

might even want to permit asymmetries in a modified ABM Treaty or START III, where the Russians would be allowed relatively more offensive capabilities as the United States deploys national defenses.

At each step, we could consider any requests by the Russians for assistance to improve their own defenses. Although I am not convinced such assistance would be in our best interests, this might be a small price to pay if we want to deploy national defenses and keep the ABM and START Treaties alive.

A good initial step, as proposed by Senator NUNN in the context of his substitute amendment, is for both sides to agree to rescind the 1974 Protocol to the ABM Treaty, which reduced the number of national missile defense sites allowed by the original treaty from two to one. If we try to deploy a ground-based national defense system constrained to one site, we are looking at an inordinate inefficient and therefore expensive system.

Allowing for space-based tracking in an ABM mode also makes sense if each side is interested in a more capable and cost-effective limited national defense. Another area that could prove win-win for both sides is construction of jointly manned, ground-based missile launch detection centers near each other's ICBM fields.

Finally, we have to engage the Chinese sooner rather than later on their growing nuclear arsenal. According to press accounts, China has deployed CSS-3 and CSS-4 ICBMs, the latter of which are capable of reaching most of the continental United States. China has also reportedly tested the CSS-4 missile armed with MIRVs. Most recently, the Washington Times reports that the Chinese are acquiring technology from the Russian SS-18. It would not require an inordinate amount of resources for China to deploy dozens of additional ICBMs with MIRVs, meaning possibly hundreds of new warheads that could rain down on United States cities.

Now is the time to discourage the Chinese from embarking on an ambitious, and highly destabilizing, nuclear arms build-up. That is why, Mr. President, it is crucial that the United States pursue trilateral negotiations with Russia and the People's Republic of China on MIRVed ICBMs. I have drafted a Sense of the Senate resolution related to this matter, and may offer it during consideration of the fiscal year 1997 Defense Authorization Act.

With that, Mr. President, I reiterate my opposition to the Defend America Act, urge a more measured approach and yield the floor.

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

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

The Senator from Colorado is recognized.

(The remarks of Mr. BROWN and Mr. MCCAIN pertaining to the introduction of S. 1830 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

PRESIDENT CLINTON'S HIGHER EDUCATION PROPOSALS

Mr. PELL. Mr. President, as one who has spent much of his Senate career seeking to broaden and expand educational opportunity, I want to commend President Clinton for the education proposal that he today placed at the forefront of his domestic agenda. I also take special pride in the fact that he set forth his proposals in his commencement address at Princeton University, which is my alma mater.

While we have not had the opportunity to examine the package in any detail, I am particularly drawn to two of the President's proposals. The first of these is the Hope scholarship plan. Its thrust and purpose is most certainly consistent with my longstanding belief that we ought to guarantee 2 years of education beyond high school to every student who has the drive, desire, and talent.

As I have said many times, the idea that 12 years of education is sufficient education for our young people is, quite simply, an outmoded, turn-of-the-century concept. As we approach the turn of a new century, it is truly high time that we discarded that notion. The vast majority of leaders in the growth industries of our Nation recognize that a skilled work force requires at least 2 years of education beyond high school. But while we have talked about trying to change an outdated policy, it is President Clinton who has brought the talk to an end and laid out a plan to make the concept of 14 years of education a reality.

The Hope scholarship plan would provide a \$1,500 tax credit for the first year of education after high school, and another \$1,500 for the second year if they worked hard, stayed off drugs, and earned at least a "B" average. It is a plan that would reward efforts and achievement, twin objectives with which I strongly concur.

It is a plan that would make a tuition-free education possible for 67 percent of all community college students. For students with financial need, it would work in concert with the Pell grant and further ease the burden of paying for a college education.

While it would have its most profound impact on students attending community college, it would also be of immense help to students pursuing a 4-year degree. Students and their families could opt for either the \$1,500 tax

credit or a \$10,000 tax deduction. It would be their decision as to which option better suited their needs.

With respect to the proposed \$10,000 tax deduction, I am especially pleased that the administration has refined its original proposal. It will now be targeted to hard-pressed middle-income wage earners. These are the very families who today find that paying for their children's education is increasingly beyond their financial reach.

The other proposal to which I am drawn is the President's proposed 33-percent increase in the maximum Pell grant over the next 7 years. For fiscal year 1997, the President has already proposed increasing the maximum grant from \$2,470 to \$2,700, a 1-year increase of almost 10 percent. And, according to today's announcement, the maximum grant would continue to receive yearly increases, and would reach a maximum award of \$3,128 by fiscal year 2002.

Unfortunately, the proposal will not redress the terrible imbalance between grants and loans that has become so pronounced over the past decade and a half. Where a deserving student's financial aid package was once 75 percent grants and 25 percent loans, today it is the opposite—almost 75 percent loans and only 25 percent grants. Yet, even though the President's proposal may fall short of the mark, it is certainly a welcome step in the right direction. It also stands in stark contrast to the budget resolutions approved by both the House and Senate. They would freeze the budget authority for the Pell Grant Program.

In all candor, however, we should take the President's Pell grant proposals as only the first step. We ought to give it our careful and thoughtful consideration, and then do him one better by enacting legislation that truly addresses the enormous and growing debt burden incurred by literally millions of college students as they struggle to pay for a college education. While I realize I may sail against the political winds, I continue to believe deeply that the Pell grant ought to be made an entitlement, which would free it from the pitfalls of yearly appropriations.

Mr. President, I believe deeply that education is a capital investment. What we put into the education of our children is returned to us many times over. Every study we know shows that there is a direct relationship between more education and higher personal income. Better education means better jobs, and better jobs mean a stronger and more vibrant economy. We must be careful, however, that the cost of an education and the debt undertaken in getting it do not overtake us.

I welcome the President's proposals. I applaud the initiative he has taken. I congratulate him for placing a priority on education. While we had little advance notice of these proposals and virtually no time in which to mull them over, I hope very much that we will

give them careful and thoughtful consideration, and that they will not be overwhelmed by election year politics.

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

The PRESIDING OFFICER (Mr. THOMPSON). The clerk will call the roll. The legislative clerk proceeded to call the roll.

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

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

Mr. FEINGOLD. Mr. President, I ask unanimous consent I be allowed to speak as in morning business.

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

IN DEFENSE OF THE CONSTITUTION

Mr. FEINGOLD. Mr. President, I rise today to speak about the U.S. Constitution and what I believe is the essential need to exercise extreme restraint in regard to amending this great document. As recent articles in a number of publications and newspapers have pointed out, this Congress, Mr. President, the 104th Congress, perhaps unlike any in recent memory, seems intent on amending the U.S. Constitution. I do not question the sincerity of those efforts. The history of our Constitution and those amendments that have been adopted, as well as the mechanism crafted by the framers for adopting amendments, counsels that caution govern any efforts to amend this great document, our Constitution.

Since its ratification in 1788, the Constitution of the United States has been the single greatest protector of individual rights known to man. It is superior to any of its predecessors, and has been the benchmark against which all other constitutions since adopted have been judged. Perhaps the greatest tribute to the U.S. Constitution, Mr. President, and the greatest tribute to those who drafted the document, is that in the 208 years since its ratification, the people of this Nation have only amended it on 27 occasions. This equates with only about one amendment every 7.7 years.

However, Mr. President, this figure is a little bit misleading when one looks closely at the actual history accompanying those 27 amendments. It becomes obvious that those specific instances where the people of this Nation have moved to amend their Constitution have actually been few and far between, and those efforts have typically only been in response to some fundamental deficiency or flaw in our democratic system of government.

As we look at the 27 amendments, Mr. President, for example, the first 10 amendments to the Constitution, the Bill of Rights, were adopted as part of an agreement to actually garner support for the passage of the underlying Constitution itself; 10 of the 27 were adopted at the very outset of our country. Anti-Federalists who opposed the

Federal Constitution were opposed to its adoption unless and until a more explicit statement on the rights of man was added to the Constitution. The fervent belief that certain rights should remain squarely within the province of the individual manifests itself in the Bill of Rights.

While the Bill of Rights was adopted almost simultaneously with the Constitution, becoming effective in 1791, what the Bill of Rights did was set a tone which on most subsequent occasions has been followed. That tone was that constitutional amendments should be reserved for response to shortcomings in our democratic way of governance in general, not to attend to the emotion or issue of the day each time. I think this is evidenced by the adoption, following the Civil War of the 13th, 14th, and 15th amendments. These three amendments, much like the Bill of Rights, spoke directly to the rights and equality of men, and extended to African-Americans rights previously that were denied to them, denied to them under the original Constitution, and even under the original Bill of Rights.

Further, many of our constitutional amendments deal directly with the ability of citizens to participate in democracy, they go to the very core of whether everyone can participate. The 17th, 19th, 24th and 26th amendments improve citizen involvement in elections by allowing for the direct election of Senators, extending the franchise to women, abolishing the poll tax, and reducing the voting age. The essence of democracy itself, Mr. President, is participation. These amendments fostered that fundamental element of our Nation. For that reason, I think they were all probably appropriate uses of the unusual and unique ability to amend the Constitution.

Mr. President, obviously there have been other amendments albeit few rising to the level of the importance of the Bill of Rights and the Civil War amendments. However, I have noted these not to argue their importance, but to illustrate that throughout our history most amendments to the Constitution have been restricted to addressing systemic problems with our Government—problems which actually inhibit one's ability to participate in the benefits of democracy. In other words, these have to do with basic errors or problems that have arisen in our system that simply mean somebody cannot participate fully in our democracy. They have not, almost in every case, been amendments that have to do with one particular issue at a time that is dividing our country.

Of course, on one glaring occasion we did depart from this standard and we adopted the ill-fated 18th amendment—the prohibition amendment. The result of this misguided venture into social policy resulted 14 years later in the adoption of another amendment, 1 of the 27, the 21st amendment, which repealed prohibition. So that is 2 of the

27, a lousy idea that did not work, followed by the repeal of this venture into social policy.

Another aspect of our Constitution which argues for restraint in amending this document is found in the Constitution in article V. Article V establishes two methods for amending the Constitution. First, the Constitution may be amended by constitutional convention. The second method allows the Constitution to be amended if approved by two-thirds majority of both Houses of Congress, and then, of course, ratified by three-fourths of the States. These explicit methods for amendment were, in essence, a compromise between the unworkable unanimity requirement for amending the Articles of Confederation, one of the reasons that we had a constitutional convention, and the notion held by many of the Framers that some mechanism must exist to address potential shortcomings in the new Constitution. The compromise that is embodied in article V established a difficult but not impossible standard for amendment which, like the Constitution itself, I think, has served this Nation very well.

While article V protects the people from constitutional uncertainty and alteration based solely upon the will of an ever-changing political majority, it also provides an avenue for amendment when it is truly necessary.

The result of this has been to preserve the Constitution as it was intended to be. With only 27 amendments, it remains a general statement of principles used to help define a new nation, as opposed to a step-by-step method of governance.

In so doing, I think article V has prevented the U.S. Constitution from simply becoming littered with a flurry of well-meaning but unnecessary amendments. Article V has prevented the Constitution from evolving into a document that would be almost unrecognizable in terms of length and scope to the Framers, who drafted it over 200 years ago. This is the really important thing, Mr. President, because it points out the fundamental distinction between a Constitution and ordinary statutes.

There is a big difference in our system. As I understand it, there is less of a difference in the system in England. There, there is no written Constitution; Parliament is supreme. Technically speaking, Parliament can pass any law, and it then becomes the supreme law of the land. We have broken that system. We chose to have a simple, brief document that was greater than the legislature, that was greater than a parliament, that was greater than a Congress. It is the notion of a limited written Constitution. That is the difference between us and the English system. And, in fact, it was part of the reason, in my view, why the revolution was fought. Our citizens wanted a document over which no legislative body had supremacy, except for in the very unusual circumstances that were