We seek to help peace, but only the people of Northern Ireland can deliver it.

So let me say to them:

These are our ideas, but the future is up to you;

You have an opportunity now which has not been there for many years;

An opportunity to work together to build a better future and a lasting peace.

Our proposals stem from the talks process launched four years ago, in March 1991.

It was agreed then by the two Governments and the four participating parties that the process would have three strands. It would seek a new beginning for:

Relationships within Northern Ireland;

Relations between the North and South of the island of Ireland;

And relations between the United Kingdom and the Republic.

We agreed that it was only by addressing all these relationships together than agreement would be found across the community in Northern Ireland.

At this press conference, the Taoiseach and I are publishing the document ''A New Framework for Agreement'' which deals with the second and third of these strands. A little later this morning I shall put forward a separate document proposing new arrangements within Northern Ireland—which is of course a matter for the British Government and the Northern Ireland parties alone.

Our proposals are based on several principles: self-determination, consent, democratic and peaceful methods, and respect for the identities of both traditions.

Consent is and will remain paramount in our policy.

It is the democratic right and the safeguard of the people of Northern Ireland.

No proposals for the future would be workable, let alone successful, without the consent and active support of all Northern Ireland's people. For they are the people who would carry them out and whose lives would be affected.

That is why any eventual settlement must be agreed by the parties; supported by the people of Northern Ireland in a referendum; and approved by Parliament—a triple consent procedure.

Our constitutional matters, each Government has offered crucial new commitments in this Framework Document:

As part of a balanced agreement the British Government would enshrine its willingness to accept the will of a majority of the people of Northern Ireland in British Constitutional legislation. We shall embody the commitments we made in the Downing Street Declaration;

The Irish Government would introduce and support proposals to change its Constitution, so that ''no territorial claim of right to jurisdiction over Northern Ireland contrary to the will of a majority of its people is asserted''. This is a very important proposal that I welcome unreservedly;

These changes would offer Northern Ireland a constitutional stability which it has not hitherto enjoyed. Its future status, by agreement between the two Governments, would be irrevocably vested in the wishes of a majority of its people

In line with the three-stranded approach, we propose new institutions for North/South cooperation.

The North/South body which we outline would comprise elected representatives chosen from a new Northern Ireland Assembly and from the Irish Parliament. It would draw its authority from these two bodies. It would operate by agreement, and only by agreement.

On the UK side, the North/South body would initially be set up by legislation at Westminster, as part of a balanced agreement. It would come into operation following the establishment of the new Assembly. Thereafter, it would be for the Assembly and the Irish Parliament both to operate the body and to decide whether its functions should be extended.

Like all of our proposals, the new North/South institutions will be a matter for negotiation. But the way should now be open for beneficial cooperation between North and South without the constitutional tensions which have been such impediments in the past. We have made suggestions about areas which might be covered in this cooperation, to the advantage of both sides. Like all aspects of the document, they will be for discussion and agreement between all concerned.

The European Union already operates cross-border programmes between Northern Ireland and the Republic, as it does elsewhere. We propose that North and South could usefully work together in specific areas, to take advantage of what the EU has to offer. But the making of United Kingdom policy and the responsibility for representing Northern Ireland in the European Union will remain solely in the hands of the UK Government.

In the third of our Strands, we outline a new broader-based agreement to take the place of the 1985 Anglo-Irish Agreement.

The 1985 Agreement was criticised because the Northern Ireland parties had not contributed to it. Our new proposals are offered for discussion in the talks process. We want to hear the views of the parties; and we envisage that their representatives would be formally associated with the future work of the Intergovernmental Conference.

The Intergovernmental Conference would allow concerns to be expressed about any problems or breaches of the Agreement. But there would be no mechanism for the two Governments jointly to supervise or override either the Northern Ireland Assembly or the North/South body. It would be for each Government to deal on its own with any problems within its own jurisdiction. This would not be a question for joint decision, still less joint action. It is important to be clear about this, as there have been concerns on this score.

Our two Governments have worked with patient determination to agree on this Framework, and I am grateful to the Taoiseach, his predecessor, and the Tanaiste for their efforts and their spirit of accommodation.

Our proposals seek to stimulate constructive and open discussion and give a fresh impetus to the political negotiations. The outcome of those negotiations will depend, not on us, but on the consent of the parties, people, and Parliament.

It is not for us to impose. But what we propose is an end to the uncertainty, instability and internal divisions which have bedeviled Northern Ireland.

For over four years as Prime Minister, I have listened intently to the people of Northern Ireland. I have visited them, consulted them, travelled more widely than any predecessor throughout the Province, and held meetings with political leaders, church leaders, council leaders, community leaders, and people from all walks of life.

It is my duty as Prime Minister of the United Kingdom to maintain the Union for as long as that is the will of the people. It is a duty in which I strongly believe, and one which these proposals protect. Just as people cannot be held within the Union against their will, so equally they will never be asked to leave it in defiance of the will of the majority.

Consent and free negotiation are fundamental to me, and they are the foundation stones of this Joint Document.

In the four years of the Talks process, we have travelled a long way, but not yet far enough.

I know that many people will be worried, perhaps even pessimistic, about the future.

But, as we look at the hurdles ahead, let us also consider where we have come from.

The dialogue of the deaf has ended.

For four years, we have been engaged in talks.

The three-stranded approach is becoming a reality.

The Joint Declaration has been accepted.

The British Government is engaged in talks with paramilitaries on both sides.

We have had nearly six months of peace.

Prosperity and a normal life are returning to Northern Ireland.

The principle of consent, once accepted only by Unionists and the British Government, is today accepted almost everywhere.

These are some of the gains for everyone in Northern Ireland.

More gains can lie ahead if we have the courage to conduct ourselves with patience, with foresight and with consideration.

Mr. WELLSTONE. Mr. President, I wonder whether I could ask unanimous consent to speak for 7 minutes as if in morning business.

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

Mr. WELLSTONE. Mr. President, I thank the Chair.

(The remarks of Mr. WELLSTONE pertaining to the introduction of S. 458 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. WELLSTONE. Mr. President, I yield the floor.

RECESS

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

Thereupon, at 12:39 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ABRAHAM).

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The Senate continued with the consideration of the joint resolution.

The PRESIDING OFFICER. Who seeks recognition?

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. BYRD. Mr. President, I yield to the distinguished Senator without losing my right to the floor.

Mr. HATCH. Mr. President, I appreciate my colleague from West Virginia, and I appreciate his courtesy at all times.

This has been a very interesting and energetic debate. We used up almost all the time. There have been very few

quorum calls. I want to compliment people on both sides of the aisle and both sides of the issue. It has been a hard-fought debate. But it has been fought fairly. I believe that those on the other side of this issue feel very deeply just like those of us who want this balanced budget amendment feel very deeply ourselves. So I appreciate it.

We have had an extensive debate. I think it has been fair. It has been many, many days. We are now in our 15th day of actual debating, 3 solid weeks of time on the floor, and actually more if you talk about the normal running of the Senate. We have debated a whole raft of issues. In the next few days, the final days of this debate leading up to next Tuesday when we finally vote on this matter, we will have a number of amendments and give every Senator an opportunity to speak again or to bring up his or her amendments.

There has not been—I just want to remind everybody in this country today—that there has not been one balanced budget since 1969; not one in 26 years. There have been only seven balanced budgets in the last 60 years. Only seven. The national debt is now over $4.8 trillion. That is more than $18,500 for each man, woman, and child in America. Every one of us is in debt better than $18,500 and going up every day.

The national debt has increased $3.6 trillion since the Senate last passed this balanced budget amendment back in 1982 when I, as chairman of the Constitution Subcommittee, along with Senator THURMOND and others, brought it to the floor for the first time in history. We passed it through the Senate by the requisite two-thirds vote plus two. But the House killed the amendment, and since that date in 1982, the national debt has gone up $3.6 trillion.

In 1994, last year, gross interest against the national debt exceeded $296 billion. Just to put that in perspective, that interest that we paid last year was more than the total Federal budget or total Federal outlays in 1974. Just think about it. We spent more just paying interest against the national debt—that is money down the drain—than all of the outlays of the Federal budget, all of the spending of the Federal budget, in 1974. And that $296 billion interest payment last year is more than the total revenues of our Government were in 1975.

In 1994, gross interest consumed about one-half of all personal income taxes. One-half of all personal income taxes paid just went to pay interest against the national debt in fiscal year 1994. We spent an average of $811.7 million each day just on gross interest. That is $33.8 million each hour and $564,000 each minute that we were spending on gross interest alone.

Net interest payments in 1994 were 5½ times as much as outlays for all education, job training, and employment programs combined. Just think about that. Net interest payments—that is net interest payments—in 1994 were 5½ times as much as all we spent for education, job training, and employment programs in this country in the Federal Government.

In the 24 days since we first began this debate on the balanced budget amendment, the amendment that we have debated for years, the national debt has increased—I guess I better put that up here—has increased $19,906,560,000.

I have to put these indicators up because we have not done so. This is the 19th day. Here is the 20th day since we started the debate. That is $16.5 billion. Here is the 21st day since we started the debate. That is $17.5 billion, almost. The next one is the 22d day since we started this debate. That is $18,247,680,000, and last but not least is the—excuse me, this is the 23d day, $19 billion—$19,077,000,000—and finally, on the 24th day, just since we started the debate on this matter, we are now up to $19,906,560,000 in national debt that increased over those 24 days. Now, that is about $75 for every man, woman, and child in the United States of America.

I hope they have enjoyed this debate. It is not as good as ''Les Miserables,'' but it is about as expensive. Now, can you imagine what we are doing on an annual basis? We are going up by leaps and bounds—almost $1 billion a day in national debt. So this is really important. This is important stuff.

I do not find any fault with those who feel otherwise except that I think they are wrong. Something has to be done. We can no longer fiddle while Washington burns. We have to change the old way of doing things around here. We have to start doing things in a better way.

This amendment, as imperfect as it may be, is still the most perfect we have ever brought to either House of Congress, and it is a bipartisan consensus amendment. This amendment is something that would get us to make priority choices among competing programs and force us toward trying to live within our means. And it does it in a reasonable and worthwhile way.

So I hope our colleagues will realize this because we have 52 of 53 Republicans who are going to vote for this. All we need are 15 Democrats out of the 47. We are hopeful we will find 15 of them, and if we do, we will be on our way to solving some of these terrible problems that are besetting our country, and we will be on our way to helping the future of all of our children and grandchildren.

I thank my dear friend from West Virginia. I look forward to his amendment, and I thank him for allowing me this time just to set the tone for the debate beginning this afternoon.

(Mr. COATS assumed the Chair.)

Mr. BYRD. Mr. President, I thank the distinguished Senator from Utah for his many courtesies and also for the work that he has done on this amendment.

I do not expect everybody to agree with me by any means on this or anything else, but I sometimes find it hard to understand why others disagree with me especially on this subject. But every person has a mind of his own, and I do not set myself up as a paradigm of thought or action. I do think, however, that when the distinguished Senator from Utah makes reference to the need for a constitutional amendment in order to force us to exercise the discipline to balance the budget, it seems to me that that is a very sad commentary on the character of elected public officials; to say that we have to have a constitutional amendment to give us the discipline. I remember the words of H.L. Mencken, who was a great American writer and author and editor, who said that ''There is always an easy solution to every human problem—neat, plausible, and wrong.''

This constitutional amendment, in my estimation, falls into that category of being an easy solution to a very serious problem; it is neat, sounds plausible, but it is wrong.

> The devil knew not what he did when he made man politic; he crossed himself by 't: and I cannot think but in the end the villanies of man will set him clear.

Mr. President, this constitutional amendment unequivocally states that:

> Total outlays for any fiscal year shall not exceed total receipts for that fiscal year—

That means every 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.

The two must balance, ''unless three-fifths of the whole number of each House of Congress shall provide by law,'' meaning passed by both Houses and signed by the President, ''for a specific excess of outlays over receipts by a rollcall vote.''

It cannot even be done by unanimous consent.

Of course, there is nothing in the present Constitution which says that we have to have a rollcall vote on everything that passes either body. The Constitution does require a rollcall vote if one-fifth of those present in either House request a rollcall vote. I have no problem with requiring a rollcall vote. I do not mind that. And I do not think other Senators mind it. I have not missed a rollcall vote now in over 10 years. I have cast around 13,500 rollcall votes since I have been in the Senate, not counting the rollcall votes that I answered when I was in the House of Representatives. The waiver has to be by a rollcall vote.

And what of the economic effects of this mandate for yearly budget balance? In fact, larger spending cuts or tax increases would be required in slow growth periods than in periods of robust growth, exactly the opposite of what is needed to stabilize a weak economy and prevent recessions—exactly the opposite.

The amendment, therefore, not only risks making recessions of greater frequency, depth, and duration, but mandating a balanced budget by fiscal year

2002—a year for which a deficit of $322 billion is projected by CBO—or within 2 years following ratification, whichever is later—would also impose constraints on the economy far in excess of those entailed in the 1993 budget law—a double whammy—a double whammy—that can stifle economic growth and cause unemployment to soar. The three-fifths waiver provision would prove ineffective as most recessions are already underway before they are recognized as such.

So, any recession may already be upon us. It may have been several months in duration already before it is recognized as such. Recessions often are not recognized as recessions until a month, 2 months, several subsequent months are passed. How are we, then, going to waive, by a three-fifths vote, this requirement, so as to pass a resolution for a specific excess of outlays over receipts? How are we going to do it?

Suppose we have already passed the close of the fiscal year before we realize that we are in a recession? The end of the fiscal year, September 30, has gone. How are we, then, going to waive by a three-fifths vote this requirement so as to provide a law for a specific excess of outlays over receipts for that fiscal year which has just passed. How are we going to do that?

We hear it said that the American people have to balance their personal budgets. That is one of the shibboleths that we have heard so often: The American people balance their budgets. Every family has to balance its budget, we hear. States have to balance their budgets—that is another shibboleth. States have to balance their budgets, why can the Federal Government not balance its budget? Let us take a closer look at these popular notions. First, I do not think anyone would argue that businesses should not be able to borrow. We all know that businesses borrow to finance the purchase of high technology and equipment. Businesses borrow to modernize plants and equipment.

They would go under if they could not borrow. They have to keep their equipment modernized in order to compete with the other businesses in the community or nearby. They have to borrow in order to finance the purchase of high technology and other equipment. Businesses borrow to modernize plants and equipment. States borrow. My State of West Virginia borrows. Other States borrow to pay for roads and schools and other capital projects.

The chart to my left sets forth the total State government debt, fiscal years 1960 through 1992. And the source of the data on which the chart is based is the Bureau of The Census. Viewing the chart to my left, the viewers will note that in 1960, the total of State government debt for 1960 is $18.5 billion, of which the amount shown in the red coloring, $9.2 billion, was nonguaranteed debt. The portion that is shown in the yellow color is that portion of the debt which is backed up by the full faith and credit of the State.

Now, notice how the State debt has grown, both the nonguaranteed debt and the full faith and credit portion of the debt. In 1992, the total State government debt was $371.9 billion, of which $272.3 billion was not backed up by the full faith and credit of the State but was nonguaranteed debt. That nonguaranteed debt costs the State taxpayers more than the guaranteed debt, in terms of interest. That portion that is colored yellow on the chart, that portion of the total State debt was backed up by the full faith and credit of the State.

Therefore, one will see that in the course of 32 years, 1960 to 1992, State debt in this country increased from $18.5 billion to $371.9 billion. In other words, roughly, as I calculate in my cranium, the total State debt had increased about 20 times—20 times. State debt in 1992 was 20 times greater than it was in 1960.

Who says that States balance their budgets? The States do not balance their budgets. They are in debt. They are heavily in debt. They borrow to invest, in most cases; but they borrow to pay for roads and schools and other capital projects. Many of the Governors will say, ''My State balances its budget, why can the Federal Government not balance its budget?'' Those Governors know better than that. They know that the States operate on two budgets, a capital budget and an operating budget. So why attempt to mislead the people into thinking that oranges are apples or that apples are oranges or that black is white or that white is black, when the case is plainly not such?

The Federal Government operates on a unified budget. It does not have two budgets, a capital budget and a operating budget. So the States are different. But do not let anybody ever tell you that the States are not in debt. They are heavily in debt and they are going more into debt all the time, as we can see from this chart to my left.

Then there are those who say that the American families balance their budgets—a lot of people believe that. But when they stop to think seriously about the matter, they will come to the conclusion that most American families really do not balance their budgets. They borrow. They borrow to buy what? To buy an automobile. What else? To buy a home. I know, because I have had to borrow in my lifetime to buy a home. My wife and I have worked hard to pay off the mortgage on the home. We were in debt. We did not balance our budget.

We balanced our operating budget, but we did not balance our total budget. We had to borrow. We borrowed the money. We did not balance our budget, did we, in the sense that we are talking about here when we say that the Federal Government ought to balance its budget? No. We borrowed the money, and we paid back, over a period of years, the principal and the interest on that borrowed money.

We hear much these days about a so-called Contract With America. The so-called Contract With America. That is a big joke. In pursuance of that so-called Contract With America, the other body adopted this constitutional amendment to balance the budget in 2 days—2 days! There is not a town council in this country anywhere that would not spend 2 days—at least 2 days—in determining whether or not to issue a permit to build a golf course. Two days! Our Founding Fathers spent 116 days, from May 25, 1787, to September 17, both inclusive—116 days, behind closed doors. They stationed sentries at the door, and the windows were kept shut to prevent eavesdropping on what was being said on the inside. George Washington instructed the delegates to not leave any papers lying on the desks and to not discuss the proceedings with anyone on the outside. We cannot even have a caucus without someone having to come out of the caucus and spill his guts to the press.

At that Constitutional Convention, on one occasion, someone carelessly left his convention notes on the desk overnight. George Washington, the next day, called attention to the fact that someone had left his notes, and Washington was upset. He threw the notes onto a table and said: ''Let him who owns it take it.'' Nobody claimed the notes. Washington walked out of the room. It was serious. The Framers met for 116 days; yet here, in 2 days time—2 days—the other body adopts this constitutional amendment.

Thank God for the U.S. Senate! The Founding Fathers certainly knew what they were doing when they created the Senate, a place where we can have unlimited debate. It can only be limited by a cloture motion or by the willful entering into a unanimous-consent agreement on the part of all of the Members.

This constitutional amendment is part of the so-called Contract With America. I read about it every day. The newspapers keep a running marker on the so-called contract—how many days have gone by, and what has passed the House, and all that.

Well, I once signed a contract myself. But not the so-called Contract With America. I signed a contract once upon a time and I have a replica of it here on this chart. This was entered into on May 25, 1937, almost 58 years ago. Let us see what this contract says. Mind you, now, one of the shibboleths in this debate is that the American families balance their budgets. I consider myself as being an average American. I once had to work in a gas station, which was my first job after graduating from high school in 1934. Then I became a produce salesman. I sold cabbage, turnips, rutabagas, watermelons, peaches, pears, apples, radishes—all those nice things. I used to spread them on my produce counter. Then I

became a meat cutter. I worked as a meat cutter for a number of years.

While I was working in this meat shop for Koppers Stores, I entered into this contract. It is not the so-called Contract With America, you understand. This contract cost me $189.50. What did I get out of this contract? No Contract With America is as bona fide as this contract was. If I had broken this contract, I would never have come to the U.S. Senate. Here is what it said:

''Store number 30.'' You see, Koppers Stores was an organization that had a number of stores in Pennsylvania, West Virginia, and some other States. The customer, who was he? ROBERT BYRD. Date, May 25, 1937. That was 4 days before I got married. I am still married to my first wife. On May 25, 1937, I entered into that contract. What does it say?

This conditional sales agreement between Koppers Stores, Division of Koppers Coal Company, a Delaware Corporation, hereinafter called Vendor—

I probably did not know what ''vendor'' meant at that time. I had just graduated from high school three years before. I was out of high school 16 years before I started to college.

and Robert Byrd, residing at Stotesbury, House No. 207 . . . in the County of Raleigh, State of West Virginia . . .—

Here is what was in the contract: A five-piece bedroom suite consisting of one vanity, one bed, one chest, one night table, and one bench, valued at $189.50. Here is what the contract said.

. . . which articles Purchaser agrees to use and keep in like good order and for which Purchaser agrees to pay in cash or scrip of the above-named company as follows: $5 on delivery of this agreement, the receipt of which is hereby acknowledged, and the sum of $7.50, twice each month, payable on the two Saturdays which are nearest to the tenth and twenty-fifth days of each month at the offices of the above named company, for 13 months . . .

. . . or until the total amount of $189.50 shall have been paid, and Purchaser hereby assigns to Vendor out of any wages due to Purchaser from Purchaser's employer, semimonthly, the said sums so payable semimonthly to Vendor under the terms hereof until said total amount shall have been paid, and hereby authorizes and directs his employer to deduct said sums on the days aforementioned from wages due him on such days, and to pay the same to Vendor, after which total payment the title to the above listed property shall pass to Purchaser without encumbrance.

See, not until I have paid that $189.50 did the title pass to this poor old butcher boy.

It is understood, however, that pending such total payment, title to said property is reserved and remains in Vendor. And it is agreed that Purchaser shall not, without the consent of Vendor, remove said articles from Raleigh County, nor sell, mortgage, or otherwise dispose of Purchaser's interest in them.

And it is agreed that if Purchaser should be in default—

Get this.

in the payment of any of the installments of purchase money due hereunder, without the written consent of Vendor, or if Purchaser should sell, mortgage, or otherwise dispose of purchaser's interest in any of the above listed property, or remove any of said property from Raleigh County, then the Vendor, its successors and assigns, shall have the right to retake possession of said articles and deal with them in accordance with the statutes for such cases made and provided and in so doing, enter and, if necessary, break into any house, place or premises where said articles may be, provided the same may be done without breach of the peace; or the said company may, at its option, rescind this sale.

Witness the following signatures and the seal of Purchaser this 25th day of May, 1937.

And here is yours truly, ''sign here,'' it says, ''ROBERT BYRD.'' This is it! That was my contract—$189.50.

Now, that is about what every family in America has to experience from time to time in buying a house, buying a car, buying a bedroom suite, buying a refrigerator, buying a farm.

My foster father bought a farm in the mid-1920's. Did he pay for it in cash? No. He had to go in debt for it. I remember that we lived in Mercer County at that time. He had a gentleman sign his note. The man's name was Eads—a Mr. Eads. I forget the first name, but he lived at Camp Creek in Mercer County, West Virginia. He signed the note for $1,800. It was a 26-acre farm. It was not a great farm; just two hillsides that came together down in the hollow where a creek meandered its way down the valley. Sometimes it became a swirling treacherous stream when the rains came.

But he went into debt for that farm, $1,800, along about 1925–1926. I was in about the fifth grade. My dad had to go in debt.

So that is the story as to how American families ''balance'' their budgets.

So don't let it be said that the Federal Government should balance its budget like ''every family in America balances its budget.'' Only a few fortunate families, relatively speaking, are able to balance their budgets. Families borrow to buy a farm, or farm equipment, or to finance a college education. Many parents borrow money to finance the college education of their sons and daughters. In fact, the American people have borrowed billions of dollars, as shown on the chart to my left, for myriad reasons.

This chart to my left indicates the consumer debt from installment loans in billions of dollars. This excludes real estate, which amounts to over $3.5 trillion.

In 1980, the consumer debt in this country was $292 billion. It has gone up every year, has increased, with the exception of 2 years. In 1991 and 1992 there was a slight drop. In 1992, it dropped to $731 billion. But in 1994, September, the consumer debt in this country from installment loans was $880 billion. That does not count real estate debt. Real estate debt that the American people owe is over $3.5 trillion—over $3.5 trillion—for their homes and farms. But other than real estate, consumer debt itself from installment loans went from $292 billion in 1980 to $880 billion in 1994. In other words, in 14 or 15 years, it increased from close to $300 billion to almost $900 billion, almost three times as much.

Those peoples are borrowing to make an investment, for the most part. They are investing in a roof over their heads when they borrow money for their homes. They are investing in a brighter future for their children when they borrow money for college loans. These are investments that families make in the future. Surely no one would advocate passing a law that would prohibit that type of borrowing. Surely no Senator would stand on this floor and offer a bill that mandated that a family or a business or a State of this Union would be denied all loans unless those loans could be paid in full within 12 months.

Yet, under this amendment, unless three-fifths of the whole number of both Houses vote to allow Federal borrowing on an annual basis, the Federal government will be denied the methods that most businesses, State and local governments, and families use to finance investments critical to their proper functioning, economic prosperity, stability, and well-being. We would be making it nearly impossible for the Federal government to ever again make a substantial investment in its people, and in their future unless it could be totally paid for each and every year. Never mind the merit of the investment. Never mind the wisdom or the need of the investment. There is only one standard which must be met and that is the standard of ability to completely offset any costs yearly.

I know there is the out, there is the escape hatch, of three-fifths of the Members may vote to waive this mandate.

What about the argument that 49 States have some type of statutory or constitutional balanced budget requirement, so why should we not have a balanced budget amendment to the Federal Constitution? This argument is simplistic, perhaps interesting, but really not relevant. The States, unlike the Federal government, are not required to raise and support armies, not required to provide and maintain a navy, not required to provide for the common defense and general welfare of the United States. Nor do they carry the responsibility for the conduct of international relations or for the fiscal and economic policy of the Nation. Moreover, there are fundamental differences in Federal and State fiscal and budgeting structures. Balanced budget requirements for States generally affect operating budgets but not capital budgets, whereas the Federal government operates on a unified budget. Operating and capital budgets are not separate and distinct in the Federal budget as they are in State budgets. This proposed balanced budget amendment to the U.S. Constitution would require the total Federal budget to be balanced, including capital investment,

pension funds, and operating expenditures, and it would require such a budget each and every year.

Furthermore, balanced budget requirements and practices at the State levels leave much room for evasion, so that not everything meets the naked eye. Revenues and expenditures are often shifted from one fiscal year to the next, off-budget agencies are often used, program and funding responsibilities are shifted to county and local governments, short-term borrowing and borrowing from pension funds are common at the State level.

Much State borrowing is made through off-budget, non-guaranteed debt instruments which require higher interest payments. The States are in debt. We better believe it. The Governors say, ''We balance our budgets.'' Mr. Reagan used to say, ''Well, we balanced our budget in California, the States have to balance their budgets.'' ''The States have it, why not let me have it?'' Mr. Bush would say the same thing. ''They balance their budgets, why not the Federal Government?'' But in fact, they do not. The States are in debt, but they hide it.

On another front, Mr. President, the three-fifths requirement to waive the requirements of section 1 would have the real effect of diluting the power of the small States of this country. I hope that the rural States and smaller States will take a long, hard look at this provision. If this amendment is ratified, we are going to have to balance this budget, come—I will not say the word ''hell,'' I will use the word Abaddon or Sheol, but as some would say—hell or high water, in any and every fiscal year—recession, depression or not, 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.'' Now, that dilutes the voting strength of the small- and medium-sized States in this country. It puts into the hands of the large States vast bargaining power.

Let me illustrate my point. I will take only six States. How many votes would be required to defeat any waiver? It only takes two-fifths plus one vote of either House. The Senate might unanimously support a waiver of section 1 in a given year. In the Senate, all the States are equal. This is the only forum in this Government in which all the States—large States, small States, middle-sized States—are equal. Little West Virginia is equal to the mighty State of California. West Virginia has three votes in the other body. Three votes. California has 52. Two-fifths plus one of the other body, can thwart the waiver. That is where the voting strength of the small States would be diluted. There are 435 Members of the other body. One-fifth is 87. Two-fifths is 174. All that is needed in the House to block the waiver of section 1 would be 175 votes. Now, on the chart to my left. Viewers will recognize six States that have a total of 177 votes; California, with 52; New York, with 31; Texas, with 30; Florida, with 23; Pennsylvania, with 21; and Illinois, with 20. That adds up to 177 votes. Two votes to spare. It only takes 175 votes in the other House to thwart a waiver of this requirement in this new constitutional amendment. We could substitute Ohio for Illinois, substitute 19 for 20, and if we do that we have 176 votes. So we still have one vote to spare.

Remember that 175 votes will block the waiver of section 1, or the waiver of section 2. If we substitute Ohio for Pennsylvania, Ohio with 19, Pennsylvania with 21, and put Ohio in with 19 votes, we hit it right on the nose—right on the nose, 175 votes.

Therefore, under this scenario, 6 States have by virtue of the provision in the proposed constitutional amendment outvoted the other 44 States.

How do small States feel about that? The big States can have the ability to band together and bargain. If those six States stood solidly in the House, they could say to the whole Senate, they could say to the rest of the Members of the House ''We will not budge unless you give to us this or that.'' The voting power of the other 44 States will be rendered nugatory. Small States had better take a good, hard look at the fine print with this constitutional amendment. And Senators who represent small States had better take a hard look because in the other body, small States will not wield nearly the power as would the large States. The people of the small States and the newspapers in the small States had better take notice. Small States are going to be left out in the cold. It will be a perpetual winter of discontent. Perhaps it would only be in an extreme situation, and it would be, that six States would line up as they are lined up on the charts, but it is possible. Small States would be penalized under this amendment.

It might not be 6 States, it might be 8, might be 10, it might be 15. Make no bones about it, small States will be penalized under the amendment. Make no bones about it.

Now let us take a look at the sections of the amendment involving limit on the debt. Under House Joint Resolution 1, the debt limit cannot be increased unless three-fifths of the whole number of each House votes to do so by rollcall.

I will read it:

> 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.

Increases in the debt limit often muster only a bare majority, and then, with some difficulty. In fact, the debt limit has been raised 29 times over the period February 1981 through August of 1993 and in only two of those instances did three-fifths of the whole number of both Houses vote to increase the debt limit. But, on only two of those occasions did three-fifths of the whole number of both Houses vote to increase the debt limit over the period of February 1981 through August of 1993. This means that on only two occasions did the Congress meet the supermajority requirements of this balanced budget amendment. To further illustrate the difficulties of requiring a supermajority vote to raise the debt limit I quote from a letter which I received from the Director of the Office of Management and Budget, Dr. Alice Rivlin. She writes in part ''* * * the amendment's debt limit provisions would lead to financial brinkmanship. It would permit a minority, in the House or the Senate, to hold the Federal Treasury hostage whenever the nation's finances require the issuance of additional debt.'' This is an exceedingly irresponsible requirement. It is a ''doomsday'' device. Using the debt ceiling to force Congress and the President to come together on spending cuts or revenue increases in order to avoid a presumed deficit, while holding the American people hostage is fraught with problems. So what happens if Congress fails to extend the debt limit? The Treasury would cease to issue new debt. Writing checks for any purpose would be severely curtailed. There could be no assurance that social security checks could be issued. There could be no assurance that payments could be made to our military men and women, or our judges, the President, Congress, or anyone else. Even interest payments on our current debt obligations could not be assured. Payments for unemployment benefits, farm price supports, Medicare bills, and child nutrition programs would be, at best, intermittent, if made at all—if made at all. Even basic government services could not be assured. The Federal government would be in chaos.

A vote for this constitutional amendment is a vote for delay, at least until the year 2002. It is as phony as a $3 bill. I have never seen a $3 bill, just as I will never see a balanced budget through this amendment. It is a cop out. It will straitjacket the Government in recession, and it will force us to overload services and programs on the States, and, in the end, it will open the way to litigation, and the invitation to the courts of this country to become the super-Offices of Management and Budget and involve themselves in the legislative control over the purse.

This could be rightly named the ''lawyer's amendment'' or the constitutional amendment for the benefit of lawyers. ''The first thing we do, let's kill all the lawyers,'' Shakespeare said in the second part of Henry VI. ''The first thing we do, let's kill all the lawyers.'' The lawyers are going to have a field day on this amendment, because it is going to open up the way to litigation, and it will be an open invitation to the courts of this country to become the super-Offices of Management and Budget and involve themselves in the legislative control over the purse. It

would enthrone the judges of this country with the power to tell the people where the money will be spent and how revenues will be raised. These judges will become unelected representatives of the people appointed for life. The end result would be taxation without representation, and we fought one war over that principle a little over 200 years ago.

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. This is section 5.

I am going to read section 5 of the constitutional amendment to balance the budget:

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.

Mr. President, if the Nation found itself in a situation so serious that the Congress passed a declaration of war, then certainly the Congress would exercise this waiver, I should think. No doubt about it.

Declarations of war have been known to be in effect for many years following the termination of the actual fighting war—which might create a problem here.

However, as a practical matter, the United States has been involved in three wars and numerous other military engagements over the past 50 years and none of them has been conducted under a declaration of war.

The Korean war under the auspices of the United Nations; the war in Vietnam; the Persian Gulf war, and numerous other military engagements in the past 50 years were conducted without a declaration of war.

Section 5 goes on to provide for a waiver of the balanced budget requirement if the Congress passes a joint resolution, by a majority of the whole number of each House, declaring that the United States is engaged in a conflict that poses imminent and serious military threat to the national security. This would appear to provide the flexibility required, but it is easy to envision scenarios where this scheme would break down.

If a military emergency develops late in a fiscal year and the President, as Commander in Chief, takes immediate steps to address the crisis, such as happened in Operation Desert Shield, then how would the funding be affected? Even if the Congress passed a resolution supporting the President's initial action, the situation might not clearly meet the test of ''imminent and serious military threat to national security.'' The Congress might be deeply divided on the policy, with no majority of the whole number of either House supporting the President's action. Let us remember that the resolution authorizing the use of force in the Persian Gulf passed the Senate by a vote of 52 to 47. If such a situation did not meet the test of section 5 and three-fifths of the Congress would not vote to waive this amendment as provided in section 1, then the Nation could find itself with a Commander in Chief forced to operate in violation of this constitutional requirement. Unfortunately it is a very possible outcome. Moreover, America's ability to respond to national emergencies even if a waiver were granted could be seriously impaired because, for the first time in the history of our nation, we will be shackling our defense preparedness to other unrelated factors.

America's defense preparedness could, if this amendment becomes law, be determined by shifts in the overall economy or cost growth in entitlement programs. This would inject great uncertainty and very likely chaos into our defense planning when what is needed, especially in the area of defense, is long-term dependability, predictability, and stability. Budgeting for defense under the balanced budget amendment is especially unwieldy because of the long-lead time needed for our important weapons systems. Many years of research and development are needed to ensure that our forces can respond to emergencies and are never outgunned. Programs cannot be started and stopped at the whim of an out-of-balance budget, caused by a rise in interest rates or unforeseen growth in entitlement programs. We cannot recruit and train military professionals adequately in a climate of constant budget uncertainty. Defense preparedness and effectiveness cannot result when the funds for a strong defense are uncertain or in peril from year to year.

Mr. President, this balanced budget amendment is plagued with problems. They are problems which cannot be rectified because they impose fiscal rigidity upon the nation's economic and fiscal policies. The amendment promotes a paralysis of the nation's ability to act to protect itself in a crisis. It amounts to a lockjaw, a tetanus economic policy both now and forevermore. It is a bad idea whose time never was, and it deserves to be soundly defeated.

It seems to me that some of the most disturbing flaws in this most disturbing Constitutional amendment are to be found in section 5 because section 5 sets up an obstacle course—deliberately constructs hurdles and traps—which must be conquered before we can deal with a threat to our national security. Additionally, when section 5 is coupled with section 1 and section 3, the President and the Congress can both be put in a perfectly ludicrous situation with regard to the protection of our fighting men and women and the national security interest.

Section 1 states that 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.'' Suppose we are involved in a military conflict which crosses from one fiscal year to another. But, then let us also suppose that the conflict appears to be winding down, and for a time it appears that there is not ''an imminent and serious military threat to national security,'' and so the Congress does not waive the provisions of the article.

Then let us further suppose that the conflict flares up toward the end of the fiscal year and our fighting men and women are at risk and the battle is raging. The President of the United States is forced under this amendment and under section 3 to submit a balanced budget every year. He is forced to try to guess at what the costs of the conflict might be and, if they are going to be large, to savage some other part of the budget in order to try to pay for the conflict. Or he can just ignore the situation and trust that the Congress will bail him out and either muster the three-fifths vote to pay for the costs of the conflict at the end of the fiscal year or pass a joint resolution waiving the appropriate provisions of the amendment.

I would not want to be a President charged with protecting American lives under those circumstances. I would not want to be a President charged with protecting the national security under those circumstances. I would not want to be a general in the field under those circumstances. I would not want to be the father of a son or a daughter or grandfather of a grandson or granddaughter fighting in that conflict. I would not want to be an ally of a nation with that kind of convoluted uncertainty lurking behind its ability to make good on its commitments.

I think we have a right to believe that other nations likewise would have some qualms about being our ally under those conditions. Nations that are our allies would certainly not feel that they could count on this Nation in a moment of criticality.

A dedicated minority could so hamstring a President that he is unable to continue his commitment to our fighting men and women and to our allies in a conflict. A devious enemy could use the hurdles and traps which we are constructing with this ill-conceived proposal to affect this Nation's ability to wage a war.

Why in the world would any nation want to set up such a vicious snare for its own national security interests?

Why would any other nation want to line up with us, knowing that it, the other nation, could not depend upon us to deliver the three-fifths requirement or to deliver the majority of the total membership of both Houses in a critical situation?

I wonder if the authors of this amendment really sat down and thought about the impact of this ill-

conceived idea upon our nations security interests? We have heard all of this talk about protecting the defense budget from cuts under the amendment, but have the proponents really played out the consequences of sections 1, 3, and 5 in the event that we are engaged in lengthy military operations?

I believe that the proponents have become so obsessed with the idea of ramming through a constitutional amendment to balance the budget that they have put all other concerns on the back burner. They are wearing huge and heavy blinders. While blinders may be useful to help a nervous horse run a race, they serve human beings, who must keep their eyes on many priorities, very poorly indeed.

This amendment so rewrites the constitution, so shifts the balance of power among the three branches, and so thoroughly rearranges the checks and balances that it is in effect anticonstitutional.

Now, obviously, it will not be unconstitutional if the Congress adopts it and it is ratified by three-fourths of the States. It will not be unconstitutional because it will then be part of the Constitution. But it will be anticonstitutional in the sense that our framers had in mind when they created a system of mixed powers, checks and balances, with the power of the purse, power to tax, power to appropriate funds lodged in the legislative branch.

I believe that the adoption of this amendment will have the impact of shredding the constitution as we have traditionally known it. Such confusion will abound, such litigation will occur, such unintended snares and bottlenecks will arise that we will most assuredly suffer a constitutional crisis of large proportions if it is adopted.

Now, those are the nightmares if this constitutional amendment is enforced. Of course, if it is not enforced, then it creates a different nightmare, that being the nightmare of the amendment's being nothing more than an empty promise written into the Constitution of the United States, an empty promise, in which event the confidence of the American people in the Constitution will be shattered and their confidence in their Government will suffer further.

To mandate such an unrealistic criterion for a great nation is in effect to chain its most vital function—its ability to protect its citizens and its national interests—to the fluctuations of a giant economy, to the unpredictability of the whims of public opinion and to a green eyeshade view of national priorities.

Balancing the budget is a laudable goal. I share that goal. We all share that goal. But absolute budget balance, each and every year, is neither laudable nor, in every case, wise.

Surely, we do not want to go down this dark and murky road. It is more than apparent that the wisdom of the Framers is not manifest in this latest proposed addition to the Constitution.

If we have not the ''wisdom'' in the crafting of the proposal, let us at least have the wisdom to reject it.

AMENDMENT NO. 256

(Purpose: To permit waiver of the article when the United States is engaged in military conflict by majority vote)

Mr. BYRD. Mr. President, I believe I have an amendment at the desk, No. 256. I call up that amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 256,

On page 2, lines 24 and 25, strike '', adopted by a majority of the whole number of each House''.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, the effect of this amendment is as follows. It would strike from section 5 the words, ''adopted by a majority of the whole number of each House.''

It would leave standing all of the foregoing words, namely:

Section 5, the Congress may waive the provision 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, which becomes law.

So it eliminates the requirement that such a joint resolution be adopted by a majority of the whole number of each House, which becomes law.

I call attention to the fact that to require a majority of the whole number of each House would preclude the Vice President of the United States from casting a deciding vote on a given motion to waive this section. If the votes were tied—tied at 40–40, he might as well not vote because his vote would not count. If they were tied at 50–50, as we have seen occur in the case of the 1993 reconciliation bill—the 1993 reconciliation bill, that was to reduce the budget deficits over the period of the following 5 years by something like $482 billion—the votes were tied: 50 votes for and 50 votes against. Not a single Republican Senator voted for that package. They all voted against it because they said taxes were increased in it. But they all voted against it. The vote was 50–50. The Vice President cast the deciding vote in that instance.

In this situation, if we find that our country is faced with an imminent and serious military threat to its security, Congress can waive the requirements of the amendment, namely that the outlays in a given year not exceed the receipts. But Congress can waive that requirement only if a joint resolution is passed, which is adopted by a majority of the whole number of each House. There is no such requirement now in the law or in the Constitution. But, with past experience vividly in view, it is not untoward to conceive that there could be a future time when the vote in the Senate is a tie—when there are 50 for and 50 against a joint resolution to lift the waiver imposed by this constitutional amendment at a time when our country's very security is in serious jeopardy, and the lives of our fighting men and women are on the line. The vote is tied, 50–50.

Normally, under the Constitution as it now exists, the Vice President could cast a vote to break that tie. What about this situation? He may still cast a vote, but the resolution on that occasion has to be adopted by a majority of the whole number of each body. The ''whole number'' in the Senate is presently 100 Senators. A majority of the whole number is 51. Consequently, if this amendment is riveted into the Constitution, a resolution waiving the strictures of this constitutional amendment in a time of serious peril to our Nation cannot pass on a tie vote. It cannot be adopted by this Senate by a majority of 50 to 49 or 50 to 40 or 50 to 30 or 50 to 20 or 50 to 10 or 50 to 1. There must be 51 votes cast to adopt the resolution waiving the requirements that are imposed by this constitutional amendment. There must be 51, no less. And the 51 votes have to be cast by Members of the body.

The Vice President is not a Member of this body. If the vote is 50–50, as it was in the case of the deficit reduction package, the reconciliation bill in 1993, the Vice President cast the deciding vote there, but in this situation his vote would not count because he is not a ''Member'' of the Senate. There must be 51 Senators, and in the House there must be a majority of the whole number of the House. The whole number there being presently 435, there would have to be 218 votes in the House by a rollcall vote. If that is not straitjacketing the Nation when the Nation's security is at stake, I do not know what a straitjacket is.

It seems to me what would happen in an event like that—aside from what may happen to our national security and what may happen to the men and women whose lives are at stake out there—what would happen would be a constitutional crisis. Do not think that the court would not enter into that political thicket. If the Constitution is amended by this monstrosity—the original portion of the Constitution says that the Vice President may cast the deciding vote. The courts are going to intervene, because you have the original Constitution saying on the one hand, that the Vice President, in the case of a tie, may cast the deciding vote. On the other hand we have this balanced budget amendment which says that a joint resolution, to be adopted, must be adopted by a majority of the ''whole number'' of each House before that resolution can become law. The Vice President is not a Member of either House.

So the Vice President's vote cannot count in the Senate in that situation. Hence, if you have a 50–50 vote, the Vice President's vote cannot count, because the joint resolution must be supported by 51 Members of the Senate in any occasion involving the language of this amendment, section 5 thereof—it has to have the support of at least 51 Senators; 49 votes are not good enough; 50 votes are not good enough. It must be 51. All Senators opposed to the joint resolution can just stay home. Their votes do not count anyhow in a sense, because it takes at least 51 votes of Senators. What is the court going to say? What is the court going to say? The court will not say that that is a political question. The courts are going to say, ''That is a constitutional question, and we are going to decide it.'' The court will go into that thicket, because two provisions of the Constitution will now be in direct conflict.

The same thing would be true in the case of raising revenues. Section 4 says, ''No bill to increase revenues shall become law unless approved by a majority of the whole number of each House by rollcall vote.'' Again, the Vice President is not a Member of the Senate and, if the vote results in a tie, the Vice President may cast a vote if he wishes to do so, but his vote will not count. He is not a Member of the Senate, and the supporting votes of at least 51 Senators will be required. A vote of a simple majority of the Senators present and voting—as is now the case under the Constitution and the rules—will no longer prevail.

Section 4 of the balanced budget amendment reads:

> No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

I would like for somebody to come and explain this. Where is that ''Republican response team,'' that noble, noble response team? Come over and explain to this Senator from the hill country how we shall interpret that section. The Vice President—the Vice President's vote again will not count. He is not a Member of this body.

I believe I am limited to 1 hour under my control on this amendment?

The PRESIDING OFFICER (Mr. BURNS). The Senator is correct.

Mr. BYRD. I do not want to utilize my time further in, waiting on the valiant and noble members of the ''response team'' of nine Senators to respond to this poor little old Senator from West Virginia. I suppose it is legal for them—and constitutional—for them to gang up on me like that, but I am not going to use up my hour waiting on them.

So, Mr. President, I reserve the remainder of my time. I have called up the amendment. It has been read.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, I suggest the absence of a quorum and I ask the time not be charged against either side.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT AGREEMENT

Mr. HATCH. Mr. President, on behalf of the majority leader, I ask unanimous consent that following the disposition of the pending Byrd amendment, Senator ROCKEFELLER be recognized to call up his amendment No. 306, and that time prior to a motion to table be divided as follows: 60 minutes under the control of Senator ROCKEFELLER; 30 minutes under the control of Senator HATCH or his designee; and that following the conclusion or yielding back of time, the majority leader or his designee be recognized to make a motion to table amendment No. 306.

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

AMENDMENT NO. 256

Mr. HATCH. Mr. President, I am always interested in the arguments of our distinguished colleague from West Virginia who has raised issues concerning section 5 that he feels are prominent and important. But section 5 of this amendment, which in part provides for a waiver of the amendment's requirements for any fiscal year in which the United States is involved in a military conflict that presents a serious threat to national security by a constitutional majority of both Houses of Congress, does not in any way, shape or form hinder the ability of this Nation to protect itself, as Senator BYRD, the distinguished Senator from West Virginia, and certain opponents of the balanced budget amendment contend.

Does anyone really suggest that Members of Congress would vote against a waiver for an ongoing military engagement which presented a threat to national security? I really do not think that argument can be made with a straight face.

This is not a situation analogous to the situation before the Haiti invasion, where there was no imminent threat to the United States and where congressional and public opinion was in fact split. This is more like the situation in the Persian Gulf and in Kuwait back in 1991.

Thus, after the gulf war began, H.R. 1282, the Operation Desert Shield/Desert Storm Supplemental Act passed the House by a vote of 380 to 19, on March 7, 1991. It passed the Senate 98 to 1, on March 19, 1991, and was signed into law by President Bush on April 10 of the same year. This amply demonstrates that Congress will overwhelmingly take measures to protect our troops and to protect our country, where national security interests really are involved.

Moreover, even before hostilities are commenced and where our Nation faces a real and imminent military or national security threat, I am confident that the U.S. Congress would raise revenue by the requisite constitutional majority of section 4, or find the three-fifths majority needed to waive the debt ceiling under section 2 of the amendment, or a combination of both, to provide the needed funding for our young men and women in the military. I have no doubt about that and I do not think anybody else does either.

We are not going to allow our young people to be placed in harm's way without the backing of the Constitution of the United States. So this is kind of a red herring.

The constitutional majority requirement of section 5, on the other hand, is necessary for two reasons. It retards Congress from labeling mere spending programs as national security or emergency measures. Witness President Clinton's so-called 1993 stimulus program, most of which was defeated and which contained things like $1 billion for summer youth employment—nothing to do with the national security, just another spending program—$1.3 billion for infrastructure improvements, which again has nothing to do with national security; $735 billion for compensatory education.

The Clinton package was labeled the Emergency Supplemental Appropriations Act of 1993. No matter what one's view as to the importance of these programs, they cannot be considered emergencies that needed immediate funding. In fact, if you take the summer youth program, we would have all kinds of summer youth programs and have them then. We have over 150 job training programs, a number of which are used for unemployed youth, including Job Corps, which I have helped to save, an expensive but working program that really does save us millions of dollars over the long run with regard to each person that they place in work life positions. As far as compensatory education programs, we have all kinds of those as well. They were clearly not emergency programs.

So, No. 1, Congress has to be retarded from labeling regular spending programs as emergency programs, or Congress will call everything an emergency measure, just as this administration tried to do so in its emergency stimulus program.

The second reason is, the constitutional majority requirement does force a rollcall vote. That is something we do not always do around here. We have what is known as a voice vote situation that saves Members of Congress, and especially Members of the Senate, from making the tough economic votes around here. This provision requires a rollcall vote.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. HATCH. I will be pleased to yield.

Mr. BYRD. I do not want to interrupt him in the middle of a sentence. But why do we have to write in the Constitution a provision to require a rollcall vote? The Constitution that we now have says that on the request of one-fifth of the Members present, we will have a rollcall vote. Why do we have to write a new constitutional amendment to get a rollcall vote?

Mr. HATCH. Well, in this particular case, to answer my distinguished colleague from West Virginia, we have had countless illustrations of voice votes on matters as important as real emergency matters. And what this does, it just says, ''Look, you are going to have to have a rollcall vote if you want to call something an emergency, and you are going to have to have a constitutional majority in order to succeed on that rollcall vote.''

If it is an emergency, I do not see any problem getting a constitutional majority which, after all, just means one thing, and that is that before this measure can pass, Congress is going to have to stand up and vote, at least 51 Senators in the Senate, 218 Members of the House, in order to do so.

Mr. BYRD. Will the Senator yield?

Mr. HATCH. I am delighted to yield.

Mr. BYRD. Mr. President, that would not be any blue ribbon accomplishment that is worth going through the throes of getting a new constitutional amendment written into the present Constitution, to say that Members will have to stand up and vote.

Who minds that? I have not missed a vote in over 10 years. I am sure other Senators have not missed many votes. I daresay, may I say to the distinguished Senator from Utah, that practically every Senator in this body, I would say, without having looked at the record recently, has better than a 90 percent voting record.

Mr. HATCH. I think that is right. When they are called upon to vote, Senators generally vote. And in these instances, they will have to vote. Where, as the distinguished Senator knows, we have many very tough votes that are cast by a voice vote where the rollcall is not recorded, because there is no rollcall.

Mr. BYRD. Why? Because no Senator requests the yeas and nays in those cases.

Mr. HATCH. And there is reason for that.

Mr. BYRD. If a Senator requests the yeas and nays, he is going to get a sufficient show of seconds, or he will put in a quorum call until he does get a sufficient number to require a rollcall vote.

Mr. HATCH. That is true. The Senator makes a good point. I think the Senator from West Virginia has been one of those who is willing to vote on everything. He has always had the courage to stand up and vote.

Mr. BYRD. Will the Senator yield?

Mr. HATCH. Yes, I am delighted to yield.

Mr. BYRD. Mr. President, the Senator has not answered the main point of my reasoning; that being, that the requirement that a joint resolution, in section 5, be adopted by a majority of the whole number of each House. That provision calls into serious question the vote of the Vice President in the case of a tie vote. How do we get around that?

Mr. HATCH. Well, I think I have answered the distinguished Senator from West Virginia. The reason we are putting that in there is because we want to make it difficult for the Congress to hide any spending program under the ''emergency'' designation.

Mr. BYRD. That is not an answer to my question.

Mr. HATCH. Well, it is an answer to your question.

Mr. BYRD. No, it is not. What does the Senator have to say to my question, which goes right to the point of allowing the Vice President of the United States to cast a deciding vote?

Mr. HATCH. Let me get to that.

Mr. BYRD. Very well.

Mr. HATCH. First of all, what we are trying to do is to make it difficult to hide behind the word ''emergency'' in passing whatever they want to by a simple rollcall vote.

Second, there are other supermajority votes already in the Constitution where the Vice President's vote is not essential in the Senate. Veto overrides are certainly illustrations where the Vice President's vote is not going to count for anything.

What we are doing here is providing a means whereby you have to have a constitutional majority of the whole number of each House in order to pass legislation pursuant to section 5, among others. The purpose of the constitutional majority, or 51 within the Senate, makes it clear that there is not going to be any tie. If you are going to have an emergency, you want to vote on it, you are going to have to have 51 Senators vote for it at least, and at least 218 Members of the House.

In other words, it has been contemplated by the Founding Fathers, who put in majorities in some instances into the constitution, the veto override being just one illustration of something in the Constitution that says you do not have simple democratic majoritarian rule in all matters in the Constitution. In this particular case, so that we do not have a continuous hiding behind the word ''emergency,'' we are saying that you must have a constitutional majority of the whole number of each House in order to waive the provisions of article V.

Mr. BYRD. Will the Senator yield?

Mr. HATCH. I am delighted to yield.

Mr. BYRD. Mr. President, there are supermajorities in the Constitution. We have discussed those on previous occasions.

Mr. HATCH. That is right.

Mr. BYRD. But nowhere, nowhere, do we find a supermajority required in connection with the great substantive powers granted to the Congress in article I, section 9, or article I, section 8. None of those great substantive powers turns on a supermajority vote. We have gone over those—I see the ''response team'' gathering.

But the question is, where we have a 50–50 vote, you cannot squeeze another drop of blood out of that turnip, because there are only 100 Senators. You have a 50–50 tie. If the Vice President casts a vote, you do not have the 51 Members, you do not have a majority of the whole number of the Senate. Now, I am still waiting for the Senator's answer on that.

Let me read from Federalist No. 68, by Hamilton, in reference to the Vice President.

Mr. HATCH. May I ask my colleague from West Virginia if he will do so on his own time.

Mr. BYRD. Yes, I will read this on my time.

Mr. HATCH. Not that I mind yielding my time, because I am happy to do it. This is a good debate. This is a good interchange. But it would allow me to save some time.

Mr. BYRD. This, it seems to me, is one of the critical points that is raised by section 5 of this amendment. I hope to have more than an hour, and that we could take a little more time if needed.

Hamilton said in Federalist No. 68, with reference to the Vice President:

> The appointment of an extraordinary person, as Vice-President, has been objected to as superfluous, if not mischievous * * *. But two considerations seem to justify the ideas of the convention in this respect. One is that to secure at all times the possibility of a definitive resolution of the body, it is necessary that the President should have only a casting vote.

Meaning the President of the Senate.

Now, how can the requirements of the original Constitution be lived up to? How can the principles as expressed by Hamilton in the Federalist No. 68 be obeyed if we deprive the President of this body, the Vice President of the United States, the opportunity of casting a deciding vote?

I will read that again: One consideration ''is that to secure at all times''—all times, not just part of the times, not just on certain occasions—''secure at all times the possibility of a definitive resolution of the body, it is necessary that the President should have only a casting vote.'' He can only cast that vote to break a tie so as to bring about a definitive resolution of a given matter.

Now, otherwise in this amendment here, if we have a tie vote, may I say, it seems to me that we are not going to have a ''definitive resolution'' by this body.

Mr. HATCH. Mr. President, if I may answer, the Founding Fathers not only provided for the Vice President to break a tie vote when we have a simple majority vote—which would continue to be the law, it would continue to be constitutional law—but they provided means in article V where we could

amend the Constitution of the United States. They expected there would be amendments, and they made it very difficult for Members to amend. That is why we have only had 27 amendments to the Constitution of the United States of America.

This amendment, if it passes by the requisite two-thirds majority, if we are able to keep other amendments off and pass it by the requisite two-thirds majority and it is ratified by three quarters of the States, would become the 28th amendment to the Constitution, assuming there are no other intervening amendments that go through the same process.

That means that what we are doing here is saying that we are amending the Constitution because of the extraordinary danger of the continually rising national debt and deficits.

To be honest, they contemplated that we might want to do that from time to time.

Mr. BYRD. Will the Senator yield?

Mr. HATCH. Mr. President, I yield.

Mr. BYRD. The Senator still has not answered my question.

Of course, the framers provided for the amending of the organic law. They did that in article V. But that is no answer to my question.

Say we adopt this amendment, the States ratify it by the necessary three-fourths, it becomes a part of the Constitution. We will then have two different provisions of the Constitution in direct conflict with each other.

One says that the Vice President shall cast a deciding vote, and the reason for that is ''to secure at all times the possibility of a definitive resolution of the body;'' but on the other hand, we have an amendment now that is about to go into the Constitution which says, in the case of section 5, when the Nation's security is in danger, we have to have 51 votes of Senators. In essence, that is what it says. We have to have 51 votes in the Senate to adopt that joint resolution, and they have to be cast by Senators. We cannot count the Vice President's vote, cast to break a tie.

So what do we do in that situation?

Mr. HATCH. I yield.

Mr. SIMON. Mr. President, if I may suggest to my friend from West Virginia, and he is my friend for whom I have a very high regard, this is no more in conflict with the other provision in the Constitution than the requirement that we have a two-thirds vote for a treaty.

That does not permit the Vice President to cast that deciding vote. Or a two-thirds vote for impeachment. So we put the entire Constitution together. This particular provision was added by our colleague, Senator HEFLIN, for a national emergency.

Mr. BYRD. Mr. President, I do not know what Constitution the Senator from Alabama was reading. Or what Constitution the Senator from Illinois is reading.

Mr. HATCH. Mr. President, he is clearly amending this Constitution.

Let me just say that the idea of a supermajority vote—in this case, I would not call it supermajority, just a constitutional majority vote—is not new in the Constitution.

Let me mention a few. Article I, section 3, says that the Senate may convict on an impeachment with a two-thirds vote. The Vice President has no role in that.

Article I, section 5, says that each House may expel a Member with a two-thirds vote, a supermajority vote. The Vice President has no say in that matter.

Mr. BYRD. Will the Senator yield?

The PRESIDING OFFICER (Mr. THOMPSON). The Senator from Utah.

Mr. HATCH. If I may just finish this line of statement, I will be happy to yield.

Article I, section 7, involves the Presidential veto. It can only be overridden by a two-thirds vote of each House. The Vice President has no say in the Senate.

Article 2, section 2, the Senate advises and consents to treaties with a two-thirds vote. Article V, the constitutional amendment requirement requires two-thirds of each House or a constitutional convention can be called by two-thirds of the State legislatures, and if three-quarters ratify, then it becomes an amendment to the Constitution.

In other words, article V itself acknowledges that we have to have a two-thirds vote to amend.

So we are amending the Constitution. And, yes, I personally believe that the Vice President's vote will not count in this situation because we will have to have 51 Senators of the whole number of 100 actually vote.

Mr. BYRD. So then what happens? The joint resolution falls.

Mr. HATCH. It falls unless we have——

Mr. BYRD. And we have men in peril. We have the Nation's security in peril.

Mr. HATCH. I do not think so. I pointed out in that resolution last year, there were a number of features that were certainly not emergency features. They might have had to have been taken out.

Also, I might mention that I think under those circumstances, that highlights and augments and I think makes even more important the consideration by Members of the Senate.

Let me just finish this. Article VII of the Constitution, required ratification by 9 of the 13 States. This is not a new concept. The 12th amendment requires a quorum, two-thirds of the States in the House, to choose a President. And a majority of States is required to elect a President.

The same requirement exists for the Senate choosing the Vice President. The 25th amendment dealing with the President's competency and removal requires that if Congress is not in session, within 21 days after Congress is required to assemble, it must determine by a two-thirds vote of both Houses that the President is unable to discharge the duties of his office.

Now, there is an excellent letter which was printed from one of our colleagues, the distinguished Senator from Michigan, Senator SPENCER ABRAHAM, which was written in Washington, February 15, 1995, but published in the New York Times under the editorial letter section on Monday, February 20, 1995, which I think directly addresses what the distinguished Senator from West Virginia is saying.

So I ask unanimous consent that that letter be printed in the RECORD at this particular point, because I think it would be very enlightening.

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

FOUNDERS PROVIDED FOR BUDGET AMENDMENT

(Spence Abraham)

To the Editor: In ''Would Federalists Like Their Fans?'' (Week in Review, Feb 12), David Lawsky maintains that James Madison and Alexander Hamilton would not be amused by the proposed balanced-budget amendment Well and good. As a founder of The Federalist Society, I am well aware that amending the Constitution is serious business. But Madison and Hamilton would be amused by Mr. Lawsky's use of their words.

To claim that ''The Federalist'' and the Constitution rest on the conviction that all Congressional actions should be approved by a simple majority of members present is ridiculous. Amending the Constitution requires approval of the two-thirds of both houses of Congress, then of three-fourths of the states.

Federalist 41 makes clear that amendments will at times be necessary. The Founders' genius was to find an amending process that ''guards equally against that extreme facility, which would render the Constitution too malleable; and that extreme difficulty, which might perpetuate its discovered faults.''

The Founders felt that acts that should be taken only with great deliberation and after establishing broad consensus should require more than a simple majority for approval. Thus the Constitution requires a two-thirds vote to expel a member of the legislature, a two-thirds vote of senators present to convict a President of wrongdoing after impeachment by the House and a two-thirds vote of both houses to override a Presidential veto.

The Founders certainly feared, as Mr. Lawsky suggests, an ''anarchy'' from the rule of minority factions. But this is what we have today. Special interest groups get government money because there is no longer any spending discipline in Congress. The result is an anarchic growth of Federal government and spending.

The balanced-budget amendment will go a long way toward restoring order. It will require that three-fifths of all members of Congress approve deficit spending and that a majority of members voting approve new taxes. We in Congress would have to exercise self-discipline in budgeting because we could run deficits or raise taxes only if a substantial majority thinks them necessary.

As to Mr. Lawsky's claim that the balanced-budget amendment ''offers no course of action'' if Congress disobeys it and racks up more deficits, November's election results show how false the view is.

As stated in Federalist 51, ''A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions.''

Auxiliary precautions like the balanced-budget amendment and term limits will make Congress more responsive to the people's will. Term limits will insure that Senators and Representatives do not serve so long that they lose touch with the people and begin treating their offices like private fiefdoms. The balanced-budget amendment will teach Congress that it must be honest with the American people, making clear not only what programs it likes but also the cost and whether and how we can pay for them.

Mr. BYRD. How does that letter address the point?

Mr. HATCH. Mr. President, it does not address the point directly of the Vice President, but it does address that the founders did expect Members to audibly come up with additional amendments.

Mr. BYRD. Of course, I have voted for five constitutional amendments during my time in the Senate.

Mr. HATCH. What we are doing here is we are doing a new amendment that does change the regular parliamentary majority vote with regard to section 5 and requires a vote of the whole number of both Houses, which is different from—as all of these provisions—from the one provision that would still exist with regard to other votes, that if a Senate is equally divided, the Vice President can break the tie.

I yield to the distinguished Senator from Illinois, who I think on this point had a statement.

Mr. SIMON. Mr. President, I thank my colleague for yielding.

Let me just go back to 1787 again for a moment. They spent a great deal of time on the fact that Congress had to declare war because they did not want Members to get arbitrarily, at the whim of a President, into a war.

We are living in a very different world today. We have not formally declared war since World War II. We did not declare war in the Korean war; we did not declare war in the Vietnamese war. In Desert Storm, we had a resolution. We had, in Vietnam, the Gulf of Tonkin resolution.

To say that a simple majority of those in the House and the Senate would have to approve our getting involved in some conflict is certainly in line with what they talked about in 1787 when they drafted the Constitution.

Mr. BYRD. Mr. President, they did not say this.

Mr. SIMON. They did not say that.

Mr. BYRD. The Framers did not say ''has to be adopted by a majority of the whole number of each House.''

Mr. SIMON. But they contemplated a world in which we can sit around and debate for 2 or 3 weeks whether or not to declare war. The President is going to have to make some fast decisions. And I think ordinarily we could get 60 votes for any kind of an emergency. But this contemplates doing less than that or the President living within the budget constraints.

I think the amendment Senator HEFLIN drafted is sound, and I am going to support the amendment rather than the motion to defeat.

Mr. HATCH. I yield to my colleague.

Mr. BYRD. Mr. President, why would the proponents of the amendment want to make it difficult for this Nation to respond to a national security threat? Why set up this additional hurdle? There has to be a majority of the whole number. Why do they not just say a simple majority? But they are saying it has to be 51; in essence that is what they are saying. The Senator can talk all he wishes about the framers of 1787 and how we are living in a different world, but John Marshall said, this ''Constitution was intended to endure for ages to come, and consequently, to be adapted to the various crises of human affairs.'' Here we are treating that Constitution almost like a scrap of paper. That is a marvelous document. It is a document to be revered, and we talk as though Marshall's words mean nothing.

Mr. HATCH. If I could take back my time, nobody reveres it more than I. As you know, we provide Congress can simply waive the provisions if there is a declaration of war. Number one, declared wars are going to require just a simple majority. But the reason we have done this is the distinguished Senator from Alabama wanted to take care of any ''emergencies,'' but he recognized that we should not just do a simple majority because that word ''emergency'' would be used for everything. So that is why we went to a constitutional majority which requires the whole number of each House.

I yield to the Senator from Illinois.

Mr. BYRD. But what do we do with the Vice President's vote?

Mr. HATCH. The Vice President would not vote in that instance. It is my opinion that the Vice President is not a Member of the Senate.

Mr. BYRD. We agree on that, he is not a Member of the Senate.

Mr. HATCH. If he is not a Member of the Senate, it is going to take 51 Members of the Senate.

Mr. BYRD. You cannot get it.

Mr. HATCH. I think we will on a real emergency.

Mr. BYRD. You think we will.

Mr. HATCH. I have no doubt we will. If not, it will not be a real emergency.

Mr. SIMON. If the Senator will yield, with all due respect to my friend from West Virginia, I think his argument is with the framers of the Constitution rather than with Senator HATCH and myself, because they spent a great deal of time to see that we would avoid using this matter of the military and national security as an excuse to get into wars excessively.

Washington's Farewell Address is on our desk. This was not put out here by those of us who happen to favor this constitutional amendment. Washington warned about that, just as Washington in this farewell address warned about acquiring debts.

I think this particular amendment is completely consistent with the discussions of 1787.

Mr. HATCH. I agree with the Senator. Let me just say this. It will not be an emergency unless you get a majority of the whole number of each House. But if you look at the other side of the coin, the distinguished Senator from West Virginia, if you want to stretch the philosophy here, is really arguing that emergencies can be solved by as few as 25 Members of the Senate.

Mr. BYRD. Will the Senator yield?

Mr. HATCH. Plus the Vice President.

Mr. BYRD. Will the Senator yield? The Senator says, I understood him to say, there would not be an emergency unless it was decided by a majority of the whole number of each House. Is this how we are going to determine what an emergency is? An emergency is an emergency only when it is decided by a majority of the whole number of each House? That is what my friend seems to be saying?

Mr. HATCH. Under this provision, that is true, and we are talking about an imminent and serious military threat to national security, not just any emergency.

Mr. BYRD. That is right.

Mr. HATCH. Any emergency is going to have to meet either the three-fifths vote to increase the deficit or a constitutional majority to increase taxes. There are lots of ways of meeting emergencies, but what we are saying here is, we are going to have people vote and they are going to have to. If they want to call something an imminent and serious military threat, they are going to have to have a majority of the whole number of each House, and we think that is right.

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

The PRESIDING OFFICER. The Senator from Utah has 31 minutes 36 seconds. The Senator from West Virginia has 43 minutes 54 seconds.

Mr. HATCH. I will be happy to yield the floor at this point to my colleague or answer more questions.

Let me yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. HATCH. I reserve the remainder of my time.

Mr. BYRD. Mr. President, the distinguished Senator from Utah has referred to the six instances in the original Constitution in which a supermajority is required, and he has referred to the three instances in the amendments thereto—amendment XII, amendment XIV, and amendment XXV, in all of which supermajorities are required, either supermajorities that constitute a quorum, or a supermajority required on a vote.

Mr. President, those supermajorities go either to the structure of our form of government or to the protection of individual rights. It is a quite different supermajority. There is not one, as I

said a while ago, there is not a single supermajority involved in any of the great substantive powers enumerated in section 8 of article I or in section 9 of article I of the Constitution.

Now we are talking about including a supermajority requirement in a matter involving fiscal policy, and we are talking about including that in the Constitution. And besides, may I say to my friend from the great State of Utah, there can be no tie vote anticipated in the supermajority that is required in the Senate for the approval of the ratification of a treaty. Two-thirds of the Senators present and voting are required to approve the ratification of a treaty. There can be no tie therein in which the Vice President would cast a vote.

The same thing is true with regard to the expulsion of a Member of the Senate. Two-thirds of the Senators are required to expel a Member of the Senate. There can be no tie vote for a Vice President to break.

I had reference a moment ago to the two-thirds vote for approval of the ratification of a treaty. That is a check and balance situation. The framers spoke of it in the Federalist Papers. They spoke of the necessity of having the Senate involved in treaties as a way of checking against a President who is only elected for a 4-year term, or perhaps for a second term, where the possibility of corruption being involved. So, the protection against corruption and intrigue came in the form of including the Senate in matters involving treaties and requiring a two-thirds vote.

With respect to the expulsion of a Senator or a Member of the other body, that involves the individual right of a Member who is about to be expelled. That is for the protection of all Members and also to protect against a majority eliminating the minority. If a bare majority can expel the senior Senator from West Virginia, then the next thing that that majority could do would be to expel a Senator from Virginia or some other State. They would not expel the second Senator from West Virginia, because that would deprive a State of an equal vote in the Senate, and nobody can change that guarantee in the Constitution. Gradually, a majority could eliminate a minority. But a two-thirds vote is required for protection against such an event.

Now, the proponents continue to say, well, there are other supermajority situations; the framers required two-thirds for this; they required two-thirds for that; they required two-thirds for something else. But, Mr. President, there cannot be a tie in a two-thirds vote. In a two-thirds requirement, there cannot be a tie for a Vice President to break.

Here we are talking about the possibility of such a tie.

May I say to the Senator from Utah, as I understand it, in last Thursday's RECORD, a statement by Mr. SCHAEFER was included by Mr. LEVIN. Mr. SCHAEFER, the prime sponsor of this joint resolution in the other body, this constitutional amendment, stated on page H 758 of the CONGRESSIONAL RECORD of January 26—now I shall read it:

> This language is not intended to preclude the Vice President—

This is what Mr. SCHAEFER said. It does not square with what the distinguished Senator from Utah has said.

> This language is not intended—

Says Mr. SCHAEFER—

> This language is not intended to preclude the Vice President, in his or her constitutional capacity as President of the Senate, from casting a tie-breaking vote that would produce a 51–50 result. This is consistent with article I, section 3, clause 4, which states: ''The Vice President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.'' Nothing in section 4 of the substitute takes away the Vice President's right to vote under such circumstances.

Thus, you have the House sponsor differing with Senators who have spoken on this matter. Even if the Vice President casts a vote, he is not a Member of the Senate. Consequently, the requirement under section 5 of this balanced budget amendment would not have been met.

I am still waiting for someone to tell me how this section 5 can be made to work. How does this language square with the provision in the original Constitution that gives the Vice President the power, the authority and the right to cast the deciding vote, the deciding vote, so as to secure ''a definitive resolution'' in this body. He may cast a vote, but it is not going to be the deciding vote. It is not going to secure ''a definitive resolution'' of this body.

Well, I do not suppose I will get a clear answer to my question, but I hope Members will carefully study this question when they vote on this amendment. This section creates a very serious question, a very serious question.

Let me read what Hamilton says in the Federalist 22 with regard to minority rule. All of these supermajorities in the balanced budget amendment create a minority veto. They set up the possibility of a minority veto in this body and in the other body. In other words, we are getting away from the democratic majoritarian concept of our governmental system as laid down by the framers of the Constitution. Here is what Hamilton said in Federalist 22 with respect to minority rule.

> In those emergencies of a nation, in which the goodness or badness, the weakness or strength of its government, is of the greatest importance, there is commonly a necessity for action. The public business must in some way or other go forward. If a pertinacious minority can control the opinion of a majority respecting the best mode of conducting it; the majority in order that something may be done, must conform to the views of the minority; and thus the sense of the smaller number will overrule that of the greater, and give a tone to the national proceedings. Hence tedious delays—continual negotiation and intrigue—contemptible compromises of the public good * * *. For upon such occasions, things will not admit of accommodation; and then the measures of government must be injuriously suspended or fatally defeated. It is often, by the impracticability of obtaining the concurrence of the necessary number of votes, kept in a state of inaction. Its situation must always savor of weakness—sometimes border upon anarchy.

Hamilton goes on to say in the Federalist 22:

> Suppose for instance we were engaged in a war, in conjunction with one foreign nation against another. Suppose the necessity of our situation demanded peace, and the interest or ambition of our ally led him to seek the prosecution of the war, with views that might justify us in making separate terms. In such a state of things, this ally of ours would evidently find it much easier by his bribes and intrigues to tie up the hands of government from making peace, where two thirds of all the votes were requisite to that object than where a simple majority would suffice.

This does not require two-thirds in the case of the second sentence in section 5, but it does require more than an ordinary simple majority.

> In the first case he would have to corrupt a smaller number; in the last a greater number. Upon the same principle it would be much easier for a foreign power with which we were at war, to perplex our councils and embarrass our exertions. And in a commercial view we may be subjected to similar inconveniences.

What Hamilton is saying there, Mr. President, goes to the point that I have raised. Mr. President, I have raised a question here which has not been answered. This section 5 requires more than a simple majority. And when the vote comes out as a tie, it precludes the Vice President of the United States from casting a deciding vote, because under this amendment his vote would not count, if it were cast to break a tie. The requisite number of 51 votes would not have been produced.

> O, that my tongue were in the thunder's mouth!
> Then with a passion would I shake the world:

I have not gotten an answer to my question.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 30 minutes.

Mr. BYRD. I wonder where the other noble members of the response team are? Somebody, please come to the floor and answer this question for me. If not, the court will answer it at some day and time.

This is a serious constitutional question. We may find ourselves in a situation in which the country's security is in jeopardy and, in order to waive the strictures of this balanced budget amendment, which says that outlays and receipts have to balance every year, a joint resolution can be introduced to lift these strictures, in other words, to waive the requirements of this balanced budget amendment, in each fiscal year. But that resolution must be ''adopted by a majority of the whole number of each House, which becomes law.''

I ask the Senator from Utah again, how is he going to respond to the necessity of that moment when 50 Senators vote for that resolution and 50 against? We are in danger. Our country's security is involved. Planes are flying in distant countries. Ships are plying the several seas. Mothers and fathers are wondering about their sons and daughters. And here we have a Senate with a vote of 50–50 on that resolution to waive the amendment.

So, what is going to happen? We do not have time. We do not have time to wait, in a situation like that. We do not have time. We need to act quickly.

Mr. HATCH. Mr. President, to answer the distinguished Senator from West Virginia, if we do not get 51 Members of the Senate, in my opinion we will not have had an imminent and serious military threat. I cannot imagine—I do not really believe the distinguished Senator from West Virginia can imagine—

Mr. BYRD. Oh, yes, I can.

Mr. HATCH. The serious, imminent and serious military threat to our national security that would go unaddressed by either or both Houses of Congress. But more important, if that very unlikely situation occurred, then what I would do is look for contingent moneys. I would try to cut spending—which is what the purpose of this amendment is—or I would go and try to increase taxes or I would try to get a three-fifths vote to increase spending. But I would try to cut spending before I would say that the country cannot survive.

Mr. BYRD. Senator, we do not have time to cut spending.

Mr. HATCH. If we do not have time and it is that imminent and serious a military threat, then we will vote to sustain it.

Mr. BYRD. This is an emergency.

Mr. HATCH. We will vote for a tax increase to take care of it if we do not have the money.

Mr. BYRD. How much of a majority does the constitutional amendment require for a tax increase?

Mr. HATCH. Well, now, let me just propose back to the distinguished Senator. If we have an imminent and serious military threat, we do have a military budget of almost $275 billion. If it is a large, imminent and serious military threat that would require all of our military, I just cannot conceive of one instance in the history of the country where we could not get 51 Senators to stand up and do something about it.

But if it is a small one, and something that involves one theater or involves, say, Cuba, or some small imminent and serious military threat, we have enough money in our military to take care of that problem.

We have enough money in our military to take care of that problem.

Mr. BYRD. Mr. President, the Senator is really on the ropes.

Mr. HATCH. No, I am not.

Mr. BYRD. He is really on the ropes. He is trying to use the old rope-a-dope on me here. But he is not Mohammad Ali.

Mr. HATCH. I learned it from him.

Mr. BYRD. This section does not say anything about the military threats being large, small, middle-size, or whatever. I will read the language of the section——

Mr. HATCH. Will the Senator yield?

Mr. BYRD. Let me read this. ''For any year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security''—there is the threat. Somebody determines that it is serious. Perhaps it is the President.

But the point is, in order to lift the strictures of this amendment, there must be a majority of the whole number of each House that casts such a vote. In other words, there must be at least 218 in the House and there must be at least 51 in the Senate. The Senator said he could not imagine such a situation. If Senator SARBANES were here, he would tell you. He read this into the RECORD the other day. Let me pick up on what he said. He said:

> Let me bring the Senator back to the very real-life problem—

He is talking with reference to the Senator from New Hampshire [Mr. SMITH], at that time.

> that I wish to discuss with him.

Senator SARBANES was reading from an article that appeared in the New York Times, I believe, in the summer of 1991. Senator SARBANES read this article:

> Fifty years ago last Monday, on August 12, 1941, House Speaker Sam Rayburn saved the draft from legislative defeat and kept the U.S. Army intact to fight a war that was only 4 months away. The margin of victory was a single vote.

Now, this is a real-life situation, Senator.

Mr. HATCH. I am aware of that.

Mr. BYRD. This is not a hypothetical situation.

> And the battle could have been lost as easily as won except for Rayburn's personality and leadership and mastery of parliamentary procedure. If Rayburn had failed, the Army stood to lose about two-thirds of its strength and three-fourths of the officer corps. At issue was whether to extend the 12-month service obligation of more than 600,000 draftees already in the army, thousands of others being inducted every day, and the active duty term of several thousand National Guardsmen and Reservists who had been called up for 1 year. Without an extension, the obligations of both the draftees, Guardsmen and Reservists would begin expiring in the fall. The United States had adopted its first peacetime draft during the previous summer after weeks of heated and acrimonious debate in both congressional Chambers.

The article went on to point out:

> Although the legislation limited the draftees' terms of service to 12 months, it provided that the President could extend the period indefinitely if Congress declared that the national interest is imperiled.
>
> On July 21, 1941, with the prospect of war increasing, Roosevelt acted. In a Special Message to Capitol Hill, he asked Congress to declare a national emergency that would allow the Army to extend the service of draftees, guardsmen and reservists for whatever period the legislators deemed appropriate.
>
> Despite the measure's unpopularity and strong lobbying by isolationist forces, the Senate approved a joint resolution on August 7 declaring the existence of a national emergency and authorizing the President to extend the service of most Army personnel by 18 months.

So there was a real-life situation, a real-life situation. And we can very well face that kind of situation again. Mr. SARBANES pointed out that the vote on that occasion was 45–30 in the Senate. So it fell short of the required 51 votes that would be necessary under this section 5; 45–30. This shows you are going to need 51 here. And in the House the final vote was 203–202. It passed by one vote. One vote. It passed by a vote of 203–202, only after Rayburn walked the Halls and went door to door over there, talking with Members of the House individually. That was not a hypothetical situation. That can happen again.

So what did the proponents have in mind? Did they think of this possible problem? What did they have in mind when writing that language that requires a majority of the whole number of each House, which means that the Vice President could not cast a tie-breaking vote?

Mr. HATCH. Under this amendment, a majority vote would win today in both of those cases—a simple majority vote.

Mr. BYRD. No, no, no. It says a majority of the whole number.

Mr. HATCH. No, no. We are talking about either increasing spending or increasing taxes. In that situation, they increased the number of months, extending the Selective Service Act. So it would still—today, if you had the same vote, it would still be a simple majority vote. The difference is this——

Mr. BYRD. I am saying in that situation—forgetting about the draft, setting up this situation in which there is a serious military threat.

Mr. HATCH. My point is that the Senator is using a poor illustration because it does not apply in this situation.

Mr. BYRD. It applies in that it indicates that a situation can come down to a vote with only a one-vote difference.

Mr. HATCH. Not really.

Mr. BYRD. You could not get the three-fifths in the House.

Mr. HATCH. It did not involve an increase in spending or taxes, which is what is involved here.

Mr. BYRD. When you talk about increasing revenues, you are going to run into the same problem.

Mr. HATCH. Let me just say this.

Mr. BYRD. No bill to increase revenues shall become law unless approved by a majority of the whole number of each House.

Mr. HATCH. What do those have to do with increasing taxes or spending? Those——

Mr. BYRD. The Senator is the one who brought up raising revenues. He raised that subject.

Mr. HATCH. The point is, if that came up today and we wanted to institute the draft and extend it for another 12 months, we can do that by a simple majority vote. You do not have to have a constitutional majority on every vote here—only on those that either increase taxes or increase spending.

Mr. BYRD. But under this section, if our country is confronted by a serious military threat to national security, the Senator says you can raise taxes. It runs under the same probability.

Mr. HATCH. You either have to cut spending or increase spending or increase taxes. If you want to increase spending under the balanced budget amendment, or increase taxes, then you have to stand up and vote to do so. And in the case of increasing spending, you have to have a three-fifths vote. In the case of increasing taxes, you have to have a constitutional majority. But we could have a majority of each House vote today on extending for 12 months the selective service.

What is important here, as I see it, is that if the balanced budget amendment is in place, then the political posturing is going to be lessened by a great deal. You will find people—if we are really confronted with an imminent, serious military threat under section 5, I do not think there is going to be any difficulty getting that vote. Anybody who puts the country at jeopardy at a time like that is not going to be sitting here the next time his or her election comes around. People know that.

Mr. BYRD. Senator, that is not the answer to the question. I am sure the Senator would not be hesitant to cast the vote.

Mr. HATCH. I would increase spending or taxes if I had to.

Mr. BYRD. But the Senator controls only one vote, as I do. When this happens, neither the Senator nor I may be in this Chamber. We do not know what the intent of Senators will be 5, 10, or 20 years from now. This is a very difficult obstacle—in the event of a serious situation arising that involves a military threat.

Nobody—not one Senator—has been able to explain why the proponents have written into section 5 a provision that virtually deprives the Vice President of the United States from casting a deciding vote in a certain given situation.

Mr. HATCH. If the Senator will yield on that, many of us did not want this provision in the balanced budget amendment. We wanted only a three-fifths vote to increase spending or a constitutional majority to increase taxes, and we only wanted the above part of that that said Congress may waive the provision of this article for any fiscal year for which a declaration of war is in effect.

Mr. BYRD. I am going to offer an amendment that will strike that out. I hope the Senator will vote for that amendment.

Mr. HATCH. No, not at this point. One of the reasons this amendment is important—and this is the only time in history we can pass it—is because it is a consensus, a bipartisan amendment. One of the things we did was take Senator HEFLIN's provision. He was very concerned about any imminent and serious military threat that fell short of a declaration of war and, I think, rightly so. Personally, I have grown to prefer the language that he has put in here. But in order to prohibit the Congress from just using that loophole by calling everything an imminent and serious military threat to national security, we provided for a constitutional majority which does alleviate the necessity of having the Vice President vote to break a tie. Now, this being a new constitutional amendment, this being in addition to the Constitution, fits the same mold as the supermajority required that I read off before and read into the RECORD.

Mr. BYRD. Except, as I have said, those supermajorities the Senator read off before, and which I read off some days ago in this Chamber, have absolutely nothing to do with the substantive powers that are granted in article I, sections 8 and 9 of the Constitution. And those instances go to the structural parts of the Constitution and to the protection of individual rights. This balanced budget amendment has nothing to do with such. We are talking about fiscal policy here, and that has never been written into the Constitution. The Senator tries to explain this dilemma by saying, well, it requires a constitutional majority.

Mr. President, my problem goes not only to the fact that it requires three-fifths in two instances, and a constitutional majority in two other instances—section 4 and section 5—but it also deprives the Vice President of the United States from casting his deciding vote. Nobody has explained why the proponents would do that.

Mr. President, if any Senator wishes me to yield, I would be happy to.

Mr. SARBANES. Will the Senator yield for a question without losing his right to the floor?

Mr. BYRD. Yes. How much time would the Senator need? Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 12 minutes 40 seconds.

Mr. SARBANES. I will need just 3 minutes.

Mr. BYRD. I yield 3 minutes to the Senator.

Mr. SARBANES. Mr. President, I underscore what the very distinguished Senator from West Virginia has been saying here on the floor. Section 5 of this article is fraught with danger, and I hope Members will consider it very, very carefully.

It says:

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.

The first thing I want Members to think of in their own minds is this: If we could face an imminent and serious military threat to our national security at a time when we were not yet engaged in military conflict. We may recognize that we are going to become engaged in military conflict and we need to take measures to address that situation.

Under this provision, no waiver is available in that circumstance because this provision requires that you be engaged in military conflict. I listened to the distinguished chairman of the committee, who made reference to the imminent and serious military threat to national security, as though that was what you needed to show in order to get the waiver. That is not the case.

The way this sentence is structured, you have to be engaged in conflict, already engaged in conflict which causes an imminent and serious threat to national security. So you would not be able to react to what I regard as a very pressing situation.

Second, even in those situations in which you are able to act according to a waiver, in order to invoke the waiver you have to have the whole number of each House. Now what that means, simply put, in the House of Representatives with 435 Members, you have to have 218 votes to invoke the waiver.

Everyone says, ''Surely the Members of the Congress will invoke the waiver in a dire situation of this sort and there will not be any problem with it. Of course, you will get the waiver.'' And my response to that is, ''Don't be so sure.'' And then I say, ''If you go back through our history, there are numerous instances in which very critical votes were carried by bare majorities not meeting the requirement of a majority of the whole number.''

The example I used the other day in the course of the debate was the extension of the draft before World War II. In that instance, the extension in the summer of 1941 came on a vote of 203 to 202. Now, that is a majority of those present and voting and it is clearly a quorum, but it was not adequate to meet the standard that is contained in this amendment. That waiver, therefore, would not have taken place. You would not have been able to make the expenditures necessary in order to carry through this provision.

What was at stake then is our national security. As you will recall, in the summer of 1940 we put in place a draft, but the term of service of those who had been drafted was a year and it was due to expire. President Roosevelt sent a message to the Congress to extend the time of the draftees and the guardsmen and the reservists and that had to be enacted in a joint resolution. The joint resolution barely carried on a

vote of 203 to 202. It was not a majority of the whole number of each House.

Mr. BYRD. Which would have been 218 votes.

Mr. SARBANES. It would have been 218 votes. The 203 votes fell well short of the 218 votes which this amendment would require in order to invoke the waiver.

Now I submit to you, it seems to me that is a clear example where the national security interests of the United States were at stake. Literally 4 months later, we were in World War II. Had that extension not carried, more than 600,000 draftees already in the Army, their obligation would have begun to expire that fall and they would have been departing from the service. Four months later, Pearl Harbor occurred.

So I do not see how people can be so almost glib in the sense of asserting that surely this waiver will be invoked in a time of crisis. Clearly then, had the standard applied, we would not have met it and I think we would have been in dire circumstances. Therefore, I very strongly support the amendment which the able Senator from West Virginia has offered.

Mr. President, I ask unanimous consent that the article ''How Mr. Sam Saved the Draft; One Vote and a Quick Gavel Rescued the Army on the Eve of War,'' be printed in the RECORD.

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

[From the Washington Post, Aug. 18, 1991]

HOW MR. SAM SAVED THE DRAFT; ONE VOTE AND A QUICK GAVEL RESCUED THE ARMY ON THE EVE OF WAR

(By John G. Leyden)

Fifty years ago last Monday—on Aug. 12, 1941—House Speaker Sam Rayburn saved the ''draft'' from legislative defeat and kept the U.S. Army intact to fight a war that was only four months away.

The margin of victory was a single vote, and the battle could have been lost as easily as won except for Rayburn's personality, leadership, mastery of parliamentary procedure and—when push came to shove—lightning-fast gavel.

If Rayburn had failed, the Army stood to lose about two-thirds of its strength and three fourths of the officer corps. At issue was whether to extend the 12-month service obligation of more than 600,000 draftees already in the Army and thousands of others being inducted every day, and the active-duty term of several hundred thousand National Guardsmen and reservists who had been called up for one year. Without an extension, the obligations of both the draftees and the Guardsmen and reservists would begin expiring in the fall.

The United States had adopted its first peace time draft during the previous summer after weeks of heated and acrimonious debates in both congressional chambers. In the House, tempers became so frayed that two Democratic members got into a fist fight on the floor until both were ejected with bloody noses and bruised egos.

Congress finally passed the Selective Training and Service Act, authorizing the Army to induct up to 900,000 draftees annually. President Roosevelt signed it into law on Sept. 16, 1940. One month later—on ''R'' Day—some 16½ million men between the ages of 21 and 36 registered for the draft. The first lottery drawing was held Oct. 29, and the dreaded ''Greeting'' from local draft boards was in the mail shortly thereafter.

Although the legislation limited the draftees' terms of service to 12 months, it provided that the president could extend the period indefinitely if Congress ''declared that the national interest is imperiled.'' On July 21, 1941, with the prospect of war increasing, Roosevelt acted. In a special message to Capitol Hill, he asked Congress to declare a ''national emergency'' that would allow the Army to extend the service of draftees, guardsmen and reservists for whatever period the legislators deemed appropriate.

Despite the measure's unpopularity and strong lobbying by isolationist forces, the Senate approved a joint resolution on Aug. 7 ''declaring the existence of a national emergency'' and authorizing the president to extend the service of most Army personnel by 18 months. The vote was 45–30.

In the House, it was a different story. The Republican leadership viewed opposition to draft extension as a political opportunity just too good to ignore. Others had their own reasons for opposing the measure.

As summarized by Time magazine, they included 17 Irish congressmen whose votes were based on anti-British sentiments; Tammany Hall Democrats upset that the administration was supporting nonpartisan New York Mayor Fiorello LaGuardia for re-election; a large group of Democrats who believed draft extension violated the commitment given to those already in service; straight-out pacifists who opposed all defense bills; and a ''big group in both parties who vote blindly against anything Franklin Roosevelt is for.''

In an effort to ''depoliticize'' the issue as much as possible, Roosevelt and Secretary of War Henry L. Stimson designated Army Chief of Staff George C. Marshall as the administration's point man on the bill. Marshall worked tirelessly but found converts difficult to come by despite his tremendous prestige on Capitol Hill.

''You put the case very well,'' one Republican congressman told him, ''but I will be damned if I am going along with Mr. Roosevelt.''

The vote was set for Monday, Aug. 11 but Rayburn put it off for one day out of respect for a Republican member who had died over the weekend. With the president out of town—meeting secretly in Newfoundland with British Prime Minister Winston Churchill to frame the ''Atlantic Charter''—Rayburn spent the additional day roaming the corridors of Capitol Hill, trying to win over recalcitrant Democrats and wavering Republicans. His lobbying style was like the man himself—honest, direct and intensely personal without a hint of intimidation.

''I wish you would stand by me because it means a lot to me,'' he would say. Mr. Sam, up close and personal, was a hard man to refuse.

Shortly after 10 a.m. on Aug. 12, the House began debating the joint resolution already passed by the Senate. A largely anti-draft crowd looked on sullenly from the packed visitor gallery. Included among the spectators were many servicemen in uniform and ''delegations of mothers clutching little American flags.''

The debate dragged on for 10 hours, through lunch and dinner. Amendments designed to weaken the bill were defeated with the help, ironically, of isolationists who wanted an ''all or nothing'' vote on the joint resolution. Finally, at 8:05 p.m., the reading clerk began calling the roll. Then, as required, the clerk went back through the list, repeating the names of members who had not answered the first roll call.

After 45 minutes of ''grinding suspense,'' the vote was completed—204 to 201 in favor of the draft extension. But before it could be announced, New York Democrat Andrew Sommers was on his feet demanding recognition. Rayburn obliged and quickly regretted the move: Sommers changed his vote from aye to nay, opening the door for further defections.

To forestall this, Rayburn turned from other Democrats who were calling for the floor and recognized Missouri Republican Dewey Short, a leader of the anti-draft forces and thus a known quantity. Short requested a recapitulation but committed a fatal error—by not insisting that the recount precede announcement of the original vote.

Sensing his opportunity, Rayburn quickly read the results: ''On this roll call, 203 members have voted aye, 202 members nay, and the bill is passed.''

In so doing, Rayburn had frozen the vote. Under House rules, the recapitulation would be limited to those who already had responded, and they were proscribed from changing their vote. When the recount was completed, validating the original results, Rayburn announced (some say ''mumbled''):

''No correction to the vote. The vote stands, and the bill is passed. Without objections, a motion to reconsider is laid on the table.''

It was all over but the shouting, because the words ''laid on the table'' meant the subject of reconsideration had been decided adversely and could not be revived except by unanimous consent. Still, there was plenty of shouting from both the floor and the galleries.

The outvoted and outflanked Republican leaders denounced the speaker's tactics and accused him of short-circuiting the reconsideration process. Rayburn kept his composure. He was patient with members who seemed not to understand that only those who voted with the winning side could move for reconsideration—and stern with those who challenged his integrity. ''The Chair does not intend to have his word questioned by the gentleman from Minnesota or anyone else,'' he told one member icily. Opponents got the message, and the debate fizzled out.

Three days later, after the Senate had approved the slightly different House bill and thus prevented another confrontation in the lower chamber, Rayburn decided he and his colleagues deserved a rest.

''I want to go home [to Bonhom, Tex.],'' he said in calling for adjournment. ''I live on a broad highway, in a white house where everyone can find me; but I have another little place. * * * When I start toward that place—and it is about 13 miles from my home farm—the road gets narrower and narrower every mile I go; and when I get to the end of the narrowest part of the road, there is a gate and there is no telephone out there.''

Another gavel stroke emptied the chamber and brought an end to Rayburn's first year as speaker. The battle over draft extension was one of his finest hours in a long and distinguished congressional career. Any reservations or ill feelings about the outcome would disappear on Dec. 7, 1941.

Mr. BYRD. I thank the distinguished Senator from Maryland, Mr. SARBANES, for his resourcefulness and his diligence in going back, searching for, and finding this real-life record of what actually happened; not something that may have happened, not something that someone said would happen, but a real-life emergency occurred.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 6 minutes and 30 seconds.

Mr. BYRD. How much time does the Senator from Utah have remaining?

The PRESIDING OFFICER. The Senator from Utah has 31 minutes.

Mr. BYRD. I yield the floor.

Mr. KYL. Mr. President, I would like to respond to a couple of comments that have been made and respond to the Senator from West Virginia, who I know makes this suggestion with the integrity of the Constitution and the institution and the defense of the United States very much in mind, and we all do.

I served in the House of Representatives for 8 years on the Armed Services Committee and have been criticized for being a hawk, so I appreciate arguments that could negatively impact our ability to carry out our defense functions as much as anyone.

But with all due respect to the distinguished Senator from West Virginia, I think this argument overstates a potential problem. In fact, I think there is no potential problem.

Essentially, what we are arguing about here in the U.S. Senate is the difference between 51 votes and 50 votes. And in the U.S. House of Representatives, it is the same 218 votes as would be required in any case to carry a majority issue if all of the Members are present and voting. So the only question is whether some Members may be absent or not voting and therefore you still have to have the constitutional majority of 218.

In my experience, in very few instances did you not have, on the major, important votes, almost all of the Members present and voting.

Mr. SARBANES. Will the Senator yield on that point?

Mr. KYL. Of course, I am happy to yield.

Mr. SARBANES. I think it is instructive that there are many, many close votes in the House of Representatives in which the prevailing side did not obtain 218 votes. The fact of the matter is that, on most votes in the House of Representatives, rarely are all the Members present. After all, there are 435 of them. On many votes, 5, 10, 15, perhaps even 20 Members are absent. And there are a lot of votes in the House that are decided by very close margins—208 to 204, 211 to 205, et cetera, et cetera. Close votes, but they do not reach this level of the 218 votes.

I sought to cite what I thought was a really on-point example in terms of the national security being at stake, a 203 to 202 vote with respect to extending the obligation under the draft before World War II.

Mr. KYL. I appreciate the example that the Senator has cited.

In recent years, on important votes, most Members of the House of Representatives are present. It is only in situations of illness or in situations where there has been a family emergency or something of that kind that Senators and Representatives do not care enough to be in the Chamber voting on very important national security matters.

If it is the argument of the Senator from Maryland that this is such an important point that the national security of the United States of America is jeopardized but he suggests, on the other hand, that a lot of Members will not bother to be present to vote, I suggest the argument fails. On important votes, Representatives and Senators do their duty.

Mr. SARBANES. Will the Senator yield?

Mr. KYL. If I may just finish this thought.

By definition, if it is an important vote, they are there doing their duty.

It does not seem to me to be an unreasonable requirement that, for a matter of this magnitude, one would require a majority of both the House and the Senate to approve exceeding the requirement for a balanced budget. And especially on matters as important as those suggested by the Senator from Maryland and the Senator from West Virginia, Members will be present, will reflect on the matter seriously, and therefore will vote.

I am happy to yield further to the Senator.

Mr. SARBANES. I only point out to my colleague that you could have virtually all the Members of the House there. Let us say you could have 98 percent of the Members there, which would mean nine Members are missing. You could have a very close vote, since the issue may well be very controversial and divisive, and you would not reach the 218 benchmark.

So the way this possibility is simply being brushed aside concerns me greatly. The situation I am outlining could easily happen. It has happened in the past.

By allowing it at that level, suppose we have ten Members absent?

Mr. KYL. Mr. President, if I may interrupt, the Senator from Maryland said this has happened in the past. I am not aware of a situation where the Congress has refused to fund an ongoing military operation of the United States of America.

Mr. SARBANES. Because Congress was never required to produce a majority of the whole number. All we had to produce in order to do that was a majority of those present and voting.

Mr. KYL. Mr. President, has the Congress ever refused to fund an ongoing military operation of the United States? Not to my knowledge.

Mr. SARBANES. But it has funded such operations on occasions when it carried the vote without having a majority of the whole number.

Mr. KYL. Of course.

Mr. SARBANES. Mr. President, if we go back through the Vietnam experience, there were instances in which the funding was carried through, but the vote by which it was done represented a majority of those present and voting, but that number did not represent a majority of the whole number of the House.

Mr. KYL. Mr. President, if I could reclaim my time. I am not aware of a situation. There may very well be one. I have not heard of any one situation in which fewer than a constitutional majority but a majority, a simple majority, voted to fund an important military operation of the United States, ongoing military operation.

I think it is important to put this in context. Throughout the entire year the Congress can fund operations of the Government, including the Defense Department or the State Department, where we are involved in military conflict. We are involved in military situations around the globe today, some of which can involve conflict.

As a matter of fact, if something occurs in Haiti or one of the other countries in which we have troops today, that is a military conflict. We are funding those operations. We are not voting on that. We do not take a vote every time we send another ship or more jeeps or tanks to one of these places of military conflict.

This question of funding only arises in a few situations. It may arise with regard to a supplemental appropriation where we will, in effect, refund the money to the Defense Department, or it may arise in connection with a defense authorization bill, which we do once a year, or a defense appropriation bill.

So we can deal with these issues throughout the year. The only thing we are talking about in the constitutional amendment is the question at the end of the year when we have to either be in balance or vote to exceed that balanced budget requirement. At that one critical moment in the year when we decide to let an ongoing military operation continue with the funding it has rather than to override or to exceed the balanced budget requirement, in that case we have to have a constitutional majority rather than a simple majority, meaning 51 Senators out of 100, 218 Representatives out of 435.

Mr. President, I just suggest in closing the debate on this amendment from our side that while the seriousness of the Senator from West Virginia is always apparent and issues of national security are known to all Members to be of utmost importance, I suggest that this is much ado about nothing. A constitutional amendment that says we should have 51 Senators out of 100 or 218 Representatives out of 435, a mere majority, is not too high a requirement. It is not too much to ask. If we are going to be putting our young men and women in harm's way we better have the support of half of the Senate and half of the House of Representatives. That is all that the balanced budget amendment requires with respect to the requirements for funding.

I really do not think this is a significant matter. It certainly is not something that would suggest the appropriateness of an amendment to our proposed constitutional amendment here.

Mr. SARBANES. Would the Senator yield for a question, Mr. President?

Mr. KYL. Mr. President, I yield.

Mr. SARBANES. I am looking at the report for votes dealing with the SDI. This was a motion to table an amendment which would have cut the amount of money for SDI, so the tabling motion in effect would have kept the higher figure for the SDI Program.

I do not want to argue the substance of the SDI Program. As I recall, the Senator was in favor of it when he was in the House. I want to get at the point of the close votes and the assumption that there is no problem. That vote was 50–50. The Vice President voted ''yea'' to break the tie. In other words, he voted to table this amendment which would have cut the SDI. He wanted the higher SDI figure. This was Vice President Bush at the time.

Now, I take it, under your provision, that would not work. We would have had a different outcome, correct, under this amendment?

Mr. KYL. It all depends on whether or not the expenditure—first, whether this was an expenditure of funds, whether it would put Members over the balanced-budget-limit requirement, and whether it was done in furtherance of support for our activities in an ongoing military conflict.

Mr. SARBANES. Assuming none of those factors were met, I take it that this vote, then, under this amendment we would have a different outcome than we had at the time?

Mr. KYL. Mr. President, no, no.

Mr. SARBANES. Mr. President, I thought the Vice President's vote would no longer count.

Mr. KYL. The vote the Senator is talking about is to fund the strategic defense initiative, not a vote to support an ongoing military conflict or ongoing military operation. It simply has no relevance to the amendment that the Senator from Maryland is espousing.

Mr. SARBANES. If it is related to addressing an imminent and serious military threat, it would be relevant.

Mr. KYL. Mr. President, if it were.

Mr. SARBANES. Mr. President, just on the factual situation, that is a very close vote.

I take it under this amendment, assuming all the other factors were met, we would have a different outcome. Is it your view we have to produce 51 Senators? Or can the Vice President cast the deciding vote in cases of a tie under this amendment?

Mr. KYL. In the amendment, we have to have 51 Senators to exceed the balanced budget requirement in situations in support of an ongoing military conflict.

Mr. SARBANES. So the Vice President's casting a vote is nullified.

Mr. KYL. In this situation, the Vice President—just as in any other situation where we do not have a tie—the Vice President is not casting a tie vote.

It is very rare that the Vice President has to cast a tie vote, but we are aware of the fact he has on occasion. No one will suggest that there are not occasions where we have a tie vote. What we are saying is, if we are talking about supporting an ongoing military conflict involving a U.S. interest, we have American men and women sacrificing or at least risk their lives in support of this operation, if we cannot muster 51 votes in support of those young men and women, then presumably the Senate has said we do not want them over there taking whatever risks they are taking. If we cannot trust the U.S. Senate, 51 Senators, to make that kind of decision, it seems to me there are not very many other judgments we could make.

Mr. SARBANES. Could the Nation go to war with a declaration of war on the basis of a tie-breaking vote by the Vice President?

Mr. KYL. Mr. President, yes, the Nation could.

Mr. SARBANES. The Nation could do that. But the Nation could not then fund the war which it has declared on the basis of a tie-breaking vote by the Vice President?

Mr. KYL. It most certainly could. If I could finish.

Only in the event that we did not find the money to fund the war effort and all of the other obligations of Government, would we have to exceed this balanced-budget-requirement limitation.

Obviously, in a case of a World War II we would be spending a lot more money. We probably would go into deficit. One would assume the votes would be there. But, for example, the conflict of Haiti, which is not a declared war and obviously would not necessarily require that we break the bank in order to support the operation in Haiti, it does not seem to me to be an unreasonable requirement to require 51 Senators.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Maryland.

Mr. SARBANES. Mr. President, the crux of the problem was the Senator's comments that we just assume that we would fund these items. I do not know how we can make that assumption when one can show that there had been close votes in the past which would not meet the requirement of the amendment and, in fact, would give the opposite result from what occurred in situations in which I think it can be argued very reasonably there were important national security interests at stake.

Mr. KYL. I want to yield to the Senator from Idaho, but I will make a point first. The Senator is correct, I am assuming that in important matters where funding was necessary, 51 Senators would be willing to do that.

But the Senator from Maryland is assuming that that is the right thing to do, as am I in this situation. If 51 Senators said, ''No, we're not going to break the budget; we're not going to unbalance the budget to fund your operation in Haiti,'' or wherever it might be, I cannot assume that that is a wrong decision, if 51 Senators have made that decision.

I yield to the Senator from Idaho.

Mr. CRAIG. Mr. President, I thank my colleague for yielding. This most certainly is a serious discussion about the amendment of the Senator from West Virginia. Every time in our Constitution we have established a vote, in this case a constitutional majority, and in other cases a supermajority, we know that is the standard. That is the level we have to reach to perform in certain ways, to respond in certain ways, as so prescribed by the Constitution.

The validity of analyzing prospectively a situation by the comparative of other situations done in an entirely different environment really has no context in this debate. This debate is about an amendment that sets new standards, constitutional requirements that we will meet. Certainly, the Senator from Maryland and I know that on certain votes on this floor, we have watched our leadership orchestrate votes. Some votes are very tough and some Members really do not care to vote. I have been on the floor on occasion when it was well known in advance that the vote more than likely would occur in which the Vice President would have to break the tie, simply because it was a tough vote. But we do know that in instances where, if that did not occur, there is a strong likelihood that if it was the position of the majority party or the majority of those here that this was the kind of vote required, and it was by Constitution the vote necessary, that it could be gained if it was of that importance.

But as the Senator from Arizona has so clearly stated, if the priorities rested that we would not break the budget to fund an ongoing military operation that was outside the declaration of war, my guess is the Senator from Maryland and the Senator from Idaho, if we agreed that it was important to fund that, and certainly the Senator from West Virginia, if he were in his past role as chairman of the Appropriations Committee, would change or shift the priorities necessary and move money from other programs of less importance to the program of high importance, in this instance military funding, for the purposes of doing those kinds of ongoing funding.

That is the real role of this Congress and the most important role under a balanced budget amendment. That is, to establish priorities, not just to get enough votes to bust the budget or to go beyond balance, but in the environment of a declared war, which is distinctively different and we all know that because it is then the decision of this country to put its men and women at risk because our very freedom is at

risk, that we go back to the majority necessary to do so under that context, the simple majority.

That is why those who have spent their time crafting this amendment have argued so and, therefore, established section 5 of this article to make sure that we force the priorities of spending the way they have never been forced before in the Congress of the United States.

If we had had that kind of prioritizing before, most certainly we would not have the $4.8 trillion debt, the $18,000-plus debt per citizen, the $300 billion interest charge—it simply would not be here, because the Senator from Maryland and the Senator from Idaho would have been operating during their presence here under a different mindset. We know our standards and levels of performance, and we may have argued very loudly over what the priorities of spending ought to be, but in the end, we know that those priorities would have to have been established under a balanced budget.

So I am suggesting that the Senator from Arizona is absolutely right. To pull a vote from 1941 and argue that that is the context in which article V fits is to argue that every circumstance, every emotion, every understanding of the time and the situation would be identical and we, of course, know that is not the case.

How do you justify that 21 Senators did not vote on that critical day? Well, probably because there may have been a few pacifists, there may have been a few who could not vote either way because they simply could not make such a critical decision as to send this Nation to war or, in this case, the draft. Those are the realities of the moment and time and the emotion and the politics of that vote, and certainly the Senator from West Virginia, who is senior to all of us with his experience on the floor, knows that every vote has its own chemistry, its own politics, and its own emotion.

What we are saying here is this is a minimal standard to force the Senate to prioritize under fiscal matters which we think are terribly and critically important to maintaining the stability of the economy of this country and the fiscal responsibility of this Senate and our Government.

I thank the Senator from Arizona.

Mr. SARBANES. Will the Senator yield for one further question?

Mr. KYL. Mr. President, I know that we have some additional time. I would be happy to have the colloquy continue on our time, if that is the preference.

Mr. SARBANES. Let us assume that two Members of the Senate are in the hospital. We take a vote on this waiver and the vote is 50 to 48 in favor of making an expenditure to address a national security threat. So a clear majority of those present and voting have voted to do it. That does not meet the standard in this article; is that correct?

Mr. KYL. The Senator is correct.

Mr. SARBANES. And, therefore, that effort would fall, even though a majority were in favor of it.

I have difficulty with understanding how one can be so quick to dismiss that possibility. I have seen many close votes on the floor of the Senate. I have seen instances in which Members have been absent because they are in the hospital, or for other good reasons, in which the sentiment is very closely divided and you get a majority in favor of a position but it does not rise to the level of a majority of the whole number of a House.

I think the problem is even more pressing in the House of Representatives where you often have votes when all Members are not present. In fact, if a seat is empty that, in effect, is a vote against. Let me ask the Senator this question: Is the majority of the whole number reduced if there are absent seats? There are occasions in the House of Representatives where you may have three, four, five seats that are not filled at one time. That happens on occasion. Is the majority to get reduced from the 218, or does the number stay at 218 even though there may be 4 or 5 empty seats in the House?

Mr. KYL. The answer, as I understand it, is the requirement would be 218 irrespective, but I do think it is a mischaracterization to say not infrequently there are 3, 4, or 5 vacant seats in the House. In my 8 years there, the most ever at one time was three, and very rarely were there any.

I think if I could get back and conclude my part of the debate on my time, then I will be happy to hear from the Senators from West Virginia and Maryland.

I think we have to put this back in context. We have a very important issue before our country right now. It is the runaway Federal budget deficit and the accumulating debt that we are consigning to our children and our grandchildren. All of us understand the importance of dealing with that. We have some disagreement about precisely how to deal with it.

But those of us who support the balanced budget amendment believe that one thing we should do is to say that if we are going to exceed that balanced budget limit, even in a time of military conflict, it should require a constitutional majority, meaning 51 Senators, 218 Representatives. That is hardly too much of a burden in that situation. Why? Because in that situation, we have already put young American men and women in harm's way by definition. Therefore, the seriousness of that commitment should require an equally serious commitment on the part of the House and Senate in providing for the funding for those operations.

We provided, in a case of declaration of war, of course, which, as the Senator from Maryland correctly pointed out, only requires a majority vote, you should only require a majority vote to fund that operation beyond the requirement of the balanced budget amendment.

But in those cases where you have not made a declaration of war, such as the situation in Haiti, just to cite one example, if the funding cannot occur any other way than by breaking the budget, then we suggest that a mere 51 votes in the Senate and 218 in the House is not too much to ask for.

The amendment of the Senator from West Virginia would change that to a simple majority of those here and voting, however many decide to vote. We think that that is not a substantial enough requirement to break the balance of the budget that we are trying to achieve by the passage of the balanced budget amendment.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. May I say to the Senators, we get the same kind of answers to every question. They say, well, we will readjust priorities. We will transfer funds from some other program in order to fund the military needs during an emergency.

I have been chairman of the Senate Appropriations Committee, and may I say to my friends, I am now in my 37th year on the Appropriations Committee. We do not have time to adjust priorities in emergency situations.

Suppose you are near the close of the fiscal year when a threat to our military security occurs. The funding that has been provided for various and sundry agencies is almost spent for that fiscal year. How are you going to dip around and readjust priorities and pay for the military emergency that is confronting you at the end of that fiscal year, as envisioned by this language? You do not have time. We are going soon to be into a new fiscal year.

There are those here who cannot conceptualize of our being in a situation in which we will have a tie vote here in this Senate, 49 to 49, 48 to 48, or 50 to 50. If the President of the Senate—the Vice President—casts a vote, it will not count, because only the votes of Senators will count.

We get the same old answers from the proponents all the time: Oh, I cannot conceive of this event; I cannot believe that this will happen; or the intent is not thus and so.

Mr. President, that's a bountiful answer that fits all questions.

> It is like a barber's chair, that fits all buttocks—the pin-buttock, the quatch-buttock, the brawn-buttock, or any buttock.

That is not original with me. That was Shakespeare, but it makes my point. The proponents have an answer that fits all questions. It is just that easy. They just brush aside these real-life questions, and I think that this afternoon proves our point. This is a constitutional amendment which is not well thought out, and I say that with the utmost respect for those who were engaged in the writing of it. It was not well thought out.

I believe that if it is welded into this Constitution, those who have supported it in ''reaching to take of the fruit'' will ''chew dust and bitter ashes.''

I regret that questions I have raised, and those that have been raised by the distinguished senior Senator from Maryland, have been, not necessarily treated with a cavalier attitude, but those who responded to the questions cannot seem to conceive that real-life situations can occur such as we have tried to present here. And if those situations do occur—and there is no question but that they will in the long years ahead—the country is going to be faced with a dilemma. We seem to be observing a very, very lax attitude here by the proponents of the amendment.

Why would they want to make it difficult for the Nation to respond to our Nation's security? Why set up a hurdle like that in section 5?

The point here, again, is that we will be hamstringing the ability of the Chief Executive, the Commander in Chief, to deal with a national security emergency, a real-life national security emergency, by insisting on 51 votes of Senators and by disallowing the Vice President to vote to break a tie. That is reckless—reckless. I am sure it is not intentionally reckless, but it is thoughtlessly reckless. It defies logic. It counters simple common sense. If we ever reach a real-life situation that confronts us and this language is nailed into the Constitution, then we will have found that a great disservice has been the result—disservice to our fighting men and women—and it ought to be changed. Why not strike out this sentence? Why not change it to say adopted by a majority?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BYRD. I thank the Chair and I thank all Senators.

Mr. KYL. Mr. President, we are prepared to yield the remainder of time on this side.

Mr. President, at this time, I move to table the amendment of the Senator from West Virginia 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. All time has expired. The question is on agreeing to the motion to table the amendment of the Senator from West Virginia. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Oregon [Mr. HATFIELD], the Senator from Oklahoma [Mr. INHOFE], and the Senator from Arizona [Mr. MCCAIN] are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote ''yea.''

Mr. FORD. I announce that the Senator from Alabama [Mr. HEFLIN] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 55, nays 41, as follows:

{Rollcall Vote No. 75 Leg.}

YEAS—55

Abraham	Frist	Nickles
Ashcroft	Gorton	Packwood
Bennett	Gramm	Pressler
Bond	Grams	Reid
Brown	Grassley	Roth
Burns	Gregg	Santorum
Campbell	Hatch	Shelby
Chafee	Helms	Simon
Coats	Hollings	Simpson
Cochran	Hutchison	Smith
Cohen	Jeffords	Snowe
Coverdell	Kassebaum	Specter
Craig	Kempthorne	Stevens
D'Amato	Kyl	Thomas
DeWine	Lott	Thompson
Dole	Lugar	Thurmond
Domenici	Mack	Warner
Faircloth	McConnell	
Feinstein	Murkowski	

NAYS—41

Akaka	Exon	Levin
Baucus	Feingold	Lieberman
Biden	Ford	Mikulski
Bingaman	Glenn	Moseley-Braun
Boxer	Graham	Moynihan
Bradley	Harkin	Murray
Breaux	Inouye	Nunn
Bryan	Johnston	Pell
Bumpers	Kennedy	Pryor
Byrd	Kerrey	Robb
Conrad	Kerry	Rockefeller
Daschle	Kohl	Sarbanes
Dodd	Lautenberg	Wellstone
Dorgan	Leahy	

NOT VOTING—4

Hatfield	Inhofe
Heflin	McCain

So the motion to table the amendment (No. 256) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the 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. Under the previous order, the Senator from West Virginia [Mr. ROCKEFELLER] is recognized to propose an amendment.

AMENDMENT NO. 306

(Purpose: To protect the disability and death benefits of veterans)

Mr. ROCKEFELLER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. BENNETT). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. ROCKEFELLER] for himself, Mr. DASCHLE, Mr. AKAKA and Mr. WELLSTONE, proposes an amendment numbered 306.

Mr. ROCKEFELLER. 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: ''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.''

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia controls 60 minutes. The Senator from Utah controls 30 minutes.

Mr. ROCKEFELLER. I thank the Chair.

Mr. President, the amendment I am proposing is extremely simple and very straightforward. Should the balanced budget amendment go forward—and it is very close—and actually become part of the Constitution, which is a result that I continue to strongly oppose, the benefits furnished by the Federal Government to those particular veterans suffering from service-connected disabilities, and to their survivors, will be protected by my amendment.

Specifically, my amendment provides that the balanced budget amendment may not be implemented by impairing any benefit based upon a death or disability incurred in, or aggravated by, service in the Armed Forces—service connected.

Mr. President, at the outset, I want to be clear that while my amendment is targeted on benefits and services directed to service-disabled veterans, I in fact wanted very much to be able to protect all veterans and all benefits from the kind of meat-ax cutting that I think will take place if the balanced budget amendment becomes part of our Constitution. However, I have to be realistic and I have to target—and I am forced to do that by the circumstances—in an effort to focus most directly on the most critical parts of our commitment to veterans. I have settled on those with service-connected disabilities, those with the greatest call for our protection.

All who serve in the military deserve our thanks and our support. If I had my way, I repeat, they would also continue to benefit from the full range of programs that have been developed over the years. Unfortunately, those who favor deficit reduction over all else have significant support today, and no Federal expenditure is secure. Therefore, while I intend to continue my strong support for all veterans programs as long as I am in a position to do so, my amendment is crafted narrowly. Specifically, the benefits that would be protected by my amendment are the most vital benefits administered by the VA: compensation paid to service-connected veterans; dependency and indemnity compensation paid to the survivors of those who die in service or from service-connected disabilities; vocational rehabilitation provided to disabled veterans, who are disabled because of their service; health care furnished by the treatment of service-related disabilities; burial allowances paid when the veteran dies in service or from service-related causes; and certain other ancillary benefits

provided to service-connected disabilities.

Mr. President, these benefits are at the core of the mission of the VA. Stated simply, the principal mission of the Department of Veterans Affairs is to ensure that we, as a Nation, honor the commitments to those who have served us and protected us, often in times of need and often at enormous sacrifice to themselves, and most especially those who were injured or disabled during that service.

Too often, this commitment and this obligation to those who have answered the Nation's call and suffered as a consequence, frankly, sort of gets lost, glossed over, forgotten. Sometimes issues relating to the appropriate benefits and services for these brave men and women who have served, who defended us and are now disabled by virtue of having done so, get lumped with other obligations of Government, as though all of the things the Federal Government does are kind of on an equal basis, that everything is equal. Plainly, this is not so.

We must never diminish the obligation that is owed to those who have served in the armed forces, and especially to those who have suffered disability or death from that service. Taking care of those who join the military, so as to defend the general population, is a tradition that goes way, way back in our Nation's history. In the history of America, this imperative can be seen from our earliest days. One of the first American veterans benefits laws on record was enacted in 1636 by the members of the Plymouth Colony.

That law provided that, in the event one who served in defense of the Colony returned ''maimed and hurt,'' the Colony would maintain the soldier ''competently'' during the soldier's life.

This commitment to care for the veteran who returned disabled from service has remained strong, remained vital down through our time, and it must continue to be honored.

Mr. President, if we are to amend the Constitution in the name of fiscal policy in the mindless way that is proposed in the underlying resolution, then at a minimum we must ensure that disabled veterans and their survivors are protected in that same action in the Constitution.

President Lincoln would be, I suppose, the President with the greatest sense of depth and immediacy of the obligation of those who served. He spoke of this in 1864. He said:

> All that a man hath, will he give for his life. While all contribute of their substance, the soldier, the soldier, puts his life at stake and often yields up in his country's cause. The highest honor then is due the soldier.

That was Lincoln.

The terms of this obligation, which is the guiding principle of the VA, was characterized no better than when, again, President Lincoln spoke of the obligation to ''care for him who shall have borne the battle and for his widow and orphan.'' That is what is written beside the front door of the VA. That was a long time ago that he said that, but these words ring no less true today.

Indeed, as we enter into this new era with the cold war behind us, we should pause and recall how, in fact, we came to be where we are. We should pause and remember those who served from the world wars through Korea, Vietnam, to the Nation's most recent conflict in the Persian Gulf and reflect on what their service has gained for all of us and what they are owed by a grateful nation for that service, most especially those disabled by that service and the survivors of those who gave the last full measure.

We must keep faith with those who served. It is a simple sentence, but it is a strong one. We must keep faith with those who served for that is the sort of people that we are.

And on a far more pragmatic level, we must honor the commitments to those who served in the past so that those who are considering entering the service today know that the promises made to them today will be kept when their service ends. To fulfill our fundamental obligation, we as a nation have established a wide range of veterans benefits that are provided to those with service-connected disabilities, and we must remain true to those commitments.

Mr. President, the Senate recently engaged in an extended debate on the relationship between Social Security and the balanced budget amendment. I agreed fully that Social Security deserves to be protected from the vagaries of the sort of mindless budget-cutting exercise that will have to take place if the Constitution is amended to require a balanced budget. I think the benefits of service-disabled veterans deserve protection just as well.

There is no question that the Social Security benefits are in the nature of a contract. And it is equally appropriate to identify some Government benefits, you know, these days as mere gifts or giveaways, so as to contrast those benefits with Social Security.

But that is not the nature of benefits for service-disabled veterans. The contract that relates to these benefits was one signed in blood and many, many times over. Veterans paid for these benefits with their limbs, their sight, their mobility, their mental and physical health, indeed, with their very lives.

Benefits paid to veterans who are injured while in service to their country are valued perhaps more than any other in the VA. And veterans in general would agree with that. Why? Because our Nation recognizes and respects, as we should, the commitment we made to those who gave up their livelihood, left their homes, agreed to risk their lives for their country, asked no questions and suffered an injury while in the course of their service. Many never came home.

Who here intends to break our contract with the disabled men and women who have served their country and risked so much? Who would do that?

Cutting benefits to those who served us all and who became disabled during that service is simply not the sort of thing we should allow to happen in a country called America. I can think of no population with a greater claim on our concern and our love and our protection than those who sacrificed their well-being in our common defense.

Mr. President, I will not repeat the legal analysis that was presented during the debate on Senator REID's amendment on Social Security as to why this provision needs to be a part of the amendment itself and not a mere afterthought in other and separate legislation. It is enough to note the obvious. Since some of our colleagues believe that it is necessary to amend the Constitution in the name of fiscal policy, then surely in the same amendment they can be clear that they do not intend, for whatever mischief is to follow in the name of fiscal policy, to have an adverse impact on disabled veterans and the survivors of those veterans who gave, as I say, their all.

Mr. President, I want to believe that this is the point of view of those who support the balanced budget amendment, but I must confess to having some serious worries. Being able to see the words that would provide the protection included in the amendment itself would remove any lingering doubt on my part and on the part of America's veterans.

Mr. President, I have more to say about my amendment and in its defense, but at this point I notice the Senator from Maryland is on the floor.

The PRESIDING OFFICER. Does the Senator from West Virginia yield time to the Senator from Maryland?

Mr. ROCKEFELLER. I do.

The PRESIDING OFFICER. Would the Senator indicate how much time?

Mr. ROCKEFELLER. How much time would the Senator require?

Ms. MIKULSKI. Five minutes.

Mr. ROCKEFELLER. I yield 5 minutes to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 5 minutes.

Ms. MIKULSKI. Thank you very much, Mr. President.

I rise with great enthusiasm to support the Rockefeller amendment. I believe that we should under no circumstances balance the red ink of the Federal budget by using the red blood of America's veterans.

Americans have served the United States of America proudly with honor, with dignity and enormous self-sacrifices.

We are at the 50th anniversary of the commemoration of World War II—World War II in which ordinary people were called to do extraordinary things, and they did them. They did it at Normandy, they did it at Okinawa, they did it at the Battle of the Bulge.

And when, at the Battle of the Bulge, a message was sent to our troops to

surrender, our military sent back a message and said, ''Nuts.''

Well, that is exactly what we are saying on the floor today for those who would not be willing to exempt veterans with service-connected disabilities from the balanced budget amendment. We say, ''Nuts'' to those who wish to use veterans funding and make them vulnerable to these swashbuckling kinds of issues that we are discussing here.

We know that the veterans appropriation for medical care alone numbers about $15 billion to $16 billion. I know that, Mr. Chairman, because I once was the Chair of the subcommittee that appropriates those. Though I am now in a sabbatical from the chairmanship, I am not in a sabbatical from fighting for American veterans.

That $15 billion is designed to meet the needs of America's veterans in order to be able to meet their acute care, provide primary care connected to service-connected disabilities, and long-term care for those who bear the permanent wounds of war.

Do we really want to make that vulnerable to budget cuts, mandatory budget cuts that will obviously come through a balanced budget amendment?

The other part that the VA funds is disability pensions for those, again, who were wounded in the war and for those who are also now applying for those, who served in Desert Storm and other recent conflicts. Because of inadequate funding, we have a backlog that needs to be addressed, because our veterans now have to wait several months in order for that backlog to be able to be processed.

Mr. President, I believe that the veterans who have already served the United States of America should not be called to do double duty by placing those programs related to the deficit—those veterans with service-connected disabilities being exempted from that.

When we think of those veterans, they are the men and women of the Armed Forces who fought over there so we could be safe there. People like my Uncle Pete, my Uncle Fred, my Uncle Richie, who left banks, shops, and grocery stores to fight the Nazis and the war in the Pacific. They were the brave men who fought in Korea in an undeclared war, and in Vietnam in an unpopular war, and in Desert Storm in a high-technology war, and countless other contingencies, so when a President dials 911 they are there to answer, ready and fit for duty.

Then what do we say? Thank you. We always say a grateful Nation will never forget. Well, I am absolutely concerned that we will forget and those who we will forget the most are those who wear the green eyeshades rather than military epaulets, as they look down at the Federal budget.

That is why I support the Rockefeller amendment. Each and every one of those men and women in the military is a symbol and living testament to the principles that have kept this country strong and free: loyalty, self-sacrifice, and patriotism. When we think of our enlisted people, we think of everything that is good about this country—courage, loyalty.

Our responsibility now is to live up to the kinds of promises we made to them when they were called to duty.

The PRESIDING OFFICER. The time yielded to the Senator has expired.

Ms. MIKULSKI. Mr. President, I support the Rockefeller amendment.

Mr. President, I ask unanimous consent for 1 additional minute to conclude.

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

Ms. MIKULSKI. Mr. President, I hope that my colleagues will think long and hard, that when they go to Veterans Day observances, when they go to Memorial Day, when they rise at Fourth of July parades and give the V sign or the thumbs up, and when we vote we should never, ever balance the red ink of the Federal budget on the backs of American veterans who have served so well.

I yield the floor.

Mr. HATCH. Mr. President, veterans' benefits and veterans' programs will continue to compete very well under a balanced budget amendment.

But this constitutional amendment is not the place to set budget priorities. We cannot put statutory programs into the Constitution. Constitutional and statutory confusion will result if we include references to statutory programs in the text of the Constitution. It would create a new type of law somewhere between constitutional law and statutory law. Would we need to amend the Constitution to increase veterans' benefits? Would we really want to give quai-constitutional status to the technical language of the veterans' benefits statutes? Would we want to allow those statutes to be a loophole to let off the pressure of balancing the budget? This could pose a risk to veterans' programs as Members of Congress would have an incentive to redefine spending programs as veterans' programs.

Mr. President, this amendment is yet another attempt by opponents of the balanced budget amendment to use a worthy group of beneficiaries—in this case our Nation's veterans—to start putting loopholes in the balanced budget amendment. This poses risks to the balanced budget amendment, could engender constitutional confusion, and might hurt veterans' programs.

Let me repeat that veterans' benefits hold a priority place and will be well protected. But we should not start exempting statutory programs from the broad universal mandate of the balanced budget amendment.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I rise in opposition to the amendment of the Senator from West Virginia, and I resist in saying the words ''Here we go again,'' for the simple reason that I now have the privilege of serving on the Veterans' Affairs Committee of this Senate and, by the outcome of the last election, missed the opportunity to serve under the chairmanship of the Senator from West Virginia of this critical and important committee.

So when the Senator from West Virginia stands up to speak about veterans and veterans issues, I know he speaks with the utmost sincerity as to his concerns, as does the Senator from Maryland.

Because of that sincerity, because of the commitment that this Senator has, we will prioritize at the top of nearly every budget the responsibility we have to honor the commitment that this Government made to the men and women who put their lives in harm's way to provide for our safety and security as a nation.

But there is no question that as we debated the Social Security issue and as we now debate veterans issues, that we find our services falling into the GRAMM–Rudman trap of taking away or exempting from any budget consideration, under a controlled scenario and under this instance of a balanced budget, these programs.

What does that say? I guess it could say they are at the top of our priority list, but it says we can also spend in a lot of other areas that have less priority, and we exempt these programs from any budgetary consideration that is fair and responsible.

Two weekends ago, Mr. President, I visited a new veterans home in Idaho that I am very proud of. I helped gain the money for that home and the State of Idaho moved that money. It now is the residence for 70 veterans who served their country well but find the need to have shelter provided by this unique and beautiful home. I visited with most of them, spoke to them. We were talking about the very issue that we are debating on the floor tonight, the balanced budget amendment.

All of them said, ''Senator, get the budget under control. I am really worried about the future of this country and I am worried about my grandchildren. So I hope you win. I hope you balance the Federal budget,'' because what those members of that Idaho veterans home knew was that the commitment their Senator had was to always put their issues at the front, to prioritize, as the history of this Congress has always demonstrated that we will treat fairly and responsibly those who served our country, because of the commitment we made when they took the oath. That does not mean we move them outside of the arena of budgetary considerations or the intent to be fiscally responsible.

If we allow but one exemption, then there are a lot of other priority areas that many other Senators would find necessary. I would have to say to the Senator from West Virginia, what about his coal miners? What about our

rail workers? What about my farmers and ranchers? No, they did not put their lives in harm's way to ensure the safety and security and freedom of this country. But we have said for a long, long time we have an obligation to them for a variety of reasons.

Yet, we have not chosen to exempt them, nor should we choose to exempt anyone, but to force this Congress to maintain the priorities we think are critically necessary. We believe that that has to be done under the context of a balanced budget. As I said when we debated the Social Security amendments, the threats to veterans benefits is not this amendment, the threat to veterans benefits is the debt and the deficit. The deficit itself is crowding out the benefits, because we have to pay interest on that debt.

I say now if we did not have the $300 billion deficit payment, interest on debt payment on an annualized basis, the Senator from West Virginia and I would not have to make the critical decisions we are going to be making in this budgetary cycle, with or without a balanced budget requirement, which will entail reductions in growth rates of certain veterans benefits, not because of a balanced budget amendment, but because for too long this Senate has not been fiscally responsible, and we are now crowding out the very real programs that are extremely valuable.

Mr. President, at this time, I yield to the Senator from Wyoming and the chairman of the Veterans' Affairs Committee here in the Senate, such time as he might require.

Mr. SIMPSON. Mr. President, this is one of the periodic missions assigned to those who chair the Veterans' Affairs Committee or who serve as ranking member during the debate on any issue that has anything to do with veterans.

I am a veteran. There are 27 million veterans. I know some get tired of me quoting the statistics. But I do not get tired of it, because the American people have been forced, in this debate on the balanced budget, to wake up and figure what is going to happen to them.

My wake-up call came during service on the Entitlements Commission, the bipartisan Entitlements Commission, chaired so ably by Senator BOB KERREY and Senator Jack Danforth. And 30 of the 32 of us—a very diverse group ranging from Rich Trumka, Malcolm Wallop, my fine senior colleague in those days, JOHN DINGELL, Tom Downey, Senator CAROL MOSELEY-BRAUN, Senator GREGG—a wonderful group of people—and 30 of the 32 of us have agreed and presented to the President the fact that in the year 2012, with no increase in taxes, that there would be only sufficient revenue to fund Social Security, Medicare, Medicaid, and Federal retirement and interest on the national debt and that there will be nothing—absolutely nothing—to be used to fund transportation, education, defense, Head Start or NEA or any other discretionary program of the Federal Government, and everybody knows it.

I would think the veterans would have picked up on it. Veterans are a bright group. They have powerful organizations in this community. But I must say, in my 16 years here, and having served as ranking member under a fine able chairman, Senator Al Cranston—people often confuse us and say, ''You're Al Cranston.'' ''No, I'm AL SIMPSON.'' I have to clear that up daily. Nobody ever calls him AL SIMPSON but many call me Al Cranston. But it was difficult. That was the only thing difficult in that relationship because I enjoyed him thoroughly.

There is nobody I enjoy more than JAY ROCKEFELLER. He is a splendid friend. I watched the chairman through the years, Senator FRANK MURKOWSKI, and the wonderful work that he has done, and on it goes.

Always we get into this wretched excess about veterans: ''What are we doing for the veterans of our country?'' And the answer is everything. I am telling you, when I came to this body, the veterans budget was $20 billion in 1978, and today it is double—double, $39.5 billion proposed for 1996. And in 1978 it was $20 billion. It has doubled. And every year I have to come here and listen to what we are doing to the veterans of America. It is a tedious exercise, a truly tedious exercise.

It comes from the veterans' groups. The organizations gin the rhetoric up all day long. The average increase for veterans is over $1 billion a year. When every other program in America is taking a hit, the veterans do not take a hit. They have not taken a hit in any way. We keep adding things.

What we really tragically do is add new things in the Veterans' Affairs Committee and on the floor, because you do not dare vote against any kind of bill that has the word ''veteran'' in it. So we come here and we have voted for entitlement programs that we cannot fund, and then the veterans groups come back in and say, or the veterans themselves come back in and say, ''How come I couldn't get into the VA Hospital in Cheyenne or Miles City?'' Or ''Why couldn't I do this'' or ''Why couldn't I do that''?

The answer is, ''Well, we didn't fund that.''

''Well,'' they said, ''you should have funded it.''

So all I can tell you is that if anyone can tell me that the people of the United States, through their elected representatives, have not supported the veterans of America, that is plain erroneous information.

I suppose we are going to have some charts about GDP and increases in this and or the increases in that. It is like dealing with Medicare. If you want to deal with another power group, other than the veterans organizations, deal with the AARP, who have managed to tell the American public that we have cut Medicare $200 billion in the last 10 years. Well, I would like to see that one on paper because Medicare was $37 billion 10 years ago, and it is now $157 billion. So if somebody can tell me where the $200 billion dropped off the table, just drop a fax or something or slip it under the door and I will be glad to read it if I can to see how $200 billion simply disappeared. It is absurd to say that the veterans have not been taken care of in some way.

There is a terrible confusion here, a very unfortunate confusion, a fuzzing—unintentional, I am sure—about the difference between a combat disabled veteran and a service-connected disabled veteran. I know this may be inside baseball to some, but it is critical, very critical, because this well-intentioned amendment will do some serious things.

You have to remember, as Senator ROCKEFELLER says, those who enter service must know that their commitments will be met. Each Congress we have added to the benefits available to veterans—each year.

Not a year has gone by in my presence as chairman or ranking member that additional presumptive diseases have not been added. I know that is inside baseball, too. People say, ''What is a presumptive disease?'' Well, there are now 86, I believe, presumptive diseases. Some of them obviously are connected with service in the U.S. military and the majority of them are simply connected with being alive: Ulcers, hypertension, stress, high blood pressure, the things that happen to every other person in society. If you have been in the military, they are presumed to have happened to you because of your service in the military. For example, the list includes lupus. I can get the list. It is an extraordinary list.

Ninety-three presumptive diseases are called to my attention—93. If you saw the list you would see that it includes every malady—and some are serious and some are not as serious. But every malady on that list affects every other person in society.

We do that every year. We have made additions to the cost-of-living allowance. We have every year increased accessibility for services and benefits, and benefits have been expanded in each and every year of my being here.

Hear this: The argument is that we need to care for those injured as a result of their service. The amendment of my friend from West Virginia, by freezing benefits for many who are being paid for injuries or illness unrelated to their service, would impair the ability of a future Congress to respond to the needs of those actually harmed as a result of their service. This is, I am sure, a highly unintended consequence.

Furthermore, Senator MIKULSKI—and she did a yeoman job as chairman of the HUD and VA subcommittee. She and Senator Jake Garn worked so well on that. She is a spirited advocate of the amendment. She cites many combat veterans. No one—please—no one, not a soul in the land questions our obligation to those injured in the performance of their duty. But this amendment goes far beyond that. This

amendment would include—hear this—it would include the 19 percent of service-connected veterans with ordinary diseases unrelated to duty.

There is a 19 percent cadre of people who I do not think were ever intended to be included here. It would include the 6 percent of service-connected vets who are injured off base in accidents unrelated to duty. I do not think that was ever intended.

It is a remarkable, periodic thing that we go through here, and some of it is, believe it or not, politically motivated. I know that is a shocking statement. I am not attributing that here, but over the years I have attributed it because I can remember very well one time when I came to the floor of the U.S. Senate many years ago and there was a Senator—he is not in our midst, he is no longer in the Senate—who was railing about the veterans of America and how they have been cheated, short sheeted, ripped off, treated like bums. I have never heard a speech quite like it. It was a ringing thing. In fact, it is still ringing.

Afterwards, we were riding the subway back and I said, ''I have a question to ask: Have you ever been in the service?''

And our colleague, now not with us, said, ''No.''

I said, ''How come it is that a person like you who has never been in the U.S. military will give a speech like that when you haven't even been in the Civil Air Patrol?'' I said, ''I get tired of that. And the next time you do it, I'm going to get out there and rip one, and we're not going to listen to that kind of stuff again.''

He said, ''You wouldn't do that. It would ruin the comity of the Senate.'' I said, ''Well, you are already ruining it by getting out and pretending we don't do anything for the veterans in the United States.''

That was 1979. That gentleman never spoke again on the issue of veterans because I just kept a big drawer full of the statistics about what we do for veterans in this country.

People cannot understand that there are 27 million veterans, and only 3 million of us have ever had a live shell go past our head in combat. Now, they will say, ''Oh, we can't tell how many saw combat.'' Well, I say you could get pretty close. We have a form, a DD–214, that tells where you were, where you served. It is a great ploy to assert that you cannot tell where someone served or what they did. I do not believe that one anymore either.

The VA does not want to provide that information because you can use the word ''veteran'' to cover, literally cover, people who served 6 months—6 months. There were thousands of veterans, when I came to the committee, who had served 6 months, never left the United States, and did not know a mortar tube from either end. They received every benefit this country had, and I said, ''This is absurd.'' And Al Cranston helped me change that. We at least put in a requirement for 2 years service, and I believe that is where we are now.

So you can serve 2 years, never leave the United States, and not know a mortar tube from either end and still draw every single benefit that a disabled veteran or a veteran of combat receives.

Now, people do not like to hear that, and they say, ''SIMPSON, you are not doing that again.'' I almost can feel my staff pulling on my clothing as I bring it up again. But it is true.

And then I ask you to remember another one. This will get me in deep trouble. You can be a service-connected disabled veteran by busting up your knee playing special services basketball at Heidelberg, ladies and gentlemen. Hear that. Hear it. Because if I get to have horror stories used on me, then I get to throw the horror stories going the other way back into the box.

You can really be a service-connected disabled veteran for hooking your knee over a bayonet stuck in a tree, saying, ''I want to draw a green check for the rest of my life.'' I saw a guy do that in the woods of Germany, and he said, ''I'm out of here, see you.'' I said, ''Boy, this is great. That's not what I had in mind when I put in my 2 years.'' He said, ''Well, that's what I have in mind.''

I do not know where that man is now. But just to believe that every single veteran is ''deserving of everything out of the Federal Treasury'' is to believe that every lawyer is deserving—I am one of those in life—or that every politician is wholly deserving, or that every person deserves a Federal check. That is not so.

Veterans served, you bet they did, and with honor and distinction, and they sometimes fought, and, tragically, some were maimed and many died. Does anyone believe that we do not all know that, and have tremendous passion and compassion for what they did. How absurd to have to come and get into a debate and hear that some of us do not care about those veterans or for those who bore the battle and for their widows and orphans. Their service and sacrifice gave their children and their grandchildren a chance to live in freedom.

But today, our country's future, and the freedom of our descendants, face threats that are every bit as dangerous as the foreign enemies that America's 27 million veterans defeated. The victories won by America's veterans in war will be lost in peace if our Nation is brought to her knees by the burden of our national debt.

All of us know what we are doing. We will all vote on April 1, or thereabouts, to raise the debt limit to $5 trillion. Now, when we get the debt limit to $5 trillion and the interest on the national debt to $300-plus billion, you could do a lot of things for veterans with the $300-plus billion interest payment that will instead have to be sent down the rathole. You could do a lot of things for veterans with a $300 billion payment down the rathole as interest on the national debt.

The budget this year is $1.6 trillion, and $40 billion of it is going to go to the veterans of America. And I have not the slightest qualm about that. I am ready to vote that. And the veterans will get to watch along with the rest of our American citizens as the deficit goes $200 billion a year out into eternity, but that is nothing, because in 1997 it will begin to go to $250 billion, and then it will go to $300 billion per year.

I think the veterans' organizations would want to pay attention to that. And then the debt in the year 2003 will be $6.3 trillion. I think the veterans' organizations would really want to pay attention to that because, if our country goes belly up and we monetize the debt, veterans are going to get stuck along with everybody else, along with everybody on Social Security, along with the seniors and Head Start and everybody else. That is the way that works.

If that happens, the sacrifice of service members who died or were wounded protecting the future of our country will have been in vain. Their service will have been absolutely in vain if the future of our country is dictated by the demands of an ever-increasing debt and deficit. And the commitment of the Congress and this country to care for those who bore the battle, their widows and orphans will count for nothing if the economy that supports all of the veterans' benefits collapses under the weight of the deficits we incur today.

Does anyone believe that will not occur? If we continue business as usual, we continue to spend based on desires and pressure from the interest groups; rather than budget based upon our resources, the future is very clear and the outcome is inevitable. And I have described to you what will occur in the year 2012. And, of course, there is another fact to throw in the pot. The Social Security system will be broke in the year 2029. That nightmare is not just a vision of some mad Reagan supporter somewhere or Jimmy Carter or George Bush or anyone you wish to name who served our country with distinction as President.

No. We are told that the system will go broke by the trustees of the Social Security system, who are not exactly off the wall. They are people like Lloyd Bentsen, Robert Reich, Donna Shalala, and two members of the general public. And they are saying that in the year 2029 the system will be broke. And they moved the doomsday up from 2036 to 2029 just last year. Next year, when they meet again, will they move the doomsday from 2029 down to 2025? I do not know. But those of us on the Finance Committee are asking those questions. People like Senator MOYNIHAN are asking those questions. Senator PACKWOOD, the chairman, is asking those questions. These are real issues, absolutely, totally real concerns.

So when we come to the point of monetizing the debt, or whatever you have to do when you have a debt of $6 trillion, and you put Federal borrowing in short-term securities because the interest rate is less. When we have to roll over that short term debt, as the occupant of the chair knows so well, a one-point increase in the interest rate translates to, I think, $48 billion to 48—$48 billion; 1 point in the interest paid by the Government costs that much.

So, when that happens we do not need to worry about little things like this amendment. When that happens, there will be no money to pay the salaries of VA employees who would process the benefits this amendment proposes to protect. There will be no money to pay the salaries of VA doctors or nurses to care for any nonservice-connected illness—any nonservice-connected illness. This is an important distinction.

If any Senator offered any proposal to limit VA health care only to service-connected disabilities he would face the ultimate, immediate and undisguised wrath of the veterans organizations. But that would be the full effect of allowing the continued growth of the deficit.

A Federal budget with no room for discretionary spending, I can assure you, will have no room for nonservice-connected health care—believe me. It will not. Because, if you want to get into a description of nonservice-connected health care, there are some things in there that you really don't want to see.

I thought the most interesting part of the debate, at least as some of the material has come out, is that I had a very pleasing letter from the Paralyzed Veterans of America. If we want to continue to talk about people who gave their all and do their all, then I think we would want to listen to the Paralyzed Veterans of America. Let me read this letter dated February 14, saying:

> On behalf of the Members of the Paralyzed Veterans of America I urge you to oppose an amendment, which we understand will be offered today by Senator JAY ROCKEFELLER.

Then they go on to describe, and I would certainly subscribe to the description also—they describe the amendment, as being ''motivated by a heartfelt desire to attempt to safeguard benefits and services.''

Boy, I believe that about my friend from West Virginia, that this is heartfelt. I subscribe to that and I believe that. But this attempt to do this—and again I am reading from the Paralyzed Veterans Association letter

> . . . will fragment veterans' programs and seriously weaken the veterans' health care system. By protecting only a portion of the funding needed to maintain the VA health care system, the future of the entire system could well be jeopardized.

I believe that. The VA health care system, and particularly its specialized services such as spinal cord injury medicine, upon which the PVA members rely, will be faced with a drastically eroded patient base and diminished resources necessary for its continued existence.

I ask unanimous consent that letter be printed in the RECORD.

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

PARALYZED VETERANS OF AMERICA,
Washington, DC, February 14, 1995.

Hon. ALAN K. SIMPSON,
U.S. Senate, Senate Office Building, Washington, DC.

DEAR SENATOR SIMPSON: On behalf of the members of the Paralyzed Veterans of America (PVA), I urge you to oppose an amendment, which we understand will be offered today by Senator John D. ''Jay'' Rockefeller, IV, to H.J. Res. 1, the Balanced Budget Amendment. PVA also requests your opposition to H.J. Res. 1 itself. Neither of these initiatives is in the best interests of the veterans of this Nation.

Senator Rockefeller's amendment, while motivated by a heartfelt desire to attempt to safeguard benefits and services for veterans disabled in military service, will fragment veterans' programs and seriously weaken the veterans' health care system. By protecting only a portion of the funding needed to maintain the VA health care system, the future of the entire system could well be jeopardized. The VA health care system, and particularly its specialized services such as spinal cord injury medicine, upon which PVA's members rely, will be faced with a drastically eroded patient base and diminished resources necessary for its continued existence.

If this Nation is to maintain its commitment to the men and women who have served in the defense of freedom, then the merits of veterans' benefits and programs should be judged on their merits in an open, ongoing Congressional process. Senator Rockefeller's amendment recognizes the service and needs of some veterans, while leaving the benefits of millions of other subject to the arbitrary cost-cutting mechanism which a balanced budget amendment will no doubt entail.

The Balanced Budget Amendment, H.J. Res. 1, is itself a fiscal artifice which in the name of expediency is touted as a promise to cut federal spending with no regard for the purposes, merits or rationales of the programs and benefits which will be reduced. It is our strong belief that fiscal constraint and balancing federal spending must be achieved in open Congressional action, with the value and purpose of each benefit of service independently judged. Not all federal programs are of equal value, nor are they an equal reflection of our national commitments.

Again, on behalf of the members of Paralyzed Veterans of America, I request your strong opposition to both Senator Rockefeller's amendment, and to the Balanced Budget Amendment which motivated it. Thank you.

Sincerely,

RICHARD GRANT,
National President.

Mr. SIMPSON. Mr. President, a balanced budget does not require a reduction in any benefit or program. It would require only a reduction in the rate of increase of entitlement spending.

I commend those who desire to ensure that our Nation remembers her obligation to those who are injured as a result of their military service.

But I urge them to remember that the best way to protect the future of veterans' benefits—is to protect the future of the Nation that provides those benefits.

If we are serious about our obligation to veterans—we have to be serious about protecting economy that supports the benefits veterans receive.

I have no fear for the strength and persistence of our Nation's commitment to veterans. I do fear for the ability of our Nation to convert that commitment into the reality of effective and enduring programs—unless we make a commitment to protect the future of our Nation, and the future of our economy, by bringing our appetite for debt under control.

It is by happy coincidence that the Washington Post published on Tuesday, February 15, contains two columns illustrating my point.

The first piece, by Robert J. Samuelson, provides one blueprint for balancing the budget. Samuelson's plan does not reduce veterans' benefits. I am sure there are many others. Thus, we can lay to rest the notion that balancing the budget must reduce veterans' benefits by 30 percent, or—for that matter—by any other percentage.

The second piece, by James K. Glassman, reminds us that, if the Congress makes no change in spending and entitlement policy, future generations will face ''net lifetime tax rates'' that average 84 percent.

Think about that.

If we continue with business as usual, future generations will have to pay 84 percent of their net lifetime income—that's what's left after allowing for Government payments back to the taxpayers, to pay for this generation's spending. The source of Mr. Glassman's calculations? The President's budget for 1995.

Does anyone doubt that such a taxation rate would bring down the economy, and the veterans' benefits that depend upon it? These articles are so illustrative of the point I am trying to make that I ask unanimous consent that they be printed in the RECORD of this debate.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE BUDGET WITH THE HIDDEN GENERATION GAP

(By James K. Glassman)

For the past three years, the most frightening part of the president's budget has been a section discussing something called ''generational accounting.''

The economists who wrote last year's section calculated that if the government didn't change its policies on spending and entitlements, future generations would face a net tax rate of 94 percent!

That figure was buried deep inside last year's 2,000-page budget, and it caused a small sensation when it surfaced in the press. It reminded Americans that, while President Clinton was indeed cutting the deficit, government spending—especially on Social Security and Medicare—would still overwhelm the young and children yet unborn.

So when the president's new budget came out last week, I naturally searched the four volumes for this year's section on generational accounting.

It wasn't there.

I phoned Laurence Kotlikoff, the Boston University economist who developed the idea of looking at the federal budget from the point of view of the age groups that pay the bills.

A mild-mannered fellow who voted for Bill Clinton in 1992, Kotlikoff was distraught. ''I think it's a big scandal,'' he said. ''We'd assisted OMB [the Office of Management and Budget] on this through the fall. Then, at the last minute, some of the political types in the White House threw it out.''

Kotlikoff sent me the new analysis that he and Alan Auerbach of the University of California at Berkeley and Jagadeesh Gokhale of the Federal Reserve Bank of Cleveland had worked out for OMB.

They calculated that, if current policies continue, future generations will face ''net lifetime tax rates'' that average 84 percent.

Gross tax rates—the percentage of their pay that members of these generations send the government—will be even higher. The ''net'' figures represent the difference between their taxes and what they'll receive in transfer payments like Social Security.

Using more optimistic assumptions about health care spending, the net rate could be 59 percent to 74 percent. But that's little comfort.

''Levying such high net tax rates on future Americans is not only unconscionable, it's also economically unfeasible,'' wrote Kotlikoff and Auerbach.

But what to do? There are, as the Congressional Budget Office has noted, infinite paths to a balanced budget—cutting Medicare, freezing spending, raising taxes. ''The real question,'' write Kotlikoff and Auerbach, ''is not whether, but when.'' Yet, in this dire emergency, Clinton has proposed a budget that projects deficits of $1 trillion over the next five years. And Republicans, so far, have been practically silent.

Which brings us back to the omission of the generational accounting section from this year's budget. Was it cut because of fears it would prove embarrassing? That it would turn the spotlight on the deficit-cutting left undone?

OMB spokesman Lawrence J. Haas insists the section wasn't suppressed. He says it wasn't included in the budget simply because it wasn't ''in the kind of shape it needed to be in to be printed.'' He added: ''We have committed to publishing a paper of some sort down the road on long-term issues facing the nation, of which generational accounting will be one issue addressed.''

When that paper is finally presented, I hope it shows that the 84 percent tax rate for future generations is only a symptom of the real disease—which is the spectacular, but largely unnoticed, disparity of wealth that's developed between the young and the old in America.

Consider, for example, what Capital Research Associates recently discovered about households with incomes of $30,000 or more: Families headed by a person aged 35 to 44 had an average net worth of $66,000 while those headed by a person 65 to 74 had $222,000.

Eliminate real estate and the disparities are even greater. The net financial assets of a family headed by someone under age 45 averaged less than $8,000 while those of a family headed by someone over 65 averaged more than $77,000.

But, even though the old are richer than the young, it's the old who receive the government benefits. ''There has been a huge redistribution'' over the past 30 years, says Kotlikoff. And that shift in wealth helps explain why the U.S. personal savings rate has fallen from 6.1 percent in the 1970s to a dangerously low 3.9 percent in the 1990s.

As Nobel prize-winning economist Franco Modigliani demonstrated with his life-cycle model, young people save and old people consume. So, if the government takes 15 percent out of the paycheck of a saver and sticks it in the bank account of a consumer, the nation as a whole will get less saving and more consumption.

But if old people are getting more of the wealth, aren't they giving some of it back to their kids? Alas, says Kotlikoff, research shows that altruism doesn't operate much in economic life, even within extended families. Old people spend what they have—on travel, shelter, medical care.

Last week, Sen. Bob Packwood (R-Ore.), the Finance Committee chairman, warned that, if Congress did not pass a balanced-budget amendment, the nation would face ''a cataclysmic clash between the generations when Social Security begins running out in the next century.'' Yes, just imagine the nightmare when we self-centered Baby Boomers reach retirement age.

HERE'S HOW TO BALANCE THE BUDGET

(By Robert J. Samuelson)

In 1,000 words, I am going to balance the budget. I am going to do it without sweeping reductions in basic services, crippling tax increases or major cuts in Social Security. The point of the exercise is to puncture the bipartisan myth—the whining by both parties—that balancing the budget involves staggering sacrifices that would somehow change the face of America. It doesn't.

I don't mean this would be fun. Balancing the budget does require a ruthless elimination of marginal or ineffective programs, such as farm subsidies. My plan also involves abolishing some grants to states and localities for local services (schools, police, mass transit); for example, it is not the federal government's job ''to put 100,000 cops on the street.'' Finally, a sensible budget-balancing plan cannot afford new middle-class handouts (a k a, ''tax cuts'') and would impose modest tax increases.

Still, most Americans would hardly notice the needed changes. Our budget deficits now equal 2 to 3 percent of gross domestic product (GDP), our economy's output. Almost any mix of spending cuts or tax increases would leave the government doing just about what it does now: taxing and spending about 20 percent of GDP. Spreading changes over five years—to allow people to adjust—would make them even less jarring.

I start with Clinton's deficit projection for the year 2000; nearly $195 billion. This includes $20 billion for middle-class tax cuts; I disregard this and use the $20 billion as a cushion against optimistic estimates. To balance the budget, I would do the following. (All deficit savings are annual and are culled from documents of the Office of Management and Budget and the Congressional Budget Office.)

End outdated or marginal programs: Get rid of farm subsidies (including the Farmers Home Administration), culture subsidies (public broadcasting, the arts and humanities endowments), Amtrak, the Small Business Administration and Cold War propaganda agencies. Deficit savings: $16 billion.

End some subsidies for local governments: Community Development Block Grants should be axed; so should subsidies for mass transit, ''special education'' and ''local impact'' school aid. Ditto for law enforcement grants. Deficit savings: $15 billion.

End inept programs: Federal job training programs don't do much good; the Clinton administration admits as much by proposing to end most existing programs and use the savings for training ''vouchers.'' Just end the programs. Deficit savings: $12 billion.

Trim Medicare and Medicaid: Reimbursement rates for doctors, hospitals and laboratories can be cut. Clinton made similar proposals to finance his health care plan but now has dropped them. Deficit savings: $40 billion (by the year 2000).

Raise taxes: A 12-cent a gallon oil tax (introduced over three years, or 4 cents a year) would raise $23 billion by the year 2000. Taxing capital gains (profits on stocks, bonds) when people die would raise $10 billion. Eliminating tax-exempt bonds for some private investment (some housing, for instance) would raise $2 billion. Cigarette taxes could be raised modestly; other tax preferences could be ended. Deficit savings: $50 billion.

Cost-of-living adjustment (COLA): Cut 0.5 points annually from the COLA; a 3 percent change would become 2.5 percent. Most economists think the consumer price index—used to adjust tax brackets and spending for Social Security and other programs—overstates inflation, though there's disagreement on how much. Deficit savings (by the year 2000); $22 billion ($13 billion in lower spending, $9 billion in higher taxes).

All these spending cuts ($96 billion) and tax increases ($59 billion) total $155 billion. But lower deficits mean that government would borrow less and pay less interest. By the year 2000, the annual interest savings would reach about $40 billion. Total savings: $195 billion. If Clinton's estimates are accurate, there would be a small surplus and, if not, a small deficit.

You will notice the absence of defense cuts. This is not because the Pentagon has no waste. But defense has already been sharply cut and is still declining; as a share of GDP, it will soon be lower than any time since 1940. I doubt whether further cuts are wise, though we could improve how well we spend. Nor have I included sweeping cuts in programs for the poor. Before savaging the safety net, I would want a major debate. But we do not need to wait for that to balance the budget.

Although I don't say other cuts couldn't be made, I do say that this plan involves no genuine national hardship. Food would be grown without farm subsidies. Public broadcasting would survive without federal aid. Older Americans would not starve if their benefits rose 2.5 percent instead of 3 percent. States and localities would howl about lost grants; but these equal only one percent to 2 percent of their revenues. And federal taxes? Well, the tax burden in 2000 would be only slightly higher (19.5 percent of GDP) than now (19.3 percent of GDP in 1995). Most tax ''increases'' offset a slow erosion of taxes under present law.

Harder choices do loom for the future. The retirement of the baby boom, beginning about 2010, will require either steep tax increases or benefit cuts. In my view, retirement ages need to be raised over the next 20 years; benefits for affluent elderly need to be trimmed. Somehow, Medicare will have to be reformed; doctor and hospital fees cannot be cut forever. But these steps require ample advance warning and do not involve today's budget deficits.

On these, Republicans and Democrats talk differently but behave similarly; both act as if the process would involve gut-wrenching changes. Democrats (led by Clinton) won't say how they'd balance the budget—now or ever. Mostly, they peddle false rhetoric about the harsh cuts in Social Security or Medicare that would be needed for balance. Meanwhile, most Republicans hide behind the constitutional balanced budget amendment.

The press has adopted the same attitude, treating a balanced budget as a feat beyond mortals. All programs are considered permanent. Any spending cut or tax increase is

seen as political suicide. Genuine debate about government's role or competence is thought naive. The supposed horror of deficit reduction rationalizes inaction and creates a self-fulfilling prophecy.

Mr. SIMPSON. Mr. President, the balanced budget amendment is not a threat to veterans and their benefits. In fact, the balanced budget amendment may be the last and best opportunity we will have to protect the future economy upon which those benefits will depend.

For that reason, for veterans, and for veterans' children, and for the grandchildren of veterans, I urge my colleagues to join me in protecting the integrity of the balanced budget amendment by opposing the well intentioned, but counterproductive, amendment of my friend from West Virginia

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

Mr. SIMPSON. What is the situation with regard to time?

The PRESIDING OFFICER. The Senator from West Virginia controls 14 minutes and 42 seconds. The time controlled by the Senator from Utah has expired.

Mr. SIMPSON. All time has expired?

The PRESIDING OFFICER. There was originally 30 minutes; and 1 hour.

The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. Mr. President, I will yield 10 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I rise to support this amendment proposed by Senator ROCKEFELLER from West Virginia, which would protect the service-connected benefits received by our Nation's 2.2 million veterans from cuts that might be required—or may be required in the balanced budget amendment. We have been hearing a lot about contracts, contracts with America, but we have not heard that much about what is, I think, an irrevocable contract with America's veterans who have often, all too often, risked their lives for our country.

Abraham Lincoln, with his characteristic eloquence, laid out the term of this contract with America. It was 130 years ago when he spoke of our obligation: ''to care for him who shall have borne the battle and for his widow and for his orphan.''

I might add that President Lincoln did not say that this was an obligation that would or could be subordinated to our need to balance the budget. When Americans from all walks of life have periodically volunteered to serve our Nation, no one ever told them that if they were injured or disabled or they died that their survivors could count on Government assistance only if that funding was not needed to balance the budget. That is what is so important about this amendment proposed by the Senator from West Virginia.

Let there be no mistake about it. What this amendment addresses is earned entitlements. Let me repeat that—earned entitlements. These are not mere gifts to be given or withdrawn or curtailed at the whim of the Congress, but entitlements earned with the blood and the sweat and the tears of American service men and women, as well as with the anguish and the pain and the tears of their loved ones.

These service-connected programs for veterans and their survivors run the gamut from compensation to injured veterans to health care for service-connected injuries to vocational rehabilitation to burial allowances for those who die from service-connected conditions.

I want to speak to one particular group of veterans I feel very close to. By the way, when I hear the Senator from Wyoming—and I have no doubts about his commitment to the veterans in this country, no doubt whatsoever. This is one of those debates where people honorably just have a different perspective.

Mr. President, I received a poem that I would like to read from a 13-year-old daughter of a Vietnam veteran suffering from PTSD, Post Traumatic Stress Disorder. I wish every citizen in the country knew what it was:

For someone to share
Is only to care.
He was in the war
And never opens his door.
He lives in a shell
And that must be like hell.
He used to be my dad
But now he looks so sad.
If only he knew
It makes me feel blue.
I know he loves me
Why won't he hug me.
My mom says ''he's numb.''
What will I become
Without my father to guide me.

I say to my colleague from Wyoming, this was not a poem written in opposition to the balanced budget amendment. This was not a poem written in behalf of the amendment proposed by the Senator from West Virginia. I do not want to decontextualize this poem, but it was one of those moments we have as Senators that we just do not forget.

We have veterans calling in all the time—this is not an exaggeration—especially veterans who are suffering from PTSD. All the time we get calls from veterans saying ''I do not have a place to stay. I am living in the streets.'' They suffer from PTSD and they are not receiving the support, they are not receiving the help. Veterans who call, ''I am going to blow my head off. I am going to take my life.'' They are not receiving the support, the assistance they need. Veterans who call suffering from PTSD who say, ''I have these flashbacks and violent thoughts and I feel like I am going to kill someone.'' They are not receiving the support that they need.

I was at the VA medical center in Minneapolis on Sunday. We were able to obtain several hundred thousand dollars more for some additional treatment programs for vets that are suffering from posttraumatic stress syndrome.

I have to say, I read the poem from this 13-year-old girl about her dad. She lives in Glenwood, MN. There are some veterans out there who served this Nation who, as a matter of fact, right now are not receiving the kind of support they really need. These are just unmet human needs that cry out, I think, for assistance. These are men and women who served the country, and they deserve the support.

So when Senator ROCKEFELLER proposes this amendment that there should not be cuts in needed service-connected programs, I am thinking that the existing programs right now do not meet the need. This is, if you will, a very personal issue for me. It is to obtain more assistance for these veterans that are dealing with PTSS.

Yet, we are talking about the potential of all sorts of deep cuts. We know that. One more time. Let me give context. We are talking about $1.3 trillion worth of cuts. We are going to increase the Pentagon budget. We have not talked about decreasing it. We have not talked about decreasing military contractors. In addition, we are going to pay the interest on the debt. We have this bidding war to cut taxes when we say we are for more deficit reduction.

Senator FEINGOLD and I had an amendment last week on the floor that said at least consider $425 billion of tax expenditures. These loopholes and deductions quite often are dodges when it gets down to the question of how we are going to balance the budget. That was voted down. We do not lay out where we are going to make the cuts. So once you see what is off the table and then you see what is left, we know there are going to be some deep cuts in veterans programs.

That, I believe, is the importance of this amendment of the Senator from West Virginia. That is why I rise to the floor to support this amendment.

I really believe that we would be making a terrible mistake if we made cuts in these service-connected programs, especially when we can make a lot of cuts and balance the budget in a whole lot of other ways. In the sense of holding us accountable with an amendment like this, I believe we are going to go back on a very sacred promise that was made to veterans in this country and veterans in the State of Minnesota.

I thank the Senator for his amendment. I am very pleased to be an original cosponsor. I certainly hope the U.S. Senate will vote for it.

Mr. ROCKEFELLER. I thank the Senator from Minnesota for coming to the floor and speaking the truth.

Mr. WELLSTONE. Might I ask my colleague for a moment? I ask unanimous consent that the poem from the 13-year-old daughter of a Vietnam vet suffering from posttraumatic stress syndrome be printed in the RECORD.

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

For someone to share
Is only to care.
He was in the war
And never opens his door.
He lives in a shell
And that must be like hell.
He used to be my dad
But now he looks so sad.
If only he knew
It makes me feel blue.
I know he loves me
Why won't he hug me.
My mom says "he's numb."
What will I become
Without my father to guide me.

Mr. WELLSTONE. I thank my colleague.

Mr. ROCKEFELLER. Mr. President, the Democratic leader is about to come onto the floor. So I will not get started on a number of things that I have to talk about. But I note that the Senator from Wyoming, my good friend, Senator SIMPSON, mentioned that the Paralyzed Veterans spoke out against this amendment, which is something that saddened me very much. They wanted all veterans included. So did I. They want all their members included. They have 16,000 members of Paralyzed Veterans nationwide. Their chapter in West Virginia actually does not agree with them. The head of the West Virginia chapter is non service disabled, in a wheelchair. He said that he did not agree with his national organization's position, that he wanted me to do whatever I could to preserve veterans benefits.

On the other hand, let's turn to the Disabled American Veterans (DAV). They represent 1.4 million veterans, and DAV very much supports the amendment.

Mr. President, last week was Valentine's Day. That is a day, of course, we remember to set aside for those we love. Valentine's Day has another meaning altogether for a certain West Virginia veteran who served in World War II through the Korean war. He is a friend of mine, Ezra Miller. I want to talk about him.

It was on Valentine's Day, in fact, in 1943 that Ezra Miller was captured by the Germans and began his own private war, which was a private war to survive. Ezra grew up on a farm in Lincoln County, WV. That is a rural county. Like so many of our mountaineers, he never hesitated when he thought that his country needed him.

Before the bombing of Pearl Harbor, Ezra had enlisted in the Army. In early 1943, Ezra found himself close to the front lines in North Africa. His unit's mission was to go ahead as foot soldiers, and blow up a pass that would prevent the Germans from entering into North Africa. He got this assignment on the 2d day in combat. His description of the event goes like this. This is one of the men that we will be protecting.

He said:

On that day, a small American observation plane flew over our gun emplacements and dropped a message from headquarters that said, "Destroy everything and get out on foot, if you can. The Germans have you surrounded." After taking the message to the outpost, I tried to get out of the area on foot but I never made it because I got pinned down by dive bombers. I laid down in a slit trench and a 500-pound bomb exploded very close to me and pushed an enormous amount of dirt all over me.

Ezra goes on to say that a German tank rolled right over that slit trench now filled by dirt and by Ezra, and after it passed, he got up and found himself looking into the barrel of a German rifle. Ezra spent the next 2 years, 3 months, and 27 days as a prisoner of war. During that time he lived in five different prison camps, one of which was called Dachau. At one point, he and his fellow prisoners traveled in boxcars. We have heard about those things, have we not? The boxcars, Mr. President, should have held only 40 men. The Germans crammed 84 POW's and Ezra into a boxcar, and they rode like that for 4 days and 3 nights. They had to remain standing because they were packed in there so tightly that they were unable to move. Ezra called it "pitiful." He said they could hear the planes passing overhead, but had no idea whose they were or what was happening.

When Ezra enlisted in the Army, he was in his early twenties. He stood 5 feet 11 inches tall and he weighed 174 pounds. When he was freed, he weighed less than 90 pounds. Yet, he remained in the military, and he went on to fight in Korea.

For the last 2 years, Ezra has made his home at the West Virginia Veterans Home in Barboursville, something I started when I was Governor. He tells me that he loves living there, and I as a Senator and as his friend am delighted that Barboursville is there for Ezra and the many deserving veterans like him.

But I want to make a very important point that I think cannot be overlooked. One would expect that our Government is paying a sizable benefit to Ezra, I would think a large one, and the others like him who were prisoners of war. No, not so. Ezra Miller is only 10 percent "service-connected." That is the terminology for it. That means his monthly check to compensate him for injuries he received during his military service—do you know how much per month? Eighty-seven bucks.

If we pass this balanced budget amendment and we do not pass this amendment to it, and we take 30 percent of that, Ezra will receive 61 bucks per month. Are we going to tell Ezra that it is his time to sacrifice again, for him to pull in his belt? He is back up to over 90 pounds again. Not this Senator from West Virginia, not me.

Our country had almost 150,000 Americans who were captured and interned from World War I through the Persian Gulf war. Can we ask our POW's to take a cut in benefits, our prisoners of war?

Mr. President, I notice the presence of the Democratic leader on the floor. I will address a question to the Democratic leader. Would he care to proceed? I know he wanted to say something on this amendment.

Mr. DASCHLE. Yes.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DASCHLE. Mr. President, let me commend the distinguished Senator from West Virginia and thank him for the leadership he has exhibited on this issue. I rise in support of his amendment and urge my colleagues to support it when it comes up for a vote later this evening.

Mr. President, earlier in this debate on the balanced budget amendment, I offered a proposal called the right-to-know amendment. That measure would have required Congress to spell out how it would get to a balanced budget before sending the amendment to the States for ratification.

I offered my proposal so that the American people would understand the kinds of cuts in Federal spending that will be needed to zero out the deficit.

But the Republican majority rejected my proposal. In doing so, they indicated that everything except Social Security would be on the table.

Let us be clear: Everything except Social Security includes the benefits that are paid to veterans who were disabled as a result of their military service.

There are currently 2.2 million American veterans with service-connected disabilities. They are men and women from all walks of life with all kinds of injuries. But they all have one thing in common—they were injured while serving our Nation in the Armed Forces.

When they joined the service, they made a simple pact with the Federal Government. Their part of the bargain was to defend this Nation and protect its national interests. In return, the Government promised to care for them should they be injured during their military service—or for their survivors should they be killed.

This commitment to our veterans is one which our Nation must uphold.

It is a commitment that we have upheld for decades. It is a commitment that goes back virtually to the very foundation of this country. And we have renewed this commitment after each conflict, to each new group of veterans. This commitment has withstood the test of time, and it has withstood the many forces that have sought to erode our firm promise to those who have defended this Nation so gallantly on so many occasions throughout our history.

The amendment offered by my friend Senator ROCKEFELLER, the ranking member of the Veterans' Affairs Committee, is simple and straightforward. It says that Congress cannot cut the

benefits that were promised to our disabled veterans in order to balance the budget.

I know my colleagues on the other side of the aisle will argue that this amendment is not necessary. They will say that Congress would never cut these benefits, and indeed I hope that is true.

But I say to the American people—and to our veterans—how can we be so sure?

How can we be sure that these benefits will be protected if we do not spell it out in the amendment itself? How can we be sure if we are not willing to put our intentions in writing? The only way we can be sure is if we are willing to put in writing, in the amendment itself, our determination to protect service-connected veterans from the budget axe. We must spell out that we will honor the commitment we made to the men and women who risked and gave their lives for this Nation.

The disability compensation payments and the health care we provide to these veterans can never make them whole again. But it can help take care of them in their time of need, just as they answered the call when this Nation needed them.

Veterans should not be asked to give up the benefits they so rightly deserve in the name of deficit reduction.

They have sacrificed enough for this Nation already.

I certainly hope that my colleagues will appreciate this commitment to our veterans and will agree to put into writing what we all say we want: protection for disabled veterans at a time when they need it the most. We need to support the Rockfeller amendment.

I yield the floor.

Mr. KOHL. Mr. President, I greatly appreciate the comments made on this amendment by my friend, the Senator from West Virginia, regarding the extreme importance of benefits for veterans with service-connected disabilities. I could not agree more.

I have heard the compelling arguments that veterans with service-connected disabilities are the most deserving and most honorable population in our society. Again, I could not agree more. These citizens have served their Nation, and have served well.

However, I must respectfully disagree with the notion that we should exclude these benefits from the strictures of the balanced budget amendment.

Mr. President, I am committed to the concept of the balanced budget amendment. I am committed to the idea that the financial security of this Nation rests on the ability of the Federal Government to curb the practice of spending beyond its means. In reviewing the fiscal history of this Nation over the past 25 years, it has become clear to me that the will to exercise the necessary spending restraint does not exist within this body without a strict requirement that we do so. I believe that the balanced budget amendment provides such a framework, and that is why I support it.

Clearly the Rockefeller amendment is difficult to vote against. But in listening to the debate, I believe strongly that the very arguments made by the proponents of this amendment are exactly those that will insulate veterans disability benefits from future budget cuts.

I am certain that every Senator in this body would put veterans' disability benefits high on the list of expenditures to be protected. But if we are serious about passing a meaningful balanced budget amendment, then we must reject efforts to dismantle that effort through piecemeal exclusions of programs, however worthy they may be.

When it comes to the annual appropriations process, of which I am an active participant as a member of the Senate Appropriations Committee, I will be at the front of the line to protect veterans' disability benefits. But as a supporter of the balanced budget amendment, I must object to this exclusion.

Mr. AKAKA. Mr. President, I rise in support of the amendment offered by the Senator from West Virginia which seeks to protect our Nation's veterans from the cataclysmic impact of the balanced budget amendment.

The bill currently under consideration requires the Federal budget to be balanced each year, beginning in the year 2002. If Congress is unable to balance the budget each year, across-the-board cuts would probably be implemented to meet this balanced budget mandate. If this occurs, veterans programs, especially the Veterans Administration [VA] health care programs, would be decimated.

On October 6, 1994, Secretary of Veterans Affairs Jesse Brown testified that an across-the-board cut in veterans programs would result in a decrease of 44,000 VA medical personnel. In addition, 250,000 veterans could no longer be treated at VA hospitals, 5.4 million outpatient visits could not be provided, and many of the VA medical facilities would have to be shut down.

Other programs, including treatment of Persian Gulf veterans and veterans with PTSD, would not be receiving the level of quality care they currently receive. Thousands of veterans who are leaving the services due to the reductions and budgetary cut-backs would not be able to receive transitional services, which have been successful in integrating our Nation's veterans back into the civilian work force.

More importantly, however, is the devastating impact the effects of the balanced budget amendment would have on our Nation's service-connected disabled veterans. Over 2,000 VA personnel, who counsel veterans and process claims, including service-connected disabilities and pensions, would have to be terminated. The current claims backlog will only escalate without resources, which will directly impact the service-connected benefits entitled to our disabled veterans.

Disabled veterans, often times, our most vulnerable citizens who barely live above the poverty level would experience the greatest impact. The balanced budget amendment would result in dramatic decreases in health care service and financial assistance to our service-connected disabled veterans. This would result in many disabled veterans and their survivors to live below the poverty level. Those who were wounded defending our Nation deserve better treatment—they deserve our appreciation and support. We should not be taking away their service-connected benefits in their time of need.

We need to balance our budget, however, I do not believe we need a balanced budget amendment to do so. We must make difficult policy decisions to reduce our spending and eliminate our deficit. We should not do so on the backs of our Nation's service-connected veterans.

As a cosponsor, I urge my colleagues to support the Rockefeller amendment.

Mr. ROCKEFELLER addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. I ask unanimous consent to have printed a letter I referred to from the Disabled American Veterans.

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

DISABLED AMERICAN VETERANS,
NATIONAL SERVICE AND LEGISLATIVE HEADQUARTERS
Washington, DC, February 16, 1995.

Hon. JOHN D. (JAY) ROCKEFELLER IV,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR ROCKEFELLER: On behalf of the more than 1.4 million members of the Disabled American Veteran (DAV) and its Women's Auxiliary, I take this opportunity to thank you for your efforts to protect the VA benefits and services provided to our nation's 2.5 million service-connected disabled veterans, their dependents and survivors from additional cuts.

While we in the DAV certainly understand the need to balance our nation's budget, we do not support doing so on the backs of America's service-connected disabled veterans and their families. As you know, the Omnibus Budget Reconciliation Acts of 1990 and 1993 alone cut VA benefits and services by nearly $7 billion. In addition, the budget recently sent to Congress by President Clinton proposes to cut veterans' benefits by an additional $3 billion to the year 2000.

Senator Rockefeller, we believe all veterans benefits and services deserve the highest priority in this country and should be protected from further cuts. Inasmuch as your amendment to H.J. Res. 1 protects the benefits of those veterans who became disabled during service in this nation's military, we fully support it.

Again, thank you for your continued efforts to protect the benefits earned by our nation's service-connected disabled veterans.

Sincerely,

DONALD A. SIOSS,
National Commander.

Mr. ROCKEFELLER. Mr. President, am I going to have to tell approximately 21,000 service-connected veterans and their dependents who receive benefits in my State of West Virginia that the promises made to them will no longer be kept, that the amount of money they are receiving for their injuries received while dutifully serving their country, or the survivors' benefits they are receiving, because they lost their husband or their father, will be cut by 30 percent?

Zeke Trupo, in my home State of West Virginia, would be a good reference for us today and I advise my colleagues on the floor, particularly as we celebrate the 50th anniversary of Iwo Jima.

Zeke, a Marine, had been wounded once, treated and returned to his battalion just in time to make the Iwo Jima landing. And engaged in one of the best known battles of World War II. Zeke describes the battle much like this: It was around the clock combat with flamethrowers, K-bar knives and trenching tools when the ever-present sand jammed the rifles. It was pitching grenades and point-blank artillery fire and sometimes even using the dead for cover. That is what he said.

He was wounded in the face, in the hands, arms and legs. He said he was scared to death. He thinks about his buddies who did not make it. This World War II U.S. Marine veteran from West Virginia, who earned two purple hearts, Zeke Trupo, as a service-connected veteran, is receiving compensation for his injuries. He injured four parts of his body, but he is rated 10-percent service-connected. He is a good example of one of those service-connected veterans whose compensation some think we should stop.

Raymond LaPointe lives in Mannington, West Virginia. He is a 70 percent service-connected veteran. Raymond served in the army, entered the service in the late 1940's, was sent to the Pacific to help with cleanup after the war. He recalls searching caves for Japanese, who as you may remember, many of them did not know that the war was over.

So it may have been after the war but was it? He then went on to Korea, where he was a combat veteran, earning a Purple Heart, two Bronze Stars for valor and the Distinguished Service Cross.

Today, Raymond is not living out a happy-go-lucky life in Mannington, West Virginia. He has PTSD, post traumatic stress disorder, one of the worse things that can happen to any human being, and he has it. He just recently returned home from the hospital where he had been for 63 days for the treatment of PTSD.

He is unable to work. He cannot be left alone for any extended period of time. He has intrusive recollections, he has nightmares, and he is considerably angry and focuses his anger on the war. His wife and grown children can readily explain how turbulent and sad the past years have been because of what Raymond has gone through.

Now, as a 70-percent service-connected veteran, this man, who has virtually had no life of his own for so many years, receives $915 a month from what we are talking about here, service-connected disability—$915 a month.

Without my amendment being adopted, Raymond and his wife, June, will see their check drop from $915 a month to $614 a month. That is called below poverty.

George Zutaut is a 100-percent service-connected veteran—100 percent—who lives in Beckley, West Virginia. George is an Air Force veteran who served in Vietnam. His company would fly in and out of Viet Nam repairing our C–130's, which were our cargo planes.

George has multiple sclerosis. He has been in a wheelchair now for almost 20 years. He tells me he does not know how he would have made it without the services he received from VA.

George receives a service-connected compensation check that allowed him to raise his family—it is one way you pay back a debt—and he got help under the adaptive housing benefit in the VA that enabled him to adapt his home—he has to have adaptive housing help—so he could continue to live there, because of his wheelchair, and continue his life in spite of his disability.

What are we going to do about those benefits, Mr. President? Going to cut them, too.

Mr. President I must remind everybody that the benefits a service-connected veteran is receiving is something that he or she is receiving to compensate—that is the key word—compensate—for an injury received. It is payback, as promised.

I yield the floor and yield the remainder of my time.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I move to table the Senator's amendment.

Mr. SIMPSON. Mr. President, may I ask a question, please?

Mr. HATCH. I withdraw my motion.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for an inquiry.

Mr. SIMPSON. Mr. President, I wonder if I might direct it to the Senator from West Virginia, through the Chair.

If this amendment should be adopted, will my friend, the Senator from West Virginia, vote for the balanced budget amendment?

Mr. ROCKEFELLER. My record has been very clear from the very beginning that I oppose the balanced budget amendment for a lot of reasons, of which my concern for veterans is a main one.

I have no illusions as to what is going to happen to this amendment and neither does the chairman of my committee, on which I am the Ranking Member. My good friend ALAN SIMPSON knows what is going to happen to this.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I move to table the 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 of the Senator from Utah [Mr. HATCH], to table the amendment of the Senator from West Virginia [Mr. ROCKEFELLER]. The yeas and nays have been ordered and the clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from Missouri [Mr. BOND], the Senator from Oregon [Mr. HATFIELD], and the Senator from Oklahoma [Mr. INHOFE] are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote ''yea.''

Mr. FORD. I announce that the Senator from Alabama [Mr. HEFLIN] and the Senator from Louisiana [Mr. JOHNSTON] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 62, nays 33, as follows:

[Rollcall Vote No. 76 Leg.]

YEAS—62

Abraham	Graham	McConnell
Ashcroft	Gramm	Murkowski
Bennett	Grams	Nickles
Brown	Grassley	Nunn
Burns	Gregg	Packwood
Campbell	Harkin	Pressler
Chafee	Hatch	Robb
Coats	Helms	Roth
Cochran	Hollings	Santorum
Cohen	Hutchison	Shelby
Coverdell	Jeffords	Simon
Craig	Kassebaum	Simpson
D'Amato	Kempthorne	Smith
DeWine	Kerrey	Snowe
Dole	Kohl	Specter
Domenici	Kyl	Stevens
Exon	Lieberman	Thomas
Faircloth	Lott	Thompson
Feingold	Lugar	Thurmond
Frist	Mack	Warner
Gorton	McCain	

NAYS—33

Akaka	Daschle	Levin
Baucus	Dodd	Mikulski
Biden	Dorgan	Moseley-Braun
Bingaman	Feinstein	Moynihan
Boxer	Ford	Murray
Bradley	Glenn	Pell
Breaux	Inouye	Pryor
Bryan	Kennedy	Reid
Bumpers	Kerry	Rockefeller
Byrd	Lautenberg	Sarbanes
Conrad	Leahy	Wellstone

NOT VOTING—5

Bond	Heflin	Johnston
Hatfield	Inhofe	

So the motion to table the amendment (No. 306) was agreed to.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. ROCKEFELLER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

MOTION TO REFER

Mr. DORGAN. Mr. President, I have a motion at the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] moves to refer H. J. Res. 1 to the Budget Committee with instructions to report back forthwith H. J. Res. 1 in status quo, and at the earliest date possible report to the Senate a report containing the following text:

Pursuant to section 201(a)(2) of the Congressional Budget Act, the Committee on the Budget recommends that the President pro tempore of the Senate and the Speaker of the House of Representatives do not appoint a Director of the Congressional Budget Office for the term expiring January 3, 1999, until the Senate and House have had an opportunity to consider legislation amending section 201 of the Congressional Budget Act to require that the Director be appointed by concurrent resolution of the Senate and House.

Mr. DORGAN. Mr. President, for my colleagues' information, I shall discuss this motion and then withdraw the motion. I intend to offer this as an amendment on the next piece of legislation that comes to the floor of the Senate following the disposition of the constitutional amendment to balance the budget. But I do wish to speak about it for a few moments, and I am pleased to see the chairman of the Budget Committee is on the floor.

I want to make a couple of comments about the appointment of a Director for the Congressional Budget Office. Let me state again, as I have stated several times, my comments are not comments that are directed to the capabilities of Prof. June O'Neill, who has been announced by the chairmen of the two Budget Committees as their recommendation for the post of Director of the Congressional Budget Office.

My concern is about the process. I do not know much about Professor O'Neill, but at least from what I understand about this process, it is not in keeping with the process that has been used in the past.

Frankly, this is an extraordinarily important appointment. The person selected to head the Congressional Budget Office, in effect, becomes a referee on a whole range of important economic and budget issues that are presented to the floor of the Senate and the House. We know from having seen many statements and heard a lot of discussion, some of it political, some of it policy, that there are people who are enormously frustrated with the way things are scored by the Congressional Budget Office.

Some say if we could just get a Congressional Budget Office that uses dynamic scoring rather than static scoring, well, then we would have a much different set of numbers to work with. I understand why people feel that they would like numbers that are more satisfactory to them, that better reflect their own views. Some people strongly believe in dynamic scoring and want to see it used.

I recall the discussion back in the early 1980's about dynamic scoring. They say if we do the following several things, it will produce various kinds of incentives that will lead to other results. For example, if you cut the tax rates, you will, in fact, increase the tax yield.

That is dynamic scoring. They produced the Laffer curve and a whole series of things to describe what the dynamic scoring meant.

Well, Prof. June O'Neill is someone who has been designated now as the person they want to head the Congressional Budget Office. My ears perked up when I heard the discussion about the appointment. The discussion in news reports indicated that Prof. O'Neill tried to be diplomatic on the question of dynamic scorekeeping. She said, ''I expect I will be dynamic when that's called for and static when that's called for.'' And then the chairman of the House Budget Committee jumped in and said, ''I think it's fair to say we would not have selected somebody who is in concurrence with everything that's been done up until now. I'm personally comfortable,'' the chairman of the House Budget Committee said, ''with the fact that June O'Neill will begin to upgrade the models within CBO.''

The point is, he said, ''I wouldn't have selected somebody who is in concurrence with everything that's been done up until now.''

I happen to know that on the House side at least the ranking minority member of the Budget Committee had a chance to visit with Professor O'Neill the afternoon following the morning that her selection was announced by the chairman of that Budget Committee.

Well, we have in the past selected Alice Rivlin. We have selected Rudy Penner. We have selected Bob Reischauer. Generally speaking, the appointment process has been a consultative process; it has been a bipartisan selection process in which each side respects the other's judgment about these things.

I have seen the letter in which the minority members on the Senate side indicated they felt that the Budget Committee should seek additional applicants before reaching a decision.

So my point is not that this person is necessarily the wrong person. My point is this person was selected without wide consultation. I do not know about the Senate as much as I do about the House on the minority side, but I do know that the minority side in the other body, the lead minority Member, did not get a chance to talk to Professor O'Neill until after the announcement was made that she was going to be selected.

Well, that is not, in my judgment, the process that we would like. I personally think that the CBO Director should be subject to the approval of the full House and Senate. Let us go ahead and have a vote on it. I am going to offer an amendment that will provide for that kind of process. I intend to offer that amendment to the very next legislative bill that comes to the floor of the Senate.

I hope very much that the majority will withhold the appointment of Professor O'Neill and let the House and the Senate express their will on this appointment.

Now, I understand that many people have very strong feelings about this. Some people think Professor O'Neill is exactly the right person for this job. That may be the case. I do not know. I do know this, that we have had plenty of debate around here by people who say we are going to change things down at CBO. ''No more of this static scoring nonsense,'' people have said. ''We are going to get somebody in there who sees this the way we see it. We want somebody who scores it our way.''

Well, I do not know whether this is a candidate who would do that. If she is, I would be greatly concerned. If she is not a dynamic scorer, maybe we have more discussion about it and maybe everybody is comfortable, and that is just fine. But my point is that it is not just fine the way it rests now because I do not think this process has produced a consensus among people who should develop a consensus on this on both sides of the political aisle.

So that is why I raise this issue today. This is not just some other old, ordinary appointment. This is the selection of a referee. I want that referee to have the respect of everyone in the House and the Senate. I want that referee to be someone in whose judgments the full Senate can have confidence. We need to know that a CBO Director's judgment will be impartial, and that the judgment is not biased due to some notion about how one side or the other in this Congress will be affected by the decision coming from CBO.

I think most of us believe that has been the case with the past several Directors of the Congressional Budget Office. I hope it will be the case with the next several Budget Directors. But I do not have confidence that is the case now, given the lack of consultation during this appointment process. Again, my hope is that we will not proceed with this appointment until I have an opportunity on the next piece of legislation to make a change in the process by which the appointment is made.

I know my colleague from North Dakota, Senator CONRAD, wishes to speak. Let me indicate again I intend to withdraw this on this particular measure because this is not the place to do this, and I will offer it on the next legislative measure before this body.

Mr. President, I yield the floor.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I want to join Senator DORGAN, my colleague from North Dakota, in raising this issue. I do so because I genuinely believe that the appointment of the Director of the Congressional Budget Office ought to be a bipartisan undertaking. Both sides need to have confidence in the fairness and objectivity of whoever is the Director of the Congressional Budget Office. And it seems to me the appropriate way to reach a decision is for both sides to have input and both sides to participate in the conclusion as to who should hold that office.

I serve on the Budget Committee. I serve on the Finance Committee. I think all of us recognize the critical importance the Director of CBO plays. We saw last year that Director Reischauer, who was put in place when the Democrats controlled the House and the Senate, disagreed with a central part of the President's presentation on health care. The President believed that should be treated as an off-budget matter, and the Director of CBO felt differently and ruled differently. It had a significant impact on that debate. I personally think Dr. Reischauer was correct. I told him at the time I thought he had done the right thing by ruling as he did, even though it was adverse to the interests of a President of my own party.

And yet I think that is what distinguishes the Congressional Budget Office for all of us, that we have an ability to have confidence in the decisions of that person, and that person is above partisanship; that person is above weighting the evidence; that person is above changing projections for political purposes.

Mr. President, when I was in my previous life before I came to the Senate, I was the tax commissioner of the State of North Dakota. In that position, I had a responsibility for estimating the revenues that were under my administrative direction for the State of North Dakota. We had one requirement in my office, and that was we were going to do our level best to make an objective determination as to projections for the fiscal types that were under our control and authority.

I am very concerned that Dr. O'Neill, Professor O'Neill, may be willing to shade her opinion. And I say that because of the press reports of what Chairman KASICH indicated he believed were commitments that he had from Professor O'Neill.

I am also deeply concerned about the process we have gone through here, because I do not think we have a circumstance in which there is a meeting of minds between the two sides. I do not for one moment take away from the majority that they have the lead in this matter. I think they have that obligation and that responsibility. But I think there ought to be at least a concurrence on the other side, and I believe that ought to be the case if my party were in control, because ultimately both sides must have confidence in the judgments made by the Director of the Congressional Budget Office. That is absolutely critical to the success of the work that we do here.

I have great regard for the chairman of the Budget Committee. There are very few people who do their homework around here as seriously as the chairman of the Senate Budget Committee. We sometimes disagree on policy, but I have never questioned his commitment to fairness. I have never questioned his commitment to making certain that both sides are dealt with in an equal and even-handed way.

Mr. President, I must say, I rise on this matter to say I do have sincere reservations about the way this has been handled. I do not think it is something that should be repeated, and I say that whether it is the Democrats who are in control or the Republicans in control. With respect to this position I believe both parties ought to have an ability to contribute to the selection of the person named.

We have had people of, really, I think, broad reputation, people who were held in high regard by both parties in that position since I have been here. Dr. Reischauer, Rudy Penner, Alice Rivlin—all of them came to that position held in high regard, were taken seriously and I think respected on both sides of the aisle.

Mr. DORGAN. Will the Senator yield for a moment?

Mr. CONRAD. I will be happy to yield.

Mr. DORGAN. Mr. President, if the Senator will yield to me, my understanding was when you take a look at this process you see how unusual it was. On the House side in the Budget Committee when they began to have a short discussion on this potential appointment, and apparently not too far into the discussion, a Member of the majority party moved the previous question—which is almost unprecedented in the Budget Committee, to move the previous question to cut off discussion.

So there are a whole series of things that are unusual here. I wonder why, especially the statement when the chairman of the House Budget Committee jumps in and says, ''Well, I think it would be fair to say that we would not have selected somebody who is in concurrence with everything that has been done up until now.'' This coming from the person who has led the way here in the last few months talking about the need to change the way we score. We need to have dynamic scoring, we are told. I do not understand what he understands about this nominee because I am not on the Budget Committee. But this at least says something to me that is of interest. I just wonder why. Why move the previous question when they began a short discussion about the subject in the House Budget Committee?

All I am saying is this process somehow has broken down, if it is supposed to be a process, as the law says, that results in ''the appointment of a director without regard to political affiliation'' et cetera. The process has broken down. It needs to be a process that engenders trust on both sides that this person is a fair person. Maybe this person is but I am just saying the process does not lead us to achieve that result at this point.

I appreciate the Senator yielding.

Mr. CONRAD. I just say in conclusion, perhaps this person is fair. I do not know that. But I do know the process we have gone through is not an appropriate process, certainly not in the eyes of this Senator. I hope very much that we revisit this issue before it is concluded and have a chance to do it in a way that will engender respect and support on both sides of the aisle.

I thank the President and yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I will not take a lot of time. It is late. I say to my good friends, both of the Senators who have spoken with reference to the selection of Dr. June O'Neill for CBO Director, I greatly respect their opinions. I just happen not to agree with them tonight.

I would like to share with the Senate what this is really all about. First, the biggest issues with reference to dynamic versus static scoring have come with reference to taxes, for some contend that the Republicans intend to pass a capital gains tax and to use some kind of miraculous scoring to make it easier to pass it than it would otherwise be from the standpoint of budgets and fiscal policy. Everybody should understand that the Congressional Budget Office director, whether it be Rudy Penner, who was a Republican when the Republicans controlled, or whether it be Dr. Alice Rivlin, when the Democrats controlled, or Dr. Reischauer, when the Democrats controlled both Houses—in none of those events, as will be the case for this new director, do they have anything to say about dynamic scoring of taxes.

There was a formal decision made by the Senate and the House of Representatives that the estimation of taxes, both the loss of revenue and the increases in revenue, the extent to which they are dynamic versus static, is totally within the judgment call of the Joint Tax Committee. So, No. 1, whatever our friends on the House side say—either for real or in exuberant state—that they expect the new budget director to change the way they have done business, of course I do not have anything to say about what they say. I cannot control that. But the truth of the matter is this new director will have nothing to say about dynamic or static, with reference to tax changes by the U.S. Congress in the tax codes of this country. So I think one must understand that.

That is just the first few remarks. Let me make sure the Senate understands, and I greatly appreciate that we are not going to vote on this issue, that Rudy Penner, once this decision was made, said: She will be a good director. I recommend her. The Senate should know that.

Bob Reischauer, one of the esteemed current operatives within public service in Washington, DC, when some on the other side started the flap over Dr. June O'Neill, got ahold of one of the Senators on that side—I think it is common knowledge now, and has since gotten ahold of a number of them—and said: Nothing is wrong with Dr. June O'Neill. If she is the one being recommended she is a competent economist and deserves an opportunity to serve.

Dr. Alice Rivlin contacted the candidate, the nominee, and said: I congratulate you. I think you will do a good job.

Just tonight I went to a reception for the esteemed Dr. O'Neill, who will be the budget director of the United States—and the Senate can count on that. That will happen. She will be. At the reception were two of the liberal-to-moderate economists, renowned in this city for their positions opposite to many currently serving in the majority in the U.S. Congress. And they were there as members of the community of economists to wish her well.

How does this process go? Frankly, I have been part of the process for each of the budget directors that have been chosen previously, and intimately involved in two out of the previous three. I know on the Senate side there is consultation between Democrat and Republican, majority and minority—whichever the case may be. In the House they do things differently and I do not stand before the Senate and account for that process. They vote and in that committee they voted after JOHN KASICH, chairman, did some interviewing and concurred with Senator DOMENICI on this side, the chairman, that we ought to recommend Dr. June O'Neill.

I understand some Democrats on that committee voted for Dr. O'Neill. I do not know that, but if a vote occurred I think some Democrats did. If I am mistaken please correct me right now.

Mr. DORGAN. Mr. President, I might say the majority of the Democrats either abstained or voted against her. I believe 4 voted for her, 4 against her, and most abstained, and they did that because of the process.

Mr. DOMENICI. I thank the Senator very much for the clarification. But I think my statement was right. It was not a purely Republican vote, even though the consultative process is much narrower in the House than it is here. Knowing of the need for consultation and input, let me put in the RECORD a letter dated November 21, 1994. This was written by myself to every Senator. This is a copy of the one I sent to the leader. Every Senator can go look in his or her files. Perhaps they did not check, perhaps they do not know. I asked them to please submit suggestions, ideas, concerns they might have as to who might be budget director for the United States.

I might state not a single one recommended a single person nor had a single comment to submit to the chairman of the committee which I am privileged to be at this point.

I ask unanimous consent it be printed in the RECORD.

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

U.S. SENATE,
COMMITTEE ON THE BUDGET
Washington, DC, November 21, 1994.

Hon. ROBERT DOLE,
Republican Leader's Office,
Washington, DC.

DEAR LEADER: CBO Director Bob Reischauer's term of office expires on January 3, 1995. Dr. Reischauer has served Congress in a highly professional and nonpartisan manner these last six years. Because of his leadership, CBO has maintained its high degree of professionalism and integrity. I believe we in the Congress, and the country as a whole, owe Dr. Reischauer our sincere thanks for his years of dedication to public service.

By statue the Director is appointed by the Speaker of the House and the President pro tempore of the Senate after considering recommendations from the Committees on the Budget of both the House and Senate. According to the law, political affiliation is not to be considered in the appointment, but by precedent the next Director will be Republican.

It is my hope that the Senate Budget Committee can act quickly to make its recommendation. Dr. Reischauer may continue to serve until his successor is appointed.

This letter is to invite your recommendations for this important position. The Budget Committee will establish a Search Committee to review all recommendations, conduct appropriate interviews, and come to one recommendation for the President pro tempore. This entire procedure is being coordinated with the incoming House Budget Committee Chairman John Kasich.

Please forward any recommendations or resumes no later than December 9th. Thank you for your cooperation in this important matter.

Sincerely,

PETE V. DOMENICI

Mr. DOMENICI. Second, I suggest the Washington Post, on Friday last, had it right. Anybody you select for budget director, they decide they are going to call them all skunks, because they are skunks at the lawn party, so as to speak. They indicated in their editorial that we once again succeeded for we have selected another skunk who is not going to be beholden to anyone and will most positively, as they view it—because of her excellence in economics, her being part of that community and her reputation therein—that she will be an excellent overseer to this very important body.

I ask unanimous consent that editorial be printed in the RECORD at this point.

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

[From the Washington Post, Feb. 17, 1995]

AN EXCELLENT SKUNK

In the 21 years since it was founded to help Congress take back the power of the purse from the executive branch, the Congressional Budget Office has become among the most valuable and widely trusted agencies in the government. The trust reflects not just the consistently high quality of its work but also its carefully guarded reputation for independence. The symbols of that independence have been the agency's gifted directors, Alice Rivlin, Rudy Penner and Robert Reischauer.

Now Mr. Reischauer is to be succeeded by June O'Neill, an economics professor at Bernard Baruch College in New York who herself once served on the CBO staff under Ms. Rivlin as well as on the staff of the Council of Economic Advisers in the Nixon-Ford administrations. She has also over the years been a research associate at both the Brookings Institution and Urban Institute. It's a reassuring appointment. Mrs. O'Neill appears to be well within the tradition that it will be her responsibility to carry on. The Democrats complaining without any basis that she will toe a Republican line and the Republicans muttering likewise that she won't toe it enough should both back off.

Some leading House Republicans had threatened just after the election to politicize the agency. They wanted to use their new majority status to appoint not just a new director—Mr. Reischauer's term was expiring—but one who could be counted upon to switch to a ''dynamic'' method of scoring or estimating the cost of tax cuts. The charge was that CBO had over the years exaggerated such costs—and thereby made tax cuts harder to pass—by failing to allow for the revenue the cuts would generate by stimulating the economy.

In fact, it's a false issue. CBO has traditionally allowed for all the stimulative effects that mainstream economic theory would permit; it just hasn't been willing to go beyond, and rightly so. The threat to turn the agency into a rubber stamp for policy that sound analysis might thwart set off alarms among other Republicans, particularly in the Senate. The O'Neill appointment indicates that they prevailed.

We once wrote about a particular piece of testimony by Mr. Reischauer that CBO's job, and his, was to be the skunk at the congressional picnic. Someone has to be willing when it is required to spoil the party—to say that no, these things aren't free, that they can't be done at no cost or, when the occasion arises, that the numbers being put forward are really suspect. Mr. Reischauer was an excellent skunk, as were his Democratic- and Republican-appointed predecessors and as his successor will likely be too. Congress itself has been the principal beneficiary of their disciplined analysis. The good news is that the discipline and benefits both seem likely to continue.

Mr. DOMENICI. I greatly respect the proposal that the U.S. House and the U.S. Senate vote in confirmation of the Congressional Budget Office in the future.

But I must say, when it is offered, if it is offered, I will resist it. It is not because I will be part of choosing very many more CBO directors; maybe one more; maybe no more. Who knows? I frankly do not think an open vote in the U.S. House and the U.S. Senate is the inviolate way to protect and assure

impartiality and to assure that there is a neutrality of the type sought by my colleagues on the other side. In fact, it is one of a number of ways.

I might submit, while it is part of our Constitution for many appointments and nominees, I am not at all sure that it is even the best way. It is also riddled with opportunities for candidates to lose who should win and nominees who should lose to win. Frankly, I think a smaller circle representing the entire group might just as well work their will and do better for the people of this country.

So I do not think that I want to change because we have had excellent budget directors, and we have not had the entire Senate vote on them ever before. Who would deny that they have been good, that they have been impartial, and that they are professional? Not a single one came before the U.S. Senate for a confirmation vote to make sure that they were good, that they were neutral, and that they would do a good job.

Lastly, nobody is truly challenging my reputation here. I thank both Senators for their kind remarks with reference to this Senator. But in a sense, they have said in this case you did not do it very well. I think we did it under the circumstances very well. Things are very different. Things are very different than they were 6, 8 or 10 years ago. Clearly, everybody knows that. I mean when the chairman of the House Budget Committee says at a press conference, at which I am with the nominee we have both chosen—he chooses to say what he expects, and I choose to say what I expect. And we are very different in what we expect. But it surely does not mean that what either of us expect is what a well-reputed economist is going to do taking on the mantle of the predecessors, which is excellence personified.

So JOHN KASICH, chairman of the House committee, says that he expects something different out of the budget director than past directors, I said I do not come here to this meeting with the press expecting anything other than a good job and integrity, honesty and a full-faith implementation of your responsibility.

So in a sense, if you add to that the fact that we interviewed a number of candidates, that I did not shut out Democrats from the interviewing process—in the House they do not let them interview. Here we did. I regret in this instance that I did not get the full concurrence of Senator EXON of Nebraska, the ranking member, but actually the letter that he sent, right at the end in one sentence at least, acknowledges that perhaps she is a competent economist, and then suggests we should look at some more. I made a decision that looking for some more was not worthwhile. I will not divulge all the details. But I will tell you it is not very easy anymore to get people to want to come to be interviewed for jobs like this. And I think we ended up with a splendid candidate. I am proud of her.

I respect my fellow Senators on the other side for their feelings. But she is going to be the CBO director, and she is going to do a good job. That is all I can tell the Senate in the same kind of sensitive approach that I have taken in the past, whether I was leader of the crew, or whether I was in the minority helping the process along. She will be a good one.

For those who do not like some of her writings, let me remind the U.S. Senate that every CBO director that we appointed had some writings that some Senators did not like. Some were too liberal in their writings. Some were too conservative in their writings. Some were too supply oriented. But if we are going to judge them as competent economists schooled in American economics from the best of our schools managing different jobs—in this case having worked 4 years for the CBO—and then to second guess with reference to whether they are going to be fair or right or prejudiced, I just do not think we can work all of that out.

So I regret that I cannot agree with those who seek to delay this. It will not be delayed. It should not be delayed. She will be the CBO director. If she is not already, she will be very, very soon.

I yield the floor.

Mr. DORGAN. Mr. President, I intend to withdraw this. Let me make a couple of observations quickly.

The Senator from New Mexico is very able and makes his case aggressively. I must say that I smiled a bit when he reached for the Washington Post for a measure of support for his position. It is not usual to see that coming from that side of the aisle. But, nonetheless, I understood his citation of that editorial.

This is different. The Senator from New Mexico will understand and know when I say that we have not chosen a CBO director in these circumstances where you have people calling for a vote on the previous question in the Budget Committee, not having the ranking minority member on the Budget Committee even having the opportunity to interview the appointee before the decision is made. I think anybody would agree that this process is different.

Again, I would have said to the Senator from New Mexico that I am not making a judgment about Professor O'Neill. I do not know Professor O'Neill. I know economists get in the room, and they like each other and speak well of each other. I am not surprised. I used to teach a little economics. So the fact that the Senator argues that some other economists think well of this economist, that probably is not surprising.

But I must say that I also spoke with Dr. Reischauer, and he told me the same thing the Senator from New Mexico suggested; that his view is that this is a good candidate. I said, ''What do you think of this process?'' He said he did not think much of the process. The other side of it, at least in my discussions with Dr. Reischauer—and I hope he will not mind my disclosing that—was as to process.

We are going to vote on this. We will not vote on it this evening. But I intend to offer this amendment to the next bill, and then I intend to ask for a vote because I think in the future, if we have people who on the one side or other decide they are going to call the previous questions and do these kinds of things, then I think those of us who believe that we ought to have somebody who ought not have questions about them raised after the fact, we ought to have someone who is subject to a vote of approval by the House and the Senate.

So that would be my intention on the next legislation that comes before the Senate. I appreciate the indulgence of the Senator from Utah.

I ask unanimous consent to withdraw the motion that I have previously offered.

The PRESIDING OFFICER (Mr. BROWN). Without objection, it is so ordered.

So the motion was withdrawn.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

MORNING BUSINESS

Mr. HATCH. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak therein for up to 10 minutes each.

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

FRED STROBLE: EXCELLENCE IN PUBLIC SERVICE

Mr. HOLLINGS. Mr. President, I rise today to salute Fred Stroble for his 33 years of truly exceptional public service as a law enforcement officer in South Carolina—including more than 23 years as a deputy marshal with the U.S. Marshals Service in Charleston.

As the deputy marshal with the longest continuous service in South Carolina, Fred has been a superb marshal, a public servant whose career epitomizes dedication and loyalty. In all the years that I've known Fred, he has been kind and helpful to everyone, from hard-working citizens to the prominent people he has protected, such as the Reverend Martin Luther King, the Reverend Jesse Jackson, former U.N. Ambassador Andrew Young, U.S. Supreme Court Chief Justice William F. Reinquist, and Associate Justice Thurgood Marshall.

Mr. President, Fred Stroble started his law enforcement career in January 1962 in Charleston as a walking patrolman with the city police department. He came to be known as the nice cop because of his compassion for people