

birth abortion is not a rare procedure. It happens all the time, and it is not limited to mothers and fetuses who are in danger. It is performed on healthy women and healthy babies all the time, and that is what the facts are.

Mr. President, it is true that everyone is entitled to his or her own opinion, but people are not entitled to their own facts. On partial-birth abortion, the facts are out, the facts are clear, and I join our distinguished colleague, the senior Senator from New York, in hoping, as he was quoted this weekend, in light of these facts, that the President will reverse his decision to veto this bill.

Mr. President, it would seem fairly simple that when one makes a decision, in this case President Clinton's decision to veto this bill that was passed overwhelmingly by the House and overwhelmingly by the Senate, that when he made his decision to veto the bill and when he publicly stated why he made that decision to veto the bill, when it turns out later that the facts are proven to be false, the underlying facts, the underlying rationale by which he apparently made his decision, it would seem that it would not be too hard for the President then to change his mind, based on a new understanding of what the facts truly are.

We will be debating this issue again on the floor, we will be holding hearings again in the Judiciary Committee, and we will be back out here again talking about this very important matter. I hope that as we do that, my friends and colleagues who opposed us on this issue will remember what Mr. Fitzsimmons said, what he said when he could no longer apparently stand it anymore, that he had, in fact "lied through his teeth," that the facts he gave the public, the facts he gave Congress, the facts he gave the President were simply not true.

I thank the Chair and 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. 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 President, I ask unanimous consent that the order for the quorum call be rescinded.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. I thank the Presiding Officer and appreciate the opportunity to come to the floor.

COMPLIMENTING SENATOR JOHNSON ON HIS MAIDEN SPEECH IN THE SENATE

Mr. DASCHLE. Mr. President, let me begin by complimenting the junior Senator from South Dakota on his maiden speech in the U.S. Senate. As all of us recall, those are very important moments in the career of any Senator, and I appreciate very much having had the opportunity to listen to him. I applaud him for his comments and wish him well in his many years of service in the U.S. Senate.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

Mr. DASCHLE. Mr. President, I did not have the opportunity to hear our majority leader last week discuss matters of concern to him, especially as they related to the balanced budget amendment. But I was disappointed to read press reports, and then read the RECORD this morning, with regard to some of his comments relating to some of our colleagues.

He has noted on the floor that in the past, this has been a positive debate, an instructive debate and a debate that clarifies differences among us. I think that characterization is accurate. Oftentimes on the Senate floor, in heated debate, we say and espouse things we wish we could take back later. But this debate has largely been devoid of that. I think that has been productive and ought to be the way we conduct ourselves.

So it was somewhat surprising to me to hear the majority leader so personally attack some of our colleagues and express himself as he did. It was, in my view, uncharacteristic of the majority leader. I hope that we can retain the level of decorum and the level of civility on the Senate floor that will lend itself to a good debate on this and many other very controversial and extraordinarily contentious issues in the future. We, as leaders, need to set the example. We, as leaders, need to demonstrate that there is a threshold of civility and a standard which we should follow that, in my view, ought to be demonstrated first and foremost by the leadership.

I know of many cases where colleagues on the Senate floor, Republican and Democratic, have taken positions on any one of a number of issues and concluded, having been presented with more information, that the original position they took was not one they could accept now. That has happened in cases involving constitutional amendments, involving statutory law, and involving other legislation. I hope it would be the way we conduct ourselves in considering many of the issues affecting our country and its future.

Obviously, with new information, and under different circumstances, one comes to different conclusions. I, myself, faced a similar set of circumstances early on. I have always wanted to be on the side of those supporting a constitutional amendment to balance the budget.

On reflection, much of the language that we have resorted to in the past, that we have used in the past, is language that, in retrospect, is not as appropriate for the Constitution as we had originally thought it might be.

I am very concerned about the implications of any amendment to the U.S. Constitution, but especially one involving our economy, especially one involving our own fiscal responsibility, especially one involving our ability to cope with a myriad of circumstances that

this country is going to confront at some point in the future.

So clearly, as my colleagues have indicated, new information has been presented to us this year. We have received new information from the Congressional Research Service, new information from the Office of Management and Budget, and new information from the Treasury Department, all reporting that the circumstances involving the Social Security trust fund are vastly different than what we were originally led to believe during the 1980's.

There is a difference in the interpretation of the Social Security trust fund than what I was originally presented as fact in years past. What we are now told, not by some partisan organization but by the nonpartisan Congressional Research Service, and by the Office of Management and Budget, is that funds used for Social Security purposes are going to have to be offset with other funds, such as tax increases or spending cuts, in order to be paid out at an appropriate time in the future.

Now, if we worked for a company and we were told that we had invested a certain amount of dollars—say \$100,000—in our own retirement fund and then told that, before we could draw those funds out, the company would have to replenish those funds with other funds in order for that to be available, Mr. President, I think every single prospective retiree would feel very cheated. They would feel robbed.

Yet, that is exactly the circumstances now with the Social Security trust fund. Workers are paying into that fund with the expectation that it would be paid out in time to those who paid in. That will not be the case if we enshrine in the Constitution the utilization of the Social Security trust fund for purposes other than Social Security.

The same can be said for the capital budget. I know that we could have a good debate for days about whether or not we have a capital budget in this country. We all recognize that most States have them. We recognize that most businesses have them. There is not a family I know of, that pays off its mortgage in any one year. Families, businesses, and States currently have capital budgets or a very similar budgeting concept that allow them to differentiate between long-term investment and operating expenses. My family does that. My father's business used to do that.

The question is, Should we as a country do that at some point in the future? I think the answer is resoundingly, yes, we should. We need to differentiate between long-term investment and capital costs.

Mr. President, we are not doing that. But whether we subscribe to that concept or not, the question should be, Should we forevermore preclude this country from even considering a capital budget? We are now told by the Congressional Research Service that we will preclude the consideration of a

capital budget if this amendment passes in its current form.

So, Mr. President, both on the basis of Social Security as well as the analysis of the Congressional Research Service—also confirmed by the Treasury Department—that we would be precluded from even considering a capital budget, I think these are issues that ought to weigh very heavily prior to the time our colleagues vote tomorrow afternoon.

I am also very concerned about the implications for recession. When there is an economic downturn, there is no doubt that we need to respond in ways that will allow us adequate time, adequate resources, and adequate flexibility to ensure that the downturn does not get any worse. We must ensure that we have some sort of a reflexive countercyclical approach to the economic consequences that we could be facing were we to do nothing. This legislation undermines our ability to do that.

I have heard it said many times that if it is a national emergency, clearly by the very definition of “national” you are going to have a sympathetic Senate responding to the circumstances and a sympathetic House responding to these circumstances in ways that would easily allow us to reach that threshold.

Well, I ask, what about a regional recession? During the early 1990's and late 1980's, there were seven or eight very deep regional recessions. The fact is that on many occasions were we to have presented some sort of a countercyclical, antirecessionary legislative remedy, I think it would have been very difficult, if not impossible, to reach that 60-vote threshold simply because of the circumstances that involve the regional implications of a recession.

So, I think it is very disconcerting to be locking into place forevermore the requirement that a supermajority be the threshold by which a countercyclical recession package be considered.

In addition, a poorly crafted balanced budget amendment deprives us of the automatic stabilizers that cushion the blows of a weakening economy. As an economic downturn begins, Government spending automatically increases just as tax revenues decline. Such a time would prove the worst moment to increase taxes or cut spending. Yet, a balanced budget amendment could require exactly that result, with potentially devastating consequences. A recession could be turned into a depression under those circumstances.

The risk of default and shutdowns are also very disconcerting. The fact is that a supermajority requirement under this constitutional amendment may preclude our ability to reach the threshold necessary to increase the statutory debt limit at times in the future. A minority of our colleagues could hold U.S. creditworthiness hostage were we to pass an amendment that allows the minority in this coun-

try to dictate whether or not we are going to increase the debt limit. How many times have we been on the floor and struggled to find a simple majority to do what has been required? I think it is going to be extraordinarily difficult for us with the supermajority requirement to do it at any time in the future.

National security is also a very serious matter. Section 5 of the pending amendment jeopardizes our ability to prepare for situations that we know will require intervention, such as the Persian Gulf effort. For Congress to waive the balanced budget amendment, the United States must be engaged in military conflict—must be engaged.

In Desert Shield we needed to build up before the conflict. In Desert Shield we stipulated that the conflict was imminent, and, as a result, we needed to prepare to be as aggressively engaged as that resolution provided. To say that there has to be conflict before we can issue or provide for any legislative support, in my view, is extraordinarily poorly worded and ill-founded.

Finally, Mr. President, with regard to the budget itself, I think our record over the last 5 years demonstrates that where there is a will there is a way. There has been a will. We have reduced the deficit from \$295 billion to \$107 billion since 1993. We have reduced the deficit by 60 percent through congressional action.

Obviously, we need to go the rest of the way. But clearly, if we are going to achieve our goals in balancing the budget, we can do so if we continue to commit as successfully and as aggressively in the next 5 or 6 years as we have in the past.

But I am troubled in that regard as well, Mr. President, because there are proposals, including the one offered by the majority leader, that would create a deficit of more than \$500 billion in new tax breaks were we to pass the bill that he has proposed—\$500 billion over 10 years and \$750 billion, three-quarters of a trillion dollars, in the second decade that that tax bill would go into effect.

So, it is very difficult for me to understand how some of my colleagues on one hand can argue that we need to pass a constitutional amendment to balance the budget, but then offer legislation which exacerbates the problem by a substantial margin of \$500 to \$750 billion in additional deficits if that legislation were to pass.

I might remind my colleagues, even if we balance the budget, we have a \$5.5 trillion accumulated debt that we have not yet paid down.

The difference between the deficit and the debt is that the deficit, of course, is what we accumulate in new debt every year; the debt is what we have already accumulated. And we have accumulated a lot. When are we going to start buying that debt down? And how are we going to do that if we continue to exacerbate the problem, continue to complicate our situation

by offering tax measures that allow a deficit of that magnitude to be added on to the troubles that we are facing over the next couple of years? Mr. President, for all those reasons, I hope my colleagues will take great care as they make their choices tomorrow afternoon.

The leader had suggested that he has a couple of potential surprises in his pocket. Well, I guess I have to announce to my colleagues that I have a couple of surprises that I do not wish to talk about right now to ensure that the vote will be as we expect it will. But I do not think it ought to be a question or a contest of surprises or parliamentary maneuvers or amendments that may or may not be in our best interest.

The question can be and will be and should be: Can we have a good debate about any one of a number of divisive issues like we know we have to face in this Senate, on a number of very, very difficult matters that will keep coming back? Can we do it in a civil way? Can we do it in a way that does not in some way question the motives or the positions taken by some of our colleagues? Can we do it with an expectation that will resolve that matter and go on to yet another and another day?

I hope we can do that. I hope the leadership will set the example as we do that. I hope that after the vote tomorrow we can move on to other things. We are prepared to debate this longer if we need to do that. I hope that will not be the case. We should move on and get work done in the body and move on with some expectation that bipartisanship is still alive and well and flourishing here in this body.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I first thank my distinguished colleague who so kindly allowed me to precede him on the floor for a few minutes.

TRIBUTE TO REMMEL T. DICKINSON

Mr. WARNER. Mr. President, I pay tribute to my most senior staff member who is departing after a well-earned career to take on other pursuits. I do so with a sense of sadness, but indeed, a great sense of recognition for an individual upon whom I have relied, as have many other Senators. Rem is meritorious among his peer group of staff in the Senate and is recognized as the type of individual who is the very foundation upon which we, the 100 Senators, have to rely every day. His support and advice enables us to represent our respective constituencies and to do what we individually think is in the best interests of our Nation.

Remmel T. Dickinson's service in my office began February 12, 1979, and he is to complete his Senate career on Wednesday, March 5, an impressive 18 years, on my staff, and serving 20 years in the U.S. Senate.