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House of Representatives

The House met at 11 a.m.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We heed the words of the Psalmist when we pray, ''We give thanks to Thee, O God, we give thanks; we call on Thy name and recount Thy wondrous deeds.''

It is our prayer, O gracious God, that we will not let this day or any day pass without having thankful hearts and appreciative spirits for Your goodness and loving kindness to us and to all people. May our crowded hours and sometimes cluttered minds never keep us from the marvelous virtues of gratefulness, gratitude, and thankfulness. With the Psalmists of old we know of the trials of each day and yet we celebrate with all our strength and energy, the wonder of Your creation, the joy of our friendships one with another, and the love and power that Your spirit gives day by day. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The gentleman from Florida [Mr. JOHNSTON] will lead the House in the Pledge of Allegiance.

Mr. JOHNSTON of Florida led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT AS MEMBERS TO THE UNITED STATES GROUP OF THE NORTH ATLANTIC ASSEMBLY

The SPEAKER. Pursuant to the provisions of 22 U.S.C. 1928a, the Chair appoints to the United States Group of the North Atlantic Assembly the following Members of the House:

Mr. BEREUTER of Nebraska, Chairman; Mr. SOLOMON of New York, Vice Chairman; Mr. REGULA of Ohio; Mr. BATEMAN of Virginia; Mr. BLILEY of Virginia; Mr. BOEHLERT of New York; Mrs. MEYERS of Kansas; and Mrs. ROUKEMA of New Jersey.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will announce there will be 15 1-minutes on each side.

Before recognizing the first one, the Chair will also announce that tomorrow 1-minutes will begin at the end of legislative business in the hopes the House can leave early and have a few days off to go home. The Chair hopes Members will indulge and appreciate that.

REPUBLICAN CONTRACT WITH AMERICA

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, our Contract With America states the following:

On the first day of Congress, a Republican House will: Require Congress to live under the same laws as everyone else; cut committee staffs by one-third; and cut the congressional budget. We have done this.

It goes on to state that in the first 100 days, we will vote on the following items: A balanced budget amendment—we have done this; Unfunded mandates legislation—we have done this; Line-item veto—we have done this; A new crime package to stop violent criminals—we have done this; National security restoration to protect our freedoms—we are doing this now; Welfare reform to encourage work, not dependence; Family reinforcement to crack down on deadbeat dads and protect our children; Tax cuts for families to lift Government's burden from middle-income Americans; Senior Citizens' Equity Act to allow our seniors to work without Government penalty; Government regulatory reform; Commonsense legal reform to end frivolous lawsuits; And congressional term limits to make Congress a citizen legislature.

This is our Contract With America.

INTRODUCTION OF THE OLDER WOMEN'S BREAST CANCER DETECTION ACT

(Mr. JOHNSTON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSTON of Florida. Mr. Speaker, in 1995, 46,000 women will die from breast cancer, and another 182,000 will be diagnosed with this disease. The incidence of breast cancer has increased by 2 percent every year since 1980.

Today I am introducing legislation to help reverse this alarming trend, and give hope to thousands of American women. The Older Women's Breast Cancer Detection Act will change Medicare law to provide yearly mammograms for women over 65. Currently, Medicare only allows for one mammogram every 2 years.

Early diagnosis is often the key to successfully treating breast cancer. In fact, both the American Cancer Society and the American Medical Association explicitly recommend that women over

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age 50 have a mammogram every year. It is time that Medicare follow this recommendation and allow for yearly mammograms.

This legislation will ensure that women are not denied access to a life-saving diagnostic tool simply because a birthday has passed.

Please support the Older Women's Breast Cancer Detection Act.

PROGRESS REPORT ON THE CONTRACT WITH AMERICA

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, this is day 43 of our effort to pass the Contract With America, and, as I did a few weeks ago, we finished passing yesterday the six bills which are our effort to meet contract No. 2 which says stop violent criminals, let us get tough with an effective, believable, and timely death penalty for violent offenders. Let us also reduce crime by building more prisons, making sentences longer, putting more police on the street.

We believe we have met No. 2 with the passage of those six.

So I am now going to have a second hole punched in the card. Over the next 57 days, as we finish it up, I will be back again.

ETHICS COMMITTEE MUST ACT

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, I rise again to call on our House Ethics Committee to take steps to name an independent counsel to investigate the ever growing list of possible ethics violations by the Speaker. Only an independent counsel can remove the cloud of disrepute that hangs over this House, and every day this cloud grows darker, larger, and ever more sinister.

Mr. Speaker, this is not a partisan request by me but, rather, an effort to get the House Ethics Committee to act on this important issue which has now been joined by Common Cause. It should not take our ethics committee 100 days to act on this most important of issues.

I hope our Ethics Committee does not spend all their time fighting over stacking the staff this week like they did last week. We need the entire committee to review the X files put together by Common Cause.

THE NATIONAL SECURITY REVITALIZATION ACT

(Mr. BRYANT of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRYANT of Tennessee. Since the end of World War II, the brave men and women of our Armed Forces have worked to guarantee the national security of our country. We should not reward their loyal service by delegating responsibility for their lives to a foreign command

H.R. 7, the National Security Revitalization Act, would stop the President from unilaterally putting American troops under the U.N. flag. As the United Nations adapts itself more and more for nation-building and peacekeeping operations, the need for restraint on the President's ability to send Americans overseas is needed.

Mr. Speaker, H.R. 7 establishes the proper constitutional balance between the President and the Congress and keeps American troops under U.S. commanders. H.R. 7 will give Congress and the people we represent the means to stop the President from placing our Armed Forces in the hands of a foreign command.

With the National Security Revitalization Act, we can keep all obligations and all the necessary involvement in the world community while adding congressional approval as a check to protect American lives.

Mr. Speaker, I urge you and my colleagues to support H.R. 7.

CUT THE CIA

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the CIA said they knew nothing of secret government radiation tests on American guinea pigs in the fifties. Those guinea pigs were American citizens.

Can you believe this, Government documents now reveal the CIA not only knew, they funded a radiation testing lab in California to test American prisoners. Unbelievable. They knew nothing about the mining of the harbors, they knew nothing about the death-threat manuals, they knew nothing about Gary Powers. Stone cold lies.

Now, evidence shows that during the Westmoreland-CBS trial, a secret CIA memo says, ''Have we gone beyond reasonable dishonesty?'' Reasonable dishonesty, Members? Lies, stone cold lies through their teeth.

If Government is going to reform itself and cut the size of Government, Congress should cut the hell out of the CIA.

ANOTHER PRESENT FOR RONALD REAGAN

(Mr. HERGER asked and was given permission to address the House for 1 minute an to revise and extend his remarks.)

Mr. HERGER. Mr. Speaker, last week we celebrated President Ronald Reagan's birthday by giving him the line-item veto. This week we will have the opportunity to give him another present. We will once again return our national defense to a level President Reagan would approve.

Mr. Speaker, under the Clinton administration we have not only seen an attitude of arrogance toward the military, we have also seen a lack of respect, and subsequently, the inability to effectively command our Armed Forces. Mr. Speaker, the only time we have ever allowed U.S. troops to serve under a foreign commander has taken place under the watch of President Clinton.

Mr. Speaker, U.S. Troops should only be under the command of U.S. military officers, and the National Security Revitalization Act mandates just that—no U.S. troops under command of a foreign officer.

THE LINE-ITEM VETO

(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Mr. Speaker, I do not make a habit of defending the Contract With America.

But when this House passed the line-item veto last Monday night, important language from the contract was not included. And that is bad news for the American taxpayer. The bill gives the President broad power to veto any spending provision. But the bill's authors gave the President very narrow authority to veto tax benefits or tax loopholes for special interests. This excludes the vast majority of tax breaks—worth hundreds of billions.

The Contract With America said the President should be able to veto any tax benefit. My Republican colleagues breached their contract by voting against a version of the bill containing the contract's exact language. Apparently, they dislike tax loopholes for special interests only when they are the minority party.

Mr. Speaker, let us remember another pearl of wisdom from the Contract With America. It says, ''If we break this contract, throw us out!''

ACT NOW TO REVERSE DECLINE OF OUR ARMED FORCES

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, I want to commend the gentleman from Illinois [Mr. HYDE], the chairman of the Committee on the Judiciary, for the great job he did in shepherding through the House the anticrime package we passed yesterday. Another important component of the contract has been completed.

Now, the scene shifts to defense. When Bill Clinton ran for the Presidency, he promised to cut $60 billion from the Bush defense plan. Once in office, however, that pledge soon became like all the other Clinton promises, dead on arrival. Bill Clinton weakened our military strength by twice that amount.

The result has been disastrous. According to the Pentagon's own audit, 3 of 12 divisions are no longer combat-ready.

Yes, we must balance the budget, but not by dangerously weakening this country's defenses.

We need to act now to reverse the steady decline our forces have endured since the leftover sixties flower children of the Clinton administration came to town, and act we will, starting today.

NATIONAL SECURITY REVITALIZATION ACT ENDANGERS NATIONAL SECURITY

(Mr. GEJDENSON asked and was given permission to address the House for 1 minute.)

Mr. GEJDENSON. Mr. Speaker, what we will take up today is a bill that will cripple America and endanger American military personnel as they have never been endangered before. The bill should be retitled. It should be called the Saddam Hussein Full-Protection Act, because if this piece of legislation that we address today was in place, George Bush could not have pulled the world community together to stop Saddam Hussein's aggression.

But worse than that, in the future it will make every conflict an American conflict. It will make every casualty an American casualty. It will mean every dollar of every conflict will be an American taxpayer dollar.

In the Persian Gulf, 90 percent of the money that that war cost was paid for by other participants, not American taxpayers. It was a world responsibility.

What this legislation will do will cripple the Presidency, leaving him either with the choice of unilateral American action or no action at all.

Defeat this legislation. It endangers our national security.

□ 1115

TURN THE LIGHTS OUT AT THE DEPARTMENT OF ENERGY

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, I am heading up one of four teams of the freshman class which was initiated to carry on the work of many who preceded us here in Congress, in an effort to reduce four Government bureaucracies: Department of Education, Department of Commerce, Department of HUD, and Department of Energy.

Mr. Speaker, the Department of Energy is a gas guzzler. Back in the early 1970's the Government imposed price controls and allocation controls, and that contributed to developing a crisis, and the beltway solution here was to come with another bureaucracy, the Department of Energy.

Since then, the Reagan administration eliminated the price controls and removed the crisis. Now it is time to turn the lights out on the Department of Energy.

You can see from the chart I have here that the Department of Energy has reinvented itself so that now 60 percent of it is a bomb factory. Only 20 percent is related to energy.

Once started, it is hard to eliminate a bureaucracy, but we are working with former secretary Don Hodele and others in Congress because we have a new Congress now, a new voice from the people that wants to downsize the Government.

Our President has talked about downsizing and privatizing, but the Department of Energy has actually increased its budget. Now it is time to tighten the belt and trade in this gas guzzler for a more efficient model.

YELTSIN SHOULD END THE CHECHNYAN WAR

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, this week has seen only fragmented progress toward ending the war in Chechnya. It is my hope when President Yeltsin gives his State of the Union Address tomorrow, he will define a clear strategy to end the Chechen conflict. We must do all we can to pressure President Yeltsin to end this costly and potentially protracted guerrilla war. We have invested a great deal in promoting democracy in Russia, and as long as the U.S. continues to provide aid to Russia, we have an obligation to ensure that Russia continues along this course of reform. The war in Chechnya certainly undermines these efforts, as the Russians have spent over $2 billion in 8 weeks. Future IMF loans seem unlikely.

Please join me and Representative WOLF in sending a letter to President Clinton urging him not to attend the Moscow summit in May unless the Chechen war is ended. Over 56 Representatives have already signed this letter.

THE NATIONAL SECURITY REVITALIZATION ACT

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, I am amazed at the comments by our Secretary of Defense and Secretary of State concerning the fact that they are going to recommend vetoing the National Security Revitalization Act.

This bill addresses a crisis of paramount importance to our Nation, the defense of America.

Not one of our four military services has been left unscathed by the radical defense cuts imposed by the Clinton administration. The numbers are staggering, amounting to almost 65 percent in real spending dollars already. These massive cuts come at a time when the military is being asked to do more with less, in a world that is still very dangerous and unpredictable.

I served in the U.S. Air Force for 29 years, and I remember all too well the hollow forces of the seventies. I remember squadrons being grounded due to lack of spare parts, and I remember air crews dying because they lacked the proper amount of training. Now I am hearing those same stories again and again.

We as a Congress have no right demanding that our service men and women put their lives on the line at the same time we are slashing the funds they need to perform their mission successfully. We must do everything we can to ensure the safety and security of this Nation and the protection of those who risk their lives for us.

HOME ECONOMICS 100

(Mr. GUTIERREZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTIERREZ. Mr. Speaker, our majority leader tells us that the minimum wage is a bad idea, and that he should know. After all Mr. ARMEY was a college economics professor. Well, maybe he should have taught home economics instead. Every home economics teacher knows about food costs and how far you have to stretch dollars to feed your family.

A home economics teacher shows students how to make meals and bake cookies, but also tells that you have to skip some dinners and desserts if you cannot afford them. And, even though it is a concept far too complicated for someone with a Ph.D. in economics, the fact is that you cannot afford those dinners and deserts if your wages never go up, but minimum wage opponents are not looking at you and your family, they are looking at charts and graphs.

They are not looking at your kitchen table, they are looking at tables of statistics. Well, hard-working Americans earning minimum wage are not statistics. They are real people trying to earn a decent, livable wage. So, I say to minimum wage opponents, maybe you got a Ph.D. in economics, but you get an ''F'' when it comes to the real economics of real families.

TAKING BACK CONTROL

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, yesterday Republicans kept another promise we made to the American people in our Contract With America. We

passed a crime package that provides State and local governments the resources and flexibility to effectively fight crime in their communities and take violent criminals off the street.

Today, we bring H.R. 7, the National Security Revitalization Act, to the floor which addresses the military and defense policies of this Nation.

Under President Clinton, we have seen a drift in our foreign policy coupled with a dangerous decline in our military capability. And while the buck used to stop at the Oval Office, we have seen it passed more and more frequently to foreign command. A tragic example of this leadership void ended in the death of American soldiers on the streets of Mogadishu.

Today, we offer a bill that will put limits on placing U.S. troops under U.N. command and it will require prior authorization by Congress, before American troops are used in U.N.-organized nation building operations.

Mr. Speaker, while the President continues to pass the buck, our young men and women of the armed services end up paying the price. I urge all of my colleagues to support this bill.

NATIONAL SECURITY COMMISSION

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, as Republicans rush to enact the Contract With America, they brag about cutting spending, about eliminating agencies, about reducing the size of Government.

But wait a minute; go ahead and listen to what they say, but more importantly watch what they do. As the Republicans call for budget cuts, look at what they have done in H.R. 7. They have written a bill with billions and billions of dollars in new defense spending, new weapons systems. And then they snuck a new little something into the bill, H.R. 7: The Republican Contract With America mandates Congress to spend $1.5 million on a new commission, a task force, a committee, a blue-ribbon panel, another layer of bureaucracy. Can it be that the Republicans have discovered that one of the problems in this country is a shortage of agencies and commissions and task forces and layers of bureaucracy? Time out for common sense. Do we really need a new commission to study military needs?

This new $1.5 million commission is redundant, it is superfluous, it is another layer of bureaucracy. Mr. Speaker, it is the Full Employment Act for Unemployed Defense Consultants. I urge Members later today to support the Menendez amendment.

CARTERIZING OUR MILITARY

(Mrs. SEASTRAND asked and was given permission to address the House for 1 minute.)

Mrs. SEASTRAND. Mr. Speaker, remember the Carter military buildup. Something about that statement doesn't ring true. And neither do the claims we have heard from the other side of the aisle about our proposal to strengthen our Nation's military.

Yesterday, we passed the final piece of the crime package that will allow us to take back our streets. The National Security Revitalization Act will allow us to take back our military. Just as we gave the men and women in blue the tools to do their job, we owe it to our men and women in the military the resources to do their job, protect our freedom.

This bill is about accountability. We will ensure that the United States is not a servant to the United Nations. No longer will our troops have to serve under foreign command. They will not serve in a blue baret when they serve the red, white, and blue.

Yesterday, we kept our promises to fight crime. Today, we will keep our promise to fight for those men and women who are protecting our freedom.

NATIONAL SECURITY ACT: DANGEROUS, RECKLESS, ISOLATIONIST

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, if the Congress passes this dangerous, reckless, isolationist bill called the National Security Act there will be no need for a State or Defense Department. There will be 230 House Republicans who can be secretaries of State and Defense, calling the shots for American national security and defense policy. God help us.

Mr. Speaker, we are debating the most radical reversal of U.S. foreign policy in 10 years. That is irresponsible.

Here is what this bill does: It eviscerates the President's conduct and ability to run foreign policy. It brings back the billion-dollar star wars program at the expense of the readiness of our troops. And what is the threat? The Power Rangers?

It destroys our peacekeeping ability at the United Nations, and Persian Gulf would not have been able to happen.

It disrupts NATO by deciding who can join and who cannot.

Mr. Speaker, America's allies, particularly at NATO, at this moment are asking if this is a joke or a bad dream, and our enemies are salivating.

THE HAWKS ARE BACK IN TOWN: FRUGAL, CHEAP

(Mr. HOKE asked and was given permission to address the House for 1 minute.)

Mr. HOKE. Mr. Speaker, yesterday we passed the final piece of the crime package dealing with personal safety, being personal safety, personal security. Today we are going to begin with national security.

Mr. Speaker, tell me what do you think of when you think of the 1970's? Do you think of disco, Watergate, inflation, sky-high interest rates, leisure suits? And, of course, a hollow military? It was not a good time in American history.

But, Mr. Speaker, the hawks are back in town; the hawks are back in town, having been elected by the American people in November. There is something we have to remember about this particular group of hawks: it is not just hawks but frugal hawks, cheapskate hawks, tight-with-a-buck hawks.

We are going to provide a very, very strong national security package, but we are going to do it under the microscope of fiscal responsibility. You can absolutely count on it.

When it comes to the national leadership, one of the things we absolutely know is that in the Congress, in the White House, in this country, just like the rest of the Nation, nature abhors a vacuum. So when we do not have leadership at the top, we have to find it somewhere. That is what this bill is all about.

TAKING CARE OF OUR VETERANS

(Mr. MENENDEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, if anyone needed any more proof that the Republican majority is prepared to march in lock-step, like lemmings over a cliff, look no further.

Last night, an amendment to the Republican welfare bill, which would have spared legal residents who have served this country in our Armed Forces from being cut off from social service programs, was defeated by the GOP on a strict party-line vote.

That is right, you heard me correctly. Every Republican, save one who so courageously voted ''present,'' voted last night to repay the loyalty, dedication, and service of these veterans with a slap in the face. They made it clear that Republicans view permanent residents who serve their new country in the Armed Forces as immigrants first, and veterans second.

Instead of spending billions for star wars, Republicans should be taking care of their veterans.

Mr. Speaker, this outrageous action against those veterans who risked their lives on behalf of their country, so that we who serve in this body may do so in freedom, marks a dark day in our history.

CONTRACT WITH AMERICA: ANOTHER ONE BITES THE DUST

(Mr. LEWIS of Kentucky asked and was given permission to address the House for 1 minute.)

Mr. LEWIS of Kentucky. Mr. Speaker, as the rock band Queen so gracefully put it, ''And another one's gone, and another one's gone, and another one bites the dust.''

With the passage of the final part of the crime package last night, the Contract With America smoothly continues on its way toward completion by mid-April.

But we still have plenty of work to do. Today we begin the important task of rebuilding our military after years of neglect under the Clinton administration.

We simply cannot afford to continue on our current path, which will surely lead to a hollow force reminiscent of the Carter years. We simply cannot continue putting U.S. troops under U.N. command. We saw how deadly that can be in Somalia.

And we must increase the readiness and training of our forces while providing them with the hardware they need to do their job properly.

The said fact is that this administration has ignored the needs of the military and endangered the future of our national security. All that changes today.

□ 1130

BOONDOGGLES IN THE SKY

(Mr. KLINK asked was given permission to address the House for 1 minute.)

Mr. KLINK. Mr. Speaker, today we take up H.R. 7. If it were a song, we could get Vaughn Monroe to record it, and we would call it ''Boondoggles in the Sky.'' It is, in fact, spending additional moneys in addition to the $36 billion we have already spent on star wars, a system that does not work, and now we are starting to make a decision as to whether or not we put our dollars into troop training, into weapons modernization, into spare parts, or do we put the high priority on this budget-busting fantasy called star wars? Estimates are it would cost anywhere from $11 billion, with a B, to $97 bill, with a B, more dollars.

Now this all came out of the Contract With America, and I say to my colleagues, ''You have to remember, ladies and gentlemen, we're talking about our national defense, yet the Contract With America is a political document written by lobbyists, written by special interests who were able to donate tens of thousands of dollars to their favorite political party in order to have a seat at the table.''

Now do we want those people setting our national defense policy, or do we want the Joint Chiefs of Staff to decide our defense policy? Do we want the political consultants and the lobbyists deciding our defense policies, or do we want the Secretary of Defense deciding what our policy will be?

SUPPORT THE MISSING SERVICE PERSONNEL ACT OF 1995

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, today I am introducing the Missing Service Personnel Act of 1995 to ensure fairness in resolving any further questions about our missing armed service personnel.

Currently, Mr. Speaker, the Department of Defense relies on outdated legislation and guidelines which have not been changed over the past 50 years in designating those who are missing in action and/or declared dead. As a result, those who are missing are declared dead when there is still a possibility that they could still be alive.

The purpose of the Missing Service Personnel Act is to make certain that any members of the Armed Forces, any civilian officers or any employee serving with or accompanying an Armed Force in a field under orders will be fully accounted for by the Federal Government and may not be declared dead solely because of the passage of time.

Accordingly, I am urging my colleagues to strongly support this legislation. It is the very least we could do to both assist the family members who painfully and frustratingly seek the truth about their loved ones and for those who have chosen to serve and fight for our Nation.

TALK TO ME ABOUT THE BALANCED BUDGET DIVIDEND PLAN

(Mr. BROWDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWDER. Mr. Speaker, the Committee on the Budget during the past months has traveled around the country to listen to the wisdom of the American people. I have asked at these public hearings whether they want us to use budget savings to pay for a tax cut or to apply them to the budget deficit. The overwhelming response has been, ''Cut the deficit first.''

The tax cut is a big train on a fast track, but Mr. and Mrs. America are right. We should make any tax cuts dependent on our meeting deficit reduction targets pointing toward a balanced budget.

Mr. Speaker, I am circulating a plan to do this, and, if any of my colleagues would like more information, I encourage them to talk with me about the balanced budget dividend plan.

THE CONTRACT WITH AMERICA'S GROWING LIST OF SUCCESSES

(Mr. TATE asked and was given permission to address the House for 1 minute.)

Mr. TATE. Mr. Speaker, yesterday we honored yet another promise in our Contract With America by passing a sweeping, comprehensive crime control package once again, we worked hard to add one more piece of legislation to the growing list of successes in the 104th Congress. And through this hard work, Republicans are proving that real change is achievable.

Now we move on to the next contract item—the National Security Revitalization Act. This bill not only provides for a strong national defense to protect America's freedoms, this bill limits the placement of any U.S. troops under U.N. command. Through this bill, we will pledge to our service men and women that their jobs and their lives are important to us—they will not be put at risk under foreign commanders.

Mr. Speaker, I call on all my colleagues to support the National Security Revitalization Act. Let's take an assertive step in the right direction to provide our country its more basic need—defense.

STAR WARS: DO NOT MAKE THE SAME MISTAKE TWICE

(Mr. MEEHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MEEHAN. Mr. Speaker, the Iranian hostage crisis and the Soviet invasion of Afghanistan helped produce a consensus for higher defense spending and a landslide victory for the GOP in 1980. But instead of concentrating on the ability to fight terrorism and conventional wars, Ronald Reagan used his mandate for a stronger military indiscriminately. He poured billions into strategic nuclear weapons and space-based missile defenses designed for all-out war against the Soviet Union, and instead of focusing on improving the combat capability of conventional and special operations forces, Reagan chose to fund expensive and complex new weapons programs based on unproven technology. The result was a larger military that required unsustainable levels of resources, and the country is still dealing with the consequences of that debt.

Today, once again, the Republicans are doing little to address legitimate concerns about the readiness of our troops. Instead, they are proposing massive increases in defense spending to field super-sophisticated weapons, including space-based defenses designed for the cold war. I call on my Republican colleagues to stop and think about what the country's real defense needs may be. We need the best trained and equipped soldiers in the world, not another 30–50 billion dollar's worth of work on star wars systems that wouldn't work even if they addressed a real threat. Let us not make the same mistake twice and dig our country deeper into debt.

H.R. 7—A REAL STINKEROO

(Ms. PELOSI asked and was given permission to address the House for 1 minute.)

Ms. PELOSI. Mr. Speaker, Benjamin Franklin once said, ''Fish and visitors smell after three days.'' He might also have added the National Security Revitalization Act which comes to the House today.

Mr. Speaker, it is no wonder the Republican leadership does not want this bill lying around too long, and do not want it debated and are ramming it through, because it is a real stinkeroo. Assembled by pollsters, this bill is malodorous in many respects, and I say to my colleagues, ''It really takes your breath away when it calls for spending billions of dollars on star wars.''

I understand that the Republican Caucus gave Dr. Edward Teller, the father of star wars, a standing ovation when he recently addressed the group, a standing ovation for star wars in this bill at the expense of readiness for American troops, a standing O for star wars which jeopardizes START, ABM, and other treaties, including chemical weapons treaties.

Let us get serious, Mr. Speaker, and reject the ghost of star wars past. Support the Edwards amendment, and reject H.R. 7. It is ill-conceived, ill-constructed, and probably unconstitutional.

I say to my colleagues, ''Let's get serious about our national defense.''

H.R. 7—ATTACK ON OUR NATIONAL SECURITY

(Ms. ESHOO asked and was given permission to address the House for 1 minute.)

Ms. ESHOO. Mr. Speaker, I rise to urge my colleagues to oppose H.R. 7.

This bill zeros out money to improve the technology on proven weapon systems that help save our soldiers' lives and instead wastes it on star wars.

This bill kills the Technology Reinvestment Project and knocks the legs out from under companies which have already started significant technology development projects.

For example, Silicon Video Corp. in California is working on flat panel display technology so in times of war we will not be reliant on other countries for this critical technology.

Now H.R. 7 abandons funding for this key technology which is essential to every one of our weapons systems, and instead reallocates the money to star wars.

The defense application of flat panel displays is not debatable. The cuts in H.R. 7 dangerously reduce our armed services' technological edge over potential enemies, all in the name of star wars.

We need budget priorities based on national security needs, not political manifestos; for our soldiers' safety, not politicians' reelection campaigns.

I urge members to oppose H.R. 7.

It is wrong-minded, and it attacks our national security.

□ 1140

NATIONAL SECURITY LEGISLATION PROMISES EMOTION BUT BIPARTISAN SUPPORT EXPECTED

(Mr. WELDON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Speaker, I am going to roll up my pant legs because it is too late to save my shoes. As we prepare to debate H.R. 7 today, one thing we are going to do throughout this debate is we are going to call Members on the facts. There is going to be a lot of emotion here, and some say when you do not have the facts on your side, you can resort to emotional arguments like throwing out huge numbers, like throwing out neat-sounding terms.

But, Mr. Speaker, in today's debate and in tomorrow's debate, we are going to call Members on the facts as they are. If we have a clean and open debate on what H.R. 7 is all about, as we did in the committee, we will find that this is not a Republican issue; we will find, as we did in the committee, that 11 Democrats joined with every Republican for the largest bipartisan vote out of committee of any of the contract items. The final vote was 41 to 13.

So as we listen to the rhetoric today, Mr. Speaker, I say to the Members, keep your eyes on your shoes because it is going to be flowing hot and heavy, but we are going to be here to make sure the facts are brought forth and that the arguments that are used to base a decision on the issue will in fact be available for all of our colleagues.

MOTION TO ADJOURN

Mr. WISE. Mr. Speaker, I offer a privileged motion that the House do now adjourn.

The SPEAKER pro tempore (Mr. EWING). The Clerk will report the motion.

The Clerk read as follows:

Mr. WISE moves that the House do now adjourn.

The SPEAKER pro tempore. The question is on the privileged motion to adjourn offered by the gentleman from West Virginia [Mr. WISE].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. WISE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 150, nays 261, not voting 23, as follows:

[Roll No. 130]

YEAS—150

Abercrombie
Ackerman
Andrews
Baldacci
Barcia
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Coyne
Cramer
Danner
DeFazio
DeLauro
Deutsch
Dicks
Dingell
Dixon
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gibbons
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hayes
Hefner
Hinchey
Holden
Hoyer
Jefferson
Johnson (SD)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Klink
LaFalce
Laughlin
Levin
Lincoln
Lofgren
Lowey
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McKinney
McNulty
Meehan
Meek
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pomeroy
Rangel
Reed
Reynolds
Richardson
Rivers
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Thompson
Thurman
Torres
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Wise
Wyden
Wynn
Yates

NAYS—261

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Beilenson
Bentsen
Bereuter
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Coble
Coburn
Collins (GA)
Combest
Cooley
Costello
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (LA)
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Johnson (CT)
Johnson, Sam
Johnston
Jones
Kelly
Kildee

Kim	Myers	Shays
King	Myrick	Skeen
Kingston	Nethercutt	Smith (MI)
Kleczka	Neumann	Smith (NJ)
Klug	Ney	Smith (TX)
Knollenberg	Norwood	Smith (WA)
Kolbe	Nussle	Solomon
LaHood	Oxley	Souder
Largent	Packard	Spence
Latham	Parker	Stearns
LaTourette	Paxon	Stockman
Lazio	Petri	Stump
Leach	Pickett	Talent
Lewis (CA)	Pombo	Tanner
Lewis (KY)	Porter	Tauzin
Lightfoot	Portman	Taylor (MS)
Linder	Poshard	Taylor (NC)
Lipinski	Pryce	Tejeda
Livingston	Quillen	Thomas
LoBiondo	Quinn	Thornberry
Longley	Radanovich	Thornton
Lucas	Rahall	Tiahrt
Luther	Ramstad	Torkildsen
Manzullo	Regula	Traficant
Martini	Roberts	Upton
McCollum	Roemer	Vucanovich
McCrery	Rogers	Waldholtz
McDade	Rohrabacher	Walker
McHale	Ros-Lehtinen	Walsh
McHugh	Roth	Wamp
McInnis	Roukema	Watts (OK)
McIntosh	Royce	Weldon (FL)
McKeon	Salmon	Weldon (PA)
Menendez	Sanford	Weller
Metcalf	Saxton	White
Meyers	Scarborough	Whitfield
Mica	Schaefer	Wicker
Miller (FL)	Schiff	Williams
Minge	Scott	Wolf
Molinari	Seastrand	Woolsey
Moorhead	Sensenbrenner	Young (FL)
Morella	Shadegg	Zeliff
Murtha	Shaw	Zimmer

NOT VOTING—23

Becerra	Horn	Schumer
Blute	Kasich	Shuster
Clinger	Lantos	Tate
Dellums	Lewis (GA)	Torricelli
Dornan	Moran	Towns
Flake	Payne (NJ)	Wilson
Gephardt	Riggs	Young (AK)
Hilliard	Rose	

□ 1159

Mr. GUNDERSON and Mr. LUTHER changed their vote from ''yea'' to ''nay.''

Mr. GENE GREEN of Texas and Mr. KENNEDY of Rhode Island changed their vote from ''nay'' to ''yea.''

So the motion was rejected.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.R. 7, NATIONAL SECURITY REVITALIZATION ACT

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 83 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 83

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 7) to revitalize the national security of the United States. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and the amendment in the nature of substitute made in order by this resolution and shall not exceed two hours equally divided among and controlled by the chairmen and ranking minority members of the Committee on International Relations and the Committee on National Security. After general debate the bill shall be considered for amendment under the five-minute rule for a period not to exceed ten hours. In lieu of the amendments recommended by the Committee on International Relations, the Committee on National Security, and the Permanent Select Committee on Intelligence, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of H.R. 872. The amendment in the nature of a substitute shall be considered as read. Points of order against the amendment in the nature of a substitute for failure to comply with clause (5)(a) of rule XXI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto final passage without intervening motion except one motion to recommit with or without instruction.

The SPEAKER pro tempore (Mr. EWING). The gentleman from New York [Mr. SOLOMON] is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from Ohio [Mr. HALL] pending which I yield myself such time as I may consume. During consideration of the resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, I yield to the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Speaker, I thank the gentleman from New York for yielding to me.

My colleagues, this is a very, very busy period of time. We are producing a great deal of legislation. We are doing it always constantly under time constraints.

Certainly, all the Members are to be appreciated for the efforts they make not only on the floor but in their committees. It is a rigorous time period.

We have an opportunity to be out of here by 3 p.m. tomorrow and have a period of time for a rest and family and district work period, where we can perhaps all get a chance to sort of refresh ourselves before we come back to work.

Let me just say, it is the resolve of the leadership that we will complete this bill before we leave here. We believe we have every opportunity to do so in such a manner that Members can make a 3 o'clock flight tomorrow afternoon and begin that rest period. We intend to make that flight period.

We are prepared, on the other hand, if it is necessary, to work through the night. And should we, even under those circumstances, fail to complete the bill by our desired 3 o'clock departure time tomorrow, we are prepared to accept the necessity of keeping Members as late after 3 o'clock tomorrow as is necessary.

The bottom line is that our resolve to pass this bill before we depart town is so great that we will do whatever it takes to do so.

Now, we believe that it should be quite comfortably done by a fairly early rise this evening and a 3 o'clock departure tomorrow, if everything goes smoothly. And that is what we hope and expect. But the Members should be prepared to check their travel arrangements for the unlikely possibility that they may not make their planes tomorrow.

In any event, we will complete this bill. The bottom line point is very clear, and we must not be mistaken. We will complete this bill before we depart town.

I thank the gentleman from New York.

Mr. SOLOMON. Reclaiming my time, Mr. Speaker, House Resolution 83 is a modified open rule providing for the consideration of H.R. 7, the National Security Revitalization Act of 1995. The rule provides for 2 hours of general debate to be equally divided and controlled by the chairmen and ranking members of the Committee on International Relations and the Committee on National Security.

The rule provides for 10 full hours of debate on the amendment process. It makes in order the text of H.R. 872, which is considered as read, as the original bill for amendment purposes.

Mr. Speaker, the rule accords priority recognition to Members who have had their amendments preprinted in the CONGRESSIONAL RECORD, but does not prevent other amendments which were not printed from being considered.

Finally, the rule provides one motion to recommit with or without instructions, a right we guarantee to the minority in our new rules, even though we never received the same guarantees from the Democrats when they were in the majority.

Mr. Speaker, as chairman of the Committee on Rules, I made a good-faith effort, as did the majority leader, Mr. ARMEY, for 3 days running to reach accommodation with our minority colleagues on the amount of time that would be made available for consideration of amendments. We were willing to extend consideration of amendments by several hours, if we were then to be given unanimous consent to come in earlier on Wednesday, that is today, and on Thursday, tomorrow. That offer was not accepted by the Democrat leadership.

I regret that the good intentions of Members on both sides of the aisle did not prove sufficient to overcome the obstacles put up by some other Members. Accordingly, there are 10 hours allocated for the amendment process. That is too bad, because we could have had 14, 15, 16 hours in that process.

There will be other opportunities this session, particularly when the defense authorization bill comes to the floor this summer, to continue the important debate that is starting today with consideration of this bill. This bill is narrowly focused on just a few issues.

Turning now, Mr. Speaker, to the substance of the legislation itself, I would like to begin by reading these words and Members might listen over there by reading words by a great American President. And he was a great American President.

He said, ''We, in this country, in this generation, are by destiny rather than choice the watchmen on the walls of world freedom.''

□ 1210

He went on to say, this President: ''Words alone are not enough. The United States is a peaceful nation. And where our strength and determination are clear, our words need merely to convey conviction, not belligerence. If we are strong, our strength will speak for itself. If we are weak, our words will be of no help.''

Mr. Speaker, the words I have just read are as true today as they were a generation ago, when President John F. Kennedy, a man I admire, intended to say them on what turned out to be a fateful day of tragedy in Dallas. He never had the opportunity. That was too bad. It was sad.

Mr. Speaker, the National Security Revitalization Act is the first step toward the recovery of a military posture tht will permit our country to defend its vital interests around this world without qualification or reservation, no matter what.

Our country did not seek this responsibility, as President Kennedy noted. The obligation to lead the free world was thrust upon us 50 years ago in 1945, and it continues today. It is our obligation to America and the free world. We have been faithful to that call, and the perimeter of freedom has been expanded to include many more countries today than it did 50 years ago in the ruins of Europe and East Asia. All of this came at a cost, Mr. Speaker, but it has come at a cost which has declined in relative terms. We need to remember that.

Even at the height of President Reagan's military buildup in the 1980's, defense spending consumed a substantially smaller portion of this Federal budget and the gross national product than it did during the 1950's, the last time we had balanced budgets, by the way; that is a shame. That should tell us something about where the deficits have been coming from. They have not been coming because of a defense buildup, they have come because of increased, irresponsible discretionary spending by this body.

Mr. Speaker, I would like to take note, before I conclude my remarks, that there are several portions of the National Security Revitalization Act that are of particular concern to me. I strongly support all of the requirements and the conditions in the bill concerning the participation of U.S. forces in the U.N. peacekeeping missions.

Next week this House will have to consider a supplemental appropriation bill to restore adequate funding to the military readiness accounts that have become so depleted by the indiscriminate involvement of U.S. forces in so-called peacekeeping missions

I also strongly support the withholding of certain U.S. funds to the regular budget of the United Nations, pending the implementation of reforms in that body, including the appointment of an independent inspector general. Ten years ago President Reagan appointed me and our former colleague on the other side of the aisle, Dan Mica, as delegates to the U.N. General Assembly. The two of us fought tenaciously to bring about administrative and budgetary reforms in the United Nations. We succeeded on some fronts, and we did not succeed on others.

However, everything we did accomplish was made possible by the willingness of this Congress to pass my amendments to withhold portions of the U.S. assessment until the United Nations got the message, and they did get the message. They did put through reforms, thanks to Dan Mica and myself, who pursued it on the floor of the General Assembly.

In this bill, we have taken the same approach again. It is the only thing that works. It is the only thing that makes those bureaucrats at the United Nations listen. This time, I hope we will get a truly independent inspector general appointed once and for all. It is absurd that an organization of that size, spending U.S. taxpayer dollars, has taken so long to get an inspector general to oversee them.

Finally, Mr. Speaker, I would just say that I wish the portions of this legislation dealing with the expansion of NATO would go a little farther than they do. Having served as a permanent representative to the political arm of NATO, the North Atlantic Assembly, for the past 15 years, I strongly support the admission of Poland, Hungary, the Czech Republic, and Slovakia to full membership in NATO. I would like to see a date certain for the admission of these four nations. But I am pleased that this bill, thanks to the chairman of the Committee on Foreign Affairs, does make a statutory commitment to the expansion of NATO and for the eventual admission of these nations. In the not-too-distant future, I hope NATO will consider taking in the three Baltic nations, as well as other nations formerly enslaved by the old Soviet Union.

In conclusion, Mr. Speaker, I urge support for this rule, and I urge support for the bill that will be coming up later today.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

(Mr. HALL of Ohio asked and was given permission to revise and extend his remarks.)

Mr. HALL of Ohio. Mr. Speaker, I rise in opposition to House Resolution 83, the rule limiting debate on the National Security Revitalization Act. As my colleague on the other side of the aisle well knows, the bill before us today is the most far-reaching foreign policy legislation to come before the House of Representatives in several years. In addition to radically altering the way we conduct foreign policy, the bill requires the development of a national missile defense system, like star wars, at the earliest practical date. These changes, which are enormous in magnitude, costing taxpayers up to $30 billion, are being rushed to the floor under a rule which allows only 10 hours of debate for amendments.

This time cap, Mr. Speaker, is particularly disappointing when we consider the scope and breadth of this bill. The last major defense bill took 31 hours on the floor of the House. The Desert Storm legislation alone—a single peacekeeping effort—took 30 hours. All our constituents deserve more from this Congress than ramming bills through to meet an arbitrary Contract-With-America deadline. The changes outlined in this bill will have an effect on every single one of our constituents' pocketbooks. It could also affect those Americans with children who could be sent overseas to fight wars. We should slow down the process on this bill and allow major amendments on the many area of concern.

I understand my colleagues on the other side of the aisle want to have this bill finished by Thursday afternoon. There is no reason on Earth why we could not have this bill carry over until next week and finish it on Tuesday. Our leadership was involved in negotiations which asked for an additional 12–13 hours. That is a single extra day. Unfortunately this request was denied.

Mr. Speaker, I do not believe our Members are aware of the shortcomings of this piece of legislation. As Secretary of State Warran Christopher testified before the International Relations Committee, had this bill been law in 1990, President Bush would not have been able to deploy troops and ships to Operation Desert Shield and Operation Desert Storm. This bill would have blocked President Clinton from deploying 30,000 troops to Kuwait in 1994. It would have even blocked President Truman from deploying troops to Korea in 1950.

I am particularly concerned with title IV and title V of the bill which have to do with U.S. participation in peacekeeping activities. These provisions could have the effect of eliminating U.S. funding for peacekeeping missions. We should be trying to improve

the U.N. activities, not eliminate a collective security tool and undermine the President's authority as Commander in Chief. As former Secretary of State James Baker said before the International Relations Committee, ''Attempts at congressional micromanagement were a bad idea when the Democrats were in control. And they remain a bad idea today.''

Amendments to all the titles in this bill also deserve ample time for debate. Title II raises fundamental questions about whether we choose star wars over readiness for our national defense strategy. Title III creates a commission which undermines the duties of the Secretary of Defense. Title VI adds new countries to NATO which the United States could be obliged to defend. Who are these countries? What is their background? What is their leadership? We need time to debate this and understand what we are doing here.

Mr. Speaker, these are not small issues. There are a myriad of unanswered questions on the provisions of this bill. This rules does allow us enough time to answer these questions and to sensibly deal with the complicated issues of national security that are radically changed under this bill.

Therefore I oppose this rule and urge my colleagues to join me in voting ''no'' on this restrictive rule.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from Miami, FL, Mr. LINCOLN DIAZ-BALART, a very distinguished new member of this Committee on Rules.

□ 1220

Mr. DIAZ-BALART. Mr. Speaker, I had a professor in school who would tell us that when you are going to argue a case in court, if you can, first argue the law. If you cannot argue the law, then argue the facts, if you can. And if you cannot do that either, then argue lack of fairness.

And I remember that, because today my distinguished colleagues on the other side of the aisle are arguing, and I think will be arguing, not so much the law or the facts, but we have already begun to hear them argue lack of fairness, lack of equity, and quite frankly, I would submit that that argument is unfair, that the argument that we are not being fair today is unfair when we analyze the facts with regard to this proposed law.

We are calling for in this rule, Mr. Speaker, not only 1 hour, for 1 hour of debate on this rule, which will guide the debate with regard to the remainder of this process, but we are calling for 2 additional hours of general debate on the proposal, and an additional 10 hours for the amendment process. That is for a total today on this one bill of 13 hours, 13 hours in addition to the fact that we had almost 1 hour already of debate on this supposed lack of fairness when we debated just a few days ago on a motion made by the majority leader to permit committees in this House to sit while the House is meeting today on this particular rule.

Mr. GEJDENSON. Mr. Speaker, will the gentleman yield?

Mr. DIAZ-BALART. I yield to the gentleman from Connecticut.

Mr. GEJDENSON. I would like to ask the gentleman two questions. I would be happy to debate the gentleman.

Mr. DIAZ-BALART. Let me write them down. Your questions tend to be long.

Mr. SOLOMON. The gentleman is going to run out of time. The gentleman should use his own time.

Mr. GEJDENSON. I would be happy to debate you on both substance and process.

The gentleman was a member of the Foreign Affairs Committee for the previous 2 years. Can the gentleman cite an instance where during the debate on a major issue there was a motion to cut off debate and move with a vote in the 2 years the gentleman spent on the Committee on Foreign Affairs? We gave every member an opportunity to fully debate the issue, unlike when this bill was before the committees, where motion after motion was made to cut off debate.

Mr. DIAZ-BALART. Reclaiming my time, I have here a list that the chairman of the Committee on Rules will expand upon of numerous instances where on national security matters your party, sir, limited debate extraordinarily. If I may, sir, if I may, I yielded, and now I have the opportunity to reply, where your party limited debate in an extraordinary fashion, cutting off time, time and time again, on issues such as the strategic defense initiative and Somalia and Haiti and Bosnia, and with regard to this debate today, we have 13 hours.

Let the debate begin.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. I thank the gentleman for yielding.

I must say as this body rushes this bill through to get out for the Presidents' Day recess, my guess is every prior President will be horrified and ask us to cancel the recess, because this bill goes to the very core, the very core of what this Government is about and our very national security.

I never, never recall a closed rule on any issue of national security or the gulf war or any of those issues. The most precious thing we have are our young people, and how we protect them, how we deploy them, and what we do with the world leadership that has been cast upon us is very critical, and to get out of here real fast and cut this off, I think, is really very tragic.

This bill, when it first appeared in our committee, many of us started screaming, ''Author, author,'' because we could not believe it. We have not found out who the author is. We are beginning to think it was an intern project for the Heritage Foundation or something. They did change it in many ways, because in the two little micromini hearings we had, we pointed out all sorts of things that were wrong.

And there are still many things wrong that make this bill rotten to the core. No. 1, do we want to politicize the Pentagon? Do we want to run the committee by a committee? Do you want a committee of political appointees that are not elected running the Pentagon? Well, if you do, vote ''yes'' on the bill.

Do you want to absolutely end burden-sharing forever and ever? If you do, do this. This is saying we will be the 911 number, we will do whatever it takes.

Do you want to deploy SDI even though no one thinks we should do this crash deployment? It will cost megabucks, gigabucks. Where are you going to get this money? That will only pull more money from readiness that everybody is talking about in the hollow force. If you do, you should vote for this bill.

Do you want to dictate to the United Nations and to NATO as to who they let in, how they run it, like it is our party, and no one else has a role in this new world order? I do not think so.

Do you want to tie the hands of future commanders like Schwarzkopf so they cannot do anything even in a foxhole without calling back to four congressional committees or the President or the committee running the Pentagon or whatever?

I think these are serious issues. America has never dealt with its national security in this way. This is a radical, radical revolution.

Let us be perfectly clear what we are doing here today. I think we ought to slow down and go with the deliberate debate that we had in the committee, that caused them to change many, many of the first areas, and because they did not like what they were hearing, they shut that off, and now they are trying to shut us off on the floor so they can hurry up and punch another hole in a piece of paper.

I think it is wrong. I think we should vote ''no'' on this rule, and I think America deserves much better.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume, and I say to the gentlewoman that I wish she had been around to get us some time when we debated Somalia, when the House had only 1 hour of general debate and only six amendments allowed. When we sent troops into Haiti, we were allowed a closed rule providing for 2 hours of general debate with only two amendments made in order. The list goes on and on and on.

Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. HUNTER], my good friend, a member of the Committee on National Security.

Mr. HUNTER. Let me just say to my friend from Colorado, yes, a number of former Presidents would be appalled at what has happened this year, because we have cut defense to the lowest level

in terms of percentage of gross national product since Pearl Harbor. That would have upset John Kennedy, that would have upset Harry Truman, and the fact that 17,000 young military families are on food stamps today would have certainly upset those gentlemen and Dwight Eisenhower and Ronald Reagan, and the fact that we have cut $127 billion below the budget that former Chairman of the Joint Chiefs of Staff Colin Powell, Dick Cheney, and former President Bush said was prudent is also a cause for concern.

Let me just say this administration is in disarray in defense. Our own GAO says that the President has underfunded his own plan by $150 billion. There is a sense of urgency, and if we are going to respond to that sense of urgency, we need to put this bill up. We need to debate it. We need to pass it.

We need to protect our troops.

Mr. SOLOMON. Mr. Speaker, I yield 15 seconds to the gentleman from California [Mr. CUNNINGHAM], another distinguished member of the Committee on National Security and another California. Boy, they are all over the place.

Mr. CUNNINGHAM. The gentlewoman says no one wants to do this. In our committee, she is well aware, it was 43 to 13. It was a bipartisan bill that came out of the committee. Those that are upset are those that have tried to defund defense for the great failed society programs, including the gentlewoman from California.

Take a look at the speakers that are opposed to this; they are the same ones that have attempted to dismantle national security.

Mr. SOLOMON. Mr. Speaker, I yield 4 minutes to the gentleman from New York [Mr. GILMAN], one of the most distinguished Members of this House, the new chairman of the Committee on International Relations who has brought this bill on the floor.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding time to me, and I rise in support of the rule providing for the consideration of H.R. 7. I thank the distinguished chairman of the Committee on Rules, my colleague from New York, Mr. SOLOMON, for his cooperation in providing a fair rule so that we can bring this bill to the floor. And I thank my colleagues in our committees and in the House leadership for their assistance, and participation in brining this important measure to the floor.

Mr. Speaker, this is a fair rule. It does not limit the consideration of amendments to this bill in terms of what amendments can be offered, when they can be offered, or by whom they can be offered. The issue before us is a matter of degree: How long will the Committee of the Whole be required to sit? I submit that the balance struck in this bill of 10 hours is reasonable.

For our part, Mr. Speaker, on this side of the aisle, we will attempt to limit the time our side takes up in debate. We want to give those who seek to amend the bill the maximum time possible to present their arguments. And if Members want to explore with me, and with Chairman SPENCE, the possibility of our accepting amendments with minimal debate, amendments that can be cleared on both sides, we will certainly be amendable to proceeding in that manner.

The provisions of H.R. 7 have been subject to wide attention, including NATO expansion, restricting command of U.S. Forces, and limiting funding of U.N. peacekeeping.

Before we began our markup, our International Relations Committee held several days of hearings during which witnesses were invited to address the bill.

Our committee considered this bill at length during a 3-day markup.

Mr. Speaker, permit me to address the substance of this bill.

First, it is meant to strengthen American security and to protect its financial interests with respect to U.N. peacekeeping activities. Allegations that this bill undermines U.N. peacekeeping are simply unfounded.

All that this bill does is to establish a truth in budgeting standard. Essentially, if Congress has enacted a law, and the President has signed that law, and that law says ''we are going to spend some amount on U.N. peacekeeping then we would not permit any administration to circumvent that decision by providing the United Nations with unlimited in kind services. It is just that fundamental.

Second, this bill limits the subordination of American Armed Forces to the command or operational control of foreign nationals acting on behalf of the United Nations in peacekeeping operations.

Finally, we provide for the adaption of NATO to the modern age by providing a dynamic process for its expansion eastward.

In conclusion, Mr. Speaker, this is a reasonable rule and a good bill.

Accordingly, I urge my colleagues to support this rule.

□ 1230

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. I thank the gentleman for yielding this time to me.

Mr. Speaker, I support my colleagues on the Democratic side in their efforts here, but not because I am sure that 12 hours is not enough. All of that is relative. It just seems to me there is a larger issue at stake in the Democrats' effort here; that is, to be sure that the Republican effort to market their accomplishments in November 1996 does not drive policy considerations here. And it seems to me that their political marketing is driving their necessity of passing a certain number of bills in 100 days and that that is what they are about. And that is not the way United States gets good policy.

But is 12 hours enough? Well, I do not know. It is relative. Time here is relative. Twelve hours compared to what?

After all, the Constitution says we will promote the national defense, but also it says something about promoting the general welfare of the American people.

Mr. Speaker, I have done a little research. Let me share these bills with my colleagues: Starting back in 1991, the Drop-Out Prevention Act, the National Literacy Act. In 1992, the Children Nutrition Improvements Act; Abandoned Infants Act; Head Start. In 1993, the disability amendments; the School-to-Work Opportunity Act. In 1994, the Nutrition and Health for Children's Act, and the critical Safe Schools Act.

All of those combined did not take up 9 hours of debate from 1991 until today on this House floor. My point, my colleagues, is this: I believe that national defense is absolutely critical and should have the attention of this Congress.

But after 17 years here, I have learned something: The Congress of the United States has more than an interest in national defense, we have a fetish with the Pentagon. And it is diverting our attention from other essential matters such as those I have raised.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentlewoman from New York [Ms. VELÁZQUEZ].

Ms. VELÁZQUEZ. I thank the gentleman for yielding this time to me.

Mr. Speaker, today I come to the well of this Chamber in strong opposition of to H.R. 7, the National Security Act. In pursuit of catchy campaign promises, the Republicans will risk our national security by forcing us to spend billions of dollars on an unproven and unnecessary star wars—and all in a mere 10 hours of debate.

Every day in Washington we confront a budgetary climate that demands fiscal restraint. Nevertheless, my colleagues on the other side of the aisle propose to spend billions of dollars to revive a corpse of the cold war that was better left in its grave. They would place a higher priority on building a budget-busting fantasy in the sky than on funding school lunches for our children, and home delivered meals for our elderly.

Mr. Speaker, today the choice is clear: pork in the sky, or food on kids' plates down here on Earth. Let us do the right thing. Let us let a bad idea rest in peace.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to a very valuable member of the Committee on Rules, the gentleman from Sanibel, FL [Mr. GOSS].

(Mr. GOSS asked and was given permission to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, I thank the distinguished chairman of our Committee on Rules for yielding this time.

Mr. Speaker, Americans have not forgotten the last time we allowed our

Armed Forces to go unfunded or our foreign policy to become muddled.

Terms from the Carter years, like hollow force and foreign policy quagmire, are terms that we still see and still strike a chord with us and, unfortunately, they are resurfacing in our national dialog.

H.R. 7 attempts to address some of the immediate concerns Americans have about our national security and foreign policy. It does not solve all of the problems, but it starts.

I am pleased that the Committee on Rules gave us a rule for consideration of this bill that allows for 2 hours of general debate and 10 hours of an open amendment process, 10 hours.

Make no mistake, this rule allows for the consideration of any germane amendment by any Member. Unlike consideration of national security in previous years, the Committee on Rules has not excluded specific amendments nor have we singled out certain amendments for special status, placing them above others. Yes, there is an option to prefile, and, yes, there is an overall time limit to help us move reasonably expeditiously on this legislation.

But I am confident that we can have a well-managed and disciplined debate—and the word here is disciplined—that covers all the major issues in the time allotted. H.R. 7 does raise some substantive issues, issues on which it is clear Members have legitimate philosophical differences and deserve debate. One area that I happen to take a strong interest in is Haiti. Right now, upstairs in the Rules Committee, we are determining ways to pay the bills that are now coming due for that misadventure and a result of what I would call muddled foreign policy, characterized by flipflops, suffering, a brutal embargo on a friendly country, an armed invasion in a friendly country, and costing millions and millions and millions of dollars, that we are going to see as we get into the emergency supplemental bill from Department of Defense, and look at that and some other issues.

The lack of coordination, the lack of consistency, and the lack of clarity in foreign policy has a price, and unfortunately we are going to have to pay it. H.R. 7 addresses some of that, and I urge my colleagues to support this rule. I think it is the right rule for the process, and I support H.R. 7.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut, [Mr. GEJDENSON].

Mr. GEJDENSON. I thank the gentleman for yielding.

Mr. Speaker, again this legislation is bad in substance and in process. In committee, oftentimes with barely a few minutes of debate on an issue, motions were made to cut off debate and vote the issue, and virtually always on a party line.

But, in substance, this legislation is worse than it is in process. And I hope in my heart that some of the Members on the other side will take the time to read what this legislation does.

There is a question of whether or not our troops can remain as they are today in Korea. They are not under an American command. The gentleman, the chairman of the Committee on Foreign Affairs. The Committee on International Relations, could explain to me—and I would be happy to yield to him—how it is we retain our activities in Korea under this legislation?

□ 1240

There is a special exemption for Macedonia. There is no exemption for Korea. It is not a unilateral American action where they are under the United Nations. How does the President operate there?

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. GEJDENSON. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from Connecticut [Mr. GEJDENSON] for yielding. All we are saying, that our divisions, our troops, our personnel will be under direct U.S. command——

Mr. GEJDENSON. Reclaiming my time——

Mr. GILMAN. I am trying to respond to the gentleman's inquiry.

Mr. GEJDENSON. Reclaiming my time, our troops in Korea are not under American command at the moment.

Mr. GILMAN. I am saying that our troops, under American command, can work in coordination with any commander in that theater.

Mr. GEJDENSON. It is not what the—reclaiming my time, that is not what the legislation says. What the legislation says is that almost every stage, from the top of the military operation to the bottom there, has to be American commanders. That is not occurring in the Korean theater at the moment, and under this legislation it leaves in real question whether we can continue to operate in Korea.

Mr. GILMAN. Will the gentleman yield?

Mr. GEJDENSON. I say to the gentleman, ''I will not yield, and, if you look at what we do here, we take the President—you take the President of the United States, and you give him one option, and that option is unilateral action with American forces, without any support from any of our allies.''

That means every crisis around the globe is an American crisis, and like when the Congress prevented the President from joining the League of Nations at the end of World War II, we will sow the seeds of additional disharmony in the world.

Mr. SOLOMON. Mr. Speaker, I yield 5½ minutes to the gentleman from Wisconsin [Mr. ROTH], a very valuable member of the Committee on National Security.

Mr. CUNNINGHAM. Mr. Speaker, will the gentleman yield?

Mr. ROTH. I yield to the gentleman from California.

Mr. CUNNINGHAM. Mr. Speaker, the gentleman is mistaken. I was in charge with fleet core group of all the troops in Korea. There is a four-star Air Force General that is in charge with a brick over all forces, and any Navy force that goes into that gulf is in charge under that four-star except for the direction of the carrier. They are not under U.N. control. The U.S. military is in control, and what we are trying to do is take the control of Boutros Boutros-Ghali and the rest of it away from our troops.

I say to the gentleman, ''I was there for 4 years and conducted it, GEJDENSON. Don't you tell me who has control.''

Mr. ROTH. Mr. Speaker, I thank my friend, the gentleman from California [Mr. CUNNINGHAM], for clarifying that point.

This is a good rule, and I compliment the Committee on Rules for this fair and honest rule. I know that they deliberated long and diligently on this rule, and I applaud them. I appeared before the Committee on Rules, and, while this is not the rule that I would have drafted, it is a fair and prudent rule.

What this rule does provide for basically is two things. Amendments printed in the RECORD will get preferential consideration; that is only fair; and it provides for a definite time period to complete debate; again only fair. I myself asked for a section-by-section consideration, but the majority, and they are Republicans on the Committee on Rules, thought otherwise is to be more fair to our friends on the other side of the aisle. They felt that, if we would have had a section-by-section debate of the bill, it would have more of a logical progression to the debate, but I know our side of the aisle wanted to be fair to the other side, and so also I say this is a fair rule.

Every Member in this Congress at one point or another has been discussing and debating the issues in this bill for years, some for decades. In our committee hearing we had countless hours of amendments in debate, 21 amendments. Twenty-one amendments were offered and debated and considered in our committee.

In the Contract With America we pledged that in the first 100 days we would vote on 10 specific major issues. Strengthening our national defense is one of these issues; more specifically, on how we interact with the United Nations and the amount of dollars that we, the American taxpayer, put into the U.N. fund, peacekeeping, and other U.N. activities.

I have a premonition that some in this body would consciously or subconsciously use this rule as a way, as a pretext, to attack the Contract With America, to divert attention from the Contract With America, but we have made a commitment with the American people. We have made a pact, a

covenant, and when we conservatives give our word, we aim to keep it. Where we made a covenant, it is not campaign rhetoric, it is not grist for the media. We mean it. Therefore we will debate and vote on this bill and move on to the other elements of the Contract With America, but we will do it in fairness, and we will do it judiciously.

This bill is in line with what the American people want. They voted for this Contract With America last November 8. The American people do not want American soldiers being used as pawns in the United Nations designs. They do not want American soldiers to be under other than U.S. command in peacekeeping operations. American taxpayers want and will contribute their fair share to the U.N. operations. But American taxpayers no longer want to be milked by the United Nations.

The United Nations all too often looks at America as a dairy cow to be milked. Well, we conservatives will do our fair share, but we will not allow America to be milked as a dairy cow is milked. We will do our fair share, but we look upon America as a strong horse pulling a heavy load, and then some, but we are no one's dairy cow to be milked, and that includes the United Nations.

If this bill were coming up under the old majority, this bill would be considered under a closed rule. Most of the amendments we will be debating on and voting on in the next 13 hours. Thirteen hours would never have been allowed under the old majority. The tally that the chairman of the Committee on Rules has been keeping over the last several years proves that point. Virtually every major bill in the last few years has been up under a closed rule with limited debate. We, the Republicans, have a greater confidence in this House and the legislative process. We want a full and complete debate, 1 hour on the rule, 2 hours for general debate, 10 hours on the amendments, 13 hours of total work on this legislation, on a bill that all of us have debated.

There is not a Member in this House that does not know both sides of debate on any one of these issues to come up. We also have confidence that the bill will withstand the scrutiny of this House and the American people who voted for the Contract With America.

Yes, this is a fair bill, and I congratulate the Committee on Rules because I know they worked hard. I know they had to make some tough decisions. This is a good rule, and this is an excellent bill. The American people voted for this bill on November 8, and I ask this House to vote for this bill today.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentlewoman from Georgia [Ms. MCKINNEY].

(Ms. MCKINNEY asked and was given permission to revise and extend her remarks.)

Ms. MCKINNEY. Mr. Speaker, I find it amazing and unfortunate that the real vestige of the cold war thinking is right here in the U.S. Congress. Now that democracy is at the doorstep of nations formerly a part of the Communist block, this bill takes $30 billion steps backward.

The American taxpayers want every nation to play a role in the global march toward democracy. The tragedy of this bill, however, is that it will force the United States to go it alone when the world finds itself in crisis. This bill hamstrings the President and undermines his constitutional authority as Commander in Chief.

This is just another buzz bill filled with buzz words, cooked up by a Republican pollster to try and make Republicans appear to be responsible in the area of foreign policy. The Devil, however, is always in the details, and this bill is short on details and long on the Devil. If this bill passes, we cannot say, ''The Devil made us do it,'' but ''A Republican-led Congress made us do it.''

Vote ''no'' on the rule and vote ''no'' on the bill.

In fact, Mr. Speaker, this bill could be dubbed the ''Terminator'' since it will wipe out all supranational options for the United States when peace and democracy are in danger. Just like the Terminator, if this bill passes, we, too, can say ''Hasta la vista, baby.'' And in the process, we'll be saying so long to future contributions to operations like Cyprus, the Sinai, Haiti, and Kashmir. And in the process, this Terminator bill hamstrings the President and undermines his constitutional authority as Commander in Chief.

This bill also has an unfunded mandate for NATO expansion, but sidesteps the fact that it is also committing the United States to defend every country that becomes part of the new NATO.

And let me say a word about this buzz word of foreign command and control. The forces of the United States are never under foreign command. This is just another buzz word cooked up by a Republican pollster to make them appear to be responsible in the area of foreign policy.

This bill paves the way for early NATO entry for a few, but isolates the majority of burgeoning democracies committed to the partnership for peace. Many of those left out are more viable than some of those put in. This is recklessness to say the least.

We must demand that those entering a new NATO must not only uphold our shared values upon entry, but that they continue to uphold human rights, avoid acts of armed aggression, and cease providing lethal weaponry to third parties—in order to remain part of NATO.

The Devil is always in the details. This bill is short on details, but long on the Devil. If this bill passes, we cannot say that the Devil made us do it, but we can lay this reckless piece of foreign policy legislation squarely at the doorstep of a Republican-led Congress. We ought to say ''Hasta la vista, baby'' to this bill.

□ 1250

Mr. DIAZ-BALART. Mr. Speaker, I would make an inquiry of the Chair with regard to the time remaining on each side for this rule.

The SPEAKER pro tempore (Mr. GILLMOR). The gentleman from New York [Mr. SOLOMON] has 4½ minutes remaining, and the gentleman from Ohio [Mr. HALL] has 16 minutes remaining.

Mr. DIAZ-BALART. Mr. Speaker, I reserve the balance of our time.

Mr. HALL of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], the former chairman and now ranking minority member of the Committee on Rules.

Mr. MOAKLEY. Mr. Speaker, I thank my colleague, the gentleman from Ohio [Mr. HALL], for yielding time to me.

Mr. Speaker, make no mistake about this rule, it is a closed rule and it keeps Members of Congress from voting on amendments. Just yesterday an identical rule shut out at least a half a dozen Democratic amendments because they just did not have time. The time ran out. There is no reason to think that this rule would be any different.

We are not talking about some inconsequential bill; we are talking about the national security of the United States. This bill limits the commander in chief's ability to direct American troops in conflict.

It redefines the U.S. relationship with our allies, it threatens the future of the United States, and it completely redirects American defense priorities.

Mr. Speaker, the issues it deals with is no small potatoes, and this should be nonpartisan. But Republicans have refused to work with Democrats. They want to hurry up and start the long weekend. They want to get on with the contract.

Mr. Speaker, as far as I am concerned, it is impossible to spend too much time discussing the security of the American people. The chairman of the Committee on Rules said that Members ought to know enough about this bill to vote on it. Yes, Mr. Speaker, I agree with him, we do know enough about this bill. We know enough to realize that it is a rash, irresponsible, extremist mess that needs to be fixed.

But, Mr. Speaker, Members will not get the chance to amend this bill because Republicans just do not have the time. Democrats are willing to work late, to stay in town this weekend, and do whatever it takes to protect our citizens, but instead we are being forced to address this dangerous mix of isolationism and star wars and being told to hurry up or shut up.

Mr. SOLOMON. Mr. Speaker, would my good friend, the gentleman from Massachusetts, yield? And he is my good friend.

Mr. MOAKLEY. I will yield, absolutely, yes, as soon as I finish my statement.

Mr. Speaker, this is no way to treat the defense of this country, and it is no way to govern.

I would also add that this bill revives an incredibly expensive military program that was doomed from the start. To put it simply, star wars will not work. It costs too much money. Furthermore, spending money on star wars

will take funds away from protecting our troops in the field.

Mr. Speaker, I urge my colleagues to vote no on the previous question so we can get rid of this time cap that will gag Members of Congress and do a straight, open rule on the bill. The safety of American troops is a lot more important than some pie-in-the-sky fantasy, and I think Members ought to be able to offer amendments to that effect.

Mr. Speaker, I ask the Members to vote no on the previous question.

Mr. Speaker, I now yield to my friend, the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I would just say to my very good friend that he seems to infer that I personally have not been cooperative and have not been a gentleman.

Mr. MOAKLEY. No, let me just assure the gentleman.

Mr. SOLOMON. The gentleman has hurt my feelings because——

Mr. MOAKLEY. No, no. I say this because I look upon the gentleman as the leader of the Rules Committee.

Mr. SOLOMON. Mr. Speaker, I will not belabor the point.

The SPEAKER pro tempore. The time of the gentleman from Massachusetts [Mr. MOAKLEY] has expired.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from New Mexico [Mr. RICHARDSON].

(Mr. RICHARDSON asked and was given permission to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, his bill is the most far-reaching foreign policy bill to come before the House in several years, and we are debating it for 10 hours to meet a political deadline and to make the congressional recess.

This is what this bill does: It would force the United States to take on the world by itself in every instance; it would put excessive conditions and restrictions on the President's conduct of national security affairs; it would cripple U.N. peacekeeping; and it would move the United States toward new security commitments in Eastern and Central Europe at a time of declining resources.

The bill raises significant issues that go to the heart of national security. Title II raises questions about whether we choose star wars over readiness in our national defense strategy; title II creates a National Security Commission that would usurp the role of Congress and the executive branch; and titles IV and V seriously threaten U.S. national security by eliminating an important collective security tool and completely undermines the President's authority as Commander in Chief.

Let us talk about what this means in practical terms. The Democratic Caucus has tried hard to focus on the key issues of this bill. We plan to offer only eight or nine amendments. We have less than an hour per amendment, less than an hour to debate star wars versus readiness, less than an hour to debate whether the United States cuts off participation in U.N. peacekeeping activities, and less than an hour to debate whether the United States dramatically expands its defense commitments in Eastern Europe, as called for in title VI.

Mr. Speaker, there are a lot of issues in this bill that deserve much more time. This bill would cripple American national security policy. It is the wrong signal to send to our NATO allies. If I were a NATO ally and I woke up tomorrow and saw that this bill had passed, I would think it was a bad dream or a joke.

Mr. Speaker, this is wrong. Let us not move ahead with this legislation.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. HAMILTON], the ranking minority member of the Committee on International Relations.

(Mr. HAMILTON asked and was given permission to revise and extend his remarks.)

Mr. HAMILTON. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, H.R. 7 is the most far-reaching foreign-policy bill to come before this House in a number of years. I suspect that Members will not have an opportunity to vote on a more important foreign policy bill than this one, and I do not know of any authorization bill that will follow that will, within the confines of one bill, raise more key national security issues than this bill.

I think the bill does not revitalize our national security; indeed, I think it weakens it. I think the bill overall strikes at the heart of the President's authority and ability and capability to protect the national security and to conduct foreign policy. It ends U.N. peacekeeping, despite the statements that have been made to the contrary. That is the opinion of the Defense Department, it is the opinion of the State Department, and it is the opinion of the Deputy Under Secretary under President Reagan, who said that this bill would hinder and bankrupt U.N. peacekeeping.

I think there is no doubt about the importance of the bill on U.N. peacekeeping. U.N. peacekeeping has been used by every President in recent times to promote American national interests. I think the bill prematurely and unilaterally, designates certain countries for NATO membership, picking winners and losers in a way that could actually slow down the process of NATO expansion.

□ 1300

H.R. 7 micromanages American foreign policy. It undercuts the President's authority. It limits the President's authority to respond to crises and to our national security interests.

Now, all of that is simply to suggest that this is a very, very important bill. Each title raises significant national security concerns, and we are doing it with extremely limited debate, on the most momentous national security issues that we will debate in this Congress.

(By unanimous consent, Mr. YATES was allowed to speak out of order).

PERSONAL EXPLANATION

Mr. YATES. Mr. Speaker, on rollcall 129 last night I meant to vote ''no'' and I left the voting station believing I have voted ''no.'' I learned a few minutes ago the voting machine recorded a ''yes'' vote for me, which was obviously a mistake. I ask that the RECORD show that on rollcall 129 I intended my vote to be a ''no'' vote, not ''aye.''

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. JOHNSTON].

Mr. JOHNSTON of Florida. Mr. Speaker, I come before you mainly on the proposition of peacekeeping. I have been intimately involved in Africa the last 2 years. If this bill is passed, you would not have any such thing as Rwanda, where we went in under the U.N. umbrella immediately and solved the cholera situation. We put 4,000 troops in there and saved probably 200,000 Rwandans and pulled them out without one casualty of American troops there.

You are now tying the hands of the President of the United States. You are setting a precedent here that is unprecedented in the history of the United States, requiring the Chief Executive Officer to come to Congress before they can put in a peacekeeping group.

Let me propose to the Republicans the hypothetical proposed by JIM LEACH, Congressman JIM LEACH, a republican from Iowa, in the Committee on Foreign Affairs.

Let us assume in August of this year there is a peace agreement between Syria and Israel, and the Syrians and the Israelis ask the United States to put in 100 troops into the Golan Heights to protect each side. We are on leave at that time. The President literally could not move if this bill becomes law.

I think it is irresponsible for us to consider this and go forward with what we are doing to the United States, what we are doing to the United Nations, and what we are doing to peacekeeping in the world.

Ms. PRYCE. Mr. Speaker, I yield 2 minutes to my good friend from the other side of the aisle and from Youngstown, OH, the gentleman from Ohio [Mr. TRAFICANT].

(Mr. TRAFICANT asked and was given permission to revise and extend his remarks.)

Mr. TRAFICANT. I support the rule and support the bill. The bill makes sense. The American people are fed up. They are fed up with the United Nations that dials 911, and they are fed up with a Congress that not only pays for the 911 call, but then sends an American Express card to pay for all this business.

I think, Congress, it is about time we start facing the facts. The American

people are tired of hearing all the debate about Russia. They want to learn what happened about Rhode Island. They are sick and tired about all of this talk about Mexico and saving Mexico. They are concerned about Mississippi and Massachusetts. We are not listening. I think it is time to take a look at that, ladies and gentleman, and we are not.

All this bill is totally acceptable for me. I am going to vote for it. I have some concerns about star wars, but I have an amendment. We cap our participation and cost contribution to peacekeeping to 25 percent in this bill. The Traficant amendment would reduce it to 20 percent, but would allow the President for need to expand that increase to 25 percent. But the President must notify the Congress of such increase and, second of all, justify the reasons for it.

I think it is time we get some bureaucrat in some dark room of the Capitol with a calculator that keeps track on what we are spending, and that is exactly what my amendment will do.

By the way, I think it is time we start worrying about the people in America. Instead of worrying about patrolling and controlling other countries' borders, I think it is time we start looking at our own borders in our own country and start using our resources to invest in America.

That is only my position. I think it is a good commonsense bill. I am going to support it. And I think we should look at it on the merit. There are amendments that when you disagree with something, you could voice your will.

Mr. HALL of Ohio. Mr. Speaker, I yield 1½ minutes to the gentleman from Michigan [Mr. BONIOR], the minority whip.

Mr. BONIOR. Mr. Speaker, let us be clear about what the Republicans are trying to do here today. In about the same time it would take to watch the movie ''Dumb and Dumber'' five times, the Republicans are asking us to totally redefine America's national security interests. In the past 5 weeks alone, this House has spent 14 hours debating the rules of the House, 2 days debating the line-item veto, 2 weeks debating the unfunded mandates bill, and yet in less than 1 day's time the Republicans are asking us to totally rewrite American foreign policy, restructure the Nation's defense policy, and spend tens of billions of dollars more on star wars.

Mr. Speaker, to paraphrase Winston Churchill, this has got to be extremism's finest hour.

Last year we spent over 2 weeks debating the defense appropriations bill, over 200 amendments were submitted to the Committee on Rules and over 100 amendments were made in order on the House floor. Yet today we are going to be allowed to offer just a handful of amendments to a bill that redefines America's national interests.

The Republicans are in such a hurry to punch another hole in their contract that they are willing to blindly rush through a bill that will punch a gaping hole into our national defense. I urge my colleagues, say no to extremism, say no to this rule, and say no to star wars.

CALL OF THE HOUSE

Mr. HALL of Ohio. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 131]

Abercrombie
Ackerman
Allard
Andrews
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Beilenson
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

☐ 1325

The SPEAKER pro tempore (Mr. GILLMOR). On this rollcall, 419 Members have recorded their presence by electronic device, a quorum.

Under the rule, further proceedings under the call were dispensed with.

PROVIDING FOR CONSIDERATION OF H.R. 7, NATIONAL SECURITY REVITALIZATION ACT

Mr. HALL of Ohio. Mr. Speaker, I would ask how much time remains on my side.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. HALL] has 5 minutes remaining, and the gentleman from New York [Mr. SOLOMON] has 2½ minutes remaining, and he has the right to close.

Mr. HALL of Ohio. Mr. Speaker, I yield my remaining time to the gentleman from California [Mr. DELLUMS], the ranking minority member of the Committee on National Security.

Mr. DELLUMS. Mr. Speaker, I rise this morning in sadness and disappointment, but I also rise in resolute opposition to this rule.

Earlier in the course of this debate, one of my distinguished colleagues on this side of the aisle said ''In making your case, either argue the facts or argue the law or argue fairness.'' I choose to accept that challenge, Mr. Speaker, and accept the arduous responsibility of addressing all three of them.

First, to the issue of facts. This rule says there shall be 10 hours of debate for the purposes of amendment. Mr. Speaker, there are 44 amendments printed in the RECORD. In looking at those 44 amendments, 26 of them are independent, nonduplicative amendments.

We have 17 minutes per vote. If there is a vote on all 26 of those amendments, we arrive at a grand total of 7 hours and 22 minutes, leaving us 2 hours and 38 minutes, not 10 hours, for the purposes of debating 26 amendments, an average of 6 minutes per amendment for debate.

Let us pull off the sham of what this is all about, Mr. Speaker.

□ 1330

Mr. Speaker, to the issue of law. This proposed law has enormous budget implications. If we are talking about star wars and a space-based system we can be talking about between $30 billion and in excess of $40 billion, no small amount.

This has ABM ballistic missile defense treaty implications. We should always walk fragilely and cautiously whenever we speak to a treaty.

The bill has enormous constitutional implications. The Framers of the Constitution gave this body the ability to develop and raise forces, but it correctly gave the President of the United States the right to array those forces.

There are command and control issues here. There is an effort here to dissipate the whole notion of peacekeeping. I would assert to all of my colleagues that the Somalias, the Haitis, the Bosnias, and the Rwandas of the world are the wave of the future, peacekeeping is here. It must be here on the line here.

Finally to the question of NATO, we have never, Mr. Speaker, debated the issue of NATO, never in the 24 years that this gentleman has been here. This has enormous foreign policy implications, implications for our allies.

Finally, to the question of fairness, Mr. Speaker, I do not raise the issue of fairness, but rather I challenge us to a higher level of responsibility. I challenge us to carry out our fiduciary responsibilities, our basic contract as it were, to the American people.

What drives this train? What drives this train is a campaign promise. But in the remaining moments I have, Mr. Speaker, I choose not to denigrate campaign promises but rather to dignify them, and I would attempt to do that by asserting this: When you move, Mr. Speaker, from campaign promise to substantive legislation, a legislative initiative, at that point as Members of Congress, it is incumbent upon us to make sure, to guarantee that the process is deliberative, it is substantive, it is thoughtful, leaving us with our ability to say to our American people, our basic boilerplate contract to you is that we will engage in a procession that is equal to the task that we put before you, that it embraces the substantive nature of the issues that we are engaged in. Anything less than that is a folly.

So if you are going to have a contract for America, fine, no problem. But whatever your politics are, I probably have learned how to lose on this floor more than everybody in here collectively.

That is not the issue, Mr. Speaker. But what is? All 435 of us, Members of Congress and delegates, must come together and be united at one point and that is the issue of openness, that we should be able to return to our constituencies and look them in the eye and say the fundamental contract that we have with you is this: We made decisions that were based on the deliberative process.

Six minutes to debate foreign policy, national security, and intelligence policy of this country belies the reality. It belittles all of us.

Mr. Chairman, 10 hours is absurd.

One final point. A number of my colleagues on this side of the aisle in the last 2 years stood up and complemented this gentleman to the point of my personal embarrassment by saying I do not always agree with the gentleman from California, and I understand that, but they said we appreciate the gentleman's openness and fairness. And the first time that my colleagues had an opportunity not simply to come to compliment with words but to compliment with deeds and gestures, they say take this 10 hours and cram it down your throat. I would never have ever come to this floor advocating a 10-hour amount on a matter of such substance.

Mr. Chairman, Members on this side of the aisle, stand up resolutely and oppose this rule in the name of competence, fairness, and our fiduciary responsibility to the American people.

Mr. HALL of Ohio. Mr. Speaker, I yield to the gentlemen from Missouri [Mr. VOLKMER] for the purpose of making a unanimous-consent request.

Mr. VOLKMER. Mr. Speaker, I ask unanimous consent that the rule be amended to provide that time used for voting on amendments not count toward the 10 hours of debate.

The SPEAKER. Does the gentleman from New York [Mr. SOLOMON] yield for that purpose?

Mr. SOLOMON. No, Mr. Speaker, and the rule does not allow it. The time was yielded for debate purposes only.

The SPEAKER. The gentleman from New York does not yield for that purpose, and the gentleman from Missouri is not recognized.

Ms. PRYCE. Mr. Speaker, I yield myself our final 2½ minutes.

Mr. Speaker, I rise in strong support of this open and fair rule for the consideration of the National Security Revitalization Act. And I appreciate the statements of my friend from California, but I must disagree. This is a fair rule and a responsible rule. And when the gentleman was at the Committee on Rules, we were close to an agreement as to the time for this debate. And I must commend the gentleman from New York, the distinguished chairman of the Committee on Rules, Mr. SOLOMON, for explaining just why this is an open and fair rule, and the role of the minority leadership in limiting this time.

Many of our Members do not realize that their failure to negotiate and their failure to agree to begin work early each morning helped decide the time lines for this rule. More time had been offered but no agreement could be made because no one would negotiate on the other side of the aisle.

And so, my friends, under this rule we have up to 10 hours to debate amendments, on top of the 2 hours set aside for general debate. We have not had this much concentrated debate in recent history, 40 years I might suggest under an open rule on these matters, and because this is an open rule, any Member can offer a germane amendment to the bill and those who have preprinted in the RECORD will be given priority.

Since the 104th Congress began a few weeks ago our attention has been focused primarily on the domestic side of the American agenda. We tackled such issues as how to cut such spending, and chief among those was balanced budgets and fighting crime, but now by adopting this rule today, Mr. Speaker we can begin debate on the very important question of how the United States will respond to the emerging security challenges of the next century.

As the United States adjusts to the post-cold-war era we must remain focused, strong, and vigilant. Yet many serious questions have been raised about the status of our present defense strategy, the state of military readiness, and the adequacy of defense spending.

Congress must find the answers to these questions, and the bill before us will take us one step closer to constructively addressing these and many other fundamental issues affecting Americans' national security policy.

□ 1340

And despite partisan complaints which I have heard about this legislation, enhancing national security should not be a Democrat or Republican issue. It should be a bipartisan issue, and I am pleased to note that the National Security Committee reported H.R. 7 out with strong bipartisan support.

Mr. Speaker, I hope the spirit of bipartisan cooperation will enable us to adopt this fair rule and begin consideration of a very forward-looking proposal to reshape our future national security.

In closing, I would just like to congratulate my chairman, the gentleman from New York [Mr. SOLOMON], for his outspoken leadership, unfailing commitment to maintaining a strong defense, his arduous attempts to negotiate, and I urge the adoption of this fair rule.

Mr. Speaker, I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. GILLMOR). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HALL of Ohio. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. The Chair announces that, pursuant to clause 5 of rule XV, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of the adoption of the resolution.

This is a vote on ordering the previous question. This is a 15-minute vote.

The vote was taken by electronic device, and there were—yeas 229, nays 199, not voting 6, as follows:

[Roll No. 132]

YEAS—229

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—199

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Laughlin
Levin
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—6

Becerra
Flake
Istook
Lantos
Lewis (GA)
Schumer

□ 1356

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. GILLMOR). The question is on the resolution.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HALL of Ohio. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 227, nays 197, not voting 10, as follows:

[Roll No. 133]

YEAS—227

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Paxon
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Tate
Taylor (NC)

Thomas
Thornberry
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—197

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Laughlin
Levin
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pomeroy
Poshard
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—10

Becerra
Emerson
Lantos
Lewis (GA)
McIntosh
Royce
Smith (MI)
Talent
Towns
Wilson

□ 1404

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REQUEST FOR CHANGE IN COUNTING TIME FOR DEBATE ON H.R. 7, NATIONAL SECURITY REVITALIZATION ACT

Mr. VOLKMER. Mr. Speaker, I ask unanimous consent that during the consideration of H.R. 7 all time used for electronic voting on amendments not count towards the 10 hours for debate.

The SPEAKER pro tempore (Mr. GILLMOR). Is there objection to the request of the gentleman from Missouri?

Mr. GILMAN. Reserving the right to object, Mr. Speaker, I am pleased to yield to the gentleman from Missouri [Mr. VOLKMER] to explain his request.

Mr. VOLKMER. Mr. Speaker, my unanimous-consent request is to facilitate time in which these amendments, the 26 that are independent, would have time to debate.

As was brought out during debate on the rule by the gentleman from California, if we figure it all out, if we are going to take up these 26 amendments, and those are the ones that are separate and nonlubricated, in that 10 hours it will only allow 6 minutes, if we vote on every one on electronic voting. It means there will be approximately 6 minutes time to debate each amendment. Otherwise there are going to be Members, like there were last night, and I include myself and others, that do not have an opportunity to offer their amendments.

Mr. Speaker, what they are telling the House here is every time that we vote during the Committee of the Whole we are cutting Members off from amendments. So all I am asking is that we not count the time for electronic voting when figuring up the debate time.

Mr. GILMAN. Mr. Speaker, further reserving the right to object, I yield to the distinguished chairman of the Committee on Rules, the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, the gentleman must not have been present during the debate on the rule, but the truth is that we were willing to extend this debate by a number of hours if we could have moved up the starting times, today by 2 hours, tomorrow by 1 hour. We are now past that point, so I would respectfully have to object to the gentleman's request.

The SPEAKER pro tempore. Objection is heard.

MOTION TO ADJOURN

Mr. VOLKMER. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. VOLKMER moves that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri [Mr. VOLKMER].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. VOLKMER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 134, noes 291, not voting 9, as follows:

[Roll No. 134]

YEAS—134

Abercrombie
Ackerman
Andrews
Baldacci
Barcia
Berman
Bishop
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Coyne
DeLauro
Dellums
Deutsch
Dingell
Dixon
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Green
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jefferson
Johnson (SD)
Johnson, E. B.
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Klink
Levin
Lofgren
Lowey
Maloney
Manton
Martinez
Mascara
Matsui
McDermott
McKinney
McNulty
Meehan
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moran
Nadler
Neal
Oberstar
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pomeroy
Reed
Reynolds
Richardson
Rivers
Roybal-Allard
Rush
Sabo
Sanders
Schroeder
Serrano
Skaggs
Skelton
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Thompson
Thurman
Torres
Towns
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Wise
Wyden
Wynn
Yates

NAYS—291

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Beilenson
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLay
Diaz-Balart
Dickey
Dicks
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (LA)
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte

Goodling	Longley	Sanford
Gordon	Lucas	Sawyer
Goss	Luther	Saxton
Graham	Manzullo	Scarborough
Greenwood	Markey	Schaefer
Gunderson	Martini	Schiff
Gutknecht	McCarthy	Schumer
Hall (TX)	McCollum	Scott
Hancock	McCrery	Seastrand
Hansen	McDade	Sensenbrenner
Harman	McHale	Shadegg
Hastert	McHugh	Shaw
Hastings (WA)	McInnis	Shays
Hayes	McIntosh	Shuster
Hayworth	McKeon	Sisisky
Hefley	Menendez	Skeen
Heineman	Metcalf	Smith (MI)
Herger	Meyers	Smith (NJ)
Hilleary	Mica	Smith (TX)
Hobson	Miller (FL)	Smith (WA)
Hoekstra	Minge	Solomon
Hoke	Molinari	Souder
Horn	Montgomery	Spence
Hostettler	Moorhead	Stearns
Houghton	Morella	Stenholm
Hunter	Murtha	Stockman
Hutchinson	Myers	Stump
Hyde	Myrick	Talent
Inglis	Nethercutt	Tanner
Istook	Neumann	Tate
Jacobs	Ney	Tauzin
Johnson (CT)	Norwood	Taylor (MS)
Johnson, Sam	Nussle	Taylor (NC)
Johnston	Ortiz	Tejeda
Jones	Oxley	Thomas
Kasich	Packard	Thornberry
Kelly	Parker	Thornton
Kildee	Paxon	Tiahrt
Kim	Petri	Torkildsen
King	Pickett	Torricelli
Kingston	Pombo	Traficant
Kleczka	Porter	Upton
Klug	Portman	Vucanovich
Knollenberg	Poshard	Waldholtz
Kolbe	Pryce	Walker
LaFalce	Quillen	Walsh
LaHood	Quinn	Wamp
Largent	Radanovich	Watts (OK)
Latham	Rahall	Weldon (FL)
LaTourette	Ramstad	Weldon (PA)
Laughlin	Regula	Weller
Lazio	Riggs	White
Leach	Roberts	Whitfield
Lewis (CA)	Roemer	Wicker
Lewis (KY)	Rohrabacher	Wilson
Lightfoot	Ros-Lehtinen	Wolf
Lincoln	Rose	Woolsey
Linder	Roth	Young (AK)
Lipinski	Roukema	Young (FL)
Livingston	Royce	Zeliff
LoBiondo	Salmon	Zimmer

NOT VOTING—9

Becerra	Lantos	Rangel
Camp	Lewis (GA)	Rogers
Kaptur	Meek	Williams

□ 1425

So the motion was rejected.

The result of the vote was announced as above recorded.

REFERRAL OF H.R. 10, COMMONSENSE LEGAL REFORM ACT, TO COMMITTEE ON COMMERCE

Mr. BLILEY. Mr. Speaker, I ask unanimous consent that title I, section 103 of H.R. 10, the Commonsense Legal Reform Act, be referred to the Committee on Commerce as an additional committee on jurisdiction.

The SPEAKER pro tempore (Mr. GILLMOR). Is there objection to the gentleman from Virginia?

There was no objection.

NATIONAL SECURITY REVITALIZATION ACT

The SPEAKER pro tempore. Pursuant to House Resolution 83 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 7.

□ 1427

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7) to revitalize the national security of the United States, with Mr. LINDER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from New York [Mr. GILMAN] will be recognized for 30 minutes, the gentleman from New Jersey, [Mr. TORRICELLI] will be recognized for 30 minutes, the gentleman from South Carolina [Mr. SPENCE] will be recognized for 30 minutes, and the gentleman from California [Mr. DELLUMS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased that we are beginning general debate of a very important segment of the Contract With America, H.R. 7, the National Security Revitalization Act.

H.R. 7 confronts issues of real concern to the American people.

Take for example the issue of foreign command of U.S. Armed Forces in U.N. peacekeeping operations.

The Clinton administration broke new ground in this area. Indeed, few aspects of their foreign policy have been pursued with as much vigor as their efforts to promote U.N. peacekeeping operations in which U.S. forces have been placed under foreign command.

They did it in Somalia, they did it in the former Yugoslavia, and they were prepared to do it in Haiti.

H.R. 7 restores a proper balance with regard to foreign command of U.S. forces in U.N. peacekeeping operations.

H.R. 7 doesn't forbid foreign command in all cases; only in those cases where the President is unable to certify that the foreign command arrangement is necessary to protect U.S. national security interests and that the U.S. forces will not be required to comply with illegal or militarily imprudent orders.

The American people would be shocked to learn that the administration and its allies in Congress think the President should have a free hand to put U.S. forces under foreign command, even when it's not in our national interest and even when our forces could be compelled to obey illegal or militarily imprudent orders.

But that is the administration position, and today they will have time to defend it.

The exploding cost of U.N. peacekeeping operations is another matter of concern to the American people that we address in H.R. 7. Last year, our total peacekeeping payment to the U.N. was almost $1.1 billion. In addition, the Department of Defense incurred incremental costs of more than $1.7 billion for U.S. support to or participation in U.N. peacekeeping operations.

That's a total of $2.8 billion for peacekeeping.

H.R. 7 tries to get a handle on these spiraling costs. It insists that at least some of our unreimbursed Defense Department expenditures in support of peacekeeping be deducted from our U.N. assessment.

Critics of H.R. 7 say this is unreasonable. They accuse us of wanting to destroy U.N. peacekeeping.

Nothing could be further from the truth. Peacekeeping is an important tool that can serve our national interests. But because the U.S. taxpayer foots the largest share of the bill, we must ensure that it is only undertaken when it serves our interests and that it is carried out in a cost-effective way.

A final issue address by H.R. 7 is the expansion of NATO.

My efforts and those of my colleagues to facilitate the expansion of NATO—both in H.R. 7 and in the NATO Participation Act passed on the last day of the last Congress—are the final answer to those who claim that the Republican Party stands for a return to isolationism.

To the contrary, we favor continued American engagement in the world, and flexible policies in response to the changes brought about by the end of the cold war.

For these and other reasons, H.R. 7 is a good bill that deserves to be approved.

Mr. Chairman, I am pleased that we are beginning today to debate a very important element of the Contract With America, H.R. 7, the National Security Revitalization Act.

In all probability our consideration of H.R. 7 will occasion a lively debate.

For too long the Congress has avoided debating some of the toughest foreign policy issues confronting our country. Last year, for example, those of us who wanted to debate President Clinton's plan to invade Haiti were muzzled until it was too late.

We're not going to avoid the tough issues any longer.

That's what H.R. 7 is all about. We're going to confront issues of real concern to the American people.

And it's our intention to turn around administration policy where it has been misguided, inept, or simply out of step with the wishes of the American people.

Take for example the issue of foreign command of U.S. Armed Forces in U.N. peacekeeping operations.

Before President Clinton took office, no President had ever put significant numbers of U.S. forces in a U.N. peacekeeping operation commanded by a foreign national.

The Clinton administration broke new ground in this area. Indeed, few aspects of their foreign policy have been

pursued with as much vigor as their efforts to promote U.N. peacekeeping operations in which U.S. forces have been placed under foreign command.

They did so in Somalia, they did it in the former Yugoslavia, and they were ready to do it in Haiti, until last November's election focused the attention of the U.N. bureaucracy and forced them to agree to put a U.S. commander in charge of the Haiti Operation.

H.R. 7 restores a proper balance with regard to foreign command of U.S. forces in U.N. peacekeeping operations. Notwithstanding the rhetoric of administration spokesmen, H.R. 7's approach could hardly be more moderate.

It doesn't forbid foreign command in all cases; only in those cases where the President is unable to certify that the foreign command arrangement is necessary to protect U.S. national security interests and that the U.S. forces will not be required to comply with illegal or militarily imprudent orders.

The American people would be shocked to learn that the Clinton administration and its allies in Congress think the President should have a free hand to put U.S. forces under foreign command, even when it's not in our national interest and even when our forces could be compelled to obey illegal or militarily imprudent orders.

But that is their position, and today they will have the opportunity to defend it.

The exploding cost of U.N. peacekeeping operations is another matter of concern to the American people that we address in H.R. 7. Last year, our total peacekeeping payment to the U.N. was almost $1.1 billion. In addition, the Department of Defense incurred incremental costs of more than $1.7 billion for U.S. support to or participation in U.N. peacekeeping operations.

That is an overall total of $2.8 billion for peacekeeping.

And we all know that much of these funds are simply wasted. The billions of dollars we and the U.N. spent in Somalia accomplished precious little. And this month DoD expects to spend another $15 million so that U.S. forces can cover the withdrawal of the last U.N. peacekeepers from the failed mission in Somalia.

H.R. 7 tries to enable the Congress to get a handle on these spiraling costs. It insists that at least some of our unreimbursed Defense Department expenditures in support of peacekeeping be deducted from our U.N. assessment.

Critics of H.R. 7 contend that this is unreasonable. They say, for instance, that we have no right to expect the U.N. to reimburse us for the $15 million we're spending this month to evacuate the U.N. peacekeepers from Somalia. They accuse us of wanting to destroy U.N. peacekeeping.

Nothing could be further from the truth. Peacekeeping is an important tool that can and does serve our national interests. But because the U.S. taxpayer foots the largest share of the bill, we must ensure that it is only undertaken when it serves our interests and that it is carried out in a cost-effective way.

The critics of H.R. 7 favor the status quo, where the U.S. taxpayer gets double billed for U.N. peacekeeping. We demand a better deal from the U.N.

We look forward to debating this issue here on the floor.

A final issue addressed by H.R. 7 is the expansion of NATO.

My efforts and those of my colleagues to facilitate the expansion of NATO—both in H.R. 7 and in the NATO Participation Act passed on the last day of the Congress—are the final answer to those who claim that the Republican Party stands for a return to isolationism.

To the contrary, we favor continued American engagement in the world, and flexible policies in response to the changes brought about by the end of the cold war. We seek to adopt NATO to the new security requirements in central and eastern Europe, and we are pleased that our efforts have received considerable support from the other side of the aisle.

Even the administration seems to be slowly coming around to our point of view.

We welcome that change, and we look forward to further debate on that issue here on the floor.

For these and other reasons, H.R. 7 is a good bill that deserves to be approved by our colleagues.

Mr. Chairman, I reserve the balance of my time.

□ 1430

Mr. Chairman, I reserve the balance of my time.

Mr. TORRICELLI. Mr. Chairman, I am pleased to yield 5 minutes to the gentleman from Indiana [Mr. HAMILTON], the distinguished ranking member of the Committee on International Relations.

(Mr. HAMILTON asked and was given permission to revise and extend his remarks.)

Mr. HAMILTON. Mr. Chairman, I thank the gentleman from New Jersey for yielding time to me.

Mr. Chairman, I rise, of course, in opposition to H.R. 7. I think the key point is that H.R. 7 really strikes right at the heart of the President's authority to protect our national security and to conduct American foreign policy. It does that in several different ways, first of all with respect to peacekeeping.

This bill would end peacekeeping overnight. That may not be the intent, but it is the result of the language. That is the judgment of the Congressional Budget Office, it is the judgment of the Secretary of State, the Secretary of Defense, and it is the judgment of the Deputy Secretary of State in the Reagan administration, Mr. Whitehead. It unilaterally abrogates our obligation to the United Nations to pay our share of peacekeeping expenses.

Mr. Chairman, these peacekeeping operations that are in effect across the country are important across the world, not just to other nations, but to the United States. If we come along and unilaterally deduct these expenses, it just cancels our assessment. If we cancel our assessment, other nations are going to cancel their assessments, and peacekeeping is going to be destroyed.

What does that mean? That means in Cyprus, in Jerusalem, in Angola and Kuwait and Rwanda peacekeeping comes to an end. It means the end of sanctions enforcement against Iraq, and it means the end of humanitarian relief in Bosnia.

If we pass H.R. 7, Mr. Chairman, we give the President of the United States a choice: Act alone or do nothing. Often we are going to choose to act alone, and we should, but every single President has wanted the option to act in this collective security system, and we ought not to cut that option off. It is a valuable tool in American foreign policy. All of us agree that the United Nations is not a perfect institution, that it needs all kinds of reform. However, our goal should be to strengthen the United Nations, not to weaken it.

My second concern, Mr. Chairman, with H.R. 7 is that it will lead to a major expansion of United States security and assistance commitments in Europe. Here again, Mr. Chairman, we all agree that NATO should expand. The question, however, is whether this Congress should try to dictate the details of that expansion. That is the question. We ought not to try to write that in the statute.

Mr. Chairman, we see going on in Central Europe today a very complex historical process to develop a security regime for Central Europe. It is complex, it is diplomatic. This bill would jeopardize U.S. national security by unilaterally, arbitrarily, prematurely designating certain countries for NATO membership.

This bill begins a vast new foreign aid program, but it does not provide any funding for it. It is an open-ended program of military and economic aid to four countries. It puts them at the top of the list. It makes winners and losers. We risk, then, discouraging the reformers in countries not named, and we risk fostering complacency in the countries that are named. We are trying to pick through legislation the winners and losers for NATO membership, and that will divide Europe into opposing camps.

Mr. Chairman, the bill creates a dangerous gulf between our commitments and our resources. One of the things we ought never to do in foreign policy is to make commitments when we do not have the resources to pick them up.

That is precisely what we do in H.R. 7. We expand our security commitments, or seek to. We provide no resources for it. We do it at a time when

we are cutting troop levels from 300,000 down to 100,000 in Europe. We are doing it at a time when every single country in Europe is reducing their NATO and their defense establishments.

How can we meet these new security commitments? Mr. Chairman, I urge Members here to think carefully before voting to set us on a course leading to a vast expansion of U.S. security commitments.

Mr. Chairman, the House today takes up H.R. 7, the National Security Revitalization Act. This is the most far reaching foreign policy legislation to come before the House in several years.

But titles are deceptive. This bill does not revitalize our national security—it weakens it.

It strikes at the heart of the President's authority to protect national security and conduct foreign policy.

It would end U.N. peacekeeping, a tool the President must have available to him in the conduct of foreign policy.

It would force the President to act alone, or do nothing.

It prematurely and unilaterally designates certain countries for NATO membership, picking winners and losers in a way that could actually slow down the process of NATO expansion.

It micromanages foreign policy and undercuts Presidential authority, limiting his ability to respond to crises and protect national security.

DESTROYING PEACEKEEPING

My first concern in peacekeeping. This bill would end peacekeeping overnight. It unilaterally abrogates our treaty obligation to the United Nations to pay our share of peacekeeping expenses.

It would require the United States to deduct from its peacekeeping assessment all costs incurred by the Department of Defense in support of U.N. operations, even when those operations are conducted unilaterally by the United States, with U.S. forces under U.S. command and control.

These expenses more than offset the annual U.S. peacekeeping assessment. if the United States unilaterally deducts these expenses, it cancels our assessment. Other countries would follow suit. U.N. peacekeeping would be destroyed.

That would mean the end of all U.N. peacekeeping missions: in Cyprus, Jerusalem, Angola, Kuwait, and Rwanda. It would mean the end of sanctions enforcement against Iraq, and the end of humanitarian relief in Bosnia.

If we pass H.R. 7, we leave the President with a choice: act alone or do nothing.

Collective security is a tool that has been available to every President since Harry Truman. We must have that option for this President.

The United Nations is not a perfect institution. It needs reform—plenty of it. Our goal should be to strengthen the United Nations to better serve U.S. interests—not weaken it.

PREMATURE NATO EXPANSION

My second concern is that H.R. 7 will lead to a major expansion of U.S. security and assistance commitments in Europe.

Title VI of the bill does two things: it states that it will be U.S. policy to extend NATO membership to Poland, Hungary, the Czech Republic and Slovakia, and it mandates an assistance program to help these countries become NATO members.

We all agree that NATO should expand. The question is whether Congress should seek to dictate the details of that expansion.

NATO expansion is a complex diplomatic process involving 16 NATO members. H.R. 7 interferes with this process in ways that could be harmful both to the very goal the bill seeks—NATO expansion—and to other U.S. national interests:

First, this bill could jeopardize U.S. national security by unilaterally, arbitrarily, prematurely designating countries for NATO membership.

It short circuits the Partnership for Peace initiative, which aims to prepare countries for NATO membership.

Second, this bill mandates an open-ended program of military and economic aid for four countries—Poland, Hungary, the Czech Republic, and Slovakia—without authorizing any funding. Let's be clear about this: if we pass this bill, we will be creating a new, costly, foreign aid program.

Third, if we arbitrarily lock in advantages for some countries, we risk discouraging reformers in countries not named and fostering complacency in countries that are.

By picking winners and losers for NATO membership, we are signaling to potential adversaries which countries we care about most.

We will once again divide Europe into two opposing camps.

Fourth, this bill will create a dangerous gulf between our commitments in Europe and the resources required to meet them. We have cut our military forces in Europe by two-thirds since 1990. Unless we are prepared to redeploy hundreds of thousands of troops, how can we meet new NATO security commitments by any means other than a nuclear commitment?

Finally, there is no threat to European security that warrants speeding up the pace of NATO expansion.

NATO membership involves a solemn treaty obligation. It means we will regard an attack on any member as an attack on the United States, and come to that nation's defense.

I would urge Members to think carefully before voting to set us on a course leading to a vast expansion of U.S. security commitments.

UNDERMINING THE PRESIDENT'S FOREIGN POLICY AUTHORITY

Finally, I am concerned that this bill undercuts the President's authority to conduct foreign policy and undermines his power as Commander in Chief.

As former Secretary of State James Baker told our committee, ''Attempts at micromanagement were a bad idea when the Democrats were in control, and they remain a bad idea today.''

Let me point out three examples of micromanagement:

This bill requires an act of Congress before the President could send a single U.S. military observer to join a U.N. force.

Yet we know that Congress has never voted to authorize a U.N. peacekeeping mission.

This bill dictates the terms and conditions for U.S. military command and control, telling our military how to do its job.

The bill prematurely picks winners and losers for future NATO membership. That's not our job. It's the job for the President, and other members of NATO. Passing this bill will only make it more difficult.

This bill also undermines the ability of the President to act as Commander in Chief.

It would prohibit the President from deploying a single U.S. soldier to a U.N.-authorized operation without an act of Congress.

It would prohibit the President from placing U.S. troops under foreign command without specific congressional authorization unless he first reports to Congress that such action is not unconstitutional, is necessary to protect U.S. national security—and then meets a series of other requirements, detailed in five pages in the bill.

This is an unprecedented assault on the President's authority as Commander in Chief.

Had this been law, it would have prohibited President Bush's deployment of U.S. troops and ships in Operation Desert Shield and Desert Storm.

It could have blocked President Clinton from deploying 30,000 United States troops to Kuwait in 1994 to counter Saddam Hussein's new threats of aggression against that country.

It would effectively prohibit the President from sending a single soldier to participate in a U.N. peacekeeping activity—even as part of a medical team to help in Cyprus—without specific congressional authorization.

CONCLUSION

I urge the House not to pass this bill today. We cannot solve all the problems of U.S. national security today. The wisest course we can follow is to defeat this bill.

I understand why Members are critical of some aspects of American foreign policy. I cannot remember a time when Members were not. And, of course, it is entirely appropriate that they voice those criticisms.

But it is one thing to criticize. It is quite another to restrict, to constrain, and to hamstring the chief architect of American foreign policy—the President of the United States.

This bill, if enacted, will not expire on the last day of Bill Clinton's Presidency, whenever that comes. It will restrict and constrain and undermine the authority of all future Presidents to protect the national security and conduct U.S. foreign policy.

I urge my colleagues to defeat H.R. 7.

Mr. TORRICELLI. Mr. Chairman, I reserve the balance of my time.

[Mr. SPENCE addressed the Committee. His remarks will appear hereafter in the Extensions of Remarks.]

Mr. Chairman, I reserve the balance of my time.

Mr. DELLUMS. Mr. Chairman, I yield myself 6½ minutes.

Mr. Chairman, I am shocked at this last comment. The beauty and the brilliance of this system is that we have different perspectives and different points of view. Is that not what we are saying to the entire world? Embrace the principles of democracy. Is that not why our colleagues challenge totalitarian governments because they said there should be competing ideas and competing principles? What is this? Liberal mind. We are all coequals here. We came here by the same process. We were elected by human beings who comprise America, ostensibly the greatest democracy in the world. This debate should not go forward with that kind of rancor.

Mr. Chairman, it is not my prerogative to challenge you, sir. It is my responsibility to challenge ideas. This is

about democracy. And what does this mean? If this is how the debate is to begin, my friends, it brings tears to my eyes to think about how it will end, because if this is the top of the mountain, where is the valley on this debate?

We should be about largeness, bigness, dignity, and respect for each other. I would have no problem challenging your ideas, challenging your politics. But let us not be condescending to each other. Let us not engage in this kind of folly with each other. I am prepared to deal with you intellectually. Let us see whether there is bankruptcy or currency in these ideas. But let us not characterize each other. The world is watching us. We should be large enough to be able to handle difference.

I came here in January 1971 from Berkeley, CA, opposing the Vietnam war as a simple human being who tried to raise my voice in the name of peace. I cannot tell the new Members of Congress the scars that I faced from that, the beatings that I took on the floor of Congress for simply being a human being who had the audacity to try in good faith to represent my constituency on these issues. We all have a right to be heard here. Whether one perceives oneself as a liberal or conservative or a moderate or a progressive or whatever, that is the beauty of this process.

Mr. Chairman, I wanted to spend these moments talking about this bill, laying out the points, to engage. I beg of you, deal with each other with some kind of human dignity. I do not want to go back through 24 years ago, where we kept casting aspersions upon each other because you had the audacity to say peace, or challenge nuclear armaments, challenge war, challenge big military budgets, that in some way you are unAmerican or unpatriotic. How incredible.

How incredible, Mr. Chairman, when we can look out at the world and say we oppose totalitarianism and we cannot stand difference and handle and tolerate difference in this Chamber, considered the most deliberative body in the United States, in the world.

We have to respect each other's difference. But let us engage. I have supreme confidence in ideas, and so should you. So let us engage on ideas, not on who has got what mind and how that gets conjured up. That should be beyond us.

Mr. Chairman, it should be beyond all of us. I come to challenge your ideas. I did not come to challenge you. I did not come to challenge your label. But I will say this: In the context of a post-cold war world, let us take off old labels. They do not work anymore. Let us move beyond old paradigms. They do not work anymore. Let us get beyond old ideas. The human mind changes slowly, but the post-cold war world challenges us to a higher order of being, to an imaginative way of looking at the world.

Let us stop trotting out cold war ideas in the context of a post-cold-war world. Let us stop trotting out these ideas of liberal and conservative and moderate. At this point, I do not know what those things mean anymore when we start talking about national security. We have got sides talking about isolationism. A few years ago in my earlier tenure, they would have once wanted to engage in ventures all over the world. Interventionists, now isolationists. Peace advocates sound like hawks when we start talking about peacekeeping and peacemaking. We are standing the world on its head. What should that communicate to us? That the world has substantively and substantially changed and it dictates to us that we change, Mr. Chairman. That we think afresh and we think anew.

Let us stop engaging in the characterization. If you think we ought to have star wars, stand and defend that. If you think we ought to dictate to NATO, stand and defend that. If you think we should not be in the Somalias and the Haitis and the Rwandas and the Bosnias of the world as peacekeepers and peacemakers, stand and defend it. Then the debate can go forward rationally.

Why this mean-spiritedness? It is not necessary, Mr. Chairman. The issues that confront us dwarf us as human beings. Do we have to then add in the folly of characterization, the folly of challenge ideologically? This is no longer an ideological world. It requires imagination and brilliance and the highest and the best in us. Lay down that yesterday madness and let us stand up and face each other on an intellectually honest basis and try to shape this legislation so that it speaks to the reality of a changing world.

Mr. Chairman, I reserve the balance of my time.

Mr. GILMAN. Mr. Chairman, I yield 5 minutes to the gentleman from Texas [Mr. COMBEST], the chairman of the Permanent Select Committee on Intelligence.

Mr. COMBEST. I thank the gentleman for yielding me the time.

Mr. Chairman, the Intelligence Committee held one hearing on title V of the National Security Revitalization Act, partly in open session. The subsequent markup was conducted entirely in open session. During the markup, the committee unanimously approved amendments to sections 502, 504 and 512.

Section 512 was the focus of the committee's interest. As introduced, the section required that the United States may provide intelligence to the United Nations only pursuant to a written agreement between the President and the Secretary General of the United Nations. The agreement must specify:

The types of intelligence to be provided to the U.N.;

The circumstances under which intelligence may be provided; and

The procedures to be observed by the U.N. concerning persons who shall have access and the procedures to be observed by the U.N. to protect the intelligence against disclosure not authorized by the agreement.

As introduced, section 512 required that no agreement would have been effective for a period exceeding 1 year.

Mr. Chairman, U.S. policymakers working with the U.N. use intelligence information as part of their broader diplomatic efforts to advance U.S. foreign policy interests with other governments and U.N. agencies. A significant portion of intelligence sharing with the U.N. includes support to peacekeeping activities. However, intelligence sharing also involves humanitarian missions, sanctions enforcement, nonproliferation, opposition to ethnic cleansing, and other issues clearly of importance to U.S. foreign policy objectives.

Procedures have been developed by the intelligence community to provide intelligence information to the United Nations. Specific guidelines have been established for consideration on a case-by-case basis of what can be provided without compromising intelligence sources and methods.

The committee recognizes that there are valid concerns about the U.N.'s ability to protect sensitive information, and when intelligence information is provided, these considerations are taken into account. Each request is carefully reviewed to assess the agency or operation involved, and when the United States does provide intelligence information, the least sensitive information is used to satisfy each requirement, and it is provided to a limited number of individuals. Moreover, much of the Intelligence provided has been redacted to include only information that is unclassified.

The practical effect of section 512, as introduced, would have been to shut down intelligence sharing with the United Nations.

A formal agreement would probably not be achieved as the U.N. leadership could find such an agreement with the United States politically unacceptable for a variety of reasons. Flexibility and discretion are afforded the United States under the current intelligence sharing process. A formal agreement would hamper our ability to share intelligence with the U.N. when we want to and how we want to, and might indeed create an obligation on the part of the United States to provide intelligence to the U.N. upon request. Moreover, every year we would face the possibility that a Secretary General unwilling to sign an agreement acceptable to the United States could, by his refusal, prevent our Government from sharing intelligence when it is in our interests to do so. Finally, the United States would be reluctant to accept the possible public disclosure of the details that such an agreement would require.

Given these concerns and others, the committee adopted a substitute to section 512. The amendment sets out two

required responsibilities for the President.

First, before intelligence is provided by the United States to the United Nations, the President must ensure that the Director of Central Intelligence, in consultation with the Secretaries of State and Defense, has established guidelines governing the provision of intelligence to the United Nations that protect sources and methods from unauthorized disclosure.

Second, the committee has strengthened its oversight of intelligence sharing arrangements with the U.N. The amendment requires periodic and special reports by the President regarding intelligence provided to the United Nations. These reports must be made not less frequently than semiannually to the Intelligence and International Relations Committees of the House and to the Intelligence and Foreign Relations Committees of the Senate. The reports must specify the types of intelligence provided to the United Nations and the purposes for which the intelligence was provided. The President must also report to the two Intelligence Committees any unauthorized disclosure of intelligence provided to the U.N. within 15 days after the disclosure becomes known to the President.

The amendment further requires the Secretary of State, or the Secretary's designee, in consultation with the Director of Central Intelligence and the Secretary of Defense, to work with the United Nations to improve its handling, processing, dissemination, and management of all intelligence information provided to it by its members.

Mr. Chairman, the committee amendment to section 512 will accommodate the valid need for intelligence sharing with the U.N. where important U.S. national interests are served, while at the same time establishing stronger oversight over these activities.

As amended, H.R. 7 is a good, workable approach to the need for intelligence sharing with the United Nations.

□ 1450

Mr. TORRICELLI. Mr. Chairman, I yield 1 minute to the gentleman from Washington [Mr. DICKS].

Mr. DELLUMS. Mr. Chairman, I yield 1 minute to my distinguished colleague, the gentleman from Washington [Mr. DICKS], as well.

The CHAIRMAN. The gentleman from Washington [Mr. DICKS] is recognized for 2 minutes.

(Mr. DICKS asked and was given permission to revise and extend his remarks.)

Mr. DICKS. Mr. Chairman, I want to indicate my support for section 512 of the bill which will permit the continuation of intelligence-sharing with the United Nations. I think our history shows on certain occasions, the Cuban missile crisis for one, recently a situation in Iraq where sharing intelligence information, satellite imagery, has been vitally important to United States security interests.

I want to compliment the gentleman from Texas. We were able to work out our bipartisan concerns and differences on this legislation. We are working to develop a compromise which I felt was in the best interest of the country. I only regret that this was not achievable in other aspects of the bill.

I think we have worked out most of the concerns that the intelligence community has. We have worked out a sharing relationship which will be on a case-by-case basis with the United Nations, which gives us the option of saying we do not want to share in certain instances, which I think is important.

There is one last concern that I have that I hope we can address in conference, and that is that part of the responsibility here is given only to the President, and it said he cannot delegate this. I understand the concerns of the majority, but I hope that we can work this out so that it will be more acceptable to the President and to the administration. And I hope we can look at that again in the conference committee. But, on section 512, I think we showed that we can have bipartisan support and cooperation.

There are many other reasons I will not be able to support the bill, but one of them clearly is not section 512.

I will include the remainder of my statement in the RECORD.

The statement referred to follows:

The imagery shared with the United Nations revealed to the world the threatening activities of the Soviet Union and forced the Kremlin to acknowledge its placement of offensive missiles in Cuba despite its previous denials.

More recently, it was the United States' contribution of intelligence to the United Nations which proved crucial in assessing Baghdad's post war disarmament activities and to the U.N.'s decision to maintain sanctions against Iraq.

The National Security Revitalization Act as introduced contained a provision which would have required the President and the United Nations Secretary General to enter into a written agreement prior to any U.S. intelligence being provided. The Intelligence Committee received testimony from witnesses representing the State Department, the CIA, and the Joint Chiefs of Staff who were adamant in their opposition to that provision, noting that it would remove the flexibility which currently permits U.S. intelligence to be provided on a case-by-case basis. Additionally, the Acting Director of Central Intelligence informed the committee by letter that the requirement for a written agreement meant that "the proposed legislation will make it difficult, if not impossible, to provide meaningful intelligence support to those U.N. activities which are supportive of U.S. foreign policy goals."

Based on the information it received, the Intelligence Committee rewrote the provision. In its current form, section 512 requires the President to ensure that the Director of Central Intelligence, in consultation with the Secretaries of State and Defense establishes guidelines governing the provision of intelligence to the United Nations which shall protect intelligence sources and methods from unauthorized disclosure. The Director of Central Intelligence has already established such guidelines and is under a statutory duty to protect all intelligence sources and methods from compromise.

The Intelligence Committee is aware of no instance in which the current procedures governing the provision of intelligence to the U.N. has resulted in a compromise of any intelligence source or method. Nevertheless, the committee believes it is important that it be advised if a compromise of intelligence sources or methods should occur. To this end, section 512 requires the President to report to the congressional intelligence committees any unauthorized disclosure of intelligence information provided to the United Nations within 15 days after the disclosure becomes known to the President. Additionally, periodic reports describing the types of intelligence provided to the United Nations and the purposes for which such intelligence was provided are required. These periodic reports must be submitted to the designated committees at least on a semiannual basis.

While I support section 512, which is the product of a bipartisan effort of the Intelligence Committee, I want to note a separation of powers issue which the section raises, and which is of concern to the administration and several members of the committee. Section 512 establishes certain duties for the President which are made non-delegable. While I believe it is essential that the committee be assured that these duties are discharged in a manner which reflects their importance, I hope that we can agree on compromise language in conference which addresses the administration's constitutional concerns.

Mr. Chairman, section 512 represents a substantial improvement over the manner in which this issue was treated in the original version of the National Security Revitalization Act. Although the bill as a whole is still objectionable to me, at least in the narrow area of intelligence support to the United Nations, this legislation, if it passes, will do no harm to a system which is currently working well in support of the national interests of the United States.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. MCKEON].

Mr. MCKEON. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in support of H.R. 7 as reported by the Committee on National Security.

Mr. Chairman, protecting the industrial base of strategic military programs is an issue that our Government must address in identifying a long-term strategy for defense procurement. There are three critical technology programs with an application that is dedicated exclusively to military procurement: conventional munitions, nuclear attack submarines, and long-range strategic bombers. Because these programs have no commercial benefit, it is of paramount importance that the Department of Defense act now to preserve these unique technologies.

As many of us know, the administration requested funding for a third *Seawolf* submarine, largely because of the need to preserve the submarine industrial base in the future. In the area

of bombers, however, the administration appears content to cap production of long-range bombers at 20 aircraft, even though there is no successor program in either the research or development stage. Because there is no substitute for the strategic elements of the bomber industrial base, it would cost billions to reestablish existing production lines if these capabilities are allowed to dissipate.

Mr. Chairman, I believe this issue is of extreme national importance and am pleased that H.R. 7 acknowledges the fact that the current bomber force falls woefully short of meeting the baseline established in the bottom-up review.

I urge a favorable vote on H.R. 7.

Mr. MONTGOMERY. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, later in the day I will support two amendments printed in the RECORD on this bill. One is by the gentleman from Texas [Mr. EDWARDS] that supports ground missile development but strikes out the star wars in the bill.

H.R. 7 on missiles will cost a lot of money that we really do not have, Mr. Chairman, I worry about if you have to look at other programs; if you look at the National Guard and Reserve and you have this big missile cost, it could come from the National Guard and Reserve, and also it could come from readiness of our forces.

The other amendment that I will support and hope to get and make some remarks on is offered by the gentlewoman from California [Ms. HARMAN]. Her amendment will eliminate title III of H.R. 7. Title III sets up a commission which would cost the taxpayers about $1,500,000. It is not necessary, Mr. Chairman, to have a commission. We have the roles and mission commission which will have a report in May. Basically that does the same thing that is in the commission title III of the bill. So I will be supporting both of these amendments, one by the gentleman from Texas and one by the gentle woman from California.

Mr. Chairman, I reserve the balance of my time

□ 1500

Mr. GILMAN. Mr. Chairman, I yield 3½ minutes to the gentleman from California [Mr. KIM], a member of the Committee on International Relations.

Mr. KIM. Mr. Chairman, I think the American people would be shocked to find out how much money we were contributing last year to the U.N. peacekeeping mission. The last year, fiscal year 1995, our administration submitted to us $533 million to support this U.N. peacekeeping effort. Halfway through, they asked for an additional $627 million. Added together, we spent $1.2 billion. That is our assessment, just for the U.N. peacekeeping mission alone.

This year they are asking for $445 million. Come on, I know well that they are going to come back midyear asking for another half billion later.

Why do they do this? They are trying to keep overall budget numbers low.

In addition to the $1.2 billion, the U.S. Government contributed a voluntary gift last year alone of $75 million. This year they are asking an additional $100 million gift.

Our Government gets no credit for this voluntary gift contribution.

Let us talk about how much money other countries are contributing for U.N. peacekeeping. Ninety countries paid less than 0.01 percent, one-hundredth of 1 percent. Only 10 nations in the world pay more than 1 percent; 10 countries pay more than 1 percent. Guess how much we pay. Thirty-two percent. Is that fair? Almost one-third of U.N. peacekeeping we pay.

What are we getting back? I do not know.

It used to be 25 percent. Why it has gone up to 32 percent is because we have got to pick up the tab from Russia. Russia was dissolved. They have not been able to pay their share. We pick up the tab. That is why we end up paying 32 percent.

That is 2½ times more than the next highest contributor, which is Japan. They are paying 12½ percent.

The American people did not know this. I know this is shocking to you, not to mention a gift, not to mention an in-kind contribution.

Let me tell you about the in-kind contribution, by the way. We pay $1.7 billion in in-kind contributions in addition to U.S. assessment. Do you know what they are? Transport of foreign military to Somalia, airlift of supplies to Bosnia, Rwandan airlift of supplies, on and on and on. Right now we have got 13 such missions around the world. We spend $1.7 billion in in-kind contributions, which is absolutely no credit to us.

H.R. 7 will send a strong message to the United Nations to shape up. There is no more bottomless pit.

Second, we are asking to reduce to 25 percent from 32 percent. That is fair. Twenty-five percent, in my opinion, is still high. we will accept it.

Finally, we are asking the United Nations to reimburse us those in-kind contributions we made.

Mr. TORRICELLI. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. ACKERMAN].

(Mr. ACKERMAN asked and was given permission to revise and extend his remarks.)

Mr. ACKERMAN. Mr. Chairman, I rise in strong opposition to this legislation.

Mr. Chairman, I rise in opposition to H.R. 7. The authors of the bill claim it will revitalize national security. In fact, the bill does the opposite. This bill undermines the national security of the United States, by mandating extravagant spending on the star wars pipedream; by playing fast and loose with the NATO alliance and our role in the United Nations; and by short-circuiting the bipartisan foreign policy review process.

The bill narrows, weakens, and confuses our national security by mandating huge expenditures for a national missile defense program. There is little justification for these expenditures in terms of our overall security strategy.

Republicans talked the star wars talk in the 1980's, throwing huge amounts of money away with little to show for it. As a famous Republican once said, ''There you go again.'' Star wars II, the sequel, will not only waste money. It will take away from efforts to enhance military readiness.

H.R. 7 also trifles with the pursuit of our national interest through NATO. It trivializes the precious and trusted relations we share with our NATO partners by playing politics with the process of NATO expansion. It names four specific countries, rather than supporting membership for countries only if and when they adhere to the values and goals of the NATO alliance.

The bill also jeopardizes our leadership in the United Nations. The administration and Congress are working to reform the United Nations to improve its administration and peacekeeping operations. However, the bill cuts deeply into our U.N. contributions. It makes U.S. participation in U.N. peacekeeping activities practically impossible, even for small numbers of technical experts.

The way in which H.R. 7 has been pushed through committees also erodes the process of careful debate and bipartisan discussion which has long typified the review of foreign policy in the Congress.

The bill makes fundamental changes which will have potentially serious and dangerous consequences for national security and international peace and stability, but without adequate time for consideration.

I urge my colleagues to vote against H.R. 7.

Mr. TORRICELLI. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. ENGEL].

(Mr. ENGEL asked and was given permission to revise and extend his remarks.)

Mr. ENGEL. Mr. Chairman, this is a terrible bill, my colleagues. We are moving here toward a dangerous isolationism.

Some of my friends think, with the collapse of the Soviet Union, America need not remain engaged in the world. I believe America needs to remain more engaged now than ever before.

If we have quarrels with the United Nations, we ought to fix them. Certainly now, as Ambassador Albright said, we ought to use the United Nations for U.S. purposes. Is that not what President Bush did in the Persian Gulf war?

With this bill, the President has two choices: move alone, or do not move at all. I do not think that is the kind of era we ought to be in.

If we deduct the cost of our voluntary actions against U.N. dues, the United Nations would wind up owing us money, and other nations would surely do the same, leading to the collapse of the U.N.

I want to address the issue of American command of U.S. troops. My colleagues, the President never relinquishes command. The issue is operational control. This bill would not even allow someone from our NATO allies to command U.S. troops.

With that twisted thinking, D-day could not have been possible. Field Marshal Montgomery could not have commanded our troops.

Let us take down all the statutes of General Lafayette, because he could not have helped us fight the Revolutionary War. World War I and World War II could not have been possible, and Desert Storm, which I supported, remember when President Bush mobilized the U.N. and nations for Desert Storm; Desert Storm could not have been fought under the constraints of this bill.

Right now in Korea the Second Infantry Division is currently under operational control of a Korean commander. Should that not be allowed? No NATO commander of our troops at a time when we say we want to expand NATO? What is the sense of expanding the alliance if we are not going to trust the alliance?

Star wars, Mr. Chairman, we need defense dollars in the area of theater missile defense, not in the area of star wars.

We cannot retreat to a dangerous isolationism. The United States must remain engaged.

Mr. Chairman, if this bill passes, President Clinton ought to veto it the way Secretary Christopher and Secretary Perry said they recommend him to veto it.

Mr. SPENCE. Mr. Chairman, I yield 2½ minutes to the gentlewoman from Florida [Mrs. FOWLER].

(Mrs. FOWLER asked and was given permission to revise and extend her remarks.)

Mrs. FOWLER. Mr. Chairman, I rise in strong support of the National Security Revitalization Act.

For too long we have been walking down the primrose path of complacency—allowing our military capabilities to deteriorate and our defense priorities to be misplaced. The legislation before us today moves to correct these deficiencies.

Figures from the General Accounting Office and the Congressional Budget Office show that between now and the end of the century, our defense establishment is underfunded by between $65 and $150 billion. H.R. 7 puts Congress on record that these shortfalls are unacceptable, and calls for U.S. forces to be provided with the means to successfully address two simultaneous regional conflicts.

H.R. 7 also calls on the President to move ahead with theater and national ballistic missile defenses. We saw in the Persian Gulf war how devastating even primitive theater ballistic missiles can be if they reach their target. With adversaries around the world increasingly able to obtain sophisticated missiles, we must have viable defenses against these systems.

Although this administration has moved forward somewhat on theater systems, it has not sufficiently focused on the threat to our own homeland from ballistic missiles launched by accident or by a rogue commander. Today we have no effective defense whatsoever against such an attack. H.R. 7 establishes a clear policy on a national missile defense, directing that robust efforts be undertaken now.

H.R. 7 also establishes a clear policy on the involvement of U.S. forces in U.N. peacekeeping operations and the placement of U.S. forces under foreign command. While still giving the President authority to act unilaterally where a direct threat to U.S. national security exists, the bill establishes much needed Congressional oversight in these areas. It also sets prudent new limits on amounts that U.S. taxpayers provide for U.N. peacekeeping operations.

Moreover, the bill calls for the reestablishment of defense budget firewalls, ensuring that the vital funds budgeted for national defense needs are not redirected to non-defense functions.

Last, H.R. 7 reiterates the U.S. commitment to NATO, setting forth appropriate mechanisms for admitting new members.

Mr. Chairman, H.R. 7 puts the defense policies of our Nation back on track. I urge my colleagues to support it.

Mr. DELLUMS. Mr. Chairman, I yield 4 minutes to my distinguished colleague, the gentleman from Virginia [Mr. SISISKY].

(Mr. SISISKY asked and was given permission to revise and extend his remarks.)

Mr. SISISKY. Mr. Chairman, I am one of the dozen or so Democrats on the National Security Committee who voted in favor of this bill. That is one indication that I have a somewhat different perspective on this bill than some of my colleagues.

I do not want to get any of my Republican friends in trouble, but I have to confess that the committee leaders worked in the best bipartisan spirit to make this bill better than it was when it was first sent to the committee.

I must also confess that I continue to debate in my own mind whether this bill is good or bad—and at the moment, I lean toward thinking that it is not the best way to achieve what its sponsors want to achieve. Let me tell you why.

For years, one of my greatest concerns has been that legitimate debate about national security would become partisan and political. National security is one issue where I simply do not care about Republican or Democrat, I care about what is best for the country.

I was proud the Armed Services Committee was truly bipartisan. I hope that will be true of the new committee. But bills like H.R. 872 threaten to destroy that bipartisan spirit.

Some say this bill is a partisan, political statement, cultivated like a mushroom in the basement of Republican campaign headquarters. It has been fertilized by sessions with pollsters and focus groups. We saw the results in campaign ads during the 1994 elections.

Focus groups should not determine what we do about national security, and we do not need a new commission to do our job. That is the responsibility of Congress and the National Security Committee.

Secretary of Defense Perry told the committee that if we lacked confidence in him, we should ask him to resign. But I do not see my friends on either side of the aisle calling for him to do so.

That is because most of us know our military is ready, willing, and able to do whatever mission they are given—because Democrats have always worked with Republicans to build a strong defense.

All of us can take pride in having built the strongest, most effective, most ready military in the world. Let us not tear down all we have been able to achieve in a frenzy of partisan politics.

We should not play games by arguing about which side is tougher on U.S. command and control—when there are no U.S. troops under foreign command anywhere in the world.

We should debate ballistic and theater missile defense where we have time to determine the real cost of what we want to achieve. We should not wreck our foreign policy by unilaterally changing U.N. assessment formulas or by forcing the admission of certain countries to NATO.

I was in Munich two weekends ago with Secretary Perry, and I can tell you from firsthand experience: Our attempt to unilaterally redefine the boundaries of NATO has our allies on edge—and maybe even questioning our foreign policy sanity.

When all is said and done, we will all have to go back to work together in the authorization and appropriations process. That is the appropriate forum for deciding these issues.

I ask all my colleagues to think carefully about the votes they cast today. Continue to make decisions in the bipartisan spirit that we have always seen previously. If you take pride in not playing politics with national security—do not start now.

□ 1510

Mr. GILMAN. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Arizona [Mr. SALMON], a Member of the Committee on International Relations.

Mr. SALMON. I thank the gentleman for yielding this time to me.

Mr. Chairman, brave young American men and women volunteer in our Armed Forces in order to serve their

country and to protect her vital security interests.

But in recent years, those soldiers have increasingly been put under foreign command and operational control—Americans ''peacekeeping'', or as it often becomes, defending themselves from attack—under the U.N. flag.

Mr. Chairman, not one American should die serving the United Nations.

When an American is sent in harm's way, that American deserves—and we in Washington have a moral obligation to provide—a clear understanding of the vital interests of the United States that justify putting that American at risk.

No Utopian affection for the U.N. on the other side of the aisle should affect this solemn obligation.

And, Mr. Chairman, they say that ''nature abhors a vacuum.'' While that may be true, it is also true that our adversaries love a vacuum.

And now, where there was American leadership under Presidents Reagan and Bush, there is, in its place, a vacuum of leadership.

Presidents Reagan and Bush understood that the United Nations was an important body that we could work with to advance America's vital interests.

This administration believes that America's vital interests—and the safety of its fighting men and women—should take a back seat to the interests of the United Nations.

Well, Mr. Chairman, this administration has it backwards, and we promised the American people we would correct it.

This bill will restore our Nation's interests to the top of the equation.

It does not, as our liberal critics contend, abandon the United Nations. But it does say—loud and clear—that our soldiers serve to protect the vital interests of the American people, not the interests of U.N. bureaucrats.

And as long as I have a vote in Congress, I will oppose Americans going to war, or serving in so-called peacekeeping operations, when America's vital national interests are not present and clearly defined.

I urge my colleagues to vote for H.R. 7.

Mr. TORRICELLI. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. WYNN].

(Mr. WYNN asked and was given permission to revise and extend his remarks.)

Mr. WYNN. Mr. Chairman, I thank the gentleman for yielding this time to me.

I rise today to oppose H.R. 7. I believe it is penny-wise and pound-foolish and also very shortsighted, specifically on the U.N. peacekeeping.

It seems to me the issue has evolved into a question of whether we have legitimate U.S. interests in United Nations peacekeeping. I would submit we do. First, in terms of the global marketplace. We have committed ourselves to NAFTA, we have committed ourselves to GATT. In the post-cold-war era we have hitched our wagon to the notion of a global marketplace. International instability, localized terrorism, all disrupt that global marketplace and those global markets. We have an interest in U.N. peacekeeping to the extent it helps us to maintain the global marketplace.

Second, we have a vital U.S. interest in fighting terrorism on a multilateral basis. Terrorism is perhaps the biggest threat of the coming century. We only have to look to New York City to see the potential.

Clearly, it is in our interest to have the ability to act multilaterally to combat terrorism.

And third, burden sharing: It used to be very much in vogue to suggest that our allies and other countries around the world ought to join with us in bearing some of this responsibility. It seems to the extent we undermine U.N. peacekeeping by reducing our own commitment, we undermine the ability to command a multilateral force to protect U.S. interests.

Now, I am not ignorant of the concern that we may be paying too much. As a matter of fact, this Congress last year reduced our commitment from 30 to 25 percent. But I think if we take the unilateral action suggested in this bill, we will certainly harm our interest because we will set a reverse, negative precedent. Russia will want to decrease its commitment because of the things it has done in the former Soviet Union. France would want to decrease its commitment because of Rwanda.

So the net effect will be that we will have an untenable choice: We will either have to act unilaterally or we will have to take no action at all. I suggest that is shortsighted.

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield 1 minute to the gentleman from Colorado [Mr. HEFLEY], the distinguished chairman of the Military Facilities Subcommittee and a key member of our national security team.

Mr. HEFLEY. I thank the gentleman for yielding this time to me.

Mr. Chairman, many of us feel that defense cuts proposed by the Clinton administration during these last couple of years are leading us to a hollow force again. That is the reason for this bill. We want to make a statement that we do not want a hollow force, that defense is an important part of our national security.

There is a perception that defense spending has not been reduced. But nothing could be further from the truth. In 1992, candidate Clinton called for $60 billion in additional defense cuts beyond the cuts President Bush proposed. This year's represents the 11th straight year that we have decreased defense spending.

What we are going to do with this bill, I think, is to make a statement that we are going to have a strong national defense in this country.

Now, it is not the end-all of bills. I would like for it to be much stronger. I would like for it to speak more to the force strength and that kind of thing. But the National Security Restoration Act is a down payment on the Republican promise to restore national security. It does not do all that is needed, but it does begin to add to the blueprint. I would urge support of this legislation.

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to my distinguished colleague, the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. As the Representative of a district I call the aerospace center of the universe, I have consistently stood for a strong defense policy on a bipartisan basis, and I do so again today. I have supported the C–17; in fact, I coauthored the amendment to fund it fully; the F–18; the B–2; ballistic missile defense and defense reinvestment programs.

But I would make several points about this bill, which, unless it changes substantially, I will end up opposing. First of all, it is to my mind a campaign pamphlet, not a piece of legislation, and I think we must find more serious vehicles to legislate on defense issues.

□ 1520

Second and sadly, I think some of its advocates tend to label some of its opponents in wrong ways. I must say I was honored to listen to the comments of my colleague, the gentleman from California [Mr. DELLUMS], a few minutes ago in which he said that the labels are misguided. We are not here to attack each other. We are here to address serious policy, and I would reiterate his point, and make it again coming from a very different part of the political spectrum.

Finally let me say this: Some serious amendments will be offered during the course of this afternoon, this evening and tomorrow. I will speak for some of them and against some of them. But I urge all of us to approach this, not as part of a political campaign, but as part of our serious responsibilities to govern this country.

Mr. BEREUTER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Florida [Mr. FOLEY].

(Mr. FOLEY asked and was given permission to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, the first priority of the Federal Government is to protect its citizens by maintaining a military strong enough to fight and defeat any aggressor that threatens the United States. Since the end of the cold war the defense budget has been borrowed from to pay for social welfare programs and U.N. peacekeeping missions. As a result, our defense resources are at dangerously low levels. The Contract With America will put a stop to the practice of borrowing from the defense budget and reverse the past 2 years of neglect on this issue. H.R. 7

includes the strong sense of Congress to restore defense spending fire walls that prohibit the use of Department of Defense funds to pay for social programs unrelated to military readiness and restrict future defense cuts to deficit reduction purposes only.

The thing that stirred me up so much, Mr. Speaker, was the fact in last year's budget we allocated $200 million for displaced Russian soldiers while our own Vietnam veterans are homeless in the streets of the United States of America. We cannot afford to become careless. The Federal Government has a duty to provide for the common defense of its citizens.

I say to my colleagues, ''I urge your support of H.R. 7.''

Mr. TORRICELLI. Mr. Chairman, I yield 2 minutes to the gentleman from the great State of New Jersey [Mr. MENENDEZ].

(Mr. MENENDEZ asked and was given permission to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Chairman, in my 20 years of public service I have never witnessed anything like what is going on now in the world's greatest deliberate body, the U.S. House of Representatives. And if you love American democracy like I do, you better be worried.

I know that some of my colleagues on the other side of the aisle do not agree with the extremist and isolationist provisions of H.R. 7. Several Republicans voted for a Democratic amendment to this bill that was passed by the International Relations Committee. They then called for a new vote and they all switched their votes.

I know that some of them believe that the greatest and most powerful country in the world should lead, and not retreat, from the international community. I know that some of them do not believe that we need Star Wars II. And all of us know that we simply cannot afford it.

But none of this seems to matter to my Republican colleagues. They have decided that marching in lockstep is in and voting independently is out. For the sake of kneeling before the altar of soundbyte bills written by pollsters, my Republican colleagues have abandoned the great American tradition of independent parliamentary debate. We must put patriotism ahead of polls and be serious about what we bring to the House floor.

If this bill had passed the Democratic Congress of 1992, President Bush would not have been allowed to send a single American soldier to the Persian Gulf for Desert Shield or Desert Storm.

If this bill passes in its present form, America will be forced either to place thousands more of our young soldiers in the line of fire to protect our vital national interest abroad—or not to act at all. America will be forced to spend millions of dollars alone, instead of sharing the costs.

If this bill passes, we will create yet another unneeded commission that wastes $1.5 million for yet another study about military needs. Never mind that we already spend millions upon millions of taxpayer dollars every year to do just that.

That is why I have sponsored an amendment with the gentlewoman from California [Ms. HARMAN] to strike that, and we hope we will get support.

So, say yes to a strong and secure America, but say no to the national insecurity bill. Vote ''no'' on H.R. 7.

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, the statement we just heard regarding Desert Storm and other actions is absolutely, totally without merit and untrue. As a matter of fact, 45 minutes ago former Ambassador Jeane Kirkpatrick, a former Democrat turned Republican, just down the hallway totally endorsed this piece of legislation, and said it would have no impact on the President's ability to send our troops abroad.

Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. THORNBERRY], one of the newest stars from our committee.

Mr. THORNBERRY. Mr. Chairman, I rise in strong support of this measure.

Mr. Chairman, after more than a year of visiting with folks in my district about where this country is headed, I can tell my colleagues that they are very concerned about what is happening to our military. We are asking our men and women to do more and more and giving them less and less to do it with. This bill does not solve all the problems, but it does make a good start, and there are three areas key to me:

One, establish an inspection commission to evaluate our needs and the resources to meet those needs because the administration has lost total credibility in being able to make that assessment; second, it is important to keep U.S. troops under the command of U.S. commanders, and this drift toward relinquishing control of our security to multinational organizations has got to stop; third, we have got to protect our people from missile attack, and it does not matter whether its short-range or long-range missiles. It is the fundamental purpose of this body to protect our people, and, if we do not make every effort to meet that threat, then we have not met our responsibilities to our constituents.

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield 1 minute to the gentleman from Kentucky [Mr. LEWIS], another one of our bright stars on the Committee on National Security.

Mr. LEWIS of Kentucky. Mr. Chairman, I believe all of us agree that a strong military was a prime factor in the end of the cold war and won a stunning victory in the Persian Gulf, but events over the past few years have shown that though the cold war is over, we still live in a very dangerous world. It is not just our side of the aisle that recognizes our military is stretched too thin. We have cut too far, too fast.

And these massive cuts have been multiplied by our military being ordered to build nations in places where we have no vital national interest.

Places like Somalia and Haiti.

Meanwhile, even top Pentagon officials admit we need to commit more resources to training in places like Fort Knox in my district, facilities vital to keep our service men and women well prepared.

H.R. 7 allows a bipartisan panel to review our military in light of yesterday's mistakes and tomorrow's challenges.

And perhaps most important, H.R. 7 will keep our men and women in the armed services from being placed under command of another country. We are still the leaders of the free world, Mr. Chairman.

The men and women in our armed services have given their all to our country. H.R. 7 is an important step toward ensuring we do the same for them.

Mr. TORRICELLI. Mr. Chairman, I yield 2 minutes to the gentlewoman from Georgia [Ms. MCKINNEY].

Ms. MCKINNEY. Mr. Chairman, does this debate sound like a time warp? I would not be surprised if I heard evil empire, iron curtain, and Berlin Wall. Let me just remind my colleagues that that was yesterday, and now we need to talk about today and tomorrow.

This bill is a prescription for disaster. The Republicans are rushing as a part of their contract to penalize the poor, discriminate against legal immigrants, pander to the rich, and now, through this national security part of their contract, they add insult to injury by also asking this House to invest scarce dollars in yesterday's boondoggle.

□ 1530

The Republicans have chosen to look through the rearview mirror as if blinded by the light of the future. Instead, they choose to look behind.

This is the same party that says that Government is too big. This is the same party that says that kids do not deserve to eat subsidized lunch in school, that pregnant women do not need to have subsidized nutrition so that they can give birth to healthy babies. This is the same party that said we do not have enough money to put 100,000 cops on the streets. But Government spending for an elaborate and controversial missile defense in space, well, that is all right.

Rather than asking for money for Star Wars, the Republicans could have asked for money to clean up the contaminated bases that coexist within our communities. And rather than railing on about foreign command and control, they could have focused instead on constructive engagement with the rest of the world through multilateralism and collective security. The specter of foreign command is not true. The President is and always

has been our Commander in Chief. Finally, they could have looked at promising weapons systems that bear more relation to the type of defense that we need in the future.

This bill does not provide for the forward looking vision of this country. It robs us of our peace dividend, and I say vote ''no.''

Mr. BEREUTER. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina [Mr. BALLENGER].

(Mr. BALLENGER asked and was given permission to revise and extend his remarks.)

Mr. BALLENGER. Mr. Chairman, I rise in favor of H.R. 7.

Mr. Chairman, the results from the November 8 elections demonstrate the American voter's overall dissatisfaction with Congress. Recognizing this concern, many of us signed the Contract With America, to clearly illustrate our promise to eliminate weak leadership and destructive policies. Since January 4, we have been working very hard to bring 10 bills compromising the contract to the floor during the first 100 legislative days of the 104th Congress. We have passed several of these bills, however, and now we must address the next item, H.R. 7, the National Security Revitalization Act.

Mr. Chairman, I rise in support of this legislation which was successfully voted out of four committees of jurisdiction including the International Relations Committee, of which I am a member. The bill expresses many of my sentiments toward foreign policy, particularly regarding the current administration. Yes, the world of today differs tremendously from that of the 1980's, therefore our foreign policy must change and continue to change as we move into the next century. However, it is time we restore America's reputation as a superpower; we must repair our strength and credibility damaged by the policies of the Clinton Administration.

The Clinton administration's bottom-up review of the U.S. military has severely undermined our readiness by reducing defense funding and personnel. The question that needs to be asked now is: Can the United States defend itself against an attack, or more than one attack? H.R. 7 would address this inadequacy in several ways. First, it would renew the United States' commitment to an effective national missile defense by requiring the Department of Defense [DOD] to develop and deploy antiballistic missile and theater missile defense as early as practicable. Second, the bill would require the creation of the National Security Commission, a bipartisan panel of independent defense experts, to assess force structure, readiness, strategic vision, modernization, and personnel policies. In the end, these provisions would return our military to the level of force that is capable of protecting our shores and projecting our might anywhere in the world.

As we have all witnessed, costly multinational peacekeeping operations, under the auspices of the United Nation in both Somalia and Bosnia have failed to produce the desired outcomes, and support for these operations has declined across America. Currently, the United States pays the cost of these missions sponsored by the United Nations, as well as peacekeeping operations we initiate. The United States is responsible for 25 percent of the U.N.'s normal operating budget and 31.7 percent of the cost of each U.N.-sponsored peacekeeping operation. Our funding of U.N.-sponsored peacekeeping missions is not counted toward our contribution to the U.N. operating budget. Furthermore, although Congress appropriated $1.2 billion in 1994 to pay for peacekeeping, the State Department estimates that the United States could fall behind by another $800 million by the end of fiscal 1995. This arrangement clearly cannot continue. Under H.R. 7, the United States, while continuing to fund peacekeeping mission, we would begin to count this cost as part of our overall contribution to the United Nations. However, under this legislation, the United States will write off the cost of unilateral peacekeeping missions like the one in Haiti, from its U.N. bills.

We have heard arguments that any provision requiring the U.S. Government to subtract costs incurred by the United States for participation in U.N. peacekeeping activities from the United States assessed U.N. contribution could be fatal to U.N. peacekeeping. However, according to a study conducted by the General Accounting Office [GAO], provisions to limit U.S. contributions to U.N. peacekeeping operations will not completely eliminate U.S. funds.

Included in these U.N. provisions is a section that I find very intriguing. Section 511 requires the withholding of 20 percent of assessed U.S. contributions of the regular U.N. budget and 50 percent of all assessed and voluntary U.S. contributions to U.N. peacekeeping operations each year until the President certifies: The creation of an independent office of the Inspector General chosen for his/her ability and integrity; the Inspector General has access to all records and officials at the United Nations; the United Nations will protect whistleblowers who cooperate with the Inspector General, and the reports of the Inspector General are made available to the General Assembly of the United Nations without change.

The United Nations has a record of wasting money and at times has acted in a corrupt manner. However, with an Inspector General's office, we can carefully check to ensure U.S. taxpayers' dollars are put to an honest and proper use, reflecting American perspectives. This section fits perfectly into current efforts by Congress to review all levels of government for efficiency and costs.

H.R. 7 would also make a fundamental change—one that has been advanced by former Joint Chief of Staff Colin Powell—that would restrict the ability of the President to place U.S. troops under foreign command. This step is taken because the American people do not trust nor have confidence in the United Nations. The lives of our young men and women should not be placed at risk somewhere in the world by a foreign commander. H.R. 7 would change this policy.

Lastly, the bill contains provisions to reemphasize the commitment of the United States to a strong and viable NATO alliance, urging that we assist the Eastern European democracies with the transition to full NATO membership. NATO must adapt to the reality of the post-cold-war Europe. Expansion would ultimately benefit these countries by encouraging integration into the West.

In the contract, we made promises—promises we plan to keep. In the post-cold-war period, the passage of the National Security Revitalization Act marks an improvement in our foreign policy by acknowledging the Clinton administration precipitated the decline in military readiness; by restricting future participation in U.N. programs; by developing defense against ballistic missile attack, and pledging American leadership in the North Atlantic Treaty Organization [NATO]. Join me in voting in favor of H.R. 7.

Mr. BEREUTER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Pennsylvania [Mr. FOX].

(Mr. FOX of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. FOX of Pennsylvania. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, over the last 10 years, U.S. troops have been deployed for more operations per year than ever before. Currently, the United States has over 48,000 military personnel involved in 13 ongoing operations in unstable areas like Bosnia, Haiti, and Iraq. In Somalia, for example, there was no clear objective, no clear timeframe, and no clear plan to bring our military personnel home. In 1993, Congress appropriated $401.6 million for U.N. operations—President Clinton had requested $597 million.

Mr. Chairman, we are reaching a troubling time in our defense policy. We are spending too much money in situations where we have very little control. The United States is responsible for 25 percent of the United Nations' normal operating budget. We pay 31.7 percent of the cost of missions sponsored by the United Nations.

Mr. Chairman, this is a disturbing trend and patriotic Americans want to stop it. That is why we are asking our colleagues on both sides of the aisle to work with us in passing the National Security Restoration Act. Let's restrict U.S. troops to those missions that are in our national interests, reduce the cost of the United States of U.N. missions, and demand that U.S. troops be only deployed under U.S. commanders. Let us pass H.R. 7.

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. PETERSON].

Mr. PETERSON of Florida. Mr. Chairman, as relics of the cold war, when there was a serious nuclear threat, nuclear fallout shelters are being used to store garden tools. Yet the Republicans are suggesting we need to prioritize our national security interest and place greater emphasis on incoming ballistic missiles over the development of Scud defense, which poses certainly a considerably greater threat to U.S. lives. A nuclear warhead weighs about 270 pounds, is slightly larger than a water cooler bottle and does not need a missile for effective delivery. It can be brought across the Mexican border in a pickup truck. And if you doubt that ability, just check the incoming

from all over the world with cocaine as it arrives here every day.

So why are we proposing the development of a multibillion dollar national missile defense that will take away resources from very important readiness, modernization, and quality of life programs for our defense? We will spend massive amounts of funds on a system that can be countered by a 1970 El Camino.

What has happened to common sense? H.R. 7 is bad legislation. It directs our national defense priorities away from our troops. It restricts our peacekeeping participation and our capabilities there. It undermines the President's authority as commander-in-chief. It is a reckless expansion of U.S. defense commitments through our NATO participation.

This bill certainly does not represent common sense. The common sense vote is no on this bill.

Mr. Chairman, I yield back the balance of my time.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from Maryland [Mr. BARTLETT].

(Mr. BARTLETT of Maryland asked and was given permission to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Chairman, I rise in strong support of H.R. 7. This bill represents a very appropriate reordering of our priorities. I would like to reemphasize that although we do live in a post-cold-war world, it still is a very dangerous world. Within a decade, we expect some 27 countries will have nuclear weapons with increasing capabilities to deliver them. At this point in time, we have no meaningful defense against ballistic missiles. This bill very appropriately requires a reevaluation in this area. It is a good bill. I urge its support.

Mr. Chairman, I yield back the balance of my time.

Mr. TORRICELLI. Mr. Chairman, I yield 2 minutes and 15 seconds to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Chairman, in 1939, the leader of the isolationist wing of the Republican Party, continuing a tradition of 20 years of Republican isolationism that started after the end of World War I, Senator Arthur Vandenburg said:

> We cannot be the world's protector or the world's policeman. The price of such assignment would be the jeopardy of our own democracy. Let us avoid entanglement in any chain of circumstances which may be too strong for us to break.

Seven years later, as the new leader of the internationalist wing of the Republican Party, the one that has dominated the Republican Party for the last 50 years, Senator Vandenburg said:

> If World War III ever unhappily arrives, it will open new laboratories of death too horrible to contemplate. I propose to do everything within my power to keep those laboratories closed for keeps. There are two ways to do it. One way is by exclusive individual action in which each of us tries to look out for himself. The other way is by joint action in which we undertake to look out for each other. The first way is the old way, which has twice taken us to Europe's interminable battlefields within a quarter of a century. The second way is the new way in which our present fraternity of war becomes a new fraternity of peace.

The issue in sections 501 and 508 and title IV, of H.R. 872 no matter how many times it is denied, is do we continue with the internationalist perspective, or do we force ourselves into an isolationist, ''either do it alone or don't do it at all'' perspective.

The National Security Revitalization Act is a rash and reactive attempt by a Republican congressional majority to supersede presidential prerogatives in the conduct of U.S. foreign and defense policy. Though aimed at circumscribing President Clinton's authority, its unintended consequences will come back to haunt future presidents, regardless of their party.

It is Congress' role to question particular programs and policies of the executive branch, and it is imperative that the executive branch consult with Congress early and often on national security affairs. But the sort of partnership between the executive branch and the Congress necessary to the advance of American national interests cannot be based on hamstringing Presidential prerogatives.

Vote ''no'' on H.R. 872.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee [Mr. BRYANT] a cosponsor of the bill.

(Mr. BRYANT of Tennessee asked and was given permission to revise and extend his remarks.)

Mr. BRYANT of Tennessee. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, tomorrow we have the opportunity to correct today's defense policy problems by passing the National Security Revitalization Act. I think it is important that the American people know what is at stake here and what the current administration is actually fighting against. Very simply, H.R. 7 would prohibit placing our military troops under the command or control of a foreign commander without presidential or congressional approval.

□ 1540

The men and women of the largest fighting force in the world do not want to have their lives placed in the hand of a foreign commander and neither do their families. H.R. 7 would also allow the United States to count our military peacekeeping operations as a contribution to the United Nations.

It is just not right for someone in our districts to see their tax dollars spent on missions that currently are not allowed to be counted as a contribution to the United Nations.

Quite frankly, we can no longer afford to undertake 13 peacekeeping missions with the use of some 48,000 personnel in countries like Bosnia, Haiti and Iraq. I must say that many of the people back in Tennessee that I represent do not agree with these questionable missions our military has been assigned, and they certainly do not believe that they should be paying for them.

Mr. Chairman, H.R. 7 would strengthen our NATO alliance by bringing the countries of Poland, Hungary, the Czech Republic, and Slovakia into the alliance. These countries are working toward democracy, and they deserve the opportunity to earn the protections that NATO could afford them.

I urge my colleagues to support this National Security Revitalization Act.

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Chairman, I rise in strong opposition to this unnecessary, irresponsible and dangerous bill. The Republican defense bill is unnecessary because it is based on the false premise that our military is ill-prepared. That is an insult to our troops and an invitation to would-be aggressors.

The truth is that we face no national security problem so urgent that it cannot be fixed through the much more thoughtful and much more bipartisan approach of the authorization process.

This bill is irresponsible because it completely rewrites our defense and foreign policies after just as few brief hearings and only a limited amount of debate in this Chamber. What is the rush?

The only rush is to check off another item on a political scorecard. Of all the issues, the national security policy of post-cold-war America demands more than that. Most of all, this bill is dangerous because it puts a higher priority on a boondoggle in the sky called star wars than on our troops on the ground. Star wars is going to cost billions of dollars and the people who are going to pay the highest price are our men and our women in uniform. The cost of Star Wars is going to come out of their training. It is going to come out of their salaries and their housing, and it is going to come out of the modern weapons that they need to reduce risk in battle.

Yes, Mr. Chairman, the price of the Republican defense bill may very well be paid with the lives of our troops. With this bill, the Contract With America literally becomes a contract on the men and the women who serve in uniform. It does them a disservice.

Support our troops and vote no on H.R. 7.

Mr. TORRICELLI. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. PAYNE].

(Mr. PAYNE of New Jersey asked and was given permission to revise and extend his remarks.)

Mr. PAYNE of New Jersey. Mr. Chairman, I would like to comment on command and control. I have the feeling my argument will not change the minds here today, but as someone who

traveled to Somalia four times and sincerely cares about what happens there, I would like to provide some information for the historic record of this debate.

Since Somalia seems to be the genesis of the command and control issue, it would be helpful to review the events of the tragic loss of the 18 U.S. Army Rangers.

It is my understanding that the U.N. Commander in Somalia was Turkish General Bir who was in charge.

The operational commander was U.S. General Montgomery, who at the time reported solely to General Bir.

The United States combat forces in Somalia were under the command of General Garrison who reported to General Hoar, Commander in Chief, U.S. Central Command in Miami.

As the Washington Post brought out in their investigative reporting, U.S. General Montgomery assigned to the U.N. command did not encourage the assault on the building were Aideed was thought to be on the day the casualties occurred.

The Post reported U.S. unit commanders were saying ''our boys have cabin fever''. They want to get out where the action is. The U.S. Rangers force carried out this assault at the initiative of, and with the approval of the U.S. central command in Miami.

In no way should we make the U.N. the scapegoat for this tragic incident that killed 18 of our fine young men.

I would also remind Members that a larger number of Pakistani troops gave their lives in previous actions. Bangladesh, India, Malaysia, Morocco, Nepal, Nigeria and Zimbabwe also lost troops in Somalia.

But they did not call for withdrawal.

I was impressed that at the beginning of the Gulf war when President Bush talked about a new world order in which the strong must protect the weak. Congress also approved similar words.

If these words are to have any meaning, then I feel our participation in peacekeeping and peacemaking is a responsibility the U.S. must bear.

And, in bearing this responsibility it makes sense to share the burden with other countries through the United Nations.

What are we doing here today is to dismantle the peacekeeping capability of the United Nations which has served with distinction for 50 years.

Surely, this is not the intention of America.

I urge the defeat of H.R. 7.

The CHAIRMAN. The gentleman from New York [Mr. GILMAN] has 13½ minutes remaining; the gentleman from Indiana [Mr. HAMILTON] and the gentleman from New Jersey [Mr. TORRICELLI] have 11¾ minutes; the gentleman from California [Mr. DELLUMS] has 11¼ minutes remaining; and the gentleman from South Carolina [Mr. SPENCE] has 16¾ minutes remaining.

Mr. GILMAN. Mr. Chairman, I yield 1 minute to the gentleman from Nebraska [Mr. CHRISTENSEN].

(Mr. CHRISTENSEN asked and was given permission to revise and extend his remarks.)

Mr. CHRISTENSEN. Mr. Chairman, men and women do not join the Armed Forces to fight and die for the United Nations. They join to serve their own country, the United States. In the past 2 years, the United States has been involved in more peacekeeping missions under the U.N. flag than ever before. Many of these missions are not in our best national interest, they put our men and women in danger and inflate our budget. Typically, we contribute 32 percent of the total funds of each U.N. operation.

H.R. 7 would force the President to receive the authorization of Congress before a peacekeeping mission and notify them of the expenditures. It would also not allow for U.S. troops to be placed under U.N. command. Mr. Chairman, we need to maintain our autonomy throughout the world. We need to be responsible for securing our national interests. H.R. 7 is a positive step toward a positive goal—keeping our defenses strong. Let us pass H.R. 7.

Mr. DELLUMS. Mr. Chairman, I yield 1½ minutes to my distinguished colleague, the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, this bill might be better known as the National Security Retribution Act instead of the National Security Revitalization Act.

It is a travesty of sound defense policy, wasting tens of billions of dollars on a revived star wars effort while shorting funds for readiness or truly needed procurement.

This legislation is a travesty of sound budget policy, proposing to borrow tens of billions of dollars just after we have passed a balanced budget amendment.

And this legislation is a travesty of sound international security policy, undermining START II Treaty ratification and the ABM Treaty, while jeopardizing our ongoing efforts to achieve further arms limitations.

But even more fundamental, this legislation is a constitutional tragedy, putting a power grab, driven by mindless bumper-sticker politics, ahead of the historic and critical authority of the President of the United States to manage our foreign relations and to command our Nation's Armed Forces.

If the Democrats had been so unprincipled as to try a stunt like this when a Republican was in the White House, the Republicans would have been absolutely and rightly outraged. Yet they have no shame in perpetrating this today.

This bill is so deeply flawed that, if adopted, it would deprive this President, any President, of his ability to protect and promote our national interests. It should be defeated.

This legislation should better be titled the National Security Retribution Act.

This legislation is a travesty of sound defense policy, wasting tens of billions of dollars on a revived star wars effort while shorting funds for readiness or truly needed procurement.

This legislation is a travesty of sound budget policy, proposing to borrow tens of billions for star wars when we just passed a balanced budget amendment.

This legislation is a travesty of sound international security policy, undermining START II treaty ratification and Anti-Ballistic Missile Treaty compliance while jeopardizing our ability to achieve further arms limitations agreements.

But even more fundamental, this legislation is a constitutional tragedy, putting a power grab, driven by mindless bumper-sticker politics, ahead of historic and critical authority of the President to manage the Nation's foreign relations and to command its armed forces. If the Democrats had been so unprincipled as to try a stunt like this against a Republican President, the Republicans would properly have been outraged. Now, they show no shame.

This measure is deeply flawed and, if adopted, would unwisely deprive the President—any President—of the ability and flexibility to protect and promote our national interests. Like so much of the Republican's Contract With America, this bill would shackle the Government and shred the Constitution.

Article II, section 2 of the Constitution states that the ''President shall be Commander in Chief'' of the U.S. Armed Forces. The bill ignores the Constitution by placing severe limits on the President's ability to carry out his central national security duties. It should be defeated for this reason, if no other.

The bill's prohibition on the placing of U.S. troops under foreign command plays to the frustration many citizens feel about increasing U.S. participation in United Nations, but it ignores the real world requirements of dealing with threats to international security. In most of the conflicts we've been involved in since—and even during—the Revolution, we have conducted joint military operations with allies, and these arrangements have to work in both directions. We can't expect to work effectively with our allies without sharing operational control in appropriate cases.

Most recently in Operation Desert Storm, General Swartzkopf placed a United States brigade under the operational control of the French, just as other allied forces were under the operational control of United States forces. By restricting the President's authority to share operational command, this bill would have greatly hampered President Bush's effort to bring the international community along with us in meeting Saddam Hussein's challenge. Members should also be aware that right now a United States Army division serves under the U.N. flag in Korea under operational control of a South Korean general. If this bill passes, this sort of arrangement, and the essential international cooperation on security matters it facilitates, would be history.

A second huge problem is what the bill would do to U.N. peacekeeping operations. The bill says we must count against our peacekeeping contribution the cost of any separate U.S. military effort pursuant to U.N. Security Council resolutions. The costs of these operations—supporting humanitarian relief and deterring aggression in places like Bosnia and

Iraq—far exceed our annual peacekeeping assessment. So this means we would no longer pay any of the peacekeeping costs we have agreed by treaty to pay.

If we take this step, the other nations like France, the United Kingdom, and Japan, who also make major separate expenditures, would almost certainly follow our lead in canceling their peacekeeping payments. And U.N. peacekeeping would end. We would then face the option of doing nothing in the face of serious threats to international peace and security, or going it alone. America would be forced to play global cop alone, or nobody would.

A third flaw in H.R. 7 is its attempt to legislate a timetable for new states to obtain membership in NATO. The bill would attempt to take away from America's most important national defense alliance the ability to decide, through the agreement of the members of the alliance, who can and should join the alliance. The legislative timetable would also prevent the President from acting through normal foreign policy channels to set standards for membership. All this is a patently unconstitutional intrusion of Congress into the foreign policy jurisdiction of the President. Reformers in countries not named would be discouraged, and the governments of those named might become complacent. Finally, by bringing NATO up against Russia's borders too rapidly the bill could have serious unintentional consequences.

A final, and significant failing in this bill is its return to a crash deployment of a national missile defense. More than $30 billion has already been spent on the star wars initiative, and it is estimated by the Congressional Budget Office that at least $30 billion more—probably $50 to $100 billion more—would have to be spent to deploy the system. Although star wars is claimed to promise a defense against missile attacks for rogue states, it could be outflanked by an enemy using any number of alternative delivery systems. The massive cost would divert scarce defense dollars and other resources from more pressing needs such as a theater-missile defense or military-readiness programs. And both the bill and votes in committee, make it clear the Republicans are willing to be cavalier about violations of the Anti-Ballistic Missile Treaty in their rush to test and deploy such a system. That attitude would surely be the undoing of START II, and other pending efforts to restrain weapons of mass destruction.

The National Security Revitalization Act is a hastily constructed attempt to legislate a change in our national security strategy. Rather than revitalize U.S. national security, it would undermine it. If enacted, this bill will politicize national security and destroy the Presidency's ability to make effective foreign policy decisions. If the United States is to remain a leader on the world stage, Congress must continue to allow the President—every President—the constitutionally mandated authority in deciding how to deploy American forces, manage alliances, and set strategic priorities.

This bill goes in precisely the wrong direction on almost all counts. It deserves defeat.

Mr. TORRICELLI. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, the Speaker of the House, Mr. GINGRICH, has, on this date, received a letter from five former members of the Joint Chiefs of Staff. In their correspondence they state, and I quote, ''This legislation will impose onerous and unnecessary restrictions on the President's ability to place U.S. forces under the operational control of the Nation's military leaders for U.N. operations.''

It continues, ''Throughout our history, presidents have found it advantageous and prudent for forces to participate in coalition operations. During the Gulf War, Korea, and during 50 years of the NATO alliance and in multilateral peacekeeping operations, our armed forces have successfully worked side by side with those of other nations.''

□ 1550

The letter concludes ''Mr. Chairman, this would force the administration to choose between acting unilaterally and doing nothing. Accordingly, we urge rejection of the restrictions on the President's command and control,'' and his military authority, in this legislation. It is signed by David C. Jones, General, U.S. Air Force; David E. Jeremiah, U.S. Navy; Glen Otis, General, U.S. Army; W.E. Boomer, General, U.S. Marine Corps; B.E. Trainor, Lieutenant General, U.S. Marine Corps.

For the RECORD, Mr. Chairman, I include this letter in its entirety:

FEBRUARY 15, 1995.

Hon. NEWT GINGRICH,
Speaker of the U.S. House of Representatives, The Capitol, Washington, DC.

DEAR MR. SPEAKER: As retired flag and general officers, we are writing to express our serious reservations about HR 872, which is now under consideration by the House of Representatives. We are especially concerned about provisions in the bill that would impose onerous and unnecessary restrictions on the President's ability to place U.S. forces under the operational control of other nations' military leaders for UN operations.

As you know, throughout our nation's history Presidents have found it advantageous and prudent for U.S. military forces to participate in coalition operations. During the Gulf War, in the U.S.-led UN operation in Korea, throughout the nearly 50 years of the NATO alliance, and in multilateral peacekeeping operations, our armed forces have successfully worked side-by-side with those of other nations to advance our national security.

In the post-Cold War world, it will remain essential that the President retain the authority to establish command arrangements best suited to the needs of future operations. As commander-in-chief, he will never relinquish command of U.S. military forces. However, from time to time it will be necessary and appropriate to temporarily subordinate elements of our forces to the operational control of competent commanders from allied or other foreign countries. As retired military officers, we can personally attest that it is essential to the effective operation of future coalitions that the President retain this authority. Just as we will frequently have foreign forces serving under the operational control of American commanders, so must we be able to negotiate reciprocal arrangements freely.

HR 872 would place unprecedented and, in our view, burdensome limitations on this authority. By narrowing the President's options and complicating the process of building a coalition during a crisis, the bill could, in effect, force the Administration to choose between acting unilaterally and doing nothing. Accordingly, we urge rejection of the restrictions on the President's command and control authority contained in this portion of HR 872 as unnecessary, unwise, and militarily unsound.

DAVID C. JONES,
General, US Air Force (Ret).
DAVID E. JEREMIAH,
Admiral, US Navy (Ret).
GLENN K. OTIS,
General, US Army (Ret).
W.E. BOOMER,
General, USMC (Ret).
B.E. TRAINOR,
LtGen, USMC (Ret).

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee [Mr. HILLEARY].

(Mr. HILLEARY asked and was given permission to revise and extend his remarks.)

Mr. HILLEARY. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, under the current administration, the defense of this country has declined greatly. Defense spending has been dramatically reduced to its lowest level since World War II and modernization programs cut to a 45-year low. These defense cuts have put our military forces at their lowest levels of readiness in over a decade, cut 15,000 reserve and civilian personnel every month and in addition, 1.2 million defense-related private sector jobs will be eliminated. These cuts will be used to fund wasteful social programs. The Republican Congress plans to change all that.

Our Nation's security must not be neglected as it has been the past 2 years. Americans should have faith that their Armed Forces are ready and equipped with the most modern defense systems. We need to keep our promise to the American people. We need to keep our defenses strong. We need to maintain our credibility around the world. We need to pass this bill.

Mr. DELLUMS. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I would like to respond to my colleague who just preceded me in the well.

Mr. Chairman, with the end of the cold war, with the demise of the Warsaw Pact and the evisceration of the Soviet Union, what drove 70 percent of the budget is now no longer a major threat. Yet, in fiscal year 1996 we are contemplating spending 75 percent of what we spent in 1990.

Stated a different way, Mr. Chairman, in fiscal year 1996 we will be spending almost as much as the entire world military budget combined in 1 year. If we add what we spend, what our allies in Asia and Europe spend, we will be spending in excess of 80 percent of the world's military budget allocation, so even those persons who potentially could be adversaries to us are spending less than 20 percent of their dollars. Where is the threat? To talk about some weak nation, we are the No. 1 superpower in the world with the greatest military capability in the

world, with the greatest readiness in the world, and we are spending exorbitant amounts of money on our military budget.

Mr. Chairman, I yield 2 minutes to the distinguished gentleman from South Carolina [Mr. SPRATT].

(Mr. SPRATT asked and was given permission to revise and extend his remarks.)

Mr. SPRATT. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, title I of this bill professes alarm at the downward spiral of defense spending. It raises the specter of hollow forces. However, when we turn to title II of the bill, to see what it would do, we find what it wants to do is sink billions of dollars into a new national defense missile defense system.

Mr. Chairman, one sure way of fulfilling the dire prophecies in title I, the preamble of this bill, is to sink huge sums into a national defense, system especially if it deploys space-based interceptors at the earliest practical date.

That is why, when the bill comes up for amendment, the gentleman from Texas [Mr. EDWARDS], the gentleman from Missouri [Mr. SKELTON], and I will offer three related amendments.

We support a strong defense. I support and believe in ballistic missile defense. However, I first want to make sure that our forces, although downsized smaller, are ready to fight. I want to make sure that the equipment they fight with is second to none. I want to ensure quality of life to our troops and their families.

Mr. Chairman, we offer these three amendments, because if title II becomes law without them, it could be taken to mean that deployment of a national missile defense system made up of space-based interceptors, such a system could easily cost $25 billion, and that $25 billion can only be funded at the expense of other priorities, like readiness and theater missile defense.

Mr. Chairman, my amendment is to make sure that a national missile defense system is not put ahead of other priorities. I do not mean to preclude it, I simply mean to put it in its right order. My amendment will require that readiness and modernization should be funded first and should take priority over national missile defense; second, that theater missile defense should take priority over national missile defense, because it deals with a threat here and now; third and finally, that any national missile defense system should start with a ground-based system and not a space-based interceptor.

The CHAIRMAN. The gentleman from South Carolina [Mr. SPENCE] has a disproportionate amount of time remaining. The Chair would ask if the gentleman would like to yield some time.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from Kansas [Mr. TIAHRT].

(Mr. TIAHRT asked and was given permission to revise and extend his remarks.)

Mr. TIAHRT. Mr. Chairman, I rise in support of H.R. 7. The President has charged this bill will unfairly inhibit the country's ability to respond to international crises, that it will hamper his constitutional responsibility. However, I am not aware of any clause in the Constitution that states that when the U.N. decides that peacekeeping troops are needed, that it is America that responds. We are not the world's 911 emergency hotline.

Unfortunately, the President has bought into this thinking at grave expense. U.S. troops should not be placed under foreign command. We are not at war. U.S. taxpayers should not be expected to keep paying more than our fair share of U.N. peacekeeping expenses. This bill takes a huge step in curtailing both those misguided policies.

Passage of the National Security Revitalization Act is a good step toward redefining our relationship with the United Nations, redirecting precious U.S. tax dollars toward legitimate national security concerns, and regaining the confidence of the American people. I urge a ''yes'' vote on H.R. 7.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from New York [Mr. QUINN].

(Mr. QUINN asked and was given permission to revise and extend his remarks.)

Mr. QUINN. Mr. Chairman, as a cosponsor of H.R. 7, I rise today in strong support of its provision to urge the United States to do everything possible to help Poland, Hungary, the Czech Republic, and other Eastern European nations, become members of NATO.

I think it is important to remember NATO's history while considering this necessary resolution. On April 4, 1949, 10 European governments, the United States, and Canada signed the North Atlantic Treaty, creating NATO. The Organization was established to deter potential Soviet aggression in Europe and to provide for the collective self-defense of the alliance.

It is widely recognized that East Central European Nations, particularly Poland, have often been caught between a hammer and an anvil. This was seen not only in the historic expansion of the former Prussian, Austro-Hungarian and Russian Empires, but also during World War II when Nazi Germany and the Soviet Union divided the nations between themselves. More recently, Russia's actions in Chechnya, and its prior reluctance in withdrawing from the Baltic States, show the need for NATO's expansion.

The inclusion of Eastern European Countries in NATO is a crucial step toward creating stability in an important region of the world. Further, it will provide the emerging democracies of those Eastern European countries with an opportunity to flourish.

NATO was a stabilizing influence on Western Europe during the cold war. The expansion of NATO to include Eastern European nations will provide the same stabilizing influence during the post cold war era.

Mr. Chairman, I urge all of my colleagues to support H.R. 7's provision to help Poland, Hungary, and other Eastern European nations gain membership in NATO, while cooperating closely with Russia.

Mr. BEREUTER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Ohio [Mr. CHABOT], a new member of the Committee on International Relations.

Mr. CHABOT. Mr. Chairman, I rise in support of H.R. 7.

First, let me commend our distinguished chairman, the gentleman from New York [Mr. GILMAN], for his leadership during the International Relations Committee's leadership during the International Relations Committee's consideration of H.R. 7. Our committee put considerable effort into the crafting of this legislation and I believe we've produced a sensible, responsible and much-needed effort to strengthen our national defense and set a clear, new national security policy.

The America people have grave concerns about both the Clinton administration's weakening of our military and its haphazard foreign policy. The National Security Revitalization Act seeks to reverse the dangerous trend of the last two years and refocuses U.S. defense and foreign policy priorities.

Mr. Chairman, when we pass H.R. 7, we will be keeping another promise we made to the American people. And it will serve as further notice that this Congress is serious about revitalizing and strengthening U.S. security policy.

I urge support of H.R. 7.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. CHAMBLISS].

(Mr. CHAMBLISS asked and was given permission to revise and extend his remarks.)

Mr. CHAMBLIS. Mr. Chairman, what we are about today is at the very heart of the freedoms we have enjoyed for over 200 years—our Nation's defense.

I am concerned, Mr. Chairman, that our military has been cut too deeply and too quickly. With U.S. troops being deployed more often and to more locations, it is wrong to expect our military men and women to do more with less.

In September, 1993, the administration released its recommendations within the Bottom-Up Review and called for cuts of an additional 10 percent from the defense budget. I question the conclusions of the Bottom-Up Review based on inconsistencies between the administration's strategy, recommended force structure, and projected budgets. The discrepancies have become increasingly evident as readiness problems mount and as reports come in from military leaders in the field.

It is time to call this administration to task for its inadequate efforts to provide for this Nation's defense. Support H.R. 7, support the creation of a review commission, and send a message to the White House.

□ 1600

Mr. TORRICELLI. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Chairman, I rise as a Democrat who has worked very hard for the last 4 years to balance the budget and continue to make that one of my highest priorities in this body. So oftentimes over the last 4 years, balancing the budget has been like trying to take a sip out of a fire hydrant, you are pushed back every time you think you are making some progress.

We have made some progress in the last month. We have passed a constitutional amendment to balance the budget and a line-item veto, both of which I have voted for. But H.R. 7 firmly plants down now additional fire hydrants, opening the gates to spend more money that we do not have and spends this money in ways which is not in the best interests of the taxpayer nor in the best interests of our national defense.

Title II of this bill, the strategic defense initiative says, ''It shall be the policy of the United States to deploy at the earliest practicable date.'' Not evaluate, not analyze, deploy and spend the money. That is $29 to $30 billion, $10 billion more than we currently have in this bill. Where are we getting that $10 billion? Where did it say in the Contract for America to spend $10 billion that you did not have?

Mr. WELDON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. ROEMER. I will not yield at this time.

Second, title VI of the bill says that we want to expand NATO to the Czech Republic, Slovakia, Poland, Hungary, provide additional economic support assistance, nonproliferation and disarmament assistance. Where does it say that in the Contract for America, to increase foreign assistance?

You have some good provisions in here that I might be able to support. But if we are going to work on a balanced budget amendment, if we are going to work to take away the fire hydrants of spending more and more money in this place, H.R. 7 is not moving us in that direction.

Let it be clear to Members on both sides of this aisle, this says we are going to spend the money.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. SAXTON].

(Mr. SAXTON asked and was given permission to revise and extend his remarks.)

Mr. SAXTON. Mr. Chairman, the folks from the other side of the aisle always knew we were different. But they could always put up with it because we could not do anything about it.

The difference in this debate and previous years is that we think our defense policy needs direction, and we think it needs a new direction. Let me tell you why we think it needs direction.

Let me quote from the President's speech of January 25, 1994.

He said, ''The budget I send to Congress draws the line against further defense cuts. It protects the readiness and quality of forces. We must not cut defense further.''

Republicans on this side of the aisle stood and applauded that night. Now, just 12 short months later, Congress received the President's proposed budget which seeks to cut defense spending by 5.3 percent, to the lowest level since 1950.

At the core of the Clinton national security strategy is a policy which is in conflict with itself. That is why we need to set a new direction.

On the one hand, the President has ordered our military engaged in more peacekeeping missions around the world than any other President in history. On the other hand, he has cut defense spending to the historic and dangerous low.

We need to take care of our armed services, we need to take care of our people, we need to provide for the national security of our country. We note that a 12.8-percent gap exists between military pay and comparable civilian pay. We note that last year the Clinton administration did not request a military pay raise. We note that it is estimated that 17,000 junior enlisted personnel have to rely on food stamps.

How can we provide for the defense of our country and our national security with facts like those emerging?

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. WELDON], the chairman of our Subcommittee on Military Research and Development.

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Chairman, let us cut through all of the rhetoric we have heard here today. Why is H.R. 7 before us in this body today? Is it only because of Republicans?

I think back to last summer when this bill was first drafted. It was not drafted in January of this year. It was drafted because Members of both sides of the aisle said the President made a fundamental mistake. He cut defense spending by $128 billion over 5 years which Democrats and Republicans alike acknowledged was not achievable, and we said we had to do something about that. In fact, here we are today with the General Accounting Office saying we are $150 billion short over 5 years, the Congressional Budget Office saying we are $67 billion short over 5 years and our good colleague and friend IKE SKELTON saying we are $44 billion short over 5 years.

That is why we empower a commission. Because the leadership does not know what shortcomings we have in terms of spending. No one can agree. So we have to have an independent assessment look at that.

The President was wrong in the cuts that he made. While cutting our defense spending over 5 years by 25 percent, he has increased nondefense spending in the defense budget by 361 percent. Can you believe that? The biggest increase in defense spending are non-defense items. We could go through as our good friend suggested just a moment ago who would not yield to me, our good friend from Indiana, we could certainly free up $2 billion to $3 billion a year more just by cutting the waste and the garbage out of the defense bill without adding one dime more money in, and that is where we want to start.

This President also made a fundamental mistake when he abandoned national missile defense. He is shortchanging the American people. They think they are being protected from some kind of a rogue missile attack. They are not. There is no protection.

Lest we misstate what has been said here, no one on our side is talking about star wars. Our colleagues on the minority regret the labeling that is occurring. I am announcing today as we go through this debate, I am donating $1 to the Science Fiction Writers Foundation for every time our colleagues on this side mention the term ''star wars.'' It has nothing to do with this debate.

We are talking about deploying a program that Secretary Perry has said he could deploy over 5 years at a cost not to exceed $5 billion. It is deployable and even the Secretary's own tiger term recommended to him last week that it is doable. It will provide a layer of defense that we do not now have for the entire Nation. We think we should move forward on that.

Mr. Chairman, this debate is not and should not be a partisan debate. This debate should be bipartisan as it was in the committee. Because the reasons why this bill is before us, the reasons are that Members of both sides feel that this administration has been shortchanging our military, has been shortchanging our national defense in terms of missile defense, has been shortchanging us in terms of an isolationist defense budget trying to fund an internationalist foreign policy. It just does not work.

I urge passage of H.R. 7.

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to my distinguished colleague, the gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. I thank the gentleman for yielding me the time.

Mr. Chairman, America just cannot afford H.R. 7 and it certainly cannot afford star wars 2. Star wars 2 sounds like a movie sequel but unfortunately

it is a living nightmare. This is a program——

Mr. WELDON of Pennsylvania. Mr. Chairman, will the gentlewoman yield?

Ms. FURSE. I yield to the gentleman from Pennsylvania.

Mr. WELDON of Pennsylvania. Can the gentlewoman point to me where in H.R. 7 the term star wars is?

Ms. FURSE. Reclaiming my time. This program, this star wars program really makes me go ballistic. It is the biggest waste of taxpayers' money around. We have already spent $30 billion and we have nothing to show for it. What is even worse is, we are not the least bit safe with it, nor safer than we were.

I am sure that all the new Members who put themselves out as security experts would like to tell us why they need star wars.

□ 1610

But I want to tell you what a real expert has said. Former CIA Director William Colby said, ''The most likely way a nuclear warhead will enter the United States in the next 10 to 20 years is in the hold of a tramp freighter.''

Instead of wasting billions that the SDI will require, some tough augmentation of antiterrorist intelligence would be a much more direct defense.

Mr. Chairman, throwing money at star wars is like putting 10 locks on the front door when the back door is left open.

Now, if we honestly want to revitalize national security, let us look at some places where we could make our own armed services feel more secure. We could pay them a living wage, for one thing, keep them off food stamps. We could live up to the contract that we signed with our veterans. We could live up to that contract. We could invest in things like college loans; 6½ million students would invest back into this country, make it more secure economically.

Star wars, star wars is a bill of goods. It is a bill of goods I am not willing to pass on to the American people.

Mr. GILMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa [Mr. LEACH], a distinguished member of our Committee on International Relations.

(Mr. LEACH asked and was given permission to revise and extend his remarks.)

Mr. LEACH. Mr. Chairman, I would submit that while rooted in a quasi-party platform, the contract, the issues in this bill must not be considered partisan. There is a great Republican as well as Democratic tradition of internatinalism.

As a Republican I would stress that my party should take great care not to weaken the Presidency just because we have a weak President; not to eviscerate the United Nations just because of one or another mistaken U.N. policies; and above all, not ignore the Constitution's separation of power doctrine just because we now control the legislature.

For three quarters of a century, the United States has exercised preeminent world leadership in cooperative efforts to build a civilized international policy based on the rule of law. American leadership conceived the League of Nations to replace a shattered European balance-of-power system after World War I. American leadership was crucial to the establishment of the United Nations system in the aftermath of World War II.

Yet there is an ambivalence, if not tension, in the American psyche between isolationism and internationalism, between hubristic go-it-aloneism and the sharing of global responsibilities. Thus an isolationist America rejected the League in the 1920s. And in this bill this Congress is contemplating the placement of profound roadblocks in multilateral peacekeeping.

Conservatives, in particular, should support the United Nations because it implies burdensharing in security relations as well as development activities, thus shielding the United States from disproportionately being accountable for global woes.

At issue with the philosophical debate covering this bill is whether we want to be the policemen for the world or the leading member of an international highway patrol. The second option is more realistic and, I might add, cheaper.

In America today there should be no dominant place in either party for self-centered isolationism. With a sense of sadness, I accordingly urge the defeat of this legislative vehicle, which not only hamstrings the constitutional prerogatives of the Presidency, but undercuts serious prospects of expanding the rule of law.

In any regard, I would like to express my appreciation to Chairman GILMAN for his efforts to ameliorate some of the extraordinary counter-productivity of earlier drafts of this bill, and to accommodate some of this Member's concerns.

For example, I am appreciative that the Chairman was willing to accept this Member's modest suggestion that the findings section of the bill underscore that credible and effective collective security mechanisms are profoundly in the national interest of the United States. After all, the principle of collective security has been a linchpin of the U.S. national security policy of every administration since 1945.

Nevertheless, I would stress as strongly as I can that the legislation in its current form is in sharp contrast to the philosophical precepts that shape this Member's view of responsible internationalism and the conduct of American foreign policy.

There should be no misunderstanding. The intent of this bill is to constrain U.S. involvement in multilateral military operations under U.N. auspices. The effect of this bill, if left substantially unamended, is to diminish U.S. leadership in the U.N. and elsewhere and force Presidents in emergency settings to either do nothing or rely exclusively on unilateral actions.

Let me just summarize my major disagreements with this bill:

It unnecessarily returns the United States to rapid development and deployment of a costly strategic missile defense system that is not justified by any exigent national security threat and in so doing, gives a false impression that the nuclear beast can be constrained by one technique of defending against one kind of delivery system;

It would cripple, if not destroy, financing for U.N. peacekeeping operations, thus having the effect of requiring the United States either to adopt an isolationist posture of doing nothing or bearing a singular unilateral burden of maintaining international peace and security;

It would impose unprecedented, unconstitutional, unnecessary and capricious restrictions on the office of the presidency and the President's authority to place U.S. troops under the operational control of another country—even a NATO ally—for U.N. operations; and

By mistaking belligerent naysaying for genuine leadership and U.N. reform it risks repudiating our own heritage, undercutting our own self-interest, and tragically rending a half-century of bipartisan consensus that has sustained a generally successful and effective U.S. approach to multilateral diplomacy.

While the United States and other nations have increasingly turned to multilateral institutions to deal with certain of the most intractable problems of our time, the resulting costs and occasional policy failures—such as Somalia—have renewed doubts at home and abroad about the future of the United Nations.

While we may not like all that the United Nations or its individual members do, we no longer have the capacity, even if we so desired, to successfully go it alone. The manifest limits of American power and the contrasting global reach of American interests; they make U.S. leadership in an effective United Nations essential.

The realist critique of the American tradition of responsible internationalism—the suggestion that multilateral diplomacy is doomed to failure, that the United Nations is not a viable global body—offers a profoundly unrealistic prescription for the advancement of American interests. Members must understand that for the United States to default leadership in the world's principal arena of multilateral diplomacy amounts to nothing less than strategic retreat.

In the twilight of the 20th century nothing is more naive than to suggest that the U.S. national interest should rely on the advancement of a narrow, nationalistic foreign policy that shuns cooperative problem solving, pooh-poohs peaceful resolution of disputes, pillories attempts at political and economic institution-building and scorns collective enforcement of the peace based on the rule of law.

With the health of the American and world economy dependent on open markets and free trade, with the potential proliferation of weapons of mass destruction, and with ethnic, religious, and racial divisions rising in the geographic cockpits of historical conflict, U.S. national purpose cannot afford to be diverted by uncertain leadership or ideological posturing.

An unbridled nationalist might contend that expanding international law and building international institutions of conflict resolution is unacceptable because it implies the ceding of slivers of sovereignty by nation-states. Yet the

reverse—the refusal to allow law to be established with third-party arbitration and enforcement—entails jeopardizing that very sovereignty because of the greater likelihood that disputes will be resolved only through force. Just as peoples within nation-states have come to understand the need for laws that impinge on individual discretion so that basic liberties can be better safeguarded, governments the world over must come to accept an obligation on behalf of their citizens to accelerate rather than retard the development of civilizing institutions of international polity.

This is not to suggest that the United Nations has an unblemished track record, or that criticism of the world body and its individual members should be stifled.

Yet the U.N. system is more than bricks and mortar in New York, more than General Assembly debate and Secretariat bureaucracy-building. The United Nations is a system based on the assumption that states and peoples can work together to solve transnational problems. In one sense, the United Nations symbolizes as much an idea and ideal as a structure. Nevertheless, institutional arrangements are the crux of governance, and just as shortcomings abound within the system, U.N. institutional achievements stand out.

There is a profound debate in this country and abroad about the nature of the unfolding post-cold-war world: Will it be hallmarked by a strengthening of the bonds of international society or a disintegration of those bonds within and between nation-states? Will forces of localism, nationalism and regionalism abet or curb trends in favor of an international society sharing common values? While the two great ''isms'' of hate of the century—fascism and communism—have been defeated, a civilized international polity still begs establishment.

Any neutral assessment of the United Nations to date must record the impressive strides that have been taken toward the development of a framework in which international law is advanced and global problems are addressed.

Writing in 1950, the theologian Reinhold Neibuhr noted that the price of our survival was the ability to give leadership to the free world. Today, the price of the prosperity of the free world still depends on the willingness and ability of the United States to lead. No other society has the capacity or inclination to light freedom's lamp in quite the same way; is any other as capable of combining self-interest with a genuine historically-rooted concern for others. For the United States to deny its transnational responsibilities and thwart the development of internationalist approaches to problem-solving is to jeopardize a future of peace and prosperity for the planet.

In a country in which process is our most important product, the challenge is to lead in expanding international law, economic as well as political, to advance new approaches to conflict resolution and to help institutionalize a civil international society capable of peacefully managing change in such a way that all countries derive benefit.

Never in the course of human events has it been more important for individuals in public life to appeal to the highest rather than the lowest instincts of the body politic. Whether the issues be social or economic, domestic or international, the temptation to appeal to the darker side of human nature must be avoided. The stakes are too high. When it comes to national security the realist is always right to prepare for the worst, but a policy rooted in cynicism too easily leads to nihilism. With morality anchored in faith, man's destiny must be understood to be in man's hands. The implicit duty of public officials is to inspire hope rather than to manipulate fear. The health of nations is directly related to the temperance of statecraft.

In the final measure the debate surrounding this bill involves issues of vision, of internationalism, of leadership. This Congress has an obligation, above all else, to understand the past and prepare for the future. This legislation fails on both counts.

Mr. SPENCE. Mr. Chairman, I yield such time as he may consume to the gentleman from Oklahoma [Mr. LUCAS].

(Mr. LUCAS asked and was given permission to revise and extend his remarks.)

Mr. LUCAS. Mr. Chairman, one of the prime functions of the Federal Government of the United States is to maintain a strong national defense. As a cosponsor of this legislation, I rise to voice my wholehearted support for this measure.

Passage of H.R. 7, the National Security Revitalization Act, is a vital step toward maintaining our Nation's military status in the world. Its passage will assure that U.S. troops are only deployed to support missions in the United States national security interests. It also would reinvigorate the national missile defense system, and ensure that there be no threat to our military readiness as we move toward the next century.

U.S. defense spending—as a percentage of GDP—is at its lowest since the end of World War II. Despite severe personnel reductions and shortfalls in funding, U.S. troops are being deployed more often and are taking part in more operations than ever before. This legislation will ensure that our forces will be deployed under American command and not under the flag of the United Nations or any other political entity.

We have the finest and most professional military force in the world, and our country's security depends on their readiness. However, study after study is beginning to describe our forces as ''hollow''. Enactment of this measure is a good first step toward restoring our national defense back to its proper levels.

As I went door-to-door in Oklahoma's Sixth District last fall, I heard at every corner concerns about this Administration's defense policies. I am sure most of my colleagues heard the same thoughts. I would urge my colleagues to heed their calls for passage of this measure.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky [Mr. ROGERS].

Mr. ROGERS. Mr. Chairman, I rise in strong support of the National Security Revitalization Act.

This bill is an important first step in the Congress reasserting its constitutional prerogative to control the Nation's purse.

Currently, the American taxpayer is footing over half of the United Nations peacekeeping bill. Last year alone, the American taxpayer paid $2.9 billion to U.N. peacekeeping—$1.2 billion in direct payments, and $1.7 billion in donations through the Defense Department.

Well, Mr. Chairman, enough is enough. The United States can no longer afford to be so generous. We want, and demand more equitable burdensharing at the United Nations. This bill does just that, and I applaud my colleagues, Mr. SPENCE, and Mr. GILMAN, for their leadership on this important issue. But, we must go further.

Some people believe peacekeeping is an entitlement, and are treating it as such. The administration obligates us to a new mission, and sends the Congress the bill, with no concern over whether the funding is available.

Just last week, at the same time the United States was voting for yet another peacekeeping mission, the administration requested that Congress provide a $672 million emergency supplemental for U.N. peacekeeping, without any offsets, because it had run out of money.

Well, peacekeeping is not an entitlement. Peacekeeping, like any other program, must be based on the availability of funds to pay for the program. If the Congress has not already provided funds for the mission, please understand that there can be no assurance that the United States will be able to pay the bill.

In 1945, the Congress passed the U.N. Participation Act on the understanding that we would be a full partner in financing decisions for the United Nations, as our Constitution provides.

This bill represents an important first step in Congress exercising its constitutional prerogative to control the Nation's purse. And, I can assure my colleagues, that, as the subcommittee chairman responsible for U.N. peacekeeping assessments, we will not treat peacekeeping as an entitlement. And, we will continue to exercise our power over the purse as we proceed with the difficult task of matching domestic and international priorities with shrinking budgetary resources.

Mr. TORRICELLI. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana [Mr. HAMILTON], the distinguished ranking member of the Committee on International Relations.

Mr. HAMILTON. Mr. Chairman, I thank the gentleman for yielding.

I want to emphasize the point that H.R. 7 undercuts the President's authority to conduct foreign policy, undercuts his ability as Commander in Chief.

Trying to micromanage command-and-control policies as we do in this bill is a bad idea whether it is under a Democrat President or a Republican President. This bill, for example, requires an act of Congress before the President can send a single military observer to join a U.N. force, and the Congress has never, ever authorized a U.N. peacekeeping mission. The bill dictates the terms and conditions for U.S. military command and control.

We try to tell the United States military in this bill how to do their job,

and that is why the flag and general officers that the gentleman from New Jersey [Mr. TORRICELLI] cited a moment ago say that H.R. 872 is unnecessary, unwise, and militarily unsound.

Now, we ought not to try to substitute our judgment about military command and write the details into this bill. That is a very unwise thing to do. It is one thing to criticize the policy of the U.S. Government on foreign policies. We all do that. We should do it. It is part of our responsibility.

But it is quite another thing to enact into law constraints, restrictions on the President of the United States to act as Commander in Chief, and that is what we are doing here. Under sections 401 and 402, it prohibits any U.S. troops from serving under U.N. command, even if the U.N. commander is an American, without prior congressional approval. We have got to give them congressional approval before a President can move one soldier into U.N. peacekeeping.

If this were in effect, we would have to pull out our people from Korea, from the Western Sahara, from Georgia, from Kuwait, from Jerusalem. We would have said President Bush could not carry out Desert Storm and Desert Shield. I think we are right about that, because one of the things that happened there is we had the 82d Airborne Brigade which served under French command. That is a judgment our military commanders in the field and in Washington made was in our national interest to let that happen.

Now, I do not know, militarily, whether that was the right or the wrong decision. But the point is let us not restrict our commanders to the point where they do not have these options. I think this bill greatly constrains and restrains the President in the exercise of Commander in Chief powers.

□ 1620

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to a new member of our committee, the gentleman from Maine [Mr. LONGLEY].

(Mr. LONGLEY asked and was given permission to revise and extend his remarks.)

Mr. LONGLEY. Mr. Chairman, in 1992, when this administration took office, they commissioned a study of the military and our defense needs from the bottom up. The Bottom-Up Review sought to identify specifically the objectives that the administration wanted to protect this country against in order that we might have an adequate defense strategy.

Now, 2 years later. Independent studies are showing that that strategy has been unfunded to the tune of anywhere between $65 and $150 billion over the prospective budgets.

At the same time, we were just presented with a defense budget which, for the 11th consecutive year, presented real cuts in defense spending, or $10.6 billion below the current year's fiscal authorization.

That is a real cut in defense spending of almost 40 percent over the last 10 years, at the very same time that vital installations and programs are being threatened because of drastic underfunding. This administration has committed at the end of the last year over 70,000 U.S. personnel in places like Iraq, Kuwait, Bosnia, Macedonia, the Adriatic Sea, Rwanda, Haiti, Cuba; and if the press is to be believed, shortly we will have Americans back on a temporary mission in Somalia.

Mr. President, you cannot have it both ways. If there is a deep concern about defense, let us see that it is adequately funded, and if it is not going to be adequately funded, then let us not send American forces hither and yon all over the world. One way or the other, our defense spending and our needs should be consistent with our resources, or our resources need to be consistent with our commitment. You cannot have one without the other.

The CHAIRMAN. The Chair would like to admonish any Member to keep from making statements instructing the President or making similar references to the President.

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to my distinguished colleague the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. I thank the gentleman from California for yielding this time to me.

Mr. Chairman, this is in fact a very strange debate, and I can fully understand why 62 percent of the American people did not bother to vote in November and why millions and millions of Americans have so little respect for this situation.

Mr. Chairman, as we discuss today spending ten's and ten's of billion dollars more on star wars and other military gadgetry, there are congressional leaders in this building today who are talking about major cutbacks in nutritional programs for hungry children, who are talking about cutbacks in Medicare for the elderly, in Medicaid for the sick, who are talking about cutbacks in veterans programs.

I sincerely hope that my friends who are proposing billions more for star wars tell the veterans of this country why they want to cut back on their programs so that the quality of service in the VA hospitals will deteriorate. Have the courage, get up here and tell the parents of kids who are attending the Head Start Program that we do not have enough money for them but we have more money for military spending.

Mr. Chairman, I have a startling revelation to make which will clearly change the nature of this debate. I am hereby announcing to my friends who have not yet heard about it, the cold war is over. I know you did not know that. The Soviet Union does not exist. China is now our trading ally.

Mr. Chairman, we are now spending 17 times more than all of our enemies—so called enemies—combined. Enough is enough. Let us defeat this bill.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Texas [Mr. BONILLA].

(Mr. BONILLA asked and was given permission to revise and extend his remarks.)

Mr. BONILLA. I thank the gentleman for yielding.

Mr. Chairman, there is an old adage that politics stops at the border. My colleagues, we would all be wise to remember that adage at this time. Do not consider this bill as a Republican bill or as a Democrat bill, but as an American bill.

This bill, in a dramatic and fundamental way, affects American independence and liberty. It puts a stop to the U.N. commanding America's fighting men and women.

Recently, some of our leaders have been lost, they have abandoned the lessons of our past and allegiance to our traditions, and they have forgotten or ignored America's chosen role as freedom's leader in this world. Instead they have made America a follower, much like a dog following its master, always loyal to every whim and command. So have our leaders abandoned our independence and answered the call and the demands of the United Nations, an organization unsuited to military command and unable to take a firm position of principle.

Mr. Chairman, America's pride and tradition demand we assert our independence. America's fallen heroes demand that America no longer serve the whims of foreign tyrannies and dictators. America's destiny to lead must never be compromised.

I urge my colleagues to support this bill.

Mr. TORRICELLI. Mr. Chairman, I yield 1½ minutes to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. I thank the gentleman for yielding this time to me.

Mr. Chairman, there is a reality check that needs to occur. The original draft to the bill included, frankly, NATO; could not operate American forces under anybody else's command. But then they figured NATO could cause us some trouble, so they restricted it to United Nations. The U.N., where the United States has veto power, where the United States designs most of the major actions of the last 4 decades, and where today American soldiers operate under General Chang. When General Luck is out of the country, American soldiers operating in the Korean Peninsula are under the control operationally of a non-American. You had better come forward and offer an amendment to exempt Korea, or else, if this becomes law, you will find yourself in the position of undercutting our military security on the Korean Peninsula.

If you read the language as you have drafted it from line 9 on page 34 to line

5 on page 36, it clearly states that if the American soldiers are not controlled in every way by American commanders, it is illegal under this act. This act, if it becomes law, is not simply a statement of principles, it says the United States could no longer operate the way we have operated since the Truman administration on the peninsula of Korea.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from New Jersey [Mr. SMITH], a senior member of our committee.

Mr. SMITH of New Jersey. Mr. Chairman, I want to express my strong support for H.R. 7, the National Security Revitalization Act. The facts and figures set forth in the legislative findings to H.R. 872 make it clear that the United States may well be on its way back to the hollow forces of the 1970's. But this is not the whole story. Even as we have committed less to the national defense, we have spent more and more of these precious resources on operations which are at best peripheral to the mission of the U.S. Armed Forces. During the first 100 days of this Congress we can change this course and put America back on the road to peace through strength—the successful strategy of the Reagan years, which made the world both more peaceful and more free.

Mr. Chairman, we need the things this bill will provide and encourages. We need to seriously pursue an antiballistic missile system, which is not only more practical but also more moral than a system of mutual assured destruction. Most Americans are woefully unaware of the fact that we have no defense against incoming missile attacks. We need to adapt NATO, which Ambassador Jeane Kirkpatrick has described as the most successful collective security arrangement in modern history, to provide for the security of European nations which are newly free. We need a relationship with the United Nations that allows that organization to do the things it does best while also preserving the sovereignty and effectiveness of the United States.

Mr. Chairman, nothing in this world is perfect. Many Americans would say that things designed by Congress are even more imperfect than other things. Members of the International Relations Committee, including this member, made suggestions for improving this bill. Our distinguished Chairman, BEN GILMAN and members of the Committee staff encouraged these suggestions and worked hard to accommodate them. We amended the bill to meet many of the objections that are now being reiterated on the floor. Mr. Chairman, the National Security Revitalization Act as amended will go a long way toward the restoration of a strong America. This, in turn, will make for a safer and freer world. I hope we can move quickly to final enactment.

□ 1630

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. CUNNINGHAM], our top gun on the committee.

Mr. CUNNINGHAM. Mr. Chairman, why do many of us object to the stringent control of our forces under the U.N.? First of all, I take a look at Bosnia. We have men and women committed to war, and committed and executed that war, and the President of the United States, the Secretary of Defense, and the Vice President did not know that we had troops at war until after the fact. That was in Bosnia, and that is a fact.

Second, in Somalia. I resent the gentleman that suggested and characterized our rangers as just wanting to get into action in Somalia. A democratic majority extended Somalia. That cost us billions of dollars. The administration changed that policy from humanitarian to go after Aideed. That was wrong. The administration then reduced our troops levels, making us very vulnerable. That was wrong.

Three times the commanders asked for help. Why? For armored help. Because on two different occasions we had our troops captured, and cut and quartered, and their quartered bodies drug through the streets of Somalia. That was wrong.

Mr. Chairman, we had 100 rangers pinned down, that it took us 7 hours to get to, and why? It is a 20-minute car ride to where they are. Take a look at it. Why? Because the U.N. tanks that were there would not commit. The U.N. troops had never used night goggles. Many of them were not English-proficient. It cost us 22 dead rangers and 77 wounded. That is wrong, my colleagues and Mr. Speaker.

I take a look at Haiti. Although a U.S. operation, the great multinational force that we were supposed to have, not a single multinational force was there when we hit Haiti, only U.S. troops. And, Mr. Speaker, there are many of us that feel very strongly about not having U.S. control, and it is logical it is not partisan.

Mr. GILMAN. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. ROHRABACHER], a member of our Committee on International Relations.

Mr. ROHRABACHER. Mr. Chairman, this legislation makes a loud and clear statement to the world. As we have heard earlier, the cold war is over. The United States bore the burden for decades. Our troops were put in harm's way to save the peoples of the world from fascism and then communism. In the postcold war world we will no longer require our people to carry an unfair burden for the sake of the rest of humanity.

This is not isolationism. This is America comes first as policy. This is not anti-United Nations. This is pro our national interests. Americans have sacrificed their lives and well-being for an ungrateful world for far too long.

Our troops should not be put under U.N. command because the United Nations does not care as much about them as American commanders will care about them. If our President does put them under U.N. command, we should be informed.

That is what this legislation says, and, if our troops are sent on long-term, costly operations, Congress should be in on the decisionmaking. We will no longer be making military commitments like we did in Somalia, or Rwanda, or Haiti unless Congress approves.

This administration has been depleting our limited defense resources on United Nations and other missions that have little to do with our country's security. The cold war is over. The American people deserve a break. Our military personnel deserve our total support if they are put in harm's way. We will not see the funds for their weapons or their training drained for altruistic international adventurism of a liberal elite.

This is our way of saying that we care about others, but our loyalty is first to the American people, then to our defenders, and the United Nations and international benevolence comes in a distant third.

Mr. DELLUMS. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California [Mr. FARR].

(Mr. FARR asked and was given permission to revise and extend his remarks.)

Mr. FARR. Mr. Chairman, before we end this road race to the finish line of H.R. 7, let us stop, look, and listen.

This bill takes something that is not broken and breaks it. This bill moves from peacekeeping to war making. Where peace exists, this bill creates conflict. Where order reigns, this bill creates chaos. This bill makes false assumptions. It says where we have troops under foreign command, and we all know that the President never relinquishes his command. Where Congress has eliminated spending for star wars, billions of dollars, this bill reinstates it. The Republicans say, ''Spend it.''

The worst part of this bill is to undermine the constitutional role of the President of the United States to conduct foreign policy. It says, ''If you don't like the President, cripple his powers.''

I say to my colleagues, Don't cripple our country. Don't retreat from leadership. Reject this isolationist bill.

Mr. Chairman, the bill the Republicans bring before the House today destroys the underpinnings of our country's dedication to peace around the world.

By slashing the U.S. commitment to the United Nations, this bill says to the world community: we don't care about maintaining peace. Got a war? That's your problem.

The role of the United States in peacekeeping around the globe, unilaterally and in concert with the United Nations, is far from an exact science, but it is a system that works well and has worked well within the construct

of an international community dedicated to conflict resolution.

But in a perverse twist on an old cliche, the Republicans today ask us in H.R. 7 to take something that ain't broken, and break it.

Where peace exists, this bill creates conflict.

Where order reigns, this bill creates chaos.

This bill begins with a premise that is wholly false, then creates solutions to problems that do not exist. For example:

Though we don't have troops under foreign command, this Republican bill says: stop putting our troops under foreign command.

Though we don't have problems sharing in peacekeeping responsibilities, this Republican bill says: no more peacekeeping—it causes too many problems.

H.R. 7 ignores the Republicans' own plea to reduce the deficit by calling for unnecessary and wasteful spending. For example:

Now that we have eliminated spending billions and billions on star wars weapons system, this Republican bill says: spend it.

The gist of this bill is supposed to be to restore America's leadership role in the world. But it does just the opposite. For example:

Where we have played a leadership role in the United Nations—as we should, given our status as the remaining global power—this Republican bill says: no more United Nations involvement.

The worst part of this bill is that its real purpose is to undermine the constitutional role of the President to conduct foreign policy. In essence, if you don't like the person who is the Command in Chief, this Republican bill says: cripple his powers.

Mr. Chairman, what are we doing here? What in the world is going on? Has this body stooped so low that in order to flex its partisan political muscle it will destroy the framework of peace that this Nation has dedicated itself to for years and years?

This bill makes a mockery of the tenets of peace and accommodation that men and women have died to enforce.

Mr. Chairman, to pass this bill is to bring shame on this House. To pass this bill is to move from disarmament and peace and return to cold war hostilities. To pass this bill is to leave the global community without the benefit of American input to resolving international conflict. To pass this bill is to snub the world community and retreat into our own isolationist shell.

Mr. Chairman, this world has grown too small to ignore our neighbor's problems, for surely if we do, they will spill over into our backyard. America deserves better than what H.R. 7 offers. I urge my colleagues to vote against this bill.

Mr. TORRICELLI. Mr. Chairman, I yield myself the balance of our time.

Mr. Chairman, through the myriad of provisions of this legislation there is one common thread, one unmistakable common purpose, and that is to reverse nearly one-half century of U.S. leadership, abdicating a leadership that through some of the most dangerous times in history has kept the peace, kept the peace through a system of international security.

This is not, Mr. Chairman, a new debate in this Chamber. Democrats and Republicans through our history exchanged the mantle of isolationist leadership many times. But his legislation makes clear that that unfortunate title of leadership now strongly belongs to the Republican Party.

Our Republican colleagues have every reason to be proud of the international leadership of Presidents Eisenhower, Nixon, Reagan, and Bush. But there was another republican Party of Lodge who argued against a League of Nations and brought it to its death, of Burrow who argued against rearmament before the Second World War, and Vandenberg, to the very day of Pearl Harbor, argued against American involvement in the great international conflict. There is now no other interpretation of H.R. 7 available than that this Republican Party, having abandoned the traditions of the last generation, has returned to that earlier age.

Mr. Chairman, there is no other interpretation because, when the United States refuses to have our forces under international command, not simply the nations of the Third World, with which I could identify and sympathize, but even of our NATO allies, meaning the great struggle in Korea and the Persian Gulf would no longer be possible.

Mr. Chairman in this great Chamber we reserve the honor of a portrait to only two men in the history of our country, George Washington, our first President, and General Lafayette, a French General who came to these shores to secure our independence, but who by this legislation would no longer be allowed to command our forces.

Mr. Chairman, ironically, as we debate this legislation, we celebrate the 50th anniversary of Field Marshal Montgomery who led British and American forces across the Rhine to defeat Nazi Germany. He would be prohibited from leading those forces today under this legislation.

Mr. Chairman, as we speak we celebrate the fourth anniversary of the Persian Gulf war, when Italian and French and British Generals of war led our forces to victory in combined command, but would be prohibited under this legislation.

Mr. Chairman, there is no other interpretation than that we are losing our leadership to isolationism, because under this legislation our U.N. contributions would virtually end for peacekeeping, ending our ability to appeal to the Security Council to undertake peacekeeping in our own national interests, and forgetting that the best defense for the United States is no weapon system, but in the nuclear age it is the ability to preserve the peace.

It is a great irony, Mr. Chairman, that the same people who would spend anything on any weapons system would now propose to spend nothing to keep the peace, even though a generation has proven that the international system of peacekeeping through the United Nations works. Just as we proved with the death of millions, the failure of the League of Nations could consume as many lives.

Mr. Chairman, it is a great tradition in this country that partisanship ends at the water's edge. With this legislation the Atlantic and Pacific are merged, and this Nation is awash in a new partisanship that consumes our foreign policy.

□ 1740

Defeat H.R. 7.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes and 45 seconds to the gentleman from California [Mr. HUNTER], the chairman of the procurement subcommittee.

Mr. HUNTER. Mr. Chairman, I thank the chairman for yielding.

Let me respond to my friend from New Jersey, who mentioned a number of great Americans and characterized the Republicans as isolationists in some way. Let me just respond that I can think of another great American, and I think that his opposition, those who opposed his idea, were in some way analogous to the Democrat Party today.

That gentleman was Gen. Billy Mitchell. And Gen. Billy Mitchell dragged us kicking and screaming into the age of air power. And he did that by proving that aircraft could sink ships. And when he did that, it totally frustrated the thinking inside the Beltway, so-to-speak, in Washington, DC, in the power establishment, when he sunk 4 ships, including a major German battleship, with air power. It was greatly resisted by the politicians of his time. They did not want to hear that. They did not want to hear that we had entered the age of air power.

Now, my friends, we have entered the age of missiles. And I understand that it was the political position of the other side of the aisle, of the Democrat Party, to refer to shooting down incoming ballistic missiles as star wars, as if it was some kind of a divorced contact and conflict that in no way defended people on this Earth. I can remember Walter Mondale standing in the San Francisco convention declaring he would have no part in what he called war in the heavens. But I think that Walter Mondale, great Democrat that he was, if he was watching CNN and watched those American Patriot missiles shooting down ballistic missiles, very slow, but ballistic nonetheless, Scud missiles, incoming to American troops, and he saw those destroyed in midair by our Patriot missiles, would have said instead of saying I will not participate in war in the heavens, he would have said thank heavens.

H.R. 7 pulls the United States squarely into a reality that we live in an age of missiles. And it is just as much a matter of readiness, which a number of the Members on the other side have talked about, clothing for our troops, quality of life for our troops, pay for our troops, fuel and training exercises for our troops, I would offer to my friends that it is just as important to our troops to be defended against incoming ballistic missiles as it is to be

well paid, well fed, and have good quarters for their families.

Now, for those who said it would cost tens and tens of billions of dollars to defend against incoming ballistic missiles, let me just refer my friends to the statement made by the Secretary of Defense, William Perry, a few days ago. He said we can have a national missile defense for a relatively small cost, probably about $5 billion, in very round figures; by the end of the decade, he said a few sentences later.

The fact is we are in the age of missiles, H.R. 7 recognizes that, and I would call on all of my friends to support this bill, Democrats and Republicans.

Mr. DELLUMS. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. EVANS].

(Mr. EVANS asked and was given permission to revise and extend his remarks.)

Mr. EVANS. Mr. Chairman, I rise in strong opposition to this legislation.

Mr. Chairman, this legislation is more nostalgia from the same people who in the eighties gave us the skyrocketing Federal deficit.

The Soviet threat is long gone. The Russian military debacle in Chechnya should be a clear reminder of this. Yet, this blueprint for more defense spending would have us waste tens of billions of dollars on cold war weapon systems that make no sense in this new era.

Billions on a star wars missile defense system that is not needed and will never work. Billions on exotic cold war programs, and billions on unnecessary operations funding when our forces are first rate and combat ready. Billions that we all know we just don't have.

The Republican majority would like to have it both ways. They can promise all the money in the world on a shopping spree of unneeded programs and weapons. The hard part is coming up with the funds to do it or a threat to justify spending it.

We have been down this road before. Let's not make the same mistake. I urge my colleagues to vote against this legislation.

Mr. DELLUMS. Mr. Chairman, in closing, let me say to my distinguished colleague from California, each of the last 2 years we have spent nearly $3 billion per year on ballistic missile defense, $400 million on national missile defense, $120 million on Brilliant Eyes, a space-based sensor program, and all of the remaining of that nearly $3 billion has gone to theater ballistic missile defense. The point of the statement is it is presently now the policy that theater ballistic missiles is the priority. So that is my response to the gentleman.

In the remaining comments I would say, Mr. Chairman, this bill is a national security bill, foreign policy bill and national intelligence bill, with enormous budgetary implications, treaty implications, constitutional implications and foreign policy implications. Yet we have been reduced to the absurdity of yielding 1 and 2 minutes to each of our coequal colleagues on the floor of Congress on a bill of this gravity and a bill of this magnitude. I would continue to assert that 2 hours of general debate on a bill of this magnitude with such enormous implications is wholly and totally inadequate, and 10 hours of debate on substantive and critical issues that challenge our budget, challenge our form of government, challenge our Constitution and our relationships with the world, is totally inadequate to deal with these issues. If you could break the crime bill down into six pieces, giving them 10 hours apiece, how can you cram all of this together and give 10 hours of debate apiece and call that maintaining the fiduciary responsibility to the American people. We are not doing it.

Mr. Chairman, I yield back the balance of my time.

Mr. GILMAN. Mr. Chairman, I am pleased to yield the balance of our time to the gentleman from Wisconsin [Mr. ROTH], a senior member of our Committee on International Relations.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 2½ minutes.

Mr. ROTH. Mr. Chairman, I thank the chairman for yielding me this time.

Mr. Chairman, I have a question: Do you feel, do you think, that the American people, the people that have placed their trust and confidence in us, are treated fairly under the current system of United Nations funding?

We have today $150 billion trade deficits. Other countries are ravaging us. Other countries are very rich. Yet are you satisfied that last year 80 percent, 80 percent of the U.N. peacekeeping costs, according to your own General Accounting Office, 80 percent was paid by your voters?

It is not only that the people you represent are paying the lion's share of the bills. Their sons and daughters are doing most of the fighting and most of the work, too. The Americans at the behest of this Congress, you have the control, the American taxpayer and the American soldier are doing all of the heavy lifting.

Do you think it is right that the American soldier carries the burden in most of these operations? Do you really believe that all of these peacekeeping activities have anything to do with national security? If you really believe that the current system is fair to America, that it is fair to your voters, that it is fair to your people, then vote for this bill and bring in amendments on this legislation.

□ 1650

But if you believe, as I do, as most of the American people do, that we Americans are carrying just too much of the burden, that we have too much of the cost, that we have too much of the risk, then you should support this bill because this bill is only restoring basic fairness to our role in the United Nations.

The criticisms you have heard here today are totally off the mark. Jeane Kirkpatrick just had a news conference an hour and a half ago where she said in no way does this legislation inhibit the President.

This bill, far from ending our peacekeeping role, merely sets a fair distribution. We will still be paying 25 percent, yes, 25 percent of all of the U.N. peacekeeping under this legislation. We are not hamstringing the President of the United States. He has discretion in every portion of this bill.

But there are some, I fear, in this body who would have our taxpayers pay everything, who would have our soldiers do everything. Short of that, nothing will satisfy the liberal elitists and the American people said there is time for a change.

I and a vast majority of the American people say, yes, it is time for a change. Vote for basic fairness. Vote for our taxpayers. Vote for our troops. Vote for common sense. Vote for this bill.

Mr. PORTMAN. Mr. Chairman, I would like to express my strong support for the Bereuter amendments which passed tonight. I think these amendments remove a significant flaw in an otherwise sensible and balanced approach to enhance the national security of this country. I commend Chairman SPENCE and Chairman GILMAN for their good work on this legislation. As others have eloquently stated, the Bereuter amendments are needed to ensure we do not cross the line—encroaching on the President's constitutional power as Commander in Chief.

Having worked as a lawyer in the White House counsel's office at the other end of Pennsylvania Avenue, I may have a different perspective on this issue than some of my colleagues. I have serious questions about the War Powers Act, and section 508 of this bill seems to go even further by requiring congressional approval of deployment of U.S. troops without any grace period.

As a practical matter, I think this may even create a perverse incentive on the part of the administration not to turn over U.S. operations to the U.N. where such a transfer may well be in our national interest. I give you 2 examples—one recent, one on-going.

In Somalia, I believe it was in our interest to move from unilateral United States occupation to a U.N. operation. More immediately, at the end of this month, it is my understanding that in Haiti the United States command will become a U.N. peacekeeping operation. We don't want to continue to occupy Haiti. The shift to the U.N. is in our national interest and gives us a way out. Yet, were section 508 to be enacted into law, I believe any administration would have every incentive not to discontinue the unilateral U.S. mission in favor of U.N. cooperation.

Mr. Chairman, I believe this is an inadvertent and very realistic effect of section 508. I commend my colleagues for correcting this problem tonight improving an otherwise good bill by passing the Bereuter amendments.

Ms. BROWN of Florida. Mr. Chairman, H.R. 7, as it is written, is bad legislation. It should be defeated. If America insists on spending countless billions on Star Wars at the expense of our troops, if America retreats from global economic and military cooperation, if America refuses to feed, educate, and house her own

troops and citizens at risk—the children, the sick, and the elderly—a bankrupt America will fall into economic and social ruin.

For years, respected Members of Congress, such as former Congressman Charles Bennett who represented some of my district, have opposed funding for star wars. Instead, these members believed that troop readiness was a top priority.

Currently, many of our troops live in substandard housing, they are forced to use food stamps, because they cannot stretch their pay to cover even the most basic needs for their families. This does not contribute to our readiness.

Let's reassure America that we in Congress are an intelligent group because we are interested in funding military programs that benefit our troops and our military families. We want our military dollars spent to keep our troops ready in every way.

Mr. HEINEMAN. Mr. Chairman, the Clinton administration has deployed U.S. forces on more humanitarian missions per year than any other administration in history. At the end of last year, over 70,000 U.S. personnel were serving in unstable regions such as Iraq, Bosnia, and Haiti—48,000 military men and women remain in these areas today.

The United States is supposed to be the world's only Super Power, when in fact we are becoming nothing more than a paper tiger. H.R. 7 reverses the Clinton administration's drastic reduction of our Nation's defense and revitalizes the United States military might.

Our military personnel are being stretched to the limit. They are being sent to areas that are not in the United States national security interests. Since Desert Storm, U.S. forces have been cut by 27 percent, which means there are less people to do more jobs.

Some of the finest men and women serve in the Armed Forces in North Carolina from Fort Bragg to Camp Lejeune, and numerous other facilities across the state. U.S. defense spending is at its lowest level since World War II and the President wants to cut $10.6 billion more from defense. Enough is enough. I urge my colleagues to support H.R. 7.

Mr. PACKARD. Mr. Chairman, Republicans are working hard to keep our Contract With America on track. We continue to keep our promises. We passed our crime package to take back our streets. Now we will work to restore our military.

The best defense is a strong defense. H.R. 7, the National Restoration Act, ensures that our Armed Forces will be strong enough to fight and win. Republicans pledge that our defenses will be prepared to protect our country and national interests.

Providing for common defense is the first duty of the Federal Government. The decline in military readiness over the past years must stop. We must act now to prevent our military from becoming a hollow force.

Military readiness funds should be used for just that—to keep our American soldiers ready for military action. Dipping our hand into the cookie jar for dollars to send our troops here, there, and everywhere undermines American security and peace of mind. We cannot be the world's peacekeepers.

Our Armed Forces are the best in the world. Our Republican defense package makes sure that we remain that way. Defense spending has been cut too far and too quickly in order to pay for expensive social programs and frivolous international policing expeditions.

Republicans will set priorities and restore the vital elements our defenses need to maintain our credibility around the world. We are keeping our promise. American troops should not be used as a substitute for sound foreign policy.

Mr. GOODLING. Mr. Chairman, I rise today in support of H.R. 872, the National Security Revitalization Act. This bill serves to curtail the cost and scope of U.N. missions, provide a framework for congressional consultation, and discipline the seemingly haphazard deployment of American troops.

If enacted, this legislation will allow the United Nations to focus on missions and roles it is capable of fulfilling. Recently, the United Nations has expanded its role, perhaps in response to prodding from the Clinton administration, to include peacemaking, nationbuilding, and even chasing warlords. This action does the United Nations and the United States a disservice, as public confidence in international operations declines and questions arise concerning the focus and intent of U.S. foreign policy.

Members supporting H.R. 872 are not opposed to all U.N. operations, because we do believe the United Nations is capable of achieving limited missions on a reduced scale. The United Nations is quite capable of delivering humanitarian aid and acting as a moderator when all sides in a dispute request the U.N.'s presence. The United Nations gets into trouble when it has attempted to expand its mission.

This bill will ensure that we receive credit for our expenditures on behalf of U.N. operations, guarantee that U.S. troops are placed under foreign command only in emergencies or when a pressing U.S. security interest merits such a deployment, and should result in a reassessment of the U.N.'s capabilities and limitations and U.S. involvement with that organization. Throughout the process, we have attempted to compromise on certain details to improve the legislation, but we have refused to compromise on principle issues.

Fundamentally, the administration wants to enhance the power of the United Nations and our participation in that organization. We want to restrict our participation, temper our costs and involvement, and discipline our foreign policy. If you support the aggrandizement of the United Nations at the literal expense of United States, then you should oppose this bill. But if you support a limitation on U.N. missions and our participation in them, and desire the United Nations to focus on missions it is capable of achieving, you should support the bill. I urge all Members to approve this important legislation.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute consisting of the text of H.R. 872 is considered as an original bill for the purpose of amendment and is considered as having been read.

The amendment in the nature of a substitute is as follows:

H.R. 872

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''National Security Revitalization Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—FINDINGS, POLICY, AND PURPOSES

Sec. 101. Findings.
Sec. 102. Policy.
Sec. 103. Purposes.

TITLE II—MISSILE DEFENSE

Sec. 201. Policy.
Sec. 202. Actions of the Secretary of Defense.
Sec. 203. Report to Congress.

TITLE III—ADVISORY COMMISSION ON REVITALIZATION OF NATIONAL SECURITY

Sec. 301. Establishment.
Sec. 302. Composition.
Sec. 303. Duties.
Sec. 304. Reports.
Sec. 305. Powers.
Sec. 306. Commission procedures.
Sec. 307. Personnel matters.
Sec. 308. Termination of the Commission.
Sec. 309. Funding.

TITLE IV—COMMAND OF UNITED STATES FORCES

Sec. 401. Limitation on expenditure of Department of Defense funds for United States forces placed under United Nations command or control.
Sec. 402. Limitation on placement of United States Armed Forces under foreign control for a United Nations peacekeeping activity.

TITLE V—UNITED NATIONS

Sec. 501. Credit against assessment for United States expenditures in support of United Nations peacekeeping operations.
Sec. 502. Codification of required notice to Congress of proposed United Nations peacekeeping activities.
Sec. 503. Notice to Congress regarding United States contributions for United Nations peacekeeping activities.
Sec. 504. Revised notice to Congress regarding United States assistance for United Nations peacekeeping activities.
Sec. 505. United States contributions to United Nations peacekeeping activities.
Sec. 506. Reimbursement to the United States for in-kind contributions to United Nations peacekeeping activities.
Sec. 507. Limitation on payment of United States assessed or voluntary contributions for United Nations peacekeeping activities.
Sec. 508. Limitation on use of Department of Defense funds for United States share of costs of United Nations peacekeeping activities.
Sec. 509. Codification of limitation on amount of United States assessed contributions for United Nations peacekeeping operations.
Sec. 510. Buy American requirement.
Sec. 511. United Nations budgetary and management reform.
Sec. 512. Conditions on provision of intelligence to the United Nations.

TITLE VI—REVITALIZATION AND EXPANSION OF THE NORTH ATLANTIC TREATY ORGANIZATION

Sec. 601. Short title.

Sec. 602. Findings.
Sec. 603. United States policy.
Sec. 604. Revisions to program to facilitate transition to NATO membership.
TITLE VII—BUDGET FIREWALLS
Sec. 701. Restoration of budget firewalls for defense spending.

TITLE I—FINDINGS, POLICY, AND PURPOSES

SEC. 101. FINDINGS.

The Congress finds the following:

(1) Dramatic changes in the geo-political and military landscape during the last decade have had significant impacts on United States security.

(2) Those changes include the breakup of the Warsaw Pact alliance, the disintegration of the Soviet Union, and an increase in regional instability and conflict.

(3) While the magnitude and implications of these and other changes continues to evolve, the world remains an unstable and dangerous place. This uncertainty mandates the need for an on-going process to establish an appropriate national security strategy and the forces needed to implement that strategy.

(4) The centerpiece of the defense strategy of the Administration, the review of the Department of Defense conducted by the Secretary of Defense in 1993 known as the ''Bottom Up Review'', determined that United States forces must be—

(A) prepared to fight and win two nearly simultaneous Major Regional Conflicts;

(B) able to sustain robust overseas presence in peacetime;

(C) prepared for a variety of regional contingencies; and

(D) able to deter and prevent attacks with weapons of mass destruction against United States territory and forces and the territory and forces of our allies.

(5) The Bottom Up Review also recommended significant reductions in military forces, including reduction in the number of Navy ships by one-third, the number of Air Force wings by almost one-half, and the level of funding for missile defenses by over 50 percent.

(6) The General Accounting Office and the Congressional Budget Office have estimated that the mismatch between even the restrictive Bottom Up Review force and the Administration defense budget may be up to anywhere from $65,000,000,000 to $150,000,000,000.

(7) Since January 1993, presidential budgets and budget plans have set forth a reduction in defense spending of $156,000,000,000 through fiscal year 1999.

(8) The fiscal year 1995 budget is the 10th consecutive year of reductions in real defense spending and, with the exception of fiscal year 1948, represents the lowest percentage of gross domestic product for any defense budget since World War II.

(9) During fiscal year 1995, the number of active duty, reserve component, and civilian personnel of the Department of Defense will be reduced by 182,000, a rate of over 15,000 per month or over 500 per day. The Bureau of Labor Statistics estimates that 1,200,000 defense-related private sector jobs will be lost by 1997.

(10) Despite severe reductions and shortfalls in defense funding and force structure, since 1993 United States military forces have been deployed more often and committed to more peacetime missions per year than ever before. Most of these missions involve United Nations peacekeeping and humanitarian efforts. At the end of fiscal year 1994, over 70,000 United States personnel were serving in such regions as Iraq, Bosnia, Macedonia, the Adriatic Sea, Rwanda, and the Caribbean Sea for missions involving Haiti and Cuba.

(11) Despite the dramatic increase in the pace of operations and the diversion of training and exercise funds to cover the costs of unbudgeted contingency operations, the Armed Forces of the United States remain the most capable, motivated, and effective military force in the world. The ability to successfully deploy and maintain support for the range of on-going contingency operations demonstrates the continued quality and professionalism of our troops.

(12) However, persistent indictations of declining readiness demonstrate that military units are entering the early stage of a long-term systemic readiness problem. This downward readiness trend risks a return to the ''hollow forces'' of the 1970s.

(13) At the end of fiscal year 1994, one-third of the units in the Army contingency force and all of the forward-deployed and follow-on Army divisions were reporting a reduced state of military readiness. During fiscal year 1994, training readiness declined for the Navy's Atlantic and Pacific fleets. Training funding shortfalls also resulted in a grounding of Navy and Marine Corps aircraft squadrons and cancellation and curtailment of Army training exercises. Marine and naval personnel are not maintaining the standard 12- to 18-month respite between six-month deployments away from home.

(14) The significant increase in deployments in support of peacekeeping, humanitarian, and contingency operations has placed great personnel tempo stress on many critical operational units.

(15) A real commitment to equitable compensation and protection of quality-of-life programs for servicemembers and their families is an esssential component to ensuring high personnel morale and sustaining force readiness. However, as of January 1, 1995, military pay is approximately 12.8 percent below comparable civilian levels. As a result, it is estimated that close to 17,000 junior enlisted personnel have to rely on food stamps and the Department of Defense will soon begin providing supplementary food benefits to an estimated 11,000 military personnel and dependents living overseas.

(16) Critical long-term modernization programs continue to be delayed or cancelled as resources are diverted to cover short-term personnel and readiness shortfalls resulting from an underfunded defense budget and an overextended force, threatening the technological superiority of future United States forces.

(17) The fiscal year 1995 defense budget failed to meet the current force structure goal of 184 modern long-range bombers, as established in the Bottom-Up Review. Unless this long-range bomber capability shortfall is addressed promptly, the Nation's ability to project force will be undermined and the existing bomber industrial base may be placed at risk.

(18) The Administration has initially agreed to or proposed treaty limitations, or has unilaterally adopted positions, that prohibit the United States from testing or deploying effective missile defense systems.

(19) United Nations assessments to the United States for peacekeeping missions totaled over $1,000,000,000 in 1994. The United States is assessed 31.7 percent of annual United Nations costs for peacekeeping. The next highest contributor, Japan, only pays 12.5 percent of such costs. The Department of Defense also incurs hundreds of millions of dollars in costs every year for United States military participation in United Nations peacekeeping or humanitarian missions, most of which are not reimbursed by the United Nations. For fiscal year 1994, these Department of Defense costs totaled over $1,721,000,000.

(20) Credible and effective collective action on international security concerns through the United Nations and regional organizations such as the North Atlantic Treaty Organization can, in appropriate cases, advance world peace, strengthen the national security of the United States, and foster more equitable burden-sharing with friends and allies of the United States in military, political, and financial terms.

SEC. 102. POLICY.

The Congress is committed to providing adequate resources to protect the national security interests of the United States, including the resources necessary—

(1) to provide for sufficient forces to meet the national security strategy of being able to fight and win two nearly simultaneously major regional conflicts;

(2) to provide pay and benefits necessary for members of the Armed Forces (including members of the National Guard and Reserve as well as active duty members) to begin closing the gap between rates of civilian pay and rates of military pay;

(3) to maintain a high quality-of-life for military personnel and their dependents;

(4) to maintain a high level of military readiness and take all necessary steps to avoid a return to the ''hollow forces'' of the 1970s;

(5) to fully provide for the necessary modernization of United States military forces in order to ensure their technological superiority over any adversary; and

(6) to develop and deploy at the earliest practical date highly effective national and theater missile defense systems.

SEC. 103. PURPOSES.

The purposes of this Act are—

(1) to establish an advisory commission to assess United States military needs and address the problems posed by the continuing downward spiral of defense spending;

(2) to commit the United States to accelerate the development and deployment of theater and national ballistic missile defense capabilities;

(3) to restrict deployment of United States forces to missions that are in the national security interest of the United States;

(4) to maintain adequate command and control by United States personnel of United States forces participating in United Nations peacekeeping operations;

(5) to reduce the cost to the United States of United Nations peacekeeping activities and to press for reforms in United Nations management practices; and

(6) to reemphasize the commitment of the United States to a strong and viable North Atlantic Treaty Organization.

TITLE II—MISSILE DEFENSE

SEC. 201. POLICY.

It shall be the policy of the United States to—

(1) deploy at the earliest practical date an antiballistic missile system that is capable of providing a highly effective defense of the United States against ballistic missile attacks; and

(2) provide at the earliest practical date highly effective theater missile defenses (TMDs) to forward-deployed and expeditionary elements of the Armed Forces of the United States and to friendly forces and allies of the United States.

SEC. 202. ACTIONS OF THE SECRETARY OF DEFENSE.

(a) ABM SYSTEMS.—The Secretary of Defense shall develop for deployment at the earliest practical date a cost-effective, operationally effective antiballistic missile system designed to protect the United States against ballistic missile attacks.

(b) ADVANCED THEATER MISSILE DEFENSES.—The Secretary of Defense shall develop for deployment at the earliest practical date advanced theater missile defense systems.

SEC. 203. REPORT TO CONGRESS.

(a) REQUIREMENT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan for the deployment of an antiballistic missile system pursuant to section 202(a) and for the deployment of theater missile defense systems pursuant to section 202(b).

(b) CONGRESSIONAL DEFENSE COMMITTEES.—For purposes of this section, the term ''congressional defense committees'' means—

(1) the Committee on National Security and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Appropriations of the Senate.

TITLE III—ADVISORY COMMISSION ON REVITALIZATION OF NATIONAL SECURITY

SEC. 301. ESTABLISHMENT.

There is hereby established an advisory commission to be known as the ''Revitalization of National Security Commission'' (hereinafter in this title referred to as the ''Commission'').

SEC. 302. COMPOSITION.

(a) APPOINTMENT.—The Commission shall be composed of 12 members, appointed as follows:

(1) Four members shall be appointed by the President.

(2) Four members shall be appointed by the Speaker of the House of Representatives, one of whom shall be appointed upon the recommendation of the minority leader of the House of Representatives.

(3) Four members shall be appointed by the president pro tempore of the Senate, three of whom shall be appointed upon the recommendation of the majority leader of the Senate and one of whom shall be appointed upon the recommendation of the minority leader of the Senate.

(b) QUALIFICATIONS.—The members of the Commission shall be appointed from among persons having knowledge and experience in defense and foreign policy.

(c) TERM OF MEMBERS; VACANCIES.—Members of the Commission shall be appointed for the life of the Commission. A vacancy on the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment was made.

(d) COMMENCEMENT.—The members of the Commission shall be appointed not later than 21 days after the date of the enactment of this Act. The Commission shall convene its first meeting to carry out its duties under this section 14 days after seven members of the Commission have been appointed.

(e) CHAIRMAN.—The chairman of the Commission shall be designated jointly by the Speaker of the House of Representatives and the majority leader of the Senate (after consultation with the minority leader of the House of Representatives and the minority leader of the Senate) from among members of the Commission appointed under subsection (a)(2) or (a)(3).

SEC. 303. DUTIES.

(a) COMPREHENSIVE REVIEW.—The Commission shall conduct a comprehensive review of the long-term national security needs of the United States. The review shall include the following:

(1) An assessment of the need for a new national security strategy and, if it is determined that such a new strategy is needed, identification of such a strategy.

(2) An assessment of the need for a new national military strategy and, if it is determined that such a new strategy is needed, identification of such a strategy.

(3) An assessment of the military force structure necessary to support the new strategies identified under paragraphs (1) and (2).

(4) An assessment of force modernization requirements necessary to support the new strategies identified under paragraphs (1) and (2).

(5) An assessment of military infrastructure requirements necessary to support the new strategies identified under paragraphs (1) and (2).

(6) An assessment of the funding needs of the Department of Defense necessary to support the long-term national security requirements of the United States.

(7) An assessment of the adequacy of the force structure recommended in the 1993 Bottom-Up Review in executing the national military strategy.

(8) An assessment of the adequacy of the current future-years defense plan in fully funding the Bottom-Up Review force structure while maintaining adequate force modernization and military readiness objectives.

(9) An assessment of the level of defense funds expended on non-defense programs.

(10) An assessment of the costs to the United States of expanding the membership of the North Atlantic Treaty Organization.

(11) An assessment of the elements of military pay and allowances constituting the regular military compensation of members of the Armed Forces and the development of recommendations for changes in those elements in order to end the dependence of some members of the Armed Forces and their families on Federal and local assistance programs.

(12) An assessment of the need to revise the command and control structure of the Army Reserve.

(b) MATTERS TO BE CONSIDERED.—In carrying out the review, the Commission shall develop specific recommendations to accomplish each of the following:

(1) Provide members of the Armed Forces with annual pay raises and other compensation at levels sufficient to begin closing the gap with comparable civilian pay levels.

(2) Fully fund cost-effective missile defense systems that are deployable at the earliest practical date following enactment of this Act.

(3) Maintain adequate funding for military readiness accounts without sacrificing modernization programs.

(4) Maintain a strong role for Guard and Reserve forces.

(5) Provide a new funding system to avoid diversions from military readiness accounts to pay for peacekeeping and humanitarian deployments such as Haiti and Rwanda.

(6) Support security enhancing measures in the Asia-Pacific region, including support for the Association of Southeast Asian Nations (ASEAN) Regional Forum.

(7) Reduce the level of defense expenditures for non-defense programs.

SEC. 304. REPORTS.

(a) FINAL REPORT.—The Commission shall submit to the President and the designated congressional committees a report on the assessments and recommendations referred to in section 303 not later than January 1, 1996. The report shall be submitted in unclassified and classified versions.

(b) INTERIM REPORT.—The Commission shall submit to the President and the designated congressional committees an interim report describing the Commission's progress in fulfilling its duties under section 303. The interim report shall include any preliminary recommendations the Commission may have reached and shall be submitted not later than October 1, 1995.

(c) DESIGNATED CONGRESSIONAL COMMITTEES.—For purposes of this section, the term ''designated congressional committees'' means—

(1) the Committee on National Security, the Committee on International Relations, and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

(d) LIMITATION PENDING SUBMISSION OF INTERIM REPORT.—The Secretary of the Army may not, during the period beginning on the date of the enactment of this Act and ending on the date on which the interim report under subsection (b) is submitted, take any action to implement the plan to reorganize the Army Reserve's continental United States headquarters structures that was announced by the Secretary on January 4, 1995.

SEC. 305. POWERS.

(a) HEARINGS.—The Commission may, for the purpose of carrying out this section, conduct such hearings, sit and act at such times, take such testimony, and receive such evidence, as the Commission considers appropriate.

(b) ASSISTANCE FROM OTHER AGENCIES.—The Commission may secure directly from any department or agency of the Federal Government such information, relevant to its duties under this title, as may be necessary to carry out such duties. Upon request of the chairman of the Commission, the head of the department or agency shall, to the extent permitted by law, furnish such information to the Commission.

(c) MAIL.—The Commission may use the United States mails in the same manner and under the same conditions as the departments and agencies of the Federal Government.

(d) ASSISTANCE FROM SECRETARY OF DEFENSE.—The Secretary of Defense shall provide to the Commission such reasonable administrative and support services as the Commission may request.

SEC. 306. COMMISSION PROCEDURES.

(a) MEETINGS.—The Commission shall meet on a regular basis (as determined by the chairman) and at the call of the chairman or a majority of its members.

(b) QUORUM.—A majority of the members of the Commission shall constitute a quorum for the transaction of business.

SEC. 307. PERSONNEL MATTERS.

(a) COMPENSATION.—Each member of the Commission shall serve without compensation, but shall be allowed travel expenses including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, when engaged in the performance of Commission duties.

(b) STAFF.—The Commission shall appoint a staff director, who shall be paid at a rate not to exceed the maximum rate of basic pay under section 5376 of title 5, United States Code, and such professional and clerical personnel as may be reasonable and necessary to enable the Commission to carry out its duties under this title without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, or any other provision of law, relating to the number, classification, and General Schedule rates. No employee appointed under this subsection (other than the staff director) may be compensated at a rate to exceed the maximum rate applicable to level 15 of the General Schedule.

(c) DETAILED PERSONNEL.—Upon request of the chairman of the Commission, the head of any department or agency of the Federal Government is authorized to detail, without

reimbursement, any personnel of such department or agency to the Commission to assist the Commission in carrying out its duties under this section. The detail of any such personnel may not result in the interruption or loss of civil service status or privilege of such personnel.

SEC. 308. TERMINATION OF THE COMMISSION.

The Commission shall terminate upon submission of the final report required by section 303.

SEC. 309. FUNDING.

Of the funds available to the Department of Defense, $1,500,000 shall be made available to the Commission to carry out the provisions of this title.

TITLE IV—COMMAND OF UNITED STATES FORCES

SEC. 401. LIMITATION ON EXPENDITURE OF DEPARTMENT OF DEFENSE FUNDS FOR UNITED STATES FORCES PLACED UNDER UNITED NATIONS COMMAND OR CONTROL.

(a) IN GENERAL.—(1) Chapter 20 of title 10, United States Code, is amended by inserting after section 404 the following new section:

''§ 405. Placement of United States forces under United Nations command or control: limitation

''(a) LIMITATION.—Except as provided in subsections (b) and (c), funds appropriated or otherwise made available for the Department of Defense may not be obligated or expended for activities of any element of the armed forces that after the date of the enactment of this section is placed under United Nations command or control, as defined in subsection (f).

''(b) EXCEPTION FOR PRESIDENTIAL CERTIFICATION.—(1) Subsection (a) shall not apply in the case of a proposed placement of an element of the armed forces under United Nations command or control if the President, not less than 15 days before the date on which such United Nations command or control is to become effective (or as provided in paragraph (2)), meets the requirements of subsection (d).

''(2) If the President certifies to Congress that an emergency exists that precludes the President from meeting the requirements of subsection (d) 15 days before placing an element of the armed forces under United Nations command or control, the President may place such forces under such command or control and meet the requirements of subsection (d) in a timely manner, but in no event later than 48 hours after such command or control becomes effective.

''(c) EXCEPTION FOR AUTHORIZATION BY LAW.—Subsection (a) shall not apply in the case of a proposed placement of any element of the armed forces under United Nations command or control if the Congress specifically authorizes by law that particular placement of United States forces under United Nations command or control.

''(d) PRESIDENTIAL CERTIFICATIONS.—The requirements referred to in subsection (b)(1) are that the President submit to Congress the following:

''(1) Certification by the President that—

''(A) such a United Nations command or control arrangement is necessary to protect national security interests of the United States;

''(B) the commander of any unit of the armed forces proposed for placement under United Nations command or control will at all times retain the right—

''(i) to report independently to superior United States military authorities; and

''(ii) to decline to comply with orders judged by the commander to be illegal, militarily imprudent, or beyond the mandate of the mission to which the United States agreed with the United Nations, until such time as that commander receives direction from superior United States military authorities with respect to the orders that the commander has declined to comply with;

''(C) any element of the armed forces proposed for placement under United Nations command or control will at all times remain under United States administrative command for such purposes as discipline and evaluation; and

''(D) the United States will retain the authority to withdraw any element of the armed forces from the proposed operation at any time and to take any action it considers necessary to protect those forces if they are engaged.

''(2) A report setting forth the following:

''(A) A description of the national security interests that require the placement of United States forces under United Nations command or control.

''(B) The mission of the United States forces involved.

''(C) The expected size and composition of the United States forces involved.

''(D) The incremental cost to the United States of participation in the United Nations operation by the United States forces which are proposed to be placed under United Nations command or control.

''(E) The precise command and control relationship between the United States forces involved and the United Nations command structure.

''(F) The precise command and control relationship between the United States forces involved and the commander of the United States unified command for the region in which those United States forces are to operate.

''(G) The extent to which the United States forces involved will rely on non-United States forces for security and self-defense and an assessment on the ability of those non-United States forces to provide adequate security to the United States forces involved.

''(H) The timetable for complete withdrawal of the United States forces involved.

''(e) CLASSIFICATION OF REPORT.—A report under subsection (d) shall be submitted in unclassified form and, if necessary, in classified form.

''(f) UNITED NATIONS COMMAND OR CONTROL.—For purposes of this section, an element of the armed forces shall be considered to be placed under United Nations command or control if—

''(1) that element is under the command or operational control of an individual acting on behalf of the United Nations for the purpose of international peacekeeping, peacemaking, peace-enforcing, or similar activity that is authorized by the Security Council under chapter VI or VII of the Charter of the United Nations; and

''(2) the senior military commander of the United Nations force or operation—

''(A) is a foreign national or is a citizen of the United States who is not a United States military officer serving on active duty; or

''(B) is a United States military officer serving on active duty but—

''(i) that element of the armed forces is under the command or operational control of subordinate commander who is a foreign national or a citizen of the United States who is not a United States military officer serving on active duty; and

''(ii) that senior military commander does not have the authority—

''(I) to dismiss any subordinate officer in the chain of command who is exercising command or operational control over United States forces and who is a foreign national or a citizen of the United States who is not a United States military officer serving on active duty;

''(II) to establish rules of engagement for United States forces involved; and

''(III) to establish criteria governing the operational employment of United States forces involved.

''(g) INTERPRETATION.—Nothing in this section may be construed—

''(1) as authority for the President to use any element of the armed forces in any operation;

''(2) as authority for the President to place any element of the armed forces under the command or operational control of a foreign national; or

''(3) as an unconstitutional infringement on the authority of the President as commander-in-chief.''.

(2) The table of sections at the beginning of subchapter I of such chapter is amended by adding at the end the following new item:

''405. Placement of United States forces under United Nations command or control: limitation.''.

(b) REPORT RELATING TO CONSTITUTIONALITY.—No certification may be submitted by the President under section 405(d)(1) of title 10, United States Code, as added by subsection (a), until the President has submitted to the Congress (after the date of the enactment of this Act) a memorandum of legal points and authorities explaining why the placement of elements of United States Armed Forces under the command or operational control of a foreign national acting on behalf of the United Nations does not violate the Constitution.

(c) EXCEPTION FOR ONGOING OPERATIONS IN MACEDONIA AND CROATIA.—Section 405 of title 10, United States Code, as added by subsection (a), does not apply in the case of activities of the Armed Forces as part of the United Nations force designated as the United Nations Protection Force (UNPROFOR) that are carried out—

(1) in Macedonia pursuant to United Nations Security Council Resolution 795, adopted December 11, 1992, and subsequent reauthorization Resolutions; or

(2) in Croatia pursuant to United Nations Security Council Resolution 743, adopted February 21, 1992, and subsequent reauthorization Resolutions.

SEC. 402. LIMITATION ON PLACEMENT OF UNITED STATES ARMED FORCES UNDER FOREIGN CONTROL FOR A UNITED NATIONS PEACEKEEPING ACTIVITY.

(a) IN GENERAL.—Section 6 of the United Nations Participation Act of 1945 (22 U.S.C. 287d) is amended to read as follows:

''SEC. 6. (a) AGREEMENTS WITH SECURITY COUNCIL.—(1) Any special agreement described in paragraph (2) that is concluded by the President with the Security Council shall not be effective unless approved by the Congress by law.

''(2) An agreement referred to in paragraph (1) is an agreement providing for the numbers and types of United States Armed Forces, their degree of readiness and general locations, or the nature of facilities and assistance, including rights of passage, to be made available to the Security Council for the purpose of maintaining international peace and security in accordance with Article 43 of the Charter of the United Nations.

''(b) LIMITATION.—(1) Except as provided in subsections (c) and (d), the President may not place any element of the Armed Forces under United Nations command or control, as defined in subsection (g).

''(c) EXCEPTION FOR PRESIDENTIAL CERTIFICATION.—(1) Subsection (b) shall not apply in the case of a proposed placement of an element of the armed forces under United Nations command or control if the President, not less than 15 days before the date on which such United Nations command or control is to become effective (or as provided in

paragraph (2)), meets the requirements of subsection (e).

''(2) If the President certifies to Congress that an emergency exists that precludes the President from meeting the requirements of subsection (e) 15 days before placing an element of the armed forces under United Nations command or control, the President may place such forces under such command or control and meet the requirements of subsection (e) in a timely manner, but in no event later than 48 hours after such command or control becomes effective.

''(d) EXCEPTION FOR AUTHORIZATION BY LAW.—Subsection (b) shall not apply in the case of a proposed placement of any element of the Armed Forces under United Nations command or control if the Congress specifically authorizes by law that particular placement of United States forces under United Nations command or control.

''(e) PRESIDENTIAL CERTIFICATIONS.—The requirements referred to in subsection (c)(1) are that the President submit to Congress the following:

''(1) Certification by the President that—

''(A) such a United Nations command or control arrangement is necessary to protect national security interests of the United States;

''(B) the commander of any unit of the Armed Forces proposed for placement under United Nations command or control will at all times retain the right—

''(i) to report independently to superior United States military authorities; and

''(ii) to decline to comply with orders judged by the commander to be illegal, militarily imprudent, or beyond the mandate of the mission to which the United States agreed with the United Nations, until such time as that commander receives direction from superior United States military authorities with respect to the orders that the commander has declined to comply with;

''(C) any element of the Armed Forces proposed for placement under United Nations command or control will at all times remain under United States administrative command for such purposes as discipline and evaluation; and

''(D) the United States will retain the authority to withdraw any element of the Armed Forces from the proposed operation at any time and to take any action it considers necessary to protect those forces if they are engaged.

''(2) A report setting forth the following:

''(A) A description of the national security interests that require the placement of United States forces under United Nations command or control.

''(B) The mission of the United States forces involved.

''(C) The expected size and composition of the United States forces involved.

''(D) The incremental cost to the United States of participation in the United Nations operation by the United States forces which are proposed to be placed under United Nations command or control.

''(E) The precise command and control relationship between the United States forces involved and the United Nations command structure.

''(F) The precise command and control relationship between the United States forces involved and the commander of the United States unified command for the region in which those United States forces are to operate.

''(G) The extent to which the United States forces involved will rely on non-United States forces for security and self-defense and an assessment on the ability of those non-United States forces to provide adequate security to the United States forces involved.

''(H) The timetable for complete withdrawal of the United States forces involved.

''(f) CLASSIFICATION OF REPORT.—A report under subsection (e) shall be submitted in unclassified form and, if necessary, in classified form.

''(g) UNITED NATIONS COMMAND OR CONTROL.—For purposes of this section, an element of the armed forces shall be considered to be placed under United Nations command or control if—

''(1) that element is under the command or operational control of an individual acting on behalf of the United Nations for the purpose of international peacekeeping, peacemaking, peace-enforcing, or similar activity that is authorized by the Security Council under chapter VI or VII of the Charter of the United Nations; and

''(2) the senior military commander of the United Nations force or operation—

''(A) is a foreign national or is a citizen of the United States who is not a United States military officer serving on active duty; or

''(B) is a United States military officer serving on active duty but—

''(i) that element of the armed forces is under the command or operational control of subordinate commander who is a foreign national or a citizen of the United States who is not a United States military officer serving on active duty; and

''(ii) that senior military commander does not have the authority—

''(I) to dismiss any subordinate officer in the chain of command who is exercising command or operational control over United States forces and who is a foreign national or a citizen of the United States who is not a United States military officer serving on active duty;

''(II) to establish rules of engagement for United States forces involved; and

''(III) to establish criteria governing the operational employment of United States forces involved.

''(h) INTERPRETATION.—Except as authorized in section 7 of this Act, nothing contained in this Act shall be construed as an authorization to the President by the Congress to make available to the Security Council United States Armed Forces, facilities, or assistance.''.

(b) REPORT RELATING TO CONSTITUTIONALITY.—No certification may be submitted by the President under section 6(e)(1) of the United Nations Participation Act of 1945, as amended by subsection (a), until the President has submitted to the Congress (after the date of the enactment of this Act) a memorandum of legal points and authorities explaining why the placement of elements of United States Armed Forces under the command or operational control of a foreign national acting on behalf of the United Nations does not violate the Constitution.

(c) EXCEPTION FOR ONGOING OPERATION IN MACEDONIA AND CROATIA.—Section 6 of the United Nations Participation Act of 1945, as amended by subsection (a), does not apply in the case of activities of the Armed Forces as part of the United Nations force designated as the United Nations Protection Force (UNPROFOR) that are carried out—

(1) in Macedonia pursuant to United Nations Security Council Resolution 795, adopted December 11, 1992, and subsequent reauthorization Resolutions; or

(2) in Croatia pursuant to United Nations Security Council Resolution 743, adopted February 21, 1992, and subsequent reauthorization Resolutions.

TITLE V—UNITED NATIONS

SEC. 501. CREDIT AGAINST ASSESSMENT FOR UNITED STATES EXPENDITURES IN SUPPORT OF UNITED NATIONS PEACEKEEPING OPERATIONS.

(a) IN GENERAL.—The United Nations Participation Act of 1945 (22 U.S.C. 287 et seq.) is amended by adding at the end the following new section:

''SEC. 10. (a) CREDIT AGAINST ASSESSMENT FOR EXPENDITURES IN SUPPORT OF PEACEKEEPING OPERATIONS.—

''(1) LIMITATION.—Funds may be obligated for payment to the United Nations of the United States assessed share of peacekeeping operations for a fiscal year only to the extent that—

''(A) the amount of such assessed share exceeds—

''(B) the amount equal to—

''(i) the total amount identified in the report submitted pursuant to paragraph (2) for the preceding fiscal year, reduced by

''(ii) the amount of any reimbursement or credit to the United States by the United Nations for the costs of United States support for, or participation in, United Nations peacekeeping activities for that preceding fiscal year.

''(2) ANNUAL REPORT.—The President shall, at the time of submission of the budget to the Congress for any fiscal year, submit to the designated congressional committees a report on the total amount of incremental costs incurred by the Department of Defense during the preceding fiscal year to support or participate in, directly or indirectly, United Nations peacekeeping activities. Such report shall include a separate listing by United Nations peacekeeping operation of the amount of incremental costs incurred to support or participate in each such operation.

''(3) DEFINITIONS.—For purposes of this subsection:

''(A) UNITED NATIONS PEACEKEEPING ACTIVITIES.—The term 'United Nations peacekeeping activities' means any international peacekeeping, peacemaking, peace-enforcing, or similar activity that is authorized by the United Nations Security Council under chapter VI or VII of the Charter of the United Nations, except that such term does not include any such activity authorized under chapter VII of such Charter with respect to which the President has certified to the Congress that the activity is of such importance to the national security of the United States that the United States would undertake the activity unilaterally if it were not authorized by the United Nations Security Council.

''(B) DESIGNATED CONGRESSIONAL COMMITTEES.—The term 'designated congressional committees' includes the Committee on National Security of the House of Representatives and the Committee on Armed Services of the Senate.''.

(b) EFFECTIVE DATE.—The limitation contained in section 10(a)(1) of the United Nations Participation Act of 1945, as added by subsection (a), shall apply only with respect to United Nations assessments for peacekeeping operations after fiscal year 1995.

SEC. 502. CODIFICATION OF REQUIRED NOTICE TO CONGRESS OF PROPOSED UNITED NATIONS PEACEKEEPING ACTIVITIES.

(a) REQUIRED NOTICE.—Section 4 of the United Nations Participation Act of 1945 (22 U.S.C. 287b) is amended—

(1) by striking the second sentence of subsection (a);

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) a new subsection (e) consisting of the text of subsection (a) of section 407 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), revised—

(A) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by inserting ''in written form not later than the 10th day of'' after ''shall be provided'';

(ii) in subparagraph (A)(iv), by inserting ''(including facilities, training, transportation, communication, and logistical support, but not including intelligence activities reportable under title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.))'' after ''covered by the resolution''; and

(iii) in subparagraph (B), by adding at the end the following new clause:

''(iv) A description of any other United States assistance to or support for the operation (including facilities, training, transportation, communication, and logistical support, but not including intelligence activities reportable under title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.)), and an estimate of the cost to the United States of such assistance or support.'';

(B) by striking paragraph (3);

(C) by redesignating paragraph (4) as paragraph (3) and in the last sentence of subparagraph (A) of that paragraph by striking ''and (ii)'' and inserting ''through (iv)'';

(D) by inserting after paragraph (3) (as so redesignated) the following new paragraph:

''(4) NEW UNITED NATIONS PEACEKEEPING OPERATION DEFINED.—As used in paragraphs (2)(B) and (3), the term 'new United Nations peacekeeping operation' includes any existing or otherwise ongoing United Nations peacekeeping operation—

''(A) that is to be expanded by more than 25 percent during the period covered by the Security Council resolution, as measured by either the number of personnel participating (or authorized to participate) in the operation or the budget of the operation; or

''(B) that is to be authorized to operate in a country in which it was not previously authorized to operate.''; and

(E) in paragraph (5)—

(i) by striking ''(5) NOTIFICATION'' and all that follows through ''(B) The President'' and inserting ''(5) QUARTERLY REPORTS.—The President''; and

(ii) by striking ''section 4(d)'' and all that follows through ''of this section)'' and inserting ''subsection (d)''.

(b) CONFORMING REPEAL.—Subsection (a) of section 407 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), is repealed.

(c) DESIGNATED CONGRESSIONAL COMMITTEES.—Subsection (f) of section 4 of the United Nations Participation Act of 1945 (22 U.S.C. 287b(f)), as redesignated by subsection (a), is amended to read as follows:

''(f) DESIGNATED CONGRESSIONAL COMMITTEES.—As used in this section, the term 'designated congressional committees' has the meaning given such term in section 10(f).''.

SEC. 503. NOTICE TO CONGRESS REGARDING UNITED STATES CONTRIBUTIONS FOR UNITED NATIONS PEACEKEEPING ACTIVITIES.

Section 10 of the United Nations Participation Act of 1945 is amended by adding after subsection (a), as added by section 501, the following new subsection:

''(b) NOTICE TO CONGRESS REGARDING CONTRIBUTIONS FOR PEACEKEEPING ACTIVITIES.—

''(1) NOTICE REGARDING UNITED NATIONS BILLING REQUEST.—Not later than 15 days after the date on which the United States receives from the United Nations a billing requesting a payment by the United States of any contribution for United Nations peacekeeping activities, the President shall so notify the designated congressional committees.

''(2) NOTICE REGARDING PROPOSED OBLIGATION OF FUNDS.—The President shall notify the designated congressional committees at least 15 days before the United States obligates funds for any assessed or voluntary contribution for United Nations peacekeeping activities, except that if the President determines that an emergency exists which prevents compliance with the requirement that such notification be provided 15 days in advance and that such contribution is in the national security interests of the United States, such notification shall be provided in a timely manner but no later than 48 hours after such obligation.''.

SEC. 504. REVISED NOTICE TO CONGRESS REGARDING UNITED STATES ASSISTANCE FOR UNITED NATIONS PEACEKEEPING ACTIVITIES.

Section 7 of the United Nations Participation Act of 1945 (22 U.S.C. 287d–1) is amended—

(1) in subsection (a), by inserting ''other than subsection (e)(1)'' after ''any other law''; and

(2) by adding at the end the following new subsection:

''(e)(1) Except as provided in paragraphs (2) and (3), at least 15 days before any agency or entity of the United States Government makes available to the United Nations any assistance or facility to support or facilitate United Nations peacekeeping activities, the President shall so notify the designated congressional committees.

''(2) Paragraph (1) does not apply to—

''(A) assistance having a value of less than $1,000,000 in the case of nonreimbursable assistance or less than $5,000,000 in the case of reimbursable assistance; or

''(B) assistance provided under the emergency drawdown authority contained in sections 506(a)(1) and 552(c)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a)(1), 2348a(c)(2)).

''(3) If the President determines that an emergency exists which prevents compliance with the requirement in paragraph (1) that notification be provided 15 days in advance and that the contribution of any such assistance or facility is in the national security interests of the United States, such notification shall be provided in a timely manner but not later than 48 hours after such assistance or facility is made available to the United Nations.

''(4) For purposes of this subsection, the term 'assistance'—

''(A) means assistance of any kind, including logistical support, supplies, goods, or services (including command, control or communications assistance and training), and the grant of rights of passage; and

''(B) includes assistance provided through in-kind contributions or through the provision of support, supplies, goods, or services on any terms, including on a grant, lease, loan, or reimbursable basis; but

''(C) does not include the payment of assessed or voluntary contributions or intelligence activities reportable under title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).''.

SEC. 505. UNITED STATES CONTRIBUTIONS TO UNITED NATIONS PEACEKEEPING ACTIVITIES.

Section 4(d)(1) of the United Nations Participation Act of 1945 (22 U.S.C. 287b(d)(1)) is amended—

(1) by redesignating subparagraph (D) as subparagraph (E); and

(2) by inserting after subparagraph (C) the following new subparagraph:

''(D) A description of the anticipated budget for the next fiscal year for United States participation in United Nations peacekeeping activities, including a statement of—

''(i) the aggregate amount of funds available to the United Nations for that fiscal year, including assessed and voluntary contributions, which may be made available for United Nations peacekeeping activities; and

''(ii) the aggregate amount of funds (from all accounts) and the aggregate costs of in-kind contributions that the United States proposes to make available to the United Nations for that fiscal year for United Nations peacekeeping activities.''.

SEC. 506. REIMBURSEMENT TO THE UNITED STATES FOR IN-KIND CONTRIBUTIONS TO UNITED NATIONS PEACEKEEPING ACTIVITIES.

(a) IN GENERAL.—Section 7 of the United Nations Participation Act of 1945 (22 U.S.C. 287d–1), as amended by section 504, is further amended—

(1) in subsection (b)—

(A) by inserting ''(1)'' after ''(b)'';

(B) by striking ''United States: *Provided*,'' through ''*Provided further*, That when'' and inserting ''United States. When''; and

(C) by adding at the end the following:

''(2) The Secretary of Defense may waive the requirement for reimbursement under paragraph (1) if the Secretary, after consultation with the Secretary of State and the Director of the Office of Management and Budget, determines that an emergency exists which justifies waiver of that requirement. Any such waiver shall be submitted to the designated congressional committees, as defined in section 10(a)(3)(B), at least 15 days before it takes effect, except that if the President determines that an emergency exists which prevents compliance with the requirement that the notification be provided 15 days in advance and that the provision under subsection (a)(1) or (a)(2) of personnel or assistance on a nonreimbursable basis is in the national security interests of the United States, such notification shall be provided in a timely manner but no later than 48 hours after such waiver takes effect.''; and

(2) by adding at the end the following new subsection:

''(f) The Secretary of State shall ensure that goods and services provided on a reimbursable basis by the Department of Defense to the United Nations for United Nations peacekeeping operations under this section or any other provision of law are reimbursed at the appropriate value, as determined by the Secretary of Defense.''.

(b) INITIAL REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Representative of the United States to the United Nations shall submit to the designated congressional committees a report on all actions taken by the United States mission to the United Nations to achieve the objective described in section 7(f) of the United Nations Participation Act of 1945, as added by subsection (a)(2).

(2) DESIGNATED CONGRESSIONAL COMMITTEES DEFINED.—As used in this subsection, the term ''designated congressional committees'' has the meaning given such term in section 10(a)(3)(B) of the United Nations Participation Act of 1945, as added by section 501.

SEC. 507. LIMITATION ON PAYMENT OF UNITED STATES ASSESSED OR VOLUNTARY CONTRIBUTIONS FOR UNITED NATIONS PEACEKEEPING ACTIVITIES.

(a) IN GENERAL.—Section 10 of the United Nations Participation Act of 1945 is amended by adding after subsection (b), as added by section 503, the following new subsection:

''(c) LIMITATION ON PAYMENT OF ASSESSED OR VOLUNTARY CONTRIBUTIONS FOR PEACEKEEPING ACTIVITIES.—

''(1) LIMITATION.—Appropriated funds may not be used to pay any United States assessed or voluntary contribution during any fiscal year for United Nations peacekeeping activities until the Secretary of Defense certifies to the designated congressional committees that the United Nations has reimbursed the Department of Defense directly for all goods and services—

''(A) that were provided to the United Nations by the Department of Defense on a reimbursable basis during a previous fiscal year after fiscal year 1994 for United Nations peacekeeping activities, including personnel and assistance provided under section 7 (except to the extent that the authority of subsection (b)(2) of such section to waive the reimbursement requirement was exercised with respect to such personnel or assistance); and

''(B) for which a request for reimbursement has been submitted to the United Nations in accordance with paragraph (2).

''(2) REQUEST FOR REIMBURSEMENT.—The President shall establish procedures for the submission to the United Nations of requests for reimbursement for goods and services provided to the United Nations by the Department of Defense on a reimbursable basis for United Nations peacekeeping activities. Such procedures shall ensure that each such request for reimbursement is submitted in a timely manner.''.

(b) EFFECTIVE DATE.—The limitation in section 10(c)(1) of the United Nations Participation Act of 1945, as added by subsection (a), shall apply only with respect to fiscal years after fiscal year 1995.

SEC. 508. LIMITATION ON USE OF DEPARTMENT OF DEFENSE FUNDS FOR UNITED STATES SHARE OF COSTS OF UNITED NATIONS PEACEKEEPING ACTIVITIES.

(a) IN GENERAL.—(1) Chapter 20 of title 10, United States Code, is amended by inserting after section 405, as added by section 401 of this Act, the following new section:

''§ 406. Use of Department of Defense funds for United States share of costs of United Nations peacekeeping activities: limitation

''(a) PROHIBITION ON USE OF FUNDS FOR PAYMENT OF ASSESSMENTS AND VOLUNTARY CONTRIBUTIONS.—(1) Funds available to the Department of Defense may not be used to make a financial contribution (directly or through another department or agency of the United States) to the United Nations—

''(A) for the costs of a United Nations peacekeeping activity; or

''(B) for any United States arrearage to the United Nations.

''(2) The prohibition in paragraph (1)(A) applies to voluntary contributions, as well as to contributions pursuant to assessment by the United Nations for the United States share of the costs of a peacekeeping activity.

''(b) LIMITATION ON USE OF FUNDS FOR PARTICIPATION IN UNITED NATIONS PEACEKEEPING ACTIVITIES.—Funds available to the Department of Defense may be used for payment of the incremental costs associated with the participation of elements of the armed forces in a United Nations peacekeeping activity only to the extent that Congress has by law specifically authorized the use of those funds for that purpose.

''(c) COVERED PEACEKEEPING ACTIVITIES.—In this section, the term 'United Nations peacekeeping activity' means a peacekeeping activity carried out pursuant to a resolution of the United Nations Security Council for which costs are met (in whole or in part) through assessments by the United Nations to its member nations.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''406. Use of Department of Defense funds for United States share of costs of United Nations peacekeeping activities: limitation.''.

(b) EFFECTIVE DATE.—Section 406 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1995.

SEC. 509. CODIFICATION OF LIMITATION ON AMOUNT OF UNITED STATES ASSESSED CONTRIBUTIONS FOR UNITED NATIONS PEACEKEEPING OPERATIONS.

(a) IN GENERAL.—Section 10 of the United Nations Participation Act of 1945 is amended by adding after subsection (c), as added by section 507, the following new subsection:

''(d) LIMITATION ON ASSESSED CONTRIBUTION WITH RESPECT TO A PEACEKEEPING OPERATION.—Funds authorized to be appropriated for 'Contributions for International Peacekeeping Activities' for any fiscal year shall not be available for the payment of the United States assessed contribution for a United Nations peacekeeping operation in an amount which is greater than 25 percent of the total amount of all assessed contributions for that operation, and any arrearages that accumulate as a result of assessments in excess of 25 percent of the total amount of all assessed contributions for any United Nations peacekeeping operation shall not be recognized or paid by the United States.''.

(b) EFFECTIVE DATE.—The limitation contained in section 10(d) of the United Nations Participation Act of 1945, as added by subsection (a), shall apply only with respect to funds authorized to be appropriated for ''Contributions for International Peacekeeping Activities'' for fiscal years after fiscal year 1995.

(c) CONFORMING AMENDMENT.—Section 404(b) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) is amended by striking paragraph (2).

SEC. 510. BUY AMERICAN REQUIREMENT.

Section 10 of the United Nations Participation Act of 1945 is amended by adding after subsection (d), as added by section 509, the following new subsections:

''(e) BUY AMERICAN REQUIREMENT.—No funds may be obligated or expended to pay any United States assessed or voluntary contribution for United Nations peacekeeping activities unless the Secretary of State determines and certifies to the designated congressional committees that United States manufacturers and suppliers are being given opportunities to provide equipment, services, and material for such activities equal to those being given to foreign manufacturers and suppliers.

''(f) DESIGNATED CONGRESSIONAL COMMITTEES DEFINED.—As used in this section, the term 'designated congressional committees' means—

''(1) the Committee on International Relations and the Committee on Appropriations of the House of Representatives; and

''(2) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.''.

SEC. 511. UNITED NATIONS BUDGETARY AND MANAGEMENT REFORM.

(a) IN GENERAL.—The United Nations Participation Act of 1945 (22 U.S.C. 287 et seq.) is further amended by adding at the end the following new section:

''SEC. 11. (a) WITHHOLDING OF CONTRIBUTIONS.—

''(1) ASSESSED CONTRIBUTIONS FOR REGULAR UNITED NATIONS BUDGET.—At the beginning of each fiscal year, 20 percent of the amount of funds made available for that fiscal year for United States assessed contributions for the regular United Nations budget shall be withheld from obligation and expenditure unless a certification for that fiscal year has been made under subsection (b).

''(2) ASSESSED CONTRIBUTIONS FOR UNITED NATIONS PEACEKEEPING.—At the beginning of each fiscal year, 50 percent of the amount of funds made available for that fiscal year for United States assessed contributions for United Nations peacekeeping activities shall be withheld from obligation and expenditure unless a certification for that fiscal year has been made under subsection (b).

''(3) VOLUNTARY CONTRIBUTIONS FOR UNITED NATIONS PEACEKEEPING.—The United States may not during any fiscal year pay any voluntary contribution to the United Nations for international peacekeeping activities unless a certification for that fiscal year has been made under subsection (b).

''(b) CERTIFICATION.—The certification referred to in subsection (a) for any fiscal year is a certification by the President to the Congress, submitted on or after the beginning of that fiscal year, of each of the following:

''(1) The United Nations has an independent office of Inspector General to conduct and supervise objective audits, inspections, and investigations relating to programs and operations of the United Nations.

''(2) The United Nations has an Inspector General who was appointed by the Secretary General with the approval of the General Assembly and whose appointment was made principally on the basis of the appointee's integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigation.

''(3) The Inspector General is authorized to—

''(A) make investigations and reports relating to the administration of the programs and operations of the United Nations;

''(B) have access to all records, documents, and other available materials relating to those programs and operations;

''(C) have direct and prompt access to any official of the United Nations; and

''(D) have access to all records and officials of the specialized agencies of the United Nations.

''(4) The United Nations has fully implemented, and made available to all member states, procedures that effectively protect the identity of, and prevent reprisals against, any staff member of the United Nations making a complaint or disclosing information to, or cooperating in any investigation or inspection by, the United Nations Inspector General.

''(5) The United Nations has fully implemented procedures that ensure compliance with recommendations of the United Nations Inspector General.

''(6) The United Nations has required the United Nations Inspector General to issue an annual report and has ensured that the annual report and all other reports of the Inspector General are made available to the General Assembly without modification.

''(7) The United Nations has provided, and is committed to providing, sufficient budgetary resources to ensure the effective operation of the United Nations Inspector General.''.

(b) EFFECTIVE DATE.—Section 11 of the United Nations Participation Act of 1945, as added by subsection (a), shall apply only with respect to fiscal years after fiscal year 1995.

SEC. 512. CONDITIONS ON PROVISION OF INTELLIGENCE TO THE UNITED NATIONS.

(a) IN GENERAL.—The United Nations Participation Act of 1945 (22 U.S.C. 287 et seq.) is further amended by adding at the end the following new section:

''SEC. 12. (a) PROVISION OF INTELLIGENCE INFORMATION TO THE UNITED NATIONS.—Before

intelligence information is provided by the United States to the United Nations, the President shall ensure that the Director of Central Intelligence, in consultation with the Secretary of State and the Secretary of Defense, has established guidelines governing the provision of intelligence information to the United Nations which shall protect intelligence sources and methods from unauthorized disclosure in accordance with section 103(c)(5) of the National Security Act of 1947 (50 U.S.C. 403–3(c)(5)).

''(b) PERIODIC AND SPECIAL REPORTS.—(1) The President shall periodically report, but not less frequently than semiannually, to the Committee on International Relations and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate on the types of intelligence provided to the United Nations and the purposes for which it was provided during the period covered by the report. The President shall also report to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate, within 15 days after it becomes known to him, any unauthorized disclosure of intelligence provided to the United Nations.

''(2) The requirement for periodic reports under the first sentence of paragraph (1) of this subsection shall not apply to the provision of intelligence that is provided only to, and for the use of, United States Government personnel serving with the United Nations.

''(c) DELEGATION OF DUTIES.—The President may not delegate or assign the duties of the President under this section.

''(d) IMPROVED HANDLING OF INTELLIGENCE INFORMATION BY THE UNITED NATIONS.—The Secretary of State (or the designee of the Secretary), in consultation with the Director of Central Intelligence and the Secretary of Defense, shall work with the United Nations to improve the handling, processing, dissemination, and management of all intelligence information provided to it by its members.

''(e) RELATIONSHIP TO EXISTING LAW.—Nothing in this section shall be construed to—

''(1) impair or otherwise affect the authority of the Director of Central Intelligence to protect intelligence sources and methods from unauthorized disclosure pursuant to section 103(c)(5) of the National Security Act of 1947 (50 U.S.C. 403–3(c)(5)); or

''(2) supersede or otherwise affect the provisions of title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 45 days after the date of the enactment of this Act.

TITLE VI—EXPANSION OF THE NORTH ATLANTIC TREATY ORGANIZATION

SEC. 601. SHORT TITLE.

This title may be cited as the ''NATO Expansion Act of 1995''.

SEC. 602. FINDINGS.

The Congress makes the following findings:

(1) Since 1949, the North Atlantic Treaty Organization (NATO) has helped to guarantee the security, freedom, and prosperity of the United States and its partners in the alliance.

(2) NATO has expanded its membership on three different occasions since its founding in 1949.

(3) The steadfast and sustained commitment of the member countries of NATO to mutual defense against the threat of communist domination played a significant role in precipitating the collapse of the Iron Curtain and the demise of the Soviet Union.

(4) Although new threats are more geographically and functionally diverse and less predictable, they still imperil shared interests of the United States and its NATO allies.

(5) Western interests must be protected on a cooperative basis without an undue burden falling upon the United States.

(6) NATO is the only multilateral organization that is capable of conducting effective military operations to protect Western interests.

(7) The valuable experience gained from ongoing military cooperation within NATO was critical to the success of joint military operations in the 1991 liberation of Kuwait.

(8) NATO is an important diplomatic forum for discussion of issues of concern to its member states and for the peaceful resolution of disputes.

(9) Admission of Central and East European countries that have recently been freed from Communist domination to NATO could contribute to international peace and enhance the security of those countries.

(10) By joining the Partnership for Peace, a number of countries have expressed interest in NATO membership.

(11) The Partnership for Peace program is creating new political and military ties with countries in Central and Eastern Europe and provides the basis for joint action to deal with common security problems. Active participation in the Partnership for Peace will also play an important role in the evolutionary process of NATO expansion.

(12) In particular, Poland, Hungary, the Czech Republic, and Slovakia have made significant progress toward establishing democratic institutions, free market economies, civilian control of their armed forces, police, and intelligence services, and the rule of law since the fall of their previous Communist governments.

SEC. 603. UNITED STATES POLICY.

It should be the policy of the United States—

(1) to continue the Nation's commitment to an active leadership role in NATO;

(2) to join with the Nation's NATO allies to redefine the role of the alliance in the post-Cold War world, taking into account—

(A) the fundamentally changed security environment of Central and Eastern Europe;

(B) the need to assure all countries of the defensive nature of the alliance and the desire of its members to work cooperatively with all former adversaries;

(C) the emerging security threats posed by the proliferation of nuclear, chemical, and biological weapons of mass destruction and the means to deliver them;

(D) the continuing challenges to the interests of all NATO member countries posed by unstable and undemocratic regimes harboring hostile intentions; and

(E) the dependence of the global economy on a stable energy supply and the free flow of commerce;

(3) to affirm that NATO military planning should include joint military operations beyond the geographic bounds of the alliance under Article 4 of the North Atlantic Treaty when the shared interests of the United States and other member countries require such action to defend vital interests;

(4) to expeditiously pursue joint cooperation agreements for the acquisition of essential systems to significantly increase the crisis management capability of NATO;

(5) that Poland, Hungary, the Czech Republic, and Slovakia should be in a position to further the principles of the North Atlantic Treaty and to contribute to the security of the North Atlantic area in the near future, and, in accordance with Article 10 of such Treaty, should be invited to become full NATO members, provided these countries—

(A) meet appropriate standards, including—

(i) shared values and interests;

(ii) democratic governments;

(iii) free market economies;

(iv) civilian control of the military, of the police, and of the intelligence and other security services, so that these organizations do not pose a threat to democratic institutions, neighboring countries, or the security of NATO or the United States;

(v) adherence to the rule of law and to the values, principles, and political commitments set forth in the Helsinki Final Act and other declarations by the members of the Organization on Security and Cooperation in Europe;

(vi) commitment to further the principles of NATO and to contribute to the security of the North Atlantic area;

(vii) commitment and ability to accept the obligations, responsibilities, and costs of NATO membership; and

(viii) commitment and ability to implement infrastructure development activities that will facilitate participation in and support for NATO military activities; and

(B) remain committed to protecting the rights of all their citizens and respecting the territorial integrity of their neighbors;

(6) that the United States, other NATO member nations, and NATO itself should furnish appropriate assistance to facilitate the transition of Poland, Hungary, the Czech Republic, and Slovakia to full NATO membership;

(7) to reaffirm article X of the North Atlantic Treaty and the policy decision of the North Atlantic Council on December 1, 1994, that—

(A) each new member nation may be admitted to NATO only by amendment to the North Atlantic Treaty; and

(B) each current NATO member nation will have to complete the treaty amendment ratification process for the admission of each new member nation to NATO, subject to the internal legal processes of each current NATO member nation, and that in the case of the United States, the treaty amendment ratification process will require advice and consent of two-thirds of the members of the United States Senate present and voting;

(8) that the expansion of NATO should be defensive in nature and should occur in a manner that increases stability for all nations of Europe, including both NATO member nations and non-NATO member nations;

(9) that NATO and its member nations should cooperate closely with Russia on security issues and work to strengthen other structures of security cooperation in Europe, including the Organization on Security and Cooperation in Europe; and

(10) that other European countries emerging from communist domination may be in a position at a future date to further the principles of the North Atlantic Treaty and to contribute to the security of the North Atlantic area, and at the appropriate time they should receive assistance to facilitate their transition to full NATO membership and should be invited to become full NATO members.

SEC. 604. REVISIONS TO PROGRAM TO FACILITATE TRANSITION TO NATO MEMBERSHIP.

(a) ESTABLISHMENT OF PROGRAM.—Subsection (a) of section 203 of the NATO Participation Act of 1994 (title II of Public Law 103–447; 22 U.S.C. 1928 note) is amended to read as follows:

''(a) ESTABLISHMENT OF PROGRAM.—The President shall establish a program to assist in the transition to full NATO membership

of Poland, Hungary, the Czech Republic, and Slovakia and any other European country emerging from communist domination that is designated by the President under subsection (d)(2).''.

(b) ELIGIBLE COUNTRIES.—

(1) DESIGNATED COUNTRIES.—Subsection (d) of such section is amended to read as follows:

''(d) DESIGNATION OF ELIGIBLE COUNTRIES.—

''(1) SPECIFIED COUNTRIES.—The following countries are hereby designated for purposes of this title: Poland, Hungary, the Czech Republic, and Slovakia.

''(2) AUTHORITY FOR PRESIDENT TO DESIGNATE OTHER EUROPEAN COUNTRIES EMERGING FROM COMMUNIST DOMINATION.—The President may designate other European countries emerging from communist domination (as defined in section 206) to receive assistance under the program established under subsection (a). The President may make such a designation in the case of any such country only if the President determines, and reports to the designated congressional committees, that such country—

''(A) has made significant progress toward establishing—

''(i) shared values and interests;

''(ii) democratic governments;

''(iii) free market economies;

''(iv) civilian control of the military, of the police, and of the intelligence and other security services, so that these organizations do not pose a threat to democratic institutions, neighboring countries, or the security of NATO or the United States;

''(v) adherence to the rule of law and to the values, principles, and political commitments set forth in the Helsinki Final Act and other declarations by the members of the Organization on Security and Cooperation in Europe;

''(vi) commitment to further the principles of NATO and to contribute to the security of the North Atlantic area;

''(vii) commitment and ability to accept the obligations, responsibilities, and costs of NATO membership; and

''(viii) commitment and ability to implement infrastructure development activities that will facilitate participation in and support for NATO military activities; and

''(B) is likely, within five years of such determination, to be in a position to further the principles of the North Atlantic Treaty and to contribute to the security of the North Atlantic area.''.

(2) CONFORMING AMENDMENTS.—

(A) Subsections (b) and (c) of such section are amended by striking ''countries described in such subsection'' and inserting ''countries designated under subsection (d)''.

(B) Subsection (e) of such section is amended—

(i) by striking ''subsection (d)'' and inserting ''subsection (d)(2)''; and

(ii) by inserting ''(22 U.S.C. 2394)'' before the period at the end.

(C) Section 204(c) of such Act is amended by striking ''any other Partnership for Peace country designated under section 203(d) of this title'' and inserting ''any country designated under section 203(d)(2)''.

(c) TYPES OF ASSISTANCE.—

(1) ECONOMIC SUPPORT ASSISTANCE.—Subsection (c) of section 203 of such Act is amended—

(A) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(B) by inserting after paragraph (2) the following new paragraph (3):

''(3) Assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the Economic Support Fund).''.

(2) ADDITIONAL ASSISTANCE.—

(A) IN GENERAL.—Subsection (f) of such section is amended to read as follows:

''(f) ADDITIONAL ASSISTANCE.—In carrying out the program established under subsection (a), the President may, in addition to the security assistance authorized to be provided under subsection (c), provide assistance to countries designated under subsection (d) from funds appropriated under the 'Nonproliferation and Disarmament Fund' account.''.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) does not apply with respect to funds appropriated before the date of the enactment of this Act.

(d) DISQUALIFICATION FROM ASSISTANCE FOR SUPPORT OF TERRORISM.—Section 203 of such Act is further amended by adding at the end the following new subsection:

''(g) PROHIBITION ON PROVIDING ASSISTANCE TO COUNTRIES THAT PROVIDE DEFENSE ARTICLES TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM.—The President may not provide assistance to a country under the program established under subsection (a) if such country is selling or transferring defense articles to a state that has repeatedly provided support for acts of international terrorism, as determined by the Secretary of State under section 6(j) of the Export Administration Act of 1979.''.

(e) REPORT PRIOR TO OBLIGATION OR EXPENDITURE OF FUNDS.—Section 203 of such Act (as amended by subsection (d)) is further amended by adding at the end the following:

''(h) REPORT PRIOR TO OBLIGATION OR EXPENDITURE OF FUNDS.—Prior to providing assistance to a country for the first time through the program established under subsection (a), the President shall transmit to the designated congressional committees a report with respect to that country that contains a description of the following:

''(1) The cost of membership in NATO for the country and the amount that the country is prepared to contribute to NATO to pay for such cost of membership.

''(2) The amount that the United States will contribute to facilitate transition to full NATO membership for the country.

''(3) The extent to which the admission to NATO of the country would contribute to the security of the United States.

''(4) The views of other NATO member nations regarding the admission to NATO of the country and the amounts that such other NATO member nations will contribute to facilitate transition to full NATO membership for the country.''.

(f) ANNUAL REPORT.—Section 205 of the NATO Participation Act of 1994 (title II of Public Law 103–447; 22 U.S.C. 1928 note) is amended—

(1) by inserting ''ANNUAL'' in the section heading before the first word;

(2) by inserting ''annual'' after ''include in the'' in the matter preceding paragraph (1); and

(3) in paragraphs (1) and (2), by striking ''and other'' and all that follows through the period at the end and inserting ''and any country designated by the President pursuant to section 203(d)(2).''.

(g) DEFINITIONS.—The NATO Participation Act of 1994 (title II of Public Law 103–447; 22 U.S.C. 1928 note) is amended by adding at the end the following new section:

''SEC. 206. DEFINITIONS.

''For purposes of this title:

''(1) NATO.—The term 'NATO' means the North Atlantic Treaty Organization.

''(2) OTHER EUROPEAN COUNTRIES EMERGING FROM COMMUNIST DOMINATION.—The term 'other European countries emerging from communist domination' means any full and active participant in the Partnership for Peace that—

''(A) is located—

''(i) in the territory of the former Union of Soviet Socialist Republics; or

''(ii) in the territory of the former Socialist Federal Republic of Yugoslavia; or

''(B) is among the following countries: Estonia, Latvia, Lithuania, Romania, Bulgaria, or Albania.

''(3) DESIGNATED CONGRESSIONAL COMMITTEES.—The term 'designated congressional committees' means—

''(A) the Committee on International Relations, the Committee on National Security, and the Committee on Appropriations of the House of Representatives; and

''(B) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate.''.

TITLE VII—BUDGET FIREWALLS

SEC. 701. RESTORATION OF BUDGET FIREWALLS FOR DEFENSE SPENDING.

It is the sense of the Congress that, in order to protect against the diversion of defense funding to domestic discretionary accounts, so-called ''budget firewalls'' between defense and domestic discretionary spending should be established for each of fiscal years 1996, 1997, and 1998.

The CHAIRMAN. The bill will be considered for amendment under the 5-minute rule for a period not to exceed 10 hours.

During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition to a Member who has caused an amendment to be printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered as having been read.

The time for the 10-hour debate is beginning at 4:50 p.m., and we will keep track of that.

Are there any amendments to the bill?

AMENDMENT OFFERED BY MR. SPENCE

Mr. SPENCE. Mr. Chairman, I offer an amendment, No. 39, printed in the CONGRESSIONAL RECORD.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SPENCE: At the end of title II (page 12, after line 25), add the following new section.

SEC. 204. SENSE OF CONGRESS ON THEATER MISSILE DEFENSE AND THE ANTI-BALLISTIC MISSILE (ARM) TREATY.

(a) FINDINGS.—The Congress makes the following findings:

(1) The United States and its allies face existing and expanding threats from ballistic missiles capable of being used as theater weapon systems that are presently possessed by, being developed by, or being acquired by a number of countries, including Iran, Iraq, Syria, Libya, and North Korea.

(2) Some theater ballistic missiles that are currently deployed or are being developed (such as the Chinese CSS–2 missile and the North Korean Taepo Dong-2 missile) have capabilities equal to or greater than the capabilities of missiles that were determined to be strategic missiles more than 20 years ago under the Strategic Arms Limitation Agreement I (SALT I) Interim Agreement of 1972 entered into between the United States and the Soviet Union.

(3) The Anti-Ballistic Missile (ABM) Treaty was not intended to, and does not, apply to or limit research, development, testing or deployment of missile defense systems, system upgrades, or system components that are designed to counter modern theater ballistic missiles, regardless of the capabilities

of such missiles, unless those systems, system upgrades, or system components are tested against or have demonstrated capabilities to counter modern strategic ballistic missiles.

(4) It is a national security priority of the United States to develop and deploy highly effective theater missile defense systems capable of countering the existing and expanding threats posed by modern theater ballistic missiles at the earliest practical date.

(5) Current United States proposal in the Standing Consultative Commission (SCC) would multilateralize the ABM Treaty, making future amendments or changes to the Treaty more difficult, and would impose specific design limitations on United States theater missile defense (TMD) systems that would significantly compromise the United States TMD capability.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that further formal negotiations in the Standing Consultative Commission (SCC) and any informal discussions or negotiations on either the demarcation between theater missile defense (TMD) systems and anti-ballistic missile (ABM) systems, or any other effort that bears on the viability of the ABM Treaty, including multilateralization of the treaty, should be suspended until the One Hundred Fourth Congress has had the opportunity to review those matters.

Mr. SPENCE. Mr. Chairman, I rise to offer an amendment to title II of H.R. 872.

One of the highest priority defense capabilities currently under development by the Department of Defense is theater missile defense. The U.S. theater missile defense systems are designed to defend our U.S. military forces deployed overseas, along with friendly forces and allies, from ballistic missile attack.

The threat posed by the proliferation of ballistic missiles is expanding. Several countries, including North Korea, are developing missiles of increasing range and accuracy. Others, such as Iran, have purchased missiles and production technology from North Korea. Such proliferation underscores the importance of fielding, at the earliest practical date, advanced TMD systems, as advocated in title II of this bill.

Unfortunately, our ability to field high-effective TMD systems is in jeopardy. Specifically, under the guise of ''clarifying'' the terms of the 1972 anti-ballistic treaty, this administration has proposed in talks with Russia and others to impose specific design limitations on two theater missile defense systems that will significantly compromise our United States capability.

They have also proposed to multilateralize the ABM Treaty, making future amendments or changes to the treaty, such as those to deploy an effective missile defense of our country, more difficult.

Based on these concerns, I cosigned a letter to President Clinton on January 4, along with the entire House Republican leadership, suggesting that further negotiations be suspended until the new Congress had an opportunity to examine those issues in detail. Unfortunately, the President's reply rejected our suggestion and stated his intention to continue negotiating such an agreement.

I would note that, according to a February 13, 1995, Washington Times article, Deputy Secretary of Defense John Deutch also has grave misgivings about the current U.S. negotiating approach, as does our Chairman of the Joint Chiefs of Staff, John Shalikashvili. According to the Times, Mr. Deutch in a February 6 memorandum, affirmed that countering missile proliferation was ''an urgent defense requirement.'' But he also suggested that in light of Russian intransigence in these negotiations, we should ''shift our proposal to a more principled demarkation position.'' I strongly agree with Secretary Deutch's alleged statements.

It is, therefore, incumbent upon us to more explicitly communicate our deep concerns about the administration's position in these negotiations and the adverse impact they would have on our missile defense programs.

My amendment does just that. Specifically, the amendment expresses the sense of Congress that further formal negotiations in the standing consultative commission and any informal discussions or negotiations on either the demarkation between the theater missile defense systems and ABM systems or any other effort that bears on the viability of the ABM Treaty, including multilateralization of the ABM Treaty, should be suspended until the 104th Congress has had the opportunity to review those matters. It is a statement of principle and not binding language. Nevertheless, my hope is that the President will listen more carefully this time.

Mr. WELDON of Pennsylvania. Mr. Chairman, I move to strike the last word.

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Chairman, I rise in strong support of the amendment offered by our committee chairman.

This is a sense-of-the-Congress amendment so it is not binding, but it is a very important one because it gets at the heart of what is now going on between our administration and Russia in terms of the ABM Treaty.

As our chairman pointed out, both the Deputy Secretary of Defense, in a memo that I will include for the RECORD, as well as the comments by General Shalikashvili that we are concerned about the administration policymakers not adopting treaty changes which would prohibit the Defense Debarment from deploying new theater defense systems that meet U.S. requirements.

What is important for our colleagues on the minority side is that one of their basic contentions is that theater missile defense is of the highest priority.

Now, your Deputy Secretary of Defense, or, I should say, ours and our Chairman of the Joint Chiefs are both raising a red flag saying, let us not let those negotiators move too fast. So this is an extremely important amendment.

I want to get at the heart of why I think it is so important. My first amendment on the floor of this House in 1987, when many of the more liberal Members of our Congress were saying that we should adhere to the strictest possible interpretation of the ABM Treaty, I offered an amendment that acknowledged that the Kransnowarsk radar system in Siberia was in fact a direct violation of the ABM Treaty.

Guess what we have found out, Mr. Chairman, after in fact the Russian military leaders have retired and reported what there intent was with that radar?

In a recent article in the Russian military historical journal, written by retired General Votintsev, who said the ABM and space defense troops of the National Air Defense Forces, from 1967 until 1985, he states that it was clearly the Soviet Union's intent to break out and violate the ABM Treaty.

Many of the more liberal Members in this body, during that debate, were saying, oh, this is wrong. It is just an accident. It is just being used for radar. It is not being used for defensive operations. In fact, here is the general, who was in charge of that system at the time, not publicly stating what we said on this House floor.

He said, furthermore, that he was ordered to do this by the Chief of Staff, Marshall Ogarkov and was told that if he did not locate this radar in Krasnowarsk that General Ustinov, the Minister of Defense, directed that anyone who continued to object would be removed of his duties.

Mr. Chairman, all of us want to work with the Russians. I cochair the Russian Energy Caucus. I am working with them on their nuclear waste problem.

But as Ronald Reagan said, we must trust but verify.

□ 1700

What we are saying is that should be the hallmark of our negotiations with the Russians now. We should not let our negotiators bargain away the ability for us to develop a continued theater defense system which the minority side feels so strongly about. This amendment protects that. I applaud my chairman for the amendment, and I would be happy to support it.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. WELDON of Pennsylvania. I am happy to yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Chairman, I thank the gentleman for his hard work and leadership on this issue.

I think it is important for Members to realize what we are doing here. The administration, according to our own senior military officials, is trying to

negotiate into the ABM Treaty, which is between the United States and the Soviet Union, some limitations on our ability to put out systems that will defend our troops, like those that were in Iran or in Iraq, against incoming theater ballistic missiles.

There are two parties to the ABM Treaty, us and the Soviet Union, yet there are countries like Libya, North Korea, China, and others that are developing theater ballistic missiles that could be targeted on our troops. They are not signatories to the ABM agreement and they do not care what kind of restrictions we must put on. In fact, they would like us to put restrictions on our defensive systems.

What the gentleman is talking about, Mr. Chairman, is a total curtailment of theater ballistic missile defense systems that Democrats and Republicans agree are very, very important to the survivability of our troops. That means that when we have a troop concentration, whether it is Marines or Army units in the Middle East, in Europe, in Southeast Asia, and we need to put a footprint, a defensive footprint around them, whether it is the THAAD system or a Patriot system, upgraded Patriot, or the Navy lower tier system, all those systems are little theater missile defense systems that can shoot down incoming missiles. When we try to put those up, we are now going to be facing limitations.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WELDON] has expired.

Mr. HUNTER. Mr. Chairman, I ask unanimous consent that the gentleman from Pennsylvania be allowed to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. MONTGOMERY. Reserving the right to object, Mr. Chairman, we are trying to figure out exactly what this amendment does. We are kind of worried, when the gentleman is taking a lot of time here, and we really do not have a chance to do that.

Mr. HUNTER. I will be happy to strike the requisite number of words on my own.

Mr. MONTGOMERY. I appreciate very much the gentleman doing that.

Mr. HUNTER. Mr. Chairman, I withdraw my unanimous-consent request.

Mr. WELDON of Pennsylvania. Mr. Chairman, I include for the RECORD these articles and this information.

The information referred to is as follows:

DEPUTY SECRETARY OF DEFENSE,
Washington, DC, February 7, 1995.

Memorandum for: Under Secretary of Defense for Acquisition and Technology; Under Secretary of Defense for Policy; Principal Deputy Under Secretary of Defense for Policy; Assistant Secretary of Defense for International Security Policy; Director, Ballistic Missile Defense; Senior Deputy General Counsel, International Affairs and Intelligence.

Subject: BMD program logic.

Here is a revised outline based on your inputs and pulled together by Ash Carter. As always, your suggestions have been helpful.

Attachment.

BALLISTIC MISSILE DEFENSE

I. BMD Program is determined by:

A. The threat—present and anticipated.

B. Technical and Program Options.

C. Cost and affordability—more resources for BMD means some other modernization opportunities must be forgone.

D. ABM (and other) treaty implications.

II. The Threat

A. Present threat against CONUS (AK and HI slightly different)

1. Russian ICBM and SLBM threat.

2. China—CSS4.

3. No Rest of World (ROW) BM threat to CONUS expected before 2005 at the earliest. (Clapper testimony)

4. Vulnerability to surreptitiously delivered or air-delivered nuclear device.

B. Future threat against CONUS

1. Russia and China.

2. ROW Proliferator indigenous development, e.g., North Korea, Iran, Libya.

3. Delivery by BM or air breathers, e.g., cruise missile.

C. Effective CONUS defense against determined Russian attack (several thousand RVs) problematic. Responses to this threat are vigorous deterrent (NPR) plus priority on preventing reemergence of threat (CTR). against accidental or small attack (< 50 RVs without sophisticated penaids) possible.

D. Theater Ballistic Missile Threat

1. Here today—for US and Allies; SCUDs NO DONG, CSS–2, etc.

2. TBM can carry nuclear or unitary/submission CW/BW warheads.

3. If unchecked, significant problem for U.S. forward operations, esp. SWA, ROK.

4. ROW by purchase or SLV conversion.

5. Urgent defense requirements for US and Allies.

III. TBM Defense first priority ($2 billion/year)

A. Core Program (deployment planned):

1. PAC–3 First Unit Equipped (FUE) 1998

2. THAAD FUE 2002

3. Navy Lower Tier FUE 2000

B. Enhanced Program (technology development):

1. Navy Upper Tier

2. Boost Phase Intercept

3. Corps SAM (MEADS)

C. International cooperation emphasized.

D. Depending upon performance, any effective TBM system (especially with the over-the-horizon threat cueing) will have some marginal capabilities against faster strategic incoming BM targets in one-on-one engagement.

E. U.S. will not accept limitations on TMD capabilities that pose no threat to the basic principles of the ABM Treaty.

IV. Technical and Program Options for National Missile Defense (NMD)

A. System components include:

1. Early warning/Surveillance

2. Target acquisition and track—mix of ground based multifunction radars, early-warning radars, space based EO/IR sensors.

3. Interceptors—number, location, and performance.

4. Battle Management C3

B. An NMD system requires significant RDT&E before deployment and the system may be either compliant or not compliant with the ABM (and other) treaties.

C. The DoD NMD program consists of two elements

1. BMD Technology. R&D on BMD components that could eventually be part of an advanced NMD or TMD system and growth of TMD system for limited NMD capabilities.

a. Technology; Kinetic energy Boost Phase Interceptors, advanced sensors, high powered lasers, advanced lightweight projectile (LEAP), small business innovative research, and innovative science and technology

b. Expenditures: $170M/year.

2. The Baseline Program. A treaty compliant three year R&D program that will provide the option for deployment over an additional three years, of an initial NMD system which might or might not be treaty compliant. There is room for further growth in system capabilities.

a. The system consists of a ground-based radar (GBR), ground-based interceptor (GBI), and space based sensors (SBIR–LEO) for cueing.

b. Expenditure: $520M/year (including $120M for SBIR–LEO).

D. The DoD budget does not fund an emergency response NMD program that could be more rapidly deployed in case an unanticipated threat emerges or capability was desired, against accidental or inadvertent launch.

1. Such a system consists of 20–50 exo-kill vehicles (EKVs) on MINUTEMAN II or III boosters with DSP, early warning radar, and multifunction radar cueing.

2. This Emergency Response System would take two years to develop (at a cost of $1 billion to the baseline) and two years to deploy (at an additional cost of $2–4 billion to the baseline)

3. The Emergency Response System would not be compliant with either the ABM or START treaty.

4. ERS would be more effective to degree we know what threat it would meet; therefore not wise to commit to deployment until threat is clearer.

E. Summary Chart

NMD PROGRAM OPTIONS [1]

	R&D phase	Deployment phase
1. BMD technology:		
Advanced sensors ...	Ongoing	Not defined.
KE boost phase	$170M/year	
DE boost phase	Treaty compliant	
Innovative science and technology.		
2. Baseline NMD: Ground-based KE interceptors with ground and space-based cueing.	3 year; $520M/year; treaty compliant	3 years; not funded; possibly treaty compliant.
3. Emergency response: Ground-based KE interceptors with early warning radar cueing.	2 years; not funded; possibly not treaty compliant	2 years; not funded; not treaty compliant.

[1] Treaty issues subject to review by Compliance Review Group.

F. Choices include:

1. Adding funds for NMD technology, to create more choices for the future, such as strategic application of Navy uppertier technology.

2. Adding funds for baseline system—risk reduction and, schedule acceleration.

3. Adding funds for R&D phase of Emergency Response System.

V. Treaty Compliance

A. Purpose of ABM Treaty was to assure strategie stability by prohibiting ABM deployment that had significant capabilities against a retaliatory strategic missile attack. The US stands by this purpose.

B. The 1972 ABM Treaty does not reflect either the changed geopolitical circumstances or the new technological opportunities of today. We should not be reluctant to negotiate treaty modifications that acknowledge the new realities provided we retain the essential stabilizing purpose of the treaty.

1. The ABM Treaty permits one particular ''thin'' system—100 interceptors at Grand Forks ND with GBR and space based sensor adjuncts. May be possible to deploy a satisfactory NMD within these limits.

2. Other NMD configurations or TMD systems that do not meet specific prohibitions of the treaty but are comparable to the permitted ''thin'' system, e.g., the Emergency Response system, would not undermine, the Treaty and should be permitted.

C. TMD Demarcation—TMD is an essential defense capability and we should pursue these programs diligently: we cannot let Russian foot dragging on TMD demarcation issue slow TMD programs.

1. Present US position proposes limits on demonstrated capability of components (no testing against targets with velocity 5 KM/sec or range 3500 km) and interceptor velocity. This approach aimed at negotiability and prompt Russian acceptance.

2. If Russians do not accept essential elements of US TMD demarcation proposal soon, we should consider shifting our proposal to a more technically straight forward position based on the actual capability of a deployed TMD system to defend against a substantial Russian retaliatory missile strike.

Background.—The Spence amendment would modify Title II by adding a new section that expresses the Sense of Congress that negotiations with Russia and others to extend the ABM Treaty to theater missile defense (TMD) systems be suspended until the 104th Congress has had an opportunity to review this matter.

Talking Points.—The U.S. ability to field effective TMD systems is being jeopardized by the Clinton Administration.

In negotiations with Russia, the Administration has proposed turning the 1972 Anti-Ballistic Missile (ABM) Treaty into an ''ABM–TMD Treaty''.

Additionally, they seek to ''multilateralize'' the Treaty, so that instead of just two parties to the Treaty, there could be ten or more. This would give Belarus or Uzbekistan a veto or modifications/amendments to the Treaty, making it more difficult to amend the Treaty were the U.S. to request such changes.

They have also proposed to impose specific design limitations on U.S. TMD systems (e.g., setting ''speed limits'' on how fast U.S. TMD systems can fly). Such self-imposed design limitations would have the effect of ''dumbing down'' U.S. TMD systems and compromising the effectiveness of U.S. TMD systems.

Deputy Secretary of Defense John Deutch in a recent memorandum warned against the dangers of the Administration's current approach to these negotiations.

Secretary Deutch suggested that, in light of Russian intransigence in these negotiations, the U.S. should ''shift our proposal to a more principled [demarcation] position''. This clearly underscores the folly of the Administration's current approach.

In a January 4 letter to the President, Mr. Spence, Mr. Livingston, Mr. Gilman and the Republican Leadership in the House suggested that these negotiations be suspended temporarily. Unfortunately, the President has thus far refused to budge.

The Spence amendment once again puts the Congress on record as having deep concerns about the Administration plans and the adverse impact they would have on national security.

I urge my colleagues to vote YES on the Spence amendment.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 15, 1995.

DEAR COLLEAGUE: One of the highest priority defense capabilities currently under development and being fielded by the Department of Defense (DoD) is theater missile defense (TMD). U.S. TMD systems are designed to defend U.S. military forces deployed overseas, along with friendly forces and allies, from ballistic missile attack.

The threat posed by the proliferation of ballistic missiles is expanding. Several countries, including North Korea, are developing missiles of increasing range and accuracy. Others, such as Iran, have purchased missiles and production technology from North Korea. Such proliferation underscores the importance of fielding, at the earliest practical date, advanced TMD systems—as advocated in Title II of H.R. 872, the National Security Revitalization Act.

Unfortunately, the U.S. ability to field highly-effective TMD systems is being jeopardized by the Clinton Administration. Specifically, under the guise of ''clarifying'' the terms of the 1972 Anti-Ballistic Missile (ABM) Treaty, U.S. negotiators have proposed in talks with Russia and others to impose specific design limitations on U.S. TMD systems that will significantly compromise U.S. TMD capability. They have also proposed to ''multilateralize'' the ABM Treaty, making future amendments or changes to the Treaty, such as those to deploy an effective ABM defense of the United States, more difficult.

Based on these concerns, we sent a letter to the President on January 4 suggesting that further negotiations be suspended until the new Congress has had an opportunity to examine these issues in detail. The President's reply rejected our suggestion and stated his intention to continue negotiating such an agreement. (The January 4 letter and the President's response are attached for your information.)

It is incumbent upon us, therefore, to again communicate our deep concerns about the Administration's position in these negotiations and the adverse impact they would have on U.S. missile defense programs. The amendment offered by Rep. Floyd Spence, Chairman of the National Security Committee, does just that. (A copy of the Spence amendment is printed below.)

We strongly urge your support of both the Spence amendment and Title II of H.R. 872 regarding missile defense.

Sincerely,

NEWT GINGRICH.
FLOYD SPENCE.
BOB LIVINGSTON.
DICK ARMEY.
BEN GILMAN.
BILL YOUNG.

AMENDMENT OFFERED BY REPRESENTATIVE SPENCE

At the end of Title II (page 12, after line 25), add the following new section:

SEC. 204. Sense of Congress on Theater Missile Defense and the Anti-Ballistic Missile (ABM) Treaty.

(a) FINDINGS.—The Congress makes the following findings:

(1) The United States and its allies face existing and expanding threats from ballistic missiles capable of being used as theater weapon systems that are presently possessed by, being developed by, or being acquired by a number of countries, including Iran, Iraq, Syria, Libya, and North Korea.

(2) Some theater ballistic missiles currently deployed or are being developed (such as the Chinese CSS–2 missile and the North Korean Taepo Dong–2 missile) have capabilities equal to or greater than the capabilities of missiles that were determined to be strategic missiles more than 20 years ago under the Strategic Arms Limitation Agreement I (SALT I) Interim Agreement of 1972 entered into between the United States and the Soviet Union.

(3) The Anti-Ballistic Missile (ABM) Treaty was not intended to, and does not, apply to or limit research, development, testing, or deployment of missile defense systems, system upgrades, or system components that are designed to counter modern theater ballistic missiles, regardless of the capabilities of such missiles, unless those systems, system upgrades, or system components are tested against or have demonstrated capabilities to counter modern strategic ballistic missiles.

(4) It is a national security priority of the United States to develop and deploy highly effective theater missile defense systems capable of countering the existing and expanding threats posed by modern theater ballistic missiles at the earliest practical date.

(5) Current United States proposals in the Standing Consultative Commission (SCC) would multilateralize the ABM Treaty, making future amendments or changes to the Treaty more difficult, and would impose specific design limitations on United States theater missile defense (TMD) systems that will significantly compromise United States TMD capability.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that further formal negotiations in the Standing Consultative Commission (SCC) and any informal discussions or negotiations on either the demarcation between theater missile defense (TMD) systems and anti-ballistic missile (ABM) systems, or any other efforts that bear on the viability of the ABM Treaty, including multilateralization of the ABM Treaty, should be suspended until the One Hundred Fourth Congress has had the opportunity to review those matters.

HOUSE OF REPRESENTATIVES,
Washington, DC, January 4, 1995.

HON. BILL CLINTON,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We appreciate your letter of October 22, 1994 responding to the letter of September 19, 1994 signed by a bipartisan group of legislators regarding the 1972 Anti-Ballistic Missile (ABM) Treaty and constraints on theatre missile defenses.

We welcome your assurances that your Administration is ''not going to rush'' the process of negotiating changes to the 1972 ABM Treaty. It is our expectation that the new Congress and relevant Congressional committees will want, as an early order of business, to examine the wisdom of expanding the ABM Treaty's limitations in the name of ''demarcating'' strategic and theatre missile defenses and multilateralization this agreement. We also anticipate that there will be considerable interest in reviewing the more fundamental issue whether a treaty that is intended to prohibit an effective defense of the United States against missile attack is consistent with our Nation's vital security interests and emerging threats.

Therefore, we respectfully suggest that further negotiations on either the demarcation or multilateralization efforts, or any other efforts that bear on the viability of the ABM Treaty, be suspended until the new Congress has had an opportunity to examine these questions with care.

Sincerely,

RICHARD K. ARMEY.

FLOYD SPENCE.
NEWT GINGRICH.
C.W. BILL YOUNG.
HENRY J. HYDE.
BENJAMIN A. GILMAN.
CHRISTOPHER COX.
LARRY COMBEST.
TOM DELAY.
SUSAN MOLINARI.
JOHN A. BOEHNER.
BOB LIVINGSTON.
JERRY LEWIS.
JOE SKEEN.
BILL PAXON.
JOE BARTON.
JOSEPH M. MCDADE.

THE WHITE HOUSE,
Washington, DC, January 26, 1995.

DEAR MR. LEADER: Thank you for your recent letter concerning theater missile defenses and the ABM Treaty. I believe it is important for the Administration and the new Congress to continue our dialogue on these important issues.

The Administration is firmly committed to two fundamental objectives in the area of missile defenses. First, we believe it is critical to preserve the viability and integrity of the ABM Treaty. This important Treaty remains a cornerstone of U.S. security policy and our new relationship with Russia. It is also essential if we are to continue implementing the dramatic reductions in strategic nuclear forces negotiated during the Reagan and Bush Administrations (START I and START II). Second, we are committed to deploying highly effective theater missile defense systems (TMDs).

The key to preserving both the ABM Treaty and a robust TMD program is the successful conclusion of ongoing negotiations in the Standing Consultative Commission (SCC). These negotiations seek to clarify the distinction in the ABM Treaty between TMDs (which are not limited by the Treaty) and strategic ABMs (which are limited by the Treaty). This is not a question of ''expanding'' the ABM Treaty's limitations. Rather, we are acting in consonance with the sense of Congress, as clearly expressed in the Missile Defense Act of 1991 (P.L. 102–190) and recently reaffirmed in the National Defense Authorization Act for Fiscal Year 1995, that we pursue negotiations to clarify the boundary between TMDs and ABMs. The U.S. position in these negotiations is intended to ensure that advanced U.S. TMD systems can proceed, even though some of them may have a theoretical capability under certain scenarios to intercept certain ballistic missiles.

Over the past year, we have made considerable progress in the SCC towards achieving these objectives. All parties to the negotiations agree on the need to clarify the TMD/ABM boundary, and there appears to be an emerging consensus that such important TMD systems as THAAD, CORPS SAM, Navy Lower Tier and PAC-3 do not cross this boundary. There are, however, still a number of substantive issues that need to be resolved, including our commitment to secure specific deployment options related to air-based TMD and Navy Upper Tier. As I said in my letter of October 22, we will not rush this process or enter into any agreement that does not meet our national security requirements for highly effective TMDs. This commitment was underscored by my recent decision to proceed with demonstration/validation testing of the THAAD TMD system.

I look forward to working closely with Congress as we pursue our common objectives in this area.

Sincerely,

BILL CLINTON.

Mr. SPRATT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise first of all, along with a number of other Members on this side, to make inquiries as to exactly what the purpose of this particular proposal is.

First of all, could I ask the gentleman from California [Mr. HUNTER], the particular objection we have, other than the fact that we are multilateralizing the ABM Treaty, and I do not think we multilateralized it, they did, when they splintered into a number of different countries.

The former Soviet Union is no more, so countries which have missile weapons, that missile defense system is still there.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. SPRATT. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, the administration, by the President's own admission, because he has sent a letter back to the Republican leadership after they initiated a letter essentially asking the President, having heard reports from the Pentagon that senior arms negotiators were attempting to expand or were discussing with the Soviet Union, with their negotiation team, the expansion of the ABM Treaty to include limitations on theater defenses, and concerns with that negotiation position were expressed by the Chairman of the Joint Chiefs, General Shalikashvili.

They were expressed at the hearing in which the gentleman sat in with me when the Secretary of Defense appeared before us. My understanding of his words, the transcript speaks for itself, is that he, too, was concerned with negotiating limitations on theater defenses.

The Republican leadership sent a letter to the President and asked him not to engage in negotiations that would limit theater defensive systems. Let me say that the President responded with a letter, and I can get the letter and we will have it before me, but as I recall, the letter did not say or did not alleviate the concerns of the Republican leadership.

Mr. SPRATT. Reclaiming my time, Mr. Chairman, just to clarify the question, the gentleman's real concern is not multilateralizing it, because that is sort of a fact accomplished by the breakup of the Soviet Union, but it is the fact that this administration seems to have expressed concerns about the THAD in particular.

Mr. HUNTER. No, Mr. Chairman. If the gentleman will continue to yield, there were two concerns expressed by the Republican leadership. One is multilateralization, bringing in the former Soviet States, Byelorus, Kazakhstan, Ukraine and others, but it was also the limitations that are projected to be placed on the development of theater defensive systems that has upset both our own military people, who are concerned about protecting American military contingents in theater, and a number of people, I think, on both sides of the aisle.

Therefore, the Chairman's resolution, as I understand, is a sense of the Congress resolution advising the President that we do not wish him to place constraints on theater ballistic missile systems through the ABM Treaty.

Mr. SPRATT. The provision that is printed in the RECORD ends by saying ''These negotiations should be suspended until the 104th Congress has had the opportunity to review these matters.''

I would ask the gentleman, Mr. Chairman, does he have in mind simply a hearing? What is the opportunity of review?

Mr. HUNTER. If the gentleman will continue to yield, since I am the world's greatest expert on my own opinion and my own perception, I think it is a terrible mistake to enter in, when Navy upper tier, I think the best theater defense system that the Navy is developing, is possibly going to be constrained under what the President's negotiators have proposed, I think it is a mistake to impose limitations on theater defensive systems when we have a rapidly evolving threat coming from China, from North Korea, from other sources.

My own opinion is I think we should not constrain theater defensive systems. I think we need to have our intelligence personnel appear before us. I think we need to see if Secretary Perry is going to prevail, and if General Shalikashvili is going to prevail.

Mr. SPRATT. What the gentleman is seeking is just a hearing with the relevant parties and interests before the committee so we could better understand what is going on and express our opinion?

Mr. HUNTER. If the gentleman will continue to yield, I would advise my friend, the gentleman from South Carolina, also to work with the administration and try to change their opinion.

What I would like to do and what others would like to do is change the position of the administration and not constrain theater missile defense. I think it is a very difficult thing to do right now when the threat is evolving rapidly, and I think also the multilateralization is a problem.

Mr. SPRATT. Mr. Chairman, I thank the gentleman for expressing some clarification of what it is they seek. I have no particular problem with it. I propose simply that we accept it and move on.

Mr. GILMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the gentleman's amendment. I believe it is important to send a clear message to President Clinton that a majority of Members in this Chamber do not agree with the administration's position with respect to the ABM Treaty.

Along with a number of other senior Republicans, including Members of the Republican leadership, I requested the President to suspend ongoing negotiations with regard to the ABM Treaty until he consulted with the 104th Congress.

The President respectfully declined to do that. That's because the administration is in the midst of negotiating changes to the treaty that could undercut our ability to deploy highly effective TMD's.

The administration is also seeking to add other countries as signatories to the ABM Treaty. That could pose an obstacle to deployment of effective missile defenses for our national territory.

This amendment is a shot across the bow to the administration, sending a clear signal that we are serious about this issue.

Accordingly, I urge my colleagues to support Mr. SPENCE's amendment.

Mr. DELLUMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let us move on. This is about hearings. We ought to have them. We are on the record saying we ought to explore these insignificant questions.

Let us not debate this matter. Let us accept it, and move on to other more substantial and substantive amendments. We are prepared to deal with it. I would have hoped that my colleague would have alerted me earlier about this amendment and we could have talked about it in committee, we could have looked at it thoroughly in committee.

Notwithstanding that, let us get beyond this, accept the amendment, and let us move on to other items.

Mr. HUNTER. Mr. Chairman, would the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, this is an important policy decision that the administration is undertaking right now with respect to theater defense limitations.

□ 1710

I think it is an extremely important issue. I would like to get a vote on it because I think it is important to have a sense of the House, regardless of the final outcome of the bill, on this issue. I think it is a very important arms control limitation amendment. And I would like to have a vote.

Mr. SPRATT. We accept the amendment. Is that not sufficient?

The CHAIRMAN. The gentleman from California [Mr. DELLUMS] has the time.

Mr. DELLUMS. Let me first respond to my colleague by saying, look, we all know there are very significant amendments here. Take the amendment. Every time you call for a vote, you take out of the debate much more significant amendments that we need to debate here. You are going to win today. We thought you had written the bill the way you wanted to write it in the first place. You have got the votes to do it. Why now trample upon the little bit of time that we have to try to make up for it here? You could have written this bill any way you wanted to. We accept the amendment, and let us go forward.

Mr. DORNAN. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from California.

Mr. DORNAN. Is the distinguished and esteemed gentleman acknowledging, or am I hearing something incorrectly, that the policy is flawed as stands and should be changed?

Mr. DELLUMS. The gentleman knows that both of us are very articulate people. We need not put words in each other's mouth. I am saying very specifically, you have got the votes. Go on and accept the amendment. Let's not filibuster this issue. Let's get on to other amendments that are very important. That is exactly what the gentleman is saying.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from California.

Mr. HUNTER. I thank my friend the gentleman for yielding.

Let me just say to him that if this were a motion to adjourn or some kind of a delaying motion, I would agree with him completely. I am just saying to my friend, and I hope he will accept this, I think this is a very important part of arms limitation. It got a lot of us riled up when we saw it happening. You and I know the difference between having a vote in which you have real numbers on the scorecard instead of an acceptance where we say, ''Well, we accepted it to get it off the table and under the carpet.''

I do intend to call a vote on it because I think it is important to have a vote. I guarantee my friend I will be short of words for the rest of the day.

Mr. DELLUMS. If I might reclaim my time, Mr. Chairman, then let's get on with it. Call for the vote and let's do it.

Mr. DORNAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I understand the need to move on when both sides are in agreement about who is going to win today here on an important amendment. I have not criticized anybody on the other side of the aisle for raising a little ruckus around here about the Republican Contract With America and having the most unusual 100-day period we have ever had here. The reason I have not objected to the passion of anybody on the other side, from the new conscience of the minority, HAROLD VOLKMER, or to any other passion is that I spent one-third of my adult life, no, one-third of my entire 60 years in the minority on this side and I feel your pain, and I mean it. But this is a moment I have waited for, for a long time.

Look, Mr. Chairman. We all know that over 1 million Americans are following this debate on C–SPAN. That is the Rose Bowl filled 100 times, or 10 times. That is the Coliseum filled 10 times. And they don't have close-up cameras all the time.

I want to make a few points as the self-appointed historian of this body, and I don't know who takes that role in the Senate.

Fifty years ago today, the Nazi empire of Hitler's Fortress Europe was pushing buttons and launching in this month of February, 50 years ago, hundreds of ballistic missiles. Their guidance systems were rudimentary, but they were good enough to kill innocent men, women, and children all over southern England. And those that did not make the route killed innocent people as they fell on the Netherlands or Belgium working their way to wreak havoc. Hitler's V–1, a cruise missile in today's terminology, and his V–2, a ballistic missile, were not named V for victory, they were named V for vengeance. Believe me, we can, God forbid, have in the future what one of the great liberal papers of America calls a ''rogue missile'' coming at us.

Listen to what one of America's 3 major newspapers says in closing in an editorial that I found much exception to on technological points, but listen to this closely. And I will tell who it is afterward:

''While it remains a global power and within the limits of technological and financial sense,'' and this is what we will debate with the gentleman from California [Mr. DELLUMS] in his forceful and articulate manner in hearings later in the year, ''the United States must be able to protect forces that it sends on distant missions. And also to protect our allies. There lies the irreducible rationale for an effective theater missile defense.''

That is the liberal great Washington Post.

Now, while we possess the technology to defeat a threat, certainly at the level of Hitler's vengeance weapons, we now have the ability to detect, to intercept, and to destroy incoming missiles, but we still do not have the ability to protect one single American city, not a village, hamlet, or town, not an innocent man or woman anywhere in the continental United States or our possessions from Guam, where our day begins, to the Virgin Islands, from Alaska to Hawaii, nowhere can we defend ourselves from missiles. And we still hear voices in this Chamber defending the ABM treaty signed with an evil empire, an entity that is gone. It does not exist anymore.

The CHAIRMAN. The time of the gentleman from California [Mr. DORNAN] has expired.

(By unanimous consent, Mr. DORNAN was allowed to proceed for 1 additional minute.)

Mr. DORNAN. We must later in the year address this ghastly problem of us failing the Preamble to our great Constitution, the original contract, to provide for the common defense.

There are lots of statements people make around here out of polling, from all sorts of great pollers on both sides of the aisle, and we say it is true that most Americans are opposed to most abortions, then we debate that ad nauseam.

Then we have all sorts of things, we say do Americans want this, do they want that?

Here is a statement that I say that I know cannot be refuted. Not 0.1, not 1 percent of this Nation knows that with the trillions of dollars spent under Reagan-Bush or a quarter of a trillion that we are going to spend every year into the future, that is $1 trillion during the Clinton years, that we are unable to defend ourselves from some rogue missile sent by some terrorist group.

I know the gentleman from California [Mr. DELLUMS] carefully talks——

The CHAIRMAN. The time of the gentleman from California [Mr. DORNAN] has again expired.

Mr. DORNAN. Mr. Chairman, I ask unanimous consent to proceed for 30 additional seconds.

Mr. PETERSON of Florida. Mr. Chairman, reserving the right to object, with all due respect, we are operating here with a very tight time constraint. We do appreciate your historical perspectives. But I think we do have to move on and get to the substance of this bill. We have real concrete concerns that we have got to view here with the American public and with our colleagues and we have got to move on. We would ask that we call for a vote on this amendment.

Mr. HUNTER. If the gentleman would yield, I would ask my colleagues since we are going to call for a vote, I think a vote is important to send a message to the President. I would ask my colleagues to refrain from making more speeches so there is time left for the other side to offer the amendments that they have planned in the next several hours.

Mr. PETERSON of Florida. Mr. Chairman, with the caveat that this would be the last 30 seconds, that we are going to restrain ourselves from the unanimous consent and ask for the vote immediately following this 30 seconds, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DORNAN. The gentleman is so gracious, I will cut it to 15 seconds to finish my point.

I look forward to a debate with one of the fairest former chairmen ever, the gentleman from California [Mr. DELLUMS] on the danger of suitcase bombs being dumped out of old freighters into the mud of our harbors. That is equally as dangerous as a rogue missile. We will discuss that later. But we must fulfill this part of the contract on theater missile defense.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina [Mr. SPENCE].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HUNTER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 320, noes 110, not voting 4, as follows:

[Roll No. 135]

AYES—320

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Borski
Boucher
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Clyburn
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Everett
Ewing
Fawell
Fazio
Fields (LA)
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (RI)
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manton
Manzullo
Martini
Mascara
McCarthy
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Reed
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Scott
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torricelli
Traficant
Upton
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Young (FL)
Zeliff
Zimmer

NOES—110

Abercrombie
Ackerman
Barrett (WI)
Beilenson
Bentsen
Bonior
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
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Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
DeFazio
DeLauro
Dellums
Dicks
Dingell
Dixon
Doggett
Durbin
Engel
Evans
Farr
Fattah
Filner
Flake
Foglietta
Ford
Frank (MA)
Furse
Gejdenson
Gephardt
Gutierrez
Hamilton
Hastings (FL)
Hilliard
Hinchey
Jackson-Lee
Johnson (SD)
Johnson, E. B.
Johnston
Kennedy (MA)
Kennelly
LaFalce
Leach
Lofgren
Lowey
Luther
Maloney
Markey
Martinez
Matsui
McDermott
McKinney
Meehan
Meek
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Rahall
Rangel
Reynolds
Richardson
Rivers
Rose
Roybal-Allard
Rush
Sabo
Sanders
Schroeder
Schumer
Serrano
Slaughter
Stark
Stokes
Studds
Thompson
Torres
Towns
Tucker
Velazquez
Vento
Volkmer
Ward
Waters
Watt (NC)
Williams
Woolsey
Wyden
Wynn
Yates

NOT VOTING—4

Becerra
Lantos
Lewis (GA)
Young (AK)

□ 1738

The Clerk announced the following pair:

On this vote:

Mr. Young of Alaska for, with Mr. Lewis of Georgia, against.

Mr. OWENS, Mrs. KENNELLY, and Messrs. ROSE, PALLONE, LAFALCE, FOGLIETTA, DOGGETT, MATSUI, LUTHER, MOAKLEY, WARD, and EVANS changed their vote from ''aye'' to ''no.''

Mr. WILSON, Mr. POMEROY, and Mrs. LINCOLN changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1740

The CHAIRMAN. Are there other amendments to the bill?

AMENDMENT OFFERED BY MR. SPRATT

Mr. SPRATT. Mr. Chairman, I offer amendment No. 41.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SPRATT:

Strike out title II (page 11, line 12 through page 12, line 25) and insert the following:

TITLE II—POLICY REGARDING PRIORITY FOR MISSILE DEFENSE PROGRAMS

SEC. 201. POLICY.

The following, in the order listed, shall be the policy of the United States with respect to the priority for development and deployment of missile defense programs:

(1) First, ensuring operational readiness of the Armed Forces and accomplishing programmed modernization of weapons systems.

(2) Second, as part of such modernization, completing the development and deployment at the earliest practicable date of more effective theater missile defense (TMD) systems by adequately funding essential theater missile defense programs.

(3) Third, developing as soon as practicable, subject to the availability of funding, a ground-based interceptor system capable of destroying ballistic missiles launched against the United States.

Mr. SPRATT. As I said earlier, one sure way of fulfilling the dire prophecies set out in the preamble of this bill in title I is to do what is called for in title II of the bill and sink huge sums of money into a so-called national missile defense system, especially if this missile defense system employs space-based interceptors at the earliest practical date. That is why I am offering this amendment to title II of the bill.

Mr. Chairman, I support a strong defense, I believe in and support ballistic missile defense, but I think we need to get our priorities in order. I first want to make sure that our forces—and they are going to be downsized and smaller—are ready to fight. I want to make sure the equipment they take to battle is the best we can possibly give them and I want to assure them off the battlefield, they and their families, a quality of life.

Title II can be read to mean many things. If it means a missile defense system that envelops the whole Nation and employs space-based interceptors, the cost will put at risk all of our other priorities.

During markup of this bill, I tried to clarify title II with an amendment which I filed in the RECORD, an amendment stating exactly what sort of system it calls for, and specifying a system with a ground-based interceptor.

What happened? The amendment that I offered was rejected by every Republican member of the committee.

I filed that same amendment in the RECORD for consideration on the floor, but rather than offering it, I have taken it and boiled it down. I am offering instead the boiled-down version that really tries to set straight the priorities set forth in title II.

I offer this amendment because I think if title II becomes law without it, it could be taken to mean deployment of a national defense system made up of space-based interceptors. Such a system could easily cost $25 billion to deploy, and that $25 billion can only be funded at the expense of other priorities, like readiness and theater missile defense, with which we are all concerned. My amendment is to make sure that a national missile defense system is not put ahead of other, higher priorities. It requires, very simply, this: One, that readiness and modernization should be funded first and should take priority over national missile defense. Second, that theater missile defense should take priority over national missile defense because it deals with a threat that is here and now, one our forces will face if deployed to almost any theater in the world today.

The third priority my amendment states is that any national missile defense system developed should start with a ground-based, and not space-based, interceptor.

I am not opposed to space-based interceptors, but if they are to be used for ballistic missile defense, they should come later rather than sooner. The right place to start with missile defense technically and in terms of cost is on the ground.

So I offer this amendment to correct several concerns I have about title II of the bill.

First, Mr. Chairman, I am concerned about national defense and about national defense spending. I would like to see more money be spent on national defense, but I also think that $250 billion a year is real money and that it will fund our requirements, provided we spend it wisely.

In the 1980's we spent $25 billion on the strategic defense initiative without fielding a single system. In the 1970's we spent $115 billion, in today's money, fielding the Spartan and Sprint, only to stand them down once they had been deployed. We cannot afford such excesses in the 1990's. That is why we have to be sensible, prudent and cost-effective and amend title II and set our priorities straight.

Readiness first and foremost, that is the first priority; theater missile defense over national missile and national missile defense must start with ground-based interceptors rather than space-based interceptors.

Mr. Chairman, I am concerned about ballistic missile defense. I believe in it, and I think we should perfect a ground-based missile defense system. The amendment I offered in committee would call for just such a system. But the system I called for would be complied with the ABM Treaty. I think the time is coming when we will want to change the ABM Treaty, amend it by agreement with the Russians. But now since START–II sits in the Russian Duma waiting to be ratified, now is not the time to talk of abandoning or scrapping the ABM Treaty. We believe that we can develop the capability of intercepting incoming missiles, but we cannot be certain. We can be certain of this: If START–II is ratified, 4,000 to 5,000 warheads aimed at us will be intercepted, taken down, their delivery systems destroyed, their silos filled up. Why risk ratification of START–II by even obliquely proposing, as title II does, that we scrap the ABM Treaty?

My amendment does not preclude national missile defense; far from it, it simply puts funding for missile defense in the right order, and I urge support of the amendment.

Mr. WELDON of Pennsylvania. Mr. Chairman, I move to strike the last word, and I rise in opposition to the gentleman's amendment.

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. First of all, I have the highest respect for our colleague on the other side who has offered this amendment.

Mr. Chairman, perhaps few in this body have spent as much time on missile defense as our colleague from South Carolina. I want to acknowledge that up front, and his leadership role.

I do have a clarifying question I would like to ask of our colleague who offers this amendment, because there has been a lot of rhetoric spoken on the House floor in terms of what we are talking about.

□ 1750

If my colleagues listen to our gentleman speak, he never once used the words ''star wars'' during his eloquent statements on the House floor. Now I have counted at least over 60 times the Members on the other side have used that term, which means I am donating $60 to the Science Fiction Writers Foundation to help them in their activities, but our distinguished colleague never used that because he understands what we are talking about here, I think, as well as anyone. But what he does not mention in his amendment when he talks about a ground-based interceptor system is whether or not that includes or even allows for space-based sensors.

Would the gentleman qualify that for me, please?

My question is, as we have heard all this rhetoric about space-based and all, the gentleman knows well what we talk about when we say space-based sensors which are not actual weapons, but is a method of detecting when missiles are actually launched.

Does the gentleman's motion, for the record, his amendment—in fact does he intend to acknowledge it even though he does not say it?

Mr. SPRATT. Mr. Chairman, will the gentleman yield?

Mr. WELDON of Pennsylvania. I yield to the gentleman from South Carolina.

Mr. SPRATT. As the gentleman knows, when I offered an amendment in committee, it was very specific as to what the system I would propose would be, and it is in the record. It includes a ground-based system, and it includes sensors, either ground-launched, pop-up systems, or space-based systems, so-called——

Mr. WELDON of Pennsylvania. I think——

Mr. SPRATT. Those two are necessary to this. I voted for the last particular amendment because I think that probably the theater missile defense, to reach its optimal efficiency, will need some satellite assistance to cue the missiles.

Mr. WELDON of Pennsylvania. Mr. Chairman, I thank the gentleman for that point, and I think that is a very important point for us to begin on, that the gentleman from the other side offering this amendment agrees that space-based sensors are important for what the Minority side wants to pursue, and that is a theater missile defense system.

I say to my colleagues, ''So, when you hear rhetoric on the floor, people talking about space-based weapons, even this amendment calls for space-based sensors, which I think our colleague would also acknowledge the Russians already have, and in fact have been using, as a part of their operational ABM system around Moscow.''

Let me say the reasons why I have to—my added point would be:

''Why did not the gentleman include that in the text of the amendment?''

Mr. SPRATT. I was simply trying to simplify. In my opinion, if the gentleman will read the other amendment which I filed in the RECORD, a ground-based system includes by definitions space-based sensors. It could have ground pop-up sensors, as the gentleman knows. At one time the ground-based system had pop-up sensors that would have been launched only at a time of threatened attack.

Mr. WELDON of Pennsylvania. Mr. Chairman, I thank the gentleman from South Carolina [Mr. SPRATT] for that, and I take back my time.

The key problem that I have with this amendment, Mr. Chairman, is that it does not get at the heart of what this debate is all about, and that is asking the Secretary to report back to us within 60 days for as soon as practicable deployment of the beginning of a national ballistic missile system.

Now we have it on the RECORD, the tiger team that did the research for Secretary Perry looked at three options and, in fact, reported to the Secretary last week that they can begin to deploy a limited national defense system for approximately $5 billion over 5 years. It is not 10, it is not 20, it is not 25; $5 billion.

Furthermore, they have stated that technology will give us a 90-percent effective rate for the kinds of targets that it would focus on, namely the SS–25 and a conglomeration of three missiles with three warheads.

But we do not want to specifically limit what the Secretary can go back and recommend to us, which is one of the further reasons why I have to object to this. We do not want to tell him what he should, in fact, be looking at. We want to leave that up to him, and we have confidence in the Secretary that within 60 days he will come back and tell us what the parameters of that system should look like.

Mr. SPRATT. Excuse me; will the gentleman yield?

The gentleman is saying that title 2 should be read to be carte blanche to the Secretary of Defense. Waiting on him to write the check and say what is needed?

Mr. WELDON of Pennsylvania. Reclaiming my time, what we are saying is we want the Secretary to come back to us within 60 days to tell us as soon as practicable when he can deploy the national missile defense system, and he acknowledges publicly he can deploy for not $10 billion, not $20 billion, but $5 billion over 5 years.

Now, in terms of the first title of this, readiness, we are all for readiness. As a matter of fact, we were extremely critical of the Secretary when we acknowledged in the committee when he came before us that his defense budget for this year is $5 billion less than the acquisition accounts, than what he told us it would be last year. So we acknowledge that.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. Weldon] has expired.

Ms. HARMAN. Mr. Chairman, I move to strike the requisite number of words.

I rise in strong support of the amendment offered by the gentleman from South Carolina [Mr. SPRATT] and hope I can add some clarity to this debate.

I think that the gentleman from South Carolina [Mr. SPRATT] has shown great leadership on this subject, and what he offers today is intended to take the inexact language of H.R. 7 and help us go in a much more constructive direction.

I am an unabashed supporter of ballistic missile defense which I know is in our national security. In fact, last year I joined with our former colleague, Now Senator KYL, to add money to the BMD account. We were successful in committee, but lost on the House floor.

The Spratt amendment does the sensible thing, particularly because it makes clear that our priority for the short term is theater missile defense and not national missile defense. I would urge that we deploy at the soonest practicable day TMD, not NMD, and I worry that if and when this Contract passes, we will skew our priorities and spend our money on the wrong thing first.

Missile proliferation is here. One only has to go to the country of Israel to realize how vulnerable that ally is. A missile launched from Syria can land anywhere on the continental soil of Israel in 1 minute. A missile launched from Iran takes 5 minutes. Our ballistic missile defense capability is not adequate, not adequate. But what we must do first is protect against short- and medium-term launches, and we are proceeding to do that.

I also believe I heard my colleague, the gentleman from South Carolina [Mr. SPRATT], say—I hope he said—that space-based interceptors, interceptors, should come later. I am not against space-based interceptors in our future, but I am against them right now as a priority.

□ 1800

I believe that that is the intent of the gentleman's amendment, and I will oppose any amendment that would ban space-based interceptors for the future.

I would say to my colleague, the gentleman from Pennsylvania [Mr. WELDON], who is now running his interesting contest here, that the ''S'' word I intend to use here is space-based, and not star wars.

Mr. Chairman, I urge support for the Spratt amendment.

Mr. BUYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, to my colleagues I would like to comment on this. I agree with the gentleman from California [Mr. DELLUMS] when he talked about the seriousness of what we are debating. We are debating really a change in policy in this country. So I was disturbed as I was sitting in my office and kept hearing all the comments about Star Wars, Star Wars, Star Wars.

I was not around. I was not here in the Congress when Star Wars came up, and I know there is some political gamesmanship being used with regard to a national missile ballistic defense. I can only share with you from personal experience. The gentlewoman cited Israel. All of you know I served in the Gulf war, and the first Scud that came in in Dhahran was exploded by a Patriot interceptor above our head, and the fuselage landed in a John Deere implement plant. So I understand what theater missile ballistic defense is about, and I congratulate the gentleman for his sincerity in his effort to move in further development of theater ballistic defense. But I also share a concern about national ballistic defense, and the present vulnerability that we have and the present policy that this President has undertaken.

So I think that there is a major shift in policy, and one which this Congress should debate about and one which we should in fact change.

To the reference to Star Wars, I do have to add this though to my colleagues, that science fiction becomes science fact. Think of that. Science fiction does become science fact. So when you use the word ''Star Wars'' and you throw that out there as if you are trying to say we are going to throw some money down some rat hole and we

never know what is going to happen, I want you to think about a couple of things.

Those that say that a national missile ballistic defense is some flight into fantasy, think of this: The use of a submarine I am sure was a flight into fantasy for John Paul Jones; and I am sure that the use of air power in the land battle was a flight into fantasy for General Sherman, to utilize balloons in the Civil War; and I am sure the use of an atomic weapon would have been a flight into fantasy for General Pershing and General Summerall in World War I. And I am sure that the use of satellites and unmanned aerial vehicles was a flight into fantasy, that we used in the Persian Gulf war, to in fact General Eisenhower.

Mr. Chairman, Jules Verne turned science fiction into science fact when he foresaw man walking on the bottom of the ocean, for which we have today. My gosh, even those of us that grew up in the George Jetson era saw teleconferencing in the early 1960's on TV.

But the reason I bring that up is when you use star wars out there, I think you are complementing America. You really are. You think you are trying to tear down something. But when you refer to star wars, you are buying into something. You are buying into the saying yes, America has the innovation and the initiative and the drive to develop new technologies.

So you can use star wars. Some people get offended by it. I think it is a compliment. You are complimenting those of us that want to pursue the development of technology. So use it. I am not offended.

I know what it is like to be there on the ground floor, under a missile attack, and have it intercepted by a Patriot. Thank God there were people here in this body that had the willingness to develop such technologies. And if any of you were here that made those decisions, God bless you, and I am thankful to you.

Mr. BISHOP. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in support of the amendment offered by the gentleman from South Carolina [Mr. SPRATT], requiring that readiness, modernization of equipment and quality of life for military personnel and their families are adequately funded and given priority over national missile defense.

The cold war is over, and the threat of a large-scale nuclear war has been greatly diminished. While I agree with my colleagues that there is a need for missile defense programs, I do not believe that additional funding should be placed in a space-based interceptor system at this time.

Mr. Chairman, in the two previous administrations, we poured over $30 billion into programs like Brilliant Pebbles, gamma ray lasers, neutral particle beams, and more, and all we have to show for it are the engineering view graphs. After spending $30 billion we do not have one weapons system to show for the Strategic Defense Initiative.

I have four military installations either in or on the edge of my district. Moody Air Force Base, Albany Marine Logistics Base, Fort Benning, the Army's premier infantry center, and Robins Air Force Base. Most importantly, the military personnel, these young men and women, are the first to deploy and leave their families in time of conflict. They always stand ready to go on the call of the Commander-in-Chief, professionals, trained to execute their military orders, and, if necessary, they are willing to pay the ultimate price.

When visiting these installations, my conversations with the troops focus around the issues of readiness, of modernization of equipment, and the quality of life for their families. Many of them are concerned about sufficient support for our military effectiveness. They question whether we will truly be able to adequately fight two major conflicts anywhere in the world at one time. They further question me about the commitment of this Congress to replace outdated equipment, weapons systems, computer systems, software and hardware, and, last but not least, they express concern about the lack of adequate housing and the other support for the welfare of their young military dependent families.

Let there be no misunderstanding, Mr. Chairman. These young men and women are not complaining about serving their country. In fact, they serve this country with great pride, dignity, and honor. At a time when we pledge to balance the budget and to be more responsible in our spending, let us be responsible to the readiness and the welfare of our troops and their families.

Support the amendment that invests in readiness, in modernization, and quality of life for our military personnel and their military dependent families. Support the amendment offered by the gentleman from South Carolina [Mr. SPRATT].

Mr. Chairman, I rise today to support the amendment offered by the gentlemen from South Carolina requiring that readiness, modernization of equipment, and quality of life for military personnel and their families are adequately funded and given priority over national missile defense.

The cold war is over and the threat of a large scale nuclear war has been diminished. While I agree with my colleagues that there is a need for a Missile Defense Program, I do not believe that additional funding should be placed in a space-based interceptor system at this time. Mr. Speaker, in the two previous Administrations we poured over $30 billion dollars into programs like Brilliant Pebbles, Gamma Ray Lasers, Neutral Particle Beams, and more, and all we have to show for it are the engineering view graphs. After spending $30 billion, we do not have one weapon system to show for the Strategic Defense Initiative.

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At a time when we've pledged to balance the budget and be more responsible in our spending, let's be responsible to the readiness and welfare of our troops and their families. Support the amendment that invests in readiness, modernization, and quality of life.

Mr. HUNTER. Mr. Chairman, I rise to strike the requisite number of words.

Mr. Chairman, like all members of our Committee on National Security, I have the greatest respect for my friend from South Carolina, and I want to thank him for all of his efforts and work with respect to missile defense.

I want to also thank Members on the Republican side, and I know I am looking at Mr. WELDON, and I think of him and Mr. HEFLEY and HAL ROGERS and others that signed a letter to Israel in 1987 saying that although you have great fighter aircraft and you have great armor and great ground troops, if a missile was launched, a Russian missile from a neighboring Arab country, you would have no defense against it, and we asked them to drop the LAVI fighter system and start developing a theater ballistic missile defense system.

I want to thank them for that letter to our SDI leaders and to Israel, because it had an effect in turning Israel away from building fighter aircraft and doing what they knew they had to do for national survival, and that is defend against incoming missiles. And I might say to my colleagues that that projection turned out to be an accurate projection. While we projected Russian missiles might come from Syria, they came from another Arab country. The truth of the matter that we have to be able to stop incoming ballistic missiles was not lost on them.

Let me go straight to what I think are the fatal defects in the Spratt

amendment. First, it competes readiness and missile defense, and readiness and missile defense should not be competed. I can tell the gentleman that under this Republican House, and I think with the gentleman's help, the readiness budget that the President submitted will be increased this year. I can say as the chairman of the procurement subcommittee that the procurement budget that Secretary Perry cut again, just 12 months ago, from $48 billion to $39 billion, will be increased this year. I think I can tell the gentleman that with some confidence. This is not an either/or situation. In competing these systems, it is like telling an infantry commander, you cannot have any defense against mortars until you can certify to me you have a total defense against machine guns. The point is that missile defense does contribute to readiness because your soldiers in the rear area, if it is theater defense, know they have some knowledge they are going to be defended against incoming missiles. I would submit there also is an increase in morale if they know their communities back home have some defense against a Libya or against an Iraq or against another adversarial country.

So the point is we are not going to decrease readiness, we are not shopping readiness versus theater defense, we are not going to decrease procurement, shopping procurement against theater defense. And, lastly, the gentleman leaves out the word ''deploy.'' The Republican policy is to deploy a national missile defense.

Mr. Chairman, we have heard a lot of talk about the cost. This is a statement that Secretary Perry made, and I have tried to give it a couple of times. But he said:

> We have a national missile defense program. That is the program the Secretary is funding, which will lead I think in a timely way to a deployed system. It will be at a relatively small cost, probably $5 billion in very round figures for the cost of the system.

Mr. Chairman, we are spending 10 times that amount in environmental costs in the defense budget. So if the gentleman put up something that said maybe we should shop environmental costs off in favor of national missile defense, I might be inclined to accept the Spratt amendment.

Mr. WELDON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Pennsylvania.

□ 1810

Mr. WELDON of Pennsylvania. Mr. Chairman, I thank my colleague for yielding.

I just want to add that in that assessment done for the Secretary, General O'Neill tells us that we can get a 90 percent effective rate against three SS–25s that would be the likely scenario of a third world nation getting SS–25 capability. Some would argue that is not possible.

I would remind my colleagues, as I know my colleague in the well knows, that it was just a few short months ago that the Russians offered to Brazil to take an SS–25 and use it for a space launch effort. So they in fact are looking at the availability of making the SS–25 architecture available for other countries.

Mr. HUNTER. Mr. Chairman, reclaiming my time, let me tell my colleagues also that two representatives from two of our national nuclear laboratories were here last week stating that they can build a space system for about 50 percent more. That is about $7.5 billion. And that, once again, is roughly less than 1/100th of the defense budget on an annual basis and less than half of what we spend on environmental matters in the defense budget.

The CHAIRMAN. The time of the gentleman from California [Mr. HUNTER] has expired.

(By unanimous consent, Mr. HUNTER was allowed to proceed for 2 additional minutes.)

Mr. HUNTER. Mr. Chairman, I yield to the gentleman from Texas [Mr. EDWARDS].

Mr. EDWARDS. I just wanted to have the gentleman clarify, as he just did, that the chart does not refer to star wars. It is a ground-based missile defense system and that some estimates for a star wars space-based system go from $11 billion to $50 billion and even Gen. Colin Powell has said that the national missile defense system would take away funds from other important defense programs.

Mr. HUNTER. Reclaiming my time, Mr. Chairman, let me just answer the gentleman by saying that two of the most prestigious scientists in this country, one from Livermore National Laboratory, one from Los Alamos, said that a space-based system could be achieved for $7.5 billion.

Let me just say further to the gentleman that the term ''star wars,'' at least as used by a lot of people who have used it for the last 20 years, means anything that shoots down an incoming ballistic missile. If they have a problem with that, I do not understand it. But certainly this system that Dr. Perry talked about is a system that engages incoming missiles in space.

Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON of Pennsylvania. I want to clarify what Dr. Evers, the Deputy Director of the Ballistic Missile Defense Office with the administration said yesterday in my office. The maximum amount for a full-blown ballistic missile defense system for our Nation would be $20 billion. So where these numbers are coming from, I do not know. But using the estimates of your officials in your administration, Dr. Evers, he said the maximum amount would be $20 billion, Dr. Evers, in my office.

Mr. HUNTER. Let me just say to my friend, we have people with varying ideas. Our point to the gentleman from South Carolina is, doggone it, let us have some hearings. Let us bring the Secretary in. Let us bring our experts from the national labs in. And let us make a decision. But let us not go with the gentleman from South Carolina's own choice, his own favorite choice, a ground-based system.

Mr. SPRATT. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from South Carolina.

Mr. SPRATT. Does the gentleman know the cost of the Patriot system, all of them, from 1967 forward? He is not here to tell the gentleman from Indiana [Mr. BUYER] that it was LBJ's program.

Mr. HUNTER. I would answer my friend that the Patriot system probably cost us a fortune. Almost everything that we did under our procurement regulations did.

Mr. SPRATT. Over $16 billion.

The CHAIRMAN. The time of the gentleman from California [Mr. HUNTER] has again expired.

(By unanimous consent, Mr. HUNTER was allowed to proceed for 2 additional minutes.)

Mr. HUNTER. Mr. Chairman, I yield to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Listening to all this, I was wondering, about where these missiles come from, I was wondering if the gentleman from California has even seen the movie ''The Russians are Coming, The Russians are Coming''?

Mr. HUNTER. Let me just answer my friend and tell him that when our troops were in Desert Storm, had incoming ballistic missiles, although those were not Russians, those were Russian-made missiles. And according to our best estimates of our intelligence officers, the weapon of choice of these Third World terrorist nations is missiles. And the Russians have let the technology out of the box.

There are Middle Eastern nations shopping in the Soviet Union right now for scientists who will sell anything, including fissile materials for a few bucks. If you believe your own Director of the CIA, Mr. Woolsey, it is time for us to move forward. Mr. Woolsey, it is time for us to move forward. Mr. Woolsey said that a number of these terrorist nations will have some ICBM capability. That means the ability to reach American cities a little bit after the beginning of this next decade. That means within 6 or 7 years.

As the gentleman from South Carolina [Mr. SPRATT] just pointed out, it took us 20 years to develop the Patriot missile. So I think the message for us is, let us get started. That is what the Republican contract does. It says, ''shall deploy.'' And the fatal flaw of the amendment of the gentleman from South Carolina [Mr. SPRATT] is it does not say shall deploy. It simply says ''develop.''

Mr. VOLKMER. Mr. Chairman, if the gentleman will continue to yield, it appears to me that this whole agenda that I am seeing here and all these scare tactics and everything reminds me that perhaps I am right in the conclusion that the John Birch Society now controls the Republican agenda on the floor of the House.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for his remarks.

I yield to the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. I just wanted to ask the gentleman, who had generously offered to reduce environmental funding in order to fund ballistic missile defense, if he had seen the letter from his Governor of California, Governor Wilson, chastising the Secretary of Defense for not fully funding environmental restoration in this budget and for rescinding some environmental money and saying that he would pursue the Secretary of Defense to the full extent of the law. I do not want to pit the gentleman against his own Governor.

The CHAIRMAN. The time of the gentleman from California [Mr. HUNTER] has again expired.

(By unanimous consent, Mr. HUNTER was allowed to proceed for 1 additional minute.)

Mr. HUNTER. Mr. Chairman, let me say to the gentleman from South Carolina, I think when Governor Wilson looks at what this member of the committee has done with defense funding and in the defense bill, he is going to be very disappointed on an environmental basis. He is going to be very happy on a strategic defense basis.

Mr. DELLUMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, my distinguished colleague from California made a very important statement. He said that there are a number of figures floating around here, so let us hold hearings. Let us talk about that for a moment.

When the Secretary of Defense came before the House Committee on Armed Services at this gentleman's request, the Secretary of Defense said that to put in place a limited ground-based system would cost between $5 and $10 billion. That is one figure. My distinguished colleague in the well from southern California said $20 billion for a space-based system. Some of our staff came to the conclusion that it would be in excess of $25 billion.

The Pentagon said that to go into space, a system could cost anywhere between $30 and $40 billion. The point is that we do not know.

But what does this bill say? This bill says, Mr. Chairman, it ''shall'' be the policy. We are able to handle the English language. It does not say it ''may be'' the policy. It says it ''shall be'' the policy of the United states to deploy at the earliest practicable date a national missile defense system, and it says that within 60 days the Secretary of Defense shall report back to Congress on a plan to implement such a policy.

But when asked, are you embracing the present administration's policy with respect to ballistic missile defense, they say no. We want to go beyond that.

So let us not be disingenuous with each other. Let us be candid.

Now, if we are saying that we want the present administration's limited ground-based ballistic missile defense system for $5 or $10 billion, then say that and not quote it out of context. If we want a space-based system, then say that as well. But my colleagues said, let us hold hearings.

This gentleman's entire argument on the committee and on the floor has been, when we move from campaign promise to legislative initiative, allow the process to be deliberative and substantive and thoughtful.

This is not a deliberative and substantive process, Mr. Chairman. We only had one half-day hearing on this issue at this gentleman's request and calling of the Secretary of Defense. We got another half-day hearing that, in part, dealt with this and the entire range of the bill, H.R. 7, which was the original vehicle, for 2 half-days of hearings. That is not a substantive deliberative process.

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Mr. Chairman, this gentleman knows, and so does this gentleman, a more deliberative process would be to raise these issues in the context of the DOD authorization bill allowing the gentleman's subcommittee and others in a deliberative, substantive, thoughtful way to hold detailed hearings, to look at the implications, and arrive at a more intelligent view as to what it is we want and how much it is going to cost.

We are sitting here today, Mr. Chairman, in the afternoon looking at $5 or $10 billion on the low end and $40 billion on the high end. We are just throwing figures around. I would want to underscore what my colleague, the gentleman from California, said. Why not slow down this process and let us hold hearings, and let us carry out our fiduciary responsibilities to the voters and the taxpayers that we quote so regularly around here, and do something responsible.

Mr. Chairman, what this bill does is place the policy before the budget consideration. That just flies in the face of logic and rationality. It makes no sense.

In a few minutes, Mr. Chairman, on the next amendment, there is going to be a motion to prohibit funds for a space-based interceptor. That is either a laser system or Brilliant Pebbles. That is something that shoots down weapons systems. We all know that, if we go to space-based interceptors, we are talking about tens of billions of dollars. The Secretary of Defense said that and so did the Chairman of the Joint Chiefs. That is a verbatim quote in the transcript that we all know, because we were all there and we all heard it.

Why, Mr. Chairman, should we be rushing to judgment, putting the cart before the horse? This can be dealt with in the normal course of things, and my distinguished colleague, the gentleman from California [Mr. HUNTER], and I can deliberate intelligently, rationally, and substantively.

Why do we have to rush to judgment in the context of this contract with a 10-hour debate on the substantive initiative?

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from California.

Mr. HUNTER. I thank my friend for yielding.

Mr. Chairman, the one place where I disagree with the gentleman in his statement is this. It was a judgment, a political judgment, I think of this Nation, I think it is the will of this Nation, and it was I think a major referendum in the election.

It is the will of the Republican Party in putting the contract together and I think the will of Republicans and Democrats across the country to do one thing that does not require hundreds of hearings and does not require our participation in the process, and that is this.

The CHAIRMAN. The time of the gentleman from California [Mr. DELLUMS] has expired.

(At the request of Mr. HUNTER and by unanimous consent, Mr. DELLUMS was allowed to proceed for 2 additional minutes.)

Mr. DELLUMS. Mr. Chairman, I continue to yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, the one thing is manifested in two words, ''shall deploy.'' I would say to the gentleman, once we have made the policy decision to deploy, at that point we then go through the process of what type of deployment will take place. I think that is reasonable and logical.

I would offer to my friend that when President Kennedy said ''We are going to go to the moon,'' he did not first try to decide what kind of rocket it was going to take, he did not have the analysts come in and try to cost the thing out for 20 years. He set that as a policy, and we fleshed the policy out. I do think it is relevant that the Secretary of Defense said ''You can fulfill this thing for $5 billion if you do it against a thin attack,'' so once we have made the policy judgment to deploy, and this is a very important amendment, because the Republican bill, the House bill, the Armed Services bill, does say ''shall deploy,'' and we then flesh that out.

Mr. DELLUMS. Reclaiming my time, Mr. Chairman, I have given the gentleman the opportunity to fully discuss this.

The CHAIRMAN. The time of the gentleman from California [Mr. DELLUMS] has expired.

(By unanimous consent, Mr. DELLUMS was allowed to proceed for 3 additional minutes.)

Mr. DELLUMS. Mr. Chairman, I would like to have a colloquy here.

Mr. Chairman, the gentleman did not react adversely to the assertion that this gentleman made that we are throwing figures around here and we ought to have a hearing, but the gentleman said it was a political judgment. Let me speak to that for a moment.

If they walk into a room of people and say to them ''Did you know we do not have a defense against a ballistic missile system,'' I would bet my last dollar they would say, ''Wow, no.'' Then they would say, ''And we don't have one.'' They would say, ''Gee, we don't? Maybe we should.''

However, if I were able to enter the room, I could say several things: One, ''Folks, we are spending $3 billion a year on theater and national ballistic missile defense, $400 million on national missile defense, $120 to $130 million on Brilliant Eyes, a space-based sensor program that my distinguished colleague from Pennsylvania alluded to earlier, and over $2 billion on theater ballistic missile defense.''

The last time I looked that was not chump change. That was a significant commitment of billions of taxpayer dollars.

The second point, Mr. Chairman, if I entered that room and said to the American people assembled ''Look, folks, what makes you think that some third world country, even if they had the capacity to spend billions of dollars to develop an intercontinental ballistic missile capacity, would launch a missile toward the United States?''

We could see it on radar. Within seconds we could pinpoint who it is and render them a hole in the planet Earth, within seconds. Do you know what they could do? The easiest thing they could do? Hide a nuclear bomb in a bale of marijuana. We have not been able to catch that very well. It is easy to sneak it into the country.

You can backpack a nuclear missile into this country. You can bring a nuclear weapon into the coast of the United States with a commercial carrier. You can bring a nuclear weapon into the United States piece by piece, put it in the Empire State Building, and explode it.

What makes anyone think that spending billions of dollars on some absurd program with dubious value is going to deal with the terrorist effort? If we do, and heaven forbid if we ever do, if we do experience a nuclear bomb, it is not going to come from some international effort, it is going to come from a terrorist attack. This program does not address that issue whatsoever.

When Mr. Perle, one of their witnesses, came before the committee, I asked Mr. Perle ''Wouldn't it be easy to bring a nuclear weapon in a bale of marijuana,'' and his exact response was ''That would be the safest way to bring it into the United States.''

They can go into these kaffeeklatsches and scare people, but our responsibility, once you have knowledge, you have the burden of your knowledge. There are people in this room who know what the facts are and who have knowledge.

We have the burden of the responsibility not to exploit ignorance, but to communicate education.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I am happy to yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding. The gentleman, I think, supports theater defenses. That is the capability in theater to shoot down slow-moving ballistic missiles, Scud type ballistic missiles that are coming into troop concentrations.

Mr. DELLUMS. We have theater ballistic missile programs coming out of the ears. The gentleman knows it, and so do I.

Mr. HUNTER. Let me just ask my friend, if he relies on a policy of deterrence based on the idea that we are going to destroy anyone who launches a ballistic missile against the United States, why wouldn't he use the same rationale and rely on the policy of deterrence against anyone who would shoot a slow-moving missile, and say to Iraq, ''If you shoot a slow-moving missile at Rijadh, we are going to use a nuclear weapon against you?''

Mr. DELLUMS. Reclaiming my time, Mr. Chairman, it is fascinating, because the gentleman is shifting ground.

Mr. HUNTER. No, I am asking a question.

Mr. DELLUMS. The gentleman is now talking about theater ballistic missiles, and Mr. Chairman we already just pointed out that we are spending in excess of $2 billion.

The CHAIRMAN. The time of the gentleman from California [Mr. DELLUMS] has expired.

Mr. DELLUMS. Mr. Chairman, I ask unanimous consent for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

PARLIAMENTARY INQUIRY

Mr. ROEMER. Reserving the right to object, I have a parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. ROEMER. Is this debate taken off the 10-hour time?

The CHAIRMAN. The gentleman is correct, it is carving into the 10 hours.

Mr. ROEMER. I thank the Chair, and I withdraw my reservation of objection.

Mr. DELLUMS. Mr. Chairman, I again ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DELLUMS. Mr. Chairman, the gentleman now raises a question about theater ballistic missiles. The proponent of the amendment before the body at this point has squarely put that issue before us, saying that that is a significant priority.

However, the gentleman's discussion in this bill is about national missile defense systems, and we are saying that is tens of billions of dollars, and it is going in the wrong direction, because it does not speak to the likelihood of what might be a provocation. That is a terrorist provocation, not an over the horizon missile.

Mr. HUNTER. Mr. Chairman, would my friend yield for one brief question?

Mr. DELLUMS. I am happy to yield to the gentleman from California.

Mr. HUNTER. My question was, Mr. Chairman, if we are going to rely on deterrence, as the gentleman has suggested with national missile defense, and not have a national missile defense, why does not that same reliance on deterrence, why is it not being used in the theater, and why does the gentleman not endorse it in the theater?

Instead of having a theater ability to shoot down an incoming missile, why not just say ''We are going to launch on Baghdad when you send a Scud at us?'' I think that is a legitimate question.

Mr. DELLUMS. My quick response to the gentleman is that deterrence has worked. We have not thrown nuclear weapons at each other, but we are fighting out there in regions of the world. We fought in Desert Storm. That is a reality.

This missile exchange between us and some other person is a serious flaw. There has been no nuclear exchange.

Mr. TIAHRT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment, because I believe it embraces the policy of vulnerability. We have heard over and over that the cold war is over, that the threat is gone, but Mr. Chairman, the public does not believe that.

They realize that the former countries within the U.S.S.R. still have developed and deployed threats, missiles out there, to the tune of tens of thousands. How many of those have been taken out of service since the breakup of the U.S.S.R.? Dozens, or perhaps hundreds?

No, Mr. Chairman, they have not. They are still out there, they are still deployed. We are still vulnerable to those missiles.

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Not only that, their technology is now for sale. We know that it has been sold. There is enough evidence that it has been sold to Third World countries and that is has been deployed. We saw it during Desert Storm. So we have a deployed threat in Third World countries.

Over the last couple of years, Mr. Chairman, even this country has sold high-speed processors, computers capable of designing better and better guidance systems, once again increasing the vulnerability of this country. This does not cover all the threats that are out there. We know how quickly the mood can change internationally. We know that this is a big problem.

But one of the problems with this amendment is that it addresses only the development and not the deployment. We know that the threat is deployed, not only in the former U.S.S.R. but in Third World countries.

So knowing that the threat is deployed and that we are vulnerable, I think it makes a very simple choice. If you favor this, you favor a continued policy of vulnerability. So if you vote for this amendment, then you continue to vote for this policy of vulnerability.

It is time to vote ''no'' on this amendment offered by the gentleman from South Carolina.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think there is an awful lot of debate, hot debate on the House floor these days about where our priorities should be, and what the threats to this country are, both domestic and internationally.

One of the major concerns of the American people is our national security. I do not question that their concerns are going to be addressed fully in this bill. But the fact is that this country can never be completely secure. There are always going to be threats.

The question before the committee that has to make these decisions is whether or not the threat that is being posed by missile attacks is going to be suitably addressed by the $2.9 billion that is currently in the bill. You have got $400 million that is going to be spent on national missile defense. What this legislation will do if the Spratt amendment is not included will be to uncontrollably add to the cost of the national missile defense program.

You talk about deploying a system. Nobody has any problem, it seems to me, with suggesting that if there is a real threat to the United States that can come either from a Third World country or it can come from another nation that happens to have thousands of nuclear missiles that can attack this country, that we ought not to take every step possible to deter that attack. But if in fact the cost of that deterrence rises so quickly that it cannot actually be achieved by any reasonable level of defense spending, and if second to that there is no technology that exists in the Nation or in the world today to be able to offset that threat, then are we not just playing pie in the sky with the emotions of the American people? That is ultimately what goes on here.

I voted with many Republicans for a balanced budget amendment. But I did not do that to see this kind of irresponsible spending take place in this Chamber. We have got to be reasonable about what our priorities are and stop suggesting that we are going to be able to pay for the kinds of additional costs that this bill will have if we do not contain both the Spratt amendment and the Edwards amendment that is going to be coming up that say, yes, we ought to have a national defense against nuclear missiles that can attack this country, but we ought to do it with smarts, we ought to do it assessing what the existing technologies are, and we ought to do it with the costs in mind that are going to cripple this economy and cripple the people of this country, if we do not in fact keep in mind the escalating costs of national defense.

Mr. WELDON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from Pennsylvania.

Mr. WELDON of Pennsylvania. I thank the gentleman for yielding.

What this bill simply says, we do not put a dollar amount. We simply say to the Secretary, come back to us within 60 days and tell us what is doable in terms of implementing national missile defense. We then have to take his recommendations and put them into the context of all of our other priorities and there is an authorization process that allows us to go through that. We are not saying spend any amount of money. All we are saying is come back and tell us, that's all.

Mr. KENNEDY of Massachusetts. Reclaiming my time, if that is what this bill said, I think you would get a lot more support.

What this bill says is that you are going to deploy the system.

Mr. WELDON of Pennsylvania. No, it does not.

Mr. KENNEDY of Massachusetts. Yes, it does say that you are going to deploy the system.

Mr. WELDON of Pennsylvania. It does not say ''we.''

Mr. KENNEDY of Massachusetts. And you do not have a system, there is not a system that is designed in this country that can be deployed today that will in fact in any way deter the Russians or the Brazilians or anybody else for attacking America if they so desire through a nuclear missile system.

Mr. SPRATT. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from South Carolina.

Mr. SPRATT. Let me introduce an objective source. We passed in 1991 the Missile Defense Act calling for the deployment of a limited defense system by 1996. It originated in the Senate. It also called for a study by the Strategic Defense Initiative Office and by the Secretary of Defense to be submitted to Congress in 6 months, and I have that study here. It came in 1992 from the Bush administration.

On page 41, here is the conclusion: For a limited defense system, according to SDIO estimates, acquiring six limited defense sites in brilliant eyes is expected to raise the total cost of the limited defense system, they recommended six sites, on the order of $35 billion, 1991 money.

This is a limited defense system, Bush administration, $35 billion, and they say this is a preliminary estimate.

What happens if you add brilliant pebbles, which was not included, next page?

The anticipated incremental cost of acquiring such a space-based interceptor system involving 1,000 brilliant pebbles as part of the overall architecture would be about $11 billion in 1991 money, including associated technology-based activities. That is $46 billion. This came from the Bush Defense Department, officially submitted to Congress.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. KENNEDY] has expired.

(At the request of Mr. HUNTER and by unanimous consent, Mr. KENNEDY of Massachusetts was allowed to proceed for 2 additional minutes.)

Mr. KENNEDY of Massachusetts. I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

Let me just respond to my friend, if you accepted his numbers, and once again we have representatives from the two laboratories saying we can now do a brilliant pebbles deployment for about $7.5 billion. But if you accept that, we spend more money in the defense budget for the environment, for environmental compliance, than the total number that the gentleman just put together.

I would say to you that I think this is a Republican position that has been manifested ultimately in this contract that the American people consider putting a missile defense up being more important than spending environmental money in the Department of Defense bill.

Mr. KENNEDY of Massachusetts. Reclaiming my time, the fact of the matter is, and the gentleman makes a good argument in terms of what the priorities of the national defense of the country are. But the reality is, there simply is not a technology available that can actually deter the kind of threat that the gentleman is suggesting that we deploy a system to combat. It just does not make any sense.

I do not have any problem, and I do not think that even people in as liberal a district as mine have a problem with defending the United States of America. We have to have the research done that this bill calls for to end up designing a system that can actually accomplish the threat.

What you are walking around doing is talking to everybody in the American public about this threat that is going to occur to this country and that

you want to go ahead and deploy a system and you have not even thought through what your system is. That is the problem that you have got to end up solving.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from California.

Mr. HUNTER. I just say to my friend, Secretary Perry just appeared before us with the words I just showed him that said we can defend against an attack for $5 billion——

Mr. KENNEDY of Massachusetts. A theater.

Mr. HUNTER. Not theater. National missile attack.

Mr. KENNEDY of Massachusetts. Against 20 missiles.

Are you telling me for $5 billion you can defend an all-out attack from the Russians?

Mr. HUNTER. No. But Secretary Perry did not say a theater missile attack. He said a national missile attack.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. KENNEDY] has again expired.

(At the request of Mr. ROSE and by unanimous consent, Mr. KENNEDY of Massachusetts was allowed to proceed for 2 additional minutes.)

Mr. KENNEDY of Massachusetts. I yield to the gentleman from North Carolina.

Mr. ROSE. I would like to ask the freshman Republicans to answer a question for me. Did you all not meet with Edward Teller? Did you not meet with Edward Teller, the father of the hydrogen bomb, and did Edward Teller not tell you freshman Republicans, ''You have got to build star wars''? Is that not what this is all about?

Edward Teller knows tonight that the physics has not even been discovered, ladies and gentlemen, to build this thing you are asking the American taxpayer to deploy.

What in the world is this you are trying to sell to the American people? I would like to be a subcontractor in this part of the Contract With America. My God, it would be a great contract, ladies and gentlemen.

Let us be careful here. Star wars is not what this county needs right now.

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It is cops on the street, it is education for our children, it is the other things that we know are on this planet that we need.

Please, support the amendment of my colleague from South Carolina and my colleague from Texas.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield back my time.

Mr. SAXTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just would like to make a couple of points. Mr. Chairman, in spite of all of the rhetoric and the issues that have been discussed here in terms of dollars and all of these Star Wars pronouncements and redirecting priorities and all of these things, this debate really I think boils down to two subjects. The gentleman from Massachusetts just suggested I think, as the gentleman from Missouri did earlier, that there is no threat, and, therefore, we do not have to worry, and we should be doing other things.

I would just like to remind the Members on the other side who may not even be aware of this that on January 18 of this year the acting Director of the Central Intelligence Agency said these words. He said:

> The proliferation relates to the nonproprietary nature of technology. This means that what will be proliferated will be new and more diverse forms of lethality, increasing threat reach, that is longer ranges including ultimately ranges from problem states that can reach the United States, toward the end of this decade.

That is an appointment by President Clinton, the head of our Central Intelligence Agency.

So, for the gentleman from Missouri and the gentleman from Massachusetts to say we should not worry about this threat flies in the face of the statement made by the chief intelligence officer of the United States.

There is a threat. We all know there is a threat. Dick Cheney said there would be a threat in 1991 when he predicted that the Soviet Union was going to go away and we would have a whole new set of problems to face, one of which is the proliferation of nuclear technology and intercontinental ballistic missile technology.

The other issue that I would like to address has to do with the misrepresentation of what this bill does. It is true that the bill currently says it shall be the policy of the United States to deploy at the earlier practical date an antiballistic missile system. I would say to the gentlemen on the other side and the gentlewomen on the other side that it is the unofficial policy of the United States today to ignore this whole subject. And then the bill gets to saying what the requirement is. That is the policy.

Now what is the requirement? It says the Secretary of State shall be required to, in not later than 60 days after the date of the enactment of this act, the Secretary of Defense shall submit to the Congress, to the congressional defense committees, a plan for the deployment of an antiballistic missile system. And when we receive that system, that recommendation, Mr. Chairman, it will be our duty to decide whether we want to move forward with it, whether we want to accept it, whether we want to authorize it, whether we want to fund it, and the representatives of the American people will have that choice.

So, as my colleagues talk about $5 billion to $60 billion and all of the numbers in between, we do not know what those numbers might be because we are asking the Secretary of Defense to use his best judgment to suggest to us the most appropriate path to take.

So, this bill does not spend any money for these things. It does change the policy of the country from one that leaves us vulnerable to a threat that your chief of the intelligence agency says exists, to a policy to protect our country. And along the path to getting there we will have many decisions to make, like the ones my colleagues talked about today.

So, Mr. Chairman, I hope that this debate, I know we are probably reaching a point where we are going to have a vote on this, but I want to say those things just from at least my point of view to clarify these issues.

Mr. ROEMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I know that when we talk about these different technologies that this debate at times can be extremely confusing and very complicated. But I think that these two approaches that we take, one in the bill and one in the Spratt amendment, can be described, I think, pretty easily and pretty simply.

The bill can be described as a blank check policy. It can be described as saying putting the contract and everything else before the horse and saying we are not sure how much this is going to cost, it might be $5 billion, it might be $8 billion, it might be $15 billion or $20 billion, but we shall deploy this system at the earliest possible date.

You might even guess from the debate so far that we are not spending a dime on this system, and I would remind everybody in the Chamber that we are currently spending $2.9 billion each year, already, on these systems. So we are spending money on pursuing these different systems and giving a blank check to go forward with a system that is unproven, extremely costly and untested.

Now what the Spratt amendment simply does is it says we are not going to give you a blank check, we are going to have some checks and balances to this system. It says two things: that the system should be based on a ground-based interceptor, and second, that if this ends up costing $5 or $10 or $15 billion, with a deficit of $180 billion, we should not take this money out of defense and threaten modernization, force structure, training to land fighters on aircraft carriers and so forth and so on. This is the reasonable approach.

I look over at this side of the aisle and many of the Members over there on the Science Committee with me, and we have just finished marking up legislation on risk assessment.

The gentleman from California was talking about environmental problems in this country. I voted for legislation that will begin to assess how much it is going to cost us to clean up the environment and what the risks are. But now in this legislation, when it comes to this very sophisticated technology, we are talking absolutely the opposite approach, saying we are not really sure what it is going to cost, we are not

really sure if it is $5 billion or $15 billion but we shall deploy this system.

And I have heard the argument from the gentleman over there too that this does not really spend the money. How often have we heard that over the last 4 or 5 years, this does not really spend the money? This tells the authorizers and the appropriators what to do with a brand new policy on a national missile defense system.

So I would encourage my colleagues, this is the commonsense approach. This is the checks-and-balances approach to make sure we do not waste precious taxpayers' money to make sure we balance our budget by the year 2002, to make sure we do cost effectiveness and risk analysis study on some of these things, that we do not bring a blank check. We are spending billions each year on this already.

I would encourage from the commonsense point of view, from a practical point of view, from a point of view where we make sure that our fighting forces are ready and that if it is, that this $10 billion or $15 billion not come out of their hide, that we take our time in analyzing this and do not throw more money at the billions we are already spending.

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Mr. BARTLETT of Maryland. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, when, some years ago, Henry David Thoreau was lamenting what he thought was harm being done to the environment by mankind, he said that if they could fly they would lay waste to the skies. It was inconceivable to Henry David Thoreau that at one time mankind could fly.

I submit that we are about in the position of Henry David Thoreau relative to what is potentially available in terms of a defense against ballistic missiles.

I think that it is just not credible to stand here today in the midst of an exploding technology to say there is no way we could ever protect ourselves against the threat of the second, third, and fourth largest nuclear powers in the world.

I just think that this threat is so potentially real that the consequences to our country are so overwhelmingly great that it is incumbent upon us to do what we can, and I would submit that there is no way that we should stand here today to say that there is no way we can protect ourselves, therefore, we should not do anything, that we should not do anything to study, to plan, to look at what technology is available so that we can protect ourselves against this.

You know, the No. 1 requirement, I think most people agree, that we have in representing our people is to protect them. If you look at the Constitution, article I, section 8, you see there is probably more space taken up with this requirement on the part of this Congress than any other requirement in the Constitution, and I think it is absolutely incumbent on us to take advantage of the opportunities that this exploding technology provides, and that is all that this says.

It does not say as soon as we can do it. It says practicable. That word is in there. What it means is we are not going to go off half cocked. We are not going to do something totally irresponsible. I think the totally irresponsible thing is to deny this threat exists.

That is in this bill.

Mr. BATEMAN. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT of Maryland. I yield to the gentleman from Virginia.

Mr. BATEMAN. I thank the gentleman for yielding to me. I will be very brief.

This bill has elicited a great deal of rather passionate and emotional debate. As important as the subject matter is, I think there has been more passion and more emotion than the bill, by its terms, certainly warrants. It is a bill that says we perceive there are certain threats to the national security of the United States, and it is a policy consideration that they should be addressed by the deployment of a system as soon as practicable.

I can assure my friends throughout the Chamber, as the chairman of the Readiness Subcommittee, I am not going to preside over the sacrifice of our readiness to a ballistic missile system, theater or national, that is not ready for deployment, is not proven, and demonstrated to be practical and affordable in the context of our other national security needs.

There is nothing in H.R. 7 that indicates otherwise. Were that not the case, I would be joining you in opposition to this provision of H.R. 7. But there is nothing in this bill that dictates any requirement that we sacrifice other programs of priorities as we separate them out as we go through the authorizing and appropriations process. This you need not fear.

The language in this bill, whatever it started off to do, speaks in terms of a practical deployment of a theater and a national missile system. And in fact, with reference to the national missile system, defensive system, it speaks in terms of its being cost-effective and operationally effective. Now if it does not meet those standards, if that does not come back to us as something that is doable, you do not have anything to worry about. It will not go forward, because it will be proven it is not practical.

So I would suggest that we calm down a little bit, deal with the bill in terms of what it, in fact, says and contemplates and what the hearing record and what the debates in committee made clear, that we are talking about practical systems being deployed, only practical systems, being deployed, and practical is in the context that includes whether or not we are stripping other defense priorities of what they should receive.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina [Mr. SPRATT].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SPRATT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 218, noes 212, not voting 4, as follows:

[Roll No. 136]

AYES—218

Abercrombie	Green	Ortiz
Ackerman	Greenwood	Orton
Baesler	Gutierrez	Owens
Baldacci	Hall (OH)	Pallone
Barcia	Hall (TX)	Parker
Barrett (WI)	Hamilton	Pastor
Bass	Harman	Payne (NJ)
Beilenson	Hastings (FL)	Payne (VA)
Bentsen	Hayes	Pelosi
Berman	Hefner	Peterson (FL)
Bevill	Hilliard	Peterson (MN)
Bishop	Hinchey	Petri
Bonior	Hoekstra	Pickett
Borski	Holden	Pomeroy
Boucher	Hoyer	Porter
Brewster	Jackson-Lee	Poshard
Brown (CA)	Jacobs	Rahall
Brown (FL)	Jefferson	Ramstad
Brown (OH)	Johnson (SD)	Rangel
Bryant (TX)	Johnson, E. B.	Reed
Cardin	Johnston	Regula
Chapman	Kanjorski	Reynolds
Clay	Kaptur	Richardson
Clayton	Kasich	Rivers
Clement	Kennedy (MA)	Roemer
Clinger	Kennedy (RI)	Rose
Clyburn	Kennelly	Roukema
Coble	Kildee	Roybal-Allard
Coleman	Kleczka	Rush
Collins (IL)	Klink	Sabo
Collins (MI)	Klug	Sanders
Condit	LaFalce	Sawyer
Conyers	Laughlin	Schumer
Costello	Leach	Scott
Coyne	Levin	Serrano
Danner	Lincoln	Shays
de la Garza	Lipinski	Sisisky
Deal	LoBiondo	Skaggs
DeLauro	Lofgren	Skelton
Dellums	Lowey	Slaughter
Deutsch	Luther	Spratt
Dicks	Maloney	Stark
Dingell	Manton	Stenholm
Dixon	Markey	Stokes
Doggett	Martinez	Studds
Dooley	Martini	Stupak
Doyle	Mascara	Tanner
Durbin	Matsui	Tauzin
Edwards	McCarthy	Taylor (MS)
Ehlers	McDermott	Tejeda
Engel	McHale	Thompson
Eshoo	McKinney	Thornton
Evans	McNulty	Thurman
Farr	Meehan	Torkildsen
Fattah	Meek	Torres
Fawell	Menendez	Torricelli
Fazio	Meyers	Towns
Fields (LA)	Mfume	Traficant
Filner	Miller (CA)	Tucker
Flake	Mineta	Upton
Foglietta	Minge	Vento
Ford	Mink	Visclosky
Frank (MA)	Moakley	Volkmer
Franks (NJ)	Mollohan	Ward
Frost	Montgomery	Waters
Furse	Moran	Watt (NC)
Ganske	Morella	Waxman
Gejdenson	Murtha	Wise
Gephardt	Nadler	Woolsey
Geren	Neal	Wyden
Gibbons	Oberstar	Wynn
Gonzalez	Obey	Yates
Gordon	Olver	

NOES—212

Allard	Armey	Baker (LA)
Andrews	Bachus	Ballenger
Archer	Baker (CA)	Barr

Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Coburn
Collins (GA)
Combest
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
DeFazio
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Frelinghuysen
Frisa
Funderburk
Gallegly
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kelly
Kim
King
Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
Longley
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Paxon
Pombo
Portman
Pryce
Quillen
Quinn
Radanovich
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Tiahrt
Velazquez
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—4

Becerra
Lantos
Lewis (GA)
Wilson

□ 1912

Mrs. JOHNSON of Connecticut, Mr. LAZIO of New York, Mrs. CUBIN, Mr. WHITFIELD, and Mr. SMITH of Michigan changed their vote from ''aye'' to ''no.''

Mrs. CLAYTON, Mr. SHAYS, Mr. GANSKE, Ms. MCKINNEY, and Ms. FURSE changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENTS OFFERED BY MR. BEREUTER

Mr. BEREUTER. Mr. Chairman, in order to facilitate the debate on title 2, to assure that all of the amendments are considered in consecutive fashion so that we have a rational debate on the issue, I ask unanimous consent that my amendments numbered 10 and 12 be considered en bloc and passed.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments is as follows:

Amendments offered by Mr. BEREUTER: At the end of title V (page 60, after line 25), insert the following new section:

SEC. 513. REPORT REGARDING REIMBURSEMENT LEVELS PAID BY UNITED NATIONS FOR COSTS INCURRED BY NATIONS AND CONTRACTORS FURNISHING PERSONNEL FOR PEACEKEEPING ACTIVITIES.

(a) INFORMATION RELATING TO NATIONS FURNISHING FORCES.—The Secretary of State shall submit to the Congress a report on the amounts paid by the United Nations during 1994 as compensation for expenses incurred by nations which have provided forces for United Nations peacekeeping activities. The report shall set forth—

(1) the total amount paid to each such nation by the United Nations during 1994 for such purpose; and

(2) with respect to each such nation, the total amount that such nation spent for peacekeeping activities for which it received a payment from the United Nations during 1994, with separate displays for the portion of that amount spent for pay and allowances for personnel of that nation's armed forces (including credit for longevity and retirement), for other perquisites relating to the duty of such personnel as part of such peacekeeping activities, and to the extent possible for related incremental costs incurred by such nation as part of such peacekeeping activities.

(b) INFORMATION RELATING TO CONTRACTORS.—

(1) COMPENSATION LEVELS.—The Secretary shall include in the report under subsection (a) a separate report on amounts paid by the United Nations during 1994 under contracts entered into by the United Nations for the provision of civilian management services relating to United Nations peacekeeping activities. The report shall include information as the level of individual compensation received by those contractors, or employees of those contractors, with respect to those peacekeeping activities, including the level of salary, benefits, and allowance.

(2) CONTRACTING PROCESS.—The Secretary shall include in the report a review of the process by which the United Nations selects contractors for the provision of civilian management services relating to United Nations peacekeeping activities. That review shall describe the extent to which that process permits competitive bidding.

(c) PLAN FOR REFORM.—The Secretary shall include in the report under subsection (a) a plan for actions the United States can take to encourage the United Nations to reform the existing system for reimbursement to nations which provide forces for United Nations peacekeeping activities. The plan shall include recommended steps leading to a reimbursement system in which nations contributing forces to a United Nations peacekeeping activity are compensated by the United Nations in a manner that more accurately reflects their actual costs incurred in participating in that activity.

(d) DEADLINE FOR REPORT.—The report required by subsection (a) shall be submitted not later than 90 days after the date of the enactment of this Act.

Page 51, beginning on line 16, strike ''FOR PAYMENT'' and all that follows through ''CONTRIBUTIONS''.

Page 51, line 18, strike ''(1)''.

Page 51, line 22, strike ''(A)'' and insert '''(1)''.

Page 51, line 24, strike ''(B)'' insert ''(2)''.

Page 52, line 1, strike ''(2)'' The prohibition in paragraph (1)(A)'' and insert ''(b) APPLICATION OF PROHIBITION.—The prohibition in subsection (a)''.

Page 52, line 4, strike ''activity.'' and insert ''activity.'.''.

Page 52, strike line 5 and all that follows through line 19.

The CHAIRMAN. The gentleman from Nebraska [Mr. BEREUTER] has asked unanimous consent that his two amendments be considered en bloc.

Is there objection to that request of the gentleman from Nebraska?

There was no objection.

The CHAIRMAN. The gentleman from Nebraska has also asked unanimous consent that the two amendments be passed.

The question is on the amendments offered by the gentleman from Nebraska [Mr. BEREUTER].

The amendments were agreed to.

AMENDMENT OFFERED BY MR. EDWARDS

Mr. EDWARDS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. EDWARDS: Page 11, line 18, after ''missile attacks'' insert the following: ''and that is deployed without the inclusion of any space-based interceptors''.

Page 12, line 6, after ''missile attacks'' insert the following: ''without the inclusion of any space-based interceptors''.

Mr. EDWARDS. Mr. Chairman, I am a defense hawk, and I believe national defense should be a nonpartisan issue.

□ 1920

Even though defense should be a nonpartisan issue, I am disappointed that the Republican rule has resulted in 204 Democrats only having 15 minutes to present our side on the issue of star wars, a multibillion-dollar defense program. I think that is unfair, and I think it is wrong.

But the good news is, Mr. Chairman, that some programs and some ideas are so bad, they should not take that long to defeat, and star wars is right at the top of that list.

My friend who spoke awhile ago, the gentleman from Pennsylvania [Mr. WELDON], suggested that Republicans are not interested in building star wars. If that is correct, then every Republican should vote for my amendment. My amendment does not stop a ground-based missile defense system to protect the United States. It does not even stop space based sensors. All my amendment does is say no to the deployment of a space-based missile system known as star wars.

Mr. Chairman, the fact is that our military leaders in this Nation do not even want star wars, and our taxpayers cannot afford it. American taxpayers have already spent $30 billion on this pie-in-the-sky boondoggle, and we do not even have one brilliant pebble to show for it. Thirty billion dollars, and 12 years later we do not even know if star wars will work.

Let me put this in perspective. A blue collar worker paying $10,000 in taxes a year would have to work for 3 million years to pay for what we have already wasted in star wars. The original cost estimates for Brilliant Pebbles have been increased 200 fold. That is not twofold, that is not 20 percent, but 200 fold. So nobody knows the ultimate cost of the star wars deployment.

A star wars cost of $25 billion, a generally accepted estimate by many experts, would basically fund the direct operating costs of the United States Armored Army Division for some 200 years.

To put that $25 billion figure in perspective, Mr. Chairman, all the talk about welfare reform, the AFDC program at the Federal level, if reformers were to save 20 percent of that welfare program's cost, it would take 10 to 15 years to pay for that star wars cost program.

Mr. Chairman, to promise a balanced budget, to reduce taxes, and to say you are going to build star wars in space, is nothing but voodoo economics, Part II. It does not add up, it does not make sense, and it certainly will not work.

Star wars is not just fiscally irresponsible though. It presents a false sense of security. It is like putting a $5,000 burglar alarm on the front door of your house, and yet keeping the front windows of your house open and the back door of your house locked. Now, surely some thug or some terrorist smart enough to put a nuclear warhead on the top of an ICBM missile, would have the intelligence to take that warhead, rent a U-Haul truck, and deliver it to any city within the United States.

Mr. Chairman, star wars will suck billions of dollars away from theater missile defense, desperately needed dollars, from military pay raises and weapons modernization, the reasons why so many military leaders oppose star wars.

Republicans on the one hand are saying cut child nutrition, yes, even cut education funding for the children of military families, but yet let us write a blank check for star wars.

Mr. Chairman, that is wrong, and it is wrong-headed. Even Adm. William Crowe, the former Chairman of the Joint Chiefs of Staff under President Reagan from 1985 to 1989, said star wars does not make sense.

Mr. Chairman, star wars is a budget buster, star wars is bad for defense, star wars is an idea whose time has come and gone. It is time to say no to star wars, and that is what this amendment does.

POINT OF ORDER

Mr. MONTGOMERY. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. MONTGOMERY. Mr. Chairman, is there a time limit on this amendment?

The CHAIRMAN. The Chair would say to the gentleman he is not aware of a time limit.

Mr. CUNNINGHAM. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I have heard several times we are cutting children's nutrition. That is in my subcommittee on education. I have kept children's nutrition out of the welfare block grant so we will not cut it, and I have protected it. If I hear it one more time, I am going to include it.

Mr. Chairman, I yield back the balance of my time.

Mr. WELDON of Pennsylvania. Mr. Chairman, I move to strike the last word.

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Chairman, once again I rise unfortunately to object to this amendment offered by my good friend and colleague.

Mr. Chairman, what we are asked to vote on right now is an amendment that in fact would specifically detail to the Secretary what type of plan he would bring back to us. We have heard from the other side that the Congress should not be micro-managing what our defense posture should be. What this amendment does is specifically state what kinds of architecture in fact can be recommended by the appropriate people in the Clinton administration.

Mr. Chairman, there is no one on the floor of the House tonight advocating star wars, as we said earlier. What we are advocating is a logical, systematic approach to ballistic missile defense technologies that are recommended by those appropriate officials within the Clinton defense establishment. That is in fact what we are asking for.

To say that we are somehow turning around and asking for some pie-in-the-sky thing, with no dollar assessments, is absolutely wrong. And as our good friend and colleague knows, whatever comes back in the form of a recommendation has to go through an authorization process and an appropriations process. As we heard from our colleague from Virginia, the chairman of the Subcommittee on Readiness, state, none of us on this side, who fought to get the pay raise put in when the President did not include it, who fought to up the acquisition accounts, none of us are going to jeopardize raises. We are going to fight to make sure funds are put back in for those cuts that were made by the President in this year's budget. What we are saying is allow the Secretary to come back and tell us what he would recommend in terms of time and dollars and an architecture to allow us to move toward a missile defense system. That is it. What this amendment does is it limits it.

Let me just say for the RECORD, while I have been as critical as any on the spending of dollars for SDI and programs in the past, we cannot say there has been nothing achieved. That is really a misstatement that I think all of our colleagues should acknowledge.

Any soldier who fought in Desert Storm and saw the benefit of the Patriot system knows that was paid for. One of our colleagues earlier said it was only a small amount of money. Well, let us talk about the two upgrades to the Patriot. There is one of which is being announced this week and another will be announced in a short period of time that will quadruple the effectiveness of the Patriot system. That money was obtained through the programs that the gentleman says nothing happened.

The Aegis system upgrades that are currently under way with our Navy were all funded through these programs in the past.

A program called Talon Shield, many of our colleagues perhaps do not realize that during Desert Storm the command officers had to keep in touch with the theater by telephone. They had to stay on a telephone line 24 hours a day. But because we have employed Talon Shield, we now have the system in place that will avoid that in the future. Talon Shield was directly developed by the dollars invested over the past several years in ballistic missile defense. The Joint Tactical Air Ground System will give us one further capability. So there have been improvements, and these improvements are technologies that have in fact given us dividends.

□ 1930

But we are not saying that we should have a bottomless pit. All we are saying is, allow the administration to come back to us and give us their best recommendations. That is all. If they tell us that they do not want to deploy in outer space, fine. That will be their recommendation.

What the gentleman's amendment does is limits them even to the point that if the Russians would break out and immediately pose a threat, under the gentleman's amendment, we could not respond.

I think that is shortsighted.

Mr. EDWARDS. Mr. Chairman, will the gentleman yield?

Mr. WELDON of Pennsylvania. I yield to the gentleman from Texas.

Mr. EDWARDS. Mr. Chairman, I think the gentleman is agreeing with me in his earlier comments when he says he is not really interested in deploying in the near term a star wars space-based interceptor system. If that is correct and if that is the view of the majority side, the Republicans in this body, then let us simply accept this amendment and move on. My amendment simply stops star wars. It does not affect space-based sensors. It does not stop the deployment.

Mr. WELDON of Pennsylvania. Mr. Chairman, reclaiming my time, if in a year or two the Russians proceed to develop the capability of space-based

interceptors, would the gentleman still be supportive of his amendment?

Mr. EDWARDS. Mr. Chairman, if the gentleman will continue to yield, in a year or two we will be debating the next year's authorization bill. In a year or two, I will be happy, in the authorization bill, to debate changes in it.

Mr. WELDON of Pennsylvania. The gentleman's amendment further ties the hand of the gentleman's administration and the Defense Department. What we are saying is, let Secretary Perry come back and tell us what he wants and then we can respond.

Mr. EDWARDS. I would just like to know, genuinely, whether the gentleman is either interested in keeping open and wanting to build and deploy Star Wars or not interested? If he does not want to build star wars, then accept the amendment. If he does want to build it, then admit that and let us continue the debate.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WELDON] has expired.

(By unanimous consent, Mr. WELDON was allowed to proceed for 1 additional minute.)

Mr. WELDON of Pennsylvania. Mr. Chairman, what I would say to the gentleman is, I do not know what the future holds. If I could somehow have a crystal ball, perhaps I could predict that. What I am saying is I am not the defense expert. The people in the Pentagon and our joint chiefs are. If they come back and tell us that they want to have a system that within 5 years we should deploy some kind of system in space, that is something we will have to debate then. But we should not handicap them. We should not tie their hands. That decision should be left for another day.

Mr. EDWARDS. Mr. Chairman, if the gentleman will continue to yield, so the gentleman is saying he wants to keep open the option of star wars, that is what I am trying to——

Mr. WELDON of Pennsylvania. What I said is what I said. Do not put words in my mouth. What I said is I want the Secretary of Defense to come back within 60 days and make recommendations to us that we can act on.

Mr. RICHARDSON. Mr. Chairman, I move to strike the requisite number of words.

(Mr. RICHARDSON asked and was given permission to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Chairman, today we are considering whether we go back to the cold war.

Mr. Chairman, I have supported this SDI research. I represent the Los Alamos Laboratories. But today we do not need SDI. There is no justifiable threat. The technology is not there. And we cannot afford it. And we cannot afford readiness.

So the decision today is do we proceed with a system that we cannot afford and we do not need? The answer is no.

Mr. Chairman, I yield to the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Chairman, I thank the gentleman very much for yielding to me.

I rise in support of the Edwards amendment. The point I want to make to the gentleman in the well and to my colleagues is that I am worried about where will we get the billions of dollars to pay for this new weapons system. I know where you are going to get it. We are going to take part of the money from the National Guard and Reserve. We are going to take it from the readiness of active forces.

We need the Edwards amendment. It will pin it down. It will be ground-based missiles, and it will not be interceptors. And I am worried again about taking the money away from the Reserves and from the active forces on readiness.

I thank the gentleman for yielding to me.

I rise in support of the Edwards amendment.

This amendment precludes the deployment of space-based interceptors as part of a national missile defense system such as Brilliant Pebbles.

This does not preclude the development of a national ballistic missile system, it just limits it to ground-based missiles.

We don't need to return to the old so-called star wars concept of past years. To do so would cost billions on a system that has a very high-risk technology and limited potential.

I am told whatever elaborate star wars system you have, the engineers cannot guarantee that an enemy ABM will not get through the screen.

We cannot afford to pour billions into space-based interceptors when readiness of forces is being stretched to the limit, when modernization of equipment is being delayed, and the quality of life of our personnel is not up to even minimum standards.

What type of missile systems might be developed by Iran or Iraq? The Chinese already have missile technology. Let's prevent the costly mistakes of the past and vote yes on the Edwards amendment.

When you move billions of dollars into a new weapons system, you have to take it from something else. I worry now about the National Guard and Reserve getting enough funds to be in a category of readiness. Listen to the figures: 38 percent of our military forces in 1996 will be in the National Guard and Reserve, and the Reserve budget for 1996 is 7.6 percent of the defense budget.

The Guard and Reserve is a terrific buy for the taxpayer, but there is a tendency when the active forces might need equipment or additional funding you look at reducing the Reserve. Talking about this star wars add-on in H.R. 7 could directly or indirectly affect the Reserve forces.3

Mr. RICHARDSON. Mr. Chairman, I yield to the gentleman from Tennessee [Mr. TANNER].

Mr. TANNER. Mr. Chairman, those of us who support the Edwards amendment take a back seat to no one in supporting a strong national defense. But we believe that setting the wrong priorities diverts needed funding in a deleterious way for necessary technology and equipment for our front-line men and women. Effective theater missile defense systems are being built to protect our people here at home and our U.S. and allied forces abroad.

Research and development must continue so we will be able to deploy a national missile defense system whenever a threat to our shore emerges. I strongly support that, research and development.

But this Contract With America provision will risk national security when deployment of space-based interceptors diverts billions of scarce defense dollars and resources from acquisition funds that provide our soldiers and sailors protection from Scuds and other theater missile attacks.

That is what our military leaders will tell us and that is what is real national security.

Those of us who support the Edwards amendment take a back seat to no one in supporting a strong national defense but we believe that setting the wrong priorities diverts needed funding in a deleterious way from necessary technology and equipment for our frontline men and women.

Effective theater missile defense systems are being built to protect our people here at home, U.S. and allied forces abroad.

Research and development must continue so we will be able to deploy a national missile defense system whenever a threat to our shores emerges and I strongly support that—research and development.

But, this Contract With America provision will risk national security when deployment of space-based interceptors diverts billions of scarce defense dollars and resources from acquisition funds that provide our soldiers and sailors protection from Scuds, and other theater missile attacks. That's what our military leaders will tell you and that is what is real national security.

I urge support for the Edwards amendment.

Mr. RICHARDSON. Mr. Chairman, I yield to the gentleman from Florida [Mr. PETERSON].

Mr. PETERSON of Florida. Mr. Chairman, this bill clearly changes the direction of national defense. We do not need star wars. Readiness is subordinate to star wars in this bill. Modernization is held hostage to star wars. Troop and military family quality of life programs are held hostage. And we think we need to make the message clear.

Troops are our responsibility. We absolutely must ensure their readiness.

Now, the threat does not support deployment of a national missile defense, but do not take my word for it.

The former Chief of the Joint Chiefs of Staff, Colin Powell said, ''at the moment the threat does not warrant a national missile defense. Political, budget and security factors have combined to make national missile defense a thing of the past.''

Let us not live in the past. Let us live in the future in the military strategy of this Nation.

Mr. RICHARDSON. I yield to the gentleman from Massachusetts [Mr. NEAL].

Mr. NEAL of Massachusetts. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, it is not bad enough that H.R. 7 represents a radical assault on the ability of the President of the United States to conduct foreign policy. But here we are, after all these years, revisiting the issue of star wars when there is no appetite across this land for taking up the star wars mechanism at this particular time.

I find it astounding that the Joint Chiefs of Staff could suggest that this proposal is ill-conceived, and ill-timed and at the same time we are bringing it up here tonight.

I am proud to stand here tonight in support of the amendment of the gentleman from Texas [Mr. EDWARDS]. He has spoken time and again in support of a strong national defense system in this country, as have other speakers tonight. At the same time, they both have suggested that this proposal is unwise and unwarranted.

Mr. RICHARDSON. I yield to the gentleman from Pennsylvania [Mr. WELDON].

PARLIAMENTARY INQUIRY

Mr. WELDON of Pennsylvania. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WELDON of Pennsylvania. The amendment that is being offered is to a section that is no longer in existence because of the passage of the previous resolution. So what in fact are we amending?

Maybe I should address that to the parliamentarian. What are we amending?

The CHAIRMAN. It is the Chair's understanding that the gentleman from Texas has prepared a modification of his amendment to conform with the Spratt amendment's adoption.

Mr. WELDON of Pennsylvania. Where is that amendment? May I see it? I have not seen it.

The CHAIRMAN. It has not been presented yet. This amendment is pending and no point of order was raised against it.

Mr. WELDON of Pennsylvania. A further parliamentary inquiry, Mr. Chairman: Is it the correct understanding that the Chair is ruling that this amendment is amending a section that is no longer in existence and that is allowable?

The CHAIRMAN. At this point the Chair is not ruling on the consistency or form of the amendment.

Mr. WELDON of Pennsylvania. What section are we amending with this amendment?

The CHAIRMAN. The modification may correct that amendment, but no point of order was raised against the amendment when it was offered.

Mr. WELDON of Pennsylvania. It is allowable now to waive a point or order?

The CHAIRMAN. No point of order was raised at the time the amendment was offered. It is not appropriate to raise one now.

Mr. WELDON of Pennsylvania. Can a point of order be raised when a changed amendment is offered?

The CHAIRMAN. It is not appropriate to raise one now.

□ 1940

Mr. EDWARDS. If the gentleman will yield, I have a parliamentary inquiry, Mr. Chairman.

Mr. RICHARDSON. I yield to the gentleman from Texas.

PARLIAMENTARY INQUIRY

Mr. EDWARDS. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. EDWARDS. I would like to say this to my friend, the gentleman from Pennsylvania [Mr. WELDON].

The CHAIRMAN. The time of the gentleman from New Mexico [Mr. RICHARDSON] has expired.

(By unanimous consent, Mr. RICHARDSON was allowed to proceed for 1 additional minute.)

Mr. RICHARDSON. I yield to the gentleman from Texas [Mr. EDWARDS].

Mr. EDWARDS. To answer the question of the gentleman from Pennsylvania [Mr. WELDON] about the passage of the previous amendment, in good faith, Mr. Chairman, I approached the Parliamentarians and asked them if it would be necessary to have a perfecting amendment, so my amendment would be in order.

At one point, I can say in good faith, the interpretation I received was that would not be necessary. It is presently my intent to ask for consent to have simply a technical, conforming amendment to see that the exact same language we had had in my previous amendment would apply correctly to this language.

Mr. WELDON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. RICHARDSON. I yield to the gentleman from Pennsylvania.

Mr. WELDON of Pennsylvania. Mr. Chairman, did the gentleman also apply to the majority side for that technical change?

Mr. EDWARDS. In the 30 or 40 seconds I had, I simply went to the Parliamentarian to see if technically, because of the passage of the previous amendment, any changes needed to be made.

I was told, I believe in good faith, at one point it might not be necessary.

Mr. WELDON of Pennsylvania. Mr. Chairman, we have no idea what the gentleman is amending. That is our problem.

Mr. RICHARDSON. Mr. Chairman, today, we consider going back to the cold war. Today, we consider spending billions on a system to defend against a threat that no longer exists.

WHAT IS THE USE OF A SPACE-BASED SYSTEM?

Who are we defending against? What is the threat that demands a space-based missile defense system?

The last time star wars was considered in 1983 the Reagan administration estimated its cost at $120 billion.

The threat to our security at home and abroad is not an ICBM attack; it is tactical missiles. Our experience in the Persian Gulf war proves the point.

A star wars system would have been useless to defend our troops against Scud attacks in the gulf.

This political proposal has no legs. The Joint Chiefs do not consider star wars a priority.

BUDGET QUESTIONS

We are talking about building a system that would cost billions without having a hearing on it and with more glaring defense needs.

Ensuring funding for training, development, pay raises, and housing will be impossible if we force feed this political program down DOD's throat.

Since 1983, we have spent $30 billion on a space-based defense system and there are few tangible results.

This is fiscal irresponsibility. This is jeopardizing troop readiness and force modernization.

I would like to remind my colleagues what Gen. Colin Powell recently stated about this issue: ''A national missile defense system would be too expensive and impractical * * *'' He went on to say that ''* * * at the moment the threat does not warrant a national missile defense.''

Today, we are considering a political proposal that puts both U.S. security and global interests at risk. There have been no hearings. There will not even be time to discuss the issues properly.

STAR WARS VS. READINESS

H.R. 7 threatens the readiness of our service women and men and gambles on a star wars space based defense system. Star wars was an idea born out of cold war concerns about an intercontinental missile attack. Today, the risk of an all-out nuclear blitz is significantly reduced but smaller threats have proliferated. This bill requires us to make a blind wager on star wars. How much will it cost? What does it mean to readiness? Will we have money to handle the real threats?

U.N. PEACEKEEPING

This bill will needlessly put American soldiers at risk. By tying the executives hands this political proposal would hinder U.S. involvement in conflicts like the Persian Gulf war. This political proposal forces the U.S. to act unilaterally when a global crisis erupts. It puts more American lives at stake and, in the end, the U.S. will bear the entire financial burden of any military actions.

EXPANDING NATO

This bill will force the U.S. to create an unspecified military assistance program for former East European countries. How much will it cost? Which countries will we allow into NATO? NATO should be expanded in concert with our European allies. We must ensure collective security and that the U.S. is not unilaterally committed to ensuring a secure Europe.

Mr. BATEMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it is difficult to know precisely what we are dealing with in terms of the parliamentary questions and responses just made.

However, leaving aside those problems, and I know that the gentleman from Texas [Mr. EDWARDS] has proceeded in nothing but good faith, and I would say also that the gentleman from Texas is one of the most steadfast supporters of a strong national defense for this Nation, and I commend him for it. I am grateful to him for that reason.

I cannot, however, Mr. Chairman, support his amendment. The reason I cannot support the gentleman's amendment is it seeks to bar something that no one has proposed to do.

I would support his amendment, Mr. Chairman, if all that he says as a rationale for it is demonstrated to be correct at a point when someone says ''We propose to go forward and deploy a space-based system.'' However, there is nothing in this bill that says ''Deploy a space-based system.'' It says ''Deploy a practical system that is cost-effective.''

If a space-based system fits that criteria, I will be for it. If it does not, and I suspect, Mr. Chairman, that it does not, then I will be against it, and I will support the gentleman's effort not to authorize or fund it at that point.

However, at this juncture, Mr. Chairman, we are simply saying to the Department of Defense ''We want you to come back to us with recommendations for the deployment at the earliest practical time of a cost-effective, functional anti-ballistic missile system.''

There is nothing in it that says space-based or not space-based. If space based is impractical, if that is not cost-effective, if that is not the best technology and the most economical, then the heck with it. We do not do it.

I support the gentleman in that. However, we are not at that point. I would suggest that the amendment is actually not necessary.

Mr. EDWARDS. Mr. Chairman, will the gentleman yield?

Mr. BATEMAN. I yield to the gentleman from Texas.

Mr. EDWARDS. Mr. Chairman, I appreciate the gentleman's comments. He and I have worked together on many issues. I respect the gentleman's leadership on our committee.

I would just say in this particular case, Mr. Chairman, I happen to believe that after having spent already $30 billion and some 12 years on star wars, enough is enough. Finally here is a time to say no. I understand the gentleman's comments, but I would say to the Members, I just think that after 12 years and $30 billion, and not one brilliant pebble in space, it is time to end the program.

Mr. BATEMAN. Reclaiming my time, Mr. Chairman, if this little bill proposed a nickel's worth further right now for star wars, I could see the gentleman's point. However, it does not expend anything. It does not put us at risk of expending anything.

I think genuinely the amendment, however well conceived and supportable it may be at another time, really is unsupportable at this time.

Mr. REED. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, of all the dubious proposals that are contained in this particular bill, perhaps the most dubious is the space-based star wars system which we are debating. I learned at West Point and in 8 years as an infantry officer in the Army that you build a strategy around a realistic assessment of the threat and then you use that strategy to allocate scarce resources. This proposal does neither.

They do not have to take just my word for it. This is what the Defense Budget Project has said about this particular proposal. I think most Members are conversant with the fact that this is one of the most well-respected, nonpartisan, analytical military think tanks operating today in the United States.

Here is what they said, Mr. Chairman. Point 1, ''There is no significant long-range ballistic missile threat to the United States, nor is there likely to be such a threat over the foreseeable future.''

Point 2, ''A military revolution is underway. Information technologies that are critical to the ballistic missile defense activities, such as sensing, discrimination, and battle management, are progressing rapidly. There is a danger that if we buy into national missile defense too soon, it may rapidly obsolesce, leaving us with another huge capital investment to make if and when a long-range missile threat does emerge.''

Point 3, ''Perhaps nowhere is this danger greater than in the case of space-based interceptors. A national missile defense system that included space-based interceptors could cost tens of billions of dollars to acquire and deploy. This is clearly not a commitment that the United States should consider entering into in the foreseeable future.''

Mr. Chairman, the final point, ''With deficit and tax reductions a priority, funds for defense will almost certainly remain tight. A national military defense system is an expensive proposition, and defense systems often end up costing substantially more than projected by initial estimates. This mix could, over time, have the effect of presenting the Defense Department with an unfunded mandate; that is, with a program requirement that cannot be fully offset with additional resources necessitating substantial cuts from worthy DOD programs already under considerable stress.''

Mr. Chairman, this is a nonpartisan group that thinks closely and well about defense issues. Their conclusions are very dramatic. I urge that they be considered and this amendment by the gentleman from Texas [Mr. EDWARDS] be supported.

Ms. MCKINNEY. Mr. Chairman, will the gentleman yield?

Mr. REED. I yield to the gentlewoman from Georgia.

Ms. McKINNEY. Mr. Chairman, I thank the gentleman for yielding.

The question I want to ask is, why in the world would the Republicans want to revive star wars? They'll use any euphemism to fool the American people, but the bottom line is that among the other foolish ideas presented in this bill, probably the most foolish idea is that we need to knee-jerk ourselves all the way back to star wars.

Aside from totally upsetting all of the arms control agreements that both Democratic and Republican Presidents have been able to hammer out with nuclear nations, this bill might just encourage those missiles that no longer are aimed at us, to make an about face.

The subject matter of national security policy is much too serious to be cooked up by a few pollsters and spinmeisters.

Remember star wars. For the $36 billion already spent did we get our invisible, global, protective shield against missiles? No.

For the $36 billion already spent, did we protect ourselves from terrorist acts like the World Trade Center bombing? No.

And do we really want to go back to space-based ballistic missile defense when there are other critical domestic needs that are tearing at our own social fabric?

It was Dwight D. Eisenhower who said:

> Every gun that is made, every warship launched, every rocket fired, signifies, in the final sense, a theft from those who hunger and are not fed, those who are cold and are not clothed. This world in arms is not spending money alone; it is spending the sweat of its laborers, the genius of its scientists, and the hopes of its children.

This group of Republicans that came up with this bill make Dwight D. Eisenhower look like a flaming liberal. The fact of the matter is, however, that:

When we choose star wars over feeding the hungry; and

When we choose star wars over housing the homeless; and

When we choose star wars over even our own children.

We surely make a grave mistake. Let us support the Edwards amendment.

Mr. EDWARDS. Mr. Chairman, will the gentleman yield?

Mr. REED. I yield to the gentleman from Texas.

MODIFICATION TO THE AMENDMENT OFFERED BY MR. EDWARDS

Mr. EDWARDS. Mr. Chairman, I ask unanimous consent that my amendment be modified by the form at the desk to conform to the adoption of the Spratt amendment.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to the amendment offered by Mr. EDWARDS: At the end of title II, add the following:

SEC. 203. DEPLOYMENT WITHOUT SPACE-BASED INTERCEPTORS.

The national missile defense system developed for deployment shall be developed and deployed without the inclusion of any space-based interceptor.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. WELDON of Pennsylvania. Mr. Chairman, reserving the right to object, if I might inquire of the author of the amendment, is it his intent that that inclusion of ''any space-based interceptor'' also includes the development and deployment of a ballistic missile system?

Mr. EDWARDS. Mr. Chairman, will the gentleman yield?

Mr. WELDON of Pennsylvania. I yield to the gentleman from Texas.

Mr. EDWARDS. I am sorry, Mr. Chairman, did the gentleman say of a ballistic missile system?

Mr. WELDON of Pennsylvania. A theater ballistic missile system.

□ 1950

Mr. EDWARDS. In no way is this amendment intended to affect either a national missile, continental ground-based national missile defense system or—in fact, if anything it is intended to help save more money to put into theater missile defense instead of putting it into star wars.

Mr. WELDON of Pennsylvania. In other words, the gentleman is saying that if it is determined that the theater ballistic missile system should have space-based interceptors, it is OK?

Mr. EDWARDS. If the theater missile defense system would require space-based interceptors, on that issue I am not aware of a particular program that is recommending that.

Mr. WELDON of Pennsylvania. I am asking if that is in fact——

Mr. EDWARDS. Rather than deal with hypotheticals, let me let the words speak for themselves. They basically would prohibit space-based interceptors for a ballistic missile defense system.

Mr. WELDON of Pennsylvania. Including theater ballistic missiles?

Mr. EDWARDS. Yes.

Mr. WELDON of Pennsylvania. So it would apply across the board to theater and ballistic. So the amendment is actually going further than what we originally thought?

Mr. EDWARDS. No. In this perfecting amendment, as I mentioned a few minutes ago based on the gentleman's request, this amendment does not change the intent or the content in any way of my original amendment. The only purpose of this change is to adapt my language to the Spratt amendment that had been recently adopted.

Mr. WELDON of Pennsylvania. Mr. Chairman, further reserving the right to object, and I will not object because I respect the collegiality and the past cooperation of the gentleman with whom we have worked. Even though I may disagree with his amendment, I want him to have the right to amend it. But I think it further shows that there is confusion about what the intent of the language is, not in the gentleman's mind but the application of the language of this amendment which I think comes about when you try to micromanage what it is that is going to come back in the form of a recommendation to us, but I will not object.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The text of the amendment, as modified, is as follows:

Amendment as modified, offered by Mr. EDWARDS: Page 11, line 18, after ''missile attacks'' insert the following: ''and that is deployed without the inclusion of any space-based interceptors''.

Page 12, line 6, after ''missile attacks'' insert the following: ''without the inclusion of any space-based interceptors''.

At the end of title II, add the following:

SEC. 203. DEPLOYMENT WITHOUT SPACE-BASED INTERCEPTORS

The national missile defense system developed for deployment shall be developed and deployed without the inclusion of any space-based interceptors.

Mr. HUNTER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, Secretary Perry came before us a few weeks ago and he asked us not to micromanage his programs and he asked us to give him a chance to bring forth his programs and explain them, explain the options, and then we would make some decisions on exactly what we would do with our spending authority.

We are cutting out options with this amendment by the gentleman from Texas. What he is saying is this: It is okay to shoot down an incoming ballistic missile with a missile that is launched from the ground.

I want everybody to understand the collision takes place in space. So you do not stay out of space. So if your objection is doing something in space, you cannot do that with any system. Because the collision between the incoming ballistic missile and the defensive missile takes place in space. It is above the Earth's atmosphere.

So if you believe, like Walter Mondale, that there should be ''war in the heavens,'' then nothing fits your pistol on this particular amendment.

Let me just say this to the gentleman from Texas, whom I respect greatly. We are on the cutting edge of technology in many areas, miniaturization of electronics, capability of our systems in space.

We had several experts from two of our national laboratories come and tell us about a week ago that they could make space-based interceptors very inexpensively.

What the gentleman from Texas is saying is, ''I don't even want to hear your arguments. I don't even want to have a scientist come up and testify to me as to what he can do with technology today.''

That is like President Kennedy saying, ''We are going to shoot a missile to the Moon, we're going to land people on the Moon, but I don't think we should use solid rocket fuel. I've been told that's very expensive so I'm going to put in a prohibition against using solid rocket fuel to go to the Moon.''

It does not make any sense. It does not make any sense to limit our options.

We are asking Secretary Perry to come out and testify to us. We are also going to ask people from our national laboratories. We are going to ask these very intelligent people, who are a national resource, ''What's new in technology? How can you shoot down an incoming missile better and cheaper than the guy who just testified?''

What the gentleman from Texas is saying is, ''I've seen it all. I don't want to have anything in space because I heard that 'War in the Heavens' speech and it makes sense to me, and the only thing that I'll go with is the old 6-gun shot from the ground. That's the only thing I believe in.''

He is asking 435 of us to accept his judgment and not even allow testimony on any other system before we make a decision.

Mr. EDWARDS. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Texas.

Mr. EDWARDS. I am not asking this House to accept my judgment. I can pull out all the experts you would like:

Gen. Colin Powell who said a national missile defense system is a waste and would take money away from important defense priorities.

I could quote Admiral Crowe who was Chairman of the Joint Chiefs of Staff for 4 years under President Reagan who said that this would be a dangerous program.

This is not CHET EDWARDS' idea on February 15, 1995. This was debated for 12 years, $30 billion was spent. This program was stopped. And now in a short debate it is trying to be revived.

Mr. HUNTER. Let me take back my time and remind the gentleman, you can buy about a million times as much computing power today as you could in the 1960's for the same amount of money.

Now, when we have experts from our national laboratories that we put there to come up with ideas on defending the country and they come to us and say we would at least like to be heard on the issue of how we have made it a lot more effective and a lot less expensive to shoot down this incoming missile with a different idea, I think we should listen to them. And I would just say to the gentleman, I go back to my Billy Mitchell argument. You had a lot of people saying you cannot sink ships with planes and we do not even want to

hear General Mitchell. They tried to scrub the test.

This is a democracy. These Members who are representatives want to hear the evidence. I say let's let the evidence be put out there. And if the gentleman sits with me in Armed Services hearings and hears the evidence and then says, ''I'm not going to change my mind,'' then fair is fair.

But let's hear the evidence. This amendment precludes us from even hearing the evidence.

Mr. PETERSON of Florida. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Florida.

Mr. PETERSON of Florida. The gentleman makes a great point. Had we had adequate hearings in committee, we could have gone through all of these details. That is exactly the point here. We are rushing to conclusion as opposed to examination we could have done in committee. We are doing committee work on the floor of the House of Representatives.

Mr. HUNTER. Let me take back my time one more time and say the gentleman is wrong.

When President Kennedy said, ''We're going to put somebody on the Moon,'' he did not go through all the hearings first. He said, ''That's our goal, that's our policy.'' Then he convened his scientists to tell him how to most effectively do that.

We are saying let's defend against incoming ballistic missiles and let's convene our scientists in the Capitol in these hearings and decide the most effective way to do it.

Mr. HEFNER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to approach this from a different perspective. You cannot have it all. We just passed a balanced budget amendment in this House that was part of the contract. We are coming with a supplemental very soon now that violates the balanced budget amendment. We do not pay for it. The Speaker of this House said, even though the balanced budget constitutional amendment will not be passed we are going to operate just as if it were passed.

I have been chairman of Military Construction for many, many years, up until this year. I also sit on the Subcommittee on National Security Defense of the Committee on Appropriations. I have been all over this country. We need to talk about readiness here. Star Wars is an idea whose time has passed and is not appropriate to be talked about.

If you want to talk about some of the things that are affecting our people and our readiness and our retention, you start talking about quality of life.

As you talk with the people, the commanders of all of these bases across the country, and the gentlewoman from Nevada [Mrs. VUCANOVICH] and I were in Fort Bragg a couple of weeks ago and we talked to the wives and the husbands who are living in conditions that people were living in in World War II, in barracks they were living in in World War II. We are talking about retention and we are talking about asking our troops to go out and operate the most sophisticated weapons that man has ever invented and we are asking them to live in conditions that prevailed in World War II.

If you buy something like Star Wars, it is going to come from someplace, and it is going to come from the unsexy sector, like barracks. You can go to any base in this country and have a ribbon-cutting for barracks and you cannot even get the press to come out and cover it. But if you talk about Star Wars and B–1's and B–2's, and they are sexy items, but they do not get the job done.

Several years ago I went to Fort Hood, TX, and we had some ladies there at Fort Hood that were trying to clean up an old cafeteria to put in a day-care center for our children that belonged to the parents of our armed services people.

We need to concentrate on quality of life and retention for our armed forces and we need to stress all of our efforts on readiness. To spend $40 billion on Star Wars, that is going to be taken out of the hides of readiness, and our military quality of life is going to be affected drastically. I think it is the wrong-headed way to go.

I strongly support the Edwards amendment.

Mr. ABERCROMBIE. Mr. Chairman, will the gentleman yield?

Mr. HEFNER. I yield to the gentleman from Hawaii.

□ 2000

Mr. ABERCROMBIE. Mr. Chairman, I want to follow up on Mr. Hefner's quality of life admonitions to us and I want to speak to Members like my good friend, the gentleman from Pennsylvania [Mr. WELDON], with whom I have worked on these issues. I do not think on this issue there ought to be a hawk or a dove or those kind of designations. We are all responsible members of the Committee on National Security, the Committee on Armed Services and we operate on the basis of that responsibility.

And in this particular instance, no matter what designation I might come under to suit the convenience of the newspaper, Members know that we work together on these issues like the theater missile defense. I am fully in accord with that.

But at the same time, I take no second place to those who want to see a quality of life. I have a special responsibility to all of the Members in the House of Representatives, I almost said in our congregation because that is the way I feel about it on the armed services and the National Security Committee; that is the way we work with one another.

Out in Hawaii it is not my constituents that are being housed in these barracks and in these housing projects that the gentleman from North Carolina [Mr. HEFNER] is referring to, it is your constituents, it is our friends, our neighbors all around the country. And I have had to struggle year in and year out and I have had the support of the people, no matter what kind of convenient designations are used, to try to upgrade this housing, to try to upgrade the quality. The gentleman from North Carolina [Mr. HEFNER] is correct and if we are being honest with one another we know if we move into what has been called Star Wars, into this missile defense in the heavens kind of system, we are going to be cutting the ground out from underneath those men and women now serving and their families who serve with them throughout our country.

So, my plea is let us be sane and sensible about what we are doing with missile defense.

Mr. HEFNER. Make no mistake about it, with the limited resources that we have, if we embark on Star Wars, it is going to impact drastically on quality of life and readiness for our troops and readiness for our military.

Mr. WELDON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. HEFNER. I yield to the gentleman from Pennsylvania.

Mr. WELDON of Pennsylvania. Mr. Chairman, I thank the gentleman for yielding. I just want to point out we are not in disagreement. And in fact if we look as we have cut defense spending over the past 5 years by 25 percent, we have increased nondefense discretionary spending.

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. HEFNER] has expired.

(By unanimous consent, Mr. HEFNER was allowed to proceed for 3 additional minutes.)

Mr. HEFNER. Mr. Chairman, I did not yield for a chart show.

Mr. WELDON of Pennsylvania. I am making a statement.

Mr. HEFNER. Mr. Chairman, let me remind the gentleman that when his administration was on Pennsylvania Avenue, on quality of life we had a pause. We have lost money, we have lost money in military construction for our quality of life and for our barracks and for living conditions for our military folks, and it has not been a priority because our priorities was B–1s and B–2s and we did not stress military construction. We have lost in the quality of life, and today we are reaping the benefits because retention is suffering among our services and we have had testimony to that effect. And if we spend $40 billion for Star Wars we are going to suffer further and we are going to suffer quality of life and we are going to suffer in readiness.

Mr. WELDON of Pennsylvania. I do not disagree with the gentleman. In fact I applaud his leadership on the issue of military installations and facilities.

My point is we are taking a bigger and bigger chunk out of the defense

budget for nondefense items, up 361 percent over 40 years.

Mr. HEFNER. I take my time back. We are debating priorities except in quality of life and Star Wars and readiness. The argument is are we going to stress readiness in this country and are we going to look after quality of life of our troops and get them off of food stamps, or are we going to spend $40 billion in space for Star Wars where there is not one person in this House that knows whether it will even begin to work or not?

Mr. MARKEY. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the amendment.

Mr. Chairman, we have come here through long, national discussion. It began in our time, in 1981, when T.K. Jones, who was the Assistant Secretary of Defense in charge of strategic and theater nuclear forces made a statement. He said that we would be able to protect our country against nuclear war if everyone dug a hole 6 feet deep, we put a door over that hole, and with enough shovels and enough dirt, everyone would be able to make it. That was the assistant Secretary of Defense for theater and strategic nuclear weapons in 1981.

Now, as you can imagine, that caused quite a controversy in this country, but that was the civil defense plan for our Nation in the event of a nuclear war.

Now it took 2 years to come up with an alternative plan; it was called star wars. We were Luke Skywalker, they were Darth Vader, and we were going to go to the heavens to knock down their intercontinental ballistic missiles. That is what we are talking about here.

Now, there were cartoon versions of what that system would do. There was a moonbeams and stardust vision of what it would do, but in reality there was never even the remotest approximation of a working model of it, $30 billion later.

What we have before us today is the latter day version of it, but this is no longer moonbeams and stardust, this is the giant pork barrel in the sky for defense contractors. This is just a follow-on to all of those contractors that want to continue on the gravy train without having produced anything yet.

Even as we know it is going to put tremendous pressure on the resolution the rest of our budgets, we have to make very tough decisions in this Congress and the next. We are going to have very tough ceilings placed on us, we are not going to continue to support the things that do not work.

I was not paying that close attention, but I am not aware of an amendment that passed on the floor earlier today that put the Soviet Union back together again. We won, Darth Vader lost, he is gone, he is not in the heavens, he is in Chechnya, and he is losing on the ground to a Third World power. We cannot afford an additional $40 billion in order to continue to pursue a defense strategy that might have made some sense at the height of the cold war but in the aftermath of the cold war and the present condition of Russia no longer makes sense, given the other constraints upon our limited fiscal resources.

So, my argument to you would be this: that just as a practical fact of the matter, this system does not work, from Brilliant Pebbles to smart rocks to the nuclear bomb that was going to go off over our heads and stop the incoming missiles, none of this ever worked. If we want to continue to flow money into it, and the gentleman from North Carolina and many other Members out here on the floor made the point over and over, we are going to have to cut other things and cut them dramatically. It might be military readiness, it might be Medicare, it might be student loans, it might be Meals on Wheels.

Mr. DORNAN. Mr. Chairman, will the gentleman yield?

Mr. MARKEY. I am glad to yield to the gentleman from California.

Mr. DORNAN. I will get time for 1 more minute.

I just wanted to see if we could get on the historical record something very important from the book of the former minister from the old Soviet Union in its dying days, from Shevardnadze, Edward, nice man. I will get an autographed copy for you. He says in his book that Ronald Reagan pushing SDI broke the will, along with Afghanistan, of the Evil Empire, and when they realized that they could not combat, this is Shevardnadze again, the unraveling of the Soviet Union, whatever the technological merits are about star wars, moonbeam, Darth Vader, it did accomplish a 30 million dollars' worth of the freedom for all of the so-called 15 Soviet Republics.

Mr. MARKEY. If I may reclaim my time, it is only to make one point.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. MARKEY] has expired.

(At the request of Mr. DORNAN and by unanimous consent, Mr. MARKEY was allowed to proceed for 2 additional minutes.)

Mr. DORNAN. I yield back to the gentleman from Massachusetts.

Mr. MARKEY. I thank the gentleman very much. Notwithstanding the arguments which the gentleman makes, and we can debate over whether that was an accurate assessment or not, but just for the sake of the discussion let us say it was accurate and let us say that the Soviets did panic, and let us say that the Soviets did go to the table and we were able to gain those strategic nuclear weapons, treat all of that as being conceded for the sake of this discussion, what possible gain would it offer us now to spend an additional $40 billion? We have won the concessions which are necessary in order to have these treaties put in place.

We now have an inexorable and inevitable decline on both side's missiles, we have no technological proof that this system works. If they went for the bluff, so be it. But for the future, we have to now make our decisions based upon the technological capacity of this, of the technology.

Mr. DORNAN. Will the gentleman yield for one short question?

Mr. MARKEY. I am glad to yield to the gentleman from California.

□ 2010

Mr. DORNAN. Where are you getting this $40 billion, off the planet Glatu Barato Niktu? Nobody is suggesting that kind of money expenditure. We are talking about rogue missiles. I am conceding we have got a bigger problem with suitcase missiles in the mud of our harbors. Where does this $40 billion come from?

Mr. MARKEY. I am only using the Bush administration numbers that there would be $35 billion that would need to be spent in order to finish this project, and additional tens of billions of dollars if an alternative Brilliant Pebbles project was adopted as well. We are only using the Republican administration numbers in this debate. The only question we have now is whether or not, given our success in basically destroying the Soviet Union, there is an identifiable enemy in the world that can justify this kind of expenditure.

I would argue not, given the other tremendous pressures on our military and on our civilian budget that is going to become more evident as this unfolds.

Mr. MCKEON. Mr. Chairman, I move to strike the requisite number of words.

I am opposed to the amendment.

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

Mr. MCKEON. I yield to the gentleman from California.

Mr. CUNNINGHAM. I would ask the gentleman, everyone has said that the Soviet Union is gone. Is the gentleman aware of how many Typhoon-class nuclear submarines Russia built last year and what they plan on doing with those nuclear tubes? They built five nuclear Typhoon-class submarines last year. Why?

Mr. SAXTON. Mr. Chairman, will the gentleman yield?

Mr. MCKEON. I yield to the gentleman from New Jersey.

Mr. SAXTON. Earlier obviously some people were not here, but there was a discussion about whether or not there was a threat and what the gentleman points out with regard to submarine construction and what was quoted by or what was said by Bill Studeman, the Director of the Central Intelligence Agency on January 18, pointed out quite clearly that we have a problem or that we soon will have.

Let me read this quote once again. Bill Studeman said, ''The proliferation relates to the nonproprietary nature of technology,'' meaning that technology is not hardware or software, it is know-how, and he says, ''This means that the

proliferation will be new and more diverse forms of lethability, increasing threat reach, that is, longer ranges including ultimately ranges from problem states that can reach the United States toward the end of this decade.''

So the gentleman makes a good point with regard to submarines, and your director of your Democrat-controlled administration says clearly on the record there is a problem that we have to face.

Mr. CUNNINGHAM. If the gentleman will yield further to me, I would also like to point out that Russia today, who is no longer the Soviet Union, just sold to Iran two Kilo-class nuclear submarines. They also sold to Iran and to China rocket-based missiles and long-range missiles.

I am not sure if we need to spend all the money that the gentleman is talking about either, but I am saying that at least I would like to give the President and the Secretary of Defense, whoever he is in 1996, the option to take a look and see if that is an option.

Mr. WELDON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. MCKEON. I yield to the gentleman from Pennsylvania.

Mr. WELDON of Pennsylvania. One further point besides the sale of Russian submarines to Iran, which we now have documented, we also know that the Russians offered to take the SS–25, which is their mainstay nuclear intercontinental ballistic missile, and offer that technology to Brazil to be used for space flight. We know that.

So somehow we are thinking that this technology for nuclear capability is staying within Russia. That is just not borne out by the facts.

I thank my colleague for yielding.

Mr. CUNNINGHAM. If the gentleman will yield further, I would like to bring out one other point. When we are talking about quality of life, let us take a look at the broad class, when we cut $177 billion out of the defense budget, that hurts quality of life, and my colleagues on the other side of the aisle passed that Clinton tax package that did that.

In that budget was also a COLA for veterans, and you take a look at how many of the billions of dollars it is costing us for Haiti, and then we take a look at quality of life that our soldiers were ripped out, our sailors, after a 6-month cruise, ripped out with a 30-day turnaround and shipped off to Haiti. Then we had two people commit suicide.

So when we talk about quality of life, let us really take a look at quality of life across the board.

Mr. HAMILTON. Mr. Chairman, I move to strike the requisite number of words.

I know most of the discussion here tonight has been on the readiness and the defense aspects of this amendment, and that is appropriate. But I do want to point out the foreign policy ramifications of it as well, and just simply to say that the nationwide missile defense system, in my view, does jeopardize American foreign policy interests.

A nationwide defense missile system abrogates the antiballistic missile treaty. That treaty has been the most successful treaty we have ever had in the strategic area, the most successful arms control treaty. It saved a very, very costly missile race for the world.

I think a nationwide missile defense system jeopardizes the implementation of START 1, which is an enormously important foreign policy interest of this Nation right at this moment, and likewise, the ratification of START 2.

I think you are quite right to say that there is a threat to the Nation from long-range missiles, but I also think that threat is secondary to the theater missile threat. Nationwide missile defense, in effect, reverses what our defense priorities, it seems to me, ought to be. The missile threat today is in the short- and medium-range missiles, and that is what our priority ought to be on in the defense program. I think that is what it is on.

We must not be complacent, as others have pointed out, with respect to the possibility of an attack on the continental United States, and we should proceed, in my judgment, with a research and development program for that, but the priority ought to be on the area missile defense.

I think the Edwards amendment has it exactly right. I commend him for it.

Mr. LAUGHLIN. Mr. Chairman, will the gentleman yield?

Mr. HAMILTON. I yield to the gentleman from Texas.

Mr. LAUGHLIN. Mr. Chairman, I support the Edwards amendment. I am one of the few Members of Congress to serve in the signal intelligence area of our armed services, and I spent time looking at this very matter we are talking about.

If we are seriously concerned about defense of America to all threats, the first thing we need is a military force that is prepared and ready and trained to go to war, and the next thing we need is for them to have the good quality of life every Member of this body has spoken in support of.

Part of the time I worked as a signal intelligence officer. I looked at this very project because it was an assignment I had, and I fully support and will vote continuously for research and development for star wars. But I am absolutely opposed to spending money that we need for the defense of this Nation to look at putting these intercepts in space.

Mrs. CHENOWETH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am a freshman, but I am a sad freshman tonight, because I think that the last vote, and if we pass this amendment, has in large part broken the Contract With America, not a Contract With America that was formed just in this last election cycle, but a Contract With America that was formed in the formulation of this Nation.

When we talk about quality of life, there is no quality of life if this country is vulnerable to missile attack, and you and I all know that the entire dynamics of the debate changed in 1984 when SDI became a potential reality.

The quality of life in America was more peaceful, because the Iron Curtain came down.

I have trouble with H.R. 7, but it was President Reagan who said in 1984 that history teaches that wars begin when governments believe the price of aggression is cheap.

□ 2020

Mr. Chairman, upon the formation of this country was John Jay in the Federalist Papers No. 4, who reminds us that—

> Wisely, therefore, do they consider union and a good national government as necessary to put and keep them in such a situation as, instead of inviting war, will tend to repress and discourage it. That situation consists in the best possible state of defense, and necessarily depends on the government, the arms, and the resources of the country.

I wish I felt this strongly about a few other parts of the bill, but I must stand firm on my principles. First, I feel that the United States should not become involved in any ''peacekeeping'' activities of the United Nations. This includes provision of troops, funding, in-kind contributions. Such activities are beyond the scope of the Constitution, and if vital U.S. interests are involved, the Constitution provides the proper avenue for dealing with those interests in a national, rather than international manner. We are walking on a very slippery slope when we involve our troops with U.N. ''peacekeeping'' activities, and I caution all of the relevant committees to scrutinize any action very carefully before we consider any actions with the United Nations.

Second, there are a number of waivers in this bill that concern me. I point to page 47, line 19. This section gives the Secretary of Defense a waiver to decide that in the case of an emergency the United Nations will not be required to reimburse the United States for in-kind contributions to ''peacekeeping'' activities. I believe that Congress, not the Secretary of Defense, should decide if the United Nations should foot the bill. This loophole has the ability to be abused.

Lastly, I mention section 512 of the bill, conditions on the Provisions of Intelligence to the United Nations. I realize that this strengthens the conditions of intelligence being provided to the United Nations. However, I object to any U.S. intelligence being provided to the United Nations. In principle, providing classified intelligence information to any international body is undesirable. A government-to-government action has been possible with adequate controls, known to the Congress. However intelligence provided to the United Nations is the same as publishing it in the National Enquirer.

I thank the gentleman for the time to voice these concerns. I hope that the committees with jurisdiction on these issues will take careful consideration of these concerns when these issues arise again. This is a very important issue to the people of Idaho and to the people of America, very sensible people, and they deserve the proper consideration, and they deserve a good strong defense, and they remember what happened in 1994, 1984, when SDI possibly became a reality. Even if this body does not remember, the American people do, and I will cast my vote for this bill and encourage all of my colleagues from both sides of the aisle to join me.

Mr. BARTLETT of Maryland. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would just like to comment briefly on the threat.

I have heard several comments here tonight like ''the threat does not warrant the development of an ABM defense system.'' I have heard words like ''there is no conceivable threat.'' I have heard the question, the statement, made, that we have no threat because who could put the Soviet Union back together?

Let me remind our colleagues that Zhirinovsky, possibly the second-most popular, maybe the most popular, politician in Russia, he wants to have a child in every one of the provinces of what used to be the U.S.S.R. and then when he assumes power, the first thing he wants to do is take back Alaska. He will have at his command 25,000 nuclear weapons and the ability to deliver them. If they are targeted somewhere else now, within less than 2 minutes he can target every one of them back here, and we do not have a threat, a potential threat?

Come on now. Let us get real.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT of Maryland. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, let me say to the distinguished ranking member of the Committee on International Relations, the gentleman from Indiana [Mr. HAMILTON], that I listened to his statements about the possible destabilization of our armed situation with the Soviet Union, and let me just remind my colleagues that this amendment eliminates some possibilities of working together with the Soviet Union.

Mr. Yeltsin said in two speeches, January 29 and January 31, 1992, that the strong possibility existed of the Soviet Union teaming up with the United States and using Soviet technology and U.S. SDI technology to develop what Mr. Yeltsin, not President Reagan and not President Bush, but what Mr. Yeltsin described as a global protection system.

Now we are giving up that possibility. We are giving up that opportunity, if we adopt this amendment, that we are not going to hear any evidence about anything except the system that the gentleman from Texas [Mr. EDWARDS] thinks will work. That is a ground-based system. It does not make sense to give up not only the possibilities that our technicians offer us and our scientists say they want to testify about, but also to give up the possibilities that have been offered to us by the Soviet Union.

Since Mr. Yeltsin made that statement, Mr. Chairman, a number of our technical people have been working with Soviet scientists, Soviet diplomats, and talking about the opportunity to have a partnership. I say to my colleagues, ''You give that up, you limit yourself, you limit the United States, if you go with this Edwards amendment.''

Let me tell my colleagues what else they give up. As my colleagues know, it has been suggested by all of our experts that we might want to have a layered defense. I say to my colleagues, ''That means, if you have a ballistic missile coming in, you try to shoot it down first when it launches. That's the best time to get it, before all of the multiple warheads, if it has multiple warheads, break away from the bus, and then you have 10 problems instead of 1 problem. So you try to get it when it boosts up. Second, if it survives, that you might want to get it when it's up high in space. If you can get it then, you don't have to worry about it coming down and having to deal with it with your terminal defense. Last, if everything fails and that missile is coming into San Diego, CA, or New York, or Mr. EDWARDS' district in Texas, then you have one last shot at it, and that's with this ground-based system.''

I would suggest it does not make much sense for us as Members of the House to limit our technical experts and say we have adopted the idea of the gentleman from Texas [Mr. EDWARDS] of the best technology, and he says the only thing that works is the stuff that is launched from the ground. We are not going to try to shoot that missile down when it first boosts up, and we sure do not want to shoot it down in space because that would be a war in the heavens. But we will go with that good old six-gun that the gentleman from Texas says we have got. We can shoot it as it is coming in on our cities.

Mr. Chairman, I say to my colleagues, ''So you give up, my colleagues, the chance to have a layered defense, and all we are asking here is not that you choose one. We are asking that you let the committee process take its course, and you listen to our scientists, and experts, and military leaders as they come in and testify as to the cheapest, most cost effective way to shoot down incoming ballistic missiles.''

I think that the Edwards amendment, as much as I respect my friend from Texas, is one that limits us in a way that we should not be limited.

Mr. HINCHEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think it is true that the real threat to our security does come from the former Soviet Union, nuclear threat to our security does come from the former Soviet Union, but not in the way that some of our friends and colleagues imagine. It does, in fact, come in a way that was described for us an hour or two ago by the former chairman of the Committee on Armed Services, the gentleman from California. He talked about the ability to smuggle into the country, in the tons of contraband that cross our borders daily, a nuclear device, or parts of a nuclear device, to be assembled here and then set off possibly by terrorist or terrorist organization. That constitutes the real most immediate threat to our security.

Now coincidentally, just within the last several weeks in Czechoslovakia authorities seized an automobile and the contents of that automobile. In that care were approximately 6 pounds of highly enriched uranium which were smuggled out of the Soviet Union by a Russian, a Ukrainian, and a citizen of Belarus. They were trying to take that 6 pounds of enriched uranium and sell it to terrorists on the open market. Now there are within the former Soviet Union at least 150 sites that contain enriched uranium from which those people, or people like them, can obtain that fissionable material, take it out of the former Soviet Union and put it on the marketplace for terrorist organizations.

□ 2030

We are not paying any attention whatsoever to this most immediate, most serious threat to the security of the United States and in fact our allies, and we fail to recognize this threat at our peril. That is the most serious threat and the most immediate threat, and that is the one we need to pay attention to.

Mr. EDWARDS. Mr. Chairman, will the gentleman yield?

Mr. HINCHEY. I yield to the gentleman from Texas.

Mr. EDWARDS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, when this debate began some time ago, some of my Republican colleagues said on this Floor they are not interested in Star Wars. My friend, the gentleman from Pennsylvania [Mr. WELDON], volunteered to donate to charity for every instance when the word ''Star Wars'' were used. Now, a few minutes later, other Members are arguing for a Star Wars deployment.

Well, this amendment is simple and it is straightforward: If you want to say no to Star Wars, vote yes on this amendment. If you think $30 billion and 12 years is enough on one program, then simply vote yes on this amendment.

On the other hand, if you believe in Star Wars and you want to spend more money on its deployment and good faith, then simply vote no on this amendment. It is that simple.

But this amendment is not about whether today or some day there might be a threat to the continental United States. Nothing in this amendment stops a ground-based national missile defense system or even continued research for some space-based system. It simply says no to the deployment of Star Wars, a $30 billion boondoggle, after 12 years, for which there is no evidence that the technology would even work.

Finally, I am not asking that you agree with CHET EDWARDS' opinions, because mine are not important. I am asking that this House agree with the opinions of our top military leaders and past leaders such as Colin Powell and Admiral Crowe, who was Chairman of the Joint Chiefs of Staff under President Reagan, to say enough is enough, and tonight it is time to say no to star wars.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. HINCHEY. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I want to compliment the gentleman. A ground-based system is treaty compliant. Anything that we do in space would abrogate the antiballistic missile agreement. This would then lead to a reconsideration by the Russians of the START I-START II agreements, which called for a two-thirds reduction in our offensive ballistic missiles on both sides. They are not going to go out and approve START II if we are rushing to deploy a space-based system.

So I think we made a lot of progress with the Spratt amendment, and if we could get this amendment through, I think we would have done a good job for our country. I believe a space-based missile system is extremely expensive, is not treaty-compliant, it violates the ABM agreement on a prime facia basis, and it is not something we should do on this point.

Mr. ROTH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to ask the Members to pay strict attention to what they are doing here this evening. You know, you have to be very careful because these guys on this side of the aisle are very cagey. The next thing you know, you have a bill and you have got nothing to it, and it will be like cotton candy. You know what happens when you get cotton candy. They come over here and talk about Star Wars and you have all this debate, and in the meantime your bill is slipping away from you. None of you paid strict attention the last vote you had where you had to strike a clause dealing with congressional funding. Do you know what you just gave away? You gave away a key portion of this bill. Because under this bill, DOD funds under this bill had to be approved by Congress for peacekeeping. Under Amendment 12 that you just passed, you gave it all away. You gave up a major portion of your bill.

You have got to pay attention to what is going on here on the floor. My dear friends here on the floor and back in your offices, watch these amendments when you are voting on them. You are getting cotton candy, my friends. You are getting a bill that is going to have nothing to it.

For example, when you look at this bill, there is $1.7 billion by Congress last year for peacekeeping. It did not have to have the approval of Congress. You pass this amendment now, you are not going to have to need the approval of Congress either. And that is the entire point of this bill. That is what the Contract With America is all about. You are putting Congress back in the game. And you just took Congress out and no one even paid any attention.

Look at these amendments. Look at this amendment. They make a lot of noise over here. They wave to you up here and underhandedly take it all away from you. You got to watch these guys or they will hornswoggle you. So I am asking you, watch these amendments or you are going to end up with cotton candy.

Mr. SCARBOROUGH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we have been hearing talk about Darth Vader being dead and Star Wars and all of these comical type figures, when we really need to be looking at what we are facing in this world today.

The fact of the matter is, we are not facing Darth Vader, even if you want to call the Soviet Union Darth Vader and say that Darth Vader is dead. If we want to talk about it in those simplistic terms, if we want to talk about something that is this important, national security, in those comical terms, fine, let us talk about it. Darth Vader has had children now and they have spread across the world.

The fact of the matter is, the world is not safer today than it was 5 years ago before the collapse of the Soviet empire. The fact of the matter is we now have, it has been estimated, 20 to 25 countries that are going to have nuclear capability within the next 5 to 10 years, and have that ability to launch nuclear missiles across continents.

We are not talking about Darth Vader; we are not even talking about the former Soviet Union. The nuclear club is going to be expanded beyond the Britains and beyond the Chinas and beyond the Russias and beyond the Americas, and beyond the Indias, and instead the people who are going to be possessing nuclear capability are going to be the Kadafis and the Saddam Husseins and the North Koreas. I keep hearing all this concern about all these wonderful treaties, START I, START II, all these treaties that are going to be thrown out the window.

Well, I am only a freshman and I suppose I did not recall the full debate, but I did not think Saddam Hussein or anybody in North Koera had anything to do with these treaties. They are not signatories to these treaties, they are not concerned about these treaties. And if we sit back and continue to frame this debate in comical terms such as Darth Vaders and Star Wars and all these other things that are not relevant to the debate tonight, that is not relevant to what is going on inside of North Korea, does anybody in this Chamber know what is going on inside of North Korea? Does anybody inside this Chamber? If the gentleman from New Mexico [Mr. RICHARDSON], knows about North Korea's nuclear capability, then I will gladly yield to him and let him talk about the nuclear capability. But the fact of the matter is the gentleman does not know any more than the rest of us know.

And yet we are not talking about North Korea. We are not talking about North Korea tonight. We are not talking about the problems that we may be facing with Kadafi. We are not talking about the unknowns that we are going to be facing with Saddam Hussein. Instead, we are hearing talk about Darth Vader and these other things that demean the process and trivialize in the end what I am the most concerned about, and that is my seven-year-old son and my four-year-old son, my children, my grandchildren. I am concerned about them.

□ 2040

I am concerned about the homeless in the inner cities, and I am concerned about those who are going to bed tonight in south central L.A. afraid they are not going to wake up in the morning because of violence. But their threat not only comes from the inner cities, the threats in South Bronx not only come from the problems in the South Bronx, it comes from threats across the globe. And they are just as dead in the morning, if we do not defend them nationally, as they would be from the spread of violence and poverty.

Mr. WELDON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. SCARBOROUGH. I yield to the gentleman from Pennsylvania.

Mr. WELDON of Pennsylvania. Mr. Chairman, the gentleman makes an excellent point. Over the past 30 years we have had two wars in America. We had the war on poverty, and we spent $6 trillion and we lost. And we had a strong buildup with support from Democrats and Republicans, and we spent $5 trillion during that same period of time. And what happened? The world is a safe and secure place because we won that.

What we are saying is, we want to continue to be strong to deter aggression. We lost the war on poverty where we spent more money, but certainly our investment in defense allows all of us to be here where we are today.

Mr. BILBRAY. Mr. Chairman, will the gentleman yield?

Mr. SCARBOROUGH. I yield to the gentleman from California.

Mr. BILBRAY. Mr. Chairman, last March I was in Israel and talked to mothers and fathers who have had to hide their children.

The CHAIRMAN. The time of the gentleman from Florida [Mr. SCARBOROUGH] has expired.

On request of Mr. BILBRAY, and by unanimous consent, Mr. SCARBOROUGH was allowed to proceed for 2 additional minutes.

Mr. BILBRAY. Mr. Chairman, if the gentleman will continue to yield, last March, when I talked to mothers and fathers who had lived in fear of their home being bombed by ballistic missiles, the comments they made were very strongly saying, we need not only this for Israel, we need this for the entire world so every country has it.

My problem I am having is, I am hearing my colleagues from both sides of the aisle agree that we need to develop the technology. We need to be able to address the point that the facts are that there is more of a threat of a ballistic missile crossing into the United States territory than it is a foreign enemy tank coming in. But we have antitank technology. But we have not developed the technology.

I think the issue comes down to the fact, I keep hearing the dialogue going back and forth of what not to do. I think the people of the United States say, if we are going to develop this technology to protect foreign countries, doggone it, the taxpayers have the right to have their country, America, defended with the same technology.

I think that is all we are saying here. As this technology is developed to protect other countries, let us darn well make sure that we are protecting our children, our neighborhoods and our homes in the same way.

Mr. EDWARDS. Mr. Chairman, will the gentleman yield?

Mr. SCARBOROUGH. I yield to the gentleman from Texas.

Mr. EDWARDS. Mr. Chairman, I want to be sure the gentleman's comments are not misunderstood to misrepresent my amendment. My amendment does not stop research and development of any program. And, furthermore, I hope those same Members that have some concern for ballistic missile attack on the United States understand that those same minds can take a thousand-pound missile, rent a U-haul truck and deliver that missile to any city in the United States.

Mr. BILBRAY. Mr. Chairman, will the gentleman yield?

Mr. SCARBOROUGH. I yield to the gentleman from California.

Mr. BILBRAY. Mr. Chairman, I would ask the gentleman to consider that when we secure our borders, I hope that the gentleman understands that same threat when we talk about Border Patrol.

And Border Patrol, because I live one mile from the border, it does not take a long distance missile to hit me. My family is under that threat. So let us remember the national defense.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think what we are missing here is, we are talking about what our priorities should be. And I think the Spratt amendment makes it very clear. Our priorities should be readiness and theater missile defense.

I was out with the gentleman from Pennsylvania, Mr. MURTHA, now ranking minority member, to the Gulf War twice. And it was very apparent to me that when we deploy our kids to the Gulf, maybe someday it will be the gentleman's children, we want to have for them theater missile defense to defend them against incoming SCUD missiles which would carry chemical, biological warfare weapons.

That is a priority. Readiness is a priority. And we would argue that we are spending $400 million of the taxpayers' money to do research and development about a national ballistic missile defense system. That seems to me to be a rational program. We ought to stay with that program.

The problem is, we have passed a balanced budget amendment. The comptroller of the department of defense tells us that under the most favorable scenario, defense will be cut by $110 billion over the next 7 years. Under the worse case, if there are no tax increases and if there are very cuts in entitlements, the cuts in defense will be up to $520 billion over the next 7 years.

So what we are saying is, we have got to take care of business first. The most important thing we have learned over the years is to have our troops ready and prepared so that if they have to go into harm's way, they can do an effective job as they did in the Gulf.

And second, if we are going to send them to the Gulf, then we have to protect them against the threats that they could face. And theater missile defense is crucial to that.

I believe that out of the 400 million and what we are learning about theater missile defense, we someday will have the capability to give the country a treaty-compliant land-based system. The question is, should we rush out and say within 60 days we are going to have demand from the secretary of defense for a plan to deploy some system? And I am told if there were such a system to be deployed, it would have to be something that would not be treaty compliant. I think that is a mistake, because we are at the very point when we are asking the Russians to dismantle two-thirds of their land-based ICBM's. And believe me, that is the biggest threat that is out there.

Let me remind all of my colleagues of something else that we forget, that even though we do not have a national ballistic missile defense system, we still possess tremendous offensive nuclear capabilities against these countries. So if somebody attacks us, they better think through whether they want to completely destroy their country because it would be my judgment that the President, the commander in chief, would retaliate using nuclear weapons against somebody who used that kind of a weapons system against us.

What I am arguing is that this amendment today is a good one. It puts us in a position where we can go forward, do the development for a land-based missile defensive system. And it is treaty-compliant. It makes sense.

To rush out and try to do some space-based thing today would get us in trouble with Russia, undermine our arms control agreements, cost of a lot more, return us to a cold war fronting with the Russians.

It does not make any sense. I think the Edwards amendment should be adopted.

Mr. SAXTON. Mr. Chairman, I move to strike the requisite number of words.

I just wanted to make a couple of remarks. I did not intend to speak on this amendment, but I, as I listened to the debate and noted that there was a great deal of concern about whether or not Members who are against this amendment and for developing and deploying, whether or not we care about other things, I think the fact of the matter is that we care a lot.

The fact of the matter is we care a lot about our country. The fact of the matter is we care a lot about our national security, and that is all for the people we represent. If we did not care as a country during the 1950's, we would not have developed the technology and bought the hardware that led us to send in very rapid order, very quickly, 450,000 troops by air to the gulf. That technology today is almost worn out, C–141's and C–5's. But that was developed in the 1950's, and we bought it and put it in place in the 1960's.

If we did not care about this thing, we would not have developed the technology in the 1960's that resulted in the M1A1 tank that was used in the gulf which, believe it or not, Iraqi soldiers let us look through clouds of dust and look through clouds of fog and look through rains, rain storms and allowed us to fire on and hit enemy tanks, when they could not see us.

If we did not care about these subjects, we would not have developed during the 1970's munitions that we saw used in the Gulf war that were so accurate that the old saying today, and today it is an old saying, it is kind of neat, those smart munitions went right down the chimneys of the Iraqi houses. If we did not care, we would not have developed those technologies.

I want to make a point. The point is this, that if we do not get serious about this issue, based on what I know about development of weapons systems and development of technology, we are

going to find ourselves dead behind the eight ball.

□ 2050

I do not want to find ourselves there. Mr. Chairman, again, and I do not want to overuse this statement, but today the Director of the CIA says that this threat is imminent; that by the turn of the century we are going to have to be concerned about this issue from unfriendly countries in far off parts of the world, not the old Soviet Union, but other people.

It was neat when we had the Soviet Union. They were rational folks and we could sit and talk with them. They understood that they had a gun pointed at us and we had a gun pointed at them, and they cared about that issue, so deterrence worked.

I wanted to ask the gentleman, does he think deterrence will work the same way with countries in the Middle East that are trying very desperately to gain this technology? Will it work with the Koreans? I do not want to bet on it, Mr. Chairman. I would rather develop and buy this technology that works, when it works, and that is what our position on this side of the aisle is all about.

Mr. Chairman, finally, one point: Secretary of Defense Perry just last week or the week before came to the Committee on National Security and said, ''Please do not micromanage my programs.'' The amendment just recently passed speaks to a ground-based missile defense system. We have made the judgment that that is the way we want to go.

This amendment goes further and says, ''Don't buy space-based.'' I do not feel like I am in a position to make those decisions, and Secretary Perry just last week said, ''Please don't make those decisions for us,'' so I think this is an ill-advised amendment.

Mr. WELDON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. SAXTON. I yield to the gentleman from Pennsylvania.

Mr. WELDON of Pennsylvania. Mr. Chairman, I thank the gentleman for yielding.

I would add, Mr. Chairman, this is the only case I can think of where we are going to see an amendment offered that eliminates a specific type of technology that may or may not be requested by the Pentagon. We could say, ''Why don't we limit the nuclear capability of our aircraft carriers?,'' or ''Why don't we build our nuclear-powered submarine?''

We are talking one technology that may or may not be requested by the Defense Department and saying, ''Do not explore this even if it may down the road provide protection for our citizens.'' I do not understand that mentality. What we are saying is not to force them to deploy a space-based system, we are saying, ''Come back and tell us what it is that you think we should do and how quickly can we do it.'' That is what we are suggesting.

I think it is ill-advised in this case to limit the technology.

Mr. MURTHA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, a few days ago this Congress in its wisdom passed a Balanced Budget Amendment. Two-thirds of the Members in this body said that ''We want to balance the budget,'' and I understand that. I realize the deep concern of the American people about the deficit.

On the Subcommittee on Defense of the Committee on Appropriations, for years we have been trying to reduce the size of the expenditure because we know that the pressure is on defense versus domestic. We recognize that we have to do it in a way that we do not have the same debacle we had after World War II, after Korea, and after Vietnam. I think we have done a pretty good job. There is no question many of the things that my good friend, the gentleman from California, DUKE CUNNINGHAM, has said are true. Many of the things that each of the Members have said today are true. There is a threat from the former Soviet Union.

However, Mr. Chairman, more of a threat to our viability is the readiness of the troops. I think this Congress spoke absolutely correctly when it said ''Readiness is first, theater missile is second, and third is a space-based national missile ballistic system.'' When we go to a base and 60 percent of the kids are on food stamps, when you have a billion dollar backlog in real property maintenance, which is the heart of readiness, when you have a $2 billion backlog in depot maintenance, when you deploy troops to Iraq or to Korea and cannot sustain that deployment, and I know the chiefs say they can deploy to two different theaters. They cannot deploy to two different theaters and sustain that for any length of time, in my estimation.

Mr. Chairman, if we do not adopt this amendment, the thrust of this amendment, I believe that we will be hurting the very thing that all us are trying to improve and keep.

I have been working 7 years trying to make sure that the medical facilities and the quality of life for the men and women under arms is at a higher level, and it is no easy task, because every time I turn around, the military finds a way to reprogram that money, finds a way to use it for something else.

The Members will be facing the supplemental in a few days. My good friend, the gentleman from Florida, BILL YOUNG, and I have worked out the best type of supplemental we can possibly work out. I do not think the money should be offset because it is paying for extraordinary operations.

I think it ought to be money that is emergency money, as the President asked for, but because of the pressure of the budget, it is going to be offset. I understand that. I do not agree with it, but I understand that.

There is nobody in this Congress that knows more about the effects of missile attacks than I do. As Members will remember, I am one of the 80 Democrats, and I led the fight for the authorization to go to war in Saudi Arabia. A unit from my home town, one young fellow a block and a half away from me, was killed in a missile attack.

I lost more people in the Saudi Arabia war than any other Member of Congress, so there is nobody that understands the importance of a theater missile system more than I do. There is nobody who understands the importance of protecting this great country against any threat.

However, we do not have the money to protect against any threat in the world. Anybody on our Subcommittee on Defense on the Committee on Appropriations will remember the difficulties we face every year.

Somebody got up a few minutes ago and they said that the Committee on Armed Services put a pay raise in for the Members of the Armed Forces. Half the people I have talked to have been deployed over 50 percent of the time, and the Administration had not asked for a pay raise.

I forced the issue, and the Committee on Armed Services did in fact put the pay raise in. The tally for that pay raise was $11 billion, one of the most important things we could have done last year, because it had such a beneficial impact on the men and women serving in our Armed Forces.

Certainly, if we ask them to go forth and spend so much time away from home, as many of the Members have done, the least we can do is make sure they have the quality of life.

Mr. Chairman, I rise in strong support of what we are trying to do today to take a reasonable position, continue the research, but do not make people believe that we can deploy this system prematurely. I would hope the Members would consider very seriously supporting the Edwards amendment and keeping the readiness of this great country at the highest level possible.

Mr. LONGLEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I respect the gentleman from Pennsylvania [Mr. MURTHA] and I know from whence he speaks. I know that he, probably more than any Member of this Chamber, knows the price that is paid in our Nation's defense.

However, Mr. Chairman, I am reminded, and I think we all ought to be reminded, by the fact that it is now February of 1995, and 50 years ago we were ending one of the bloodiest conflicts in world history, where we were defeating two totalitarian regimes, one in the Pacific, one in Europe.

One of the key systems that resulted in the defeat and a victory for this country was a little-known system called radar. I do not know very much about radar and I do not know very much about the history of radar, but I

wonder what the debate was in the late twenties or early thirties when people probably just as committed and honorable as those who are in this Chamber were debating the feasibility of whether or not we were going to use a radar system, or even develop it.

Given the fact that in the thirties defense spending was at an all-time low, in fact, I am advised that our current level of funding is the lowest since the thirties, but at that time, how many other competing demands were there?

□ 2100

What other issues relating to quality of life were there? And what system ultimately saved more lives in that conflict than that one system of radar? In fact, I kind of wonder whether or not the perceptions of radar in the 1930's equate with the perceptions that exist today in this body relative to space-based systems.

I would point as evidence of that to the attack on Pearl Harbor in December 1941. We had an early radar system that was in fact deployed in Hawaii. I do not know what went through the minds of those two technicians who saw those flights of aircraft coming towards that harbor. I do not know whether they thought it was a big joke. I do not know whether they thought it really was a flight of B–12's, B–29's coming from the United States. But whatever it was, they did not take it seriously and the net result was one of the greatest naval defeats in American history.

I rise in opposition to the amendment, because I think we would be ill-advised to preclude a system that potentially could play a role in the defense of this country.

I certainly appreciate and understand and would agree with the comments that have been urged on this Chamber by those who suggest the possibility that we could be facing attacks from barges, or taxis or border crossings or whatever means that someone could use to deliver some means of mass destruction. But the fact remains we must defend against those threats as well as any other, particularly a threat that can be activated on a massive scale by some one individual bent on destruction pushing a button.

When I look, and I heard the comments earlier this evening from the gentleman talking about Russia. And, yes, they are being hammered by a Third World country. But at the same time they are taking their missile technology and selling it to China, they are taking their submarine technology and selling it to Iran and to China, and we are finding that briefcases are being found with plutonium in western Europe, and there are thousands of nuclear warheads and missiles that are not accounted for as we speak on the floor of this Chamber.

All I would suggest is that I think that there are some issues here that go beyond our immediate perceptions of reality. I think that when I look, for instance, at my own district and the men and women who produce the Aegis destroyers and yes, it is part of our theater missile defense system but very definitely it could be linked into a satellite or a space-based system that potentially could play a valuable role, not only in protecting our men and women in uniform but protecting the shores of this great country.

I urge on this Chamber the defeat of the amendment. I think that, yes, we need to act reasonably and prudently. But I think to preclude one system would be a grave mistake and a grave danger to the future of this country.

Mr. SCARBOROUGH. Mr. Chairman, will the gentleman yield?

Mr. LONGLEY. I yield to the gentleman from Florida.

Mr. SCARBOROUGH. I certainly appreciate your comments. The question really should be framed not whether they funded radar in the 1920's and 1930's leading up to World War II but whether they were open-minded enough to be willing to look into funding radar technology. I certainly appreciate the comments of the gentleman from Pennsylvania, but it seems to me that you can be for readiness, you can understand the troubles, the readiness troubles that we are having, that there are unfortunately men and women in our armed services who are on food stamps, without excluding this, without saying we are just not going to even consider looking into this technology that can save our lives in the future.

Mr. MONTGOMERY. Mr. Chairman, I ask unanimous consent that all debate on this amendment end in 5 minutes.

Mr. SAWYER. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. SAWYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not intend to take the full 5 minutes. The gentleman, the previous speaker, raised a question that is entirely relevant to the question at hand today but in the wrong historic context.

The fact of the matter is that radar was developed in England in the 1930's. It was developed as an alternative to a weapons system that had been proposed by a variety of military thinkers in England at that time to create an airborne system of barrage balloons armed with explosives designed to stand in the way and provide a shield against the invading air forces from Germany.

Radar was proposed as an alternative to that in one of the most interesting chapters in public policy thinking that has been talked about in this country in recent years. It was the subject of a series of lectures at Harvard by E.B. White in the early 1960's. I commend it to the gentleman. It is a real illustration in sound scientific military policymaking.

Mr. LONGLEY. Mr. Chairman, will the gentleman yield?

Mr. SAWYER. I yield to the gentleman from Maine.

Mr. LONGLEY. This is precisely the point. What if that system of barrage balloons as ill-advised as it might have been had precluded the development of radio electronic detection?

That is what I am saying, is that I think we are ill-advised to preclude one form of technology until we understand where it might lead. That, I think, is precisely the issue.

Mr. SAWYER. I understand the gentleman's point, he has made it several times. I think it is in the wrong historic context. It is the reason I rose to try to correct the point, that the radar was not developed in this country, was not developed in the 1920's, it was done for a vastly different purpose.

Mr. EDWARDS. Mr. Chairman, will the gentleman yield?

Mr. SAWYER. I yield to the gentleman from Texas.

Mr. EDWARDS. Mr. Chairman, I will be brief. I think we have had an honest debate today and it is time to vote. Both sides have been heard on the floor of this House. I simply want to conclude by saying this is not a debate about who cares about protecting the American people. Every Member of this House cares deeply about protecting our national security and every American family.

This debate on this amendment is simply an issue of do you want to deploy Star Wars after we have already spent $30 billion researching it over 12 years and do not even have the capability of saying the technology will work? Or do you want to save that money, perhaps use it for theater missile defense, use it for a ground-based national missile defense system, use it for pay raises for members of the military, use it for quality of life issues for the military, use it for deficit reduction.

You are either for Star Wars deployment or against. It is that simple. It is not a question of integrity or who cares or who does not. I would urge that the Members of this House vote.

Mr. BACHUS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we are fixing to take a vote, and the gentleman from Massachusetts on the Democratic side I think framed the entire issue from here, and I think that if you believe him, you should vote for this amendment. If you do not believe him, you should oppose this amendment with every fiber in your body.

Let me repeat what the gentleman from Massachusetts said. He said, ''There is no more Darth Vader.'' He said, ''The world is not the dangerous place that it used to be.''

If I believed that there were no Darth Vaders in the world today, I would probably vote for this amendment.

But, Mr. Chairman, before we take this vote, every Member of this House needs to remember what the Central Intelligence Agency has advised this Congress. It says there are 25 nations

in this world presently pursuing the technology to build a ballistic missile capable of hitting, not Kuwait, not our carriers, not eastern Europe, capable of hitting the United States.

I recently read that a poll in this country conducted of American citizens said 58 percent of Americans believe that we have the technology to stop such a missile attack. I believe that an equal number in this House apparently are under that misconception.

Ladies and gentlemen, we do not have the technology to stop a long-range ballistic missile attack. That is what this bill is about.

If this amendment passes, then among those 25 nations, we have Iran, we have North Korea, and we have Libya, 3 nations that have said, ''We will destroy America if we can.'' And they are building the technology to do just that.

So we are fixing to vote. You can vote to give the military the technology and the ability to stop such an attack, or, as the gentleman from Massachusetts said, you can say there is no Darth Vader.

□ 2110

You can say that Russia is stable and that Russia is our friend, and you can ignore one of the lead stories on NBC News tonight that said Yeltsin is unstable. Or you can vote against this amendment, vote for the safety of the American public that you represent.

If you believe that this world is safe, and that those 25 countries that the CIA says exist, if you do not believe that, then vote for this amendment. But if you want to protect your families, your neighbors, and those people you represent, you will vote against this amendment and you will vote for this bill.

Mr. BROWN of California. Mr. Chairman, I rise in strong support of the gentleman's amendment and I would like to briefly outline the consequences of proceeding down the path that the bill H.R. 7 suggests.

We find ourselves today again debating the merits of a space-based multi-billion-dollar ballistic missile defense system. For those of us who participated in these same debates a decade ago this has a ring of great familiarity. Yet, the context of this debate today is vastly different than March of 1983 when then President Reagan presented his vision. We are facing deficits of over $200 billion as a result of the Defense buildup of that era. We no longer live in fear of Russian space and missile technology—in fact we are jointly building a space station using that very technology. Simply said, there is no threat and there is no money. We cannot afford to embark on such an expensive fantasy.

The bill before us reverses the path that we have followed over the past two administrations—that is, to develop a lower cost theater defense system that addresses the very real threat posed by potentially hostile Third World nations. Now we spend roughly $3 billion per year and will continue to do so for the next 5 years according to the President's budget. This is a rational program which is aimed at the deployment of a theater high altitude area defense system which will provide a moderately reliable defense against ballistic missiles with ranges up to 3,000 km.

To undertake the national missile defense program required by this bill will require doubling this spending level almost immediately with substantial increases in future years with outyear costs exceeding about $35 billion by the end of the decade. It is intended to engage a ballistic missile capability which does not now exist.

As my colleagues well know, we have already spent about $35 billion on star wars over the past dozen years and have precious little to show for it. There is no question that the financial burden of a new program will be placed exclusively on the American taxpayer. Other nations including Israel, South Korea, and Japan have balked at even paying a share of a theater missile defense system. They do not perceive the risks to be sufficient to justify the costs.

There is no question that the development of a substantial long-range missile capability by potentially hostile nations would take at least a decade of highly visible testing. I have no doubt that the most cost effective approach here is simply to intervene through diplomacy, economic pressure, or ultimately through force. Our missile technology control regime has been highly successful over the past decade and it hasn't cost the taxpayer a dime.

The question of achievability of a national missile defense system—and any cost—should be a major consideration for this body. After extensive development and testing of the Patriot missile we have learned that it faced substantial difficulties during Desert Storm. Despite the enormous psychological comfort this system provided, the hard evidence calls into question how many Scud missiles were actually intercepted. Simply said, we have a long way to go in perfecting even this relatively unambitious capability. The challenges posed by a national missile defense system are orders of magnitude beyond a theater missile defense system.

We must face the reality that President Reagan's vision is simply not achievable in the foreseeable future. There is a continuum of ground-based technology development beyond THAAD that could make sense and perhaps should be pursued in favorable economic times. The quantum leap to a space-based long range missile defense system makes no sense now and perhaps never will.

I ask my colleagues to join me in voting for this amendment.

Ms. HARMAN. Mr. Chairman, I enthusiastically supported the Spratt amendment—to fund and deploy a theater missile defense system first. I also agree with Mr. Spratt that a ground-based system is the place to start.

And I agree with the author of this amendment, Mr. EDWARDS, that a lot of money has been wasted on space-based systems that were poorly designed and extravagantly funded.

But I am not prepared to support an amendment that prohibits deployment of space-based interceptors which, using new technology, we may need to defend against future threats.

And so, with reluctance, I will cast my vote against the Edwards amendment.

The CHAIRMAN. The question is on the amendment, as modified offered by the gentleman from Texas [Mr. EDWARDS].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. EDWARDS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 206, noes 223, not voting 5, as follows:

[Roll No. 137]

AYES—206

Abercrombie	Gonzalez	Owens
Ackerman	Goodling	Pallone
Baesler	Gordon	Parker
Baldacci	Green	Pastor
Barcia	Gutierrez	Payne (NJ)
Barrett (WI)	Hall (OH)	Payne (VA)
Beilenson	Hamilton	Pelosi
Bentsen	Hastings (FL)	Peterson (FL)
Berman	Hefner	Peterson (MN)
Bevill	Hilliard	Pomeroy
Bishop	Hinchey	Poshard
Blute	Holden	Rahall
Boehlert	Hoyer	Rangel
Bonior	Jackson-Lee	Reed
Borski	Jacobs	Reynolds
Boucher	Jefferson	Richardson
Brewster	Johnson (SD)	Rivers
Browder	Johnson, E. B.	Roemer
Brown (CA)	Johnston	Rose
Brown (FL)	Kanjorski	Roukema
Brown (OH)	Kaptur	Roybal-Allard
Bryant (TX)	Kennedy (MA)	Rush
Cardin	Kennedy (RI)	Sabo
Chapman	Kennelly	Sanders
Clay	Kildee	Sawyer
Clayton	Kleczka	Schroeder
Clement	Klink	Schumer
Clyburn	LaFalce	Scott
Coleman	LaTourette	Serrano
Collins (IL)	Laughlin	Shays
Collins (MI)	Leach	Sisisky
Condit	Levin	Skaggs
Conyers	Lincoln	Skelton
Costello	Lipinski	Slaughter
Coyne	Lofgren	Smith (MI)
Cramer	Lowey	Spratt
Danner	Luther	Stark
de la Garza	Maloney	Stenholm
Deal	Manton	Stokes
DeFazio	Markey	Studds
DeLauro	Martinez	Stupak
Dellums	Mascara	Tanner
Deutsch	Matsui	Taylor (MS)
Dicks	McCarthy	Tejeda
Dingell	McDermott	Thompson
Dixon	McHale	Thornton
Doggett	McKinney	Thurman
Dooley	Meehan	Torkildsen
Doyle	Meek	Torres
Duncan	Menendez	Torricelli
Durbin	Mfume	Towns
Edwards	Miller (CA)	Traficant
Engel	Mineta	Tucker
Eshoo	Minge	Velazquez
Evans	Mink	Vento
Farr	Moakley	Visclosky
Fattah	Mollohan	Volkmer
Fazio	Montgomery	Ward
Fields (LA)	Moran	Waters
Filner	Morella	Watt (NC)
Flake	Murtha	Waxman
Foglietta	Nadler	Williams
Ford	Neal	Wilson
Frank (MA)	Ney	Wise
Frost	Oberstar	Woolsey
Furse	Obey	Wyden
Gejdenson	Olver	Wynn
Gephardt	Ortiz	Yates
Gibbons	Orton	

NOES—223

Allard	Barrett (NE)	Boehner
Andrews	Bartlett	Bonilla
Archer	Barton	Bono
Armey	Bass	Brownback
Bachus	Bateman	Bryant (TN)
Baker (CA)	Bereuter	Bunn
Baker (LA)	Bilbray	Bunning
Ballenger	Bilirakis	Burr
Barr	Bliley	Burton

Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
Lazio
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Myers
Myrick
Nethercutt
Neumann
Norwood
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Skeen
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—5

Becerra
Lantos
Lewis (GA)
McCollum
Pickett

□ 2127

Mr. HOUGHTON changed his vote from ''aye'' to ''no.''

Mr. DIXON changed his vote from ''no'' to ''aye.''

So the amendment, as modified, was rejected.

The result of the vote was announced as above recorded.

□ 2130

AMENDMENT OFFERED BY MR. SKELTON

Mr. SKELTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SKELTON: At the end of title II (page 12, after line 25), insert the following new section:

SEC. 204. READINESS CERTIFICATION.

Of the total amount of funds appropriated or otherwise made available for the Department of Defense for fiscal year 1996, the amount obligated for national missile defense programs may not exceed the amount made available for national missile programs for fiscal year 1995 until the Secretary of Defense certifies to the Congress that the Armed Forces are properly sized, equipped, and structured and are ready to carry out assigned missions as required by the national military strategy.

Mr. SKELTON. Mr. Chairman, I offer this amendment to title 2. This afternoon I had the opportunity to speak on the telephone to a friend of mine from Jefferson City, MO, Bob Hyder, who shared with me that 50 years ago today, as an American frogman, he went to the beaches of Iwo Jima to prepare that island for an attack by the American forces. Bob Hyder, besides being courageous, was fully trained, and ready, and competent at what he did.

This evening I appear here in support of the finest in America, those who wear the uniform of the United States, the men and women who lay their lives on the line, if that be the case.

Members should realize that I speak for a strong national defense. Members should realize, particularly my friends on the other side of the aisle, that I have not made myself overly popular in the White House as a result of a recent budget proposal which exceeds that of the administration by some $44 billion because in my opinion we need more funds for readiness for those in uniform.

I speak on this amendment which would require that before there is an increase in spending for accelerated development and deployment of a national missile defense, the Secretary of Defense must certify to Congress, to us, that the armed forces are properly sized, equipped, and structured and fully ready; that is the readiness issue; to carry out assigned missions as required by the national military strategy.

The national military strategy is set forth in the bottom-up review. It has been our strategy for at least 2 years, and we should understand fully what it is. The national military strategy calls for us having the capability to fight, to win 2 nearly simultaneous major regional conflicts such as a Desert Storm and a defense of South Korea.

That is our national military strategy.

That is why I have said before, and I say again, that we must do a better job in funding the young men and women to carry out this strategy for our country.

What this amendment does limits the amount for the national military defense, as opposed to theater defense, to this same amount that was expended and authorized in 1995. That sum is $400 million. It keeps it at that level for 1 year. It is a very simple amendment.

I think that we should understand that we need to put our funds into readiness and into the troops. I visited field commands, I have spoken with military personnel and their families from our country both here in the continental United States and abroad, and let me share with my colleagues that, although our nation possesses the most able military force in the world, our country is at a crossroads in readiness. We should not ignore these signs. We do so at the peril of the young man and young woman wearing the American uniform.

Some units are reporting a C–3 in training. Exercises have been canceled. Quality of life has been degraded. The increased load of peacekeeping, humanitarian relief and forward presence have stretched our military so very thin. As we debate this tonight, young men and young women in uniform are in Guantanamo, Alaska, South Korea, Macedonia, Germany, elsewhere in this globe, standing tall for us. We should not degrade the readiness, the quality of life, the equipment and the modernization for them one iota.

That is why we should keep, that is why we should keep, the figure at $400 million as a cap for 1 year. We need to do more for the readiness of our troops.

I certainly hope, Mr. Chairman, that we will understand this issue and that we will ask that the Secretary of Defense certify to us that this national military strategy can be performed.

The CHAIRMAN. The time of the gentleman from Missouri [Mr. SKELTON] has expired.

(On request of Mr. VOLKMER and by unanimous consent, Mr. SKELTON was allowed to proceed for 2 additional minutes.)

Mr. SKELTON. All it says, Mr. Chairman, is that the Secretary of Defense certify to us, to my colleagues and I, that the armed forces are properly sized, equipped and structured to carry out this national military strategy which is a major undertaking. This is not pie-in-the-sky. This is our strategy. It is our design for 2 years. It is being strained at the seams, and that is why we should pass this amendment, because it puts the troops first, it allows national missile defense research, it allows $400 million a year. Let us not take that money from readiness, from fixing the refrigerators and the roofs for the day care centers, for the equipment, for the backed-up backlogs of materiel for the spare parts shortage. That is why we are today.

□ 2140

Consequently, I urge quite sincerely that we adopt this amendment, because it is reasonable, it is fair, and it stands tall for the troops of the United States of America.

AMENDMENT OFFERED BY MR. SPENCE TO THE AMENDMENT OFFERED BY MR. SKELTON

Mr. SPENCE. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment Offered by Mr. SPENCE to the Amendment Offered by Mr. SKELTON:

Strike out all after ''SEC.'' in the matter proposed to be inserted by the amendment and insert the following:

204. BALLISTIC MISSILE DEFENSE AS A COMPONENT OF MILITARY READINESS.

(a) USE OF FISCAL YEAR 1996 FUNDS.—Of the total amount of funds appropriated or otherwise made available for the Department of Defense for fiscal year 1996, the amount obligated for national missile defense programs may exceed the amount made available for national missile programs for fiscal year 1995.

(b) FINDINGS.—In carrying out program execution of national missile defense programs using funds appropriated for fiscal year 1996, the Secretary of Defense shall consider the following findings by Congress:

(1) A critical component of military readiness is whether the Armed Forces are properly sized, equipped, structured, and ready to carry out assigned missions as required by the national military strategy.

(2) In testimony before the Committee on Armed Services of the House of Representatives on February 22, 1994, the Chairman of the Joint Chiefs of Staff testified that ''modernization is the key to future readiness and it is the only way to provide our next generation with an adequate defense''.

(3) Given the growing ballistic missile threat, the deployment of affordable, highly effective national and theater missile defense systems is an essential objective of a defense modernization program that adequately supports the requirements of the national military strategy.

(c) SENSE OF CONGRESS.—In light of the findings in subsection (b), it is the sense of Congress that an effective national and theater missile defense capability is essential to ensuring that United States Armed Forces are ready to meet current and expected threats to United States national security.

Mr. SPENCE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

Mr. SPRATT. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The Clerk will read.

The Clerk concluded the reading of the amendment.

The CHAIRMAN. The gentleman from South Carolina [Mr. SPENCE] is recognized for 5 minutes.

POINT OF ORDER

Mr. VOLKMER. Mr. Chairman, I raise a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. VOLKMER. Mr. Chairman, the amendment offered by the gentleman from South Carolina [Mr. SPENCE] is not germane to the amendment that is presently pending. This amendment will completely turn around the amendment of the gentleman from Missouri and make it completely inoperative. It will also provide actually that the amendment previously adopted by the House by the gentleman from South Carolina [Mr. SPRATT] would be obviated, and therefore I feel that it is not in order. It is basically a game that is being played by the majority to try to rid themselves of that amendment.

The CHAIRMAN. The Chair would indicate that comments should be confined to the point of order.

Mr. VOLKMER. Fine. Mr. Chairman, this is an obvious attempt to do just the opposite of what the gentleman from Missouri's amendment proposes to do, and also to reinstate the language of the bill basically as it was before the Spratt amendment.

The CHAIRMAN. Does the gentleman from South Carolina [Mr. SPENCE] seek to be heard on the point of order?

Mr. SPENCE. Mr. Chairman, the gentleman is incorrect in his point of order, period. It does not. The germaneness question is up to the Chair, but it is germane to the bill.

The CHAIRMAN pro tempore (Mr. LINDER). Does any other Member desire to be heard on the point of order?

If not, the Chair is prepared to rule. The amendment offered by the gentleman from Missouri [Mr. SKELTON] limits obligations of funds for fiscal year 1996 for missile defense to the level of such obligations for fiscal year 1995 until such time as the Secretary of Defense renders a specified readiness certification.

The amendment offered by the gentleman from South Carolina [Mr. SPENCE] to the amendment offered by the gentleman from Missouri [Mr. SKELTON] permits obligations of funds for fiscal year 1996 for missile defense to exceed the level of such obligations for fiscal year 1995 on the basis of legislative findings concerning readiness. The amendment and the amendment thereto share a common subject. Each proposition addresses the relationship between 1996 funding levels for missile defense and readiness.

The amendment and the amendment thereto also are alike in both purpose and method. Each proposition seeks to enhance missile defense without impairing readiness. Although the two propositions may reflect differing perspective as to what constitutes readiness, each bears a germane relationship to the other.

The Chair finds that the amendment offered by the gentleman from South Carolina [Mr. SPENCE] is germane to the amendment offered by the gentleman from Missouri [Mr. SKELTON], and the point of order is overruled.

The Chair recognizes the gentleman from South Carolina [Mr. SPENCE] for 5 minutes.

Mr. SPENCE. Mr. Chairman, needless to say, I have tremendous respect for the gentleman from Missouri [Mr. SKELTON]. I always have.

Mr. Chairman, the gentleman from Missouri [Mr. SKELTON] and I are friends. We have been for a long time. We have both labored in the same vineyard. I have tremendous respect for the gentleman. We are both dedicated to providing the best kind of defense we can provide for this country. I have tried to accommodate the gentleman and the committee on other occasions in pursuit of the gentleman's views.

But I have to say that no one in this body is more concerned about readiness than I am. I will say that to the gentleman or anybody else. This issue, if you remember, was raised by this Member the latter part of last year, and indeed some of the things the gentleman quoted in his remarks came from the report that we issued.

I take no back seat to anyone on this Earth to the readiness of our Armed Forces. All I am simply saying in my amendment to the gentleman's amendment is that we also consider missile defense and other modernization things as part of readiness, as they indeed are.

No one can say that modernization is not a part of readiness. All of our leaders tell us, that is readiness. That is a matter of life or death. The readiness will depend on our modernization.

Mr. WELDON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. SPENCE. I yield to the gentleman from Pennsylvania.

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Chairman, I thank the chairman for yielding.

Mr. Chairman, I want to echo the comments of our chairman about our good friend and colleague, the gentleman from Missouri [Mr. SKELTON]. No one has ever questioned his integrity when it comes to the support of our troops, and his leadership in coming up with the budget that is in fact very thoughtful and looks at increasing defense spending over 5 years by $44 billion is a tremendous help in this debate to move the problems that we have with our military forces, and we thank the gentleman for that.

We are in agreement that readiness and acquisition and modernization are key issues. The key thing is that we do not think that we have to jeopardize readiness to support missile defense. We would hope that the leadership would come back to us and tell us how we can do it together.

We have made the arguments that in fact there are areas of the defense budget where we have to take money that is being spent on nondefense categories. The gentleman's budget is in fact based on the fact that we would take $2 billion a year from the almost $20 billion a year that we are currently spending on nondefense items. We think we can take more. $13 billion for environmental costs.

□ 2150

Some $4.7 billion for add-ons that the Pentagon never requested, that are not important to our national security, that were added in; $3 billions of which could be questioned regarding defense conversion. And then look at the savings from acquisition reform and from the base closing savings that should occur.

We are not necessarily arguing one against the other. We are saying we can do both. We want to work with the

gentleman. We want to work with the administration.

If it means we have to raise the top line for defense, then so be it. But we are not talking about big numbers. We are talking about, first of all, cutting into the 361-percent increase in nondefense spending. While we all agree with cancer research, should the Department of Defense fund the bulk of it? Should the Department of Defense be asked to pay for programs that should be funded through the Committee on Commerce, through Transportation, through Public Works?

What we are saying is, let us spend the defense budget on defense. And if we do that, we will have enough money to up the readiness accounts. We will be able to recapture that $9 billion in the acquisition accounts that we lost just in 1 year. But we will also be able to work with the administration on the beginnings of their missile defense program.

We think we can have both, and we want to work with the gentleman on the budget that he put together as a first step because it certainly is a move in the right direction.

I support the amendment of our chairman, and I urge our colleagues to support it as well.

Mr. SPENCE. Mr. Chairman, I yield to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, let me say to my friend, and I have a lot of affection for our friend from Missouri also.

The CHAIRMAN. The time of the gentleman from South Carolina [Mr. SPENCE] has expired.

(On request of Mr. HUNTER, and by unanimous consent, Mr. SPENCE was allowed to proceed for 2 additional minutes.)

Mr. SPENCE. Mr. Chairman, I yield to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, we need balance. The key is balance.

In 1987, a number of members of this committee wrote to the Israeli Defense Minister and said, you can defend against air attacks. You can defend against land attacks. But you have no defense against missiles.

Their response has been to build the Arrow missile that will shoot down incoming ballistic missiles coming into Israel. They did not hesitate, because they knew that was an important part of national security.

We have the ability to repel land attacks. We have the ability to repel naval attacks. We have the ability to repel bomber attacks. We have no defense at all against incoming ballistic missiles.

I say to my friend, who is on the Procurement Subcommittee with me, that this subcommittee will pass out a bigger, better, more efficient modernization budget than the President has proposed us. So modernization will not go begging. I know readiness will not go begging. I know research and development will not go begging.

We need a balanced approach. That is why the chairman's amendment is appropriate.

Mr. SPENCE. Mr. Chairman, I yield to the gentleman from Louisiana [Mr. LIVINGSTON], chairman of our Committee on Appropriations.

Mr. LIVINGSTON. Mr. Chairman, I thank the gentleman for yielding to me.

I regret that I was not here for the earlier debate when this issue arose, but I thoroughly support the gentleman's amendment at this point.

I think it is important that we not tie our hands with the amount of money that we spend on missile defense. There are only a couple of threats that the American people are faced with. We are not going to get an invasion from the sea or from land or even from space. But the fact is that we could get that rogue missile coming in to the United States from Mu'ammar Qadhafi or Saddam Hussein or some other character around the world who thinks that he will get to Valhalla a little bit faster when he lobs a big one on New York.

We cannot defend against that. That is insane.

So what is the President of the United States telling us today? In order to defend against that, we are going to cut spending on missile defense. We are going to start going to Geneva and negotiate with the Russians to limit the size, the lethality, the speed of our missile defenses.

Mr. Chairman, I urge the passage of the gentleman's amendment and the defeat of the previous one.

AMENDMENT OFFERED BY MR. MONTGOMERY AS A SUBSTITUTE; FOR THE AMENDMENT OFFERED BY MR. SKELTON

Mr. MONTGOMERY. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. MONTGOMERY as a substitute for the amendment offered by Mr. SKELTON: At the end of title II (Page 12, after line 25), insert the following new section:

SEC. 204. READINESS CERTIFICATION.

Of the total amount of funds appropriated or otherwise made available for the Department of Defense for fiscal year 1996, the amount obligated for national missile defense programs may not exceed the amount made available for national missile defense programs for fiscal year 1995 until the Secretary of Defense certifies to the Congress that the Armed Forces are properly sized, equipped, and structured and are ready to carry out assigned missions as required by the national military strategy.

Mr. WELDON. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. A point of order is reserved.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY] for 5 minutes in support of his substitute.

Mr. MONTGOMERY. Mr. Chairman, I offer this substitute to the Skelton amendment in order to make a technical correction of the underlying amendment before us tonight, to limit fiscal 1996 spending on national missile defense to fiscal year 1995 spending levels on our national missile defense effort.

Now, Mr. Chairman, the substitute would make certain that we spend for national missile defense an amount of money that is both sufficient to continue to develop that program and not so much that it threatens our readiness.

I strongly support the efforts of the gentleman from Missouri [Mr. SKELTON] to ensure that the readiness of our troops is of paramount importance for our national security.

In order to ensure that they are ready, we must make sure, Mr. Chairman, that they have the right equipment, that they have the proper personnel that are serving in our forces. And this is a difficult job to have readiness.

We have talked about it tonight. We certainly cannot afford to spend less money on these essential elements of our readiness.

Mr. Chairman, my substitute ensures that we are using the proper measure to gauge the appropriate level of funding for national missile defense. And this is the key to it. If we have full funding for our readiness needs, then we can spend more money on missile defense. If we do not have full funding for readiness, then the national missile defense program will have to get by on $400 million.

In effect, what we are saying is that we have got to do readiness first and then if we have any money left over, then we can increase the $400 million. That is why it is a substitute to the Skelton amendment.

I urge my colleagues to support the Montgomery substitute.

Mr. WELDON of Pennsylvania. Mr. Chairman, I withdraw my point of order.

PERFECTING AMENDMENT OFFERED BY MR. DELLUMS TO THE AMENDMENT OFFERED BY MR. MONTGOMERY AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. SKELTON

Mr. DELLUMS. Mr. Chairman, I offer a perfecting amendment to the amendment offered as a substitute for the amendment.

The Clerk read as follows:

Perfecting amendment offered by Mr. DELLUMS to the amendment offered by Mr. MONTGOMERY as a substitute for the amendment offered by Mr. SKELTON: In the matter proposed to be inserted by the amendment, insert ''housed,'' after ''equipped,''.

□ 2200

Mr. DELLUMS. Mr. Chairman, I shall not take the 5 minutes.

My distinguished colleague, the gentleman from Mississippi [Mr. MONTGOMERY] is an ardent proponent of quality of life, and I am sure that in his amendment he inadvertently left out the term ''housing.'' This gentleman's perfecting amendment simply includes the term ''housing'' so that it

is very clear that he is also talking about the quality of life.

With that brief explanation, Mr. Chairman, I will conclude.

Mr. MONTGOMERY. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Chairman, I apologize to the gentleman. I did leave that out about housing. I think this is a good perfecting amendment, and I will accept the amendment.

The CHAIRMAN. The Chair thinks this would be a good time to put the question on the Spence amendment. If it fails, another perfecting amendment would be in order.

Is there further debate on the Spence amendment?

PARLIAMENTARY INQUIRY

Mr. DELLUMS. I have a parliamentary inquiry, Mr. Chairman. The debate is now occurring on the Spence amendment?

The CHAIRMAN. Four amendments are pending. The first one to receive a vote is the Spence amendment to the Skelton amendment.

Mr. SKELTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, my good friend, and he is my good friend, the gentleman from South Carolina [Mr. SPENCE], the chairman, offered an amendment to mine which, as a result of the amendments of the gentleman from Mississippi [Mr. MONTGOMERY] and the gentleman from California [Mr. DELLUMS], the substitute and perfecting amendments, brings us back for all intents and purposes on a vote on my amendment.

Mr. Chairman, I understand there are those that do not wish to vote on my amendment, because it places those at the crossroads of choosing readiness for the troops or for national defense missiles. The choice is clear. We should look out for the troops. We should vote for my amendment or the substitute amendment of the gentleman from Mississippi [Mr. MONTGOMERY] and the perfecting amendment of the gentleman from California [Mr. DELLUMS], for that is the same as mine.

Mr. Chairman, let us take up for those in uniform tonight as they stand guard for our interests.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Chairman, I know the gentleman is a person of great comity and likes to get along with everybody.

Mr. Chairman, I would just like to point out that there are endeavors going on right now by the majority to try to get an amendment in order after the amendment of the gentleman from California [Mr. DELLUMS] to the substitute amendment of the gentleman from Mississippi [Mr. MONTGOMERY] in order to change it around.

What concerns me about this whole thing is the gentleman had a very simple amendment, straightforward. Now we have started on this progress, and Mr. Chairman, I am sorry to say it, and I have not taken much time tonight, but we are going to spend a whole bunch of that 10 hours on this little game that is being played. That is what it is, a big game that is being played.

Instead of letting the gentleman from Missouri have his amendment and have it be voted on, straight up-or-down, then we have an amendment to it, and the gentleman from Mississippi offered basically the same thing, to try and get that straight vote.

Now we are going to try and get another amendment, so we never get that vote. I just wanted to let the gentleman from Missouri know what kinds of games they are playing.

Mr. SKELTON. Mr. Chairman, reclaiming my time, I speak strongly in favor of the perfecting amendment offered by the gentleman from California [Mr. DELLUMS]. It includes housing. What is more important than taking care of our troops? I think that is very, very important. I thank him for that perfecting amendment to the substitute amendment offered by the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. HUNTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Spence amendment and against the other pending amendments.

Mr. Chairman, it is important to understand what we are doing here. I agree with the gentleman, if he wants a straight shot on his amendment, because I think his amendment is fatally defective in the same way that the Edwards amendment was fatally defective. It removes balance from our defense structure.

I want to tell the Members what we are doing here. The Bush administration, including Dick Cheney and the chairman of the Joint Chiefs, Colin Powell, put together before President Bush left office an outline of the defense spending pattern they would have followed, that they thought was prudent.

The Clinton administration has cut 80 percent of the national missile defense money out of the Bush baseline. They have cut it by 80 percent. That is not adequate to continue with decent funding for research and development. It is not adequate to bring the scientists from our National Laboratories and from DOD and ask them what we can do.

If Members vote yes on the Skelton amendment, on basis that Members want to help readiness, they have done exactly what President Clinton wants them to do. He is forcing us to shop off two important aspects of national defense against each other. He has done that by cutting $127 billion out of the defense budget.

Let me just say, as chairman of the Subcommittee on Procurement, I am going to be voting and putting together a Chairman's mark that is much higher than President Clinton's, so don't worry, I would say to the gentleman from Missouri [Mr. VOLKMER] who I respect greatly, he will have a higher modernization budget.

The gentleman from Virginia I feel surely will present a better readiness budget than what President Clinton has offered us, so do not let them shop off two important aspects of defense against each other. Vote against the amendment of the gentleman from Missouri, and vote for the amendment of the chairman, and Members will be offering a balanced defense budget.

Mr. MONTGOMERY. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I am happy to yield to my great friend and general.

Mr. MONTGOMERY. Mr. Chairman, I would ask the gentleman, what is wrong with trying to help the troops and improve conditions for them? That is all our amendments do. I am really surprised that the gentleman is opposed to it.

We are saying if the missile systems run over a certain amount in 1995, that they will have to go into readiness. Then if the money is there, the gentleman can move ahead with missile defense.

Mr. HUNTER. Mr. Chairman, let me offer my general a lieutenant's perspective. It is very important to have the security of your loved ones at home in good shape because you have a national missile defense. That is important to the Israelis, it is important to the British, and it should be important to American soldiers.

There are a lot of aspects of readiness. One aspect of morale is having good protection of your family at home in their community. I think most American service people would feel good about their family in Mississippi or their family in San Diego or Chicago being protected against a rogue missile attack, and I think they would be very upset about the idea that somehow the defense budget had that aspect of defense cut out of it so we could have more money for readiness.

Mr. MONTGOMERY. If the gentleman will continue to yield, I think what the gentleman from Pennsylvania [Mr. MURTHA] said tonight, and he understands readiness and understands the troops, when he said American soldiers, some of them are on food stamps, the housing is no good, and I am really kind of surprised that the lieutenant would have any problem with that.

Mr. HUNTER. I want to tell the general that the cavalry has arrived. It is a Republican majority and we are going to increase the defense budget as well as national defense.

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I am happy to yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, does the gentleman really see anything wrong with all of our troops being ready to fulfill the national military

strategy as set forth in the Bottom-Up Review? That is all in the world I want.

Mr. HUNTER. I will answer my friend in this way. First, we have numerous reports from the field and from some of the leadership itself in the DOD that the Clinton defense budget has slashed readiness, but second, I think that question is akin to saying ''Would you as an infantry commander want to certify that you have a perfect defense against machinegun fire before you do anything against mortars?''

We need balance. A national missile defense is an important part of that balance. I think it is foolhardy for us to foreclose missile defense until we get a certification from some other aspect of defense.

Once again, we will increase the Clinton readiness budget, I assure the gentleman, so we are going to do more than the President has offered.

Ms. HARMAN. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I am happy to yield to the gentlewoman from California.

Ms. HARMAN. Mr. Chairman, I agree that we need balance. I am one Member on this side of the aisle who supported the balanced budget amendment, which most of the Members on the gentleman's side did, too. We need to make some tough choices.

We cannot have everything. We cannot fully fund every single line item in the defense budget. My choice is for these amendments.

The CHAIRMAN. The time of the gentleman from California [Mr. HUNTER] has expired.

(By unanimous consent, Mr. HUNTER was allowed to proceed for 1 additional minute.)

□ 2210

Mr. HUNTER. Mr. Chairman, I yield to the gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. I just wanted to say to the gentleman from Missouri [Mr. SKELTON], I am not sure what this amendment does, if it really does anything.

You say if it is not certified by the Secretary of Defense that we are ready. And what does he do every time he comes before our committee? He certifies that we are ready.

We know that we are not ready. The gentleman cited the litany of deficits that we have and yet every time the Secretary of Defense comes down there, he says we are ready.

The reason he says that is because the Commander in Chief tells him to say we are ready because the Commander in Chief wants a certain level.

The CHAIRMAN. The time of the gentleman from California [Mr. HUNTER] has again expired.

(By unanimous consent, Mr. HUNTER was allowed to proceed for 1 additional minute.)

Mr. HUNTER. Mr. Chairman, I continue to yield to the gentleman from Colorado.

Mr. HEFLEY. When Les Aspin was before us, when he was Secretary of Defense and we asked him about the Bottom-Up Review if it came out of the air or if it was a threat assessment, he looked at the ceiling a minute, and he said, ''Well, it really came out of the air.''

Then when we got the Bottom-Up Review finished, we discovered that it complied with his initial estimates of that. So they are going to certify that we are ready, so I do not know what good this amendment does.

Mr. HUNTER. Mr. Chairman, in closing let me say to my friends, this cuts the President Bush, Powell and Cheney baseline for national missile defense by 80 percent, and this vote, if you vote for Skelton, will lock in that 80 percent cut. Vote no on all of the amendments pending except for the chairman's amendment.

The question is on the amendment offered by the gentleman from South Carolina [Mr. SPENCE] to the amendment offered by the gentleman from Missouri [Mr. SKELTON].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. HUNTER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This will be a 17-minute vote. Under rule XXIII, the Chair may reduce to 5 minutes the following recorded votes if there is no intervening debate or business.

The vote was taken by electronic device, and there were—ayes 221, noes 204, not voting 9, as follows:

[Roll No. 138]

AYES—221

Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Myers
Myrick
Nethercutt
Neumann
Norwood
Nussle
Oxley
Packard
Paxon
Pombo
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—204

Abercrombie
Ackerman
Baesler
Baldacci
Barcia
Barrett (WI)
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Condit
Conyers
Costello
Coyne
Danner
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Franks (NJ)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Goodling
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
Klug
LaFalce
Laughlin
Leach
Levin
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murtha
Nadler
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pomeroy
Porter
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stenholm
Stokes
Studds
Stupak
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Torres
Torricelli
Towns
Traficant
Tucker

Upton	Ward	Wilson
Velazquez	Waters	Wise
Vento	Watt (NC)	Woolsey
Visclosky	Waxman	Wyden
Volkmer	Williams	Wynn

NOT VOTING—9

Becerra	Collins (IL)	Stark
Burton	Lantos	Thurman
Clay	Lewis (GA)	Yates

□ 2228

Messrs. BISHOP, NEY, and LAUGHLIN changed their vote from ''aye'' to ''no.''

Mr. HALL of Texas and Mr. CRAMER changed their vote from ''no'' to ''aye.''

So the amendment to the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 2230

The CHAIRMAN. The question is on the perfecting amendment offered by the gentleman from California [Mr. DELLUMS] to the amendment offered by the gentleman from Mississippi [Mr. MONTGOMERY] as a substitute for the amendment offered by the gentleman from Missouri [Mr. SKELTON], as amended.

The perfecting amendment to the amendment offered as a substitute for the amendment, as amended, was agreed to.

Mr. MONTGOMERY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will be brief, but I think Members on both sides of the aisle, especially the freshmen Members on both sides of the aisle, better realize what they are getting ready to do if they vote against the Montgomery-Dellums substitute.

Now, if this situation comes up, it boils down to this: If you want to protect readiness and you want our troops to have decent living quarters, if you want to have them off of food stamps, then you will vote aye on the Montgomery-Dellums substitute.

If you are determined to increase the spending on missiles and star wars, then you ought to vote no. But I tell you, you are making a mistake if you do not support the Montgomery substitute that looks after the troops of this country, and that is what we are trying to do We are not going Democrat or Republican. We are trying to look after the human beings that represent this country.

Mr. Chairman, I ask for an aye vote on the Montgomery substitute.

Mr. HUNTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let us make this very clear. The Montgomery amendment is the exact opposite of the Spence amendment that we just voted on. It essentially guts the Spence amendment. It cuts national missile defense by 80 percent below the baseline that was set by Secretary Chaney and Chairman of the Joint Chiefs Colin Powell. As much as we love our friend from Mississippi, this would absolutely gut what we have just done. So if you voted ''yes'' on Spence, vote ''no'' on this amendment, the Montgomery amendment.

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from California.

Mr. CUNNINGHAM. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, there is probably no one who helped me more than three Democrat Members, especially when I was a freshman and sophomore Member of this House, than the gentleman from Missouri [Mr. SKELTON], the gentleman from Mississippi, and the gentleman from Pennsylvania [Mr. MURTHA].

Mr. Chairman, I want to tell Members something: This whole debate is about how we are going to cut readiness in the future. That totally distracts from what the readiness is today. It is lousy. I spent the last 4 years of my life fighting on this side of the aisle the liberal leadership that has been gutting defense and cutting readiness levels, time after time after time again. I take a look at the Bottom-Up Review, and the gentleman from Mississippi [Mr. MONTGOMERY] said ''Don't you support the Bottom-Up Review?''

Remember history, my friend. The Bottom-Up Review came up after the President cut defense $177 billion, and was there to justify that $177 billion cut that gutted defense and gutted readiness.

I look at Haiti, Somalia, Bosnia, and Mandela given billions of dollars and Russia billions of dollars that detracted away from defense. I take a look at the A–6's and F–14's. Kara Holtgreen, the first female naval aviator, I pinned on her wings, was killed, and they are looking at it, because of an F–100 engine that stalled in Desert Storm, and we could not replace them because we did not have the money to replace the engines. The first female F–14 pilot. And you are talking about readiness now?

Mr. Chairman, we have air wings that are not flying right now, today. Navy fighter weapons school top gun did not fly against his class because he did not have the fuel to fly against one class. The Navy lost five airplanes in the last 2 weeks, Mr. Chairman. An Air Force general lost his son, who was a good friend of mine. And when I hear that we are fighting to cut readiness, I look at today. I hate it with a passion, the same liberals that culled us in Vietnam. The same type of nonsupport.

All we are asking to do is to have the support of the readiness that we want, and in the past we have not been able to do that. This side of the aisle, time after time and time again has prevented us from doing that. And I take a look at operation Proud Deep, in which we lost a lot of good friends. I still bear the scars from it, because we did not have the support of this body, and I still bear the pain of that.

Mr. Chairman, the chairman of the committee, Mr. HUNTER, has stated we are going to plus-up readiness with him as the chairman of procurement. We are going to do that. We are going to do what you and the gentleman from Missouri [Mr. SKELTON] and the gentleman from Pennsylvania [Mr. MURTHA] have not been able to do with the liberal leadership of this party.

□ 2240

The CHAIRMAN. The time of the gentleman from California [Mr. HUNTER] has again expired.

(On request of Mr. MFUME, and by unanimous consent, Mr. HUNTER was allowed to proceed for 1 additional minute.)

Mr. HUNTER. Mr. Chairman, I yield to the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. Mr. Chairman, in the moment that we have remaining, I would suggest that we join together in opposing the Dellums-Montgomery substitute in order to support our colleague on this side of the aisle.

Mr. MFUME. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Maryland.

Mr. MFUME. Mr. Chairman, surely the distinguished gentleman did not mean to suggest by his comments, which are now public record, that President Nelson Mandela is responsible for readiness or the lack thereof of our armed services.

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from California.

Mr. CUNNINGHAM. Mr. Chairman, I did not. I say it is all part of the problem that we are taking away from the readiness of this country by devoting billions of dollars to foreign countries, and it is causing the lives of our people right now.

Mr. MFUME. Mr. Chairman, if the gentleman will continue to yield, I understand the gentleman named countries, but in this particular case, lifted the name of President Mandela as if he were responsible somehow. This gentleman seeks clarification.

The CHAIRMAN. The time of the gentleman from California [Mr. HUNTER] has expired.

The question is on the amendment, as amended, offered by the gentleman from Mississippi [Mr. MONTGOMERY] as a substitute for the amendment offered by the gentleman from Missouri [Mr. SKELTON] as amended.

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. MONTGOMERY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 203, noes 225, not voting 6, as follows:

[Roll No. 139]

AYES—203

Abercrombie
Ackerman
Baesler
Baldacci
Barcia
Barrett (WI)
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Condit
Conyers
Costello
Coyne
Danner
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Franks (NJ)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
Klug
LaFalce
Laughlin
Leach
Levin
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pomeroy
Porter
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn

NOES—225

Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Paxon
Pombo
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—6

Becerra
Clay
Collins (IL)
Lantos
Lewis (GA)
Yates

□ 2256

Mr. BROWDER changed his vote from ''aye'' to ''no.''

So the amendment, as amended, offered as a substitute for the amendment, as amended, was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. SKELTON], as amended.

The amendment, as amended, was agreed to.

The CHAIRMAN. Are there other amendments to the bill?

□ 2300

The CHAIRMAN. Will the Members please clear the aisles and take their conversations out of the Chamber.

Will Members on this side please clear the aisles and take your conversations out of the Chamber.

For what purpose does the gentleman from South Carolina [Mr. SPENCE], chairman of the committee, seek recognition?

Mr. SPENCE. Mr. Chairman, we are waiting to see if we have another amendment right now.

The CHAIRMAN. Will Members please clear the aisles.

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. I have a parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. FRANK of Massachusetts. Is all this dead time coming out of the 10 hours for which we have to debate this important issue?

The CHAIRMAN. As a matter of fact it is, and that is why the Chair is trying to get order.

For what purpose does the gentlewoman from California rise?

Ms. LOFGREN. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. For what purpose does the gentleman from South Carolina rise?

Mr. SPENCE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SENSENBRENNER) having assumed the chair, Mr. LINDER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 7) to revitalize the national security of the United States, had come to no resolution thereon.

REQUEST FOR CONSIDERATION OF ADDITIONAL AMENDMENTS TO H.R. 7, NATIONAL SECURITY REVITALIZATION ACT

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that during the further consideration of H.R. 7 in the Committee of the Whole: subject to the 10-hour overall consideration limit in the rule, the following amendments be considered in the following order, with these amendments and all amendments thereto debatable for the time specified, equally divided and controlled by the proponent and a Member opposed:

Title III: Hefley No. 5 for 10 minutes:

Harman amendment No. 1 or Menendez amendment No. 2 for 20 minutes;

Title IV: Leach amendment No. 32 for 20 minutes;

Title V: amendments No. 13, 21, 24, 30, or 33, or a germane modification of one of those amendments for 45 minutes;

Johnson amendment No. 31 for 5 minutes;

Title VI: Durbin amendment No. 22 or Gilman amendment No. 23 for 10 minutes;

Bateman amendment No. 8 for 5 minutes;

amendment No. 20, 28, or 43 for 45 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. TRAFICANT. Mr. Chairman, reserving the right to object, I have an amendment that was not mentioned by the gentleman and I want to ensure that my amendment has the right to be offered.

Mr. GILMAN. Mr. Speaker, if the gentleman will yield, would he specify his amendment.

Mr. TRAFICANT. It is to peacekeeping and it in fact deals with the ceiling that is placed in the language; the 25-percent ceiling in the Traficant amendment deals with that. I want an opportunity to have that be included in the amendments to be offered, with a time period reserved for that.

Mr. GILMAN. How much time will the gentleman require?

Mr. TRAFICANT. Whatever time the gentleman deems necessary would be fine with the gentleman from Ohio.

Mr. GILMAN. We will grant the gentleman 5 minutes on his proposed amendment, at the end of all of the other consideration.

Mr. TRAFICANT. Mr. Chairman, that is fine with this gentleman, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. SKELTON. Mr. Speaker, reserving the right to object, I also will not object, but I did not hear the amendment which we have discussed which I intend to offer on the list.

Mr. GILMAN. Mr. Speaker, if the gentleman will yield, the order of amendments was cleared by the gentleman's leadership on his side of the aisle.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. ENGLE. Mr. Speaker, reserving the right to object, I am wondering if I could ask this of this chairman: I have an amendment which was brought up at the committee in chapter 4. I did not hear it read off. I wonder if, at the end of debate after all the other amendments have been read, there will be time for others to submit amendments.

Mr. GILMAN. If the gentleman will yield, Mr. Speaker, in response to the gentleman's inquiry, again the order of amendments was cleared by the leadership on the gentleman's side of the aisle. I suggest the gentleman take that up with his leadership.

Mr. ENGEL. Will there be time? With amendments that the gentleman mentioned, will there be time at the end of those amendments for other amendments to be submitted?

Mr. GILMAN. The order of amendments that were read consumes all of the remaining time.

As a further response to the gentleman, the remaining time is all consumed by the order of amendments. However, if there is any remaining time, we will be pleased to consider the gentleman's request tomorrow.

Mr. ENGEL. Mr. Speaker, with all due respect, I object.

The SPEAKER pro tempore. Objection is heard.

HOUR OF MEETING ON TOMORROW, THURSDAY, FEBRUARY 16, 1995

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that when the House adjourn today, it adjourn to meet at 9 a.m. on Thursday, February 16.

The Speaker pro tempore. Is there objection to the request of the gentleman from New York?

Mr. MFUME. Reserving the right to object, Mr. Speaker, in an effort to try to make sure that we operate with some sense of comity, I direct this inquiry to the gentleman from New York [Mr. GILMAN].

There was one Member on our side of the aisle, the gentlewoman from California, who had wanted to offer an amendment in the title that has just been concluded and was not allowed to do that while she was on the floor seeking recognition. In an effort to try to move us off the impasse that we are on, would the gentleman from New York be open to this: as I understand it, the rule calls for the allowing of this amendment since amendments can be offered at any time, as I understand it, regardless of section?

Mr. GILMAN. If the gentleman would yield, Mr. Speaker, I believe that the gentlewoman was offering an amendment to title III. We have not arrived at that title yet.

Mr. MFUME. I am going to ask the gentlewoman now if it was title III or not. I thought it was the current title. It is my understanding, I say to the gentleman from New York [Mr. GILMAN], that it was title II that she was offering the amendment for.

Mr. GILMAN. The gentlewoman can offer her amendment at any time that she desires providing there is time remaining.

Mr. MFUME. Could the gentleman also by unanimous consent perhaps, as he seeks his request that was previously not agreed to, indicate her amendment as part of those amendments that will be considered?

Mr. GILMAN. We are going to have to revisit the schedule since there was an objection to the schedule.

Mr. MFUME. I do not know if the gentleman who raised the objection is still objecting or not.

Mr. ENGEL. Mr. Speaker, if the gentleman will yield, I am still objecting. I would like to know that I can get some definite time for my amendment.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

□ 2310

PARLIAMENTARY INQUIRY

Mr. BERMAN. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. SENSENBRENNER). The gentleman will state his parliamentary inquiry.

Mr. BERMAN. Mr. Speaker, would it be appropriate for the gentleman from New York to reoffer his unanimous-consent request at this particular time?

Mr. GILMAN. I will be pleased to.

The SPEAKER pro tempore. The Chair will entertain a request from the gentleman from New York.

REQUEST FOR CONSIDERATION OF ADDITIONAL AMENDMENTS TO H.R. 7, NATIONAL SECURITY REVITALIZATION ACT

Mr. GILMAN. Mr. Speaker, I will be pleased to reoffer the unanimous-consent request with regard to the order of amendments and the time allocation.

Mr. Speaker, I ask unanimous consent that my previous unanimous-consent request be agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. BONIOR. Mr. Speaker, I reserve the right to object.

The SPEAKER pro tempore. The Chair would ask the gentleman from New York [Mr. GILMAN] if the request is just as it was stated the last time, with the modification involving the proposed amendment of the gentleman from Ohio [Mr. TRAFICANT].

Mr. GILMAN. Yes, to include the request of the gentleman from Ohio.

The SPEAKER pro tempore. It is the same request with that modification?

Mr. GILMAN. Yes, with that modification.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. BONIOR. Reserving the right to object, Mr. Speaker, under my reservation I would ask the gentleman from New York [Mr. GILMAN] if we could accommodate the gentleman from New York [Mr. ENGEL] with a 5-minute request as we have accommodated the gentleman from Ohio [Mr. TRAFICANT].

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I will be pleased to modify the request allocating 5 minutes to the gentleman from New York, with the understanding that it will be deducted from the title VI amendment, No. 28 or 43.

Mr. BERMAN. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. Under my reservation of objection, Mr. Speaker, I yield to the gentleman from California.

Mr. BERMAN. Mr. Speaker, under the reservation of objection, if I might, I just want to make sure I understand.

We have a bipartisan agreement on the remaining time in the 10 hours. It has been modified to provide an additional 10 minutes, 5 minutes to discuss—divided equally to discuss——

Mr. GILMAN. Mr. Speaker, if the gentleman would yield, no, it is not an additional 10 minutes. We will have to

adjust the times accordingly from the times set forth.

Mr. BERMAN. Excuse me. The gentleman is stating it correctly: to be subtracted from the agreed upon time, 5 minutes on the amendment of the gentleman from Ohio, 5 minutes on the amendment of the gentleman from New York, and can I suggest an additional 1 minute for an amendment from the gentleman from Missouri [Mr. SKELTON] that is noncontroversial? And this will all come off of titles III, IV, V, and VI?

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from New York.

Mr. GILMAN. Are any of these amendments pre-filed?

Mr. BERMAN. They are all pre-filed, as I understand it. They are all pre-filed.

Mr. GILMAN. And do we have a number on the amendments? Does the gentleman from New York [Mr. ENGEL] have a number on his amendment?

Mr. ENGEL. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from New York.

Mr. ENGEL. The amendment has been filed. I do not know what the number is, but it has been filed, and it is in title IV, not in title VI.

Mr. SKELTON. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Speaker, I discussed this amendment, my amendment number 7 to title VI, with the gentleman from New York. He indicated it was acceptable.

By inadvertence, Mr. Speaker, it was left off the list. I just learned a few moments ago it was left off the gentleman's list as well.

Mr. Speaker, I will not need more than 60 seconds to present it tomorrow.

Mr. BONIOR. Further reserving the right to object, Mr. Speaker, and I do not plan to do so, but this is a classic example, with all due respect to my friend, the gentleman from New York [Mr. SOLOMON], a classic example of what happens when rules are not structured to allow Members to offer amendments, and, further reserving the right to object, this will continue to happen until we do that.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York [Mr. GILMAN], as modified, 5 minutes for the amendment to be offered by the gentleman from Ohio [Mr. TRAFICANT], 5 minutes for the amendment to be offered by the gentleman from New York [Mr. ENGEL], and 1 minute for the amendment to be offered by the gentleman from Missouri [Mr. SKELTON]?

Mr. GILMAN. Mr. Speaker, I withdraw my unanimous-consent request with regard to this.

The SPEAKER pro tempore. The gentleman from New York withdraws his unanimous-consent request.

PARLIAMENTARY INQUIRIES

Mr. VOLKMER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. VOLKMER. Could the Chair advise the Members approximately how much time is still left on the bill, H.R. 7?

The SPEAKER pro tempore. Three hours and fifty minutes.

Mr. VOLKMER. Three hours and fifty minutes.

We are starting tomorrow morning at 9 o'clock?

The SPEAKER pro tempore. The gentleman from Missouri is correct.

Mr. VOLKMER. It is just so the Members may be alerted because there is a little uproar.

Mr. Speaker, I have another parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. VOLKMER. At the end of the bill, when the bill is finally concluded and reported back to the House, is it possible that we can have a revote, 15 minutes each on each amendment that has been adopted in the House?

The SPEAKER pro tempore. The gentleman from Missouri is partially correct. It is a 15-minute vote for the first amendment, and then, at the discretion of the Chair, 5 minutes for each additional amendment for which a revote is requested.

Mr. VOLKMER. Can any Member make that request?

The SPEAKER pro tempore. Any Member can make the request, but the House must order the recorded vote by having a sufficient number of Members stand to order that vote.

REQUEST FOR REALLOCATION OF TIME LIMITS ON AMENDMENTS TO H.R. 7 TO BE OFFERED BY MR. TRAFICANT, MR. ENGEL, AND MR. SKELTON

Mr. TRAFICANT. Mr. Chairman, I ask unanimous consent that the amendment to be offered by myself, the amendment to be offered by the gentleman from New York [Mr. ENGEL], and the amendment to be offered by the gentleman from Missouri [Mr. SKELTON], be considered in a time frame tomorrow not in excess of a total of 10 minutes or 9 minutes, 3 minutes for each amendment.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. BERMAN. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

VACATION OF REFERRAL OF H.R. 10 TO COMMITTEE ON COMMERCE

Mr. ARMEY. Mr. Speaker, I ask unanimous consent to vacate the order of the House previously agreed to with regard to H.R. 10 being referred to the Committee on Commerce.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LEWIS of Georgia (at the request of Mr. GEPHARDT), for today, on account of a death in the family.

ADJOURNMENT

Mr. ARMEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 18 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, February 16, 1995, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

372. A letter from the Head of Each Department and Agency, transmitting a report of a violation of the Anti-Deficiency Act which occurred in the Department of the Navy, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

373. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report on the nondisclosure of safeguards information for quarter ending December 31, 1994, pursuant to 42 U.S.C. 2167(e); to the Committee on Commerce.

374. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Air Force's proposed lease of defense articles to the United Nations for use in Bosnia (Transmittal No. 11–95), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

375. A letter from the Auditor, District of Columbia, transmitting a copy of report entitled, ''Review of the District's Emergency Assistance Services' Program,'' pursuant to D.C. Code, section 47–117(d); to the Committee on Government Reform and Oversight.

376. A letter from the Executive Director, Federal Retirement Thrift Investment Board, transmitting a report of activities under the Freedom of Information Act for calendar year 1994, pursuant to 5 U.S.C. 552(d); to the Committee on Government Report and Oversight.

377. A letter from the Chairman, Railroad Retirement Board, transmitting congressional justification of budget estimates for fiscal year 1996, pursuant to 45 U.S.C. 231f; to the Committee on Transportation and Infrastructure.

378. A letter from the Comptroller General, General Accounting Office, transmitting a report on the assignment or detail of GAO employees to congressional committees as of January 27, 1995; jointly, to the Committees on Appropriations and Government Reform and Oversight.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BLILEY: Committee on Commerce. H.R. 9. A bill to create jobs, enhance wages, strengthen property rights, maintain certain economic liberties, decentralize and reduce the power of the Federal Government with respect to the States, localities, and citizens of the United States, and to increase the accountability of Federal officials; with an amendment (Rept. 104–33 Pt. 1). Ordered to be printed.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 535. A bill to direct the Secretary of the Interior to convey the Corning National Fish Hatchery to the State of Arkansas; with an amendment (Rept. 104–34). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 584. A bill to direct the Secretary of the Interior to convey a fish hatchery to the State of Iowa (Rept. 104–35). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 614. A bill to direct the Secretary of the Interior to convey to the State of Minnesota the New London National Fish Hatchery production facility; with an amendment (Rept. 104–36). Referred to the Committee of the Whole House on the State of the Union.

Mr. CLINGER: Committee on Government Reform and Oversight. H.R. 830. A bill to amend chapter 35 of title 44, United States Code, to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes; with amendments (Rept. 104–37). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GILMAN (for himself, Ms. MOLINARI, and Mrs. THURMAN):

H.R. 945. A bill to amend title 10, United States Code, to establish procedures for determining the status of missing members of the Armed Forces and certain missing civilians, and for other purposes; to the Committee on National Security.

By Mr. ANDREWS (for himself and Mr. PETRI):

H.R. 946. A bill to amend the Fair Labor Standards Act of 1938 relating to minimum wage and overtime exemption for employees subject to certain leave policies; to the Committee on Economic and Educational Opportunities.

By Mr. ARCHER (for himself and Mr. MINETA):

H.R. 947. A bill to exempt semiconductors from the country of origin marking requirements under the Tariff Act of 1930; to the Committee on Ways and Means.

By Mr. BARTON of Texas:

H.R. 948. A bill to prohibit aircraft from flying over the ballpark in Arlington, TX, during certain times, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BUNNING of Kentucky (for himself, Mr. ROHRABACHER, Mrs. SEASTRAND, Mr. WAMP, Mr. NETHERCUTT, Mr. FORBES, Mr. GUTKNECHT, Mr. SOUDER, Mr. KINGSTON, Mr. HANCOCK, Mr. ISTOOK, Mr. FOX, Mr. BARR, Mr. EWING, and Mr. COOLEY):

H.R. 949. A bill to refocus the mission of the Federal Reserve System on stabilization of the currency and provide greater public scrutiny of the operations of the Board of Governors of the Federal Reserve System, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. HALL of Ohio (for himself, Mr. EMERSON, Mrs. COLLINS of Illinois):

H.R. 950. A bill to amend title IV of the Social Security Act to remove the barriers and disincentives in the program of aid to families with dependent children that prevent recipients of such aid from moving toward self-sufficiency, and to provide for the establishment of demonstration projects designed to determine the social, psychological, and economic effects of providing to individuals with limited means an opportunity to accumulate assets, and the extent to which an asset-based welfare policy may be used to enable individuals with low income to achieve economic self-sufficiency; to the Committee on Ways and Means, and in addition to the Committee on Economic and Educational Opportunities, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CLINGER:

H.R. 951. A bill to amend title 49, United States Code, to authorize the Secretary of Transportation to reduce under certain circumstances the percentage of voting interests of air carriers which are required to be owned or controlled by persons who are citizens of the United States; to the Committee on Transportation and Infrastructure.

By Mrs. FOWLER (for herself, Mr. BAKER of Louisiana, Mr. BUYER, Mr. CLEMENT, Mr. COX, Mr. GOODLATTE, Mr. GOSS, Mr. KNOLLENBERG, Mrs. MEEK of Florida, Mrs. MEYERS of Kansas, Ms. PRYCE, and Mr. STEARNS):

H.R. 952. A bill to repeal the Medicare and Medicaid coverage data bank, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JOHNSON of Connecticut:

H.R. 953. A bill to amend the Internal Revenue Code of 1986 to provide clarification for the deductibility of expenses incurred by a taxpayer in connection with the business use of the home; to the Committee on Ways and Means.

H.R. 954. A bill to amend the Internal Revenue Code of 1986 to increase the cost of property which may be expensed by small businesses to $50,000; to the Committee on Ways and Means.

By Mr. HYDE:

H.R. 955. A bill to establish legal standards and procedures for product liability litigation, and for other purposes; to the Committee on the Judiciary.

By Mr. HYDE (for himself and Mr. HOKE):

H.R. 956. A bill to establish legal standards and procedures for product liability litigation, and for other purposes; to the Committee on the Judiciary.

By Mrs. JOHNSON of Connecticut (for herself, Mr. MATSUI, Mr. NEAL of Massachusetts, Mr. JACOBS, and Mr. JEFFERSON):

H.R. 957. A bill to amend section 118 of the Internal Revenue Code of 1986 to provide for certain exceptions from rules for determining contributions in aid of construction, and for other purposes; to the Committee on Ways and Means.

By Mr. JOHNSTON of Florida (for himself, Mr. MEEHAN, Mr. PASTOR, Mr. YATES, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FOGLIETTA, Mr. SERRANO, Mrs. MINK of Hawaii, Mr. ACKERMAN, Mr. FRAZER, Mr. GENE GREEN of Texas, Mr. FROST, Mr. BOUCHER, Mr. STUDDS, Mr. DEUTSCH, Mr. WAXMAN, Mr. DELLUMS, Mr. BEILENSON, Mr. PETERSON of Florida, Mr. COLEMAN, Mr. MCDERMOTT, Mrs. KENNELLY, Mrs. MEEK of Florida, Mrs. CLAYTON, Mr. HASTINGS of Florida, Mr. BROWN of Ohio, Mr. MARTINEZ, Mr. VENTO, Mrs. MALONEY, Ms. LOWEY, Mr. MOAKLEY, Ms. PELOSI, Mr. HOYER, Mrs. COLLINS of Illinois, Ms. SLAUGHTER, and Mr. EVANS):

H.R. 958. A bill to amend title XVIII of the Social Security Act to provide for coverage of an annual screening mammography under part B of the Medicare Program for women age 65 or older; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCDERMOTT:

H.R. 959. A bill to amend the Internal Revenue Code of 1986 to clarify that conservation expenditures by electric and gas utilities are deductible for the year in which paid or incurred; to the Committee on Ways and Means.

By Mr. PAYNE of Virginia:

H.R. 960. A bill to amend the Internal Revenue Code of 1986 to repeal the 1993 Federal income tax rate increases on trusts established for the benefit of individuals with disabilities; to the Committee on Ways and Means.

By Mr. SHUSTER (for himself, Mr. HAYES, Mr. CLINGER, Mr. PARKER, Mr. EMERSON, Mr. LAUGHLIN, Mr. ZELIFF, Mr. POSHARD, Mr. EWING, Ms. DANNER, Mr. HUTCHINSON, Mr. DEAL of Georgia, Mr. MICA, Mr. BARCIA, Mr. DUNCAN, and Mr. PETE GEREN of Texas):

H.R. 961. A bill to amend the Federal Water Pollution Control Act; to the Committee on Transportation and Infrastructure.

By Mr. SMITH of Texas:

H.R. 962. A bill to amend the Immigration Act of 1990 relating to the membership of the U.S. Commission on Immigration Reform; to the Committee on the Judiciary.

By Mr. STUPAK (for himself and Mr. FIELDS of Texas):

H.R. 963. A bill to amend the Communications Act of 1934 in order to permit recreational radio operations without radio licenses; to the Committee on Commerce.

By Mr. TORRICELLI (for himself, Mr. SHAYS, Mr. ROMERO-BARCELO, Mr. LIPINSKI, Mr. GUTIERREZ, Mr. BARRETT of Wisconsin, Ms. PELOSI, Mr. ACKERMAN, Mr. NADLER, and Ms. LOWEY):

H.R. 964. A bill to amend title 18, United States Code, to prohibit the transfer of two or more handguns to an individual in any 30-day period; to the Committee on the Judiciary.

By Mr. TRAFICANT:

H.R. 965. A bill to designate the Federal building located at 600 Martin Luther King, Jr. Place in Louisville, KY, as the ''Romano L. Mazzoli Federal Building''; to the Committee on Transportation and Infrastructure.

By Mr. WALSH (for himself, Mr. HALL of Ohio, Mr. ABERCROMBIE, Mr. BEILENSON, Mr. BOEHLERT, Mr. BROWN of Ohio, Mrs. CLAYTON, Mr. CHRYSLER, Mrs. COLLINS of Illinois, Mr. CRAPO, Mr. DELLUMS, Mr. DEUTSCH, Mr. DICKS, Mr. DOGGETT, Mr. DURBIN, Mr. FRANK of Massachusetts, Mr. FROST, Ms. FURSE, Mr. HINCHEY, Mr. JACOBS, Mr. LEWIS of Georgia, Mr. MCDERMOTT, Ms. MCKINNEY, Mrs. MEEK of Florida, Mrs. MINK of Hawaii, Mr. MORAN, Mrs. MORELLA, Mr. OBERSTAR, Mr. PAYNE of New Jersey, Mr. PAYNE of Virginia, Ms. PELOSI, Mr. REED, Mr. REYNOLDS, Mr. RICHARDSON, Ms. RIVERS, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. SAXTON, Mr. SCHIFF, Mr. SERRANO, Ms. SLAUGHTER, Mr. TORRICELLI, Mr. WARD, Mr. WATT of North Carolina, Mr. WAXMAN, Ms. WOOLSEY, Mr. YOUNG of Alaska, and Mr. FILNER):

H.R. 966. A bill to assist in implementing the plan of action adopted by the World Summit for Children; to the Committee on International Relations.

By Mr. CLAY (for himself, Mr. OWENS, Mr. MILLER of California, Mr. KILDEE, Mr. WILLIAMS, Mr. MARTINEZ, Mr. PAYNE of New Jersey, Mrs. MINK of Hawaii, Mr. ROEMER, Mr. ENGEL, Mr. GENE GREEN of Texas, Ms. WOOLSEY, Mr. REYNOLDS, Mr. ROMERO-BARCELO, and Mr. KENNEDY of Rhode Island):

H.R. 967. A bill to amend the Act of March 3, 1931 (known as the Davis-Bacon Act), to revise the standard for coverage under that act, and for other purposes; to the Committee on Economic and Educational Opportunities.

By Mrs. MINK of Hawaii (for herself, Mrs. COLLINS of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. LOWEY, Ms. MCKINNEY, Mrs. MEEK of Florida, Ms. PELOSI, Ms. RIVERS, Ms. WATERS, Ms. WOOLSEY, and Ms. BROWN of Florida):

H.R. 968. A bill to establish comprehensive early childhood education programs, early childhood education staff development programs, model Federal Government early childhood education programs, and for other purposes; to the Committee on Economic and Educational Opportunities.

By Mr. OBERSTAR:

H.R. 969. A bill to amend title 49, United States Code, to prohibit smoking on any scheduled airline flight segment in intrastate, interstate, or foreign air transportation; to the Committee on Transportation and Infrastructure.

By Ms. SLAUGHTER (for herself, Mr. OBERSTAR, Mr. MILLER of California, Mr. FROST, Mr. LAFALCE, Mr. HINCHEY, Mr. FILNER, Ms. MCKINNEY, Mr. OWENS, Ms. WOOLSEY, Mrs. MINK of Hawaii, Ms. ESHOO, Mr. BARRETT of Wisconsin, Mr. LEWIS of Georgia, and Mr. FALEOMAVAEGA):

H.R. 970. A bill to improve the administration of the Women's Rights National Historical Park in the State of New York, and for other purposes; to the Committee on Resources.

By Mr. THOMAS:

H. Res. 86. Resolution electing members of the Joint Committee on Printing and the Joint Committee of Congress on the Library; to the Committee on House Oversight.

MEMORIALS

Under clause 4 of rule XXII,

16. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to S. 131; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 4: Mr. BURTON of Indiana.

H.R 26: Mr. FORBES, Mr. WATT of North Carolina, Mr. WARD, and Ms. LOWEY.

H.R. 28: Mr. TAYLOR of North Carolina.

H.R. 29: Mr. LIGHTFOOT.

H.R. 38: Mr. SKEEN, Mrs. SCHROEDER, Mr. GOODLATTE, Mr. SMITH of Texas, Mr. CUNNINGHAM, Mr. HALL of Ohio, Mr. VOLKMER, Mr. WELDON of Florida, Mr. PICKETT, Mr. JONES, Mr. WILSON, Mr. COLLINS of Georgia, Mr. MINETA, Mr. MANTON, Mr. HANSEN, Mr. ROSE, Mr. DAVIS, Mr. HANCOCK, Mr. GEJDENSON, Mr. BILBRAY, Mr. MCHUGH, Mr. WHITFIELD, Mr. SCHAEFER, Mr. KENNEDY of Rhode Island, Mr. HAMILTON, Mr. DICKEY, Mr. CALLAHAN, Mr. DOOLITTLE, Mr. BATEMAN, Mrs. CLAYTON, Mr. McCollum, Mr. LIGHTFOOT, Mr. ABERCROMBIE, Mr. CALVERT, Mr. FOX, Mr. DEUTSCH, Mr. BARTON of Texas, Mr. GORDON, Mr. HUNTER, Mr. PETRI, Mr. LAUGHLIN, Mr. BROWN of Ohio, Mr. INGLIS of South Carolina, Mrs. THURMAN, Mr. FARR, Mr. HASTINGS of Washington, Mr. JOHNSON of South Dakota, Mr. MCCRERY, Mr. DUNCAN, Mr. FROST, Mr. ORTIZ, Mr. HOLDEN, Mr. WOLF, Mr. NORWOOD, and Mr. OBERSTAR.

H.R. 47: Mr. WELLER.

H.R. 58: Mr. TALENT.

H.R. 70: Mr. EHRLICH.

H.R. 117: Mr. ANDREWS, Mr. MILLER of Florida, and Mr. FIELDS of Texas.

H.R. 118: Mr. FOLEY, Mr. WELLER, Mr. TORKILDSEN, Mr. ACKERMAN, Mr. CALVERT, and Mrs. MEYERS of Kansas.

H.R. 125: Mr. BRYANT of Tennessee, Mrs. CHENOWETH, Mr. COOLEY, Mr. DICKEY, and Mr. HASTINGS of Washington.

H.R. 216: Mr. HOSTETTLER.

H.R. 260: Mr. COOLEY.

H.R. 310: Mr. PAXON.

H.R. 312: Mr. RAMSTAD and Mr. MINGE.

H.R. 313: Mr. PAXON.

H.R. 325: Mr. ROYCE, Mr. LIGHTFOOT, Mr. TAYLOR of North Carolina, Mr. JONES, Mr. QUILLEN, Mr. BARRETT of Nebraska, Mr. MOORHEAD, Mr. HERGER, Mr. ZELIFF, Mr. HEINEMAN, Mr. CHABOT, Mr. TATE, Mr. BARTON of Texas, Mr. HANSEN, Mr. SKEEN, Mr. GREENWOOD, Mr. HASTINGS of Florida, Mr. KASICH, Mr. ROTH, Mr. DELAY, Mr. HEFLEY, Mr. BEREUTER, Mr. HOUGHTON, Mr. KING, and Mr. COMBEST.

H.R. 490: Mr. BRYANT of Tennessee.

H.R. 493: Mr. FALEOMAVAEGA.

H.R. 532: Mr. THOMAS, Mr. HANCOCK, Mr. CAMP, Mr. BREWSTER, Mr. STUMP, Ms. DANNER, Mr. HOUGHTON, Mr. SKEEN, Mr. MCHUGH, Mr. MCHALE, Mr. ENGLISH of Pennsylvania, Mr. SHUSTER, Mr. COMBEST, Mr. WALSH, Mr. FOX, Mr. SAXTON, Mr. MCCRERY, Mr. COX, Mr. ALLARD, Mr. DORNAN, and Mr. TAYLOR of Mississippi.

H.R. 552: Mr. SAXTON, Ms. WOOLSEY, Mr. GALLEGLY, Mr. BILBRAY, Mrs. THURMAN, Mr. SHADEGG, and Mr. MOORHEAD.

H.R. 564: Mr. ROHRABACHER and Mr. BAKER of Louisiana.

H.R. 571: Mr. HERGER, Mr. COOLEY, and Mr. PACKARD.

H.R. 608: Mr. DELLUMS.

H.R. 609:Mr. NADLER and Mr. OWENS.

H.R. 612: Mr. BAESLER.

H.R. 619: Ms. PELOSI, Mr. HINCHEY, Mr. GUTIERREZ, and Mr. DELLUMS.

H.R. 620: Ms. PELOSI, Mr. HINCHEY, and Mr. DELLUMS.

H.R.628: Mr. FLANAGAN, Mr. GILMAN, Ms. LOFGREN, Mrs. MEYERS of Kansas, and Ms. RIVERS.

H.R. 645: Mr. WATT of North Carolina and Mr. MEEHAN.

H.R. 658: Ms. LOWEY, Mr. STUPAK, and Mr. MILLER of California.

H.R. 682: Mr. ROHRABACHER, Mr. EMERSON, Mr. QUILLEN, and Mr. CHRISTENSEN.

H.R. 697: Mr. KNOLLENBERG, Mr. LAHOOD, and Mr. LATOURETTE.

H.R. 698: Mr. QUILLEN, Mr. HANCOCK, Mr. SAM JOHNSON, and Mr. TALENT.

H.R. 753: Mr. ROYCE, Mr. BLUTE, Mr. SCHAEFER, Mr. SCHIFF, Mr. EHLERS, Mrs. ROUKEMA, and Mrs. KELLY.

H.R. 759: Mr. BARTLETT of Maryland.

H.R. 777: Mr. ACKERMAN, Mr. BAKER of California, Mr. BEILENSON, Mr. BOUCHER, Mr. BROWN of Ohio, Mrs. CLAYTON, Mr. DELLUMS, Mr. DORNAN, Ms. ESHOO, Mr. EVANS, Mr. GIBBONS, Mr. GENE GREEN of Texas, Ms. HARMAN, Mr. HORN, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KAPTUR, Ms. LOFGREN, Mr. MCDERMOTT, Mrs. MEEK of Florida, Mrs. MINK of Hawaii, Mr. MORAN, Mr. ORTON, Ms. PELOSI, Mr. PETRI, Ms. RIVERS, Mr. WOLF, and Mr. YATES.

H.R. 778: Mr. ACKERMAN, Mr. BAKER of California, Mr. BEILENSON, Mr. BOUCHER, Mr. BROWN of Ohio, Mrs. CLAYTON, Mr. DELLUMS, Mr. DORNAN, Ms. ESHOO, Mr. EVANS, Mr. GIBBONS, Mr. GENE GREEN of Texas, Ms. HARMAN, Mr. HORN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSTON of Florida, Ms. KAPTUR, Ms. LOFGREN, Mr. MCDERMOTT, Mrs. MEEK of Florida, Mrs. MINK of Hawaii, Mr. MORAN, Mr. ORTON, Ms. PELOSI, Mr. PETRI, Ms. RIVERS, Mr. WOLF, and Mr. YATES.

H.R. 779: Mr. ACKERMAN, Mr. BEILENSON, Mr. BLUTE, Mr. BOUCHER, Mr. BROWN of Ohio, Ms. ESHOO, Mr. EVANS, Mr. FRISA, Mr. GIBBONS, Mr. GENE GREEN of Texas, Mr. HORN, Ms. KAPTUR, Mr. KING, Ms. LOFGREN, Mrs. MINK of Hawaii, Ms. PELOSI, Mr. PETRI, and Mr. YATES.

H.R. 780: Mr. ACKERMAN, Mr. BEILENSON, Mr. BLUTE, Mr. BOUCHER, Mr. BROWN of Ohio, Ms. ESHOO, Mr. EVANS, Mr. FRISA, Mr. GIBBONS, Mr. GENE GREEN of Texas, Mr. HORN, Ms. KAPTUR, Mr. KING, Ms. LOFGREN, Mrs. MINK of Hawaii, Ms. PELOSI, Mr. PETRI, and Mr. YATES.

H.R. 784: Mr. BLUTE.

H.R. 822: Mr. PORTMAN, Mr. BARTLETT of Maryland, and Mr. WELLER.

H.R. 839: Mr. SMITH of Texas, and Mr. SOLOMON.

H.R. 860: Mr. CHRISTENSEN, Mr. HOSTETTLER, Mr. KNOLLENBERG, and Mrs. CHENOWETH.

H.R. 873: Mr. BARRETT of Wisconsin, Mr. SCHIFF, Mr. WELLER, Mr. CASTLE, Mr. MCHUGH, Mr. RAMSTAD, Mr. BILBRAY, Mr. LIPINSKI, Mr. HOSTETTLER, Ms. PELOSI, Mr. BARTLETT of Maryland, Mr. PETRI, Mrs. MALONEY, Mr. TALENT, Mr. GORDON, Mr. ROBERTS, Mr. EHRLICH, Mr. LAHOOD, and Mr. DOYLE.

H.R. 920: Mr. TANNER.

H.R. 922: Ms. LOWEY and Mr. STARK.

H.R. 939: Mr. CUNNINGHAM.

H.J. Res. 3: Mr. MCINNIS.

H.J. Res. 8: Mr. MCINNIS.

H. Con. Res. 10: Mr. VENTO, Mr. MARTINEZ, Mr. GALLEGLY, Ms. LOWEY, Mr. DEUTSCH, and Mr. CANADY.

H. Con. Res. 12: Mr. CUNNINGHAM.

H. Con. Res. 27: Mr. BAKER of Louisiana.

H. Res. 25: Mrs. VUCANOVICH, Mrs. CHENOWETH, Mr. DOOLITTLE, and Mr. TAYLOR of Mississippi.

H. Res. 56: Mr. HORN and Mr. WELLER.

H. Res. 58: Mr. CALVERT and Mr. BARTLETT of Maryland.

H. Res. 80: Mr. STEARNS and Mr. BURTON of Indiana.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 7

OFFERED BY: MR. ENGEL

(Page and line references are to H.R. 872)

AMENDMENT NO. 45: Page 27, line 1, after ''foreign national'' insert ''(other than an individual who is a military officer of a NATO member nation serving on active duty)''

Page 27, line 9, after ''foreign national'' insert ''(other than an individual who is a military officer of a NATO member nation serving on active duty)''

Page 34, line 22, after ''foreign national'' insert ''(other than an individual who is a military officer of a NATO member nation serving on active duty)''

Page 35, line 6, after ''foreign national'' insert ''(other than an individual who is a military officer of a NATO member nation serving on active duty)''

H.R. 7

OFFERED BY: MS. LOFGREN

(Page and line references are to H.R. 872)

AMENDMENT NO. 46: Page 11, line 12, strike ''Title II—Missile Defense'' and all that follows through page 13, line 1, and insert in lieu thereof the following:

TITLE II—EXTENSION OF SCHOOL DAY FOR ELEMENTARY AND SECONDARY EDUCATION IN AMERICA

SEC. 201. FINDINGS.

The Congress finds that—

(1) the increasing prevalence of single parents and families with two working parents has forced many of our nation's children to be at home without supervision after school;

(2) performance of our nation's schoolchildren must increase markedly in the future for our country to be competitive in the global market;

(3) our economic competitors have significantly longer school days, allowing for greater learning and educational experiences for a child, and making for a higher level of literacy and education in the general population; and

(4) our nation's priorities should focus on the needs of children and of working families.

SEC. 202. EXTENSION OF THE NATIONAL SCHOOL DAY.

(1) To remain eligible for funding pursuant to the Elementary and Secondary Education Act a school must institute a policy whereby its school day will last until 5 o'clock p.m., local time.

(2) In instituting a policy extending the lateness of its school day, no school may begin its school day later than 9:00 o'clock a.m., local time.

(2) The Secretary of Education shall establish a formula grant program to provide funds to States to carry out section (1) above.

SEC. 203. FUNDING.

Notwithstanding any other provision of this Act, of the funds available to the Department of Defense, $49,000,000,000 shall be made available to the Department of Education to carry out this Title.

H.R. 7

OFFERED BY: MR. MCHALE

(Page and line references are to H.R. 872)

AMENDMENT NO. 47: Page 9, after line 21, insert the following new paragraph (and redesignate the succeeding paragraphs accordingly):

(2) to provide for sufficient forces to meet the national security strategy of using forward-deployed and forward-based forces to promote regional stability, deter aggression, improve joint/combined operations among United States forces and allies, and ensure timely crisis response;

H.R. 7

OFFERED BY: MR. TORRICELLI

(Page and line references are to H.R. 872)

AMENDMENT NO. 48: Page 68, line 4, strike out ''shall'' and insert ''may''.

H.R. 7

OFFERED BY: MR. TRAFICANT

(Page and line references are to H.R. 872)

AMENDMENT NO. 49: Page 53, beginning on line 15, strike out ''25 percent'' and insert ''20 percent''.

Page 53, line 18, strike out ''25 percent'' and insert ''20 percent''.

Page 53, line 21, after ''the United States.'' insert the following new sentences:

For any United Nations peacekeeping operation that is initially authorized by the United Nations Security Council before the date of the enactment of this section, the applicable percentages under the preceding sentence shall be 25 percent. For United Nations peacekeeping operations that are initially authorized by the United Nations Security Council on or after the date of the enactment of this section, the President may increase the percentage limitations under the first sentence of this subsection to a percentage not greater than 25 percent. The President may exercise the authority under the preceding sentence only after transmitting to Congress a report providing notice of the percentage increase under the preceding sentence and a statement of the reasons for the increase.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, FIRST SESSION

Vol. 141 WASHINGTON, WEDNESDAY, FEBRUARY 15, 1995 No. 30

Senate

(Legislative day of Monday, January 30, 1995)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest chaplain, the Reverend Barbara D. Henry, of the Episcopal Diocese of Washington.

PRAYER

The guest Chaplain, the Reverend Barbara D. Henry, of the Episcopal Diocese of Washington, offered the following prayer:

Let us pray:

Almighty God, to whom we must account for all our powers and privileges, we thank You for the rich resources of this Nation, and for the freedom to choose the men and women who make the laws of this land.

Guide and bless our Senators here assembled. Give them strength and courage for their tasks, wisdom in their deliberations, and the foresight to provide for the well-being of our society. Fill them with the love of truth and righteousness, and make them ever mindful of their calling to serve the people whom they represent.

Kindle in the hearts of all the people of this country, we pray, the true love of peace. Grant us grace fearlessly to contend against evil and to make no peace with oppression; and that we may reverently use the freedom with which we have been blessed, help us to employ it in the maintenance of justice in our communities and among the nations of the world.

For Yours is the Kingdom, O Lord, and You are exalted as Head over all. Amen.—Adapted from prayers in ''The Book of Common Prayer,'' 1979.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished acting majority leader is recognized.

Mr. LOTT. Thank you, Mr. President.

SCHEDULE

Mr. LOTT. Mr. President, this morning the time for the two leaders has been reserved and the Senate will resume consideration of House Joint Resolution 1, the constitutional balanced budget amendment. Under the order, Senator BINGAMAN will offer an amendment regarding the supermajority, which will be considered under a 60-minute time limitation. Senators should be aware that a rollcall vote is anticipated on or in relation to the amendment at approximately 10:30 this morning. Following that rollcall vote, Senator WELLSTONE will make a motion to refer, under a 60-minute time limitation. Therefore, further rollcall votes will occur throughout the day.

I yield the floor.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Oregon is recognized.

THE REVEREND BARBARA D. HENRY

Mr. HATFIELD. Mr. President, I would like to take this moment to thank our chaplain for the day, the Reverend Barbara Henry, who has opened the Senate with prayer.

We are very honored to have Reverend Henry in this role. She is a person of great distinction and background in her educational experience—Boston University and the University of Pittsburgh in music, and also a graduate of the General Theological Seminary of the Episcopal Church of America in New York.

Reverend Henry has not only served as a pastor in a parish, two of them here in Washington, DC—St. John's Episcopal Church in Georgetown and as assistant rector at St. Stephen and the Incarnation Episcopal Church in Washington—she has divided her ministry between the parish and in music education and in music library work, especially.

She is now serving at Catholic University of America here in Washington, where she is the head music librarian and is carrying out her other ministry within the region of Washington.

Mr. President, I ask unanimous consent that a more detailed résumé of her outstanding ministry be printed in the RECORD.

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

RÉSUMÉ OF BARBARA D. HENRY

EDUCATION

Mus.B. (Music Education) Boston University, 1956.

M.M. (Music History and Literature) Boston University, 1962.

M.L.S. (Library Science) University of Pittsburgh, 1965. (Member, Beta Phi Mu; Recipient of Phi Delta Gamma Award to Outstanding Woman Graduate Student)

M.Div. The General Theological Seminary, New York, 1983. (Teaching Assistant, Church History)

LIBRARY EXPERIENCE

I have been a music librarian in a variety of academic and public libraries, from 1958 to 1980 and from 1988 to the present. These positions have included experience in all aspects of librarianship, including reference, collection development, cataloging, and administration. From 1970 on, these were positions of increasing administrative responsibility, including budget management, annual reporting and supervision of up to fifteen people.

East Carolina University, Greenville, N.C., Music Librarian, September 1970–June 1972:

Responsible for administration of all activities of the Music Library, a branch library located in the School of Music. Duties included selection of books, music, periodicals and phonorecords; cataloging and processing of phonorecords. Managed budget for

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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acquisitions; supervised 8–10 student assistants. Reported annually to Dean of School of Music and to University Librarian.

Northwestern University, Evanston, Ill., Assistant Music Librarian for Technical Services, July 1972–December 1973:

Administered all technical processes in the Music Library, including the acquisition of music and sound recordings directly, and books and serials through the University Library, Manual cataloging of music and sound recordings; computer cataloging of books through main library. Acted as liaison with University Library Technical Processing Division. Shared in policy-making and reference service in Music Library. Supervised staff of three full-time assistants and 5–6 students. Planned and assisted with move of Music Library to new building.

The Curtis Institute of Music, Philadelphia, Pa., Head Librarian, January 1974-June 1975:

Supervised and administered all operations of the Library, including circulation, reference, cataloging, acquisitions, and budget management. Selected books, music and sound recordings with assistance of faculty. Supervised three full-time staff, as well as students. Acted as curator of large collection of rare books and manuscripts. Reorganized library, planned new facility and supervised moving of collections to new quarters.

The Library of Congress, Music Division, Washington, D.C., Assistant Head, Reference Section, July 1975–July 1977; Head, August 1977–July 1980:

As Assistant Head, supervised day-to-day activities of the Reference Section; reviewed and edited all reference correspondence; provided and/or directed reference service to readers and telephone inquirers; acted as statistical coordinator for the Division; conducted tours of the Division. As Head, responsible for collection development and management, including selection of material not acquired by copyright. Shared in policy-making and budgetary management with Chief and Assistant chief of Division. Supervised 6–8 reference librarians and 5–7 technicians.

The Catholic University of America, Washington, DC, Head, Music Library, March 1988–present

Manage all aspects of the Music Library, a separate branch library which contains music materials in all formats: books, periodicals, music and sound recordings. Supervise two full-time support staff, and 10–15 students. Prepare and monitor budget; prepare annual report, which includes both statistical and narrative sections. Working with other staff, select all new material to be purchased as well as gift material to be added to collections. Oversee management of collections, weeding, shifting, taking inventory, etc. Assist patrons in using catalogs, both print and on-line. Give reference assistance to patrons, answer phone and mail inquiries. Assist graduate students in locating scholarly material in other libraries. Give bibliographic instruction to graduate classes and to individuals. Act as liaison with faculty of School of Music and with the main University Library. Serve on Library committees.

CHURCH AND MUSICAL EXPERIENCE

Attended The General Theological Seminary, September 1980–June 1983. From August 1983 to March 1988, worked full-time as Assistant Rector in two Episcopal churches in Washington, D.C. Since that time I have assisted in several parishes on a part-time basis.

Have been a performer of early music, teacher of recorder, and director of early music ensembles since 1965.

Episcopal priest, Diocese of Washington. Ordained December 15, 1983. Received M.Div., The General Theological Seminary, N.Y., 1983.

Served as: Assistant Rector/Urban Resident, St. Stephen & The Incarnation Episcopal Church, 1983–85. Assistant Rector, St. John's Episcopal Church, Georgetown, 1985–88. Curate (part-time) St. James' Episcopal Church, Capitol Hill, 1991–94. Currently assist in several parishes of the Diocese.

Head, Music Library, The Catholic University of America, 1988–present. Previously music librarian in a number of libraries, including the Music Division of the Library of Congress, as Assistant Head and Head of the Reference Section, 1975–1980.

Mr. HATFIELD. Again, I thank her on behalf of all Members of the Senate for her presence here the remainder of this week, filling in until the elected Chaplain arrives to serve on March 8.

I yield the floor.

CRIME

Mr. DOLE. Mr. President, I want to commend the House of Representatives for completing action on one of the key elements in the Contract With America—the Taking Back Our Streets Act. As a result of yesterday's vote, we are now one step closer to enacting the kind of tough-on-crime legislation the American people deserve:

Mandatory restitution for the victims of Federal crimes.

The swift deportation of illegal aliens who have broken our criminal laws.

More funds for prison construction so that Governors like George Allen can abolish parole and make truth in sentencing a reality in the Commonwealth of Virginia.

Comprehensive reform of the habeas corpus rules to prevent convicted criminals from exploiting the system, with more frivolous appeals, more unnecessary delays, and yes, more grief for the victims of crime and their families.

Reform of the exclusionary rule to ensure that relevant evidence is not tossed out at trial simply because a police officer made an honest mistake.

And, finally, a rewrite of last year's police-hiring program to give States and localities more flexibility in determining what best suits their own unique law enforcement needs. Is it more cops? Or is it more squad cars? Better technology? Training? Perhaps even computers?

Unfortunately, this last provision has raised President Clinton's political hackles. He is now out on the stump, threatening a veto, and arguing that the law enforcement block grants will somehow jeopardize his pledge to put 100,000 more cops on the street.

Of course, last year's crime bill was one of the most politically oversold pieces of legislation in recent memory. As most experts will tell you, the 1994 crime bill barely contains enough funding to hire 25,000 more cops, never mind 100,000. So, President Clinton's complaints may make for good rhetoric, but when all is said and done, rhetoric has never put a single cop on the beat.

The President's veto-threat also raises a more fundamental question: Who knows best how to fight crime? Is it Congress? The bureaucrats in Washington?

Or is it the people on the frontlines: the sheriffs, the mayors, the county commissioners, the Governors? Does President Clinton not trust our State and local officials to make the right decisions, to do the right thing, or does he think they cannot be trusted and that, if given the flexibility, they will somehow squander the block-grant funds?

As the Washington Post editorialized yesterday, and I quote:

> ''One hundred thousand cops'' sounds good, but congressional failure to include that mandate is not worth a Presidential veto * * *. The world won't end if local authorities are given more flexibility.

So, Mr. President, I commend the House of Representatives for toughening up last year's crime bill and giving the States and cities the flexibility they need. It is now up to the Senate to finish the job, and I hope we can do that in the next 60 days.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I ask unanimous consent that I may proceed as if in morning business for 5 minutes.

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

AN ENLIGHTENED UNITED STATES POLICY TOWARD CUBA

Mr. PELL. Mr. President, last month I spoke in this Chamber about the need for a serious reexamination of United States policy toward Cuba. In the weeks since quite the opposite has occurred. Instead, we seem to be rushing toward an intensification of the current policy.

That policy, consisting of a rigidly enforced embargo and an aversion to any significant dialog with Cuba, has, as best I understand them, three goals: to promote a peaceful transition to democracy; to support economic liberalization; and to foster greater respect for human rights while controlling immigration from Cuba.

These three goals have guided our national policy toward Cuba for the more than 30 years I have been in this body, Mr. President, yet there has been scant progress toward achieving any of them. There is still a government in Cuba which is not freely elected, which is only just beginning tentative steps toward a market economy, and which continues to fall short of international standards in the area of respect for human rights.

Therefore, I can only conclude that this policy is not only outdated and ineffective, but, far worse, it is counterproductive. It seems to me that the time has come to admit the obvious. The policy is a failure and will never achieve its stated objectives.

I believe that, rather than tightening the embargo and further isolating Cuba, the United States should expand contact with the Cuban people and enter into negotiations on all issues of mutual concern to our two countries, including the lifting of the economic embargo.

I say this not because of any regard for the Government in Havana, a one-party state with a record of intolerance toward dissident voices within the society. Rather, I say this because, if our country and Cuba are to break the impasse that has existed in our relations for more than three decades, someone must take the first step in that direction. I believe it is in the U.S. national interest to take that first step—to agree to sit down at a negotiating table, where all issues can be discussed.

In the meantime, there should be greater contact between our own citizens and the Cuban people. Such contact will serve to plant the seeds of change and advance the cause of democracy on that island. Just as greater exchange with the West helped hasten the fall of communism in Eastern Europe and the former Soviet Union, so, too, it can achieve the same results much closer to our shores.

Liberal Democrats are not alone in holding this view. Former President Richard Nixon wrote shortly before his death last year, ''we should drop the economic embargo and open the way to trade, investment, and economic interaction.'' Learned people across the political spectrum have made similar comments and observations about the policy.

Why? Because they have all observed across the globe that policies which foster greater commerce and communication between countries work and those which engender isolation and enforced misery don't work. It has been impossible for those who would seek to defend the status quo to cite an instance in modern history where a policy of forced isolation has successfully transformed a totalitarian state into a democracy.

United States travel restrictions to and from Cuba are among the most prohibitive in the world—this to an island that is only 90 miles from our shores. At this point, only United States Government officials and journalists have unrestricted access to Cuba and only a small percentage of Cubans who apply are allowed to travel to the United States each year. Legislation recently introduced in the Senate would restrict binational contacts even further.

Mr. President, do we as a nation not have enough faith in the power of our democratic system to let contact between our citizens and other peoples flourish? In my view, the strongest advocate for democracy and a free-market economy would be a Cuban student or family member who had recently visited the United States and seen the sharp contrast between our way of life and that in Cuba.

Current policy not only denies the United States the opportunity to promote positive change in Cuba, but it increases the likehihood of widespread political violence and another mass exodus of refugees to Florida. The Cuban Government, which is vigorously pursuing expanding political and economic ties with the rest of the world, is unlikely to give into unilateral United States demands. Nor is there much indication that a viable opposition currently exists within Cuba to wrest power from existing authorities.

We have made it very easy for Cuban authorities to justify the lack of political freedom in Havana. They simply point to the external threat posed by a hostile U.S. policy. That justification would lose all credibility were we to adopt a more reasoned U.S. policy. Cuban authorities would then be hard pressed to justify the denial of political rights and economic opportunities that the Cuban people readily observe elsewhere.

Mr. President, it will be an incredible legacy of whatever administration succeeds in achieving what all the United States administrations of the past 30 years have failed to do—to bring about the peaceful transition to democracy in Cuba. At last all the peoples of the hemisphere would truly be one family, united by common principles and values.

It will require political courage to abandon this antiquated and ineffective policy. Old hatreds and vested interests have, heretofore, held us captive. However, I believe the rewards of a new policy of engagement will be so great that embarking on it will outweigh the political risks.

Mr. President, I urge the administration to take the first step toward a new and enlightened policy—a policy that can once again unite Americans and Cubans. I extend my support and effort in that endeavor. I urge my colleagues to join me as well.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of House Joint Resolution 1, a joint resolution proposing a balanced budget amendment to the Constitution of United States.

The clerk will report.

The assistant legislative 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.

AMENDMENT NO. 248

(Purpose: To prohibit the House from requiring more than a majority of quorum to adopt revenues increases and spending cuts)

Mr. BINGAMAN. Mr. President, I call up amendment No. 248 for consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 248.

The amendment is as follows:

On page 3, strike lines 9 through 11, and insert the following:

''SECTION 8. This article shall take effect beginning with the later of the following:

''(1) fiscal year 2002;

''(2) the second fiscal year beginning after its ratification; or

''(3) the end of the first continuous seven-year period starting after the adoption of the joint resolution of Congress proposing this article during which period there is not in effect any statute, rule, or other provision that requires more than a majority of a quorum in either House of Congress to approve either revenue increases or spending cuts.''.

Mr. BINGAMAN. Mr. President, the balanced budget amendment contemplates a 7-year period during which we would go from where we now are—that is, about a $200 billion annual deficit—to a zero deficit. This chart makes the point very obviously that, from 1996 to the year 2002, we need to make substantial progress in getting from where we are to that zero deficit.

My amendment tries to assure that during those 7 years—not after the 7 years—but during those 7 years we can actually reach this goal of a balanced budget. My amendment says that during those 7 years you cannot have a requirement for a supermajority either to cut spending or to raise taxes in either House of the Congress.

Mr. President, I voted for the balanced budget amendment before, and I can honestly say that the intent of the amendment's proponents in those previous debates here on the Senate floor seems to me different from what is their apparent intent this time. In the previous Congresses the amendment was offered as a mechanism to help achieve responsible fiscal policy. It was to be a prod to keep us focused on deficit reduction; an assist to us in pursuing sound fiscal policy. Since I agreed that more discipline was needed, I was willing to support the amendment.

This time the amendment comes to us in a different context, supported by some different arguments. Now, the proponents do not just want deficit reduction and sound fiscal policy. They also want that deficit reduction achieved in their preferred way and in a way which most heavily benefits those they desire to benefit. That is a new and a disturbing aspect of this year's debate, Mr. President.

This year, the amendment comes from the House of Representatives after the House has already amended its own rules to require a three-fifths supermajority for any increase in income tax rates. Other taxes can still be raised with a simple majority. Of course, spending cuts can still be accomplished with a simple majority, but

income tax rates cannot be raised without a three-fifths vote, according to the House rule.

Some argue that this is just a House rule and that we in the Senate do not need to concern ourselves with it. But under the Constitution, all revenue measures must originate in the House, so if the House has a rule that biases deficit reduction against changes in the income tax, that restricts the options available to the entire Congress, not just the House.

Mr. President, this change of rules undermines genuine efforts at deficit reduction, and it undermines our ability to achieve sound fiscal policy. The purpose of the House rule is to advance a conservative political agenda of less taxation for certain taxpayers without regard for and in spite of the consequences for the deficit.

The purposes of the rule are to protect individuals and corporations in the upper tax brackets and to accomplish any increase in revenue by raising regressive taxes that affect middle-income individuals and families, taxes such as the gas tax, Social Security taxes, sales and excise taxes.

Supermajority requirements like the House rule make deficit reduction over the next 7 years even more different than it already is. But more importantly, they drastically alter the fundamental fairness of the way we will allocate the pain of deficit reduction during those 7 years.

The supermajority requirement shifts the burden away from wealthy individuals and corporations and onto the backs of low- and middle-income working families. For under the House rule, it is the working families of America, not the wealthy and the corporations, who will feel the spending cuts. It is those working families who will pay the gas taxes and the social insurance taxes and the excise taxes which must get us to a zero deficit.

Never before have the proponents of this balanced budget amendment argued that it is right for middle-income families to pay to balance the budget but not right for the wealthy and the corporations to pay.

So my amendment restores the fundamental fairness of previous balanced budget amendment discussions. It restores the ground rules to what they were during previous balanced budget amendment debates here on the floor by establishing this 7-year period in which to get to a zero deficit without unfair supermajority requirements in either House with regard either to particular spending cuts or particular tax increases.

Now, looking at the second of these charts, it makes a very serious point which I am sure everyone knows here in the Senate and perhaps needs to be repeated. Deficit reduction is not rocket science. It is not difficult to know what to do. It is difficult to have the courage to do it.

Deficit reduction can be accomplished in two ways. You can cut spending or you can increase revenue. Either one of those works. Both of them help get you to a zero deficit and a balanced budget. As the bottom part of the chart shows, my amendment merely says that during the 7 years leading up to 2002 we cannot have supermajority votes required either for spending cuts or for revenue increases.

Our past experience and simple economic sense leads me to conclude that if we are going to seriously approach accomplishing a balanced budget, we will have to look at both spending cuts and revenue increases to get from here to where we need to go.

If we look at history and look at what we have actually done in the last 15 years by way of deficit reduction, we can see the point I am trying to make. There have been five serious efforts at deficit reduction during the 1980's and the first half of the 1990's—under Republican Presidents and under Democratic Presidents I point out.

In 1982, there was a significant deficit reduction effort. The total deficit reduction there was $116 billion. That was, of course, under President Reagan. He signed that bill and approved it. Most of the deficit reduction there was accomplished by revenue increases—not by spending cuts. People need to recognize that in each of the five cases here we have had both revenue increases and spending cuts.

The second serious reduction was when President Reagan was in the White House in 1987, and again we had substantial revenue increases: $75 billion in revenue increases and $118 billion in spending cuts. So there was clearly a combination of the two in that case.

In 1989, under President Bush, we had a deficit reduction effort which was about equally balanced between revenue increases and spending cuts.

In 1990, we had a very major deficit reduction package when President Bush was in the White House. There was more in spending cuts, nearly twice as much in spending cuts or a little over twice as much in spending cuts as there were in revenue increases. But still there was a combination of the two.

Then 2 years ago, in 1993, of course, we had President Clinton's deficit reduction package which involved both spending cuts and revenue increases, totaling, according to the CBO, $433 billion as originally proposed. I think the estimates are that that has increased since.

I think it is interesting to note when we look at this history of how we have actually tried to accomplish deficit reduction, in four of the five deficit reduction efforts that were made in the 1980's and so far in the 1990's we did not have the three-fifths vote necessary in the House which would be required by this House rule. So these packages, four of the five, could not have passed under the House rule as it now stands. Not only does history indicate that serious deficit reduction will require both spending cuts and tax increases, but common sense indicates that it will as well.

Now, looking at the next chart, that chart shows the Federal budget and shows what is available when we start to cut spending. Many previous speakers in the last couple of weeks have pointed to this chart or similar versions of this chart to make the very obvious point that the majority of the Federal budget is so-called mandatory spending, spending not readily available for cuts. Clearly we can change the eligibility requirements for Social Security or Medicare or Medicaid and get savings, but this is mandatory in the sense that it will take a change in the substantive law that we have had on the books for some time in order to bring that about.

Interest accounts for about 15 percent of the debt. There is no way to dodge that. We have to pay that each year. We cannot make up spending cuts there. Medicare and Medicaid is about 17 percent, and as far as I know somebody is talking about cuts in Medicare and Medicaid. All they are talking about is whether we will restrain the rate of increase in those areas.

Social Security, we have had votes in the last 2 or 3 days where everybody has gone on record, both Democrat and Republican, as not wanting to see Social Security counted as part of the way we get to deficit reduction to get to a balanced budget.

And other mandatory spending, other entitlement programs, makes up about 10 percent. The areas that are discretionary are defense, which is about 18 percent of the Federal budget. The proposal I have heard around the Capitol in recent months is not to cut defense. It is added to what the President himself has proposed as increases in defense during the next 5 years.

Of course, some people think we can balance the budget by cutting out international foreign aid. That is 1.4 percent of the Federal budget. I suggest that if we eliminate it entirely, we still would have a long way to go to get to a balanced budget.

Domestic discretionary, 16.5 percent. That is where the cuts will come. I think everybody knows that when we get around to cutting spending, the cuts are going to come in domestic discretionary spending. That is law enforcement funding, that is education funding, that is public health funding, that is funding of a whole variety of things which generally keep the Government running.

While virtually all experts agree that to get to a balanced budget, we will have to both cut spending and raise revenue, the House of Representatives by rule has made it very difficult for us to raise that additional revenue, at least to raise that additional revenue from the income tax.

We are spending a great deal of time in the Congress this year, Mr. President, talking about the Contract With America. I read that contract, and part

of it did contain a promise to the American people not to raise taxes. The contract does not just contain a promise not to raise taxes, it has a promise to require a supermajority to raise taxes. The contract, in fact, proposed to include that supermajority requirement for tax increases in the balanced budget amendment itself.

When the Speaker and the majority in the House finally started looking at their votes, they decided they did not have the votes to pass the balanced budget amendment in that form, but that they did have the votes to put in place a rule which would have the same effect; that is, a rule which would say that you have to have not a majority but you have to have three-fifths of the House voting for any kind of change in income tax rates in order to increase those rates.

Not only has the Republican leadership in the House made good on their promise to require a supermajority to raise taxes and to put it in the rules, they have also committed to a major tax cut this year.

We had quite a debate yesterday about whether or not it was wise to proceed with a tax cut. I believe myself that the 1981 tax cut was not responsible in light of the Federal deficit we faced then. It seems equally clear to me that this proposed tax cut, which is called for in the Contract With America, is also not responsible.

Mr. President, I regret that President Clinton has chosen to advocate tax cuts at this particular time, although his proposal is much more reasonable in size and it is targeted toward families attempting to improve their own education or their children's education.

This is the context in which we are considering a commitment to reach a balanced budget amendment in the next 7 years. The results, in my view, are two:

First, the chances are overwhelming that if we keep this supermajority requirement in the House rules, we will not reach the goals set out in the amendment of a balanced budget by the year 2002.

And second, that if we keep this supermajority requirement in the House rules, whatever steps we take to reach the goal are going to fall hardest on working families.

My amendment tries to ensure a good faith effort by all to reach the goal of a balanced budget. It eliminates all the preconditions, it eliminates all the artificial barriers. No group, and certainly not the wealthy, could assume that it would be spared from sharing in the pain of deficit reduction.

There would be no prohibition against cuts and particular types of spending; there would be no prohibition against increases and particular types of taxes. The House rules requiring three-fifths to change income tax rates would have to either be dropped or judged invalid by the Supreme Court.

I point out to my colleagues that there is pending today in the court a suit brought by the League of Women Voters and 15 House Members challenging the constitutionality of the House rule.

Mr. President, this is essentially a back-to-reality amendment. It is also a basic fairness amendment. I believe it is an important amendment dealing with this issue of a supermajority requirement, particularly as it has been manifested in this House rule.

Let me look at one final chart to make that last point about the importance of the amendment. We have looked at where the spending occurs in Government. Let us look at where the revenue comes from to see what we are taking off the table by adopting that House rule.

The income tax, of course, is our most progressive tax. Here you can see the individual taxes account for 43 percent of the revenue that the Government receives each year, and corporate taxes account for an additional 11 percent. So you add those two together and you have 54 percent of the revenue that comes to the Federal Government by way of taxes.

We are saying if you want to change the amount of revenue you receive from those taxes, if you want to get anymore revenue from those taxes, you have to have three-fifths under the House rule.

That is a major amount. That is a major source of revenue to be building a supermajority requirement around. When you look at where else can we raise revenue, if we are not able to get the three-fifths necessary there, as we have not been able to get the three-fifths necessary in four of the last five major deficit reduction efforts in the Congress, where else can you get those?

Social Security taxes, 37 percent; 37 percent of the total revenue coming into the Federal Government comes from Social Security taxes. So you can raise Social Security taxes. Excise taxes, 4 percent, and other taxes, 5 percent. That is things like the gasoline tax and other matters. I point out that the Social Security tax, excise tax, and gasoline taxes are regressive. That means that they fall most heavily on low- and moderate-income individuals. The income tax is the progressive tax. It is the tax that has higher rates that you are required to pay as your income goes up. So when you say you will not change the income tax, you are clearly looking out for those people with the high incomes.

When we say a supermajority is required to raise rates in that tax but not in others, we are protecting those who are relatively disadvantaged by the progressive rate structure of the income tax, and those are clearly the wealthy in our society.

The people most affected by taxes, other than the income tax, are not protected. Those are the working families, poor families, the elderly. Those other taxes are still available as sources of income. The gasoline tax is there, available, excise taxes. Some of my colleagues have an interest in beer and wine and tobacco taxes and other excise taxes as well. The main other source of income for the Federal Government is the Social Security tax. That accounts for 37 percent of all the revenue we receive.

In addition to these sources of revenue to get from here to a balanced budget, we also, of course, have areas of spending that can be targeted for reduction. And the area of spending which we all know is most likely to be cut is domestic discretionary spending. That category includes programs that primarily go to benefit the average working people in the country—education grants, loans, health care, health clinics in our rural areas, nutrition, school lunch programs, law enforcement, funds needed to make good on the promises that were in last year's crime bill.

To summarize, Mr. President, this amendment that I am offering today lets us go into this 7-year period with ground rules that do not make it virtually impossible to get from here to a balanced budget.

They also let us go into this 7-year period with ground rules that do not require most of the pain—that is, a disproportionate amount of the pain—of deficit reduction to be borne by working families.

In my view, this is a good amendment. I urge all Senators who are seriously committed to deficit reduction and to fairness in the way that we achieve that deficit reduction to support the amendment.

Mr. President, I yield the floor and reserve the remainder of my time.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER (Mr. FAIRCLOTH). The Chair recognizes the Senator from Utah.

Mr. HATCH. I thank the Chair.

Mr. President, we are now in our 17th day under our balanced budget amendment debt tracker of the increase in the debt as we debate. While we are debating this—this is our 17th day of debate, or 17th day since we started this debate—we can see in this far chart the red line at the bottom is the $4.8 trillion debt that we started with at the beginning of this year. The green lines show how it is going up every day $829 million of additional debt on the backs of our children and our grandchildren. Today, the 17th day, we are now up to, as you can easily see here, $14,100,480,000—in additional debt just while we debate this.

The reason we are doing this is so the American people can understand that this is serious business. For 17 days this has been delayed, a full 3 weeks of Senate floor time, 3 weeks on something that a vast majority of Senators are for, and we believe 67 of us will vote for it in the end because it is the only chance we have to get spending under control, the only chance we have. It is the first time in history that the House of Representatives has passed a balanced budget amendment.

Now they have sent it to us. It is the amendment we have been working on now for my whole 19 years in the Senate, and I have to say it is a bipartisan consensus, Democrat-Republican amendment. It is not perfect, but it is the best we can do, and it is much better than anything I have seen in all the time we have debated it. It will put a mechanism in the Constitution that will help us in the Congress to do that which we should have been doing all these years anyway, and that is to live within our means.

The distinguished Senator from New Mexico is very sincere. He does not like the three-fifths vote over in the House that they have on a statutory basis. It can be changed anytime by a mere 51 percent vote. When they get a majority over there that can do it, they will change it. But that has nothing to do, in my opinion, with whether or not we should pass the balanced budget amendment in the Senate.

I oppose the amendment offered by the distinguished Senator from New Mexico. The Bingaman amendment, while seemingly aimed at supermajority voting requirements to raise revenues or cut spending, would in fact kill the balanced budget amendment, not merely delay its implementation. As I will explain in a few moments, the Bingaman amendment, if adopted, would render the balanced budget amendment inherently contradictory and never, ever capable of going into effect.

The Bingaman amendment would ostensibly delay the effective date of the balanced budget amendment until the end of the 7-year period after Congress adopts it, ''during which period there is not in effect any statute, rule or other provision that requires more than a majority of a quorum in either House of Congress to approve either revenue increases or spending cuts.''

Now, it may seem that this amendment is aimed at the other body's recent rule that Federal income tax increases are effective only if they receive a three-fifths vote, but it hits the balanced budget amendment right in the heart. And this is not an errant, leftover arrow from Cupid's quiver. This is a poisoned dart.

Section 4 of House Joint Resolution 1 states that ''no bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.'' That means at least 51 Senators and 218 Members of the House of Representatives must be recorded in favor of any revenue increase. In other words, it is a constitutional majority that our amendment requires.

If we adopt the Bingaman amendment into House Joint Resolution 1, however, then House Joint Resolution 1 can never, ever go into effect. The Bingaman proposal says that House Joint Resolution 1 cannot go into effect so long as a provision such as section 4 is law. After all, the Bingaman proposal says that a majority of a quorum can raise taxes. House Joint Resolution 1 says that only a majority of the whole number of both Houses can raise taxes. You cannot put the two provisions in the same constitutional amendment, at least not if you are really trying to enact that constitutional amendment into law.

So the Bingaman amendment is about much more than raising the supermajority requirement for revenue increases or spending cuts. It is about killing the balanced budget amendment by making it incapable of ever going into effect.

I might point out that had this section 4 provision been in effect in 1993, then President Clinton's huge tax increase in 1993 would not have become law. That tax increase only garnered 50 votes in the Senate and needed Vice President GORE's tie breaker in order to be sent to the President. But while the Vice President is President of the Senate, he is not a Member of the Senate. Accordingly, the 1993 tax increase would have been killed by the 50–50 vote of the Senators under the pending balanced budget amendment.

There are other serious problems with the Bingaman amendment. If Congress wants to adopt supermajority requirements for raising taxes and does so in a constitutional manner, I think that it will be perfectly appropriate protection for the taxpayers. I wish we could get the votes to pass the balanced budget amendment with such a requirement, but we cannot. I certainly do not believe that we should, in our fundamental charter, put in a provision that explicitly says as few as 26 Senators out of 100 can raise taxes. I think it is a terrible idea to write that explicitly into the Constitution. As I say, we should put into our Constitution stronger protections against tax raises.

While section 4 is not as strong as some would prefer it, certainly in the House, it is better than the status quo. The Bingaman amendment, in contrast, would make the status quo an explicit part of our Constitution.

Now, my colleagues should bear in mind that a vote for the Bingaman amendment is a vote in favor of stating right in the Constitution itself that as few as 26 Senators can pass tax raises. Statutory or internal congressional rules seeking to impose a higher hurdle for tax increases would be, on their face, invalid. Today at least we have a fighting chance to have such statutory or internal congressional rules imposing higher voting requirements for tax increases upheld.

Moreover, if Congress adopts House Joint Resolution 1 and sends it to the States with the Bingaman language, even aside from the fatal flaw that I mentioned earlier, take a look at the hurdles House Joint Resolution 1 would have to go through, even within the terms of the Bingaman amendment itself. If the other body does not repeal its three-fifths rule on tax increases, its statutory rule, for, say, 2 years, then House Joint Resolution 1 would have to wait 7 more years after such repeal before it can be effective under the Bingaman language. That puts us into the year 2004. We cannot wait that long for the discipline of the balanced budget amendment to go into effect.

President Clinton's proposed budgets would add another $400 billion to the national debt in those 2 years alone, even under optimistic assumptions, and $1.8 trillion over that period to the year 2004.

If my friend from New Mexico does not like the other body's rules on tax increases, I say with all respect that concern should not be addressed by tampering with the effective date of this badly needed constitutional mandate to balance the budget.

Frankly, America cannot wait any longer than the balanced budget amendment already provides for the Congress to be placed under such a mandate. I certainly believe the distinguished Senator from New Mexico is sincere, but I think these arguments against it are overwhelming, and I hope our fellow Senators will vote down the Bingaman amendment.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico.

Mr. BINGAMAN. Mr. President, let me just respond to some of the points my friend and colleague from Utah has made.

He suggests that the amendment I am offering would make the balanced budget amendment internally contradictory, because of section 4, as I understand his argument. I do not see it that way, and let me explain my view of it.

As I understand the procedure that the balanced budget amendment contemplates, there is a 7-year period during which we try to get to a balanced budget. Section 8 says, ''This article shall take effect beginning with fiscal year 2002 or with the second fiscal year beginning after its ratification, whichever is later.'' So there is a 7-year period from where we are to the balanced budget. Then the balanced budget amendment, including section 4, takes effect.

He is correct, section 4 says, ''No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.'' My amendment does not affect that. What my amendment says is during the first 7 years, during the time we are trying to get to the balanced budget, we should not have supermajority requirements. Once we have a balanced budget, section 4 says you have to have a majority of the whole number of each House to raise revenue, and I am not challenging that. My amendment does not challenge that. I do not know that it is great policy but my amendment does not challenge that.

So I do not see anything inconsistent between my amendment, which deals with the first 7 years, from now until

the time we get to a balanced budget, and section 4, which deals with the time from the effective date of the balanced budget amendment, 7 years down the road, from then on in our Nation's history.

So I do not see there is any inconsistency. If I am missing something in the argument I would be anxious to hear the response of the Senator from Utah on that. But I do not believe I am missing anything. I believe my amendment would improve the balanced budget amendment as it now stands before the Senate and would not build in any internal contradiction into it.

The second point he makes is that if we were to invalidate the House rule, we would in fact be allowing as few as 26 Senators—we could be putting in the Constitution a provision which says that as few as 26 Senators can raise taxes. I would just point out that is what the Constitution provides. That is what the Constitution has provided for 206 years, that as few as 26, a majority of a quorum, is all that is required by both Houses to either raise taxes or cut spending. That is not changed.

I do not see anything terrible about us putting a sentence in saying that is what the Constitution provides because that is what the Constitution provides. That is what it has always provided.

This is not just a casual result. There was a great debate at the time the Constitution was being written about whether a supermajority should be required. In fact, one of the most famous of the Federalist Papers, No. 58, written by James Madison, dealt with this specific subject. I understand the Speaker of the House of Representatives has assigned this as one of the books he is requiring all House Members to read. So I am sure they are all familiar with this, but maybe some of my colleagues here in the Senate are not. Let me just read a short passage from the Federalist No. 58. This is James Madison writing. He wrote:

> It has been said that more than a majority ought to have been required for a quorum; and in particular cases, if not in all, more than a majority of a quorum for a decision. That some advantages might have resulted from such a precaution cannot be denied. It might have been an additional shield to some particular interests, and another obstacle generally to hasty, impartial measures. But these considerations are outweighed by the inconveniences in the opposite scale. In all cases where justice or the general good might require new laws to be passed, or active measures to be pursued, the fundamental principle of free government would be reversed. It would be no longer the majority that would rule: The power would be transferred to the minority.

That is James Madison's explanation for why the drafters of the Constitution did not put in there a requirement for a supermajority. They did not permit rules to exist such as the rule in the House. And we need to clarify that rules such as the rule in the House would not be permitted during this 7-year period while we get to a balanced budget. So I think it is clear that the argument for maintaining the right of the majority to rule is a strong argument. It is not a new argument in our democratic system. It is a strong argument we should stick with.

The Senator from Utah made one final point. He said if my amendment were adopted we could delay the time that we are required to have a balanced budget by 2 years, or whatever period until the House decided to change its rule.

I would point out the House could meet this afternoon and change its rule. There is nothing in my amendment which in any way prevents the House from changing its rule or any court—and we do have a court case pending on this—from determining that that rule is unconstitutional and invalid. As soon as that happens the 7 years begins to run.

So if the concern is we cannot get the 7 years running fast enough, I would say there is a ready remedy for that, once my amendment is adopted, and that is a repeal of the rule.

Mr. President, I yield the floor and reserve the remainder of my time.

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

Mr. HATCH. Mr. President, I appreciate the arguments of the distinguished Senator from New Mexico and I appreciate his sincerity. I just do not think it refutes what we said earlier.

Could I ask the remaining time? On both sides?

The PRESIDING OFFICER. The Senator from Utah has 5 minutes and it looks like 52 seconds. The Senator from New Mexico has 17 minutes and 22 seconds.

Mr. HATCH. I am prepared to yield back the remainder of my time if the Senator from New Mexico is.

Mr. BINGAMAN. Mr. President, I have been advised by the Cloakroom that there are certain Senators who expect to have this vote at 10:30. I do not need to keep all my time but perhaps we should check on that before I yield back the remainder of my time.

Mr. HATCH. If we both yield back our time I will move to table, get the yeas and nays, and then we will put it into a quorum call until then?

Mr. BINGAMAN. Let me also check to see if Senator BUMPERS is coming to the floor. Let me also ask unanimous consent to add Senator BUMPERS and Senator DORGAN as cosponsors of the amendment.

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

Mr. HATCH. Mr. President, I suggest the absence of a quorum and ask we charge it equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BINGAMAN. Mr. President, how much time remains for the proponents?

The PRESIDING OFFICER. Twelve minutes.

Mr. BINGAMAN. Mr. President, I yield 2 minutes to the Senator from North Dakota.

Mr. DORGAN. Mr. President, I do not believe I shall use the entire time. I want to stand in support of the amendment offered by the Senator from New Mexico [Mr. BINGAMAN] this morning.

I find it interesting that those who most loudly profess to want a balanced budget find ways to try to provide handcuffs on those who ultimately want to achieve a balanced budget. I do not remember who it was who said it, but someone once said, ''The louder they boast of their honor, the faster I count my spoons.'' I sort of sense that is the situation here.

We have a lot of people who say, ''Gee, we want to get to a balanced budget.'' Then they put into law these notions about supermajorities in order to do one thing or another. The other body now has a supermajority on raising revenue. What if you have a circumstance where the revenue system is out of kilter and you have one group of people, let us say wealthiest group, that are substantially underpaying what they ought to pay and we feel the need to raise rates on that group, and maybe use the money to provide partial benefits to somebody else who is overpaying. You would not be able to do that because it would take a supermajority. That does not make any sense.

Why do we prejudge the answer on any taxing or spending issue to reach a balanced budget amendment? Some say we do not want anybody to increase taxes. I do not, either. In fact, sign me up for a zero tax rate for my constituents. That is what I want. No taxes. But the fact is, we have roads, we have schools, we have law enforcement, and we have defense to pay for, the defense of this country. So we have to pay for the things that we spend in the public sector.

The question is, Who pays? How do they pay? We can construct a tax system to do that. Nobody likes it, but it is necessary. It is part of our life in this country. We spend money. We raise taxes. Should we cut spending? Yes. We should, and we will. Should we raise taxes? Probably not. But is it necessary in some instances probably to do that? We found in 1993 that we had to raise some taxes. I voted for it. I did not like it. The medicine does not taste good, but I was willing to do it because I felt it contributed to reducing the Federal deficit.

But to allow either body of Congress to prejudge what is necessary to achieve a balanced budget is wrong. Senator BINGAMAN is saying during the 7-year period, you cannot do that. You cannot create supermajorities to try to prejudge those kinds of choices that we

must take in both the House and the Senate to try to achieve a balanced budget.

I do not ever question motives with respect to Members of Congress. I think some feel very strongly that we ought to have this balanced budget amendment. Others feel equally strongly that we should not. All the Senator from New Mexico is saying is that if you feel strongly that we ought to have a balanced budget amendment or a balanced budget, either through an amendment or without an amendment, then you ought not put handcuffs on either the revenue or the spending side so that in the next 7 years, freethinking people of good will serving in the House and the Senate can decide on a range of items, on a menu of issues, on how to achieve that goal. It is much more important to achieve the goal of getting our fiscal house in order than it is to preach ideology about taxes.

The goal is important. Those who crow on the floor of the Senate and the House about the balanced budget amendment are the ones who now say to us, yes, we want a balanced budget but we also want to straitjacket people by creating goofy rules. And the Senator from New Mexico says let us all be honest about these things. Let us decide if we are going to do this. We will do it the right way.

I am happy to cosponsor this. I am pleased to speak for it. I hope that my colleagues who believe that we should balance the budget in this country, who agree with me that we ought to balance the budget to get our fiscal house in order, will understand that this is a necessary ingredient in doing so.

I compliment the Senator from New Mexico for offering it.

Mr. President, I yield the floor.

Mr. BINGAMAN. Mr. President, I yield 5 minutes to my friend from Arkansas, Senator BUMPERS.

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

Mr. BUMPERS. Mr. President, I rise in support of what I believe is a very well-crafted and thoughtful amendment by the Senator from New Mexico. If this is going to be a permanent arrangement, then the House could legitimately say you have no business interfering with House rules. After all, we hate your 67-vote filibuster rule. But that is not what this amendment says. People should not confuse it with any Senate rules. This amendment is crafted to help the people who really believe in this amendment, and especially the people who have signed on to the Contract With America and promised the American people that they will balance the budget by the year 2002. In my opinion, a House rule that requires a 60-percent majority to raise only one kind of tax does not keep you from raising the gasoline tax, does not keep you from raising user fees, excise taxes, does not keep you from raising Social Security taxes. What the House has done is say that for now and ever you cannot raise taxes—income taxes only—without a 60-vote majority. The Senator from New Mexico is simply saying that this cannot go until the House backs off of that for this 7-year period.

Let me say to my colleagues on the other side of the aisle that if this passes or if this does not pass, I will continue to cooperate with every soul in this body who is genuinely concerned about deficit spending and trying to balance the budget. I will help you cut spending. I might even help raise taxes if they are properly targeted. I will do anything to keep from ending my career in the Senate without having addressed this most crucial problem facing this Nation. But you cannot—the Republicans voted yesterday, and a few Democrats, who said you cannot take Social Security off the table. It has to be a part of this whole plan to balance the budget. Yet, the House says income taxes are off the table.

What kind of logic is that, to say that the most regressive taxes, sales taxes—and we may go with a value added tax here, we may raise gasoline taxes, excise taxes, user fees and, yes, even the FICA tax that pays for Social Security. But if you say income taxes are off the table, you are saying the only progressive tax that the Congress might want to use to balance the budget is off the table. Only the regressive taxes that fall heaviest on the people who can least afford it, that is where you must find it.

Mr. President, I do not want to be preaching about this, but that is nonsense and it is not fair. It is not fair to the elderly. It is not fair to the working people of this country. The people who applaud this are the wealthiest people in America, because they pay an inordinately small part of their incomes for these regressive taxes like gasoline taxes and so on. There are people in my hometown of Charleston, AR, who commute 50 miles to Fort Smith to work. We are sort of a suburb to Fort Smith, and most people work in Fort Smith. They drive their cars as much as I do every year and pay the same tax on that gasoline that I pay. And I make $133,000 or $135,000 a year—I forget which—and they are working for $25,000 a year or less, and we are saying that is just Jakey, and we may raise taxes on you some more, but we will not raise the taxes on the wealthiest people in America.

Mr. President, I ask for 1 additional minute from the Senator from New Mexico.

Mr. BINGAMAN. I yield an additional minute to the Senator from Arkansas.

Mr. BUMPERS. My administrative assistant and I were having a discussion on the way to work this morning, not just about this amendment but about the Senate. I said, ''You know, I feel so strongly about the balanced budget amendment and I am so adamantly opposed to it because I think it guarantees utter chaos.'' It is going to, at some point, absolutely render the U.S. Congress a eunuch. We are not going to be able to deal with it under that amendment. I said, ''I do not like to speak unless I feel strongly about something.'' I have a tendency to speak on maybe too many amendments. You can wear your welcome out around here by talking too much. So I try to choose carefully. It is very difficult for me because I detest this amendment so much. It is difficult to be as choosy about what I talk about. But I want you to know that the Senator from New Mexico is on to something very, very important.

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

Mr. BINGAMAN. I yield an additional minute.

Mr. BUMPERS. Mr. President, I just say to my colleagues that I have not seen the debate change a vote since the third battle of Manassas in 1988. People walk on the floor, and they may listen to it in their offices, but most do not even do that. So the debate does not change it. I daresay that when people walk in here on both sides, they are going to say, ''What is our vote?'' without realizing the deadly consequences of what the House has done.

Senator BINGAMAN and I and Senator DORGAN, want to help Republicans keep their commitment to balance the budget by the year 2002. I think it is utterly and wholly implausible and impossible. But I promise my cooperation in helping in any way I can. But to say the one thing you cannot do is to raise taxes that are progressive, but you can raise all the regressive taxes you want to to deal with this when we all know that working people in this country are having a terrible struggle just keeping their head above water.

So I applaud the Senator from New Mexico. I am pleased he asked me to speak on this because I do feel strongly about it.

I urge my colleagues to think very carefully before they vote on this amendment.

Mr. BINGAMAN. Mr. President, Is there additional time?

The PRESIDING OFFICER. The time has expired.

Mr. HATCH. Mr. President, 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 are ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from Kansas [Mrs. KASSEBAUM] is necessarily absent.

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

The result was announced—yeas 59, nays 40, as follows:

[Rollcall Vote No. 69 Leg.]

YEAS—59

Abraham	Gorton	McConnell
Ashcroft	Graham	Murkowski
Bennett	Gramm	Nickles
Bond	Grams	Packwood
Brown	Grassley	Pressler
Burns	Gregg	Reid
Campbell	Hatch	Roth
Chafee	Hatfield	Santorum
Coats	Heflin	Shelby
Cochran	Helms	Simon
Cohen	Hutchison	Simpson
Coverdell	Inhofe	Smith
Craig	Jeffords	Snowe
D'Amato	Kempthorne	Specter
DeWine	Kohl	Stevens
Dole	Kyl	Thomas
Domenici	Lott	Thompson
Exon	Lugar	Thurmond
Faircloth	Mack	Warner
Frist	McCain	

NAYS—40

Akaka	Feingold	Lieberman
Baucus	Feinstein	Mikulski
Biden	Ford	Moseley-Braun
Bingaman	Glenn	Moynihan
Boxer	Harkin	Murray
Bradley	Hollings	Nunn
Breaux	Inouye	Pell
Bryan	Johnston	Pryor
Bumpers	Kennedy	Robb
Byrd	Kerrey	Rockefeller
Conrad	Kerry	Sarbanes
Daschle	Lautenberg	Wellstone
Dodd	Leahy	
Dorgan	Levin	

NOT VOTING—1

Kassebaum

So the motion to lay on the table the amendment (No. 248) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote.

Mr. LEAHY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MOTION TO REFER

Mr. WELLSTONE. Mr. President, on behalf of Senator FEINGOLD, Senator BRADLEY and myself, 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. I send my motion to the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The bill clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE], for himself, Mr. FEINGOLD, and Mr. BRADLEY, moves to refer.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that further reading be dispensed.

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

The motion is as follows:

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) Congress is considering a proposed amendment to the Constitution of the United States which will require a balanced budget by the year 2002, or the second fiscal year after its ratification, whichever is later;

(2) the Congressional Budget Office has estimated, using current baselines, that between 1996 and 2002, Congress would have to enact some combination of spending cuts and revenue increases totalling more than $1 trillion to achieve a balanced budget;

(3) some taxpayers now receive preferential tax treatment and tax subsidies through such things as special industry-specific exemptions, exclusions, deductions, credits, allowances, deferrals or depreciations which are not available to other taxpayers;

(4) some special industry-specific tax preferences do not serve any compelling public purposes, but simply favor some industries over others and serve to distort investment and other economic decisionmaking;

(5) certain of these tax preferences, which serve no compelling public purpose, are special exceptions to the general rules of the tax law to which most Americans are required to adhere;

(6) the costs of such tax preferences are borne in part by middle-income taxpayers who pay at higher tax rates than they would otherwise;

(7) special tax treatment and tax subsidies constitute a form of tax expenditures which should be subjected to the same level of scrutiny in deficit reduction efforts as that applied to direct spending programs, and

(8) it is the sense of the Committee that in enacting the policy changes necessary to achieve the more than $1 trillion in deficit reduction necessary to achieve a balanced budget, that tax expenditures, particularly industry-specific preferential treatment, should be subjected to the same level of scrutiny in the budget as direct spending programs.

Mr. WELLSTONE. Mr. President, I want to yield myself such time as I may consume but before doing so, I would like to defer for a moment to the Senator from Washington who I know has another engagement. The Senator wanted to speak, I think, in opposition to this amendment, but I would like to give him the opportunity to do so since he will not have any time later on.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. First, Mr. President, I would like to thank my distinguished colleague from Minnesota for giving me the courtesy and referring me this time. It is, of course, appropriate for the maker of the motion to speak first. It is very nice of him to allow this.

It does, however, seem to me that this motion is very closely related to the debate that we have had earlier on the proposition that there should be a condition which takes place before or during the time that the constitutional amendment is submitted to the States relating to the methods by which we are to meet the requirement of a balanced budget.

In this case, I gather, most of the motion refers to tax expenditures.The bottom line, however, Mr. President, is that these motions and the amendments which have been proposed heretofore have almost, without exception, come from those who oppose amending the Constitution to require a balanced budget, and they are designed to inhibit or to slow down either its passage by this body or its ratification by the States.

Most of those Members, I am certain, including the distinguished Senator from Minnesota, do speak of their devotion to fiscal responsibility and to a balanced budget. It seems to me that under those circumstances, the thrust, the duty to explain what they will do to deal with the terrible $200 billion-a-year budget deficits from now to eternity rests on them, those who feel that the status quo is perfectly all right; that we should not change the rules relating to budget deficits; that the way we have dealt with them in the past is the way we should deal with them in the future. It is they, Mr. President, who ought to explain to us precisely how it is that they would change either our spending processes or our taxing programs to bring the deficit of the United States into balance.

Those of us who favor the passage of this constitutional amendment unadorned are those who feel that the system is broken, that the system is not working, that 25 consecutive years of mounting budget deficits and a $4 to $5 trillion debt require a drastic and a fundamental change in the way in which it would work and are doing so because we observe the history of those 25 years. We have observed all of the unsuccessful attempts to reach a degree of fiscal sanity and fiscal responsibility, and we have observed that those alternate methods have not worked and that it is unlikely that they will work in the future.

We propose a constitutional amendment because a constitutional amendment will bring everyone into the fold. Presidents, liberal Members, conservative Members, Democrats and Republicans will be forced by the constraints of the Constitution to deal with budget deficits in the future in a way in which they have refused to deal with them in the past.

The latest example of this failure, of course, is the President's budget itself, a budget which simply gives up on dealing with the deficit, which calls for no significant reductions in the deficit, not just for the 5 years that it covers but for 10-year projections out from today. It is a confession of failure. But more than a confession of failure, it is a confession of failure coupled with the proposition that there will be no attempt to cure that failure, to do better at any time in the future.

So, Mr. President, I believe that the best thing, the desirable thing, for us to do in the Senate is to recognize that the system is broken, that the system needs fixing, that the only fix that is likely to be successful is a constitutional amendment, that we should pass it and begin the process by which the States can consider its ratification as quickly as possible.

But in the alternative, it seems to me that it is up to those who oppose this constitutional amendment to tell us how they are going to cure the problem operating under exactly the system which has created the problem in the first place.

I thank my colleague from Minnesota very, very much for yielding to me. I yield the floor.

The PRESIDING OFFICER (Mr. KYL). The Senator from Minnesota.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Douglas Johnson and Mark Miller be given the privilege of the floor for the duration of this debate.

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

Mr. WELLSTONE. Mr. President, just to be very, very clear because I believe that all of us, Democrats and Republicans, should be clear about what we are voting on, this amendment does not in any way, shape or form have any kind of conditions vis-a-vis the balanced budget amendment. There is not any language in this amendment that so states.

What this amendment says is:

It is the sense of the Senate that in enacting the policy changes necessary to achieve the more than $1 trillion in deficit reduction necessary to achieve a balanced budget, that tax expenditures, particularly industry-specific preferential treatment, should be subject to the same level of scrutiny in the budget as direct spending programs.

It just simply says that since we know we are going to be involved in a serious effort on deficit reduction and since we know we all share the common goal of balancing the budget, though we may not agree a constitutional amendment is the way to do so, that we ought to make sure that tax expenditures, which Senator FEINGOLD and I are going to explain at some length during the course of this debate, be on the table; that that be part of what we look at; that we look at certain breaks, loopholes, and certain deductions. That is all. There is no condition vis-a-vis the balanced budget amendment. The Senator from Washington is wrong on that point.

Second, I might add, that procedurally, this is really identical to the motion of the majority leader dealing with Social Security. It is identical, and I believe that motion was passed by over 80 Senators. So this has nothing to do with your position on the balanced budget amendment one way or the other.

Let me go on and explain.

Mr. President, this motion will put the Senate on record saying that in our effort to balance the budget, in our effort to go forward with deficit reduction—whether it be by a balanced budget constitutional amendment or otherwise; we are all aiming in the same direction—that we will scrutinize all Federal spending not just, Mr. President, cuts of least resistance.

What I am worried about, speaking for myself, and I look forward to hearing the remarks of the Senator from Wisconsin, is that when it comes to deficit reduction or when it comes to balancing the budget, what we will do is make cuts according to the path of least political resistance. That is to say, when it comes to ordinary citizens who do not have the clout, who do not have the lobbyists, who do not make the large contributions, they will be called upon to sacrifice.

I think most people in the country are willing to sacrifice. We just want to make sure that there is a standard of fairness and that large interests, large corporations, financial interests, wealthy people, and others who, as a matter of fact, benefit disproportionately by some of the tax breaks which cause other people to pay more in taxes, also are called upon to pay their fair share or to sacrifice.

Mr. President, in all of the debate on the balanced budget amendment, in all of the debate about how we are going to essentially have budget cuts of $1.4 trillion or thereabouts there is an enormous credibility gap. Because so far all I have heard on the Republican side is proposals for budget cuts of $277 billion. There is a big difference between $277 billion and $1.481 trillion.

In all of the debate so far, whether it be right to know vis-a-vis States saying that the people back in our States ought to have a right to know what the impact would be on them or, for that matter, whether it is our right to know, I still believe that the most important principle of all is that Senators ought to have the right to know what they are voting on, where the cuts will take place, and how they will affect the people.

There has not been a word uttered about one particular kind of spending that enjoys a special status within the Federal budget. I am talking about tax breaks for special classes or categories of taxpayers, many of whose benefits go largely to large corporations or the other wealthy interests in our society.

I remind you, Mr. President, that when we have these tax breaks and when we have these deductions and loopholes and when certain citizens or certain large interests are forgiven from having to pay their fair share, all of the rest of us end up paying more.

Let me make a simple point here that is often overlooked. We can spend money just as easily through the Tax Code through what are called tax expenditures as we can through the normal appropriations process. Spending is spending, whether it comes in the form of a government check or in the form of a tax break for some special purpose, like a subsidy, a credit, a deduction, or accelerated depreciation for a type of investment that is made. These tax expenditures—in some cases they are tax loopholes—allow some taxpayers to escape paying their fair share and thus they make everyone else pay at higher rates.

The Congressional Joint Tax Committee has estimated that these tax expenditures cost the U.S. Treasury $420 billion every single year. These loopholes, these deductions cause the U.S. Treasury to lose $420 billion every single year, and this amount will grow on present course by $60 billion to over $485 billion by 1999.

Mr. President, these tax expenditures, often they are tax dodges, should be on the table along with other spending as we look for places to cut the deficit. That is our point. That is, by any standard of fairness, what we should do. Just because certain people have a tremendous amount of political clout does not mean they should not be asked also to be a part of this sacrifice.

Mr. President, when we begin to weigh, for example, scaling back special treatment, depreciation allowance for the oil and gas industry—and the Congressional Budget Office estimates that eliminating this tax break would generate $3.4 billion over the next 5 years—when we start to compare and measure tax breaks for oil companies compared to cuts we are going to be making in food and nutrition programs for hungry children, we might have a very different answer.

We have to make tough choices. And what Senator FEINGOLD, myself, and Senator BRADLEY want to make sure of is that all of the options are on the table, and that when we make these choices, and we do the painful deficit reduction, we do it according to some basic standard of fairness.

What this motion does is simply state the sense of the Senate that we will carefully examine tax expenditures when the Budget Committee makes recommendations as to how we are going to continue on this path of deficit reduction and how we are going to balance the budget. At the moment, these tax expenditures are unexamined. They are hidden. They are untouchable. And, essentially, these are the real entitlements because we do not even examine any of these large subsidies.

What we are saying in this amendment is that we ought to at least examine these tax expenditures, we ought to at least examine these subsidies. This motion does not specify what specific subsidies might be eliminated. It just says tax expenditures ought to be a part of our process here in the Congress as we make these decisions about where we are going to make the cuts.

As I have listened to this debate—and again I am struck by this figure of $1.4 trillion worth of cuts that would have to be made by 2002 to balance the budget—I must say that I have heard little discussion, first of all, about where we are going to make the cuts, and second of all, I have heard little discussion about any sacrifice from large corporations and special interests who have disproportionately enjoyed all of these breaks, all of these benefits, all of these preferences, all of these deductions that many, many middle-class Americans do not enjoy.

And so that is why we offer this motion to refer this amendment to the Budget Committee with instructions to report back a sense of the Senate that these breaks and preferences should be put that on the table when we are talking about how we do our deficit reduction.

Now, Mr. President, not all of these tax expenditures are bad. Let me be

clear. Not all of them should be eliminated. Some of them serve a real public purpose, providing incentives to investment, bolstering the nonprofit sector, enabling people to purchase a home. That is very important. However, some of them are simply tax dodges that can no longer be justified, but we do not even examine them. What we are saying in this amendment is, let us at least examine these tax expenditures and especially let us get strict and rigorous when we are looking at some of these tax dodges.

Mr. President, this motion simply states that if we are going to move toward balancing the budget, tax expenditures that provide this preferential treatment to certain taxpayers should be subject to the same scrutiny as all direct spending programs. That is all we are saying. This is really a matter of accountability.

I think it is also, Mr. President, a simple question of fairness. If we are going to make all of these cuts, then we should make sure that the wealthy interests in our society, those who have the political clout, those who hire the lobbyists, those who make the large contributions, those who we call the big players are also asked to sacrifice as much as regular middle-class folks in Minnesota and in Wisconsin; they should be asked to sacrifice as much as anybody else, especially when we know there are going to be deep and severe cuts in programs like Medicare and Medicaid, veterans programs, and education.

The General Accounting Office issued a report last year. It is titled ''Tax Policy—Tax Expenditures Deserve More Scrutiny.'' I commend it to my colleagues' attention. I really think that my colleagues ought to read it.

I ask unanimous consent that an executive summary of the report be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. WELLSTONE. The GAO report of 1993 makes a compelling case for subjecting these tax expenditures to greater congressional and administration scrutiny just as direct spending is scrutinized. The GAO notes that most of these tax expenditures currently in the Tax Code are not subject to any annual reauthorization or any kind of periodic review. And they observe that many of these special tax breaks were enacted in response to economic conditions that no longer exist. In fact, they found that of the 124 tax expenditures identified by the committee in 1993, half of these tax expenditures, half of these special breaks were enacted before 1950.

Now, that does not automatically call them into question, and our amendment does not talk about any specific tax expenditure that should be eliminated. But it does illustrate the problem of not annually reviewing these tax expenditures. These tax expenditures should not be treated as entitlements. They should not go on year after year and decade after decade without there being any careful examination. There has been no systematic review of these expenditures.

Indeed, the GAO reports that most of the revenue losses through tax expenditures come from provisions enacted during the years 1909 to 1919. Let me repeat that. Most of the revenue lost from these tax breaks—some of them necessary but many of them just blatant tax dodges—must be made up by either regular taxpayers through higher taxes or revenue not there for deficit reduction, comes about from provisions enacted during the years 1909 to 1919.

When I looked at the Republican Contract With America, I did not see one single sentence, not one single word in this Contract With America that called upon any large financial interest or any large corporation or, wealthy citizens, to be a part of this sacrifice. Let me just finish up by listing a few provisions, to give a sense of where we could have it. And, again, we call for no specific elimination of any specific tax expenditure.

Mr. President, I think actually what I will do for the moment is yield myself the rest of the time I might need but defer to the Senator from Wisconsin for a moment.

I yield the floor.

EXHIBIT 1

[From GAO Report 94–122]

TAX POLICY—TAX EXPENDITURES DESERVE MORE SCRUTINY—EXECUTIVE SUMMARY

PURPOSE

At a time when the federal government faces hard choices to reduce the deficit and use available resources wisely, no federal expenditure or subsidy, whether it involves outlays (i.e., discretionary or direct spending) or tax revenues forgone, should escape careful examination. Congressional and executive branch processes do not subject existing tax expenditures to the same controls that apply to programs receiving appropriated funds.

Congressman William J. Coyne was concerned that a lack of attention to income tax expenditures has allowed them to increase and was interested in how they could be controlled. GAO examined a wide range of alternatives for the review and control of income tax expenditures. This report describes the size of increases in tax expenditures; examines whether tax expenditures need increased scrutiny; and identifies options that could be used to increase the scrutiny of and/or control the growth of tax expenditures, discussing the advantages and disadvantages of each.

BACKGROUND

Tax expenditures are reductions in tax liabilities that result from preferential provisions in the tax code, such as exemptions and exclusions from taxation, deductions, credits, deferrals, and preferential tax rates. Many tax expenditures are subsidies to encourage certain behaviors, such as charitable giving. A few tax expenditures exist, at least in part, to adjust for differences in individuals' ability to pay taxes, such as deductions for catastrophic medical expenses. Some tax expenditures may also compensate for other parts of the tax system. For example, some argue the special tax treatment of capital gains may in part offset the increased taxes on capital income that result from such gains not being indexed for inflation. Congress sometimes reviews tax expenditures and has limited some tax expenditures by various means, such as by limiting the benefits as taxpayers' incomes increase.

Although widely used to describe preferential provisions in the tax code, the term tax ''expenditures'' is not universally accepted. Some observers believe that labeling these provisions tax ''expenditures'' implies that all forms of income inherently belong to the government. However, the concept was developed to show that certain tax provisions are analogous to programs on the outlay side of the budget, and it was intended to promote better informed decisions about how to achieve federal objectives. In using this term, GAO is recognizing that, as a practical matter, tax expenditures are part of the federal budget, and Congress already uses the tax expenditure concept to a limited extent in budgetary processes.

Currently, the House Committee on Ways and Means and the Senate Committee on Finance have jurisdiction over both new and existing tax expenditures. These Committees propose the mix of tax rates and tax expenditures to be used to obtain a specified amount of revenue. In reviewing tax expenditures, these Committees have used several techniques to limit individual tax expenditures or groups of them. These reviews, however, are not conducted systematically and may not explicitly consider possible trade-offs between tax expenditures and federal outlay programs and mandates.

RESULTS IN BRIEF

Tax expenditures can be a valid means for achieving certain federal objectives. However, studies by GAO and others have raised concerns about the effectiveness, efficiency, or equity of some tax expenditures. Substantial revenues are forgone through tax expenditures but they do not overtly compete in the annual budget process, and most are not subject to reauthorization. As a result, policymakers have few opportunities to make explicit comparisons or trade-offs between tax expenditures and federal spending programs. The growing revenues forgone through tax expenditures reduce the resources available to fund other programs or reduce the deficit and force tax rates to be higher to obtain a given amount of revenue.

The three options discussed in this report may help increase attention paid to tax expenditures and reduce their revenue losses where appropriate. First, greater scrutiny could be achieved with little or no change in congressional processes and jurisdictions by strengthening or extending techniques currently used to control tax expenditures. Ceilings and floors on eligibility, better highlighting of information, or setting a schedule for periodic review of some tax expenditures are some possibilities under this option. If controlling tax expenditures through the current framework is considered insufficient, Congress could change its processes to exert more control over them.

The second option is for Congress to further integrate tax expenditures into the budget process. One feasible approach would be for Congress to decide whether savings in tax expenditures are desirable and, if so, to set in annual budget resolutions specific savings targets. Savings could be enforced through existing reconciliation processes.

A third option is to integrate reviews of tax expenditures with functionally related outlay programs, which could make the government's overall funding effort more efficient. Such integrated reviews could be done by the executive or legislative branches, or both.

Under the Government Performance and Results Act of 1993 (GPRA), the Office of Management and Budget (OMB) plans to report information on program goals and key indicators for both outlays and tax expenditures. In January 1994, OMB designated 53 performance measurement pilot projects to begin in 1994. Implementation of GPRA provides a promising opportunity to increase the usefulness and visibility of outcome-oriented performance data.

GAO'S ANALYSIS

Tax expenditures can be a useful part of federal policy. But in some cases tax expenditures may not be the most effective, efficient, or equitable approach for providing government subsidies. For example, it might be less expensive for the federal government to provide assistance to state and local governments through direct payments than through tax-exempt bonds. Because tax expenditures represent a significant part of the total federal effort to reallocate resources, choosing the best methods for achieving objectives, including the most effective tax expenditure designs, could have significant results. (See pp. 23–32).

Tax expenditures have been growing but are difficult to measure

GAO primarily used Joint Committee on Taxation (JCT) estimates to analyze the size and growth of tax expenditures. According to these data, tax expenditures totaled about $400 billion in 1993. Their average annual percent increase in real terms for the period from 1974 to 1993 was about 4 percent, which compares to an average annual real increase for gross domestic product of about 2.5 percent. Tax expenditures are expected to continue growing; however, the rate of growth is uncertain.

As experts note, tax expenditure revenue loss estimates are not as informative as the revenue estimates made for proposed changes to the tax code. Whereas revenue estimates incorporate the changes in taxpayer behavior that are anticipated to occur as a result of the change, tax expenditure revenue loss estimates do not incorporate any behavioral effects. Furthermore, summing tax expenditure revenue losses ignores interaction effects among tax code provisions. Because of interactions with other parts of the tax code, the revenue loss from the elimination of several tax expenditures together may be greater or smaller than the sum of the revenue losses for each tax expenditure measured alone. Nevertheless, GAO believes tax expenditure revenue loss totals represent a useful gauge of the general magnitude of government subsidies carried out through the tax code.

When trends in these totals are looked at, however, care must be taken to consider the possible underlying causes. Aggregate tax expenditure magnitudes are affected by changes in tax rates, in economic activity, and in the number of tax preferences. An overall growth in aggregate tax expenditures may be due to rapid growth of a few tax expenditures—and some point to the rapid growth of health-related expenditures as a current example. However, no process currently prompts Congress to address these trends and decide whether they warrant policymaking actions.

JCT and the Department of the Treasury devote limited resources to estimating tax expenditure revenue losses because decisions are not based routinely on this information. GAO did not attempt to verify either JCT's or Treasury's tax expenditure estimates. (See pp. 33–38.)

Processes do not highlight tax expenditures for policymakers

Despite their significance, existing tax expenditures do not compete overtly in the annual budget process. Under budget processes, new tax expenditures must be funded as they are created. However, except for a few that are subject to reauthorization, existing tax expenditures, like most entitlement programs, can grow without congressional review. These tax expenditures are indirectly controlled primarily to the extent that revenue targets allocated to the tax committees under the budget process create pressure to decrease their growth. Although tax expenditures are listed separately in the president's budget each year, the lists are not used for making tax expenditure allocations or for comparisons with outlay programs. As a result, policymakers have few opportunities to make explicit comparisons or trade-offs between tax expenditures and federal spending programs. (See pp. 30–32.)

Options for greater scrutiny

Increased congressional review of or control over tax expenditures could be achieved under three general options, each consisting of several alternative approaches:

Option 1: This option involves methods currently within the purview of congressional tax-writing committees. It includes ''program'' reviews of individual tax expenditures that may lead to the redesign or elimination of some that are deemed inefficient or outmoded. Currently available control techniques include placing ceilings or floors on eligibility for tax expenditure benefits, structuring tax expenditures as credits rather than exclusion or deductions, limiting the value of itemized deductions to the lowest marginal tax rate, and limiting the value of deductions and exclusions for high-income taxpayers. To promote debate on tax expenditures, additional information on them could also be highlighted using current processes. For instance, they could be merged into budget presentations with related outlay programs. The methods currently used to review and control tax expenditures also could be used in conjunction with the following two options that would alter somewhat the existing congressional procedures for overseeing tax expenditures. (See pp. 39–56.)

Option 2: This option involves further integrating tax expenditures into budget rules. This could limit existing tax expenditures and encourage closer reviews of performance. One approach to further integration that GAO examined—placing an aggregate cap on forgone revenue—probably would not work because technical problems would be difficult to overcome. A second approach—in the form of a tax expenditure savings target—is feasible. Under this approach, in years that it wishes, Congress could specify a fixed amount of reduction in forgone revenue from tax expenditures in the budget resolution, which would be enforced through existing reconciliation processes. To promote greater public accountability, Congress could be prompted to explain in the annual budget resolution the reasons for its decision to either adopt or not adopt a savings target.

Definitional and measurement problems, which are exacerbated by an aggregate cap, could be lessened substantially under a savings target. Technical problems would be reduced because—as is now the case in reconciliation—revenue estimates are required only for the subset of tax expenditure provisions under consideration. However, requiring a specific amount of base broadening through the budget process would involve more actors in tax policymaking, especially with respect to expanding the authority of the budget committees. (See pp. 57–70.)

Option 3: Joint reviews of federal spending programs and related tax expenditures could be adopted to improve coordination and reduce overlap or duplication among outlay and tax expenditure programs. Joint reviews could be done in both the legislative and executive branches. Jointreview of spending programs and related tax expenditures could be accomplished by having program committees hold joint hearings with tax committees. More formally, Congress could adopt sequential jurisdiction for tax expenditure subsidy ''programs'' or establish joint committees in functional areas. Because fewer jurisdictional hurdles would arise, the executive branch annual budget preparation process may offer a more expeditious opportunity to implement such reviews. (See pp. 71–92.)

Recent legislation promises better tax expenditure information

According to the Senate Committee on Governmental Affairs report on GPRA, OMB is expected to describe a framework for undertaking periodic analyses of the effects of tax expenditures in achieving performance goals in a May 1, 1997, report to the President and Congress. GPRA thus presents an opportunity to develop better information about tax expenditure performance and to use that information to stimulate discussion and oversight as well as to make determinations as to how the government can best achieve its objectives, OMB indicates that initial discussions have been held on developing output measures for key tax expenditures and that reviews or related tax expenditures and outlays will be done in the future. (See pp. 90–92.)

RECOMMENDATION TO CONGRESSIONAL COMMITTEES

GAO recommends that the tax-writing committees explore, within the existing framework, opportunities to exercise more scrutiny over indirect ''spending'' through tax expenditures.

MATTERS FOR CONGRESSIONAL CONSIDERATION

Should Congress wish to view tax expenditure efforts in a broader context of the allocation of federal resources, it could consider the options of further integrating them into the budget process or instituting some form of integrated functional reviews.

AGENCY RECOMMENDATIONS

GAO makes several recommendations to the Director of the Office of Management and Budget intended to encourage a more informed debate about tax expenditures among executive and legislative policymakers and to stimulate joint review within the executive branch of tax expenditures and related spending programs. These recommendations should result in more informed decisions, by Congress and by the public, about the most appropriate means of achieving federal objectives. GAO envisions that in carrying out these recommendations, OMB would consult as appropriate with the Department of the Treasury and other federal agencies.

AGENCY COMMENTS

In written comments on a draft of this report, OMB and Treasury's Office of Tax Analysis (OTA) expressed support for expanded federal review of tax expenditures by the executive branch or Congress. More specifically, OMB agreed, with certain caveats, that GAO's recommendations to it were reasonable and indicated that the recommendations were consistent with efforts OMB has already begun. Regarding the three options for improved oversight of tax expenditures, OMB agreed that improved information on tax expenditures was desirable and that integrated comparisons of outlay programs and related tax expenditures may provide useful insights. In its recently announced reorganization, OMB promised to undertake joint reviews of related spending and tax expenditure programs during upcoming budget cycles.

OMB and Treasury were concerned that the integration of tax expenditures into the

budget process might not produce better outcomes than current processes. Treasury also expressed reservations about whether joint reviews of related spending and tax expenditure programs would provide the benefits anticipated.

OMB and Treasury's comments are discussed at the end of chapter 6. (See pp. 99–108.) OMB also suggested a number of useful technical changes, which were included.

OMB also obtained reactions on its draft report from JCT, the Congressional Budget Office, and two individuals knowledgeable about the issues discussed in the report. These organizations and individuals made observations on the report message, which are discussed at the end of chapter 6, and offered technical suggestions, which were included as appropriate.

Mr. FEINGOLD. Mr. President, my particular thanks to the senior Senator from Minnesota, who is doing a wonderful job of raising this issue of tax expenditures. I have enjoyed, both here in the U.S. Senate and especially back in the Wisconsin State Senate, just trying to point out when you spend money on a tax loophole and give people a special tax break, that is spending, too. It is taking the hard-earned tax dollar of the American people, putting it into a package and sending it out just to a few people. It is an awful lot like a spending program.

Our point here today is that often it does not get treated that way. It gets treated like somehow it is just a tax break for everybody, which, of course, it is not. If we are going to solve the Federal deficit and really have a balanced budget amendment, the Senator from Minnesota and I are saying this obviously has to be on the table. This has to be considered, too.

So I am very pleased to join with the Senator from Minnesota in offering this motion which is designed to put the Senate on record, insisting that when we get around to actually trying to balance the Federal budget we have to subject these tax expenditures—many of them inappropriate tax loopholes—to the same kind of scrutiny we will use to examine direct spending programs.

I feel I need to respond to the comments of the Senator from Washington, who spoke earlier today. He suggested all the Senator from Minnesota and I were doing was proposing an amendment designed to inhibit the balanced budget amendment itself. That is just not the case. I think those watching, everybody involved in this, should know that is really an unfortunate argument since the mechanism we are using, a motion to refer, is the very same mechanism that the majority leader used to get himself on record on Social Security. It does not delay the process at all. It just is a statement about the fact that certain things ought to be considered when we balance the budget.

It strikes me as a little bit unfair to attack the motives of those behind this amendment. There is no possibility that this will upend the balanced budget amendment. Whether it has the votes or not, even though I like this amendment a lot I do not think the Senator from Minnesota or I have any belief at all this will stop the balanced budget amendment. It is just another attempt to have some honesty and some candor with the American people about what is going on here. And, in particular, to identify where the money is, why we have such a huge Federal deficit. One of the big reasons is tax loopholes that have not been covered, that have not been fixed, and that cost us a fortune.

Mr. President, no one should mistake the difficult job that lies ahead in seeking to achieve a balanced budget, with or without a constitutional amendment.

The Congressional Budget Office has already told us, using current baselines, that between 1996 and 2002, Congress will have to enact some combination of spending cuts and revenue increases totaling more than $1 trillion to achieve a balanced budget.

There is strong sentiment, which I share, that we need to cut Federal spending, and that much of the deficit reduction achieved over the next several years will be as a result of cut backs in direct spending programs.

That will happen. I am very enthusiastic about being part of that process, as I have been for the last 2 years—identifying specific programs that do not make sense anymore and that can and should be eliminated. That is very important to this process. But I also believe it is vitally important that in looking for ways to reduce the Federal deficit and bring the Federal budget into balance that we subject tax expenditures to the same kind of scrutiny applied to direct spending programs. That sounds simple, but in the land of the lobbyist inside the beltway of D.C., it is not so simple. Tax expenditures, tax loopholes get treated very differently. They are special. They are off the table. They are protected.

Tax expenditures generally refer to preferential Tax Code provisions which give special treatment to specific industries or provide tax subsidies to consumers of particular products.

Last year, the General Accounting Office issued a report, ''Tax Policy: Tax Expenditures Deserve More Scrutiny,'' which focused upon the need to subject tax expenditures to the same type of scrutiny applied to direct spending programs.

The GAO report noted that most tax expenditures are not subject to reauthorization or any type of systematic review. Once they are in, they are in. They have a life of their own. They have immortality, in effect, in a way that spending programs do not. Once enacted these provisions are enshrined in the Tax Code and they are very, very difficult to dislodge.

GAO noted many were originally enacted to address economic conditions that at the time were important. But many of the economic conditions that these tax expenditures were meant to address just do not exist anymore. But they keep on going, like the Energizer tax expenditures—it does not matter. They can be completely irrelevant. Once they are in the Tax Code they are there and you are paying for it. We are all paying for these in higher taxes—or, at this point, in higher deficits and higher payment on interest to pay for those deficits.

For example, the GAO found of the 124 tax expenditures identified by the Joint Tax Committee in 1993, about half were enacted before 1950 something that the Senator from Minnesota has pointed out very persuasively. A lot of these are real old. They were not just enacted in the last 2 or 3 years. For example some of the tax allowances available to specific industries to recover certain costs of acquiring mineral deposits were enacted during World War I. Without an expiration date there is just very little impetus and no real trigger to review whether these provisions still make sense.

It reminds me a lot of some of the programs we have talked about and both parties seem willing to eliminate, such as the helium program. I have authored a bill to eliminate the old helium program that had to do with providing helium for blimps. It is an old program from the earlier part of the century. The President said we should get rid of it. Republicans in the other body say we should get rid of it. Those are held up to scrutiny, those are held up to ridicule sometimes, as the wool and mohair program, the Tea Testing Board, the search for extraterrestrial intelligence—these get held up in the light of the day. Everybody laughs at them. They are prime time because they are spending programs. But if it is the same kind of thing for special interests in the Tax Code nobody talks about them. It is a nice, quiet thing to sweep under the rug and make the American people pay a ton of money to keep these tax expenditures going. Let me give a couple of examples.

Since 1943, the Tax Code has allowed U.S. civilian employees who work abroad certain special allowances for things like housing and education, travel, and special cost-of-living allowances. As a result, employees who receive a large part of their incomes through these allowances rather than through direct salaries receive preferential treatment—a better deal than the rest of the American people.

I became aware of these special allowances when I was involved in trying to accomplish another cut last session which we did achieve, a substantial spending cut in direct spending in overseas broadcasts. We found out in the last Congress that to curb some of the excessive salaries and allowances paid to employees of Radio Free Europe and Radio Liberty, to the Board of International Broadcasting, would involve dealing with one of these tax expenditures. As the Senator from Minnesota has said, some of these exemptions may be justifiable. However, I do know they can be abused and manipulated to

get around salary caps that Congress has put in place for all the other Federal agencies. For these folks there is a special deal. It gets no review.

Another example, Citizens for Tax Justice noted in a recent report that interest income earned by foreign nationals on loans to American companies or the U.S. Government was exempted from the U.S. tax since 1984. In other words each of us pays taxes on our interest income but a foreign national does not pay any U.S. tax on that income, according to the Citizen's for Tax Justice. And this is again an unfair deal, in my view. When this exemption was passed a decade ago maybe there was some justification for it. But we ought to have some kind of review of this type of tax preference to see if it is still appropriate. Has it had some beneficial impact in terms of inducing foreign nationals to make loans to U.S. entities? Maybe so. Or is it just a windfall that is stuck in the Tax Code and that we cannot get rid of? We need to ask whether in today's international climate our foreign investment decisions are made more on projections regarding political and economic stability or on these kind of breaks.

A third example, and the Senator from Minnesota alluded to this.

Since 1916, the gas and oil industry has had special expensing rules for exploration and development costs.

A compendium of background material on individual tax expenditure provisions that was compiled by the Senate Budget Committee last December described these provisions as having ''very little, if any, economic justification.''

This report goes on to say that many economists believe that these provisions are a ''costly and inefficient way to increase oil and gas output and enhance energy security.''

Again, Mr. President, we are not raising this example alone because we have reached a final conclusion as to the merits of this special tax preference that is provided to one industry; rather, a tax preference established in 1916 simply ought to be carefully reconsidered in 1995 and thereafter, and the burden, Mr. President, should be on the proponents of the special preference to justify it because, by having this special preference, we all have to pay more.

If tax expenditures were subjected to reauthorization and sunset rules like direct spending programs, they might not fare as well as they do today.

Mr. President, I see the Senator from Minnesota is interested in speaking again. Let me just add a few other quick comments.

There are other cases. I just mentioned some larger items. Although the revenue loss to the Treasury over time is actually significant, it does not look like so much in any particular year. The Joint Tax Committee only lists preferential Tax Code provisions that have a projected total revenue loss of over $50 million or more in a 5-year period.

So these are regarded as small tax court provisions and again, even though they amount to quite a bit over time, they escape scrutiny year after year in the budget process. In contrast, you can be sure, Mr. President, that a direct spending program that would cost $10 million per year for 5 years would certainly be subject to review by both an authorizing committee and the Appropriations Committee on a regular basis.

But to try to put it simply, what the Senator from Minnesota and I are talking about is this: He said, if you have the political clout and the influence to stick a special tax exemption in the House Ways and Means Committee or in the Finance Committee in the Senate, you are all set. That thing is in there forever. It is protected. It is not talked about. It is not considered spending. It is not considered part of the deficit. It is not considered part of the debt. It is not considered part of the burden on our children and grandchildren. But it is money. It is real money. But if you are an older person who wants a meal at an elderly nutrition site, or a child who is in Head Start, or somebody who wants to see an Amtrak train in your State so people can get to work without polluting the environment, you are scrutinized. You have to defend and stand and undergo the tremendous pressure that this deficit has created, and, in part, that deficit is because of these tax loopholes.

Mr. President, to conclude, there are a number of reasons why tax expenditures should be subjected to the same scrutiny as direct spending programs. First, it is an equity issue. When some taxpayers receive special preference, the burden shifts to those who do not have lobbyists to win special breaks to pick up the difference. Giving special tax breaks to some industry means other industries will have the higher tax rates to get the same revenue. It also means the taxpayers with similar income and expenses end up having to pay different rates of taxes depending on whether they engage in the tax subsidization activity. Many tax expenditures make sense, and they accomplish important policy goals. But it is important that all such expenditures receive regular review, and they ought to be measured against each other, perhaps a more important policy goal.

So to conclude, Mr. President, the Senator from Washington says it is a confession of failure to attack the balanced budget amendment. This is a continued attempt to try to level with the American people just as the right-to-know amendment was. They talk about middle-class tax cuts. This is a huge pot of money that we need to balance the budget. It should be on the table. And the amendment of the Senator from Minnesota would put the Senate on record that we are not going to hold this immune while everyone else has to suffer.

I thank the Chair.

Mr. WELLSTONE. Mr. President, I thank the Senator from Wisconsin. I want to respond to some of his comments. But I would like to ask how much time remains.

The PRESIDING OFFICER. The Senator has 14½ minutes remaining.

Mr. WELLSTONE. I say to my friend from Utah that I would assume that he and others might want to respond to our amendment.

The PRESIDING OFFICER. The Senator from you Utah has 10 minutes.

Mr. HATCH. Mr. President, I yield such time as he may need to the Senator from Minnesota.

Mr. GRAMS. Thank you very much. Mr. President, I ask unanimous consent to engage in a colloquy with the distinguished chairman of the Judiciary Committee, Senator HATCH.

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

Mr. GRAMS. First, I would like to extend my thanks to the distinguished colleague from Utah for bringing the balanced budget amendment to the floor for a full debate and vote because I believe, more than any other legislation, passage of the balanced budget amendment means keeping the promises that we made to the American people last November.

I also want to congratulate the chairman of the Judiciary Committee for his efforts to bring this legislation to the floor.

I also want to thank the American voters for sending a clear message that they expect and that they also deserve fiscal responsibility from Congress, and that they expect it now.

It is my understanding, however, that, like me, the distinguished Senator from Utah also supports the three-fifths vote, or the supermajority, amending the Constitution to make it a little more responsible in rating taxes. Is that correct?

Mr. HATCH. There are a lot of us who would like to do that. On the other hand, a constitutional majority would provide for it here, a supermajority tax limiting device as well. But there are a lot of those who would like to have the three-fifths vote.

Mr. GRAMS. When we are talking about the balanced budget amendment, I think the goal that we have is to make sure that the Government lives within its own means, or not being able to spend more dollars than it can take in. So I would like to believe that the balanced budget amendment is an attempt to reduce really the growth or irresponsible spending of the Federal Government rather than as a device or an excuse sometime in the future to raise taxes to cover these debts.

Mr. HATCH. I think the Senator makes a very good point.

Mr. GRAMS. I also believe it should be more difficult for Congress to be able to raise taxes or take tax dollars from hard-working Americans and to

make it harder for them to spend their hard-earned tax dollars. I also believe that the Federal Government has a budget deficit because spending is too high, not that taxes are too low. Does the Senator from Utah agree with me on that?

Mr. HATCH. Boy, do I ever. I certainly do. I think that is one of the reasons for this balanced budget amendment.

Mr. GRAMS. Is the Senator from Utah aware that in the country there are nine States that have a supermajority vote in order for their legislators to raise taxes? In those States, a portion of personal income has decreased on average by about 2-percent. So it does have the effect of not being able to raise—or reduce—the amount of taxes. Across the country, if you applied that 2 percent formula, you would save about $30 billion a year in taxes for hard-working Americans. That sounds like a good scenario.

Mr. HATCH. I think it does. I am a firm believer that the right tax rate reduction, especially marginal tax rate reductions, actually leads to more revenues as it increases more savings, investment, creation of jobs, and people working and people paying into the system.

Mr. GRAMS. Because of the sentiments expressed by the Senator from Utah and by thousands of Minnesotans that I have met over the last 2 years, I introduced Senate Joint Resolution 22, a balanced budget amendment which requires a three-fifths supermajority vote to increase taxes. Because I believe that Congress must pass the balanced budget amendment this month and because I do not want the taxpayer protection clause to be used as a cynical device to derail passage of the balanced budget amendment, I have decided not to offer this legislation as a substitute to the legislation currently pending on the floor. But as the Speaker of the House of Representatives has scheduled a vote for a taxpayer protection amendment to the Constitution on April 15 of next year, I believe that the Senate should take a similar step in scheduling a similar vote for next year.

Would the Senator from Utah agree with that?

Mr. HATCH. I would have no problem with that, if that is what the majority leader decides to do.

Mr. GRAMS. For that reason, I will be introducing a constitutional amendment requiring a three-fifths supermajority vote to increase taxes as separate legislation shortly in the Senate. I hope that the distinguished Senator from Utah will support this measure and also help us get it to the floor for a vote.

Mr. HATCH. I commend the Senator for being willing to stand up on the three-fifths vote and be against further tax increases on an already burdened populace.

Mr. GRAMS. I ask the chairman of the Judiciary Committee if he would be willing to hold hearings of this legislation yet later this year.

Mr. HATCH. I would be willing to do so. I think they are worthy of hearings because so many people in the House, and the Senator from Minnesota, feels so strongly about it. I would be willing to hold a hearing at least.

Mr. GRAMS. I thank the Senator for his assurance that we will have a hearing and also a markup on my legislation to protect taxpayers from higher taxes. I thank him for his efforts on behalf of all taxpayers, our children and grandchildren, to bring the balanced budget amendment to the floor of the Senate for a vote. I urge my colleagues to pass this measure without further delay.

I yield the floor.

Mr. HATCH. I thank the distinguished Senator from Minnesota and I appreciate his leadership in this area.

Mr. President, How much time remains?

The PRESIDING OFFICER. There are 5 minutes remaining.

Mr. HATCH. If I may say a few words about the suggestion of the distinguished Senator from Minnesota and the Senator from Wisconsin. The Senators from Minnesota and Wisconsin, I believe, continue to confuse the distinction between a debate of constitutional language and principle and a debate of implementing legislation. We are here to affirm the principle of Government that we should not spend excessively and should not leave excessive debt for our children. But this motion does not deal with the timeless principles of Government of broad application. It deals with a subsection of our tax policy.

I, once again, invite my dear colleagues to bring this and similar ideas back during the budget debate, or the debate over the implementing legislation, which we are going to have to go through following passage of the balanced budget amendment. That would be the appropriate time to do that. Self-declared opponents of the balanced budget amendment continue their attempt to shift this debate from the appropriate focus on constitutional principles to an inappropriate focus on the details of tax policy or some other minutia of implementation.

My attitude is, let us do first things first. I think we have to table this motion and pass the balanced budget amendment, and then let us face these problems that they are sincerely raising on the implementing legislation and do what has to be done. If we can, that will be the way to do it.

I reserve the remainder of my time.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, first of all, let me just say I appreciate the colloquy. What we are trying to focus on at the moment is how we are going to cut $1.481 trillion, between now and the year 2002. That is the credibility gap.

I came on the floor earlier, several weeks ago, with an amendment that came right from the State of Minnesota, where the State senate unanimously—the house of delegates was three votes short of unanimous—and the Republican Governor all signed a resolution saying: Before you send the balanced budget amendment to Minnesota, Wisconsin, or any State, please specify where the cuts are going to take place, and how it will affect our States. Let us do the planning. What kinds of people are going to be affected by this? Step up to the plate and tell us what you are going to do.

I still do not hear any of my colleagues on the other side or, for that matter, on this side, that are for this balanced budget amendment specifying how in fact we are going to reach this goal.

But, Mr. President, this amendment today is identical to the majority leader's motion to refer. It does not have any real connection to the balanced budget amendment in terms of any conditionality at all. We are simply saying, given the focus on balancing the budget and on deficit reduction, do not take all of these tax expenditures—$420 billion worth—off the table. The motion is very general. It does not target specific tax breaks because we do not think that would be appropriate on a constitutional amendment. The Senator from Wisconsin made that clear and I have made it clear. We simply want to express the sense of the Senate that tax expenditures will undergo the same scrutiny that all other spending goes through. We do not eliminate any expenditures. We do not specify what should be eliminated. We leave that to another day, when we get to the specifics of the budget and the budget reconciliation process.

This is a statement of principle today, that as we continue this budget debate in the Congress and in future Congresses, we intend to subject these $420 billion worth of tax expenditures—all too many of them tax dodges—to much closer scrutiny than in the past.

My colleague from Utah wants to separate out this notion, this principle, from a debate on balancing the budget. You cannot. This is a basic standard of fairness. I think in many ways this amendment really is a litmus test, because what people in Minnesota and around the country are saying is we want to know where the cuts are going to take place.

People are for the balanced budget amendment in the abstract, but when you get into specifics and people hear about draconian cuts, cuts in Medicare, Medicaid, higher education, people say, ''Wait a minute.'' Even if we all understand that we need to continue to invest in people and communities, but we also need to continue down the path of deficit reduction, what we are saying is that the Senate go on record saying we should evaluate these tax expenditures,

all of these different expenditures, some of which may be necessary but many of which, some say in the General Accounting Office, are outdated, inefficient, unnecessary—and I add, about the huge dodges.

Why should regular Minnesotans be asked to pay more in taxes, be asked to sacrifice? I have not heard anybody on the other side—my colleague from Minnesota came out, but there was no response to this amendment. Nor have I really heard a response from my colleague from Utah. Should the Senate go on record that as we evaluate how we are going to reduce the deficit and balance the budget, that we are going to call upon all Americans to be part of the sacrifice? Large corporations, large financial institutions, the wealthiest of the wealthy people in our country, are we not going to ask them to be part of the sacrifice?

I will tell you something, Mr. President. I think the Senate ought to go on record that each and every citizen and each and every interest, all interests, ought to be asked to be a part of the sacrifice. Everybody should be asked to sacrifice. There should be some standard of fairness. That is one of the reasons I have so much trouble with the last 2 weeks of this debate. We are asked to vote for a balanced budget amendment without specifying what you are going to do.

If I thought there was some standard of fairness, if I was not so sure that there are just going to be cuts that are going to affect the most vulnerable citizens, if I was not sure about what this is going to do to higher education and health care, if I really thought we were going to go after $420 billion worth of tax expenditures and put that on the table, and that we were also going to scrutinize the Pentagon budget and we were going to cut where we should cut, that is exactly the path I want to go down. That is what this amendment says. Subject these expenditures to the same scrutiny that we are putting a whole lot of other programs and expenditures under.

How much time do I have, I ask the Chair?

The PRESIDING OFFICER. The Senator has 7½ minutes remaining.

Mr. WELLSTONE. I yield the floor to the Senator from Wisconsin.

Mr. FEINGOLD. I ask the Senator to yield for a question.

Mr. WELLSTONE. I am pleased to.

Mr. FEINGOLD. Mr. President, I ask the Senator from Minnesota if he noticed in his State the same thing I have in my State in recent weeks: That there is a heightened level of anxiety around our States about what is going to happen when we balance this budget.

I am hearing people who are concerned about the elderly nutrition program, people that are concerned about what is going to happen with the Corporation for Public Broadcasting. So far, there does not seem to be much talk about the so-called tax loopholes as a way to solve the problem. That is one of the reasons I want to bring this up. I am wondering whether the Senator is experiencing this sort of discrepancy between direct spending programs versus not talking about the tax loopholes.

Mr. WELLSTONE. Mr. President, I would say to my colleague, just this past Saturday, I was in southwest Minnesota in a meeting with a group of citizens that are really worried that Pioneer Public Television—which, in the rural area, is so important; it is a pool of information; economic development, citizenship—is going to be eliminated. They are very worried about that for very good reasons. Certainly when I meet with the elderly or I meet with children or advocates for children, people who work in schools and universities, everybody was very worried about this.

What people say to me in cafes is, ''Look, we understand that we have to continue down the path of deficit reduction; we have to be fiscally responsible. We also know that there are crying needs in our community. We want to make sure children have opportunity, that we have to invest in education in our communities. We know it is not done by waving a magic wand, but there has to be some standard of fairness.''

That is what I think we are talking about here today. Absolutely.

I would say to my colleague, I would be interested in his response. Let me just put a question to him.

I really fell like if we are not willing to go on record today on this motion to refer, which just puts the Senate on record as saying we should just look at tax expenditures and consider whether they should be part of what should be cut. We see cynicism in people in Wisconsin and Minnesota who will say, ''Yeah, of course they will vote against this. Unlike those folks, we don't have the big bucks. We do not lobby everybody. Who do they represent? They don't represent us.''

I think we have to consider these tax expenditures to have credibility.

I will ask the Senator from Wisconsin what his view is about it.

Mr. FEINGOLD. That is exactly my concern. We are out here talking about the big picture, in terms of we have to balance the budget, we are talking about direct spending programs, but we have an obligation to talk about everything that is spent out here.

I find in Wisconsin, and I am sure you do in Minnesota, that people do not know about some of these oil and gas deals. They do not know, necessarily, that foreign nationals get the special deals on tax breaks. We talk about it. We do a heck of a job in telling people about where this item of pork—you know, the Lawrence Welk issue, the steamboat issue—and we should, and we made some progress on this.

But back home people are being prevented from finding out—because we will not talk about it—that there is worse stuff a lot of times stuck in the Ways and Means Committee and in the Finance Committee that never comes up to public scrutiny.

That is why it is particularly unfair, when these other programs are threatened that really help people and they may have to take some cuts, that they are on the chopping block and the American people are not even told the truth. No one is telling the people about the tax loopholes; in effect, a conspiracy not to talk about it.

I think that is a very serious injustice to the people that you have described.

Mr. WELLSTONE. Mr. President, might I interrupt my colleague to ask him a question?

Mr. FEINGOLD. Yes.

Mr. WELLSTONE. Is not also true that there is a very direct correlation—and, unfortunately, it is a hidden correlation, unless we are willing to be accountable and open and honest about this—between our failure to even look at—which is all we are asking for today—these tax expenditures and the kinds of cuts that are going to take place in some of these programs that are so important to people? And, in addition, is it not also true that regular taxpayers end up paying more?

Mr. FEINGOLD. Exactly.

If I may respond to the Senator from Minnesota, let us just think about, if you happen to be a supporter of the balanced budget amendment, your goal out of all of this is, of course, is that the States would ratify the balanced budget amendment. What do the supporters of the balanced budget amendment think is going to happen back in our home States when the people that are concerned about these programs find out the following: when they find out that defense spending is going up; when they find out that we are going to give out a big tax break across the board to everybody in the country; when they find out we would not even talk about tax loopholes?

It is not going to take too long before some of those State legislatures figure out, ''Wait a minute. What is this coming out of?''

It is coming out of the local programs and the tax dollars, the property taxes, of hard-working people of places like Minnesota and Wisconsin.

So I would think you would be concerned that not laying it out for the American people and putting tax expenditures off the table—as this, in effect, does if we do not put it in the sense of the Senate—I would think you would be concerned and I think the Senator from Minnesota is right on target.

Mr. WELLSTONE. I would say to my colleague, if I was a proponent of this constitutional amendment to balance the budget, which I am not, I would vote for this amendment.

Mr. FEINGOLD. Right.

Mr. WELLSTONE. Because once people understand that some of the programs that have been most important

to them and their communities, be it Medicare, be it Medicaid, be it Pell grants, be it nutrition programs for children, be it veterans' programs, you name it—are going to be cut and cut deeply—but the Pentagon budget is going up; and, you have all of these loopholes which are flowing disproportionately to large corporations and financial institutions in America with all the clout, without their being asked to sacrifice at all, there is going to be a huge amount of anger.

And I would say to my colleague, that is why I think the Senate must go on record today on this.

I would say to my colleague from Wisconsin we have a little under a minute left. I would be pleased if he would just conclude for us. It has been a joy working with him and I hope we get a good strong vote.

Mr. FEINGOLD. I thank the Senator from Minnesota. We will visit this subject again many times, both of us, and I know we will have support from others.

But what it really comes down to, this is not an attempt to delay on the balanced budget amendment. What we are doing here is to try to point out there are certain special interests that are being protected by tax expenditures and that those tax expenditures should be on the table. And, in large part, this is true because these tax expenditures have been a big part of the reason why this mess was created in the first place; one of the big reasons we have this deficit.

So why in the world should not that be on the table with all the other things?

That is our message and that is why we would urge the adoption of this motion to refer.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I am prepared to yield back my time, if the distinguished Senators are prepared to yield back their time.

Mr. WELLSTONE. I thank my colleague from Utah. I am prepared to yield back my time.

The PRESIDING OFFICER. All time is yielded back.

Mr. HATCH. Mr. President, I move to table the motion and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Utah to table the motion of the Senator from Minnesota [Mr. WELLSTONE]. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Kansas [Mrs. KASSEBAUM] is necessarily absent.

The PRESIDING OFFICER (Mr. ASHCROFT). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 59, nays 40, as follows:

[Rollcall Vote No. 70 Leg.]

YEAS—59

Abraham	Frist	Mikulski
Ashcroft	Gorton	Murkowski
Bennett	Gramm	Nickles
Bond	Grams	Packwood
Brown	Grassley	Pressler
Bryan	Gregg	Reid
Burns	Hatch	Roth
Campbell	Hatfield	Santorum
Chafee	Heflin	Shelby
Coats	Helms	Simon
Cochran	Hutchison	Simpson
Cohen	Inhofe	Smith
Coverdell	Jeffords	Snowe
Craig	Kempthorne	Specter
D'Amato	Kyl	Stevens
DeWine	Lott	Thomas
Dole	Lugar	Thompson
Domenici	Mack	Thurmond
Faircloth	McCain	Warner
Feinstein	McConnell	

NAYS—40

Akaka	Feingold	Levin
Baucus	Ford	Lieberman
Biden	Glenn	Moseley-Braun
Bingaman	Graham	Moynihan
Boxer	Harkin	Murray
Bradley	Hollings	Nunn
Breaux	Inouye	Pell
Bumpers	Johnston	Pryor
Byrd	Kennedy	Robb
Conrad	Kerrey	Rockefeller
Daschle	Kerry	Sarbanes
Dodd	Kohl	Wellstone
Dorgan	Lautenberg	
Exon	Leahy	

NOT VOTING—1

Kassebaum

So the motion was rejected.

MOTION INTENDED TO BE MADE

Mr. BUMPERS. Mr. President, I ask unanimous consent that the text of a motion to refer House Joint Resolution 1 to the Budget Committee, which I intend to make, be printed in the RECORD for the information of Senators.

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

Proposed motion to be made by Mr. BUMPERS:

I move to refer House Joint Resolution 1 to the Budget Committee with instructions to report back forthwith House Joint Resolution 1 and issue a report, at the earliest possible date, which shall include the following:

''SECTION 1. PROHIBITION ON BUDGET RESOLUTIONS THAT FAIL TO SET FORTH A BALANCED BUDGET.—Section 301 of the Congressional Budget Act of 1974 is amended by inserting at the end thereof the following new subsection:

''(j) CONGRESSIONAL ENFORCEMENT OF A BALANCED BUDGET.—Beginning in 2001, it shall not be in order to consider any concurrent resolution on the budget (or amendment, motion, or conference report thereon) that sets forth a level of outlays for fiscal year 2002 or any subsequent fiscal year that exceeds the level of revenues for that fiscal year.''

''SEC. 2. POINT OF ORDER AGAINST BUDGET RESOLUTIONS THAT FAIL TO SET FORTH A BALANCED BUDGET.—Add the following new section immediately following Section 904 of the Congressional Budget Act of 1974:

''SEC. . Section 301(j) may be waived (A) in any fiscal year by an affirmative vote of three-fifths of the whole number of each House; (B) in any fiscal year in which a declaration of war is in effect; or (C) in any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.''

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. JOHNSTON. Mr. President, I yield to the Senator from Idaho.

Mr. CRAIG. I thank the Senator from Louisiana for yielding.

He is about to lay down an amendment that is a very important amendment to this issue that I think both sides are very concerned about and want ample time to debate. I would like to see if we could not arrive at a unanimous consent agreement here. Is it acceptable to the Senator from Louisiana if we look at 4 hours equally divided?

Mr. JOHNSTON. Mr. President, that is acceptable.

Mr. CRAIG. I hope that if we can get a unanimous consent on that, we would both try to yield back as much as possible of the unused time and so encourage our colleagues.

Mr. JOHNSTON. Certainly. Mr. President, there is no intent at all to delay. All amendments are important. But this is one that I hope will pass and that my colleagues on the other side of the aisle will accede to. But in any event, we will yield back to the extent we do not use the time.

Mr. CRAIG. Mr. President, I then ask unanimous consent for 4 hours equally divided on the Johnston amendment, prior to a motion to table, and that no amendments to the Johnston amendment be in order.

Mr. JOHNSTON. Mr. President, I certainly do not plan any second-degree amendments. I do not see any of my colleagues who do. So that would be suitable.

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

Mr. CRAIG. I thank my colleague.

Mr. BYRD. Will the Senator yield?

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I ask unanimous consent that upon the disposition of the amendment by Mr. JOHNSTON, I be recognized to call up an amendment. If this request is not agreed to, I will be here and seek recognition in my own right. I make that request.

The PRESIDING OFFICER. Is there objection to the request?

Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, will the Senator withhold that for just a

minute and let me talk to him about that?

Mr. CRAIG. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. Does the Senator from West Virginia yield the floor?

Mr. JOHNSTON addressed the Chair.

Mr. BYRD. Was my request agreed to?

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Does the Senator have a unanimous-consent request?

Mr. BYRD. That upon the disposition of the amendment that is being offered by Mr. JOHNSTON, I be recognized to call up an amendment.

Mr. CRAIG. Mr. President, reserving the right to object——

The PRESIDING OFFICER. Is there objection?

Mr. CRAIG. And I will not object, would the Senator from West Virginia mind discussing with us at this time the amendment he plans to offer following this amendment?

Mr. BYRD. I stated to the Senator in private what it was.

Mr. CRAIG. Would the Senator mind for the RECORD saying so?

Mr. BYRD. I will say so when I get ready.

Mr. CRAIG. I see. Let me say for the RECORD, because I do not want to object to proceedings here, the three-fourths amendment in section 1, it is my understanding the Senator from West Virginia plans to offer an amendment to it?

Mr. BYRD. It is, but I have not reached the point yet that I feel I am under obligation to announce what my amendment does before I call it up.

Mr. CRAIG. Mr. President, this is not an issue here. The Senator knows the rules of the Senate as do I, and certainly he is not under that obligation. I was only asking for a courtesy.

Mr. BYRD. I told the Senator in private out of courtesy.

The PRESIDING OFFICER. Is there objection to the request?

Without objection, it is so ordered.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 272

(Purpose: To provide that no court shall have the power to order relief pursuant to any case or controversy arising under the balanced budget constitutional amendment, except as provided in implementing legislation)

Mr. JOHNSTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. JOHNSTON], for himself, Mr. BUMPERS, Mr. LEVIN, Mrs. BOXER, and Mr. PRYOR, proposes an amendment numbered 272.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of Section 6, add the following: ''No court shall have the power to order relief pursuant to any case or controversy arising under this article, except as may be specifically authorized in implementing legislation pursuant to this section.''

Mr. JOHNSTON. Mr. President, this amendment is very simple. It is essentially the 1994 Danforth amendment which was adopted by this body without dissent.

What it says is that no court shall have the power to order relief pursuant to any case or controversy arising under this article except as may be specifically authorized in implementing legislation pursuant to this section—no court jurisdiction unless specifically authorized by the Congress. That is virtually identical to the amendment which was adopted last year.

Why do we propose this? On January 31, we had an extended debate here on the question of whether or not this amendment is enforceable, and if so, how it is enforceable. I opined that the way it would be likely enforced would be to have the Supreme Court order an income tax surcharge, because the Court is particularly ill qualified to make choices between various spending programs, to choose between the B–2 bomber and the F/A–18, or to choose between Social Security and Medicare, or to determine what the effects of these budget cuts would be. The thing they would be able to do is to order an income tax surcharge. It would not change any of the rules. It would simply say you add on to the present income tax, using those rules, a surcharge, which they would order the Treasury to collect.

In response to that argument, I had an extended colloquy with my friend from Utah, Mr. HATCH. Mr. HATCH stated that he did not see any way the courts would find standing or justiciability, that only the Congress had power to enforce this amendment. Mr. HATCH made very clear that it is the intent of the majority party that this amendment not be enforceable by the courts.

I then asked, ''If that is the intent, why did you not spell it out as we did in the Danforth amendment the previous year?''

To that, Mr. HATCH replied, in effect, that, ''Frankly, there are those on the other side who I think will argue the courts ought to have some control. We just want to avoid that particular argument.''

So in effect what we have is an intentional ambiguity fashioned in order to appeal to both sides of this argument. There are some who think the courts ought to be involved. There are some who think the courts should not be involved. Mr. HATCH thinks the courts are not involved. So, therefore, it is left intentionally ambiguous.

Mr. President, I would first like to submit to my colleagues that this is not at all clear. As a matter of fact, I believe the majority legal opinion would be that jurisdiction does lie. Quoting from a Harvard Law Review article of May 1983, they state:

Doctrinal analysis demonstrates, however, that taxpayers probably would have standing to challenge alleged violation of either the deficit spending prohibition or the tax limitation provision.

Harvard Law Review says when you analyze all the cases, they probably would have standing.

Assistant Attorney General Dellinger testified before the committee. Assistant Attorney General Walter Dellinger stated as follows:

Moreover, it is possible that courts would hold that either taxpayers or other litigants would have standing to adjudicate various aspects of the budget process under the balanced budget amendment. Even if taxpayers and Members of Congress were not granted standing, a criminal defendant prosecuted or sentenced under an omnibus crime bill that improved tax enforcement or authorized fines or forfeitures could argue that the bill ''increased revenues'' within the meaning of section 4.

Or take the distinguished professor, Harvard law professor Laurence Tribe. Mr. Tribe says:

So that one way or another, Members of Congress, a House of Congress, someone who has been cut off from a program, a taxpayer—these people will be able to go to court. No question about it.

I have a whole folder of cases and experts who say that taxpayers could go to court, that there would be jurisdiction in the courts, that it would be enforceable. Others say it is a question to be determined by the courts.

Suffice it to say, in my judgment, no one can seriously rise to his feet on the floor of this Senate and say that this is a clear question; that what Mr. HATCH says is correct, that is, that there is clearly no standing or jurisdiction to enforce this amendment. It simply is not so. As I have just quoted from Professor Tribe, from Professor Dellinger—Professor Fried says the same thing—Harvard Law Review—on and on. It is not clear what the limits of court jurisdiction would be.

I ask my colleagues this question, which is a fundamental question. Is there advantage in ambiguity? Is there some reason that we in this U.S. Senate, understanding the ambiguity of court jurisdiction, would want to leave it ambiguous? I think the answer is—which Mr. HATCH gave—that some of our people think they ought to have jurisdiction and some think they should not have jurisdiction so, therefore, we leave it ambiguous and hope to get the votes of both sides.

I submit that as a political matter on the floor of this Senate that is likely to do you more harm than good. There are some on this side of the Senate who, just as recently as 10 minutes ago, said the outcome of the Johnston amendment will influence their vote on this matter. There may be some on the other side of the aisle who feel differently.

I suggest if it is a political calculation that my friends on the other side of the aisle who are supporting this amendment check with their Members and see how many you lose by making clear the most fundamental question in this amendment. Are there really people in this Senate who would vote against the amendment because you cleared up an ambiguity? I do not believe so. But there may be some on this side of the aisle who recognize the pernicious, difficult effect of this amendment—no less authority than former Solicitor General, Judge Robert Bork, said the following, in a 1983 article:

> The result would likely be hundreds, if not thousands, of lawsuits around the country, many of them on inconsistent theories and providing inconsistent results. By the time the Supreme Court straightened the whole matter out, the budget question would at least be 4 years out of date and lawsuits involving the next 3 fiscal years would be slowly climbing toward the Supreme Court.

Judge Bork is giving nothing but common sense. Everything the Federal Government would do would be subject to litigation. And, as Judge Bork says, thousands of lawsuits matriculating their way up to the Supreme Court, inconsistent results, and in the meantime what happens to this country? There would be bond issues which are subject to doubt. What attorney would issue an opinion on a bond issue that was clouded by a Supreme Court or by a district court case? There are so many other things that this Congress does with respect to issuing debts, making contracts—all would be unclear because we would not know what the jurisdiction of the court was.

To those who say that the court needs to be involved, I say the Congress, under this amendment, has that power. To the extent that Congress specifically gives to the court the power to get involved in the balanced budget amendment, we have the ability to do so. And we may wish to do so. We may, for example, wish to limit them to declaratory judgments. We might wish to limit them to interpreting the words of the Constitution, determining what an outlay is, what a receipt is, et cetera. We may want to give them injunctive power. We may want to limit their ability to raise taxes. In fact, on the Republican side of this aisle, there is a lot of feeling against raising any taxes, whether by Congress—there was one amendment proposed which required 60 votes to raise taxes, as part of this amendment. But you would give that power to an unelected court.

So the power to raise taxes is clearly, Mr. President, something that ought to be cleared up. Or, on the other hand, we may wish to say that the Supreme Court has original jurisdiction for the purpose of considering the balanced budget amendment. In other words, we may think that the matter is so important and it requires such expeditious relief, considering the uncertainties in the bond market, the uncertainties in contractual rights, that we need to expedite that consideration by providing that original jurisdiction in the Supreme Court. The Congress under this amendment would have that power. We would be able to define those limits, provide for that expediency, and provide whatever jurisdiction or limits on that jurisdiction that we wish under this amendment.

Mr. President, I ask why not do that? Why not clear up that American ambiguity? Why not make this constitutional amendment so far as we can free from litigation?

Mr. President, I ask my colleague from Idaho, for whom I have great respect and affection, first of all, if he agrees with me that this is a matter which is at least ambiguous and that the weight of authority is probably on the side of saying the court has jurisdiction. Would my colleague agree with that statement?

Mr. KEMPTHORNE. Mr. President, in response to the Senator, I too have great respect for the Senator from Louisiana and admire the fact that he is bringing this sort of discussion to this issue. But really I would defer from responding to that because I think the chairman of the Judiciary Committee would be more appropriate who is grounded in this field and aspect of it to respond to you so you get the meaningful dialogue and exchange that really this issue merits.

Mr. JOHNSTON. Will the Senator agree with me that, if it is a matter of ambiguity—and we will let Senator HATCH respond to that—then it ought to be an ambiguity that could be cleared up?

Mr. KEMPTHORNE. I think when you have ambiguity, I do not know why we would want to proceed down the road of solidifying ambiguity.

Mr. JOHNSTON. I thank the Senator. In his usual candor, he I think reinforces the point.

Mr. President, I see my friend from Utah coming onto the floor. I wonder if I could engage with him in a colloquy on this matter.

I thank my friend from Utah. My question was this: I had just quoted from the Harvard Law Review a number of professors who have stated that in their view there would be standing, justiciability and the matter would be handled by the court, although there are doubts about the limits about it. Will the Senator from Utah agree with me that it is at least a matter of ambiguity as to what the jurisdiction of the court would be?

Mr. HATCH. I really do not agree. I really do not think that you can find standing across the board. I do not think you can find standing. There may be some isolated cases where a person's peculiar interests have been affected. I cannot think of any right offhand. But I am certainly not ruling that out. But I really do not think you can find all three of those conditions to exist with regard to the balanced budget amendment. I will be happy to address that in greater detail when it comes my time to say a few words about it.

Mr. JOHNSTON. Did the Senator have an opportunity to hear me quote Assistant Attorney General Walter Dellinger who said that it is possible that the courts would hold that either taxpayers or other litigants would have standing to adjudicate various aspects of the budget process?

Mr. HATCH. I was there when he said that and he backpedaled off that in the middle of the hearings and had to admit that there is not much basis for that statement. I might add that was in the face of a former Attorney General and a whole raft of other witnesses who said that just is not true.

Mr. JOHNSTON. What Attorney General?

Mr. HATCH. Attorney General Barr was there.

Mr. JOHNSTON. You understand Attorney General Barr, to quote Attorney General Barr:

> I do believe Congress should consider including language in the amendment that would expressly limit judicial review to actions for declaratory judgments. If, however, such a provision would prove to be politically unpopular, I believe for the reasons detailed in my written statement that Congress can safely pass the amendment in its current form without undue concern that the courts will entertain large numbers of suits challenging Congress' actions under the amendment or that, even if the courts do entertain some suits, they will order intrusive injunctive remedies.

General Barr says we ought to clear up the ambiguity because according to him, he says they—I mean the obverse. He says they will not entertain large numbers of suits. I do not know what large numbers are to him, and I do not know what intrusive injunctive remedies are.

Mr. HATCH. If the Senator will yield, I was there. He did say that as a political matter, if it helps you to pass a bill and dispose of amendments, that you might want to put a provision in with regard to declaratory judgments. We did that when we lost the last amendment. He said it is just a matter of political judgment. His opinion was that you are not going to——

Mr. JOHNSTON. I just quoted his opinion.

Mr. HATCH. No. No. That is what he said, not in his written statement. He was making a point in front of the committee that, if politically that helps you to pass the balanced budget amendment, you could live with that type of a provision. But his main points were that he did not see any reason to involve courts in the amendment either way.

Mr. JOHNSTON. If the Senator will yield.

Mr. HATCH. I will be happy to yield.

Mr. JOHNSTON. I am quoting Attorney General Barr in a written answer to a posthearing statement in which he says ''I do believe''—do believe—''Congress should consider including language in the amendment that would

expressly limit judicial review to actions for declaratory judgment.''

Mr. HATCH. Right. That is what we did in last year's debate.

Mr. JOHNSTON. In the Danforth amendment.

Mr. HATCH. But that has nothing to do withstanding, nothing to do with justiciability. The fact of the matter is——

Mr. JOHNSTON. Of course it does.

Mr. HATCH. Let me make my point. Declaratory relief in the eyes of many—and I think most authorities—can be as intrusive as injunctive relief. Take Justice Frankfurter in *Coalgrave* v. *Green*, 328 U.S. 549, page 552, a 1946 case, and he opined that declaratory relief should not be granted in situations where injunctions are inappropriate.

Mr. JOHNSTON. If the Senator will yield——

Mr. HATCH. If I could just finish, maybe I can help clarify. Let me finish. I only have two more comments to make.

Thus declaratory relief would be limited by the standing political questions of separation of powers doctrines.

Finally, the amendment of the distinguished Senator from Louisiana would be construed, if it passes, to grant the courts broad declaratory relief despite the standing in the political question of doctrine,and I might add the separation of powers doctrine. We think that is a mistake.

Mr. JOHNSTON. If I may correct the Senator at that point, my amendment precludes any judicial order of relief, except to the extent expressly authorized by the Congress and, unlike the Danforth amendment, does not include declaratory relief.

What I was saying about Judge Barr was that Judge Barr says you ought to limit this at least to declaratory relief, but he goes on to point out that it is probable that you would have some suits entertained. The distinguished Harvard law professor, Laurence Tribe, says:

> So that one way or another, Members of Congress, a House of Congress, someone who has been cut off from a program, a taxpayer, these people will be able to go to court; no question about it.

We could go on here quoting from cases, quoting from other experts. I have not come across any expert who says it is clear that there is no jurisdiction, not one. I would welcome that statement.

Mr. HATCH. The fact that we leave it open says there may be jurisdictions. It does not mean the courts will grant it. I do not think they will. Let me read——

Mr. JOHNSTON. Wait. We are on my time now. Let me make my point first, and the Senator may respond. There is not one expert—not one—that I have come across who says the matter of justiciability, the matter of standing, or the matter of being a political question, which are the three bases on which my friend from Utah relied in our January 31 debate, not one expert says that that is a clear question. On the other hand, Professor Tribe says it is clear they would have standing. Mr. Dellinger says he believes they would have standing. Judge Barr says you ought to limit that because there may be some lawsuits and they may order some judicial relief, and no one that I can find disagrees with that.

What I am saying is that it is at best an ambiguity—at best—and a probability of court jurisdiction, a probability of court intrusiveness here. How can my friend from Utah say it is not a matter of ambiguity in the face of the Harvard Law Review and distinguished professors, including his own, who say otherwise?

Mr. HATCH. Because there is little or no chance that is going to happen. Let me, if I can, just go back to the written remarks——

Mr. JOHNSTON. Can the Senator give me one single expert who agrees with him?

Mr. HATCH. I am going to give it to you right now. Let me just go back—if you want to enshrine the word ambiguity, I am not going to do that for you. I can say that I cannot rule out that there might be some oddball case where somebody might have standing. I cannot rule that out. But I do believe we can rule it out on the basis of just reasonability that some oddball is not going to have an oddball case that affects everybody in the country because they are not going to be able to meet those three requirements.

Here is what General Barr said in his written comments: ''In my view, though it is always difficult to predict the course of future constitutional law development''—from that standpoint, I have to grant the point that who knows whether some crackpots who occasionally do get to the courts, if we believe that is what is going to happen to the Supreme Court, who knows, you cannot say that anything is absolute in this world. Here is what he said:

> In my view, though it is always difficult to predict the course of future constitutional law development, the courts' role in enforcing the balanced budget amendment will be quite limiting.

I see little risk that the amendment will become the basis for judicial micromangement or superintendence of the Federal budget process.

Furthermore, to the extent such judicial intrusion does arise, the amendment itself equips Congress to correct the problem by statute. On balance, moreover, whatever remote risks there may be that courts will play an overly intrusive role in enforcing the amendment, that risk is, in my opinion, vastly outweighed by the benefits of such an amendment.

Then he says:

> I believe there are three basic constraints that will tend to prevent the courts from becoming unduly involved in the budgetary process. One, the limitation on the power of the Federal courts contained in article III of the Constitution, primarily the requirement of standing; two, the deference the courts will owe to Congress, both under existing constitutional doctrines and particularly under section 6 of the amendment itself, which expressly confers enforcement responsibility on Congress; and three, the limits on judicial remedies running against coordinate branches of Government, both that the courts have imposed upon themselves and that in appropriate circumstances Congress may impose on the courts.

When the Senator cites Laurence Tribe of Harvard to me and Walter Dellinger of Duke, they are both ardent advocates against the balanced budget amendment.

Mr. JOHNSTON. Let us quote from Mr. Barr, who says in that same statement on page 8:

> But I would be the last to say that the standing doctrine is an ironclad shield against judicial activism. The doctrine is malleable and it has been manipulated by the courts in the past.

The one expert that my friend from Utah quotes to say that this matter is clear himself says it is unclear, and he says you cannot predict what the court will do, and himself urges that you limit the jurisdiction of the court. That is what he says.

I ask my friend, why do we not clear it up?

Mr. HATCH. Because we do not have to. Even though he says that there is no absolute in the law, because you can always find, or you may find in the future, some judicial activist who will ignore what the law says, we do have all kinds of checks and balances in this country, not just the courts, but in the other branches of Government as well. Even in the courts we have checks and balances. That is why we have nine Justices on the Supreme Court. What he is saying is there is little or no likelihood that anybody is going to be able to go to court and meet those three requisites under current law or under the law as he envisions it to be.

If you ask him, well, assuming that there are no absolutes, and you want to be absolutely sure that the courts can never intrude, what would you do? Naturally, he would say I think you can have declaratory judgment relief if you want to write that into the amendment. We do not want to do that.

Mr. JOHNSTON. What harm does it do, to clear up this matter, to say that there is no jurisdiction, no power for the courts to grant judicial relief except to the extent we authorize it in the Congress; what harm does it do?

Mr. HATCH. I think the harm is that if the Senator writes the courts out of the Constitution, or out of this balanced budget amendment, he will be writing people out that we cannot foresee at this time—I do not know—who may have some legitimate, particularized injury to themselves that will enable them to have standing and a right to sue. That is a far cry from giving a broad, generalized right to the public at large.

Mr. JOHNSTON. Does the Senator understand what he just said? He has just been saying that this matter is clear that there is no jurisdiction, but

we better not say there is no jurisdiction because there are some people we cannot foresee who may have jurisdiction and may want to sue, and the courts ought to be enforcing their rights.

Mr. HATCH. There is a difference between a general right to sue for all citizens and a particularized injury to one individual which I cannot foresee right now. I do not believe there are any instances I can come up with, but there may be.

Let me give you an illustration. Suppose Congress—this is not to say this is going to happen—but suppose Congress passes legislation cutting spending programs only to Jewish people. That will not happen, but let us give that as a bizarre illustration.In this case, should they not have a right to sue?

Mr. JOHNSTON. Well, now, tell me, would the court's power to order relief be limited or could the court say you have not balanced the budget and therefore we order an income tax surcharge?

Mr. HATCH. I do not think the court can do that.

Mr. JOHNSTON. Where does my friend find such limitations on the court's power? If somebody has standing to sue, then they have standing to ask for whatever relief is appropriate.

Mr. HATCH. We deal with judicial restraints, judicial powers, every day in our lives. And one of the reasons why the law develops year after year after year is because of ingenious people who find ways to develop it.

All I am saying is this: We do not want to take away anybody's rights that may develop sometime in the future. We do not want a generalized right to sue and we do not believe anybody can make a good case that they will have that right.

I do not think Professor Tribe did it or Walter Dellinger did it in front of the committee.

Mr. JOHNSTON. Do you know what Robert Bork said?

Mr. HATCH. And on the courts raising taxes, it is a question of redressability. You know, it is a separation of powers of doctrine.

Mr. JOHNSTON. Judge Bork says:

> The result would be hundreds, it not thousands, of lawsuits around the country, many of them on inconsistent theories and providing inconsistent results.

Mr. HATCH. And Judge Bork has very good reason to feel that way with the way he was treated. His legal contentions are based on overexaggerated fears of judicial activists. Actually, the post-Warren Supreme Court has tightened the standing and justiciability doctrines to such a degree that balanced budget enforcement suits would probably be dismissed on those grounds alone.

And I cite the Lujan versus the Defenders of Wildlife case in 1992.

In fact, Bork admits——

Mr. JOHNSTON. If I may interrupt—and I do not like to interrupt.

Mr. HATCH. If I may just finish.

Mr. JOHNSTON. Are we proceeding on my time?

Mr. HATCH. I will be happy to make this response on my time.

Mr. JOHNSTON. Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from Utah.

Mr. HATCH. In fact, to make my case a little more clear, Bork admits, on page 2 of the letter he wrote, that standing would probably be denied. That is what most real constitutional experts would say. The substance of the legal argument is to speculate on the consequences of what if courts assumed jurisdiction. Well, what if courts decided to raise taxes? What if they decide to send armies to war? What if judicial activists decide to do anything that is outside of their jurisdiction and their range? I suspect we could conjure up any kind of a scare tactic, any kind of bizarre situation.

What we have to rely on is what is the law. And it is very tough under current law and under the laws that existed for a long time, to come up with standing, with the requisites to meet the standing, justiciability, and the political question doctrine and some separation of powers doctrine in order to do what the distinguished Senator is suggesting Tribe and Dellinger say can be done.

Mr. Dellinger back-pedaled quite a bit at that hearing. We did not have a lot of time to question him, and if we had, I think he would have back-pedaled a lot more. Neither Tribe nor Dellinger are supporters of the balanced budget amendment.

And I have found, as the excellent lawyers they are, and they are really excellent lawyers, that they can come up, as law professors—and both of these are law professors, although Dellinger, Professor Dellinger, and I do not mean to denigrate him; Professor Dellinger is now down at the Justice Department—both of them can come up with alternatives on everything.

Mr. JOHNSTON. Mr. Barr is a supporter.

Mr. HATCH. No, Mr. Barr is not a supporter. I listened to the testimony, and in speculating about it and hypothesizing about it, he says, ''Well, if you want to do this, you can do it.'' But Barr basically says you should not have to do it; the law is such that you should not have to do it.

And Bork is just saying it because he fears judicial activists. Bork is saying that, you know, well, his comments are based on what I consider to be, and I think many others, exaggerated fears of judicial activists.

Mr. JOHNSTON. You do understand that Mr. Barr said:

> I do believe Congress should consider including language in the amendment that would expressly limit judicial review.

Mr. HATCH. I was there. I believe I was there when he said it.

Mr. JOHNSTON. No, this was in the posthearing answer to written questions. That is the last word from Mr. Barr.

Mr. HATCH. I am aware.

Mr. JOHNSTON. Did he ever back up on that?

Mr. HATCH. I think if Mr. Barr, if General Barr, was asked what his opinion is, he would say, ''Don't clutter up the Constitution.'' Because every time you add a provision like this into to, every time you add that kind of provision or any kind of provision, you have a whole myriad of problems that arise from there.

Now we have people in both bodies who want the courts involved. We have people who do not want the courts involved. I think there is little or no likelihood that the courts are going to be involved on this amendment as it is written.

Mr. JOHNSTON. Is that not the real answer; that some of your Members are for it and some are against it, and you want to please both sides, so you leave it ambiguous?

Mr. HATCH. First of all, I do not think it is really ambiguous. Nothing is absolute, so I guess you can claim ambiguity on any proposition you make.

Mr. JOHNSTON. I just read to you the most distinguished professors in the country, including Mr. Bork, and you have not one single expert, not one, who supports your position. Name me one. I mean, you do not like Judge Bork; you do not like——

Mr. HATCH. I love Judge Bork. And I do not disregard Professor Tribe and Professor Dellinger.

What I am saying is this: The Senator is partially correct. We are dealing here with a constitutional amendment of general application. We are dealing with one of the most difficult debates in the history of the country. We are dealing with consensus problems. We are dealing with Republicans and Democrats. We are dealing with 38 years of trying to get this to the floor—38 years; really, better than 200 years of getting the House to vote on this. Thirty-eight years of trying to get it to the floor, nineteen years in my life of trying to do it, having brought it to the floor in 1982, where we passed it in the Senate without that language, having brought it three other times to the floor, and this is the fourth time, and trying to bring people together who have a mixture of viewpoints.

We are doing the best we can. Now, can we satisfy everybody's urge, including Professor Tribe's or Professor Dellinger's? Can we satisfy everybody's demand or desire for their own wording in this amendment? Can we satisfy those who do not want the courts involved in this to the exclusion of those who do? There are not many who do, but there are some who do.

Or do we do what we have to do, and that is, get a consensus on this matter and fight for it as hard as we can and do the best we can? Well, that is what we are doing.

Mr. JOHNSTON. If I could ask my colleague at that point, I disagree not just with the legal calculus, but with the political calculus, as well.

The Danforth amendment was virtually identical to this amendment and was passed without opposition. Is there really opposition on your side? Are there Senators who on your side would say, I will not support this amendment unless it has the right of the courts to order relief?

Mr. HATCH. I believe there are. I believe there are some on your side. In fact, I think there are as many, if not more, on your side.

So what I am saying is we are trying to do the art of the doable here. Personally, I do not like courts involved—in certain aspects of this, I would not want them involved at all—and I do not believe they will be, or I would be arguing for the Senator's position. I might add that some do like the courts involved in some of these areas, but I do not know many who do.

But let me just say that what we are trying to do is bring Senators together and reach a 67-vote total. We are one or two votes away from that. Some think we are there, but I do not ever count that until the final vote. We are one or two votes away from being there. And we are trying to keep the amendment intact.

And keep in mind, we have 300 people in the House of Representatives who voted for this amendment. If we add anything to it, it has to go back to them.

These are considerations the distinguished Senator from Illinois and I have to meet.

Now, as I recall, just to name two experts, Griffin Bell, former Attorney General of the United States, upholds this position. Professor Van Alstein, from Duke, who was Walter Dellinger's partner down there, upholds this position, as far as I know.

Mr. JOHNSTON. Who say this is a matter that has no ambiguity.

Mr. HATCH. Who say there is little or no likelihood that people can generally sue on behalf of all Senators under this amendment.

Mr. JOHNSTON. There is a huge amount of difference between ''little likelihood'' and ''clear.''

See, the difference is that we would have this litigation going through the courts. As Judge Bork said, thousands of cases with inconsistent results. Bond issues, contracts, subject to lack of clarity.

It is not too much to say that the capital markets of this country could, during the pending litigation, be put into complete chaos.

Mr. HATCH. I think those are scare tactics myself. Let me say a few things, and maybe I can clarify to a degree.

Mr. President, the balanced budget amendment is a fine-tuned law. It manages to strike the delicate balance between reviewability by the courts and the limitations on the courts' ability to interfere with congressional authority.

I wholeheartedly agree with the former Attorney General William B. Barr, who stated that if House Joint Resolution 1 is ratified there is,

> * * * little risk that the amendment will become the basis for judicial micromanagement or superintendence of the Federal budget process. Furthermore, to the extent such judicial intrusion does arise, the amendment itself equips Congress to correct the problem by statute.

In other words, we can correct any problem that does arise. ''On balance,'' he goes on to say, ''whatever remote risk there may be the court will play an overtly intrusive role in forcing the amendment, that risk is, in my opinion, vastly outweighed by the benefits of such amendment.''

In regard to Congress' power to restrain the courts, which I think is an important point, I think the Senator from Louisiana does the Senate a service in raising the issue.

In order to resist the ambition of the courts, the framers gave to the Congress in article III of the Constitution the authority to limit the jurisdiction of the courts, the type of remedies the courts may remedy, if Congress truly fears certain courts may decide to ignore the law and the precedence. If Congress finds it necessary, through implementing legislation, it may forbid courts the use of their injunctive powers already. And the Congress has done that from time to time.

Or Congress could create an exclusive cause of action or tribunal which carefully limits power satisfactory for Congress to deal with the balanced budget components or complaints.

But Congress should not, as the distinguished Senator from Louisiana proposes, cut off all judicial review. I believe that House Joint Resolution 1 strikes the right balance in terms of judicial review. By remaining silent about judicial review in the amendment itself, its authors have refused to establish congressional sanction for the Federal courts to involve themselves in fundamental, macroeconomic, and budgetary issues in question.

At the same time, this balanced budget amendment does not undermine the courts' equally fundamental obligation, as first stated in Marbury versus Madison, to say what the law is. After all, while I am confident that courts will not be able to interfere with our budgetary prerogatives, I am frank enough to say I cannot predict every conceivable lawsuit—nobody can—which might arise under this amendment and which does not implicate these budgetary prerogatives.

A litigant in such a narrow circumstance, if he or she can demonstrate standing, ought to be heard. They ought to have their case heard. It is simply wrong to assume that Congress would just sit by in the unlikely event that a court would commit some overreaching end. Believe me, Congress knows how to defend itself. Congress knows how to restrict the jurisdiction of courts or limit the scope of judicial remedies where the courts get completely out of line as they would have to be in this situation.

I do not think it is necessary. Lower courts by and large, and really almost always, follow precedent. The precepts of separation of powers and the political question doctrine effectively limit the ability of courts to interfere in the budgetary process. Nevertheless, if necessary, a shield against judicial interference is section 6 of House Joint Resolution 1, the constitutional amendment itself. Under this section Congress may adopt statutory remedies and mechanisms for any purported budgetary shortfall such as sequestration, rescission, or the establishment of a contingency. Pursuant to section 6, it is clear that Congress if it finds it necessary, could limit the type of remedies the court may grant or limit the courts' jurisdiction in some other manner to proscribe judicial overreaching. This is not at all a new device nor is it at all a new constitutional device. Congress has adopted such limitations in other circumstances pursuant to its article III authority.

In fact, Congress may also limit standing, judicial review, particular special tribunals with limited authority to grant relief. Such a tribunal was set up recently as the Reagan administration needed a special claims tribunal to settle claims on Iranian assets. Beyond which, in the virtually impossible scenario where these safeguards fail, Congress can take whatever action it must to moot any case in which a risk of judicial overreaching becomes something real.

Now, these standing, separation of powers, and political question issues are restraints. I might add, there is a distinction between remedies court can give and the ability to bring relief. Courts cannot interfere with the budgetary process. It is a political question. It would violate the separation of powers doctrine.

These three restraints—these are basic constraints—prevent the courts from interfering in the budgetary process.

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. HATCH. If I could finish this, I would like it to be uninterrupted. Then I would be happy to yield.

First, limitations on Federal courts contained in article III of the Constitution, primarily the doctrine of standing. That is not one.

Second, the deference the courts owe to Congress under both the political question doctrine and section 6 of the amendment itself, which confers enforcement authority in Congress—not in the courts, in Congress—specifically. I think a court would really have to overreach and overreach badly to try to go around that.

Third, the limits on judicial remedies which can be imposed on a coordinate

branch of government; in this case, the legislative branch.

These are limitations on remedies self-imposed by courts and that, in appropriate circumstances, may be imposed on the courts by Congress. These limitations such as the doctrine of separation of powers prohibits courts from raising taxes—that is a power exclusively delegated to Congress by the Constitution—and it is not altered in any way, shape or form by the balanced budget amendment that we are offering here today.

Consequently, contrary to the contention of the opponents of the balanced budget amendment, separation-of-power concerns further the purpose of the amendment in that it assures that the burden to balance the budget falls squarely on the shoulders of Congress, which is consistent, as I see it, with the Framers of the Constitution that all budgetary matters be placed in the hands of Congress.

Concerning the doctrine of standing, it is beyond dispute that to succeed in any lawsuit, a litigant must further demonstrate the standing to sue. To demonstrate article III standing, a litigant at a minimum must meet three requirements: No. 1, injury, in fact, that the litigant suffered some concrete and particularized injury.

No. 2, traceability —that the concrete injury, not only is the injury in fact because the litigants suffer some concrete or particularized injury, but traceability means that the concrete injury was both caused by and is traceable to the unlawful conduct.

And No. 3, redressability—that the relief sought will redress the alleged injury.

That is a large hurdle for a litigant to demonstrate that injury in fact requirement. That is something more concrete than a generalized grievance and burden shared by all citizens and taxpayers.

I do not know anybody who is an authority on this subject who would disagree with that. They might not like that, but that is what the law is. Even in the vastly improbable case where an injury in fact was established, a litigant would find it nearly impossible to establish the traceability and redressability requirement of the article III standing test. After all, there will be hundreds and hundreds of Federal spending programs even after Federal spending is brought under control.

Furthermore, because the Congress would have numerous options to achieve balanced budget compliance, there would be no legitimate basis for a court to nullify or modify a specific spending measure objected to by the litigant.

Now as to the redressability problem, this requirement would be difficult to meet because courts are wary of becoming involved in the budget process. They always have been, which they admit is legislative in nature, and separation of powers concerns will prevent courts from specifying adjustments of any Federal program or expenditures.

Thus, for this reason, Missouri versus Jenkins, the 1990 case that is often cited, where the Supreme Court upheld a district court's power to order a local school district to levy taxes to support a desegregation plan is inapposite. Plainly put, the Jenkins case is not applicable to the balanced budget amendment because section 1 of the 14th amendment, from which the judiciary derives its power to rule against the States in equal protection claims, does not apply to the Federal Government and because the separation of powers doctrine prevents judicial encroachments on Congress' bailiwick. Courts simply will not have the authority to order Congress to raise taxes. It is just that simple. And anybody who argues the Jenkins case just does not understand its 14th amendment implications.

Now on the political question, and these are important points, and I apologize to my colleague for making him wait until I make these points but I think they need to be made in order, and then, of course, I will be glad to discuss it with him.

The well-established political question doctrine and justiciability doctrine will mandate that the courts give the greatest deference to congressional budgetary measures, particularly since section 6 of House Joint Resolution 1 explicitly confers on Congress the responsibility of enforcing the amendment, and the amendment allows Congress to ''rely on estimates of outlays and receipts.''

Under these circumstances, it is extremely and all but unlikely that a court will substitute its judgment for that of Congress. I just cannot conceive of it, other than some future country that does not abide by its laws.

Moreover, despite the argument of some opponents of the balanced budget amendment, the taxpayer standing case, Flast versus Cohen, in 1968, is not applicable to enforcement of the balanced budget amendment. The Flast case has been limited by the Supreme Court to establishment clause cases. Also, Flast is, by its own terms, limited to challenging cases for an illicit purpose.

I also believe there would be no so-called congressional standing for Members of Congress to commence actions under the balanced budget amendment because Members of Congress would not be able to demonstrate that they were harmed in fact by any dilution or nullification of their vote, and because under the doctrine of equitable discretion, Members would not be able to show that substantial relief could not otherwise be obtained from fellow legislators, through the enactment, repeal or enforcement or amendment of a statute, it is hardly likely that Members of Congress would have standing to challenge actions under the balanced budget amendment. Highly unlikely.

Mr. President, I believe it is clear that the enforcement concerns about the balanced budget amendment do not amount to a hill of beans. The fear of the demon of judicial interference is exorcised by the reality of over a century of constitutional doctrines to prevent unelected courts from interfering with the power of the democratically elected branch of Government and to bestow Congress with the means to protect its prerogatives.

I think that even though you can always say there are ambiguities in the law, there always are. That does not negate the fact that this balanced budget amendment does not need to be amended to take care of something that is the most highly unlikely set of occurrences that could happen.

I will be happy to interchange with my friend from Louisiana.

Mr. JOHNSTON. Mr. President, I thank my colleague for yielding. On this question of justiciability and standing, the Senator is, I believe, familiar with the fact that many States have balanced budget amendments and there is a plethora of litigation in which State courts have taken jurisdiction.

In New York, in the 1977 fiscal crisis where they had a loan of $250 million, the court declared that that was permissible; took jurisdiction.

In the State of Georgia, a lease by development authority, the question whether that constituted indebtedness under that State's constitution.

In Wisconsin, whether a lease-purchase agreement constituted indebtedness.

In 1981 in Illinois, the legislature closed the schools early in pursuit of the balanced budget amendment of that State. The court took jurisdiction and, by the way, they said it was permissible but they took jurisdiction and made the decision.

In California, the employees' retirement system challenged the action of the State legislature which, in turn, passed fiscal emergency legislation to suspend funding to the State employees' retirement system, and the court took jurisdiction in that case and was able to order. They do so all across the country.

In my State, the courts specifically have stated they have jurisdiction. In the face of all of these State courts, in the face of Judge Bork, Attorney General Dellinger, in the face of Laurence Tribe of the Harvard Law Review and all of these others who say you probably would have standing, jurisdiction, justiciability, how it can be said—and I ask my colleague—how it can be said that there is no standing justiciability or that this is a political question escapes me.

Does the Senator desire to respond to that, or may I make one other point? Is he ready to respond to that? I see my colleague from Utah is not here.

Mr. BROWN. The distinguished Senator from Louisiana may want to go

ahead and complete his points before we respond.

Mr. JOHNSTON. The Senator from Utah also said the Congress would have the power if there were courts who began to meddle in this, accepted jurisdiction, that the Congress would then have the power, I guess by getting 60 votes to overcome a filibuster, in order to limit that jurisdiction of a case already started.

I just wonder at what point the Congress would feel constrained to act. Would it be after the district court had issued an injunction, after the court of appeals had ordered taxes increased or after the Supreme Court had acted? Why do we not fix that in advance so the court will not exercise this jurisdiction, will not exercise that power, except to the extent that the Congress specifically authorizes it? That is my question, and then I will yield to my friend from Michigan.

Mr. BROWN. Mr. President, the distinguished Senator from Louisiana has raised some concerns. My hope is that I can offer at least some comments that will be helpful to a portion of his concerns.

The issue of whether or not this provides ''a plethora of litigation''—I think those are the words that were stated—is a fair question to ask, and I think it is reasonable to bring it before the body. I asked that question specifically of the Assistant Attorney General when he came before the Judiciary Committee.

The point of the administration was that this could lead to a flood of litigation. I noted that a large number of our States, the vast majority of our States have similar balanced budget amendments. The one in Colorado is, of course, very strict, much stricter than this. This is the softest form of a balanced budget amendment that I know of. I think Americans that watch this debate will be shocked to find how weak a version it is because it can be waived by simply 60 votes.

However, the allegation that this would lead to a large amount of litigation already is a question that has been faced by this country because the vast majority of our States have constitutional amendments that require a balanced budget, and they are much tougher than anything we are talking about.

I asked the Assistant Attorney General to name for me the cases that he was worried about, this flood of litigation. He could not name one single case. Mr. President, let me repeat that because the Attorney General who had made that allegation was unable to name a single solitary case. And when pressed on it, he came up with the name of several cases that, indeed, involved States but did not involve the balanced budget amendment that those States had.

Now, what is the fact? Colorado has a balanced budget amendment. The last litigation we had——

Mr. JOHNSTON. Will the Senator yield on the question of what the Attorney General said?

Mr. BROWN. I would be happy to yield to my friend from Louisiana.

Mr. JOHNSTON. Quoting from Mr. Dellinger, Assistant Attorney General Dellinger's testimony on page 137 of the hearings, he stated as follows:

> There is as yet nothing in this amendment proposal that would preclude the courts of getting involved in issues of taxation. Recall Missouri v. Jenkins from 1990, where the Supreme Court held that while a Federal district court had abused its discretion in directly imposing a tax increase to fund a school desegregation program, that the modifications made in that case by the Court of Appeals satisfied equitable and constitutional principles.
>
> If we have an amendment that for the first time constitutionalizes the taxing and spending process and creates a constitutional mandate which the courts are sworn on oath to uphold, there is simply no way that we can rule out the possibility that tax increases or spending cuts would be ordered by the judiciary.

The Senator asked what was the case Mr. Dellinger was concerned about. That is it—taxing being ordered by the courts or spending cuts being ordered by the courts. That is page 137 of last year's hearing.

Mr. President, I ask unanimous consent that I be allowed to place in the RECORD at this point Mr. Dellinger's testimony.

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

EXCERPT FROM HEARING ON SENATE JOINT RESOLUTION 41—BALANCED BUDGET AMENDMENT

Mr. DELLINGER. Mr. Chairman, thank you.

Two hundred and seven years ago this summer, the framers of the Constitution met in Philadelphia. Their goal, as one of the founders put it, was to design a system of government that would ensure the grandeur and importance of America until time shall be no more.

The coming together of the American Colonies into a single Nation was more difficult than we can easily now imagine. John Adams wrote home from the Continental Congress in 1775 to the remarkable Abigail Adams, and he spoke of 50 gentlemen meeting together, all strangers, not acquainted with each others' ideas, views, language, designs. We are, he said, timid, skittish, jealous.

They came as representatives of legislative democracies that had some independence from England and had engaged in self-government, in many instances, for more than a century. They took enormous risk to create, in that summer of 1787, between the first day, May 25, and the last day, September 17, 1787, a system of government that has lasted longer and served better as a foundation for free government than any other constitution yet written.

It was the government designed to create a great republic, the kind of republic that John Marshall could then imagine as a young Chief Justice; where, from the St. Croix to the Gulf of Mexico, revenue was to be collected and expended, armies are to be marched and supported. To this end, Marshall wrote, all the sword and the purse, all the external relations and no inconsiderable portion of the industry of the Nation are entrusted to this Government.

This Government, under this system of government, as you know as the great historian of this body, the Senate, has provided an extraordinary basis for the achievement of the grandeur and importance of the American Nation.

I think we are considering today an amendment to that document that poses great risk. For that amendment is profoundly anticonstitutional, not unconstitutional—no amendment ratified in due course could rightly be called unconstitutional—but anti- constitutional in the sense that it goes against the basic spirit, the basic essence of some of the most profound aspects of the Constitution.

The Constitution, as written by the framers, did not constrain choices, It, rather, empowers the people to enact choices, except in those few instances, such as the freedom of speech and the press and of religion, that are ruled out of bounds altogether. Thisamendment is inconsistent with that goal, by seeking to shackle government.

It is a Constitution in which the principle of majority rule is so fundamental, so essential, that it literally goes without saying. There is no need even to mention that decisions are made by majority rule. And yet, here is an amendment that would, for the first time, allow 40 percent to hold hostage a majority of the Government with respect to a matter—the passage of a budget—that must be done.

We have, and will hear in the judiciary subcommittee today and yesterday, discussions to the fact that there are other supermajority provisions of the Constitution—and so, there are. But notice how different this proposal is. Each of the other supermajority provisions of the Constitution—the ratification of treaties, conviction of a President on charges of impeachment, the override of a veto, the expulsion of a Member or proposing an amendment to the Constitution—each of those calls for a supermajority in circumstances in which the default, the status quo, is perfectly acceptable and can remain if no action is taken.

If we do not propose a constitutional amendment because there is no supermajority, the Constitution we have remains as it is. We can go without a treaty. We can decline to impeach a President. We can decline to override the President's veto. But we must pass a budget. There is no underlying status quo of no budget that is acceptable. So that, in this unusual event, we would distort and challenge the basic notion of majority rule.

Some have noted that, indeed—and you would know this better than I—such a provision could, in fact, worsen budget deficits. I would certainly defer to your judgment, Mr. Chairman, on this, but I could easily imagine circumstances in which a majority and a minority leader thought it a lot more difficult to assemble 50 votes for a stringent budget vastly increasing taxes and cutting cherished programs than it would be to outbid each other to assemble 60 votes, where, if you achieve 60 votes through a bidding war, there is simply no limit on how large the deficit may be under this amendment.

So, you have this odd distortion between the votes necessary to pass a budget and one which could work in quite unexpected ways.

But those, Mr. Chairman, are just introductory remarks to what I think is the central concern that would be appropriate for the Department of Justice to represent to you today. And that is the implications of this amendment for the basic structure of our constitutional government and to the status of our Constitution as positive law.

Yesterday, one of the thoughtful supporters of this amendment described it as a necessary, quote, mechanism of discipline for our budget situations. And yet, the very flaw of this proposal is that it has no mechanism. And it is that absence of a mechanism of enforcement that makes this amendment such a threat to our basic constitutional values.

The central problem is that this proposed amendment promises a balanced budget without providing any mechanism for accomplishing that goal. It simply declares that outlays shall not exceed expenditures, without ever explaining how this desirable state of affairs shall come about, and without specifying who among our Government officials shall be empowered to ensure that the amendment is not violated or, if violated, the Nation is brought into compliance.

Some have said that Congress will feel duty bound to comply with the requirements of this constitutional amendment. And I agree that each Member of Congress would properly consider himself or herself individually bound to comply with the amendment. The difficulty is that the amendment does not provide any mechanism by which those individual Members of Congress can coordinate their separate constitutional obligation to support a balanced budget.

Each Member of the Senate and House might conscientiously set about to comply with the amendment. One Senator might vote to cut military spending; another to reduce retirement or other entitlement benefits; a third to raise taxes. Each would have been faithful to his or her oath of office. But each of the measures may fail to gain a majority support and, therefore, the amendment would not be, and the requirements of the amendment would not be, met.

Or, of course, Congress might simply, by 55 votes, pass an amendment that does not, in fact, produce a situation in which outlays do not exceed receipts.

What are we then left with? What would the senior advisors to the President tell the President would be the case if this amendment to the Constitution of the United States was not being complied with by the functioning and processes of Government?

I think we would certainly expect a vast array of litigation to ensure. One of the first matters to be litigated would be whether the President was obligated or entitled to make his own unilateral cuts in budget or otherwise, unilaterally, to raise revenues. This would be a very difficult question. I would imagine that different courts would resolve the issue differently.

Some would say that the President alone would be in a position simply to order a cut, even where the law required otherwise, because now he had the higher obligation to ensure that the Constitution was complied with.

Others would argue that it would be extraordinary to infer from the silence of this amendment such a sweeping and radical change in the allocation authority among the branches of Government. And yet, the issue would be resolved by judges and courts.

Surely the most alarming aspect of the amendment is that by constitutionalizing the budget process, the amendment appears to mandate an extraordinary expansion of judicial authority. Both State and Federal judges may well be required to make fundamental decisions about taxing and spending—issues that they clearly lack the institutional capacity to resolve in any remotely satisfactory manner.

One would hope that the judiciary would consider these questions political and beyond their scope. This political question doctrine, simply put, is the doctrine that is designed to restrain the judiciary from inappropriate interference in the business of the other branches of Government.

On its face, that basic doctrine would appear to constrain the court's review of a balanced budget amendment. And yet, the most recent decisions of the Supreme Court suggest that the court would be prepared to resolve questions that might once have been considered political.

We have the example of *United States* v. *Munoz-Flores* from 1990, in which the court adjudicated a claim that an assessment was unconstitutional because it failed to comply with the provision that it originate in the House of Representatives.

I would have thought before *Munoz-Flores* that the court would decline to adjudicate and would accept the authentication of Congress. And I would have been wrong.

In 1992, the court considered the congressional resolution of how one goes about apportioning the last seat for the House of Representatives, what formula to choose when Congress decides which State gets that last 435th seat in Congress. The losing State challenged—Montana—the Department of Commerce. And I would have assumed that the court would have considered this, too, a political question, left for the final resolution of the Congress. And, again, I was wrong in that assumption. Because the court did go to the merits, did consider it judiciable, and did pass judgment on this question.

So I think that however wise or unwise it may be for the courts to be involved in these issues—and I tend to think it is unwise—it is nonetheless the case that no one can provide any assurances that once this amendment constitutionalizes the budget process the court will not consider itself obligated to resolve issues that arise under that amendment.

Let me mention, for example, one that I noted just last evening where I could readily imagine a justiciable case where the party has standing and a declaration invalidating a major act of Congress, if this amendment were law today.

Section 4 of Senate Joint Resolution 41 provides that no bill to increase revenue shall become law—no bill shall become law if it increases revenue—unless approved by a majority of the whole number of each House on a rollcall vote. It is often the case that there are major pieces of legislation, like the crime bill, that contain provisions which a litigant might later argue, increase revenue, by providing more effective enforcement mechanisms, by providing forfeiture provisions.

A criminal defendant would surely have standing, prosecuted or sentenced under omnibus crime legislation, to say that this bill contains a provision which would increase revenues, and, therefore, it falls under section 4 of this amendment and is unconstitutional unless Congress had been alert to ensure that its approval was by a majority of the whole number of each House on a rollcall vote. Once you constitutionalize an area you take the resolution of critical questions, critical concerns, out of the hands of the elected representatives of the people and leave them in the hands of courts that now would be under a mandate to resolve these issues.

There are others who might have standing. Taxpayers, to be sure. I have never, myself, fully been reconciled to *Flast* v. *Cohen*, but it remains the law. Many of the provisions of this amendment appear to be an express or specific limitation on the tax against spending power which would generate standing in taxpayers to litigate. Certainly, if the President took action to cut benefits, if he, say, cut Social Security across the board by 9 percent in order to comply with the amendment, a beneficiary would challenge the President's authority to do that, and that issue would wind up in litigation.

There is as yet nothing in this amendment proposal that would preclude the courts of getting involved in issues of taxation. Recall *Missouri* v. *Jenkins* from 1990, where the Supreme Court held that while a Federal district court had abused its discretion in directly imposing a tax increase to fund a school desegregation program, that the modifications made in that case by the Court of Appeals satisfied equitable and constitutional principles. Those modifications included leaving the details of the mandate to increase taxes to State authorities, while nonetheless imposing a mandate that must have been met.

If we have an amendment that for the first time constitutionalizes the taxing and spending process and creates a constitutional mandate which the courts are sworn on oath to uphold, there is simply no way that we can rule out the possibility that tax increases or spending cuts would be ordered by the judiciary. And I think we would all agree that that is a profound change in our constitutional system.

I believe it was in the 48th Federalist that Madison assured those who were about to vote on whether to ratify or reject the proposed Constitution, Madison assured them that the legislative department alone has access to the pockets of the people. That is a theme which is carried forward by Justice Anthony Kennedy in his dissent in *Missouri* v. *Jenkins*, where he writes of how jarring it is to our constitutional system to have unelected life tenure judges involved in the process of taxation. Justice Kennedy wrote, ''It is not surprising that imposition of taxes by an authority so insulated from public comment and control can lead to deep feelings of frustration, powerlessness, and anger on the part of taxpaying citizens.'' We would not, I think—you would not want lightly to have put out a provision that so radically restructured the fundamental nature of our constitutional system in the face of such limited discussion about how these enforcement mechanisms would work.

Chairman BYRD. Mr. Dellinger, what was the vote in that case? The Supreme Court vote?

Mr. DELLINGER. I believe it was five to four. But I have not checked the vote. I believe it was five to four. I am seeing one of your very helpful staff members nodding behind you and assuring me. So it is a very close case, and I think the constitutional proposition set forth in section 1 would provide for many justices a more sound basis for being engaged in taxing and spending, where it says total outlays for any fiscal year shall not exceed total receipts. This is no longer part of the Pledge of Allegiance or a Fourth of July speech. We are talking about making this a part of the Constitution of the United States of America.

Mr. BROWN. I thank my friend for raising that point, and it proves precisely the point that I want to make. That case was not based on a balanced budget amendment. That case was based on the 14th amendment.

I might mention that the constitutional amendment before this body does not repeal the 14th amendment. The 14th amendment is in the Constitution. The cases are going to come up about the 14th amendment all the time. That was the whole point. The Assistant Attorney General had brought this specter of floods of litigation and his prime example was one

that dealt not with the balanced budget amendment but dealt with the 14th amendment.

Mr. JOHNSTON. He was saying that under the balanced budget amendment they would have the authority, that nothing would prevent the same authority exercised as in Missouri versus Jenkins.

Mr. BROWN. I think the point here is that the case he cited to express his concern was one that did not deal with the balanced budget amendment, and there are many of them that exist across the country.

Mr. JOHNSTON. No, but it dealt with the power of Federal courts to order taxation, which was what his concern was, which is what my concern is, and my amendment would prevent that. And why not do that?

Mr. BROWN. Let me suggest, the Senator's amendment deals not with the 14th amendment. It deals with appeals to courts and deals with appeals to courts on this amendment.

Now, the question is clearly this: Is the passage of a balanced budget amendment going to lead to a flood of litigation? When the Assistant Attorney General was asked to name a case, one case where you have had appeals to the courts and litigation in the courts about the numerous balanced budget amendments around the country, he was unable to name a single solitary case.

Now, Mr. President, those cases do exist. Colorado has had a constitutional amendment for a balanced budget in its constitution for over 100 years. We have had litigation on it. And the last litigation in Colorado on our balanced budget amendment was in 1933. It dealt with a peripheral case.

Now, this flood of litigation that the Assistant Attorney General is forecasting has not reared its head in the State of Colorado for over a half century, not a single case in over a half century. And the one that came up literally 60 years ago was one that did not deal directly with the issue of the balanced budget. It dealt with a peripheral issue.

Mr. JOHNSTON. Perhaps my friend did not hear the cases which I cited from around the country where courts have gotten involved in this. Looking to my own State of Louisiana, for example, in 1987, the court of appeals case, just to quote briefly, says:

> Defendants contend that there exists no justiciable issues in this case because the courts should not ''step in and substitute their judgment for that of the legislature and executive branches'' in the budget process. We disagree. The determination of whether the legislature has acted within rather than outside its constitutional authority must rest with the judicial branch of government.

That is from *Bruno* v. *Edwards*, 517 So. 2d 818, a 1987 case. It is all over the country that this is done. I do not know what they have done in Colorado. They have done it in my State. They have done it in New York. They have done it in Georgia. They have done it in Wisconsin, California. All across the country they have taken balanced budget amendments, and there has been standing found and the courts have found those issues to be justiciable and indeed in a 14th-amendment case, Missouri versus Jenkins they ordered up taxes.

Mr. BROWN. Let me reclaim my time, if I could.

Mr. President, the statement that I made was not that it is impossible that you would ever have litigation. That certainly has never been my position, and it is not now. And if the Senator's point is that it is possible that you could have litigation over this question, I would certainly indicate to him I think he is right. It is possible you could have litigation come up.

What we are dealing with here, though, is a question of whether or not this is going to engender a flood of litigation, a plethora of litigation, as has been indicated. That simply is not an accurate statement if you look at what has happened in the States of our country. It is simply inaccurate, and the proof—I have given proof in my State. We have not had a case in 60 years, and the one we did have 60 years ago dealt with a side issue.

Now, the Missouri versus Jenkins case that was referred to was a State action, and it dealt with the 14th amendment. It was not a balanced budget amendment case. So you can raise all sorts of specters, but let me suggest a test for all of these. Many Members honestly and sincerely think it is a mistake to have a limitation on spending. That is a difference between men and women of good spirit. While I am one who thinks the record shows that this country is not going to survive without a change in the way we appropriate money, while I am one who believes that some control on spending is essential to this Nation providing leadership in a world economy in the next century, I recognize that people of good spirit and good intentions may not share that view.

But when the question is put, if this amendment is passed will people who currently oppose the amendment to the Constitution then vote in favor of the constitutional amendment, my understanding is that they will not. I think you have to ask yourself, is this amendment put forward to improve the constitutional amendment to balance the budget? I believe that is the intent of the Senator from Louisiana. It is a sincere effort to deal with a problem of excessive court involvement. I know he is sincere about that. I think the purpose of his amendment is, indeed, to improve this constitutional amendment.

Mr. JOHNSTON. Will the Senator yield briefly on that point?

Mr. BROWN. I will in just a moment.

I think it is important to note that there does not appear to be anyone who is coming forward and saying look, if this amendment is adopted, we are willing to sign on and agree with you; limitations are important.

I yield to the distinguished Senator.

Mr. JOHNSTON. Mr. President, I just want to point out, right before this debate started there were, I believe, two Members who are undecided, on our side, who said in my presence right here that this amendment may determine how they vote. They will have to speak for themselves.

I will tell my colleague privately who they were. I do not think I should use their names. They can speak for themselves. My question is, are there those on your side of the aisle whose votes you lose by making clear the jurisdiction of the court? My guess is you do not, because this is almost identical to the Danforth amendment which was passed in the last Congress without objection.

Mr. BROWN. That is a fair and appropriate question. I suspect I have a responsibility to check on that.

Mr. President, I wonder if the Senator from Louisiana would be willing to respond to a question of mine?

Mr. JOHNSTON. Certainly.

Mr. BROWN. I guess the question that occurs to me is, would it be the Senator's intent, if this constitutional amendment is passed and if Congress refuses to abide by that constitutional amendment, to preclude any enforcement of it through the courts?

Mr. JOHNSTON. No. As a matter of fact, the amendment very specifically allows the Congress to implement the—to authorize judicial relief. But only to the extent that Congress specifically authorizes it.

As I mentioned, the Congress may well want to, for example, say the court shall have declaratory relief; may be able to cut spending but not raise taxes; or you may want to have direct jurisdiction in the Supreme Court—original jurisdiction there, so as to expedite the hearings. There are all kinds of things we may want to do that would help clear up, for example, what happens in the bond market while these cases are moving through ever so slowly from all around the country. We ought to be able to deal with that in congressional legislation. I not only do not preclude that, I specifically authorize it in this amendment.

The difference between that and the way we are now is it is unclear whether or not the courts have that inherent authority. If the Congress does not act, then it is my belief, along with Laurence Tribe and Robert Bork and Professor Dellinger, et cetera, that they would probably have that jurisdiction. I say: Make it clear.

Mr. BROWN. At least my understanding is that Congress does have the ability to deal with that now.

Mr. JOHNSTON. The Congress does have the ability under, I believe it is section 5—section 6, to do that. That is clear.

However, upon failure to act by the Congress, then the courts would probably have this jurisdiction anyway. The difference between section 6 of the amendment as presently stated and

under my amendment, my amendment says that unless Congress specifically acts, there is no jurisdiction in the court. Whereas section 6 says the Congress may act, but in the meantime it is unclear what the authority of the courts is.

Mr. BROWN. I wonder if the Senator has thought about spelling out in his amendment the kinds of appeals that he would have in mind? I think part of the concern as we look at the amendment is the concern that this could well end up sabotaging the balanced budget amendment, in that if the Senator spelled out the kinds of appeals he had in mind, it might go a long way toward generating support on it.

Mr. JOHNSTON. What Senator HATCH has stated is that the court would have no jurisdiction. He says that is clear. I think it is demonstrably unclear.

I think the question of how you spell out the jurisdiction and remedies ought really to take up some serious time of the Judiciary Committee: Bring in the legal experts, talk about whether you want to limit it to injunctive relief, whether you want to limit the power to enact taxes. All of those are very close and difficult legal questions that I think take a lot of thought, which are beyond my ability to spell out.

I think you can spell out the broad constitutional terms right here. The court shall or shall not have power. But we would preserve that power of the Congress to do that. The real question is: Should the court have the power to order taxes, provide injunctive relief, make decisions, declaratory judgments, if the Congress does not specifically authorize it?

I believe the answer to that is no. And that is why this amendment clears that up and makes it unambiguous.

Mr. BROWN. I might say, Mr. President, at least my understanding, and the Senator may want to correct me if he feels I have misphrased it, my understanding is Senator HATCH's view is that the courts could not interfere with the budgetary process but that Senator HATCH does feel the courts should be able to give some limited relief.

I think that may be a different way of describing the Senator's position. Obviously, Senator HATCH is quite able to describe his own position.

Mr. JOHNSTON. My description of Senator HATCH's position is that he would like to have it both ways to satisfy those who think there ought to be court relief and to satisfy those who think there should not be court relief, because he has some of those voting for the amendment. I understand the position of my friend, Senator HATCH, which is he wants to pass the amendment, and that is fine.

I have called into question the political calculus that says you lose votes by passing this amendment. I think you endanger, politically, this amendment by not clearing up this fundamental question.

Mr. BROWN. Let me say I am shocked to hear that any Member of the Senate would want to have it both ways. I cannot imagine—it seems unprecedented—that any august Member of this body would take that position.

Mr. JOHNSTON. One wants it this way and one wants it that way. You can sort of be all things to all people by saying: Well, it is clearly a settled question there is no standing to sue, so therefore the court will not get involved. But, on the other hand, there may be some cases that will need to come to the court, where the court will need to order some relief.

The classic, to me, was Attorney General Barr, who said—this is really rich. First of all, he said:

> I do believe the Congress should consider including language in the amendment that would expressly limit judicial review to actions for declaratory judgment.

Then he goes on to say:

> If, however, such a position would prove to be politically unpopular, I believe, for the reasons detailed in my written statement, that Congress can safely pass the amendment in its current form without undue concern that the courts will entertain large numbers of suits challenging Congress' action on the amendment or that, even if the courts do entertain some suits, they will order intrusive injunctive remedies.

I mean, he says well, they are probably not going to do it. If they do, there will not be many. And even if they do a few, they will not order intrusive injunctive relief.

What is intrusive? I would think Missouri versus Jenkins—if they got their foot in the door, and Solicitor General Barr says they might have some suits, having their foot in the door it does not take many orders of the Supreme Court increasing taxes to be pretty intrusive to the American people.

Mr. BROWN. I thank the Senator for his comments. I, of course, am shocked that any Member would try and have it both ways as we go forward.

But let me suggest——

Mr. LEVIN. While the Senator is expressing his shock, I wonder if he will yield for additional comment?

Mr. BROWN. No, I will not yield. Let me finish my statement, and then I will be glad to yield to the Senator.

It is quite clear there is a distinction between remedies that the courts can give and their ability to bring relief. That is well established. I do not think anyone questions it. The courts cannot interfere with the budgetary process because it is a political question. I think that is well established. It would violate the separation of powers. Those are quite clear. The real question I think you get down to with this is do you want to find a way to wiggle out from even the very, very modest levels of discipline that this constitutional amendment would bring?

My belief is that it is quite clear that the courts cannot get involved with a political question, that the talk about a 14th amendment case as applying here when it has not found that kind of action with regard to any of the balanced budget amendments that appear in any of the States is to raise a red herring. I do not mean it is not brought up in good faith. I share the view that the Missouri versus Jenkins case was not decided correctly. But it does not apply to the balanced budget amendments. It dealt with the 14th amendment.

Let me just say one other thing. Any American that honestly believes that we can continue on the way we have been I think is kidding themselves. Any American that can look at the last quarter-century in which we have not balanced the budget one single solitary time and think that we are going to solve this without changing the system is kidding themselves. Whether Democrat, Republican, liberal or conservative, you are driving this train off a cliff. You are taking the future of this Nation, the future of our children and running it off a cliff.

There may be Members who come to this floor and say, look. We can solve this thing. Just let us continue on the way we are, and say it sincerely. But I do not think it is true. I do not think you can look at what has happened and decide in any other spectrum that we have a train wreck ready to happen, that we are unable to help ourselves, that we have to have some discipline.

The question I think that is fairly asked is, is this the right remedy? The American people ought to look at the States that have constitutional amendments that require a balanced budget. In Colorado we have had the constitutional mandate to balance the budget for over 100 years. Of those over 100 years it has been balanced every single year. It has been balanced in good years and it has been balanced in bad years. It has been balanced when we have had a Republican administration and when we have had a Democratic administration. It has been balanced when we have had a Democratic legislature, and it has been balanced when we have had a Republican legislature, and it has been balanced because they had to do it. If you had not required them to do it, I guarantee it would not have gotten done.

In the last 25 years, we have not had a single, solitary year, not one, where you have had a balanced budget. I do not think there is anybody in this Chamber—or at least not very many—who would come to the floor and say we have done a good job setting priorities. If anybody is comfortable with a program to subsidize tobacco at the same time you have a program to urge people not to use it, I want them to come forth and tell me about it. That is ludicrous. Whether you are from a tobacco State or not, to subsidize a crop that you turn around and urge people not to use and bill the taxpayers for both ends of it is stupid. That is what we are doing.

We have a foreign assistance program that buys weapons for one country to

counter the weapons we bought for another country which were given to counter the weapons we bought for the other country to begin with. That is nuts. We have refused to set priorities. That is just plain ludicrous.

We have a farm program that results in people growing crops on land that are better suited to other crops. Does that make any sense at all? We literally grow crops on ground that would never be used for that purposes if you did not have a program like that. That is the silliest thing I ever heard of. And we continue to do it.

If you think those examples are out of place, look at the rest of the way we spend our money. Does anybody believe that the Tea Tasting Board is a good idea? The National Jute Association or the International Jute Association? There is not one of these, there is not 10 of these, there is not 1,000 of these. There are thousands and thousands and thousands, and the reason they exist is we have not set priorities.

The facts are these: We have not balanced the budget once in 25 years. We have not balanced it when we have had a recession and we have not balanced it when we have had a boom.

The President who says we can solve this without a balanced budget amendment sent us a budget the other day. The estimates I believe are inaccurate. But even if you accept the estimates, which incidentally include a suggestion that we are not going to have a recession in the next 5 years—and, if anybody wants to make a bet on that one, I would be glad to take their money—even with assumptions that you are not going to have a recession again, even with the assumptions that the rate of inflation is going to have less of an impact on increasing spending than it will on raising revenues. Let me be specific about that.

They assume a rate of inflation that will increase revenue at a higher rate than you will increase the cost of programs. One level of inflation, and they assume that you are going to have a higher level of inflation for increasing revenue than you will have for increasing programs. It would be laughable if it were not so serious. Even with assumptions that by anybody's definition are creative, even with assumptions that say we are not going to have any new spending programs—and we have not had a Congress when you did not have new spending programs that I can recall—even with wild assumptions, even with no new programs, even with no emergencies, even with no waivers for the budget, the deficit continues on for a level of a couple hundred billion dollars. And CBO says that it is going to go up to above $400 billion by 10 years out.

That is from the person who says we can solve this legislatively. It is nonsense. It is nonsense. To say no to a balanced budget amendment to the Constitution is to say no to our future, to gut this constitutional amendment from ever being able to be enforced is a travesty in this Member's view.

Mr. JOHNSTON. Will the Senator yield?

Mr. BROWN. If we are going to deal with this issue, we need an alternative. I have to tell you I think this balanced budget amendment that is before this body is far too weak. Colorado says you have to have a balanced budget. And we balanced it. This says you have to have a balanced budget unless 60 percent of Members vote to waive it. It is the softest, weakest, most ineffective balanced budget amendment I have seen. There may be others in the States that are weaker than this. But I do not know about them.

This very, very, very modest form of discipline apparently is too much for people who believe that the future of our country is on uncontrolled spending. But let me tell you, Mr. President. This issue is a lot more important than Colorado or Louisiana or Michigan. This issue goes to the very heart of the future of this Nation and the future of the men and women who have their children and their grandchildren who are going to be raised in this country.

This issue is a question of whether or not we are able to control the waste that has given us the biggest national deficit in the history of this country or the history of any country in the history of the world.

Mr. JOHNSTON. Will the Senator yield at that point?

Mr. BROWN. Let me finish my statement, if I could, because it seems to me we are overlooking the real problem. The real problem here is an appetite by this Congress for uncontrolled spending. The real problem here is an unwillingness to live by any limitation.

Mr. President, I want to relate a fact to the Members in this body, because I think every one of them knows it and shares it. I came to Congress in 1981. We passed a budget, and the budget was not balanced. But what it said is the next year out it is going to be balanced. We are not balanced this year. But give us another year, and we will have it balanced. We had a plan to get there. We had limitations on spending, and projected tax revenue. What happened? What happened was this: Congress appropriated more money than they had allowed for in their own budget. They waived their own Budget Act. The fact was our estimates were overblown, and we exceeded our own spending limits. You would say, OK. That is one year out of one. That is not too bad. But what happened the next year? The next year we adopted a budget with the phony estimates in it. And that is exactly what they were. They were phony, and they were Reagan estimates, and I called them phony at the time. We adopted a budget with phony estimates in it, and Congress exceeded its own spending budget again. And everybody said next year. The next year we adopted a budget, and it said after a couple or 3 years we are going to get down to a balanced budget. It had phony estimates in it, and Congress exceeded the amount that they allowed themselves to spend.

Mr. President, that has happened every single, solitary year. It happened in 1981, it happened in 1982, and it happened in 1983 and 1984, it happened in 1985, 1986, and 1987, 1988, 1989, 1990, 1991, 1992, 1993, and 1994. Does anyone honestly believe it is not going to happen again and again and again? If you do not believe it look at the President's budget. Look at the assumptions that are in the President's budget. Come to this floor and honestly tell me you think we are on the right path.

The simple facts are these: We are hoodwinking America. We have passed budgets every time in the last 15 years, and every time those budgets were not realistic, and every time those budgets were not followed and they are not going to be followed.

We are debating an amendment that says we are going to eliminate the Court's ability to have any discipline here. It does not surprise me that this Congress does not want to have discipline over spending. But if anybody cares about the future of their kids and grandkids and what this country stands for, then they had better figure out a way to bring discipline to this place and figure out a way to have accurate estimates, better figure out a way to have us change our ways, because the reality is that this is shameful. The reality is that we have taken the future of the strongest, greatest Nation on the face of the Earth and we have thrown it in the trash because people did not have the courage and the willingness to stand up and eliminate wasteful spending and set priorities.

I do not know how many people watch Presidential trips, but I can tell you it happens both in Democratic and Republican administrations. You have so many people that go with the President on trips, and it is shameful. Anyone who looks at the way Congress spends its money has to be shocked. Do you really need elevator operators on automatic elevators? Are Members really unable to push the buttons themselves? Do you really need a staff that is nine times bigger than any other country in the world has for its deliberative body? Incidentally, that is what our staff is, said the Congressional Research Service the last time they did a study on it. Does anybody believe we need 1,100 police officers on Capitol Hill? I mean, that is two, 2½ for every Member of Congress.

Mr. President, this Congress is out of control. We desperately need controls. We desperately need discipline. To adopt an amendment that eliminates our ability to have this measure enforced, I think, turns a blind eye to the problem the American people have. I do not know whether this constitutional amendment is going to pass, but I will tell you one thing, the American people are not going to watch their future thrown down the drain.

This is a lot more important than Democrats or Republicans, a lot more important than party. It deals with the future of our country and of our children. I do not think anybody who believes you can continue on with the kind of abuse we have had for this system is looking at the world right. I have listened to the debate on the floor. I hear Members come to the floor say, goodness, the problem is not with Congress. The Congress' budgets have been less than what the President has asked for. That is right, but it is not accurate. The truth is, yes, the budgets Congress has passed have not been as large as what the Executive—sometimes—has asked for, but left unsaid in that is the fact that Congress has appropriated more than either they budgeted or what the President asked for in budgeting.

To say that and describe the problem in that way simply misleads people. Congress has not been responsible when it has come to our budget. Yes, we have adopted budgets that look good at the time, but we did it with phony estimates and we turned around and ignored them.

Mr. JOHNSTON. Will the Senator yield?

Mr. BROWN. I think the point of all of this—and then I will yield—is simply this: If we are looking for an answer to this problem that avoids discipline, that avoids controls, that avoids limits, we are going to fail.

I yield the floor.

Mr. JOHNSTON. Will the Senator yield for a question?

Mr. BROWN. I am glad to yield.

Mr. JOHNSTON. My colleague made a powerful speech—and I really mean that—for a balanced budget. But I do not understand him to be saying that the court ought to be the one to order a balanced budget, to order a tax increase, or to order spending cuts; am I correct in that?

Mr. BROWN. Well, my belief is that political questions will not come out of the jurisdiction of the court. It seems to me there is an area for court jurisdiction here—enforcement.

Mr. JOHNSTON. But is the Senator familiar with the fact that, in 1982, two former attorneys general, Senators GORTON and Rudman, offered an amendment of the same import of my amendment today, and that although it was defeated, 12 Republicans who are still serving in the Senate voted for the amendment, including Senators CHAFEE, COHEN, DOLE, GORTON, HATFIELD, KASSEBAUM, LUGAR, MURKOWSKI, PRESSLER, ROTH, SPECTER, and STEVENS—that list includes some of the best lawyers in the Senate—and the point is, on this question of whether the courts ought to have jurisdiction—I think my friend would agree with me—is one that really merits some very serious thought; would the Senator not think?

Mr. BROWN. I certainly agree. In terms of the other Members the distinguished Senator mentioned, I would leave it to them to defend their votes. I have enough trouble defending my own.

Mr. JOHNSTON. Has the Senator voted on this question before?

Mr. BROWN. I would be glad to check the record and let the Senator know.

Mr. JOHNSTON. I would not think the Senator made the mistake of voting against this kind of amendment before. I do not believe he has, because it was passed in the last Congress, without objection. The Danforth amendment was passed in the last Congress, without objection. It truly has been a bipartisan amendment, where Senators on both sides have seen the real need to limit the intrusiveness of the courts. The power of the courts, once granted, can extend to raising taxes, as well as cutting budgets, and they are not elected. They do not represent the people and they should not be able to do it, except to the extent that we in the Congress give them the power to do it.

I hope the Senator will come to my point of view. That has nothing to do with whether you are for this balanced budget amendment or not—just as those Republican Senators who voted in 1982 for the Rudman-Gorton amendment were supporters of the balanced budget amendment but wanted to limit the intrusive powers of the courts to get involved in this matter.

Mr. BROWN. Let me suggest to my friend that while 1982 was not a long time ago, it was before the Lujan case, which occurred in 1992 and which, obviously, affects thinking in this area. Clearly, these Members will be able to speak for themselves and defend it as they wish. We have other requests for time, so I will yield the floor.

Mr. LEVIN. Will the Senator from Colorado yield for a question?

Mr. BROWN. Our time is limited. I will yield the floor, and I know the Senator will be recognized in due course by the Chair.

Mr. JOHNSTON. Mr. President, I yield 10 minutes to the Senator from Michigan.

Mr. LEVIN. I wonder if the Senator from Colorado will respond to some questions that I have of him on my time now. One of the things which the Senator from Colorado epitomizes is honesty and straightforwardness, and he, with great feeling, I think, expressed the view of all of the Members of this body, which is that we should not kid ourselves, that we ought to be honest. Honesty is something which he has reflected throughout his career, and I admire him for what he says, what he believes, what he feels and what he represents.

The Senator has made some statements about the balanced budget amendment and how it is, in some respects, quite weak and not self-enforcing which, frankly, I happen to share, but that is not the purpose of my question. The purpose of my question goes to the Johnston amendment and whether or not we should be honest as to whether or not the courts are going to be able to enforce the balanced budget amendment in the absence of legislation, pursuant to section 6.

The Johnston amendment makes it very clear that we are able to authorize the court, if we adopt enforcement and implementation legislation, pursuant to section 6, to do whatever we authorize that court to do. But in the absence of implementation legislation, setting forth the authority of the court, the question is, honestly, what is the intention of this amendment? There is ambiguity, and if we are looking for honesty—and I believe we all are—we should clarify that issue. There is no reason to write a constitutional amendment which is ambiguous at the heart of the amendment which is: How is it going to be enforced? That is the heart of it. We can make all of the great statements we want about balancing the budget, and we have during the early 1980's.

But the key to a constitutional amendment is how it is going to be enforced. The key to this constitutional amendment, as has been said over and over again by the sponsors, to section 6 which is the implementing legislation, implementing legislation which would be required of a future Congress.

I have problems with laying this on the doorstep of a future Congress, because I think we ought to adopt implementing legislation. I do not think we ought to kick this can down the road up to 7 years. But that is a different speech. That goes to the question of just how effective this is as a budget balancing tool.

My question of my friend from Colorado goes to the intent of the sponsors of this amendment as to court enforcement, and I have two questions. First, is it the intent, is it his understanding of the intent, that Members of Congress would have standing to file suit to enforce this constitutional amendment?

Mr. BROWN. Well, the Senator is asking for a legal interpretation. I would be glad to supply that and I will supply it for both the Senator and for the RECORD.

Let me say I think it is worthwhile noting here that none of the amendments to the Constitution—and, as you know, we have a number—have included the language as suggested by the distinguished Senator from Louisiana. What is being suggested is different from what we have done with any other constitutional amendment.

Second, we did have a proposal last year, I understand, that did limit appeals to declaratory judgments. That is the first time I am aware of—the distinguished Senators may wish to correct me—it is the first time I am aware of that you have had that added to a proposed amendment to the Constitution.

Finally, let me suggest, I think it is section 2 of this amendment that deals with the question of whether or not those questions are left open or vague or unanswered. At least I think a fair

reading of that section indicates that there is real guidance within the amendment itself.

Mr. LEVIN. Specifically in section 2, what is the Senator referring to?

Mr. BROWN. Let me get that section for you.

Section 2 reads as follows:

The limit on the debt of the United States held by the public shall not be increased unless three-fifths of the whole number of each House shall provide by law for such an increase by rollcall vote.

That, at least as I read the constitutional amendment, is where the real discipline of this matter is.

Mr. LEVIN. My friend from Colorado points to something which has also been pointed to by other sponsors of this legislation, which is section 2. But is it not true that section 2, in terms of that particular type of debt limit, requires Congress to act?

Mr. BROWN. Sure.

Mr. LEVIN. So that even section 2 depends upon implementation by Congress of a limit on the publicly held debt; is that correct?

Mr. BROWN. I think the value of this, I say to my friend, is that while you are looking for a device that controls this and avoids ways for people to wiggle out of it, by focusing on what people borrow, we think that may be the single most effective enforcement device there can be.

Mr. LEVIN. But my friend from Colorado is not responding to my question, which is: Is it not true that there is no current debt limit, as defined in section 2, which is a debt limit on the publicly held debt and, in order to establish such a debt limit, legislation would have to be passed?

So again, it depends on a future Congress to establish a limit on the so-called publicly held debt, a limit which has not heretofore been established by statute; is that correct?

Mr. BROWN. I think the Senator makes a valid point. There is no question that future Congresses obviously have to be involved in this decision, whether it is the discipline or whether it is the definition.

Mr. LEVIN. The discipline which my friend refers to again depends on future Congress acting.

I ask unanimous consent that a letter from the Attorney General to me stating exactly that be now printed in the RECORD.

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

U.S. DEPARTMENT OF JUSTICE,
Washington, DC, February 14, 1995.

Hon. CARL LEVIN,
U.S. Senate, Washington, DC.

DEAR SENATOR LEVIN: This responds to your letter to the Attorney General of February 14, 1995, concerning the proposed Balanced Budget Amendment to the Constitution. In that letter you asked whether legislation setting a ''limit on the debt of the United States held by the public'' would have to be passed before Section 2 would have any force. Section 2 states that any increase in the limit on such debt must be passed by a three-fifths rollcoll vote of the whole number of each House of Congress.

We have consulted the Office of Management and Budget, which has advised us that there is at present no statutory limit on the ''debt of the United States held by the public,'' the type of debt described in Section 2. Rather, there is a limit on the ''public debt,'' which includes debt held by the public and certain other debt, such as debt held by the Social Security Trust Fund. Unless and until Congress passes legislation establishing a limit on the type of debt described in the amendment, the strictures against increasing this debt limit would have no effect.

Please do not hesitate to contact this Office if we can be of assistance on this or any other matter.

Sincerely,

SHEILA ANTHONY,
Assistant Attorney General.

Mr. LEVIN. Because over and over again we have heard that section 2 is the discipline. In fact, section 2 is only operative if a future Congress establishes something called a limit on publicly held debt—publicly held debt.

Mr. BROWN. I would beg to differ with my friend. I think the language of section 2 is quite clear, not vague. ''The limit on the debt of the United States held by the public shall not be increased unless three-fifths of the whole number of each House shall provide by law for such an increase by rollcall vote.'' Obviously, it involves the Congress in several extents. One, of course, is the waiver should they vote—-

Mr. LEVIN. If I could interrupt my friend again. That is not the point I am making. Any increase in that debt would have to be voted by 60 percent of the Senate. That is clear in the language. But the establishment of the limit itself would have to be, in the first instance, created by the Congress, because there is no such limit at the moment. Would the Senator from Colorado agree with that?

Mr. BROWN. I think the Senator is right to point out that defining what the terms ''debt of the United States held by the public'' is indeed something that requires it.

But I would point out—-

Mr. LEVIN. It requires Congress to act; is that correct?

Mr. BROWN. Yes. Indeed, I think the Senator is correct. But I would point out on that that if that is the Senator's concern, let me suggest I think the words of that section are very clear. I do not mean to suggest to the Senator that creative minds that abound in this Congress and our courts could not find a way to misinterpret that. But I suspect that even the most creative minds would be pressed to find that language vague or unreasonable.

Mr. LEVIN. I think it would be quite simple, actually, to have an argument as to what is meant by that term.

Now to get back to my question. Is it the intent of the Senator from Colorado that a Member of Congress would have standing to file suits to enforce this constitutional provision?

Mr. BROWN. That is an appropriate legal question. I would be glad to supply the Senator a legal memo to that effect, and I would be glad to put it in the RECORD.

Mr. LEVIN. In that case, I will ask a second question. I think these are critical questions and I think we should get answers to them from the sponsors.

Is it the intent of the Senator from Colorado that a court could invalidate an individual appropriation or a tax act?

Mr. BROWN. Let me speak in reference to section 2. It seems to me, at least in regard to section 2, the device here that I think is so helpful, at least I like it very much, is that it limits Congress' ability to continue to borrow money in that regard and that indeed does have an impact on one's ability to fund new programs.

The PRESIDING OFFICER. The time yielded to the Senator from Michigan has expired.

Mr. LEVIN. Mr. President, I wonder if the Senator from Louisiana would yield me 5 additional minutes?

Mr. JOHNSTON. I so yield.

Mr. LEVIN. My question to the Senator from Colorado is: Is it the intention under this amendment that courts could invalidate the individual appropriations or tax acts? The Senator from Colorado repeatedly said that it is not the intention of the Congress, it is not the intention of this balanced budget amendment to have courts interfering with the budgetary process. That is what the Senator from Colorado has represented. It is not the intention of this amendment to have courts interfere in the budgetary process?

My question is: Is it the intention of the sponsors or of the Senator from Colorado that a court could invalidate an individual appropriations or a tax act?

Mr. BROWN. I am sorry.

Mr. LEVIN. Does the Senator wish me to repeat the question?

Mr. BROWN. Would you please?

Mr. LEVIN. Is it the intention of the sponsors or the Senator from Colorado that a court could invalidate an individual appropriations or tax act?

Mr. BROWN. It strikes me that the beauty of section 2 is that it places the limit on the amount we can borrow, which places then back in the hands of Congress the discretion as to what we fund and the limit discipline it places on us is our limit to add to the debt. So at least my impression would be Congress would retain the ability to make a decision as to where their limited funds would be allocated.

Mr. LEVIN. Let me ask my friend from Illinois, because I do not think that is responsive to the question.

The Senator from Illinois is on the floor. Is it the intention of the sponsors of this amendment that the court, without further authority under section 6, would have the power to invalidate an individual appropriation or a tax act?

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, in response, my instinct is that unless there was a blatant violation of the intent of this amendment, the courts would not get involved. We are not dealing with something like the 14th amendment where it is somewhat amorphous.

Mr. LEVIN. The words ''blatant violation'' are all that have to be alleged in a suit brought in a court to then allow the invalidation of an appropriation or tax act.

Is that what the Senator from Illinois is saying?

Mr. SIMON. Mr. President, the answer is we can imagine all kinds of scenarios. But the reality is that we want to handle this ourselves. We do not want the courts to get involved. If some future Congress were just to blatantly say, ''We will ignore the Constitution,'' then the courts might get involved.

The courts have only been involved in a tax matter in the Jenkins case in Kansas City where we have a different constitutional principle involved.

In this amendment we are not talking about very precise things, but about a self-enforcing mechanism.

Mr. LEVIN. Mr. President, since we are on my time, I say to the Senator from Illinois, I think the Senator from Pennsylvania wants to comment.

Let me tell Members what the reason is that I am pressing folks on this. The key sponsor of this legislation in the House, Representative SCHAEFER of Colorado, who is the lead sponsor of Schaefer-Stenholm, had the language that we are debating now. He said the following: ''A Member of Congress or an appropriate administration official probably would have standing to file suit challenging legislation that subverted the amendment.''

I want to read all three of these comments of Representative SCHAEFER and contrast this to the assurances that the Senator from Utah, I think in good conscience, gave as to his intention that there is no standing to sue on the part of Members of Congress, that the courts will not be able to intervene. And yet the sponsor on the House side states a very, very different intent, which is the reason we should adopt the Johnston amendment, because there is not only ambiguity among law professors, there are differences between sponsors on this side and sponsors on the House side.

The second statement of Representative SCHAEFER: ''The courts * * * could invalidate an individual appropriation or tax act.'' Think about that. Here we are told there is no intention for courts to be involved in the budgetary process. The principal sponsor on the House side says under this amendment a court could invalidate an individual appropriation or tax act. If that is not meddling in the budgetary process, I do not know what it is.

Finally—I think my time is run out. I yield the floor.

I ask unanimous consent that a copy of the statements of Representative SCHAEFER, along with the accompanying letters, be inserted in the RECORD at this time.

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

U.S. SENATE,
Washington, DC, February 14, 1995.

Hon. JANET RENO,
Attorney General of the United States, Washington, DC.

DEAR MADAM ATTORNEY GENERAL: Enclosed is a copy of the proposed Constitutional Amendment relative to the balanced budget. My question is the following:

The Committee Report states (p. 8) that the amendment is ''self-enforcing'' because of Section 2, which requires a three-fifths vote to increase ''[t]he limit on the debt of the United States held by the public.'' Is Section 2 self-enforcing, or must Congress act pursuant to Section 6 to adopt enforcement and implementation legislation for this provision to be legally enforceable?

I would appreciate your very prompt reply, given the fact that we are debating this amendment at the current time.

Thank you.

Sincerely,

CARL LEVIN.

U.S. DEPARTMENT OF JUSTICE,
Washington, DC, February 14, 1995.

Hon. CARL LEVIN,
U.S. Senate, Washington, DC.

DEAR SENATOR LEVIN: This responds to your letter to the Attorney General of February 14, 1995, concerning the proposed Balanced Budget Amendment to the Constitution. In that letter you asked whether legislation setting a ''limit on the debt of the United States held by the public'' would have to be passed before Section 2 would have any force. Section 2 states that any increase in the limit on such debt must be passed by a three-fifths rollcall vote of the whole number of each House of Congress.

We have consulted the Office of Management and Budget, which has advised us that there is at present no statutory limit on the ''debt of the United States held by the public,'' the type of debt described in Section 2. Rather, there is a limit on the ''public debt,'' which includes debt held by the public and certain other debt, such as debt held by the Social Security Trust Fund. Unless and until Congress passes legislation establishing a limit on the type of debt described in the amendment, the strictures against increasing this debt limit would have no effect.

Please do not hesitate to contact this Office if we can be of assistance on this or any other matter.

Sincerely,

SHEILA ANTHONY,
Assistant Attorney General.

STATEMENTS OF REPRESENTATIVE DAN SCHAEFER, LEAD SPONSOR OF THE SCHAEFER-STENHOLM SUBSTITUTE TO HOUSE JOINT RESOLUTION 1

A member of Congress or an appropriate Administration official probably would have standing to file suit challenging legislation that subverted the amendment.

* * * * *

The courts could make only a limited range of decisions on a limited number of issues. They could invalidate an individual appropriation or tax Act. They could rule as to whether a given Act of Congress or action by the Executive violated the requirements of this amendment.

* * * * *

. . . no role for the courts is foreseen beyond that of making a determination as to whether an Act of Congress . . . is unconstitutional and a court order not to execute such Act. . . .

Mr. JOHNSTON. Mr. President, I yield 15 minutes to the Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I rise in strong support of the amendment offered by the distinguished Senator from Louisiana which would make it clear that the balanced budget amendment cannot be used to turn over to the judicial system the responsibilities of managing the fiscal obligations and priorities of the United States.

The amendment of the Senator from Louisiana would make clear we do not intend that unelected judges would assume the power to set tax rates or impound Social Security checks of elderly citizens in order to comply with the constitutional mandate that is created through the balanced budget amendment.

Mr. President, there is probably no more significant amendment that will be offered during this entire debate on the balanced budget amendment. It goes to the very heart and structure of our system of government which we established over two centuries ago.

Unless the Johnston amendment is adopted, the constitutional amendment we are debating could be construed to authorize Federal and State courts to intervene into the most political decisions now made by elected officials, including decisions about levying taxes and spending the revenues raised on national priorities that are established through our democratic process.

Instead, Mr. President, individuals appointed, not elected, to lifetime judicial seats could become intimately involved in these matters. The independent judiciary, of course, is as important to our system as any other element, one of the most important. We do intend that our judges be free from partisan pressures. We intend that they make decisions based upon the law, not upon opinion polls or election returns.

That structure is also based on something else, Mr. President. It is based upon the assumption that those courts with unelected leadership will not be given the responsibility for actions which are intended and reserved for elected officials, those in the legislative and executive branches.

If the balanced budget amendment is added to the Constitution without an amendment which clarifies and limits the potential role of the courts in establishing fiscal priorities for the Federal Government, we will have suddenly opened the door to one of the most radical restructurings of our system at any time in our history.

I assume in the last Congress, Mr. President, concerns about this issue led

to the adoption of the so-called Danforth amendment which specifically restricted the role of the courts in enforcement of the balanced budget amendment to the issuance only of declaratory judgments. We do not have that here in this amendment now. We do not have that restriction. Indeed, some of the most stalwart proponents of the amendment have conceded that without clear limitations, either in the amendment itself or the implementing legislation, the judiciary could become intimately involved in actually directing compliance with the balanced budget amendment.

Now, of course, the response to these concerns has uniformly been, ''Do not worry about the details; we will fix it later.'' That is what we are told about all of our amendments. Repeatedly it is asserted that this issue can be addressed simply by implementing legislation.

Now, the Judiciary Committee report accompanying Senate Joint Resolution 1 suggests that the silence of the amendment on the issue of judicial review is somehow a good thing, a virtue, asserting that through this silence the authors have refused to establish a congressional sanction for the Federal courts to involve themselves in fundamental macroeconomic and budgetary questions while not undermining their equally fundamental obligation to say what the law is.

The proponent goes on to say to the extent that we do have any judicial intrusion, it can be reigned in later on by having implementing legislation.

Mr. President, that is the classic sidestepping of critical decisions that has engendered public disdain for this body and for elected officials in general. It is irresponsible and an abdication of our most awesome duties to have failed to address this issue in a forthright and honest manner.

The role of the courts in enforcement of this amendment ought to be resolved now, not sometime later. This is when we send it out to the States, not later.

Mr. President, this entire debate over the balanced budget amendment has become somewhat troubling. We seem to be rushing the proposal through to meet an arbitrary deadline that was originally set up as a campaigning proposition. There has been little serious debate over the words of the proposed constitutional amendment. We are constantly diverted from any real discussion of the problems that should be addressed before this language is placed in the Constitution to a generalized discussion of Federal deficits and their impact on the national economy.

Mr. President, I suggest that for a moment we set aside these generalities and focus on the language of the balanced budget amendment that we are considering, and specifically the role of the courts. I strongly urge the supporters of the amendment to consider the Johnston amendment on the merits and not just vote it down again because of some prearranged agreement to defeat any and all amendments. That is not appropriate when we are talking about the most fundamental issue of the separation of powers that this country is founded upon. It is not appropriate, not in the U.S. Senate.

This is a constitutional amendment we are debating and we may well be sending on to the States. We better take the time to ensure that we have not created unintended consequences by careless wording of the amendment.

Mr. President, the ratification of the balanced budget amendment without the Johnston amendment will result in judicial involvement in its implementation. I think that is virtually without question.

The Constitution of the United States has been amended only 27 times in over 2 centuries. Ten of those amendments comprise the Bill of Rights. Three others, the 13th, 14th, and 15th, arose out of the Civil War.

Our Founding Fathers made it difficult to amend our great national charter, and rightly so.

A constitution is designed to endure for the ages, not merely reflect the passing issues of the day.

Once altered, it is very difficult to change.

For example, the 18th amendment, Prohibition, was ratified in 1919. It was a mistake. It inserted government into the private lives of citizens. It was widely flaunted and bred disrespect for the law. It was not repealed until 1933 by the 21st amendment. It took 14 years to undo that error.

An amendment to the Constitution is not like any ordinary legislative matter that we can change next year when we find out that it does not work exactly as intended.

The Constitution is not something we can tinker with and adjust from one Congress to the next.

If the 104th Congress is intent upon adding the balanced budget amendment to the Constitution of the United States, then we better do it right.

We better take the time to ensure that we have not created unintended consequences by careless wording of the amendment.

Let us not allow legitimate frustrations over the Federal deficit inadvertently lead to a radical restructuring of our entire system of governance.

Mr. President, that ratification of the balanced budget amendment without the Johnston amendment will result in judicial involvement in its implementation is virtually without question.

Legal scholars from left to right agree that the balanced budget constitutional amendment will force the courts into potentially endless litigation over its enforcement.

Former Solicitor General and Federal Judge Robert Bork said,

> The result . . . would likely be hundreds, if not thousands, of lawsuits around the country, many of them on inconsistent theories and providing inconsistent results.

Kathleen Sullivan, professor of law at Stanford University similarly observed,

> . . . enforcement of the Balanced Budget Amendment would inevitably wind up on the doorsteps of the state and federal courts, and ultimately at the Supreme Court.

She further testified,

> . . . the possibilities for litigation over balanced budget compliance are staggering. Judges [might be asked] to enforce balanced budgets either by enjoining excess spending or by ordering tax increases, the latter possibility no mere phantom after recent decisions by the Supreme Court upholding . . . federal judicial power to require the levy of a tax.

Yale University professor of law, Burke Marshall, had this to say:

> I have little doubt that the courts ultimately would, however reluctantly, exercise the power of judicial review over such questions as the meaning of the language [used in the Amendment].

Although some may hope that the dictates of the amendment would be self-enforcing and self-policing by the Congress, there is little basis for such speculation. There is a virtual endless list of situations where litigation is likely to result from efforts to interpret or enforce the amendment.

Courts will be asked to interpret the language of the amendment, including such questions as what constitutes total outlays and total revenues. These terms are not self-evident and are not likely to be self-evident to future generations.

Litigation will surely ensue to determine what activities are or are not covered by the amendment.

Almost unbelievably, the Judiciary Committee report, for example, makes the remarkable observation that the electrical power program of one quasi-public entity, the Tennessee Valley Authority, would not be covered by the amendment since its operations are entirely the responsibility of the electric ratepayers. Not only is the naming of this one agency remarkable, it clearly opens the door to many other quasi-public entities seeking similar status. As the author of legislation introduced on January 4, S. 43, to terminate some of the public funding of TVA programs and develop privatization plans for this entity, because I wanted to identify and show where I would create the balanced budget. I am both intrigued and perplexed by the decision to specifically exempt the Tennessee Valley Authority as a part of this balanced budget amendment process that supposedly is neutral as to what would and would not be included.

Courts will be asked to hear challenges to the executive branch efforts to carry out the constitutional mandates. For example, if outlays exceed revenues in any fiscal year, the President could argue on constitutional grounds that it is necessary to impound funds and take other actions unilaterally to meet the requirements of balanced budget amendment. As

Presidents test these powers, surely those affected will seek judicial review.

For example, during the 1970's there was substantial litigation over the Presidential assertion of impoundment authority. Roughly 80 cases were decided by the courts on impoundment questions, generally against the broad interpretation of such power advanced by the Nixon administration. Passage of the Impoundment Control Act of 1974 brought that litigation to rest.

Yet, backed by a new constitutional balanced budget amendment, many believe that the President would have not only the authority to impound appropriated funds, but would have an obligation to do so under the constitutional mandate.

Surely, individuals whose retirement checks are withheld or Federal employees whose salaries are reduced by executive fiat would very likely have standing to sue under this amendment.

Louis Fisher of the Congressional Research Services noted in testimony to the Senate Appropriations Committee that the experience in the States indicates that courts could well be asked to monitor spending, taxing, and indebtedness actions.

Mr. Fisher observed, ''If state actions are a guide, judges will not be shy about tackling budgetary and fiscal questions, no matter how complex.''

Former Solicitor General Charles Fried also testified before the Appropriations Committee that ''[t]he experience of state court adjudication under state constitutional provisions that require balanced budgets and impose debt limitations * * * shows that courts can get intimately involved in the budget process and that they almost certainly will.''

Cases will also arise when Members of Congress seek to challenge the actions of the executive branch.

One of my former professors, Prof. Archibald Cox, observed, ''There is * * * substantial likelihood that the Federal courts will be drawn in by congressional suits.''

The Supreme Court has recently assumed that either House has standing to sue to enjoin action rendering its vote ineffectual, Burke versus Barnes (1987).

Thus, if the President impounded funds appropriated by Congress on the grounds that anticipated revenues had fallen short of projections, either House might challenge such action and, again, as the Senator from Louisiana so well points out, we have the strong likelihood of the courts being involved. Although the question of when individual Members of Congress might have standing to pursue such actions remains open, the standing of Congress itself to assert its prerogatives seems clearly established.

Finally, there are strong arguments to be made that individual taxpayers could have standing to bring suit to challenge a failure to enforce the amendment.

Harvard Law Prof. Archibald Cox observed in his testimony before the Appropriations Committee last year that if the Supreme Court's formulation of standing in Flast versus Cohen, the seminal taxpayer standing case, is taken at face value, a Federal taxpayer would surely have standing to challenge an expenditure under the proposed amendment upon the allegation that it had resulted or would result in a violation of the specific limitation imposed by section 1 of the amendment.

Certainly, taxpayer suits in the State courts are well-known, and the amendment does not restrict litigation to the Federal court system. Absent a provision placing exclusive jurisdiction in the Federal court system, the issue of State court litigation remains a viable option.

This nightmare of litigation will likely have three major results.

First, it will insert judges into policymaking functions that are unprecedented, for which they have no experience or judicially manageable standards to guide their decisions. That courts would take on such tasks as levying taxes is not mere speculation; the 1990 decision of the Supreme Court in Missouri versus Jenkins, upholding a district court decision directing a local school district to levy a tax in order to support a target school required in a desegregation order makes it clear that this is a very real possibility.

Second, it would entail a radical and fundamental transformation of roles assigned to the different branches of government in this country.

As Nicholas Katzenbach testified,

> * * * to open up even the possibility that judges appointed for life might end up making the most fundamental of all political decision is not only an unprecedented shift of constitutional roles and responsibilities but one that should be totally unacceptable in a democratic society.

Third, and equally important, this shift in power to the judiciary could do incalculable damage to the judiciary itself. As Federal courts take on the task of enjoining the expenditure of funds appropriated by Congress or requiring the levy of specific taxes, the backlash toward judicial fiats could be enormous. Ultimately, the very effectiveness of the courts in preserving constitutional rights and liberties of citizens could be undermined.

The answer to these concerns which has been made by the opponents of this amendment has been singularly unsatisfactory. Repeatedly, we are told, ''we will deal with the problem in the implementing legislation.''

Well, Mr. President, the short answer is what if Congress fails to agree on implementing legislation?

What if the President vetoes any implementing legislation passed by Congress and Congress lacks the two-thirds majority needed to override such a veto?

Is there any serious doubt that the judicial branch has the ability to enforce a constitutional mandate even in the absence of implementing legislation?

It is hornbook law that the Federal courts have the duty to enforce constitutional requirements.

There is no implementing legislation for the first amendment, or the fourth amendment or the sixth amendment. The power of the courts to enforce the constitution arises from the constitution itself, as was held in Marbury versus Madison, very early in our country's history.

As Assistant Attorney General and former Duke Law School Professor Walter Dellinger testified before the Senate Judiciary Committee last month,

> Section 6 of the Balanced Budget Amendment does give Congress affirmative authority to legislate implementing legislation. But unless that authority is deemed exclusive, it does not oust the courts of jurisdiction to act without any implementing legislation, just as the courts are able to act under section 1 of the 14th Amendment.

Mr. President, before I conclude, let me address one last argument, the political question argument, advanced by proponents of the amendment who belive that judicial intervention into the budget process is not likely to follow ratification of the amendment. The proponents argue that the courts are likely to use the political question doctrine to duck deeper involvement into budgetary decision making. The constitutional scholars, pointed out before the committee that the questions which are likely to arise under the balanced budget amendment simply do not meet the criteria established under Baker versus Carr (1962), which lays out the political question doctrine. Moreover, recent cases have suggested a narrowing of the political question doctrine.

In light of the legislative history of this amendment and the presumption by both proponents and opponents that the courts will have some powers to hear cases involving its implementation, there is little likelihood that the political question doctrine will shield the amendment from judicial review.

Mr. President, in the Federalist No. 78, Alexander Hamilton warned that ''there is no liberty, if the power of judging be not separated from the legislative and executive powers.''

If the Johnston amendment is not adopted, we run the grave risk of creating precisely the kind of peril against which Hamilton warned: and the peril is allowing unelected judges to decide policy questions that have heretofore been dealt with by the legislative and executive branches of our Government.

To embark in that direction is the height of foolishness.

Those on the other side of this debate who call themselves conservatives ought to be among the first to cosponsor and applaud the amendment of the Senator from Louisiana.

Why leave this important issue of whether unelected judges should have

the authority to make economic decisions unresolved?

Why would the Senate abdicate its responsibility? I have authored a lot of amendments here, Mr. President. I may have more. I care about them all—middle-class tax cut, tax expenditures, issues having to do with how this amendment is set up. I would happily drop all those amendments if we could just solve this fundamental problem and if we could just resolve, through the Johnston amendment, the question of whether we are going to turn over this Government to the unelected judges or whether we are going to maintain our right and our responsibility to uphold the Constitution and deal with budgetary matters.

Mr. President, there is no question, of any amendment, this is the one that should be adopted.

Mr. SANTORUM. Will the Senator from Wisconsin yield?

The PRESIDING OFFICER. Will the Senator yield to the Senator from Pennsylvania? Who yields time?

Mr. SANTORUM. Does the Senator have time left?

The PRESIDING OFFICER. The Senator has 2 minutes left.

Mr. SANTORUM. Will the Senator yield for a question?

Mr. FEINGOLD. I yield for a question.

Mr. SANTORUM. The question I have is, given everything the Senator says will happen—all these suits occurring, et cetera—is there not specific authority in section 6 of this amendment for Congress to pass implementing legislation wherein we can specifically limit the ability of taxpayers, Members of Congress and others to sue on this amendment? Is that not the ability of the Congress to do even prior to maybe even ratification by the States? Could we not have legislation moving through the process to do that?

Mr. FEINGOLD. Surely there is a possibility we could try to pass that language and that would help. What I am suggesting here is, under the balanced budget amendment and under the inherent powers of the court to enforce the balanced budget amendment, that that may well be overridden by the power of the courts to take those suits and these folks would have standing.

Mr. SANTORUM. I did not understand, what would be overridden by the courts, our implementing legislation?

Mr. FEINGOLD. I am suggesting that simply barring those particular lawsuits, or attempting to, may not be consistent with the court's ruling of his inherent powers in this situation.

Mr. SANTORUM. The Senator is suggesting the Congress cannot limit suits? That is not within our ability to redress to the courts——

Mr. FEINGOLD. I am suggesting in the situation where the budget is not balanced, where there is a problem with the entire balanced budget amendment and the balancing of the budget, that the courts are going to have a certain amount of inherent power to enforce the amendment. I do not deny Congress certainly has some power.

Mr. SANTORUM. Could we not limit them to simply declaratory judgment? Is the Senator saying the courts could go beyond that even though Congress limits them to simply declaratory judgment?

Mr. FEINGOLD. Is that the Senator's intent?

Mr. SANTORUM. If we did that in the implementing legislation, to limit them to declaratory judgment, is the Senator suggesting the courts can ignore that?

Mr. FEINGOLD. I am suggesting it is possible that subsequently the U.S. Supreme Court could rule that the balanced budget amendment, that would derogate from the balanced budget amendment and take away the power of the people to have a balanced budget by taking away the right to enforce it. If you do not include in the constitutional amendment itself, if you do not specify in the Constitution that statutory provision cannot necessarily be interpreted by the U.S. Supreme Court to derogate to the balanced budget amendment. I am not convinced of that at all.

Mr. SANTORUM. I can read to the Senator, if he would like, example after example—I would like to submit it for the RECORD—of where the Congress has specifically limited the powers of the courts dealing with these kinds of matters.

Mr. FEINGOLD. That is under the current Constitution; this is under a new Constitution, one with a balanced budget amendment in it. The courts do not currently have a balanced budget amendment to deal with.

What I am suggesting is, if you have a balanced budget amendment, and later on you decide that you want to have a statute, it is not certain that the court would rule that that limitation——

Mr. SANTORUM. Does not——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. FEINGOLD. It may be unconstitutional.

Mr. SANTORUM. Mr. President, I would like to yield myself some time to address this issue.

Section 6 of the constitutional amendment which we are discussing, the balanced budget amendment, specifically states that Congress has the ability to pass implementing legislation. In that legislation we can limit the authority of the courts——

Mr. FEINGOLD. Will the Senator yield for a question?

Mr. SANTORUM. To address this question.

Mr. JOHNSTON. Will the Senator yield?

Mr. SANTORUM. Even assuming the worst case, assuming that the sky will fall down——

Mr. FEINGOLD. Will the Senator yield for a question?

Mr. SANTORUM. We have the ability here in this Chamber and across the aisle to deal with this issue, and in fact I suspect that as we do pass implementing legislation, which I am sure we will, we will be back on this floor and I think that is the arena for this discussion as to what the appropriate remedies should be.

Mr. FEINGOLD. Will the Senator yield for a question?

Mr. SANTORUM. I will be happy to yield for a question.

Mr. FEINGOLD. I would ask the Senator's reaction to the statement of Solicitor General Freed with regard to this issue where he said that if Congress attempted to pass legislation pursuant to section 6 to eliminate Federal court jurisdiction of questions arising in the balanced budget constitutional amendment, that limitation itself might very well be unconstitutional.

That is my point. You may want to pass legislation afterwards. You may hope that the court will accept it. But there is no certainty whatsoever that the court will not say, I am sorry. This is merely a statute. And my question is, how does the Senator react to the question?

Mr. SANTORUM. I disagree. It has been law in this country for as far as I know. The only situation where that could be a problem is if all due process, all other court access is denied. If we provide for some court access, which I am sure we will, if we provide for some court access, then I think it is very clear that they will not have other recourse—as long as we provide an avenue to the courts. We have the power to do that, to direct what avenue they take.

If we say in the implementing legislation that there will be no access, I think the Senator might have a point. But I do not think we are going to do that. But I think that is a discussion for another day, not to insert in the Constitution in this amendment a complete prohibition of all court activity because I think that overreaches.

Mr. JOHNSTON. Will the Senator yield?

Mr. FEINGOLD. Will the Senator yield for a further question?

Mr. SANTORUM. I will briefly yield and then I wish to respond to the Senator from Michigan.

Mr. JOHNSTON. I think the Senator brings up an important and close point and that is whether the phrasing in section 6, where Congress shall enforce and implement the article, whether a denial of jurisdiction, a denial of all remedies would be considered to be enforcing and implementing. This same kind of language is in section 5 of the 14th amendment. I am quite familiar with this because I had an amendment here which I passed twice in the Senate, invoked cloture twice on it, to

limit busing under the 14th amendment, and the question was addressed by the then Attorney General as to whether that limitation was implementing the 14th amendment, and the decision of the Attorney General was not altogether satisfactory. Suffice it to say, there would be a real question as to whether that would be implementing and enforcing if you denied all jurisdiction. But it seems to me that is not the important——

Mr. SANTORUM. If I can take my time back, I would agree with the Senator that I think we could run into problems if we denied every access to the courts. I am suggesting that I do not believe that will be the case. I think there will be some sort of relief provided for in the implementing legislation. And if we did not, I think we would have some sort of constitutional question. But I am saying that is an issue we should bring to the floor and discuss, but we should not do a complete ban on any kind of redress to the courts. I think it is unwise just from a policy perspective. But I think it does not have a place in the Constitution as far as I am concerned.

Mr. JOHNSTON. If the Senator will yield just for one statement——

Mr. SANTORUM. Yes.

Mr. JOHNSTON. Which is that under my amendment we do not prohibit the Congress from acting. To the contrary, we say that the court shall have no jurisdiction except to the extent that Congress specifically acts. So we allow that. We contemplate it. We encourage it. And Congress ought to act. On that the Senator and I agree.

The question is if Congress does not act, what is the inherent power of the Court? And we wish to make it clear that they have no inherent power except to the extent we give it to them.

Mr. SANTORUM. All I would suggest is that implementing legislation certainly must follow. It is a certainty that it will follow this legislation, and I think we will provide, I know we will provide some remedies therein to provide for redress of this grievance with respect to the question that the Senator from Michigan brought up. It is a good question. The question is whether a citizen or someone would have standing to bring here.

Standing is one issue. Whether they would be successful is another issue. Standing is the first hurdle that someone must pass.

With respect to that question, there is a three-part test that is used, that has been used for quite some time, and number one, the citizen must show injury in fact. I think that is a very high hurdle, for one individual to show a personal injury due to the fact that we have an unbalanced budget, and in fact we have cases that are very clear on that: Frothingham versus Mellon, a very old Supreme Court case still in effect, a 1923 case, says that allegations that amount to generalized grievance are not justiciable.

That to me is a pretty clear indication that you have a high burden upon just the first leg of this three-part test to cover.

No. 2, you have to show that one particular piece of legislation caused the unbalancing. Well, which one caused the unbalancing? How do you go about attacking that one as the one that did it? I think that also raises a very difficult question.

And finally—and we have talked about this briefly—whether it is a redressable grievance. What can the Court do to solve this problem? And you run into the political question doctrine and a whole lot of other things about whether the Court can reach over into article I and impose taxes under a balanced budget amendment. I think that is a very tall order, for the courts to say that they have that kind of power in that branch of the Government when it is very clear that article I says that Congress has the power to tax and to spend.

Mr. LEVIN. Will the Senator allow a response to that?

Mr. SANTORUM. I promised the Senator from Illinois I would yield him some time, so I will yield to the Senator from Illinois 5 minutes.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. I thank the Chair.

Let me just make a few observations. First—and I do not question the sincerity of my colleague from Louisiana at all on this; I know he is sincere—some who attack this are going to attack it no matter what. One former Member of this body was attacking this because the courts were going to intervene, and then we adopted the Danforth amendment, and he attacked it because it was toothless and it was unenforceable. It is kind of a no-win situation for some of the opponents.

Second, in terms of a precedent for what you are talking about, court intervention, the only real precedent is the Jenkins case in Missouri where you are dealing with individual rights and something that is not real clear. Here you are talking about an institutional situation where we can precisely measure what has happened. I think on balance the risk is very small. And I would quote from former Attorney General Barr.

> I see little risk that the amendment will become the basis for judicial micro- management or superintendence of the Federal budget process. Furthermore, to the extent such judicial intrusion does arise, the amendment itself equips Congress to correct the problem by statute. On balance, moreover, whatever remote risk there may be that courts will play an overly intrusive role in enforcing the amendment, that risk is, in my opinion, vastly outweighed [vastly outweighed] by the benefits of such an amendment.

We clearly have the ability to determine who has standing. Now, obviously—and I heard my friend from Michigan, Senator LEVIN, quote Congressman SCHAEFER. I differ with Congressman SCHAEFER in terms of what our implementing legislation should be, and I think the majority in the House and Senate will.

I think standing ought to be limited to, perhaps, 10 Senators, 30 House Members, 3 Governors—something along that line—and limited solely to the Federal courts. I think we can pass something like that so there is not going to be, in any event, just a huge amount of litigation even if you try stretching your imagination.

I point out, also, we can avoid all of this by building small surpluses, as Alan Greenspan, Fred Bergsten, and other economists have recommended that we do. If we do not have surpluses, if we have a situation, with a 60 percent vote, we can have a deficit. And it takes a 60 percent vote to add to the debt. These are very precise measurements. We are not talking about individual rights where there may be strong disagreements.

I point out also, and my colleague from Colorado, Senator BROWN, pointed this out in committee when we had the hearing, that States have somewhat similar provisions, 48 of the 50 States, in their State constitutions. There has been almost no litigation on this. So the history of States suggests this will not happen. Senator BROWN mentioned in the history of Colorado's provision, there has been no litigation on this question.

Does that mean the courts cannot ever get involved? The answer is, if we blatantly ignore the Constitution, then there is a narrow window for the courts to get involved. That window, I think, should remain open. I do not think we should close that window. I think it is unlikely that will ever be a problem. But who knows who will be in Congress 50 years from now? Some Congress may decide we just want to ignore the Constitution. I cannot imagine that, but it is possible.

In that kind of case, the courts can intervene. But I think the history of State provisions, the provision that says the Congress shall enforce and implement this article by appropriate legislation, makes it very clear we are not going to have a massive amount of litigation.

I thank my colleague for yielding the time.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Will the Senator from Louisiana yield me some additional time?

The PRESIDING OFFICER. Does the Senator from Louisiana yield?

Mr. JOHNSTON. Mr. President, who has the floor?

The PRESIDING OFFICER. You have the floor.

Mr. JOHNSTON. Mr. President, I have been speaking to my colleagues on the other side of the aisle, particularly Senators BROWN and GORTON. I believe we have an agreement as to at least what we could agree to. If my colleagues on this side of the aisle would have no objection to this language,

then I will propose to modify my amendment accordingly.

The language is a combination of language originally proposed by Senator GORTON back in 1982, and with the Brown suggestion about section 2. It would read as follows. I am not asking at this point to modify the amendment, but I would like to discuss it before I do.

The judicial power of the United States shall not extend to any case or controversy arising under this article except for section 2 hereof or as may be specifically authorized in implementing legislation pursuant to this section.

Section 2, my colleagues will recall, as Senator BROWN talked about, provides that:

The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

As Senator BROWN pointed out, that is a powerful way to enforce the amendment. That would be exempted from the—in other words, the court would have jurisdiction under section 2, but otherwise would not have jurisdiction—would not—the judicial power would not extend, except as specifically authorized by Congress.

Mr. LEVIN. I wonder if the Senator from Louisiana will yield for a question, a clarification, on this?

Mr. JOHNSTON. Yes, of course.

Mr. LEVIN. As far as I am concerned, any clarification is an improvement because we now, as the Senator so eloquently pointed out, have an ambiguity which is unacceptable in a provision. Whether people favor the provision otherwise or oppose it otherwise, we ought to seek clarity in what we are doing.

As I understand the language the Senator has just read, it would say that basically a court could enforce the section 2 limit on the debt. That limit on the debt held by the public would still have to be defined by Congress, since there is no existing statute that sets that debt held by the public, and that is confirmed by letter from the Attorney General which I put in the RECORD.

Mr. JOHNSTON. I believe that is also in the committee report. They say the debt is a creature of legislation and would be subject to that definition by Congress.

Mr. LEVIN. But my question of the Senator from Louisiana is this. Is the Senator saying that, in the event that the Congress did not adopt a limit on the debt of the United States held by the public—and there is no such statutory limit now, the statutory limit now is on the debt, not just the debt which is held by the public which is part of the national debt—if the Congress did not set such a limit as provided for in section 2, that this language that the Senator just read would authorize a court to legislate that limit?

Mr. JOHNSTON. No. No. The court would have—the judicial power of the United States would extend to that case or controversy, however it arose and whatever remedies the court would feel were appropriate. We do not know what remedies those might be.

Mr. GORTON. Will the Senator yield?

Mr. LEVIN. I am wondering though, if I could clarify this question. Is it the intention of this language—and I think it is important that language be before this body for more than a few minutes so people can study it. This is a critical question. My good friend from Washington has been deeply involved in this question over many, many versions of the constitutional amendment and is really an expert on the subject. So I think this language should be before the body for more than a few minutes.

My question, however, is: Is it intended that a court could order a specific limit on the debt ''held by the public,'' in the event that Congress did not adopt a statute defining such a publicly held——

Mr. JOHNSTON. There is a limit on the debt now.

Mr. LEVIN. That is the importance of the letter from the Attorney General. With the permission of my friend from Louisiana, I would like to read it. It is a short letter.

DEAR SENATOR LEVIN: This responds to your letter to the Attorney General of February 14, 1995, concerning the proposed Balanced Budget Amendment to the Constitution. In that letter you asked whether legislation setting a ''limit on the debt of the United States held by the public'' would have to be passed before Section 2 would have any force. Section 2 states that any increase in the limit on such debt must be passed by a three-fifths rollcall vote of the whole number of each House of Congress.

We have consulted the Office of Management and Budget, which has advised us that there is at present no statutory limit on the ''debt of the United States held by the public,'' the type of debt described in Section 2. Rather, there is a limit on the ''public debt,'' which includes debt held by the public and certain other debt, such as debt held by the Social Security Trust Fund. Unless and until Congress passes legislation establishing a limit on the type of debt described in the amendment, the strictures against increasing this debt limit would have no effect.

I cannot say it any more clearly than the Attorney General of the United States. There is no statutory limit on the ''debt of the United States held by the public'' in current law. It would require a future Congress to establish such a new kind of debt limit, which would exclude debt held, for instance, by the Social Security Administration.

My question, then, is whether or not it is the intention of the framers of this new language that a court could order a Congress, or adopt itself, language which would define ''debt of the United States held by the public,'' since there is no such debt in current law?

Mr. GORTON. Will the Senator yield?

Mr. JOHNSTON. This amendment has the judicial power of the United States to extend to that case or controversy. I can imagine the number of things the court could do. The court can do what they want to because they are omnipotent. They can say that the public debt, as presently set by limit, was meant to be the same thing as this. But from my standpoint, if the Senator from Colorado and the Senator from Washington would like to redefine that term in light of this letter, that would be suitable with me. But I would say that it is improbable that a court would be able itself to set a limit on the public debt.

Mr. GORTON. Will the Senator yield?

Mr. JOHNSTON. Yes, of course.

Mr. GORTON. The answer the Senator from Louisiana has given to the Senator from Michigan is accurate insofar as it goes. But I think the more fundamental answer to the Senator from Michigan is that this particular part of the proposed revision does not change the basic balanced budget amendment with respect to section 2 at all. Right now the thrust of the argument of the question raised by the Senator from Michigan is just as valid in the present unamended form to the balanced budget amendment as it would be if this modification were passed. This Senator, as each of the Senators knows, was greatly disturbed by this particular question of judicial review 13 years ago, in 1982, and proposed an amendment to essentially cause these questions to be political questions at that time.

This Senator is very sympathetic with the direction of the amendment Senator JOHNSTON has put forward and would prefer that it be phrased slightly differently, but, nonetheless, I feel that I do not wish to expand the judicial power of the United States to writing budget for the United States. When I proposed that, without the exception for section 2, the Senator from Colorado and others expressed to me a deep concern about a form of violation of the Constitution that I think will never take place. Their comments were directed at our comments, which would simply defy the plain requirements of section 2 and pass a debt limit increase with 55 percent of the votes in the Senate or 55 percent of the votes in the House and just simply flat out ignore the Constitution. They wished to see to it that the courts would have jurisdiction to prevent that blatant violation of the Constitution. I do not believe that it is even remotely conceivable that would ever happen.

The reason I sympathize with the general direction of what the Senator from Louisiana wants to do, what I fear is going to happen under this constitutional amendment is that Congress is going to pass a budget and the President is going to sign a budget, under the same circumstances which happens today, that is invalid according to the estimates by the CBO and the like and that someone or some group will have standing to go into court and say, ''No; the CBO estimates

are wrong. We have to get the estimates,'' and that some court which desires to get into this business is going to say, ''Yes, you are right. Your estimates are better than Congress,'' and order the rewriting of a budget. I do not believe anyone, I say to the Senator from Michigan, who was asked this question, believes we are going to get cases under section 2. But, in any event, we are not going to get any more cases under section 2 with this revised amendment than we will get without any amendment at all.

Mr. LEVIN. Will the Senator from Washington yield? I thank him for his clarification. As I understand it, it would be his intention as one of the coauthors of this language, I gather, that the Senator from Louisiana has described, that the jurisdiction is referred to the court, pursuant to section 2, to enforce the 60-vote requirement in that amendment, not to define words that a legislature or Congress would ordinarily be required to define.

Mr. GORTON. Clearly, any controversy arising under section 2 would in fact be justiciable under the modification of the draft working with the Senator from Colorado and the Senator from Louisiana. But the point is that it is true with the original balanced budget amendment, we are not changing that by proposing this. This modification, just as Senator JOHNSTON's original amendment limits the jurisdiction of the courts of the United States, modifies it in this fashion. It does not do it quite as much because it does not limit it with respect to section 2. It just limits with respect to the other section, but nothing, in my view, given the Supreme Court, by this modification that is not there in the present form of the balanced budget amendment that we have been debating for 3 weeks.

Mr. JOHNSTON. Will the Senator yield?

Mr. GORTON. Technically the Senator from Louisiana has the floor.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Louisiana.

Mr. JOHNSTON. I agree with the Senator from Washington. Moreover, there is a legislative limit today on the debt of the United States. So Congress must act, plus act every year to increase the debt. They may act to increase the debt as defined by statute now. But, if you can do that, chances are you will be able to do it to increase it pursuant to the terms of this constitutional amendment.

Mr. GORTON. Yes. As I understand, that was in the letter from the Attorney General. I must say it sounds like chopped logic to me. We have a statute under the deficit now which uses words slightly different from those of section 2 in House Joint Resolution 1.

Mr. LEVIN. It is slightly different. If the Senator will yield, the question is whether or not to include debt held by the Social Security Administration. That is not a slight difference.

Mr. GORTON. I am convinced that the simplest of all implementing legislation for this kind of constitutional amendment, should it become part of the Constitution, will define the debt in a way which is totally consistent with section 2. So as a practical matter, I do not think such a case of controversy will ever arise.

Mr. LEVIN. I wonder if I could ask the Senator from Louisiana this question, the same question, now that we have the letter from the Attorney General. It is the intent, as I understand it, that under the languages which you read that the court could enforce the requirement of 60 votes, and that is the principal purpose of the language.

Mr. JOHNSTON. I do not mean to be evasive. I am just saying that the judicial power of the United States would extend to cases and controversies arising under section 2. The court can do what it thinks is proper, if it finds standing, if it finds there is a justiciable question and it extends to such powers as the court thinks are proper.

Mr. GORTON. Will the Senator yield for just a moment?

Mr. JOHNSTON. Yes.

Mr. GORTON. Since what the Senator from Louisiana has read is in the handwriting of the Senator from Washington, the answer of the Senator from Washington to the Senator from Michigan is yes.

Mr. JOHNSTON. Mr. President, I yield the floor.

If no other Senator is seeking recognition, I suggest the absence of a quorum and ask unanimous consent that it be equally divided.

Mr. THOMPSON. If the Senator will withhold, I will address a question to the Senator from Washington. It has to do with the purpose of this language which I have heard and have not had a chance to read. As I understand it, this would deprive the courts of jurisdiction except with regard to section 2.

Mr. GORTON. The amendment that is before the body now, the amendment of the Senator from Louisiana, does not deprive the court of jurisdiction. The court has no jurisdiction at the present time on a constitutional amendment. It says, in essence, that the court will not have jurisdiction over cases arising out of the balanced budget amendment, except with respect to its enabling legislation. That is the proposal of the Senator from Louisiana.

While this modification has some slight language differences from his original point, its only substantive change in the proposal before the body right now is to allow the court to deal with cases and controversies arising under section 2. The purpose of it, I may say—since while I was the draftsman, I am not the person who thought it up—the purpose of it was to deal with the sincere concerns of the Senator from Colorado, Mr. BROWN, that Congress, without such jurisdiction, literally could define the plain language of section 2 and pass a debt limit increase by less than a 60-percent supermajority vote.

As I have said, I cannot conceive of Members of Congress so blatantly violating their oaths of office under such circumstances. As a consequence, I was perfectly willing to go along with the Senator from Colorado because I do not think any such case or controversy will ever arise. But the purpose is to carve out from the general exemption—which is Senator Johnston's amendment—section 2.

Mr. THOMPSON. So while there is an exemption under the Senator's amendment with regard to enabling legislation, this exemption would apply to part of the language of the constitutional amendment.

Mr. GORTON. Yes, plus enabling legislation.

Mr. THOMPSON. Yes, and that is section 2. Does the Senator consider that if such amended language was agreed to, that might obviate the argument that the courts did not have jurisdiction with regard to section 2? In other words, as I heard the debate here a short time ago, I think very strong arguments were made with regard to the amendment itself, the totality of the amendment, that there were serious questions with regard to the justiciable issue regarding political questions and all of that, with regard to the amendment in totality, including section 2.

I wonder whether or not, if such language were agreed to, this would be an open invitation to the courts that in fact we are inviting you to take on anything that could be a part of section 2 and might in fact go against the intent of the proponents of the amendment of the Senator from Louisiana?

Mr. GORTON. I say to the Senator from Tennessee that he is a shrewd reader of legislative constitutional language, because I think in this case he is precisely correct. The paradox, in my opinion, this year, last year, and in 1982, when we debated this subject, is that those who have opposed adding this kind of judicial review section to a balanced budget amendment have made two totally inconsistent, opposite arguments against including such a section. One is that the courts would never take cases or controversies under this. They do not have any such jurisdiction, and they would not exercise any such jurisdiction. The other argument is that we certainly want the courts to enforce it if Congress violates these constitutional provisions.

I did not understand those arguments in 1982; I did not understand them in 1986; I did not understand them last year; and I do not understand them now. I think those who oppose adding something like the Johnston amendment at least ought to pick one side of that argument or the other. If their sole reason for not wishing to add something like the Johnston amendment is that it is unnecessary because the courts will never, under any circumstances, deal with a case or controversy arising under the balanced

budget amendment, then under those circumstances, we have actually created a cause of action by this particular modification with respect to section 2. I think that is the utter logical conclusion.

My own view on the subject is that the fundamental argument is flawed. I am convinced that the courts would in fact exercise jurisdiction under cases or controversies arising under this entire amendment. There is no way in the world we can guarantee that the Supreme Court next year, much less 100 years from now, is not going to decide it wants to write a budget and override our estimate.

My deep concern is not a case or controversy that is going to arise under section 2 as to whether we have invalidly increased the debt limit, or many other sections here; I believe that the history of the Federal courts of the United States clearly indicates that we will be faced very soon—maybe in the first budget that passes after this constitutional amendment becomes a part of the Constitution—with a Congress and a President who have passed what they consider to be a balanced budget, using Congressional Budget Office estimates of revenues, for example, and Joint Tax Committee estimates of receipts, and that some individual withstanding will sue and say the Congressional Budget Office estimates are off, they are phony, this is Congress' own creation, they have fixed the figures, and we think there is a much better estimate of expenditures and those expenditures are a lot higher than the Congressional Budget Office has said and we, therefore, order the Congress either to use our estimates, the estimates of the court, to rewrite the budget, or we will impose a 5-percent surcharge on the income tax this year to bring it into balance.

It is that kind of judicial activism, in my opinion, which has plagued the United States in many respects for the last 50 years, with courts running prisons and school systems and shelters for the homeless and the like, and acting in a legislative fashion. And for anybody, particularly somebody conservative, to state with assurance that the courts will not involve themselves in this field I just think is a faulty argument.

If the argument, on the other hand, is the courts ought to be in this field, I can see someone arguing that they like judicial activism and want courts involved in this field. I just disagree with them. If I thought the courts were going to be in this field, I would not want anything to do with the balanced budget amendment, of which I am a cosponsor and a very, very strong supporter. Under those cases, they would probably rather have it in section 2 than not to have it at all. Personally, I would prefer we not have it at all. Personally, I also want to get something accomplished here, and I do not think this exception for section 2, in my view, is ever going to come up at all.

Mr. JOHNSTON. Will the Senator yield?

Mr. GORTON. The answer to the question of the Senator from Tennessee is that he is absolutely right. It settles that first argument with respect to section 2 and makes it invalid.

The PRESIDING OFFICER. The Senator from Tennessee controls the time.

Mr. JOHNSTON. Who has the time?

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. JOHNSTON. Will the Senator yield?

Mr. THOMPSON. Yes.

Mr. JOHNSTON. I wonder if the Senator would not agree with me that section 2 involves, really, a yes or no proposition—that is, that the limit on the debt of the U.S. public shall not be increased except by a three-fifths vote. It is subject only really to a yes or no proposition. That is, you either had the three-fifths or you did not have it. It does not get into all the fiscal questions that might flow from that; rather, it is a yes or no proposition.

So I wonder if the Senator from Washington does not agree that really about all the court could do on that is say, yes or no, you did or you did not, and if you did not, it is not valid and the President could not sign it anyway if it violates the Constitution.

Mr. GORTON. That is certainly the thrust of what the Senator from Colorado was himself concerned with.

Again, it is very important, as the Senator from Michigan said, when we deal with the Constitution that we be as clear as we possibly can in what we say. And it is certainly possible, in the absence of any statute on this subject, that a case or controversy could arise under other provisions in section 2. But, as I said, the first thing we will do will be to make the slight definitional changes that are necessary to use the phrase in this Constitution and the debt limit legislation which we have at the present time.

So, as a practical matter, I think the only time the question would ever come up is the way the Senator from Louisiana states it.

Mr. THOMPSON. Mr. President, I share the concern of both the Senator from Louisiana and the Senator from Washington concerning judicial activism. As the Senator from Washington puts it, on one hand, he is concerned about it, and, on the other, he is concerned about the notion that the courts should indeed be involved.

I think there is probably a middle ground here that many people are struggling with. I think a very good case can be made for the proposition that, indeed, it is unlikely—I am talking about under the original amendment—that it is unlikely that the court would involve itself in the detailed budgeting process of the Congress of the United States.

Now, can anybody say that will not happen with certainty? Absolutely not. We all know that it can happen. It is a possibility.

The question is: What is the likelihood? It has never been done before. You look at what has happened on the State level. You look at what has happened on the Federal level.

I remember the lawsuit against President Nixon back in 1974. The court dealt with a little different situation there, but they were dealing with the powers of the executive branch. If you read that case, you will see how reluctant the Supreme Court is to get into the operations of and put limitations on the power of the other branches of Government.

That case came down requiring the President to give up his tapes, but in doing so really they raised the threshold very substantially as far as any future similar actions against a President. You had to have eyewitnesses in that case, eyewitnesses, in effect, saying the President was involved in criminal activity or very possibly could have been. So they decided against the President in that case. But by their language, they were struggling mightily with it and it had to be very fact specific and it had to be an egregious case by that language for them to step into the affairs of the President of the United States.

I think in all probability that is the way it will be with Congress. My own guess is—and I assume that is all we can acknowledge, that is basically all we are doing here—my own guess is that, absent some egregious case that the Senator from Washington says he does not think will ever happen, and I agree, but absent some very egregious case where the Congress of the United States just blatantly and openly disregards the Constitution, I do not think the Supreme Court would involve itself, even the Supreme Court as we know it today, which too often gets into too many things, as we all know.

I think many of us simply share the concern that if there is no enforcing mechanism at all, if there is no possibility, if we foreclose any possibility under any circumstances that the court cannot decide this, that a future Congress would use that and circumvent the intent of the balanced budget amendment.

So it gets back to how badly do you think our fiscal crisis is; how badly do we need this balanced budget amendment? And I think pretty badly.

We have heard the debate here for many, many days. We are headed down the wrong road at breakneck speed. We are bankrupting the next generation by any objective standard. By any bipartisan analysis that has been made of it, we are in serious, serious circumstances here and we are kind of fiddling around here while Rome is burning and missing the central point that we better keep in mind, and that is we better get our fiscal house in order.

The balanced budget amendment, without being cluttered with a lot of controversial amendments designed

primarily by some to kill it and not to improve the amendment so that they could support it, instead of doing that, we ought to refocus and pass the balanced budget amendment.

I intend at this stage of the game to say, let us pass it without this amendment.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

AMENDMENT NO. 272, AS MODIFIED

Mr. JOHNSTON. Mr. President, we have had this discussion.

At this point, I wish to modify my amendment by inserting, in lieu of the present language, the following language, which I send to the desk.

The PRESIDING OFFICER. The Senator has that right, and the amendment is so modified.

The amendment, as modified, reads as follows:

At the end of Section 6, add the following: ''The judicial power of the United States shall not extend to any case or controversy arising under this article except for section 2 hereof, or as may be specifically authorized in implementing legislation pursuant to this section.''

Mr. LEVIN. Will the Senator yield for two additional questions?

Mr. JOHNSTON. Yes.

Mr. LEVIN. One of the questions I think it would be valuable for us to perk a bit so that others, including members of the Judiciary Committee, could look at the language is a very important change—again, whether you favor or oppose the amendment on other grounds, it is important that we clarify the amendment, and the Senator from Louisiana has done very, very important work in achieving this clarification. I would like to pursue it because there is still some ambiguity.

I have two questions. One is the judicial power of the United States refers to Federal courts. State courts also implement the Constitution and enforce the Constitution. I am wondering whether or not it is the intention of this language that State as well as Federal courts would be prohibited from enforcing this provision except as specifically authorized in implementation legislation? Is that the intent of the authors of this language?

Mr. JOHNSTON. It is not the intent of this language to give State courts the power. I do not believe they would have the power to order a tax increase or give a declaratory judgment or cut a Federal program. I believe that that judicial power adheres only in the United States.

Mr. GORTON. Will the Senator yield?

Mr. JOHNSTON. Yes.

Mr. GORTON. I have to say to the Senator from Michigan, the Constitution of the United States, as it is presently formulated, or formulated here, makes no statements with respect to the jurisdiction of State courts. In a very real sense, State courts interpret the Constitution, but State courts cannot order the Congress of the United States to do anything. They have no such jurisdiction.

So, just as is in the rest of the Constitution, the balanced budget amendment and the debt limit legislation are silent as to the jurisdiction of State courts, which is exactly what they are ought to be.

Mr. LEVIN. As I understand it, however, it is the intent of the Senator from Louisiana that, to the extent that this gives any authority at all under section 2 or otherwise, that section 2 authority exclusively goes to the Federal courts.

Mr. JOHNSTON. That is correct.

Mr. GORTON. The phrase in the Constitution, of course, is the judicial power of the United States. That is the Federal Government.

Mr. LEVIN. My question is, the language here as it authorizes section 2 implementation refers only to Federal courts.

Mr. GORTON. Yes.

Mr. JOHNSTON. Yes.

Mr. LEVIN. The other question relates to a question I have asked the sponsors of the legislation. I sent them a whole list of questions as to the enforcement provisions under section 6, because it raises a whole question as to whether or not there is an enforcement mechanism for this constitutional amendment or whether or not it is just a statement of intent and then has no teeth in it. But that is a different issue for a different argument.

My question, though, is this.

The PRESIDING OFFICER. The time is controlled by the Senator from Louisiana.

Mr. JOHNSTON. Could we answer the questions on the other side's time, because I think we are about to run out?

Mr. LEVIN. Will the Senator from Washington yield for this question?

Mr. GORTON. Yes.

The PRESIDING OFFICER. The Senator from Louisiana controls the time.

Mr. JOHNSTON. Mr. President, I yield the floor.

Mr. LEVIN. Mr. President, will the Senator from Washington——

The PRESIDING OFFICER. The time is expired. Who yields time?

Mr. LEVIN. Would the Senator from Washington ask for a minute or two of time in order to respond to the question of the Senator from Michigan?

Mr. GORTON. The Senator does not have time.

Mr. SANTORUM. Mr. President, I say to the Senator from Michigan, we have a limited amount of time remaining, and we have speakers that we have to accommodate.

Mr. LEVIN. Mr. President, I ask unanimous consent that the questions which I forwarded to the Senators from Utah and Illinois, including section 17 be inserted in the RECORD and specifically any response to section 17 that is obtained today be inserted in the RECORD at this time.

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

BALANCED BUDGET AMENDMENT QUESTIONS

1. What exactly is the definition of receipts? For example, do receipts include the receipts from Postal Service stamp sales and TVA power sales? Do they include Medicare premium payments? Do they include the receipts of government corporations and quasi-federal agencies which deposit money in non-Treasury accounts? Who will make this determination?

2. What exactly is the definition of outlays? For example, do outlays include federal loans and federally-guaranteed loans? Do they include spending by government corporations and quasi-federal agencies which pay for their activities out of user fees instead of out of Treasury accounts? Who will make this determination?

3. Will estimates or actual levels be used for receipts and outlays? In an instance in which the OMB and the CBO disagree with each other on what outlays or receipts are, how will the dispute be resolved so that it can be determined whether or not outlays exceed receipts?

4. Who will determine whether a bill is 'a bill to increase revenues?' For example, what happens if OMB says the bill is revenue neutral, and CBO says the bill will result in a net increase in revenues? Whose estimate will prevail? How will the dispute be resolved?

5. At what point will it be determined that outlays will in fact exceed receipts, triggering remedial action? August 1? September 15? Who will make that determination—OMB or CBO?

6. At whatever point it is determined that outlays do or will exceed receipts, will automatic spending cuts or tax increases be triggered? When would that happen, and who would be responsible for making it happen? Will cuts affect all programs equally across-the-board, or will certain programs be exempt?

7. Would it violate the language of the amendment if Congress passes, with less than 60% of the votes, a budget resolution that is not balanced?

8. Would it violate the language of the amendment if Congress passes, with less than 60% of the votes, a bill to increase spending from some base level without off-setting spending cuts or revenue increases? would it matter whether this was the last appropriations bill of the year, and would result total appropriations exceeding expected receipts? If not, how will we ensure that Congress does not increase spending without paying for it?

9. Would it violate the language of the amendment if Congress passes, with less than 60% of the votes, a bill to cut taxes without off-setting spending cuts or revenue increases? If not, how will we ensure that Congress does not cut taxes without paying for it?

10. What happens if Congress passes a budget resolution which is in balance, and enacts appropriations bills on the basis of that resolution, but part way through the year it appears that outlays will exceed receipts? Would Congress be required to vote separately on whether to authorize or eliminate the excess, even though it voted for budget and appropriation bills in the belief that the budget would be balanced? What mechanism would be created to ensure that such a bill would be considered?

11. At what point during the fiscal year would Congress be required to vote to authorize an excess of outlays or to eliminate that excess? What would happen if Congress did not approve either such measure?

12. Would the amendment be enforced through sequestration or impoundment? If so, when and how would that action take place?

13. What happens if Congress approves a specific excess of outlays over receipts by the required three-fifths vote of each House, but the projection turns out to be wrong—the deficit is greater than expected. Would a second vote be required to approve the revised estimate of the deficit? Who determines the dollar amount of excess that Congress will vote on in each case? Who determines that the estimated excess was wrong? How often would such determinations be made, and such votes be required? Who determines when the votes must take place?

14. The resolution requires that three-fifths of each House vote to approve an excess ''by law''. Does this mean that the President must sign a bill to approve an excess? What happens if three-fifths of the Members of each House approve a deficit, but the President vetoes the bill? On the other hand, what happens if Congress passes a reconciliation bill to balance the budget and the President vetoes it and there are insufficient votes to override the veto? For example, what if Congress votes to increase taxes to eliminate the deficit and the President says he prefers spending cuts and vetoes the bill. If there are insufficient votes to override the veto, who has violated the Constitution—the Congress or the President?

15. Could Congress shift receipts or outlays from one year to another to meet balanced budget requirements? For example, could paydays for government employees be put off a few days into the next fiscal year to achieve a balance between receipts and outlays? What mechanisms will prevent this type of abuse?

16. Section 2 of the resolution provides that ''the limit on the debt of the United States held by the public shall not be increased'' without a three-fifths vote. What is the current statutory ''limit on the debt of the United States held by the public'', if any? If there is currently no such limit, how will such a limit be established?

17. What does the debt of the United States held by the public include? Specifically, does it include the debt of wholly-owned government corporations (like the Commodity Credit Corporation and the Overseas Private Investment Corporation)? Does it include the debt of mixed-ownership government corporations (like Amtrak and the Federal Deposit Insurance Corporation)? Does it include loans guaranteed by the federal government, such as guaranteed student loans, guaranteed agriculture and export loans, or Mexican loan guarantees? If not, could additional government corporations and quasi-governmental agencies be created to conduct federal programs off-budget to evade the amendment? Could new government guaranteed lending programs replace government spending? How would this be prevented?

18. May the President transmit a proposed budget which is not in balance in addition to his balanced budget proposal? May the President transmit a balanced budget, but recommends against its adoption? Can he submit the balanced budget at any time before the fiscal year begins?

19. The Committee report states that the words ''bill to increase revenue'' covers ''those measures whose intended and anticipated effect will be to increase revenues to the Federal Government.'' Does this mean net revenue? Over what period of time would this be judged?

Would the revenue provision apply to a bill that increases revenues for three years and reduces revenues for the following three years, with a net change of zero over the six-year period? What happens if the amendment is repealed after three years, because it would result in a deficit?

Would a bill to increase the capital gains tax be exempt, since many argue would have the effect of reducing revenue in at least the early years after enactment?

20. Does ''revenue'' include fees? How do we tell the difference between a revenue measure increasing fees and a spending measure decreasing outlays by requiring users to pay for services provided to them instead of funding the services out of tax revenues?

What about a bill to raise the federal share of receipts from concessions in our national parks?

What if the bill simply required regular competition for national park concessions? Would that be a bill to increase revenue, since it would have the ''intended and anticipated effect'' of increasing the federal share?

21. Does revenue include tariffs? Would a trade measure which authorizes use of retaliatory tariffs in certain cases be considered a ''revenue measure'', since it would arguably have the ''intended and anticipated effect'' of increasing revenues? Who will make this determination?

22. Does revenue include civil and criminal penalties? Would a bill that establishes a new civil or criminal penalty be considered a ''revenue'' measure? How about a bill that indexes certain penalties for inflation? How about a measure to toughen enforcement of criminal or civil penalties? Would a bill to tighten enforcement of the tax laws or provide more personnel to the IRS be covered, since it would have the ''intended and anticipated effect'' of increasing revenues? Who will decide what is covered by this provision?

23. Would a statute that requires a new, lower measure for inflation, be considered a bill to increase revenue, since by slowing the adjustment of tax brackets it would have the ''intended and anticipated effect'' of increasing taxes? Would the elimination of a special, targeted tax break be covered by this provision? Would it cover a bill authorizing the sale of buildings or land?

24. Sponsors of the amendment have said that the social security trust funds will be protected in implementing legislation and that the budget will not be balanced at the expense of the States. How will this result be ensured?

25. The term ''fiscal year'' is not defined in the amendment. The report indicates that Congress has the power to define the term ''fiscal year.'' Does this mean that Congress could change the effective date of the amendment by legislation, passed by majority vote, which changes the statutory time at which a fiscal year begins and ends?

Mr. SANTORUM. Mr. President, I wanted to make a comment about the practical effect that the amendment of the Senator from Louisiana will have on the process once the balanced budget amendment passes.

I think this may be the serious constitutional infirmities that this amendment could have, and when I say ''constitutional infirmities,'' what I believe the Senator's amendment will do is, by denying access, by denying access to the courts in this constitutional amendment, in a sense what we are doing is modifying the fifth amendment due process clause. You are saying we have no redress to this act—none—until Congress acts.

Now, I think the practical effect of that will be—and I think we are seeing within this body a lot of support for the courts keeping hands off, not reaching in—so what may happen, what I think there is high probability of happening, is we will leave that alone. We, in fact, will not implement. We will not provide. There is no requirement for Members to do so. There is no reason for the Senate now to provide access when, in fact, we have stated constitutionally they have no access.

On the other side, if we do not have the Johnston amendment in place, it is incumbent upon Members to act because I think the Senator is right, we have left a big open question here. Now, it is our duty to define what avenues the court will have to address this constitutional amendment.

I think what we have done here is take the Congress off the hook of having to come back, look at this question, debate it, find out specifically what areas we are going to deal with or provide for the citizenry, for Members of Congress, to address this issue in the courts.

By this amendment we will, in fact, foreclose that discussion. I believe that discussion will not occur, or if it does occur, will not prevail, that we will feel most comfortable leaving the courts completely out of it. It has been passed in the constitutional amendment. There will be no reason for Members to come here because we have taken care of this issue.

If we leave it open, the issue will arise again. And I believe the Senator is absolutely right. There is such a question here. We will be driven to provide specifically for that kind of redress in the court.

I think not only do we have a limitation of the due process clause of the 5th amendment as a result of the amendment of the Senator from Louisiana, which I think is a red flag, No. 1. No. 2, we have in a sense decided this issue now maybe for a long period of time and eliminated any prospect of judicial review for this legislation.

I do not think we are prepared to do that. I think we are prepared, at least what I hope most Members are prepared to do, is say, ''Let's leave this question open for us to go and then provide specific redresses in the implementing legislation to deal with this question. Let's be precise about it. Let's be limited about it but have a full and open discussion about it, not foreclose and slam the door for any possibilities of judicial overview,'' whatever limited amount it may be.

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. SANTORUM. Very briefly.

Mr. JOHNSTON. What appropriate role would the Senator think the courts ought to have?

Mr. SANTORUM. Mr. President, I think that is a discussion that we need to have. I think that is a discussion that has to be talked about far beyond the few hours of debate we have here on the Senate floor. We need to look at whether we should limit it to declaratory judgment or whether we should grant injunctive relief. All those kind of avenues. Who should we give standing to move these suits forward. All of those discussions, the particulars, need

to be dealt with in the implementing legislation.

If we pass the amendment of the Senator from Louisiana, I do not believe we will get there. I do not believe we get there because we have already settled the issue and the courts do not have a role.

Mr. JOHNSTON. We say the courts do have a role to the extent we specify.

Mr. SANTORUM. But there is no incentive as a result of your amendment to specify. We have now kept them out of our affairs. There is no reason for Members to come back and give them access, where, if we did not pass the amendment, it would be a broad open question as to what extent they could get involved.

It could be incumbent upon the Senate to protect our own viability as a body, for the Senate to specifically chart out where they would. I think any kind of implementing legislation—I think the Senator from Wisconsin was right on this. If we, through implementing legislation, said they have no access, I think we would have constitutional problems with that. We would have to provide some sort of limited access for suit. Your amendment does not do that.

I think you run into very severe limitation on the due process clause. We are telling every citizen of this country that you cannot redress your Government through a constitutional amendment. I think that is a real problem. I think that is one of the reasons I would be opposed to it.

The second is, I think it forecloses any future discussion on this matter. I would be happy at this point to yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I understand the hullabaloo is about the modification of the amendment of the Senator from Louisiana applying only to section 2, because the claim is the budgetary language is different from the constitutional amendment language.

To me, that is such a trivialization of the debate that it is not funny. If we have 67 people who will pass this amendment, we are certainly going to have 51 votes to change any budgetary language we have to in the implementing legislation.

Why should we get into a big scholastic—and by ''scholastic,'' we will call it scholasticism — how-many-angels-stand- on-head-of-a-pin argument in the debate over the constitutional amendment over that issue?

Now, if Members of Congress believe that the issue of standing and the separation of powers and political question are not well defined by the courts and well defined by better than a century of law on this subject, then I can see where they might want to support the distinguished Senator from Louisiana and his amendment here.

The law is so well defined and it is so clear in those areas. I think we made the case earlier in the day that it is clear that I do not need to repeat it again at this particular point. I am hoping all Senators will vote against this amendment. It is a mischievous amendment. It is offered to try to scuttle the balanced budget amendment, knowing that there can always be made some argument about any term in any balanced budget amendment or any amendment to the Constitution that others might agree or disagree on.

What we are talking about here is an amendment passed by 300 Members of the House of Representatives, the two-thirds-plus vote, for the first time in history. In my opinion, we simply cannot amend it further because of that historic vote and the fact that it is a bipartisan consensus amendment by Democrats and Republicans that will work. These frightful occurrences are not going to occur and everybody knows it.

The whole purpose of this amendment is, of course, to try to amend this constitutional amendment which puts Members through the whole process again. Now the original amendment of the distinguished Senator from Louisiana said, ''No court shall have the power to issue relief pursuant to any case or controversy arising out of this article except as may be specifically authorized in implementing legislation pursuant to this section.''

The modification, as I understand it, would add on to section 6 the following:

> The judicial power of the United States shall not extend to any case or controversy arising out of this article except for section 2 hereof, or as may be specifically authorized in implementing legislation pursuant to this section.

We do not need to have litigation for section 2. We do not need to have litigation for any aspect of it. I think under the rules of law that have existed for well upward of a century, this is a false issue, and we should vote to table this particular amendment. I hope our Senators will do that.

I yield the floor.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I am indebted to the distinguished Senator from Washington [Mr. GORTON] and the distinguished Senator from Colorado [Mr. BROWN] for helping work out this modification which I think achieves very well the purposes that most Senators want to achieve on this floor, which is to ensure that the real biting enforcement and sanction of section 2 is preserved in this amendment so that, as the Senator from Colorado said, section 2 is the real guts of the enforcement and that remains here with the power of the court to enforce it.

But other than that, Mr. President, this amendment will provide that the courts may not raise taxes and may not substitute their judgment for that of the U.S. Congress.

It is to me an amazing circularity of logic that the opponents of the amendment as modified have. They say, on the one hand, this is absolutely clear, we know there is no standing to sue, we know there is no justiciable question; this is a political question which the courts cannot get into. But, on the other hand, there may be some cases where some people will need to go to court and enforce this. But, on the other hand, it is absolutely clear. But, on the other hand, if we pass this amendment, the Congress will never act because then it will be clear.

Well, Mr. President, it either is clear or it is not clear, and we know what the real answer to that question is: It is intentionally ambiguous, and in that ambiguity, we have mischief, because while what Judge Bork says is thousands of cases matriculating up through the district courts and the courts of appeal of this country, while we are waiting for those to be decided, the capital markets of this country, the bond markets, the very fiscal essence of the country will be held in limbo while the court decides such arcane questions as whether this is a political question, whether there is standing to sue, or whether it is a justiciable issue.

We have the power to decide that issue now, to make it clear and unambiguous, which is, the courts do not have authority, except to the extent we give them authority.

Mr. President, we have between now and 2002—2002—to act to implement this article. Section 6 says:

> The Congress shall enforce and implement this article by appropriate legislation.

If this Senate and this Congress can pass a constitutional amendment by a two-thirds vote, by 67 votes, surely it could pass simple implementing legislation which requires only a simple majority. Why would Congress ignore section 6, ignore its duty when it takes only a majority vote, when we feel so strongly today that we are giving a two-thirds vote to the constitutional amendment? It does not make sense, and it does not add up.

If any Member believes, as I believe, that what the courts would really do if they took jurisdiction is order a tax increase and then maybe say, ''Congress, this will go into effect 60 days from now or 4 months from now unless you act''—I think that is what they would do because that is the only thing they have expertise to do. They do not have the expertise to cut budgets, to decide between competing claims in a budget, but they sure do know how to order an income tax increase, because it takes no expertise. This amendment would prevent that; it would deprive the courts of the ability to meddle in this constitutional duty, which is properly the Congress', except to the extent that we authorize them to do so.

Mr. President, it clears up an intentional ambiguity. It loses no votes. I believe this gets votes for this amendment, and it certainly makes a better

amendment. I hope my colleagues will go along with it.

I yield the floor.

Mr. HATCH. Mr. President, I would be interested in whether it will get the vote of the distinguished Senator from Louisiana if this amendment passes.

Mr. JOHNSTON. Mr. President, I can tell the Senator from Utah what my concern is about this amendment. There was a Treasury study which showed that my State was more heavily impacted than any other State. It made certain assumptions. It made the assumptions that defense would not be cut, as the contract calls for; that Social Security would not be cut, as everyone promised. It was a nationwide study, and it determined, as I recall, the cuts to Louisiana were something like $3 to $4 billion.

Mr. HATCH. May I ask the Senator to comment on his time?

Mr. JOHNSTON. Until I know what makes up the cuts, I cannot vote for the amendment.

Mr. HATCH. Mr. President, we have been through that argument already, and that is, we have never been able to tell where the cuts are up to now. Until we get this into the Constitution, we never will. That is why we have to get it in the Constitution.

This is a bigger issue than any of our individual States. All of us are concerned about our States, all of us are concerned about what cuts or tax increases, but all of us need to be concerned about the future of this Nation, the future of our children and our grandchildren.

We have a Federal Government that is running away from us; it is out of control. We can debate these things forever. But under the Johnston amendment, allowing suits under section 2 may allow the courts to relax the standing rules that they have. It would be the exact opposite of what everybody in this body would like to see happen. It would be an indication to them we want them to relax standing rules. Presently, courts will not allow standing to give relief that interferes with budgetary processes, and I do not know anybody who would rebut that statement.

Ironically, the Johnston amendment may allow the very thing he fears. I frankly do not know why anybody would want to vote for it who understands the implications of it, but let me just summarize our position on this.

Senator Johnston's amendment would deny all judicial review to enforce the balanced budget amendment, except for section 2 which may give an indication to the courts that they should relax the standing requirements which means even more litigation all over this society, more than ever before, and there would be no way you could stop it.

I believe it is an overreaction to a problem that simply does not exist, and to apply what happens in States—and there have not been many suits in States—to apply that to this just is inapposite.

The ghost that haunts opponents of the balanced budget amendment is that the judiciary will usurp Congress' power delegated to it by the Constitution over spending, borrowing, and taxing matters.

Mr. JOHNSTON. Would——

Mr. HATCH. I do not have enough time or I would yield.

That horrible phantom will place the budgetary process under judicial receivership, through its equitable powers, cut spending programs, and even order the raising of taxes, they say. But the apparition is simply make believe; it is a bad dream. The courts simply do not have the authority to usurp Congress' role in the budgetary process.

That unfounded phobia has its antidote in the time-honored precept of standing and the political question and separation of powers doctrines. As I said, these jurisprudential doctrines stand as impenetrable barriers to the courts commandeering of the democratic process.

Besides, it is just wrong to think that Congress cannot and will not protect its institutional prerogatives. The framers of the Constitution designed a constitutional system whereby each branch of government would have the power to check the zeal of the other branches. In James Madison's words in the Federalist No. 51:

> [T]he great security against a gradual concentration of the several powers in the same department, consists in giving to those who administer each department, the necessary constitutional means, and personal motives, to resist encroachments of others. The provision for defence must in this, as in all other cases, be made commensurate to the danger of attack. Ambition must be made to counteract ambition.

Frankly, I find it utterly inconceivable, as a practical matter, that the chairmen of congressional Appropriations, Budget, and Finance Committees and subcommittees, and Congress as a whole, will stand idly by if some district court judge somewhere exceeds his or her authority and allows a case implicating this institution's budget and tax and spending prerogatives to proceed. Why, it defies belief that these Senators like MARK HATFIELD, ROBERT BYRD, PETE DOMENICI, JIM EXON, and leaders like ROBERT DOLE and TOM DASCHLE, and their counterparts in the other body, or any of us, would allow a court to tamper with congressional prerogatives. Congress would do what it would have to do and moot any such case which even hinted at success. Does anyone doubt this?

Moreover, to resist the ambition of the courts, the framers gave to Congress in article III of the Constitution the authority to limit the jurisdiction of the courts and the type of remedies the courts may render. If Congress truly fears certain courts may decide to ignore law and precedent, Congress—if it finds it necessary—may, through implementing legislation pursuant to section 6 of House Joint Resolution 1, forbid courts the use of their injunctive powers altogether. Or, Congress could create an exclusive cause of action or tribunal with carefully limited powers, satisfactory to Congress, to deal with balanced budget complaints.

But Congress should not, as the distinguished Senator from Louisiana proposes, cutoff all judicial review. I believe that House Joint Resolution 1 strikes the right balance in terms of judicial review. By remaining silent about judicial review in the amendment itself, its authors have refused to establish congressional sanction for the Federal courts to involve themselves in fundamental macroeconomic and budgetary questions. At the same time, this balanced budget amendment does not undermine the court's equally fundamental obligation, as first stated in *Marbury* v. *Madison*, 1 Cranch 137, 177 (1803), to ''say what the law is'' in those cases where standing exists and the separation of powers and political question doctrines do not bar the courts from proceeding. After all, while I am confident that courts will not be able to interfere with our budgetary prerogatives, I am frank to say I cannot predict every conceivable lawsuit which might arise under this amendment, and which does not implicate these budgetary prerogatives. A litigant, in such narrow circumstances, if he or she can demonstrate standing, ought to be able to have their case heard.

JUDICIAL ENFORCEMENT

Nonetheless, I must underscore that keeping open the courthouse door to a litigant who is not seeking to interfere with the spending and taxing powers ofCongress, does not license the judiciary to interfere with budgetary decisions. Because this issue is of great importance to my colleagues, I would like at some length to address the concern of some that under the balanced budget amendment courts will become superlegislatures. Indeed, opponents march out a veritable judicial parade of horribles where courts strike down spending measures, put the budgetary process under judicial receivership, and like Charles I of England, raise taxes without the consent of the people's representatives. All of this is a gross exaggeration. This parade has no permit.

I whole-heartedly agree with former Attorney General William P. Barr who stated that if House Joint Resolution 1 is ratified there is ''little risk that the amendment will become the basis for judicial micromanagement or superintendence of the federal budget process. Furthermore, to the extent such judicial intrusion does arise, the amendment itself equips Congress to correct the problem by statute. On balance, moreover, whatever remote risk there may be that courts will play an overly intrusive role in enforcing the amendment, that risk is, in my opinion, vastly outweighed by the benefits of such an amendment.''

STANDING, SEPARATION OF POWERS, AND POLITICAL QUESTIONS

There exists three basic constraints which prevent the courts from interfering in the budgetary process: First, limitations on Federal courts contained in article III of the Constitution, primarily the doctrine of standing, particularly as enunciated by the Supreme Court in *Lujan* v. *Defenders of Wildlife,* 112 S.Ct. 2130 (1992); Second, the deference courts owe to Congress under both the political question doctrine and section 6 of the amendment itself, which confers enforcement authority in Congress; third, the limits on judicial remedies which can be imposed on a coordinate branch of government—in this case, of course, the legislative branch. These are limitations on remedies that are self-imposed by courts and that, in appropriate circumstances, may be imposed on the courts by Congress. These limitations, such as the doctrine of separation of powers, prohibit courts from raising taxes, a power exclusively delegated to Congress by the Constitution and not altered by the balanced budget amendment. Consequently, contrary to the contention of opponents of the balanced budget amendment, separation of power concerns further the purpose of the amendment in that it assures that the burden to balance the budget falls squarely on the shoulders of Congress—which is consistent with the intent of the framers of the Constitution that all budgetary matters be placed in the hands of Congress.

Concerning the doctrine of standing, it is beyond dispute that to succeed in any lawsuit, a litigant must first demonstrate standing to sue. To demonstrate article III standing, a litigant at a minimum must meet three requirements: First, injury in fact—that the litigant suffered some concrete and particularized injury; second, traceability—that the concrete injury was both caused by and is traceable to the unlawful conduct; and third, redressibility—that the relief sought will redress the alleged injury. This is the test enunciated by the Supreme Court in the fairly recent and seminal case of *Lujan* v. *Defenders of Wildlife,* 112 S.Ct. 2130, 2136 (1992). [See, e.g., *Valley Forge Christian College* v. *Americans United for Separation of Church & State, Inc.,* 454 U.S. 464, 482–83 (1982).] In challenging measures enacted by Congress under a balanced budget regime, it would be an extremely difficult hurdle for a litigant to demonstrate the injury-in-fact requirement, that is, something more concrete than a generalized grievance and burden shared by all citizens and taxpayers. I want to emphasize that this is hardly a new concept. See *Frothingham* v. *Mellon,* 262 U.S. 447, 487 (1923). Furthermore, courts are not going to overrule this doctrine since standing has been held to be an Article III requirement. See *Simon* v. *Eastern Ky. Welfare Rights Org.,* 426 U.S. 26, 41 n.22 (1976).

Even in the vastly improbable case where an injury in fact was established, a litigant would find it nearly impossible to establish the traceability and redressibility requirements of the article III standing test. Litigants would have a difficult time in showing that any alleged unlawful conduct—the unbalancing of the budget or the shattering of the debt ceiling—caused or is traceable to a particular spending measure that harmed them. After all, there will be hundreds and hundreds of Federal spending programs even after Federal spending is brought under control. Furthermore, because the Congress would have numerous options to achieve balanced budget compliance, there would be no legitimate basis for a court to nullify or modify a specific spending measure objected to by the litigant.

As to the redressibility prong, this requirement would be difficult to meet simply because courts are wary of becoming involved in the budget process—which is legislative in nature—and separation of power concerns will prevent courts from specifying adjustments to any Federal program or expenditures. Thus, for this reason, *Missouri* v. *Jenkins,* 495 U.S. 33 (1990), where the Supreme Court upheld a district court's power to order a local school district to levy taxes to support a desegregation plan, is inapposite because it is a 14th amendment case not involving, as the Court noted, ''an instance of one branch of the Federal Government invading the province of another.'' [Jenkins at 67.] Plainly put, the Jenkins case is not applicable to the balanced budget amendment because section 1 of the 14th amendment—from which the judiciary derives its power to rule against the States in equal protection claims—does not apply to the Federal Government and because the separation of powers doctrine prevents judicial encroachments on Congress' bailiwick. Courts simply will not have the authority to order Congress to raise taxes.

Furthermore, the well-established political question and justiciability doctrines will mandate that courts give the greatest deference to congressional budgetary measures, particularly since section 6 of House Joint Resolution 1 explicitly confers on Congress the responsibility of enforcing the amendment, and the amendment allows Congress to ''rely on estimates of outlays and receipts.'' See *Baker* v. *Carr,* 369 U.S. 186, 217 (1962). Under these circumstances, it is extremely unlikely that a court would substitute its judgment for that of Congress.

Moreover, despite the argument of some opponents of the balanced budget amendment, the taxpayer standing case, *Flast* v. *Cohen,* 392 U.S. 83 (1968), is not applicable to enforcement of the balanced budget amendment. First, the Flast case has been limited by the Supreme Court to establishment clause cases. This has been made clear by the Supreme Court in *Valley Forge Christian College,* 454 U.S. at 480. Second, by its terms, Flast is limited to cases challenging legislation promulgated under Congress' constitutional tax and spend powers when the expenditure of the tax was made for an illicit purpose. Sections 1 and 2 of House Joint Resolution 1, limit Congress' borrowing power and the amendment contains no restriction on the purposes of the expenditures. Finally, in subsequent cases, particularly the Lujan case, the Supreme Court has reaffirmed the need for a litigant to demonstrate particularized injury, thus casting doubt on the vitality of Flast. [See *Lujan,* 112 S. Ct. at 2136.]

I also believe that there would be no so-called congressional standing for Members of Congress to commence actions under the balanced budget amendment. Although the Supreme Court has never addressed the question of congressional standing, the D.C. circuit has recognized congressional standing, but only in the following circumstances: First, the traditional standing tests of the Supreme Court are met, second, there must be a deprivation within the zone of interest protected by the Constitution or a statute—generally, the right to vote on a given issue or the protection of the efficacy of a vote, and third, substantial relief cannot be obtained from fellow legislators through the enactment, repeal, or amendment of a statute—the so-called equitable discretion doctrine. See *Melcher* v. *Open Market Comm.,* 836 F.2d 561 (D.C. Cir 1987); *Riegle* v. *Federal Open Market Committee,* 656 F.2d 873 (D.C. Cir.), cert. denied, 454 U.S. 1082 (1981). Because Members of Congress would not be able to demonstrate that they were harmed in fact by any dilution or nullification of their vote—and because under the doctrine of equitable discretion, Members would not be able to show that substantial relief could not otherwise be obtained from fellow legislators through the enactment, repeal or amendment of a statute—it is hardly likely that Members of Congress would have standing to challenge actions under the balanced budget amendment.

THE FOURTEENTH AMENDMENT AND THE BALANCED BUDGET AMENDMENT

Furthermore, some of my colleagues contend that because section 6 of House Joint Resolution 1, the section that mandates that Congress enforce the amendment through implementing legislation, is similar to section 5 of the 14th amendment, which permits Congress to enforce that amendment, courts will also be able to enforce the balanced budget amendment to the extent courts enforce the 14th amendment.

This analogy is misleading. First, courts may only enforce an amendment when legislation or executive actions violate the amendment or when Congress creates a cause of action to enforce the amendment. An example of the latter is 42 U.S.C., section 1983, the 1871 Civil Rights Act that implements section 1 of the 14th amendment. Of

course, Congress has not created, and need not create, an analogous cause of action under section 6 of the balanced budget amendment, so there is no direct judicial enforcement provision in existence similar to section 1983.

Second, as to the judicial nullification of legislation or executive action that is allegedly inconsistent with a constitutional amendment, the case-or-controversy provision of article III requires that a litigant demonstrate standing. As I have stated at great length already during this debate, it is very improbable that a litigant could demonstrate standing under the balanced budget amendment—that the litigant could demonstrate a particularized injury, different from the generalized harm facing any citizen or taxpayer. Contrast this with cases under the 14th amendment where standing was found because a litigant could demonstrate a particular, individualized, and concrete harm, as in the one man, one vote case. See *Reynolds* v. *Sims*, 369 U.S. 186 (1962).

Third, in this circumstance, as I previously explained, under the separation of powers doctrine, courts will not entertain a suit where they cannot supply relief to the litigant. *Lujan* v. *Defenders of Wildlife*, 112 S.Ct. 2130 (1992). The Constitution under article I delegates to Congress taxing, spending, and borrowing powers. These are plenary powers that exclusively and historically have been recognized as belonging to Congress. The balanced budget amendment does not alter this. Courts, consequently, will be loathe to interfere with Congress' budgetary powers. It is simply an exaggeration to contend that courts will place the budgetary process under receivership or cut spending programs.

Fourth, as I also explained, the political question doctrine will deter courts from enforcing the balanced budget amendment. Budgetary matters—such as where to cut programs or how to raise revenues—are prototypically a political matter best left to the political branches of government to resolve. Courts, under the political question doctrine, will leave these matters to Congress.

CONGRESS' POWER TO RESTRAIN THE COURTS

Finally, it is simply wrong to assume that Congress would just sit by in the unlikely event that a court would commit some overreaching act. Believe me, Congress knows how to defend itself. Congress knows how to restrict the jurisdiction of courts or limit the scope of judicial remedies. But I do not think this necessary. Lower courts follow precedents, and the precepts of standing, separation of powers, and the political question doctrine, effectively limit the ability of courts to interfere in the budgetary process.

Nevertheless, if necessary, a shield against judicial interference is section 6 of House Joint Resolution 1 itself. Under this section, Congress may adopt statutory remedies and mechanisms for any purported budgetary shortfall, such as sequestration, rescission, or the establishment of a contingency fund. Pursuant to section 6, it is clear that Congress, if it finds it necessary, could limit the type of remedies a court may grant or limit courts' jurisdiction in some other manner to proscribe judicial overreaching. This is nothing new. Congress has adopted such limitations in other circumstances pursuant to its article III authority. Here are a few: First, the Norris-LaGuardia Act, [29 U.S.C. §§101–115], where the courts were denied the use of injunctive powers to restrain labor disputes; Second, the Federal Tax Injunction Act, [28 U.S.C. sec. 2283], which contains a prohibition on Federal courts from enjoining state court proceedings; and third, the tax Injunction Act, [26 U.S.C. sec 7421(a)], where Federal courts were prohibited from enjoining the collection of taxes.

In fact, Congress may also limit judicial review of particular special tribunals with limited authority to grant relief. For instance, the Supreme Court in *Yakus* v. *United States*, [319 U.S. 182 (1943)], upheld the constitutionality of a special emergency court of appeals vested with exclusive authority to determine the validity of claims under the World War II Emergency Price Control Act. In more recent times, the Supreme Court, in *Dames & Moore* v. *Reagan*, [453 U.S. 654 (1981)], upheld the legality of the Iranian-United States Claims Tribunal as the exclusive forum to settle claims to Iranian assets.

Beyond which, as I have mentioned earlier, in the virtually impossible scenario where these safeguards fail, Congress can take whatever action it must to moot any case in which a risk of judicial overreaching becomes real.

Mr. President, I believe it is clear that the enforcement concerns about the balanced budget amendment do not amount to a hill of beans. The fear of the demon of judicial interference is exorcised by the reality of over a century of constitutional doctrines that prevent unelected courts from interfering with the power of the democratic branch of government and that bestow Congress with the means to protect its prerogatives.

Mr. President, it is very clear. I do not think we should amend this amendment, certainly not with the language the distinguished Senator from Louisiana has brought forth here, which will lead us to more litigation than ever before in worse ways than ever before, and a reduction in the amount of Congress' power that currently exists, especially when we can easily change it in the implementing legislation without any problems.

I suggest the absence of a quorum.

Mr. JOHNSTON addressed the Chair.

Mr. HATCH. I withhold.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I yield myself 1 minute, just simply to reply to the argument that somehow this language would do away with the requirement for standing.

Mr. President, all this language says is that the judicial power of the United States shall not extend to a case in controversy under this article except for section 2.

Now, I invite a comparison with the present language of the Constitution which says:

> The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made.

Now, under the language of the Constitution which says the judicial power shall extend to cases, controversies, et cetera, the court has required standing. It is the same language that we have in this amendment. Whatever requirement the court will find for standing under this amendment is the same language that inheres under the Constitution. And so, Mr. President, there is no expansion of standing under section 2 under our amendment.

Now, Mr. President, I would yield 2 minutes to the distinguished Senator from Washington.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. It seems to me the argument of my distinguished colleague from Utah comes down to a very simple set of inconsistent propositions. Proposition No. 1, courts are not going to get involved in enforcing this amendment. Proposition No. 2, we ought to have the courts involved in enforcing this amendment.

I just simply do not believe that Members can have it both ways. If, in fact, courts are going to stay out by reason of standing or other various doctrines which are not themselves contained in the Constitution, then it certainly does no harm to see to it that that is the result.

If, in fact, it is the proposition of the proponents of this constitutional amendment, some of the proponents because I am one of them, that courts should be involved, then it seems to me they are doing something in this field that almost without exception they deprecate in other fields. Judicial activism should not be invited into the process of writing budgets of the United States. That is a legislative and executive function.

The reason for the amendment is that the Senator from Louisiana, together with this Senator, wants to make certain that this remains solely a function of Congress and of the executive branch of Government. And all Members who feel that the courts may very well be too active today in many social and political issues should vote in favor of the amendment.

Mr. JOHNSTON. Mr. President, I yield 2 minutes to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I thank the Chair and I thank the Senator from Louisiana for yielding 2 minutes to me.

Mr. President, very quickly, I want to commend my friend from Louisiana, Senator JOHNSTON, for offering this amendment this afternoon. I truly believe that this is one of the most important amendments and one of the most critical decisions that we will make during the debate on the proposed amendment to the Constitution of the United States to have and to require a balanced budget.

Mr. President, I want to make two quick points. First, I think if the amendment of the Senator from Louisiana is defeated by this body this afternoon, two things are going to happen. I think the first thing is that this is going to be seen by the courts as an actual invitation to come forward and start implementing the balanced budget to the Constitution of the United States, assuming that two-thirds of the Senators agree and that three-fourths of the States support the balanced budget amendment.

The second thing, Mr. President, I say in all due respect, that I think is going to happen, is that the courts will look at the defeat of the Johnston amendment that we are now considering and are about to vote on, as having established legislative intent—should we defeat this amendment. And I only assume that the courts would ultimately declare that the Senate had decided, through the process of establishing legislative intent, that the courts would be the proper implementing authority to implement the balanced budget clause of the Constitution of the United States; the balanced budget amendment of the Constitution of the United States.

So I see two very bad things coming as a result, Mr. President.

If I could have 1 additional minute, Mr. President?

I thank my friend from Louisiana.

The PRESIDING OFFICER. The Senator may proceed.

Mr. PRYOR. I see two very bad things happening if we turn down the Johnston amendment. I think the Johnston amendment is sound. I think if you could take a poll of the country today and ask the people if they want the courts to implement a balanced budget amendment to the Constitution of the United States, if they want an unelected lifetime appointed Federal district judge from wherever to raise the taxes necessary to implement a balanced budget amendment to the Constitution, or in the Constitution, most people would say no. I say that if we fail to support, this afternoon, the very fine, clarifying amendment offered by the Senator from Louisiana, there could be a disastrous effect.

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

Who yields time?

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

The PRESIDING OFFICER. The Senator from Louisiana has 17 minutes. The Senator from Utah has 11½ minutes.

Mr. JOHNSTON. Mr. President, I yield 4 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan has 4 minutes.

Mr. LEVIN. Mr. President, I commend the Senator from Louisiana and the Senator from Washington. These are two Senators who have different positions on the underlying amendment but who have come in very strong agreement on the need to clarify an ambiguity. Whatever side of the issue we are on, the underlying issue, we cannot in good conscience essentially leave a critical ambiguity in the Constitution as to how it is going to be enforced and whether or not the courts are going to be able to enforce this document.

The Senator from Utah, in whom I have a great deal of confidence and trust as a person of honor, says that it is very clear the courts cannot interfere with the budgetary process. And that is his intent. When he says it, as he has a number of times, I accept this as being his intent.

The difficulty is the lead sponsor of this language in the House seems to have a very different intent. So we are caught in an ambiguity. The ambiguity is not just between law professors. The ambiguity is between the language of the sponsor of this amendment that is before us in the House and the lead sponsor in the Senate, on the very important questions of standing to sue and what a court can do.

Representative SCHAEFER, in a formal answer for the RECORD—not a casual comment but a formal answer for the RECORD—he says the courts could invalidate individual appropriation or tax acts. I read this earlier this afternoon. I had it blown up so we could all see exactly what it is that he has said. ''The courts could make only a limited range of decisions on a limited number of issues.''

What are they? ''They could invalidate an individual appropriation or tax act. They could rule as to whether a given act of Congress or action by the executive violated the requirements of this amendment.'' Perhaps he describes that as a limited range of decisions but surely that is a major intrusion in the budgetary processes of the U.S. Government.

I wish the intention were clear. I wish it were clear for the sake of a constitutional amendment which may be adopted.

For many other reasons I hope it will not be. I am one of those who opposes it for a number of reasons. But whatever side of the constitutional amendment issue we are on, it is incumbent on us to have language which is clear as to the heart of the matter, which is the enforcement of it. Over and over again we have stated the intention to balance the budget. The heart of the matter is can it be enforced and, if so, how will it be enforced? What is the mechanism to enforce it? The Johnston amendment clarifies the question of whether courts will take over legislative functions, such as individual appropriation acts or tax acts.

This is not a casual comment by one person who is voting for the amendment in the other body. This is a formal statement for the RECORD—one of many, by the way, which differs from the sponsors here—for instance on questions of standing. It is——

Mr. JOHNSTON. Will the Senator yield at that point?

Mr. LEVIN. I will be happy to yield.

Mr. JOHNSTON. Does it not follow, if you have the power to invalidate a tax act, that you also have a power to order a tax?

The PRESIDING OFFICER. The Senator's 4 minutes have expired.

Mr. JOHNSTON. I yield 2 additional minutes.

The PRESIDING OFFICER. The Senator may proceed for 2 additional minutes.

Mr. LEVIN. I think that may well follow. But if you can invalidate an appropriation act or a tax act you are deep in the budgetary process.

Representative SCHAEFER has said that a Member of Congress, ''probably would have standing to file suit.'' That is a formal answer to a formal question, ''probably would have standing.''

Mr. HATCH. Will the Senator yield?

Mr. LEVIN. I will be happy to if I have time.

Mr. HATCH. Just one sentence. Congressman SCHAEFER, as sincere as he was, is not a lawyer. His life's work has been in public relations. He was simply wrong. I do not see anybody—I do not know anybody who would argue that they can invalidate individual appropriations or tax acts. He may have been very sincere making that statement. He was simply wrong.

Mr. LEVIN. I believe the Senator from Idaho put the exact same answers in the RECORD on this side, in the CONGRESSIONAL RECORD.

This is not a casual answer in a colloquy during a debate. These are formal answers, the questions and answers for the RECORD by the chief sponsor of the constitutional amendment that we are voting on. This was not something he threw off on his way to a press conference. This is formal. I am reading the CONGRESSIONAL RECORD in the House, on page 8754 here, and I am reading it precisely. It is—this is a long document of questions and answers for the RECORD.

The courts could invalidate an individual appropriation or tax act.

On the question of standing, if we could get the other quote up here on the question of standing—this is what Representative SCHAEFER said.

A Member of Congress or an appropriate administration official probably would have standing to file suit.

The Senator from Utah—and I take his word. I know—it is not his intent.

When he looks me in the eye and he tells me what his intent is, no question, I accept it. I know him well. But it is very different from what Representative SCHAEFER, who is the prime sponsor of this amendment, is telling us.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LEVIN. May I have one minute? I am out of time. I do not know if the Senator from Utah wants to ask me a question.

The PRESIDING OFFICER. Who seeks time?

Mr. HATCH. If I could. I do not know Representative SCHAEFER very well. But I do know his experience in these matters is somewhat limited. The fact that somebody puts something in the RECORD, albeit as sponsor of the amendment—this amendment has been around a long time. He was cosponsor of it. That does not mean he, or anyone else, wrote it.

But let us just talk in terms of what is really involved here.

The contention, for instance, that the balanced budget amendment would allow Federal courts to offer the raising of taxes is absolutely without merit. It is based on a misunderstanding of the case of Missouri versus Jenkins, which was a 14th amendment case.

In that case the Supreme Court in essence approved, by a 5-to-4 vote, a lower court remedial order directing State or county political subdivisions to raise taxes to support a court-ordered school desegregation order. The lower court had previously found that the school district had engaged in intentional segregation, in violation of the 14th amendment's equal protection clause.

The concern that the balanced budget amendment would allow a Federal court to order Congress to raise taxes to reduce the deficit is plainly without merit. Why? Because Jenkins is a 14th amendment case. Under the 14th amendment jurisprudence, Federal courts may perhaps issue this type of remedial relief to force the equal protection clause against the States, but certainly not against Congress, a coequal branch of Government. The 14th amendment, of course, does not apply to the Federal Government.

No. 2, separation-of-powers concerns would prohibit the judiciary from interfering with the budgetary, taxing, borrowing, and spending powers that are exclusively delegated to Congress by the Constitution.

And, three, Congress simply cannot be made a party-defendant. To order taxes to be raised, Congress would have to be named a defendant. Presumably, suits to enforce the balanced budget amendment would arise when an official or an agency of the executive branch seeks to enforce or administer a statute whose funding is in question in light of the amendment. In the case of Riegle versus Federal Open Market Committee, the court noted that ''when a plaintiff alleges injury by unconstitutional actions taken pursuant to a statute, his proper defendants are those acting under the law * * * and not the legislature which enacted the statute.''

So, I respect Congressman SCHAEFER, but he just simply is wrong on those statements, and the law says he is wrong.

Mr. President, let me just switch for a minute. I ask unanimous consent that Senator BIDEN be recognized to offer an amendment on capital budgeting following the disposition of Senator Johnston's amendment and Senator BYRD be recognized to offer an amendment following the disposition of Senator Biden's amendment. I also ask unanimous consent that there be a time limit on the Biden amendment prior to a motion to table as follows: 90 minutes under Senator BIDEN's control, 20 minutes under Senator HATCH's control; and, that at the conclusion or yielding of time, the majority leader or his designee be recognized to offer a motion to table the Biden amendment and that no other amendments be in order prior to the motion to table.

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

Mr. HATCH. Mr. President, I suggest the absence of a quorum and ask that it not be charged to either side.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The legislative clerk proceeded to call the roll.

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

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

Mr. JOHNSTON. Mr. President, I yield to the distinguished Senator from Pennsylvania 5 minutes.

How much time do I have left?

The PRESIDING OFFICER. Eleven minutes 7 seconds.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I had asked the distinguished Senator from Louisiana to yield me time because the manager of the bill, the distinguished Senator from Utah, asked me if I could get time. I have not made up my mind yet on the matter, but I wanted to express my concerns about the pending issue's repealability and have some ideas from the manager as to where the issue stood.

While this floor debate has been in process, the Judiciary Committee has been meeting in the Antitrust Subcommittee on the baseball issue. The pending amendment makes it plain that there will not be Federal court jurisdiction, that the judicial power of the United States shall not extend in any case or controversy arising under this article except section 2 here, which may be specifically authorized in implementing legislation pursuant to this section.But I inquire of the Senator from Louisiana what the exception for section 2 refers to.

Mr. JOHNSTON. Section 2 provides that the limit on the debt of the United States held by the public shall not be increased unless three-fifths of the whole number of each House shall provide for that.

Mr. SPECTER. I thank my colleague. That is very limited exception. There is no jurisdiction. The issue of jurisdiction concerns me greatly. Earlier this year, I argued a case at the Supreme Court of the United States involving the Base Closure Commission. The issue was whether Federal courts had jurisdiction of the matter. I had the occasion to do very extensive research on the jurisdictional question. It is my view that there ought not to be jurisdiction in the Federal courts on the compliance with the constitutional amendment. This is a duty on the Congress.

There is the possibility of extensive litigation, and we ought to make our position clear on that in one way or another.

If I may have the attention of the Senator from Utah. I understand the concerns the Senator from Utah has in not wanting to have amendments added to the bill because that subjects the issue to conference, but the question I have of the managers of the measure is what is the import of the absence of this amendment? Will there be jurisdiction of the Federal courts, I first inquire of my colleague from Utah?

Mr. HATCH. Well, first of all, it is not just the concern about going to conference, it is a concern about the House wanting to pass the balanced budget again with this amendment in it. We are not sure where everybody is there. Second, if we do go to conference, we are not sure we can hold on to it. Even so, third, the amendment now, as modified, says, ''The judicial power of the United States shall not extend to any case or controversy arising under this article except for section 2 hereof.'' That has now been put into the amendment, which worries us.

If section 2 is opened up for litigation, then the courts may take that as an implication that we will permit their lessening of the standing requirements and other requirements. So we think that makes it even worse and that would create even more litigation than the Senator is talking about.

Last but not least, we are very concerned that if you cut off litigation rights for cases, which I personally cannot conceive of at this point, but as the distinguished Senator from Pennsylvania understands, with his experience in the law, there may be real rights that may have to be brought in the courts for particularized injuries to individuals. Those are the reasons.

Mr. SPECTER. I ask my colleague from Utah, if the language exception as to section 2 were removed, would the amendment be agreeable?

Mr. HATCH. No, it still would not be because of the other reasons. It still

would not be agreeable because we believe it is a false issue.

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

Mr. JOHNSTON. Does the Senator wish another minute?

Mr. SPECTER. It depends on how long Senator HATCH's answer is.

Mr. HATCH. It will be at least a minute. We do not believe that we have to fear the courts in this matter, because of the principle of standing, and the doctrines of justiciability, the political question and separation of powers.

Mr. SPECTER. Well, if I may have 30 seconds more, is it the view of my colleague from Utah, the manager of the measure, that there would be no Federal jurisdiction, no jurisdiction in the Federal courts even without this amendment?

Mr. HATCH. I am not sure I understand the question.

Mr. SPECTER. Well, if this amendment is defeated, could the U.S. courts entertain jurisdiction in a suit that is brought challenging the following or compliance with the constitutional amendment for a balanced budget?

Mr. HATCH. Only if the court is extremely activist and not willing to follow the law.

Mr. SPECTER. Only if the court is——

Mr. HATCH. There may be jurisdiction, but there will not be any standing. That is the difference. It would take a very activist judge, who I think would be slapped down very quickly.

Mr. SPECTER. If you are going to rely on standing, the vagaries of that issue, or a defense that may be advanced to stop somebody from going into court, that is very perilous ground. I think it is advisable for this body to face the jurisdictional issue squarely. I think we ought to say whether or not we wish the Federal courts to have jurisdiction over compliance with the constitutional amendment for a balanced budget.

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

Mr. JOHNSTON. Mr. President, the Senator from Pennsylvania, who has one of the best legal minds in this body, has put his finger directly on the question. It is not clear whether there would be standing, justiciability, or whether it would be a political question. But the majority of the opinions I have seen indicate that there would be such standing. The Harvard Law Review demonstrates, however, that taxpayers probably would have standing to challenge. Professor Tribe, Judge Bork, and on and on, Mr. President. The better view is that there probably is standing that the courts would interfere, but it is not clear and it ought to be cleared up. That is what this amendment does.

Mr. President, how much time remains?

The PRESIDING OFFICER (Mr. CRAIG). The Senator from Louisiana has 4½ minutes. The Senator from Utah has 7½ minutes.

Mr. HATCH. Can I ask the date of that law review article?

Mr. JOHNSTON. Harvard Law Review, 1983.

Mr. HATCH. That preceded the Lujan case. The law review articles precede that case and are not applicable.

Mr. President, I suggest the absence of a quorum and ask that it not be charged to either side.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. JEFFORDS). Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I oppose the Johnston amendment because it is unnecessary and based on false premises. Under the constitutional balanced budget amendment before us, the Congress will have the authority to enforce the balanced budget amendment. All issues regarding the implementation and enforcement of the amendment will be resolved through implementing legislation.

A constitutional amendment necessarily is limited to general principles. It cannot spell out all issues that could arise under that amendment. Many constitutional amendments provide that Congress can enforce the provision through appropriate legislation. House Joint Resolution 1 follows in that tradition.

I agree that any litigation that might be brought under this amendment should be resolved expeditiously. But the amendment offered by the Senator from Louisiana is not necessary to achieve that result. Congress can set the appropriate jurisdiction of the Federal courts. Congress can pass implementing legislation that provides for Federal court actions only. And it can provide for expedited review of lower court decisions and set forth the available relief.

However, Congress cannot adopt the suggestion of the Senator from Louisiana that Congress could give the Supreme Court original jurisdiction to hear a case under the balanced budget amendment. The Supreme Court ruled in Marbury versus Madison that Congress cannot expand the original jurisdiction of the Supreme Court.

Only litigants with standing to challenge governmental action under the amendment would be able to file a lawsuit under the requirements of article III. Some few individuals might have standing. Even these individuals, however, would not be able to require a judicial resolution of their cases if the Court concludes that the case raises a political question.

Under the political question doctrine, courts will not decide cases raising issues that appropriately fall within the authority of the other two branches. For example, the Constitution guarantees a Republican form of government.

But the courts have refused to issue decisions in cases raising that constitutional provision because its enforcement appropriately lies within the authority of the political branches. Similarly, courts have refused to intervene in challenges to the President's authority over foreign affairs.

Many of the questions raised under this amendment would also be political ones that courts would not rule on.

All the supporters of the balanced budget amendment are concerned with the idea of courts potentially making tax and spending decisions. We intend that courts not do that. And we will pass implementing legislation to address the process by which any litigation can be brought. There is no need to preclude judicial enforcement pending the enactment of that implementing legislation.

Mr. CRAIG. Mr. President, I rise in opposition to the Johnston amendment.

I am not a lawyer, but legal and constitutional experts I trust and respect have convinced me that the supposed problem with judicial review is, at best, no problem at all; and, at worst, it is a red herring that may give some Senators an excuse to vote no on the BBA.

I start with Senator HATCH, an outstanding constitutional lawyer. If there were a risk of judicial intrusion into legislative matters, he would be the down here arguing for an amendment to restrict the power of the courts.

I am convinced that there is no risk of improper court action. Otherwise, I would be the first Senator down here supporting a limit on judicial review.

I am persuaded by the testimony of former Attorney General William Barr. To summarize what he said:

There is a remote risk of judicial micromanagement; if judicial intrusion arose, Congress could correct it by statute;

The remote, correctable risk was far outweighed by the need for, and the benefits of the balanced budget amendment;

There would rarely—if ever—be standing to sue;

The Constitution, the balanced budget amendment itself, and long-established judicial and constitutional doctrines all require the courts to pay great deference to Congress' handling of legislative business, especially when Congress acts affirmatively to establish statutory processes to enforce and implement the amendment.

Former Attorney General Griffin Bell, a Democrat from the Carter administration appeared before the Judiciary Committee this year to strongly endorse the balanced budget amendment.

In a 1992 memo to Representative L.F. PAYNE on this subject, the Lincoln Legal Foundation said this:

(T)here is virtually no danger that the constitutional balanced budget amendment . . . would cede the power of the purse to a runaway judiciary. To the contrary, it would eliminate certain authorities that courts currently have to order the disbursement of federal funds without appropriations.

Last year, in testimony, attorney John C. Armor told the Judiciary Committee:

The balanced budget amendment a suitable addition to the Constitution;

Limited judicial review was appropriate;

Congress is already empowered in the Constitution to limit judicial intrusion appropriately through statute.

Finally, I refer to an excellent brief memo by the U.S. Chamber of Commerce that summarizes how judicial action will be limited appropriately.

I am tired of opponents to the balanced budget amendment citing the Missouri v. Jenkins case.

I agree that Missouri v. Jenkins was decided wrongly; but that case has nothing to do with the legal or constitutional considerations around this amendment.

That was a case of Federal preemption. That was a case of the Federal courts enforcing Federal law on a local school district.

Let us look at our Constitution:

Article I says, ''All legislative powers herein granted shall be vested in a Congress of the United States * * *''

Raising taxes is a legislative power.

Writing budgets and setting priorities is a legislative power.

Article III says: ''* * * the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.''

Let us look at the amendment itself:

Section 6 says Congress will enforce and implemented the BBA;

Section 6, by expressly allowing good faith reliance on reasonable estimates, allows Congress reasonable flexibility and reduces the likelihood of second-guessing by the courts;

Section 2, by subjecting Congress to 3/5 votes on the limit on debt held by the public, makes the amendment essentially self-enforcing and locates that self-enforcement squarely in Congress.

No other amendment to the Constitution removes the courts from the process of enforcement.

In fact, the very, very slight chance that some case may come before the courts is a good thing; it will motivate Congress to make sure we comply with the amendment and stay out of court. It will reassure American people that the same branches of Government that built up a $4.7 trillion debt, will at least have the legality of their actions subject to fair and impartial interpretation.

At the same time, judicial involvement will be limited to, in the words of Marbury versus Madison, ''saying what the law is.'' They may strike down a piece of budget legislation—we may be told to go back and start over. They may rule whether an action by the President is or is not contrary to the amendment.

It does not mean the courts can write a budget or raise taxes. But interpreting the law is the job of the courts. Congress can enact reasonable limitations on judicial review. All of which is appropriate, limited, and balanced.

As Senator BROWN has pointed out, the experience of the States with that flood of lawsuits has never materialized.

Finally, as Senator SIMON has said, if we balance the budget, if we run small surpluses, if we take care to vote on the issues the amendment says to vote on, we will never be hauled into court.

I ask unanimous consent that the various documents that I have just referred to be printed in the RECORD.

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

STATEMENT OF WILLIAM P. BARR, SENATE COMMITTEE ON THE JUDICIARY, HEARINGS ON THE BALANCED BUDGET AMENDMENT, JANUARY 5, 1995

Mr. Chairman and distinguished members of the Committee: I am honored to have been invited today to testify on the Balanced Budget Amendment.

You have asked me to discuss whether judicial enforcement of the Amendment would result in undue interference by the federal courts in the budget process.

In my view, though it is always difficult to predict the course of future constitutional law development, the courts' role in enforcing the Balanced Budget Amendment will be quite limited. I see little risk that the Amendment will become the basis for judicial micromanagement or superintendence of the federal budget process. Furthermore, to the extent such judicial intrusion does arise, the Amendment itself equips Congress to correct the problem by statute. On balance, moreover, whatever remote risk there may be that courts will play an overly intrusive role in enforcing the amendment, that risk is, in my opinion, vastly outweighed by the benefits of such an Amendment.

I believe there are three basic constraints that will tend to prevent the courts from becoming unduly involved in the budgetary process: (1) the limitations on the power of federal courts contained in Article III of the Constitution—primarily the requirement of standing; (2) the deference courts would owe to Congress, both under existing constitutional doctrines, and particularly under section 6 of the amendment itself, which expressly confers enforcement responsibility on Congress; and (3) the limits on judicial remedies running against coordinate branches of government, both that the courts have imposed upon themselves and that, in appropriate circumstances, Congress may impose on the courts.

I will discuss each of these constraints in turn. Before I do, however, let me note that my remarks will focus on sections 1 and 2 of the Amendment. It is these provisions that would create new limits on Congress' power to borrow and to expend borrowed funds, and those new limits may potentially give rise to new opportunities for courts to intrude themselves into the budgetary process in ways they currently cannot. Section 4 of the Amendment, in contrast, presents no such new opportunity or risk for judicial interference in the budgetary process. Section 4 merely adds further procedural requirements for the passage of revenue bills, and courts today already may entertain claims that revenue bills (either taxes or user fees) do not comply with clear constitutional procedures.

I. ARTICLE III LIMITATIONS

Article III of the Constitution confines the jurisdiction of the federal courts to ''Cases'' or ''Controversies.'' As an essential part of this case-or-controversy limitation, any plaintiff who hopes to invoke the judicial power of the federal courts must demonstrate sufficient ''standing.''

Although the Court has not been completely consistent is defining this doctrine, its fundamental principles remain clear. At an irreducible minimum, a plaintiff must show three things to satisfy the standing requirement: (1) ''injury in fact''—that he personally has suffered some concrete and particularized injury; (2) ''traceability''—that the particularized injury was caused by, and is fairly traceable to, the allegedly illegal conduct; and (3) ''redressibility''—that the relief sought will likely redress the plaintiff's injury. *E.g., Lujan v. Defenders of Wildlife*, 112 S. Ct. 2130, 2136 (1992); *Valley Forge Christian College v. Americans United For Separation of Church & State, Inc.*, 454 U.S. 464, 482–83 (1982); *Simon v. Eastern Kentucky Welfare Rights Organization*, 426 U.S. 26, 38, 41 (1976).

Basically, we can anticipate two kinds of court challenges relating to sections 1 and 2 of the Balanced Budget Amendment: (1) a claim that a particular budgetary action (such as a spending or borrowing measure) violates the Amendment or its implementing statutes by ''unbalancing'' the budget or by exceeding the applicable debt limit, or (2) a claim that one of the implementing mechanisms enacted by Congress pursuant to section 6 of the Amendment is itself in violation of section 1 or 2. In either case, I believe, few plaintiffs would be able to establish the requisite standing to invoke federal court review.

The ''injury in fact'' requirement alone would be an imposing hurdle. It is fundamental that, to establish ''injury in fact,'' a plaintiff cannot rely on generalized grievances and burdens shared by all citizens and taxpayers, but rather must be able to show a particularized injury that he has distinctively sustained. No private citizen or group would have standing to obtain judicial enforcement of the Amendment solely by virtue of their status as a citizen or taxpayer. Their supposed injury—the burden of deficit spending and increased debt—is shared by all taxpayers and is precisely the kind of ''generalized grievance'' to which the judicial power does not extend. As the Supreme Court recently reiterated: ''As an ordinary matter, suits premised on federal taxpayer status are not cognizable in the federal courts because a taxpayer's 'interest in the moneys of the Treasury . . . is shared with millions of others, is comparatively minute and indeterminable; and the effect upon future taxation, or any payments out of the funds, so remote, fluctuating and uncertain, that no basis is afforded for [judicial intervention].''' *Asarco, Inc. v. Kadish*, 490 U.S. 605, 613 (1989) (quoting *Frothingham v. Mellon*, 262 U.S. 447, 487 (1923)).

Moreover, even in the case where a plaintiff could establish ''injury in fact''—by showing, for example, that a specific budgetary action causes particularized and distinct harm to him—it would still be difficult for that plaintiff to satisfy the remaining two elements of Article III standing—the traceability and redressibility requirements. Given the myriad components of any budget, most plaintiffs would be unable to show that the putatively illegal conduct—the

unbalancing of the budget or the breaking of the debt ceiling—was ''caused'' by, and hence is fairly traceable to, the particular spending measure that has allegedly harmed them. Moreover, a plaintiff would be hard put to demonstrate redressibility because the political branches would have numerous ways to achieve compliance with the Amendment—other than by eliminating the specific measure harming the plaintiff. There would thus be no legitimate basis for a court to single out and strike down the specific spending measure to which the plaintiff objects.

I should for a moment address the case of *Flast v. Cohen,* 392 U.S. 83 (1968), where the Supreme Court, 27 years ago, allowed a taxpayer to mount an Establishment Clause challenge against federal aid to parochial schools. *Flast* is the only instance where the Court has departed from its rigorous restriction on taxpayer standing. *Flast* plainly has no application to the present context and would not authorize general taxpayer standing to seek judicial enforcement of the Balanced Budget Amendment. First, the Court has never identified any constitutional restriction on the powers of Congress other than the Establishment Clause that might support an exception to the general prohibition on taxpayer standing. Moreover, by its terms, *Flast* is limited to cases challenging congressional action taken under its tax-and-spending power (Art. I, Sec. 8, Cl. 1 of the Constitution) when the expenditure of tax revenue is made for an illicit purpose. In contrast, sections 1 and 2 of the Balanced Budget Amendment limit Congress' *borrowing* power (a separate power, enumerated in Art. I, Sec. 8, Cl. 2) and contains no restriction on the purposes of congressional expenditures. The Court has expressly declined to extend *Flast* beyond the exercise of Congress' power under Art. I, Sec. 8, Cl. 1 to other fiscal provisions. *See, e.g., Valley Forge Christian College,* 454 U.S. at 480. And finally, in subsequent cases, the Supreme Court has consistently reaffirmed to need for *all* plaintiffs to demonstrate particularized injury, thus casting doubt on the continued vitality of *Flast.* I cannot see the Court resurrecting and extending *Flast* in the context of the Balanced Budget Amendment.

There remains the question whether, by virtue of their office, Members of Congress can establish standing where a private citizen could not. The Supreme Court has never recognized congressional standing, and forceful arguments have been advanced against it. *See Barnes v. Kline,* 759 F.2d 21, 41–51 (D.C. Cir. 1985) (Bork, J., dissenting), *vacated as moot sub nom. Burke v. Barnes,* 479 U.S. 361 (1987). Those lower courts that have allowed congressional standing have limited it in ways that would greatly restrict its use in efforts to enforce the Balanced Budget Amendment. First, Members must demonstrate that they have suffered injury in fact by dilution or nullification of their congressional voting power. In addition, Members must still satisfy the other requirements of Article III standing, including the traceability and redressibility requirements. And finally, under the doctrine of ''equitable discretion,'' recognized by the D.C. Circuit, Members must show that substantial relief could not otherwise be obtained from fellow legislators through the enactment, repeal or amendment of a statute. *See Melcher v. Federal Open Market Comm.,* 836 F.2d 561, 563 (D.C. Cir. 1987).

Even if the legitimacy of congressional standing, in principle, were ultimately accepted by the Supreme Court, I would expect that doctrine would have narrow application in the context of the Balanced Budget Amendment. Even if a circumstance arose where a Member could meet the first two requirements, it seems that, absent a serious and clear abuse, the equitable discretion doctrine would militate strongly against allowing congressional standing. This is not like the Pocket Veto cases where the Executive has allegedly ''nullified'' a Member's vote; here it is Congress itself that is taking the challenged action. If the doctrine of ''equitable discretion'' has any force, it should apply to limit judicial actions by individual Members who wish to challenge enforcement of the Congress' own budgetary decisions, since the real grievance of the congressional plaintiffs in such a case would be the failure to persuade their fellow legislators of the correctness of their point of view. *See Moore v. United States House of Representatives,* 733 F.2d 946, 956 (D.C. Cir. 1984), *cert. denied,* 469 U.S. 1106 (1985); *Riegle v. Federal Open Market Comm.,* 656 F.2d 873, 881 (D.C. Cir.), *cert. denied,* 464 U.S. 1082 (1981).

It is obvious from this discussion that I view Article III's standing requirement as a principal safeguard against undue judicial activism in this area. But I would be the last to say that the standing doctrine is an iron-clad shield against judicial activism. The doctrine is malleable and it has been manipulated by the courts in the past. There is a clear trend, however, toward narrowing the parameters of constitutional standing. *See Lujan v. Defenders of Wildlife, supra; Valley Forge Christian College, supra.* Furthermore, we can anticipate that the congressional budgetary process is not likely to be a field where the courts would be eager to stretch the doctrine. The federal budget and the public debt limits do not typically implicate sensitive individual rights, and thus there may be less temptation for courts to apply the standing requirements more loosely. In addition, courts are not expert at fathoming the ins and outs of budgetary arcana, and there is no reason to think they would be so inclined to enter that thicket as to manipulate standing principles to do so. Nevertheless, the possibility remains. One way to minimize the risk of such judicial activism is for Congress to take care in the wording of any particular statutes that are enacted in implementing the Amendment so as not to give rise to colorable claims of standing or private rights of action.

Before moving on, I should also point out for the Committee one area that I believe does hold some potential for mischief and that Congress may wish to address. That is the area of state court review. The constraints of Article III do not, of course, apply to state courts, which are courts of general jurisdiction. State courts are not bound by the ''case or controversy'' requirement or the other justiciability principles, even when deciding issues of federal law, including the interpretation of the Federal Constitution. *Asarco, Inc.,* 490 U.S. at 617. Accordingly, it is possible that a state court could entertain a challenge to a federal statute under the Balanced Budget Amendment despite the fact that the plaintiffs would not satisfy the requirements for standing in federal court. Absent an applicable provision in federal law for exclusive jurisdiction in the federal courts, the state court in such a circumstance would have the authority to render a binding legal judgment. *Ibid.* The only avenue for federal review would be by certiorari to the Supreme Court, which has held that it may exercise its discretionary jurisdiction in such cases ''if the judgment of the state court causes direct, specific, and concrete injury to the parties who petition for * * * review, where the requisites of a case or controversy are also met.'' *Id.* at 623–24.

To avoid the possibility that a federal statute or the federal budgetary process itself might be entangled in such a state court challenge, I would suggest that Congress include a provision for exclusive federal jurisdiction in any implementing legislation enacted pursuant to section 6 of the Amendment. Such a provision should be carefully worded so as not to create inadvertently any implied right of judicial review in federal court and so as not to affect any of the otherwise applicable limitations on justiciability discussed in this statement.

II. JUDICIAL DEFERENCE

Let me now turn to the second factor that will constrain judicial overreaching. In those cases where standing is established and the court proceeds to review the merits of a claim under the Balanced Budget Amendment, there is no reason to believe that the court would readily second-guess decisions made by the political branches. On the contrary, following long-established doctrine, as well as the Amendment's own explicit dictates, a reviewing court is likely to accord the utmost deference to the choices made by Congress in carrying out its responsibilities under the Amendment.

This judicial deference would be strongest in cases challenging the implementing mechanisms adopted by Congress. The Balanced Budget Amendment, in essence, mandates certain results (balanced budgets and capped debt) and leaves it to Congress to put in place mechanisms to achieve those results. It is well-established that where the Constitution requires a certain ''end,'' Congress will be given the widest latitude in selecting ''means'' to achieve that end. Thus, for example, the courts have accorded broad deference to Congress in its selection of appropriate enforcement mechanisms under section 5 of the Fourteenth Amendment. *See Katzenbach v. Morgan,* 384 U.S. 641 (1966). And in the context of the apportionment process, where the Constitution mandates in fairly precise terms that Representatives shall be apportioned among the several States ''according to their respective Numbers'' (Art. I, Sec. 2, Cl. 3), the Supreme Court has deferred to Congress' choice of the method for apportionment, even though a State adversely affected could demonstrate that another method might yield a more accurate result. *See U.S. Dep't of Commerce v. Montana,* 112 S. Ct. 1415, 1429 (1992).

The need for deference would be even more compelling in cases under the Balanced Budget Amendment, since the language of the Amendment explicitly confers on Congress, in mandatory terms, the responsibility for implementing the Amendment and specifically allows Congress in so doing to ''rely on *estimates* of outlays and receipts'' (emphasis added). Unless the implementing and enforcement provisions adopted by Congress are plainly incompatible with the Amendment, it is unlikely a court would substitute its judgment for choices made by Congress.

Even in challenges to specific budgetary actions—for example, a claim that a particular spending measure threatens to unbalanced the budget—the courts would tend to defer to the judgments of the political branches, except where a constitutional violation is clear. Not only do courts start with the general presumption that Congress has acted constitutionally, *see Pension Benefit Guaranty Corp. v. R.A. Gray & Co.,* 467 U.S. 717, 729 (1984), but that general rule of deference is substantially reinforced by the Amendment's explicit assignment of implementation responsibility to Congress in section 6, including the express recognition that Congress may rely on estimates—a process

that inherently involves discretionary and expert judgments. It is precisely when reviewing these kinds of technical fiscal issues—matters uniquely within the province and expertise of the political branches—where the courts are most inclined to defer to the sound judgment of the Congress and the Executive.

In sum, then, even where the courts reach the merits of a claim under the Balanced Budget Amendment, we are far more likely to see deference to Congress than heavy-handed second-guessing by the courts. This is not to say that courts will ignore clear instances of abuse; however, it is precisely in such cases—in which the violations are not arguable but palpable—where judicial intervention is most appropriate.

II. LIMITATIONS ON JUDICIAL REMEDIES

For the reason outlined above, I am confident the courts will entertain very few suits challenging congressional actions under the Balanced Budget Amendment, and that, when and if they do, the courts will be inclined to defer to the judgments of Congress and the Executive in the budget area. Assuming, however, that a court might entertain such a suit and might declare a particular budgetary action unconstitutional as a violation of the Amendment, there are still further judicial constraints making it unlikely a court will order intrusive remedies in such a case. As I see it, these constraints fall into two categories: prudential considerations that will limit a court's exercise of its remedial powers and limitations created by section 6 of the Amendment itself.

First, courts are appropriately wary of becoming too deeply involved in superintending decisions and processes that are essentially legislative in character, and for that reason, any court—most certainly the Supreme Court—will hesitate to impose remedies that could embroil it in the supervision of the budgetary process. Indeed, in the context of the Balanced Budget Amendment, the choice of any specific remedy—for example, an order specifying a particular adjustment of expenditures to bring the federal budget back into compliance with the Amendment—would invariably require the court to displace Congress by making a policy decision that is inherently legislative and therefore inappropriate for the courts. I believe it far more likely that a court faced with a violation of the Amendment would take the less intrusive route of simply declaring the particular action at issue unconstitutional and leaving it to Congress to choose the appropriate remedy.

There are plenty of cases in which the Supreme Court has followed this route. For example, in *Buckley* v. *Valeo*, 424 U.S. 1 (1976), the Court declared the composition of the Federal Election Commission unconstitutional as a violation of the Appointments Clause, but stayed the Court's judgment to ''afford Congress an opportunity to reconstitute the Commission by law or to adopt other valid enforcement mechanisms'' that would remedy the violation. *Id.* at 143. And recently, in *Harper* v. *Virginia Dept. of Taxation*, 113 S. Ct. 2510 (1993), where the Court refused to order refund of the amounts improperly collected and held instead that the fashioning of an appropriate remedy was properly left to state authorities. *See id.* 2519–20.

Even in cases where there has been a proven violation of the Fourteenth Amendment, the Court has required the same respect for a legislature's ability to devise remedies involving the exercise of the legislature's taxing authority. In *Missouri* v. *Jenkins*, 495 U.S. 33 (1990), the Court confirmed that ''the imposition of a tax increase by a federal court,'' even as a remedy for racial segregation by a state school district, must be ''an extraordinary event.'' *Id.* at 51. ''In assuming for itself the fundamental and delicate power of taxation,'' the Court held, ''the District Court not only intruded on local authority but circumvented it altogether. Before taking such a drastic step the District Court was obliged to assure itself that no permissible alternative would have accomplished the required task.'' *Ibid.* According to the Court, ''the very complexity of the problems of financing and managing a * * * public school system suggests that * * * the legislature's efforts to tackle the problems should be entitled to respect'' and that ''local officials should at least have the opportunity to devise their own solutions to these problems.'' *Id.* at 52 (internal quotation marks removed). The Court in *Jenkins* upheld the district court's power to order a local school district to levy its own taxes because such a levy was the only means by which the school district could raise funds adequate to comply with the court's desegration order. *See id.* at 55–58. That could never be the case with any potential violation of the Balanced Budget Amendment, which imposes a cap on spending and the public debt, rather than an obligation to raise revenues. There will always be a myriad of policy choices available to Congress for avoiding infringement of the budget cap.

Jenkins is also readily distinguishable from the context of the Balanced Budget Amendment on the ground that *Jenkins* did not involve ''an instance of one branch of the Federal Government invading the province of another,'' but instead involved a court order ''that brings the weight of federal authority upon a local government and a State.'' *Id.* at 67 (Kennedy, J., concurring in part and concurring in the judgment). The distinction is critical because under Article I, Section 1, ''[a]ll legislative Powers'' granted under the Federal Constitution are vested in Congress, and the enumeration of legislative powers begins by providing that ''[t]he Congress shall have Power To lay and collect Taxes'' (Art. I, Sec. 8, Cl. 1). Based on these provisions, the Court has stated that ''[t]axation is a legislative function, and Congress * * * is the sole organ for levying taxes.'' *National Cable Television Ass'n* v. *United States*, 415 U.S.C. 336, 340 (1974). *See Missouri* v. *Jenkins*, 495 U.S. at 67 (Kennedy, J.).

A second source of limitations on the courts' exercise of their remedial powers is found in the Amendment itself. Under section 6, which provides that ''[t]he Congress shall enforce and implement this article by appropriate legislation,'' Congress will have the authority to adopt remedies for any purported violation of the Amendment. Congress, for example, could provide for correcting a threatened budget imbalance or overspending through sequestration, rescission or other devices. In addition, section 6 logically gives Congress the power to limit the types of remedies that might be ordered by a court. This power is consistent with Article III's delegation of authority to Congress to define and limit the jurisdiction of the federal courts, and would allow Congress, for example, to deny courts the ability to order injunctive relief for violations of the Amendment. Congress has adopted such limitations in other contexts. *See, e.g.*, Norris-LaGuardia Act, 29 U.S.C. §§101–115 (prohibiting courts from entering injunctions in labor disputes); Federal Anti-Injunction Act, 28 U.S.C. §2283 (prohibiting federal courts from enjoining state court proceedings); Tax Injunction Act, 26 U.S.C. §7421(a) (prohibiting suits to restrain the assessment or collection of taxes).

These powers given to Congress will compound the courts' self-imposed prudential concerns, with the result that the courts will be even more hesitant to order intrusive remedies for ostensible violations of the Amendment. Courts regularly defer to remedies that have been crafted by Congress. This deference is shown even in cases involving the vindication of individual rights. The Supreme Court, for example, has held that Congress may adopt procedures limiting the remedies available in so-called *Bivens* actions, which are actions brought against federal officials for the violation of an individual's constitutional rights. *See Bush v. Lucas*, 462 U.S. 367, 388–90 (1983). Similarly, in devising a judge-made remedy for violations of the Fifth Amendment privilege against self-incrimination in *Miranda v. Arizona*, 384 U.S. 436 (1966), the Court recognized that ''Congress and the States are free to develop their own safeguards'' to redress violations of the privilege and that such alternative remedies woud be respected by the courts. *See id.* at 490. Moreover, even if Congress does not exercise the authority granted to it under section 6, the courts will undoubtedly be aware of Congress' ability to limit the relief that courts may grant, and this awareness in and of itself will likely check any tendency on the part of the courts to develop their own creative remedies for violation of the balanced budget requirement.

IV. THE AMENDMENT'S EFFICACY

Some have suggested that the federal courts' limited role in enforcing the Balanced Budget Amendment makes the Amendment a ''paper tiger.'' Their premise is that, unless the courts are there to coerce compliance at every turn, the political banches will flout their constitutional responsibilities. These critics do not argue for a greater role for the courts so much as they dismiss the Amendment as a feckless exercise. In my view, this critique is mistaken: it is based on a distorted view of the Constitution and ignores the practical experience of over two centuries.

First, of course, the point is not that the courts will never be there; it is that we need not fear an avalanche of litigation, with the courts regularly reviewing fiscal decisions and effectively usurping the proper functions of the political branches. Where the judicial power can properly be invoked, it will most likely be reserved to address serious and clearcut violations.

More importantly, Members of Congress and Presidents seek to conform their actions to constitutional norms, not because of external threats of judicial coercion, but primarily because of their own difelity to constitutional prinicples. After all, it is not only judges who must take an oath of allegiance to the Constitution. Just as the vast majority of citizens obey the law because they wanted to—not because they fear the police—so too those who serve in the political branches feel constrained by constitutional requirements and strive to obey them, whether backed by judicial sanction or not. Congress, for example, has dutifully provided for a census every ten years since the 1790s, as required by the Constitution, without court order. Even in an area as unreviewable and murky as the War Powers, the political branches strive to comply with constitutional norms. And the Senate has always administered responsibly its sole power to try cases of impeachment, without allowing such trials to degenerate into Kangaroo courts, even though the exercise of that power is not subject to the check of judicial review. *See Nixon v. United States*, 113 S. Ct. 732 (1993). As Judge Williams put it in the *Nixon* case:

''If the Senate should ever be ready to abdicate its responsibilities to schoolchildren, or, moved by Caligula's appointment of his horse as senator, to an elephant from the National Zoo, the republic will have sunk to

depths from which no court could rescue it. And if the senators try to ignore the clear requirement of a two-thirds vote for conviction, they will have to contend with public outrage that will ultimately impose its sanction at the ballot box. Absent judicial review, the Senate takes sole responsibility for its impeachment procedures as a full-fledged constitutional actor, just as the framers intended.'' *Nixon v. United States*, 938 F.2d 239, 246 (D.C. Cir. 1991) (footnote omitted), *aff'd*, 113 S. Ct. 732 (1993).

For over 200 years, day after day, the business of government has gone forward in prescribed channels, with judicial enforcement the exception, not the rule. The Balanced Budget Amendment will be effective without judges hovering at Congress' elbow; the Congress will carry it out and it will achieve its intended results.

Finally, we can rest assured that the Amendment will be policed through the most effective enforcement mechanism of all—the watchfulness and wrath of the American people. After all, the requirements of the Balanced Budget Amendment are not like those of the Appointments Clause or the Emoluments, Clause, which could be violated with virtually no political fallout. Rather, they touch upon one of the core political concerns of the people. Does anyone seriously maintain that Congress could thumb its nose at a constitutional balanced budget requirement with impunity? Or play fast-and-loose with it and escape political retribution? It is precisely in areas like this, where the political check is so potent, that we can safely trust in its efficacy.

Thank you, Mr. Chairman.

STATEMENT OF GRIFFIN B. BELL, SENATE JUDICIARY COMMITTEE, BALANCED BUDGET AMENDMENT TO THE CONSTITUTION, JANUARY 5, 1995

The missing element in our constitutional system is the absence of a provision requiring a balanced budget, provided reasonable safeguards are in place to protect the national defense and to assure the national interest in the event of a depression.

Almost all the states have a balanced budget requirement in their respective State Constitutions. This is the safeguard which assures State financing only for services which are within the states' abilities to pay.

The federal government completely controls the money machine in the sense that it can borrow funds without limit. There is no inherent self-discipline built into the system. The only limit on federal spending is in the collective will of the Congress and the President. The federal debt is now so high that the country is, in effect, under normal rules, in bankruptcy. But the federal government does not have to declare bankruptcy. It can continue to borrow money to pay the interest on the debt and to continue to borrow money over and above the principal amount already owed. We long ago began using Social Security taxes as a part of the general fund to support this debt load, contrary to the belief of most Americans that Social Security taxes were being put into a trust fund for their future needs.

Without a constitutional restraint, there is no hope whatever of paying off the present debt, much less for stopping the creation of additional debt. We should be thankful for today's low interest rates, else we would have a greater economic crisis on our hands.

In the famous letters between Lord McCaulay of England and Henry Stevens Randall, the first Jefferson biographer, and in particularly the letter dated May 23, 1857, Lord McCaulay expressed concerns about the lack of controls on the fisc.

He said, and I quote: ''I seriously apprehend that you will, in [a] season of adversity . . . do things which will prevent prosperity from returning; that you will act like people who [would], in a year of scarcity, devour all the seed corn, and thus make the next year a year, not of scarcity, but of absolute famine. There will be, I fear, spoilation. The spoilation will increase the distress. The distress will produce fresh spoilation. There is nothing to stop you. Your Constitution is all sail and no anchor.''

McCaulay was correct. Without a constitutional amendment requiring a balanced budget, our Constitution truly is all sail and no anchor. The lack of an anchor has placed our country in the peril that it is now in because of our monstrous and increasing debt and ever escalating entitlements.

I have never heard anyone suggest that we begin to pay off our debt. It would not be out of reason to set the debt aside and retire it on a sinking fund basis, just as is done with state and municipal bonds at the present time. The debt could be gradually reduced once the budget is balanced by including a payment on the principal of the debt, thus reducing interest payments which make up a large part of our federal budget.

In this way, we would pay the debt of our own generation, rather than transferring it to our children and grandchildren.

The other example of lack of discipline on the part of our law makers is the cost-of-living index and its impact on the debt. The cost-of-living index is a self-fulfilling prophecy for annual inflation, particularly when the cost-of-living index seems to produce a figure which is always higher as to most people than actual inflation. The Congress can revamp the cost-of-living index to make it the same or less than the actual rate of inflation. This alone would go a long way toward bringing the budget in balance over a few years.

There is something sinister about basing entitlements of all kinds on an automatic cost-of-living index, particularly when the index is higher than the actual inflation. This is a giveaway scheme of the worst sort and exceeds any reasonable basis of governing.

Thus, a combination of a balanced budget amendment to our Constitution, with savings on interest over time and with a gradual reduction in debt principal, coupled with an adjustment of the cost-of-living index will restore fiscal sanity to our government.

We must begin to speak in plain English when referring to our debt. It will not do to speak of mere reductions in the deficits as savings.

THE LINCOLN LEGAL FOUNDATION,
Chicago, IL, June 5, 1992.

Hon. L.F. PAYNE,
House of Representatives,
Washington, DC.

DEAR MR. PAYNE: On behalf of the Lincoln Legal Foundation, let me extend my thanks to you for providing this opportunity to comment on the proposed Balanced Budget Amendment outlined in H.J. Res. 290. We at the Foundation take pride in serving as advocates for the broad public interest in defending liberty, free enterprise, and the separation of powers. It is in this capacity that we have undertaken our evaluation of the proposed Amendment.

We have confined our remarks to the prospects for judicial enforcement of the Balanced Budget Amendment. Critics have charged that the Amendment will unleash an avalanche of litigation, thereby paving the way for the micro-management of budgetary policy by the federal judiciary. As defenders of the Madisonian system of checks and balances, we at the Foundation take such charges seriously and have scrutinized them in light of the relevant case law.

We begin with a brief overview of standing doctrine and its impact on the justiciability of the proposed Amendment. We then consider the political question doctrine and the barriers it creates to judicial review. We conclude with our recommendations for refining and implementing the Amendment.

I. STANDING UNDER THE BALANCED BUDGET AMENDMENT

Standing refers to a plaintiff's interest in the issue being litigated. Generally speaking, in order to have standing a plaintiff must have a direct, individualized interest in the outcome of the controversy at hand. Persons airing generalized grievances, common to the public at large, invariably lack standing.

Limitations on standing stem from two sources. Article III Section II of the Constitution restricts the jurisdiction of the federal judiciary to ''cases'' and ''controversies.'' As a result, only plaintiffs with a personal stake in the outcome of a particular case have standing to litigate. The general prohibition against advisory opinions also can be traced to Article III.

In addition to Article III restrictions, federal courts have outlined certain ''prudential'' restrictions on standing, premised on non-constitutional policy judgments regarding the proper role of the judiciary Unlike Article III restrictions on standing, prudential restrictions may be altered or overridden by Congress.

Standing requirements under the proposed Balanced Budget Amendment will vary according to the type of litigant. Potential litigants fall into three categories: (1) Members of Congress, (2) Aggrieved Persons (*e.g.* persons whose government benefits are reduced or eliminated by operation of the Amendment), and (3) Taxpayers.

A. Members of Congress

The federal courts by and large have denied standing to members of Congress to litigate issues relating to their role as legislators.[1] Only when an executive action has deprived members of their constitutional right to vote on a legislative matter has standing been granted.[2]

Footnotes at end of letter.

Accordingly, Members of Congress are unlikely to have standing under the proposed Balanced Budget Amendment, unless they can claim to have been disenfranchised in their legislative capacity. Assuming that Congress does not ignore the procedural requirements set forth in the Amendment, the potential for such disenfranchisement seems remote.

B. Aggrieved persons

Standing also seems doubtful for persons whose government benefits or other payments from the Treasury are affected by the Balanced Budget Amendment. In order to attain standing, such persons must meet the following Article III requirements: (1) They must have sustained an actual or threatened injury; (2) Their injury must be traceable to the governmental action in question; and (3) The federal courts must be capable of redressing the injury.[3]

Assuming a plaintiff could meet the first two requirements, he still must show that the federal courts are capable of dispensing a remedy. Judicial relief could take the form of either a declaratory judgment or an injunction. A declaratory judgment, stating that Congress has acted in an unconstitutional manner, would do little to redress the plaintiff's injury. On the other hand, injunctive relief could pose a serious threat to the separation of powers.

For example, an injunction ordering Congress to reinstate funding for a particular program would substantially infringe upon

Congress's legislative authority. Similarly, an injunction ordering all government agencies to reduce their expenditures by a uniform percentage - would undermine the independence of the Executive Branch. It is unlikely that the present Supreme Court would uphold a remedy that so blatantly exceeds the scope of judicial authority outlined in Article III.

C. Taxpayers

Taxpayers may have a better chance of attaining standing under the proposed Balanced Budget Amendment. Traditionally, the federal courts refused to recognize taxpayer standing. However, in 1968 the Warren Court held in *Flast* v. *Cohen* that a taxpayer plaintiff does have standing to challenge Congress's taxing and spending decisions if the plaintiff can establish a logical nexus between his status as a taxpayer and his legal claim.[4]

The logical nexus text consists of two distinct elements. First, the plaintiff must demonstrate that the congressional action in question was taken pursuant to the Taxing and Spending Clause of Article I Section 8 of the Constitution. Second, the plaintiff must show that the statute in question violates a specific constitutional restraint on Congress's taxing and spending power.[5]

Taxpayers suing under the proposed Balanced Budget Amendment probably could meet both prongs of the logical nexus test.[6] In order to satisfy the first prong, potential litigants would have to tailor their complaint to challenge the unconstitutional enactment of a law by Congress (e.g. an appropriations bill), not the unconstitutional execution of a law by the Executive. Litigants could satisfy the second prong by demonstrating that the statute in question violates the Balanced Budget Amendment, an express restriction on Congress's taxing and spending power.

Even if a taxpayer satisfies *Flast*'s logical nexus test, more recent opinions like *Valley Forge* suggest that the Supreme Court also would expect taxpayer plaintiffs to fulfill the Article III standing requirements. In other words, in order to have standing, a taxpayer would have to demonstrate that he has sustained an actual or threatened injury traceable to a specific congressional action.

In theory, a taxpayer could claim that excess spending in violation of the Balanced Budget Amendment will harm him by undermining the national economy or by increasing the national debt. However, a majority of the Supreme Court probably would find the connection between the excess spending and the alleged injuries too tenuous to grant standing. As a result, standing would be limited to taxpayers with concrete injuries, stemming directly from the congressional action in question.

II. THE AMENDMENT AND THE POLITICAL QUESTION DOCTRINE

Even if a litigant attained standing under the proposed Balanced Budget Amendment, a federal court could refuse to hear the case on the grounds that it raises a political question. The leading case with respect to political questions remains *Baker* v. *Carr*.[7] In *Baker*, the Supreme court held that the constitutionality of a state legislative apportionment scheme did not raise a political question. In doing so, the Court identified a number of contexts in which political questions may arise.

Foremost among these are situations in which the text of the Constitution expressly commits the resolution of a particular issue to a coordinate branch of government. The Judicial Branch will refrain from adjudicating an issue in such circumstances. However, this textual constraint would not preclude judicial review of the proposed Balanced Budget Amendment, since H.J. Res. 290 does not assign responsibility for enforcing the Amendment to either the President or the Congress.

The *Baker* court also identified the following prudential consideration in deciding whether to invoke the political question doctrine as a bar to judicial review:[8]

(A) Is there a lack of discernable or manageable judicial standards for resolving the issue?

(B) Can the court resolve the issue without making an initial policy determination that falls outside the scope of judicial authority?

(C) Can the court resolve the issue without expressing a lack of respect for the coordinate branches of government?

(D) Will judicial intervention result in multifarious pronouncements on the same issue from different branches of government?

Each of these considerations creates an impediment to judicial review of the proposed Balanced Budget Amendment. In particular, courts may find the fiscal subject matter of the Amendment difficult to administer. For example, what happens if ''estimated receipts'' fall short of projections halfway through a fiscal year? On what data and accounting methods would the courts be expected to rely? Given the lack of concrete standards, apparently rudimentary determinations (e.g. When do ''total outlays'' exceed ''estimated receipts''?) may prove beyond the competence of the judiciary.

Moreover, the potential judicial remedies for violations of the Amendment may undermine the separation of powers. As discussed above, various forms of injunctive relief almost certainly would infringe upon the prerogatives of Congress and the Executive Branch. Given the Supreme Court's structuralistic adherence to the separation of powers doctrine in cases like *I.N.S.* v. *Chadha*[9] and *Bowsher* v. *Synar*,[10] it is almost impossible to imagine a majority of the justices on the present, or a future, Court jumping at the opportunity to become embroiled in a partisan wrangle over the size and scope of the federal budget. Instead, one would expect the Court to make every effort to avoid such an intrusion.

III. CONCLUSIONS

The constraints imposed by standing requirements and the political question doctrine by no means preclude judicial review of the Balanced Budget Amendment. Nevertheless, they do place substantial barriers to litigation. In light of these impediments, the Foundation believes that the prospects for a flood of new litigation and the specter of budgeting by judicial fiat have been greatly exaggerated.

The Amendment proposed in H.J. Res. 290 would clearly invite judicial review of any spending or taxing legislation purportedly enacted in violation of the formal requirements (e.g. a supermajority for increasing the debt limit, a full majority on recorded for a tax increase) set forth in the text. This is no different from the *status quo*, for even now we would expect a court to strike down an act that was somehow enrolled on the statute books without having properly cleared the requisite legislative process of votes, presentment, and the like.

What the Amendment would not do is to confer upon the judiciary an authority to substitute its own judgment as to the accuracy of the revenue estimates, the needfulness of taxes, or the prudence of a debt limit. The courts would merely police the formal aspects of the work of the political branches: Did they enact a law devoted solely to an estimate of receipts? Are all outlays held below that estimate? Were measures passed by requisite majorities voting, when required, on the record?

Sections 2 and 4 of the proposed amendment clearly invite only limited judicial scrutiny of this kind, and then only of the process, and not of the substance, by which the political branches have acted?

Section 3 seems to be purely hortatory, and probably provides no predicate at all for judicial action. Whatever the political ramifications of a failure on the part of a President to propose a balanced budget in any given year may be, there appear to be no legal implications whatsoever. No act of lawmaking depends in any constitutional sense upon the President's compliance with this requirement, let alone upon the substance that any such proposal may contain.[11]

Section 1 is the crucial text, then, but even here the boundaries of justiciability would be tightly limited. A purported enactment might be struck down by the courts if it provided for outlays of funds in excess of the level of estimated receipts established for the year in the annual estimates law, or if it called for such an excessive outlay without having been passed on a roll-call vote by the required super-majority, or if it attempted to avoid the balanced budget limit applicable to the fiscal year of its enactment by purporting to be within the limits of receipts estimated for another year, past or future.

But there is no basis in the text of Section 1 for a court to pick and choose among congressional spending decisions on any basis. That is, the proposed amendment would confer no authority on the judiciary to choose which appropriations would be satisfied from the Treasury and which would not, but only to say that once outlays had reached the level established in the estimates law then the officials of the Treasury must cease disbursing any additional funds.

Because Section 6 of the proposed amendment would define ''total outlays'' to ''include all outlays of the United States Government except for those for repayment of debt principal,'' the amendment would abolish permanent indefinite appropriations, revolving funds, and the funds, such as the Judgment Fund, from which they are disbursed.[12] This would decisively prevent the courts from invading the Federal fisc in the guise of damages awards against the United States Government. Upon effectuation of this amendment, damages awards against the Government in all cases (except for repayment of debt principal) would have to be part of the outlays voted each year by Congress, and the current congressional practice of waiving the sovereign immunity of the United States on a blanket basis in the adjudication of various kinds of damages against the Government would have to end.

In short, it is our view that there is virtually no danger that the constitutional balanced budget amendment contemplated by H.J. Res. 290 would cede the power of the purse to a runaway judiciary. To the contrary, it would eliminate certain authorities that courts currently have to order the disbursement of Federal funds without appropriations. If ratified and made part of the Constitution, the balanced budget amendment would return responsibility and accountability for all Federal outlays squarely to the Congress.

Sincerely yours,

JOSEPH A. MORRIS,
President and General Counsel.[13]

FOOTNOTES

[1] *Harrison* v. *Bush*, 553 F.2d 19 (D.C. Cir. 1977) (standing denied to a senator seeking declaratory and injunctive relief against the CIA for its allegedly unlawful activities).

[2] *Kennedy* v. *Sampson*, 511 F.2d 430 (D.C. Cir. 1974) (standing granted to a senator challenging the constitutionality of the President's pocket veto).

[3] See, e.g., *Simon* v. *Eastern Kentucky Welfare Rights Organization*, 426 U.S. 26 (1976); and *Allen* v. *Wright*, 468 U.S. 737 (1984).

[4] *Flast* v. *Cohen*, 392 U.S. 83 (1968).

[5] *Valley Forge Christian College* v. *Citizens United for the Separation of Church and State*, 454 U.S. 464 (1982) (standing denied because an executive agency's sale of surplus federal land to a religious college was not an exercise of Congress's taxing and spending power).

[6] See Note, *Article III Problems in Enforcing the Balanced Budget Amendment*, 83 Columbia L. Rev. 1064, 1079–80 (1982).

[7] 369 U.S. 186 (1962).

[8] *Baker* v. *Carr*, 369 U.S. at 217.

[9] 462 U.S. 919 (1983) (legislative veto held unconstitutional for violating the Bicameralism and Presentment Clauses of Article I Section 7).

[10] 478 U.S. 714 (1986) (Gramm-Rudman Deficit Reduction Act violated the separation of powers by placing responsibility for executive decisions in the hands of an officer who is subject to control and removal by Congress).

[11] Section 3 would confer constitutional dignity upon a practice that has evolved on an extraconstitutional basis in this century, the submission of a Presidential budget each year. The practical and political wisdom of the practice is debatable, as is the wisdom of the contents of any particular budget. But the practice, even with the constitutional sanction that H.J. Res. 290 would give it, in no way derogates from the responsibility of Congress to account for the power of the purse or from the procedural rules adopted by the Framers for safeguarding the separation of powers respecting the fisc, such as the requirement that bills for raising revenue originate in the House of Representatives. The President would now have a constitutional duty to propose an annual balanced budget, but his submission would be only a proposal, and the existing groundrules of Articles I and II would continue to define the procedures by which laws are made and the separation of powers maintained.

[11] It is our view that this would also abolish other permanent indefinite appropriations arrangements and revolving funds as they now stand, including those for the Social Security, Medicare, and Civil Service Retirement Systems. They all involve ''outlays'' within the comprehensive meaning of Section 6, and so would all require affirmative congressional action for each year's disbursements. Congress could continue to provide that outlays be made on formulaic bases (e.g., as ''formula payments''), but they would be subject to the total annual ceiling on outlays and mere qualification of an individual to receive a payment would no longer automatically work to raise the spending limit.

[13] I would like to thank Charles H. Bjork, a third-year law student at Northwestern University and a student intern at The Lincoln Legal Foundation, for his invaluable assistance in the preparation of this analysis.

TESTIMONY OF JOHN C. ARMOR, ESQ., BEFORE THE CONSTITUTION SUBCOMMITTEE OF THE SENATE JUDICIARY COMMITTEE, FEBRUARY 16, 1994

It is always a privilege to testify before a Committee of Congress, but especially so today on this subject before this Subcommittee. The reason is that after almost two decades of effort, the Balanced Budget Amendment to the Constitution now seems on the cusp of success before the Senate, and the BBA is the focus of this hearing. I am not here today on behalf of a client, but on my own.

I am John Armor, a constitutional lawyer who practices before the Supreme Court, a former Professor of Political Science, and author of several books and many articles, usually on political science or constitutional law. Most germane to today's hearing, I have testified for 17½ years now before committees of state legislatures, and occasionally before Congressional Committees, on legal aspects of the BBA.

I will address three subjects, two of them briefly because others will cover them in far more detail, and one at some length, because others are unlikely to address it and it is most important now as the Amendment seems close to passage. The subjects are: the need for the BBA, the appropriateness of constitutional provisions which are economic in nature, and the problems and solutions on the questions of judicial review under the BBA.

THE NEED FOR THE BALANCED BUDGET AMENDMENT

All but one of the 50 states have some form of balanced budget provisions in their laws. Forty-seven have provisions in their constitutions; two have statutory provisions (ones that they abide by, contrary to some statutory solutions which Congress has tried, beginning in 1974); and one state, Vermont, has no such provision. The exception proves the rule; Vermont is not known as a hotbed of wild spending, promoted by representatives of the tour bus and maple syrup industries.

In all the other states, the operation of their various balanced budget provisions demonstrate anew the importance of institutional restraints to guide legislative behavior. Madison, Hamilton and Jay put the issue most succinctly in *The Federalist* over 200 years ago in arguing for adoption of the Constitution. At that time, only the House of Representatives was popularly elected. Writing about the House, they said it would, ''balance the willingness to spend against the reluctance to tax.''

There is a great deal of political and constitutional wisdom in that short phrase, that Congress (no longer just the House) should ''balance the willingness to spend against the reluctance to tax.'' That is exactly what the balanced budget amendments in the states accomplish for them. Legislators are free to vote for whatever programs they believe are in the interest of their constituents. But, at the same time, they are obligated to impose the taxes to pay for those programs.

Therefore, state legislators every year, or every two years in Kentucky, create two sets of priorities. First are priorities among spending programs—those at the bottom of the list will not be approved, even through in the abstract they might seem to be good ideas. Second are priorities among taxation plans. The ones which are the least desirable and most likely to provoke strong opposition will not be approved, even though in the abstract they could raise substantial funds for worthwhile programs.

In short, legislators become mindful of what the great French Minister, Tallyrand, is credited with saying, ''The art of taxation is like plucking a goose, the object is to get the most feathers with the least amount of hissing.''

This balancing act between what legislators might want to spend, and what taxes they are willing to impose, all things considered, is continuous in the states. The same balancing act used to be carried out annually by Congress. For 150 years we operated under an unwritten constitutional standard. Spending would not exceed taxes except during time of war or during national emergencies amounting to what we now call ''recessions'' or ''depressions.'' Once the emergency was over, taxes would be used to pay down the public debt to zero, or close to it.

We abandoned this standard fifty years ago. The ''willingness to spend'' was disconnected from the ''reluctance to tax'' in a process that has accelerated in recent years of massive deficit spending every year, not just during wars or emergencies. There is no reason to blame any particular President or Congress. With $4 trillion in known debt, and more than that amount in unfunded, future commitments, there is ample blame for all parties concerned. Ending that process and restoring the connection between taxing and spending is the central purpose of the BBA.

A major argument advanced against the BBA is that there will be attempts to avoid or evade its provisions, no matter how carefully they are drafted. That is absolutely true. History has shown dozens of examples at the state level where creative bookkeeping has been used to bail out state governments which are strapped for funds but find necessary choices among spending on one side and taxation on the other, politically impossible. Sometimes, judicial enforcement applied at the state level.

I urge you not to confuse the question of whether the BBA will work perfectly, with the question of whether it will work substantially. Consider the magnificent guarantees in the First Amendment—freedom of religion, of speech, of the press, and of political activity. Every one of those has been repeatedly assaulted by various laws and ordinances at the federal, state and local level, right from the beginnings of the Republic. There were many individual failures. We once had laws under which newspaper editors were jailed for printing their opinions, until Jefferson became President. We once had established churches supported directly by state funds, until well into the 19th century.

I could run a long list of occasional failures of the First Amendment in all four of its areas of protection. The proper question about the First Amendment is not whether many interests, many times, on many issues, sought to violate it. It is whether the nation is much the better because it has the First Amendment. By analogy, this is also the proper question to ask about the BBA. Will it provide benefits to the nation for the foreseeable future? If you answer that question yes, then you should support it.

One last point. We have the example of another unwritten constitutional provision that we lived by for 150 years. Once it was broken, however, we wrote it into the Constitution. George Washington was responsible for the fact that no limits on Presidential terms were placed in the Constitution. But, he was also the creator of the tradition that Presidents voluntarily leave office after serving two terms. Once that tradition was abrogated by FDR, we placed it in the Constitution as the 22nd Amendment.

The same can apply to the Balanced Budget Amendment. Now that the tradition has been abrogated, it can be written into the language of the Constitution.

APPROPRIATENESS OF ECONOMIC PROVISIONS IN THE CONSTITUTION

The claim has often been made that the Constitution is intended for broad and lofty purposes, that provisions for economic programs have no place in that document. This slogan sounds like it might have merit; it has superficial appeal. However, as soon as one delves into the Constitution, it is clear the Framers included ''economic'' provisions, whenever and wherever they considered them appropriate as a matter of public policy.

Article I, Section 2, chose to forbid taxes other than per capita. We chose to reverse that decision by the 16th Amendment which permitted income taxes. Article I, Section 8, contains many ''economic'' clauses: the Commerce Clause, gives Congress the power to regulate interstate commerce and bars the states from taxing or regulating it. (This clause created the first ''common market'' among sovereign entities in the history of the world. It was magnificently successful.) Clauses 1 and 4, provide the right to borrow money and the regulation of the value of money, with a prohibition against the states minting their own money. (Many states were printing their own money, prior to the adoption of the Constitution. Some just ran the presses and devalued their currency exactly asCongress did with paper money during the American Revolution, giving rise to the phrase, ''not worth a Continental.'')

Article VI, clause 1, is also economic, providing that all debts contracted under the

Confederation would remain ''valid against the United States.'' Preserving the nation's reputation as well as its financial stability were reasons for this clause, which was hotly debated at the Philadelphia Convention of 1787.

My favorite clause to demonstrate the point is the one invented by Dr. Benjamin Franklin as a result of his experiences in Europe, given to James Madison, and inserted in the Constitution with almost no discussion. Franklin had observed that inventions and books were freely copied in Europe, thereby denying those who had created them both the benefits of their labors and the incentives to create more. To solve that problem, Franklin invented clause 7, to secure ''for limited Times to Authors and Inventors exclusive Right to their respective Writings and Discoveries.''

There is no question that this is an ''economic'' provision. Given the two century experience of the United States leading the world in discoveries, inventions and intellectual property, there is little doubt this clause in the Constitution lies at the heart of the American economic success story.

So, I suggest that whenever anyone claims that economic provisions do not belong in the Constitution, the reply should be to cite these and other provisions and reject that claim out of hand. The question is not whether economic provisions belong in the Constitution; it is whether the Balanced Budget Amendment is a wise policy at this time in our history, to be written into the Constitution.

JUDICIAL REVIEW OF THE BALANCED BUDGET AMENDMENT

The subject of judicial review of the BBA has hardly been addressed in the continuing public debate over the BBA. When there was little chance that the Amendment would be adopted any time soon, there was little reason to discuss this particular consequence. The situation having changed, it is now time to address this in detail.

Where the Constitution and applicable statutes are silent about judicial review, it is left to the Supreme Court to decide whether judicial review exists, and if so, what remedies may the courts apply for any violations. Not only can the Court set its own standards, it is also free to reverse them. Witness *Baker v. Carr,* 369 US 186 (1962). Until that case, the courts had refused to take up the ''political questions'' of mal-apportioned state legislatures. In *Baker,* it reversed itself, the consequence was 30 years and counting of court orders that legislatures, city and county councils reapportion themselves.

You could bet either, or both, of these results, if you remain silent on the subject of judicial review of the BBA.

This discussion is based on five assumptions about the results that this Committee, the whole Senate, and the whole Congress may have in mind about judicial review of the BBA. If any of my assumptions are incorrect, I trust I will promptly stand corrected. The assumptions are:

1. There should be judicial review of the Balanced Budget Amendment.

2. It should be brought about by a single set of responsible parties.

3. Enforcement should be extremely swift.

4. Courts should not be involved in choosing between different government programs in enforcing the Amendment. All such policy judgments should be left to Congress.

5. Courts should be prohibited from enforcing the BBA by judicial imposition of new taxes.

Under both Article III, Section I, and under the enabling clause that has been added to the BBA. Congress has the power by legislation to remove, create, or shape the Supreme Court's jurisdiction for review of the BBA. This is a process well known to this Subcommittee; its heritage traces back to the Judiciary Act of 1789. Only the original jurisdiction of the Court as declared in Article III, clause 2 is outside this statutory authority of Congress.

So, you can pass a statute which states what the judicial review of the BBA shall be, and what remedies can be applied. By making those exclusive, you can rule out any other forms of judicial review or remedies. The process of judicial review of the BBA and remedies applied will then be exactly what you say it should be—no more, no less.

To assure only one case, brought by responsible parties, you could provide that any six Senators, or any 25 Representatives, or any three Governors, could bring an action in the Supreme Court if they felt that the BBA had been violated, or was about to be violated if no budget was passed by the first day of the new fiscal year. On the filing of the case, all other Senators, Representatives and Governors would be informed and would be welcome to join the case on either side as they deemed fit.

You do not want thousands of citizens represented by thousands of tin horn lawyers, rushing into courts across the nation to bring their disparate cases to enforce the BBA. By this mechanism you can prevent that. The minimum numbers of Senators, Representatives or Governors to bring the action should be a significant number but a minority, similar to provisions in the Rules of both Houses that protect the interests of minorities, but not necessarily minorities of one.

Placing the case in the Supreme Court, plus providing that the Court must hear the case in 30 days and issue its decision not more than 15 days thereafter, would assure expeditious consideration. The Court would be free, as it has in many of the previous 200 original jurisdiction cases, to appoint Special Masters for fact-finding purposes, with their conclusions subject to challenge before the whole Court.

In order to prevent either judicially-ordered taxes or Court selection between competing programs and public policies, the remedies from the Court could be restricted as follows: (A) The Court could determine only that the budget was, or was not, in balance, and (B) the exact dollar amount of the projected year's income, assuming there is no declaration of war, and Congress has not acted by the supra-majority to remove the budget from the scope of the Amendment. (C) The Court could then order only an across-the-board cut in all programs *without exception* in the percentage required. In other words, if the Court found that the budget was out of balance by 3.4%, its only remedy would be to order a 3.4% cut in *all* programs.

This point is extremely important. Having spent 17 years talking with Members of Congress and with members of state legislators on the subject of the BBA, I believe there is an overwhelming feeling that the Supreme Court should not be involved in choosing between closing down an Air Force base or cutting Aunt Tilly's social security check. That sort of policy judgment should always be made by elected representatives of the people in each level of government.

Once the Court had ordered an across-the-board cut, Congress would then have 20 days to act by statute to adjust the cuts on a policy basis, making greater cuts in some programs, less in others, by staying within the total dollar amount declared by the Court. If Congress fails to act, or if it acts but violates the Amendment a second time, then the Court-ordered across-the-board cuts would be final for that fiscal year.

Congress should have one bite at the apple to make those policy judgments between competing programs, after a declaration of violation of the BBA. But, it should be only one bite, otherwise, every budget could be wrapped up in eternal litigation, every year.

Lastly, what happens if Congress fails to pass a budget by the first day of the fiscal year? Then the Court should have the power to examine the taxes then in effect, and determine the dollar amount that those taxes would raise in the coming year. The amount would be the cap. All programs would be presumed to continue at their current levels of funding (exactly what Congressitself does in Continuing Resolutions). The Court would determine whether that did, or did not, result in balance. Again, Congress would have 20 days to make policy-based adjustments.

I am deliberately not trying to write or offer precise language. You and your staff are far better able to do that. However, approaches such as those outlined could accomplish all the basic purposes that are covered in the assumptions, stated above.

One last point about when such statutory provisions should be passed. Most of my time on this subject over the last 17 years has been spent with state legislators, both in hearings and often in far-reaching, challenging conversations about ramifications of the BBA. If you intend to establish by statute the parameters of judicial review and remedies, you should pass that statute at the same time you pass the BBA and send it out for ratification.

Some of the more far-sighted state legislators are engaging in the same process you are, asking themselves what might the Supreme Court do, or not do, to enforce the BBA. They are especially concerned with two areas—judicially-imposed taxes, and judicially-made choices between different policies and programs. If you pass the statute now, or very soon after you promulgate the BBA for ratification, you will satisfy state legislators, first, that judicial review will occur, and second, that judicial enforcement will not get into either of these areas of grave concern.

If you do not pass such a statute within a few months of promulgating the Amendment, you will engender serious concerns among the state legislators about whether you will ultimately do that, and if so, what provisions you will choose to include. Recalling that ratification requires the approval of 38 state legislatures, or ratifying conventions elected in 38 states under the other Article V method, you will endanger the ratification of the BBA if you do not provide review statute so state legislators can read it side by side with the text of your BBA.

There may be other aspects of enabling legislation that you may want, but do not choose to address until and unless the states ratify the Balanced Budget Amendment. Your own considerations and reflections, together with the responses of the states as they ratify, might be valuable in writing that legislation. However, on judicial review itself, I strongly urge you to consider, write and pass that legislation as soon as possible, once you decide to pass the BBA itself.

CONCLUSION

You have 200 years of history at the state and local level about the importance of making the tough decisions about taxing and spending, about ''balancing the willingness to spend against the reluctance to tax.'' You also have 150 years of experience here in Congress on the same point. If that satisfies you that the nation needs the BBA in the Constitution, now is the time to act.

You should not be reluctant to act on the grounds that this is an ''economic'' provision. The Constitution has many other provisions intended to effect the economy of the United States, ones which in the fullness of world history have been proven to be basic in the organization of any competent national economy. Consider the fact that Dr. Franklin's invention of the Patents and Trademark clause has become regional through NAFTA, and may shortly become global through GATT. Economic provisions belong in our Constitution, provided they are the right ones for the nation at the right time in our history-whether the year is 1787 or 1994.

Lastly, you should be concerned with judicial enforcement of the Balanced Budget Amendment. If it is correct to place the Amendment in the Constitution, it is also correct to guarantee both that if will be enforced, and to prevent forms of enforcement that would undercut the essential purposes of Congress, namely decisions on taxation and on competing public policies. Fortunately, the Constitution gives Congress the power to shape judicial enforcement to accomplish both purposes.

I welcome your questions on this complex subject with complex ramifications.

[From the U.S. Chamber of Commerce, Washington, DC]

BALANCED BUDGET AMENDMENT: THE ROLE OF THE COURTS

Some lawmakers and commentators have raised questions about the enforcement of a Balanced Budget Amendment to the U.S. Constitution. A primary concern is that Congressional efforts to meet the balanced budget requirement would be challenged in the courts, and the judiciary would be thrust into a non-judicial role of weighing policy demands, slashing programs and increasing taxes.

On the other hand, there is a legitimate and necessary role for the courts in ensuring compliance with the amendment. Congress could potentially circumvent balanced budget requirements through unrealistic revenue estimates, emergency designations, off-budget accounts, unfunded mandates, and other gimmickry. Certainly, the track record of the institution under the spending targets of Gramm-Rudman-Hollings and other statutory provisions is no cause for optimism.

It is our view that the need to proscribe judicial policymaking can be reconciled with a constructive role for the courts in maintaining the integrity of the balanced budget requirement. Congress is expected to address technical issues such as accounting standards, budget procedures and judicial enforcement in followup implementing legislation. By drawing on the existing legal principles of ''mootness,'' ''standing'' and ''nonjudiciability,'' implementing legislation can define an appropriate role for the courts in making the amendment work. The net effect can be to prevent judicial assumption of legislative functions such as selecting program cuts, while allowing the courts to police a framework of accounting standards and budget procedures.

TRADITIONAL LIMITS ON JUDICIAL INTERVENTION

In general, the courts have shown an unwillingness to interject themselves into the fray of budgetary politics. The New Jersey Superior Court observed that ''it is a rare case . . . in which the judiciary has any proper constitutional role in making budget allocation decisions.''[1] The judiciary has remained clear of most budget controversies through the principles of ''mootness'' and ''standing,'' as well as the ''political question'' doctrine.

A case is considered moot, and can be rejected by the court, if the matter in controversy is no longer current. In *Bishop* v. *Governor,* 281 Md. 521 (1977), taxpayers and Maryland legislators claimed that the governor's proposed budget violated the state's balanced budget law, because $95 million was contingent upon enactment of separate federal and state legislation. The Maryland Court of Appeals dismissed the case as moot because by that time the separate legislation had been approved, and the relevant fiscal year had elapsed. Mootness will be a factor in many potential challenges to Congressional action under a federal Balanced Budget Amendment, particularly those based on unplanned expenditures or flawed revenue estimates which become apparent near the end of the fiscal year.

The doctrine of standing limits judicial access to parties who can shoe a direct injury over and above that incurred by the general public. The logic is that the grievances of the public (or substantial segments thereof) are the proper domain of the legislature.[2] The U.S. Supreme Court has generally held that status as a taxpayer does not confer standing to a challenge federal actions[3], and has barred taxpayer challenges of budget and revenue policies in the absence of special injuries to the plaintiffs.[4] A state cannot sue the federal government on behalf of its citizens,[5] and it is doubtful that Members of Congress have standing to challenge federal actions in court.[6]

The political question doctrine is a related principle that the courts should remain out of such matters which the Constitution has committed to another branch of government. The U.S. Supreme Court has held that a ''political question'' exists when a case would require ''nonjudicial discretion.''[7] This would be the case with many budgetary controversies, such as the choice to cur particular programs, which by their nature require ideological choices and the balancing of competing needs. In theory, at least, Congress brings to this task a ''full knowledge of political, social and economic conditions...,'' as well as the legitimacy of elected representation.[8] The New Jersey Supreme Court recognized this in a case where local governments challenged funding decisions made by the governor and legislature, holding that the allocation of state funds among competing constituent groups was a political question, to be decided by the legislature and not the judiciary.[9] The Michigan Supreme Court has likewise held that program cutting decisions are a non-judicial function.[10]

A ROLE FOR THE COURTS

The courts have asserted jurisdiction over politically tinged controversies where they find ''discoverable and manageable standards'' for resolving them. In *Baker* v. *Carr,* the U.S. Supreme Court reasoned that objective criteria guide judicial decisonmaking and limit the opportunity for overreaching. In the balanced budget context, the ''discoverable and manageable standards'' principle can help demarcate lines between impermissible judicial policymaking, and the needed enforcement of accounting rules and budget procedures.

In all likelihood, a strong framework of accounting guidelines will emerge from implementing legislation. The Senate Judiciary Committee has interpreted Section 6 of the bill to impose ''a positive obligation on the part of Congress to enact appropriate legislation'' regarding this complex issue.[11] Judiciary Committee staff on both the House and Senate side have indicated their intention that implementing legislation embrace stringent accounting standards that will minimize the potential for litigation. Should legitimate questions arise concerning the methods by which Congress ''balances'' the budget, these standards will also provide objective criteria which meet constitutional standards for judicial intervention.

The implementing package is also likely to establish guidelines for judicial involvement defining what issues are judiciable and which parties have standing to challenge Congressional decisions. Where Congress has defined standing within the relevant statue, the courts have generally deferred to this request for judicial input, and entertained suitable cases.[12] This approach has the advantage of defining appropriate controversies and plaintiffs more precisely. In the Balanced Budget context, the right to raise particular arguments could be delegated to specific public officials. State budget officers, for example, could be given standing to contest unfunded federal mandates.

We are satisfied that such enforcement procedures, coupled with budget process and accounting guidelines, will operate against a backdrop of traditional legal principles to rationally limit judicial action. The effect should be to prevent judicial overreaching into legislative functions while providing a check on Congressional attempts to evade the requirements of the BBA through procedural and numerical gimmickry.

FOOTNOTES

1. *Board of Education f. Kean,* 457 A.2d 59 (N.J. 1982).
2. *Flast v. Cohen,* 392 U.S. 83 (1968), (Harlan, J., dissenting).
3. *Massachusetts v. Mellon,* 262 U.S. 447 (1923). The courts have allowed taxpayer claims that public funds were used to support an unconstitutional purpose. The two important decisions in this area are both establishment of religion cases. *Flast v. Cohen,* 392 U.S. 83 (1968); *Valley Forge Christian College v. Americans United for Separation of Church and State,* 454 U.S. 464 (1982).
4. *United States v. Richardson,* 418 U.S. 166 (1974) (plaintiffs challenged a statute allowing the CIA to avoid public reporting of its budget); *Simon v. Eastern Kentucky Welfare Rights Organization,* 426 U.S. 26 (1976) (plaintiffs challenged a Revenue Ruling granting favorable tax treatment to certain hospitals as inconsistent with the Internal Revenue Code).
5. *South Carolina v. Katzenbach,* 383 U.S. 301 (1966).
6. *Goldwater v. Carter,* 444 U.S. 996 (1979).
7. *Baker v. Carr,* 369 U.S. 186 (1962).
8. *Id.*
9. *Camden v. Byrne,* 82 N.J. 133 (1980).
10. *Michigan Assn. of Countries v. Dept. of Management and Budget,* 418 Mich. 667 (1984).
11. *S. Rpt. 103–163,* 103rd Congress, 1st Session (1993).
12. Nowak, John E. et al, Constitutional Law, West Publishing Co. (1983), p. 87. In Lujan v. Defenders of Wildlife, 112 Sup. Ct. 2130 (1992), the Court voided a citizen suit under the Endangered Species Act, holding that Congress' power to define standing by statute is limited by Article III of the Constitution. The decision implied that citizen suit provisions must be carefully articulated and supported by clear legislative goals.

Mr. LAUTENBERG. Mr. President, I am going to vote against the motion to table the Johnston amendment.

Mr. President, in my view, courts should not be allowed to enforce the balanced budget amendment by raising taxes, cutting benefits, or otherwise involving themselves in Federal budgetary policy. We live in a democracy. And the power to tax and spend should be granted only to those who are accountable to the public.

Our Nation was founded on the principle of no taxation without representation. It is not time to turn back now.

Unfortunately, Mr. President, unless amended, the balanced budget amendment to the Constitution that is before us today threatens to give the courts unlimited power to raise taxes and cut

[1] Footnotes at end of article.

spending when necessary to ensure a balanced budget. The Johnston amendment would ensure that this power could be exercised only if explicitly authorized by the Congress.

Frankly, Mr. President, I do not even think that Congress should be allowed to give courts the power to increase taxes as a means of enforcing this constitutional amendment. Decisions about taxing and spending should be made by elected officials, and those officials should not be allowed to avoid accountability for those decisions by delegating that power to the judiciary.

So, Mr. President, I seriously considered voting to table the Johnston amendment because it does not go far enough to limit judicial power, and I suspect that some of my colleagues will vote to table the Johnston amendment on that basis. However, I have decided to vote against the motion to table since, although the Johnston amendment does not go far enough, it at least would put some limits on the judiciary's taxing and spending powers under the proposed constitutional amendment.

Mr. JOHNSTON. Mr. President, I believe I am prepared to summarize in 1 minute and I will yield back the balance. Mr. President, I yield myself 1 minute.

Mr. President, this amendment as worked out with the distinguished Senator from Washington [Mr. GORTON] and the distinguished Senator from Colorado [Mr. BROWN] deprives the courts of judicial power to raise taxes, to cut budgets, to be involved in fiscal affairs of this Congress except to the extent that the Congress specifically authorizes that in authorizing legislation.

It is the duty of Congress to implement and enforce this article by authorizing legislation. Section 6 so states, and there is also an exemption made for section 2. That is, the judicial power of the courts can extend to the enforcement of section 2 which in return requires 60 votes to raise the debt of the United States.

Mr. President, this is exactly what the sponsors of this constitutional amendment have said the amendment does. They have stated that the courts may not enforce this amendment. This makes it clear that the courts may not enforce the amendment except in the case of section 2 or unless the Congress specifically authorizes them to do so.

Mr. President, it is unthinkable to have the kind of ambiguity in the Constitution of the United States that is inherent in this amendment unless the Johnston amendment is agreed to.

I urge my colleagues to adopt this amendment.

I believe we are ready to yield back the balance of our time.

Mr. HATCH. Mr. President, I am prepared to yield back the balance of my time.

The PRESIDING OFFICER. All time has expired.

Mr. DOLE. Mr. President, I move to table the Johnston amendment, and I 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 (No. 272), as modified, of the Senator from Louisiana.

The clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from Kansas [Mrs. KASSEBAUM] is necessarily absent.

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

The result was announced—yeas 52, nays 47, as follows:

[Rollcall Vote No. 71 Leg.]

YEAS—52

Abraham	Grams	Murkowski
Ashcroft	Grassley	Nickles
Bennett	Gregg	Packwood
Burns	Harkin	Pressler
Campbell	Hatch	Reid
Chafee	Hatfield	Robb
Coats	Heflin	Santorum
Cochran	Helms	Shelby
Cohen	Inhofe	Simon
Coverdell	Kempthorne	Simpson
Craig	Kohl	Smith
D'Amato	Kyl	Snowe
Dole	Lott	Thomas
Domenici	Lugar	Thompson
Faircloth	Mack	Thurmond
Frist	McCain	Warner
Graham	McConnell	
Gramm	Moseley-Braun	

NAYS—47

Akaka	Dorgan	Leahy
Baucus	Exon	Levin
Biden	Feingold	Lieberman
Bingaman	Feinstein	Mikulski
Bond	Ford	Moynihan
Boxer	Glenn	Murray
Bradley	Gorton	Nunn
Breaux	Hollings	Pell
Brown	Hutchison	Pryor
Bryan	Inouye	Rockefeller
Bumpers	Jeffords	Roth
Byrd	Johnston	Sarbanes
Conrad	Kennedy	Specter
Daschle	Kerrey	Stevens
DeWine	Kerry	Wellstone
Dodd	Lautenberg	

NOT VOTING—1

Kassebaum

So the motion to lay on the table the amendment (No. 272), as modified, was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

IWO JIMA

Mr. BUMPERS. Mr. President, could we have order?

Mr. President, I ask unanimous consent that I be allowed to proceed for 5 minutes to deliver a eulogy honoring those men who died and who were wounded and who participated in the battle of Iwo Jima, 50 years ago.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. The Senate is not in order, Mr. President.

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

Mr. BUMPERS. Mr. President, 50 years ago, I was stationed at Marine Corps Air Station, Cherry Point, NC, while serving as a radio operator having achieved the rank of sergeant. That was on February 19, 1945. I listened with rapt attention, along with my fellow marines, to radio reports of a massive marine assault on an obscure Pacific island called Iwo Jima. Though at that time, I doubt whether any one of us could pinpoint that island on a map——

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senate will be in order.

The Senator may proceed.

Mr. BUMPERS. The name Iwo Jima would soon take its place along such hallowed names as Bunker Hill, Gettysburg, Belleau Wood, Normandy, and Tarawa Atoll. As a vast naval armada moved closer to the shores of Iwo Jima, the commanders who would soon send their young marines into battle prepared messages to be read shortly before H-hour on board all ships of the invasion fleet. Maj. Gen. Clifton B. Cates, commanding the 4th Marine Division, reminded his marines of their recent victory on Tinian in the Mariana Islands, where the division's ''perfectly executed amphibious operation'' resulted in the capture of the island in 9 days, ''with a minimum of casualties to our unit, and with heavy losses to the enemy.'' Similarly, Maj. Gen. Keller E. Rockey, commanding the 5th Marine Division, searched for the proper words to exhort his men. Unable to draw upon past glories, as his division would fight together as a unit for the first time on Iwo Jima, Rockey reminded his men that the ''time has now come for us to take our place in the battle line.'' Noting that ''the hopes and prayers of our people go with us,'' he assured his marines that ''we will not fail.'' The upcoming 36-day battle on Iwo Jima would fully justify the confidence which Generals Cates and Rockey placed in their marines.

One of the most visible and poignant memorials in this citycommemorates the flag raising on Mt. Suribachi, the Iwo Jima Memorial, 4 days after the landing, but the battle would rage for 32 more days.

Mrs. BOXER. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Arkansas may proceed.

Mr. BUMPERS. The Iwo Jima Memorial is a fitting tribute to the 5,391 men killed, 17,370 men wounded, and the 60,000 men in that total force. But it is a tragedy that there cannot be a statue

for every single brave marine who participated in that bloody battle.

Mr. President, I ask unanimous consent I be permitted to proceed for an additional 5 minutes.

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

Mr. BUMPERS. Mr. President, I cannot tell you how contemptuous I am of the fact that we could not get order in the Senate to deliver this tribute. Some of our own colleagues were heroes during World War II. Senator JOHN GLENN, a brave marine, is on the Senate floor now. Nobody in this body fought longer and harder than he. And in one of the bloodiest battles of all, the battle of Guadalcanal, was Senator JOHN CHAFEE of Rhode Island.

I was asked by the Marine Corps to deliver this memorial, and I was happy to do it. I was not at Iwo Jima. I was just a young marine getting ready to be shipped out to invade Japan.

Mr. President, many people in this body remember very little about World War II and nothing about Iwo Jima. We wanted that island so we could bomb Japan from the islands of Tinian, Guam, and Saipan. We needed Iwo Jima so that disabled planes that could not make it back to Tinian from Japan would have a relatively safe haven on which to land. It is estimated that the landing strip at Iwo Jima saved the lives of 25,000 airmen who would have had to ditch at sea and probably would have been lost if it had not been for those brave, almost 6,000, men who gave their lives there.

I do not intend to criticize my colleagues, but it is tragic that sometimes people do not show more respect for those who provided the liberties for this Nation so we could stand here and debate these issues as free men and women. It is disappointing.

Last night I went to bed, turned on the television set because that is a good way to go to sleep, and just happened to turn to PBS, the station so many people want to get rid of. I started watching a documentary on Iwo Jima, one of the most gut-wrenching documentaries I have ever witnessed. Men who had never talked about that battle, even to their wives and children, poured out their souls and their hearts to those interviewers. One man said that he killed a Japanese and when he went over to him—I do not know whether he killed him or whether he came upon him—and he said he had a wallet sticking out of his top pocket. He reached over and took it out. He was going to take it. He opened it up, and there was a picture of this young Japanese soldier's mother and father and of his wife and child. And he put it back. He said, ''I knew that that man was doing exactly what he had been forced to do, what he had been told to do—try to kill me. And I had'' been programmed to try to kill him. And he said, ''What a terrible way to resolve our differences.''

One other man said the Japanese were famous for having gold teeth. ''So,'' he said, ''I went around taking gold teeth out of Japanese soldiers' mouths. Got a bag full.'' He said, ''I can hardly stand to tell you that, it is so barbaric. But war is barbaric. I was just young. It is a terrible, shameful thing to admit that today. At the time I thought it was OK.''

Another man said there was a man in his company who said he went around cutting off the ears of Japanese soldiers—barbaric. Somebody told the company commander. This man, who had gathered a whole sack full of ears, was required by his company commander to dig a hole 6 feet deep and bury them and cover them.

But of all those men of my age and a little older who spoke last night, virtually every one of them said, ''I did not hate the Japanese. I knew they were doing what they had to do, just as I was doing what I had to do.''

I am honored to have been a Marine, honored to have served in the same war, in the same service, with men like JOHN GLENN, HOWELL HEFLIN and JOHN CHAFEE, and especially honored to be asked by the Marine Corps to deliver this short eulogy to those 6,000 men who died and the 17,000 who were wounded and all of the 60,000 who participated.

One man said last night that he felt almost guilty, after seeing what he had seen, coming home alive. I can sort of relate to that.

Mr. President, I know everybody in this body joins me in paying tribute to these very brave men.

I yield the floor.

Mr. HATCH. Mr. President, I just want to personally express my regard for the senior Senator from Arkansas, for the eloquent way he has paid tribute to those who died for us, to those who were wounded for us, and to those who fought for us, including himself and others in this body. As someone who lost his only brother in the Second World War after his 10th commission, I have to say that I was really moved by what the distinguished Senator had to say.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I served after the opening of World War II, but I can remember Iwo Jima vividly. My political mentor was Paul Douglas, who served in this body, was a great U.S. Senator, was a marine, and proud to be a marine in spirit. I wish I could hear Paul Douglas give a talk today. He was 50 years old when he volunteered to be a marine, went over and was wounded in Okinawa and Iwo Jima.

But I think of people like DALE BUMPERS and JOHN GLENN when we talk about courage. You look about, and HOWELL HEFLIN, he was in the Marines, too. We can be very, very proud of those who served our country. But I think of JOHN GLENN and that little thing that he got into when he was shot into space. It was incredible. I see our colleague, CHUCK ROBB, who was in the Marines, and JOHN CHAFEE, and probably some others here who were in the Marines.

As one who was not in the Marines, who was not in the service during that period—I was in from 1951 to 1953—I just want to say we are very proud of those who served in the Marines, those who served in that Pacific war. It was a war where we were fighting people who were forced, as Senator BUMPERS said, to do the things that we were forced to do. It was a war where there was clear aggression, where we stood up for what we should stand for.

I am proud, as an American who was too young to fight in World War II, of those who did.

Mr. CHAFEE. Mr. President, I would like to express my thanks and appreciation to the senior Senator from Arkansas for the very eloquent remarks he made—and it is so fitting that he did so for this body and for all of us—about what took place in Iwo Jima. I was not at Iwo Jima. I do not know if anybody in this Chamber was in the Battle of Iwo Jima. There is no question that there were fierce battles in the Pacific in World War II.

I think Senator BUMPERS has portrayed it so eloquently—the values, why the whole thing took place. It took place exactly as he said—so that those bombers which were going from Tinian, from Guam, to Japan would have a place, if they were shot up, as they were, to seek a harbor of refuge, as it were.

I can remember. I was a young marine at the time on Guam. For the bombers on Guam, they built two parallel strips for those B–29's to take off. And they would take off on the minute on one runway and on the half minute on the other runway. They assembled some 500 of them on these trips to Japan. It was between a 16- and 18-hour round trip for those bombers. Then, of course, when they completed their mission over Japan, after flying up there, a 7- to 8-hour trip up there with those great loads, then they would start back, many of them badly shot up, and their goal was to get to Iwo Jima.

The time I am talking about was some months after we had secured Iowa Jima. I had a friend in one of those B–29's. He was the pilot. He radioed ahead to Iwo Jima that he was in a condition 3. As I recall, that was a term for the really desperate to land, and that gave him priority. You set your own conditions based upon the number of engines out and the amount of gas you had left. They said to him, ''How much fuel do you have? How long can you circle?'' He said for 4 minutes. They said, ''Circle for 3 minutes. Your priority is set.'' So he made it safely. But that shows you the congestion that was at Iwo Jima and the value of that.

So, as Senator BUMPERS so eloquently pointed out, 6,000 men were lost, and it was a terrible thing. It was a case where they gave their lives for

somebody else. I did not know the figures. But Senator BUMPERS indicated some 25,000—I can well believe that figure—airmen were saved. So it was a dramatic period, when the very best came out in our country and those who were there.

I am so glad Senator BUMPERS called our attention to it.

Mr. HEFLIN. Mr. President, I am in the process of preparing remarks, and have worked on them today, dealing with the Battle of Iwo Jima. I have some remarks that were prepared to deliver tomorrow, probably in morning business.

But I am moved by the eloquence of Senator BUMPERS. It brought back to me a lot of personal feelings that were heightened by his remarks. My division, the 3rd division, was in reserve in the landing on Iwo Jima. The 4th and the 5th Marine Divisions landed on D-Day, and they moved inland basically uncontested for awhile. But then the Japanese guns came forth from their pill boxes and from their fortifications that they had worked on for months and months, and complete devastation took place on the beaches of Iwo Jima.

It was decided that the 3rd Marine Division, which was being held in reserve, would be committed, and the 3rd division was committed. I had been a member of A company, 1st battalion, 9th Marines. That is 9th regiment in Bougainville and Guam. I was wounded in Guam and came back to the United States, and was in a hospital on the day of D-Day that they landed.

I later talked to the survivors of A company. They told me that A company, 1st battalion, 9th Marines, 3d Marine Division, suffered more than 200 percent casualties on Iwo Jima. They sent in replacements at various stages before the island was finally captured.I lost many a friend in that battle. The raising of the flag on Mount Suribachi is symbolic of the battle in the Pacific, where we really, by great military strategy, went through a campaign of island hopping, by which they would select an island that was in a very strategic position and bypass most of the well-fortified islands that the Japanese thought we would be attacking first. This island-hopping strategy reduced the casualties tremendously. But Iwo Jima lay in a position 660 miles off of the coast of Japan. The Japanese had built two airstrips and were in the process of building a third airstrip, primarily to place on that island. Most of their fighter pilot planes were left with the idea of intercepting our bombers as they came through from Guam, or Tinian, or Saipan to Japan. As Senator BUMPERS and Senator CHAFEE have pointed out, the planes that came back, many of them damaged by anti-aircraft and fighter pilots of the Japanese, landed in an emergency on land. But it also was very important in our victory against the Japanese in that it destroyed a potential fighter pilot baseline that could have caused tremendous problems relative to that.

But I look back in memory of my friends that I lost, and I would have been on Iwo Jima with my outfit if I had not been back in the United States at that particular time. The words that stick in my mind are the words of Admiral Nimitz following the Battle of Iwo Jima when he said: ''Uncommon valor was a common virtue.'' The marines that participated in that, and the Navy that was involved, and the Air Force, everybody concerned, really were great heroes, and we will be honoring the 50th commemoration of that battle in the near future. I believe Sunday there is a ceremony at the Iwo Jima monument. So I pay tribute to those that lost their lives, to those that were wounded, and to those that helped in that very important battle to bring about V-J Day.

IWO JIMA

Mr. GLENN. Mr. President, I associate myself with the remarks of Senator BUMPERS and the others that have spoken so eloquently about Iwo here today. I was in World War II and in the Pacific but not in the Battle of Iwo Jima. After the war, we were assigned to China. I was stationed for 6 months in Beijing; it was called Peking then. Our squadron flew out later on and landed at Iwo, and this was after the war. We had a chance to walk those same black sand beaches that they came in on during the battle of Iwo.

It is hard to see how anybody could ever make it up those beaches, which were the only landing areas on the island, because the cliffs above that area were all honeycombed with caves back in the rocks. Guns would come out and fire. Machine guns would go out and fire and go back into the hole again. Unless the naval gunfire that supported them there made a direct hit on the tiny openings, they kept coming out and mowing people down, down below them. We walked in those caves and looked down as the Japanese gunners were able to look down on the beach at that time, and how anybody ever got ashore there with that kind of withering fire looking right down their throats is something that is hard to fathom. It was so impressive that I remember it very, very vividly to this very day.

The reasons for the sacrifices have been spoken about here this afternoon. Senator HEFLIN has mentioned the motto that is on the Iwo statue at the other end of Pennsylvania Avenue on the edge of Arlington Cemetery: ''Uncommon valor was a common virtue.'' Indeed it was. It is hard to look at Iwo and to be there on Mount Suribachi, or to go down and be in those caves and look down on the black sand beaches and imagine how anyone could come across those beaches, where the soft rolling sand underfoot—literally, where we tried to walk you would take almost two steps forward and one back, that type of situation. That loose, pebbly type sand was so difficult to even get tracks on. It was hard for them to move at that time. Uncommon valor was indeed a common virtue.

One of my most prized possessions at home is a statue of Iwo. It is a smaller version of the Iwo statue that is over on the edge of Arlington Cemetery. It is not just a curiosity stand type statue you would buy from one of the souvenir stands here in Washington. When I had been on a space flight many years later, Felix de Weldon, the sculptor who designed the Iwo statue—it was his concept—was doing a bust of me later on and we become friends. He had one of his first working models that he had, from which he designed the Iwo statue. It is a one-tenth scale model, exact. If you took a picture of it at the right angle, I doubt that you could tell the difference between that and the big Iwo statue. It is a one-tenth scale model. Because I had been in the Marine Corps, he wanted me to have that. I did not want to take it. I thought it should go to the Smithsonian or Marine Headquarters or someplace. He wanted me to have it, so I finally took it. It is one of my most prized possessions at home. I am sure 1 day it will wind up exactly there, in the Smithsonian or Marine Headquarters. Every time I see that statue at home, I am reminded of that visit to Iwo and what it must have been like to be there that day when uncommon valor was such a common virtue.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Mr. President, I had not planned to speak this afternoon at all. As a matter of fact, I was just about to part from this Chamber when the senior Senator from Arkansas asked for the floor. I knew he was going to recite a few words that had been prepared officially by the Marine Corps, and it was my privilege to deliver another as a part of that series earlier this week.

I would like to join with all of the colleagues here on the floor, and the many who have been fortunate to be in this Chamber at this particular moment, and say thank you, Marine DALE BUMPERS, for reminding us for a few minutes what is important in life.

I could not help but be drawn back into my own experience. I was, at the time of Iwo Jima, a young boy starting school. But I suspect, if I am honest, I would acknowledge that Iwo Jima probably had a lot to do with my decision to join the Marine Corps. I certainly, like many others, benefited from the heroism that was demonstrated in that particular battle along that tiny eight-square-mile island. And even DALE BUMPERS' description of having talked to those who had examined the photographs and other remains of the enemy that they had taken during the course of the battle rings very true to me in a different conflict later on. But it still happens and you still have that very personal gut-wrenching feeling that there are human beings on both sides of those

equations that are not necessarily involved in the political struggles that are involved.

I simply join in saying thank you to my fellow marines here and elsewhere for the legacy that they left to all of us who served later. Those immortal words ring through to all of us. As my friend, JOHN GLENN, talked about his statue, I have a much smaller and much less prestigious copy that sits on the front of my desk in my office to which I will return shortly, which but reminds me of a time when something very important in our history occurred, just 50 years ago.

And for those of you who were fortunate enough to be present in the Chamber today, something important in this Chamber occurred, and it is all too rare that we have a feeling where we have been truly moved by a few words. I would have to say that our distinguished friend from Arkansas has a disproportionate number of those moments to his credit.

In any event, may I join colleagues who are here celebrating that uncommon valor that occurred some 50 years ago and ask others around the country to stop for just a minute or two to think about the consequence of the risks and the sacrifices they made in terms of the quality of life that remains today.

Mr. President, I yield the floor.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I have been sitting here and listening, and I think the distinguished Senator from Virginia has hit the same note that I have been feeling—a little bit emotional; rightly so; beautiful—because I could hear the ''Star Spangled Banner'' in every voice. I could hear the Pledge of Allegiance to the Flag in every voice. I could hear and feel the tide, why this country is so great and what this institution is.

And I could hear the roll being called here in the Senate—Senator CHAFEE, Senator BUMPERS, Senator GLENN, Senator HEFLIN, Senator ROBB—you go on through. They may have different opinions about the issues on the Senate floor, but none—none—of those would take a step back from the defense of this country and the attempt to do what is right. And it goes across the aisle.

So I do not know. I hope there are a lot of people watching tonight so they could have heard my long and good friend from Arkansas, Senator BUMPERS, and listen to JOHN GLENN and to feel it, and listen to HOWELL HEFLIN.

Why was he back in the States? He was wounded.

And they said those who have experienced war, as some of us in this Chamber have, are those most opposed to it.

And so, I thank all of you. I hope I can get a tape of this. I want my grandkids to see it, because it has been now 50-some-odd years. I was 19. I guess you were about the same age. We were all about the same age. And we were called on.

Oh, you may fuss and fume at me about my political stance. You may fuss and fume at the others about their political stance, but do not doubt their courage or their loyalty to this country.

So this occasion was very beautiful. I am pleased that Senator BUMPERS, my good and loyal friend, was able to get up tonight and remind us and shake us back to the very essence and roots of why we are in this Chamber and why we try our best to do what is good for the children.

I yield the floor.

Mr. BUMPERS. Mr. President, if nobody else wishes to speak, let me just follow up on what Senator FORD has said and perhaps we can get back on the matter we are supposed to be debating. This has nothing to do with the Marine Corps. It has to do with another point I want to make.

Several of us went to Europe on June 6. We went to Anzio in Italy before we went to Utah and Omaha Beaches. And I was really not prepared for the experience. Anzio, a battle I remembered well was memorialized by roughly 10,000 white crosses and Stars of David in the cemetery there. We were there on June 4.

We went then to Utah Beach and Omaha Beach on June 6th. And behind each beach there were roughly 10,000 graves, Stars of David and crosses. Each one of those represented a knock on the door. ''We regret to inform you your son, your husband, your brother has been killed in action.'' That was one of the most traumatic things I ever experienced.

President Clinton, in one of the cemeteries was talking to a man. The man said, ''This man who lies under this cross saved my life. He went out on a patrol that I was supposed to go on. I had been doing it every night. He said, ''No, you stay. I'm going tonight.''

''And I let him go.''

That same man asked the President, ''Do you know Clayton Little?''

And President Clinton said, ''Know him? I should say so. He served in the legislature, both when Senator BUMPERS was Governor of Arkansas and when I was Governor of Arkansas. He was one of the finest men I ever knew.''

The man said, ''He was one of the best friends I ever had. He was by my side during the entire battle at Anzio.''

But like this moment, I say to the people of this body that we ought to do this more often—stop and reflect on what is really important in our lives and in this country.

I looked at all those graves, and I thought of the unbelievable trauma so many families had experienced as a result of each one of them. And I began to think about the things we say and talk about in this Chamber. And so much of it is not very important. And when you get caught up in the experience I had, you begin to get your priorities a little straighter. It is like a cancer diagnosis. You begin to realize what is important and what is not.

But the point I want to close on, Mr. President, as Senator FORD has said very well, nobody should ever question the loyalty or the patriotism of anybody. I deplore that. We are all loyal Americans. We are here debating because we have serious policy disagreements, but we really agree on a lot more than we disagree on.

Somebody came up to me and said, ''You know, today's generation would never bare their chest to those German machine guns on those beaches. They'd never get them out of those landing craft to walk up a beach, unprotected, baring their chest to German machine guns.''

And I said, ''Of course they would.''

They thought the same thing about our generation. And I believe that todays generation, if our liberties were at stake, would do the same thing we did.

I yield the floor.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, this is not a very propitious time for me to send an amendment to the desk.

Let me, while Senator BUMPERS is still here, say one thing to Senator BUMPERS.

I was with Senator BUMPERS and others on the 50th anniversary of D-Day on those beaches, including down in Italy in Anzio.

I was 2 years old when the people of DALE's generation, although I do not feel like he is a different generation than me —and I mean that sincerely, and I do not—until I stood on those beaches.

I came home and said something to my father that I never said before. My father was not on any one of those beaches. As I stood there and watched Senator HEFLIN, Senator BUMPERS, Senator HOLLINGS and Senator GLENN and others with whom I was attending these ceremonies, and the thousands of veterans who were there, I marveled at one thing.

Being a U.S. Senator for 22 years, I have been to a lot of veterans' events. I did not see one bit of revelry. I only saw reverence. I watched these men and their counterparts—civilians—walk out on those beaches—which seemed to be 20 miles wide—in solitude. There were 10,000 individuals there, all lost in their own memories.

It impressed me in a strange way, I say to my friend from Arkansas. Here is what I told my dad. I came back with such a sense of awe. As a student of history, thinking I was a pretty smart, well-educated guy, until you stand on those beaches. Now I understand why they all came in at midtide. I am assuming it was equally as bad or worse at Iwo Jima, and I have never been there.

I not only had a sense of awe and pride in my father's generation and a renewed respect for that generation,

but I had an incredible sense of envy, almost a feeling of anger. JOHN KERRY is a veteran. John was a decorated veteran in Vietnam. My generation went to war in Vietnam without the benefit that your generation had.

When you stood there on the beaches of Iwo Jima, or deciding whether or not to get out of the landing craft on Omaha Beach, you knew, had you failed, all of humanity would have suffered. There was no question that the fate of mankind hung in the balance. Had you not prevailed, your wives, mothers, and children would have lived under an oppression unlike anything that had been seen in the previous two centuries.

When JOHN KERRY rode down some god-awful river in Vietnam, he did not know who the hell he was after, was not quite sure why he was there, did not have any idea anymore than my friend from Virginia had as to who might be shooting at him, and I suspect never had the absolute certainty that what they were doing, as difficult as it was, was something that, beyond question, had to be done.

I understand my dad's generation better, having been there, because now I understand why guys like my dad—and God, it seems ridiculous to talk to you as if you were my dad's age because I have worked with you all my professional life—why you have such an incredible sense of optimism. Why on either side of the aisle, whether it is you or JOHN CHAFEE or whomever it is, have this unabating notion that we can, in fact, get things done.

I look at my generation and those who are younger, and I am not nearly as surprised as to why they are as confused as they are about the ability, and not even thinking about it in your generation, why they wonder whether or not this institution makes any sense, whether or not the system works.

It seems to me you not only did something incredibly courageous—and I see DAN INOUYE, and nobody in this whole body have I ever felt closer to than DAN INOUYE, and he knows I am not just saying that. Here is a guy, he goes and loses his arm. He should have gotten the Medal of Honor, in my view, if you read about his exploits. And he acts like he was born with a silver spoon in his mouth. He acts like not a single thing ever happened to him in his life that was difficult. He acts like the world is just a cupcake, and we can make it great for everybody.

It is an incredible, incredible thing that your generation has passed on. I do not know how it gets renewed. But I know one thing: More people should hear you talk about it. More people should go and stand on Omaha Beach or go to Iwo Jima or go up into the hills in Italy where these guys—BOB DOLE and others—got stopped.

I know it sounds corny, but I defy anybody of any generation to have been there on D-Day and not walk away with a deeper understanding of why your generation has done so much for this country and why other generations have been so uncertain about what they can do. The biggest thing it does, it seems to me, is hopefully remind people in this era of bitter politics, of political invective, of the mindless things that are being said on the left and the right, of the personal characterization of political motivation of whatever anybody does, of the era of 30-second personal attacks on anybody that disagrees with you, you must be un-American or must be less dedicated than whomever it is they are arguing with.

I hope they understand that, as corny as it sounds, the women and men who served in this body—and I have been here for 22 years—I have not met a one, I have not met a one in either political party when they walk out of here and get in their car at night or go down to the train station like I do and look in the rear view mirror, they see that Capitol dome, do not still get a chill.

I noticed people when we were over there on D-Day, DALE, there was not anybody watching us. Everybody was the same. I watch people when they play the ''Star Spangled Banner.'' There was not any hometown crowd. I watched peoples' eyes mist and people got goosebumps. I know it is not in vogue to say those things, and probably an editorial will say how corny we were today—or I know I was.

The best thing that can happen in this sick political atmosphere we find ourselves in, is for more people to understand, whether it is the Rush Limbaughs of the world or a left-wing version of Rush Limbaugh on the air who makes everything personal about what people do, there is so much more that we agree on in this Chamber than we disagree on. There is so much more that your generation did for this Nation than you understand and appreciate, if I can say so, so much more.

But you had something that I think we are all still searching for, and that is the absolute certainty that what we were undertaking needed to be done, was noble, was moral, was necessary, and was right. I think that is what everybody is searching for. You paid a horrible price for having found it in your generation, but having found it and survived it, you made this country something that it never had been, because of the growth and the optimism and the absolute enthusiasm you all brought back from having done what you did and literally saved the world for democracy.

I want to tell you I had not planned on speaking on it at all, but my respect for my father has always been great. My respect for his generation and my mother's, as well.

I end with one little story. I was with you, and we split up after the President spoke. I went up to the cemetery. I was walking around the cemetery, just kind of in a daze. My wife and I—my wife was not even born during any portion of World War II — were looking at the crosses, just wandering through, and this guy was being pushed in a wheelchair by his two sons. And I am looking at a grave marker. I did not even see him. And he said, ''Is that you, Senator BIDEN?'' And I turned around. I did not know the fellow. He was from Indiana. I turned to him and I was like most of us were, somewhat emotional about what we just observed. And I said, ''Thank you for what you did.'' And he said, ''Don't thank me, thank my wife.'' And I turned around, and his wife was not with him. And I said, ''Thank your wife?'' I said, ''Why, sir?''

He said, ''My wife did as much to make sure I could get on that landing craft and get here because she made it. She made it at home. She produced the reason we were able to win, because of the industrial might of the people we left behind to produce and outproduce the Germans.''

But it was typical. Here is a guy going through a graveyard where his friends are buried. I compliment him and he tells me to thank his deceased wife who made the landing craft.

I sure as heck hope there is some way we can rekindle that kind of notion of sense of duty, sense of responsibility, sense of shared glory that seems to be missing so much in this country today. And I hope in God's name we can do without another war. But I want to compliment you all.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The Senate continued with the consideration of the joint resolution.

(Ms. SNOWE assumed the chair.)

AMENDMENT NO. 278

(Purpose: To provide for a capital budget)

Mr. BIDEN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN], for himself, Mr. BRADLEY, Mr. DASCHLE, Mr. DORGAN, Mr. LAUTENBERG, Mr. FEINGOLD, and Mr. KERRY, proposes an amendment numbered 278.

Mr. BIDEN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 3, strike lines 4 through 8, and insert the following:

''SEC. 7. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal and those dedicated to a capital budget. The capital budget shall include only major public physical capital investments. For each fiscal year, outlays dedicated to the capital budget shall not exceed an amount equal to 10 percent of the total outlays for that year, which amount shall not be counted for purposes of section 2. Three-fifths of each House may provide by law for capital budget outlays in excess of 10 percent for a fiscal year.

''Total receipts shall include all receipts of the United States Government except those derived from borrowing and the disposition of major public physical capital assets.''

Mr. BIDEN. Madam President, I ask unanimous consent that Senator KERRY be added as an original cosponsor of the amendment.

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

Mr. BIDEN. Madam President, I rise today on behalf of myself, Senator BILL BRADLEY of New Jersey, Senators DASCHLE, DORGAN, and LAUTENBERG.

The amendment we have sent to the desk—some have suggested, why are we continuing to do this; it looks like the train has left the station and no one is going to listen anymore to the argumentation for any change in this balanced budget amendment. It seems that somehow it was like the tablet that was handed down, chiseled in stone; even though privately Members who are inclined to vote for this amendment but think it is flawed now will say, ''Well, why don't you agree to this change?'' And they will look at us and say, ''Oh, it makes sense, but we can't change it; this is the best we can do.''

I do not think it is the best we can do and my colleagues who cosponsor this do not think this present balanced budget amendment is the best we can do. That is why we continue to talk about how we can improve it to make it workable.

I wanted to make the case today that while it would be useful to establish a capital budget under the current budget rules and practices, it will be even more important if the balanced budget amendment is ratified and becomes part of the Constitution.

The main reason budget experts advocate a way of designating specific capital budgets is to assure that we weigh the immediate benefits of spending for current operations against the long-term benefits of investments that pay over the years. They are the hard choices the distinguished Senator from Maine has had to make, as a Congresswoman and now as a Senator. We all make them. And that is, there are tens of thousands of needs out there.

But what we tend not to look at closely enough, in my view, and will not be permitted to look at, as a practical matter, closely enough, is the distinction between short-term investment and long-term investment when we are dealing with limited dollars. Roads, bridges, dams, water, sewer systems, potentially even electronic infrastructures and, yes, even those major defense assets that assure the protection of our private economy and public works, all of these return benefits over more than the single fiscal year that the balanced budget amendment focuses on.

We decide to focus on an immediate need of whether or not we are going to hire 10 more FBI agents. That is an immediate question. That is an operating budget. We are going to pay their salaries, an important consideration. And that focuses legitimately on what we do year to year. But there are others you focus on that have life expectancies and needs that go well beyond a year's time.

Even under current budget rules without this balanced budget amendment passing, many observers believe our budget provides for too few of these long-term investments. We get much pressure on it from our constituents at home, as we should, to deal with the immediate needs that they have. It is a whole lot harder to convince them that maybe we should use some of that money to make a longer-term investment for which they will not see immediate benefit but will, in fact, have much greater benefit for them and their children than the short-term investment.

So under our current budget system, we face this difficulty. In recent reports, the General Accounting Office, which has been quoted numerous times by people who are for the balanced budget amendment, against the balanced budget amendment, and not sure of their position on the balanced budget amendment, the GAO report has repeatedly emphasized the need for a budget process that forces clear decisions between our short- and our long-term needs.

In fact, in the 1992 report on the dire consequences of our current deficit policies, the GAO declared, and I quote:

A higher level of national savings is essential to the achievement of a higher rate of economic growth. But by itself, it is not sufficient to assure that result. . . . In addition . . ., economic growth depends upon an efficient public infrastructure, an educated work force and an expanding base of knowledge, and a continuing infusion of innovations. The composition of Federal spending, as well as the overall fiscal policy, can affect long-term economic growth in significant ways.

Let me repeat the part that they emphasize: The composition of our spending, how we spend it, has as much impact upon our future growth as what we spend in the aggregate.

The composition of Federal spending that was the concern of the GAO report, Madam President, was the mix between operating expenses and capital investment.

Let me wrap up this extended citation of where the GAO comes down on this issue with the conclusion of the report's chapter on long-term priorities, and I quote:

The recent approach to budgeting, focusing on each year's choices in isolation, has not served the Nation's needs. Only if we change the framework of the debate to emphasize the long-term consequences of both fiscal policy and relative priorities within the budget can we hope to develop a national consensus on the potentially discomforting actions needed to achieve the future we want for ourselves and for the next generation.

How much truer will these words be, Madam President, after the balanced budget amendment passes, if it does, a balanced budget amendment that raises each year's fiscal balance to the level of a constitutional mandate?

Madam President, you and I do not know each other well but we have served together in different bodies for a long time. How many times have we heard, in both political parties, all these experts who have come down and talked to us over the last 10, 12, 15 years, saying things like: ''You know, corporate America is shortsighted. The Japanese are farsighted. Corporate Japan is farsighted. They make long-term investments, they forgo short-term gains; they work on long-term profits, not short-term profits.

And how many times have we heard managers from the Harvard business schools and the Wharton School at the University of Pennsylvania and the other great business schools of America tell us the same thing?

That is all we are saying here; that is all the GAO is saying here. As American corporations have begun to retool and not think of what the next quarter's profits will be but think about what the next 4 years' situation will be, and 8 years and 10 years, corporate America has gotten strong. We now, to take one anecdotal example, we now build better cars than Japan; they are higher quality. We are gaining a larger share of the market. We are doing better because the corporate executives stopped thinking about getting the price of the stock up to a certain price by the time they retired so their retirement benefits related to the value of the stock at the time.

All I am suggesting, and others, and GAO is we have to do the same thing as we make this fateful step, which I think we should make, to having a balanced budget amendment. How much more difficult will it be for us to make these long-term decisions when we are operating under the constraint of requiring an absolute balance every year, every time we present a national budget?

Will not our current incentives—what we all agree is a callous disregard for the burden of debt on our children—will not those current incentives just shift to a new incentive?

Right now, rather than make the hard choice of cutting spending or raising taxes, we have an incentive to push off the burden of the debt we are accumulating onto my sons and daughter, onto your children, our children, the next generation.

That is the incentive. That is why we say we need a balanced budget amendment.

Once we pass the amendment, and I hope we do—I hope we pass a balanced budget amendment—once we pass it, the incentive shifts. We may no longer push debt onto our children, but we may well neglect the things we need to do in order to sustain our infrastructure and to raise the level of potential growth in our economy.

Mark my words; when there is a short-term need to deal with an immediate problem when we have to balance

the budget, and someone says but if we do not deal with the infrastructure of the country, the highway system or the port system or the sewer system or whatever it may be, or investing in long-term technology in a major growth requirement in the Defense Department, star wars, whatever you want to pick, you know what we are going to do? We are going to make sure we take care of the immediate need because we are going to go back home for election, and we do not want to tell anybody, by the way, the reason I did not vote to continue to fund this or that program is because I believe that if we invest more money in our ports, it will put us in a position to compete better with the Germans and the Japanese in the next generation. And that is why I cut your program and why I invested it in a long-term investment.

Fat chance. Fat chance. If we have an incentive now to push off debt to our children, I think the incentive to neglect future investment under the balanced budget amendment will be even stronger.

Madam President, it would be wrong to shift to a new incentive to balance each year's budget without adequate consideration for investments that are equally important to future generations.

I believe that without a capital budget provision the balanced budget amendment will replace our current shortsighted budget perspectives with another potentially harmful perspective that only rewards current cash-flow balances without regard for the investments that are our generation's responsibility to the next generation.

Madam President, we have heard repeatedly here on the Senate floor that virtually every State in our land has some form of balanced budget requirement in its constitution. We have one in Delaware, one that we added to our Constitution in the year 1980, and it has worked well. But all of the States, including my State, also use their bonding authority to pay for capital projects.

Madam President, as a prudent way of living within the constraints of a constitutional restriction, without neglecting our future, I do not know how we can do anything other than what States do.

I have heard, until I have had it up to here, the States and Governors telling us how they balance their budgets. Let me tell you they do not. They do not balance their budgets. I do not know of a single State that balances its budget, not a single one that I can think of.

I am prepared to state for the RECORD—if any Senator can come to the floor and tell me otherwise, I will apologize—they do not balance their budgets. They balance their operating budgets, their operating budgets. I also hear my friends, who support this amendment a little more stridently than I do, say the following: why can we not balance our budget like the folks back home balance their budgets?

Well, unless you hang out with a really wealthy crowd, I doubt whether you know anybody at home who balances their budget. I will bet you there is not a single person sitting in the gallery here who balances his budget like this amendment will require the Federal Government to do.

I wonder how many people walk out and pay cash for their new house? I wonder how many people who have purchased a house within the last 2, 5, 10, 12 years own the house outright and are not paying a mortgage?

My dad used to be in the automobile business. There were not a whole lot of people who walked in and plunked down cash or a check for a brand new car. If they did, he wondered whether they were drug dealers most of the time. Who comes in and does that? Some people have the money to do it and some people have the discipline to do it, but most people buy their cars on time.

A lot of us, myself included, have to borrow money to send our kids to college—take out loans, second mortgages on our homes.

As long as we pay the mortgage payment, as long as we pay the principal and interest on the college loan, as long as we pay the car payment, we will assume we are balancing our budget. But if we passed a law saying no household in America could operate other than on a balanced budget, as we are about to pass here, there would be an awful lot of people in apartments. There would not be any new homes being built.

I think we should be honest with the American people about what we are doing here.

Now, there are some arguments which I will respond to—I am sure they will come up—about why the Federal Government does not need a capital budget. I respectfully suggest that is not the case. If the example set by the States is an appropriate one, Madam President, as we have heard so often over the years in regards to a balanced budget amendment, then certainly we should learn from the States' universal determination to borrow for those projects that they deem worthy of long-term funding. That is how they do it. The amendment I am offering with my colleagues today will put that lesson into effect.

Madam President, I have here an editorial from the Wall Street Journal, not viewed as a liberal paper. Probably the news portion of that paper, if not the best, is one of the best in America. The editorial page, like many editorial pages, is often very strongly slanted. No one has ever suggested that the editorial writers of the Wall Street Journal are a bunch of liberal big spenders and taxers.

Let me read what they say in an editorial dated November 11 of last year right after the election. The editorial board expressed concern that Congress might move precipitously on a balanced budget amendment.

Let me read a passage from that editorial:

> To understand the economics—
>
> Says the Wall Street Journal.
>
> If all American households were required to balance their budgets every year, no one would ever buy a house. Of course, households don't think about their budgets that way. They figure balance means meeting the mortgage payment. Similarly, State and local governments with balanced budget requirements can still borrow money for capital improvements. . . .

This amendment offers a simple mechanism to address the lack of a Federal capital budget in the proposed balanced budget amendment.

It introduces the concept of capital investment and says that the Federal Government is not bound to pay for such investments out of operating expenses up to a total of 10 percent of the operating outlays each year. So, to make it simple, let us assume that there is a $100 billion budget—it is more than that, but let us make it easy, a $100 billion Federal budget. No more than $10 billion could be added on to that budget in terms of a capital budget.

We can decide to build the bridges and highways out of operating expenses if we are flush. But we can also decide it makes sense to borrow the money, like we do in States with bonds, essentially saying we will pay it off in 2 years or 5 years or 10 years. And we must balance it, in the sense that States do in that we pay the yearly payment it costs to pay that off—the mortgage payment on the new airport, the new highway, the new exotic aircraft we have to build, the new whatever capital investment we decide upon.

In other words, it permits borrowing, the issuing of bonds for such investments just like the States, up to a maximum of 10 percent of each year's operating expenditures. We would be able to issue bonds without the three-fifths supermajority requirement needed for an excess in outlays over revenues in 1 year.

So, to borrow the money to do that, that is to make a capital investment, it would be a simple majority vote. Yet if we wanted to in effect borrow money, or go in debt in our operating budget, we need a three-fifths vote. And the rationale for that is simple, and that is we should encourage long-term investment and discourage short-term investment, given limited dollars.

Above that 10 percent amount, you could not borrow without a supermajority with 60 votes—just like you have to have now in this amendment to borrow money or increase the debt.

As the Wall Street Journal and many others who have commented on the balanced budget amendment proposal before us here today pointed out—''Borrowing for investments with long-term payoff is the practice of individuals, the practice of cities, the practice of State governments, and the practice

of businesses. And it exists in all other advanced economies.''

And it ought to be our practice, too. It is sound economic practice.

The 10-percent cap on the investment budget is a rough average of what we have been spending on a restrictive definition of capital investment every year since 1980. I must say, many analysts believe that our investment budget has been inadequate to meet the needs of the future. They say we should be investing a lot more than 10 percent of our operating budget in long-term investment. That may be. But I am not willing to allow more of that to occur with a simple majority vote. If we want to do more than that, then it has to compete on the same basis that an operating deficit would compete.

I think the capital budget should have to compete the same way, once it is beyond 10 percent. But a 10-percent cap on borrowing, without a supermajority needed for extension of the national debt, provides a reasonable minimum above which the approval of three-fifths of both Houses would be required.

So we could have a larger capital budget in the future if we need it. But either borrowing more under the three-fifths requirement, or if we decided to, by putting some big investments in our operating budget, would be the only way we could do it.

By accepting this capital budget amendment we will have established the formal procedure, with constitutional authority, for considering those projects which will have long-term payoffs and that, therefore, merit long-term finance. The capital budget includes only major physical capital assets, the kinds of purchases that individuals, businesses, and our State and local governments make by borrowing. It does not include research or education that many of us may argue are long-term and needed capital—investments in our future. They are important investments but they are more properly handled on a year-to-year basis, in the opinion of the authors of this amendment.

Madam President, let me make it clear again that what constitutes a capital investment will be defined in the amendment. But we do not have to fund a capital investment through borrowing. We can fund a capital investment, if we decide to, through the operating budget. It will take a majority of Senators even to conclude that we should treat it as a capital investment.

So the point is there are several hurdles you would have to cross here. This is not a giant loophole to allow us to continue deficit spending. You would have to meet the definition of a capital expenditure, you would have to get the Senate and House both to agree it was a capital expenditure, and then you would have to get them to agree to the fact it was worth borrowing money to in fact make that capital investment. And if the capital investment that was about to be made would exceed the 10 percent limit on what could be made, it would require a three-fifths vote in both the House and the Senate to do it. But at least the mechanism that is available to every State would be available to the Government.

It can be argued, and accurately, I think, that the balanced budget amendment as currently written permits borrowing and, therefore, future Congress's could engage in a form of capital budgeting. By that same logic, of course, our Constitution now permits us to balance the budget. The point of a balanced budget amendment is not to correct the defect in the Constitution but to correct a defect in our behavior—not the Constitution. We do not need this amendment to balance the budget. There is no amendment now that says you cannot balance the budget. We just do not do it. So many of us think we need an amendment to say we must do it.

I would argue the same rationale applies to those who say with the budget amendment we have up here, JOE, you could have borrowing if you get a three-fifths vote and you can call it whatever you want, capital budget or anything else. That is true. But it begs the question.

It is in that spirit that we offer this amendment. Not because some form of capital budget is impossible under the present amendment, but because we need to provide an explicit mechanism by which we can distinguish between projects that merit long-term financing and those that should be funded year to year.

One more point before I close, Madam President. My colleagues will know that we have provided that any revenue from the sale of public assets will and can be only used to fund capital budgets. So, for example, if we decide in order to raise money we are going to sell off Yellowstone National Park—and no one is suggesting that, that is why I pick it— instead of that money going into the general fund that money would go to reduce the debt that has been accumulated on the capital budget and pay off the mortgage quicker. That is what it would do. This provision removes an incentive to sell off our assets in the name of short-term budget balances.

Again, I want to protect our kids, not only from accumulation of debt and the interest they will pay on it, I want to protect them from the shortsightedness and the incentive to shift away from them the long-term investments they need. So, in order to satisfy our immediate need to balance the budget I do not want them selling off Cape Henlopen State Park, which is supposed to be there for posterity, in order that they not fire people who are on the Federal payroll to meet the balanced budget amendment.

So, Madam President, without an explicit capital provision, our incentive will be to focus only on those spending priorities that have short-term payoffs, economically and politically.

Madam President, I see the minority leader, the Democratic leader is here. I can refrain because I know he is on a very difficult schedule—refrain from delivering the rest of my statement at this point.

I will be happy, with the permission of my friend from Utah, to yield to him to speak on this or any other item he wishes to speak to.

Madam President, this amendment is a genuine improvement, in my view, designed to protect our children just as the overall balanced budget is designed to protect them.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the distinguished minority leader of the Senate, the Senator from South Dakota.

Mr. DASCHLE. Madam President, first let me congratulate the Senator from Delaware for his eloquent presentation and the leadership he has shown once again on this very important issue. No one in the Senate has become more of an expert on this particular question than the junior Senator from Delaware. I applaud him and thank him for offering the amendment.

We all know the purpose of a balanced budget amendment. The purpose, of course, is to free ourselves from our overwhelming debt burden and to promote economic expansion and growth for ourselves and our children. We are here to find a more certain path by which to accomplish that very purpose.

A constitutional requirement to balance the budget is one means to attain that goal of a budgetary balance. But the point of the whole exercise is economic productivity and growth. That is what we seek. We want to be able to tell business and we want to be able to tell families that Government policies will create more of an opportunity to have more economic growth and activity than we have now.

But if we are to ensure future economic growth, we certainly need to craft a balanced budget amendment carefully in a way that meets the objective of strengthening the economy.

I support the idea of forcing the Federal Government to adopt budgetary discipline under which most families and businesses and States must live. As we all know, our current budget rules do not function that way, and we need to correct them.

Today we have an amendment that would address that situation and force the Federal Government to live by the same budget, by the same rules and the same standards that every American family, every American business, and nearly every American in every State is required to live by.

The Biden amendment would establish, for the first time at the Federal budget level, the principle that there is a distinction between capital costs and operating costs. We actually would, for the first time make the distinction between capital costs and operating costs. This is absolutely necessary to allow us to balance the budget and at

the same time invest in limited long-term priorities that fall outside the scope of annual operating expenses.

We have to come to the same conclusion that businesses and families and State governments already have: that there are different types of spending. On the one hand we have investments that can generate the economic growth in this country, in this business, or in this family. On the other hand, we have the operating expenses that daily, monthly or annually we have to pay the bills for, to do the work of government or business.

That really is a principle that every family and every successful business has recognized. When a family buys a house or car, or a farmer buys a better tractor, they do not pay cash. If a business expands to a new location or upgrades its computer system or purchases modern machinery, it does not pay cash. People and businesses borrow for long-term investments.

So the Biden amendment suggests that we draw the same distinction, economically and fiscally, between investment and operating expense.

That is really what the vast majority of States do today. States do not finance road construction or new school buildings or State courthouses or prisons solely out of a single year's revenues. They issue State-backed bonds and pay them off over the useful life of these investments. That makes good, common business sense.

So I support the idea of a constitutional budget amendment because I believe its goal is to strengthen our economy. But we do not strengthen the economy simply by writing new words into the Constitution. We strengthen the economy when we focus on the elements that make the economy strong, and shape the constitutional amendment to reflect those elements. We strengthen the economy by concentrating Federal spending on investments that promote long-term economic development, just as business do.

So I have cosponsored the pending amendment because I believe it is a practical way to promote economic growth. The amendment would put the Federal budget on the same footing, and subject the Federal Government to the same requirements that govern most States, businesses, and family budgets today. It would establish a clear distinction between capital costs and operating costs.

The amendment is tightly drawn, as the Senator from Delaware has pointed out, to prevent the Federal Government from sinking deeply into debt to finance capital investments. The capital budget would be limited to no more than 10 percent of the total outlays for each fiscal year.

It would operate under the pay-as-you-go discipline imposed by the requirements of the balanced budget amendment itself. So would the operating budget. Depreciation and debt servicing costs would be assessed to the operating budget, so debt incurred for public investments would have to be repaid within a balanced operating budget.

Just as any family must keep monthly car and mortgage payments affordable, the Government would not be able to take on more debt without cutting spending or increasing revenues in the operating budget.

So the amendment would ensure that the Constitution preserves the ability of the Federal Government to do what it needs to do, to invest in our economic future in a meaningful way. Put simply, it would create a capital budget to clearly distinguish tax dollars used for public investments from tax dollars used for immediate consumption.

It would create a powerful incentive to balance the operating budget—the consumption side—and it would offer an equally powerful incentive to subject all proposed investments to heightened scrutiny.

We hear repeatedly that the States balance their budgets, so why does not the Federal Government do so? It is a good question. But it is a question that compares apples and oranges.

Most States' balanced budgets requirements apply only to their operating budgets. They borrow for long-term investments and pay back the loans. They balance their books, they do not balance their budgets.

The amendment before us provides for a way to make this an apples-to-apples comparison. It would place the Federal budget on the same plane as most State budgets that exist today.

Again, the current Federal budget makes no distinction between operating and capital costs. We treat a highway that lasts 40 years precisely as we treat a traveling bureaucrat's lunch that is eaten and forgotten in 15 minutes. That is a prescription for short-changing investment.

A family does not treat a monthly mortgage payment the same as it treats a night at the movies. When the budget is tight, we clamp down on nights out. But we still pay the mortgage.

So it is time to abandon the idea that we can operate in today's economy out of a cash drawer as we could two centuries ago. For too long, that attitude has forced the Federal Government into costly and senseless solutions that are short term and, frankly, short-sighted. For example, in the mid-1980's, when President Reagan was anxious to avoid the appearance of higher deficits, the General Services Administration spent hundreds of millions of dollars on rental leases around the country, although it would have made more sense to build and own the buildings outright. In some cases, taxpayers are still paying on some of those leases today.

The argument that Government should operate on a more business-like basis is really what this amendment is all about. Every wise business borrows money to make investments that will increase profits. Smart businesses do not have to guess how much of their borrowed capital, how much of their revenue, how much of their future capital is going to be sunk into wages instead of a new warehouse. They know how their money is allocated because they have capital budgets, and they have operating budgets. It is the instinctive response of any normal household to draw the distinction. But, under current law, the Federal Government cannot do what families or businesses do today.

Madam President, a group of 435 leading economists recently called upon Congress and the President to increase public investment now and for the 21st century. They included six Nobel laureates, and their call reflects their professional judgment, not a political one.

They said:

''There is a danger in the current antigovernment tone of our national political discourse that we as a nation will forget the essential economic contribution made by public investment in our people and in our infrastructure. * * * The cost of infrastructure decay, urban squalor, and social polarization is too high.''

Nearly every economist agrees that the United States is not investing enough in public infrastructure. Our public capital—roads, bridges, rails, and airports, our water systems, schools, and libraries—are all investments made in the past that support our present standard of living.

Our ability to compete, our ability to improve the quality of life for ourselves, and our ability to prepare for the 21st century depends upon our willingness to make these kinds of investments. But our present budget structure, unchanged, guarantees that we will not be able to do so.

The distinctive mark of American economic growth throughout its history has been productivity. Ours is an economy and a system that has given free rein to the investments, public and private, needed to sustain the productivity growth that we witnessed now for so long. We cannot, we should not, continue to live off our seed corn. We should be planting for our own futures, certainly not eating the very product that has produced the kind of economic vitality that we now enjoy.

The reason these economists and other Americans had to call attention to infrastructure is that investment is not treated by our budget as a distinct budgetary cost separate from consumption, and I daresay that most of the people in the Chamber today would privately agree that it should be. The Biden amendment at long last would achieve just that.

Polls show that Americans want much of what Government provides. They want to eliminate waste, of course. So do all of us. But they also want a strong national infrastructure with safer highways, with safe dams, with safe bridges, and good schools.

Indeed, most of our arguments over Government are not over the investment end of it; they are over the operational costs. Such issues relating to welfare and some of the consumption questions certainly will come up in the coming weeks and months on this very floor. I have not heard much anger, frankly, over capital investments that past generations have made in this country. That is not what this debate is about. We all recognize that public investment continues to decline. We all recognize that someday the bill will come due. We all recognize that if we do not address it now, this problem is going to continue to become more complicated. It will compound and become even more expensive.

The amendment before us is neither radical nor complicated. It is a coming of age for the Federal Government. It would give us the tools that every other competitive trading nation in the world already has.

Twenty years ago, the first Budget Act was passed. Frankly, I think it was regarded as revolutionary. For the first time, Congress would know how much money was being spent, and on what, before it was spent, not afterward.

By now, Congress has done practically everything possible to the Budget Act except to repeal it. But still we do not have a handle on spending.

We cannot agree, between 1990 and today, whether the trust funds allocated to future Social Security benefits should be counted against current deficit spending. We took Social Security off budget 5 years ago. This week, we nullified that decision. No wonder there is budgetary confusion.

It is time for another revolution, similar in scope to the one that brought the Budget Act into being. It is the single step that would give us the tools needed to change business as usual in Washington.

The Biden amendment would make that revolutionary, commonsense change. It would allow us to balance the budget and at the same time promote the long-term investment that we all want, the long-term investment that would give us a real level of confidence that, indeed, we can look to the future in the belief that we can, indeed, improve our productivity and strengthen our economy.

I yield the floor.

Mr. BRADLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey [Mr. BRADLEY] is recognized.

Mr. BRADLEY. Madam President, I rise in support of the amendment offered by the distinguished Senator from Delaware and as an original cosponsor. I think this is one of the most important amendments that we will consider in this entire debate on a balanced budget amendment. It goes to the question of truth in budgeting.

I read in the paper constantly how the proponents of the balanced budget amendment say, why can we not balance the budget? Our average citizen in New Jersey has to balance his or her budget, and so does the citizen in Maine or South Dakota or Utah. In fact, I have heard people say, if the factory worker can do it, why can we not do it? If the insurance salesman can do it, why can we not balance our budget?

Madam President, I suggest that average people out there in the country today, by a surprising margin, do not balance their own budgets, in the way we would have to under this balanced budget amendment. I think there is a very important distinction to be made between people who spend money for consumption and people who spend money for investment.

The average person today, assuming that he has a credit card, spends money by using that credit card and piles up debt. This type of spending is primarily for consumption. At the same time, my guess is that there are millions of Americans who have mortgages on their homes. Madam President, under the rules established by this balanced budget amendment, any American who has a mortgage on his or her home would not have a balanced budget. Under the balanced budget amendment, all capital expenditures have to be funded currently, which means that if you were going to buy a home under the balanced budget amendment, you could not get a mortgage; you would have to pay for the whole house in 1 year. How many people in this country do that? Not very many. They go to the bank and they get a mortgage, and as a result of this mortgage, they pay the house off over many years as they use it, and as the benefit of the asset accrues to them. They also pay the interest charges every year.

Madam President, let me suggest that there is a great difference between a mortgage and credit card debt. Similarly, there is a great difference at the Federal level between operating expenses and capital expenditures. Operating expenses fund consumption, the day-to-day costs of running the Government, including everything from veterans' programs to the FBI to employees' salaries. The benefits of this type of spending are used up almost immediately. However, when the Federal Government makes a capital expenditure, meaning an investment in a physical asset such as a building, a highway, or a port, the benefit from that asset does not accrue to the country in that first year. It accrues over time. Yet, the balanced budget amendment, as it currently stands, would require us to put the whole cost in the budget up front, unlike the average citizen.

Therefore, Madam President, the first point I want to make is that there is a real distinction between financing day-to-day expenses and financing long-term investment. American families know that distinction. That is why they have credit cards and mortgages—one to pay for day-to-day expenses; the other, to finance long-term investments. The Federal Government should operate the same way American families do. We should have a Federal budget that balances our operating expenses. We should not have a Federal budget that requires short-term balance on long-term investments.

So that is the first point I would like to make. Under this amendment, capital expenditures are listed in a separate budget from the operating expenditures. And while a three-fifths vote would be needed to allow borrowing for the operating budget, if you want to borrow on the capital budget, it would take only a majority.

The other argument we have heard in this debate, is that States balance their budgets, so why can the Federal Government not balance its budget?

Madam President, States do not balance their budgets as the Federal Government would be required to balance its budget under the terms of this amendment. We all live in different States. Let us take my State of New Jersey. We have a balanced budget requirement in New Jersey. The State must balance the budget. That is what it says. However, we also realize the importance of making long-term investments for our State's future. Therefore, notwithstanding the balanced budget requirement, the State has the authority to borrow to finance capital investments. In addition to general obligation bonds issued directly by the State of New Jersey, we have a number of State authorities that are authorized to borrow to finance long-term investment projects. These authorities include the New Jersey Economic Development Authority, which as of November 1994 had $3.6 billion in debt outstanding; the New Jersey Turnpike Authority, $2.8 billion; the New Jersey Educational Facilities Finance Authority, $1 billion; the New Jersey Sports and Exposition Authority, $900 million; the New Jersey Building Authority, $700 million; the New Jersey Highway Authority, $640 million; the New Jersey Waste Water Treatment Trust, $620 million; the South Jersey Transportation Authority, $590 million; the New Jersey Water Supply Authority, $150 million; and the South Jersey Port Corp., $40 million.

In total, Madam President, New Jersey had 19.8 billion dollars' worth of debt in 1992 which was used to finance capital projects. The total annual New Jersey State budget is around $16 or $17 billion. If New Jersey had to balance its budget as the Federal budget would have to balance its budget under the balanced budget amendment, New Jersey would have to spend more in annual debt payments than it now spends.

Madam President, despite the importance of investing for our Nation's future, the balanced budget amendment does not distinguish between operating and capital expenditures. Instead, the amendment, unlike the balanced budget requirements in New Jersey and 42

other States, lumps both of these categories together by limiting the Federal Government from borrowing to finance long-term investment. The balanced budget amendment would require that the full cost of each investment project be paid immediately regardless of the term of the investment's life. In other words, in New Jersey, $19 billion would be due next year because that is how much New Jersey is in debt with the so-called balanced budget amendment at the State level. If this rule were applied to families, they would be forced to pay off their entire mortgage immediately and they could never again borrow to buy a home, pay for college, or finance any other long-term investment.

Do we really want to hamstring the Federal Government in this manner? I think not. American families do not do it; our States do not do it. What is good for families and States should be good for the Federal Government.

We ought to have a separate capital budget. Therefore, the capital budget amendment that the distinguished Senator from Delaware has offered would do nothing American families, businesses, and States do not already do.

By allowing the Federal Government to borrow to finance long-term investments, this amendment would allow the Federal Government to manage its finances in the same way that most States, families, and businesses manage theirs. That is what this amendment is all about.

Why treat the Federal Government differently? Who would argue that families in this country should be prevented from taking out mortgages? Why should we say to New Jersey taxpayers, ''Pony up for the whole State budget plus the total for all State borrowing, all $19 billion worth, to pay that debt off?'' Why should we say to businesses that borrow to finance capital investments in plant and equipment, ''Nope, you can't do that. You have to pay it all off in the same year you buy it.''

The reason that we do not do that, of course, with regard to families, businesses, and State governments, is that we recognize the connection between long-term investment, economic growth, and job creation.

The more investment you have, the more jobs you have. The more long-term investment you have, the broader your foundation for economic growth is over time.

How often do we hear about the balanced budget amendment, ''We need to reduce the deficit. We need to eliminate the debt. We need the balanced budget amendment because it is through debt passed on to subsequent generations of taxpayers that the ultimate unfairness comes in.''

However, these same concerns about intergenerational cost shifting do not seem to come into play when we discuss the possibility of issuing debt to finance long-term capital projects that provide benefits over a number of years. Why pay for the benefits of a bridge in 1 year when those benefits are going to flow over 50 years? Why pay for the benefits of your home in 1 year when the benefits are going to flow over 50 years? American homeowners do not pay for all those benefits in 1 year. They pay over 10, 20, 30 years.

Why should the Federal Government be different? In short, it should not.

But there is a bigger point here and the bigger point is that capital investment, whether you are running a company or a government, is enormously important because it is through investment that we increase productivity which provides a foundation for long-term economic growth. That increased productivity is critical if we wish to enhance long-term job opportunities, improve our standard of living, and keep our Nation competitive in an increasingly international marketplace.

Capital investments are investments in the long-term productivity of our economy and in the living standards of our citizens. However, because these advantages do not become apparent until several years after the funds have been invested, they are often underfunded, particularly when funds are tight, as they are now. Budget decisions tend to focus on immediate, operating needs. As a result, long-term investments get shortchanged.

By separating capital expenditures from operating expenditures, we ensure that these long-term investments are not overlooked in the budget process. By allowing them to be financed through debt, we can ensure that the long-term economic vitality of our country will be preserved.

The threat of insufficient capital investment is very real. Recently, a group of 435 economists signed a statement that warned:

> There is a danger in the current antigovernment tone of our national discourse that we as a Nation will forget the essential economic contribution made by public investment in our people and in our infrastructure.

''Public investment.'' Ask anybody who lives on the east coast, west coast, or gulf coast of the United States how important ports are. Those are big capital investments.

Ask anybody that lives anywhere in the United States how important highways are. Ask anybody who lives in a larger metropolitan area how important mass transit is. Ask anybody in the West how important dams are. Ask anybody in the dry West, beyond the 100th meridian, how important irrigation is. Ask anybody beyond the 100th meridian in the West how important public investment in power are.

Ask anybody, and they will tell you that it is on the strength of investment, both public and private, that long-term economic growth is based.

Madam President, I would simply suggest that if we look at the public investments in the 19th century. The distinguished Senator from Idaho is here. He knows how important the dams are in the West. He knows how important the irrigation systems are in the West. Madam President, if we could not finance those systems with debt, we would have to account for it all in the first year. We would have to pay the entire cost upfront. Most of those projects would not have been built had it not been for the Federal Government's ability to borrow and, in the future, many projects such as these will not be built.

We need to liberate capital spending from these requirements. We can do so by having a separate capital budget, a capital budget that would be capped at 10 percent of the total operating budget outlays. If we were able to do that, I believe that we would all benefit—our country would benefit and our children would benefit.

Madam President, I would like to close by emphasizing that the problem we are seeking to resolve by creating a separate capital budget is a real one with significant repercussions for our children and grandchildren. Like those economists said, if we do not make those investments, then our future will not be secure. How we choose to finance long-term public investments will have enormous consequences on the economic well-being of future generations. It is just as irresponsible to leave children and grandchildren with an enormous debt burden as it is to leave them without the infrastructure necessary for them to build their future.

I believe it is this concern about the impact of our decisions on future generations that is really driving the balanced budget amendment. If we are truly concerned about our children and their economic well-being, then it is clear that the time has arrived for a capital budget.

I yield the floor.

Mr. CRAIG. Mr. President, I now yield 5 minutes to the Senator from Illinois.

Mr. SIMON. I thank my colleague. If I may have the attention of my friend from New Jersey and tell him that I agree completely on the need for long-term investment. But I believe the case is not there for carving out this exception for the balanced budget amendment.

It is very interesting that you mention the interstate highway system. President Eisenhower, to his great credit, proposed the interstate highway system. And he suggested that we issue bonds for it. And a U.S. Senator by the name of Albert Gore, Sr., stood up and said we should not issue bonds, we should have a gasoline tax to pay for them. And as of about a year or maybe a year and a half ago, the estimate was we saved $750 billion in interest.

The largest project we have now is a nuclear carrier. $7 billion or so is paid over 5 years. We can do that on a pay-as-you-go basis.

GAO has said we ought to separate investment from consumption in our budget. I agree with them. But they

also warn we have no necessity for a capital budget as a local unit of government may have.

It is also interesting, as we look at the history of our budget, as our deficits have grown, our capital investment has diminished so that, if we are interested in capital investment, what we ought to be doing is getting the deficit down and, in fact, we will have more capital investment.

Now, I happen to favor, for example, moving ahead in a massive way for mass transit. I think we could say to the Chicago Transit Authority and the others, ''We are going to set aside 2 cents of our gasoline, $2.4 billion, for your capital investment,'' and then if they want to—because they do not have the ability to do anything—if they want to issue bonds, they can do that.

I would finally point out that this balanced budget amendment, believe it or not, does not prohibit capital investment, in a way that I happen to think is not the desirable thing. The Judicial Building right next to Union Station was a project designed by our colleague, Senator PAT MOYNIHAN. Architecturally, it is one of the most attractive buildings in the Capitol area today. Without my knowledge—because I would have voted against this method of financing—we are leasing that for 20 years, and at the end of 20 years we will own that building. I do not favor that, but I mention that simply to suggest there is flexibility within this amendment.

Mr. BRADLEY. Mr. President, if I could respond to my distinguished colleague from Illinois.

Mr. SIMON. I know we are limited to 20 minutes. If you can respond on the time of Senator BIDEN.

Mr. BRADLEY. Anyway the Senator from Illinois would like—I would like to accommodate him because I think he raises a couple of good points.

He raises the issue of the U.S. highway being built. Why do you need debt? I wonder if the Illinois Turnpike Authority is financed the same way. The New Jersey Turnpike is not financed the same way. We float bonds.

I note that in the 1950's there were a couple of years in which the Federal Government ran a surplus on a current year basis. We had no gigantic national debt, a very minuscule national debt, we ran a surplus. This allowed us the freedom to finance major capital projects on a pay-as-you-go basis.

However, I would say there is a great difference between our situation today and the situation that faced young Senator Albert Gore, Sr. when he proposed his amendment. The difference is about $4.3 trillion worth of debt.

As we try to balance the budget, we will be forced to make dramatic spending cuts. The capital budget amendment would simply cause us to weigh an investment's long-term benefits against its long-term costs. If the benefits outweigh the costs, we should be able to finance the project over its projected lifetime. Without this amendment we will be forced to budget for the entire cost of a capital investment in its first year and compare this cost to the many competing, and frequently legitimate, demands for current consumption spending.

The Senator makes a second point which is that as the deficit has grown, capital investment has dropped, to which I would say, ''And the sun comes up in the morning.'' Of course, as deficits grow, capital investments drop. Capital investments drop because the public sector crowds out the capital markets. Instead, the money goes to finance public sector consumption. As a result, there is relatively little available for private sector investment.

But that is not the point. The point here is the public budget. Unless we act, public investment will continue to drop as we attempt to reduce the deficit. Ask yourself, you are a practicing politician, are you going to respond to the guy that comes in and says you know what we need is a new highway system. What we need is a new dam. Or what we need is a new power plant. Or are you going to say, I will give you the power plants, the bridge, the highway, but all you senior citizens, all you middle-class taxpayers, all you others out there who want to eat into a shrinking amount of available public funding, I will say no to you so I can make this long-term investment? This never happens. It has not happened in the past and is not likely to happen in the future. That is precisely why we need a capital budget.

Now the Senator made one last point about how the balanced budget should be flexible. I agree and would simply ask the question: Why is what is good for the American family not good for the Federal Government? Why is it that American families, when they buy a long-term asset, their home, get a mortgage and pay it off as they benefit from it each year in terms of interest payments? Why is that okay for the American family but not okay for the Federal Government? Why is it that Governors across this country say they have a balanced budget but still assume debt to finance long-term projects?

In my State alone, the State budget is $16 to $17 billion; the amount of amassed debt is $19.8 billion. Why is what is good for the Governors is not good for the U.S. Government? Why is what is good for the American families is not good for the U.S. Government?

So I would simply say, I think the Senator has raised a number of interesting questions, to which there are answers, and I have done my best to try to answer him.

(Mr. DeWINE assumed the chair.)

Mr. DORGAN. Mr. President, I wonder if the Senator will yield for a question. I am going to support the amendment that is on the floor because I think it makes a lot of sense, but I am always interested in this notion of families versus Governors. The major difference here is every American family who has debt is required not only to pay interest on the debt but to pay down the principal payment after payment after payment.

The difference is, the Federal debt keeps increasing because we pay interest and increase the principal year after year after year. That is a very fundamental difference between families and Governors.

Mr. BRADLEY. If I could respond to the Senator, I take his point. At the same time, no family is going to put the full price of the house out. No family is going to be required, as we would be under the balanced budget amendment, to pay this full amount upfront. I think there is a significant difference. I take his point on the narrower issue. On the broader issue, I do not think anybody wants to say to American families, ''You can't buy your home with a mortgage, you have to pay for it all up front.''

I think that is what we are saying under this balanced budget amendment, that you cannot finance long-term investment out of debt and that, in my view, will be counterproductive; it will lead to lower economic growth and fewer jobs.

Mr. SIMON. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 1 minute.

Mr. SIMON. Mr. President, first of all, I think Senator DORGAN makes a very good point. I will add, that family does not mortgage itself because they want to but that is the only way they can acquire the thing. When you have a $1.6 trillion budget and the biggest capital item is $8 billion, less than 1 percent of that budget, then you do it on a pay-as-you-go basis.

Second, the point that was made for States, I happen to know a little bit about the Illinois toll road. I was in the State legislature. I voted against it. I wanted to do it on a pay-as-you-go basis. We could have done it, and no one in Illinois would be paying tolls today if we had been prudent.

The reality is, we have the lowest gasoline tax of any country outside of Saudi Arabia. If we want to do something in mass transit or highways, we can do it on a pay-as-you-go basis.

Finally, I urge that everyone listen to what the General Accounting Office suggests and that is we ought to divide our budget into investment and consumption but not have a separate capital budget as an excuse for a deficit.

Mr. BRADLEY. If the Senator will yield.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. How much time remains in control of the proponents of the amendment?

The PRESIDING OFFICER. Twenty-three minutes and ten seconds.

Mr. BIDEN. I yield time to my friend from New Jersey.

Mr. BRADLEY. Mr. President, I thank my distinguished colleague. I simply would like to make the point again, the Senator said people would not be able to buy homes if they could not get mortgages. Right, that is true. Why did we decide we would allow them to have mortgages? So they would buy homes, employ people and, at the same time, make an investment that lasts a long time, precisely because it is in the interest of this country to have investments in homes that last a long time.

Mr. BIDEN. If the Senator will yield, why did we allow them to deduct the interest they pay on their mortgage? To further encourage them to buy.

Mr. BRADLEY. Why do we build the roads that got them to the homes in the subdivisions? Same reason. But there is a difference between that and sending somebody a check that they spend tomorrow. That is the operating budget. Send people a check and they spend it tomorrow. You can do debt like that, too.

You can have a credit card as an individual, you can go out and spend, consume, go to the movies, buy your wife dinner, buy some new clothes and put it on the credit card. That is consumption. That is the operating budget. In general, we should not borrow to finance such types of spending. However, when you buy a house, you have a longer-term investment so you do not want to pay $100,000 or $200,000 for that house in 1 year, you want to spread it over time because you are going to derive the benefits of that house over a longer period of time, year by year by year.

All we are saying is treat the American Government the same way that we treat American families. Treat the Federal Government the same way that we treat State governments.

The distinguished Senator from Delaware was not on the floor when I pointed out that in my State of New Jersey, we have public indebtedness—State government and authorities—of $19.8 billion and, yet, the Governor—and every Governor who has been Governor of the State of New Jersey—asserts we have a balanced budget. We balance the operating budget, we do not balance the capital budget. The capital budget is debt for long-term projects that help the economy grow and prosper. It is nonsensical to say, ''Well, we don't need that. We are prohibiting it in the balanced budget amendment.''

Instead, look what happens when you gain control over spending by balancing the operating budget and capping the capital budget. Under this proposal, the capital budget would be capped at 10 percent of the overall budget over time and the payoff in jobs, investment, economic productivity is immensely greater than that investment. I agree with the Senator from Illinois, it will not be made in the amounts that are available under a capital budget because all those demands of people who want to consume money we send them through the mail will be greater than those people who will be farsighted enough to say, ''Build this dam, build that highway or build mass transit.''

Mr. BIDEN. Will the Senator yield for a question?

Mr. BRADLEY. I will be pleased to yield for a question.

Mr. BIDEN. One of the reasons why, as I understand it, some of us—myself, I know the Senator from Illinois feels this way and I suspect the Senator from Idaho—feel we need a balanced budget amendment is because now the incentive is to thrust off onto our children the obligation of paying for what we are unwilling to make tough decisions. When the President put his deficit reduction package down, the three of us voted for it but we could not get anybody else to vote for it because we did not dare to say we were raising taxes on the very wealthy among us, we did not dare to go back and say we were going to cap spending for social programs, et cetera. So it was easier to let the debt accumulate and the incentive was to shunt it off to our children.

My question is this: Will we not just be supplanting that incentive to shove off onto our children debt that we do not want to meet and instead shove off on our children the lack of the infrastructure they are going to need to be able to compete?

How many people in here are going to go home and say in New Jersey, Delaware, Illinois, Maine, wherever, ''By the way, the reason why I voted against providing more money for education is because we think that the Port of Wilmington and the Port of Camden need an investment of 12 new cranes which are going to cost a half-a-billion dollars, because in order for us to be able to compete with the Germans, we have to be able to export more to Europe of the automobiles that we are building.

How many people are going to find that their town meeting folks are going to say, ''Now let me get this straight, you mean to tell me my kid is not going to have as much money for school this year or for a college loan program this year or for tuition this year because you are telling me you invested so my grandkid will be able to compete with the Germans 10 years from now?''

Has anything in the political experience of the Senator from New Jersey led him to believe that will be the norm for American politicians?

Mr. BRADLEY. I will reply to the distinguished Senator from Delaware, there is one simple answer: Those investments will not be made.

Mr. BIDEN. Bingo.

Mr. BRADLEY. There are not profiles in courage enough for people to take longer-term decisions, witness this deficit and debt. The Senator is exactly right.

He points out that we will have a balanced budget amendment that will simply reduce the chances for better jobs, more jobs, higher incomes for our children because we will not be building the kind of infrastructure and the kind of investments that most every State in the Union finance by borrowing.

In my State, the New Jersey Turnpike Authority has financed through borrowing what is probably the best known investment. I guess there is not a Member of this body who has not ridden on the New Jersey Turnpike. That would not have been built if it had not been debt financed. I do not know if anybody has gone to Giant Stadium or to the racetrack built under the auspicies of the the Sports & Exposition Authority. They would not have been built if they had not been debt financed. I do not know if many people know about the incredible dams in the west that would not have been built.

Mr. CRAIG. Will the Senator yield?

Mr. BIDEN. I will be happy to yield on the Senator's time.

Mr. CRAIG. Specifically to the point of New Jersey, if you take the capital investment bonded by the State of New Jersey and the surpluses invested in the employment trust funds and you put them into a unified budget with the operating budget of the State of New Jersey, that is, the General Accounting Office report, October 1983, as we do at the Federal level in a unified budget, guess what you have in the State of New Jersey? You have a balanced budget based on revenue, based on the value of the trust funds, based on the capital investment from bonding, and that is why you have the rating you do in the bond system.

Now, what the Senator is saying is true, but we must tell the whole story. And the whole story is the net assets versus the expenditures of the State of New Jersey.

DICK GEPHARDT over in the House asked for that report, and in almost all cases with all States, if you look at it through the eyes of a unified budget, which the Senator is not arguing at this moment——

Mr. BRADLEY. Absolutely.

Mr. CRAIG. But the Federal Government does look at it in the eyes of a unified budget, because that is how we treat Social Security—and that has been argued here in the Chamber—then, I say to my friend, the rest of the story is that when you put it all together, the State of New Jersey, being as fiscally responsible as they are, is balancing capital, capital reserves in the trust funds of the retirement system versus the investment of the bonds they floated and the obligation they get as an A or a AAA rating and their operating fund and they have a near balanced budget. That is the reality of the report.

Mr. BRADLEY. I would say to the distinguished Senator that they might have a AAA rating, but it does not

equal the rating of the U.S. Government. And the reason it does not equal the rating of the U.S. Government is because we can print the money. State borrowing is not as secure. There might be a Governor in New Jersey that might make some bad economic decisions. This might result in a bigger deficit than investors had imagined. Lenders might believe that the State is not making a good investment. At some point they might not be funding the pension funds as they should be funding the pension funds. In fact, right now that is the debate. And indeed that might affect their rating.

But we are talking about the Federal Government. I would say to the distinguished Senator as well, look, I voted to take the Social Security trust funds out. Let us have the trust funds as a separate part of the budget. Let us have an operating budget and then let us have the capital budget. Let us organize it clearly and tell the American people, as the Senator points out, just like the State of New Jersey, so that we can then say we have a balanced budget if we balance the operating expenditures.

Mr. BIDEN. Will the Senator yield for a moment for me to respond?

Mr. CRAIG. I would yield only on the Senator's time.

Mr. BIDEN. Yes, on my time.

As I understand what the Senator just said, put another way, if New Jersey wanted to pay off its bonds, it would have to take all the money it has in its pension funds. Bingo, that is a great idea, is it not? What does that do? I mean look, this is not real complicated.

The Senator from Idaho just laid it out. He said, look, if you take the money that is in here for the pension funds, all that money that is saved up, and you take the revenues that are coming in on a yearly basis and you look at the money that is being paid out and the indebtedness, you are almost balanced. That is almost balanced if you empty the bank account, the bank account being the pension funds, which means those people do not get paid their pensions. What are we talking about here?

Mr. CRAIG. Will the Senator yield?

Mr. BIDEN. Sure, on the Senator's time.

Mr. CRAIG. The Senator knows he is not talking about that. The Senator is talking about an annual payment on the bond, not emptying out the trust funds. We are not emptying out Social Security. The bottom line is that GAO agrees with me against the Senator on the concept of a unified budget. Now, the Senator can play the rhetorical games but the reality is States cannot print money. They must borrow.

Mr. BRADLEY. Will the Senator yield?

Mr. CRAIG. No, I will not. They keep their rating by their fiscal responsibility. That is exactly what they do. Interestingly enough, when you put it all together State by State, while we do not have a capital budget—and we know we do not have it, and the reason we do not have it is because we like the pay-as-you-go basis; it controls our ability to spend and we know we cannot control our ability to spend—then States are not in a bad shape. States have been offered this financing mechanism simply because they do not have the ability to print money, because they are a part of the whole.

Now, we know that. Senators know that. And it comes down to the reality of fiscal solvency. States do not borrow beyond their ability to pay.

Mr. BIDEN. Mr. President, on my own time.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Let me talk like a good old-fashioned Republican here. Let us talk about how people back home do it.

Now, let us just look at what the Senator said. He said States have debt. Well, they have debt. We are just saying we should not have any debt. But he is saying—let us get this straight—we are going to collect in taxes in New Jersey as we collect in taxes federally from the FICA tax for Social Security and the income tax and excise tax and all the other taxes, the State of New Jersey, the State of Delaware, the State of Illinois, the State of Utah, we are going to collect this money. Now, under the system that they are setting up, the total amount of money we collect cannot be less than the money we pay out. Right? OK, so far so good. New Jersey does the same thing. But what we are doing in our unified budget is we are spending the Social Security pensioners' money.

Mr. BRADLEY. If the Senator will yield at that point.

Mr. BIDEN. Surely.

Mr. BRADLEY. And by the logic of the argument of the Senator from Idaho, he thinks we should continue to raid the Social Security trust funds in order to balance the budget.

Mr. BIDEN. Precisely. If I can say to my friend, and he also thinks the State of New Jersey—I do not know that what they do is different than Delaware; I do not know what New Jersey does, but in most States they do not take that money and spend it to pay for roads. Some States do. Most do not. They have it segregated, their pension funds.

Mr. BRADLEY. Will the Senator yield on that point?

Mr. BIDEN. Surely.

Mr. BRADLEY. New Jersey is the exception in that as well because New Jersey—I do not know what the date of the Senator's economic report is, but in the recent New Jersey budget, the State borrowed $3 billion from the pension funds to fund the deficit.

Mr. BIDEN. Right. Now, let us get it like the homeowner does. Let us say a homeowner decides, I want to retire, and I am just going to leave the State of Delaware or the State of New Jersey. I want to sell all my assets and pay all my debts. OK. Well, what he or she has to do is sell the house, sell everything they own. They take everything, all their income, that year. They pay everything off. And whatever they have left means they are either in debt as they leave town on borrowed money for an Amtrak ticket or they have money in their pocket.

Now, how about if you put the State of New Jersey or any other State, or the Federal Government in the same situation.

What happens now? In order for the State of New Jersey to pay off all that it owes, that is, its bond indebtedness, in 1 year, and all that it costs to operate the State for 1 year, it has to go and take money out of the pension fund. They could, if they took all the money out, settle all their debts. But now there is no money left for my uncle when he retires.

Now, I do not call that solvency. It may be that technically it is solvent, but it sure puts a lot of people in jeopardy.

I do not want to carry this too far except to say, look, there is nothing sacrosanct about the way this amendment is written—this main amendment is written. It makes sense to make sure we do not shift the incentive from accumulating debt on our children's backs so they have to pay interest on the debt, to denying them the ability to have any infrastructure left where they can make this country competitive.

Mr. BRADLEY. Will the Senator yield for one last point?

Mr. BIDEN. I will be delighted to.

Mr. BRADLEY. Again, back to the New Jersey example, the State budget is roughly $16.9 billion, the indebtedness is $19.8 billion. Imagine what would happen to taxes if you had to fund New Jersey investment the way this amendment would require us to fund Federal investment.

Mr. BIDEN. In 1 year.

Mr. BRADLEY. In 1 year.

Mr.BIDEN. Without being able to raid the retirement fund.

Mr. BRADLEY. Right, while protecting the pensions.

Mr. BIDEN. Mr. President, we talked about State total indebtedness. I ask unanimous consent to have printed in the RECORD this survey of State and local governments by the U.S. Bureau of the Census. It is in current dollars. Just going back to 1983, the total indebtedness was $167,289,000,000 for the States. In 1993, 10 years later, it is $387,680,000,000 indebtedness.

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

State government total indebtedness

[In millions of dollars]

Fiscal year:	*Amount*
1993	387,680
1992	371,901
1991	348,769
1990	318,254
1989	295,500
1988	276,786
1983	167,289

1978	102,568
1973	59,374
1968	35,666
1963	23,176
1958	15,394
1953	7,824
1948	3,676

Note.—Amounts are in current dollars. Total indebtedness amounts include both long- and short-term debt. Long-term debt includes full-faith and credit (general obligation) and revenue debt. State government debt total excludes debt obligations of local governments; in fiscal year 1992 local government debt amounted to $598 billion compared with $372 billion for State governments.

Source.—Annual Survey of State and Local Government Finance, U.S. Bureau of the Census.

Mr. BIDEN. Let us just hope everybody does not think we know what we are doing here and decide to pass in every State a balanced budget amendment like we have here, because we will be in chaos. Why, everybody who stood up—the distinguished Senator from Utah, the manager of the bill is here. His Governor, a really solid guy, a guy who is a fiscal conservative I assume, a guy who is straight as an arrow, and I asked him, ''Do you balance your budget?''

He said, ''No, we have a capital budget.''

I said, ''Should we have one federally?''

He said, ''Well, it is something you should look it. It seems like a pretty good idea to me.''

Did anybody go out there and survey the Governors, whom we all think somehow God invested them with some new knowledge now? Governors are in. That is great. Ask them do any of them object to us having a capital budget? This is silly, refusing to do this.

I see my friend from New Jersey is on the floor. Would he like some time yielded?

Mr. LAUTENBERG. I would.

Mr. BIDEN. Please, go ahead. I have 8 minutes left. Is 5 minutes sufficient?

Mr. LAUTENBERG. I will talk fast.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank the Senator from Delaware for his courtesy. I also want to commend my senior colleague from New Jersey because, though our arguments are going to be essentially the same, I thought he did his very well.

I want to talk about this, the notion of separating the Federal budget into capital and operating budgets, and only requiring that the operating budget be balanced, which is what I hear being said here. I come out of the business community. I served as CEO of a major American corporation and got my financial experience there. So as I approach this problem, I see it, perhaps, from a moderately different perspective than some.

Mr. President, I strongly support cutting wasteful spending and reducing the deficit, but I have serious concerns about putting rigid rules for fiscal policy into the Constitution. The balanced budget amendment to the Constitution should be defeated. However, if we are to have such a constitutional requirement, it should at least establish rules that recognize simple and practical realities.

House Joint Resolution 1, unfortunately, does not do this. By continuing commingling of capital and operating budgets, it would incorporate budgetary procedures in our Constitution—the permanent law of the land—that no aware businessperson would ever think about adopting for their business. It flies in the face of common sense and standard business practice.

Mr. President, how many times have we heard the same argument: If ordinary Americans can balance their family budgets, if State governments can balance their budgets, and if businesses can balance their budgets, why can not the Federal Government?

It sounds good, Mr. President. And the real answer is that, yes, families, States and businesses balance their budgets, principally because they are able to borrow for long-term investments and spread that investment over a period of time so it is accounted for in relation to the life of the asset as it is used. Families borrow money to buy a house or a car. For most families the achievement of an asset base is almost exclusively because they are able to mortgage a piece of property, pay it off over a period of time, and accumulate some capital.

States borrow for capital projects that will provide long-term benefits, like roads and bridges. And, every day, businesses borrow to invest in plant and equipment to make them more competitive. If they did not, most would have no future, especially in today's increasingly technological age. They know they need to make investments in the future. That is why they do not balance all receipts and expenditures—they balance only their operating budgets.

By contrast, Mr. President, House Joint Resolution 1 in its current form lumps the capital and operating budgets together, and makes no distinction between investments and operational expenses. As a former CEO of a major cooperation, I can attest that this approach violates the most basic principles of budgeting in the private sector. Virtually no major business in America commingles their capital and operating budgets. Nor do State governments, and for good reason.

Mr. President, too much borrowing is a dangerous thing, that is clear. But borrowing per se is not an evil thing. In fact, it is often the most appropriate way to finance long-term investments.

To illustrate the point, let us consider a town that is trying to attract investment by high technology companies, but which lacks the schools needed to support such companies.

If the town cannot afford to build new schools, its only option would be to borrow. By doing so, and building those schools, the town would promote economic growth, improve the quality of life for years, and spread the costs among all the generations who would benefit. In other words, it would be a win-win situation for everybody.

But now let us assume that this town must live under House Joint Resolution 1. What would happen? The answer is: absolutely nothing. The town could not afford the new schools. It would not attract high technology investment. Jobs would be lost. And the town's long-term future could be threatened. All in all, it would be a lose-lose situation for everybody.

Well, Mr. President, the fate of that town is really a metaphor for what could happen to our country under a balanced budget amendment. Any item that cannot be paid for by today's taxpayers will never be built—even if any borrowed funds would be repaid many times over, and even if the economy would benefit substantially by the investment.

Mr. President, such a constitutional bias against long-term investment is especially troubling since our nation has long underinvested in our infrastructure.

History has shown that investment in infrastructure is directly related to productivity. That is an economic reality that our competitors well understand, but which we have been ignoring. In fact, of the G–7 nations, the United States ranks at the bottom for infrastructure investment as a percentage of GNP.

Japan spends three times more on infrastructure investment than the United States. The Japanese recognize that to stay competitive they need an efficient transportation system. To match Japan's investment level for just 1 year, we would need to invest over $250 billion in infrastructure.

Mr. President, as we meet here today, almost one-fourth of America's highways are in poor or mediocre condition. Another 36 percent are rated only fair. One in five of the Nation's bridges are structurally deficient, meaning that weight restrictions have been set to limit truck traffic. There are unacceptable flight delays at 23 of the Nation's major airports. If no capacity improvements are made, 33 of the Nation's major airports will experience unacceptable delays by the year 2002. The effects of poor roads and limited air traffic capacity cost our economy $45 billion annually.

As we move into the 21st century, which will demand substantial infrastructure investment, we are laying the groundwork for economic disaster.

Mr. President, many of my colleagues have been arguing recently that we ought to shift power from Washington, and rely more on State governments to set policy. So it's instructive to see how State governments budget their resources. And the answer is: They borrow to invest.

Take my State of New Jersey. Some of our Governors have pointed to our State's balanced budget requirement, and said the Federal Government should adopt a similar limitation. But

New Jersey's balanced budget requirement applies to our operating budget. It does not prohibit borrowing for investments. In fact, between 1960 and 1992, State debt increased from $914 million to almost $20 billion. That works out to over $2,500 for each State resident.

Mr. President, balanced budget requirements in other States contain similar provisions for capital budgeting. So those of my colleagues who routinely proclaim the superior wisdom of the States should not have to think twice about voting for this amendment. It is entirely consistent with State practices.

Mr. President, investments in our infrastructure are critical to our ability to compete in the global economy and to maintain our country's standard of living. But that investment would be impossible under this balanced budget amendment, which requires today's taxpayers to pay for benefits that only future generations will receive.

That does not make sense. And to put this kind of misguided policy into the Constitution, where it would handcuff our economy in perpetuity, would be irresponsible.

Mr. President, we are talking about the long-term future of our economy. We are talking about the future of our children and grandchildren. I am thinking of my new granddaughter, Mollie, who was born just a couple of weeks ago—and all the children born in New Jersey this year. I want them to have as good a life as they possibly can. And I want our Nation to make the investments necessary to make that happen.

That is not going to be possible if the Constitution establishes budget rules that create a bias against long-term investment and fly in the face of common sense, established business practices, and State budgetary practices.

Mr. President, capital budgeting works for America's businesses. It works for America's families. It works for State governments. It should be incorporated into this balanced budget amendment.

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, this proposed exemption for a so-called capital budget, in our opinion, could help evade the purpose of the balanced budget amendment. So I urge its defeat for five reasons.

No. 1, this provision opens up a loophole in the balanced budget rule. There would be a powerful incentive for Congress and the President to help balance the budget by placing more programs in the capital budget created by this amendment. An abused or gimmick capital budget exemption could actually endanger capital investments, as falsely styled capital items crowd out real capital investment.

It may also be that with a segregated capital budget Congress may limit itself to spending on capital investment only in the capital budget rather than spending more than 10 percent in the general budget.

But my primary concern is this—that this provision can be used as an escape valve for at least 10 percent of the budget each and every year. Under President Clinton's proposed budget for fiscal year 1996 that would mean that we could have yearly deficits of $160 billion per year, adding to the debt we already have, and growing. That means we would not be improving things very much from the deficit levels currently projected by the President. That is my first objection to this amendment.

No. 2, the loophole problem is aggravated by the fact that there is no standard definition of what a capital budget really is. In President Clinton's proposed fiscal year 1996 budget, the Office of Management and Budget admits this. OMB lists a number of broad categories of programs that may or may not be considered capital expenditures. They include research and development, education and training, and other such categories—very broad categories. Even within these broad categories there are questions about what programs should or should not be included. The amendment's attempt to cure the definitional problem only raises new definitional problems. The definition given is somewhat circular. Just what does ''major public physical capital investment'' mean? Each term is subject to substantial debate. This is a constitutional amendment. OMB's categories include a subdivision for major public physical capital investment, the same language used in the Biden amendment. This subdivision is broken into so-called direct nondefense and defense investments and grants to States and local governments.

All of this suggests that the capital budget would be easy to manipulate, or as OMB says malleable. This amendment would, in fact, create an incentive to manipulate it. As the President's own budget analysis admits,—this is on page 113 of the Analytical Perspectives Volume of the Budget of the U.S. Government, Fiscal Year 1996, just submitted: It says, ''[t]hese and other definitional questions are hard to resolve.'' It goes on to say

> [t]he process of reaching an answer [to the definitional questions] with the capital budget would open the door to manipulation because there would be an incentive to make the operating expenses and deficit look smaller. By classifying outlays as investment and using low depreciation rates this would justify more spending by the program or the Government overall.

It is particularly inappropriate to place capital budgeting in the Constitution when there is no agreement on what constitutes a capital budget.

The third reason for my urging the defeat of this amendment is that the Constitution is not the place to set budget priorities. The balanced budget amendment seeks to create a process in which programs compete for a limited pool of resources. A constitutional amendment should be timeless and reflect a broad consensus—not make narrow policy decisions.

This exemption creates in the founding document a new constitutional budget subdivision with a percentage cap on it. We should not place technical language or budget programs into the Constitution which undercut its simplicity and universality.

My fourth reason for urging defeat of this amendment is that a capital budget exemption is unnecessary. Total Federal spending has generally been above 20 percent of GDP, and less than 4 percent of Federal outlays are for nondefense physical investment, one of the possible definitions of capital investment.

In President Clinton's fiscal 1996 budget, direct nondefense major public physical capital investment is projected to be only 1.21 percent of total spending. Federal grants to State and local governments is projected to be 2.44 percent of total spending. So, if we add the nondefense capital spending to grants, the total capital investment is only 3.65 percent of projected Federal spending.

Direct major public physical capital investment for national defense is projected to be 3.23 percent of total spending. If you added in the defense category, the total capital investment would be 6.98 percent of the total budget.

Given the relatively small and constant share that such capital expenditures—as usually understood—have in a very large Federal budget, there is no need to remove capital expenditures from the general budget.

One example might illustrate the lack of need for a capital budget. Although President Eisenhower initially proposed that the Federal Interstate Highway System be financed through borrowing, Congress decided to keep it on budget and finance it through a gas tax at the suggestion of Senator Albert Gore, Sr. We are unlikely to have a capital expenditure of this magnitude again. But, if we do, there is no reason to create a standing exemption for such investment.

If Congress decides to borrow for a particular large investment, this avenue is available under the balanced budget amendment as now drafted, and to the extent that the three-fifths vote provision in this amendment for additional capital investments replicates the general provisions of the balanced budget amendment, this amendment of my friend and colleague from Delaware simply is pointless. Under the balanced budget amendment, Congress can borrow to finance any such investments if three-fifths of each House vote to do so. This provision of this amendment is simply duplicative of the underlying amendment's provisions.

The fifth reason I urge my colleagues to vote against this amendment is that capital spending should compete in the

budget like all other spending. The balanced budget amendment seeks to foster an atmosphere in which Congress prioritizes spending options within the revenues available. House Joint Resolution 1 does prevent the creation of separate operating and capital accounts to show where federal money is being spent. Any implementing legislation which creates such separate accounts, however, must leave the total budget in balance, since implementing legislation cannot subvert the clear mandate of this amendment. But, Mr. President, accounting techniques should not subvert the prioritizing function of the amendment.

The proposed exemption allows the entire budget to be used for noncapital investment like simple transfer payments, and then allows a 10-percent increase in Federal spending—and the debt to fund it—for capital investments. The General Accounting Office saw the fallacy implicit in this exemption when it said, ''The choice between spending for investment and spending for consumption should be seen as setting priorities within an overall fiscal constraint, not as a reason for relaxing that constraint and permitting a larger deficit.'' GAO, Budget Policy: Prompt Action Required to Avert Long-Term Harm to the Economy, June 1992, p. 79.

The GAO further said, ''The creation of explicit categories for Government capital and developmental investment expenditures should not be viewed as a license to run deficits to finance these categories.'' Id.

Each Congress should make its own decisions about spending priorities each year, but within a rule of fiscal discipline as the balanced budget amendment would require. This is particularly true where this proffered exemption for a so-called capital budget is so large that it nearly maintains the status quo of deficits above $160 billion a each year. Under the provisions of this amendment, we could continue to roll up debt almost as fast as we do now, maybe even faster as time goes on. This amendment creates an exception that nearly swallows the rule.

Mr. President, I would also note that the revenue portion of this amendment unduly hamstrings the Federal Government with respect to the sale of assets. If the Government decides to sell off some outdated or unneeded assets, there is no reason not to count the revenue resulting from the sale as revenue to the Federal Government. This provision might even create a disincentive to get fair value from assets we sell because the revenues would not count as revenues, and to me this makes no fiscal or business sense.

Finally, there is a flaw in the analogy to States and private entities that the proponents of this amendment have made. Besides the fact that the Federal Government does not need capital budgeting as much as smaller entities, the analogy to capital budgeting by businesses or States is flawed because the Federal Government is not subject to the same checks as either private businesses or State and local governments. Private businesses are disciplined by markets. State and local governments' capital budgeting is subject to State bond ratings. These checks on the abuse of capital budgets would not exist under a Federal capital budget making it far more likely that a Federal capital budget could be abused.

Mr. President, so that we can move quickly here this evening, or at least adequate speed, I ask unanimous consent that following the disposition of the Biden amendment Senator FEINGOLD be recognized to make a motion to refer, and that time prior to a motion to table be divided in the following fashion: That no amendments be in order prior to the motion to table, 20 minutes under the control of Senator FEINGOLD, 10 minutes under the control of Senator HATCH.

I further ask unanimous consent that following the conclusion or yielding back of time on the Feingold motion the majority leader, or his designee, be recognized to make a motion to table the Feingold motion.

I have been asked to announce by the majority leader that this is not necessarily the final vote.

Mr. ROCKEFELLER. Mr. President, I want to express my support for the concept of a capital budget embodied in this amendment offered by Senator BIDEN and Minority Leader DASCHLE.

This amendment would establish a separate capital budget for the Federal Government, which would be distinct from the general operating budget. It would provide the mechanism to make major physical investments that are necessary to remain internally strong and able to compete with other nations for the jobs and opportunities our citizens deserve.

I think we all realize the benefits and importance of long-term investments in our Nation's infrastructure. In creating a separate capital budget, we would recognize the difference between the government spending that responds to immediate needs and the spending that serves as an investment in America over generations.

Families are familiar with this concept. Millions of households borrow to make very specific investments in their own futures, such as the mortgage required to buy a home. They do this because they realize the long-term benefits of home ownership. They recognize that many of the things they buy will last beyond the time they are done making payments on them. My highly respected friend, the senior Senator from West Virginia, has described how he went into debt to purchase a bedroom set when he and his wife were younger. This very frugal, wise person made a sensible investment to increase his family's standard of living.

The fundamental purpose for a capital budget is to ensure that America's citizens of today are targeting certain resources into our collective needs over future needs. When states issue bonds to pay for things like drinking water purification systems, they are recognizing that the benefits of that new system will go to many people over the course of 25 years of so.

If a balanced budget amendment to the Constitution passes, it should be constructed to treat a one-time, one-year tax break differently than the long-term investments in the necessary pillars of a strong nation. I think of the facilities needed to keep water pure and safe. Airports, highways and roads are that are the lifeblood of our economy, and are the only way for rural areas to have real opportunities for jobs and industries.

Many of those in favor of a balanced budget amendment point out that 49 states work within a balanced budget requirement. However, most of those requirements allow for state borrowing to fund capital investments.

In West Virginia, while we do not have a formal capital budget process, our state is permitted to borrow to fund long-term investments. The state is allowed to repay these debts over time from general revenues provided that there is a statewide vote granting the authority to do so. The state may also incur debt without this vote if the repayment is something other than general revenues.

In November, the voters in West Virginia held one of these statewide votes and passed what was called amendment 3. It was designed to fund water and sewer projects—an investment they felt will give them and their families benefits over a number of years. Amendment 3 specifically authorized the state legislature to issue and sell up to $300 million in state bonds to be paid for over a period of 30 years.

Mr. President, as a former Governor, I am more than familiar with the difference between operating budgets and capital investments that cannot be neglected. I know the cost all too well of neglecting infrastructure, health and safety facilities, transportation—when I became Governor, I faced those costs and fought to catch up so our state could compete for the jobs and opportunities that we saw other states win as a result of their superior roads and other assets.

I am afraid that if we pass this balanced budget amendment without allowing for a capital budgeting process, we will make a bad mistake even worse. The idea of using the Constitution to set economic policy is bad enough. Passing such an amendment without allowing for a separate capital budget that recognizes the difference between long and short term investments is short-sighted and could be very costly to future generations.

Mr. President, all of my colleagues should vote for this amendment.

Mr. HATCH. Mr. President, all I can say is I understand what my dear friend and colleague is trying to do. I just disagree, and I think the Senate should disagree because it would be a

tremendous loophole. These five reasons that I have listed are reasons why I think and why I believe that this amendment should be defeated.

Mr. BIDEN. Mr. President, in a minute and 20 seconds I will give five reasons why the Senator is wrong, in my view. One, he makes conclusory statements. Two, major physical assets is defined in the amendment, and it is amazing how inventive he is about redefining what is in the amendment. He accurately read everything the GAO said, but that is not what we say in amendment. Four, we want competition to be skewed between long-term investment so we do not have our children paying the same price they are paying for the accumulated debt we have here. And five, nobody else does it the way my friend from Utah wants it done. I think it is time we ask ourselves, ''I wonder why.''

I urge those of us in this body who agree with the need for a capital budget to vote against tabling.

Mr. SARBANES. Will the Senator yield?

Mr. BIDEN. Yes.

Mr. SARBANES. When the Senator says ''nobody else does it the way the Senator from Utah is suggesting,'' the Senator is referring not only to State and local governments, which borrow in order to fund a capital budget; he is talking about businesses which borrow and about individuals who borrow in order to fund a capital asset; he is talking about all of the other countries in the world. He is absolutely correct.

Mr. BIDEN. Maybe we can be different, but I hope we are not.

Mr. HATCH. Mr. President, how much time remains?

The PRESIDING OFFICER. There are 32 seconds remaining.

Mr. HATCH. I will just say this. I have made the case that borrowing by State and local governments and by businesses is completely different from the borrowing for capital budgets by the Federal Government. I do not think you can make the analogy as simple as has been made by some of my colleagues.

I yield back whatever time remains.

Mr. BIDEN. On behalf of the minority leader, I ask unanimous consent that a list of some of those in support of the amendment be printed in the RECORD.

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

SUPPORT THE BIDEN-BRADLEY AMENDMENT TO THE BALANCED BUDGET AMENDMENT

DEAR SENATOR: As currently drafted, the Balanced Budget Amendment (BBA) would create a political straight jacket that could push Congress to sell off our nation's treasured public lands such as national parks, forests and wildlife refuges. To help prevent this consequence, we urge you to support an amendment Senators Biden and Bradley are expected to offer this week to the BBA. The Biden-Bradley amendment would establish a capital budget to assure continued federal investments in major public assets from being counted toward reductions in the operating budget deficit.

Some policy groups have voiced support for selling off public lands as a means of lowering the federal deficit, most recently at a January hearing before the House Interior Appropriations Subcommittee. While such a proposal seems unthinkable to most Americans, the BBA could push Congress in this direction. This possibility is not merely academic. After a previous administration initiated wide-spread sales of public assets to reach deficit reduction targets, Congress approved the Budget Enforcement Act of 1990 (contained in Public Law 101–508), which prohibits the Congressional Budget Office from counting the sale of public assets toward deficit reduction.

The reason for such a prohibition is obvious. While sales of federal assets may help reduce the deficit during the year in which they occur, the resulting one-time revenues do nothing to reduce the persistent spending problems that cause continued federal deficits. Far from reducing spending, selling public lands only results in the exchange of one public asset—say a national park—for another, cash. As such, it amounts to budgetary gimmickry in the name of deficit elimination.

Circumstances may well arise in which it is appropriate for Congress to consider the sale of individual federal land holdings. The Biden-Bradley amendment does nothing to inhibit that. But the Biden-Bradley amendment does assure that the balanced budget amendment does not provide a perverse incentive to sell off large portions of the public estate to produce phony deficit results.

We urge you to support the Biden-Bradley amendment.

Sincerely,

Rodger Schlickeisen, President, Defenders of Wildlife; Brent Blackwelder, President Friends of the Earth; Paul Pritchard, President, National Parks & Conservation Association; John Adams, President, Natural Resources Defense Council; Beth Millemann, Executive Director, Coast Alliance; Carl Pope, Executive Director, Sierra Club; Peter A. Berle, President, National Audubon Society; Victor M. Sher, President, Sierra Club Legal Defense Fund; Julia A. Moore, Executive Director, Physicians For Social Responsibility; Mike Matz, Executive Director, Southern Utah Wilderness Alliance.

Mr. HATCH. Mr. President, 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 occurs on a motion to table amendment No. 278 offered by the Senator from Delaware.

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

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Missouri [Mr. BOND], the Senator from North Carolina [Mr. HELMS], and the Senator from Kansas [Mrs. KASSEBAUM] are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina [Mr. HELMS] would vote ''yea.''

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

The result was announced—yeas 59, nays 38, as follows:

[Rollcall Vote No. 72 Leg.]

YEAS—59

Abraham	Graham	Nickles
Ashcroft	Gramm	Nunn
Bennett	Grams	Packwood
Brown	Grassley	Pressler
Burns	Gregg	Reid
Campbell	Hatch	Robb
Chafee	Hatfield	Roth
Coats	Heflin	Santorum
Cochran	Hutchison	Shelby
Cohen	Inhofe	Simon
Coverdell	Jeffords	Simpson
Craig	Kempthorne	Smith
D'Amato	Kerrey	Snowe
DeWine	Kyl	Specter
Dole	Lott	Stevens
Domenici	Lugar	Thomas
Exon	Mack	Thompson
Faircloth	McCain	Thurmond
Frist	McConnell	Warner
Gorton	Murkowski	

NAYS—38

Akaka	Dorgan	Leahy
Baucus	Feingold	Levin
Biden	Feinstein	Lieberman
Bingaman	Ford	Mikulski
Boxer	Glenn	Moseley-Braun
Bradley	Harkin	Moynihan
Breaux	Hollings	Murray
Bryan	Inouye	Pell
Bumpers	Johnston	Pryor
Byrd	Kennedy	Rockefeller
Conrad	Kerry	Sarbanes
Daschle	Kohl	Wellstone
Dodd	Lautenberg	

NOT VOTING—3

Bond	Helms	Kassebaum

So the motion to lay on the table the amendment (No. 278) was agreed to.

The PRESIDING OFFICER. Under the previous order the Senator from Wisconsin is recognized.

MOTION TO REFER

Mr. FEINGOLD. Mr. President, I send a motion to refer to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] moves to refer H.J. Res. 1 to the Judiciary Committee with instructions to report back forthwith H.J. Res. 1 in status quo and at the earliest date possible to issue a report, the text of which shall be the following: It is a Sense of the Committee that the language of the report to accompany S.J. Res. 1, Senate report 104–5, which appears on page 19, and states, ''Among the Federal programs that would not be covered by S.J. Res. 1 is the Electric Power Program of the Tennessee Valley Authority which will be deemed null and void and have no effect as the legislative history in interpretation of H.J. Res. 1.''

Mr. FEINGOLD. Mr. President, the purpose of this motion is pretty straightforward.

The Judiciary Committee report accompanying Senate Joint Resolution 1 has the most extraordinary passage which flatly says that the Electric Power Program of the Tennessee Valley Authority is not—repeating this now—is not covered by the balanced budget amendment, on the grounds

that this program is paid for by the Electric Power Program.

Not another single agency in our Government is singled out in the committee report in this manner. Only the Tennessee Valley Authority is exempted. That is right. Not Social Security, that is not exempted. But the Tennessee Valley Authority is exempted.

Mr. President, we have heard of appropriations pork. Now I think we have a new creature—constitutional pork. We are making constitutional history here, and at the same time we are creating a far more sophisticated pork than we have ever had in this institution. We are putting it right into the Constitution.

Not only, then, Mr. President, are the advocates of the balanced budget amendment saying they will not lay out a plan and say what they are going to cut, they are doing it better. They are actually protecting one particular program over all the other programs by writing in committee report language. It is an incredible provision for a committee report.

To put it another way, Mr. President, this is an attempt to put the equivalent of an earmark into a Constitution for a program that is of a concern to particular Members of Congress. Do not let anyone be kidded. The U.S. Supreme Court has to interpret the language of the Constitution. They will be looking at that committee report to get a sense of what was intended. They will see that the most important program apparently in all of our Government, of everything that this Government has ever done or ever will do is one program: The Tennessee Valley Authority. The only one the Judiciary Committee thought should be treated in a special way.

Let me raise just two reasons why I think this language is totally inappropriate. First, the proponents of this language argue that the TVA's Electric Power Program should not be covered by the balanced budget amendment because the financing of that program has been the sole responsibility of its own electric ratepayers, not the U.S. Treasury and the Nation's taxpayers, since 1959.

Now, Mr. President, that is an argument but it is certainly a debatable one. The Congressional Budget Office in its annual report on options on reducing the deficit, has this to say about the TVA Electric Power Program. It says:

> Because many TVA stewardship activities are necessary to maintain its power system, their cost would more appropriately be borne by the users of the power. Direct cost to the Federal Government could be reduced by about $70 million annually if TVA were to increase power rates or fees to cover costs of all stewardship.

Mr. President, CBO thus says that the Federal taxpayers are, in fact, subsidizing the electric power user. It is not just being paid for by the folks in that area of the country.

So, Mr. President, that is not a dispute we need to settle here or now. That is what the advocates will say every time, ''We do not have to decide this now.''

But the point is that the backers of this language have attempted to tilt the argument on their side by placing this language in the committee report that will be used to interpret the meaning of this amendment to the U.S. Constitution.

So what proposition does this stand for? Apparently, so all agencies are not equal under the balanced budget amendment. Some—in fact, one—just one program gets special treatment.

We will take a look at some of the other quasi-public agencies that could make a pretty good claim as the same status as the TVA. Looking at the U.S. Postal Service—and here is a routine letter I received from the Postal Service in December 1994—that depends exclusively on postage and fees rather than taxpayers' revenue for operations, and has done this since 1982. Each class of mail by law must cover its cost and we must break even over time.

So the argument, Mr. President, that the Postal Service should receive special status under the balanced budget amendment would seem to be very much the same as the argument used to exempt the TVA. Why was the Postal Service not mentioned in the committee report as being exempted from the balanced budget amendment?

Now, if you do not like the Post Office, and a lot of people do not, there are a number of other Federal programs that are operated entirely on revenues produced by users.

For example, the Department of Agriculture's Marketing Service provides grading services on a user-fee basis for meat, poultry, eggs, dairy products, fruits, vegetables, cotton, and tobacco. Should these activities be exempted from any impact of the balanced budget amendment since they are entirely funded by the users and not the Federal taxpayers?

Let us try the Farm Credit Administration. This is an independent agency in the executive branch of the U.S. Government which is responsible for the regulation of the examination of banks and associations and related entities that collectively comprise our farm credit system. The expenses of the Farm Credit Administration are paid through assessments against institutions under its jurisdiction. So, again, here is another one—not the TVA—but another program that operates at no direct cost to the taxpayer.

So I ask again, is the Farm Credit Administration exempt like TVA from the impacts of the balanced budget amendment? If so, why was it not also cited in the constitutional history reported out of the Judiciary Committee's report in the same manner?

What about the Federal Deposit Insurance Corporation, another quasi-Government corporation established in 1933? FDIC does not operate on funds appropriated by Congress but on assessments on deposits held by insured banks and from interest on the required investment of its surplus funds in Government securities. Is FDIC covered or not, and if not, why was it not cited by the Judiciary Committee?

I will tell you why, Mr. President. The answer is clear. The Tennessee Valley Authority was singled out in the committee report because those concerned about its future do not want any budget cuts imposed upon this entity. It is not surprising in light of this whole balanced budget amendment, nobody wants to get cut.

Guess what? The folks who support the TVA are fearful of the Federal budget knife hitting one of the programs they support in part, I suspect, because there have actually been a number of bills introduced in Government to cut off the subsidies to the TVA.

I introduced on the first day of this Congress S. 43 which would terminate several current TVA programs and provide for a report on what remaining functions should be separated from the Federal Government. My Republican colleague from Wisconsin, Representative SCOTT KLUG, has proposed legislation along similar lines in the other body.

TVA supporters know that TVA is on the short list of most deficit reduction advocates, and that is why they want to provide it with special protection that no other program of any kind in the Federal Government is getting.

Mr. President, it is not just the CBO that cited TVA programs as needing reform. Citizens Against Government Waste include TVA in their prime cuts list for 1994. Reducing funding for TVA was also part of the Kerrey-Brown deficit reduction package, which I cosponsored. The deficit reduction package of a group of Senators led by Senator JOHN KERRY, which I also cosponsored, included it, and also the so-called famous Penny-Kasich plan also listed the TVA. There is no reason why we should allow this program to gain special protection as a result of the language that was put in the committee report.

In fact, Mr. President, I am afraid that this attempt in the committee report begins to make this whole balanced budget process look a little bit like a $3 bill. My motion will not disturb the balanced budget amendment in any way. It simply says that the committee report language that singled this agency out for special protection is null and void and cannot be used for legislative history purposes when we finally get around to achieving a balanced budget.

So to conclude, it is a simple proposition. We just need to ask the committee to come up with an additional report to change this. Otherwise, we will have enshrined a new tradition, something that no Democrat or Republican has ever achieved before, we have created constitutional pork.

I hope that every Senator rejects this attempt to exempt one program while all the others have to be on the chopping table for potential cuts.

I reserve the remainder of my time.

Mr. HATCH. I yield 3 minutes to the distinguished Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. HEFLIN. Mr. President, I was unaware that this motion would be made. It caught me by surprise. I would like to go into great detail, and I did not know that there would be a time limitation until it had already occurred in regard to it. I would like to go into detail, which I will later, hoping that this is defeated and then we would have an opportunity to explain the history and the background and the reason why the TVA is a self-operating agency of the Government and, therefore, because of its uniqueness, different than any other agency or body, should be exempt in the balanced budget amendment.

This involves the electrical power program of the TVA, just the electrical power program. Certainly, the electrical power program of the TVA ought to be paid by the power users, by the ratepayers and not by the Government. And the intention of this report language is to guarantee and ensure that the Government does not have to pay for the electrical power system of the Tennessee Valley Authority. That is the purpose it was put in there.

They have variances that occur all the time, and they have to act immediately. They may have a tornado, they may have a downed situation pertaining to the transmission of electrical current and they may have to move. They may have to spend money immediately relative to those matters.

The ratepayers ought to be the ones to pay for it. That is the reason it was put in there. It was put in there for the protection of the taxpayers of the United States. It is put in there to protect the taxpayers so they do not have to pay for the electricity rates of the people in Tennessee and Alabama and Georgia, Mississippi, Kentucky, and the other places.

We have a limited time. Senator FORD, as I understand it, wants to make some remarks. I yield to him at this time.

Mr. FORD. Will the Senator give me 1 minute?

Mr. HATCH. I yield 1 minute to the distinguished Senator from Kentucky.

Mr. FORD. Mr. President, let me associate my remarks with the distinguished Senator from Alabama. TVA is important. TVA rests on its own bottom. TVA serves the ratepayers. The ratepayers pay TVA. It is good for the valley; it is good for economic development. It is a program that works.

I am opposed to using Social Security money. That is fine, we lost that one, but we should not lose this one. This is an amendment that is out of order, in my opinion, as it relates to the budget. And the income to TVA is important.

So, Mr. President, let me just say, this is quick. We did not have an opportunity. We have 10 minutes. It does not give us much time. I just hope that our colleagues will vote against this amendment; that we will have an opportunity then, if it is brought up again, to explain it in more detail.

I yield the floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Ten minutes fifty-two seconds.

Mr. FEINGOLD. I yield myself such time as is necessary.

Mr. President, I definitely believe the TVA should be given the fair consideration, indeed, that all programs should be given when it comes time to balance the budget. I am willing to look at the arguments as to what aspects of TVA should be continued and what aspects should not—all the arguments.

But it is a little difficult for me to hear Senators from that area of the country get up and talk about how wonderful TVA has been to that part of the country. I recognize the Depression, New Deal, and the history of TVA. I have similar feelings with regard to aspects of our dairy programs and those programs that have helped keep our dairy farmers going all these years. But I have not sought through the committee report or any other mechanism to write a special protection for the dairy program or even some of the other programs that affect our State, such as the Farm Credit Administration, another quasi-public agency that does not rely on taxpayer dollars directly. We do not have an exemption for that.

If there is to be any meaning to the notion that everything has to be on the table and that this is not the time to make the preliminary decisions, it must mean that the TVA cannot be exempt while all these other worthy programs that mean so much to people around the country are not exempt.

All this is—let me be clear, this is not an attack on the TVA—this is just saying there should not be any language in a committee report that is going to be used by the courts and everyone else in the future to interpret the balanced budget amendment that exempts one program.

That is all. It is a very simple proposition. I am sure much later we will get to the merits of the TVA. So I would suggest this is a very mild suggestion that we not mess around with the future of the balanced budget issue by writing in exemptions in a committee report that relate directly to the constitutional provision.

I yield the floor and reserve the remainder of my time.

Mr. THOMPSON addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. I yield 2 minutes to the distinguished Senator from Tennessee.

Mr. THOMPSON. I thank you, Mr. President.

I agree that it may not be an attack on the TVA. It is an attack on the balanced budget amendment. I think the language of the committee speaks for itself. The financing of the TVA power program has been the sole responsibility of its electric ratepayers, not the U.S. Treasury and the Nation's taxpayers.

That says it all, Mr. President. It is not an annual expenditure. It is not a would-be pork barrel project. It is not the nonpower program which is on the table along with everything else. It has to do with a power program that is self-financing. And of course, all this is another attempt by those who would defeat the balanced budget amendment to raise a red herring. We have seen time and time again those who would offer amendments, amendment after amendment after amendment, while at the same time stating that if their amendments, or all of their amendments in their totality were adopted they would still oppose the balanced budget amendment.

So I suggest that we analyze this for what it is. It is another attempt to encumber and somehow obfuscate the issue as far as the balanced budget amendment is concerned.

The committee considered this situation. It analyzed the power program of the Tennessee Valley Authority and stated the clear fact. It is not whether or not we want it on budget or we want it off budget or whether it ought to be on or whether it ought to be off. We can debate that at the proper time. But it simply stated the fact that since 1959, the financing of that program has been the sole responsibility of its own electric ratepayers.

So I would urge that we defeat this amendment and not go against the language that was well considered before the committee and we move on with what we are supposed to be here about, and that is bankrupting the next generation. I think we get too balled up in some of these collateral issues sometimes. We forget sometimes what we are about.

Mr. President, with the enactment of the 1959 Self-Financing Act, the TVA Board was given the authority to make power system decisions. In turn, the power system became the sole financial responsibility of TVA ratepayers, not the Treasury or U.S. taxpayers. Since 1959, the power system has not received appropriations and has been funded exclusively with power revenues and proceeds from the sale of bonds which, by law, are not obligations of or guaranteed by the United States.

All taxpayer funds originally invested in the power system, designated as the appropriation investment, are treated on the power system's balance sheet as the Government's equity. Since 1959, TVA has made annual payments to the Treasury—currently $20 million per year—to reduce that investment's balance. TVA also makes

an annual return payment on that balance, which is calculated at the Treasury's current interest rate. This covers the Treasury's cost of money and keeps the taxpayers whole.

Since the receipts and outlays of the power system are its alone, it is incorrect and misleading to regard them as receipts and outlays of the United States. This view was shared by Senator Howard Baker while a member of the Senate Environment and Public Works Committee, TVA's jurisdictional committee.

In reporting legislation in both 1975 and 1979 which increased the TVA bond ceiling, the Senate Environment and Public Works Committee expressly agreed that ''the obligations represented by bond issues under the increased ceiling will not result in any outlay involving 'Government funds'' and that TVA power funds ''are not, however, generated through the general treasury and do not affect Federal fiscal policy.'' In both the 1975 and 1979 reports, the committee also found that there would be ''no cost'' to the Government ''in implementing this legislation.''

Mr. President, there are those of us who think we are bankrupting the next generation, that we need to do some things fundamentally——

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. THOMPSON. Will the Senator yield another minute?

Mr. FEINGOLD addressed the Chair.

Mr. HATCH. I yield one more minute.

Mr. THOMPSON. That we need to do some fundamental things to change the direction of this country. There are those of us who are concerned about the investment rate, which is now one of the lowest in the industrial world; there are some of us concerned about the savings rate, which is the lowest in the industrialized world. We are concerned about the growth. That is what we are supposed to be discussing here with regard to the balanced budget amendment, not singling out some self-financing program by folks who would basically love to defeat the balanced budget amendment in its entirety.

So I would urge that we keep that in mind, and we do defeat this amendment.

I thank the Chair.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. Who yields time?

The Senator from Wisconsin.

Mr. FEINGOLD. I yield myself such time as I need.

Mr. President, I am kind of amazed at the comments of the Senator from Tennessee. He is suggesting that this amendment is an attempt to derail the balanced budget amendment. But I think everyone should know that I could be here delaying debate—I have the floor. I could be reading the entire history of the TVA to the Senate, if that is what I wanted to do—just open it up and read and read. That is permitted under the rules as we know.

That is not what I did. I entered into a very brief time agreement, 20 minutes for my side. It is because I am not, Mr. President, trying to hold up the balanced budget amendment. In fact, this will take 2 seconds. All we have to do is vote in a few minutes to strike this ridiculous language from the committee report that tries to protect one program out of all the programs in the Federal budget.

So I want everyone to know who is listening, it is completely false that this is an attempt to delay the balanced budget amendment. It is just 20 minutes, 20 minutes to say why should one program of all the programs in the United States in our budget get special treatment and all the rest, including Social Security, which the Senator from California worked so hard on—

Mrs. FEINSTEIN. Will the Senator yield for a question?

Mr. FEINGOLD. I yield to the Senator from California for a question.

Mrs. FEINSTEIN. My question is, is the Senator aware that not only TVA is excluded but also the Bonneville Authority, and I believe others as well?

Mr. FEINGOLD. There is only one entity that we are aware of that has been specifically named. If there are others that should be named, I think that should be the subject of similar amendments. And I am very glad to see the senior Senator from California asked that question because she knows very well how hard she fought to try to get an exemption for a program that really probably does deserve the exemption, and that is the contract with the American people in the form of Social Security. But that is not the one that got protected.

Mr. President, this suggestion that this is a delay tactic is very troubling to me. I think it is not fair. In fact, I find it astonishing that the Senator from the very State that gets protected by this thing more than any other State, Tennessee, stands up and says this is a delay tactic.

I am just calling it what it is. It is a great deal for Tennessee. I would love to be able to exempt all the programs in Wisconsin up front in the committee language and then pass a balanced budget amendment. I would get a lot of pats on the back back home for that one. But I did not do it. I would not try to do it because I know very well that is a denial of the very meaning of the balanced budget amendment.

All the folks on the other side talked about the glidepath, about the right to know; we cannot make those decisions now. If we lay out what is going to be cut and is not cut, what happens is that the process falls apart.

I suggest this committee language, if it is not struck, is the beginning of the end of any serious attempt to balance the budget because there would be a tremendous outcry across the country that this and only this program is important enough to be protected and that every other program did not count.

So, Mr. President, I think this is a very, very clear amendment that should not even be controversial. That language should not be in the report. We all know it. And I would certainly hope TVA has to fight the same battle that everybody else does as the coming months go on.

I yield the floor and reserve the remainder of my time.

Mr. HATCH. Mr. President, I yield one minute to the distinguished Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, the language of the report is among the Federal programs, and among the Federal programs where we guarantee bonds are REA's in Wisconsin and Illinois and Minnesota, and other States. We guaranteed Lockheed bonds in California. We guaranteed bonds for New York City, for Chrysler. Only when there is an outlay by the Federal Government is that subject to the balanced budget amendment. That is what the report language says. It is good language, and the amendment should be defeated.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I yield myself sufficient time.

Let us take a look at the language. It is true, as the Senator from Illinois says, ''Among the Federal programs that would not be covered by Senate Joint Resolution 1 is the electric power program of the Tennessee Valley Authority.''

But that is all that is mentioned. It is a real valuable thing for a program to be the only program out of the entire U.S. budget that gets exempted specifically. In other words, all the others will have to argue somehow that they are within that language. Maybe they will have to go to court, if they are allowed to go to court. We are not even sure about that.

One program gets named, one program is on this pedestal and even though the Senator from Illinois, Mr. President, intends that others be mentioned, they ought to be mentioned. If we have to do that, let us have the committee issue a new report and list all the programs that are exempt. I am sure it would be as comfortable to the people who support those programs as this language is comforting to those who support the TVA. This is about the sweetest deal you can get, a constitutional exemption for your program while everyone else has to get into the field and has to fight each other for scarce Federal dollars.

Mr. President, I cannot accept this argument of the Senator from Illinois. If it was intended the other programs be mentioned, they should have been mentioned. Only one is mentioned, and that program should not get that kind of special treatment.

I yield the floor and reserve my time.

Mr. HATCH. Mr. President, I yield the final time I have to the distinguished member of the Judiciary Committee, Senator HEFLIN, from Alabama.

Mr. HEFLIN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 2 minutes, 22 seconds.

Mr. HEFLIN. Mr. President, as I mentioned before in my opening argument, I reiterate it because it has not been answered: Really, the purpose of this is to protect the taxpayers. It is to say, and to have in report language—it is not in the language of the constitutional amendment, but in the report language—its purpose is to protect the taxpayers from where the taxpayers might have to pay or subsidize the power program of the Tennessee Valley Authority. It is put there with the idea of protecting the taxpayers, and that is what it has been.

The TVA program has been that the entire power program shall not be subject to appropriations and it is not subject to other types of revenues that come in. The revenues that operate in regard to this are strictly the ratepayers'. They get a bill. The ratepayers get a bill just like every other utility user gets a bill, and they pay it every month. Those revenues do not go into the Treasury of the United States. It is there for the protection of the taxpayers. It is report language and it is different from the language that is in the constitutional amendment. It is not mentioned in there. It is just report language to give some guidance, to show that the taxpayers are not to have to pay in regard to the rates of the utility users.

The PRESIDING OFFICER. The Senator from Utah.

MOTION TO RECONSIDER—ROLL CALL VOTE 72

Mr. HATCH. Mr. President, I move to reconsider the last vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator has 17 seconds remaining. The Senator from Utah.

Mr. HATCH. I yield the remainder of the time.

Mr. DOLE. Mr. President, parliamentary inquiry; is there any time remaining?

The PRESIDING OFFICER. The Senator from Wisconsin controls 3 minutes and 53 seconds.

The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, just to conclude, this is really a very mild thing to ask. I am just asking that this process be a little bit honest and that we not mention in the committee report that will be used to interpret the constitutional amendment one program. There are many quasi-public agencies. This notion that the TVA is a self-supporting program is just an argument—debatable. It is nothing better than that. The CBO says it is not.

We are going to accept here as a part of the constitutional process we are engaged in this absurd notion that simply because an argument is made by the supporters of the program, it is not going to be on the table? I cannot accept that.

I suggest again, if we are going to go forward with this constitutional pork, it will become the symbol of the lack of seriousness of the balanced budget amendment, the ultimate proof that, when given an opportunity, special interests will be protected even with a balanced budget amendment, the principle being enshrined in the United States Constitution.

I implore my colleague, take a minute or two to strike this language. It has no other consequence. I implore you to get this out of there so the process of balancing the budget can be an honest one, when we finally get to it.

Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER. The majority leader.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, as I understand it, we will be unable to find any additional amendments to be offered this evening. The Senator from West Virginia plans to lay down an amendment, as I understand it, tomorrow morning?

Mr. BYRD. Yes.

Mr. DOLE. I would like to have another amendment or two tonight. I cannot force Members to offer amendments, so this will be the last vote of the day.

I am not certain how long we will be in session tomorrow, but probably most of the day. I am still prepared, as I have indicated before, if we can get some agreement to bring this to a conclusion, to go out Friday and all next week. We await some response from the Democratic leader, Senator DASCHLE.

So we are prepared to entertain an agreement that might bring this to a conclusion. There will be a cloture vote tomorrow. I will file two cloture motions tonight, so there will be two cloture votes when we return on next Wednesday. So Members will know that there will be votes on Wednesday—probably a goodly number of votes Wednesday.

It is my understanding there are 30-some amendments filed at the desk. I do not know how many of those Members intend to call up. I thought the other day I was informed it would only be three major amendments. Then we were told maybe it will be 8 or 10. Now we are told it is 36. That would mean we have still a long, long time on this balanced budget amendment.

I understand how important it is. I understand you do not amend the Constitution lightly. I think we have now exceeded by a couple of days the longest time we have spent on this issue. I think we passed the balanced budget amendment—in the 97th Congress we passed a balanced budget amendment after 11 days of floor action. There were 31 amendments offered. The resolution passed the Senate by a vote of 69 to 31.

We have not been able to repeat that performance so far on the number of days or the number of amendments. But, hopefully, on the number of votes. And we would settle for that.

This will be the last vote today.

Mr. President, I move to table the motion.

Mr. President, I 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 occurs on the motion to lay on the table the motion offered by the Senator from Wisconsin. The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from New Hampshire [Mr. GREGG], the Senator from North Carolina [Mr. HELMS], and the Senator from Kansas [Mrs. KASSEBAUM] are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina [Mr. HELMS] would vote ''yea.''

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Maryland [Ms. MIKULSKI], are necessarily absent.

The PRESIDING OFFICER (Mr. FRIST). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 61, nays 33, as follows:

[Rollcall Vote No. 73 Leg.]

YEAS—61

Abraham	Ford	Moseley-Braun
Ashcroft	Frist	Murkowski
Bennett	Gorton	Murray
Bond	Graham	Nunn
Breaux	Gramm	Pressler
Bryan	Grams	Pryor
Bumpers	Grassley	Reid
Burns	Harkin	Roth
Byrd	Hatch	Santorum
Coats	Heflin	Shelby
Cochran	Hutchison	Simon
Cohen	Inhofe	Simpson
Coverdell	Jeffords	Snowe
Craig	Kempthorne	Specter
D'Amato	Kerrey	Stevens
Daschle	Kyl	Thomas
DeWine	Lott	Thompson
Dole	Lugar	Thurmond
Domenici	Mack	Warner
Exon	McCain	
Faircloth	McConnell	

NAYS—33

Akaka	Dorgan	Levin
Baucus	Feingold	Lieberman
Biden	Feinstein	Moynihan
Bingaman	Glenn	Nickles
Boxer	Hatfield	Packwood
Bradley	Hollings	Pell
Brown	Johnston	Robb
Campbell	Kerry	Rockefeller
Chafee	Kohl	Sarbanes
Conrad	Lautenberg	Smith
Dodd	Leahy	Wellstone

NOT VOTING—6

Gregg	Inouye	Kennedy
Helms	Kassebaum	Mikulski

So the motion to lay on the table the motion was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GREGG. Mr. President, I rise today to speak on behalf of future generations. Our national deficit for fiscal year 1994 stood at $203 billion. Gross interest on the national debt is now the second largest expenditure in the entire budget—higher than Defense spending. The Federal Government, this year alone, will spend an estimated $295 billion in interest on the national debt, which is a 400-percent increase since 1980 and an amount equal to 57 percent of all personal income taxes collected. Our total accumulated Federal debt stands at $4.65 trillion—$18,000 for every man, woman, and child in America. Like every family and business in America, when the Government borrows money it must pay interest on its debts. Given these grim statistics, I believe that we in Congress must amend the Constitution of the United States and pass the balanced budget amendment.

Dr. Robert Reischauer, Director of the Congressional Budget Office, in his cost estimate to the Committee on the Judiciary stated:

> Over the entire 1996–2002 period, the savings in CBO's illustrative path that result directly from policy changes would total more than $1 trillion—in relation to a baseline that includes an inflation adjustment for discretionary spending after 1998.

Amending the Constitution, which represents the very core of American life, a governing principle born of a revolutionary war, withstanding a civil war, two world wars, the war for equality throughout the Nation and endless conflicts, both social and global, is not something to be taken lightly. That said—I believe our current conflict to conquer and eliminate our public debt—a war that we fight against ourselves here in Congress—calls for drastic measures, a call to arms, which the budget amendment answers.

The amendment, House Joint Resolution 1, will set forth in the Nation's governing document the basic principle that the Federal Government must not spend beyond its means.

As Thomas Jefferson said:

> We should consider ourselves unauthorized to saddle posterity with our debts, and morally bound to pay them ourselves.

These words ring clear today. The American taxpayer will no longer, nor should they, allow us in Washington to continually spend their money with little or no accountability. We in Congress must put political expediency aside—reduce the defict—remembering that we are to serve the American taxpayer and not vice versa.

Our Founding Fathers knew of the danger of leveraging current political aspiration on the backs of future generations. Congress remains incapable of looking toward the future—we are an entity embedded in the present, unable to look beyond the next election cycle.

James Madison wrote in Federalist Paper No 51:

> Government is the greatest of all reflections on human nature. If men were angels, no government would be necessary. If angels were to govern man, neither external nor internal controls on government would be necessary.

Well Mr. President, here in Washington there are few, if any, angels cohabiting among us. Accordingly, we do require a control mechanism to reduce our current fiscal dilemma—a balanced budget amendment to the Constitution. This amendment will help restore two important elements left unaddressed by the Constitution: limited government and an accountable deliberative legislative body, both of which are vital to a free America. All too often this legislative body has used the power of the purse for political expediency rather than what is in the best interest of the American people.

Reducing spending in order to balance the Federal budget is something that will require tough decisions, the kind of decisions we in Washington rarely have the courage to own up to and all too often pass on to future generations.

My record with regard to reducing the size and scope of the Federal Government by eliminating excessive spending is clear. I have been cited by numerous grassroots groups like the Concord Coalition, the National Taxpayer's Union, as both a taxpayers' friend and as one of Congress' most frugal Members. I believe the only way to eliminate our Federal deficit is to deal with runaway spending, much like families in New Hampshire deal with life's everyday expenses. If a family is unable to pay for a certain expense, the prudent thing to do would be to do without; not here in Washington where no one and nothing goes without, whether it is funding for Medicare, or to conduct another study to eliminate the screw worm.

The American people are well versed in the way Washington operates—they are not dumb. These past November elections made a strong statement about change; a statement heard loud and clear throughout the hallowed Halls of Congress; one that demands we revert from our past, outdated social policies that govern the Nation and jeopardize the very being of the next generation. The people are screaming, ''we have heard enough from you in Washington, now it's your turn to hear from us.''

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky, Mr. FORD, is recognized.

UNANIMOUS CONSENT AGREEMENT

Mr. FORD. Mr. President, I ask unanimous consent that following the cloture vote on tomorrow, the Senator from West Virginia, Mr. BYRD, be recognized to make a statement and lay down an amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. FORD. I thank the Chair and I thank the majority leader.

CLOTURE MOTION

Mr. DOLE. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

CLOTURE MOTION

We the undersigned Senators in accordance with the provisions of Rule XXII of the Standing Rules of the Senate do hereby move to bring to a close debate on House Joint Resolution 1, the constitutional balanced budget amendment:

Bob Dole, Orrin G. Hatch, Larry E. Craig, Jon Kyl, Spencer Abraham, Slade Gorton, Connie Mack, Lauch Faircloth, Mike DeWine, Judd Gregg, Jim Inhofe, Kit Bond, Paul Coverdell, Phil Gramm, Trent Lott, Kay Bailey Hutchison, Olympia Snowe, Fred Thompson, Hank Brown, Mitch McConnell, Rick Santorum.

CLOTURE MOTION

Mr. DOLE. Mr. President, I send a second cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on House Joint Resolution 1, the constitutional balanced budget amendment:

Bob Dole, Orrin G. Hatch, Larry E. Craig, Jon Kyl, Spencer Abraham, Slade Gorton, Connie Mack, Lauch Faircloth, Mike DeWine, Judd Gregg, Jim Inhofe, Kit Bond, Paul Coverdell, Kay Bailey Hutchison, Trent Lott, Phil Gramm, Olympia Snowe, Fred Thompson, Hank Brown, Mitch McConnell, Rick Santorum.

MORNING BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, not to extend beyond the hour of 9:30 p.m., with Senators permitted to speak for up to 5 minutes each.

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

Mr. DOLE. 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.

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

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

PROFESSIONAL GOLF ASSOCIATION TOUR AND POSSIBLE FTC COMPLAINT

Mr. DOLE. Mr. President, I understand that the Federal Trade Commission is considering filing a complaint challenging the PGA Tour's conflicting event and media rights rules as unfair competition.

I question whether the public interest would be served by eliminating the foundation for the success of the tour, which has worked well for a very long time and enjoys the support of players, fans, and sponsors. I understand that the PGA tour has generated more charitable contributions from its events than all other sports combined. I am concerned that forcing the tour to alter its rules may put these charitable activities at risk.

Mr. President, I have today sent a letter to Federal Trade Commissioner Starek outlining my concerns. I ask unanimous consent that this be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, February 15, 1995.

Hon. ROSCOE B. STAREK, III,
Commissioner, Federal Trade Commission, Washington, DC.

DEAR COMMISSIONER STAREK: I understand your staff in the Bureau of Competition, after a four and one-half year investigation of PGA TOUR, has recently recommended to the Commission that a complaint be issued challenging the PGA TOUR's conflicting event and media rights rules as unfair methods of competition.

I am familiar with the PGA TOUR's operations and its record of growth, integrity and contributions to charity. PGA TOUR has been able to generate more charitable contributions from its events than all other professional sports combined. More than $30 million in charitable donations were generated through PGA TOUR events in 1994 alone. I am concerned that forcing the PGA TOUR to alter its rules may put these charitable activities at risk.

Through years of experience, the players have learned that the way to accomplish their objectives was to develop rules which include the players' commitment to support their own events. Only through this commitment, as expressed in the conflicting event and media rules, will the sponsors and broadcasters who provide the financial support for PGA TOUR events risk investment in PGA TOUR tournaments. It is because of the sponsors' and broadcasters' financial support that the players, through PGA TOUR, are able to produce a ten-month season of weekly tournaments with significant prize money for not only the world's top money winners, but also young aspiring players and players past their prime. Thus, it appears to be clear that both the purpose and effect of the rules in question are to increase output and competition, not to limit competition unfairly.

As you know, our antitrust laws do not prohibit reasonable limitations among members of a league or organization of competitors where the limitations are required to increase output and competition. It is my understanding that the PGA TOUR was investigated by the Antitrust Division of the Department of Justice in the late 1970's and no action was taken to challenge or change either these rules or other conduct of the PGA TOUR.

I appreciate your consideration of these concerns.

Sincerely,

BOB DOLE,
Republican Leader.

A DIAMOND ANNIVERSARY

Mr. BYRD. Mr. President, one of the vital crusades in American history was the women's sufferage movement—a giant step that, in extending voting power to American women, vitalized our entire democracy as few changes in our political system have.

A complement to the extension of voting rights to women was the founding, seventy-five years ago, of the League of Women Voters of the United States, a non-partisan organization of more than 1,100 chapters and in excess of 150,000 members and supporters nationwide. In my own State, West Virginians can be particularly proud that the current National President of the League of Women Voters of the United States is Mrs. Becky Cain, St. Albans, West Virginia. She is a woman who has served with great distinction during her two-year term.

As I suggested, today marks the seventy-fifth anniversary of the League—its ''Diamond'' Anniversary, as it were. Certainly, throughout those seventy-five years, the League of Women Voters has more than proved and reproved its value to our democratic way of life in its unflagging efforts to educate voters, to encourage the exercise of our precious franchise, to elevate political debate, and to urge improved quality among the men and women who seek public office.

Mr. President, as we witness the birth pangs of democratic practice around the world—as we observe nations and groups of people within nations struggling to learn and to revere democratic institutions, and to respect honest differences of opinion within their electorates—we can be thankful that America has come so far in little more than two centuries in balancing and preserving those instruments of political and electoral life that have provided us with a long heritage of the peaceful transfer of political power and mutual respect among people with differing political values. In no small part, we owe to the League of Women Voters a large measure of our gratitude for enshrining that tradition of civility in our national electoral life. I believe that for that legacy of peaceful change and spirited debate in lieu of armed conflict, we stand indebted to efforts of groups such as the League of Women Voters—groups devoted to the peaceful and serious practice of democracy.

Mr. President, I salute the League of Women Voters, and I know that I speak for all of our colleagues on the League's anniversary in expressing my appreciation to the League for its record of the enhancement and celebration of our Constitutional rights, privileges, and ordinances.

TRIBUTE TO THE HON. CAL ANDERSON

Mrs. MURRAY. Mr. President, I rise today to pay tribute to a former colleague, a great legislator and a courageous and loyal friend, Washington State Senator Cal Anderson.

I worked with Cal Anderson when I served in the Washington State Senate. He is known throughout my home State as an outstanding legislator. His reputation is one of hard work, of holding true to his beliefs but compromising for the greater good, and of reaching conclusions that work for everyone. Cal is a true believer, as I am, in good government.

I was honored to work with him on open record policies in my home State. I was astounded by his ability to be inclusive, to bring everyone into the debate. Cal made sure that our bill was not just legislation that was good to look at but legislation that was good for people.

Cal is a Vietnam veteran. He earned two Bronze Stars and four Army Commendation medals for meritorious service in that conflict. He is courageous, Mr. President, and he is honest. He has touched so many lives across this country—his very presence in our State legislature shows young people that no matter who they are or where they come from, everybody has a great deal to offer their communities and our country. His very presence tells us that America will be great when we let everybody participate and be an equal voice in our national dialog.

Cal Anderson is one of the highest ranking openly gay elected officials in this country. He continues to break down stereotypes and ignorance. And, he is a champion and a role model for all people. Nobody in the State legislature thought of Cal as the ''gay legislator''; we thought of him as an extraordinary man who just happened to be gay.

And, this week, Mr. President, with his characteristic honesty and integrity, Cal Anderson told us he has AIDS. He has been diagnosed with non-Hodgkins lymphoma and is undergoing chemotherapy. I called him today, and was not surprised to find him in his senate office in Olympia. He has a lot of work to do, and is determined to get it done.

Mr. President, Cal Anderson's honestly should inspire all of us who shape public policy to take this epidemic seriously. In my own State, more than 5,500 men, women, and children have been diagnosed with AIDS. More than 1,100 cases have been reported over the previous year. Cases are growing in rural areas, and cases are growing among women.

A few weeks ago, we learned the sad news that AIDS is now the leading cause of death of Americans between

the ages of 25 and 44. I fear that everyone in America will soon know someone who is infected with HIV. My friends and neighbors in Washington do now: his name is Senator Cal Anderson.

Mr. President, let me conclude by thanking Cal for everything he does for my home State, and by wishing him and his partner, Eric, only the best with his therapy and in the future.

MINIMUM WAGE INCREASE

Ms. MIKULSKI. Mr. President, I support raising the minimum wage. It helps working Americans improve their standard of living. It moves in the direction of self-sufficiency and away from welfare. It gives help to those who practice self-help.

First, raising the minimum wage will certainly help increase working Americans' standard of living. In this country, a full-time job should not mean full-time poverty. The typical American family is living on less than it did 15 years ago. The current minimum wage of $4.25 an hour for a full-time year-round worker equals only $8,500 per year. This minimum wage is not a living wage.

Second, increasing the minimum wage helps people move toward self-sufficiency and away from welfare. I know that raising the minimum wage 90 cents is not enough to lift a family above the poverty level. But, if a 90 cent increase to $5.15 an hour is the best we can get right now, then we will take it.

Finally, raising the minimum wage will help those who practice self-help. Two-thirds of minimum wage workers are adults over the age of 21. They are reliable, dedicated employees who want a chance to move up in society, or just to get back on their feet.

They believe, as we all do, in the satisfaction that comes from hard work. They do not apologize for not making a lot of money and they are not looking for public hand-outs, but they certainly deserve a decent wage for honest work.

Mr. President, the minimum wage is worth less than it used to be. Because of inflation, the value of the minimum wage has fallen by nearly 50 cents since 1991, and is now 27 percent lower than it was in 1979.

I know in the coming weeks we will see many statistics, graphs, and figures from supporters and opponents of raising the minimum wage. But in this debate, I do not want my colleagues to lose sight of the fact that these statistics represent people, real people who go to work every day so they can pay their bills, and have a decent place to live.

These are real people, who live in Baltimore, Annapolis, Hagerstown, and other American cities who must choose between clothing or food for their kids, between medical care or heat.

A low minimum wage contributes to the notion of ''working poor''. By raising the minimum wage, we give people a chance to help themselves, to do better for themselves and their families, and to achieve the American dream.

That is why I support this legislation to help make work pay.

THE NATIONAL SECURITY REORGANIZATION ACT

Mr. DASCHLE. Mr. President, every Member of the Senate is concerned about the national security of our country. I know each of my colleagues give serious thought and consideration to the details of how best to provide for our national defense and the strength and well-being of our Armed Forces.

And for that reason call to the attention of my colleagues a recent article by the Secretaries of State and Defense, entitled ''Foreign Policy, Hamstrung,'' which appeared in the February 13 edition of the New York Times. Secretary Warren Christopher and Secretary William Perry have joined together to present what I believe is a most cogent and informative analysis of the National Security Revitalization Act, legislation which the other body is considering today and tomorrow.

Secretaries Christopher and Perry point out that this act which is part of the so-called Contract With America that the Republican leadership of the House is rushing to pass, is in its current form, a deeply flawed piece of legislation. It is their considered opinion that the measure would undermine any President's ability to safeguard our national security and to effectively exercise his or her constitutional role of commanding our Armed Forces.

I believe we should give serious consideration to the concerned views expressed by these two able Cabinet officers, who are directly responsible for overseeing the day-to-day work of guiding our Nation's foreign and defense policies.

They believe that the act's first major flaw is that it would return the United States to a crash-schedule deployment of a costly national missile defense system designed to protect against a nonexistent credible threat to our national security. They correctly point out that such an unwarranted and expensive system would not only divert billions of scarce defense dollars from other more urgent defense needs, such as the readiness and well-being of the men and women of our Armed Forces, but that the unnecessary expenditure of funds on continental defense against a nonexistent ballistic missile threat would also be detrimental to the ongoing development of an effective theater defense system.

It is indeed ironic that while some on the other side of the aisle, both here and in the House, loudly proclaim the need for increased spending on a multibillion-dollar star wars program to defend against a theoretical intercontinental ballistic missile attack, they are, at the same time, unwilling to support the necessary funding for the Nunn-Lugar program to reduce the threat of nuclear attack by working cooperatively with Russia to dismantle the missiles and nuclear warheads which were once aimed at our cities.

Secretaries Christopher and Perry also point out that the proposed act unilaterally designates certain Eastern European states for NATO membership without consideration of the concerns and desires of other NATO members, or the readiness of the designated states to assume the military and political obligations inherent in NATO membership.

Furthermore, they contend that, by its restrictive language this act would effectively abrogate our U.N. treaty obligations to pay our share of U.N. peacekeeping operations. The end result of such short-sighted restrictive action would be the elimination of the availability to the United States of U.N. burden-sharing resources.

We in the Congress must be extraordinarily careful not to permit overzealous partisanship to encourage the hurried enactment of legislation which restricts the ability of this, or any future President of the United States, to carry out his fundamental constitutional duty to protect the national security of our Nation.

I ask unanimous consent that the article by Secretary Christopher and Secretary Perry be printed in the RECORD, and I commend it to my colleagues' attention.

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

[From the New York Times, Feb. 13, 1995]

FOREIGN POLICY, HAMSTRUNG

(By Warren Christopher and William J. Perry)

This week Congress is to consider legislation that would undermine this and every future President's ability to safeguard America's security and to command our armed forces. The measure is deeply flawed. It is called the National Security Revitalization Act, but if adopted it would endanger national security.

We are committed to working with Congress in a bipartisan fashion. But if this measure is passed in its current form, we have told the President we will recommend that he veto it.

The bill's first flaw is that it would return the United States to a crash-schedule deployment of a national missile defense, designed to protect the U.S. from missile attacks. That deployment is not justified by any existing threat to our nation's security, and it would divert billions of scarce defense dollars and other resources from more pressing needs, particularly in the area of theater missile defenses.

We are building effective theater defense systems; they will protect U.S. forces abroad, and the ports and airfields they use, from Scud-like missiles in the hands of rogue states like North Korea, Iraq and Iran. The continental U.S. does not now face a ballistic missile attack from these states. But we are not complacement. We are conducting a broad research and development program that will, in a few years, be able to deploy a national missile defense system whenever a threat emerges.

Second, the bill unilaterally and prematurely designates certain European states

for NATO membership. NATO should and will expand. NATO expansion will strengthen stability in Europe for members and nonmembers alike. But new members must be ready to undertake the obligations of membership, just as we and our allies must be ready to extend our solemn commitments to them. Our present steady and deliberate approach to NATO expansion is intended to insure that each potential member is judged individually, according to its capacity to contribute to NATO's goals.

That approach gives every new European democracy a strong incentive to consolidate reform. But if we arbitrarily lock in advantages now for some countries, we risk discouraging reforms in countries not named and fostering complacency to countries that are. Indeed, the effect of the measure before Congress could be instability in the very region whose security we seek to bolster.

Third, the bill would effectively abrogate our treaty obligation to pay our share of the cost of U.N. peacekeeping operations that we have supported in the Security Council. The bill would require us to reduce our peacekeeping dues dollar for dollar by the cost of operations we conduct voluntarily in support of U.S. interests. These operations deter aggressors, isolate parish states and support humanitarian relief in places like Bosnia and Iraq.

If we deduct the cost of our voluntary actions against our U.N. dues, it would cancel our entire peacekeeping payment. Other nations—Japan and our NATO allies—would surely follow, and U.N. peacekeeping would end. Under current circumstances, it would end U.N. peacekeeping overnight.

That would eliminate peacekeepers already stationed at important flash points like the Golan Heights on the Israel-Syria border, where U.N. forces support progress in the Middle East peace process. It would pull U.N. forces from the Iraq-Kuwait border, from Cyprus and from the former Yugoslav republic of Macedonia. In short, this bill would eliminate an effective tool for burden sharing that every President from Harry Truman to George Bush has used to advance American interests. It would leave the President with an unacceptable option whenever an emergency arose: act alone or do nothing.

The measure would also impose unnecessary, unsound and unconstitutional restrictions on the President's authority to place our troops under the operational control of another country—even a NATO ally—for U.N. operations. Our forces always remain under the command authority of the President, and we already apply the most rigorous standards when we pass even the most limited responsibility to a competent foreign commander. But the Commander-in-Chief must retain the flexibility to place troops temporarily under the operational control of officers of another nation when it serves our interests, as we did so effectively in Operation Desert Storm and in most other conflicts since the Revolution. By restricting that flexibility, the bill would undercut our ability to get the international community to respond to threats.

Effective American leadership abroad requires that we back our diplomacy with the credible threat of forces. When our vital interests are at stake, we must be prepared to act alone. And in fact, our willingness to do so is often the key to effective joint action. By mobilizing the support of other nations and leveraging our resources through alliances and institutions, we can achieve important objectives without asking American soldiers to bear all the risks, or American taxpayers to pay all the bills. That is a sensible bargain the American people support.

This Administration has worked hard to improve our consultation with the Congress on every issue raised by the National Security Revitalization Act. But in each case, what is at stake is fundamental: the authority of our President to protect the national security and to use every effective option to advance the interests of the U.S. In its present form, the bill unwisely and unconstitutionally deprives the President of the flexibility he needs to make the right choices for our nation's security.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID YES!

Mr. HELMS. Mr. President, anyone even remotely familiar with the U.S. Constitution knows that no President can spend a dime of Federal tax money that has not first been authorized and appropriated by Congress—both the House of Representatives and the U.S. Senate.

So when you hear a politician or an editor or a commentator declare that ''Reagan ran up the Federal debt'' or that ''Bush ran it up,'' bear in mind that the Founding Fathers made it very clear that it is the constitutional duty of Congress to control Federal spending.

The fiscal irresponsibility of Congress has created a Federal debt which stood at $4,807,066,615,385.66 as of the close of business Tuesday, February 14. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is $18,247.71.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Ms. SNOWE (for herself, Mr. COHEN, Mr. JEFFORDS, and Mr. LEAHY):

S. 419. A bill to grant the consent of Congress to the Texas Low-Level Radioactive Waste Disposal Compact; to the Committee on the Judiciary.

By Ms. SNOWE:

S. 420. A bill to establish limitations on the use of funds for United Nations peacekeeping activities; to the Committee on Foreign Relations.

By Mr. FORD:

S. 421. A bill to extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in Kentucky, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MCCONNELL (for himself, Mr. COVERDELL, and Mr. D'AMATO):

S. 422. A bill to authorize the appropriations for international economic and security assistance; to the Committee on Foreign Relations.

By Mr. COHEN:

S. 423. A bill to amend the Internal Revenue Code of 1986 to provide improved access to quality long-term care services, to create incentives for greater private sector participation and personal responsibility in financing such services, and for other purposes; to the Committee on Finance.

By Mr. D'AMATO:

S. 424. A bill to provide for adherence with MacBride Principles by United States persons doing business in Northern Ireland; to the Committee on Finance.

By Mr. ROCKEFELLER (for himself, Mr. AKAKA, Mr. CAMPBELL, Mr. DORGAN, and Mr. WELLSTONE):

S. 425. A bill to amend title 38, United States Code, to require the establishment in the Department of Veterans Affairs of mental illness research, education, and clinical centers, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SARBANES (for himself and Mr. WARNER):

S. 426. A bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia, and for other purposes; to the Committee on Rules and Administration.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. SNOWE:

S. Con. Res. 7. A concurrent resolution expressing the sense of the Congress that the President should not have granted diplomatic recognition to the former Yugoslav Republic of Macedonia; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MCCONNELL (for himself, Mr. COVERDELL, and Mr. D'AMATO):

S. 422. A bill to authorize the appropriations for international economic and security assistance; to the Committee on Foreign Relations.

FOREIGN AID REFORM LEGISLATION

● Mr. MCCONNELL. Mr. President, it seems to me there are two good reasons for a complete overhaul of foreign aid the world has changed and Congress has changed. The cold war is over replaced by a new, ambitious Russia, a host of violent smaller regimes, ethnic tensions, nuclear concerns, and massive refugee movements affecting even our own borders.

On the bright side, there are former communist nations actively seeking U.S. support, the flourishing of free enterprise and democracy, giant leaps in free trade and real prospects for peace in some of the most war-torn parts of the world.

Since the world has changed so dramatically, our tools of foreign policy must change with it—and one of the key tools is foreign aid.

That is the impetus for the proposal I am introducing today.

Our ability to effectively target foreign aid is crippled in large part by the outmoded and unduly complicated Foreign Assistance Act of 1961.

The 300-plus pages of this document contain 33 conflicting goals, 75 questionable priorities, which effectively tyrannize the 10,000 AID employees who carry out 1,700 projects in 89 countries.

There is no real sense of coherence, strategy, or focus to the law or our aid program. It may seem reasonable to direct the President to support a rural development program, but should we be

requiring him to protect ''community woodlots''? Maybe the law should define an ''increase in foreign crop productivity'' as an American national priority, but should we go so far as requiring the President to ''strengthen foreign systems to deliver fertilizer to farmers?'' Creating national standards for nutrition is one thing, but should the law direct U.S. assistance support a ''strategy for breast-feeding''?

While many of the goals enshrined in law may be admirable, I question whether they are American national priorities. My bill presents three clear, supportable goals: first, foreign aid must protect American security; second, foreign aid must promote American economic interests and finally, foreign aid must preserve political and regional stability.

Together with these broad goals, I want to adopt specific conditions and performance criteria. If the conditions can't be met, the program should not be funded. Throughout my tenure on the Foreign Relations Committee and the Foreign Operations Subcommittee, I can't think of a single country that has graduated from U.S. assistance.

This is partly due to the fact that we send money to countries where government policies actually defeat the prospects for real economic growth. It's in our interests to facilitate the transition to free markets, not subsidize failures.

So, as a beginning point, this bill radically changes our approach to bilateral economic aid. In the past development assistance has focused on relieving the symptoms of poverty and despair. No doubt there are people and communities where the quality of life has improved somewhat. But by any standard, the fact is most poor countries are still poor and that is largely because of government practices and policies.

This bill starts from scratch. Development assistance, economic support funds and related programs are eliminated and instead I have established a new, smaller bilateral economic aid account. Funds can only be spent in countries committed to the road to free-market reform.

Aid will flow if a government encourages free trade and investment, protects private property, ownership and interests, limits state control of financial institutions, production and manufacturing and restricts interference in establishing wages and prices.

Several weeks ago at the Miami summit we heard 33 nations extol the merits of trade not aid. Chile's impressive record may have had a great deal to do with this hemispheric shift in emphasis.

In 1970, it had the twin distinction of being the world's largest recipient of U.S. aid per capita and being an economic basket case. Setting aside wrenching internal political events, once cut loose from aid dependency, Chile implemented a comprehensive free-market system, turned an economic corner and the rest, as they say, is history. The success of these reforms is evident in the fact that Chile's economic strength has opened the door to early membership in NAFTA.

Chile offers a good lesson in why foreign aid fails. If countries resist market reforms no amount of aid will improve economic or political conditions.

Absent meaningful reforms, foreign aid, like crack for an addict, only fuels failure.

The only way to break the devastating cycle of dependency is to end foreign aid entitlement programs, to change our economic aid agenda.

We should be contributing to a cure, supporting and energizing economic growth and opportunity, not just offering temporary relief from symptoms.

Why? Well setting aside altruistic motives, it is in our economic interests to encourage countries to embrace free-market principles. As we turn the corner on this century, it is clear our own economic health and progress, improving and expanding American job opportunities are closely tied to export opportunities in developing countries.

This mutually enriching scenario depends upon changing how we administer foreign aid—aid must become performance based.

Beyond defining broad goals and performance based economic aid strategy, the bill also funds specific national priorities. As drafted, the bill creates two separate titles—one for Europe and the NIS and the other for the Middle East.

There is little question in my mind that the security interests of our Nation are directly affected by stability in the Middle East and Europe. In the former, the administration has actively pursued a comprehensive peace agreement. Whether or not negotiations produce sound, durable agreements, the United States has ongoing interests driven by a number of issues including our close alliance with Israel, the important relationship with Egypt, as well as concerns about political extremism, energy security and terrorism.

I believe our assistance supports vital American interests in the region and should be sustained.

Turning to the second region where I think we have vital interest, the bill provides $350 million for Eastern Europe and the Baltics and $750 million for assistance to the New Independent States of the former Soviet Union. Within the NIS account, the bill earmarks funds for Ukraine, Armenia, and Georgia.

I also toughen conditions on Russian aid. No funds can be provided if there is any evidence the government is directing or supporting the violation of another nation's territory or sovereignty.

Beyond the NIS, many of my colleagues share a concern about expanding the sphere of NATO's stabilizing influence. This bill builds on this interest and targets excess defense articles and IMET for the Baltic nations and the Visegrad group.

In addition, as an alternative to Russia's ambition to exercise a unilateral security role in the region, I earmark money for a training and support of a joint peacekeeping battalion for the Baltics. This was a program the President announced in Riga this summer and then immediately told Congress, he was diverting the funding to Haiti. This reversal was a serious mistake which the bill corrects.

This bill not only spells out what needs to be done, but which agency should do it.

There are two major structural changes: first, trade and export promotion efforts are consolidated. The Trade Development Agency and the Overseas Private Investment Corporation are merged and the funding level is boosted.

One clear way to strengthen popular support for foreign aid is to make it more effectively serve American business interests—as I mentioned, American jobs, exports, and income depend on it.

Second, the bill abolishes AID and consolidates the agency's functions under the Secretary of State. This recommendation reflects my view that U.S. foreign aid must better serve U.S. foreign policy interests. The connection between U.S. aid and U.S. interests has been lost with agencies acting wholly independent of our collective interests and common good.

And, there is no more compelling illustration of the problem than the difficulties which plague the NIS program. Here you have the first major initiative since the Marshall plan. It enjoys the President's personal attention and bipartisan support in Congress—if anything was designed to work it should have been our NIS effort.

Instead, bureaucratic redundancy has allowed AID to blame the State Department, State to blame AID—and when all else fails, both blame the host government for not asking for a program in the first place.

But for a combination of these excuses, we could have had an aggressive effort underway 2 years ago—helping lay a foundation for a legal and commercial code protecting citizens and property throughout the NIS.

Instead, Judge Freeh has been put in the unfortunate position of playing catch-up with an international Mafia capable of undermining the successful transition to free markets throughout the region, not to mention engaging in nuclear terrorism against the United States.

Let me add one more point on the need to reorganize the foreign policy bureaucracy.

I have only addressed issues that fall directly within the jurisdiction of the Foreign Operations Subcommittee. Given the opportunity, I would also recommend consolidating USIA activities under the State Department and abolish ACDA altogether.

It makes no sense not to have the agency responsible for communicating U.S. interests separate and apart from the agency it serves. The State Department and USIA are integrated overseas and should be here at home. As for ACDA, it is completely unclear what they do that couldn't be done by the Undersecretary for International Security Affairs. Since these agencies are beyond the jurisdiction of my subcommittee, I will leave their reorganization and funding to the good judgment of Senator HELMS and Senator GRAMM.

This bill is a new lease on life for American assistance programs. Although drafted here in Congress, I should point out that I worked hard to assure that we do not micromanage the process.

Presidential flexibility is clearly preserved in general, by broadening goals and specifically by maintaining various waiver and transfer authorities, although I have restructured them somewhat to address a number of problems which have developed in the past several years.

Recently, the administration has increased its use of waivers to move forward with programs which I think everyone would agree are controversial. The fact that waivers have been so frequently invoked at the last possible minute, suggest one of two things: either the administration is incapable of even short-term planning or they are intentionally undermining the congressional notification and consultation process.

I am not prepared to pass judgment at this stage, but let me point out that waiver authorities included in this bill in sections 208, 701, and 703 must now either meet a national security interests test or Congress must be notified in advance of the use of the waiver.

Let me conclude by summing up where my bill takes foreign aid: First, I clearly define American interests; second, I set standards for performance; third, I fund American priorities in the Middle East and Europe and, fourth, I reorganize the bureaucracy so that foreign aid better serves our foreign interests.

If we don't produce real changes in how we administer foreign aid—soon—we will end up with no foreign aid at all.

In 1961, when he transmitted the Foreign Assistance Act to the Hill, President John Kennedy said:

> No objective supporter of foreign aid can be satisfied with the existing program—actually a multiplicity of programs. Bureaucratically fragmented, awkward and slow, its administration is diffused over a haphazard and irrational structure covering at least four departments and several agencies. The program is based on a series of legislative measures and administrative procedures conceived at different times for different purposes, many of them obsolete, inconsistent and unduly rigid and thus unsuited for our present needs and purposes. Its weaknesses have begun to undermine our confidence in our effort both here and abroad.

Forty-four years later, President Kennedy's words couldn't be more accurate.

Let me conclude by expressing my appreciation to Senator COVERDELL and Senator D'AMATO who have joined in cosponsoring this measure. When I released this bill in December, Senator COVERDELL was quick to point out many features which he supported and one which caused him serious concern. It is in deference to his considerable expertise and strong views that I revised my original draft and removed the Peace Corps from my reorganization plan.

I look forward to working with Senator COVERDELL and his colleagues on the Foreign Relations Committee to reform the foreign aid and policy process. Let me pay special recognition to the committee chairman, Senator HELMS, whose leadership is crucial to changing the way this country carries out both its foreign policy and foreign aid agenda. It is my hope that working together in the authorization and appropriations process we can take advantage of a unique moment in history and complete a comprehensive reorganization of the foreign policy bureaucracy.●

● Mr. COVERDELL. Mr. President, I am pleased to join my friend from Kentucky, Senator MCCONNELL, in introducing legislation to overhaul our current foreign aid program. I commend him on his efforts and his leadership in this matter, and look forward to working with him and others to forge a new foreign assistance framework for the 21st century.

That foreign aid reform is needed is clear. Amazingly, after 32 years, the Foreign Assistance Act of 1961 remains the basic statute for our foreign aid program. Since then, the world has changed in ways few could have imagined. The collapse of Soviet influence, the growing interdependence of markets and the regionalization of conflict are realities that face this Congress and the American people. Reform efforts must be as sweeping as the changes that have made them necessary.

By almost any standard by which Congress evaluates programs, foreign aid has fallen short. Despite years of U.S. assistance, few countries have been able to make the transition from poor to developed. Examples of countries graduating from U.S. assistance to self-sufficiency are few and far between. While many nations have made serious efforts to help themselves, U.S. assistance is all too often a disincentive to economic reform and real growth. As a result, most Americans hold foreign aid in contempt. Their frustration is understandable, but it must be changed if we are to remain world leaders.

The world has changed dramatically, demanding a new foreign aid apparatus to address the new international environment. In this current climate of global unpredictability an shrinking budget resources, a new approach is needed. The bill we are introducing today meets that challenge. It states very simply that foreign assistance should meet three goals: It must protect American security, promote American economic interests, and preserve political and regional stability.

To meet these goals, our bill consolidates bureaucracies originally designed to meet the cold-war reality, and streamlines them in order to meet the new security environment. It provides additional resources to assist and promote U.S. economic interests oversees, creating more jobs and opportunities here at home. Our bill addresses what I believe has been a dangerous trend toward subcontracting our unique military capability to international institutions by prohibiting voluntary peacekeeping funds from being used to support U.S. personnel under U.N. command. Finally, the legislation anchors United States strategic interested throughout the globe by maintaining our commitment to the Middle East and Europe.

Additionally, I would like to thank Senator MCCONNELL for his cooperation in another matter regrading this legislation. As originally written, this bill would have folded the U.S. Peace Corps into the State Department. As former Director of the Peace Corps, I believe such a move would ultimately have detracted from the effectiveness and efficiency of the organization. The safety of Peace Corps volunteers, in my judgment, depends on its independent status. I raised these concerns with Senator MCCONNELL, and I appreciate his willingness to remove this provision.

To close, I want to commend the Senator from Kentucky for his hard work in this matter. Prudently managed, properly targeted foreign aid serves the national interests of the Untied States. Our challenge is to build a system that does both. I am proud to be included in this effort, and will continue to work toward the principles and objectives outlined in this legislation.●

By Mr. COHEN:

S. 423. A bill to amend the Internal Revenue Code of 1986 to provide improved access to quality long-term care services, to create incentives for greater private sector participation and personal responsibility in financing such services, and for other purposes; to the Committee on Finance.

THE PRIVATE LONG-TERM CARE PROTECTION ACT OF 1995

● Mr. COHEN. Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

SECTION-BY-SECTION SUMMARY OF THE PRIVATE LONG-TERM CARE PROTECTION ACT OF 1995

Purpose: The Cohen legislation is designed to provide improved access to long term care services. An emphasis is placed on removing tax barriers and creating incentives which encourage individuals and their families to finance their future long term care needs.

The bill creates consumer protection standards for long term care insurance, and provides incentives and public education to encourage the purchase of private long term care insurance.

TITLE I—TAX TREATMENT OF LONG TERM CARE INSURANCE

Sec. 101. Qualified long term care services treated as medical expenses

Section 213 of the Internal Revenue Code is clarified to allow qualified individuals to deduct out-of-pocket long term care services as medical expenses subject to a floor of 7.5 percent of adjusted gross income. Qualified long term care services include necessary diagnostic, preventive, therapeutic, rehabilitative, maintenance and personal care performed in either a residential or nonresidential setting. Qualified individuals must be determined by a licensed professional or qualified community case manager to be unable to perform without substantial assistance at least two activities of daily living (ADLs) or suffer from a moderate cognitive impairment.

Sec. 102. Treatment of long term care insurance

Section 213 is also amended to allow qualified long term care insurance premiums to be deducted as medical insurance subject to the 7.5 percent-of-adjusted-gross-income-floor. Qualified long term care insurance premiums are also deductible as a business expense and employer-provided long term care insurance is excluded from an employee's taxable income. A qualified long term care insurance policy must meet the regulatory standards as established in Title II.

Sec. 103. Treatment of qualified long term care policies

Benefits paid under qualified long term care insurance policies would be excluded from income under section 105(c) ''Payments Unrelated to Absence from Work'', and employer-paid long term care insurance would be a tax free employee fringe benefit.

The daily benefit cap for all long term care policies would be established at $200 per day and indexed for inflation. There is no ''cliff'' on per diem distributions, meaning that only payments above the established cap are treated as income.

• Private long-term care insurance is exempt from the continuation of coverage requirements created by COBRA. In addition, long-term care will be considered a ''qualified benefit'' that may be included in a cafeteria plan.

Sec. 105. Tax treatment of accelerated death benefits under life insurance contracts

Clarifies that an accelerated death benefit received by an individual on the life of an insured who is terminally ill individual (expected to die within 12 months) is excluded from taxable income as payment by reason of death.

TITLE II. STANDARDS FOR LONG-TERM CARE INSURANCE

Sec. 201. National Long-Term Care Insurance Advisory Panel

Establishes a national advisory board to help implement the long-term care consumer protection standards, and educate the public, insurers, providers and other regulatory bodies of issues related to long-term care insurance.

Sec. 202. Policy requirements

Insurers are required to meet the National Association of Insurance Commissioners (NAIC) January 1, 1993 standards for long-term insurance. Additional federal requirements include: a mandatory offer of nonforfeiture benefits, rate stabilization, minimum rate guarantees, limits and notification of increases on premiums and reimbursement mechanisms for long-term care policies. Policies that do not meet these consumer protection standards would be denied the favorable tax treatment described in Section I.

Sec. 203. Additional requirements for issuers of long-term care insurance policies

A penalty of $100 per day per policy shall be imposed on long-term care issuers failing to meet the minimum federal standards as outlined in this section. The civil monetary penalty per policy may not exceed $25,000 against carriers, and may not exceed $15,000 per policy against insurance agents.

Sec. 204. Coordination with State requirements

A State retains the authority to apply additional standards or regulations that provide greater protection of policyholders of long-term care insurance.

Sec. 205. Uniform language and definitions

The National Advisory Council shall issue standards for the use of uniform language and definitions in long-term care insurance policies, with permissible variations to take into account differences in State licensing requirements for long-term care providers.

TITLE III—INCENTIVES TO ENCOURAGE THE PURCHASE OF PRIVATE INSURANCE

Sec. 301. Public information and education programs

The Secretary of Health and Human Services is directed to establish a program designed to educate individuals on the risks of incurring catastrophic long-term care costs and the coverage options available to insure against this risk. Education should increase consumers knowledge of the lack of coverage for long-term care in Medicare, Medigap and most private health insurance policies and explain the various benefits and features of private long-term care insurance.

Sec. 302. Assets or resources disregarded under the Medicaid program

Amends Section 1917(b) of the Social Security Act, related to Medicaid Estate Recoveries, to allow for States to establish asset protection programs for individuals who purchase qualified long-term care insurance policies, without requiring States to recover such assets upon a beneficiaries death. This provision is aimed at encouraging more middle-income persons to purchase long-term care insurance by allowing individuals to keep a limited amount of assets and still qualify for Medicaid, if they have purchased long-term care insurance.

States that develop asset protection programs to encourage private insurance purchase are required to conform with uniform reporting and documentation requirements established by the Secretary of Health and Human Services.

Sec. 303. Distributions from individual retirement accounts for the purchase of long-term care insurance coverage

Individuals above 59½ are allowed tax-free distributions from an IRA or an individual retirement annuity for the purchase of a long-term policy. This provision also allows individuals below the age of 59½ to withdraw from their individual retirement account without penalty in order to purchase a qualified long-term care plan. Individuals who obtain tax-free distributions from their IRA or individual retirement annuity would be restricted from deducting their long-term care insurance premium as a medical expense under Title I of this act.•

By Mr. D'AMATO:

S. 424. A bill to provide for adherence with MacBride Principles by United States persons doing business in Northern Ireland; to the Committee on Finance.

THE NORTHERN IRELAND FAIR EMPLOYMENT PRACTICES ACT

• Mr. D'AMATO. Mr. President, I rise today to offer the Northern Ireland Fair Employment Practices Act. This legislation seeks to deter efforts to use the work place as an arena of discrimination in Northern Ireland. I am pleased that my colleague from New York, Representative BEN GILMAN, chairman of the House International Affairs Committee has introduced this bill, H.R. 470, in the House.

The Northern Ireland Fair Employment Practices Act incorporates the MacBride Principles, which are modeled after the famous Sullivan Principles, one of the initial efforts to apply United States pressure to change the system of apartheid in South Africa. The MacBride Principles are named in honor of the late Sean MacBride, winner of the Nobel Peace Prize and cofounder of Amnesty International.

This amendment will enlist the cooperation of United States companies active in Northern Ireland in the campaign to force the end of discrimination in the workplace by:

First, eliminating religious discrimination in managerial, supervisory, administrative, clerical, and technical jobs and significantly increasing the representation in such jobs of individuals from underrepresented religious groups;

Second, providing adequate security for the protection of minority employees at the workplace;

Third, banning provocative sectarian and political emblems from the workplace;

Fourth, publicly advertising all job openings and undertaking special recruitment efforts to attract applicants from underrepresented religious groups, and establishing procedures to identify and recruit minority individuals with potential for further advancement, including managerial programs;

Fifth, establishing layoff, recall, and termination procedures which do not favor particular religious groupings;

Sixth, abolishing job reservations, apprenticeship restrictions, and differential employment criteria which discriminate on the basis of religious or ethnic origin;

Seventh, developing and expanding upon existing training and educational programs that will prepare substantial numbers of minority employees for managerial, supervisory, administrative, clerical, and technical jobs; and

Eighth, appointing a senior management staff member to oversee the U.S. company's compliance with the principles described above.

It is at the workplace in Northern Ireland, which can be used to either foster or eliminate discrimination, where improving the employment opportunities for the underprivileged will help factor out the economic causes of the current strife in Northern Ireland

and, hopefully, begin the process toward a peaceful resolution of the so-called troubles.

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

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

S. 424

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Northern Ireland Fair Employment Practices Act''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Overall unemployment in Northern Ireland exceeds 14 percent.

(2) Unemployment in some neighborhoods of Northern Ireland comprised of religious minorities has exceeded 70 percent.

(3) The British Government Fair Employment Commission (F.E.C.), formerly the Fair Employment Agency (F.E.A.), has consistently reported that a member of the minority community is two and one-half times more likely to be unemployed than a member of the majority community.

(4) The Industrial Development Organization for Northern Ireland lists twenty-five firms in Northern Ireland which are controlled by United States persons.

(5) The Investor Responsibility Research Center (IRRC), Washington, District of Columbia, lists forty-nine publicly held and nine privately held United States companies doing business in Northern Ireland.

(6) The religious minority population of Northern Ireland is frequently subject to discriminatory hiring practices by United States businesses which have resulted in a disproportionate number of minority individuals holding menial and low-paying jobs.

(7) The MacBride Principles are a nine point set of guidelines for fair employment in Northern Ireland which establishes a corporate code of conduct to promote equal access to regional employment but does not require disinvestment, quotas, or reverse discrimination.

SEC. 3. RESTRICTION ON IMPORTS.

An article from Northern Ireland may not be entered, or withdrawn from warehouse for consumption, in the customs territory of the United States unless there is presented at the time of entry to the customs officer concerned documentation indicating that the enterprise which manufactured or assembled such article was in compliance at the time of manufacture with the principles described in section 5.

SEC. 4. COMPLIANCE WITH FAIR EMPLOYMENT PRINCIPLES.

(a) COMPLIANCE.—Any United States person who—

(1) has a branch or office in Northern Ireland, or

(2) controls a corporation, partnership, or other enterprise in Northern Ireland,

in which more than twenty people are employed shall take the necessasry steps to insure that, in operating such branch, office, corporation, partnership, or enterprise, those principles relating to employment practices set forth in section 5 are implemented and this Act is complied with.

(b) REPORT.—Each United States person referred to in subsection (a) shall submit to the Secretary—

(1) a detailed and fully documented annual report, signed under oath, on showing compliance with the provisions of this Act; and

(2) such other information as the Secretary determines is necessary.

SEC. 5. MACBRIDE PRINCIPLES.

The principles referred to in section 4, which are based on the MacBride Principles, are as follows:

(1) Eliminating religious discrimination in managerial, supervisory, administrative, clerical, and technical jobs and significantly increasing the representation in such jobs of individuals from underrepresented religious groups.

(2) Providing adequate security for the protection of minority employees at the workplace.

(3) Banning provocative sectarian and political emblems from the workplace.

(4) Advertising publicly all job openings and undertaking special recruitment efforts to attract applicants from underrepresented religious groups.

(5) Establishing layoff, recall, and termination procedures which do not favor particular religious groupings.

(6) Providing equal employment for all employees, including implementing equal and nondiscriminatory terms and conditions of employment for all employees, and abolishing job reservations, apprenticeship restrictions, and differential employment criteria, which discriminate on the basis of religion or ethnic origin.

(7) Developing training programs that will prepare substantial numbers of minority employees for managerial, supervisory, administrative, clerical, and technical jobs, including—

(A) expanding existing programs and forming new programs to train, upgrade, and improve the skills of all categories of minority employees;

(B) creating on-the-job training programs and facilities to assist minority employees to advance to higher paying jobs requiring greater skills; and

(C) establishing and expanding programs to enable minority employees to further their education and skills at recognized education facilities.

(8) Establishing procedures to assess, identify, and actively recruit minority individuals with potential for further advancement, and identifying those minority individuals who have high management potential and enrolling them in accelerated management programs.

(9) Appointing a senior management staff member to oversee the United States person's compliance with the principles described in this section.

SEC. 6. WAIVER OF PROVISIONS.

(a) WAIVER OF PROVISIONS.—In any case in which the President determines that compliance by a United States person with the provisions of this Act would harm the national security of the United States, the President may waive those provisions with respect to that United States person. The President shall publish in the Federal Register each waiver granted under this section and shall submit to the Congress a justification for granting each such waiver. Any such waiver shall become effective at the end of ninety days after the date on which the justification is submitted to the Congress unless the Congress, within that ninety-day period, adopts a joint resolution disapproving the waiver. In the computation of such ninety-day period, there shall be excluded the days on which either House of Congress is not in session because of an adjournment of more than three days to a day certain or because of an adjournment of the Congress sine die.

(b) CONSIDERATION OF RESOLUTIONS.—

(1) Any resolution described in subsection (a) shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(2) For the purpose of expediting the consideration and adoption of a resolution under subsection (a) in the House of Representatives, a motion to proceed to the consideration of such resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.

SEC. 7. DEFINITIONS AND PRESUMPTIONS.

(a) DEFINITIONS.—For the purpose of this Act—

(1) the term ''United States person'' means any United States resident or national and any domestic concern (including any permanent domestic establishment of any foreign concern);

(2) the term ''Secretary'' means the Secretary of Commerce; and

(3) the term ''Northern Ireland'' includes the counties of Antrim, Armagh, Londonderry, Down, Tyrone, and Fermanagh.

(b) PRESUMPTION.—A United States person shall be presumed to control a corporation, partnership, or other enterprise in Northern Ireland if—

(1) the United States person beneficially owns or controls (whether directly or indirectly) more than 50 percent of the outstanding voting securities of the corporation, partnership, or enterprise;

(2) the United States person beneficially owns or controls (whether directly or indirectly) 25 percent or more of the voting securities of the corporation, partnership, or enterprise, if no other person owns or controls (whether directly or indirectly) an equal or larger percentage;

(3) the corporation, partnership, or enterprise is operated by the United States person pursuant to the provisions of an exclusive management contract;

(4) a majority of the members of the board of directors of the corporation, partnership, or enterprise are also members of the comparable governing body of the United States person;

(5) the United States person has authority to appoint the majority of the members of the board of directors of the corporation, partnership, or enterprise; or

(6) the United States person has authority to appoint the chief operating officer of the corporation, partnership, or enterprise.

SEC. 8. EFFECTIVE DATE.

This Act shall take effect six months after the date of enactment of this Act.●

By Mr. ROCKEFELLER (for himself, Mr. AKAKA, Mr. CAMPBELL, Mr. DORGAN, and Mr. WELLSTONE):

S. 425. A bill to amend title 38, United States Code, to require the establishment in the Department of Veterans Affairs of mental illness research, education, and clinical centers, and for other purposes; to the Committee on Veterans' Affairs.

THE VA MENTAL HEALTH CARE IMPROVEMENT ACT OF 1995

● Mr. ROCKEFELLER. Mr. President, I am proud to introduce legislation that would establish up to five centers of excellence in the area of mental illness at existing VA health care facilities. These centers, to be known as mental illness research, education, and clinical centers [MIRECC's] would be a vitally important and integral link in VA's efforts in the areas of research, education, and furnishing of clinical care

to veterans suffering from mental illness. I am delighted to be joined in introducing this bill by Senators AKAKA, CAMPBELL, DORGAN, and WELLSTONE.

Mr. President, the need to improve services to mentally ill veterans has been recognized for a number of years. For example, the October 20, 1985, report of the Special Purposes Committee to Evaluate the Mental Health and Behavioral Sciences Research Program of the VA, chaired by Dr. Seymour Kety—generally referred to as the Kety Committee—concluded that research on mental illness and training for psychiatrists and other mental health specialists at VA facilities were totally inadequate. The Kety report noted that about 40 percent of VA beds are occupied by veterans who suffer from mental disorders, yet less than 10 percent of VA's research resources are directed toward mental illness.

Little has changed since that report. Information provided to the Committee on Veterans' Affairs at our August 3, 1993, hearing showed that the percentage of VA patients suffering with mental illness continues to hover over the same 40 percent rate found by the Kety Committee. Likewise, VA's research on mental illness has not increased to any appreciable extend and was estimated to be approximately 12 percent.

Mr. President, VA provides mental health services to more than one half to three quarters of a million veterans each year, yet in the decade between the time the Kety Committee began its work and now, there has not been a significant effort to focus VA's resources on the needs of mentally ill veterans. Among the recommendations of the Kety Committee was one that VA centers of excellence be established to develop first-rate psychiatric research programs within VA. Such centers, in the view of the Kety Committee, would provide state-of-the-art treatment, increase innovative basic and clinical research opportunities, and enhance and encourage training and treatment of mental illness.

Based on the recommendations of the Kety Committee, the Committee on Veterans' Affairs began efforts more than 6 years ago to encourage research into mental illnesses and to establish centers of excellence. For example, on May 20, 1988, Public Law 100–322 was enacted which included a provision to add an express reference to mental illness research in the statutory description of VA's medical research mission which is set forth in section 7303(a)(2) of title 38.

At that time, the committee—see S. Rept. 100–215, page 138—urged VA to establish three center of excellence, or MIRECC's, as proposed by the Kety Committee. In March 1992, Senator Cranston, then chairman of the Committee on Veterans' Affairs, noted that the VA had not taken any action to implement those recommendations. I unfortunately must tell you today that the VA still has done little to implement the recommendations of the Kety committee and has made no progress on the establishment of centers of excellence.

Mr. President, I also note that the January 1991 final report of the blue ribbon VA Advisory Committee for Health Research Policy recommended the establishment of MIRECC's as a means of increasing opportunities in psychiatric research and encouraging the formulation of new research initiatives in mental health care, as well as maintaining the intellectual environment so important to quality health care. The report stated that these ''centers could provide a way to deal with the emerging priorities in the VA and the Nation at large.''

In light of VA's failure to act administratively to establish these centers of excellence, our committee has developed legislation to accomplish this objective. The proposed MIRECC's legislation is patterned after the legislation which created the very successful geriatric research, education, and clinical centers [GRECC's], section 302 of Public Law 96–330, enacted in 1980. The MIRECC's would be designed first, to congregate at one facility clinicians and research investigators with a clear and precise clinical research mission, such as PTSD, schizophrenia, or drug abuse and alcohol abuse; second, to provide training and educational opportunities for students and residents in psychiatry, psychology, nursing, social work, and other professions which treat individuals with mental illness; and third, to develop new models of effective care and treatment for veterans with mental illnesses, especially those with service-connected conditions.

The establishment of MIRECC's should encourage research into outcomes of various types of treatment for mental illnesses, an aspect of mental illness research which, to date, has not been fully pursued, either by VA or other researchers. The bill would promote the sharing of information regarding all aspects of MIRECC's activities throughout VHA by requiring the Chief Medical Director to develop continuing education programs at regional medical education centers.

Finally, beginning February 1, 1997, the Secretary would be required to submit to the two Veterans' Affairs Committees annual reports on the research, education, and clinical care activities at each MIRECC and on the efforts to disseminate the information throughout the VA health care system.

At our committee hearing on August 3, 1993, numerous witnesses, including Dr. John Lipkin, representing the American Psychiatric Association, and Mr. Richard Greer, representing the National Alliance for the Mentally Ill, testified in favor of the MIRECC legislation. All of the veterans service organizations testifying at the hearing—the American Legion, Veterans of Foreign Wars, Disabled American Veterans, and Paralyzed Veterans—supported the enactment of MIRECC legislation.

Mr. President, the VA for too long has made inadequate efforts to improve research and treatment of mentally ill veterans and to foster educational activities designed to improve the capabilities of VA mental health professionals. The establishment of MIRECC's will be a significant step forward in improving care for some of our neediest veterans. I am hopeful that this long recognized need will become more than a forgotten want item for veterans who suffer, in many cases, in silence.

The Committee on Veterans' Affairs has reported, and the Senate has passed, comparable legislation in each of the last three Congresses. I hope to bring this legislation before the Committee on Veterans' Affairs soon and remain optimistic that we can move forward with this important legislation.

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

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

S. 425

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MENTAL ILLNESS RESEARCH, EDUCATION, AND CLINICAL CENTERS.

(a) IN GENERAL.—Subchapter II of chapter 73 of title 38, United States Code, is amended by adding at the end the following:

''§ 7319. Mental illness research, education, and clinical centers

''(a) The purpose of this section is to improve the provision of health-care services and related counseling services to eligible veterans suffering from mental illness, especially mental illness related to service-related conditions, through research (including research on improving mental health service facilities of the Department and on improving the delivery of mental health services by the Department), education and training of personnel, and the development of improved models and systems for the furnishing of mental health services by the Department.

''(b)(1) In order to carry out the purpose of this section, the Secretary, upon the recommendation of the Under Secretary for Health and pursuant to the provisions of this subsection, shall—

''(A) designate not more than five health-care facilities of the Department as the locations for a center of research on mental health services, on the use by the Department of specific models for furnishing such services, on education and training, and on the development and implementation of innovative clinical activities and systems of care with respect to the delivery of such services by the Department; and

''(B) subject to the appropriation of funds for such purpose, establish and operate such centers at such locations in accordance with this section.

''(2) The Secretary shall designate at least one facility under paragraph (1) not later than January 1, 1996.

''(3) The Secretary shall, upon the recommendation of the Under Secretary for Health, ensure that the facilities designated for centers under paragraph (1) are located in various geographic regions.

''(4) The Secretary may not designate any health-care facility as a location for a center under paragraph (1) unless—

''(A) the peer review panel established under paragraph (5) has determined under that paragraph that the proposal submitted by such facility as a location for a new center under this subsection is among those proposals which have met the highest competitive standards of scientific and clinical merit; and

''(B) the Secretary, upon the recommendation of the Under Secretary for Health, determines that the facility has developed (or may reasonably be anticipated to develop)—

''(i) an arrangement with an accredited medical school which provides education and training in psychiatry and with which the facility is affiliated under which arrangement residents receive education and training in psychiatry through regular rotation through the facility so as to provide such residents with training in the diagnosis and treatment of mental illness;

''(ii) an arrangement with an accredited graduate school of psychology under which arrangement students receive education and training in clinical, counseling, or professional psychology through regular rotation through the facility so as to provide such students with training in the diagnosis and treatment of mental illness;

''(iii) an arrangement under which nursing, social work, or allied health personnel receive training and education in mental health care through regular rotation through the facility;

''(iv) the ability to attract scientists who have demonstrated creativity and achievement in research—

''(I) into the evaluation of innovative approaches to the design of mental health services; or

''(II) into the causes, prevention, and treatment of mental illness;

''(v) a policymaking advisory committee composed of appropriate mental health-care and research personnel of the facility and of the affiliated school or schools to advise the directors of the facility and the center on policy matters pertaining to the activities of the center during the period of the operation of the center; and

''(vi) the capability to evaluate effectively the activities of the center, including activities relating to the evaluation of specific efforts to improve the quality and effectiveness of mental health services provided by the Department at or through individual facilities.

''(5)(A) In order to provide advice to assist the Under Secretary for Health and the Secretary to carry out their responsibilities under this section, the official within the Central Office of the Veterans Health Administration responsible for mental health and behavioral sciences matters shall establish a panel to assess the scientific and clinical merit of proposals that are submitted to the Secretary for the establishment of new centers under this subsection.

''(B) The membership of the panel shall consist of experts in the fields of mental health research, education and training, and clinical care. Members of the panel shall serve as consultants to the Department for a period of no longer than six months.

''(C) The panel shall review each proposal submitted to the panel by the official referred to in subparagraph (A) and shall submit its views on the relative scientific and clinical merit of each such proposal to that official.

''(D) The panel shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

''(c) Clinical and scientific investigation activities at each center may compete for the award of funding from amounts appropriated for the Department of Veterans Affairs medical and prosthetics research account and shall receive priority in the award of funding from such account insofar as funds are awarded to projects and activities relating to mental illness.

''(d) The Under Secretary for Health shall ensure that at least three centers designated under subsection (b)(1)(A) emphasize research into means of improving the quality of care for veterans suffering from mental illness through the development of community-based alternatives to institutional treatment for such illness.

''(e) The Under Secretary for Health shall ensure that useful information produced by the research, education and training, and clinical activities of the centers established under subsection (b)(1) is disseminated throughout the Veterans Health Administration through publications and through programs of continuing medical and related education provided through regional medical education centers under subchapter VI of chapter 74 of this title and through other means.

''(f) The official within the Central Office of the Veterans Health Administration responsible for mental health and behavioral sciences matters shall be responsible for supervising the operation of the centers established pursuant to subsection (b)(1).

''(g)(1) There are authorized to be appropriated for the Department of Veterans Affairs for the basic support of the research and education and training activities of the centers established pursuant to subsection (b)(1) the following:

''(A) $3,125,000 for fiscal year 1996.

''(B) $6,250,000 for each of fiscal years 1997 through 1999.

''(2) In addition to the funds available under the authorization of appropriations in paragraph (1), the Under Secretary for Health shall allocate to such centers from other funds appropriated generally for the Department of Veterans Affairs medical care account and the Department of Veterans Affairs medical and prosthetics research account such amounts as the Under Secretary for Health determines appropriate in order to carry out the purposes of this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 of such title is amended by adding at the end of the matter relating to subchapter II the following:

''7319. Mental illness research, education, and clinical centers.''.

(c) REPORTS.—Not later than February 1 of each of 1997, 1998, and 1999, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the status and activities during the previous fiscal year of the mental illness, research, education, and clinical centers established pursuant to section 7319 of title 38, United States Code (as added by subsection (a)). Each such report shall contain the following:

(1) A description of—

(A) the activities carried out at each center and the funding provided for such activities;

(B) the advances made at each center in research, education and training, and clinical activities relating to mental illness in veterans; and

(C) the actions taken by the Under Secretary for Health pursuant to subsection (d) of such section (as so added) to disseminate useful information derived from such activities throughout the Veterans Health Administration.

(2) The Secretary's evaluations of the effectiveness of the centers in fulfilling the purposes of the centers.●

By Mr. SARBANES (for himself and Mr. WARNER):

S. 426. A bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia, and for other purposes; to the Committee on Rules and Administration.

REVEREND DR. MARTIN LUTHER KING, JR, MEMORIAL LEGISLATION

● Mr. SARBANES. Mr. President, since 1926 this Nation has designated February as the month to honor the contributions of African-Americans and their proud heritage, which has so powerfully enriched our land. As we honor the accomplishments of African-American citizens throughout the country, I wanted to bring to the attention of my colleagues legislation introduced today by myself and the distinguished Senator from Virginia, Senator WARNER, to recognize and honor Dr. Martin Luther King, Jr.

As you know, Dr. King's life was one of extraordinary accomplishments and has had a significant and lasting impact on our Nation's history. The legislation Senator WARNER and I have introduced today would recognize these accomplishments by authorizing the Alpha Phi Alpha Fraternity, the oldest African-American fraternity in the United States, to establish a monument to Dr. King on Federal land in the District of Columbia. Identical legislation passed the Senate in the 102d Congress with 60 cosponsors, but was unfortunately not passed by the House of Representatives before adjournment sine die.

Pursuant to this proposal, the Alpha Phi Alpha Fraternity of which Dr. King was a member, will coordinate the design and funding of the monument. The bill provides that the monument be established entirely with private contributions at no cost to the Federal Government. The Department of the Interior, in consultation with the National Capital Park and Planning Commission and the Commission on Fine Arts, will select the site and approve the design.

Alpha Phi Alpha was founded in 1906 at Cornell University and has hundreds of chapters across the country and many prominent citizens as members, including the late Supreme Court Justice Thurgood Marshall. Alpha Phi Alpha has strongly endorsed the Martin Luther King, Jr. Memorial project and is committing its considerable human resources to the project's development.

Since 1955, when in Montgomery, AL, Dr. King became a national hero and an acknowledged leader in the civil rights struggle, until his tragic death in Memphis, TN in 1968, Martin Luther King, Jr. made an extraordinary contribution to the evolving history of our Nation. His courageous stands and unyielding belief in the tenent of nonviolence reawakened our Nation to the injustice and discrimination which continued to exist 100 years after the Emancipation Proclamation and the

enactment of the guarantees of the 14th and 15th amendments to the Constitution.

A memorial to Dr. King erected in the nation's Capital will provide continuing inspiration to all who visit it, and particularly to the thousands of students and young people who visit Washington, DC every year. While these young people may have no personal memory of the condition of civil rights in America before Dr. King, nor of the struggle in which he was the major figure, they do understand that there is much more that still needs to be done. As Coretta King said so articulately:

> Young people in particular need nonviolent role models like him. In many ways, the Civil Rights movement was a youth movement. Young people of all races, many of whom were jailed, were involved in the struggle, and some gave their lives for the cause. Yet none of the youth trained by Martin and his associates retaliated in violence, including members of some of the toughest gangs of urban ghettos in cities like Chicago and Birmingham. This was a remarkable achievement. It has never been done before; it has not been duplicated since.

It is our hope that the young people who visit this monument will come to understand that it represents not only the enormous contribution of this great leader, but also two very basic principles necessary for the effective functioning of our society. The first is that change, even every fundamental change, is to be achieved through nonviolent means; that this is the path down which we should go as a nation in resolving some of our most difficult problems. The other basic principle is that the reconciliation of the races, the inclusion into the mainstream of American life of all its people, is essential to the fundamental health of our Nation.

Mr. President, Martin Luther King, Jr., dedicated his life to achieving equal treatment and enfranchisement for all Americans through nonviolent means. As we continue to celebrate Black History Month, I urge all of my colleagues to join Senator WARNER and me in this effort to ensure that the essential principles taught and practiced by Dr. King are never forgotten.●

ADDITIONAL COSPONSORS

S. 198

At the request of Mr. CHAFEE, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 198, a bill to amend title XVIII of the Social Security Act to permit medicare select policies to be offered in all States, and for other purposes.

S. 218

At the request of Mr. MCCONNELL, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 218, a bill to repeal the National Voter Registration Act of 1993, and for other purposes.

S. 233

At the request of Mr. MCCAIN, the name of the Senator from Tennessee [Mr. THOMPSON] was added as a cosponsor of S. 233, a bill to provide for the termination of reporting requirements of certain executive reports submitted to the Congress, and for other purposes.

S. 277

At the request of Mr. D'AMATO, the names of the Senator from Kansas [Mr. DOLE], the Senator from South Dakota [Mr. PRESSLER], the Senator from North Carolina [Mr. HELMS], the Senator from Colorado [Mr. BROWN], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Oklahoma [Mr. NICKLES], the Senator from Mississippi [Mr. LOTT], the Senator from Indiana [Mr. COATS], the Senator from Arizona [Mr. KYL], the Senator from New Hampshire [Mr. GREGG], the Senator from Kentucky [Mr. MCCONNELL], the Senator from Oklahoma [Mr. INHOFE], the Senator from New Hampshire [Mr. SMITH], the Senator from South Carolina [Mr. THURMOND], the Senator from Idaho [Mr. KEMPTHORNE], the Senator from Tennessee [Mr. THOMPSON], the Senator from Georgia [Mr. COVERDELL], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Utah [Mr. HATCH], and the Senator from Idaho [Mr. CRAIG] were added as cosponsors of S. 277, a bill to impose comprehensive economic sanctions against Iran.

S. 356

At the request of Mr. SHELBY, the names of the Senator from Iowa [Mr. GRASSLEY] and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of S. 356, a bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States.

S. 415

At the request of Mr. HATCH, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of S. 415, a bill to apply the antitrust laws to major league baseball in certain circumstances, and for other purposes.

AMENDMENT NO. 248

At the request of Mr. DORGAN his name was added as a cosponsor of Amendment No. 248 proposed to H.J. Res. 1, a joint resolution proposing a balanced budget amendment to the Constitution of the United States.

At the request of Mr. BINGAMAN the names of the Senator from Arkansas [Mr. BUMPERS] and the Senator from Illinois [Ms. MOSELEY-BRAUN] were added as cosponsors of Amendment No. 248 proposed to H.J. Res. 1, supra.

SENATE CONCURRENT RESOLUTION 7—RELATIVE TO THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

Ms. SNOWE submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES.

Whereas the United States has strong and enduring economic, political, and strategic ties with the Hellenic Republic of Greece;

Whereas Greece has been a strategic ally of the United States in the Eastern Mediterranean during every major conflict in this century;

Whereas historical and archaeological evidence demonstrates that the ancient Macedonians were Greek;

Whereas Macedonia is a Greek name that has designated the northern area of Greece for over 2,000 years;

Whereas in 1944, the United States opposed the changing of the name of the Skopje region of Yugoslavia by Marshall Tito from Vardar Banovina to Macedonia as part of a campaign to gain control of the Greek province of Macedonia, and the major port city of Salonika;

Whereas the regime in Skopje has persisted in inflaming tensions between it and Greece through a sustained propaganda campaign and the continued use of an ancient Greek symbol, the Star of Vergina, in its flag;

Whereas the Skopje regime has refused to remove paragraph 49 from its constitution, a reference to the 1944 declaration by the then communist regime calling for the ''unification'' of neighboring territories in Greece and Bulgaria with the ''Macedonian Republic'';

Whereas Greece has no claim on the territory of the former Yugoslav republic of Macedonia and has repeatedly reaffirmed the inviolability of all borders in the area of the 2 countries; and

Whereas it is in the best interest of the United States to oppose any expansionist or irredentist policies in order to promote peace and stability in the area: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) the President should not have extended diplomatic recognition to the Skopje regime that insists on using the Greek name of Macedonia; and

(2) the President should reconsider this decision and withdraw diplomatic recognition until such time as the Skopje regime renounces its use of the name Macedonia, removes objectionable language in paragraph 49 of its constitution, removes symbols which imply territorial expansion such as the Star of Vergina in its flag, ceases propaganda against Greece, and adheres fully to Conference on Security and Cooperation in Europe norms and principles.

AMENDMENT SUBMITTED

BALANCED BUDGET CONSTITUTIONAL AMENDMENT

BYRD AMENDMENTS NOS. 252–258

(Ordered to lie on the table.)

Mr. BYRD submitted seven amendments intended to be proposed by him to the joint resolution (H.J. Res. 1) proposing a balanced budget amendment to the Constitution of the United States; as follows:

AMENDMENT NO. 252

On page 2, line 3, strike beginning with ''unless'' through ''vote'' on line 6 and insert ''unless the Congress shall provide by law for a specific excess of outlays over receipts''.

AMENDMENT NO. 253

On page 2, strike lines 15 through 17.

AMENDMENT NO. 254

On page 2, line 8, strike beginning with ''unless'' through ''vote'' on line 10 and insert ''unless Congress provides by law for such an increase''.

AMENDMENT NO. 255

On page 2, line 14, strike the period and insert ''and any alternative proposed budget for the fiscal year that the President determines to be appropriate for that fiscal year.''.

AMENDMENT NO. 256

On page 2, lines 24 and 25, strike '''', adopted by a majority of the whole number of each House''.

AMENDMENT NO. 257

On page 3, line 10, strike ''2002'' and insert ''2000''.

AMENDMENT NO. 258

On page 3, line 1, strike beginning with ''enforce'' through ''receipts'' on line 3 and insert ''implement this article by appropriate legislation''.

GRAHAM AMENDMENT NO. 259

(Ordered to lie on the table.)

Mr. GRAHAM submitted an amendment intended to be proposed by him to the joint resolution, House Joint Resolution 1, supra; as follows:

On page 2, line 8, strike ''held by the public''.

LEAHY (AND OTHERS) AMENDMENT NO. 260

(Ordered to lie on the table.)

Mr. LEAHY (for himself, Mr. DASCHLE, and Mr. BUMPERS) submitted an amendment intended to be proposed by him to the joint resolution, House Joint Resolution 1, supra; as follows:

On page 1, lines 4 and 5, strike ''is proposed as an amendment to the Constitution of the United States, which'' and inserting ''shall be proposed as an amendment to the Constitution of the United States and submitted to the States for ratification upon the completion by the General Accounting Office of a detailed analysis of the impact of the article on the economy and budget of each State and''.

ROCKEFELLER (AND OTHERS) AMENDMENT NO. 261

(Ordered to lie on the table.)

Mr. ROCKEFELLER (for himself, Mr. DASCHLE, Mr. AKAKA, and Mr. WELLSTONE) submitted an amendment intended to be proposed by him to the joint resolution, House Joint Resolution 1, supra; as follows:

At the end of section 6, add the following: ''However, no legislation to enforce or implement this Article may impair any payment or other benefit based upon a death or disability incurred in, or aggravated by, service in the Armed Forces if such payment or other benefit was earned under a program established before the ratification of this Article.''.

WELLSTONE AMENDMENTS NOS. 262–266

(Ordered to lie on the table.)

Mr. WELLSTONE submitted five amendments intended to be proposed by him to the joint resolution, House Joint Resolution 1, supra; as follows:

AMENDMENT NO. 262

On page 2, line 3, following the word ''unless'', insert the following:

''(a) compliance with this requirement would result in—

(i) substantial reductions in the quality of, or access to, health care for veterans, or

(ii) substantial reductions in compensation provided to veterans for service-connected illnesses or injuries, or

(b)''.

AMENDMENT NO. 263

On page 2, line 3, following the word ''unless'', insert the following:

''(a) a majority of the whole number of each House of Congress shall determine that compliance with this requirement would result in—

(i) substantial reductions in the quality of, or access to, health care for veterans, or

(ii) substantial reductions in compensation provided to veterans for service-connected illnesses or injuries, or

(b)''.

AMENDMENT NO. 264

On page 2, line 3, following the word ''unless'', insert the following:

''(a) compliance with this requirement would result in significant reductions in assistance to students who want to attend college, or

(b)''.

AMENDMENT NO. 265

On page 2, line 3, following the word ''unless'', insert the following:

''(a) a majority of the whole number of each House of Congress shall determine that compliance with this requirement would result in significant reductions in assistance to students who want to attend college, or

(b)''.

AMENDMENT NO. 266

On page 2, line 3, following the word ''unless'', insert the following:

''(a) a majority of the whole number of each House of Congress shall determine that compliance with this requirement would increase the number of hungry or homeless children, or

(b)''.

KENNEDY (AND JOHNSTON) AMENDMENT NO. 267

(Ordered to lie on the table.)

Mr. KENNEDY (for himself and Mr. JOHNSTON) submitted an amendment intended to be proposed by him to the joint resolution, House Joint Resolution 1, supra; as follows:

On page 3, between lines 8 and 9, insert the following:

''SEC. 8. Nothing in this article shall authorize the President to impound funds appropriated by Congress by law, or to impose taxes, duties, or fees.

GRAMM (AND OTHERS) AMENDMENT NO. 268

(Ordered to lie on the table.)

Mr. GRAMM (for himself, Mr. COATS, and Mr. ABRAHAM) submitted an amendment intended to be proposed by him to the joint resolution, House Joint Resolution 1, supra; as follows:

Strike section 4 of the amendment and insert the following:

''SEC. 4. No bill to increase receipts shall become law unless approved by a three-fifths majority of the whole number in each House of Congress.''

BRADLEY AMENDMENT NO. 269

(Ordered to lie on the table.)

Mr. BRADLEY submitted an amendment intended to be proposed by him to the resolution, House Joint Resolution 1, supra; as follows:

Strike all after the resolving clause and insert the following:

''That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission to the States for ratification:

''ARTICLE —

''SECTION 1. Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

''SECTION 2. The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

''SECTION 3. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year in which total outlays do not exceed total receipts.

''SECTION 4. No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

''SECTION 5. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

''SECTION 6. This article shall be enforced only in accordance with appropriate legislation, which may rely on estimates of outlays and receipts, enacted by Congress.

''SECTION 7. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal and those dedicated to a capital budget. The capital budget shall include only major public physical capital investments. For each fiscal year, outlays dedicated to the capital budget shall not exceed an amount equal to 10 percent of the total outlays for that year, which amount shall not be counted for purposes of section 2. Three-fifths of each House may provide by law for capital budget outlays in excess of 10 percent for a fiscal year.

''Total receipts shall include all receipts of the United States Government except those derived from borrowing and the disposition of major public physical capital assets.

''SECTION 8. The receipts (including attributable interest) and outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, or any successor trust funds shall not

be counted as receipts or outlays for purposes of this article.

''SECTION 9. This article shall take effect beginning with fiscal year 2002 or with the second fiscal year beginning after its ratification, whichever is later.''.

BRADLEY (AND OTHERS) AMENDMENT NO. 270

(Ordered to lie on the table.)

Mr. BRADLEY (for himself, Mr. BIDEN, Mr. DASCHLE, Mr. DORGAN, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the resolution, House Joint Resolution 1, supra; as follows:

On page 3, strike lines 4 through 8, and insert the following:

''SEC. 7. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal and those dedicated to a capital budget. The capital budget shall include only major public physical capital investments. For each fiscal year, outlays dedicated to the capital budget shall not exceed an amount equal to 10 percent of the total outlays for that year, which amount shall not be counted for purposes of section 2. Three-fifths of each House may provide by law for capital budget outlays in excess of 10 percent for a fiscal year.

''Total receipts shall include all receipts of the United States Government except those derived from borrowing and the disposition of major public physical capital assets.

BROWN (AND OTHERS) AMENDMENT NO. 271

(Ordered to lie on the table.)

Mr. BROWN submitted an amendment intended to be proposed by him to the resolution, House Joint Resolution 1, supra; as follows:

Ordered to lie on the table and to be printed AMENDMENT intended to be proposed by Mr. BROWN Viz:

On page 1, line 3, strike beginning with ''(two-thirds'' through the end of the resolution and insert the following:

SECTION 1. BALANCED BUDGET OR NO PAY.

(a) REPORT.—On September 30, 1999, the Director of the OMB shall—

(1) determine whether the Federal budget for fiscal year 2000 will be a balanced budget; and

(2) if the Director determines that there will be a budget deficit for fiscal year 2000, notify the President and Congress of the amount of such deficit.

(b) PAY SUSPENDED.—If the Director of OMB notifies the President and Congress that there is a budget deficit pursuant to subsection (a)(2)—

(1) the President shall suspend pay for employees of the executive branch subject to confirmation by the Senate, and the President and Vice President; and

(2) the Speaker of the House of Representatives and the President pro tempore of the Senate shall suspend pay for Members of Congress and congressional staff;

until such time as the Director of OMB reports that the deficit for fiscal year 2000 has been eliminated.

SEC. 2. BALANCED BUDGET.

For purposes of this Act, the term ''balanced budget'' with respect to a fiscal year is a budget in which total outlays for that fiscal year do not exceed total receipts for that fiscal year. Total receipts shall include all receipts of United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal.

SEC. 3. WAIVER.

The Congress may waive the provisions of this Act if a declaration of war is in effect. The provisions of this Act may be waived if the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

JOHNSTON (AND OTHERS) AMENDMENT NO. 272

Mr. JOHNSTON (for himself, Mr. BUMPERS, Mr. LEVIN, Mrs. BOXER, and Mr. PRYOR) proposed an amendment to the joint resolution, House Joint Resolution 1, supra; as follows:

At the end of Section 6, add the following: ''No court shall have the power to order relief pursuant to any case or controversy arising under this article, except as may be specifically authorized in implementing legislation pursuant to this section.''

LEVIN AMENDMENT NO. 273

(Ordered to lie on the table.)

Mr. LEVIN submitted an amendment intended to be proposed by him to the joint resolution, House Joint Resolution 1, supra; as follows:

On page 1, lines 4 and 5, strike ''is proposed as an amendment to the Constitution of the United States, which'' and insert ''shall be proposed as an amendment to the Constitution and submitted to the States for ratification upon the enactment of legislation specifying the means for implementing and enforcing the provisions of the amendment, which amendment''.

FEINSTEIN (AND OTHERS) AMENDMENT NO. 274

(Ordered to lie on the table)

Mrs. FEINSTEIN (for herself, Mr. FORD, Mr. HOLLINGS, and Mr. BUMPERS) submitted an amendment intended to be proposed by him to the joint resolution, House Joint Resolution 1, supra; as follows:

Strike all after the resolving clause and insert the following: ''That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission to the States for ratification:

''ARTICLE —

''SECTION 1. Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

''SECTION 2. The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

''SECTION 3. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year in which total outlays do not exceed total receipts.

''SECTION 4. No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

''SECTION 5. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

''SECTION 6. The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.

''SECTION 7. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal. The receipts (including attributable interest) and outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund used to provide old age, survivors, and disabilities benefits shall not be counted as receipts or outlays for purposes of this article.

''SECTION 8. This article shall take effect beginning with fiscal year 2002 or with the second fiscal year beginning after its ratification, whichever is later.''.

CONRAD AMENDMENT NO. 275

(Ordered to lie on the table.)

Mr. CONRAD submitted an amendment intended to be proposed by him to the joint resolution, House Joint Resolution 1, supra; as follows:

On page 2, strike line 18 and all that follows through line 25, and insert the following:

''SEC. 5. This article shall be suspended for any fiscal year and the first fiscal year thereafter if a declaration of war is in effect or if the Congress declares an economic emergency. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and it is so declared by a joint resolution, adopted by a majority of the whole number of each House of Congress, that becomes law.''

KERRY AMENDMENT NO. 276

(Ordered to lie on the table.)

Mr. KERRY submitted an amendment intended to be proposed by him to the joint resolution, House Joint Resolution 1, supra; as follows:

On page 2, beginning on line 3, strike ''year, unless'' and all that follows through line 25 on page 2, and insert the following: ''year, unless a majority of the whole number of each House shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

''SEC. 2. The limit on the debt of the United States held by the public shall not be increased, unless a majority of the whole number of each House shall provide by law for such an increase by a rollcall vote.

''SEC. 3. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year, in which total outlays do not exceed total receipts.

''SEC. 4. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an

imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

''SEC. 5. The provisions of this article may be waived for any fiscal year during which the United States suffers from a serious economic recession which causes an imminent and serious threat to the nation's economy and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.''

KERRY AMENDMENT NO. 277

(Ordered to lie on the table.)

Mr. KERRY submitted an amendment intended to be proposed by him, to a motion to House Joint Resolution 1, supra; as follows:

I move to commit H.J. Res. 1 to the Budget Committee, to report back forthwith the following substitute amendment:

It is the Sense of the Congress that the Congress of the United States currently possesses all necessary power and authority to adopt at any time a balanced budget for the United States Government, in that its outlays do not exceed its receipts, and to pass and submit to the President all legislation as may be necessary to implement such a balanced budget, including legislation reducing expenditures for federally-funded programs and agencies and increasing revenues.

It is further the Sense of the Congress that the Congress should, prior to August 15, 1995, adopt a concurrent resolution on the budget establishing a budget plan to balance the budget by fiscal year 2002 consisting of the items set forth below:

(a)(1) a budget for each fiscal year beginning with fiscal year 1996 and ending with fiscal year 2002 containing—

(A) aggregate levels of new budget authority, outlays, revenues, and the deficit or surplus;

(B) totals of new budget authority and outlays for each major functional category;

(C) new budget authority and outlays, on an account-by-account basis, for each account with actual outlays or offsetting receipts of at least $100,000,000 in fiscal year 1994; and

(D) an allocation of Federal revenues among the major sources of such revenues;

(2) a detailed list and description of changes in Federal law (including laws authorizing appropriations or direct spending and tax laws) required to carry out the plan and the effective date of each such change; and

(3) reconciliation directives to the appropriate committees of the House of Representatives and Senate instructing them to submit legislative changes to the Committee on the Budget of the House or Senate, as the case may be, to implement the plan set forth in the concurrent resolution, with the cited directives deemed to be directives within the meaning of section 310(a) of the Congressional Budget Act of 1974, and with the cited committee submissions combined without substantive revision upon their receipt by the Committee on the Budget into an omnibus reconciliation bill which the Committee shall report to its House where it shall be considered in accord with procedures set forth in section 310 of the Congressional Budget Act of 1974.

(c) the budget plan described in section (a)(1) shall be based upon Congressional Budget Office economic and technical assumptions and estimates of the spending and revenue effects of the legislative changes descried in subsection (a)(2).

BIDEN (AND OTHERS) AMENDMENT NO. 278

Mr. BIDEN (for himself, Mr. BRADLEY, Mr. DASCHLE, Mr. DORGAN, Mr. LAUTENBERG, Mr. FEINGOLD, and Mr. KERRY) proposed an amendment to the joint resolution, House Joint Resolution 1, supra; as follows:

On page 3, strike lines 4 through 8, and insert the following:

''SEC. 7. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal and those dedicated to a capital budget. The capital budget shall include only major public physical capital investments. For each fiscal year, outlays dedicated to the capital budget shall not exceed an amount equal to 10 percent of the total outlays for that year, which amount shall not be counted for purposes of section 2. Three-fifths of each House may provide by law for capital budget outlays in excess of 10 percent for a fiscal year.

''Total receipts shall include all receipts of the United States Government except those derived from borrowing and the disposition of major public physical capital assets.''

WELLSTONE AMENDMENTS NOS. 279–284

(Ordered to lie on the table.)

Mr. WELLSTONE submitted six amendments intended to be proposed by him to the joint resolution, House Joint Resolution 1, supra; as follows:

AMENDMENT NO. 279

At the end of the amendment, add the following:

''SEC. . The provisions of this article may be waived if a majority of the whole number of each House of Congress determines that compliance with the first clause of Section 1 would result in significant reductions in assistance to students who want to attend college.''

AMENDMENT NO. 280

At the end of the amendment, add the following:

''SEC. . The provisions of this article may be waived if a majority of the whole number of each House of Congress determines that compliance with the first clause of Section 1 would result in an increase in the number of hungry or homeless children.''

AMENDMENT NO. 281

At the end of the amendment, add the following:

''SEC. . The provisions of this article may be waived if a majority of the whole number of each House of Congress determines that compliance with the first clause of Section 1 would result in—

(a) substantial reductions in the quality of, or access to, health care for veterans, or

(b) substantial reductions in compensation provided to veterans for service-connected illnesses or injuries.''

AMENDMENT NO. 282

Strike all after the first word and insert the following:

''The provisions of this article may be waived if a majority of the whole number of each House of Congress determines that compliance with the first clause of Section 1 would result in significant reductions in assistance to students who want to attend college.''

AMENDMENT NO. 283

Strike all after the first word and insert the following:

''The provisions of this article may be waived if a majority of the whole number of each House of Congress determines that compliance with the first clause of Section 1 would result in an increase in the number of hungry or homeless children.''

AMENDMENT NO. 284

Strike all after the first word and insert the following:

''The provisions of this article may be waived if a majority of the whole number of each House of Congress determines that compliance with the first clause of Section 1 would result in—

(a) substantial reductions in the quality of, or access to, health care for veterans, or

(b) substantial reductions in compensation for service-connected illnesses or injuries.''

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Wednesday, February 15, 1995, at 9:30 a.m. in open session to consider the following nominations for the Defense Base Closure and Realignment Commission: Mr. Alton W. Cornella; Ms. Rebecca G. Cox; General James B. Davis, USAF (ret.) Mr. S. Lee Kling; Rear Admiral Benjamin F. Montoya, USN (ret.); Ms. Wendi L. Steele.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, February 15, 1995, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of the hearing is to receive testimony on the President's fiscal year 2996 budget for the Forest Service.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. HATCH. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to meet Wednesday, February 15, 1995, at 2 p.m., to receive testimony from Carol M. Browner, Administrator, on the Environmental Protection Agency's fiscal year 1996 budget request.

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

COMMITTEE ON FINANCE

Mr. HATCH. Mr. President, I ask unanimous consent that the Finance Committee be permitted to meet Wednesday, February 15, 1995, beginning at 9:30 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing on the tax treatment of capital gains.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Wednesday, February 15, 1995, at 9:30 a.m. for a hearing on the subject of regulatory reform.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on S. 141, the Davis-Bacon Repeal Act, during the session of the Senate on Wednesday, February 15, 1995 at 9 a.m.

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

SUBCOMMITTEE ON ANTITRUST, BUSINESS RIGHTS, AND COMPETITION

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on Antritrust, Business Rights, and Competition of the Committee on the Judiciary be authorized to meet during the session of this Senate on Wednesday, February 15, 1995, at 2 p.m. to hold a hearing on the court imposed major league baseball antitrust exemption.

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

ADDITIONAL STATEMENTS

JAMES P. GRANT

● Mr. SARBANES. Mr. President, I was deeply saddened to learn of the recent death of a tireless champion of the world's children, James P. Grant. Most of us knew Jim as the deeply committed and energetic Executive Director of UNICEF, where his enthusiasm, his compassion, and his media savvy were legion. For 15 years he refused to take ''no'' for an answer, forcing those more accustomed to the high politics of diplomacy to consider the everyday realities for the youngest and most vulnerable members of the world's population. His child survival revolution can be credited with saving and improving the lives of millions of children who otherwise would have fallen victim to malnutrition, dehydration and easily preventable diseases.

While Jim Grant's contributions as UNICEF's Director are unparalleled, it was not only there that he made his mark. In fact he spent his entire lifetime in public service: First with the U.N. Relief and Rehabilitation Administration in China, where he was born, and later at the United States Department of State, the United States Agency for International Development, and the Overseas Development Council. In each of those capacities his concern for those living in poverty and despair lent special significance to his work and distinguished him as an individual.

Even as his own health began to fail him, Jim continued his important work at UNICEF. He enlisted the support of everyone from Hollywood superstars to Members of Congress in helping to realize the ambitious goals of the World Summit for Children—cutting child mortality by one-third, halving malnutrition and maternal mortality rates, providing basic education for all children, and reducing or eradicating childhood diseases by the end of this century. In recognition of Jim Grant's outstanding contributions, President Clinton awarded him the Nation's highest civilian honor, the Medal of Freedom, just last summer.

Mr. President, I am certain that my colleagues join me in extending my deepest sympathies to Jim's family. He is deeply missed but his life and work shall never be forgotten.●

HADASSAH'S WORK IN SARAJEVO

● Ms. MIKULSKI. Mr. President, as a life member of Hadassah, the Women's Zionist Organization of America, I am proud of their humanitarian work around the world. I am also proud that Hadassah's founder, Henrietta Szold, was born in my hometown of Baltimore.

Private philanthropy cannot take the place of public policy. But it can play a vital role in providing aid and comfort in places like Bosnia—where medical facilities have been decimated by war.

I am pleased to share information with my colleagues on Hadassah's international relief work. I ask that Hadassah's report on their work in Sarajevo be printed in the RECORD.

The report follows:

HADASSAH NURSES COUNCILS ORGANIZE MASSIVE RELIEF EFFORT FOR SARAJEVO

Just a year after its founding in 1912, Hadassah, the Women's Zionist Organization of America, sent two intrepid nurses, Rose Kaplan and Rachel Landy, to Palestine to treat the malnourished and diseased mothers and children of Jerusalem, thereby laying the foundation for its ongoing medical work in Israel. More than 82 years later, in August, 1994, Hadassah again sent its nurses on an arduous journey, this time to the besieged city of Sarajevo. Elsie Roth and Kathryn Bauschard of St. Louis, Dianna Pearlmutter of Boston, and Charlotte Franklin of Santa Barbara, all members of Hadassah's nurses councils, went to assess the medical needs of the war-torn city and plan and coordinate the delivery of much needed medical supplies and clothing.

Traveling under the banner of the United Nations High Commissioner for Refugees, the nurses visited Kosevo Hospital and the State Hospital of Sarajevo during their 7-day trip. The nurses met with hospital administrators, doctors, nurses, and other personnel and inspected operating rooms, pediatric wards and pharmacy supply centers. They found deplorable conditions in the hospitals, which lacked even the most basic medical supplies.

At the time of their visit, Deborah Kaplan, Hadassah National President, stated, ''Hadassah has a long-standing commitment to providing humanitarian aid throughout the world. We are proud to sponsor these four courageous women and, through the Hadassah Nurses Councils, will work to facilitate aid to Bosnia as identified through this mission.''

Within five months of their return, the nurses, with the help of Hadassah Nurses Councils throughout the United States and in coalition with other organizations, churches and synagogues, amassed 30 tons of medical supplies and clothing valued at $3.5 million for transport to Sarajevo.

Since the nurses' trip, close connections have been forged between the coalition and the Jewish community of Sarajevo. About 300 Jews, a remnant of the 2,500 Jews from Sarajevo who survived World War II, remain in the city. Under the auspices of La Benevolencija, the Jewish humanitarian society formed in 1892, the Jewish community in Sarajevo has assumed responsibility for caring for the entire community. They operate the pharmacies and other health facilities, distribute foods, operate a daily soup kitchen, and facilitate the evacuation of the elderly and children.

In this way, the tiny Jewish community, which has existed in Sarajevo for more than 500 years, has been working to save its Catholic, Muslim and Orthodox Christian neighbors. All have been living under increasingly desperate conditions since the Bosnian conflict began nearly three years ago. More than 12,000 residents, including 1,625 children, have been killed and some 60,000 wounded. Medical supplies are not available to treat the sick and injured and restore them to health. Moreover, water, food, gas and electricity are in very short supply. Residents are now resorting to burning what possessions they have left, including old books and family heirlooms, in an effort to survive the winter cold.

The supplies collected by Hadassah and the other coalition members were shipped to New York for storage in a central warehouse provided by Queens, NY Hadassah. Eight tons of clothing are now on their way to Bosnia by cargo ship. The remaining 22-ton shipment, including pharmaceuticals, medical supplies and uniforms, has already been sent from Dover Air Force Base on air force planes to Croatia where it will now be airlifted by the United Nations directly to Sarajevo.

Hadassah members Sherry Hahn of Arlington and Elsie Roth, taking advantage of the cease-fire negotiated by former United States President Jimmy Carter in December, will return to Sarajevo to meet the shipment and help La Benevolencija distribute the supplies. Hearts will beat again when restarted by a perfectly reconditioned defibrillator included in the shipment. Bodies will heal when external fixators will hold them together without invasive surgery. Limbless people, wounded by shell fire, will walk again when more than 100 pieces of prosthetics replace their feet, legs and knees.

In a letter to Hadassah, Sven Alkalaj, the Bosnian Ambassador to the United States, wrote, ''The Republic of Bosnia and Herzegovina and its people sincerely offer the American organization Hadassah their thanks for the fine activities of four nurses who, despite the dangerous situation in Sarajevo, had the courage to visit our nation's capital. Their mission was one of humanitarian concern and genuine compassion for our citizens who are in need of desperate medical attention.

''All of these registered nurses displayed an overwhelming desire to help those in need. Their compassion will long be remembered by those of us who had an opportunity to experience their love of humanity and their zeal for the advancement of the human spirit.''

Ambassador Stuart E. Eizenstat, representing the European Community, praised Hadassah, saying that this organization

should be proud of the relief they are providing in this tragic situation.

Hadassah, the WZOA, sincerely thanks the government of the United States, particularly the Department of Defense, for its cooperation in airlifting the relief goods we were able to gather together into this ravaged land.

For more than 82 years, Hadassah has been recognized for its pacesetting medical care and for the use of its resources and knowledge to benefit all humankind. This is but another example of Hadassah's affirmation of the Mishna's teaching ''Whoever saves one life, it is as if he saved the entire world.'' The women of Hadassah have learned this lesson well. ●

ORDERS FOR THURSDAY, FEBRUARY 16, 1995

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 9:30 a.m. on Thursday, February 16, 1995; that following the prayer, the Journal of proceedings be deemed approved to date; that following the time allocated to the two leaders, the remaining time prior to 10:30 a.m. be equally divided between the two leaders or their designees for debate on the balanced budget constitutional amendment; and that at the hour of 10:30 a.m. the Senate proceed to the cloture vote, and the mandatory quorum call under rule XXII be waived.

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

PROGRAM

Mr. DOLE. Mr. President, as indicated by the Senator from Kentucky in his unanimous-consent request, regardless of the outcome of the cloture vote, following the vote, Senator BYRD will be recognized to offer filed amendment No. 252. That consent has already been obtained.

I just say for the information of all Senators, votes are expected to occur throughout Thursday's session of the Senate, with the first vote occurring at 10:30 a.m.

Unless there is some other agreement, we are out tomorrow and we are back next Wednesday. I filed two cloture motions. Votes will occur on next Wednesday, after the reading of Washington's Farewell Address, and we will try to establish that so all Senators will be on notice before we leave here tomorrow.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. DOLE. Mr. President, if there is no further business to come before the Senate, and no other Senator is seeking recognition, I now ask unanimous consent that the Senate stand in recess, under the previous order.

There being no objection, the Senate, at 9:13 p.m., recessed until Thursday, February 16, 1995, at 9:30 a.m.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, February 16, 1995, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 17

10:00 a.m.
Commission on Security and Cooperation in Europe Briefing to assess the goals of United States assistance to Central and Eastern Europe and the New Independent States of the former Soviet Union.
2200 Rayburn Building

FEBRUARY 22

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Corporation for National and Community Service, the Selective Service System, the Consumer Product Safety Commission, the Consumer Information Center, and the Office of Consumer Affairs.
SD–138

Labor and Human Resources
To hold hearings on proposed legislation authorizing funds for programs of the Ryan White Care Act of 1990.
SD–430

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the state of the Federal Reserve System.
SD–106

FEBRUARY 23

9:30 a.m.
Armed Services
To resume hearings on proposed legislation authorizing funds for fiscal year 1996 for the Department of Defense and the future years defense program, focusing on the military strategies and operational requirements of the unified commands.
SR–222

Labor and Human Resources
Education, Arts and Humanities Subcommittee
To hold hearings on proposed legislation authorizing funds for programs of the National Foundation on the Arts and Humanities Act of 1965.
SD–430

2:00 p.m.
Indian Affairs
To hold oversight hearings to examine the structure and funding of the Bureau of Indian Affairs.
SR–485

FEBRUARY 24

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the American Battle Monuments Commission, and Cemeterial Expenses, Army.
SD–138

FEBRUARY 28

2:00 p.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the United States Postal Service.
SD–116

MARCH 1

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the National Endowment for the Arts.
SD–192

Governmental Affairs
To resume hearings on proposed legislation to reform the Federal regulatory process, to make government more efficient and effective.
SD–342

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Disabled American Veterans.
345 Cannon Building

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Commodity Futures Trading Commission, Farm Credit Administration, and the Food and Drug Administration of the Department of Health and Human Services.
SD–138

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of State.
S–146, Capitol

11:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the National Endowment for the Humanities.
SD–192

MARCH 2

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Transportation.
SD–192

MARCH 3

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the National Credit Union Administration, the Neighborhood Reinvestment Corporation, the Federal Deposit Insurance Corporation, and the Resolution Trust Corporation-Inspector General.
SD–138

MARCH 6

2:00 p.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Office of National Drug Control Policy.
SD–192

MARCH 7

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Veterans of Foreign Wars.
345 Cannon Building

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Commerce.
S–146, Capitol

Indian Affairs
To hold oversight hearings to review Federal programs which address the challenges facing Indian youth.
SR–485

MARCH 8

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the United States Geological Survey, Department of the Interior.
SD–116

Governmental Affairs
To resume hearings on proposed legislation to reform the Federal regulatory process, to make government more efficient and effective.
SD–342

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for rural economic and community development services of the Department of Agriculture.
SD–138

MARCH 9

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the National Transportation Safety Board.
SD–192

2:00 p.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the United States Secret Service, Federal Law Enforcement Training Center, and the Financial Crimes Enforcement Network, Department of the Treasury.
SD–192

MARCH 10

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the National Science Foundation, and the Office of Science and Technology Policy.
SD–138

MARCH 15

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Smithsonian Institution.
SD–116

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for farm and foreign agriculture services of the Department of Agriculture.
SD–138

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Justice.
Room to be announced

MARCH 16

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Bureau of Investigation and Drug Enforcement Agency, both of the Department of Justice.
S–146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Highway Administration, Department of Transportation.
SD–192

MARCH 17

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Emergency Management Agency.
SD–138

MARCH 22

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the United States Fish and Wildlife Service, Department of the Interior.
SD–192

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Natural Resources Conservation Service, Department of Agriculture.
SD–138

MARCH 23

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Railroad Administration, Department of Transportation, and the National Passenger Railroad Corporation (Amtrak).
SD–192

2:00 p.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Bureau of Alcohol, Tobacco and Firearms and the United States Customs Service, Department of the Treasury.
SD–192

MARCH 24

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Housing and Urban Development.
SD–138

MARCH 27

2:00 p.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Executive Office of the President, and the General Services Administration.
SD–138

MARCH 28

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Bureau of Land Management, Department of the Interior.
SD–116

MARCH 29

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Food Safety and Inspection Service, Animal and Plant Health Inspection Service, Agricultural Marketing Service, and the Grain Inspection, Packers and Stockyards Administration, all of the Department of Agriculture.
SD–138

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Judiciary, Administrative Office of the Courts, and the Judicial Conference.
S–146, Capitol

MARCH 30

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of AMVETS, American Ex-Prisoners of War, Vietnam Veterans of America, Blinded Veterans Association, and the Military Order of the Purple Heart.
345 Cannon Building

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Aviation Administration, Department of Transportation.
SD–192

MARCH 31

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Veterans Affairs, the Court of Veteran's Appeals, and Veterans Affairs Service Organizations.
SD–138

APRIL 3

2:00 p.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Internal Revenue Service, Department of the Treasury, and the Office of Personnel Management.
SD–138

APRIL 4

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the National Park Service, Department of the Interior.
SD–138

APRIL 5

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the National Aeronautics and Space Administration.
SD–192

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Agricultural Research Service, Cooperative State Research, Education, and Extension Service, Economic Research Service, and the National Agricultural Statistics Service, all of the Department of Agriculture.
SD–138

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Immigration and Naturalization Service, and the Bureau of Prisons, both of the Department of Justice.
S–146, Capitol

APRIL 6

2:00 p.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of the Treasury and the Office of Management and Budget.
SD–116

APRIL 26

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for energy conservation.
SD–116

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Food and Consumer Service, Department of Agriculture.
SD–138

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Legal Services Corporation.
S–146, Capitol

11:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for fossil energy, clean coal technology, Strategic Petroleum Reserve, and the Naval Petroleum Reserve.
SD–116

APRIL 27

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Transit Administration, Department of Transportation.
SD–192

MAY 2

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Forest Service of the Department of Agriculture.
SD–138

MAY 3

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Environmental Protection Agency, the Council on Environmental Quality, and the Agency for Toxic Substances and Disease Registry.
SD–192

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Agriculture.
SD–138

MAY 4

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the United States Coast Guard, Department of Transportation.
SD–192

MAY 5

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for Environmental Protection Agency science programs.
SD–138

MAY 11

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Bureau of Indian Affairs, Department of the Interior.
SD–116

1:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Indian Health Service, Department of Health and Human Services.
SD–116

MAY 17

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of the Interior.
SD–192

Wednesday, February 15, 1995

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S2677–S2769

Measures Introduced: Eight bills and one resolution were introduced, as follows: S. 419–426 and S. Con. Res. 7. **Pages S2757, S2764**

Balanced Budget Constitutional Amendment: Senate continued consideration of H.J. Res. 1, proposing a balanced budget amendment to the Constitution of the United States, taking action on amendments proposed thereto: **Pages S2679–S2732, S2736–54**

Rejected:

(1) Bingaman Amendment No. 248, to prohibit either House of Congress from requiring more than a majority of a quorum to approve either revenue increases or spending cuts. (By 59 yeas to 40 nays (Vote No. 69), Senate tabled the amendment.) **Pages S2679–85**

(2) Wellstone motion to refer H.J. Res. 1 to the Committee on the Budget with instructions. (By 59 yeas to 40 nays (Vote No. 70), Senate tabled the motion.) **Pages S2685–93**

(3) Johnston Modified Amendment No. 272, to provide that no court shall have the power to order relief pursuant to any case or controversy arising under the balanced budget amendment, except as provided in implementing legislation. (By 52 yeas to 47 nays (Vote No. 71), Senate tabled the amendment.) **Pages S2694–S2732**

(4) Biden Amendment No. 278, to provide for a capital budget. (By 59 yeas to 38 nays (Vote No. 72), Senate tabled the amendment.) **Pages S2736–49, S2753**

(5) Feingold motion to refer H.J. Res. 1 to the Committee on the Judiciary with instructions. (By 61 yeas to 33 nays (Vote No. 73), Senate tabled the amendment.) **Pages S2749–54**

A second motion was entered to close further debate on the resolution and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on the cloture motion could occur on Wednesday, February 22, 1995. **Page S2754**

A third motion was entered to close further debate on the resolution and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on the cloture motion could occur on Wednesday, February 22, 1995. **Page S2754**

Senate will resume consideration of the resolution on Thursday, February 16, 1995, with a cloture vote to occur thereon.

Statements on Introduced Bills: **Pages S2757–64**

Additional Cosponsors: **Page S2764**

Amendments Submitted: **Pages S2764–67**

Authority for Committees: **Pages S2767–68**

Additional Statements: **Pages S2768–69**

Record Votes: Five record votes were taken today. (Total—73) **Pages S2684–85, S2693, S2732, S2749, S2753–54**

Recess: Senate convened at 9:30 a.m., and recessed at 9:13 p.m., until 9:30 a.m., on Thursday, February 16, 1995. (For Senate's program, see the remarks of the Majority Leader in today's RECORD on page S2769.)

Committee Meetings

(Committees not listed did not meet)

PACIFIC MILITARY COMMAND

Committee on Appropriations: Subcommittee on Defense held hearings to examine U.S. military activities in the Asia-Pacific region, receiving testimony from Adm. Richard C. Macke, USN, Commander-in-Chief, United States Pacific Command.

Subcommittee recessed subject to call.

NOMINATIONS

Committee on Armed Services: Committee concluded hearings on the nominations of Alton W. Cornelia, of South Dakota, Rebecca G. Cox, of California, Gen. James B. Davis, USAF (Ret.), of Florida, S. Lee Kling, of Maryland, Benjamin F. Montoya, of New Mexico, and Wendi Louise Steele, of Texas, each to be a Member of the Defense Base Closure and Realignment Commission, after the nominees testified and answered questions in their own behalf. Mr. Cornelia was introduced by Senators Daschle and Pressler, Ms. Cox was introduced by Stevens and

Feinstein, Gen. Davis was introduced by Senator Graham, Mr. Kling was introduced by Senator Bond and Representative Gephardt, and Ms. Steele was introduced by Senators Nickles and Inouye.

INTERNATIONAL AFFAIRS BUDGET

Committee on the Budget: Committee held hearings to examine the President's proposed budget request for fiscal year 1996 for international affairs, after receiving testimony from Warren Christopher, Secretary of State.

Committee will meet again tomorrow.

FOREST SERVICE BUDGET

Committee on Energy and Natural Resources: Committee concluded hearings to examine the President's proposed budget request for fiscal year 1996 for the Forest Service, after receiving testimony from Jack Ward Thomas, Chief, Forest Service, Department of Agriculture.

EPA BUDGET

Committee on Environment and Public Works: Committee concluded hearings to examine the President's proposed budget estimates for fiscal year 1996 for the Environmental Protection Agency, after receiving testimony from Carol M. Browner, Administrator, Environmental Protection Agency.

CAPITAL GAINS TAXATION

Committee on Finance: Committee held hearings to examine the tax treatment of capital gains and losses, focusing on the economic and tax implications of a capital gains tax cut, receiving testimony from Jane G. Gravelle, Senior Specialist in Economic Policy, Congressional Research Service, Library of Congress; Henry J. Aaron, Brookings Institution, Mark A. Bloomfield, American Council for Capital Formation, and Ronald A. Pearlman, Covington & Burling, all of Washington, D.C.; and Jude Wanniski, Polyconomics, Inc., Morristown, New Jersey.

Hearings continue tomorrow.

REGULATORY REFORM

Committee on Governmental Affairs: Committee resumed hearings on proposed legislation to reform the Federal regulatory process, to make government more efficient and effective, receiving testimony from Robert W. Crandall, Brookings Institution, Jerry J. Jasinowski, National Association of Manufacturers, on behalf of the Alliance for Reasonable Regulation, Linda E. Greer, Natural Resources Defense Council, and E. Donald Elliott, Fried, Frank, Harris, Shriver & Jacobson, all of Washington, D.C.; Washington, D.C.; W. Kip Viscusi, Duke University, Durham, North Carolina; and John D. Graham, Harvard University School of Public Health, Cambridge, Massachusetts.

Hearings continue on Wednesday, March 1.

MAJOR LEAGUE BASEBALL ANTITRUST EXEMPTION

Committee on the Judiciary: Subcommittee on Antitrust, Business Rights, and Competition concluded hearings to examine the court imposed major league baseball antitrust exemption, including related measures S. 415, to provide for a limited repeal of professional baseball's antitrust immunity, and S. 416, to repeal the antitrust exemption which shields major league baseball from the antitrust laws that apply to all other sports, after receiving testimony from Senators Hatch, Moynihan, Kassebaum, and Graham; Allan H. Selig, Milwaukee Brewers Baseball Club, Milwaukee, Wisconsin, on behalf of the Major League Baseball Executive Council; Kevin J. Arquit, Rogers & Wells, and Donald M. Fehr, both of New York, New York, David Cone, Kansas City Royals, Kansas City, Missouri, and Eddie Murray, Los Angeles Dodgers, Los Angeles, California, all on behalf of the Major League Baseball Players Association; John L. Harrington, Boston Red Sox, Boston, Massachusetts, on behalf of the Major League Negotiating Committee; and James F. Rill, Collier, Shannon, Rill & Scott, Washington, D.C.

DAVIS-BACON REPEAL ACT

Committee on Labor and Human Resources: Committee concluded hearings on S. 141, to repeal the Davis-Bacon Act (an Act which requires that the locally prevailing wage rate be paid to various classes of laborers and mechanics working under federally-financed or federally-assisted contracts for construction, alteration, and repair of public buildings or public works), after receiving testimony from Senator Chafee; Bernard Anderson, Assistant Secretary of Labor for Employment Standards Administration; Mayor Clarke Becker, Woodland Park, Colorado, on behalf of the National League of Cities; Boyd W. Boehlje, Pella, Iowa, on behalf of the National School Boards Association; Gary Hess, Hess Mechanical Corporation, Upper Marlboro, Maryland; Mill Butler, Handon Diving Inc., Maurice Baskin, Venable, Baetjer, Howard & Civiletti, on behalf of the Coalition to Repeal the Davis-Bacon Act, and Robert A. Georgine, Building and Construction Trades Department (AFL–CIO), all of Washington, D.C.; and Armand J. Thieblot, Baltimore, Maryland.

House of Representatives

Chamber Action

Bills Introduced: 26 public bills, H.R. 945–970; and 1 resolution, H. Res. 86 were introduced. **Page H1849–50**

Reports Filed: The following reports were filed as follows:

H.R. 9, to create jobs, enhance wages, strengthen property rights, maintain certain economic liberties, decentralize and reduce the power of the Federal Government with respect to the States, localities, and citizens of the United States, and to increase the accountability of Federal officials, amended (H. Rept. 104–33, Parts I and II);

H.R. 535, to direct the Secretary of the Interior to convey the Corning National Fish Hatchery to the State of Arkansas, amended (H. Rept. 104–34);

H.R. 584, to direct the Secretary of the Interior to convey a fish hatchery to the State of Iowa (H. Rept. 104–35);

H.R. 614, to direct the Secretary of the Interior to convey to the State of Minnesota the New London National Fish Hatchery production facility, amended (H. Rept. 104–36); and

H.R. 830, to amend chapter 35 of title 44, United States Code, to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, amended (H. Rept. 104–37). **Page H1849**

North Atlantic Assembly: The Speaker appointed the following Members to the United States Group of the North Atlantic Assembly on the part of the House: Mr. Bereuter, Chairman, Mr. Solomon, Vice Chairman, Mr. Regula, Mr. Bateman, Mr. Bliley, Mr. Boehlert, Mrs. Meyers of Kansas, and Mrs. Roukema. **Page H1763**

Motions To Adjourn: By a yea-and-nay vote of 150 yeas to 261 nays, Roll No. 130, the House rejected the Wise motion to adjourn; and

By a yea-and-nay vote of 134 yeas to 291 nays, Roll No. 134, rejected the Volkmer motion to adjourn. **Pages H1768–69, H1779–80**

National Security Revitalization: House completed all general debate and began consideration of amendments to H.R. 7, to revitalize the national security of the United States; but came to no resolution thereon. Consideration of amendments will resume on Thursday, February 16. **Pages H1780–H1846**

Agreed To:

The Spence amendment that expresses the sense of the Congress that negotiations bearing upon missile defenses and/or the viability of the ABM Treaty should be suspended until the 104th Congress has had a chance to review this issue (agreed to by a recorded vote of 320 ayes and to 110 noes, Roll No. 135); **Pages H1809–16**

The Spratt amendment that sought to establish as U.S. policy an order to priority for missile defense programs by first, ensuring operational readiness of the Armed Forces and accomplishing programmed modernization of weapons systems, second, under such modernization, funding the completion of development and deployment at the earliest date of more effective theater missile defense (TMD) systems; and, third, developing as soon as funding is available, a ground-based interceptor system capable of destroying ballistic missiles launched against the United States (agreed to by a recorded vote of 218 ayes to 212 noes, Roll No. 136); **Pages H1816–25**

The Bereuter en bloc amendment that adds language requiring the Secretary of State to report to Congress on the level of compensation paid by the United Nations during 1994 to nations providing peacekeeping forces; provides for the inclusion in that report of a plan for actions the United States can take to encourage the U.N. to reform existing reimbursement systems; and strikes language which prohibits the use of defense funds to pay the incremental costs of UN peacekeeping activities unless authorized; and **Page H1825**

The Skelton amendment, as amended by the Spence substitute amendment (agreed to by a recorded vote of 221 ayes to 204 noes, Roll No. 138), that provides that of the amount of funds appropriated for the Department of Defense for fiscal year 1996 for national missile defense systems in fiscal year 1996, funds obligated for missile defense programs may exceed the amount made available for national missile programs for fiscal year 1995. Earlier, a point of order against the Spence amendment was overruled. **Pages H1840–46**

Rejected:

The Edwards amendment to the Spratt amendment, as modified, that sought to prohibit space-based interceptors from being deployed as any part of a National Missile Defense System (rejected by a recorded vote of 206 ayes to 223 noes, Roll No. 137); **Pages H1825–40**

The Montgomery substitute to the Skelton amendment, as amended by the Dellums amendment, that sought to provide that of the total amount of funds appropriated or otherwise made available for the Department of Defense for fiscal year 1996, the amount obligated for national missile defense programs may not exceed the amount made available for national missile defense programs for fiscal year 1995 until the Secretary of Defense certifies to the Congress that the Armed Forces are properly sized, equipped, housed, and structured and are ready to carry out assigned missions as required

by the national military strategy (rejected by a recorded vote of 203 ayes to 225 noes, Roll No. 139). **Pages H1842–46**

H. Res. 83, the rule under which the bill was considered was agreed to earlier by a yea-and-nay vote of 227 yeas to 197 nays, Roll No. 133. Earlier, agreed to order the previous question on the resolution by a yea-and-nay vote of 229 yeas to 199 nays, Roll No. 132. **Pages H1769–79**

Amendments Ordered Printed: Amendments ordered printed pursuant to the rule appear on page H1851.

Quorum Calls—Votes: One quorum call (Roll No. 131), four yea-and-nay votes, and five recorded votes developed during the proceedings of the House today and appear on pages H1768–69, H1776, H1778, H1778–79, H1779–80, H1815, H1824–25, H1839–40, H1844–45, and H1845–46.

Adjournment: Met at 11 a.m. and adjourned at 11:18 p.m.

Committee Meetings

PRIVATE PROPERTY RIGHTS AND RELATED LEGISLATION

Committee on Agriculture: Subcommittee on Resource Conservation, Research and Forestry held a hearing to consider private property rights and related legislation. Testimony was heard from Senator Brown; Representatives Smith of Texas and Tauzin; Jim Lyons, Under Secretary, Natural Resources and Environment, USDA; Joe Sax, Deputy Assistant Secretary, Policy, Management and Budget, Department of the Interior; Lance Wood, Assistant Chief Counsel, Environmental Law and Regulatory Programs, U.S. Army Corps of Engineers, Department of Defense; Gary Guzy, Deputy General Counsel, EPA; and public witnesses.

INTERIOR APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior and Related Agencies held a hearing on the Secretary of the Interior. Testimony was heard from Bruce Babbitt, Secretary of the Interior.

LEGISLATIVE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Legislative held a hearing on the House of Representatives, Joint Economic Committee and on the Capitol Police Board. Testimony was heard from Senator Mack, Representative Saxton; from the following officers of the House: Scot M. Faulkner, Chief Administrative Officer; Robin H. Carle, Clerk; and Wilson S. Livingood, Sergeant at Arms; the following officials of the House of Representatives: John W. Lainhart IV, Inspector General; and Edward F. Willett, Jr., Law Revision Counsel; and John F. Eisold, Attending Physician; and Howard O. Greene, Jr., Sergeant at Arms, U.S. Senate.

MILITARY CONSTRUCTION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Military Construction met in executive session to hold a hearing on Pacific Construction Program. Testimony was heard from VAdm. Richard L. Macke, USN, Commander in Chief, U.S. Pacific Command, Department of Defense.

NATIONAL SECURITY APPROPRIATIONS

Committee on Appropriations: Subcommittee on National Security met in executive session to hold a hearing on Commander-in-Chief, U.S. Central Command. Testimony was heard from Gen. Binford J.H. Peay, III, USA, Commander in Chief, U.S. Central Command, Department of Defense.

TRANSPORTATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Department of Transportation, and Related Agencies held a hearing on the Federal Highway Administration. Testimony was heard from Rodney E. Slater, Administrator, Federal Highway Administration, Department of Transportation.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS

Committee on Appropriations: Subcommittee on Treasury, Postal Service, and General Government held a hearing on Bureau of Alcohol, Tobacco and Firearms, Financial Crime Enforcement Network, Department Offices, Inspector General and on Financial Management Service. Testimony was heard from the following officials of the Department of the Treasury: John W. Magaw, Director, Bureau of Tobacco and Firearms; Stanley E. Morris, Director, Financial Crimes Enforcement Network; George Munoz, Assistant Secretary, Departmental Offices; Valerie Lau, Inspector General; and Russell D. Morris, Commissioner, Financial Management Service.

OVERSIGHT

Committee on Commerce: Subcommittee on Health and the Environment held an oversight hearing on Medicare Select and Medicare Managed Care Issues. Testimony was heard from Representatives Johnson of Connecticut and Pomeroy; Bruce Vladeck, Administrator, Health Care Financing Administration, Department of Health and Human Services; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Economic and Educational Opportunities: Subcommittee on Workforce Projections held a hearing on the Davis-Bacon Act and on the Service Contract Act. Testimony was heard from public witnesses.

COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES

Committee on International Relations: Subcommittee on International Operations and Human Rights held a hearing on Country Reports on Human Rights Practices. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Ordered reported the following bills: H.R. 531, amended, to designate the Great Western Scenic Trail as a study trail under the National Trails System Act; H.R. 694, amended, Minor Boundary Adjustments and Miscellaneous Park Amendments Act of 1995; H.R. 529, amended, to authorize the exchange of National Forest System lands in the Targhee National Forest in Idaho for non-Federal lands within the forest in Wyoming; H.R. 536, amended, to extend indefinitely the authority of the Secretary of the Interior to collect a commercial operation fee in the Delaware Water Gap National Recreation Area; H.R. 562, amended, to modify the boundaries of Walnut Canyon National Monument in the State of Arizona; H.R. 517, Chacoan Outliers Protection Act of 1995; and H.R. 606, to amend the Dayton Aviation Heritage Preservation Act of 1992.

RESCINDING CERTAIN BUDGET AUTHORITY

Committee on Rules: Heard testimony from Chairman Livingston and Representatives Murtha, Young of Florida, Obey, Brown of California and Harman, but no action was taken on H.R. 845, rescinding certain budget authority.

DEPARTMENT OF DEFENSE—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

Committee on Rules: Heard testimony from Chairman Livingston and Representatives Murtha, Young of Florida, Obey, Brown of California and Harman, but no action was taken on H.R. 889, making emergency supplemental appropriations and rescissions to preserve and enhance the military readiness of the Department of Defense for the fiscal year ending September 30, 1995.

DEPARTMENT OF ENERGY R&D PROGRAMS: AUTHORIZATION

Committee on Science: Subcommittee on Energy and Environment continued hearings on Department of Energy Research and Development Programs: Fiscal Year 1996 Authorization. Testimony was heard from Martha A. Krebs, Director, Office of Energy Research, Department of Energy; Robin Roy, Project Director, OTA; John Peoples, Jr., Director, Fermi National Accelerator Laboratory; Nicholas P. Samios, Director, Brookhaven National Laboratory; Alvin W. Trivelpiece, Director, Oak Ridge National Laboratory; Alan Schriesheim, Director, Argonne National Laboratory; Charles V. Shank, Director, Lawrence Berkeley Laboratory; and David E. Baldwin, Associate Director, Energy, Lawrence Livermore National Laboratory.

JUDICIAL REVIEW—FEDERAL AGENCY COMPLIANCE

Committee on Small Business: Ordered reported amended H.R. 937, to amend title 5, United States Code, to clarify procedures for judicial review of Federal agency compliance with regulatory flexibility analysis requirements.

COMMITTEE BUSINESS

Committee on Standards of Official Conduct: Met in executive session to consider pending business.

RESTRUCTURING AIR TRAFFIC CONTROL

Committee on Transportation and Infrastructure: Subcommittee on Aviation continued hearings on Restructuring Air Traffic Control as a Private or Government Corporation. Testimony was heard from public witnesses.

Hearings continue February 23.

COAST GUARD BUDGET AUTHORIZATION

Committee on Transportation and Infrastructure: Subcommittee on Coast Guard and Maritime Transportation continued hearings on the Coast Guard Budget Authorization for Fiscal Year 1996. Testimony was heard from public witnesses.

WELFARE REFORM

Committee on Ways and Means: Subcommittee on Human Resources approved for full Committee action a welfare reform measure.

COMMITTEE MEETINGS FOR THURSDAY, FEBRUARY 16, 1995

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations, Subcommittee on Foreign Operations, to hold hearings on proposed budget estimates for fiscal year 1996 for foreign assistance, focusing on U.S. policy toward Russia and the New Independent States, 10 a.m., SD–192.

Committee on Armed Services, to resume hearings on proposed legislation authorizing funds for fiscal year 1996 for the Department of Defense, and the future years defense program, focusing on the military strategies and operational requirements of the unified commands, 9:30 a.m., SR–222.

Committee on the Budget, to hold hearings to examine proposed reforms for agriculture support programs, 9:30 a.m., SD–608.

Committee on Energy and Natural Resources, to hold hearings on the President's proposed budget request for fiscal year 1996 for the Department of the Interior, 9:30 a.m., SD–366.

Committee on Environment and Public Works, to hold hearings on the nominations of Dan M. Berkovitz, of the District of Columbia, and Shirley Ann Jackson, of New Jersey, each to be a Member of the Nuclear Regulatory Commission, 10:30 a.m., SD–406.

Committee on Finance, to continue hearings to examine the tax treatment of capital gains and losses, focusing on indexing assets to eliminate tax on gains caused by inflation; to be followed by a business meeting to consider the nominations of Shirley Sears Chater, of Texas, to be Commissioner of Social Security, Maurice B. Foley, of California, and Juan F. Vasquex, each to be a Judge of the United States Tax Court. , 9:30 a.m., SD–215.

Committee on Foreign Relations, to hold hearings on the nominations of Johnnie Carson, of Illinois, to be Ambassador to the Republic of Zimbabwe, and Bismarck Myrick, of Virginia, to be Ambassador to the Kingdom of Lesotho, 2 p.m., SD–419.

Subcommittee on African Affairs, to hold hearings to examine trade and investment issues in Africa, 2:30 p.m., SD–419.

Committee on Labor and Human Resources, Subcommittee on Children and Families, to hold hearings to examine the effectiveness of the Federal child care and development block grant program, 10 a.m., SD–430.

Committee on Small Business, to hold hearings on the small business owner's perspective on the Small Business Administration, 2 p.m., SR–428A.

Committee on Indian Affairs, to continue hearings on proposed legislation authorizing funds for fiscal year 1996 for Indian programs, 9 a.m., SR–485.

NOTICE

For a listing of Senate Committee meetings scheduled ahead, see pages E351–53 in today's RECORD.

House

Committee on Appropriations, Subcommittee on Agriculture, Rural Development, FDA, and Related Agencies, on Inspector General, 1 p.m., 2362A Rayburn.

Subcommittee on Foreign Operations, Export Financing, and Related Agencies, on Secretary of State, 10 a.m., 2359A Rayburn.

Subcommittee on Interior and Related Agencies, on Public Witnesses/National Endowment for the Arts and National Endowment for the Humanities, 10 a.m., 2360 Rayburn.

Subcommittee on Labor, Health and Human Services, Education and Related Agencies, on Corporation for Public Broadcasting, 10 a.m., and on Railroad Retirement Board and the Peace Institute, 2 p.m., 2358 Rayburn.

Subcommittee on Legislative, on Joint Committee on Taxation, Architect of the Capitol and Botanic Garden, 9:30 a.m., and on CBO, 1:30 p.m., H–144 Capitol.

Subcommittee on Military Construction, executive, on European Construction Program, 1:30 p.m., B–300 Rayburn.

Subcommittee on National Security, executive, on Commander-in-Chief, U.S. European Command, 10 a.m., H–140 Capitol.

Subcommittee on Treasury, Postal Service, and General Government, on IRS/GAO, 10 a.m., and 2 p.m., H–163 Capitol.

Committee on Commerce, to consider the following; Title II, Reform of Private Securities Litigation of H.R. 10, Common Sense Legal Reform Act; and oversight plans for the 104th Congress for submission to the Committee on Government Reform and Oversight and the Committee on House Oversight, 9 a.m., 2123 Rayburn.

Committee on Economic and Educational Opportunities, Subcommittee on Employer-Employee Relations, to mark up H.R. 849, Age Discrimination in Employment Amendments of 1995, 9 a.m., 2175 Rayburn.

Subcommittee on Oversight and Investigations, hearing on the Occupational Safety and Health Act, 9:30 a.m., 2175 Rayburn.

Committee on the Judiciary, to mark up H.R. 9, Job Creation and Wage Enhancement Act of 1995, 9:30 a.m., 2141 Rayburn.

Committee on Resources, Subcommittee on Fisheries, Wildlife and Oceans, oversight hearing on Fiscal Year 1996 budget requests for the following: U.S. Fish and Wildlife Service; the National Marine Fisheries Service; and certain programs of the NOAA, 10 a.m., 1334 Longworth.

Committee on Rules, to consider H.R. 831, to amend the Internal Revenue Code of 1986 to permanently extend the deduction for the health insurance cost of self-employed individuals, to repeal the provisions permitting nonrecognition of gain on sales and exchanges effectuating policies of the Federal Communications Commission, 10 a.m., H–313 Capitol.

Committee on Science, Subcommittee on Energy and Environment, hearing on EPA Research and Development Programs: Fiscal Year 1996 Authorization, 9:30 a.m., 2318 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Water Resources and Environment, to continue hearings on the reauthorization of the Federal Water Pollution Control Act, 10 a.m., 2167 Rayburn.

Permanent Select Committee on Intelligence, Subcommittee on Technical and Tactical Intelligence, executive, on Aerial Reconnaissance, 2 p.m., H–405 Capitol.

Joint Meetings

Joint Economic Committee, to hold hearings to examine enforcement mechanisms for the proposed balanced budget amendment, 9:30 a.m., SD–562.

Next Meeting of the SENATE

9:30 a.m., Thursday, February 16

Senate Chamber

Program for Thursday: Senate will continue consideration of H.J. Res. 1, Balanced Budget Constitutional Amendment, with a cloture vote to occur thereon.

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Thursday, February 16

House Chamber

Program for Thursday: Complete consideration of H.R. 7, National Security Revitalization Act.

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