more than counterbalanced by the obvious disadvantages of incumbency, specifically the disadvantage of defending hundreds of controversial votes in Congress.

Moreover, Mr. President, I submit that once we have overall spending limits, it will matter little whether a candidate gets money from industry groups, or from PAC's, or from individuals. It is still a reasonable amount any way you cut it. Spending will be under control, and we will be able to account for every dollar going out.

On the issue of PAC's, Mr. President, let me say that I have never believed that PAC's per se are an evil in the current system. On the contrary, PAC's are a very healthy instrumentality of politics. PAC's have brought people into the political process: nurses, educators, small business people, senior citizens, unionists, you name it. They permit people of modest means and limited individual influence to band together with others of mutual interest so their message is heard and known.

For years we have encouraged these people to get involved, to participate. Yet now that they are participating, we turn around and say, ''Oh, no; your influence is corrupting, your money is tainted''. This is wrong. The evil to be corrected is not the abundance of participation but the superabundance of money. The culprit is runaway campaign spending.

To a distressing degree, elections are determined not in the political marketplace but in the financial marketplace. Our elections are supposed to be contests of ideas, but too often they degenerate into megadollar derbies, paper chases through the board rooms of corporations and special interests.

Mr. President, I repeat, campaign spending must be brought under control. The constitutional amendment Senator SPECTER and I have proposed would permit Congress to impose fair, responsible, workable limits on Federal campaign expenditures and allow States to do the same with regard to State and local elections.

Such a reform would have four important impacts. First, it would end the mindless pursuits of ever-fatter campaign war chests. Second, it would free candidates from their current obsession with fundraising and allow them to focus more on issues and ideas; once elected to office, we wouldn't have to spend 20 percent of our time raising money to keep our seats. Third, it would curb the influence of special interests. And fourth, it would create a more level playing field for our Federal campaigns—a competitive environment where personal wealth does not give candidates an insurmountable advantage.

Finally, Mr. President, a word about the advantages of the amend-the-Constitution approach that I propose. Recent history amply demonstrates the practicality and viability of this constitutional route. Certainly, it is not coincidence that five of the last seven amendments to the Constitution have dealt with Federal election issues. In elections, the process drives and shapes the end result. Election laws can skew election results, whether you're talking about a poll tax depriving minorities of their right to vote, or the absence of campaign spending limits giving an unfair advantage to wealthy candidates. These are profound issues which go to the heart of our democracy, and it is entirely appropriate that they be addressed through a constitutional amendment.

And let's not be distracted by the argument that the amend-the-Constitution approach will take too long. Take too long? We have been dithering on this campaign finance issue since the early 1970's, and we haven't advanced the ball a single yard. All-the-while the Supreme Court continues to strike down campaign limit after campaign limit. It has been a quarter of a century, and no legislative solution has done the job.

Except for the 27th amendment, the last five constitutional amendments took an average of 17 months to be adopted. There is no reason why we cannot pass this joint resolution, submit it to the States for a vote, and ratify the amendment in time for it to govern the 1998 election. Once passed by the Congress, the Joint Resolution goes directly to the States for ratification. Once ratified, it becomes the law of the land, and it is a Supreme Court challenge.

And, by the way, I reject the argument that if we were to pass and ratify this amendment, Democrats and Republicans would be unable to hammer out a mutually acceptable formula of campaign expenditure limits. A Democratic Congress and Republican President did exactly that in 1974, and we can certainly do it again.

Mr. President, this amendment will address the campaign finance mess directly, decisively, and with finality. The Supreme Court has chosen to ignore the overwhelming importance of media advertising in today's campaigns. In the Buckley decision, it prescribed a bogus if-you-have-the-money-you-can-talk version of free speech. In its place, I urge the Congress to move beyond these acrobatic attempts at legislating around the Buckley decision. As we have all seen, no matter how sincere, these plans are doomed to fail. The solution rests in fixing the Buckley decision. It is my hope that as the campaign financing debate unfolds, the Majority Leader will provide us with an opportunity to vote on this resolution—it is the only solution.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S.J. RES. 2

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, to be valid only if ratified by the legislatures of three-fourths of the several States within 7 years after the date of final passage of this joint resolution:

''ARTICLE—

''SECTION 1. Congress shall have power to set reasonable limits on the amount of contributions that may be accepted by, and the amount of expenditures that may be made by, in support of, or in opposition to, a candidate for nomination for election to, or for election to, Federal office.

''SECTION 2. A State shall have power to set reasonable limits on the amount of contributions that may be accepted by, and the amount of expenditures that may be made by, in support of, or in opposition to, a candidate for nomination for election to, or for election to, State or local office.

''SECTION 3. Congress shall have power to implement and enforce this article by appropriate legislation.''.

Mr. SPECTER. Mr. President, I have sought recognition today to join with Senator HOLLINGS in introducing a joint resolution providing for an amendment to the United States Constitution which would provide authority to the Congress to regulate Federal election spending and to the States to regulate spending in State and local elections.

This joint resolution is very similar to S.J. Res. 48, which I introduced in the 104th Congress on January 26, 1996, 3 days before the 20th anniversary of the Supreme Court's decision in Buckley versus Valeo. It is also very similar to constitutional amendments which Senator HOLLINGS and I have proposed since 1989.

Now, more than ever, the time has come for meaningful election law reform—reform which necessitates overturning the Buckley decision.

The unprecedented spending levels during 1996 Presidential and Congressional campaigns should serve as the impetus for approving this consitutional amendment. Presidential candidates spent a total of $237 million in the 1996 primary campaigns, of which $56 million represented publicly funded matching payments. Public financing of the general election added $153 million to the total. One primary candidate decided not to take Federal matching funds and used $37 million of his own resources to fund a campaign in which he was not restricted from the same state-by-state and overall limits as other candidates.

The 1996 Congressional campaign cycle was similarly grim for all but television station advertising managers and political consultants. There were record levels of spending including $220.8 million by Senate candidates and $405.6 million by House candidates. This spending, much of which went to negative television commercials, did little to restore the public's confidence in the electoral process, much less our institution.

The Supreme Court has made this proposed amendment even more urgent

through its June, 1996 decision in Colorado Republicans Federal Campaign Committee versus Federal Election Commission. In that case, the Court cut an enormous hole in the remaining Federal campaign spending limits by striking down a restriction on party spending when the parties are acting independently of the candidates they support. Justice Breyer's plurality opinion stated that the ''independent expression of a political party's views is core 1st Amendment activity'' entitled to full protection. Until the Colorado decision, Federal election law limited how much the parties themselves could spend on House and Senate races. Now, it's a multi-million dollar free-for-all, with a prospect of subsequent litigation over the ''independence'' of such expenditures and a rash of complaints filed against candidates in future election cycles.

If nothing else, the vast sums of money spent in this recent election, coupled with the June Supreme Court decision, have raised the profile of the Buckley decision even further. I am pleased to note that the view that Buckley should be overturned is shared by a group of prominent constitutional scholars who recently began a campaign to overturn the Buckley decision. According to a November 10, 1996 New York Times article, 26 scholars have signed a statement urging the Supreme Court to reconsider and reverse its 1976 decision, which has essentially allowed an unlimited amount of money to flow into campaign war chests. Among the scholars signing the statement are Bruce Ackerman (Yale Law School), Ronald Dworkin (New York University Law School), Peter Arenella (University of California at Los Angeles Law School), and Robert Aronson (University of Washington Law School). Such a concerted effort by legal scholars, when coupled with Congressional efforts and the public's revulsion at the amount of money in politics, should lead to a new day for campaign finance in which rational, reasonable limits bring sanity back into the political process.

Overturning the Buckley decision has long been a priority of mine. In fact, the Buckley decision had a very significant impact on this Senator, because at that time in 1976, I was running for the U.S. Senate. I had announced my candidacy on November 17, 1975, for the seat being vacated by a very distinguished Senator, Hugh Scott. Under the 1974 federal election law, there was a limited amount a candidate for the Senate could spend of his or her own money, based on population. For a State the size of Pennsylvania, it was $35,000. That was about the limit of the means which I had at that time, having been extensively involved in public service as district attorney of Philadelphia and for a relatively short period of time in the private practice of law.

However, I had decided to run for the office of U.S. Senate against a very distinguished American who later became a U.S. Senator, John Heinz, who had more financial resources than I did. I should note that after my eventual election in 1980, he and I formed a very close working partnership and very close friendship.

In the middle of that campaign, on January 29, 1976, the U.S. Supreme Court decided Buckley v.Valeo and said a candidate can spend any amount of his own money. John Heinz was in a position to do so and did just that. That made an indelible impression upon me, so much so that when the decision came down on January 29, I petitioned for leave to intervene as amicus and filed a set of legal appeals, all of which were denied. John Heinz subsequently won the primary and general elections and served with great distinction until his tragic death.

As I noted at the outset, this is not a new issue for me to bring before my colleagues. I have sponsored and cosponsored legislation for 7 years and, during the 101st Congress, testified in support of such a Constitutional amendment before the Senate Subcommittee on the Constitution on February 28, 1990.

I gained significant new insight, however, on the subject of campaign spending from my experiences as a candidate for the Republican nomination for the Presidency during 1994 and 1995. During my travels to 30 States as a Presidential candidate, I was once again impressed with how important fundraising is and how disproportionate it is to the undertaking of a political candidacy.

My concept of running for elective office, Mr. President, is a matter of issues, a matter of tenacity, a matter of integrity, and how you conduct a campaign. However, money has become the dominant issue in the Presidential campaign. And the media focus on it to the virtual exclusion of the many issues of substantive matters which are really involved in a campaign for the Presidency.

It has seemed to me since my experiences in 1976, as I have watched enormous expenditures in campaign financing by individuals, that the Buckley decision was based on unsound constitutional interpretation and certainly created unsound public policy. There is nothing in the Constitution, in my legal judgment, which guarantees freedom of speech on any reasonable, realistic, logical constitutional interpretation which says you ought to be able to spend as much money as you have to win an elective office. I think it is high time for the Congress of the United States and the 50 States to reexamine that in a constitutional amendment, which is the purpose of the joint resolution we are introducing today.

Simply put, Congress should have the authority to establish a spending limit in Federal elections without regard to the first amendment limitation which was applied by the Supreme Court in Buckley. In approaching this matter, Mr. President, I am very concerned about amending the first amendment to the U.S. Constitution, which covers the freedoms of speech, religion, press, and assembly. But, the constitutional amendment we are proposing really does not go to any of these core first amendment values. This is not a matter affecting religion. It is not a matter really affecting speech.

I think it was a very far stretch when a divided U.S. Supreme Court said that a campaign contribution from an individual was not a matter of freedom of speech, but spending one's own money in a campaign is protected speech. At that time, the Supreme Court did not affect the limitation on spending where an individual could contribute only $1,000 in the primary and $1,000 in the general, except for contributions by political action committees, which could receive $5,000.

I would note that in 1976, my brother had considerably more financial means than I did and would have been very much interested in helping his younger brother, but the limitation on my brother in that primary was $1,000. It seemed to me then and it seems to me now that if a candidate has the right to spend as much of his or her money as he or she chooses, then why should not any other citizen have the same right under the first amendment to express himself or herself by political contributions. That distinction by the Buckley court still seems unfounded 20 years later.

There have been many, many examples of multimillion-dollar expenditures in this body, the U.S. Senate, the U.S. House of Representatives, and in State government, and in 1992 and 1996 we have witnessed such expenditures by two men running for President of the United States. The fact of life is, if you advertise enough on television, if you sell candidacies like you sell soap, the sky is the limit. Even the White House of the United States of America, the Office of the President, may be, in fact, up for sale if someone is willing to start off by announcing a willingness to spend $25 million. If you have $400 million, $25 million is not an enormous sum; you still have $375 million left after your campaign. As I have said before, most people can get by on $375 million. Given some of the personal fortunes out there, it is conceivable that someone could spend $50 million or even $75 million to promote a candidacy, both to articulate a positive view and then, perhaps even more effectively, to fund negative television advertisements aimed at opponents.

A constitutional amendment is also a direct way to deal with campaign finance reform without having a further burden on the Treasury of the United States. We have debated campaign finance reform repeatedly in a variety of contexts. Most proposals come down to a proposition to have Federal subsidies for candidates and then to call upon the candidates to relinquish their

rights under Buckley versus Valeo in order to qualify for Federal funding. I have opposed such Federal funding because I think it is unwise to further burden the Treasury by having campaigns paid for by the U.S. Treasury.

During the 103d Congress, the Senate went on record on this very issue, adopting an amendment to S.3, the campaign finance reform bill, that stated that it was the sense of the Senate that Congress should adopt a joint resolution proposing a constitutional amendment empowering Congress and the States to set reasonable limits on campaign expenditures. The amendment was approved by a 52–43 vote on May 27, 1993. However, in the 104th Congress, the Senate went backwards in my view. It had the opportunity to adopt this proposal as an amendment to the Balanced Budget Amendment, but it was defeated on a procedural motion by 52–45.

I am hopeful that the vote in 1995 was an aberration and that a majority of my colleagues will, at long last, agree with me and Senator HOLLINGS, among others, that it is high time we amend the Constitution to overturn the Buckley decision.

I ask unanimous consent that the text of the New York Times article of November 10, 1996, be included in the RECORD.

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

[From the New York Times National, Nov. 10, 1996]

AFTER THE ELECTION: READJUSTING AND RECONSIDERING—CAMPAIGN FINANCE—SCHOLARS ASK COURT TO BACKTRACK, SHUTTING FLOODGATES ON POLITICAL SPENDING

(By Leslie Wayne)

WASHINGTON, Nov. 6—A group of prominent constitutional scholars has begun a campaign to get the Supreme Court to overturn a 20-year-old landmark decision that has allowed unlimited amounts of money to flow into political races.

The group is seeking to overturn Buckley v. Valeo, a 1976 decision that struck down some of the Watergate-era campaign finance changes that Congress had enacted in 1974. In doing so, the Court removed any limits on campaign spending.

In Buckley, the Court said that any infringement on campaign spending was an infringement on free speech and, by that action, legal scholars say, opened the floodgates to the high-cost campaigns of today.

''This was a bad decision,'' said Prof. Ronald Dworkin of the New York University Law School, who is involved in the scholars' campaign. ''Public opinion is now becoming revolted at the amount of money in politics. And that may provoke the Court into reconsidering this decision. The Buckley decision appears to try to represent an ideal of democracy, but it is an incomplete ideal.''

Professor Dworkin and 25 other scholars have signed a statement calling on the Court to reconsider and reverse the decision. The effort is being coordinated by the Brennan Center for Justice at New York University, a nonprofit organization named for former Supreme Court Justice William J. Brennan Jr.

The Brennan Center plans to hold a conference on the subject and is also planning to have Federal judges hold mock Supreme Court arguments on this case.

The legal scholars are also speaking out. In an article in a recent issue of The New York Review of Books, Professor Dworkin said: ''The case for overruling Buckley is a strong one, and we should feel no compunction in declaring the decision a mistake. The decision misunderstood not only what free speech really is, but what it really means for free people to govern themselves.''

Among the scholars signing the statement are Bruce Ackerman, a professor at Yale Law School; Peter Arenella, a professor at the law school of the University of California at Los Angeles; John Rawls, a professor emeritus of law at Harvard University; Milton S. Gwirtzman, a member of the senior advisory board at the John F. Kennedy School of Government at Harvard, and Robert Aronson, a professor of the University of Washington law school.

Prof. Erwin Chemerinsky of the University of Southern California law school, who is among the signers, said: ''My hope is that if I and other scholars speak long enough and are persuasive enough, it might swing the Court. Having experts in constitutional law speak out might make a difference. I believe the Court was wrong with Buckley.''

Yet, even these scholars believe their efforts may be a long shot, given a recent Court decision and many lower-court decisions that have been moving in the opposite direction of overturning Buckley and have, instead, allowed money to be spent even more freely on behalf of candidates for Federal office.

Congress passed legislation in 1974 to curb the excesses of the Watergate scandal, limiting both the amount of money that could be raised and the amount that could be spent in a political campaign.

The Buckley decision had, as its central element, the elimination of restrictions that Congress had imposed on campaign spending but, in what critics say was odd, it left in place restrictions on contributions.

This, over time, had the effect of allowing candidates to spend as much money as they want—something the Court said was protected by the First Amendment guarantee of free speech. But it forced candidates to come up with creative fund-raising strategies to skirt restrictions that capped campaign donations at $1,000 from individuals and $5,000 from political action committees.

''The Court struck down one-half of the 1974 law and left the other half in effect, and we ended up with a law that was the worst of all,'' said Burton Neuborne, a New York University law professor and head of the Brennan Center. ''This created a schizophrenic market where the supply of money was limited, but the demand for it was not.''

''The worst part of all,'' Professor Neuborne added, ''is that as a result of Buckley, the campaign finance laws are shot with loopholes because candidates have to drive through all of them in order to get money.''

Since the Buckley decision, candidates and the political parties have become masters at exploiting all loopholes to meet the demand for campaign money. This year's biggest development is the growth in the use of ''soft money''—funds that can be raised by political parties in unlimited amounts and spent by them in behalf of candidates for Federal office. Donations to the parties avoid the tight $1,000-per-candidate cap.

Moreover, in a subsequent ruling handed down last June, the Court upheld a decision in a Colorado case that allows political parties to spend unlimited amounts on ''independent ads''—advertisements that are on behalf of candidates but are not designed in coordination with them. That decision was seen by many campaign finance critics as eliminating the last barrier against any restrictions on spending by political parties and promoting the back-door financing of Federal campaigns.

''It's not only Buckley v. Valeo, but how it is being interpreted by the Court,'' said Norman J. Ornstein, a resident scholar at the American Enterprise Institute who opposes the Buckley decision but did not sign the statement. ''The Colorado decision had the bizarre conclusion that political parties can act independent of their own candidates. And that's what really helped open the floodgates even more this year.''

In addition, the Buckley decision has been continually cited by lower courts in fending off efforts to regulate ''issue advocacy'' advertisements. This type of advertising is paid for by activist groups like the Christian Coalition or environmental groups; they may not say ''vote for'' or ''vote against'' specific candidates, but they still clearly support one candidate or another.

In nearly a dozen lower-court decisions, these advertisements have been ruled to be protected by the First Amendment guarantee of free speech, as outlined in the Buckley decision, and cannot be regulated by the Government. That means such spending cannot be restricted.

Kenneth Gross, an election law specialist in Washington, said it was highly doubtful that the scholars' group would be successful.

''Overturning Buckley is wishful thinking,'' he said. ''Every time the Supreme Court gets hold of a case that involves the ideas in Buckley, they reaffirm them. The Court hasn't shown any inclination in turning away from Buckley.''

Still, the group hopes that its perseverance will pay off. ''They are many examples in past history of the Supreme Court reconsidering landmark cases after sustained public outcry and scholarly criticism,'' said E. Joshua Rosenkrantz, executive director of the Brennan Center. ''That is what we are trying to generate. Buckley has got to be one of the most unpopular opinions existing today, and it is viewed by reformers of campaign finance as the big oak tree that occupies the field, forcing everyone to play around it.''

By Mr. THURMOND:

S.J. Res. 3. A joint resolution proposing an amendment to the Constitution of the United States relating to voluntary school prayer; to the Committee on the Judiciary.

VOLUNTARY SCHOOL PRAYER CONSTITUTIONAL AMENDMENT

Mr. THURMOND. Mr. President, today, I am introducing the voluntary school prayer constitutional amendment. This bill is identical to Senate Joint Resolution 73 which I introduced in the 98th Congress at the request of then President Reagan and reintroduced every Congress since.

This proposal has received strong support from our colleagues on both sides of the aisle and is of vital importance to our Nation. It would restore the right to pray voluntarily in public schools—a right which was freely exercised under our Constitution until the 1960's, when the Supreme Court ruled to the contrary.

Also, in 1985, the Supreme Court ruled an Alabama statute unconstitutional which authorized teachers in public schools to provide ''a period of silence * * * for meditation or voluntary prayer'' at the beginning of each school day. As I stated when that opinion was issued and repeat again—the

Supreme Court has too broadly interpreted the establishment clause of the first amendment and, in doing so, has incorrectly infringed on the rights of those children—and their parents—who wish to observe a moment of silence for religious or other purposes.

Until the Supreme Court ruled in the Engel and Abington School District decisions, the establishment clause of the first amendment was generally understood to prohibit the Federal Government from officially approving, or holding in special favor, any particular religious faith or denomination. In crafting that clause, our Founding Fathers sought to prevent what has originally caused many colonial Americans to emigrate to this country—an official, State religion. At the same time, they sought, through the free exercise clause, to guarantee to all Americans the freedom to worship God without government interference or restraint. In their wisdom, they recognized that true religious liberty precludes the government from both forcing and preventing worship.

As Supreme Court Justice William Douglas once stated: ''We are a religious people whose institutions presuppose a Supreme Being.'' Nearly every President since George Washington has proclaimed a day of public prayer. Moreover, we, as a nation, continue to recognize the Deity in our Pledge of Allegiance by affirming that we are a Nation ''under God.'' Our currency is inscribed with the motto, ''In God We Trust''. In this body, we open the Senate and begin our workday with the comfort and stimulus of voluntary group prayers—such a practice has been recently upheld as constitutional by the Supreme Court. It is unreasonable that the opportunity for the same beneficial experience is denied to the boys and girls who attend public schools. This situation simply does not comport with the intentions of the Framers of the Constitution and is, in fact, antithetical to the rights of our youngest citizens to freely exercise their respective religions. It should be changed, without further delay.

The Congress should swiftly pass this resolution and send it to the States for ratification. This amendment to the Constitution would clarify that it does not prohibit vocal, voluntary prayer in the public school and other public institutions. It emphatically states that no person may be required to participate in any prayer. The government would be precluded from drafting school prayers. This well-crafted amendment enjoys the support of an overwhelming number of Americans.

I strongly urge my colleagues to support prompt consideration and approval of this bill during this Congress.

By Mr. ROTH (for himself and Mr. MOYNIHAN):

S.J. Res. 5. A joint resolution waiving certain provisions of the Trade Act of 1974 relating to the appointment of the United States Trade Representative; to the Committee on Finance.

U.S. TRADE REPRESENTATIVE LEGISLATION

Mr. ROTH. Mr. President, today I, along with my colleague Senator MOYNIHAN, introduce a joint resolution that will waive certain provisions of the Trade Act of 1974 relating to the administration's nomination of Ambassador Charlene Barshefsky to the position of U.S. Trade Representative [USTR].

Specifically, the resolution will provide a waiver for Ambassador Barshefsky from the application of section 141(b)(3) of the Trade Act of 1974, as amended by section 21 of the Lobbying Disclosure Act. This provision prohibits the appointment of any person to serve as USTR or Deputy USTR, who has directly represented, aided, or advised or foreign government or foreign political party in a trade dispute or trade negotiation with the United States.

The administration has sought the waiver because of questions surrounding Barshefsky's work for the Government of Canada while practicing law in the private sector. Ambassador Barshefsky was already serving as Deputy USTR when the law went into effect.

When the Finance Committee acts on her nomination. I will ask it to mark up the joint resolution waiving, in her case, the application of the prohibition to eliminate any questions about her eligibility to serve. Ambassador Barshefsky now enjoys an exemption from this prohibition as Deputy USTR, and I believe that the extension of this exemption by waiver is appropriate. Because this waiver will have the force of law, it must be passed by both the Senate and the House and then presented to the President for signature.

In past statements, I have expressed my strong support for Charlene Barshefsky's nomination as USTR. She is a very capable public servant, and I fully expect she will distinguish herself as USTR much as she did in her service as Deputy USTR.

By Mr. KYL (for himself and Mrs. FEINSTEIN):

S.J. Res. 6. A joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims; to the Committee on the Judiciary.

THE VICTIMS' RIGHTS CONSTITUTIONAL AMENDMENT

Mr. KYL. Mr. President, to ensure that crime victims are treated with fairness, dignity, and respect, I rise to introduce, along with Senator FEINSTEIN, a resolution proposing a constitutional amendment to establish and protect the rights of crime victims.

This resolution is the product of extended discussions with Chairman HENRY HYDE, Senators HATCH and BIDEN, the Department of Justice, the White House, law enforcement officials, major victims' rights groups, and such diverse scholars as Professors Larry Tribe and Paul Cassell. As a result of these discussions, the core values in the original amendment remain unchanged, but the language has been refined to better protect the interest of all parties.

Each year, about 40 million Americans are victimized, first by criminals and a second time by a government that affords them no constitutional rights. The Victims' Rights Amendment is a constitutional amendment that will bring balance to the system by giving crime victims the rights to be informed, present, and heard at critical stages throughout their ordeal—the least the system owes to those it failed to protect.

NEED TO PROTECT CRIME VICTIMS' RIGHTS—SCALES OF JUSTICE IMBALANCED

Last Congress, the amendment was cosponsored by 29 Senators. Both the Republican and Democratic Party platforms called for a victims' rights amendment, as did Senator Dole and President Clinton in a Rose Garden ceremony in June 1996 and in his acceptance speech at the Democratic convention.

This strong bipartisan support makes clear that the Victims' Rights Amendment is not a partisan issue, or some election-year gimmick. The idea stems from a 1982 President's Task Force on Victims of Crime, which concluded that ''the criminal justice system has lost its essential balance,'' and that constitutional protection of victims' rights was the only way to guarantee fair treatment of crime victims. Since then, grass-roots citizens' organizations around the country have pushed for amendments to their State constitutions. A majority of States have responded to the unjust treatment crime victims face, and have enacted constitutional amendments. But this patchwork of State constitutional amendments is inadequate. A Federal amendment would establish a basic floor of crime victims's rights—a floor below which States could not go.

Victims of serious crimes need a constitutional amendment to protect their rights and restore balance to our justice system. Those accused of crime have many constitutionally protected rights: They have the right to due process; right to confront witnesses; right against self-incrimination; right to a jury trial; right to a speedy trial; right to a public trial; right to counsel; right to be free from unreasonable searches and seizures.

Yet, despite rights for the accused, the U.S. Constitution, our highest law, has no protection for crime victims. The recognized symbol of justice is a figure holding a balanced set of scales, but in reality the scales are heavily weighted on the side of the accused. Our proposal will not deny or infringe any constitutional right of any person accused or convicted of a crime. But it will add to the body of rights we all enjoy as Americans.

Crime victims have no constitutional rights. They are often treated as mere inconveniences, forced to view the process from the sidelines. Defendants

can be present through their entire trial because they have a constitutional right to be there. But in many trials, crime victims are ordered to leave the courtroom. Victims often are not informed of critical proceedings, such as hearings to consider releasing a defendant on bail or allowing him to plea bargain to a reduced charge. Even when crime victims find out about these proceedings, they frequently have no opportunity to speak.

RIGHTS IN THE AMENDMENT

The amendment gives crime victims the rights:

To be notified of the proceedings;

To be heard at certain crucial stages in the process;

To be notified of the offender's release or escape;

To proceedings free from unreasonable delay;

To an order of restitution;

To have the safety of the victim considered in determining a release from custody; and

To be notified of these rights.

STATISTICS

As I noted earlier, each year about 40 million Americans are victims of serious crime. During 1995 there were 9.9 million crimes of violence, 6.4 million simple assaults, 2.0 million aggravated assaults, 1.3 million robberies, and 355,000 rapes or other types of sexual assault, according to the most recent statistics from the Department of Justice.

The breakdown of social order and the crisis of crime which accompany it have swelled the ranks of criminals, and those who suffer at their hands, to proportions that astonish us, that break our hearts, and that demand collective action. And the process of detecting, prosecuting, and punishing criminals continues, in too many places in America, to ignore the rights of crime victims to fundamental justice.

STRONG PUBLIC SUPPORT—TWENTY-NINE STATES HAVE CONSTITUTIONAL AMENDMENTS

Since 1982 when the need for a constitutional amendment was first recognized by a President's Task Force on Victims of Crime, 29 states have passed similar measures—by an average popular vote of almost 80 percent.

In 1996, eight states approved constitutional amendments—all by landslides. Connecticut: 78 percent. Indiana: 89 percent. Nevada: 74 percent. North Carolina: 78 percent. Oklahoma: 91 percent. Oregon: 57 percent. South Carolina: 89 percent. Virginia: 84 percent.

AMENDING THE CONSTITUTION IS A BIG STEP, BUT A NECESSARY ONE

Amending the constitution is, of course, a big step—one which I do not take lightly—but, on this issue, it is a necessary one. As Thomas Jefferson once said: ''I am not an advocate for frequent changes in laws and constitutions, but laws and institutions must go hand in hand with the progress of the human mind. As that becomes more developed, more enlightened, as new discoveries are made, new truths discovered and manners and options change, with the change of circumstances, institutions must advance also to keep pace with the times.''

Who would be comfortable now if the right to free speech, or a free press, or to peaceably assemble, or any of our other rights were subject to the whims of changing legislative or court majorities: When the rights to vote were extended to all regardless of race, and to women, were they simply put into a statute? Who would dare stand before a crowd of people anywhere in our country and say that a defendant's rights to a lawyer, a speedy public trial, due process, to be informed of the charges, to confront witnesses, to remain silent, or any of the other constitutional protections are important, but don't need to be in the Constitution?

Such a position would not stand. Yet that is precisely what critics of the Victims' Bill of Rights would tell crime victims. Victims of crime will never be treated fairly by a system that permits the defendant's constitutional rights always to trump the protections given to victims. Such a system forever would make victims second-class citizens. It is precisely because the Constitution is hard to change that basic rights for victims need to be protected in it.

SUPPORT

The amendment is supported by major national victims' rights groups: Parents of Murdered Children, Mothers Against Drunk Driving [MADD], the National Organization for Victim Assistance, the National Victim Center, and the National Victims' Constitutional Amendment Network, the Victim Assistance Legal Organization, the Doris Tate Crime Victims Bureau, Citizens for Law and Order, the National Coalition Against Sexual Assault, and the Law Enforcement Alliance of America.

CONCLUSION

In closing, I would like to thank Senator DIANNE FEINSTEIN for her hard work on this amendment and for her tireless efforts on behalf of crime victims.

Mr. President, for far too long, the criminal justice system has ignored crime victims who deserve to be treated with fairness, dignity, and respect. Our criminal justice system will never be truly just as long as criminals have rights and victims have none. We need a new definition of justice—one that includes the victim.

Mr. President, I ask unanimous consent that the text of the resolution be printed in the RECORD at the end of my statement.

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

(See Exhibit 1)

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

S.J. RES. 6

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein, That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid for all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

ARTICLE—

SECTION 1. Each victim of a crime of violence, and other crimes that Congress may define by law, shall have the rights to notice of, and not to be excluded from, all public proceedings relating to the crime—

to be heard, if present, and to submit a written statement at a public pretrial or trial proceeding to determine a release from custody, an acceptance of a negotiated plea, or a sentence;

to the rights described in the preceding portions of this section at a public parole proceeding, or at a non-public parole proceeding to the extent they are afforded to the convicted offender;

to notice of a release pursuant to a public or parole proceeding or an escape;

to a final disposition of the proceedings relating to the crime free from unreasonable delay;

to an order of restitution from the convicted offender;

to consideration for the safety of the victim in determining any release from custody; and

to notice of the rights established by this article; however, the rights to notice under this section are not violated if the proper authorities make a reasonable effort, but are unable to provide the notice, or if the failure of the victim to make a reasonable effort to make those authorities aware of the victim's whereabouts prevents that notice.

SECTION 2. The victim shall have standing to assert the rights established by this article. However, nothing this article shall provide grounds for the victim to challenge a charging decision or a conviction; to obtain a stay of trail; or to compel a new trial. Nothing in this article shall give rise to a claim for damages against the United States, a State, a political subdivision, or a public official, nor provide grounds for the accused or convicted offender to obtain any form of relief.

SECTION 3. The Congress and the States shall have the power to enforce this article within their respective jurisdictions by appropriate legislation, including the power to enact exceptions when required for compelling reasons of public safety or for judicial efficiency in mass victim cases.

SECTION 4. The rights established by this article shall apply to all proceedings that begin on or after the 180th day after the ratification of this article.

SECTION 5. The rights established by this article shall apply in all Federal and State proceedings, including military proceedings to the extent that Congress may provide by law, juvenile justice proceedings, and collateral proceedings such as habeas corpus, and including proceedings in any district or territory of the United States not within a State.

By Mr. KYL:

S.J. Res. 8. A joint resolution proposing an amendment to the Constitution of the United Stats to provide that expenditures for a fiscal year shall exceed neither revenues for such fiscal year nor 19 per centum of the Nation's gross domestic product for the last calendar year ending before the beginning of such fiscal year; to the Committee on the Judiciary.

THE BALANCED BUDGET/SPENDING LIMITATION CONSTITUTIONAL AMENDMENT

Mr. KYL. Mr. President, I rise today to introduce the Balanced Budget/Spending Limitation Amendment, a resolution to amend the Constitution of the United States to require a balanced federal budget and to limit spending to 19 percent of Gross Domestic Product (GDP).

Mr. President, few people realize it, but for the last 40 years, revenues to the U.S. Treasury have remained relatively steady as a share of national income. No matter whether economic times were good or bad, whether the nation was at peace or engaged in military conflict, or whether income tax rates were as high as 90 percent or as low as 28 percent, the total amount of revenue flowing to the U.S. Treasury has always amounted to about 19 percent of the nation's income.

That is really quite remarkable. With history as a guide, it means that higher tax rates will not produce more revenue for the government proportionate to the size of the economy. Such rate increases merely slow down the rate of economic growth, and that is why tax increases never produce as much revenue as anticipated.

At the family level, it means some people will work fewer hours to avoid being pushed into a higher tax bracket. Others will invest less, or invest in less productive ventures, in order to minimize their tax burdens. Still others, when hit by higher taxes, cut back on the goods or services they buy, and that means less work—and less taxable income—for someone else.

In other words, changes in the tax code affect people's behavior. Lower tax rates stimulate the economy, resulting in more taxable income and transactions, and, in turn, more revenue to the Treasury. Higher taxes discourage work, production, savings, and investment, so revenues are always less than initially projected. Although tax cuts and tax rate increases may create temporary declines and surges in revenue, history proves that revenues always adjust at roughly the same percentage of GDP as people adjust their behavior to the new tax code.

It is important for us to understand this phenomenon because it means that Congress cannot balance the federal budget by raising tax rates. If the goal is to balance the budget—and that is what a balanced budget amendment will require—the only way to succeed is to limit federal spending to the level of revenue that the economy is willing to bear. That happens to be 19 percent of GDP. That is what the Balanced Budget/Spending Limitation Act seeks to do in a very explicit way.

Other versions of the balanced budget amendment would achieve the same objective, including the version of the amendment that is most likely to pass in the next few weeks. The problem is, without explicitly limiting spending and precluding tax rate increases, Congress might try to balance the budget by raising taxes. And as I have illustrated in prior remarks, that would not only be ineffective, it would be harmful to the economy.

Higher taxes would mean that fewer jobs would be created; some people would lose their jobs. Wages would not grow as fast. Output would fall, or would grow only slowly. And in the end, spending would probably still outpace revenue, requiring another round of deficit reduction to meet the requirements of the balanced budget amendment. If balance were actually achieved, it could probably not be sustained for very long because high tax rates would slow the economy, resulting in lower revenues in future years.

The advantage of the Balanced Budget/Spending Limitation Amendment is that it keeps our eye on the ball. It tells Congress to limit spending. And by linking spending to economic growth, it gives Congress a positive incentive to enact pro-growth economic policies. Only a healthy and growing economy—measured by GDP—would increase the dollar amount that Congress is allowed to spend, although always proportionate to the size of the economy.

In other words, 19 percent of a larger GDP represents more revenue to the Treasury than 19 percent of a smaller GDP.

I urge my colleagues to consider the advantages of the Balanced Budget/Spending Limitation Amendment and to join me as cosponsors of the initiative. In the event that a different version of the balanced budget amendment passes, I suggest we will have to consider a free-standing spending limitation amendment in the future if we are interested in promoting both fiscal responsibility and economic growth and opportunity for all Americans.

Mr. President, I ask that the text of the amendment be reprinted in the RECORD.

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

S.J. RES. 8

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

''ARTICLE—

''SECTION 1. Except as provided in this article, outlays of the United States Government for any fiscal year may not exceed its receipts for that fiscal year.

''SEC. 2. Except as provided in this article, the outlays of the United States Government for a fiscal year may not exceed 19 per centum of the Nation's gross domestic product for the last calendar year ending before the beginning of such fiscal year.

''SEC. 3. The Congress may, by law, provide for suspension of the effect of sections 1 or 2 of this article for any fiscal year for which three-fifths of the whole number of each House shall provide, by a roll call vote, for a specific excess of outlays over receipts or over 19 per centum of the Nation's gross domestic product for the last calendar year ending before the beginning of such fiscal year.

''SEC. 4. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except those for the repayment of debt principal.

''SEC. 5. This article shall apply to the second fiscal year beginning after its ratification and to subsequent fiscal years, but not to fiscal years beginning before October 1, 2001.''.

By Mr. KYL (for himself, Mr. ABRAHAM, Mr. BROWNBACK, Mr. COVERDELL, Mr. CRAIG, Mr. FAIRCLOTH, Mr. GRAMS, Mr. HAGEL, Mr. HELMS, Mrs. HUTCHISON, Mr. HUTCHINSON, Mr. INHOFE, Mr. MCCAIN, Mr. SANTORUM, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, and Mr. THOMPSON):

S.J. Res. 9. A joint resolution proposing an amendment to the Constitution of the United States to require two-thirds majorities for increasing taxes; to the Committee on the Judiciary.

THE TAX LIMITATION CONSTITUTIONAL AMENDMENT

Mr. KYL. Mr. President, I rise today on behalf of myself and 17 of my Senate colleagues to introduce the Tax Limitation Amendment, a proposed amendment to the Constitution to require a two-thirds vote of the House and Senate to increase taxes.

Mr. President, on Election Day last year, by overwhelming majorities, voters from Florida to California approved initiatives aimed at limiting government's ability to raise taxes. Florida's Question One, which would require a two-thirds vote of the people to enact or raise any state taxes or fees, passed with 69.2 percent of the vote.

Seventy percent of Nevada voters approved the Gibbons amendment, requiring a two-thirds majority vote of the state legislature to pass new taxes or tax hikes. South Dakotans easily approved an amendment requiring either a vote of the people or a two-thirds vote of the legislature for any state tax increase.

And California voters tightened the restrictions in the most famous tax limitation of all, Proposition 13, so that now all taxes at the local level must be approved by a vote of the people. Of course, voters in my home state of Arizona overwhelmingly approved a state tax limit of their own in 1992.

The Tax Limitation Amendment I am introducing would impose similar constraints on federal tax-raising authority. It would require a two-thirds majority vote of each house of Congress to pass any bill levying a new tax or increasing the rate or base of any existing tax. In short, any measure taking more out of the taxpayers' pockets would require a supermajority vote to pass.

Congress could vote to waive the requirement in times of war, or when the

United States is engaged in military conflict which causes an imminent and serious threat to national security. But any new taxes imposed under such a waiver could only remain in effect for a maximum of two years.

Most Americans believe the federal government is already taxing them far too much. In 1950, the average family paid one dollar in taxes to the federal government out of every 50 dollars earned. Today, it pays almost one dollar out of every three dollars earned. Add state and local taxes to the mix, and the tax bite is closer to one out of every two-and-a-half dollars earned.

I would note that the Tax Limitation Amendment would not affect Congress' ability to cut taxes. That could still be achieved by simple majority vote. It would, however, make it much harder to raise taxes, particularly if there is no broad-based, bipartisan support for the proposition in Congress or around the country. It would, for example, have prevented enactment of the tax hike of 1993, one of the largest in history, and one which even a majority of Senators did not support. Vice President GORE broke a 50 to 50 vote tie to secure its passage. The TLA would have prevented enactment of the Bush tax increase of 1990.

Raising sufficient revenue to pay for government's essential operations is obviously a necessary part of governing, but raising tax rates is not necessarily the best way to raise revenue. And in any event, voters around the country seem to believe that raising taxes should only be done when there is broad support for the proposition. The TLA will ensure that no tax can be raised in the future without such consensus.

I invite my colleagues to cosponsor the initiative, and I ask unanimous consent that the text of the amendment be reprinted in the RECORD.

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

S.J. RES. 9

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein) That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

''ARTICLE—

''SECTION 1. Any bill to levy a new tax or increase the rate or base of any tax may pass only by a two-thirds majority of the whole number of each House of Congress.

''SEC. 2. The Congress may waive section 1 when a declaration of war is in effect. The Congress may also waive section 1 when the United States is engaged in military conflict which causes an imminent and serious threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law. Any provision of law which would, standing alone, be subject to section 1 but for this section and which becomes law pursuant to such a waiver shall be effective for not longer than 2 years.

''SEC. 3. All votes taken by the House of Representatives or the Senate under this article shall be determined by yeas and nays and the names of persons voting for and against shall be entered on the Journal of each House respectively.''.

SENATE RESOLUTION 15—RELATIVE TO BIOMEDICAL RESEARCH

Mr. MACK (for himself, Mr. FRIST, Mr. D'AMATO, Mr. SPECTER, and Mr. GRAMM) submitted the following resolution; which was referred to the Committee on Appropriations:

S. RES. 15

Whereas heart disease was the leading cause of death for both men and women in every year from 1970 to 1993;

Whereas mortality rates for individuals suffering from prostate cancer, skin cancer, and kidney cancer continue to rise;

Whereas the mortality rate for African American women suffering from diabetes is 134 percent higher than the mortality rate for Caucasian women suffering from diabetes;

Whereas asthma rates for children increased 58 percent from 1982 to 1992;

Whereas nearly half of all American women between the ages of 65 and 75 reported having arthritis;

Whereas AIDS is the leading cause of death for Americans between the ages of 24 and 44;

Whereas the Institute of Medicine has described United States clinical research to be ''in a state of crisis'' and the National Academy of Sciences concluded in 1994 that ''the present cohort of clinical investigators is not adequate;

Whereas biomedical research has been shown to be effective in saving lives and reducing health care expenditures;

Whereas research sponsored by the National Institutes of Health has contributed significantly to the first overall reduction in cancer death rates since recordkeeping was instituted;

Whereas research sponsored by the National Institutes of Health has resulted in the identification of genetic mutations for osteoporosis; Lou Gehrig's Disease, cystic fibrosis, and Huntington's Disease, breast, skin and prostate cancer; and a variety of other illnesses;

Whereas research sponsored by the National Institutes of Health has been key to the development of Magnetic Resonance Imaging (MRI) and Positron Emission Tomography (PET) scanning technologies;

Whereas research sponsored by the National Institutes of Health has developed effective treatments for Acute Lymphoblastic Leukemia (ALL). Today, 80 percent of children diagnosed with Acute Lymphoblastic Leukemia are alive and free of the disease after 5 years; and

Whereas research sponsored by the National Institutes of Health contribute to the development of a new, cost-saving cure for peptic ulcers: Now, therefore, be it

Resolved,

SECTION 1. SHORT TITLE.

This resolution may be cited as the ''Biomedical Research Commitment Resolution of 1997''.

SEC. 2. SENSE OF THE SENATE.

It is the sense of the Senate that appropriations for the National Institutes of Health should be increased by 100 percent over the next 5 fiscal years.

Mr. MACK. Mr. President, I will take just a couple of minutes to explain this resolution and also the motivation, if you will.

The Senate resolution calls for doubling the investment in medical research at the National Institutes of Health over the next 5 years. There are many, many motivations for doing this. As most of my colleagues know, both my wife and I are survivors of cancer, Priscilla with breast cancer; I am a melanoma survivor.

In my quest to gain more knowledge about the various weapons that might be at our disposal to fight this disease and to hope that someday we can find a series of cures. I have also had the opportunity to listen to research scientist in many different areas, many different diseases, whether that be Parkinson's disease, whether that be diabetes, whether that be in spinal cord injuries, in the area of cancer, prostate, breast cancer, melanoma, and so forth.

There was a hearing held at the end of the last Congress by now retired Senator Mark Hatfield and Senator Bill Cohen. There were a number of individuals who testified at that hearing and made, I thought, a remarkable case about why it was no longer acceptable for the Congress of the United States, for the Federal Government to continue a kind of business-as-usual attitude with respect to medical research, biomedical research. One of the individuals who spoke to us, Joan Samuelson, speaking about Parkinson's disease, said:

The current Federal policy on Parkinson's wastes billions in public and private dollars coping with its effects, when millions could simply cure it.

I remember vividly the testimony of Travis Roy, a young man who today is a quadriplegic, the result of an injury during an ice hockey game. Part of his testimony was that he dreams in essence for the day when he can hug his mother again.

Now, if that statement had been made before a hearing of the Congress 20, 25, 30 years ago, the response pretty much would have been that we all certainly could understand the hurt that this individual and this family has experienced. Most of us probably would have concluded, well, but there is nothing that we can do. To put more money into research of a problem we all know; we can remember those stories about spinal cord injuries years ago—there is no way to find a cure.

The reality is in America today, this Nation happens to believe that in all areas, or in so many different areas of diseases we are on the verge of discovering many cures, that we can no longer take this attitude of business as usual, and that if we make the investment in research we can in fact find ways to solve these problems, and to find cures, and, most importantly, to offer hope to our loved ones.

So I have introduced S. 15. I know there will be people, for example, who will say, ''Well, Senator, you are taking about spending more money.'' Yes, I am talking about spending more money, but it is an area in which I believe the Federal Government should