish itself by a serious attempt to do the people's business. That is what we are all elected and expected to do.

Mr. President, for the information of Senators, I ask unanimous consent to include in the RECORD at this point rule XXIV of the Standing Rules of the

Senate entitled "Appointment of Committees."

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

#### RULE XXIV

##### APPOINTMENT OF COMMITTEES

1. In the appointment of the standing committees, or to fill vacancies thereon, the Senate, unless otherwise ordered, shall by resolution appoint the chairman of each such committee and the other members thereof. On demand of any Senator, a separate vote shall be had on the appointment of the chairman of any such committee and on the appointment of the other members thereof. Each such resolution shall be subject to amendment and to division of the question.

2. On demand of one-fifth of the Senators present, a quorum being present, any vote taken pursuant to paragraph 1 shall be by ballot.

3. Except as otherwise provided or unless otherwise ordered, all other committees, and the chairmen thereof, shall be appointed in the same manner as standing committees.

4. When a chairman of a committee shall resign or cease to serve on a committee, action by the Senate to fill the vacancy in such committee, unless specially otherwise ordered, shall be only to fill up the number of members of the committee, and the election of a new chairman.

Mr. BYRD. Mr. President, I yield the floor.

#### EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT OF 1995

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to consideration of H.R. 889 which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 889) making emergency supplemental appropriations and rescissions to preserve and enhance the military readiness for the Department of Defense for the fiscal year ending September 30, 1995 and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

H.R. 889

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* [That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide emergency supplemental appropriations for the Department of Defense to preserve and enhance military readiness for the fiscal year ending September 30, 1995, and for other purposes, namely:

#### [TITLE I

##### [EMERGENCY SUPPLEMENTAL APPROPRIATIONS

##### [DEPARTMENT OF DEFENSE—MILITARY

##### [MILITARY PERSONNEL

##### [MILITARY PERSONNEL, ARMY

[For an additional amount for "Military Personnel, Army," \$69,300,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and