

The two authors drew attention to other sexist expressions, from founding fathers to working wife to old wives' tale, arguing that prejudices in language reflect the mostly white, Anglo-Saxon patriarchal society in which our grammar and vocabulary developed. Such terms are destructive, Ms. Miller and Ms. Swift wrote, because they perpetuate stereotypes demeaning to women.

Theirs were persuasive arguments.

A graduate of Smith College, Ms. Miller's lifelong passions were words and language. As a lieutenant during World War II, she helped to break codes used by Japanese in the Pacific. Later she worked in publishing before moving to East Haddam in 1967 to begin her career as a freelance editor and writer.

Although hers was not a household name, Ms. Miller has left a more lasting legacy than others who have achieved celebrity status: Changing the way Americans write and speak.

Mr. DODD. I thank my colleagues for allowing me to digress. Mr. President, I yield the floor.

#### BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The Senate continued with consideration of the resolution.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Missouri is recognized.

Mr. ASHCROFT. I thank my colleague from the State of Connecticut. Mr. President, I am pleased to have an opportunity to make some remarks about the balanced budget amendment. It is my understanding the minority leader may come to the floor to speak, and if he does I am happy to interrupt my remarks to provide him an opportunity to make whatever remarks he plans to make.

Mr. President, when we discuss the balanced budget amendment, we are usually talking about the impact of runaway spending on our economy or on our future. These are fundamental considerations, but I think there is another consideration that we must not lose sight of, and that is, perhaps, more fundamental and more profound than the economic implications of the balanced budget. A protracted deficit spending empowers the central Government with the means to undermine our basic liberties. What I really mean to say is that unlimited spending by Government promotes unlimited Government, and unlimited Government means limited freedom. There is a relationship between the size of Government and the number of its prerogatives and the size of individuals and the number of their prerogatives.

For how we tax and spend, really, in fact, determines whether we are prosperous or poor, free or enslaved, good or evil. I believe if we want to be free, we have always to be careful about the size of Government.

Now, the acknowledgment that we can control Government by controlling its power of the purse is not new. From the very beginnings of this Republic there has been a clear understanding

that if you could control the purse, if you could limit spending, you could limit the encroachment of Government upon the freedom of individuals. Money is and money has always been the source of Government's most basic power. History bears testament to this truth.

The Magna Carta, which was signed grudgingly by King John a few centuries ago—I might add, no relation, King John, but the name is still in current use—prescribed that the monarchy could not impose taxes, and King John grudgingly signed this, the monarchy could not impose taxes without the consent of the Great Council. Charles I was executed because he tried to spend money without the consent of the Commons. And our own Declaration of Independence talks of injuries and usurpations, not the least of which was George III's imposition of taxes without representation, taxes without the consent or participation in the decisionmaking by colonial residents.

Mr. President, deficit spending has wrested power from the people. It has taken power from the next generation and brought it to this generation, the power to decide how the resources of our own children will be spent. It has deposited this power in the Halls of Congress.

We are not only taking the freedom of this generation when we spend in deficit, we are taking the freedom of the next generation, so that we have a compound problem here. The extent and reach of Government encroaches upon the capacity of individuals to live freely, not only in the present time but because we are funding this overreaching of Government with deficit spending, it encroaches upon the freedom of the next generation.

This is an inversion of the will of the Framers of the Constitution. It is an invasion of the social contract in which our forefathers developed this country. It takes the power from the people and puts it in the hands of the Congress. And really what Congress' enterprise ought to be is empowering people. It is time to return to the people the ability to control their own lives, their future and their destiny and to begin to assure the next generation that we will not have exercised their prerogatives, we will not have made their choices about how to spend their resources, but that we will, indeed, protect some of that prerogative which they rightfully have which they ought to enjoy. Another way of saying this is that it is simply immoral to tax unborn generations of Americans in anticipation of their existence in order to satisfy our undisciplined consumption that is a result of deficit spending.

Mr. President, Congress today does not have to vote to raise more revenue in order to spend more money. We have gone through a transition from tax and spend, which is an arguable proposition, to borrow and spend, which is certainly a very questionable proposition. We now are in a category of

steal and spend, because borrowing without the intention or capacity to pay back by those who are doing the borrowing is something that is categorized in the law as something far different from borrowing. People who go to borrow without the intention to pay back are stealing. Most State statutes call it stealing by deceit. When we in this generation borrow without the intention or capacity to repay those moneys which we have borrowed, we, in fact, are stealing from the next generation. We cannot have their consent to take their resources because they do not exist yet. We are taking resources from our children and grandchildren at a time before they are even born. We are borrowing without the intention to pay back. We have gone from tax and spend to borrow and spend, and I dare say, now we find ourselves in the moral reprobate position of stealing from the next generation to spend.

I spent some time as attorney general of my State. I had the privilege of serving the people of Missouri for 8 years as attorney general. It is the attorney general's responsibility to uphold the convictions of individuals who have violated the law. Among those are people who abuse children. I think child abuse is reprehensible. It is beyond my comprehension how someone would abuse a child, let alone his or her own child.

But most of the people who abuse children would not think of stealing from children, or stealing from their own children. I find it to be abhorrent and immoral, and it is very unwise that we would take from our own children the capacity that they ought to have to be free, and that we would somehow wrest from them the decisionmaking capacity of free citizens in the next generation to decide how to deploy the resources that they generate. We would have already made the decisions, we would already have consumed the benefits, and we would send to them nothing more nor less than the bill—the debt to be paid.

We owe our children so much more than that. Tax and spend was bad; borrow and spend was worse. When we got to a situation where we could not repay that which we had borrowed, it became stealing by deceit, and steal and spend is morally reprehensible and must be curtailed, it must be stopped.

The ability to take resources of the next generation is unique to the Congress. No father can create debts which are visited upon his or her son or daughter. No mother can create a debt that can be visited upon her son or daughter. The law simply does not allow the debts of a parent to be imposed upon a child. Only in one universe can this happen, and it can only happen when the people of this country, through their Congress, create a debt which will be visited on those who are yet unborn, will be used as a set-off to garnishee the wages that are yet unearned. It's time that we stop.

No family in America finds its children encumbered by the debts of parents. The American people are fed up with a Congress that spends these yet unearned wages of the next generation, and rightly so. It is more than economics; it is a matter of freedom. Second it is more than freedom; it is a matter of integrity.

Mr. President, deficit spending is not only a threat to our posterity and our children's future, it is a method by which Washington's elite circumvent the public, the law, and the Constitution. When the people express the belief that Government is out of control, they are correct. For too long, this body has satisfied the appetites of narrow interests at the public's expense. Where is the accountability to taxpayers? Where is the will to do that which is right?

Mr. President, we have tried time and time again to deal with this problem of recurring chronic debt. In terms of the medical profession, this is not an acute problem that lasts momentarily and then is gone, this is a chronic problem. These copies of out-of-balance budgets for the United States, year after year—I believe there are only 28 years stacked here. Over the last 60 years, you can more than double, perhaps triple, the volume represented by these out-of-balance budgets. They represent the absence of our capacity to discipline ourselves to stop spending someone else's money, to stop borrowing someone else's money, to stop stealing by deceit the resources of the next generation.

In 1985, we tried something. It was a noble endeavor. To be commended are Senators GRAMM, former Senator RUDMAN, and Senator HOLLINGS in the Gramm-Rudman-Hollings Act. Then again we didn't have the will to carry through, and we changed the law so we could change the rules because we could not change our habits. We put Gramm-Rudman II in place in 1987. Then we changed the law and we changed the rules because we could not change our habits and broke that agreement. When the Budget Enforcement Act of 1990 went into effect, again, we found ourselves changing the law and the rules because we could not break our habit. It becomes apparent to me that we need to do more than just have laws and rules, because we never have been able, in the face of our bad habit, to maintain our commitment to the rules or to the laws. We have simply changed the law and broken the rules because we could not break the habit.

We need systemic change, something that goes to the very heart of us, that forbids this insistent expropriation, taking away from the next generation. It is simply that we need to put into the Constitution an immutable, unchangeable document, a kind of capacity to provide the discipline we have lacked and lacked consistently. I think we need to summon the discipline to restrain Government. It is obvious that

Republican and Democrat Congresses have not had it. Republican and Democrat Presidents have not had it. It is time for us to provide a backbone implant, if you will, for the Congress of the United States to place in the Constitution of the United States this discipline.

While one Senate cannot bind the next Senate, and hasn't because we have changed the laws and changed the rules because we could not break the habit, our Constitution can provide that discipline. Persons born in 1900 paid, roughly, 24 percent of their income in Federal and local net taxes. Persons born in 1970 will pay about 34 percent of their income in net taxes. If the policies that we have in place now remain, persons born in 1994 and thereafter will find themselves, over the course of their lifetimes, paying a net tax rate of about 84 percent. It is a trend which cannot continue. It is taxation without representation. It is an expropriation of the freedom and opportunity of the next generation. It is immoral, it is obscene, and it must end.

As Thomas Jefferson stated in a letter to James Madison in 1789:

The question whether one generation of men has a right to bind another \* \* \* is a question of such consequence as not only to merit discussion, but place also, among the fundamental principles of every government.

We must place it among the fundamental principles of our Government by enshrining the balanced budget amendment in our Constitution.

Now, there is some quibbling about whether those who founded this great Nation would have wanted the balanced budget amendment in the Constitution. I must say to you that there were certain presumptions that surrounded most individuals who assembled to create the finest document ever written by human hand—the U.S. Constitution. One presumption was the presumption of integrity and the presumption of responsibility that the Founders expected of those in Government. Tragically, that presumption is unwarranted as it relates to the Congress today. I believe, absent their ability to rely upon the integrity and determination of the Congress, they would gladly have placed in the Constitution a framework which would have required such responsibility.

Mr. President, I send to the desk for inclusion into the RECORD the letter of Thomas Jefferson to James Madison, written in Paris on September 6, 1789.

I ask unanimous consent that it be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. ASHCROFT. Mr. President, during this debate, we have heard frequently that there is not a need to amend the Constitution. There is authority, we are told, for Congress to do what is right if we simply exercise greater fiscal discipline. No one in this

Chamber has ever argued that there is inadequate authority for balancing the budget. But these unbalanced budgets are a testimony which is undeniable, not to the absence of authority, but to the absence of discipline. It is time that we, who have experienced a collective loss of will, provide a structure in which we cannot allow this abuse of the future of the United States to continue.

The balanced budget amendment is real reform, and it will be felt. I had the privilege of serving my State as Governor. I have seen what happens when there is a framework and structure which demands discipline. I know that for 8 years we balanced our budgets. As a matter of fact, we aimed for a little surplus so we could create a rainy day fund so that when times got tough, we could simply call upon those resources that we had developed when times were good. And it was not only an appropriate way to do business because it was moral and because it didn't steal from the next generation. It was an appropriate way to do business because it was very healthy for the State economically. And over and over again our State was rated at the very top with the highest bond rating—the highest financial rating of any State in the country because it was understood that we had this concern about the integrity of our fiscal affairs.

So, Mr. President, let me just say a balanced budget amendment is real reform. It will reestablish the historical responsibilities observed in this country that we could have balanced budgets, except in times of war, which is something that should be assumed. But it cannot be assumed and must be institutionalized.

It is also a political reform that will be felt first and foremost in the cold corridors of power here on the Potomac. Most importantly, it will be felt by the American people who will have their right to self-governance restored.

Over two centuries ago Edmund Burke reminded members of the British House of Commons of a fundamental principle. Burke said: "The people must possess the power of granting their own money or no shadow of liberty can subsist."

The truth of the matter is that, if the people do not have power over their own purse strings and if we can extend our Republic of Government by borrowing or stealing from the next generation, we indeed will have seriously eroded the liberty which we are entitled to in this country.

We need to safeguard those liberties which were first inscribed in the Magna Carta in 1215 preserved by the blood of patriots on continents around the world. We must return the power of the purse to the people. We must stop stealing from our children. We must stop stealing by deceit.

Mr. President, the balanced budget amendment to the Constitution not only has to do with economics and the economy, and not only has to do with

prosperity. It is a problem about integrity, and it is a challenge relating to liberty. And we must embrace it and offer it to the people of the United States for ratification.

## EXHIBIT 1

LETTER FROM THOMAS JEFFERSON TO JAMES MADISON, PARIS SEPTEMBER 6, 1789

DEAR SIR: I sit down to write to you without knowing by what occasion I shall send my letter. I do it because a subject comes into my head which I would wish to develop a little more than is practicable in the hurry of \* \* \* of making up general dispatches.

The question whether one generation of men has a right to bind another, seems never to have been started either on this or our side of the water. Yet it is a question of such consequences as not only to merit decision, but place also, among the fundamental principles of every government. The course of reflection in which we are immersed here on the elementary principles of society has presented this question to my mind; and that no such obligation can be so transmitted I think very capable of proof.—I set out on this ground, which I suppose to be self evident, *'that the earth belongs in usufruct to the living'*: that the dead have neither powers nor rights over it. The portion occupied by any individual ceases to be his when himself ceases to be, and reverts to the society. If the society has formed no rules for the appropriation of it's lands in severality, it will be taken by the first occupants. These will generally be the wife and children of the decedent. If they have formed rules of appropriation, those rules may give it to the wife and children, or to some one of them, or to the legatee of the deceased. So they may give it to his creditor. But the child, the legatee, or creditor takes it, not by any natural right, but by a law of the society of which they are members, and to which they are subject. Then no man can, be *natural right*, oblige the lands he occupied, or the persons who succeed him in that occupation, to the payment of debts contracted by him. For if he could, he might, during his own life, eat up the usufruct of the lands for several generations to come, and then the lands would belong to the dead, and not to the living, which would be the reverse of our principle.

What is true of every member of the society individually, is true of them all collectively, since the rights of the whole can be no more than the sum of the rights of the individuals.—To keep our ideas clear when applying them to a multitude, let us suppose a whole generation of men to be born on the same day, to attain mature age on the same day, and to die on the same day, leaving a succeeding generation in the moment of attaining their mature age all together. Let the ripe age be supposed of 21. years, and their period of life 34. years more, that being the average term given by the bills of mortality to persons who have already attained 21. years of age. Each successive generation would, in this way, come on, and go off the stage at a fixed moment, as individuals do now. Then I say the earth belongs to each of these generations, during it's course, fully, and in their own right. The 2d. generation receives it clear of the debts and incumbrances of the 1st. the 3d of the 2d. and so on. For if the 1st. could charge it with a debt, then the earth would belong to the dead and not the living generation. Then no generation can contract debts greater than may be paid during the course of it's own existence. At 21. years of age they may bind themselves and their lands for 34. years to come: at 22. for 33: at 23. for 32. and at 54. for one year only; because these are the terms of life which remain to them at those respec-

tive epochs.—But a material difference must be noted between the succession of an individual, and that of a whole generation. Individuals are parts only of a society, subject to the laws of the whole. These laws may appropriate the portion of land occupied by a decedent to his creditor rather than to any other, or to his child on condition he satisfies the creditor. But when a whole generation, that is, the whole society dies, as in the case we have supposed, and another generation or society succeeds, this forms a whole, and there is no superior who can give their territory to a third society, who may have lent money to their predecessors beyond their faculties of paying.

What is true of a generation all arriving to self-government on the same day, and dying all on the same day, is true of those in a constant course of decay and renewal, with this only difference. A generation coming in and going out entire, as in the first case, would have a right in the 1st. year of their self-dominion to contract a debt for 33. years, in the 10th. for 24. in the 20th. for 14. in the 30th for 4. whereas generations, changing daily by daily deaths and births, have one constant term, beginning at the date of their contract, and ending when a majority of those of full age at that date shall be dead. The length of that term may be estimated from the tables of mortality, corrected by the circumstances of climate, occupation &c. peculiar to the country of the contractors. Take, for instance, the table of M. de Buffon wherein he states 23,994 deaths, and the ages at which they happened. Suppose a society in which 23,994 persons are born every year, and live to the ages stated in this table. The conditions of that society will be as follows 1st. It will consist constantly of 617,703 persons of all ages. 2ly. Of those living at any one instant of time, one half will be dead in 24. years 8. months. 3dly. 10,675 will arrive every year at the age of 21. years complete. 4ly. It will constantly have 348,417 persons of all ages above 21. years. 5ly. And the half of those of 21. years and upwards living at any one instant of time will be dead in 18. years 8. months, or say 19. years as the nearest integral number. Then 19. years is the term beyond which neither the representatives of a nation, nor even the whole nation itself assembled, can validly extend a debt.

To render this conclusion palpable by example, suppose that Louis XIV. and XV. has contracted debts in the name of the French nation to the amount of 10,000 milliards of livres, and that the whole has been contracted in Genoa. The interest of this sum would be 500. milliards, which is said to be the whole rent roll or nett proceeds of the territory of France. Must the present generation of men have retired from the territory in which nature produced them, and ceded it to the Genoese creditors? No. They have the same rights over the soil on which they were produced, as the preceding generations had. They derive these rights not from their predecessors, but from nature. They then and their soil are by nature clear of the debts of their predecessors.

Again suppose Louis XV, and his cotemporary generation had said to the money-lenders of Genoa, give us money that we may eat, drink, and be merry in our day; and on condition you will demand no interest till the end of 19 years you shall then for ever after receive an annual interest of 12% per cent.<sup>1</sup> The money is lent on these conditions, is divided among the living, eaten, drank, and squandered. Would the present genera-

tion be obliged to apply the produce of the earth and of their labour to replace their dissipations? Not at all.

I suppose that the received opinion, that the public debts of one generation devolve on the next, has been suggested by our seeing habitually in private life that he who succeeds to lands is required to pay the debts of his ancestor or testator: without considering that this requisition is municipal only, not moral; flowing from the will of the society, which has found it convenient to appropriate lands, become vacant by the death of their occupant, on the condition of a payment of his debts: but that between society and society, or generation and generation, there is no municipal obligation, no umpire but the law of nature. We seem not to have perceived that, by the law of nature, one generation is to another as one independant nation to another.

The interest of the national debt of France being in fact but a two thousandth part of it's rent roll, the payment of it is practicable enough: and so becomes a question merely of honor, or of expediency. But with respect to future debts, would it not be wise and just for that nation to declare, in the constitution they are forming, that neither the legislature, nor the nation itself, can validly contract more debt than they may pay within their own age, or within the term of 19 years? And that all future contracts will be deemed void as to what shall remain unpaid at the end of 19 years from their date? This would put the lenders, and the borrowers also, on their guard. By reducing too the faculty of borrowing within it's natural limits, it would bridle the spirit of war, to which too free a course has been procured by the inattention of money-lenders to this law of nature, that succeeding generations are not responsible for the preceding.

On similar ground it may be proved that no society can make a perpetual constitution, or even a perpetual law. The earth belongs always to the living generation. They may manage it then, and what proceeds from it, as they please, during their usufruct. They are masters too of their own persons, and consequently may govern them as they please. But persons and property make the sum of the objects of government. The constitution and the laws of their predecessors [are] extinguished then in their natural course with those who gave them being. This could preserve that being till it ceased to be itself, and no longer. Every constitution then, and every law, naturally expires at the end of 19 years. If it be enforced longer, it is an act of force, and not of right.—It may be said that the succeeding generation exercising in fact the power of repeal, this leaves them as free as if the constitution or law had been expressly limited to 19 years only. In the first place, this objection admits the right, in proposing an equivalent. But the power of repeal is not an equivalent. It might be indeed if every form of government were so perfectly contrived that the will of the majority could always be obtained fairly and without impediment. But this is true of no form. The people cannot assemble themselves. Their representation is unequal and vicious. Various checks are opposed to every legislative proposition. Factions get possession of the public councils. Bribery corrupts them. Personal interests lead them astray from the general interests of their constituents: and other impediments arise so as to prove to every practical man that a law of limited duration is much more manageable than one which needs a repeal.

This principle that the earth belongs to the living, and not to the dead, is of very extensive application and consequences, in every country, and most especially in France. It enters into the resolution of the

<sup>1</sup> 100£, at a compound interest of 5. per cent, makes at the end of 19. years, an aggregate of principal and interest of £252-14, the interest of which is 12£ 12s-7d which is nearly 12% per cent on the first capital of 100. £.

questions. Whether the nation may change the descent of lands holden in tail? Whether they may change the appropriation of lands given antiently to the church, to hospitals, colleges, orders of chivalry, and otherwise in perpetuity? Whether they may abolish the charges and privileges attached on lands, including the whole catalogue ecclesiastical and feudal? It goes to hereditary offices, authorities and jurisdictions; to hereditary orders, distinctions and appellations; to perpetual monopolies in commerce, the arts and sciences; with a long train of *et ceteras*: and it renders the question of reimbursement a question of generosity and not of right. In all these cases, the legislature of the day could authorize such appropriations and establishments for their own time, but no longer; and the present holders, even where they, or their ancestors, have purchased, are in the case of *bona fide* purchasers of what the seller had no right to convey.

Turn this subject in your mind, my dear Sir, and particularly as to the power of contracting debts; and develop it with that perspicuity and cogent logic so peculiarly yours. Your station in the councils of our country gives you an opportunity of producing it to public consideration, of forcing it into discussion. At first blush it may be rallied, as a theoretical speculation: but examination will prove it to be solid and salutary. It would furnish matter for a fine preamble to our first law for appropriating the public revenue; and it will exclude at the threshold of our new government the contagious and ruinous errors of this quarter of the globe, which have armed despots with means, not sanctioned by nature, for binding in chains their fellow men. We have already given in example one effectual check to the Dog of war by transferring the power of letting him loose from the Executive to the Legislative body, from those who are to spend to those who are to pay. I should be pleased to see this second obstacle held out by us also in the first instance. No nation can make a declaration against the validity of long-contracted debts so disinterestedly as we, since we do not owe a shilling which may not be paid with ease, principal and interest, within the time of our own lives.—Establish the principle also in the new law to be passed for protecting copyrights and new inventions, by securing the exclusive right for 19, instead of 14, years. Besides familiarising us to this term, it will be an instance the more of our taking reason for our guide, instead of English precedent, the habit of which fetters us with all the political heresies of a nation equally remarkable for its early excitement from some errors, and long slumbering under others.

I write you no news, because, when an occasion occurs, I shall write a separate letter for that, I am always with great & sincere esteem, dear Sir Your affectionate friend & servt.

Mr. ASHCROFT. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. 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. DASCHLE. Mr. President, today we begin the debate about the budget resolution. As everyone knows, yesterday the President sent to Congress his plan for a balanced budget. The way we receive that budget will be the first

real test of our ability and our willingness in this Congress to find bipartisan consensus on a budget.

Is bipartisanship truly our goal, or is it merely a PR strategy? The debate that begins today will go a long way on both sides of the aisle toward answering that question.

The plan the President is sending us balances the Federal budget by the year 2002 while protecting our priorities. It invests in America's future, and pays for those investments.

The President's budget offers targeted tax relief for homeowners and families with children; for parents who are struggling to save for their children's college education, and workers who are trying to save for their own retirement; for companies involved in environmental cleanup and converting old industrial sites into new hubs of opportunity.

The budget provides a strong framework for a bipartisan agreement. It reflects 2 years of hard negotiations, and contains ideas advocated by both parties.

With the requisite sense of purpose and political will, this Congress can enact a balanced budget that protects important national priorities this year. That is my goal, and I am committed to making it happen.

It does not take a miracle to balance the budget. I know. I helped write a plan last year that balanced the budget by the year 2002—and protected Medicare, education, and the environment. I voted for it. And so did a lot of other people.

The President adopted the plan. And the President is submitting a modified version of that very plan today. So he knows it does not take a miracle to balance the budget. The President has shown us a blueprint that will allow us to make that a reality.

It also doesn't require a constitutional amendment. The President's budget will balance the budget by the year 2002 without it.

But let me be clear. I support a balanced budget amendment. I have since I was first elected to Congress. I have voted for amendments in the past. I have opposed other amendments. And I will support a balanced budget amendment again this year.

But it has to be the right amendment. There is a difference between supporting a responsible amendment and supporting any balanced budget amendment.

Senator DORGAN and I and others are cosponsoring an amendment that requires Congress to pass a balanced budget without looting the Social Security trust funds.

The version of the amendment now before the Senate contains no such protection.

It places current retirees in the most immediate danger. Let me read a letter from the President that I received just last week. In that letter the President states:

In the event of an impasse in which the budget requirements can neither be waived

nor met, disbursement of Social Security checks could cease or unelected judges could reduce benefits to comply with this constitutional mandate.

That was a letter from the President just last week.

Social Security has never been a day late or a dollar short. The amendment should not force us to break that historic contract.

This version of the amendment also places future retirees at risk. The heart of the 1983 bipartisan agreement that rescued Social Security was a plan to set aside funds for baby boomers' retirement. Because of that plan, Social Security is now running huge surpluses. This year alone that surplus is expected to be \$78 billion. By the year 2002, it is expected to be \$104 billion. By 2019, when many of the baby boomers start to retire, the Social Security trust funds will have built up a \$3 trillion surplus, which will be absolutely necessary to pay the retirees at that time.

But, if we pass this version of the balanced budget amendment, none of those funds will be available to pay the Social Security benefits.

This amendment says clearly, "Total outlays for any fiscal year shall not exceed total receipts for that year." Total outlays, including Social Security.

The Government would be forbidden not only from running a deficit, but also from drawing down the surplus.

Social Security benefits could be paid only from taxes raised in the same year. That means, when the baby boomers retire, Congress would have to raise taxes dramatically, or slash Social Security benefits deeply—or both.

In addition, this version of the amendment cheats working families.

American workers are paying more in payroll taxes today than is needed to cover the Social Security checks that go out. The surplus revenues are supposed to be set aside to meet their future retirement needs. If we pass this amendment without exempting Social Security, the Government cannot save those tax dollars to pay for future Social Security needs of the baby boomers. Instead, the money will be diverted to other Government programs, to everything from highways to salaries of Members of Congress.

More than half of American taxpayers, 58 percent, pay more in Social Security taxes than they do in income tax. These taxes place a disproportionately heavy burden on low and moderate-income families. It is justifiable to levy these taxes if they are truly set aside for Social Security, but it is inexcusable if they are used to pay for general Government operations. The Congress should not enshrine this abuse of the payroll tax in the U.S. Constitution.

The amendment that is before the Senate contains another flaw that I will seek to change. It would limit in perpetuity how Congress can treat capital investments in our future economic growth. If this amendment

passes, any proposal to create a capital budget would be declared unconstitutional. A capital budget would allow us to differentiate between investments and operating costs like every single State in the country.

If we were to ask any Governor today, do you have a capital budget, the answer is "yes." If we would ask any Governor today, if you had to work under the same accounting devices that we do at the Federal level, a unified budget, would you have a balanced budget, chances are in every single case the answer would be, "no, we would have a deficit." We would have a large deficit, billions of dollars of deficit. Why? Because for many, many years, in some cases from the very beginning of a State's history, they have known the importance of differentiating between capital investments and operating costs, knowing that you do not treat an investment long term like you do somebody's lunch.

I think it is very important for this country to differentiate in that regard at some point in the future as well. And for us at this date, regardless of how one feels about a capital budget, to say that from here on out we are going to make it unconstitutional for this country to even consider budgeting the way we do in business, the way we do in families, the way we do in States, in my view is extraordinarily dangerous to this country's economic health and well-being.

How many times have we heard on this Senate floor the following phrase: this Government ought to budget its expenditures the way a family does. We ought to treat our budget the way every single family treats its budget.

Mr. President, there are not many families I know of that pay off their mortgage in 1 year. How many families today say that they have a balanced budget, taking into account the mortgage that they themselves must pay? Few families today would have the ability to pay off a mortgage in 1 year. But we are asking the Federal Government to pay off every one of its mortgages in each year, to treat a mortgage the same way we treat a bill for the lights which run this building.

There is a big difference, and I think the time has come for this country to have a capital budget. Regardless, as I say, the real question is, should we have an accounting system like families, like businesses, like States? I hope the answer is "yes," someday, and I hope we will have the foresight, regardless of what we may think of a budgeting system of that kind, to at least say that the Senate has the right to consider a capital budget at some point in the future. To make it expressly unconstitutional, in my view, is extraordinary.

I ask all of my colleagues to think very carefully about the amendment we write. I have also heard so often Senators come to the floor and say this bill is not perfect; this amendment is not the best we can do, but let us ac-

cept the fact that we can improve on it at some point in the future.

I hope no one in this entire debate will ever come to the floor and say this bill is not perfect, this amendment to the U.S. Constitution may not be perfect, because we do not have the luxury of coming back and amending it. We do not have the luxury of altering it once it becomes part of the U.S. Constitution. We tried that once before with prohibition, and it took another constitutional amendment to undo the damage we did the first time.

So let us not in any way, shape or form be content to satisfy our need to pass an amendment and then say we are willing to accept something that is imperfect. We have imperfections in this amendment that have to be dealt with. There is absolutely no reason to pay for deficit spending with Social Security trust funds. There is no reason to constitutionally preclude us from dealing directly with the real need to pass a capital budgeting system at some point in the future.

So let us be honest. Let us recognize that this amendment is not perfect; it needs to be changed; it needs to be amended in a constructive way; it needs to take into account our future; it needs to recognize that we have to be truthful with the American people; and it needs at long last to be dealt with in a bipartisan way, with Republicans and Democrats working together to fashion an amendment that makes sense not only for us but for all posterity.

Mr. President, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER (Mr. ENZI). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### PEOPLE HELPING PEOPLE—STORIES FROM THE WINTER OF 1996-97

Mr. DASCHLE. Mr. President, one of the great fears of our time has been that America is slowly losing its sense of community and, with it, the idea that each of us has a responsibility toward one another. Today, I am proud to say that all around America our spirit of community remains strong. As you know, the Great Plains have been paralyzed this winter by terrible blizzards, high winds, and subzero temperatures. But thanks to the efforts of individuals all over the country, I am happy to report this afternoon that we are pulling through.

I am proud to say that during the worst of the bitter cold and howling winds, South Dakotans have been at their best. They have bundled up, put on their boots and trudged outside to help their friends and neighbors—even perfect strangers—make it safely through dangerous storms.

Residents of the northern Great Plains are accustomed to harsh winters. But all would agree, this winter has been especially brutal. Some say it is the worst we have seen this century. I remind you that most of this century has already passed.

In the blizzards that descended upon us in January, wind chill temperatures dropped to nearly 90 degrees below zero. Blowing snow covered roads with drifts that were as high as 30 feet and 60 feet long. Visibility dropped to less than a few feet as 60-mile-an-hour winds whipped snow into swirling white walls, hiding everyone and everything before it.

With roads closed, thousands of South Dakotans were left with only the food in their cupboards and a dwindling supply of propane to heat their homes. Even more seriously, travelers were left stranded on the highways, and many of our elderly residents and those in need of medical attention were cut off from any assistance.

I wish I could say that we survived these dangers unharmed, but I cannot. Five people have died directly as a result of these conditions. Others have died in the aftermath of the repeated ice storms and blizzards. While today we honor the heroes of these difficult times, we must also remember the victims. To those who lost loved ones this winter, I want to say that our thoughts and our prayers are with you.

Our hearts also go out to those whose farms and homes and businesses have been so hard hit by the heavy snow and cold. No one can know for sure how many livestock have died, but estimates range at least as high as 40,000. I urge all of those who have suffered loss not to go through this tragedy alone. There is no shame in asking for help.

Despite our losses, the heavy toll of this winter could be much worse. Many might have died, but did not. Many might have gone without heat and food and medicine, but were brought needed supplies just in time. This is due not to luck but to the simple fact that South Dakotans from every walk of life have pitched in to ensure that we get through this winter as safely as we can and together.

No one can list the thousands of people who put themselves at risk to help the victims of these storms, and no one can tell all of their stories. Indeed, the few I want to relate today only scratch the surface of those that might be told.

Time and again across South Dakota, neighbor has checked on neighbor, and families have taken in stranded travelers in need of assistance. Emergency snowmobile crews have teamed up with local police departments to ensure that doctors and nurses have made it to work over snow-clogged roads.

In fact, just last night my parents told me of a cousin of mine who left his home at 3 o'clock in the morning, on a Saturday morning, to drive 300 miles to buy a new snow blower he was going to use in the community. He brought it