

These buck-passing declarations are false, as I said earlier, because the Congress of the United States is the culprit. The Senate and the House of Representatives are the big-spenders.

Mr. President, most citizens cannot conceive of a billion of anything, let alone a trillion. It may provide a bit of perspective to bear in mind that a billion seconds ago, Mr. President, the Cuban Missile Crisis was in progress. A billion minutes ago, the crucifixion of Jesus Christ had occurred not long before.

Which sort of puts it in perspective, does it not, that Congress has run up this incredible Federal debt totaling 4,808 of those billions—of dollars. In other words, the Federal debt, as I said earlier, stood this morning at four trillion, 805 billion, 266 million, 970 thousand, 855 dollars and 19 cents. It'll be even greater at closing time today.

THE UNITED STATES-NORTH KOREA AGREED FRAMEWORK

Mr. THOMAS. Mr. President, as the chairman of the Senate Subcommittee on East Asian and Pacific Affairs I intend to share with my colleagues my views on a specific area within the jurisdiction of the subcommittee every Monday. Today I rise to briefly address the current status of relations between the United States and North Korea [DPRK].

Since the division of the Korean Peninsula, we have not maintained diplomatic relations with the DPRK. While South Korea has prospered and grown into one of the strongest economic engines in Asia, the DPRK has become increasingly isolated, paranoid, and violent. If any country has come to epitomize a rogue regime, it is North Korea. In the 1960's the DPRK seized the U.S.S. *Pueblo* and its crew, and staged a violent attack on the residence of the South Korean President. In the 1970's Pyongyang perpetrated several acts of violence along the Demilitarized Zone, including the unprovoked ax murder of an American soldier within the DMZ in 1977. In the 1980's the North orchestrated a bombing attack on the South Korean cabinet during a state visit to Burma, and in 1987 was responsible for blowing up a South Korean airliner with the loss of all aboard. The DPRK has constructed numerous tunnels under the DMZ into South Korea territory to facilitate invasion, some of which have been discovered and some of which, undoubtedly, have not. Finally, as noted in a story last week in the *Washington Times*, the Russian intelligence agencies have implicated the North Korean Government in a plan to distribute some 8 tons of heroin in Russia. And these are just the incidents we know about; I do not doubt but that this is, as the Korean would say, *subak keot halkki*—just "licking the outside of the watermelon."

Despite this, since 1988 the United States has begun a process of establishing a limited relationship with

North Korea in an effort to draw that country out of its self-imposed isolation. The United States political counselor at our Embassy in Beijing has met dozens of times with his North Korean counterpart to discuss increased North-South dialog and a variety of other issues. However, since the early 1990's the DPRK's suspected nuclear weapons program has overshadowed all other issues.

Although a signatory to the Nuclear Nonproliferation Treaty, DPRK-ROK joint declaration on denuclearization of the Korean Peninsula, and an agreement with the International Atomic Energy Agency, North Korea is suspected of violating—and in some cases in known to have violated—all three. In late 1992, the IAEA discovered evidence that the DPRK has reprocessed more plutonium than it had disclosed. This worrisome because it may indicate that North Korea is reprocessing nuclear material for the purpose of developing military nuclear capabilities.

North Korea rejected a subsequent demand by the IAEA that it be allowed to inspect several nuclear sites to confirm or disprove its suspicions, and announced on March 12, 1993, its intention to withdraw from the NPT. The administration responded by initiating direct negotiations with the DPRK on the nuclear issue. Two meetings were held—one in New York in June 1993, and in Geneva in July of that year—at which time North Korea suspended its withdrawal from the NPT and agreed to negotiate with the IAEA and the ROK. The two governments also agreed to discuss the conversion of the North's nuclear reactors to light-water reactors—a reactor from which it is more difficult to manufacture weapons-grade nuclear material.

However, the DPRK continued to reject IAEA inspection of its facilities, and reneged on its promise to resume talks with the ROK. After several weeks of continued negotiations, in February 1994 the North eventually accepted the IAEA's suggested inspections. The administration agreed to suspend U.S.-ROK military training exercises for 1994 and begin a new round of talks in March as a quid pro quo for the North's agreement to implement the inspections and begin high-level negotiations with the ROK.

True to form, Pyongyang prevented the IAEA from completing the inspections and disavowed any obligation to begin talks with the ROK. As a result, the United States began discussions with members of the U.N. Security Council with an eye toward imposing sanctions on North Korea in order to encourage the DPRK to comply with its agreement. The North backed down, and completed the March inspection in May.

But before the United States could restart comprehensive negotiations, the North precipitated a new crisis in late May by removing some 8,000 spent fuel rods from its 5 Mw(e) Yongbyon reactor. The rods contained spent ura-

nium from which plutonium could be separated out through reprocessing. The DPRK allowed IAEA inspectors to be present, but prevented them from sampling any of the rods—a process that would have allowed the agency to determine whether prior to 1992 North Korea had removed enough fuel rods from the reactor to produce weapons-grade plutonium.

Revisiting what had become a familiar scenario, the United States called North Korea's bluff and announced that it would again seek U.N. sanctions against that country, and circulated a draft resolution among the members of the Security Council. When the DPRK learned that the People's Republic of China would not veto the resolution, it quickly resumed negotiations.

Over the ensuing months, the parties worked out a final agreement which was signed in Geneva on October 21, 1994. I will not go into any great detail about the specifics of the agreed framework as they were recently discussed at length in two hearings before the Senate Foreign Relations Committee. Although in the end I saw little alternative but to support the administration's deal, I will say that certain portions of it made me somewhat uncomfortable. Principal among those is the requirement that the United States supply North Korea with 500,000 tons of heavy oil annually until the first light-water reactor called for under the agreement is up and running. We agreed to supply the DPRK with this, and the two light-water reactors, in return for North Korea halting the development of its nuclear program.

I was not convinced at that time, nor am I now, that we got the best end of the deal. North Korea is receiving a shot in the arm that will go a long way toward forestalling what will certainly be North Korea's economic implosion. We, on the other hand, only received an intangible promise on the DPRK's part that I do not believe we have the means adequately to verify. Moreover, it was my view at that time that we had been too quick to reward a tantrum by a spoiled child, since such a move almost invariably results in another tantrum.

In the last week, I believe we have seen my views validated. During talks in Berlin last week the North Koreans demanded another \$500 million to \$1 billion as part of the bargain to which they had already agreed. In addition, they refuse to allow South Korea to supply the reactors as the United States has agreed. Considering their negotiating style, and the speed with which we have seemingly met their demands, this should not have come as any great surprise to anyone.

I believe that the administration will see this move for what it is, simply a ploy of brinksmanship, and dismiss it clearly and directly. But should that not be the case, let me be very clear on my position for the North Koreans, who appear to be confused as to our resolve in this area. I will not support

the provision by the United States of one scintilla more than is called for in the agreed framework without substantial concessions from the DPRK; nor will I accept any diminution of the central role that has been set out for the ROK. South Korea is making a huge contribution to implementing the agreement, and it is their national interest that is clearly most at stake. To accede to any demands by the DPRK in this regard is to assist it in its ongoing attempts to increase the United States-DPRK relationship at the expense of any North-South dialog.

Mr. President, I trust that the administration will resist this latest round of inane demands, and refrain from allowing the DPRK to use this issue to turn us into a cash cow. My subcommittee will be watching this area closely to ensure that it does so. I intend to hold a regular series of hearings to afford the administration the opportunity to keep us up to date on developments in this area.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of House Joint Resolution 1, which the clerk will report.

The bill clerk read as follows:

A joint resolution (H.J. Res. 1) proposing a balanced budget amendment to the Constitution of the United States.

The Senate resumed consideration of the joint resolution.

Pending:

Reid amendment No. 236, to protect the Social Security system by excluding the receipts and outlays of Social Security from balanced budget calculations.

Mr. HATCH. Mr. President, the problems I have already outlined in this debate are not the only objections I have to the proposed exemption. The attempt to insert a reference to a mere statute into the Constitution raises serious questions of constitutional and legal policy which argue against including such a reference.

This amendment exemption proposes to take particular statutes of the United States and graft them onto the Constitution of the United States. This is unprecedented. It may have the effect of giving future statutory enactments constitutional significance. In other words, this amendment seems to establish a sort of quasi-constitutional device whereby Congress and the President—or Congress alone if it overrides a Presidential veto—can do something of constitutional significance by enacting a mere statute.

This amendment would exclude from the general definitions of receipts and outlays in the balanced budget amend-

ment the receipts and outlays of the Federal old-age and survivors insurance [OASI] trust fund and the Federal disability insurance (DI) trust fund.

This amendment would constitutionalize the OASI and DI trust funds on the date of enactment and forever thereafter, however amended. This is no small point.

The entire Social Security Act has been amended hundreds of times. The key section that establishes the old age survivors insurance trust fund and the disability insurance trust fund, or title II of the Social Security Act, has been amended over 20 times, or about once every 3 years. The pace of amendment has increased in recent years. Twelve of these amendments have been made since 1980, or almost once per year.

This amendment is not restricted. There is no limit on the subject matter of future amendments. It will constitutionalize every program or policy that future Congresses add to title II, whether or not related to the original purposes of those trust funds.

Of course, the pace of amendments to title II will likely increase rapidly because this amendment provides an incentive for adding extraneous items: Once in title II, the additional receipts and outlays will be off budget and exempt from the strictures of the balanced budget rule.

Under this amendment, future amendments to title II may have constitutional significance. If this provision were added to the constitution, any amendment to title II, no matter how narrow or minute, would have some constitutional significance.

For example, section 201 of the Social Security Act was most recently amended on October 22 of last year by section 3(a) of the Social Security Domestic Employment Reform Act of 1994. Had the provision offered today been in the Constitution at that time, the language on this chart would have had some kind of constitutional significance. Just look at it:

Sec. 3(a) ALLOCATION WITH RESPECT TO WAGES.—Section 201(b)(1) of the Social Security Act (42 U.S.C. 401(b)(1)) is amended by striking “(O) 1.20 per centum” and all that follows through “December 31, 1999, and so reported,” and insert “(O) 1.20 per centum of the wages (as so defined) paid after December 31, 1989, and before January 1, 1994, and so reported, (P) 1.88 per centum of the wages (as so defined) paid after December 31, 1993, and before January 1, 1997, and so reported, (Q) 1.70 per centum of the wages (as so defined) paid after December 31, 1996, and before January 1, 2000, and so reported, and (R) 1.80 per centum of the wages (as so defined) paid after December 31, 1999, and so reported.”—P.L. 103-387, §3(a), 108 Stat. 4074-75, Oct. 22, 1994.

Could you imagine what that would mean to the Constitution?

This is not the sort of soaring language proclaiming broad and timeless principles we usually associate with the Constitution. But it is the kind of language that will be given at least quasi-constitutional status by this proffered amendment by those who are offering it. I would think anyone who

reverses the Constitution would want to avoid cluttering up the Constitution and the constitutional order by adopting this amendment and giving such legislative language some new para-constitutional status.

The language of the Reid amendment, like the slogans surrounding it, may look or sound simple, but it has extraordinarily complex implications. The amendment is short because it uses titles, but using simple labels does not simplify the legal ramifications.

This amendment refers to the Federal old-age and survivors insurance trust fund and the Federal disability insurance trust fund, but they, together with their legislative histories, take up some 300 pages in the United States Code. You can find it at title 42, United States Code sections 401-433. I am citing the 1988 edition and supplement V of 1993. There are also volumes of relevant judicial opinions and agency rules and adjudications which could be affected. This amendment's implications are a little clearer if restated with elaboration, as shown on this chart.

Again, is this the kind of constitutional language we want to put in the Constitution?

Look at this next chart:

The receipts (including attributable interest) and outlays of the Federal Old-Age and Survivors Insurance Trust Fund—

By the way, those are the receipts and outlays mentioned in the Reid amendment.

and the Federal Disability Insurance Trust Fund [comprising Title II of the Social Security Act, 42 U.S.C. Sec. 401(a)-(m), Sec. 402(a)-(x), Sec. 403(a)-(1), Sec. 404(a)-(e), Sec. 405(a)-(r), Sec. 405a, Sec. 406, Sec. 407, Sec. 408, Sec. 409, Sec. 410(a)-(q), Sec. 411(a)-(i), Sec. 412, Sec. 413(a)-(d), Sec. 414(a)-(b), Sec. 415(a)-(i), Sec. 416(a)-(l), Sec. 417(a)-(h), Sec. 418(a)-(n), Sec. 420, Sec. 421(a)-(k), Sec. 422(a)-(d), Sec. 423(a)-(i), Sec. 424(a)-(h), Sec. 425(a)-(b), Sec. 426(a)-(h), Sec. 426-1(a)-(c), Sec. 426a(a)-(c), Sec. 427(a)-(h), Sec. 429, Sec. 430(a)-(d), Sec. 431(a)-(c), Sec. 432, Sec. 433(a)-(e) (1988 ed.), as amended, where relevant, and comprising tens of thousands of words, together with all relevant judicial decisions and agency rules and adjudications, comprising millions and millions of words] used to provide old-age, survivors, and disabilities benefits shall not be counted as receipts or outlays for purposes of this article.

Additionally, title II of the Social Security Act is referred to in numerous other sections of title 42 of the United States Code, and it is also referred to in titles 2, 5, 7, 10, 12, 14, 22, 26, 29, 30, 38, 45, 49 appendix, and 50 appendix of the United States Code.

Mr. President, there are further complications raised by the drafting of this attempted statutory exemption. The drafters of the Reid exemption amendment have attempted to narrow the scope of their exemption from previous incarnations by adding an attempt at limiting language. This attempt to paper over the gaping, and hugely elastic loophole created by this amendment only serves to further clutter the constitutional subtext and confuse the