vote. Yet, time and again, as I mentioned earlier in my remarks, the House and the Senate voted on emergency disaster funds with overwhelming votes. The fact is that out of 14 occasions since 1978, all but 2 were passed by voice vote here in the U.S. Senate. They were passed by overwhelming votes in the House every time there was a recorded vote taken. And I have before me a resolution that passed on October 26, 1989, a joint resolution, by a vote of 97 to 1 here in the Senate. It provides specifically for funding for reconstruction of highways which were damaged as a result of Hurricane Hugo in September 1989 and the Loma Prieta earthquake of October 17, 1989. In fact, that section refers to the fact that the $100 million limitation contained in that section shall not apply to the expenditures with reference to the reconstruction of those highways in either one of those disasters.

The point is that time and time again the House and the Senate have demonstrated their compassion and their acknowledgment of the serious damage that has been done by the events beyond one's control. I think it is important to reference that.

I know the Senator was making reference to my comments about a simple majority the other night. I should remind the Senator that often I was reminded in my campaign about the midnight pay raise that occurred here in the U.S. Senate a few years ago. But it did occur in the dead of night. And it may have been off the budget. But no one was informed of the fact that vote was going to be taken. The point in all of this is that we have been on record in recognizing disasters and that we were willing to take the action necessary.

The Senator's amendment would really bypass and I think really render the balanced budget amendment ineffective by only requiring a simple majority—a simple majority—to waive the requirement of the balanced budget amendment. That is the issue here. We well know that this could easily circumvent the intent and the purpose of the balanced budget amendment.

Madam President, I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I know that sometimes in debate both sides might use overstatement. But I have to respond to this one. To say that this exception for disaster—by the way, there is already an exception in the balanced budget amendment. Let us not get away with not recognizing that—declaration of war. I assume that my friend fully supports that exception. I am sure she does because she supports the amendment as it is. There is an exception because, yes, in the dead of night we might declare war, and we do not want to see that a minority could stop us from funding that national emergency.

So let us not make it seem that the Boxer-Leahy amendment is opening up an exception in and of itself because it is not. What we are saying is in time of war, says the amendment, there is an exception to the three-fifths vote, the 60 votes. We agree. What the Boxer-Leahy et al., Senator FEINSTEIN, Senator JOHNSTON, Senator INOUYE, Senator AKAKA, and others are saying, sometimes our people are in deep trouble. Let us take a look at this.

This is deep trouble. There is deep water. They are trying to survive a hurricane. Guess what? That is a disaster too. People are killed, I say to my friend from Maine, in disasters as sure as people are killed in national emergencies that see us bringing home coffins from far away places. What we are saying is it is time to make sure that we do not take the Constitution that has worked so well and go back to the days of the Federalist papers, when the Articles of Confederation did not work so well—they were called radical—when we said we have to get a supermajority vote to act. We are saying no. We are not opening up an exceptions clause here. There already is an exceptions clause. This looks like a war, I say to my friend. This looks like war. So does this. So does this. So does this. It is a war on our people which comes from a natural disaster. We are saying let us not require a supermajority.

What I find amazing is that the argument is made over and over that it is easy to get these supermajorities. The fact is my colleagues are ignoring specific votes that just took place in which we failed to get a supermajority to help the people in the flood and we failed to get a supermajority to rebuild this freeway. So I am not making up some doom and gloom scenario. And my friends are ignoring a letter from the Republican leadership in the House saying—my friends, it is in black and white; it is in the RECORD; read it—they are not going to act on that emergency supplemental until they can figure out what they are going to cut in Maine, in Texas, in California, wherever they decide they are going to cut.

So my friend from Maine is engaging in a wishful thought when she says we will always respond, that it is easy to get 60 votes. I show her the RECORD. I show her in the RECORD. As a matter of fact, one of those was led by Senator DOLE. I think it is going to be very interesting when he comes to northern California. I am going to take him to see the Cypress Freeway. He led the fight not to fund it. I had to fight against Senator DOLE. That was hard. We won, though. We were able to make our case, despite his eloquence, that in fact this was a disaster and it needed to be funded. But I could not get 60 votes on that vote. What did I get? Fifty-two. So it was a bare two-vote majority. We could fix this freeway.

I see my friend from Hawaii has come on to the floor, a major sponsor of this amendment. I have a picture here to share with him from Hurricane Iniki in Hawaii. If this does not look like a war zone, what does?

I thank my friend from sponsoring the amendment. I would like to yield to him at this time.

Mr. INOUYE. Madam President, will the Senator yield?

Mrs. BOXER. I yield.

Mr. INOUYE. Madam President, the amendment by the Senator from California is deserving of most serious consideration because nature's work and God's work are unpredictable, for one thing. In the case of Hurricane Iniki, if that hurricane had proceeded just one-quarter of a degree to the west, it would have devastated the city of Honolulu. And the cost of that would have been astronomical. It would not have been $1 billion, $2 billion, or even $3 billion. It would have exceeded $50 billion. To suggest that this is not an unusual cost item would seem rather strange.

Thank you very much.

Mrs. BOXER. Madam President, I want to again thank the Senator from Hawaii. He is a leader in this U.S. Senate making sure that our country is prepared for defending itself. He is the ranking member on the Defense Appropriations Committee. And to have his support, his active support, is very meaningful to me as well as Senator AKAKA. Let me tell you why. They have seen the faces of the children and the old people and the young people and the families who get into these situations.

Madam President, it is my understanding that we are going to stop this debate momentarily and then come back after the conferences for lunch.

I ask at this time that I retain the balance of my time.

How much time remains on both sides?

The PRESIDING OFFICER. The Senator from California has 56 minutes and 21 seconds, the majority side has 15 minutes and 13 seconds.

Mrs. BOXER. Thank you very much, Madam President. I look forward to resuming this debate when we return from the caucus lunches.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 being 1 minute away, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:29 p.m., recessed until the hour of 2:15 p.m. Whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. COATS].

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The Senate continued with the consideration of the joint resolution.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, it is certainly my honor, under the previous order, to continue debating an amendment that I have offered on behalf of myself, Senator LEAHY, and several other Senators, which essentially would say that should the balanced budget amendment become part of the Constitution, in addition to a waiver for a declaration of war, where you would no longer have to have 60 votes to go out of balance but a majority vote, that you would add to that exception a federally declared, Presidentially declared, congressionally declared, natural disaster—an emergency.

I think it is very important because if you really look around the country, you can see that we really live in a country where we are at risk. If you look here on the chart, here are the earthquake risks. We can see them not just in the West, by the way, but here and all the way across. The tornado risks are centered here, some of these quite extreme in the smaller circle. The hurricane risks are here; some are noted over here and, of course, closer to the coast is a tremendous risk of hurricanes. On the entire west coast here, as well as the islands, the risk of tsunami, which is a terrible, overpowering wave that occurs because of an earthquake in the ocean floor.

So as we look at our Nation—the most beautiful Nation on Earth, the most prosperous Nation on Earth, the most wonderful Nation on Earth—we do have times when we have disasters, and if ever there was a time to pull together as one, it certainly would be during those times.

In the course of the debate this morning, there were those who said: Senator BOXER, you are totally right, we do have these problems, but there has not really been any time when the Nation has not responded and the Senate has not responded overwhelmingly, as well as the House. The truth is that there have been occasions where we have not received 60 votes to move ahead when there was earthquake rebuilding or, frankly, recovery from flood. I have documented that on at least two occasions in the Senate where we did not get 60 votes. We got 52 on one occasion and 54 on another occasion. Today I read into the RECORD excerpts of something from House Speaker NEWT GINGRICH and the leadership of the House which says very clearly that they are not interested in funding these emergencies off budget. In fact, they will not even consider funding them until they are offset.

What does this mean? It means that if there is a horrible disaster anywhere in our Nation—and it could occur anywhere—and if the view of the new Republican Speaker of the House prevails—and he seems to have the votes over there on everything he has done—there would have to be offsets, and you could not, in fact, take care of an emergency the way we have done it in the past.

I want to make it clear that in the past, under every single Budget Act we have had, we have always exempted emergencies. I think this is a very important point to make at this time in the debate.

The Republican-controlled Office of Management and Budget in 1990 said, in the budget summit agreement of 1990, that ''for a Presidentially declared emergency request for supplementals or regular appropriations bills, the across-the-board offset would not apply to the extent the fund requested by the President * * *.''

In other words, that is bureaucratic language to say that when a supplemental appropriation does come down to the Senate floor because we have run out of money for an emergency, it will not have to be offset, as everything else would have to be. In other words, if, in the middle of the budget year, a Senator comes down to the floor with a great new idea on how to teach our children and has a great grant program that he or she wants to put forward, that would have to be offset with spending cuts.

But, under the bipartisan agreement of that 1990 Budget Act and, as I stated before, agreed to by the Office of Management and Budget, which was a Republican Office of Management and Budget, emergencies would not have to have offsets.

Additionally, under Gramm-Rudman-Hollings, which amended the Budget Act, the same thing was true. There was an exception from ordinary budget rules and ordinary budget caps for disaster emergencies.

So, basically, the Boxer-Leahy amendment, which would give this constitutional amendment more flexibility, is actually in line with all the other budget laws.

One of my colleagues said today, in opposition, ''Well, Senator, your amendment would do violence to the balanced budget amendment.'' And I am quoting her, I think, directly. She said ''In the dead of night, you could come in here and, with a mere majority, take this budget out of balance.''

The fact of the matter is, in a bipartisan way, ever since the 1980's, we have been working with the assumption that when an emergency strikes, we would meet that emergency and not wait until we identified other parts of the budget to cut. Under the balanced budget amendment as it is before us, without the Boxer-Leahy amendment added, we would need 60 votes, my friends, to act in an emergency.

I want to go over these charts one more time. One of my colleagues will be arriving shortly, at which time I am going to yield him the floor.

This is a chart that shows the probable costs of future natural disasters, because many times we look back and we learn from history. And that is very important. What we learn from history now is we do not always get 60 votes to respond to a disaster. That is why I find this Boxer-Leahy amendment so important, because we would have been in big trouble if that 60-vote requirement had been before us.

But let me show you what is predicted here by the experts. Starting on the east coast, we are looking at class 4 hurricanes here in the Northeast. This looks like one is out of New Jersey and one is out of New York. These would impact on all these States here, up and down the Northeast, $45 billion here—that is the loss that would be incurred—$52 billion, a class 4 hurricane here in New Jersey; in Virginia, a class 5 hurricane, costs $33 billion. Remember, just because it starts here does not mean it does not impact the whole coast. It impacts the whole coast and I would say inland areas, as well.

In Miami, looking at another huge class 5 hurricane, $53 billion in losses; in New Orleans, a class 5 hurricane, $25 billion; in Texas, a class 5 hurricane at $42 billion.

Centered in Memphis—it is interesting because people think about earthquakes being a California phenomena—one of the largest predicted earthquakes in the future, 8.6 on the Richter scale, $69.7 billion, is centered in Memphis, again affecting all these midsection States.

And in Seattle, a 7.5 earthquake—something else that is not really thought about, the Northwest, an earthquake here; a predicted earthquake in San Francisco, in Los Angeles; in Honolulu, a class 4 hurricane.

So we see, these are just the biggest, most expensive disasters.

I want to point out to my friends that in fact, every single State in the Union, according to a report that I read into the RECORD, is subjected to floods—floods that could be very, very damaging.

So I say that the Boxer-Leahy amendment, which has many cosponsors at this point and gaining all the time, speaks to an issue that is of great import to the entire Nation. Again, there is a change in atmosphere now. That is why this amendment is so important.

We have the Speaker of the House, the new Republican Speaker, proudly sends a letter, saying to the President, ''Do not bother sending up an emergency supplemental''—by the way covering 40 States, 40 States that need this money in the emergency supplemental—''unless you cut spending elsewhere.''

Now, all of us want to be fiscally responsible. I cast one of the toughest votes of my life when I voted for the deficit reduction bill. The fact of the matter is it passed by one vote and, as a result, we have cut the deficit in half from where it was supposed to be. That was a tough vote.

The balanced budget amendment vote, that is an easy vote. That is an easy vote. You are not voting to cut anything. You are just going to go home and tell your constituencies that you are a fiscal conservative.

Well, I think the question Americans have to ask, and I think they need to ask, their Senator and their Congressperson is this: ''Do you vote for an amendment to the Constitution that is going to take effect in 2002 if the States ratify it?'' Or, ''Do you have the guts and the courage to vote to cut spending now?'' And, ''Are you going to vote for an amendment that ties the hands of the Federal Government to respond to ensure domestic tranquility?'' Which is so important it is in the preamble to the Constitution.

And do you have domestic tranquility when you have situations like this?

Hurricane Hugo in South Carolina. You can see the faces of these victims. The Cypress Freeway in Oakland, which, by the way, we could not get 60 votes to fix. So unless Boxer-Leahy passes, the Cypress Freeway could have remained this way.

Look at this, Hurricane Andrew in Florida. It looks like any war zone you could imagine.

And the beautiful blue sky of Hawaii, look at what was once a beautiful home after Hurricane Iniki.

These are times when you want to help people, whether you are from Indiana or California or anywhere else.

I will show you some more photos. The flooding in the Midwest. They cannot even take their eyes off it, because they cannot believe here right in front of their house they are knee deep in water. The Northridge earthquake, where a police officer, rushing to help people, did not realize the freeway was down and lost his life, one of the first lives lost there.

Mount St. Helens in Washington; and the Houston, TX, floods. It almost looks like—it actually looks like a bomb dropped on this House. We need to be able to respond to that.

So, Mr. President I see that my friend, my adviser, my colleague from West Virginia is here. I know he wishes to speak on this amendment. I would ask him if he is prepared at this time to begin.

Mr. BYRD. I am.

Mrs. BOXER. I am prepared to yield to him as much time as he might consume, just assuring that we do save 5 minutes. If he does intend to take that much time, that is fine with me. I just want to make sure 5 minutes are reserved to close.

At this time, I am very honored to yield to my colleague, Senator BYRD.

The PRESIDING OFFICER. The Senator from California yields all her remaining time, with the exception of 5 minutes, to the Senator from West Virginia.

Mr. BYRD. Thank you, Mr. President. I thank my friend from California, Senator BOXER, for yielding to me at this time.

Mr. President, mankind has always been plagued with floods, famines, droughts, plagues, and other pestilences of one kind or another, which we refer to ordinarily as acts of God or natural disasters.

The first flood for which there is any record was that which is chronicled in the Book of Genesis, when God caused it to rain 40 days and 40 nights upon the Earth.

The hills and mountains were covered, and all flesh died that moved upon the Earth, both of fowl, and of cattle, and of beast and of every creeping thing that creepeth upon the Earth and every man. All in whose nostrils was the breath of life, of all that was in the dry land, died. Only Noah remained alive, and they that were with him in the ark; namely, his wife and his three sons—Shem, Ham, and Japheth; and his sons' wives.

The first fire that I found recorded was the fire that was rained upon the cities of Sodom and Gomorrah. God destroyed those cities with fire out of Heaven, and he destroyed all the plain and all the inhabitants of the cities and that which grew upon the ground. Only Lot, his wife, and two daughters were spared destruction in the fire, and Lot's wife later was turned into a pillar of salt because she disobeyed God's warning.

The first famine of which I can find any record occurred in Egypt, and it was 7 years of duration. Joseph opened all the storehouses. The famine was sore in all lands.

Most of us are familiar with the plagues of Egypt during the sojourn of the Israelites in that country. The Israelites came into Egypt somewhere between 1,700 and 2,100 years before Christ, and their sojourn lasted 430 years. We have long been familiar with the plagues in Egypt which were chronicled by Moses, the author of the Pentateuch, the first five books of the Bible—Genesis, Exodus, Leviticus, Numbers, and Deuteronomy. The waters were turned to blood, and all fish in the river died. There were subsequent plagues of frogs, lice, flies, a plague on all cattle, the plague of boils on human beings, and the plagues of hail, locusts, and darkness, followed by the deaths of the first born.

The first tidal wave of which I can find any record was the tidal wave in the midst of the Red Sea which covered the chariots and the horsemen and all the host of Pharaoh that came into the sea in their attempt to overcome and subdue the Israelites who were being led by Moses, and there remained not so much as one of them.

As to earthquakes, I turned again to that history of all histories, the Bible. There was the earthquake which occurred when Elijah fled from Jezebel, and while Elijah stood upon a mountain, the Lord passed by and a great and strong wind rent the mountains and broke in pieces the rocks, and then the earthquake occurred. In the Book of Amos and also in the Book of Zechariah, we read of the earthquake which occurred in the 27th year of Uzziah, King of Judah. Josephus says that this earthquake was so violent as to divide a mountain in half, which lay to the west of Jerusalem.

Subsequent such disasters have occurred in our own times. There was the great Galveston, Texas, tidal wave in 1900. Charleston, South Carolina, suffered an earthquake in 1886, when most of the city was destroyed, and we have heard of the great San Francisco earthquake of 1906, about which songs have been written.

History tells us of the Black Death of the Middle Ages, a very, very virulent form of plague that ravaged Asia and Europe in the 14th century. It raged in England during the years 1348–1349, and again in 1361–1362, and again in 1368–1369 causing a mortality in some places probably as high as two-thirds of the population.

There was the Great Flood of 1927—that was the year in which Lindbergh flew across the Atlantic in the Spirit of St. Louis. He flew 3,600 miles in 33½ hours. He carried five sandwiches with him and ate 1½ of them. Sometimes he was 10 feet above the water, and sometimes he was 10,000 feet above the water. And as he took off and flew over Cape Breton, those with powerful glasses, according to the New York Times, could see the number 211 on that little plane which carried a load of 5,500 pounds.

Nineteen hundred and twenty-seven was also the year in which I first saw a radio. I was living in a coal mining community in southern West Virginia, a community named Stotesbury, and my foster father, a coal miner, had promised me that on that occasion we would listen to the second Dempsey-Tunney prize fight and we would listen to it on the radio. So, we walked about a mile from where I lived in the upper end of the coal mining community, down the road, to what we referred to as the community grill, where one could buy a bottle of Coca-Cola, if he had a nickel. And there, upon that occasion, upon that night—I can see it as though it were last evening—there was Julius Sleboda, the operator of the community facility, and there were a group of men and boys—I do not recall any ladies being there—they were gathered around waiting to hear the fight.

Jack Dempsey was my idol when I was a boy. I was 10 years old at that time. I am still a boy, but I am 77 years old now. So, I stood there with open eyes and open ears and open mouth waiting to hear Jack Dempsey put Gene Tunney out of the ropes and into the floor with the crowd. But it did not happen. I went away that night a disappointed lad. I was disappointed because Jack Dempsey did not win the fight and I did not hear the radio. There was only one set of earphones. And so Julius Sleboda listened to the fight. He wore the earphones. The rest of us could not hear it. Finally, the general manager of the operation came into the grill, and he was Mr. C.R. Stahl. He took the earphones from Julius and put them on, and he gave to us

a blow-by-blow description of one of the greatest fights of all times.

So that was 1927, and in that year there was a great flood that overflowed the Mississippi from Cairo, IL, to the Gulf of Mexico.

Then came 1937. That was the year in which I married my high school sweetheart. We were still in the throes of the Great Depression. And speaking of my high school sweetheart, there was a boy in my class by the name of Julius Takach. His father had a grocery store down at Ury, commonly called Cook Town in Raleigh County.

Every day when Julius came to school, he would fill his pockets with candy and chewing gum from his father's grocery store. He would hand out the candy and chewing gum, and I made it a point, Mr. President, to be the first always to greet Julius when he arrived at the schoolhouse door. He would give me some candy and chewing gum, and I did not chew the gum or eat the candy, may I say to my colleague, Senator HATCH. I always waited until the class had changed and gave the chewing gum and candy to my sweetheart, Erma James.

If I may advise some of these youngsters around here, that is the way you court your girl—with another boy's bubble gum! And it stuck, as you see. I am still married to that same girl now 57 years later. And the Good Lord willing, if we can live another 3 months from the 29th of this month, then we will have been married 58 years.

Well, in 1937, the Ohio and the Mississippi Valleys were overrun by the rivers; 400 people died, 1 million were left homeless, and $500 million worth of property destroyed. That was $500 million in 1937. So one might imagine what it would be now.

In the Book of Matthew, we were told by Jesus that ''Ye shall hear of wars and rumors of wars * * * there shall be famines and pestilences and earthquakes in divers places.''

He knew what he was talking about. We have had them 2,000 years later, throughout the 20 centuries, and we will continue to have them.

In just the last few years the Congress has appropriated billions of dollars for disasters caused by fires, floods, hurricanes, earthquakes, and drought right here in our own country.

Mr. President, no one except the Almighty has any control over the timing, the frequency, or the magnitude of such natural disasters. They sometimes seem to come just in batches. Who is to say we will not have more frequent and more costly natural disasters in the coming years? No one can say. What will the next earthquake cost in terms of damages and lives, the destruction of buildings and towns and cities, highways, railways? When will it occur? Where will it occur? No one can say. They cannot be anticipated by the Office of Management and Budget. OMB cannot tell us when there will be an earthquake, a flood, a drought, a fire, a hurricane, a tornado, a cyclone. They cannot be predicted by any Senate committee. Their cost cannot be forecast in any State of the Union Address prior to their happening. They cannot be budgeted for in advance with any accuracy. That is why it is so important we provide a means to quickly pay for the costs of natural disasters. We have to protect the victims and the area economies from the devastation.

Now, this chart to my left sets out a number of natural disasters that have occurred in the United States during the last 15 years.

The Mount St. Helen's volcano eruption, which occurred in May 1980, required appropriations totalling $1,015,337,000. Hurricane Hugo occurred in September 1989 and the budget authority and loan authority amounted to $2,826,522,000. It wreaked havoc along the Atlantic Coast. And who paid the bill? The Federal taxpayers, as I say, were called on to provide more than $2.8 billion for needed assistance to the victims who had lost their jobs, their homes and their livelihoods.

Also, in 1989, we had the Loma Prieta earthquake, for whose victims Congress appropriated $3,027,155,000. Then we were spared further major disasters until the summer of 1992 when we suffered the destruction from both Hurricanes Andrew and Iniki and Typhoon Omar which required appropriations of $10,449,513,000. That is a lot of money—$10,449,513,000. In 1993, we had the terrible floods of the Mississippi, for which $6,886,433,000 has been appropriated. And finally in January 1994, we had the Northridge earthquake which required $10,127,583,000 in Federal appropriations.

Mr. President, our Nation has responded immediately to each of these natural disasters with the enactment of emergency appropriations bills to help their victims and to restore the devastated communities which resulted from each of these freaks of nature. We had to act quickly.

I was chairman of the Appropriations Committee at the time we appropriated the moneys for Hurricane Hugo, at the time we appropriated the moneys for the Loma Prieta earthquake, at the time Congress appropriated moneys for Hurricanes Andrew and Iniki and Typhoon Omar, and, of course, I was chairman and brought the emergency supplemental appropriations bills to the floor to deal with the Mississippi flood in 1993 and the Northridge earthquake in 1994. We responded quickly, and my distinguished colleague, Senator HATFIELD, who was the ranking member at that time, who is now the chairman of the Appropriations Committee, and his colleagues on the Republican side, responded quickly, and we worked together and brought these bills to the floor to give help.

We could not afford to wait until we could have a long debate about which areas of the budget to cut in order to fully offset these unanticipated costs. Can you imagine the outcry if the Senate became mired in debate for weeks or even months about how to offset the costs of a natural disaster, while victims were left to twist in the wind and drown in the swirling waters while local economies perished? That is exactly what could happen if the balanced budget amendment to the Constitution ever becomes part of the national charter.

It was precisely to avoid such delay and such misery that emergency funding was exempted by statute from any requirement for funding offsets. We made that decision at the budget summit in 1990 during the Bush administration, that such disasters would be provided for by emergency funds that would be exempted from any requirement for funding offsets. But this is no loophole for frivolous spending. To qualify for this exemption, appropriations for emergencies must meet certain requirements; namely, such funding must be:

A necessary expenditure—An essential or vital expenditure, not one that is merely useful or beneficial;

Two, such funding must be for an emergency that has occurred suddenly—quickly coming into being, not building up over time;

Also, it must be urgent—pressing and compelling need requiring immediate action.

We are talking about what qualifies for the designation ''emergency.''

It must have been unforeseen—not predictable or seen beforehand as a coming need (an emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, would not be ''unforeseen''). So it has to be unforeseen.

And it must not be permanent—the need is temporary, it is urgent, it is necessary, unforeseen, and it is not permanent in nature.

In addition, as I have previously stated, to qualify as emergencies, appropriations must be so designated by the President and by Congress. They must agree on designating the appropriation as an emergency. So it has to be designated in law, passed by Congress.

To further emphasize the utter confusion we will face if the balanced budget amendment is enacted, let us examine more closely the funding requirements for such unforeseen emergencies and natural disasters.

Specifically, section 251(b)(2)(D) of the Budget Enforcement Act reads as follows:

> Emergency Appropriations.—(i) If, for any fiscal year, appropriations for discretionary accounts are enacted that the President designates as emergency requirements and that the Congress so designates in statute, the adjustment shall be the total of such appropriations in discretionary accounts designated as emergency requirements and the outlays flowing in all years from such appropriations.

This very important provision of law allows us to quickly respond to natural disasters such as earthquakes, floods, hurricanes, typhoons, and forest fires. It enables the President and Congress

to provide emergency funding for the victims of such disasters expeditiously, without having to find funding offsets from other programs.

We do not have time to tarry around. We do not have time to wait and to quibble. The people who have been hit with these sudden terrible disasters need help.

It enables the President and Congress to provide emergency funding for the victims of such disasters expeditiously, without having to find offsets from other programs.

Mr. President, as Senators are aware, the constitutional amendment to balance the budget now before the Senate does not include any such exemption for emergencies and natural disasters.

That is what the very distinguished and eloquent Senator from California, Senator BOXER, is concerned about. She is trying to correct that by offering the amendment which is at the desk.

But we are told by the proponents not to worry. ''Don't worry, be happy,'' they say. They claim that surely we will be able to muster the 60 votes necessary to waive the balanced budget requirements of this amendment for such important things as earthquakes and fires and hurricanes and droughts, tidal waves, and floods. Indeed, one such proponent has even stated that he has researched the past votes of the House and Senate on funding for natural disasters and found that those emergency appropriation bills passed by larger margins than the 60-percent supermajorities required under the balanced budget amendment. Are we, therefore, to conclude that, indeed, Congress would follow that pattern in every case in the future and thereby we could expect to continue to be able to exempt funding for natural disasters from the balanced budget amendment requirements?

I wish that I could share that kind of optimism. However, I have, I believe, good reason to question his conclusions.

As my colleagues are aware, last Monday Congress received President Clinton's budget request for fiscal year 1996.

There is a part of the President's budget upon which Congress has been asked to act immediately. That part of the budget is the President's request for 1995 supplemental funds for emergencies for defense totaling $2,557,000,000 and for FEMA disaster relief totaling $6,700,000,000. The FEMA request, Mr. President, is to enable the President to continue to meet the continued funding needs of some 40 States in connection with disasters which have already occurred.

For the Northridge earthquake, which occurred on January 17, 1994, and devastated southern California, affecting over 700,000 people and 120,000 structures, including schools, hospitals, municipal buildings, and private residences, the President is requesting an additional $4,865,603,000. Remember now, this is 1 year later and the costs are still coming in.

The balance of the request is to fund and complete projected requirements from previously declared disasters in at least 40 States; and ensure that adequate funds are available to address future disaster assistance requirements during the current fiscal year that already well exceed FEMA's 1995 disaster relief fund appropriation of $320 million.

I ask unanimous consent that this statement which deals with the FEMA disaster relief fund and indicating the States and territories affected, and the additional requirements for each State and territory, be printed in the RECORD at this point.

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

FEDERAL EMERGENCY MANAGEMENT AGENCY DISASTER RELIEF FUND

[Dollars in thousands]

	Number of States	Additional requirements
State/territory		
Alabama		$2,683
Alaska		947
Arizona		54,978
Arkansas		2,019
California		5,286,240
Florida		7,576
Georgia		10,479
Hawaii		40,575
Illinois		47,491
Indiana		1,155
Iowa		34,663
Kansas		5,518
Kentucky		201
Louisiana		948
Maine		720
Maryland		788
Massachusetts		4,598
Michigan		449
Minnesota		13,570
Mississippi		1,647
Missouri		15,384
Montana		902
Nebraska		16,285
New Hampshire		368
New Jersey		18,757
New Mexico		804
New York		60,338
North Carolina		1,050
North Dakota		5,526
Oklahoma		856
Oregon		10,394
Pennsylvania		2,336
Rhode Island		665
South Carolina		3,301
South Dakota		8,911
Tennessee		3,074
Texas		111,794
Utah		50
Virginia		435
Washington		14,049
Subtotal, States	41	5,791,924
District of Columbia	1	196
Territories		
Guam		2,760
Micronesia		11,309
North Mariana Islands		299
Puerto Rico		14,537
Samoa		19,716
Virgin Islands		21,254
Subtotal, territories	6	69,875
Total, States and territories	48	5,861,995

Mr. BYRD. Mr. President, in past years, we have been able, on a bipartisan basis, to quickly enact emergency appropriations for such important disaster relief efforts. We do this in order to get needed relief to the victims of such natural disasters as quickly as we can, even though we fully recognize that we will often have to add more funding later, once the full extent of the damage caused by each earthquake, flood, hurricane, and so on is known. That is the purpose of the President's latest $6.7 billion emergency FEMA request.

I am sorry to say, Mr. President, that the new leadership of the House of Representatives has now taken a position that these emergencies should no longer be exempt from funding offsets. I have here a letter to the President, dated February 7, 1995, on the stationery of the Speaker of the House, which I will read into the RECORD.

Here to my left is a replica of the letter addressed to the President on February 7, 1995, by NEWT GINGRICH, Speaker of the House, RICHARD ARMEY, the majority leader of the House, JOHN KASICH, chairman of the House Committee on the Budget, ROBERT LIVINGSTON, chairman of the House Committee on Appropriations, and the letter reads as follows. It is written by the Speaker of the House of Representatives, as all who view the charts can see. So I will read the letter:

DEAR MR. PRESIDENT: The Fiscal Year 1996 budget which you transmitted to Congress contains an additional $10.4 billion in supplemental budget requests for Fiscal Year 1995. Your budget submission further reflects only $2.4 billion in rescissions and savings for FY 1995. Most of these requests are for emergencies.

The House Appropriations Committee will proceed to review and act on these requests. But highest priority will be given to replenishing the accounts in the Department of Defense badly depleted by contingencies in the Persian Gulf, Somalia, Rwanda, Haiti and other activities. The committee in the House in turn will act only after offsets for these activities have been identified.

However, we will not act on the balance of the request until you have identified offsets and deductions to make up the balance of the funding. Whether these activities are emergencies or not it will be our policy to pay for them rather than to add to our already immense deficit problems.

We, therefore, ask you—

Meaning you, Mr. President, the President of the United States—

to identify additional rescissions as soon as possible so we can move expeditiously on your supplemental request.

Mr. President, unless I misunderstand the intent of this letter, it lays down a marker that its authors do not intend to even consider funding the $6.7 billion in emergency FEMA disaster relief funding until the President recommends offsets.

Could this mindset with the likely impact of a constitutional amendment to balance the budget and I believe what emerges is a nation which may be totally unable to help its people at a time of national disaster.

Imagine that! Another California earthquake occurs, a flood in Iowa, a hurricane in Georgia or South Carolina, thousands of homeless children injured, death, devastation, sadness, whole communities wiped out and the response of the Nation is, tough luck! Never mind the misery. Never mind the sadness. First things first, And first things first means we will have to find

a way to pay for every dollar, offset every dollar, before we lift a finger to help the victims.

Where is the Christian brotherhood in that approach?

Oops, sorry Mr. and Mrs. Taxpayer. The hurricane in Florida will actually cost us $10 billion instead of $5 billion so we are out of budget balance and you owe us some more money for last year's tax bill. Or do we just say, tough it out Florida? We cannot afford the hurricane bill. Maybe you could petition Japan for a little disaster assistance.

Because of its ill-crafted, rigid inflexibility, I believe that this budget amendment will have us careen from budget crisis to budget crisis.

Think of what the Desert Storm conflict could have done to our budget situation. We began the military deployment in August 1990, I believe. It was never a declared war. We do not declare wars any longer. But, it was certainly a hotly debated issue here in the Senate. We were out trying to rustle up dollars from our allies in order to help pay for that action, and we did not know until the conflict was nearly over to what extent our costs would actually be reimbursed by contributions from our friends and allies. Even though we were reimbursed, it was necessary for the United States to pay for substantial costs at the outset of the deployment.

The full cost of Desert Storm was unknown for months, for the very good reason that it was impossible to predict how difficult the conflict would be and how long it would last, how easy it would be for us to prevail, what our casualties would be, how well the coalition would work together, and other variables which are always uncertainties in any armed conflict. Can we be sure that future important international involvements, undeclared wars, but important military actions, can be declared a threat to national security by a joint resolution adopted by the whole number of each House? That is talking about a majority of the whole number of each House.

How in the world are we ever going to know what conflicts we are going to be able to afford in the future? First, we will have to be sure that we can waive the provisions of this amendment by having a serious threat to national security declared by a joint resolution and adopted by a majority of the whole number of each House, which becomes law. How will the Department of Defense ever be able to adequately plan? Will our allies ever again rest easy knowing that we may have to hedge on our commitments to them because of uncertainty about our financial ability to fully engage our forces in their behalf? How will we ever be sure that we can come up with the money should the fiscal year have ended in the middle of a conflict, and the costs had thrown the budget badly out of balance?

Suppose the conflict became unpopular after it had begun and support for paying to complete U.S. responsibilities had ebbed. Talk about a bouncing ball of fiscal uncertainty. We could become unable to be certain of our ability to handle any emergency either abroad or at home.

In a perfect world, there are no uncertainties. In a perfect world, storms do not rage, famine and drought never occur, and all inconvenient problems abroad end before the close of the fiscal year with money left over to pay the bills.

But we do not live in a perfect world. We live in a dangerous, crisis-ridden, unpredictable world, and we will rue the day that we handcuff our fiscal policy to the fallacies and flaws of this most imperfect and thoroughly misguided balanced budget amendment.

Mr. President, I ask unanimous consent that a letter to the President from the House Republican leadership be printed in the RECORD.

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

HOUSE OF REPRESENTATIVES,
Washington, DC, February 7, 1995.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: The Fiscal Year 1996 Budget which you transmitted to Congress contains an additional $10.4 billion in supplemental budget requests for Fiscal Year 1995. Your budget submission further reflects only $2.4 billion in rescissions and savings for FY 95. Most of these requests are for emergencies.

The House Appropriations Committee will proceed to review and act on these requests. But highest priority will be given to replenishing the accounts in the Department of Defense badly depleted by contingencies in the Persian Gulf, Somalia, Rwanda, Haiti and other activities. The Committee and the House in turn will act only after offsets for these activities have been identified.

However, we will not act on the balance of the requests until you have identified offsets and deductions to make up the balance of the funding. Whether these activities are emergencies or not it will be our policy to pay for them, rather than to add to our already immense deficit problems.

We therefore ask you to identify additional rescissions as soon as possible so we can move expeditiously on your supplemental requests.

Sincerely,

NEWT GINGRICH,
Speaker of the House.
JOHN KASICH,
Chairman, House Committee on the Budget.
RICHARD ARMEY,
Majority Leader of the House.
ROBERT L. LIVINGSTON,
Chairman, House Committee on Appropriations.

Mr. BYRD. Mr. President, I congratulate the distinguished Senator from California, Senator BOXER, for offering this amendment. I support her amendment, and I hope if there is a motion to table the amendment, that motion will be rejected.

I return any time I may have remaining to Senator BOXER.

Mrs. BOXER. Mr. President, how much time remains on each side?

The PRESIDING OFFICER (Mr. THOMPSON). The Senator from California has 9 minutes and there are 15 minutes remaining on the other side.

Mrs. BOXER. I ask my friend, does he have anything to contribute? I would like to, first, if it is all right, yield 4 minutes to my friend from Arkansas at this time and I will retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Arkansas [Mr. BUMPERS] is recognized.

Mr. BUMPERS. I thank the Senator from California for yielding me 4 minutes. Let me preface my remarks by saying I will never forget this. I had been Governor of my State I guess about 3 months. Arkansas is part of what we call ''tornado alley.'' We have a terrible tornado in Brinkley, AR, and my staff said, ''You have to go over there.'' I said, ''They would think I was trying to politicize their plight.'' They said, ''You do not understand it; they are desperate and they want to see authority figures. They want to know somebody is going to help them.'' They finally talked me into going, even though I thought it was a political thing to do. I never failed to go immediately to every flood and tornado after that, because when those people saw me, they crowded around me and wanted me to hear their stories, wanted me to assure them that everything was going to be all right. It was one of the most gratifying things I ever did in my life.

Senator BOXER's amendment is the exemplification of simplification. It just simply says that if we have a big disaster in this country, by a majority vote—and who could quarrel with that? By a simple majority vote, we can spend the money to alleviate the terrible plight of people in California, southern California or northern California, who had been hit by a terrible earthquake; or we can cover 10 States in the Midwest, whose homes, farms, cities had been wiped out. Can you not just see us sitting here and people dying, water washing their homes away and saying: Well, we tried. We got 59 votes but we just could not quite cut the mustard. You people just do the best you can.

How silly can you get? That is not what this country is made of. I admit that a flood in Arkansas gets my attention more than a flood in West Virginia or California. You know, some day, if you look at this map, you will see that the New Madrid fault in Northeast Arkansas is one of the most dangerous areas in the United States. The maximum risk of earthquake is along the New Madrid fault. The Presiding Officer knows where it is because Tennessee is part of it, too. To sit here and say that, in the interest of killing every single amendment, we are going to kill this one, too, and we are not

going to allow a simple majority vote in the Senate to determine whether we are going to help American citizens who through no fault of their own have been decimated, it would be the height of irresponsibility to vote to table an amendment as well conceived and sensitive as this one is.

So, Mr. President, I applaud the Senator from California for offering the amendment. I am very pleased to cosponsor it, to vote for it, and I hope the people who walk in this Chamber in about 15 minutes will not just vote that knee-jerk vote we have been watching ever since we started this amendment, but stop and reflect. If you cannot go home and tell the people of your State that you voted for this because you want to take care of them in case of emergency, you do not deserve to be here.

I yield the floor.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania [Mr. SANTORUM] is recognized.

Mr. SANTORUM. Mr. President, I yield myself such time as I may consume. I wanted to make a couple of comments about some of the arguments that have been made today with respect to this amendment. I think it is a good amendment in the sense that it brings the very important issue to light of how we will deal with natural disasters under the strictures of the balanced budget amendment.

I will first state that we have 7 years before we have to get to a balanced budget. And during the first 6 years, there are no strictures at all placed on either body, other than the ones now in place with respect to the Budget Act, to passing supplemental emergency appropriations bills. For the first 6 years, we are pretty much under the same rules we have been, which I see as an opportunity, as Senator SIMON suggested, with respect to the overall budget, but I think even more particular with respect to emergency appropriations, for us to be able to build up reserve funds over the next 6 years, specifically targeted for this kind of emergency. We know emergencies will occur. We have had votes on emergency supplementals just since my election in 1990 to the House. We have had 16 such votes in the House and Senate. Under the 1990 Budget Act, which put in a high hurdle to get an emergency supplemental appropriation passed, we have done that. I think what we should do is understand that emergencies will occur and we should set aside some funds to be available for that purpose. We have 6 years between now and the year 2002 when we have to get to the balanced budget to accumulate money in that account.

So I suggest that that might be an effort that the Senator from California and others from other States who are subject to more natural disasters than other States would work on and hopefully implement.

The other point I wanted to make is with respect to the margin with which all of these supplemental appropriations since the 1990 Budget Act have passed. We have had 16 such votes in the U.S. Senate. All 16 passed with greater than a 60-vote margin. Every single one of them would have passed under the constitutional amendment that we are now considering, which requires a 60-vote margin here in the Senate, requires three-fifths.

All of those would have passed here and we would have, in a sense, waived the constitutional requirements for a balanced budget here in the Senate. All but two would have passed in the House of Representatives. The only two that would not have passed is one having to do with the Los Angeles riots; and it was a very controversial aid package because of some of the measures that were put in it, controversial measures that were put in for the city of Los Angeles. I do not think anyone had any problem with providing financial assistance to the riot-torn areas of Los Angeles, but there were some measures that were included that caused some controversy; but that was a close vote, relatively close. The other had to do with extension of unemployment benefits in 1993, which was a relatively close vote in the House.

Both of which, I think you can make the argument with respect to some of the pork that was in the Los Angeles riot bill and the need in 1993 when in the middle of the President's debate on passing his deficit reduction package that we were going to throw more money to unemployment benefits without paying for it, both had legitimate reasons for objections in the House.

But I think it just goes to show you that when this country, when this body and the other body is faced with a natural disaster, such as the earthquake that Senator BOXER has been referring to, we stepped to the floor and in overwhelming numbers passed the disaster assistance.

I will refer to the Northridge, CA, earthquake last year, the disaster in 1994, 337 to 74 in the House and 85 to 10 in the Senate. The Midwest flood, a flood in the Mississippi River and other rivers in the Midwest, 400 to 27 in the House, and it was voice voted in the Senate, which shows fairly unanimous support here in the Senate.

When the disasters are serious, when people are in need, we understand we have an obligation to respond to that and we do in overwhelming numbers. We do not need an amendment to this constitutional amendment to solve this problem. We will solve it on our own and we have met and will continue to meet the expectations of the public when such disasters occur to this country.

So, while I support the intention of the amendment of the Senator from California, I think it is unnecessary. And I believe if it truly is a disaster the House will go ahead—they do not have a supermajority provision right now; they can pass bills over there with a simple majority. Here in the Senate, we, in a sense, have a supermajority requirement already. We have filibusters here and we have cloture votes. Most legislation around here, if it is somewhat controversial, has to get that 60-vote requirement to pass. And so we already have what the constitutional amendment would require of us here in the Senate.

Really, all this constitutional amendment does is put a little higher burden on the House. And I do not think that is a bad idea. I think, in fact, it may screen out some ''emergencies,'' like some of the ones I described here, make those bills that respond to those emergencies be cleaner and directly targeted to the aid, as opposed to Christmas treeing it with a whole bunch of other projects that Members of the Senate and House may want to attach.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. How much time do we have remaining?

The PRESIDING OFFICER. Eight minutes and forty-five seconds.

Mr. HATCH. Mr. President, I really appreciate the comments of my distinguished colleague from Pennsylvania. He spoke great truth here. He has made it very clear why this amendment needs to be defeated.

Naturally, I am opposed to this amendment, because it is one more proposed loophole to the balanced budget amendment.

As the distinguished Senator from Pennsylvania said, and Senator CRAIG and Senator SNOWE demonstrated this morning when they reviewed congressional votes in recent years approving various disaster relief measures, Congress has never been reluctant to approve, by overwhelming margins, emergency relief for Americans suffering the effects of natural disasters—never. The balanced budget amendment is not going to stop Congress from continuing to do that, and so there is no need for this amendment.

But the amendment that the distinguished Senator from California sincerely is putting forth here actually would open a loophole as wide as a barn for any kind of spending program to go through.

House Joint Resolution 1 would not deprive the Congress of the ability to continue to respond to such emergencies, since it already contains a mechanism for dealing with fiscal emergencies.

First, when the balanced budget amendment goes into effect, implementing legislation can address the prospect of unexpected developments. It can set aside a contingency fund, available for use in such emergencies, as part of a balanced Federal budget.

Second, in drafting the balanced budget amendment, the authors have anticipated the possibility of sudden and unexpected emergencies, such as

natural disasters, requiring prompt action by the Congress and the Federal Government to provide needed relief to disaster victims or people who suffer from disasters.

For that reason, the amendment already includes mechanisms which give Congress the flexibility necessary to respond in emergencies by providing relief to disaster victims:

Under section 1 of the amendment, three-fifths of both Houses can vote a specific excess of outlays over receipts.

Under section 2 of the amendment, the Congress, by three-fifths vote of each House, would have the power to increase the debt limit where necessary in order to provide emergency relief and assistance in the wake of any natural disaster.

The amendment proposed by our friend from California, however, does not simply create a mechanism by which Congress, reacting to a sudden and unexpected emergency, may waive the debt limitation provision of the balanced budget amendment in order to provide emergency relief to disaster victims.

Let us be very clear about this. What is being proposed in this amendment is not a waiver for emergency disaster relief only. Read the fine print. Senator BOXER's amendment provides that in any money, even $1, is spent ''as a result of a declaration made by the President—and a designation by the Congress—that a major disaster or emergency exists ''the Congress, by the smallest of margins, a simple majority not of the whole congress but only of those present and voting at a particular moment, may completely waive the balanced budget amendment for that entire fiscal year.

Under the language of the Boxer amendment, there is no link whatsoever between the amount of emergency disaster relief and the increase in the debt ceiling. This goes way beyond being a loophole through which Congress could slip a few billion dollars in new debt whenever it chooses. Once a so-called disaster relief waiver is passed by a simple majority of those present and voting, there would no longer by any limitation on increasing the national debt in that fiscal year. Actually, none. What a loophole. The door is open; the roadblocks are removed; the Federal pork-barrel, deficit-spending express is back on track, cleared once again to run full speed ahead, carrying the American people to economic ruin.

This amendment would not only permit future Presidents and Congresses to evade what would otherwise be a constitutional mandate that the Federal Government finally live within its means, it would be an open invitation to such evasion, precisely because it would make such evasion so very easy.

The fact is that in every fiscal year after the balanced budget amendment goes into effect, there will be sufficient pretext for a spending-minded President and simple majority of Congress to invoke the disaster relief waiver and thereby eliminate the prohibition on new debt if they so choose. And that is exactly what they will choose—we have 25 straight years of deficit spending since 1969, with 5 more years and another trillion dollars of debt to come according to President Clinton's 1996 budget proposal, as proof of that contention.

Talk about disasters; if this amendment passes, the balanced budget amendment dam will be broken, releasing a further flood of red ink which will drown the American people in an ever-rising sea of debt.

Congress does not need the debt limitation waiver mechanism proposed by this amendment in order retain its ability to respond, as it always has, to the needs of disaster victims. The American people, however, cannot afford to have dangling before future Presidents and Congresses what would almost certainly prove to be an irresistible temptation to circumvent the necessary discipline of a balanced budget amendment. This amendment is not only unnecessary, but potentially fatal to our economic future. I urge that it be defeated.

If you read the language of this amendment, the language is just unbelievably broad.

> The provisions of this article may be waived by a majority vote in each House of those present and voting for any fiscal year in which outlays occur as a result of a declaration made by the President and a designation by the Congress that a major disaster or emergency exists.

Once the President declares an emergency or disaster, Congress could spend any amounts it wants—on any programs—during that whole fiscal year, according to the way this is written.

I have to say that there was another amendment filed on this subject that at least did not go that far. It was more narrowly tailored than this one. But this one goes so far that it would allow any big-spending President and any big-spending Congress to deficit-spend whenever they want to do it, and without any consideration whatsoever to the taxpayers of America.

So this amendment deserves to be defeated, and we are going to move to table as soon as the distinguished Senator from California finishes her concluding remarks.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, the rewriting of history that goes on around here is really incredible. The Senator from Utah gets so worked up about the idea that a majority of the Members of this body could vote to say that an emergency that kills people, that is happening in our country, could say to this Senate, ''Yes, we are going to pay for that and we are going to do it now.''

Do you know that every year since the Republicans had control of the Senate, Mr. President, that has been the rule. Where has the Senator from Utah been? I never heard him complain about it before, when Republican Presidents said, ''Yes, a disaster should be an exception by a majority vote, and we should not have to find offsets.'' It happened in a Republican Senate.

So my amendment is the conservative one. Without this amendment, we are being radicalized by this U.S. Senate into a position that we cannot respond. I was happy to hear the comments of my friend from Pennsylvania, and I agree with him. We will have some time to work on this problem, and we are. I am appointed to a task force, and I hope the Senator can join us.

Senators should know we do have rainy day funds now that are in the budget. The problem is some years it rains more than the rainy day fund. And that is the definition of a disaster emergency. You do not know where it will hit and how much it will hit.

I ask if we could have a final chart on the newspaper story. By the way, I want to say to my friend from Pennsylvania, in his own case in Pennsylvania in 1993, $24 million for severe snowfall winter storms; in 1994, severe winter storms, snow and rain, $72 million the Senator's State received. I hope and pray you do not have this experience again, but I also hope and pray if you do, you do not have to count on 60 votes, because unlike what was said by the Senator from Pennsylvania and others today, twice on this very floor we failed to get 60 votes for emergency spending for disaster relief. We fell short. We got 52 votes. But guess what, this is America, majority rules. But not if you vote for this balanced budget amendment to the Constitution. You are giving the power of the American people to a minority in this U.S. Senate.

Let me show you this headline. L.A. Times, February 5: ''FEMA Chief''—that is the Federal Emergency Management Agency—''Warns of a Kobe-Like Quake in the United States. Visiting disaster area, James Lee Witt says chances of temblor in Midwest are growing. He declines to criticize Japan's emergency response,'' which is a very interesting story in and of itself. This is what he said:

> If a quake the size of the Kobe temblor struck along the New Madrid, the eastern part of the United States could be deprived of much of its petroleum supplies, Witt says.
>
> * * * ''And if [an earthquake] hits in the wintertime, we're in big-time trouble,'' Witt said.
>
> Witt said his agency has been trying to persuade operators of pipelines to install safety shutoff valves.
>
> The percentages gets higher and higher every year for a major earthquake on the ''New Madrid. By the year 2000, it's more than a 50–50 chance that you could have a major earthquake,'' he said.

I want to get to Kobe. I want my colleagues here, Republicans and Democrats alike, to think about what it would be like to stand in front of a group of constituents in your hometown and tell them, ''Sorry, I couldn't

get 60 votes, move to another city.'' And to my colleagues who get up here and say this is a terrible amendment, this is going to ruin America, let me tell them that more people died in two earthquakes in California than died in Desert Storm. We are talking about terrible, terrible outcomes here. We have an exception for war, and we should. I did not write that exception. The Republican Congress wrote that exception. I am saying we ought to add an exception for an emergency like this because dead is dead is dead.

Now I want to tell you:

About 250,000 refugees are still living in parks or government-managed evacuation centers in unheated gymnasiums.

This happened in Kobe.

The PRESIDING OFFICER. The time of the Senator has expired.

Mrs. BOXER. I further say people died in those shelters because they did not have enough doctors to take care of them. At this point, I yield the floor. I understand there is going to be a motion to table. I urge my colleagues to vote against that motion.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. How much time do we have left?

The PRESIDING OFFICER. Two minutes.

Mr. SANTORUM. If the Senator will yield, I have a question for the Senator from California [Mrs. BOXER]. She keeps referring to a 52 vote on something. I am looking at all these disasters since 1987. I do not see anything here that says 52 votes.

Mrs. BOXER. I am very glad that the Senator asked me that. I already placed it in the RECORD. I will give you exact dates. On February 10, 1994, last year, by a vote of 43 to 52, the Senate defeated the Dole amendment to strike funding to repair the Cypress freeway which was destroyed in the 1989 Loma Prieta earthquake—we have a picture of it—and to find offset budget cuts. That failed and also another vote failed——

Mr. SANTORUM. Can I reclaim my time?

Mrs. BOXER. On the floods as well.

Mr. SANTORUM. That was the 1984 earthquake supplemental which passed 85 to 10 which would have met the scrutiny. What you are referring to is an amendment that failed. That, obviously, would not require a three-fifths vote. An amendment to a supplemental appropriations would not be violative of the balanced budget amendment. What finally happened——

Mrs. BOXER. The Senator is incorrect on that.

Mr. SANTORUM. What happened is 85 to 10 on final passage of that bill.

Mrs. BOXER. The Senator is incorrect. Had that amendment been before this body under the rules of the balanced budget, we could not have rebuilt this freeway on which people died, period, end of quote. We would have needed 60 votes. I could only get 52 votes. Thank the Lord, we were able to rebuild this freeway. The same thing happened with the Midwest floods.

Mr. SANTORUM. If I can reclaim my time. The fact of the matter is that bill passed 85 to 10, which is well in excess of two-thirds. An amendment is not under the strictures of a three-fifths majority. I believe the Senator from California is aware of that. I will be happy to yield back the time.

Mr. HATCH. We yield back the remainder of our time.

Mr. AKAKA. Mr. President, I rise in support of the amendment offered by by my friend and colleague from California, Senator BOXER, which would allow Congress to respond quickly and responsibly to Presidentially declared emergencies.

Mr. President, on September 11, 1992, Hurricane Iniki struck the island of Kauai and the Waianae shore of Oahu with the force of a sledgehammer. Sustained winds of 140 miles per hour, with gusts of up to 226 mph, were recorded. In a few nightmare hours, the lives of Kauai's 51,000 permanent residents and thousands of tourists had been radically transformed for the worse. On Kauai alone, 7 people died and over 100 were injured, and $2 billion in damage was recorded in private and public property loss.

More than 14,000 residences were destroyed or damaged, leaving thousands homeless or poorly sheltered from the elements. Five thousand utility poles were knocked down, leaving residents without electricity or the ability to communicate with themselves or the outside world. The loss of power also meant that no water could be pumped to faucets. Tons of debris blocked roads, shutting down transportation island-wide. Harbors, schools, offices, and other government infrastructure sustained heavy damage. And the local airport, the island's major link with the rest of the State, was knocked out of commission, preventing immediate relief and evacuation.

Today, 2½ years later, thanks to the quick reaction of Federal, State, and local officials, the energy and enthusiasm of volunteer agencies, and to the courage and fortitude of the people of Kauai, Kauai is slowly recovering. Unemployment is still unacceptably high, and the rebuilding is not complete by any stretch of the imagination, but a semblance of normalcy has returned. Roads are open, the phones are working, and tourists are returning to newly refurbished hotels and beaches.

Yet, Mr. President, little of this would have been possible without the $1.2 billion in Federal disaster assistance that Congress appropriated in the months following Hurricane Iniki. That funding ensured that a tiny island like Kauai, and a small State like Hawaii, which on its own would never have been able to raise the necessary funds to avert massive homelessness and unemployment, would in time recover.

And this is what the Boxer amendment is all about, Mr. President. It is about helping your neighbor when he is in need. It is about extending a helping hand to those who, through no fault of their own, are struck down by disaster, natural or otherwise. It is about pulling together as a country when the chips are down. It is about Californians helping Missourians cope with floods; it is about Missourians helping South Carolinians rebuild after a hurricane; and, it is about South Carolinians aiding Californians when the Earth shakes.

Mr. President, I have previously articulated my opposition to a constitutional balanced budget amendment. But if we must adopt the measure, we must ensure that Congress has the necessary flexibility to respond quickly and responsibly to emergencies that are well beyond the means of localities and States to address. We must avoid the risk of undermining the very reason for the Union itself. Our national motto is and remains United We Stand, not United We Stand, Unless We Run a Fiscal Deficit.

So, for the sake of unity and compassion, for the sake of shared responsibility, I urge my colleagues to support this important, prudent, and altogether necessary amendment. Let us not sacrifice our sense of common purpose on the altar of fiscal expediency.

I yield the floor.

Mrs. FEINSTEIN. I am pleased to cosponsor this amendment which will waive the provisions of the bill before us when the President of the United States declares a Federal disaster.

Over the last few years the United States has experienced more disasters than at any other time—the Loma Prieta earthquake in California; Hurricane Hugo which struck the Carolinas; Typhoon Omar which struck Guam; Hurricanes Andrew, Bob, and Iniki; the floods that covered much of the Midwest; the more recent floods that devastated Texas; the wildfires which struck southern California; the Northridge earthquake in southern California just over 1 year ago; and the floods that are still plaguing California.

In California, earthquake activity has dramatically increased. Leading seismologists have predicted that there is an 86-percent chance of a 7.0 quake in southern California in the next 30 years.

California can do more and will do more to prepare for future disasters, but as we saw in Kobe, Japan, even what is considered good planning can be ripped apart.

But much more than California is at risk. It is inevitable that Florida and the eastern seaboard will see another hurricane. Hawaii will see another hurricane or a volcano. A tornado, floor, or deep freeze will hit the Midwest, and on down the list. Currently, there are outstanding requests for disaster assistance in 40 States. Every State in the Union is at risk from Mother Nature.

This exemption is not frivolous. More times than not, FEMA has had the capability to cover the costs of a federally declared disaster. FEMA has provided assistance in cases of heavy snow, tornadoes, floods, and many other situations, and has not required additional funding from Congress. People should not be under the impression that FEMA marches up to Capitol Hill after every disaster and request more money.

We need this exemption for those infrequent instances when the size and scale and destructive force of a disaster is simply too overwhelming for the affected local and State officials to handle.

Twelve times since 1974 the administration has requested a supplemental appropriations bill to pay for the costs of disasters. Seven of those twelve times, the supplemental request has been less than $1 billion. In no instance has Congress required these bills to be offset by cuts in other funding, which would be the required course of action if this amendment fails.

Congress passed the Robert T. Stafford Disaster Relief and Emergency Assistance Act to outline in what ways the Federal Government should supplement State and local efforts in times of disaster.

Through the Stafford Act, the Federal Government has recognized that it has a vital role in responding to disasters. We must maintain that commitment, and this amendment will ensure that we do so.

Oftentimes we in the Senate do not move quickly to pass bills. Thankfully, we have moved quickly to pass bills to help restore the lives of disaster victims. In such cases of catastrophic disasters, when local officials cannot meet the needs of the victims, we must not let budget debates and haggling over how to achieve 60 votes slow our effort to meet our commitment.

Some may argue that the Federal Government is too intrusive in our lives—but when disaster strikes, trust me, even the greatest government cynic is glad to see someone wearing a FEMA jacket.

In response to the Northridge earthquake in my State of California, Congress passed a bill that included $8.6 billion in Federal emergency assistance. This money has been absolutely vital in getting Los Angeles back on its feet. Federal disaster relief funds have played a critical role in Hawaii, and Florida, and the Midwest as well.

Some will argue that if these billions of dollars are so small in comparison to our Federal budget, why should they be so difficult to offset? Let me address that question. Last week the House Appropriations Committee approved a measure to offset the supplemental spending bill that was requested by the President to bay for military operations in Haiti and elsewhere. This $3.2 billion bill was offset with $1.8 billion in cuts in defense spending, and $1.4 billion in nondefense spending. The $1.4 billion in cuts in nondefense cuts, had little if any hearing and were cut at the expense of programs totally unrelated to the purposes for which they were going to be sacrificed.

Will we use bills to help victims of disasters as a vehicle to wantonly cut unrelated programs with little or no thought? If this becomes the case, when these disaster bills finally wind their way to the floor, as victims wait for our assistance, the programs that have been cut in committee will be the subject of debate, and the victims of the disaster will sit and wait. The debate on disaster bills should be about the victims, not about the budget.

There is another point I would like to make with respect to the Budget Act of 1990. Under the provisions of balanced budget amendment, 60 votes in the Senate would be necessary to waive the requirement of balancing the budget. The Budget Act of 1990 specifically gave the Congress the authority to consider bills deemed to be emergency spending by both Congress and the President, without subjecting the bill to a point of order. Once a bill is the subject of a point of order, it takes 60 votes to waive the provisions of the budget act. By subjecting emergency bills to the balanced budget amendment, we would be requiring 60 votes the amendment, the same requirement that emergency bills were specifically exempted from in 1990.

Additionally, there has been criticism in the past that these bills have been loaded up with pork unrelated to disasters. I have cosponsored a bill with Senators MCCAIN and FEINGOLD to eliminate amendments to these bills that are unrelated to the disasters so emergency funding bills are only for emergencies. I hope that bill will see swift passage.

Disasters are unexpected, and can cause, in some cases, tremendous amounts of damage. We cannot plan for them, and funds for assistance must not be delayed because of our fear of throwing the budget out of balance, but the speed with which we pass these bills can be vital to an effective recover effort.

As an aside, I would like to make a suggestion to my colleagues with respect to helping to prevent the need for emergency disaster bills in the future. FEMA will have approximately $320 million this year for its disaster relief fund, a figure based on an old average of yearly needs, when in fact the average outlays from the disaster relief fund from fiscal year 1985 through fiscal year 1996 projected—is $1.527 billion. I would suggest to my colleagues that we use this figure as a new baseline instead of the $320 million. These funds if not expended, can build up, so we would be better prepared financially for future disasters. I recognize that we would need to find an additional $1.2 billion annually to cover the difference, but perhaps that would be easier than finding the much bigger sums that we have to produce all in 1 year in the face of huge disasters such as Northridge.

To close, I would like to say, disaster bills will not break the budget, but will help put the lives of the thousands of disaster victims back together.

I urge my colleagues to support this amendment.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, I appreciate the debate we have had. I listened to part of it in my office. It seems to me this amendment would create a gaping loophole in the balanced budget amendment. According to the language of the amendment, if the President declares that a major disaster emergency exists ''a simple majority vote in both Houses of Congress would waive the balanced budget requirement for that year.''

The balanced budget amendment already contains a safety valve. If there is a major disaster emergency, a three-fifths supermajority vote could raise the debt limit to cover the potential cost of disaster relief.

I think, as everybody pointed out on the floor, I think I voted for every disaster we had in America, whether it was California, Florida, or the Midwest. It is not difficult to achieve the three-fifths vote. After all, we are going to be responsive wherever the disaster may be. I think that will be true in both Houses of Congress.

So it seems to me we want to move on with this effort. We would like to pass the balanced budget amendment this week and get it out to the 38 States. I think you will see the States quickly ratify the amendment. They understand the importance of it. I hope we can speed up the process. Therefore, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from California.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] and the Senator from New York [Mr. MOYNIHAN] are necessarily absent.

The PRESIDING OFFICER (Mr. KYL). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 70, nays 28, as follows:

[Rollcall Vote No. 66 Leg.]

YEAS—70

Abraham	Bryan	Coverdell
Ashcroft	Burns	Craig
Baucus	Campbell	D'Amato
Bennett	Chafee	DeWine
Biden	Coats	Dodd
Bond	Cochran	Dole
Brown	Cohen	Domenici

PExon	Kassebaum	Reid
Faircloth	Kempthorne	Robb
Frist	Kerrey	Roth
Gorton	Kohl	Santorum
Graham	Kyl	Shelby
Gramm	Lieberman	Simon
Grams	Lott	Simpson
Grassley	Lugar	Smith
Gregg	Mack	Snowe
Harkin	McCain	Specter
Hatch	McConnell	Stevens
Hatfield	Moseley-Braun	Thomas
Heflin	Murkowski	Thompson
Helms	Nickles	Thurmond
Hutchison	Nunn	Warner
Inhofe	Packwood	
Jeffords	Pressler	

NAYS—28

Akaka	Feinstein	Levin
Bingaman	Ford	Mikulski
Boxer	Glenn	Murray
Breaux	Hollings	Pell
Bumpers	Inouye	Pryor
Byrd	Johnston	Rockefeller
Conrad	Kennedy	Sarbanes
Daschle	Kerry	Wellstone
Dorgan	Lautenberg	
Feingold	Leahy	

NOT VOTING—2

Bradley	Moynihan

So the motion to lay on the table the amendment (No. 240) was agreed to.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 241

(Purpose: Proposing an amendment to the Constitution relative to contributions and expenditures intended to affect elections for Federal, State, and local office)

Mr. HOLLINGS. Mr. President, I send an amendment to the desk on behalf of myself and the senior Senator from Pennsylvania, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for himself, and Mr. SPECTER, proposes an amendment numbered 241.

The amendment is as follows:

On page 1, beginning on line 3, strike ''That the'' and all that follows through line 9, and insert the following: ''that the following articles are proposed as amendments to the Constitution, all or any of which articles, when ratified by three-fourths of the legislatures, shall be valid, to all intents and purposes, as part of the Constitution:''.

On page 3, immediately after line 11, insert the following:

''ARTICLE—

''SECTION. 1. Congress shall have power to set reasonable limits on expenditures made in support of or in opposition to the nomination or election of any person to Federal office.

''SECTION. 2. Each State shall have power to set reasonable limits on expenditures made in support of or in opposition to the nomination or election of any person to State office.

''SECTION. 3. Each local government of general jurisdiction shall have power to set reasonable limits on expenditures made in support of or in opposition to the nomination or election of any person to office in that government. No State shall have power to limit the power established by this section.

''SECTION. 4. Congress shall have power to implement and enforce this article by appropriate legislation.''.

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The Senator from Texas is recognized.

Mrs. HUTCHISON. I thank the Chair.

(The remarks of Mrs. HUTCHISON pertaining to the introduction of S. 400 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

UNANIMOUS CONSENT AGREEMENT

Mr. HATCH. Mr. President, I ask unanimous consent that the Feingold amendment be the next amendment and that the pending Feingold motion be limited to the following time prior to a motion to table and that no amendments be in order prior to the motion to table: It will be 60 minutes under the control of Senator FEINGOLD and 30 minutes under the control of Senator HATCH. I further ask that following the conclusion or yielding back of time, the majority leader or his designee be recognized to make a motion to table the Feingold motion.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HATCH. Mr. President, I ask unanimous consent that immediately following the disposition of the Feingold amendment vote, the Hollings amendment No. 241 become the then-pending amendment; that it be limited to the following time prior to a motion to table, and that no amendments be in order prior to the motion to table: 60 minutes under the control of the distinguished Senator from South Carolina; 30 minutes under the control of Senator HATCH. I further ask that following the conclusion or yielding back of time, the majority leader or his designee be recognized to make a motion to table the Hollings amendment.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Reserving the right to object, and I will not object to the request, but it is my understanding that the unanimous-consent agreement would lead to two votes, the last of which would occur somewhere around 7:30 or 7:45?

Mr. HATCH. The Senator is correct. There would be two amendments pursuant to these unanimous-consent requests. Both will be 1½ hour in length with a motion to table and votes following.

Mr. DORGAN. Will those be the last votes today?

Mr. HATCH. Not necessarily. I have no knowledge about where we go from there.

Mr. DORGAN. Those two votes will occur consecutively?

Mr. HATCH. No. They will occur at the conclusion of each 1½ hours of debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

MOTION TO REFER

Mr. FEINGOLD. Mr. President, on behalf of myself, Senators BUMPERS, ROBB, MURRAY, HOLLINGS, MOSELEY-BRAUN, EXON, and WELLSTONE, I send a motion to the desk to refer House Joint Resolution 1 to the Budget Committee with instructions to report back forthwith and ask that it be immediately considered.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD], for himself, Mr. BUMPERS, Mr. ROBB, Mrs. MURRAY, Mr. HOLLINGS, Ms. MOSELEY-BRAUN, Mr. EXON, and Mr. WELLSTONE, proposes a motion to refer.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that reading of the motion be dispensed with.

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

The motion is as follows:

On behalf of myself and Senators Bumpers, Robb, Murray, Hollings, Moseley-Braun, Exon, and Wellstone, I move to refer House Joint Resolution 1 to the Budget Committee with instructions to report back forthwith House Joint Resolution 1 in status quo and at the earliest date possible to issue a report, the text of which shall be the following:

''The Committee finds that—

(1) the Congress is considering a proposed amendment to the Constitution to require a balanced budget;

(2) the Federal budget according to the most recent estimates of the Congressional Budget Office continues to be in deficit in excess of $190 billion;

(3) continuing annual Federal budget deficits add to the Federal debt which is projected to soon exceed $5 trillion;

(4) continuing Federal budget deficits and growing Federal debt reduce savings and capital formation;

(5) continuing Federal budget deficits contribute to a higher level of interest rates than would otherwise occur, raising capital costs and curtailing total investment;

(6) continuing Federal budget deficits also contribute to significant trade deficits and dependence on foreign capital;

(7) the Federal debt that results from persistent Federal deficits transfers a potentially crushing burden to future generations, making their living standards lower than they otherwise would have been;

(8) during the 103rd Congress, the annual Federal deficit declined for two years in a row for the first time in two decades and is projected to decline for a third year in a row;

(9) the progress in reducing the Federal deficit achieved during the 103rd Congress could be reversed by enacting across-the-board or so-called middle class tax cut measures proposed in the 104th Congress;

(10) enacting such tax cuts is inconsistent with and contrary to efforts being made to achieve further Federal deficit reduction during the 104th Congress and the goal of achieving a balanced budget; and

(11) It is the Sense of the Committee that reducing the Federal deficit should be one of the nation's highest priorities, that enacting