

Our economy demands educated workers. Our democracy requires informed and responsible citizens. As we renew public education and open the doors to higher education, we will propel America into the next century powered by knowledge, tempered by experience, and committed to justice. We can do no less.

I yield back my time.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that I may speak as in morning business for up to 15 minutes.

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

CONGRATULATING SENATOR REED

Mr. FEINGOLD. Mr. President, before the Senator from Rhode Island leaves, I want to be the first proud Senator to congratulate him on his first speech in the Senate. It is very appropriate that the speech was about a topic that he knows a great deal about, education, and, of course, in so doing he follows in the footsteps of his predecessor, Senator Claiborne Pell. I just want to say on behalf of my colleagues how delighted we are that he has joined us here. I look forward to learning from him and working with him, particularly on the subject of education, Mr. President.

Mr. REED. I thank the distinguished Senator, Mr. President.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

Mr. FEINGOLD. Mr. President, I rise today to use the morning business time to further the debate on the balanced budget amendment and to indicate that I oppose the proposed amendment to our Constitution.

During the 103d Congress, Mr. President, this body wisely rejected the proposed amendment. It did so again during the 104th Congress, a Congress which, perhaps unlike any other in our recent history, seemed intent on finding different ways to amend the U.S. Constitution, actually voting on more amendments to the Constitution than any of its recent predecessors.

Mr. President, some of us believe there are many reasons to oppose this constitutional amendment, and we have been hearing a lot of them. A number of respected authorities have raised several significant points of concern, including problems related to the role of the courts and the power it might confer on unelected judges to set our national budget policies and priorities.

Another serious concern that we have heard a lot about and we will hear even more about is the damage this proposal could do to the Social Security Program. There may also be unintended changes to Presidential impoundment authority arising out of the constitutional amendment.

I believe that the constitutional amendment, in addition, will lead to unnecessary and possibly dislocating restrictions on our ability to establish capital or investment budgets, to even have the kind of flexibility that States have or municipalities have when they happen to have a balanced budget requirement.

Finally, Mr. President, I think the balanced budget amendment leads to an effective prohibition on developing a fiscally responsible budget structure that could include a surplus fund, a rainy day fund, a fund that could be tapped for emergencies, such as national disasters or military conflicts. The way it is drafted, we would not be able to plan for or project even a small surplus that could actually be used to solve an emergency.

Mr. President, during the next several days as we consider the amendment, I, along with many others, will comment on some of those concerns in more detail as we debate amendments designed to address those defects that I have just listed. For now, Mr. President, I want to focus on the underlying assumption behind the proposed amendment, namely that without making this change to our Constitution, the Congress and the President will not balance the budget, that it just will not happen. It is a fair issue, it is a fair question, a fair premise for this whole debate.

Mr. President, the assumption that that job will not be done by this Congress and this President is not necessarily right. We have brought the unified budget deficit down since 1992 by about 60 percent. Yet, all the rhetoric on the floor has not changed one bit. It has not changed one iota to reflect the fact that real and significant progress has been made in the past 4 years. All of the naysaying about "it can't be done, it will never be done, Congress and the President will never get together and do this," has at least got to be questioned a little bit by the advocates of the balanced budget amendment when they look at the record of the last 4 years. We have seen several plans offered by both sides that will bring the unified budget into balance by the year 2002. We have seen that from Democrats, we have seen it from Republicans, and we have seen it in a bipartisan package.

Mr. President, I recall when some of the Republican Members were pushing for a 7-year balanced budget by the year 2002 using CBO numbers, and the President was not sure he wanted to go with that. But, I agreed with the Republicans. I felt they were right, that we needed to have that timeframe and have a clear commitment. I still stand by that. Today we have a President and a Congress in agreement that the date we should be going for is the year 2002.

In fact, nearly every Member of this body voted for a unified budget plan that reached balance by 2002 at some time during the 104th Congress, and I really think working together this

year, understanding that neither party is running the whole show here, that we can come together in a bipartisan package that will, in fact, finish the good work we have done and balance the budget by the year 2002.

Mr. President, all the budget plans I mentioned, all the votes we took, all the progress we have made in the past 4 years, was done without a constitutional mandate. In fact, it was done without a constitutional amendment floating out among the States, while we wonder whether the States will ratify it or by when they will ratify it. In fact, Mr. President, I firmly believe that if we had adopted a constitutional amendment in 1993, 1994, or 1995, and sent it to the States for ratification, that many of those balanced budget plans would not have been forthcoming in this Congress, that they would not have even been proposed, because people in both Houses would have been looking to a future date when the hammer would come down, instead of believing that the hammer is coming down now, where we here have been elected to do the job now and not wait for the States to decide whether to ratify a constitutional amendment.

Mr. President, without the ability to hide behind a lengthy ratification process, Congress in the last few years has been forced to live up to its rhetoric at least in part. A Member cannot go back home and say, "Listen, I am very eager to cut spending in Washington. I don't know exactly what we ought to cut, but once we get that balanced budget amendment ratified, then we will get back to work on it." That excuse is not available now. People in an audience for such a Senator or Member of Congress would say back to that person, "Why don't you just do the job now? You were elected to do it now." That is, in fact, what we were elected to do.

Mr. President, I do not think the American public realizes that even if Congress approves the proposed amendment, it could be another 9 years—9 years—before the balanced budget mandate begins to bite. If the proposal languishes with State legislatures, we might not be forced to reach balance in 2002, but until the year 2006. The States get 7 years to ratify, and the provision calls for the amendment to really take its effect, to have its bite, 2 years after that. So it could be the year 2006 if we wait for a constitutional amendment.

Mr. President, there is strong reason to believe the States will not act quickly. We have already heard some loud second thoughts from many State policymakers about the impact of the proposed amendment on their State and local budgets. This proposal may not, in effect, Mr. President, then be the so-called slam-dunk ratification that some people claim it will be.

Ironically, some who voiced their support for a constitutional amendment may not really care. I do not think this is true of everyone, by any means. Some do care. Some are genuinely frustrated and turn only to this

constitutional amendment alternative as a last resort. I can think of a great example, the previous Senator from Illinois, Senator Simon, who I know only turned to this alternative, I am sure, out of sheer frustration with the process. He turned to that alternative prior to the progress we made in 1992 through 1996.

I am afraid for others who pushed this amendment, the agenda is not so much a balanced budget but some political advantage. During the debate, we will have an opportunity to see who really wants to reduce the deficit and who is a little more interested in political posturing. I am going to offer an amendment, for example, that would reduce the time for ratification from 7 years to 3 years to prevent unnecessary delay by the States and ensuring Congress does not hide behind a protracted ratification process during which Members could say, "Well, we are going to get to this balancing of the budget later, after the States get done doing their job."

Mr. President, if this amendment is more than just a political exercise, my proposal, my modification of going from 7 years to 3 years for ratification should sail through the U.S. Senate.

I have to say I have some doubts about it because the proposed amendment to our Constitution is, at its core, really political. We should not be shocked by that. Congress, by its nature, is a political beast. What is disturbing, though, is the growing willingness on the part of some to place in jeopardy our Constitution in this manner to get some momentary political advantage.

Sadly, using our Constitution as a political foil is becoming increasingly popular. The so-called balanced budget amendment is only one of many proposed changes to our Constitution. During the last Congress alone, over 130 changes were proposed to the U.S. Constitution. Many of them, I am afraid, were offered for political ends. Many of them are entirely unnecessary. In fact, I say virtually all of them are entirely unnecessary to solve the problems at which they are directed.

One of them, an amendment to require a supermajority to raise taxes, was brought to the other body's floor solely because it was tax day, April 15, so the proponents could stand up on tax day and make some speeches about it. I am troubled by that use of the constitutional amendment process. The thought that an amendment to our Constitution could be offered because it presents the opportunity for a really timely sound bite is indefensible. Many of the advocates of a balanced budget amendment may be sincere in their support for the proposal, but their sincerity does not address the practical problems with the amendment with a fundamental flaw underlying a constitutional approach.

The Constitution, Mr. President, will not solve our budget problems. That says it all. The Constitution cannot

solve our year-to-year and day-to-day budgeting problems. It will not give us the courage or the answers we need to balance our books.

As President Clinton said in his State of the Union Address, all that is needed to balance the budget is our vote and his signature. The President's budget is a good starting place. I look forward to working with my colleagues on the Budget Committee to build on the President's budget and move beyond to reach balance, without using the Social Security surplus. We don't have to amend the Constitution to do that.

As I noted on the Senate floor last year, for over 200 years, the Constitution has served this Nation very, very well. It is essential to the continuing development of our young Nation that the Constitution remains a statement of general principles, not a budgeting document.

In charting a different course, one which allows the Constitution to serve as a method of addressing each difficult challenge we face in this Nation, inevitably, Mr. President, we will sacrifice the integrity of the most fundamental document of our Nation. This process will sacrifice the integrity of our Constitution.

We must guard against the U.S. Constitution becoming what James Madison feared would be, in his words, "little more than a list of special privileges."

Mr. President, the Constitution remains the cornerstone of our freedom. Its power is its brilliant simplicity. The spate of constitutional amendments offered over the past few years are at odds with the fundamental notion that our Constitution establishes the framework or great outlines of our society. By seeking to use that document to address specific problems, no matter how severe, the Constitution will become something much less than it was intended to be and that it has been.

Although our Nation faces many problems—and I think the issue of balancing the budget may be our most important problem—no problem can really be attributed purely to a constitutional deficiency. We should quell our desire to amend this great document and, instead, address the problems that confront this Nation.

Mr. President, I suggest, after the process of the balanced budget amendment debate is over, that we get, as fast as we can, to the real work of balancing the budget and leave the Constitution alone.

I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the time between 12 and 1 p.m. is divided between the Senator from Rhode Island and the Senator from Massachusetts.

The Senator from Massachusetts is recognized.

Mr. KENNEDY. I thank the Chair. As I understand it, the time reverts, at 1

o'clock, back to the proponents of the amendment, am I correct?

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. I ask unanimous consent to be able to proceed until 1 o'clock.

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

SOCIAL SECURITY

Mr. KENNEDY. The Social Security program is America's time-honored commitment to our senior citizens that we will care for them in their golden years. It says to our seniors that you have worked hard and faithfully paid into Social Security for all those years of labor, and when you finally retire, Social Security will be there for you. It will help you pay the rent, buy your groceries, and maintain a reasonable standard of living throughout your retirement.

But under the proposed balanced budget constitutional amendment, the Social Security contract with America's senior citizens is broken. If this amendment is added to our Constitution, then no one can assure you of a Social Security check every month.

The Rock of Gibraltar, on which our Nation's senior citizens have depended for the past 62 years would be reduced to shifting sand.

The Reid amendment, which will be considered later this month, prevents this unacceptable outcome by protecting Social Security from the proposed constitutional amendment.

The Reid amendment is needed because millions of the Nation's retired citizens live from check to check. They need that check to arrive on time at the beginning of each month to pay their bills.

Martha McSteen, who headed the Social Security Administration during the Reagan administration, and now is president of the National Committee to Preserve Social Security and Medicare, said recently,

Keeping Social Security safe from budget tampering is frankly a matter of life and death for millions of Americans. For 10 million Social Security beneficiaries age 65 and older, their monthly Social Security check amounts to 90 percent or more of their income. Those checks keep 40 percent of America's seniors out of poverty.

But under the proposed constitutional amendment, if Government revenues fall unexpectedly or Government expenses go up, payment on Social Security checks could stop.

If the balanced budget constitutional amendment is enacted, senior citizens may well find that the check is not in the mail after all.

Three months ago, in November 1996, the House sponsors of the balanced budget constitutional amendment agreed that this could happen. As Congressman DAN SCHAEFER and Congressman CHARLES STENHOLM said, under the proposed constitutional amendment "the President would be bound,