

and BRADLEY did not take this into account.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Iowa.

#### THE PRESIDENT'S FISCAL YEAR 1996 BUDGET

Mr. GRASSLEY. Mr. President, the issue of constitutional amendment for a balanced budget that has been before us for a week and probably will be before this body for several more days before we make a final decision has had the debate on that issue intertwined pretty much with the present budget situation and even lately with the budget that the President has presented to this specific Congress.

The President's budget of yesterday reflects an abdication of leadership. It fails not only to put the budget on a glidepath toward balance, it also fails to seek even the President's own goal and promise to the American people. That promise, if you remember, Mr. President, was as stated in the 1992 campaign that the deficit would be cut in half by the 1996 election. That will not be the case under the budget that the President has presented to Congress.

So I am overcome by the farcical vision of how this budget must have been sent up here to Capitol Hill. Members of the President's team lined up on Pennsylvania Avenue and punted. They punted copies of that budget up here one by one.

On January 24, after the President's State of the Union Address, I had occasion to remark when I was asked about his address that it seemed that the President was very willing to accept the leadership of Congress and to follow our agenda because he recognized the outcome of the election. That election gave Republicans the responsibility to lead. Today, through his actions, the President confirmed my suspicion and submitted a budget that says, "Let Congress make the tough choices. Let Congress lead."

According to reports, several of the President's high-level advisers counseled that, since the administration has failed to get credit from previous deficit reductions, there is little wisdom in trying to cut more. I hope that this is not the case. For, if it were true, there would be no clearer signal of the absence of leadership from this administration.

Just last month administration officials were boasting about their achievements on the deficit front. They were bemoaning the fact that the message of what they supposedly have cut and accomplished on the deficit scene was not getting out.

So why are they now abandoning what they consider a virtuous policy instead of working to get that message out, if they want to be viewed with any sort of credibility? Because in my estimation, in abandoning their goal of more deficits, the administration has

also abandoned its promise to the American people and, as a consequence, the President has lost all moral authority to lead.

Clearly, this President has chosen to play defense; that is, after the punting of the budget to us, they are now saying "You"—meaning Republicans—"call the plays, now. It is your turn with the ball and let us see if you can do any better." We have heard that for a long period of time and just this morning on the floor of this body.

I believe that Congress can do better. For the sake of our children and grandchildren, we can and must do better. The President has followed the lead of the American people who spoke in November. Thus he has passed the mantle of leadership on to us.

With that leadership, the Republican Congress has already delivered on making Congress more accountable to the public and State governments, and now we will work toward making Congress more accountable to our children and grandchildren.

#### BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The Senate continued with the consideration of the joint resolution.

##### THE DASCHLE AMENDMENT TO THE BALANCED BUDGET AMENDMENT

Mr. GRASSLEY. Mr. President, what the 104th Congress is all about is ending business as usual in Washington. We started out by passing the bill that Senator LIEBERMAN and I introduced to make Congress live by the same laws it passes for everyone else. Then we passed a bill to restrict unfunded mandates.

These proposals represent a change from business as usual. The voters last November demanded a change in business as usual in Washington. And this Congress has delivered. And I am confident that we will continue to deliver.

One of the changes the American people wanted is a balanced budget amendment. They are tired of Congress coming up with clever rhetoric that has defeated this amendment over the years. Now, those same critics want us to spell out on an account by account basis the receipts and outlays for fiscal years 1996 to 2002. The proposal is yet another rhetorical trick designed to let big spenders defeat the balanced budget amendment by people who want no fiscal discipline.

The proposal represents a last gasp by the old guard to continue business as usual. For them, business as usual means a continually expanding Federal Government. The voters have spoken, and the business-as-usual crowd refuses to listen. That is not what representative government and democracy is all about.

We all know that a balanced budget is achievable. I know that our respected colleague Senator DOMENICI, chairman of the Budget Committee on which I serve, is working on a variety of fiscal strategies to show that it can

be done—without touching Social Security. The numbers are clear.

We can limit spending growth to over 2 percent and reach a balanced budget, again without touching Social Security. Under current fiscal policy, Federal spending in fiscal 2002 will be 44 percent higher than this year if we do nothing. By holding growth to 22 percent, Republicans can balance the budget without cutting Social Security or raising taxes. Federal spending will increase under either approach.

But by how much? That is the question. Many of the supporters of this right-to-know amendment think Government spending must double by 2002. Supporters of the balanced budget amendment think Government can get by on approximately \$260 billion more than we are currently spending, but half of what other people think we should spend.

I say that is enough money, taking inflation into account, to balance the budget while still allowing programs to grow. The argument has been made by my colleagues that, in 1993, Congress and the President acted honestly and forthrightly in enacting the fiscal 1994 budget. They say specific cuts and tax increases were spelled out to bring us toward a reduced budget deficit. Now opponents say supporters of this constitutional amendment have a similar obligation to spell out our plan. But the premise of the argument is invalid and the conclusions do not follow.

The 1993 tax bill raised taxes, and it had very few spending cuts. I doubt that anybody outside of the beltway can name a single real cut. The whole premise of the tax bill that the deficit would be cut was fallacious. The President's own budget predicts \$200 billion in budget deficits for the next 5 years if we do nothing. Notwithstanding the 1993 tax bill, the President still projects deficits as high as an elephant's eye.

And so the debt still continues to grow clear up to the sky. The so-called honesty in budgeting of 1993 is a very slender reed on which to base a so-called right-to-know amendment.

In addition to serving on the Budget Committee, I also serve on the Judiciary Committee and I am concerned that the Democratic leader's amendment—another amendment before our body—will be beyond the intent of the Constitution. It says that the amendment shall not take effect until Congress passes a budget reconciliation act.

But article V of the Constitution—that is, the amending article—provides that when both Houses of Congress pass a proposed constitutional amendment, it "shall be valid to all intents and purposes, as a part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress." But the proposal before us would not allow the amendment to be

effective once Congress has passed it and, in this case, three-fourths of the State legislatures having ratified it. Instead, we put a whole new condition on the amendment that we have before us, the amendment to be ratified: The passage of a 7-year budget reconciliation act.

That is not a constitutional convention for the ratification of an amendment. And I think this amendment by the leader of the minority should be beaten.

We have heard it said that if Congress may constitutionally insist as a condition for ratification that the States ratify a proposed constitutional amendment within 7 years, then it is constitutional for Congress to impose a condition such as the Daschle amendment before Congress submits the proposal to the States. This analysis is incorrect for two reasons.

First, the courts have upheld limitations on the ratification process, but no case has ever upheld the imposition of a condition for initiating ratification proceedings once Congress has adopted an amendment.

Second, the Supreme Court has ruled that although it is a political question, article V implicitly requires a contemporaneous majority to ratify an amendment. Thus, a 7-year or equivalent period is a constitutional necessity under the case law. But no such status pertains to the proposal by the Senator from South Dakota.

So, Mr. President, we should pass the balanced budget amendment. We should not adopt the Daschle amendment to that amendment because it is impractical and because it is unconstitutional. The American people want us to end business as usual. They see the so-called right-to-know amendment to be business as usual—a business-as-usual approach, rejected by the people in the November 8 election, a business-as-usual approach rejected by Congress for the first time in 40 years, as we try to bring to a vote all of the things that have been buried in Congress by a Congress controlled for 40 years by the now minority party.

We accept our responsibilities to reject business as usual, with our surveys showing 80 percent support for the constitutional amendment for a balanced budget. It has been before this body four or five times over the past 15 years. Now is the time to pass it.

I yield the floor and the remainder of my time.

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada [Mr. BRYAN], is recognized.

Mr. BRYAN. Mr. President, if the Chair and the acting floor manager will indulge me, I ask unanimous consent to speak for 3 minutes as in morning business and to extend the time before the recess.

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

## ILLEGAL IMMIGRANTS OCCUPYING PUBLIC HOUSING

Mr. BRYAN. I thank the Chair and my colleague from Iowa. Mr. President, I want to call the attention of my colleagues a situation, which I discovered during our recent December recess, dealing with public housing.

Since 1980, the law has been clear that those who are illegal immigrants are not entitled to occupy public housing. So I was somewhat astonished in visiting with a housing authority director in my own State and to have him tell me that in the city of Reno, he would estimate that approximately 10 percent, maybe a little more, maybe a little less of those who occupy public housing are, in fact, illegal immigrants. At the same time, in the city of Reno—and I think this is replicated throughout the country—there are some 500 families waiting to occupy public housing.

So I asked the question, well, if it is illegal for them to occupy public housing, why have you not done something about it? That, Mr. President, is an astonishing story. In 1982, 1984, and 1986, apparently, efforts were made to implement by regulation what the statute establishes by way of policy. Through a series of administrative or bureaucratic delays and obfuscation, in fact, none of these regulations have been implemented.

So currently the housing authority directors in America are told that although the 1980 law remains in effect, you may not inquire and you may not verify the resident status of those persons who seek to make application to occupy public housing. May I say, Mr. President, this is absolutely absurd and ridiculous.

The law says that they ought not to be eligible—those who are illegal immigrants—to occupy public housing. Nevertheless, they are permitted to do so. There is a glimmer of hope. That is, that there is a rule making its way through the Office of Management and Budget, and I urge OMB to implement that regulation immediately so that the policy since 1988 may be carried out.

I thank you, Mr. President for your courtesy and that of the distinguished Senator from Iowa.

I yield the floor.

## RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:38 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. COHEN).

The PRESIDING OFFICER. The Chair recognizes the Senator from Indiana.

(Mr. THOMPSON assumed the chair.)

Mr. COATS. Mr. President, for decades Congress has enjoyed the unlimited luxury of unlimited debt. Our practices, which are pleasing for the moment to constituencies that profit from the practice of unlimited debt, have seriously undermined the credibility of this institution with the American people.

Skepticism and cynicism abound. That skepticism and cynicism—directed toward those who have made hollow promises, unfulfilled year after year, perceived to have been made for political purposes—brought about, in my opinion, the results that we saw in the November election. The American people want Congress to be honest and to be straightforward with them, even if it brings some unpleasant truths.

Now, with the passage in the House of Representatives of the balanced budget amendment by a historic 301 to 132 vote, the spotlight has turned on the Senate. As such, we, in a sense, are on trial. Our credibility is at stake. We are debating something of which the American people have become very well aware—the impact, year after year, for 25 straight years, of expenditures that exceed our revenues.

It has become apparent to the American people that we are forfeiting not only our own future but, more importantly, that of future generations and their opportunity to participate in the American dream.

I do not think there should be any argument about the urgency of our circumstances. Every child born in America inherits about \$18,000 in public debt. This unfair burden placed on the future is the result of a failure of political will and it is a betrayal of moral commitments.

It was Thomas Jefferson who noted long ago:

The question of whether one generation has the right to bind another by the deficit it imposes is a question of such consequence as to place it among the fundamental principles of Government. We should consider ourselves unauthorized to saddle posterity with our debts, and be morally bound to pay them ourselves.

“The fundamental principles of Government,” Jefferson noted. What is perhaps the most fundamental of those fundamental principles?

It is the same principle that applies to each person in our individual lives, to our family life, to corporate America, to business America, to virtually every institution. That fundamental principle involves being responsible and accountable to the people we serve, to our employees, to our family members, to ourselves. It means not spending more than we receive and running up a debt to the extent where we have become unable to pay that debt. Or, in paying that debt, we must squander resources that should go for essential purposes and essential services.

That is exactly what has happened here in the United States. We now face a national debt of \$4.8 trillion. Applied across the board per capita that is