

amendment would give rise to an imperial Presidency. And let us remember that domination by the Executive is what caused us to abandon our relationship with England and establish a great democracy.

During hearings convened by House and Senate committees, many professors of law and learned constitutional scholars expressed well-founded concerns that, if ratified, the balanced budget amendment would permit the President to impose taxes or fees in order to enforce the amendment. It would also implicitly or explicitly repeal the impoundment control measures contained in the 1974 Budget Act.

The notion that the Executive should be allowed to impose taxes without the concurrence of Congress is a radical proposition. It violates the constitutional principle that Congress alone should have the power to lay and collect taxes.

Our Constitution is a remarkable document. As ratified by the States, its fundamental elements are now familiar to us all: A government divided into three parts—each part separate and distinct—and each armed with tools to defend against the excesses of the other.

Yes, our Constitution has been amended over the years. We have 10 amendments that set forth fundamental rights guaranteed to all. We have a number of housekeeping amendments which establish the electoral college, provide for the election of Senators by popular vote, and establish an orderly process in the event of the death of the President. We have amendments that secure freedom and promote universal suffrage, such as the 13th, ending slavery; 14th, due process, equal protection; 15th, end discrimination; and the 19th and 26th amendments, vote for women and 18-year-olds.

But none of these amendments reorders the fundamental structure of power and authority as would occur under the balanced budget amendment. The balanced budget amendment would tilt the balance of power heavily in favor of the Executive, and, as I said earlier, promote an imperial Presidency.

There are those who argue that a balanced budget amendment is a good idea. After all, if families can balance their budgets, why cannot the Federal Government? Under the proposed amendment, the Federal Government would be required to balance its budget every year. The only time a deficit could occur would be during time of war, or when three-fifths of the House and Senate agree. While it sounds easy, there remains a glaring problem with such a simplistic approach to reducing the Nation's debt. What programs would Congress cut to achieve a balanced budget by the year 2002, the date on which the amendment would go into effect? What Federal agencies would have their budgets slashed in order to help the Federal Government meet the

requirements of the balanced budget amendment?

Estimates by the nonpartisan Congressional Budget Office call for spending cuts totaling \$1.5 trillion by the year 2002. CBO also predicts that if Social Security and defense are exempted from the balanced budget numbers then all other Federal programs would be cut across the board by 30 percent. That of course, is assuming that all cuts are equal and that partisanship is left out of the mix.

Although I wholeheartedly support and endorse efforts to balance the Federal budget, I am greatly concerned that the \$1.5 trillion in spending cuts needed to meet the goals of a balanced budget amendment by the year 2002 would have a devastating impact on a wide segment of our population. Supporters of the resolution fail to explain where these tremendous budget cuts would fall. Without assurances that Federal agencies and programs would be equitably affected, such a plan is unworkable.

I strongly back Democratic leader DASCHLE's amendment that would require Congress to pass an honest, detailed plan to balance the budget before the balanced budget constitutional amendment goes to States for ratification. It is irresponsible for us to vote on an amendment requiring a balanced budget which would necessitate draconian budget cuts without knowing what we would be cutting and how. We need to know. The American people have the right to know.

Let me mention a few more aspects of this balanced budget amendment that concern me. A constitutional amendment to balance the Federal budget could damage the economy more than strengthen it. Greater amounts of deficit cutting would be required in periods of slow growth than in times of rapid growth—an action which economists predict would result in more frequent and deeper recessions.

Such an amendment could also limit public investments that are critical to long-term growth because the amendment makes no distinction between investments such as education and training and early intervention programs for children, and other types of government spending. These investments are necessary to ensure the Nation's competitiveness and help the economy grow.

Because the amendment calls for a balanced budget every year, regardless of whether economic growth is strong or weak, larger spending cuts or tax increases would be needed in periods of slow growth than in times of rapid growth, further exacerbating an already crippled economy.

Mr. President, I know we will have ample time to debate this issue further, and I look forward to the ensuing debate.

ALAN EMORY, DEAN OF WASHINGTON-BASED NEW YORK REPORTERS

Mr. MOYNIHAN. Mr. President, I rise today to honor the dean of Washington based New York reporters, Alan Emory. Mr. Emory, a writer for the Watertown Daily Times, has been covering Washington for the last 43 years. His personal style and fabled wisdom have allowed Mr. Emory to provide his readers in upstate New York with a window to Washington.

Deemed a small town by some, Watertown's success stories include three former Secretaries of State: John Foster, John Foster Dulles, and Robert Lansing. Other notable Watertown residents included Roswell P. Flower, former Governor of New York State; and Frank Woolworth, founder of the five-and-dime store.

Having been voted president of the prestigious Gridiron Club in recognition of his many years of reporting excellence, Mr. Emory now joins the list of celebrated Watertown residents. Alan Emory was sent to Washington in 1952 when his distinguished publisher, John B. Johnson, decided to give his readers more for their money. He has certainly done that. Mr. President, I ask unanimous consent that an article from the Watertown Daily Times celebrating Mr. Emory's accomplishments and years of service be printed in the RECORD.

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

[From the Watertown Daily Times, Jan. 29, 1995]

ALAN EMORY, DEAN OF WASHINGTON REPORTERS

(The following article by Jonathan D. Salant is reprinted by permission from the January edition of Empire State Report.)

At one of U.S. Sen. Daniel Patrick Moynihan's infrequent gatherings for the Washington press corps from New York newspapers, a New York Times reporter attempted to sit in the front row.

"No, no, no," Moynihan sputters. "That's the dean's seat."

The "dean" in this case refers to Alan Emory, the 72-year-old correspondent for The Watertown Daily Times. Most of the reporters who join Emory weren't born when he came to Washington 43 years ago, the result of an effort by his publisher to give the readers something more in exchange for a price hike. The rest of the New York press corps watches Emory take his seat in front and pour a cup of coffee for the senator. They sit silent deferentially to allow Emory to ask the first question, much as the senior wire service reporter opens presidential news conferences.

Emory began covering Washington before Moynihan, who later served in the administration of four presidents, began his career in public service as an aide to then-Gov. Averell Harriman. Emory has covered Govs. Thomas Dewey, Harriman, Nelson Rockefeller, Malcolm Wilson, Hugh Carey and Mario Cuomo. He has covered Sens. Irving Ives, Kenneth Keating, Jacob Javits, Robert Kennedy, Charles Goodell, James Buckley, Alfonse D'Amato and Moynihan.

Emory has reported on the administration of Harry Truman, Dwight Eisenhower, John Kennedy, Lyndon Johnson, Richard Nixon,

Gerald Ford, Jimmy Carter, Ronald Reagan and George Bush.

Come March, he'll be dining with Bill Clinton.

"It's a very exciting prospect," Emory says.

In December, Emory was elected president of the Gridiron Club, an association of powerful Washington journalists. Some of his predecessors include David Broder, Helen Thomas, Carl Rowan and Jack Germond. Emory says he can't remember another reporter from a small newspaper being elected club president.

Each March, the Gridiron Club holds an ultra-exclusive white-tie dinner featuring the president, his cabinet, and most of Washington's top public officials and politicians. Like the Legislative Correspondents Association's annual show in Albany, the Washington reporters write parodies poking fun at Republicans and Democrats alike. As club president, Emory gets to dine with Clinton and must keep an eye on him throughout the show, the better to report back to the membership on how he reacted to the skits.

Clinton gets to deliver a rebuttal following the show. Next year's speakers also include Moynihan and former Education Secretary Bill Bennett.

It's been a long journey between dinner with the president and Watertown, where Emory first was hired in 1947 after graduating from Columbia University with a master's degree in journalism. (He attended Harvard University as an undergraduate.)

Emory was covering the Dewey administration in Albany when his publisher, John B. Johnson, called him in August 1951.

"We're going to raise the price of the paper. We owe the readers something," Emory recalls Johnson telling him. "How would you like to go to Washington?"

Emory jumped at the chance. He and his wife, Nancy, packed up and moved south. Shortly after arriving in Washington, they found a house on a lake in a Virginia suburb. They've been there ever since, raising three children. They now have four grandchildren as well.

He's traveled with presidents, covered the White House, and written on foreign affairs. But his bread-and-butter is the local, day-to-day coverage of New York affairs in Washington. The congressional delegation. The St. Lawrence Seaway. The state lobbying office. Politics. Federal decisions as they affect the Empire State.

The New York connection has served Emory well. At the 1960 Republican National Convention, Emory got there a few days early and hung out with aides to then-New York Gov. Nelson Rockefeller. They told him that Rockefeller was not going to be nominated for president against Richard Nixon. A national scoop.

"I got the story long, long before anyone else even came close to it," Emory says.

Likewise, at the 1968 Republican convention, while waiting to interview with William Miller, the former upstate New York congressman who was Barry Goldwater's running mate four years earlier, Emory found a poll that showed Nixon being more popular than Rockefeller in New York. The two men were competing for the 1968 Republican presidential nomination. Emory gave his story to the Nixon folks with the stipulation that they agree to credit his newspaper if they used the information. Sure enough, there was Nixon a few days later, quoting the Watertown Daily Times.

Emory spends much of this time chronicling the Watertown-area congressman, John McHugh, R-Pierrepont Manor. McHugh was 3 years old when Emory first went to Washington.

"I took my first lessons about politics from Alan Emory's column," McHugh says.

"I've read about his experiences and his observations. I finally had a chance to meet with him face-to-face and work with him. It was a thrill for me. To most people in the north country, Alan Emory is our window on the Capitol."

Many regional reporters in Washington move on to greener pastures. They land jobs at larger papers or enter the government. Emory says he has never tired of his job or the Watertown paper. He once had a shot at a bigger paper, but it fell through. Otherwise, he says, he's never wanted to leave.

"Watertown treats me like a member of the family," he says. He goes on vacation when he wants. He has the time to do projects like Gridiron. The paper was very supportive when he underwent cancer treatment a few years back.

One of Emory's friends, Allan Cromley of the Daily Oklahoman, walks by. "Don't believe a word he says," Cromley says. Emory smiles and goes on.

"When people play up to the big metropolitan papers, there's that frustration," Emory says. "But there's a counterweight that comes if you luck into somebody from your neck of the woods who gets way up there."

Eisenhower's press secretary, Jim Haggerty, used to work for Dewey. Nixon's secretary of state, William Rogers, was a native of St. Lawrence County. Former Central Intelligence Agency chief Allan Dulles was a Watertown native. All became sources for Emory.

Others from the north country have passed through. Former state Sen. Douglas Barclay of Pulaski chaired President Bush's upstate campaign in 1988 and was named to the Overseas Private Investment Corporation. Former north country Rep. Robert McEwen was appointed by President Reagan to one of the joint U.S.-Canadian commissions. Former Assistance Education Secretary Donald Laidlaw was an Ogdensburg native.

Another official, former Republican National Committee Executive Director Albert (Ab) Herman, had played professional baseball in Watertown. Emory wrote a story about him, and Herman began hearing from old friends long forgotten. "He was a fabulous political source from then on," Emory recalls.

In the 1950s, the federal government used to publish a book listing the home congressional district of numerous federal workers. Anyone hailing from the north country's congressional district could expect a call from Emory.

"I would leaf through that book, call them up and do interviews," Emory says. "These people nobody had every been in touch with before. They started getting mail from old neighbors who saw their write-ups in The Watertown Daily Times. Also, it gave me all kinds of contacts. If the individual didn't have the answer, he could lead me to someone who did."

A U.S. senator named Hubert Horatio Humphrey became a source as well. Humphrey and Emory's mother, Ethel Epstein, served together on the board of the liberal Americans for Democratic Action.

Emory lists Humphrey and former Michigan U.S. Sen. Philip Hart as his two favorite politicians. He came to know Hart after an aide to New York U.S. Sen. Herbert Lehman joined the Michigan senator's staff.

Among contemporary politicians, it is Cuomo, who Emory landed as the speaker for the 1988 Gridiron show, who is his favorite. Cuomo sent him a note a couple of years back for his 70th birthday.

Had Cuomo run for president, he might have been the chief executive accompanying Emory to the Gridiron dinner next March. But Emory says he's not surprised Cuomo never went for the White House.

"I was never totally convinced that he wanted to undergo the battle," Emory says. "He would have loved to be president but he would have hated to be a candidate."

#### UNITED STATES TRADE SANCTIONS ON THE PEOPLE'S REPUBLIC OF CHINA

Mr. THOMAS. Mr. President, over the weekend the administration announced its decision to impose trade sanctions beginning on February 26 on the People's Republic of China in retaliation for the latter's dismal failure in safeguarding U.S. intellectual property rights. As the chairman of the Subcommittee on East Asian and Pacific Affairs, I fully support that decision.

Since 1992, the PRC has failed to live up to its obligations under the Memorandum of Understanding on Intellectual Property Rights. Factories throughout China, especially in the southern and eastern provinces, continue to mass-produce pirated versions of American computer software, compact discs, CD-ROM's, and video and audio cassettes mostly for sale abroad. The USTR estimates that piracy of audio-visual works runs close to 100 percent, while piracy of other technological items such as computer software runs around 94 to 100 percent. In addition, piracy of trademarks is rampant.

This piracy is much more than a minor nuisance. The sale of these pirated items has cost U.S. businesses more than \$1 billion, a sum which threatens to increase exponentially as the number of pirated products swells. It endangers American jobs, as well as our primacy in software innovation.

What makes the manufacture of these illegal goods even more galling, however, is the fact that their production is tolerated, if not actively encouraged in some instances, by Chinese municipal and provincial governments as well as the central authorities in Beijing. The USTR has complained repeatedly about the problem and United States-China negotiators have been meeting for more than a year and a half in an effort to resolve it. Still, the Chinese refuse to stem the flow of these goods out of the PRC.

Certainly, the Government cannot claim ignorance of the problem. Even if the USTR had not been so thorough in documenting the problem, this is hardly a case of a few small "mom-and-pop" concerns operating covertly in an open, unregulated economy. Rather, these are large factories—some, enterprises run by governmental entities such as the People's Liberation Army—operating in a Communist country with an economy that is still largely command-based. The likelihood that, for example, the estimated 75 million compact discs produced illegally in China each year—of which 70 million are exported—could escape the attention of the government is about nil.