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Senate

The Senate met at 10:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, the Reverend Dr. Ernest Gibson, pastor of the First Rising Mount Zion Baptist Church, Washington, DC.

PRAYER

The guest Chaplain, the Reverend Dr. Ernest Gibson, pastor of First Rising Mount Zion Baptist Church, offered the following prayer:

Let us pray:

This is the day the Lord hath made; we will rejoice and be glad in it.—Psalm 18:24.

Heavenly Father, we thank You for this day and the opportunity for service that it offers.

We thank You, O God, for Your Senators, representatives of Your people. We thank You for their deep concern for the welfare of this country. We ask Your guidance, O God, as this body works with today's responsibilities. May their decisions reflect Your will for this Nation and its people.

We thank You, O God, for our democratic Government. May the skill, knowledge, and commitment of this elected body protect and preserve its peace, liberty, and justice.

May the joy of service always be with these, the representatives of Your people.

In the name of our Sovereign God, Ruler of Men and Nation. Amen.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

READING OF WASHINGTON'S FAREWELL ADDRESS

The PRESIDENT pro tempore. Under the order of the Senate of January 24, 1901, as modified on February 16, 1995, the Senator from Wyoming [Mr. THOMAS] is recognized to read Washington's Farewell Address.

Mr. THOMAS, at the rostrum, read the Farewell Address, as follows:

To the people of the United States.

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those, out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured, that this resolution has not been taken, without strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust, were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed towards the organization and administration of the government, the best exertions of which a very fallible judgment was capable. Not unconscious in the outset, of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and, every day, the increasing weight of years admonishes me more and more, that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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owe to my beloved country, for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead amidst appearances sometimes dubious, vicissitudes of fortune often discouraging—in situations in which not unfrequently, want of success has countenanced the spirit of criticism,—the constancy of your support was the essential prop of the efforts, and a guarantee of the plans, by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows that heaven may continue to you the choicest tokens of its beneficence—that your union and brotherly affection may be perpetual—that the free constitution, which is the work of your hands, may be sacredly maintained—that its administration in every department may be stamped with wisdom and virtue—that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete by so careful a preservation, and so prudent a use of this blessing, as will acquire to them the glory of recommending it to the applause, the affection and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of your tranquility at home: your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. But, as it is easy to foresee that, from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed; it is of infinite movement, that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth, or choice, of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together; the independence and liberty you possess, are the work of joint counsels, and joint efforts, of common dangers, sufferings and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest.—Here, every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The *north*, in an unrestrained intercourse with the *south*, protected by the equal laws of a common government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry.—The *south*, in the same intercourse, benefiting by the same agency of the *north*, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the *north*, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The *east*, in a like intercourse with the *west*, already finds, and in the progressive improvement of interior communications by land and water, will more and more find a valuable vent for the commodities which it brings from abroad, or manufactures at home. The *west* derives from the *east* supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the *secure* enjoyment of indispensable *outlets* for its own productions, to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as *one nation*. Any other tenure by which the *west* can hold this essential advantage, whether derived from its own separate strength; or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts, greater strength, greater resource proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union, an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries not tied together by the same government; which their own rivalship alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues, would stimulate and embitter.—Hence likewise, they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its hands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by *geographical*

discriminations,—*northern* and *southern—Atlantic* and *western*; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourself too much against the jealousies and heart burnings which spring from these misrepresentations: they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head: they have seen, in the negotiation by the executive, and in the unanimous ratification by the senate of the treaty with Spain, and in the universal satisfaction at the event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic states, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government, better calculated than your former, for an intimate union, and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government.—But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power, and the right of the people to establish government, presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency.—They serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the nation the will of party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men, will be enable to subvert the power of the people, and to usurp for themselves the reigns of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect, in the forms of the constitution, alterations which will impair the energy of the system; and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments, as of other human institutions:—that experience is the surest standard by which to test the real tendency of the existing constitution of a country:—that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change from the endless variety of hypothesis and opinion: and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of fraction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular references to the founding them on geographical discrimination. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind.—It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism.—But this leads at length to a more formal and permanent despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind, (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit of party are sufficient to make it in the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill founded jealousies and false alarms; kindles the animosity of one part against another; forments occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This within certain limits is probably true; and in governments of a monarchial cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it

demands a uniform vigilance to prevent it bursting into a flame, lest instead of warming, it should consume.

It is important likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments ancient and modern: some of them in our country and under our own eyes.—To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the constitution designates.—But let there be no change by usurpation; for through this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil, any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation *desert* the oaths which are the instruments of investigation in courts of justice? and let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principle.

It is substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering, also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions, in time of peace, to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should co-operate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper object (which is always a choice of difficulties), ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time debate.

Observe good faith and justice towards all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it; can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachment for others, should be excluded; and that, in place of them, just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity, or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another, disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence, frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times, it makes the animosity of the nation's subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions, to the favorite nation, or privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained, and by exciting jealously, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted or deluded citizens who devote themselves to the favorite nation, facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding with the appearances of virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils!—Such an attachment of a small or weak, towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence, (I conjure you to believe me fellow citizens,) the jealousy of a free people ought to be *constantly* awake; since history and experience prove, that foreign influence is one of the most baneful foes of republican government. But that jealously, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it.

Excessive partiality for one foreign nation and excessive dislike for another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little *political* connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith:—Here let us stop.

Europe has a set of primary interests, which to us have none, or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, and a liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another; that is must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect, or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations, but if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have, at least, believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both houses of congress, the spirit of that measure has continually governed me, uninfuenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound, in duty and interest, to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without any thing more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress, without interruption, to that degree of strength, and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration, I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service, with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it, which is so natural to a man who views in it the native soil of himself and his progenitors for several generations; I anticipate with pleasing expectation that in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow citizens, the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors and dangers.

GEO. WASHINGTON.

UNITED STATES,
17th September, 1796.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The PRESIDING OFFICER (Mr. SANTORUM). The Senate will now resume consideration of House Joint Resolution 1, which the clerk will report.

The assistant legislative clerk read as follows:

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

The Senate resumed consideration of the joint resolution.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER (Mr. KYL). The Senator from Utah [Mr. HATCH] is recognized.

Mr. HATCH. Mr. President, we are continuing the balanced budget amendment debate, and I am happy that we will have a final vote next Tuesday, the 28th—at some time probably later in the day that day, because we will be stacking votes following the 2:15 return from our weekly meeting breaks.

Mr. President, the proposed constitutional amendment will help us to end this dangerous deficit habit in a way that past efforts have not. It will do this by correcting a bias in the present political process which favors ever-increasing levels of Federal Government spending.

In seeking to reduce the spending bias in our present system—the unlimited availability of deficit spending—the major purpose of House Joint Resolution 1 is to ensure that, under normal circumstances, votes by Congress for increased spending will be accompanied either by votes to reduce other spending programs, or to increase taxes to pay for such programs. For the first time since the abandonment of our historical norm of balanced budgets, Congress will be required to cast a politically difficult vote as a precondition to a politically attractive vote to increase spending.

Section 1 of the proposed amendment would address the spending bias—unlimited access by Members of Congress to deficit spending—by requiring a three-fifths vote of each House of Congress before the Federal Government could engage in such spending.

Such a procedure would not prohibit deficit spending, but would simply reestablish, as a norm, a budget in balance rather than one in deficit. A consensus greater than a normal majority would be required to violate this norm.

Unless such a consensus exists, Congress would be bound in its spending by its available revenues and would be forced to account for new spending in one program or budget area by either reduced spending in another area or by increased taxes. The political advantages resulting from support for new spending then would be matched, at least to some degree, by countervailing political disadvantages.

Section 4 of the proposed amendment would reinforce section 1 and further link tax spending and tax raising by requiring both Houses of Congress to approve any bill to increase revenues by a constitutional majority. While section 1 would ensure, as a norm, that Federal spending is matched by Federal revenues, section 4 would ensure that such revenues are not raised without political accountability for Members of Congress. It would also make it less likely that the budget would be regularly balanced by increasingly high levels of taxation. This balanced budget amendment, then, is a spending limit/tax limit resolution.

As a result, House Joint Resolution 1 effects a subtle, but important, change in the psychology of the budget process. Under the present system, each spending interest, in effect, competes with the taxpayers to raise the total ante in the Federal treasury.

Under a system, however, in which some form of spending ceiling is in effect, these same interests suddenly will be competing with one another in order to ensure themselves a certain portion of a fixed ante in the Federal treasury. Not only will spending interests have to convince Congress that their favored programs merit funding at a certain level, but they will, in addition, have to establish the priority of their programs.

A spending ceiling comprised of something beyond mere congressional self-restraint will force Members of Congress to view spending requests in terms of relative desirability, not simply in terms of whether or not a program is desirable at all, which is currently our rule. It is safe to conclude, I believe, that every program authorized by Congress is considered important and desirable, or it would not have passed into law in the first place. Presumably, we do not pass bills that no one wants at all.

The balanced budget amendment, however, will introduce an element of competition among the spending interests into the budget process. Congress will be forced to look at the whole spending pie, not just a piece of it.

In summary, the purpose of House Joint Resolution 1 is to eliminate a political process that allows Members to avoid having to vote for higher taxes in order to pay for higher spending and to establish a more genuinely neutral environment within which the budget competition occurs. The proposed amendment does not define what constitutes or what does not constitute a responsible budget, but only defines the institutional framework within which such budgets could be put together.

It is a necessary and appropriate step toward putting our fiscal house in order.

ACCOUNTABILITY

While it is true that much of the enormous growth in Federal Government spending over the past two decades may be a response to evolving notions of the role of the public sector on the part of the American citizenry—that is, a genuine shift in the will and desire of the people—it is my contention that a substantial part of this growth stems from far less benign factors.

In short, the American political process is defective insofar as it is skewed toward artificially high levels of spending, that is, levels of spending that do not result from a genuine will and desire on the part of the people. It is skewed in part because the people often do not have complete information about the cost of programs or about the potential for cost growth of many programs. It is skewed in this direction because of the characteristics of the fiscal order that have developed in this country in recent decades. It is a fiscal order in which Members of Congress have every political incentive to spend money and almost no incentive to forego such spending. It is a fiscal order in which spending decisions have become increasingly divorced from the availability of revenues.

The balanced budget amendment seeks to restore Government accountability for spending and taxing decisions by forcing Congress to prioritize spending projects within the available resources and by requiring tax increases to be done on the record. In this way, Congress will be accountable to the people who pay for the programs and the American people—including the future generations who must pay for our debts—will be represented in a way they are not now. Congress will be forced to justify its spending and taxing decisions as the Framers intended, but as Congress no longer does. No longer can Congress just say yes to every special interest group and shove the costs onto our children or pretend that there are no costs. Every spending decision will be forced to compete with others and subjected to rigorous cost/benefit analysis.

Mr. President, this is the essence of responsible fiscal decisionmaking, and is the essence of the balanced budget amendment.

Mr. President, we have just heard the address of our first President of the United States, which we have read to us on an annual basis during the time we celebrate Washington's birthday.

I have to say, Mr. President, that that first President, as well as most all subsequent Presidents, would not believe what is going on today with regard to our taxing and spending policies. They would not believe that for 26 straight years, we have failed to balance the budget. They would not believe that we have put our country into almost $5 trillion of debt, and they would not believe that a current President would have submitted a budget that has approximately a $200 billion deficit for each of the next 12 years. They would not believe that we are spending and taxing the American people the way we are.

They expected that perhaps, during times of war or during times of severe recession or depression, that there might be some deficits run. But they never expected, at the Founding, that we would run deficits every year for 26 straight years, and for most of the last 60 years. I think some of them must be rolling over in their graves.

This is a chance for us—because the House of Representatives for the first time in history has passed a balanced budget amendment, essentially the same one that we called up in 1982 and 1986 and last year—to follow suit and for the first time in history submit a balanced budget amendment to the States for their ratification. It is worth

the effort. It is worth the pain. It is something we simply must do.

Eighty percent of the American people realize it. We just need 67 percent of the U.S. Senate to realize it and vote for it.

Mr. President, I urge my colleagues in the strongest terms to support this constitutional amendment to help us to restore sound government to the American people. I think it is the only way we are going to get there and it is the only way we can protect the future or even have a future of any great value for our children and grandchildren. We owe it to them.

This is an important vote. It is probably the single most important vote of this century. All we need are 67 of those who sit in this hallowed body to stand up and say, ''We've had it. We've had enough. We're going to do something about it.'' It is a bipartisan resolution. It is a Democrat and Republican resolution. It has been hammered out between both sides. It is the first time in history we can do it, and we are going to do something about it. So I urge my colleagues to join with us in passing this balanced budget amendment on to the people in the States to ratify it as part of the Constitution.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. THOMPSON). Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, I have some good news and good news for the Senate.

I can report—and I know that my distinguished friend, our President pro tempore in time and my very dear friend, the chairman of the Judiciary Committee, will want to know—that I have just returned from Phoenix, AZ, where I had the honor to deliver the Goldwater Lecture at Arizona State University. I can report that Senator Goldwater is in great spirits, thriving, active, and irreverent, as usual.

I do not want to get any politics into this matter, but just now it is the Republicans in Arizona who are mad at him. But, no doubt, those reversals will come and go, as they have always done in his wonderful long and still very creative life.

The other thing to say is that I gave the lecture on the subject of the matter before us, a balanced budget amendment, and trying to relate, as I have done on the floor earlier, the extraordinary achievement which we have had in this country and to a considerable degree the members of the OECD, the Western industrial nations, Japan, and others, in modulating to a degree that they have almost disappeared, those huge swings in the economy that seem to be destabilizing the industrial world.

Industrialism brought with it a business cycle which was baffling. People could not understand how one day everybody is at work and a year later everybody is out of work. And unlike the farm—where you are always working whether you are making much or you are starving or not—the unemployed were standing on street corners. The banks were closed, industries padlocked their gates, all sorts of symbolisms of trouble, disorder, instability, which indeed gave rise to hugely radical assertions about the need to change the very structure of property, of management, of the social order.

In a chart which I displayed for the Senate on Monday a week ago, I showed the real growth, the change of GDP that had taken place between 1890 and 1990. This data, Mr. President, is provided by the Department of Commerce, the Bureau of Economic Analysis, and the chart was prepared by the Joint Economic Committee.

It is striking the way in which economic growth goes up, crashes down; up, down; up, crashes down; swoops up, down.

In the period between 1890 and 1938, which we will call a half century, the real GDP dropped almost 5 percent on three occasions: in 1893, in 1914, and in 1938. The exact numbers: 1893, 4.89 percent; 1914, 4.4 percent; and 1938, 5.1 percent; the 1938 date being well remembered as the occasion in which President Roosevelt, the New Deal seeming to have revived the economy somewhat, crashed down again regardless.

Then on two occasions the GDP dropped almost 10 percent. In 1908 it dropped 8.2 percent; in 1921 it dropped 8.7 percent. Then in 1932, as we know, it crashed 14.8 percent and we went into the Great Depression, a period which put at issue the question of whether a liberal, capitalist economy could continue to exist. It was said that obviously it cannot. It cannot provide stability in the economy and cannot provide for its people.

I mention these occasions—three times we dropped 5 percent or near to, twice 10 percent, once 15 percent in a half century. We do not drop from a zero level; we go down from heights. So, for example, in 1893, we were growing at about 12 percent a year in GDP, and in an instant real growth has dropped below zero to 4.8 percent, a 15-, 16-, 17-percent plunge. It was known as the panic of 1893. People were thrown into the streets.

Then in 1908, for no reason that any person understood and nothing the Government could do—our Government was too small to make much difference in the affairs of the economy at large. We had no national banking system. The Reserve had not yet been created by Carter Glass in this Chamber. Of the great issue of the 19th century, of all the great issues we struggled with, the only one we never resolved in the 19th century was the issue of the banking system. So there was no Federal Reserve and no monetary policy. It took a long time to get monetary policy, but we could not think about it until we had an instrument to do it.

There was also a big drop in GDP in 1946, but that was merely associated with the conversion from a wartime economy. We stopped building battleships, which are part of GDP, and down went the economy, and in no time you are building Chevrolets and up went the economy.

Now, the depression of the 1930's was the great trauma of American capitalism, of free enterprise, and all over the world political movements came to power that said it could not work; fascism in Germany; Leninism, Marxism, and similar movements pervaded every country, not least our own. Their common refrain: this system—capitalism—does not work.

If we could look at these swings, we could say there is a case to be made; human beings had never experienced this. But, if we could go back to millennia, we would see a rise and fall in the economic production associated with how good the crops were, did it rain, was it a wet spring. If the Mongols invaded, there was not much in the way of economic growth in Hungary that year. If the Black Death came along, it would have some effect, but not much. There was not much growth to begin with. Only with industrialism came great ups and downs, and people started saying that this will not work.

Then in the middle of the 1930's, the work which we associate with John Maynard Keynes was done which hit upon the key explanation of what was taking place. Classical economics held that ''all markets clear.'' That, Mr. President, is a technical term. It means that whatever is offered for sale will be bought—at a price, not necessarily what the seller would wish. But, Mr. President, wages will drop, prices will drop, and markets will clear and there will be full employment and full utilization of resources.

Economists were able to show that not necessarily. We could reach an equilibrium in which a large public of men were out of work, a large number of plants closed, a large number of mines were not operating. What classical economics could not account for, suddenly, was explicable. We began, finally, to break the code of the business cycle. And it is a nice piece of information, if I may say.

The first use of this economics, which was associated with the idea of underconsumption, you had to stimulate consumption, first use was made in World War II when the problem was overconsumption. And price levels came down in World War II. In 1944, the inflation rate was 2.2 percent. Not bad. But Government controlled, to be sure. And then they broke up in 1945.

In 1946, with this information at hand beginning to be understood, beginning to be numerate, we started to be able to get numbers for these things. We did not know what the unemployment rate

was in the Great Depression. We took the unemployment rate in the census, decennial census. We took it in the spring of 1930, not much unemployment. In the spring of 1940, rearmament had begun, and in the official statistics there was no depression. But people knew otherwise.

The Employment Act of 1946 stated as the goal of the U.S. Government the full utilization of resources, fullest possible—meaning men and women entering the work force, meaning capital, meaning plant and equipment which was capital, and so forth.

The Council of Economic Advisers was established. In the early years the economic report of the President was a pretty thin volume, but they were getting the hang of it. By 1946 we had an unemployment rate which was published. We will have the economic report shortly now and we will see that the series as statistics begins in 1946.

May I interject here to offer the congratulations of the Senate, if I may so presume, to Dr. Tyson, who the President has announced will leave the position of Chairman of the Council of Economic Advisers and become head of economic policy within the White House, a position Mr. Rubin had until he became Secretary of the Treasury.

They began to work on this notion of countercyclical behavior by the Federal Government. They began to realize—as John Kenneth Galbraith has shown this in his work—when the 1929 stock market crash took place, the Federal Reserve had acted in a way to deepen the decline rather than to counter it, the idea of countercyclical spending.

I have said before on the floor, Mr. President, that in the early years, the problem that the economists faced, or thought they faced, and Presidents agreed and Congress pretty much agreed, was that the Federal revenues were too large in the early stages of the business cycle; that as the economy began growing, revenues grew. In those days, before we had indexed the Internal Revenue Code and the tax rates, why, they would grow very fast. Congress did not spend them quickly enough. And, indeed, there emerged a problem. The Kennedy administration was the first to deal directly with this question—or more correctly, problem—called fiscal drag. Because in 1958, there had been a recession which took growth just a tiny tick below, into a negative position, not 1 percent, but one-half of 1 percent. And then the recovery had begun.

But in 2 years, it stalled so that another tick—not the big crashes, smashes, panics but not quite what we wanted. President Kennedy's economic advisers said, ''What do we do?'' They concluded that we had to put in place some countercyclical spending. Then I was to be an Assistant Secretary of Labor for Policy and Planning Research. It is a moment we all remember in our lives, if it comes to us. On my first visit to the Oval Office, I accompanied Secretary Arthur Goldberg, and we had a proposal to raise the pay of Federal employees. The President said, ''Good idea, we need that.'' And he also decided everybody should get at least $100 a year. And we went on like that. It was very early on. We moved the date of the dividend of the Veterans Administration life insurance forward. Then we gave a double dividend.

Then Joseph Pechman at the Brookings Institution, in conjunction with Walter Heller, Chairman of the Council, proposed revenue sharing with the States. We proposed a tax cut and, Mr. President, it worked. We went right through. When Arthur Okun gave the last report of the Council under President Johnson, he said, ''Look, 6 years of unbroken economic growth.''

They should have tamped down the economy, given the inflationary effects of the Vietnam war spending. And, indeed, when President Nixon came into office, although I believe he had a balanced budget, he also had a recession. But that came out of that.

And George Shultz, his first Director of the Budget, in his fiscal 1973 budget said, ''I am sending a full employment budget which will have a deficit, but the deficit will be the difference between what will be revenue at full employment and less than full employment.'' We were still stimulating.

So it went. We had one more tick in the seventies. Then in 1982, we had the only real decline in economic growth in the postwar period. Economic growth, GDP, gross domestic product, dropped 2.2 percent, one time in half a century. There was another slight tick in 1991. But again, just a tick. That had never happened before in the history of industrial societies. It is an immense achievement. It is not a Democratic achievement. It is not a Republican achievement. It is an achievement of applied analysis.

That is what is threatened. That achievement is what is threatened by this amendment to the Constitution. If it were a statute, I would not be spending my days on the floor. Statutes come and statutes go. This is the Constitution; the basic law of the land.

Mr. President, when I spoke last Monday, I recounted how in 1979, when there was a movement among the States to petition Congress to call a constitutional convention for this purpose, I had asked the then Chairman of the Council of Economic Advisers, Charles Schultze, a distinguished economist from the Brookings Institution, if he would run the numbers from the 1975 recession—a fairly serious recession, which President Ford had to live with—with a balanced budget amendment. He wrote me back to say the computer blew up; we had no countercyclical forces we could use, and so the hypothetical economy spiraled down to that equilibrium when there is a high rate of unemployment and a low rate of utilization of capital.

I mentioned also that we had simulated on our own on a back-of-the-envelope sort of thing. Dr. David Podoff, sometime chief economist on the Finance Committee, more recently minority chief economist, using Arthur Okun's principles developed in the early sixties, estimated that if we had a 3-percent increase in unemployment, some exogenous event—Mexico goes to ruin, oil prices spiral, whatever—we could end up with a drop of GDP of 18 percent. That is a depression figure. That was last Monday.

I see the distinguished sometime once and future President pro tempore on the floor. I would like to report to him that in yesterday's New York Times, there is a report of a simulation made in the Treasury Department. I take the liberty of saying this on the Senate floor. I know where it was made. I know it came about in response to some of our arguments. And, Mr. President, the story, by Mr. Louis Uchitelle, an able reporter, is headed ''The Pitfalls of a Balanced Budget. ''Dismantling a Decades' Old System for Softening Recessions.''

Here is the interesting event. I just say that they have simulated the 1991 decline and say, with a balanced budget amendment, unemployment would have reached 9 percent. A laid-off worker who collected $12,000 in unemployment pay might have received only $7,000, and so forth.

Now, sir, I said earlier that the new economics, the learning we went through, was not a Democratic thing or a Republican thing. It was applied social science learning, a collective learning.

And so the fascinating thing is that Mr. William Hoagland, the Republican staff director for the Senate Budget Committee, and a very able public servant, is quoted as saying—he is in fact, the first person quoted:

> There are risks associated with a balanced budget, and I don't think anyone should deny that. Nevertheless, the debate on the floor has been dominated by what we must do to get the budget in balance, not what the risks of a balanced budget amendment might be.

Mr. Hoagland expressed surprise that the biggest risk—deeper, more painful recessions—had not figured significantly in the debate—although the Senator from New York and my distinguished colleague from Maryland have called attention to this risk in several floor speeches.

This is Mr. Hoagland making the statement.

They go on to quote a whole series of economists, a sequence of economists saying, ''Does not Congress know what it is doing?''

''Does it not realize what we have achieved?''

And now, Mr. President, as I have been talking here long enough, and I know others wish to speak, particularly the distinguished Senator from West Virginia, I said I came back from Arizona last evening with good news and good news.

First, the good news is that I gave the Barry Goldwater lecture at Arizona

State University. Senator Goldwater is in great spirits, good health, active, and being as much a torment to his fellow Republicans as to his fellow Democrats.

But the second event was on the way to deliver the lecture, the very able president of the university, Dr. Coor, picked me up at the hotel. We had about a 20-minute drive to the university, and I told him what I was going to say. He said, ''Well, now, we all know that, don't we?'' That we went through this great achievement of learning to break out; that capitalism did not disappear; it is the same; and it is not even questioned in the world by this new economics. He said, ''Everyone knows that, surely. What's the problem with the Congress?''

Now, perhaps I do not want to put those words in his mouth per se. But he said, ''What is the problem?'' I had an idea, and I put it to him at the time. And I will say again, if I get one idea a week at this point, I feel that is a pretty good week. The idea is a very simple one: There are not enough people around old enough to remember what it used to be like. Sir, if you are under 60, you do not know anything about the economic world before we understood countercyclical financing by the Federal Government, before the Federal Government got the tools: It has to have a sizable budget. You have to have unemployment insurance, Medicaid, things like that, which automatically happen, a Federal Reserve that can take action. I said it has been in place so long that we forgot the pain with which it had to be put in place, the hard intellectual work, the accusations. To be a Keynesian was to be a Red, somehow. John Maynard Keynes was a liberal, sir. He was not a member of the Tory Party, nor a member of the Labor Party; he believed completely in the free market, private enterprise. He just wanted the free market to produce lots more goods and keep doing it.

Mr. LEAHY. Will the Senator yield for a question at that point?

Mr. MOYNIHAN. I am happy to yield.

Mr. LEAHY. Would the Senator accept the fact, however, that there are some Members in this body under 60 who at least understand the concept, if they have not felt the pain directly?

Mr. MOYNIHAN. Because they are learned Senators who have read their history.

Mr. LEAHY. Will the Senator yield further? And I am delighted to hear he was with my friend, Dr. Coor——

Mr. MOYNIHAN. Oh, yes.

Mr. LEAHY. Who served previously as president of the University of Vermont, and also with our mutual friend, of course, Senator Barry Goldwater, with whom we both had the opportunity to serve here in this body.

But I tell my learned friend and neighbor from New York something I just said to my dear friend from West Virginia, the senior Senator from West Virginia. A poll was taken very recently, in the last few days, in my State of Vermont, where a majority of Vermonters said, ''Yes, pass the balanced budget amendment.'' But then a very significant proportion said, ''But we don't expect it to do anything.''

I might say to my learned friend, because I listened to his discussions and I heard him lay out very much for the President of the United States at a small gathering a week ago that we should have a sense of history, probably the biggest sense of history we ought to have is that this country has amended the Constitution only 17 times since the Bill of Rights. We have done it very carefully. Now we have 60 or 70 proposals made in the last few weeks to amend the Constitution, all of which would fit nicely on a bumper sticker, none of which, I would add, would do anything to improve the greatest democracy in the world and many of which I feel would damage greatly this wonderful country.

I thank the Senator for yielding.

Mr. MOYNIHAN. I want to say, Mr. President, that the Senator has made a very important statement. When the painful process, the creative process of the economic system was taking place in the thirties, democracy was under assault the world over, and there were more than a few who had given up on it in this United States, and capitalism was thought to have been discredited forever; free enterprise was thought to be a selfish doctrine put forward by a privileged few, and full employment a nostrum of dreamers, idealists, and probably subversives.

Oh, what a time we had, and it was a close-run thing. I joined the Navy 50 years ago last July 1. I joined in the middle of a world war in which the forces we were contending against and with were as opposed to our system as any that ever existed in the world, and it was a close thing.

We have been going on about the *Enola Gay*. May I say to the Presiding Officer that the real issue was, was Hitler going to get that bomb first, because the people working on it here knew the people working on it there. And we knew what we could think up, they could think up. And the British destroying the heavy water plant in Norway may have made the real difference.

It was that close. Do you want to go back to that world? We could do it on this floor next Tuesday.

I see the distinguished Senator from West Virginia has risen.

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

Mr. MOYNIHAN. I am happy to yield, Mr. President. I yield, whatever.

Mr. BYRD. The distinguished Senator from New York is making a very important statement. He discusses the countercyclical forces that come into play automatically in a time of recession. The distinguished Senator from Vermont has stated that there are many people who say that we ought to vote for this amendment, but who privately tell him that it will not work.

It is a sad commentary—and there are those of our colleagues who say that we need this in the Constitution in order to give us discipline, in order to enforce discipline upon us—that statement is a sad commentary on the character of the elected officials of our country——

Mr. MOYNIHAN. Yes, sir.

Mr. BYRD. To say that we need a new constitutional amendment to enforce discipline upon us, so we will balance the budget.

This constitutional amendment will have been before the Senate 30 days come next Tuesday. That is the final day of decision. The amendment was passed in the House, I think, in 2 days.

Mr. LEAHY. I believe so.

Mr. MOYNIHAN. Two days.

Mr. BYRD. Two days! And there have been some complaints about the time that we have taken in the Senate to debate it.

My good friend from Utah, the other day—if the Senator may yield, Mr. President, without losing his right to the floor, to me?

Mr. MOYNIHAN. I am happy to yield.

The PRESIDING OFFICER (Mr. DEWINE). Without objection, it is so ordered.

Mr. BYRD. Our good friend, the Senator from Utah, stated that, essentially, there appeared to be some indications that there was a deliberate attempt to delay the vote. Well, there has been a deliberate attempt to delay the vote, in order that we can take time to explore this amendment and dissect it, probe into it carefully. But then there was some expression that it was obvious that this was now becoming a filibuster. Of course, anybody who knows anything about filibusters knows that this is not a filibuster. There are people in this town who would not know what a filibuster is if they met it on the street. But there is kind of a mental—there is a mindset here in this town, that if you discuss a bill 4 or 5 days, or a week or 2 weeks, then there is a filibuster. I thank God for the United States Senate! I thank God for the United States Senate!

If the Senator will be patient—because I do not want him to discontinue his statement in this very important subject area, which will be vitally affected if we were, God avert, to lose our senses to the point that we would adopt this constitutional amendment. When Rome, the western seat of the Roman Empire, fell in 476 A.D. and the German, Odoacer, deposed the impotent, unfortunate, diminutive emperor, whose name was Romulus Augustus, the center of authority moved to the eastern seat of empire, namely, Constantinople. In Constantinople, there was no independent Senate. There was no independent Senate to challenge the emperor's claim of authority over even the church and theology. When Justinian, in 532 A.D., ordered his top general, Belisarius, to massacre citizens of Constantinople during the Nika rebellion, Justinian——

Mr. MOYNIHAN. In the stadium, I believe.

Mr. BYRD. Yes, Justinian had 30,000 of the citizens of Constantinople murdered. There was no independent Senate to challenge his authority to do so. With an autocrat like Justinian ruling in the Golden Horn, one need not wonder that the people of Russia, when they formed the Russian state some centuries later, had no Senate to teach them the lessons regarding checks and balances and separation of powers, and human rights, and limited monarchy.

When Ivan the Terrible, Ivan IV, in the year 1570 A.D. massacred hundreds—hundreds of citizens in the city of Novgorod, there was no independent Senate to challenge his right to exact such a revenge on those people. Muscovy had no Senate.

When Peter the Great built the city of St. Petersburg on the marshes and swamps near the Neva River, he brought in tens of thousands of slave laborers who met their deaths in the building of that city. Each worker was paid 1 ruble per month. But there was no independent Senate with control over the purse and with the power to challenge Peter the Great; no independent Senate to debate at length and to challenge the authority of Peter the Great.

When Stalin, in our own time—you do not have to go very far back in history to remember Stalin and Lenin—when they created the monstrous tyranny that spread its tentacles into Poland, Hungary, Czechoslovakia, East Germany, and the Baltic States, there was no independent Senate with power over the purse and the right of unlimited debate to challenge Lenin and Stalin. How many millions of people died under Stalin? More than 20 million—more than 20 million.

So here in America we have a Senate that takes all of 30 days, all of 30 days, mind you, in discussing an amendment which will forever—forever destroy the constitutional system of separation of powers and checks and balances, and the power over the purse, lodged in the legislative branch, as we know that system.

Mr. MOYNIHAN. Yes.

Mr. BYRD. I thank the distinguished Senator for taking the floor today. I wish I could have had the privilege of sitting in his classes. Perhaps I would know a little something about economics. But I am very thankful that I have the opportunity here to listen to him. And I listened carefully.

I thank the Senator for yielding.

Mr. LEAHY. I wonder if the distinguished Senator will yield to me for just a moment on this point?

Mr. MOYNIHAN. I will be happy to do so.

Mr. LEAHY. Mr. President, I associate myself, first with the remarks just made by the distinguished senior Senator from West Virginia, but also with the remarks made earlier by the distinguished senior Senator from New York.

At the risk of dealing with two of the foremost historians of the Senate, I would make a slight addition to what was said by the distinguished Senator from West Virginia and what was concurred in by the distinguished Senator from New York. The distinguished Senator from West Virginia said, ''Thank God for the U.S. Senate.'' I would add to that: Thank God for some individuals in the U.S. Senate.

The Senate gives us the right, under our rules and according to our history, to speak on these matters. But only if individual Senators do it. I applaud the distinguished Senator from West Virginia and the distinguished Senator from New York, for they, as Senators, utilized the opportunity. The Senate, while a great institution, is still made up of 100 individuals.

I have said, as my friends know, time and time again on this floor that the U.S. Senate should be, and can be, the conscience of the Nation, but only if individual Members exercise that conscience. I have said many times on this floor—and I will speak many more times on this constitutional amendment, as I will on some others coming up—let us look back on our 200 years of history. We are the greatest, most powerful democracy history has ever known. But we have become so because we followed our Constitution. We have amended it only 17 times since the Bill of Rights.

Frankly, Mr. President, I have not seen anything that has occurred in the 54 years of my lifetime that is so important and in such a need of change in our country that we must have this pell-mell rush to amend the Constitution—in just 2 days in the other body. Mr. President, that is a shame; that is a disgrace; that is not something to be proud of—to say to the American people that in 2 days we took this precious Constitution, this great cornerstone foundation of our democracy and we amended it.

Are we not doing a wonderful thing? No. To that I say, for shame. I have no idea how the vote will come out on this. But at least let us as Senators stand up and say to the American people that you heard a full discussion of it, not that it was rushed through because somebody wants to make a check mark.

I applaud my good friend from West Virginia with whom I have had the pleasure of serving my 20 years and my friend from New York with whom I have served 18 years, for standing up and reminding people of history. The history lesson does not fit on a bumper sticker or in a 12-second spot on the evening news or in a headline. And, unfortunately, I must say it does not fit often enough in the classrooms of the schools of this country. It should, and maybe the U.S. Senate will help bring it back.

Mr. MOYNIHAN. Mr. President, I want to express my great appreciation to the Senator from Vermont and my revered colleague, the Senator from West Virginia. If he was not in my classrooms, I have been in his classroom for 18 years. I hope it shows, at least to some extent.

I mean to propose to act in the manner that the Senator from West Virginia spoke of earlier Senate's having done because the emperor. We have a Chief Executive and we owe him our counsel, whether he welcomes it or not.

Sir, I have to tell you that the Treasury Department analysis of the calamitous potential of this measure, in terms of deepening recessions and leaving us with prolonged periods of unemployment, under utilization, bringing on crises between groups, between regions—the Treasury Department has prepared an analysis of this and that analysis is now in the White House waiting to be cleared or released. I say again, that analysis is now in the White House waiting to be cleared.

There is a simple fact hereabouts in this city—it is almost a secret but everybody knows it—which is that there are those who would like to see this issue go away. Pass the amendment, see what happens in 5 year's time or 3 year's time, not in 2 year's time. That would be the most profoundly irresponsible act I can imagine. I say, sir, that we are not asking for anything. Whether it is associated with executive privilege, this is simply the economic analysis that the profession will produce at this time. But we have not heard from the White House. There was one op ed article by Dr. Tyson that was not bad. But we have not heard from the White House what every President since John F. Kennedy has known and understood, that this would strip the Federal Government and particularly the executive branch of those automatic stabilizers which have kept us from plunging and trashing and dropping into ruin in the century that preceded the Employment Act of 1946.

Mr. President, I hope I am heard. I will know better by the end of the day. If I have not been heard, I will be on the floor first thing in the morning. I will stay here until it is clear that our request has been refused or what I hope is that it be granted so that we can help the President and avoid a calamity, which may be decided by one or two votes.

Finally, Mr. President, I ask unanimous consent that the text of the New York Times article, ''The Pitfalls of a Balanced Budget, Dismantling a Decades-Old System for Softening Recessions,'' 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 New York Times, Feb. 21, 1995]

THE PITFALLS OF A BALANCED BUDGET—DISMANTLING A DECADES-OLD SYSTEM FOR SOFTENING RECESSIONS

(By Louis Uchitelle)

The unemployment rate, which peaked at 7.7 percent after the last recession, could have reached 9 percent if a balanced budget had been required, Government and private

economists estimate. And a laid-off worker who collected $12,000 in unemployment pay might have received only $7,000 or so.

Such estimates of the potential economic impact are not emphasized very much, however, in the debate over the balanced budget amendment. So far, the battle has focused on its value as a tool to shrink government or to discipline spending. But if the amendment is enacted, the side effect would be huge: a system that has softened recessions since the 1930's would be dismantled.

''There are risks associated with a balanced budget, and I don't think anyone should deny them,'' said William Hoagland, the Republican staff director for the Senate Budget Committee. ''Nevertheless, the debate on the floor has been dominated by what we must do to get the budget in balance, not what the risks of a balanced budget amendment might be.''

Mr. Hoagland expressed surprise that the biggest risk—deeper, more painful recessions—had not figured significantly in the debate, although Senator Daniel P. Moynihan, Democrat of New York, and Senator Paul S. Sarbanes, Democrat of Maryland, had called attention to this risk in several floor speeches. ''The reason must be that the advocates of a balanced budget see the benefits to the economy as far outweighing the negatives associated with cyclical downturns,'' Mr. Hoagland said.

''That must be what is going on.''

No benefit seems to hold more sway than the view that the amendment would shrink the Federal Government by restricting its power to tax and to spend. A dollar not collected and spent by the Government is a dollar left in the hands of the private sector. And the private sector invariably invests money more efficiently than the Government, this view holds.

''The people have spoken clearly that government is too big and we need to do something about it,'' said Robert Hall, a Stanford University economist who favors smaller government. ''The problem is that the balanced budget amendment is a heavy-handed solution and risky.''

The biggest risk is to the nation's ''automatic stabilizers,'' which have made recessions less severe than they were in the century before World War II. The stabilizers, an outgrowth of Keynesian economics, work this way: When the economy weakens, outlays automatically rise for unemployment pay, food stamps, welfare and Medicaid. Simultaneously, as incomes fall, so do corporate and individual income tax payments. Both elements make more money available for spending, thus helping to pull the economy out of its slump.

The problem, of course, is that the stabilizers make the deficit shoot up—by roughly $65 billion as a result of the 1990–1991 recession, according to the Treasury Department. Under the balanced budget amendment, Congress and the Administration would be required to get the budget quickly back into balance, through spending cuts, higher tax rates, or a combination of the two—perhaps even in the midst of a recession.

''The Government would become, almost inevitably, a destabilizer of the economy rather than a stabilizer,'' said Joseph Stiglitz, a member of the President's Council of Economic Advisers. Many economists share that view.

Absent the stabilizers, every 73-cent drop in national income in the last recession would have become a $1 drop, said Bradford DeLong, deputy assistant Secretary of the Treasury, who as a Harvard economist studied this dynamic and recently updated his research. Of the 27 cents in cushioning, 20 cents came from falling tax revenue and 7 cents from the higher spending.

Economists outside the Government offer similar estimates. Ray Fair of Yale University, for example, said for every $10 billion decline in national income during a recession, the deficit rises by $2 billion, as the stabilizers kick in with their higher spending and lower tax revenue.

''We ought not to give up the stabilizers,'' Professor Fair said. ''That would be very Draconian.''

Nearly every economist agrees that the American economy requires, if not stabilizers, some substitute method for offsetting recessions in an era of balanced budgets. And those who favor the amendment are no exception.

''It would be a disaster to lose the stabilizers,'' said C. Fred Bergsten, director of the Institute for International Economics, who endorses the amendment as a necessary step if the nation is to afford the high cost of Social Security and Medicare for the baby boom generation, which reaches retirement age early in the next century.

Mr. Bergsten notes that the amendment, as now worded, would permit Congress to bring back the stabilizers by a three-fifths vote in both houses. The vote would permit the necessary deficit spending to finance the stabilizers.

While a three-fifths vote is a big hurdle, Mr. Bergsten and others argue that Congress would get used to authorizing the necessary deficits during recessions. Nevertheless, he would prefer a different solution. Once through the painful process of balancing the budget by 2002, as required by the amendment, then the Government should run budget surpluses in years of strong economic growth and full employment, Mr. Bergsten said.

The surpluses would cover the rising costs of the stabilizers during recessions. ''You could go down to a balanced budget in the hard years, and still give the economy a little stimulus,'' he said.

The Congressional Budget Office has estimated that the surplus needed to pay for the stabilizers during a recession as severe as that of 1981–1982, the worst since World War II, would be 1 percent of the national income during robust periods of full employment, and perhaps as much as 1.5 percent.

That would mean an annual surplus in today's dollars of $70 billion to $100 billion, rather than the nearly $200 billion or so in annual deficits expected under current policy. Most of the $200 billion is to help pay for programs like highway construction and new weaponry that have fixed costs and do not fluctuate with the ups and downs of the economy, as unemployment pay, food stamps, tax revenues and the other stabilizers do.

Some economists—including Milton Friedman, a Nobel laureate in economics who is with the Hoover Institute—hold that the stabilizers, despite the ballyhoo, are no longer so important. The Federal Reserve, through monetary policy, can more than offset their disappearance by lowering interest rates an extra notch or two to give the economy an additional stimulus in hard times.

''I have looked at many episodes in the world in which monetary policy went one way and fiscal policy the other, and I have never found a case in which monetary policy did not dominate,'' Mr. Friedman said. He favors a balanced budget amendment that would shrink the Federal Government by putting a ceiling on the tax increases that could be enacted to balance the budget.

But the Clinton Administration and even Federal Reserve officials question whether monetary policy could alone handle the task of reviving an economy in recession. The stabilizers, they note, kick in automatically—before the Federal Reserve and most economists often realize that the economy is falling toward recession.

A recession might be well along and getting deeper before the Fed recognized the problem and began to drop rates. The lower rates, in turn, would not be felt in the economy for a year to 18 months, the traditional lag. And even if the Fed acted quickly enough, the economy would behave in new and different ways without the stabilizers.

''My guess is that we would get it wrong the first time we went into recession, making that recession much deeper than it should be,'' said a Federal Reserve official, who spoke on condition that he not be identified. ''But we would learn from that experience and do a better job thereafter.''

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

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I am, as I have said, going to speak again on the question of the balanced budget. I think that the speeches made by the distinguished senior Senator from West Virginia and the distinguished senior Senator from New York are such that I hope a lot of people will listen to them.

Obviously, I myself am in great agreement. As I have stated, the Senate owes a thanks to both of them. But more than that, the United States owes thanks. This is a matter that should be debated.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Vermont and the distinguished Senator from New York for their comments.

Mr. LEAHY. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business on another subject.

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

A CHANCE FOR PEACE IN NORTHERN IRELAND

Mr. LEAHY. Mr. President, this is an historic day in the Republic of Ireland and Northern Ireland. I want Senators and the American people to be aware of the significance of what the people of that island have done today.

For the past quarter of a century, Unionists who favor continued British control over Northern Ireland, and Catholics who favor unification of Northern Ireland with the Irish Republic, have been locked in a cruel war over the status of the North. Over 3,200 people have died, many of them innocent civilians caught in the crossfire between the IRA and Protestant paramilitary groups.

Mr. President, as an American of Irish descent, the violence in Northern Ireland has had a profound affect on me. I have always unequivocally opposed the use of violence by both sides in Northern Ireland. Irish-Americans who care about the land of our ancestors condemn violence without reservation and support a peaceful settlement.

My father felt he would never live to see real peace in Northern Ireland, and

he did not. But I believe that my father's son will see it, both as an American and as a U.S. Senator.

In December 1993, our hopes were raised for an end to the bloodshed, when former Irish Prime Minister Reynolds, and British Prime Minister Major, declared that the future status of Northern Ireland should be decided by agreement of the people there. That declaration began a peace process that led to the IRA cease-fire last August. Two months later Protestant paramilitary groups stopped shooting, and the cease-fire has held.

Since then, the British Government has taken several steps to reduce tensions in the North, including ending daytime military patrols in Belfast. In the Irish Republic, a Peace and Reconciliation Forum has brought Sinn Fein, the political wing of the IRA, into informal talks with representatives of the Government and other parties.

Today in Belfast, in what I believe offers the best hope for peace in the 25-year history of the conflict, Irish Prime Minister Bruton and Prime Minister Major announced the publication of a long-awaited Framework Document which provides a basic for future negotiations on a peace settlement.

Mr. President, late yesterday afternoon, I returned from Dublin, Belfast, and London, where I met with leaders and individuals representing all points of view on the future of Northern Ireland. I went there over the weekend because I knew the peace process was at a decisive point.

I wanted to give encouragement. I also wanted to pay tribute to the people of both Northern Ireland and the Republic, Catholic and Protestant, who are courageously trying to find a way to a better future.

The Framework Document, which sets out a joint vision for the future of both Irish and British Governments, is a tremendous step forward. It reaffirms the principles of self-determination, of the consent of the governed, of democratic and peaceful means, and of full respect and protection for the rights and identities of both traditions.

From the conversations I had, both in the Republic of Ireland and Northern Ireland, with people of all political and religious traditions, I realized the importance of the document and of bringing people together who so fervently want to be brought together. Members of my staff, Tim Rieser and Kevin McDonald, who accompanied me, heard the same thing.

Since the framework's aim is to encourage all parties to come to the negotiating table, nobody is going to be content with all of it. If it were written in such a way that any one group found it totally acceptable, it would guarantee that the rest would find it totally unacceptable. The Unionists with whom I met condemned the Framework Document long before its release. I suggested they recognize it for what it is—a basis for discussion, not a final blueprint. I urged them to come to the negotiating table with their own ideas, not to condemn the process before even giving it a chance.

Mr. President, in Belfast I got a sense of the fear Unionists feel. For centuries they have thought of themselves as British, and today they fear that the British Government is abandoning them. Some longed for a past that never was, dreamed of a future that never would be, and they fear a present they do not understand.

It made a profound impression on me. Change in Northern Ireland is inevitable, but the Framework Document should threaten no one. It would give a majority of the people of Northern Ireland the right to decide their future. It is equally important to recognize that any lasting piece, any healthy society, muse be rooted in equal justice. The fundamental civil rights of both Catholics and Protestants must be protected in Northern Ireland.

Everywhere I went, I heard praise for the role President Clinton has played in supporting the peace process in Northern Ireland. I was told that not since the days of President John F. Kennedy has an American President been so interested in what is happening. It is clear that without his personal involvement we would not have seen this day.

I want to praise our Ambassador, Jean Kennedy Smith, who has taken up the cause for peace and encouraged the parties to move forward. And I want to praise especially those parties, many of whom have been enemies for decades, perhaps for centuries, who are willing to come together.

In Dublin and Belfast I told Unionists and Nationalists the same thing, that the U.S. Government will support this effort fully, and with even-handedness.

But the real work of peace will be done by them. Both have legitimate aspirations, and both traditions must find a way to accommodate one another. We cannot, nor can any other country dictate what that outcome will be. The parties must find it for themselves.

Mr. President, I am under no illusion that a peaceful future in Northern Ireland is assured. Immense difficulties lie ahead. To put the past behind, to build peace out of bloodshed, to find common ground where there has been so much hatred and distrust. But from all that I heard during my brief visit there, there is a new spirit emerging; a wide recognition that violence has failed; a new determination to find another way.

When mothers in Belfast sat with me and told me they did not want their children to face the kind of horror and violence that they have, it is not a feeling of Protestants or Catholics, it is a feeling of mothers throughout Northern Ireland. It is a feeling that should be listened to by the leaders, because the people do not want to go back to the violent days of the past.

Those mothers spoke of their children, who are going to live most of their lives in the next century. The leaders must decide what kind of a life they will have. The children cannot, but it is they who will be most affected. And if you have hatred and violence, prejudice and bias directed toward a child, does it make any difference whether that child is Protestant or Catholic? Those children have a right to expect their leaders to show courage and a sense of responsibility for the future and to give them a chance to live in peace.

Lasting peace means urgently dealing with the terrible problem of unemployment in the north. People need to have confidence in their government, but they also need jobs; they need economic security as well as physical security.

In Belfast, I saw some of the accomplishments of the International Fund for Ireland which the United States and European countries have supported since 1983. I can attest to the important work the Fund is doing to provide jobs in areas where unemployment among Catholics runs as high as 60 percent. The Fund's efforts have also brought together Catholics and Protestants in common endeavors where in the past there was virtually no contact between them.

And in speaking to members of the Orange Order in Comber near Belfast, I encouraged Unionists there to apply to the Fund and work together to bring jobs and a sense of security and a sense of hope in the future for their people.

President Clinton, in recognition of the Fund's accomplishments and the critical stage the peace process has reached, has proposed increases in our contributions in 1996 and 1997.

The Fund is a transitional program until real investment can take root in the north. A trade and investment conference is planned for May in Washington, and it is eagerly awaited by people in both Northern Ireland and the Republic. President Clinton's selection of Senator George Mitchell as his Special Adviser on Economic Initiatives in Ireland is not only indicative of the President's commitment to support peace there, it also ensures the success of the conference.

Again, in the Republic of Ireland, in Northern Ireland, and in the United Kingdom, I heard person after person praise the choice of George Mitchell, knowing the respect that is felt for him by both Republicans and Democrats in our country and by the President of the United States.

I am reminded of what Senator Mitchell, quoting Franklin Roosevelt, said to an audience in Dublin: In the dark days of our Great Depression, President Roosevelt said ''the only thing we have to fear is fear itself.'' He also said, ''the best social program is a job.'' That will be Senator Mitchell's work as the Presidents Special Adviser, and the work of all the people there.

Mr. President, the island of my ancestors is at an historic turning point. Today's publication of the Framework Document offers a real chance for an end to a conflict that has horrified so many for decades.

I want to commend the Irish and British Governments and all the parties who are seeking a better future for the people of Northern Ireland.

Mr. President, for the first time I have a sense of hope that peace is at hand in Northern Ireland, which my late father so desperately wanted. I have a belief that his son and his grandchildren will see it.

Mr. President, I ask unanimous consent that statements of Prime Ministers Bruton and Major and a summary of the Framework Document be printed in the RECORD.

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

SUMMARY—A NEW FRAMEWORK FOR AGREEMENT

These proposals:

Reaffirm the guiding principles of self-determination, the consent of the governed, exclusively democratic and peaceful means, and full respect and protection for the rights and identities of both traditions;

Provide for an agreed new approach to traditional consitutional doctrines on both sides:

The British Government will propose changes to its constitutional legislation, so as to incorporate a commitment to continuing willingness to accept the will of a majority of the people living in Northern Ireland, and a commitment to exercise their jurisdiction with rigorous impartiality on behalf of all the people of Northern Ireland, in a way which does not prejudice their freedom to determine Northern Ireland's constitutional status, whether in remaining a part of the United Kingdom or in forming part of a united Ireland;

The Irish Government will introduce and support proposals for changes in the Irish 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, and so that the Irish Government recognise the legitimacy of whatever choice is freely exercised by a majority of the people of Northern Ireland with regard to its constitutional status;

Commend direct dialogue with the relevant political parties in Northern Ireland in developing new internal structures;

Propose a North/South body, comprising elected representatives from, and accountable to, a Northern Ireland Assembly and the Irish Parliament, to deal with matters designated by the two Governments in the first instance in agreement with the parties;

Describe ways in which such a body could work with executive harmonising or consultative functions, by way of authority delegated to its members by the Assembly;

Envisage that all decisions within the North/South body would be by agreement between the two sides;

Set out criteria for the designation of functions, and suggest a range of functions that might be designated from the outset, for agreement with the parties;

Envisage the Northern Ireland Assembly and the Irish Parliament being able, by agreement, to designate further functions or to move functions already designated between the three categories;

Envisage that the body will have an important role in consultation with the two Governments in developing an agreed approach for the whole island in respect of the challenges and opportunities of the European Union;

Envisage a Parliamentary forum, with representatives from new Northern Ireland institutions and the Irish Parliament to consider matters of mutual interest;

Envisage a new and more broadly based Agreement between the British and Irish Governments to develop and extend co-operation;

Envisage a standing Intergovernmental Conference which would consider matters of mutual interest, but not those transferred to new political institutions in Northern Ireland;

Envisage that representatives of agreed political institutions in Northern Ireland may be formally associated with the work of the Conference;

Provide for a complementary undertaking by both Governments to ensure protection for specified civil, political, social and cultural rights.

These proposals do not provide for joint authority by the British and Irish Governments over Northern Ireland. They do not predetermine any outcome to the Talks process. Agreement by the parties, and then by the people, is the key.

INTRODUCTORY REMARKS BY THE TAOISEACH (IRISH PRIME MINISTER), MR. JOHN BRUTON, TD, AT BELFAST LAUNCHING OF JOINT FRAMEWORK DOCUMENT, FEBRUARY 22, 1995

Today's new framework for agreement is a landmark event in the affairs on this island.

The two Governments are presenting to the political parties in Northern Ireland, and to the Irish and British peoples, a document which is the most detailed expression to date of our views on the subject of Northern Ireland.

The Prime Minister and I hope that the Framework Document will receive calm and measured consideration over the days and weeks ahead.

It is an important and serious text, offered as an aid to discussion and negotiation. It presents our best judgment of what might be an agreed outcome future talks involving the two Governments and the political parties.

We commend it to the parties for their careful consideration and we look forward to discussing it in detail with them at the earliest opportunity.

May I at this point pay a special tribute to my colleague the Tánaiste and his officials and to the Northern Ireland Secretary of State Patrick Mayhew and his team. Their determined efforts over many months have brought us to today's new framework for agreement.

The proposals which it contains are, we believe, balanced and fair and threaten nobody. No party need fear this document.

To the nationalist and republican people, the document:

Reaffirms that the British Government have no selfish, strategic or economic interest in Northern Ireland and that they will uphold the democratic with of a greater number of the people of Northern Ireland on the issue of whether they prefer to support the Union or a sovereign united Ireland;

Says that the British Government will enshrine in its constitutional legislation the principles embodied in this new framework for agreement by the amendment of the Government of Ireland Act 1920 or by its replacement by appropriate new legislation;

It will also be important to nationalists that both Governments consider that new institutions should be created to cater for present and future political, social and economic inter-connections within the island of Ireland. These institutions will enable representatives of the main traditions, North and South, to enter agreed relationships. This is the purpose of the North/South body proposed in this document.

To the unionist and loyalist people, I would point out that the document commits the Irish Government to ask the electorate to change the Irish Constitution. The change proposed will address Articles 2 and 3 in the following ways:

It would remove any jurisdictional or territorial claim of legal right over the territory of Northern Ireland contrary to the will of its people;

It would provide that the creation of a sovereign united Ireland could therefore only occur in circumstances where a majority of the people of Northern Ireland formally chose to be part of a united Ireland.

It is also important to unionists that the document also contains a recognition by both Governments of the legitimacy of whatever choice is freely exercised by a majority of the people of Northern Ireland with regard to its constitutional status, whether they prefer to continue to support the Union or a sovereign united Ireland.

The proposals will challenge the two traditions on this island but it will do so in an even-handed way. Neither tradition need fear its contents. As I have emphasized at every appropriate opportunity, it is a framework for discussion and not a blueprint to be imposed over the heads of anyone. Its purpose is to facilitate, not pre-empt, dialogue. At the end of the day, the people of both North and South respectively will have the final say.

The document is our carefully considered response to many suggestions, from the parties and others, that it would be helpful to have the view of the two Governments as to what might be an agreed outcome from future talks.

We are asking the parties to come and talk to us, openly and candidly, about these proposals. We believe that, taken in the round, they offer a basis for structured discussions leading to a new agreement.

We believe that they do. It is our hope that the political parties, having given them the attention they deserve, will take a similar view.

There can be no doubt about the enormous desire on the part of the ordinary public—here, in the rest of Ireland and in Britian—for the earliest possible resumption of political dialogue.

The ending of all campaigns of paramilitary violence last autumn has created an unrivalled opportunity for such dialogue to take place with a reasonable prospect of a successful conclusion.

I join the Prime Minister in appealing to all the parties concerned to grasp this opportunity.

The Framework Document is our judgement of how things can best be taken forward. We have, in our view, the best opportunity in a generation for a lasting political settlement. We owe it to the peoples of both of these islands to put that opportunity to the test.

OPENING STATEMENT BY THE PRIME MINISTER, THE RT. HON. JOHN MAJOR, MP, AT A JOINT PRESS CONFERENCE WITH THE TAOISEACH, JOHN BRUTON, TD, TO LAUNCH THE JOINT FRAMEWORK DOCUMENT, BELFAST, WEDNESDAY 22 FEBRUARY 1995

There is one reason, above all, why the Taoiseach and I have come to Belfast today.

We wish to offer our proposals here in Northern Ireland—to Northern Ireland's people and their representatives.

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

who didn't understand the law or hold it in particularly high esteem. After walking a beat for a year, he was assigned to the vice squad. In January 1964, Fred became the city of Charleston's and South Carolina's first African-American motorcycle patrolman. A year later, he was promoted to detective. In October 1969, he became the first African-American deputy sheriff for Charleston County.

Fred left the sheriff's department for the Marshalls Service in January 1972. Since then, he has served with great distinction and honor. Anybody at the Federal courthouse in Charleston will tell you that no matter what has happened, Fred has been there to help. I, like many other leaders and judges across South Carolina, am grateful for his dedication over the years. If it were not for a requirement that made his retirement mandatory, I'm sure Fred would provide many more years of outstanding and professional service.

Mr. President, Fred Stroble is held in such high esteem today because of the more than 30 years that he has helped people across South Carolina. I appreciate this opportunity to express my respect and gratitude, and to wish Fred many happy years of retirement, new challenges, and exciting opportunities.

MEXICAN ECONOMIC AGREEMENT

Mr. PELL. Mr. President, after weeks of intense negotiation, the United States and Mexico yesterday agreed on a package of guarantees and swap transactions to help restore investor confidence in the Mexican economy while addressing United States concerns about the fundamental soundness of the Mexican economy and the level of risk to American taxpayers. I commend the President for his efforts to respond to this crisis while ensuring that adequate safeguards and conditions are in place to protect U.S. national interests.

I must say that, when the administration first proposed, in the immediate aftermath of the peso devaluation, a major U.S. response, I was quite skeptical. In many discussions with the administration I raised my concerns and urged that tough questions be asked about the wisdom of United States involvement and tough conditions be applied on Mexico as a precondition to any aid package.

Mr. President, I believe the administration has negotiated tough-minded terms for the package. I commend them for this and now believe it is both appropriate and in our national interest for this program to be put into operation.

In all candor, I continue to have some concerns about the possible long-term negative consequences of this whole crisis to our national economy and national economic interest. But I do believe as a nation we had to act and that the administration has acted skillfully. And if we did not act, real economic disaster could result.

The economic stabilization package signed Tuesday by Treasury Secretary Robert Rubin and Mexican Finance Minister Guillermo Ortiz actually consists of four separate agreements. The framework agreement sets the overall terms and conditions for U.S. support. These include commitments on the part of Mexico to reduce inflation, strengthen the peso, and encourage new investment by cutting Government spending, pursuing tight monetary policy, and raising short-term interest rates. Mexico is also committed to accelerate structural reforms in the transportation, telecommunications, and banking sectors, speed privatization, and improve financial transparency.

The Medium-Term Exchange Stabilization Agreement provides the basis for currency swap transactions, under which Mexico can exchange pesos for dollars for a period of up to 5 years. The interest rate charged for these swaps is to cover the U.S. risk for such transactions.

Under the guarantee agreement, the United States will provide guarantees for the issuance of Mexican debt securities with maturities of up to 10 years. This portion of the package is intended to convince investors to lend money to Mexico for longer terms at lower interest rates, thus alleviating the short-term debt burden that precipitated this crisis.

Finally, the oil proceeds facility agreement establishes the mechanism by which the United States is assured substantial repayment should Mexico default on its obligations. The agreement would set up a bank account in the United States into which foreign purchasers of Mexican oil would be required to make their payments. If Mexico fails to repay the United States under any of the financing agreements, the Treasury Department would be able, in effect, to take over that bank account.

All told, these agreements total $20 billion in United States support for Mexico—a bold and comprehensive package designed to prevent an immediate shortfall from leading to long-term economic and political instability. This support is designed to entail no direct costs to our taxpayers. Mexico will be charged fees for the guarantees and interest for the medium-term swaps, and all of Mexico's obligations to the United States will be backed by proceeds from the export of Mexican crude oil and oil products.

Moreover, the U.S. action is more than matched by the international response. The IMF has offered an unprecedented $17.8 billion in medium-term assistance, while the other G–10 countries plan to provide another $10 billion in short-term credit through the Bank of International Settlements.

Mr. President, I believe it is essential that we continue to monitor this situation closely, and the agreements that were signed yesterday provide the means and expand our ability to do just that. Even with this assistance, Mexico will face difficult economic choices, many of which could have an impact upon us.

I look forward to working with my colleagues and with the administration to ensure that Mexico lives up to its commitments under this package and that broad United States interests continue to be served through its implementation.

THE QUALIFICATIONS OF PETER EDELMAN TO BE A FEDERAL JUDGE

Mr. KENNEDY. Mr. President, an unfair, unfortunate, and negative campaign of distortions and preposterous character attacks has been under way for some time by partisans on the extreme right to prevent the nomination of an excellent lawyer, Peter Edelman, to the U.S. Court of Appeals for the District of Columbia Circuit.

I have known Peter Edelman well for more than three decades, ever since his years as an outstanding Senate staff member for my brother, Senator Robert Kennedy. A magna cum laude graduate of Harvard Law School, Peter served as a law clerk for Judge Henry Friendly on the Second Circuit Court of Appeals and Justice Arthur Goldberg on the Supreme Court.

In his subsequent career, he has consistently earned great distinction and respect for his service—in the Civil Division at the Department of Justice, as a vice president of the University of Massachusetts, as director of the New York State Division for Youth under Gov. Hugh Carey, as a partner in the Washington, DC, law firm of Foley & Lardner, as professor and associate dean at Georgetown University Law Center, and currently as counselor in the U.S. Department of Health and Human Services.

By virtue of his outstanding ability, background, experience, judgment, and temperament, Peter Edelman is clearly and well-qualified to serve on the U.S. Court of Appeals. As much as anyone I know, Peter Edelman understands that our laws are the wise restraints that make us free. He also very clearly understands the proper constitutional role of Federal judges in our Federal system.

I am confident that he would be an excellent Federal judge. I hope that President Clinton nominates him, and I believe he will be confirmed by the Senate. I urge my colleagues in the Senate to keep an open mind about this distinguished lawyer.

Last week, many of us received a letter in strong support of Peter Edelman, signed by 71 distinguished law professors, including 19 law school deans and 8 former law school deans. Because an editorial in the Washington Times earlier last week grossly distorted the letter, I ask unanimous consent that the letter may be printed in the RECORD.

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

GEORGETOWN UNIVERSITY LAW CENTER,
February 9, 1995.

Senator EDWARD KENNEDY,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR KENNEDY: Enclosed please find a letter that we have sent to Senator Hatch. As you will see, it is a letter from more than seventy law professors and deans who are upset about the tactics being used by some who are attempting to stop the nomination of Peter Edelman to the United States Court of Appeals for the District of Columbia Circuit. We are concerned that the current specter of distorted prenomination sniping is undermining the integrity of the constitutionally prescribed appointment process and we cannot stand by silently while this is occurring.

We appreciate your consideration.

Sincerely yours,

SUSAN BLOCH,
Georgetown University Law Center.
BARBARA BABCOCK,
Stanford Law School.

GEORGETOWN UNIVERSITY LAW CENTER,
February 9, 1995.

Senator ORRIN G. HATCH,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATCH: As law professors concerned with protecting the Constitution and the judiciary, we are troubled to see orchestrated attempts to distort the record of potential nominees even before they have been nominated. In particular, we are very troubled by the attacks on Peter Edelman, a respected scholar with an extensive record of public service who has exactly the kind of qualifications the nation should look for in nominees for the Courts of Appeals. We urge you to remain open-minded so as not to encourage those seeking to derail the appointment process.

As you know, before joining the Administration, Peter Edelman was Associate Dean at the Georgetown University Law Center. In his outstanding career, Professor Edelman has been a clerk to Supreme Court Justice Arthur Goldberg, a key aide to Senator Robert F. Kennedy, and Director of the New York State Division for Youth. As respected within academia as in public service, Professor Edelman has shown himself to be a sensitive, thoughtful, and responsible counselor, policymaker, and scholar. The judiciary and the nation would be well served by his presence on the Court of Appeals for the District of Columbia Circuit.

To single out for attack, as his critics have, one article that Professor Edelman wrote in 1987 in an effort to provoke thought about the growing inequities in income distribution in this country is grossly distorting in at least two ways. First, it overlooks the fact that Professor Edelman has produced a body of work on poverty issues that sets out his framework for understanding the 1987 article. Second, the attack ignores the rest of his record of excellent service in all three branches of government.

Our constitutional system will be severely damaged if an organized campaign of misrepresentation can block the nomination of someone so clearly qualified. The President should nominate Professor Edelman and let the Senators decide whether or not to confirm. Peter Edelman should have the chance to explain his views and set forth his entire record in the framework of a confirmation hearing. We are confident that if you will receive his nomination with an open mind, you will find that he is one of the most well qualified nominees you have seen in your tenure on the Judiciary Committee.

Professor Lee Albert, State University of New York at Buffalo, School of Law; Dean Barbara Bader Aldave, St. Mary's University of San Antonio, School of Law; Professor Ellen P. Aprill, Loyola Law School; Dean Judith C. Areen, Georgetown University Law Center; Professor Charles E. Ares, University of Arizona, College of Law; Professor Barbara Allen Babcock, The Ernest W. McFarland Professor of Law; Sanford Law School.

Professor Steven R. Barnett, University of California at Berkley; Dean Daniel O. Bernstine, University of Wisconsin Law School; Professor Vincent A. Blasi, Columbia University School of Law; Professor Susan Low Bloch, Georgetown University Law Center; Provost Lee Bollinger, Dartmouth College; Dean Barry B. Boyer, State University of New York at Buffalo, School of Law.

Dean Paul Brest, Stanford Law School; Professor Robert A. Burt, Alexander M. Bickel Professor of Public Law, Yale Law School; Professor Alexander Morgan Capron, University Professor of Law and Medicine, University of Southern California; Associate Dean Catherine L. Carpenter, Southwestern University School of Law; Professor Stephen Lisle Carter, William Nelson Cromwell Professor of Law, Yale Law School; Professor David P. Currie, University of Chicago Law School.

Dean Colin S. Diver, University of Pennsylvania Law School; Professor David Feller, University of California at Berkeley; Professor Mary Louise fellows, University of Minnesota Law School; Professor David B. Filvaroff, State University of New York at Buffalo, School of Law; Professor Leslie Pickering Francis, University of Utah College of Law; Associate Dean George E. Garvey, The Catholic University of America.

Professor Carole E. Goldberg-Ambrose, University of California at Los Angeles, School of Law; Professor Jesse A. Goldner, Saint Louis University School of Law; Associate Dean Robert A. Gorman, University of Pennsylvania Law School; Dean David Hall, Northeastern University School of Law; Dean Joseph D. Harbaugh, University of Richmond, The T.C. Williams School of Law; Professor Phillip B. Heymann, Harvard University Law School; Professor Robert E. Hudec, University of Minnesota Law School.

Professor Stanley Ingber, Drake University Law School; Professor John H. Jackson, University of Michigan Law School; Professor Yale Kamisar, University of Michigan Law School; Dean John Robert Kramer, Tulane University School of Law; Dean Thomas G. Krattenmaker, College of William and Mary, Marshall-Wythe School of Law; Dean Jeffrey S. Lehman, University of Michigan Law School; Professor Howard Lesnick, University of Pennsylvania Law School.

Dean Lance M. Liebman, Columbia University School of Law; Professor Michael Melsner, Northeastern University School of Law; Dean Elliott S. Milstein, American University; Dean Gene R. Nichol, Jr., University of Colorado School of Law; Professor Robert O'Neil, University of Virginia School of Law; Professor Daniel H. Pollitt, University of North Carolina School of Law; Professor Burnele Venable Powell, University of North Carolina School of Law.

Dean Henry Ramsey, Jr., Howard University School of Law; Professor Deborah L. Rhode, Stanford Law School; Dean John C. Roberts, De Paul University College of Law; Professor Jonathan Rose, Arizona State University; Professor Laura F. Rothstein, University of Houston Law Center; Professor Mark A. Rothstein, University of Houston Law Center; Associate Dean David Rudenstine, Yeshiva University, Benjamin N. Cardozo School of Law.

Associate Dean Frank E.A. Sander, Bussey Professor of Law, Harvard University Law School; Professor George Schatzki, University of Connecticut; Professor Philip G. Schrag, Georgetown University Law Center; Professor Peter H. Schuck, Yale Law School; Professor Teresa Moran Schwartz, George Washington University, National Law Center; Dean John A. Sebert, Jr., University of Baltimore; Professor Steven H. Shiffrin, Cornell Law School; President Emeritus Michael I. Sovern, Columbia University School of Law; Associate Dean Steven H. Steinglass, Cleveland State University, Cleveland Marshall College of Law; Professor Richard B. Stewart, New York University School of Law.

Professor Theodore J. St. Antoine, University of Michigan Law School; Professor David A. Strauss, University of Chicago Law School; Professor Peter L. Strauss, Columbia University School of Law; Professor Gerald F. Uelmen, Santa Clara University School of Law; Professor James Vorenberg, Harvard University Law School; Dean Harry H. Wellington, New York Law School; Professor Patricia White, University of Utah, College of Law; Dean Richard S. Wirtz, University of Tennessee College of Law; Associate Dean Leah Wortham, The Catholic University of America School of Law.

Professors signing this letter, including the Deans, are signing as individuals and not as representatives of their schools.

IS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID YES!

Mr. HELMS. Mr. President, the incredibly enormous Federal debt is a lot like television's well-known energizer bunny—it keeps going and going—at the expense, of course, of the American taxpayers.

A lot of politicians talk a good game—when they are back home—about bringing Federal deficits and the Federal debt under control. But so many of these same politicians regularly voted in support of bloated spending bills during the 103d Congress—which perhaps is a primary factor in the new configuration of U.S. Senators.

This is a rather distressing fact as the 104th Congress gets down to business. As of Tuesday, February 21, 1995, the Federal debt stood—down to the penny—at exactly $4,834,640,034,065.84 or $18,352.38 per person.

Mr. President, it is important that all of us monitor, closely and constantly the incredible cost we incur each week due to this debt. As a matter of fact, in the past week the debt has increased over $25 billion.

Mr. President, my hope is that the 104th Congress can bring under control the outrageous spending that created this outrageous debt. If the party now controlling both Houses of Congress, as a result of the November elections last year, does not do a better job of getting a handle on this enormous debt, the American people are not likely to overlook it in 1996.

THE EXTRAORDINARY LIFE OF WALTER SHERIDAN

Mr. KENNEDY. Mr. President, all of us who knew him, respected him, and loved him were saddened by the death last month of Walter Sheridan. Walter was the outstanding investigator on the staff of the Senate Labor and Human Resources Committee for nearly two decades, and before that, he had been one of Attorney General Robert Kennedy's most trusted and effective aides in the Department of Justice.

Walter Sheridan lived an extraordinary life, and all of us who worked with him have many warm memories of his achievements and his friendship.

I ask unanimous consent that my tribute to Walter last month at Holy Trinity Church in Georgetown, an earlier tribute I made to Walter on the occasion of his final hearing at the Labor Committee in 1990, and other materials may be printed in the RECORD.

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

TRIBUTE TO WALTER SHERIDAN, BY SENATOR EDWARD M. KENNEDY, HOLY TRINITY CHURCH, WASHINGTON, DC, JANUARY 17, 1995

''Some men see things as they are and say, 'Why?' I dream things that never were and say 'Why not?' ''

These words that Robert Kennedy loved were words that Walter Sheridan lived by. And what a magnificent life he lived.

Walter and my brother were exact contemporaries, born on the same day, November 20th, 1925. It took them a little over thirty years to find each other. But it was inevitable that they would, and now they have found each other again.

I suspect some grand investigation is under way in heaven, and that Bobby and Carmine Bellino finally decided last week, ''We need Walter up here on this one.''

My brother loved to tease Walter about his mild demeanor and quiet manner. But as Bobby wrote in ''The Enemy Within,'' Walter's angelic appearance hid a core of toughness. As any wrongdoer well knew, the angelic quality also represented the avenging angel.

All the Kennedys have lost one of the finest friends we ever knew. Walter Sheridan was an extraordinary investigator and an extraordinary human being. He had a heart as large as his ability, and his courage and dedication to justice and the public interest were unmatched by anyone. Everything he touched he left better than he found it.

Walter was also family, far and wide. His wife, Nancy, his daughter Hannah, his sons Walter, John, Joseph, and Donald, and all their families and all his fourteen grandchildren know how much Walter loved them and how deeply he cared for them. The Sheridan home was always warm and welcoming, a continuously open house and gathering place for the legions of friends he made across the years.

Everyone Walter worked with loved him too. He lit up every room he entered, and there was an obvious mutual affection that made people not only want to work with him, but work harder because of him. He had a famous and well-deserved reputation from the Hoffa years for ability, integrity and loyalty—and he was a legend for his modesty about it.

He lived up to the Sheridan mystique all his life and in everything he later did. You could sense the power of his commitment to justice and honesty in public and private life. You knew he would go to the end of the earth to sustain those standards against any who tried to undermine them. The cynical view that everyone has his price met its match and its defeat in Walter Sheridan.

As Bobby knew, and as those on the other side learned to their dismay, when the going got tough, Walter Sheridan got going. His highly principled convictions about the public trust ensured the criminal convictions of those who violated that trust. His book about those years is among his lasting legacies—a call for constant vigilance to protect the public interest against corruption.

In any fight, my brother said, he would always want Walter on his side. You wanted Walter with you in any foxhole, and that is why he always seemed to get the most difficult assignments. He had been in the service in World War II, and his exploits reminded me of a famous slogan of those years—the difficult we do immediately; the impossible takes a little longer.

In the Senate years, each time we settled on the subject of a new investigation, Walter would do his famous disappearing act. He'd be away for three or four weeks. ''Walter's gone fishing,'' we would wink and say, and everyone knew what that meant. When Walter surfaced with his catch, all the networks and reporters were there, ready to record it at our hearings.

Walter knew how to follow a paper trail, find the unfindable document, and make it speak truth to power. Once, when the mine owners persuaded the federal agency to drastically weaken protections for health and safety, it was Walter who uncovered the irrefutable document. The agency had simply tried to write the mine owners' wish list into law—complete with the same spelling and grammatical mistakes.

Walter was also a hero to workers in the many industries he investigated. I especially think of his coal mine safety investigations. Miners and mine safety officials who testified in our Labor Committee hearings would continue to call up Walter for many years, eager to tell him about the new births and marriages and grandchildren in their lives. They knew Walter never stopped caring about them, and they loved him for it and made him part of their family too.

For all his warmth and wit, Walter was rightly feared by certain kinds of industry leaders and government officials—by anyone misusing their position or abusing their high office. His mission in many of his Senate investigations was to see that federal regulators did not become captives of the industry they regulated.

Once, a mine worker who worshipped Walter told us that an official of the Mine Safety and Health Administration had walked into his agency office one day and resigned immediately—when he saw the pink message slip with the notation that ''a Mr. Walter Sheridan'' had called.

His unique combination of high intelligence, low-key manner, and warm personality was an irresistible asset in all his work, and he loved to tell his war stories. During his investigation of the pharmaceutical industry, two drug company executives told him extensive details they never intended to disclose about their company's operations. They said Walter just kept asking simple, understated questions and nodded politely at their responses. As one of the officials later said, ''It took us about ten minutes after we walked out of the room to realize that Walter Sheridan had just picked both our pockets clean.''

He had a flair for the dramatic too. For several years, he served as a Special Correspondent for NBC and made documentaries on many issues, including crime and gun control. He liked to tell of the time he went into a gun shop, plunked down a couple hundred dollars, and walked out with an anti-tank weapon. He later loaded and fired it on camera to demonstrate the shocking laxity of our gun control laws. He said he couldn't remember what finally happened to the weapon, but he kept it stored somewhere around the house for a while and thought Nancy finally threw it out.

Another of his documentaries dealt with organized crime. Walter persuaded a key informant to speak on camera for the first time about the activities of one of the crime families. Later, a few of Walter's friends who had gathered to watch the broadcast at the Sheridans' home thought the informant on the screen looked familiar, and he was. He was sitting on the couch in Walter's living room, watching the program too. He told Walter it was the first time he felt truly safe, because no one would dare try to harm him while Walter was on the case.

Of course, all of us who knew Walter understood something else as well—that we would never know everything he knew. Business or pleasure, secrets were safe with Walter. Whether working on an investigation or planning a surprise party, nothing ever leaked. On that point we all agreed—Walter Sheridan kept his mouth shut.

Genius, it is said, is the capacity for taking infinite pains, and Walter passed that test with flying colors. No one worked harder or longer or more effectively. But sometimes even that wasn't enough. One of my brother's and Walter's favorite stories from the McClellan Committee days was about the time they were driving home together after working very late one evening. As they drove past the Teamsters Building, they saw the light still on in Hoffa's office. So they turned the car around and went back to work themselves.

It has been said that all men are dust, but some are gold dust. And that was true of Walter. In those great years with my brother on the McClellan Committee and in the Justice Department, he was a regular for touch football at Hickory Hill. Everyone wanted to be on Walter's team, including Bobby. To new friends there, he was always ''Walter,'' never ''Mr. Sheridan,'' even though they felt the first name was somehow disrespectful after reading about Mr. Sheridan in ''The Enemy Within.'' Walter made sure that everyone got to play, no matter how young or unathletic. He also mastered the most important rule for those games, which was that there were no rules.

And in the sad months and years after June of 1968, Walter continued to be a fixture at Hickory Hill, helping Ethel, helping all of us, to carry on. We loved you, Walter, as a brother and as a member of our family.

In a sense, Bobby lived on through Walter. In the nearly 20 years that he worked with me in the Senate, I never met with Walter or talked with Walter or laughed with Walter that I didn't think of Bobby. As the poet wrote: ''Think where man's glory most begins and ends, and say my glory was I had such friends.'' Our glory is that we had Walter as a friend.

In so many ways, he lived up to the ideals of dedication to family, country, and service to others. His contributions to integrity in government and the private sector are immense. His achievements are proof that each of us can make a difference—and what a difference Walter Sheridan made.

His life is symbolized in the inspiring words my brother used: ''Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different

centers of energy and daring, those ripples build a current which can sweep down the mightiest walls of oppression and resistance.''

You left us too suddenly and too soon, Walter, and we miss you all the more.

CLOSING STATEMENT OF SENATOR EDWARD M. KENNEDY, HEARING ON ADVERTISING, MARKETING AND PROMOTIONAL PRACTICES OF THE PHARMACEUTICAL INDUSTRY, SENATE COMMITTEE ON LABOR AND HUMAN RESOURCES, WASHINGTON, DC, DECEMBER 12, 1990

The testimony in these hearings raised troubling questions about the marketing practices of the pharmaceutical industry and their corrupt relationship with physicians.

Commendably, as the committee investigation began to uncover these abusive relationships, both the AMA and the PMA endorsed new guidelines on the eve of the hearings, in order to correct these problems and ensure the confidence of patients and the public.

The committee intends to monitor these reforms closely, in order to determine whether the abuses covered by the guidelines are truly corrected.

Finally, I want to pay tribute to the person who deserves the real credit not only for these hearings—but a thousand other contributions to the Senate, the country, and the public interest.

In a sense, these hearings are his swan song. But he'll never really retire. He was also our chief investigator in the initial committee hearings on this issue in the 1970's. And I have no doubt he'll come out of retirement in the year 2000, or whenever the industry steps out of line again.

There's a famous saying that there's no limit to what you can accomplish in this town if you're willing to give someone else the credit. That may be the secret of how he's been able to accomplish so much.

We've known each other for over 30 years, and worked together for nearly 20. Robert Kennedy discovered him in the 1950's in the McClellan Committee investigations. It turned out they were both born on the same day in the same year.

My brother took him with him to the Justice Department in the 1960's. He may well have been the best and most tenacious investigator the Senate or the Department ever had. I inherited him from my brother, and he's been the same way ever since.

As Robert Kennedy once said in the 1950 investigations, ''Investigators are the backbone of the hearings. Without their work, we'd have nothing.'' Those words are still true, and all these years he has continued to make them true.

We'll have a chance to pay a proper tribute to him at another time. But I wanted to make at least these few remarks now.

He's also a beautiful human being. His family and some of his children and grandchildren are here today, and I think they know how much we admire him and love him—Walter Sheridan. We'll miss him.

[From the Washington Post, Jan. 14, 1995]

WALTER SHERIDAN DIES; HELPED TO INVESTIGATE HOFFA

(By Martin Weil)

Walter Sheridan, 69, a prominent federal investigator for many years who played a key role in the epic struggle between the government and Teamsters union leader Jimmy Hoffa, died of lung cancer Jan. 13 at his home in Derwood.

He was a staff member of the Senate rackets subcommittee of which Robert F. Kennedy was chief counsel and on which John F. Kennedy served as a senator. He was also an associate of Sen. Edward M. Kennedy (D-Mass.), who lauded him yesterday as ''an extraordinary investigator and an extraordinary human being.''

By 1960, years of contentious investigation and dramatic, nationally televised hearings had made celebrities of the Senate subcommittee's lawyer, Robert kennedy, and Hoffa. Hoffa had become one of the best-known labor leaders of the postwar era.

After John Kennedy became president in 1961 and his brother became attorney general, Robert Kennedy asked Mr. Sheridan to become his special assistant. In that job, he and a small group of lawyers were made responsible for prosecuting federal crimes associated with the Teamsters.

The lawyers in the unit described themselves as the ''Get Hoffa Squad,'' and Mr. Sheridan, though himself not a lawyer, was their chief, Arthur A. Sloane wrote in ''Hoffa,'' his 1991 biography of the labor leader. In his 1971 book ''Kennedy Justice,'' Victor Navasky also described Mr. Sheridan as the unit's chief.

In 1962, Hoffa was brought to trial in Nashville. The chief prosecutor and his assistants, accoring to Sloane's book, operated ''under the overall direction of . . . Walter Sheridan . . . who himself was in daily telephone contact with Attorney General Kennedy.''

In a brief interview last night, Navasky said Mr. Sheridan ''knew the worst things there were'' about Hoffa and ''devoted those years to doing something about that.''

The trial, on a misdemeanor charge, ended in a hung jury.

But that trial led to a second trial on a charge of jury tampering, based at least in part on evidence gathered and investigated by Mr. Sheridan, according to Sloane's book. In 1964, Hoffa was convicted of jury tampering and began serving a prison term three years later.

In 1960, Robert Kennedy published a book called ''The Enemy Within,'' based on his Senate committee investigations into labor matters. In it, he described Mr. Sheridan this way: ''A slight, quiet friendly-faced man'' who ''was one of our best and most relentless investigators.''

''His almost angelic appearance hides a core of toughness and he takes great pride in his work,'' Kennedy said.

''In any kind of fight, I would always want him on my side.''

Mr. Sheridan was born in Utica, N.Y., served in the Submarine Service during World War II and later graduated from Fordham University. He was an FBI agent for four years and spent three years with the National Security Agency.

He was a regional coordinator for John Kennedy in the 1960 presidential campaign and had key roles in the political campaigns of Robert and Edward Kennedy.

As a Senate investigator in the 1980s, he helped show that clinical data submitted to the Food and Drug Administration had been tampered with, which led to new safeguards. He also led investigations into improper payments to physicians to influence how they prescribed medicines. His investigations into mine and on-the-job safety and health and into exploitation of farm workers also were credited with leading to new federal protections.

From 1965 to 1970, he was a special correspondent for NBC and his unit received a Peabody Award for a documentary on the 1967 Detroit riots.

He was the author of ''The Fall and Rise of Jimmy Hoffa.''

In his statement yesterday, Edward Kennedy said Mr. Sheridan ''had a heart as large as his ability, and his courage and dedication to justice and the public interest were unmatched by anyone.''

Survivors include his wife, Nancy; five children, Walter Sheridan of Gaithersburg, Hannah Shorey of Dallas, John Sheridan of Germantown, Joseph Sheridan of Lansdale, Pa., and Donald Sheridan of Harrisburg, Pa.; and 14 grandchildren.

[From the New York Times, Jan. 15, 1995]

WALTER J. SHERIDAN IS DEAD AT 69; HELPED BUILD CASE AGAINST HOFFA

(By David Stout)

Walter J. Sheridan, a Federal investigator who was an associate of the Kennedy family and pursued the teamsters' union leader James R. Hoffa, died on Friday at his home in Derwood, Md. He was 69.

The cause was lung cancer, friends said.

Mr. Sheridan worked closely with Robert F. Kennedy in the 1950's when Mr. Kennedy was chief counsel to the Senate rackets committee and John F. Kennedy was a committee member. Mr. Sheridan and Robert Kennedy spent much time investigating labor corruption, especially in the International Brotherhood of Teamsters.

When Robert Kennedy became Attorney General, he recruited Mr. Sheridan as a special assistant to investigate Federal crimes, particularly involving the teamsters.

In March 1964, a Federal Court jury in Chattanooga, Tenn., convicted Mr. Hoffa of tampering with a Federal jury two years earlier, and he went to prison. He was released in 1971 when his sentence was commuted by President Richard M. Nixon.

Mr. Sheridan was the author of a 1972 book, ''The Fall and Rise of Jimmy Hoffa.'' Mr. Hoffa disappeared in 1975.

Mr. Sheridan was an agent for the Federal Bureau of Investigation for four years but resigned, he said later, because J. Edgar Hoover's fierce brand of anti-Communism made him uneasy. He was also an investigator for the National Security Agency for three years.

As a principal aide for the Senate Judiciary and Labor and Human Resources Committees in the 1970's and 80's, Mr. Sheridan led investigations into drug companies that tampered with data submitted to the Food and Drug Administration, working conditions in mines and exploitation of farm workers.

Mr. Sheridan was a regional coordinator for John F. Kennedy's 1960 Presidential campaign. He also worked in the senatorial and Presidential campaigns of Robert and Edward M. Kennedy.

From 1965 to 1970, he was a special correspondent for NBC, producing documentaries on crime, gun control and other issues.

He is survived by his wife, Nancy; four sons, Walter, of Gaithersburg, Md., John, of Germantown, Md., Joseph, of Lansdale, Pa., and Donald, of Harrisburg, Pa.; a daughter, Hannah Shorey of Dallas, and 14 grandchildren.

[From the Utica Observer-Dispatch, Jan. 14, 1995]

SHERIDAN, FORMER FBI AGENT DIES AT 69

Utica native Walter Sheridan—once listed among possible successors to J. Edgar Hoover to head the FBI and a close friend of the Kennedy family—died yesterday. He was 69.

Sheridan worked side by side with the late Sen. Robert Kennedy to fight racketeering, particularly to bring James R. Hoffa to justice. His career as an investigator included four years as a special agent with the FBI, three years each with the National Security Agency and the Senate Rackets Committee.

Sheridan died at his home in Derwood, Md., of lung cancer. He was born in Utica, Nov. 20, 1925.

''He was one of the finest men I ever met in my life. He was sincere, honest, upright,''

said Michael McGuirl of Ballantyne Brae, Utica.

''I can't tell you the grief I feel'' over his death, said McGuirl, who has maintained a friendship with Sheridan's family.

Through his career—which included working five years as a special correspondent for NBC and publishing a book on Hoffa—Sheridan kept his links to Utica.

McGuirl, who worked 14 years as commissioner for Oneida County Social Services, said Sheridan helped the county receive the country's first Work Experience Program, which helped put people in jobs.

Sheridan returned to Utica to speak at his class reunion in 1973 and the the Knights of Columbus in 1977.

''He was a fine assistant to Robert Kennedy and a very intelligent and capable individual,'' said Vincent J. Rossi, Sr., a Utica lawyer who worked with Sheridan on Democratic politics in Utica.

In response to his death, Sen. Edward Kennedy said yesterday ''all the Kennedys have lost one of the finest friends we ever had. Walter Sheridan was an extraordinary investigator and an extra-ordinary human being. He had a heart as large as his ability and his courage and dedication to justice and to the public interest were unmatched by anyone.''

Sheridan graduated from Utica Free Academy in 1943, was president of the senior class and a quarterback on the football team.

Sheridan is survived by his wife, Nancy, and five children, Walter, of Gaithersburg, Md., Hannah Shorey of Dallas, Texas, John, of Germantown, Md., Joseph of Lansdale, Pa., and Donald, of Harrisburg, Pa. and 14 grandchildren.

FROM ''THE FALL AND RISE OF JIMMY HOFFA'' (1972)

(By Walter Sheridan and Introduction by Budd Schulberg)

A specter is haunting America. No, it is not communism. Despite Wallace, Goldwater and the right-wing doomsday criers, it is not even creeping socialism. It is, as readers of this book will find alarmingly documented, an altogether different sort of creeping disease. Creeping, hell, it's now boldly up on two feet and running. Toward what goal? More. More houses? More schools? More daycare centers? Forget it. More money. More power. Power to do what? Enjoy life, liberty and the pursuit of happiness? Not as Jefferson and our eighteenth-century idealists imagined it in those simpler times. today it is the high life, the deal that brings liberty in the form of ''commutation'' from the federal pen and the pursuit of the easy buck—be it at the gangster Xanadus of Las Vegas, or at millionaire retreats built with Teamster money like Moe Dalitz's La Costa Country Club, or at the various White Houses, Dicknixon style. There the Big Money, that unholy alliance of over-and-under-the-table, has enjoyed the friendship of the man who grasped early in his checkered career the sharp-edged triangle of money, power and politics.

Throughout our history Big Money has been decried, by Andrew Jackson, William Jennings Bryan, both the Roosevelts. . . . There are periodic appeals to our idealism, compassion and sense of community. Reform movements rise and fall like the tides. Today our children's crusade turns its back on the sources of wealth and power and wanders into the desert to smoke its pot and live the good life to the music of Led Zeppelin, James Taylor and Joe Cocker. They have chosen to abandon the system rather than reshape it. The old system, their gypsy lifestyle is telling us, is a rat-race is a money-game is a war-machine conceived in materialism and dedicated to the proposition that the race is to the swift and the poker pot to the swift at hand.

Left behind to fight the network of graft-organized greed that has infected our profit system are the Walter Sheridans of this land, unlikely Don Quixotes who tilt not at windmills but at syndicates and are willing to take on single-handed an army of hoodlums, fixers, purchasable politicos and business opportunists, to go it alone if their leaders are shot down and a Mitchellized Justice Department moves to deliver them and their witnesses to the enemy.

I first came to know Walter Sheridan in the early sixties when I went to Washington to discuss with the then Attorney General, Robert Kennedy, the possibility of adapting his book, The Enemy Within, as a motion picture. Our irrepressible producer, the late Jerry Wald, had called me in Mexico to say that Kennedy had chosen me from a list of film writers Wald had submitted. Kennedy had been impressed with On the Waterfront and The Harder They Fall and felt that I would be particularly responsive to the job of dramatizing corruptive power in America.

It is true that the subject had fascinated me from my high school days. And The Enemy Within, a hard-hitting account of Kennedy's experiences as chief counsel for the Senate Rackets Committee, would give me the chance to write not merely a sequel to Waterfront but a significant extension of that film on a national scale. Kennedy's book presented startling evidence of the collusion between Jimmy Hoffa (plus other crooked union leaders), Mafia racketeers and their ''respectable'' allies in the world of business.

At Kennedy's home in McLean, Virginia, it took time to break the ice, but gradually we established good rapport. Then, characteristically, young Kennedy asked me when I could begin and how soon my screenplay would be ready. I told him that I had researched the New York waterfront for more than a year before I had begun that script; I would not feel ready to plunge into the writing of Enemy until I had fully absorbed this even more complicated material. ''But it's all in the book,'' Kennedy said with an author's pride. I told him I would like to read the entire hearings of the Senate Committee. ''That's fifty-nine volumes,'' Kennedy warned. ''Millions of words.'' When I held out, he passed me on to his lieutenant in charge of the Hoffa investigation, Walter Sheridan.

Sheridan turned out to be the most unlikely of G-men. Television and movie fans accustomed to Lee Marvin or Rod Steiger and Efrem Zimbalist as their gangbuster heroes would be badly let down by Mr. Sheridan. So quiet-spoken you literally have to lean forward to hear him, on the surface a diffident, even shy and eminently gentle man.

But Kennedy's book had indicated the tiger that lurked within the deceptively bland exterior, praising Walter as tireless and unbendable, committed to the principle of integrity in government and labor-management. Outraged by the labor racketeering encouraged by political and business connivance, he would work around the clock day after day to stitch together a collar of evidence to fit even the thick, tough necks of the Jimmy Hoffas.

Until the Kennedy investigations, the robber barons of the labor movement had carved up their million dollar pies with impunity. It is one thing merely to dream the impossible dream, quite another to gather together for a convincing indictment all the little jigsaw facts buried by professional deceivers. How Walter Sheridan persevered in this quest, despite bribes, threats and government roadblocks, provides an encouraging lining for an essentially discouraging story.

For months, after Walter sent me the Rackets Committee material, I immersed myself in the testimony of thousands of witnesses who talked (or balked) about pension funds looted of millions of dollars, with a majority of those six- and seven-figure loans going to notorious Mafiosi, of ''sweetheart'' contracts arranged between greedy company executives and union officials on the take (including, as this book makes clear, President Hoffa himself), of once respectable industries and unions infiltrated by a blatant army of extortionists and enforcers, terrorizing the would-be honest into silence or connivance. It was material, I realized, that made waterfront crime-evil as that was—seem like very small potatoes.

Now I understood more clearly the conclusion Bob Kennedy had reached in his book—that the real enemy within was the increasingly effective alliance of big money, labor racketeers, the mob, and dishonest prosecutors, judges and government officials, without whom billions could not be stolen from our economy—and that this nationwide conspiracy was poisoning the wellspring of the nation. From my talks with Bob Kennedy, Walter Sheridan and their colleagues in the Justice Department, I was convinced of their passionate devotion to this theme—and to the conviction that we could never defeat an external enemy unless we first cut from our body politic the growing cancer of corruption that would finally destroy our society as Rome was eaten away from within two thousand years ago.

When I returned to Washington with all fifty-nine volumes of testimony buzzing in my head, I outlined a possible story line to Bob Kennedy and his staff. But now I felt a further step in research was necessary: to move on from the transcripts to the people behind the transcripts, those who had endured the pressure of belonging to a union whose dictatorship they despised and whose goon-squad violence they feared.

When I discussed this request with Kennedy he again passed me on to Walter, who, in his calm, cautious way, put me in touch with a fascinating union leader, a highly placed officer who had been secretly cooperating with the Kennedy investigation because he had lived his life as an honest trade unionist and had become disgusted with the wholesale looting of union funds, the terrorizing of union members who protested, the Mafia leaders allowed to pass themselves off as union leaders. The roster of Teamster vice presidents read like a Who's Who in American Crime, and ''Max,'' as we shall call our inside contact, had had a bellyfull.

Here, through Walter's sensitive liaison, I was to get a one-on-one insight into the ongoing drama—the tension that runs through so much of Walter's book—a man's conscience struggling to keep afloat in a sea of fear. For the next few months I was to meet Max under conditions that reminded me of my World War II days in the O.S.S. We met in Los Angeles, in a small town in Florida, and in Mexico—using pseudonyms and even taking the precaution of meeting in a third, neutral room in case we were being followed or bugged. His nerves were shot and he was drinking himself through the day, terrified of Hoffa and his henchmen, yet driven by the gut-conviction that mobsters like Johnny Dio and Red Dorfman and Joey Glimco and Tony Provenzano and all the rest of the tribe were poison to the labor movement to which he had dedicated his life. Through Max, I met other Teamster dissidents, all hating Hoffa's guts and all afraid to face his wrath.

Thanks to Max, I was able to personify in my script a reluctant, tormented thorn in the tough hide of the composite labor boss I

call Pete Bonner. Alas, the film for reasons that bring me very close to the spirit of this uncompromising book, has never reached the screen. Jerry Wald, who alone had had the courage to produce it, died suddenly, at a time when 20th Century-Fox was fighting for survival after its spendthrift *Cleopatra*. A labor tough walked right into the office of the new head of the studio to warn him that if the picture was ever made drivers would refuse to deliver the prints to the theaters. And, if they got there by any other means, stink bombs would drive out the audiences.

With Bob Kennedy's encouragement, I tried to produce the film myself. One film star phoned to say he loved the script, then came to my house drunk to tell me he was afraid he might be killed if he did it. There have been ever-increasing ties between the mob and some of the film studios and, of course, those studios rejected it out of hand. Finally, I had firm interest from Columbia, the company that had released *On the Waterfront*. On the eve of the meeting with Columbia executives to which I had been invited, every one of the people who was to attend that conference received a letter from William Bufalino, whose activities on behalf of Hoffa are a matter of record (as Sheridan's book confirms). Bufalino is, among other things, a lawyer, but this letter was disturbingly extra-legal. It stated flatly that 20th Century-Fox had wisely abandoned the project as soon as all the possible eventualities had been pointed out to them, and he felt confident that Columbia would be smart enough to do likewise. On the morning of the meeting, a studio secretary called to tell me that it had been canceled, indefinitely. Apparently Hoffa and Bufalino had decided what the American people could and could not see. And the Hollywood ''front office''—notorious for its vincibility—had meekly complied.

But that was only a taste of the frustration that Walter Sheridan had suffered over the years as he battled against the invisible empire. The jury tampering in Nashville reads like *Police Gazette* fiction, but it's all too true. The Chicago trial, in which Jimmy Hoffa was finally convicted of stealing more than a million dollars from his Teamsters Pension Fund, is the stuff of high social drama. And the trials and tribulations of Ed Partin, the big and tough Teamster from Baton Rouge who turned on Hoffa, helped to convict him, and then was offered a million dollars if he would perjure himself and retract his testimony—or be destroyed if he refused; all of this must be read, and then reread and digested, to be believed. And remembered. The incredible cast of those working to gain a pardon for Hoffa, and a buy-off or conviction of Partin, includes governors, federal judges, Louisiana Mafiosi, Chicago gangsters, Pension Fund lawyer-grafters, senators, congressmen, administration officials, con-men, sleazy go-betweens. Even Audie Murphy and George Murphy get into the act, not to mention gun-totin' William Loeb and his infamous Teamsters-financed Manchester Union Leader.

Here is the enemy within, in all its star-spangled unglory.

The enemy walks among us, not as an underworld fugitive but as an adornment of cafe society, enjoying the best tables in New York and Miami, Las Vegas, Hollywood and Acapulco. You'll find him chumming with the celebrities at Le Club or ''21'' or the Sands, or in the Polo Lounge at the Beverly Hills Hotel. Instead of fearing government pressure, he'll boast of his in with the White House. And the ''cream'' of our society don't shun him, they invite him to their parties. And they hope he will return the favor.

In this painstaking book, Sheridan faces up to the reality that, after all the convictions and sensational disclosures, corruption flows on. George Jackson rotted in jail for nearly a decade for heisting $70. Jimmy Hoffa cops a million, bribes juries, runs with the most dangerous gangsters in America and, thanks to the intervention of his good friend Dick Nixon, does an easy five. This, after the parole board had rejected Hoffa's appeal three times in a row. This, in an election year when Nixon has become anathema to the legitimate labor movement and the Teamsters wind up as his only big-labor support.

The Nixon-Hoffa friendship, beginning when Nixon was Vice President, was emphasized again by his recent attendance at the executive board meeting of the Teamsters. And his Secretary of Labor gave fulsome praise to that gang-ridden union at its most recent convention. ''A strange love affair,'' The New York Times has described it. One might call it something even stranger. Sheridan doesn't go in much for adjectives. He's fact man and his step-by-step account of the Hoffa-Nixon romance will make you want to weep for an America that is now challenged—as Bob Kennedy had begun to challenge her—to reach deep down and rediscover her soul.

Will the dry rot of moral decay leave the field to the Hoffas, the J.T.T. and the Syndicate? The enemy within seems to grow stronger every day. Whether or not a Jack Anderson, a Ralph Nader, a Walter Sheridan can arouse our people from their complacency is the question on which the future course of America may depend.

TRIBUTE TO MR. ELLAND ARCHER

Mrs. HUTCHISON. Mr. President, I am pleased to pay tribute to the exemplary life of Mr. Elland Archer of Mesquite, TX. Mr. Archer was born on December 17, 1932 to Frank and Jimmie Archer of Van Zandt County. His early years were spent in Terell and Van Zandt Counties during the Depression. In order to assist his family, he quit school in the eighth grade and later received his GED in the U.S. Army.

He served our Nation honorably in the U.S. Army from 1953 until 1955 and completed his Army Reserve obligation in 1961 in the rank of private first class. He graduated from Baylor University Law School in 1963.

Following his work for the Dallas County attorney and district attorney, he served as city attorney for the city of Mesquite from 1970–87. From 1989–93, he was the city manager and attorney for the city of Balch Springs. He was married for 35 years to the late Virginia Lois Archer.

Elland Archer passed away on September 1, 1994 and is survived by five children and two grandchildren in addition to his mother and six brothers and sisters.

Mr. Archer will be remembered by his family and friends for his dedication to our Nation, our State, and to the many citizens he served during his career. In setting high standards during his public service, his life was a model for others to follow.

HOMICIDES BY GUNSHOT IN NEW YORK CITY

Mr. MOYNIHAN. Mr. President, I rise today, as I have done each week of the 104th Congress, to announce to the Senate that 14 people were killed by gunshot in New York City this past week, bringing the total for 1995 to 89.

Mr. President, in an introduction to a published series of editorials on America's gun epidemic, Los Angeles Times editorial writer and research director Molly Selvin, writes:

> People do kill people—but they can do it more efficiently, more potently and more massively with guns. And guns, these days, are killing more people on the streets and in the homes, schools and workplaces of America than ever before * * * We can let the gun violence continue unabated, or we can do something and do something dramatic, effective, historic.

Ms. Selvin is quite correct. It will take dramatic measures to bring an end to the plague of gun violence. But the Senator from New York is compelled to point out that the solution proposed by the editorial series—a near-total ban on ownership and possession of guns—is simply not plausible. We have a two-century supply of guns. Unless abused, guns last almost indefinitely. Even if we could succeed in banning further production and sale of guns, it is unrealistic to think that we could reclaim the 200 million guns already in circulation today.

On the other hand, we have a very limited supply of bullets—perhaps only a four-year supply. I have repeatedly attempted to make the case that it is here we should focus our attention. By banning or taxing out of existence those calibers of bullets used most often in crime, the millions of guns already in the hands of criminals would soon be rendered useless.

To date, I have had difficulty convincing the Congress and past and present administrations of the merits of ammunition control. But as we sit idly by and watch bullets take the lives of nearly 40,000 Americans each year, I urge my colleagues to consider this sensible approach.

U.S. ARMY 2D LT. CURT SANSOUCIE—A NEW HAMPSHIRE HERO

Mr. SMITH. Mr. President, I rise today to salute U.S. Army Second Lieutenant Curt Sansoucie, from Rochester, NH, who died February 15, 1995, during a training exercise at Eglin Air Force Base Ranger School in Florida.

The accident that took the life of this fine young man was a terrible tragedy for his family and for the State of New Hampshire. Curt is the son of Gary and Theresa Sansoucie. He graduated from Somersworth High School where he was a member of the National Honor Society and a varsity football player.

I had the privilege of nominating Curt to West Point in December 1989.

After graduating in June 1994, he attended Infantry Officer Basic School in Fort Benning, GA, where he completed a Master of Trainer's Fitness School. Curt then began Ranger School, where soldiers undergo the toughest training in the forest, mountains, desert, and swamps to prepare them for extreme war conditions.

Curt died doing exactly what he wanted to do; serving his country in the U.S. Army. I extend my deepest sympathies to Curt's family and friends. As a member of the Senate Armed Services Committee, I am honored to have represented Second Lt. Sansoucie and his family in the U.S. Senate. Second Lt. Curt Sansoucie joins a distinguished list of New Hampshire patriots who have given their lives in service of their country.

HONORING SENATOR PAUL SIMON'S WORK ON IMMIGRANTS AND REFUGEES

Mr. KENNEDY. Mr. President, tomorrow evening our friend and colleague, Senator PAUL SIMON, will be honored by the Lutheran Immigration and Refugee Service for his many distinguished years of commitment and achievement on behalf of immigrants and refugees.

This honor is eminently deserved. Senator SIMON has served with great distinction on the Immigration Subcommittee of the Senate Judiciary Committee since he first came to the Senate in 1985. Throughout his service, he has been an outstanding leader and defender of our Nation's long and proud history as a nation of immigrants and a haven for refugees. He has challenged all of us to honor this heritage, and to do all we can to alleviate the plight of victims of oppression throughout the world. PAUL has pursued this vision with integrity, dignity, fairness, and great intelligence and common sense.

In many respects, he has been the conscience of the Senate on immigration and refugee issues. The 10 yeas in which he has so ably served on the subcommittee have been years of major reform. His steady hand and deep moral conviction have been felt throughout this process of change.

In his book, ''The Glass House,'' Senator SIMON observed: ''There are morally preferred options, and . . . it is the responsibility of humanity and of government to strive toward the good, no matter how erratic and tortuous that path might be''. PAUL SIMON exemplifies that good, and all of us who have worked with him are proud of his leadership.

His presence in the Senate will be deeply missed when he retires at the end of next year. In all his achievements, he has reminded us that America is at its best when it upholds the traditions of fairness, opportunity, and compassion which made our country great.

I commend the Lutheran Immigration and Refugee Service for this tribute to our friend and colleague, and join with my colleague Senator SIMPSON, the chairman of our Immigration Subcommittee, in congratulating Senator SIMON on this well-deserved honor.

Mr. SIMPSON. Mr. President, our colleague, Senator PAUL SIMON, will be honored tomorrow evening by the Lutheran Immigration and Refugee Service for his tireless devotion to the plight of refugees throughout the world. I want everyone to know how special this award is and how special PAUL SIMON is.

PAUL and I have worked together on the Immigration Subcommittee since he came to the Senate in 1985. He has become a dear friend. But PAUL SIMON is also a friend to the millions who suffer the devastation of tyranny and war. He is the unknown benefactor of the refugees who have found a safe haven on our shores. And he has been a benefactor of our Nation, for these refugees are a revitalizing force among us.

We enjoy the warm glow of bipartisanship on our subcommittee, and we need it. The issue of immigration is political dynamite and must be dealt with fairly. PAUL SIMON has been a persistent voice of justice and compassion on the subcommittee.

The Lutheran Immigration and Refugee Service has served thousands of those new to our shores, and their award is an honor and a trust. PAUL SIMON has lived up to that trust.

The Statue of Liberty enlightens the world, but her torch does not burn untended. PAUL SIMON has helped keep her lamp fueled and lit for America's newest immigrants.

I am so pleased that PAUL'S hard work has been recognized with such an honor, and I know our colleagues share that pleasure.

PEACE IN NORTHERN IRELAND—THE FRAMEWORK DOCUMENT

Mr. KENNEDY. Mr. President, today the Irish and British Governments released their much-anticipated Framework Document, which offers a fair and balanced approach to moving the Northern Ireland peace process forward.

The document imposes nothing on anyone. It reaffirms the solemn guarantee that the consent of the people of Northern Ireland is the indispensable condition for any future settlement.

The great virtue of the document is that it provides exactly what was promised—a thoughtful and comprehensive analysis of the fundamental issues. Above all, it offers a solid basis for moving to the next step—which is talks among all the parties, and which I hope will begin soon.

Mr. President, I ask unanimous consent that today's statements by Irish Prime Minister John Bruton and British Prime Minister John Major and the text of the framework document may be printed in the RECORD.

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

INTRODUCTORY REMARKS BY THE TAOISEACH (IRISH PRIME MINISTER) MR. JOHN BRUTON, TD, AT BELFAST LAUNCHING OF JOINT FRAMEWORK DOCUMENT, FEBRUARY 22, 1995

Today's new framework for agreement is a landmark event in the affairs of this island.

The two Governments are presenting to the political parties in Northern Ireland, and to the Irish and British people, a document which is the most detailed expression to date of our views on the subject of Northern Ireland.

The Prime Minister and I hope that the Framework Document will receive calm and measured consideration over the days and weeks ahead.

It is an important and serious text, offered as an aid to discussion and negotiation. It presents our best judgement of what might be an agreed outcome from future talks involving the two Governments and the political parties.

We commend it to the parties for their careful consideration and we look forward to discussing it in detail with them at the earliest opportunity.

May at this point pay a special tribute to my colleague the Tánaiste and his officials and to the Northern Ireland Secretary of State Patrick Mayhew and his team. Their determined efforts over many months have brought us to today's new framework for agreement.

The proposals which it contains are, we believe, balanced and fair and threaten nobody. No party need fear this document.

To the nationalist and republican people, the document:

Reaffirms that the British Government have no selfish, strategic or economic interest in Northern Ireland and that they will uphold the democratic wish of a greater number of the people of Northern Ireland on the issue of whether they prefer to support the Union or a sovereign united Ireland.

Says that the British Government will enshrine in its constitutional legislation the principles embodied in this new framework for agreement by the amendment of the Government of Ireland Act of 1920 or by its replacement by appropriate new legislation.

It will also be important to nationalists that both Governments consider that new institutions should be created to cater for present and future political, social and economic inter-connections within the island of Ireland. These institutions will enable representatives of the main traditions, North and South, to enter agreed relationships. This is the purpose of the North/South body proposed in this document.

To the unionist and loyalist people, I would point out that the document commits the Irish Government to ask the electorate to change the Irish Constitution. The change proposed will address Articles 2 and 3 in the following ways:

It would remove any jurisdictional or territorial claim of legal right over the territory of Northern Ireland contrary to the will of its people.

It would provide that the creation of a sovereign united Ireland could therefore only occur in circumstances where a majority of the people of Northern Ireland formally chose to be part of a united Ireland.

It is also important to unionists that the document also contains a recognition by both Governments of the legitimacy of whatever choice is freely exercised by a majority of the people of Northern Ireland with regard to its constitutional status, whether they prefer to continue to support the Union or a sovereign united Ireland.

The proposals will challenge the two traditions on this island but it will do so in an even-handed way. Neither tradition need fear its contents. As I have emphasized at every appropriate opportunity, it is a framework for discussion and not a blueprint to be imposed over the heads of anyone. Its purpose is to facilitate, not pre-empt, dialogue. At the end of the day, the people of both North and South respectively will have the final say.

The document is our carefully considered response to many suggestions, from the parties and others, that it would be helpful to have the view of the two Governments as to what might be an agreed outcome from future talks.

We are asking the parties to come and talk to us, openly and candidly, about these proposals. We believe that, taken in the round, they offer a basis for structured discussions leading to a new agreement.

We believe that they do. It is our hope that the political parties, having given them the attention they deserve, will take a similar view.

There can be no doubt about the enormous desire on the part of the ordinary pubilc—here, in the rest of Ireland and in Britain—for the earliest possible resumption of political dialogue.

The ending of all campaigns of paramilitary violence last autumn has created an unrivalled opportunity for such dialogue to take place with a reasonable prospect of a successful conclusion.

I join the Prime Minister in appealing to all the parties concerned to grasp this opportunity.

The Framework Document is our judgment of how things can best be taken forward. We have, in our view, the best opportunity in a generation for a lasting political settlement. We owe it to the peoples of both of these islands to put that opportunity to the test.

OPENING STATEMENT BY THE PRIME MINISTER, MR. JOHN MAJOR, AT A JOINT PRESS CONFERENCE WITH THE TAOISEACH, MR. JOHN BRUTON, TO LAUNCH THE JOINT FRAMEWORK DOCUMENT, BELFAST, WEDNESDAY, FEBRUARY 22, 1995

JOINT FRAMEWORK DOCUMENT

There is one reason, above all, why the Taoiseach and I have come to Belfast today.

We wish to offer our proposals here in Northern Ireland—to Northern Ireland's people and their representatives.

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;

Relationships 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 that 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 co-operation 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 co-operation, 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 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 has 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 these 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 bedevilled 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 UK 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 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.

To reach our destination, all concerned must be ready to look to the future rather

than to the past. We must put aside old shibboleths. We must show fairmindedness and imagination.

The destination I seek is a lasting and peaceful settlement. It is attainable, and I believe we have taken a very important step towards it today.

A NEW FRAMEWORK FOR AGREEMENT

(A shared understanding between the British and Irish Governments to assist discussion and negotiation involving the Northern Ireland parties)

1. The Joint Declaration acknowledges that the most urgent and important issue facing the people of Ireland, North and South, and the British and Irish Governments together, is to remove the causes of conflict, to overcome the legacy of history and to heal the divisions which have resulted.

2. Both Governments recognize that there is much for deep regret on all sides in the long and often tragic history of Anglo-Irish relations, and of relations in Ireland. They believe it is now time to lay aside, with dignity and forbearance, the mistakes of the past. A collective effort is needed to create, through agreement and reconciliation, a new beginning founded on consent, for relationships within Northern Ireland, within the island of Ireland and between the peoples of these islands. The Joint Declaration itself represents an important step towards this goal, offering the people of Ireland, North and South, whatever their tradition, the basis to agree that from now on their differences can be negotiated and resolved exclusively by peaceful political means.

3. The announcements made by the Irish Republican Army on 31 August 1994 and the Combined Loyalist Military Command on 13 October 1994 are a welcome response to the profound desire of people throughout these islands for a permanent end to the violence which caused such immense suffering and waste and served only to reinforce the barriers of fear and hatred, impeding the search for agreement.

4. A climate of peace enables the process of healing to begin. It transforms the prospects for political progress, building on that already made in the Talks process. Everyone now has a role to play in moving irreversibly beyond the failures of the past and creating new relationships capable of perpetuating peace with freedom and justice.

5. In the Joint Declaration both Governments set themselves the aid of fostering agreement and reconciliation, leading to a new political framework founded on consent. A vital dimension of this three-stranded process is the search, through dialogue with the relevant Northern Ireland parties, for new institutions and structures to take account of the totality of relationships and to enable the people of Ireland to work together in all areas of common interest while fully respecting their diversity.

6. Both Governments are conscious of the widespread desire, throughout both islands and more widely, to see negotiations underway as soon as possible. They also acknowledge the many requests, from parties in Northern Ireland and elsewhere, for both Governments to set out their views on how agreement might be reached on relationships within the island of Ireland and between the peoples of these islands.

7. In this Framework Document both Governments therefore describe a shared understanding reached between them on the parameters of a possible outcome to the Talks process, consistent with the Joint Declaration and the statement of 26 March 1991. Through this they hope to give impetus and direction to the process and to show that a fair and honourable accommodation can be envisaged across all the relationships, which would enable people to work constructively for their mutual benefit, without compromising the essential principles or the long-term aspirations or interests of either tradition or of either community.

8. Both Governments are aware that the approach in this document presents challenges to strongly-held positions on all sides. However, a new beginning in relationships means addressing fundamental issues in a new way and inevitably requires significant movement from all sides. This document is not a rigid blueprint to be imposed but both Governments believe it sets out a realistic and balanced framework for agreement which could be achieved, with flexibility and goodwill on all sides, in comprehensive negotiations with the relevant political parties in Northern Ireland. In this spirit, both Governments offer this document for consideration and accordingly strongly commend it to the parties, the people in the island of Ireland and more widely.

9. The primary objective of both Governments in their approach to Northern Ireland is to promote and establish agreement among the people of the island of Ireland, building on the Joint Declaration. To this end they will both deploy their political resources with the aim of securing a new and comprehensive agreement involving the relevant political parties in Northern Ireland and commanding the widest possible support.

10. They take as guiding principles for their co-operation in search of this agreement:

(i) the principle of self-determination, as set out in the Joint Declaration;

(ii) that the consent of the governed is an essential ingredient for stability in any political arrangement;

(iii) that agreement must be pursued and established by exclusively democratic, peaceful means, without resort to violence or coercion;

(iv) that any new political arrangements must be based on full respect for, and protection and expression of, the rights and identities of both traditions in Ireland and evenhandedly afford both communities in Northern Ireland party of esteem and treatment including equality of opportunity and advantage.

11. They acknowledge that in Northern Ireland, unlike the situation which prevails elsewhere throughout both islands, there is a fundamental absence of consensus about constitutional issues. There are deep divisions between the members of the two main traditions living there over their respective sense of identity and allegiance, their views on the present status of Northern Ireland and their vision of future relationships in Ireland and between the two islands. However, the two Governments also recognize that the large majority of people, in both parts of Ireland, are at one in their commitment to the democratic process and in their desire to resolve political differences by peaceful means.

12. In their search for political agreement, based on consent, the two Governments are determined to address in a fresh way all of the relationships involved. Their aim is to overcome the legacy of division by reconciling the rights of both traditions in the fullest and most equitable manner. They will continue to work towards and encourage the achievement of agreement, so as to realise the goal set out in the statement of 26 March 1991 of ''a new beginning for relationships within Northern Ireland, with the island of Ireland and between the peoples of these islands''.

13. The two Governments will work together with the parties to achieve a comprehensive accommodation, the implementation of which would include interlocking and mutually supportive institutions across the three strands, including:

(a) *Structures within Northern Ireland (paragraphs 22 and 23)*—to enable elected representatives in Northern Ireland to exercise shared administrative and legislative control over all those matters that can be agreed across both communities and which can most effectively and appropriately be dealt with at that level;

(b) *North/South institutions (paragraphs 24-38)*—with clear identity and purpose, to enable representatives of democratic institutions, North and South, to enter into new, co-operative and constructive relationships; to promote agreement among the people of the island of Ireland; to carry out on a democratically accountable basis delegated executive, harmonising and consultative functions over a range of designated matters to be agreed; and to serve to acknowledge and reconcile the rights, identities and aspirations of the two major traditions;

(c) *East-West structures (paragraphs 39–49)*—to enhance the existing basis for co-operation between the two Governments, and to promote, support and underwrite the fair and effective operation of the new arrangements.

CONSTITUTIONAL ISSUES

14. Both Governments accept that agreement on an overall settlement requires, inter alia, a balanced accommodation of the differing views of the two main traditions on the constitutional issues in relation to the special position of Northern Ireland.

15. Given the absence of consensus and depth of divisions between the two main traditions in Northern Ireland, the two Governments agree that such an accommodation will involve an agreed new approach to the traditional constitutional doctrines on both sides. This would be aimed at enhancing and codifying the fullest attainable measure of consent across both traditions in Ireland and fostering the growth of consensus between them.

16. In their approach to Northern Ireland they will apply the principle of self-determination by the people of Ireland on the basis set out in the Joint Declaration: the British Government recognise that it is for the people of Ireland alone, by agreement between the two parts respectively and without external impediment, to exercise their right of self-determination on the basis of consent, freely and concurrently given. North and South, to bring about a united Ireland, if that is their wish; the Irish Government accept that the democratic right of self-determination by the people of Ireland as a whole must be achieved and exercised with and subject to the agreement and consent of a majority of the people of Northern Ireland.

17. New arrangements should be in accordance with the commitments in the Anglo-Irish Agreement and in the Joint Declaration. They should acknowledge that it would be wrong to make any change in the status of Northern Ireland save with the consent of a majority of the people of Northern Ireland. If in future a majority of the people there wish for and formally consent to the establishment of a united Ireland, the two Governments will introduce and support legislation to give effect to that wish.

18. Both Governments recognize that Northern Ireland's current constitutional status reflects and relies upon the present wish of a majority of its people. They also acknowledge that at present a substantial minority of its people wish for a united Ireland. Reaffirming the commitment to encourage, facilitate and enable the achievement of agreement over a period among all

the people who inhabit the island, they acknowledge that the option of a sovereign united Ireland does not command the consent of the unionist tradition, nor does the existing status of Northern Ireland command the consent of the nationalist tradition. Against this background, they acknowledge the need for new arrangements and structures—to reflect the reality of diverse aspirations, to reconcile as fully as possible the rights of both traditions, and to promote co-operation between them, so as to foster the process of developing agreement and consensus between all the people of Ireland.

19. They agree that future arrangements relating to Northern Ireland, and Northern Ireland's wider relationships, should respect the full and equal legitimacy and worth of one identity, sense of allegiance, aspiration and ethos of both the unionist and nationalist communities there. Consequently, both Governments commit themselves to the principle that institutions and arrangements in Northern Ireland and North/South institutions should afford both communities secure and satisfactory political, administrative and symbolic expression and protection. In particular, they commit themselves to entrenched provisions guaranteeing equitable and effective political participation for whichever community finds itself in a minority position by reference to the Northern Ireland framework, or the wider Irish framework, as the case may be, consequent upon the operation of the principle of consent.

20. The British Government reaffirm that they will uphold the democratic wish of a greater number of the people of Northern Ireland on the issue of whether they prefer to support the Union or a sovereign united Ireland. On this basis, they reiterate that they have no selfish strategic or economic interest in Northern Ireland. For as long as the democratic wish of the people of Northern Ireland is for no change in its present status, the British Government pledge that their jurisdiction there will be exercised with rigorous impartiality on behalf of all the people of Northern Ireland in their diversity. It will be founded on the principles outlined in the previous paragraph with emphasis on full respect for, and equality of, civil, political, social and cultural rights and freedom from discrimination for all citizens, on parity of esteem, and on just and equal treatment for the identity, ethos and aspirations of both communities. The British Government will discharge their responsibilities in a way which does not prejudice the freedom of the people of Northern Ireland to determine, by peaceful and democratic means, its future constitutional status, whether in remaining a part of the United Kingdom or in forming part of a united Ireland. They will be equally cognizant of either option and open to its democratic realization, and will not impede the latter option, their primary interest being to see peace, stability and reconciliation established by agreement among the people who inhabit the island. This new approach for Northern Ireland, based on the continuing willingness to accept the will of a majority of the people there, will be enshrined in British constitutional legislation embodying the principles and commitments in the Joint Declaration and this Framework Document, either by amendment of the Government of Ireland Act 1920 or by its replacement by appropriate new legislation, and appropriate new provisions entrenched by agreement.

21. As part of an agreement confirming the foregoing understanding between the two Governments on constitutional issues, the Irish Government will introduce and support proposals for changes in the Irish Constitution to implement the commitments in the Joint Declaration. These change in the Irish Constitution will fully reflect the principle of consent in Northern Ireland and demonstrably be such that no territorial claim of right to jurisdiction over Northern Ireland contrary to the will of a majority of its people is asserted, while maintaining the existing birthright of everyone born in either jurisdiction in Ireland to be part, as of right, of the Irish nation. They will enable a new Agreement to be ratified which will include, as part of a new and equitable dispensation for Northern Ireland embodying the principles and commitments in the Joint Declaration and this Framework Document, recognition by both Governments of the legitimacy of whatever choices is freely exercised by a majority of the people of Northern Ireland with regard to its constitutional status, whether they prefer to continue to support the Union or a sovereign united Ireland.

STRUCTURES IN NORTHERN IRELAND

22. Both Governments recognize that new political structures within Northern Ireland must depend on the co-operation of elected representatives there. They confirm that cross-community agreement is an essential requirement for the establishment and operation of such structures. They strongly favour and will support provision for cross-community consensus in relation to decisions affecting the basic rights, concerns and fundamental interests of both communities, for example on the lines adumbrated in Strand 1 discussions in the 1992 round-table talks.

23. While the principles and overall context for such new structures are a recognized concern of both Governments in the exercise of their respective responsibilities, they consider that the structures themselves would be most effectively negotiated, as part of a comprehensive three-stranded process, in direct dialogue involving the relevant political parties in Northern Ireland who would be called upon to operate them.

NORTH/SOUTH INSTITUTIONS

24. Both Governments consider that new institutions should be created to cater adequately for present and future political, social and economic inter-connections on the island of Ireland, enabling representatives of the main traditions, North and South, to enter agreed dynamic, new, co-operative and constructive relationships.

25. Both Governments agree that these institutions should include a North/South body involving Heads of Department on both sides and duly established and maintained by legislation in both sovereign Parliaments. This body would bring together these Heads of Department representing the Irish Government and new democratic institutions in Northern Ireland, to discharge or oversee delegated executive, harmonising or consultative functions, as appropriate, over a range of matters which the two Governments designate in the first instance in agreement with the parties or which the two administrations, North and South, subsequently agree to designate. It is envisaged or overseen by the North/South body, whether by executive action, harmonisation or consultation, account will be taken of:

i the common interest in a given matter on the part of both parts of the island; or

ii the mutual advantage of addressing a matter together; or

iii the mutual benefit which may derive from it being administered by the North/South body; or

iv the achievement of economies of scale and the avoidance of unnecessary duplication of effort.

In relevant posts in each of the two administrations participation in the North/South body would be a duty of service. Both Governments believe that the legislation should provide for a clear institutional identity and purpose for the North/South body.It would also establish the body's terms of reference, legal status and arrangements for political, legal, administrative and financial accountability. The North/South body could operate through, or oversee, a range of functionally-related subsidiary bodies or other entities established to administer designated functions on an all-island or cross-border basis.

26. Specific arrangements would need to be developed to apply to EU matters. Any EU matter relevant to the competence of either administration could be raised for consideration in the North/South body. Across all designated matters and in accordance with the delegated functions, both Governments agree that the body will have an important role, with their support and co-operation and in consultation with them, in developing on a continuing basis an agreed approach for the whole island in respect of the challenges and opportunities of the European Union. In respect of matters designated at the executive level, which would include all EC programmes and initiatives to be implemented on a cross-border or island-wide basis in Ireland, the body itself would be responsible, subject to the Treaty obligations of each Government, for the implementation and management of EC policies and programmes on a joint basis. This would include the preparation, in consultation with the two Governments, of joint submissions under EC programmes and initiatives and their joint monitoring and implementation, although individual projects could be implemented either jointly or separately.

27. Both Governments envisage regular and frequent meetings of the North/South body:

To discharge the functions agreed for it in relation to a range of matters designated for treatment on an all-Ireland or cross-border basis:

To oversee the work of subsidiary bodies.

28. The two Governments envisage that legislation in the sovereign Parliaments should designate those functions which should, from the outset, be discharged or overseen by the North/South body; and they will seek agreement on these, as on other features of North/South arrangements, in discussion with the relevant political parties in Northern Ireland. It would also be open to the North/South body to recommend to the respective administrations and legislatures for their consideration that new functions should be designated to be discharged or overseen by that body; and to recommend that matters already designated should be moved on the scale between consultation, harmonization and executive action. Within those responsibilities transferred to new institutions in Northern Ireland, the British Government have no limits of their own to impose on the nature and extent of functions which could be agreed for designation at the outset or, subsequently, between the Irish Government and the Northern Ireland administration. Both Governments expect that significant responsibilities, including meaningful functions at executive level, will be a feature of such agreement. The British Government believe that, in principle, any function devolved to the institutions in Northern Ireland could be so designated, subject to any necessary savings in respect of the British Government's powers and duties, for example to ensure compliance with EU and international obligations. The Irish Government also expect to designate a comparable range of functions.

29. Although both Governments envisage that representatives of North and South in the body could raise for discussion any matter of interest to either side which falls within the competence of either administration, it is envisaged, as already mentioned, that

its designated functions would fall into three broad categories:

consultative: the North/South body would be a forum where the two sides would consult on any aspect of designated matters on which either side wished to hold consultations. Both sides would share a duty to exchange information and to consult about existing and future policy, though there would be no formal requirement that agreement would be reached or that policy would be harmonized or implemented jointly, but the development of mutual understanding or common or agreed positions would be the general goal;

harmonising: in respect of these designated responsibilities there would be, in addition to the duty to exchange information and to consult of the formulation of policy, an obligation on both sides to use their best endeavors to reach agreement on a common policy and to make determined efforts to overcome any obstacles in the way of that objective, even though its implementation might be undertaken by the two administrations separately;

executive: in the case of these designated responsibilities the North/South body would itself be directly responsible for the establishment of an agreed policy and for its implementation on a joint basis. It would however be open to the body, where appropriate, to agree that the implementation of the agreed policy would be undertaken either by existing bodies, acting in an agency capacity, whether jointly or separately, North and South, or by new bodies specifically created and mandated for this purpose.

30. In this light, both Governments are continuing to give consideration to the range of functions that might, with the agreement of the parties, be designated at the outset and accordingly they will be ready to make proposals in that regard in future discussions with the relevant Northern Ireland parties.

31. By way of illustration, it is intended that these proposals would include at the executive level a range of functions, clearly defined in scope, from within the following broad categories:

Sectors involving a natural or physical all-Ireland framework;

EC programmes and initiatives;

Marketing and promotion activities abroad;

Culture and heritage.

32. Again, by way of illustration, the Governments would make proposals at the harmonising level for a broader range of functions, clearly defined in scope (including as appropriate, relevant EU aspects; from within the following categories:

Aspects of—agriculture and fisheries; industrial development; consumer affairs; transport; energy; trade; health; social welfare; education; and economic policy.

33. By way of example, the category of agriculture and fisheries might include agricultural and fisheries research, training and advisory services, and animal welfare; health might include co-operative ventures in medical, paramedical and nursing training, cross-border provision of hospital services and major emergency/accident planning; and education might include mutual recognition of teacher qualifications, co-operative ventures in higher education, in teacher training, in education for mutual understanding and in education for specialized needs.

34. The Governments also expect that a wide range of functions would be designated at the consultative level.

35. Both Governments envisage that all decisions within the body would be by agreement between the two sides. The Heads of Department on each side would operate within the overall terms of references mandated by legislation in the two sovereign Parliaments. They would exercise their powers in accordance with the rules for democratic authority and accountability for this function in force in the Oireachtas and in new institutions in Northern Ireland. The operation of the North/South body's functions would be subject to regular scrutiny in agreed political institutions in Northern Ireland and the Oireachtas respectively.

36. Both Governments expect that there would be a Parliamentary Forum, with representatives from agreed political institutions in Northern Ireland and members of the Oireachtas, to consider a wide range of matters of mutual interest.

37. Both Governments envisage that the framework would include administrative support staffed jointly by members of the Northern Ireland Civil Service and the Irish Civil Service. They also envisage that both administrations will need to arrange finance for the North/South body and its agencies on the basis that these constitute a necessary public function.

38. Both Governments envisage that this new framework should serve to help heal the divisions among the communities on the island of Ireland; provide a forum for acknowledging the respective identities and requirements of the two major traditions: express and enlarge the mutual acceptance of the validity of those traditions; and promote understanding and agreement among the people and institutions in both parts of the island. The remit of the body should be dynamic, enabling progressive extension by agreement of its functions to new areas. Its role should develop to keep pace with the growth of harmonization and with greater integration between the two economies.

EAST-WEST STRUCTURES

39. Both Governments envisage a new and more broadly-based Agreement, developing and extending their co-operation, reflecting the totality of relationships between the two islands, and dedicated to fostering co-operation, reconciliation and agreement in Ireland at all levels.

40. They intend that under such a new Agreement a standing Intergovernmental Conference will be maintained, chaired by the designated Irish Minister and by the Secretary of State for Northern Ireland. It would be supported by a Permanent Secretariat of civil servants from both Governments.

41. The Conference will be a forum through which the two Governments will work together in pursuance of their joint objectives of securing agreement and reconciliation amongst the people of the island of Ireland and of laying the foundations for a peaceful and harmonious future based on mutual trust and understanding between them.

42. The Conference will provide a continuing institutional expression for the Irish Government's recognized concern and role in relation to Northern Ireland. The Irish Government will put forward views and proposals on issues falling within the ambit of the new Conference or involving both Governments, and determined efforts will be made to resolve any differences between the two Governments. The Conference will be the principal instrument for an intensification of the co-operation and partnership between both Governments, with particular reference to the principles contained in the Joint Declaration, in this Framework Document and in the new Agreement, on a wide range of issues concerned with Northern Ireland and with the relations between the two parts of the island of Ireland. It will facilitate the promotion of lasting peace, stability, justice and reconciliation among the people of the island of Ireland and maintenance of effective security co-operation between the two Governments.

43. Both Governments believe that there should also be provision in the Agreement for developing co-operation between the two Governments and both islands on a range of ''East-West'' issues and bilateral matters of mutual interest not covered by other specific arrangements, either through the Anglo-Irish Intergovernmental Council, the Conference or otherwise.

44. Both Governments accept that issues of law and order in Northern Ireland are closely intertwined with the issues of political consensus. For so long as these matters are not devolved, it will be for the Governments to consider ways in which a climate of peace, new institutions and the growth of political agreement may offer new possibilities and opportunities for enhancing community identification with policing in Northern Ireland, while maintaining the most effective possible deployment of the resources of each Government in their common determination to combat crime and prevent any possible recourse to the use or threat of violence for political ends, from any source whatsoever.

45. The Governments envisage that matters for which responsibility is transferred to new political institutions in Northern Ireland will be excluded from consideration in the Conference, except to the extent that the continuing responsibilities of the Secretary of State for Northern Ireland are relevant, or that cross-border aspects of transferred issues are not otherwise provided for, or in the circumstances described in the following paragraph.

46. The Intergovernmental Conference will be a forum for the two Governments jointly to keep under review the workings of the Agreement and to promote, support and underwrite the fair and effective operation of all its provisions and the new arrangements established under it. Where either Government considers that any institution, established as part of the overall accomodation. Is not properly functioning within the Agreement or that a breach of the Agreement has otherwise occurred. The conference shall consider the matter on the basis of 3 shared commitment to arrive at a common position or, where that is not possible, to agree a procedure to resolve the difference between them. If the two Governments conclude that a breach has occurred in any of the above circumstances, either Government may make proposals for remedy and adequate measures to redress the situation shall be taken. However, each Government will be responsible for the implementation of such measures of redress within its own jurisdiction. There would be no derogation from the sovereignty of either Government; each will retain responsibility for the decisions and administration of government within its own jurisdiction.

47. In the event that devolved institutions in Northern Ireland ceased to operate, and direct rule from Westminster was reintroduced, the British Government agree that other arrangements would be made to implement the commitment to promote co-operation at all levels between the people, North and South, representing both traditions in Ireland, as agreed by the two Governments in the Joint Declaration, and to ensure that the co-operation that had been developed through the North/South body be maintained.

48. Both Governments envisage that representatives of agreed political institutions in Northern Ireland may be formally associated with the work of the Conference, in a manner and to an extent to be agreed by both Governments after consultation with them. This might involve giving them advance notice of what is to be discussed in the

Conference, enabling them to express views to either Government and inviting them to participate in various aspects of the work of the Conference. Other more structured arrangements could be devised by agreement.

49. The Conference will also be a framework for consultation and coordination between both Governments and the new North/South institutions, where the wider role of the two Governments is particularly relevant to the work of those institutions, for example in a coordinated approach on EU issues. It would be for consideration by both Governments, in consultation with the relevant parties in the North, or with the institutions after they have been established, whether to achieve this through formal or ad hoc arrangements.

PROTECTION OF RIGHTS

50. There is a large body of support, transcending the political divide, for the comprehensive protection and guarantee of fundamental human rights. Acknowledging this, both Governments envisage that the arrangements set out in this Framework Document will be complemented and underpinned by an explicit undertaking in the Agreement on the part of each Government, equally, to ensure in its jurisdiction in the island of Ireland, in accordance with its constitutional arrangements, the systematic and effective protection of common specified civil, political, social and cultural rights. They will discuss and seek agreement with the relevant political parties in Northern Ireland as to what rights should be so specified and how they might best be further protected, having regard to each Government's overall responsibilities including its international obligations. Each Government will introduce appropriate legislation in its jurisdiction to give effect to any such measure of agreement.

51. In addition, both Governments would encourage democratic representatives from both jurisdictions in Ireland to adopt a Charter or Covenant, which might reflect and endorse agreed measures for the protection of the fundamental rights of everyone living in Ireland. It could also pledge a commitment to mutual respect and to the civil rights and religious liberties of both communities, including: The right of free political thought, the right to freedom and expression of religion, the right to pursue democratically national and political aspirations, the right to seek constitutional change by peaceful and legitimate means, the right to live wherever one chooses without hindrance, the right to equal opportunity in all social and economic activity, regardless of class, creed, gender or colour.

52. This Charter or Covenant might also contain a commitment to the principle of consent in the relationships between the two traditions in Ireland. It could incorporate also an enduring commitment on behalf of all the people of the island to guarantee and protect the rights, interests, ethos and dignity of the unionist community in any all-Ireland framework that might be developed with consent in the future, to at least the same extent as provided for the nationalist community in the context of Northern Ireland under the structures and provisions of the new Agreement.

53. The Covenant might also affirm on behalf of all traditions in Ireland a solemn commitment to the exclusively peaceful resolution of all differences between them including in relation to all issues of self-determination, and a solemn repudiation of all recourse to violence between them for any political end or purpose.

CONCLUSION

54. Both Governments agree that the issues set out in this Framework Document should be examined in the most comprehensive attainable negotiations with democratically mandated political parties in Northern Ireland which abide exclusively by peaceful means and wish to join in dialoque on the way ahead.

55. Both Governments intend that the outcome of these negotiations will be submitted for democratic ratification through referendums, North and South.

56. Both Governments believe that the present climate of peace, which owes much to the imagination, courage and steadfastness of all those who have suffered from violence, offers the best prospect for the Governments and the parties in Northern Ireland to work to secure agreement and consent to a new political accommodation. To accomplish that would be an inestimable prize for all, and especially for people living in Northern Ireland, who have so much to gain from such an accommodation, in which the divisions of the past are laid aside forever and differences are resolved by exclusively political means. Both Governments believe that a new political dispensation, such as they set out in this Framework Document, achieved through agreement and reconciliation and founded on the principle of consent, would achieve that objective and transform relationships in Northern Ireland, in the island of Ireland and between both islands.

57. With agreement, co-operation to the mutual benefit of all living in Ireland could develop without impediment, attaining its full potential for stimulating economic growth and prosperity. New arrangements could return power, authority and responsibility to locally-elected representatives in Northern Ireland on a basis acceptable to both sides of the community, enabling them to work together for the common welfare and interests of all the community. The diversity of identities and allegiances could be regarded by all as a source of mutual enrichment, rather than a threat to either side. The divisive issue of sovereignty might cease to be symbolic of the domination of one community over another. It would instead be for decision under agreed ground-rules, fair and balanced towards both aspirations, through a process of democratic persuasion governed by the principle of consent rather than by threat, fear or coercion. In such circumstances the Governments hope that the relationship between the traditions in Northern Ireland could become a positive bond of further understanding, co-operation and amity, rather than a source of contention, between the wider British and Irish democracies.

58. Accordingly the British and Irish Governments offer for consideration and strongly commend these proposals, trusting that, with generosity and goodwill, the peoples of these islands will build on them a new and lasting agreement.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF A DEFERRAL AND RESCISSIONS AFFECTING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES—MESSAGE FROM THE PRESIDENT—PM 21

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986; referred jointly to the Committee on the Budget, the Committee on Appropriations, the Committee on Finance, the Committee on Labor and Human Resources, and the Committee on Environment and Public Works; as follows:

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one revised deferral, totaling $7.3 million, and two revised rescission proposals, totaling $106.7 million.

The revised deferral affects the Department of Health and Human Services. The revised rescission proposals affect the Department of Education and the Environmental Protection Agency.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 22, 1995.*

WORKING WAGE INCREASE ACT—MESSAGE FROM THE PRESIDENT—PM 22

The PRESIDING OFFICER laid before the Senate a message from the President of the United States, a draft of proposed legislation to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rate under that act; which was referred to the Committee on Labor and Human Resources; as follows:

To the Congress of the United States:

I am pleased to transmit for your immediate consideration and enactment the ''Working Wage Increase Act of 1995.''

This draft bill would amend the Fair Labor Standards Act to increase the minimum wage in two 45 cents steps—from the current rate of $4.25 an hour to $4.70 an hour on July 4, 1995, and to $5.15 an hour after July 3, 1996. The pattern of the proposed increase is identical to that of the last increase, which passed the Congress with a broad bipartisan majority and was signed by President Bush in 1989. The first increment of the proposal simply restores the minimum wage to its real value following the change enacted in 1989.

If the Congress does not act now, the minimum wage will fall to its lowest real level in 40 years. That would dishonor one of the great promises of American life—that everyone who works hard can earn a living wage.

More than 11 million workers would benefit under this proposal, and a full-time, year-round worker at the minimum wage would get a $1,800 raise—the equivalent of 7 months of groceries for the average family.

To reform the Nation's welfare system, we should make work pay, and this legislation would help achieve that result. It would offer a raise to families that are working hard, but struggling to make ends meet. Most individuals earning the minimum wage are adults, and the average worker affected by this proposal brings home half of the family's earnings. Numerous empirical studies indicate that an increase in the minimum wage of the magnitude proposed would not have a significant impact on employment. The legislation would ensure that those who work hard and play by the rules can live with the dignity they have earned.

I urge the Congress to take prompt and favorable action on this legislation.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 13, 1995*.

MESSAGE FROM THE HOUSE

At 2:24 p.m., a message from the House of Representatives, delivered by one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 7. An act to revitalize the national security of the United States;

H.R. 667. An act to control crime by incarcerating violent criminals;

H.R. 728. An act to control crime by providing law enforcement block grants; and

H.R. 831. An act to amend the Internal Revenue Code of 1986 to permanently extend the deduction for the health insurance costs of self-employed individuals, to repeal the provision permitting nonrecognition of gain on sales and exchanges effectuating policies of the Federal Communications Commission, and for other purposes.

The message also announced that pursuant to the provisions of 22 United States Code, 1928a, the Speaker appoints the following Members to the United States Group of the North Atlantic Assembly on the part of the House: Mr. BEREUTER, Chairman, Mr. SOLOMON, Vice Chairman, Mr. REGULA, Mr. BATEMAN, Mr. BLILEY, Mr. BOEHLERT, Mrs. MEYERS of Kansas, and Mrs. ROUKEMA.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 7. An act to revitalize the national security of the United States; to the Committee on Foreign Relations.

H.R. 667. An act to control crime by incarcerating violent criminals; to the Committee on the Judiciary.

H.R. 728. An act to control crime by providing law enforcement block grants; to the Committee on the Judiciary.

H.R. 831. An act to amend the Internal Revenue Code of 1986 to permanently extend the deduction for the health insurance costs of self-employed individuals, to repeal the provision permitting nonrecognition of gain on sales and exchanges effectuating policies of the Federal Communications Commission, and for other purposes; to the Committee on Finance.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time and placed on the calendar:

S. 376. A bill to resolve the current labor dispute involving major league baseball, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on Armed Services:

General James B. Davis, United States Air Force, Retired, of Florida, to be a Member of the Defense Base Closure and Realignment Commission for a term expiring at the end of the first session of the 104th Congress, vice Beverly Butcher Byron, term expired.

Wendi Louise Steele, of Texas, to be a Member of the Defense Base Closure and Realignment Commission for a term expiring at the end of the first session of the 104th Congress, vice Harry C. McPherson, Jr., term expired.

Benjamin F. Montoya, of New Mexico, to be a Member of the Defense Base Closure and Realignment Commission for a term expiring at the end of the first session of the 104th Congress, vice Arthur Levitt, Jr., term expired.

S. Lee Kling, of Maryland, to be a Member of the Defense Base Closure and Realignment Commission for a term expiring at the end of the first session of the 104th Congress, vice Hansford T. Johnson, term expired.

Alton W. Cornella, of South Dakota, to be a Member of the Defense Base Closure and Realignment Commission for a term expiring at the end of the first session of the 104th Congress, vice Peter B. Bowman, term expired.

Rebecca G. Cox, of California, to be a Member of the Defense Base Closure and Realignment Commission for a term expiring at the end of the first session of the 104th Congress. (Reappointment)

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SIMON (for himself, Mr. COCHRAN, Mr. KENNEDY, Mr. D'AMATO, Mr. PACKWOOD, and Mr. HATFIELD):

S. 457. A bill to amend the Immigration and Nationality Act to update references in the classification of children for purposes of United States immigration laws; to the Committee on the Judiciary.

By Mr. WELLSTONE (for himself and Mr. HARKIN):

S. 458. A bill to protect the opening of the 1995 season for the hunting of migratory birds, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BOND:

S. 459. A bill to provide surveillance, research, and services aimed at prevention of birth defects, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. FORD:

S. 460. A bill to amend title 23, United States Code, to ensure equity in the extent to which businesses located near Interstate and Federal-aid primary highways may erect outdoor advertising signs, displays, and devices, and for other purposes; to the Committee on Environment and Public Works.

By Mr. GORTON:

S. 461. A bill to authorize extension of time limitation for a FERC-issued hydroelectric license; to the Committee on Energy and Natural Resources.

By Mr. FEINGOLD:

S. 462. A bill to provide for the temporary suspension of the reformulated gasoline rules under the Clean Air Act; to the Committee on Environmental and Public Works.

By Mr. BREAUX:

S. 463. A bill to amend title 28, United States Code, with respect to the treatment of certain transportation and subsistence expenses of retired judges; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SIMON (for himself, Mr. COCHRAN, Mr. KENNEDY, Mr. D'AMATO, Mr. PACKWOOD, and Mr. HATFIELD):

S. 457. A bill to amend the Immigration and Nationality Act to update references in the classification of children for purposes of U.S. immigration laws; to the Committee on the Judiciary.

LEGISLATION TO FACILITATE INTERNATIONAL ADOPTIONS

Mr. SIMON. Mr. President, I rise today to introduce legislation to help individuals trying to adopt a child from a foreign country.

The adoption landscape has changed dramatically in this country over the past 25 years. While international adoptions continue to be a small part of total U.S. adoptions—about 15 percent—thousands of Americans pursue them every year.

Our law regarding international adoption is in a state of some confusion. U.S. law requires that a child be certified as an orphan in order to be eligible for adoption by an American and for an immigrant visa to the United States. This can be accomplished in one of two ways: proof that both parents are dead or; irrevocable release by a sole parent for adoption and emigration. Under U.S. law, a sole parent is the mother of an illegitimate child. Many countries, however, have stopped using the term illegitimate, as have many States in this country. Children born in such countries to parents who are not married are now considered legitimate but born out of wedlock. Technology, these children are no longer eligible for adoption and emigration to the United States, even if the child's father has abandoned him or her.

Despite this quirk in our international adoption law, the INS until recently allowed the adoption and emigration of children who were legitimate but born out of wedlock under their native countries' laws. Last fall, however, the INS issued a new interpretation of the law that required written notice of abandonment from both biological parents. U.S. Consular offices in host countries began disapproving visa applications for children who do not fit the statutory sole parent of an illegitimate child definition, even when it was clear that the biological father had abandoned a child. Around the world, adoptions by U.S. families ground to a halt.

There is a simple and easy fix to this problem and this legislation will do just that. My bill would change the current use of legitimate and illegitimate in the section of the INS Act that defines ''child'' for immigration purposes to born out of wedlock. With this relatively simple change, we can ensure that hundreds of Americans will be able to proceed with international adoptions that are legitimate and meet the legal definitions of both a host country and of the U.S. Both INS and the State Department strongly support this bill.

I request that this legislation be printed in full in the CONGRESSIONAL RECORD.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITION OF CHILD.

Section 101(b) of the Immigration and Nationality Act (8 U.S.C. 1101(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''legitimate child'' and inserting ''child born in wedlock''; and

(B) in subparagraph (D), by striking ''an illegitimate child'' and inserting ''a child born out of wedlock''; and

(2) in paragraph (2), by striking ''an illegitimate child'' and inserting ''a child born out of wedlock''.

By Mr. WELLSTONE (for himself and Mr. HARKIN):

S. 458. A bill to protect the opening of the 1995 season for the hunting of migratory birds, and for other purposes; to the Committee on Environment and Public Works.

LEGISLATION PROTECTING THE OPENING OF THE 1995 HUNTING SEASON

Mr. WELLSTONE. Mr. President, I rise on the floor of the Senate to introduce a bill which protects the opening of the 1995 season for the hunting of migratory birds. This is a hugely important issue in my State of Minnesota and I believe in some other States as well.

Mr. President, I ask unanimous consent that a letter that I sent to Chairman ROTH, as well as the ranking minority member of the Governmental Affairs Committee, Senator JOHN GLENN, be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, February 21, 1995.

Hon. WILLIAM V. ROTH, Jr.,
Chairman.

Hon. JOHN GLENN,
Ranking Minority Member, Governmental Affairs Committee, U.S. Senate, Washington, DC.

DEAR CHAIRMAN ROTH AND RANKING MEMBER GLENN: I am writing to you regarding the regulatory moratorium bill, S. 219, to ask for your assistance in eliminating what I believe would be a harmful effect of this legislation.

As you are aware, S. 219 would impose a moratorium on governmental rulemaking retroactive to last November. While I do agree that some federal rules may be needlessly intrusive, I want to bring to your attention the extreme impact this blanket moratorium would have on my state's hunting enthusiasts.

Under the Migratory Bird Treaty Act of 1918, the hunting season is closed unless the responsible federal agency opens it by regulation. Each year the U.S. Fish and Wildlife Service completes a long, complex rulemaking that opens the waterfowl hunting season and specifies the limits of the hunt. Under S. 219, the USFWS would be delayed in proceeding with this rulemaking and in opening the season in Minnesota this fall.

As Minnesota is home to some of America's best waterfowl hunting, I must oppose any legislative measure that would limit or eliminate the annual migratory bird hunting season. As introduced, S. 219 would have the effect of delaying the 1995 migratory bird hunting season for at least a month; such a delay would be tantamount to cancellation of at least part of the season (the ''local shoot,'' when the vast majority of Minnesotans do their hunting), since Minnesota's colder climate means that the birds would likely have already migrated south.

The result would be unacceptable to Minnesotans. In Minnesota, the waterfowl hunting season is eagerly awaited by hundreds of thousands of hunting enthusiasts, in addition to being responsible for millions of dollars of economic activity. Therefore, I request that when the Governmental Affairs Committee considers this legislation, it attach an amendment to exempt from the moratorium any rulemaking necessary and appropriate to allow the annual migratory bird hunting season to go forward as usual.

Sincerely,

PAUL D. WELLSTONE,
U.S. Senator.

Mr. WELLSTONE. Let me read the relevant portions of this letter:

I am writing to you regarding the regulatory moratorium bill S. 219, to ask for your assistance in eliminating what I believe would be a harmful effect of this legislation.

As you are aware, S. 219 would impose a moratorium on governmental rulemaking retroactive to last November. While I do agree that some Federal rules may be needlessly intrusive, I want to bring to your attention the extreme impact this blanket moratorium would have on my State's hunting enthusiasts.

Under the Migratory Bird Treaty Act of 1918—

I need to be clear about this, Mr. President—

the hunting season is closed unless the responsible Federal agency opens it by regulation. Each year the U.S. Fish and Wildlife Service completes a long, complex rulemaking that opens the waterfowl hunting season and specifies the limits of the hunt. Under S. 219, the USFWS would be delayed in proceeding with this rulemaking and in opening the season in Minnesota this fall.

As Minnesota is home to some of America's best waterfowl hunting, I would oppose any legislative measure that would limit or eliminate the annual migratory bird hunting season. As introduced, S. 219 would have the effect of delaying the 1995 migratory bird hunting season for at least a month; such a delay would be tantamount to cancellation of at least part of the season (the ''local shoot,'' when the vast majority of Minnesotans do their hunting), since Minnesota's colder climate means the birds would likely have already migrated south.

Now, Mr. President, let me be crystal clear about it. This bill that I introduce today makes it clear that this moratorium on rules would include an exemption for hunting season rules. I am not talking about an exception for agency administration rules. I am simply saying that the Fish and Wildlife Service has made it crystal clear that they have to do the rule making for us to have our hunting season.

Best case scenario, it would be delayed too long a period of time for the early, local shoot, and worst-case scenario, we would not have the season.

The bill I introduce is very clear:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, notwithstanding a law that imposes a moratorium on the issuance of regulations, or any other law (except a law that specifically refers to this Act), that is in effect or comes into effect on or after the date of enactment of the Act, the Secretary of Interior may issue such regulations as are appropriate under section 3 of the Migratory Bird Treaty Act to establish the framework for and to open the migratory hunting season for 1995.

Mr. President, some Senators have said there is no problem. But we are lawmakers. And we have to be crystal clear in our language. Sometimes haste makes waste. As I look at S. 219 right now, there is absolutely no provision whatever in this piece of legislation which makes it clear that Fish and Wildlife Service will be able to go forward with the rulemaking so we will have this hunting season.

Mr. President, there are at least 100,000 active duck hunt participants each year in Minnesota—100,000. And as many as 170,000 in a good year. And the DNR officials estimate that waterfowl hunting directly contributes between $35 to $40 million each year to the Minnesota economy. Tim Bermicker, section chief of the Minnesota Department of Natural Resources, summed up this issue better than I ever could: ''Duck hunting is more than just an annual event. It is the cherished way of life in Minnesota, part of the fabric of the State.''

I just say, Mr. President, I fully expect for there to be a debate on this bill. But with some Senators haste makes waste and some may have moved forward too quickly on this blanket moratorium and did not take this into account with their current legislation. I am fully prepared to be a part of this debate.

I see no reason why my bill cannot be accepted as an amendment at the markup of this piece of legislation in committee, and there is absolutely on my part as a Senator from Minnesota a commitment to make sure that we get the language to make it clear that the rulemaking goes forward so we have this hunt, so that we have our duck hunting season.

Now, other Senators have said there is nothing to worry about. There will not be anything to worry about when we get our language included and make the exemption clear. There will not be anything to worry about when we do our work as legislators. But I will not accept word of mouth assurances, or arguments that all this is scare tactics.

What I know is what I read in the legislation. I am a legislator. I understand legislation. And I know right now we do not have the necessary language that will enable the agency to go forward with this hunting season or the necessary language to make sure that Minnesotans will be able to fully participate.

This bill I introduced today is extremely important, and it is my fervent hope that the language in this bill will find its way into what happens on the House side and what also happens in the U.S. Senate. This is no small issue, and it is a perfect example of what happens when we are not careful in the legislative work that we do.

By Mr. BOND:

S. 459. A bill to provide surveillance, research, and services aimed at prevention of birth defects, and for other purposes; to the Committee on Labor and Human Resources.

BIRTH DEFECTS PREVENTION ACT

Mr. BOND. Mr. President, birth defects are the leading cause of infant death in this country, and a national research and prevention strategy is desperately needed. The infant mortality rate in the United States is higher than in most other industrialized nations and higher than some Third World countries. One out of every five infant deaths results from a birth defect. Birth defects cause more infant deaths in this country than any other single factor. In Missouri, birth defects account for 21 percent of total infant deaths.

Today, I am introducing the Birth Defects Prevention Act. This bill lays out a national strategy to prevent birth defects. Congressman SOLOMON ORTIZ is simultaneously introducing this bill in the other body.

In 1991, I introduced the Families in Need Act, S. 1380, to address many important health, nutrition, and housing needs of families in crises. In that bill, I proposed efforts that would lead to a coordinated effort to reduce the incidence of birth defects. Simultaneously, I worked in the Appropriations Committee to obtain funding for this effort at the Centers for Disease Control and Prevention. This funding is the basis for CDCP's efforts in this area today. This bill is a continuation of efforts in this area.

More than 100,000 children are born each year with a serious birth defect. Many more children have serious disorders from a birth defect that are discovered later in life. Birth defects are the leading cause of disability in infants who survive their first birthday. Infants of all races, economic classes, and in every State are at risk. This is a serious public health problem.

More children die before their first birthday because of birth defects than from any other cause. More infant deaths result from birth defects than from prematurity and low birth weight. In 10 States, over 25 percent of infant deaths were caused by birth defects. Birth defects are also a leading cause of childhood disability that leads to a lifelong suffering. This is a serious problem that has a terrible impact on the well-being of many children in our Nation.

It may surprise you to learn that the United States has no coordinated strategy for reducing the incidence of birth defects. It is shocking how few resources are devoted to preventing this devastating problem. That must change.

A tragic situation in the State of Texas a few years ago exemplifies how the lack of a coordinated birth defects prevention strategy can affect a community. The result was a delayed response to an outbreak of birth defects and the needless cost of innocent lives. In the incident in Texas, health professionals observed that six infants were born with anencephaly over a 6-week period. Anencephaly is a fatal birth defect in which the infant is born without a brain.

The Texas Department of Health conducted a thorough study after this information was reported. This study revealed that, since 1989, at least 30 infants in south Texas had been born without any or with very little brain tissue. However, like many States, Texas does not have a birth defects surveillance program. As a result, the severity of the problem was not recognized until the incidence of anencephaly was so high that it was difficult to miss. It is only because so many infants were born without any brain tissue that this terrible catastrophe was discovered.

This tragic story from south Texas underlines the need for a coordinated national effort to research the causes of birth defects and develop prevention strategies. Infants are being born today somewhere in America with serious birth defects that could have been prevented. Without a coordinated surveillance system, we may not discover these defects and discover how to prevent them.

Many birth defects are preventable. Tragically, many opportunities at prevention are missed because few States have prevention strategies.

One example of a serious, yet preventable, birth defect is fetal alcohol syndrome or FAS. Pregnant mothers cause FAS when alcoholic beverages are consumed. Fetal alcohol syndrome is a leading cause of mental retardation. It affects an estimated 8,000 newborns each year plus, 36,000 who suffer a related set of birth defects. It is completely preventable.

Neural tube defects are one of the top three causes of birth defects that result in the death of the infant. Neural tube defects are severe defects of the brain and spinal cord. They include spina bifida and anencephaly. This birth defect is also preventable. The majority of neural tube defects could be prevented through the consumption of a simple folic acid vitamin supplement by pregnant women and women of childbearing age.

The Birth Defects Prevention Act lays out a strategy to prevent children from being born with defects and to find possible cures for those already afflicted with certain defects.

Under this bill a national birth defects surveillance and prevention research system would be established. Regional birth defects research programs would be established as centers of excellence to provide the comprehensive surveillance data and epidemiological research needed to study clusters of birth defects, identify their causes, and develop and evaluate prevention efforts. Such centers also would provide training and education to health professionals. The surveillance and monitoring of birth defects would be carried out using vital records, hospital records, and other data while protecting privacy.

This bill would develop and implement birth defects prevention and intervention programs. When the cause of a birth defect is known, we must have a prevention strategy. This bill would authorize prevention demonstration programs to develop new strategies to reduce the incidence of birth defects. This bill would also provide funding and technical assistance to State health departments to implement programs of proven effectiveness and safety in prevention of birth defects.

And finally, this bill would broaden public and professional awareness of birth defects and prevention opportunities. To do this, a clearinghouse at the Centers for Disease Control would be established for the collection, storage, and interpretation of data generated from State birth defects surveillance programs and regional birth defects centers. This bill would also enhance public information and education programs for the prevention of birth defects, such as programs using folic acid vitamin supplementation to prevent spina bifida and alcohol avoidance strategies to prevent fetal alcohol syndrome.

Without a strategy to discover the causes of birth defects and prevent them, the terrible tragedy of birth defects will continue. Too few resources are devoted to reducing birth defects which are the leading cause of infant

morality. We cannot reach the national goal of reducing infant morality to 7 death per 1,000 live births by the year 2000 without a national birth defects prevention strategy.

The March of Dimes has done such important and tireless work toward the prevention of birth defects. This country and its children certainly owe the March of Dimes a heartfelt thank you. In particular, Kay Johnson and Vivian Gabore of the March of Dimes staff deserve a special thank you for their seemingly never-ending efforts to get the Birth Defects Prevention Act passed. It is their research, study, and work that has resulted in this bill, and I am exceedingly grateful to them.

In addition to the March of Dimes, this bill also has the endorsement of 18 organizations, including the American Academy of Pediatrics, the American Public Health Association, the Epilepsy Foundation, the National Easter Seal Society, the Spina Bifida Association, and many others.

I ask unanimous consent that a summary of the bill be printed in the RECORD.

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

THE BIRTH DEFECTS PREVENTION ACT

PURPOSE

To prevent birth defects by developing and implementing new prevention strategies, targeting research into the causes of birth defects, monitoring the incidence of clusters of birth defects, and increasing the collection of national data on birth defects.

THE NEED

More children die from birth defects in the first year of life in the U.S. than from any other cause including prematurity and low birth weight. Birth defects are also a leading cause of childhood disability. Each year, over 100,000 children are born with serious defects, and many more are found later in life to have disorders. Medical care and special education made necessary by birth defects cost billions of dollars each year.

Recent research shows that a significant proportion of common birth defects are preventable, although the causes of most birth defects remain unknown. Few states have prevention strategies and many opportunities are being missed. Despite the fact that birth defects are the leading cause of infant mortality, research and prevention has not received priority attention.

ESTABLISH A NATIONAL BIRTH DEFECTS SURVEILLANCE AND PREVENTION RESEARCH SYSTEM

A. Establish regional birth defects research programs as ''centers of excellence'' to provide the comprehensive surveillance data and epidemiologic research needed to study clusters of birth defects, identify their causes, and develop and evaluate prevention efforts. Such centers also would provide training and education to health professionals.

B. Improve the surveillance and monitoring of birth defects using vital records, hospital records and other data.

DEVELOP AND IMPLEMENT BIRTH DEFECTS PREVENTION AND INTERVENTION PROGRAMS

A. Authorize demonstration projects for the prevention of birth defects to develop new strategies to reduce the incidence of birth defects.

B. Providing funding and technical assistance to state health departments to implement programs of proven effectiveness and safety in prevention of birth defects.

BROADEN PUBLIC AND PROFESSIONAL AWARENESS OF BIRTH DEFECTS AND PREVENTION OPPORTUNITIES

A. Establish a clearinghouse at the Centers for Disease Control for the collection, storage, and interpretation of data generated from state birth defects surveillance programs and regional birth defects centers.

B. Establish an Advisory Committee for Birth Defects Prevention to gather the views and recommendations of experts.

C. Enhance public information and education programs for the prevention of birth defects, such as programs using folic acid vitamin supplementation to prevent spina bifida and alcohol avoidance strategies to prevent Fetal Alcohol Syndrome (FAS).

By Mr. FORD:

S. 460. A bill to amend title 23, United States Code, to ensure equity in the extent to which businesses located near Interstate and Federal-aid primary highways may erect outdoor advertising signs, displays, and devices, and for other purposes; to the Committee on Environment and Public Works.

HIGHWAY ADVERTISING EQUITY ACT

Mr. FORD. Mr. President, today I am introducing Senate Bill 460, entitled Highway Advertising Equity Act, to amend section 131 of title 23, United States Code. Enacted on August 28, 1958, 23 U.S.C. 131, Control of Outdoor Advertising, was designed to protect public investment, promote safety and recreational value, and preserve natural beauty along the interstate system. Therefore, the statute reflects a socioeconomic and demographic environment of 36 years ago.

Roadways that were once rural, narrow, and sparsely populated are now multilane highways bordered with burgeoning businesses and linking the Nation in a well-traveled web. This growth in commercial and industrial use areas has increased the need to inform the motoring public of available services, food, lodging, and attractions of special interest.

Current law allows only on-premises advertising by business owners whose property is adjacent to the interstate system. Restricting advertising to owners of businesses adjacent to the interstate system to advertise on-premise services discriminates against property owners in the same commercial area who wish to advertise off-premise services near the interstate system.

Commercial and industrial areas have expanded beyond the properties which were once only found adjacent to interstate systems. However, the need for businesses, no matter where they are located, to advertise along the interstate system is imperative to their success.

Senate bill 460 is offered to bring the law up to date with the needs of our growing business communities. I think it is fitting that we address this issue in today's environment where the Federal Government has said it intends to give more power back to the localities and stop placing mandates on middle class Americans who spend everyday honestly trying to make a decent living for their family.

By Mr. FEINGOLD:

S. 462. A bill to provide for the temporary suspension of the reformulated gasoline rules under the Clean Air Act; to the Committee on Environment and Public Works.

REFORMULATED GASOLINE REQUIREMENTS

Mr. FEINGOLD. Mr. President, I rise today to introduce legislation to temporarily suspend enforcement of the reformulated gas requirements as mandated by the Clean Air Act Amendments of 1990. I do so, Mr. President, as a supporter of the Clean Air Act, the reformulated fuels program, and of the Environmental Protection Agency. However, the situation over the past few weeks in Milwaukee, since the introduction of reformulated fuel on January 1, 1995, has caused me great concern. In introducing this measure, I am joined today by two of my colleagues in the other body, Representative KLECZKA and Representative BARRETT, who have introduced similar legislation.

The EPA Regional Office in Chicago has received at least a thousand calls from individuals in Milwaukee who are experiencing problems using reformulated fuels. During the first week of February, 1995 phone calls to my Milwaukee office were coming in at rates of 5–8 per hour, and several hundred constituents have contacted me to share their experiences. Among the concerns that these individuals express, and of primary concern to me, is that this gasoline is making them ill. Additionally, Mr. President, citizens of Milwaukee want to know what the EPA knows about how the gasoline will perform both in their cars and in two stroke-engines such as snow blowers and snowmobiles, when the price, which is currently running between 10 and 15 cents more than regular gas will come down, and how to identify the various blends of gasoline at the pump. I wrote to Administrator Browner on February 10, 1995 expressing these concerns and have not yet received a response.

While price and performance are significant problems that need to be examined, the health of the citizens of Milwaukee, Mr. President, simply cannot wait. Administrator Browner, in a meeting with the Wisconsin delegation last Friday, February 17, 1995, announced that the Agency would not make a final decision on suspending the fuels until after they went to Wisconsin. The Agency believes, Mr. President, that Wisconsin's problems could best be addressed by switching fuels among different reformulated blends.

In response to the calls and inquiries from the Wisconsin delegation and Governor Thompson, and in line with the EPA's announced position, the Agency did hold a public meeting in

Milwaukee this past Monday, February 20, 1995 on reformulated gasoline. The Milwaukee Sentinel reported that more than 400 people showed up for the meeting, overflowing the room. The Agency has pledged to say in Wisconsin as long as it takes to address my constituents' concerns.

It seems, Mr. President, that these concerns are significant and that the Agency should suspend its enforcement of the rule until it completes its on the ground assessment, particularly while people's health is potentially at risk. Gasoline blended with three different oxygenates is being sold in Milwaukee, some containing MTBE derived from methane, some containing ETBE derived from ethanol and natural gas, and some containing ethanol. The EPA knows from more than $2 million in health studies, Mr. President, that one of the oxygenates, MTBE, has the potential to produce both cancer and other health effects—and the jury is still out on the ethanol blends. The current data that the Agency has on Milwaukee's overall air quality and on specific situations my constituents face every day such as refueling, riding inside their cars, and having their vehicles sit in enclosed garages, is too limited for a quantitive estimate of population exposure to the host of oxygenates used in the six county area. At best, the data have been used to estimate a broad range of potential exposures. However, Mr. President, we are no longer in a potential exposure situation—people are putting this stuff into their tanks.

While I understand that actual epidemiological experiences in Milwaukee may be difficult for EPA to interpret, I cannot as a responsible policymaker rule out the fact that Milwaukee's topography and temperature results in exposures in my State that are different than the other parts of the country. I also understand, Mr. President, that Milwaukee is not alone in experiencing problems with reformulated fuels. Several of the nine other cities required to use the fuels are facing similar concerns.

I believe that these requirements should be suspended until the health concerns can be fully investigated. I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 462

SECTION 1. SUSPENSION OF REFORMULATED GASOLINE RULES.

Upon the enactment of this Act, the Environmental Protection Agency rules under section 211(k) of the Clean Air shall be suspended. Such suspension shall remain in effect until such time as the Administrator—

(1) demonstrates, after notice and opportunity for hearing, that reformulated gasoline manufactured and distributed in accordance with such rules does not cause adverse health effects; or

(2) revises such rules to eliminate any such adverse health effects, and submits a report to the appropriate committees of Congress setting forth the steps taken under paragraph (1) or (2).

ADDITIONAL COSPONSORS

S. 3

At the request of Mr. HATCH, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 3, a bill to control crime, and for other purposes.

S. 38

At the request of Mr. HATCH, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 38, a bill to amend the Violent Crime Control and Law Enforcement Act of 1994, and for other purposes.

S. 219

At the request of Mr. NICKLES, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 219, a bill to ensure economy and efficiency of Federal Government operations by establishing a moratorium on regulatory rulemaking actions, and for other purposes.

S. 252

At the request of Mr. LOTT, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 252, a bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

S. 254

At the request of Mr. LOTT, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of S. 254, a bill to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II.

S. 275

At the request of Mr. GRASSLEY, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 275, a bill to establish a temporary moratorium on the Interagency Memorandum of Agreement Concerning Wetlands Determinations until enactment of a law that is the successor to the Food, Agriculture, Conservation, and Trade Act of 1990, and for other purposes.

S. 277

At the request of Mr. D'AMATO, the name of the Senator from Wyoming [Mr. THOMAS] was added as a cosponsor of S. 277, a bill to impose comprehensive economic sanctions against Iran.

S. 303

At the request of Mr. LIEBERMAN, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 303, a bill to establish rules governing product liability actions against raw materials and bulk component suppliers to medical device manufacturers, and for other purposes.

S. 343

At the request of Mr. DOLE, the names of the Senator from Wyoming [Mr. THOMAS], the Senator from Texas [Mr. GRAMM], the Senator from Florida [Mr. MACK], the Senator from New Hampshire [Mr. GREGG], and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 343, a bill to reform the regulatory process, and for other purposes.

S. 356

At the request of Mr. SHELBY, the names of the Senator from New Hampshire [Mr. GREGG] and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of S. 356, a bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States.

S. 360

At the request of Mr. SMITH, the names of the Senator from New Hampshire [Mr. GREGG] and the Senator from Idaho [Mr. CRAIG] were added as cosponsors of S. 360, a bill to amend title 23, United States Code, to eliminate the penalties imposed on States for noncompliance with motorcycle helmet and automobile safety belt requirements, and for other purposes.

S. 381

At the request of Mr. HELMS, the names of the Senator from Connecticut [Mr. LEIBERMAN], the Senator from Virginia [Mr. WARNER], and the Senator from Oklahoma [Mr. NICKLES] were added as cosponsors of S. 381, a bill to strengthen international sanctions against the Castro government in Cuba, to develop a plan to support a transition government leading to a democratically elected government in Cuba, and for other purposes.

S. 425

At the request of Mr. ROCKEFELLER, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 425, a bill to amend title 38, United States Code, to require the establishment in the Department of Veterans Affairs of mental illness research, education, and clinical centers, and for other purposes.

SENATE CONCURRENT RESOLUTION 3

At the request of Mr. SIMON, the names of the Senator from Colorado [Mr. CAMPBELL], the Senator from Florida [Mr. MACK], and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of Senate Concurrent Resolution 3, a concurrent resolution relative to Taiwan and the United Nations.

AMENDMENT NO. 274

At the request of Mrs. FEINSTEIN, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of amendment No. 274 intended to be proposed to House Joint Resolution 1, a joint resolution proposing a balanced budget amendment to the Constitution of the United States.

AMENDMENTS SUBMITTED

BALANCED BUDGET AMENDMENT

CONRAD AMENDMENT NO. 297

(Ordered to lie on the table.)

Mr. CONRAD submitted an amendment intended to be proposed by him, to the joint resolution (H.J. Res. 1) proposing a balanced budget amendment to the Constitution of the United States; as follows:

On page 2, strike line 18 and all that follows through line 25, and insert the following:

''SECTION 5. The Congress may waive the provisions of this article for any fiscal year in which—

''(1) a declaration of war is in effect;

''(2) 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; or

''(3) the United States suffers from a serious economic recession that causes an imminent and serious threat to the nation's economy and is so declared by a joint resolution adopted by a majority of the whole number of each House, which becomes law.

GRAHAM AMENDMENT NO. 298

(Ordered to lie on the table.)

Mr. GRAHAM submitted an amendment intended to be proposed by him to the joint resolution, House Joint Resolution 1, supra; as follows:

On page 2, line 8, after ''increased,'' insert ''except for increases in the limit on the debt of the United States held by the public to reflect net redemptions from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund,''.

NUNN AMENDMENTS NOS. 299–300

(Ordered to lie on the table.)

Mr. NUNN submitted two amendments intended to be proposed by him to the joint resolution, House Joint Resolution 1, supra; as follows:

AMENDMENT NO. 299

On page 2, strike lines 18 through 25 and insert the following:

''SECTION 5. The provisions of this article shall not apply to any fiscal year—

''(1) if at any time during that fiscal year the United States is in a state of war declared by the Congress pursuant to section 8 of article I of this Constitution; or

''(2) if, with respect to that fiscal year, the Senate and the House of Representatives agree to a concurrent resolution stating, in substance, that a national economic emergency requires the suspension of the application of this article for that fiscal year.

In exercising its power under paragraph (2) of this section, the Senate and House of Representatives shall take into consideration the extent and rate of industrial activity, unemployment, and inflation, and such other factors as they deem appropriate.

AMENDMENT NO. 300

On page 3, line 3, after the period insert ''The power of any court to order relief pursuant to any case or controversy arising under this article shall not extend to ordering any remedies other than a declaratory judgment or such remedies as are specifically authorized in implementing legislation pursuant to this section.''.

BYRD AMENDMENT NO. 301

(Ordered to lie on the table.)

Mr. BYRD submitted an amendment intended to be proposed by him to the joint resolution, House Joint Resolution 1, supra; as follows:

On page 3, line 8, strike ''principal.'' and insert ''principal and those for law enforcement and the reduction and prevention of violent crime.''.

LEAHY (AND OTHERS) AMENDMENT NO. 302

(Ordered to lie on the table.)

Mr. LEAHY (for himself, Mr. DASCHLE, and Mr. BUMPERS) submitted an amendment intended to be proposed by him to the joint resolution, House Joint Resolution 1, supra; as follows:

On page 1, lines 4 and 5, strike ''is proposed as an amendment to the Constitution of the United States, which'' and inserting ''shall be proposed as an amendment to the Constitution of the United States and submitted to the States for ratification upon the completion by the General Accounting Office of a detailed analysis of the impact of the article on the economy and budget of each State and''.

WELLSTONE AMENDMENTS NOS. 303–305

(Ordered to lie on the table.)

Mr. WELLSTONE submitted three amendments intended to be proposed by him to the joint resolution, House Joint Resolution 1, supra; as follows:

AMENDMENT NO. 303

At the end of the article add the following:

''SECTION . The provisions of this article may be waived if a majority of the whole number of each House of Congress determines that compliance with the first clause of Section 1 would result in significant reductions in assistance to students who want an opportunity to attend college.''

AMENDMENT NO. 304

At the end of the article, add the following:

''SECTION . The provisions of this article may be waived if a majority of the whole number of each House of Congress determines that compliance with the first clause of Section 1 would result in an increase in the number of hungry or homeless children.''

AMENDMENT NO. 305

At the end of the article, add the following:

''SECTION . The provisions of this article may be waived if a majority of the whole number of each House of Congress determines that compliance with the first clause of Section 1 would result in—

''(a) significant reductions in the quality of, or access to, health care for veterans, or

''(b) significant reductions in compensation provided to veterans for service-connected illnesses or injuries.''

ROCKEFELLER (AND OTHERS) AMENDMENT NO. 306

(Ordered to lie on the table.)

Mr. ROCKEFELLER (for himself, Mr. DASCHLE, Mr. AKAKA, and Mr. WELLSTONE) submitted an amendment intended to be proposed by them to the joint resolution, House Joint Resolution 1, supra; as follows:

At the end of section 6, add the following: ''However, no legislation to enforce or implement this Article may impair any payment or other benefit based upon a death or disability incurred in, or aggravated by, service in the Armed Forces if such payment or other benefit was earned under a program established before the ratification of this Article.''.

PRYOR AMENDMENT NO. 307

(Ordered to lie on the table)

Mr. PRYOR submitted an amendment intended to be proposed by him to the joint resolution, House Joint Resolution 1, supra; as follows:

On page 3, between lines 8 and 9, insert the following:

''SEC. 8. It is the intent of Congress that each State should, as a part of its ratification process, submit to Congress recommendations for reductions in direct and indirect Federal funds provided to the State and its residents (based on the State's allocation of Federal funds) necessary to balance the State's share of the Federal deficit.

FEINSTEIN (AND OTHERS) AMENDMENT NO. 308

(Ordered to lie on the table.)

Mrs. FEINSTEIN (for herself, Mr. FORD, Mr. HOLLINGS, Mr. BUMPERS, Ms. MIKULSKI, Mr. KOHL, Mr. MCCAIN, Mr. HARKIN, Mr. DASCHLE, Mr. DORGAN, and Mr. GRAHAM) submitted an amendment intended to be proposed by them to the joint resolution, House Joint Resolution 1, supra; as follows:

Strike all after the resolving clause and insert the following: ''That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission to the States for ratification:

''ARTICLE —

''SECTION 1. Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

''SECTION 2. The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

''SECTION 3. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year in which total outlays do not exceed total receipts.

''SECTION 4. No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

''SECTION 5. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

''SECTION 6. The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.

''SECTION 7. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal. The receipts (including attributable interest) and outlays of the Federal Old–Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund used to provide old age, survivors, and disabilities benefits shall not be counted as receipts or outlays for purposes of this article.

''SECTION 8. This article shall take effect beginning with fiscal year 2002 or with the second fiscal year beginning after its ratification, whichever is later.''.

LEVIN AMENDMENTS NOS. 309–311

(Ordered to lie on the table.)

Mr. LEVIN submitted three amendments intended to be proposed by him to the joint resolution, House Joint Resolution 1, supra; as follows:

AMENDMENT NO. 309

Strike all after ''*Assembled*'' and insert the following: ''(two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-forths of the several states within seven years after the date of its submission to the States for ratification:

ARTICLE —

SECTION 1. Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

SECTION 2. The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

SECTION 3. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year, in which the total outlays do not exceed total receipts.

SECTION 4. No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

SECTION 5. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security, or if pursuant to the legislation referred to in Section 6 the Congress determines an economic emergency exists, and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

SECTION 6. The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts. No court shall have the power to order relief pursuant to any case or controversy arising under this article, except as may be specifically authorized in implementing legislation pursuant to this section.

SECTION 7. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except those for repayment of debt principal. The receipts (including attributable interest) and outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund used to provide old age, survivors and disabilities benefits shall not be counted as receipts or outlays for purposes of this article.

SECTION 8. Nothing in this article shall authorize the President to impound funds appropriated by Congress by law, or to impose taxes, duties, or fees.

SECTION 9. This article shall take effect beginning with fiscal year 2002 or with the second fiscal year beginning after its ratification, whichever is later.''

AMENDMENT NO. 310

On page 2, line 17, after ''roll call vote'', insert ''except that if the whole number of the Senate is equally divided, the Vice President shall have a vote''.

On page 2, line 25, after ''of each House'', insert '', except that if the whole number of the Senate is equally divided, the Vice President shall have a vote, ''.

AMENDMENT NO. 311

On page 2, line 17, after ''roll call vote'', insert ''except that if the whole number of the Senate is equally divided, the Vice President shall have no vote''.

On page 2, line 25, after ''of each House'', insert '', except that if the whole number of the Senate is equally divided, the Vice President shall have no vote, ''.

DASCHLE AMENDMENTS NOS. 312–313

(Ordered to lie on the table.)

Mr. DASCHLE submitted two amendments intended to be proposed by him to the joint resolution, House Joint Resolution 1, supra; as follows:

AMENDMENT NO. 312

Strike all after the resolving clause and insert the following: ''That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission to the States for ratification. The article shall be submitted to the States upon the adoption of a concurrent resolution as described in section 9 of the article. The article is as follows:

''ARTICLE —

''SECTION 1. Upon the adoption by the Congress of a concurrent resolution on the budget establishing a budget plan to balance the budget as required by this article, and containing the matter required by section 9, total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

''SECTION 2. The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

''SECTION 3. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year in which total outlays do not exceed total receipts.

''SECTION 4. No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

''SECTION 5. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

''SECTION 6. The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.

''SECTION 7. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal. The receipts (including attributable interest) and outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund used to provide old age, survivors, and disabilities benefits shall not be counted as receipts or outlays for purposes of this article.

''SECTION 8. This article shall take effect beginning with fiscal year 2002 or with the second fiscal year beginning after its ratification, whichever is later.

''SECTION 9. (a) In order to carry out the purposes of this article, the Congress shall adopt a concurrent resolution setting forth a budget plan to achieve a balanced budget (that complies with this article) not later than the first fiscal year required by this article as follows:

''(1) a budget for each fiscal year beginning with fiscal year 1996 and ending with that first fiscal year (required by this article) containing—

''(A) aggregate levels of new budget authority, outlays, revenues, and the deficit or surplus;

''(B) totals of new budget authority and outlays for each major functional category;

''(C) new budget authority and outlays, on an account-by-account basis, for each account with actual outlays or offsetting receipts of at least $100,000,000 in fiscal year 1994; and

''(D) an allocation of Federal revenues among the major sources of such revenues;

''(2) a detailed list and description of changes in Federal law (including laws authorizing appropriations or direct spending and tax laws) required to carry out the plan and the effective date of each such change; and

''(3) reconciliation directives to the appropriate committees of the House of Representatives and Senate instructing them to submit legislative changes to the Committee on the Budget of the House or Senate, as the case may be, to implement the plan set forth in the concurrent resolution.

''(b) The directives required by subsection (a)(3) shall be deemed to be directives within the meaning of section 310(a) of the Congressional Budget Act of 1974. Upon receiving all legislative submissions from committees under subsection (a)(3), each Committee on the Budget shall combine all such submissions (without substantive revision) into an omnibus reconciliation bill and report that bill to its House. The procedures set forth in section 310 shall govern the consideration of that reconciliation bill in the House of Representatives and the Senate.

''(c) The budget plan described in subsection (a) shall be based upon Congressional Budget Office economic and technical assumptions and estimates of the spending and revenue effects of the legislative changes described in subsection (a)(2).''.

AMENDMENT NO. 313

Strike all after the resolving clause and insert the following: ''That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission to the States for ratification. The article shall be submitted to the States upon the adoption of a concurrent resolution as described in section 10 of the article. The article is as follows:

''ARTICLE —

''SECTION 1. Upon the adoption by the Congress of a concurrent resolution on the budget establishing a budget plan to balance the budget as required by this article, and containing the matter required by section 10, total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

''SECTION 2. The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

''SECTION 3. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year in which total outlays do not exceed total receipts.

''SECTION 4. No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

''SECTION 5. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, which becomes law, or if pursuant to the legislation referred to in Section 6 the Congress determines an economic emergency exists, and is so declared by a joint resolution adopted by a majority of the whole number of each House, which becomes law.

''SECTION 6. The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts. No court shall have the power to order relief pursuant to any case or controversy arising under this article, except as may be specifically authorized in implementing legislation pursuant to this section.

''SECTION 7. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal and those dedicated to a capital budget.

''The capital budget shall include only major public physical capital investments. For each fiscal year, the capital budget shall not exceed an amount equal to 10 percent of the total outlays for that year which amount shall not be counted for purposes of section 2. Three-fifths of each House may provide by law for a capital budget in excess of 10 percent for a fiscal year.

''The receipts (including attributable interest) and outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund used to provide old age, survivors, and disabilities benefits shall not be counted as receipts or outlays for purposes of this article.

''SECTION 8. Nothing in this article shall authorize the President to impound funds appropriated by Congress by law, or to impose taxes, duties, or fees.

''SECTION 9. This article shall take effect beginning with fiscal year 2002 or with the second fiscal year beginning after its ratification, whichever is later.

''SECTION 10. (a) In order to carry out the purposes of this article, the Congress shall adopt a concurrent resolution setting forth a budget plan to achieve a balanced budget (that complies with this article) not later than the first fiscal year required by this article as follows:

''(1) a budget for each fiscal year beginning with fiscal year 1996 and ending with that first fiscal year (required by this article) containing—

''(A) aggregate levels of new budget authority, outlays, revenues, and the deficit or surplus;

''(B) totals of new budget authority and outlays for each major functional category;

''(C) new budget authority and outlays, on an account-by-account basis, for each account with actual outlays or offsetting receipts of at least $100,000,000 in fiscal year 1994; and

''(D) an allocation of Federal revenues among the major sources of such revenues;

''(2) a detailed list and description of changes in Federal law (including laws authorizing appropriations or direct spending and tax laws) required to carry out the plan and the effective date of each such change; and

''(3) reconciliation directives to the appropriate committees of the House of Representatives and Senate instructing them to submit legislative changes to the Committee on the Budget of the House or Senate, as the case may be, to implement the plan set forth in the concurrent resolution.

''(b) The directives required by subsection (a)(3) shall be deemed to be directives within the meaning of section 310(a) of the Congressional Budget Act of 1974. Upon receiving all legislative submissions from committees under subsection (a)(3), each Committee on the Budget shall combine all such submissions (without substantive revision) into an omnibus reconciliation bill and report that bill to its House. The procedures set forth in section 310 shall govern the consideration of that reconciliation bill in the House of Representatives and the Senate.

''(c) The budget plan described in subsection (a) shall be based upon Congressional Budget Office economic and technical assumptions and estimates of the spending and revenue effects of the legislative changes described in subsection (a)(2).''.

KERRY AMENDMENT NO. 314

(Ordered to lie on the table.)

Mr. KERRY submitted an amendment intended to be proposed by him to the joint resolution, House Joint Resolution 1, supra; as follows:

On page 2, beginning on line 3, strike ''year, unless'' and all that follows through line 11 on page 3, and insert the following: ''year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

''SECTION 2. The limit on the debt of the United States held by the public shall not be increased unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

''SECTION 3. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year, in which total outlays do not exceed total receipts.

''SECTION 4. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

''SECTION 5. The provisions of this article may be waived for any fiscal year during which the United States experiences serious economic distress or a natural or manmade disaster the injurious effects of which are likely to be exacerbated by adherence to this article, and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

''SECTION 6. The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.

''SECTION 7. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal.

''SECTION 8. This article shall take effect beginning with fiscal year 2002 or with the second fiscal year beginning after its ratification, whichever is later.''.

HOLLINGS AMENDMENT NO. 315

(Ordered to lie on the table.)

Mr. HOLLINGS submitted an amendment intended to be proposed by him to the joint resolution, House Joint Resolution 1, supra; as follows:

Strike all after the resolving clause and insert the following: ''That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission to the States for ratification:

''ARTICLE —

''SECTION 1. Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

''SECTION 2. The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

''SECTION 3. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year in which total outlays do not exceed total receipts.

''SECTION 4. No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

''SECTION 5. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

''SECTION 6. The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.

''SECTION 7. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal and those dedicated to a capital budget. The capital budget shall include only major public physical capital investments. For each fiscal year, outlays dedicated to the capital budget shall not exceed an amount equal to 10 percent of the total outlays for that year, which amount shall not be counted for purposes of section 2. Three-fifths of each House may provide by law for capital budget outlays in excess of 10 percent for a fiscal year.

''Total receipts shall include all receipts of the United States Government except those derived from borrowing and the disposition of major public physical capital assets.

''SECTION 8. The receipts (including attributable interest) and outlays of the Federal Old–Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund used to provide old age, survivors, and disabilities benefits shall not be counted as receipts or outlays for purposes of this article.

''SECTION 9. This article shall take effect beginning with fiscal year 2002 or with the second fiscal year beginning after its ratification, whichever is later.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 11 a.m. on Wednesday, February 22, 1995, in closed session, to vote on the nominations of the Base Closure and Realignment Commission.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, February 22, 1995, to conduct a hearing on the Federal Reserve's first monetary policy report for 1995.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Wednesday, February 22, 1995, at 9:30 a.m. for a hearing on S. 219, the Regulatory Transition Act of 1995.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on Ryan White Care Act reauthorization, during the session of the Senate on Wednesday, February 22, 1995 at 9:30 a.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. HATCH. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, February 22, 1995 at 2 p.m. to hold a closed hearing on Intelligence matters.

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

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on Administrative Oversight and the Courts, U.S. Senate Committee on the Judiciary, be authorized to meet during a session of the Senate on Wednesday, February 22, 1995, at 9:30 a.m., in Senate Dirksen room 226, on S. 343, the Comprehensive Regulatory Reform Act of 1995 and regulatory relief.

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

ADDITIONAL STATEMENTS

THROWING SAND IN SOCIETY'S MACHINERY

• Mr. SIMON. Mr. President, Jim Wright served as Speaker of the House of Representatives and, prior to that, majority leader of the House.

I had the privilege of working with him on a number of things and found him to be a genuine leader, not just someone who holds the title of leader.

Not long ago, I read a reference about a column that he had done for the Fort Worth Star Telegram on the subject of civility.

I wrote to him and asked for a copy of a column, and it is the kind of enlightened common sense that you would expect from Jim Wright.

The first paragraph of his column sums up our situation beautifully:

Civility. The word is little used these days, the quality it describes too little practiced. It is a necessary lubricating oil for the machinery of a free society. In its absence, the gears of democracy grind in noisy dissonance to a screeching halt.

I ask that the entire Jim Wright column be printed in the RECORD.

The column follows:

[From the Fort Worth Star-Telegram, Oct. 23, 1994]

THROWING SAND IN SOCIETY'S MACHINERY

Civility. The word is little used these days, the quality it describes too little practiced. It is the necessary lubricating oil for the machinery of a free society. In its absence, the gears of democracy grind in noisy dissonance to a screeching halt.

Webster's New Twentieth Century Dictionary defines civility as the state of being civilized. Its marks, the dictionary notes, are politeness, consideration, courtesy. The modern term grew from a Latin word, civilitas. In its original form, it signified ''the art of government.''

The preservation of liberties—free speech, free press, free religious expression—has always exacted a price. Part of that price is civility, respect for the institutions of our government and fellow citizens with whom we disagree. Deprived of its oxygen, the lungs of a democratic society would ultimately collapse.

Too much of what passes for debate in this election year, protected by the liberties to which we pay homage, pollutes the public dialogue as noxiously as carbon monoxide contaminates a living environment.

The hallmark of a civilized human order is the ability to disagree without being disagreeable. We seem to be losing this. Instead of reasoned disputation, we hear increasingly hateful and unreasoning allegations brandished like weapons designed to inflict injury and mortal hurt.

The mail last week brought astonished recipients a fund-raising appeal so rotten and rancid with hate as to offend the very garbage cans into which it should be forthrightly consigned.

On an official-looking letterhead with a Washington address, the plea for contributions begins with the following outrageous claim: ''I have in my possession compelling evidence that proves beyond all shadow of a doubt that White House aid [sic] Vincent Foster was murdered * * * vital clues that lead right to the Oval Office.''

Begging for money to spew out more such bile, the writer promises to prosecute a case of impeachment against President Clinton, presumably for the murder of his lifelong friend.

Really, this is beyond the pale. No president of the United States should have to contend with such inflammatory and unfounded libel. It is not enough that special counsel Robert B. Fiske, a Republican and no friend of Clinton's looked carefully into this bizarre allegation concerning poor Foster's suicide and reported it to be just that.

Tasting blood and heedless of the proven emptiness of their brazen claim or the hurt it inflicts upon loved ones and friends of the late presidential aide, professional purveyors of venom continue their calculated campaign of calumny against the president.

Hate-Clinton solicitation letters have become a cottage industry. For some the good is political power. For others it's just a way to fill greedy coffers with contributions bilked from innocent, well-meaning Americans gullibly alarmed by the strident claims of right-wing media personalities such as Rush Limbaugh and the Rev. Jerry Falwell.

Preachments of hate, prejudgments of guilt and eagerness to repeat the vilest slanders are not new to American society. But they do seem to have reached preposterous proportions in this election year.

Twenty-six years ago, Lyndon B. Johnson deplored the incivility of some anti-war demonstrators who shouted slogans to drown out opposition. ''They are chiefly united in the certainty with which they advance their views,'' he said, ''and in the vehemence with which they mock the views of others.''

Thomas Jefferson 160 years earlier compared political extremists to ''patients of Bedlam, needing medical more than moral counsel.'' He despaired of ''any attempt to set one of these zealots to right, either in fact or principle.''

Presently, things are going better. American policy is working. In Haiti and Iraq our will prevails without war. North Korea, after 40 years of implacable hostility, agrees to remove its nuclear threat. World tensions abate. Israel and Jordan proclaim a historic peace. At home the economy grows, unemployment falls, prices are stable. We should rejoice, but we don't.

Pollsters report a sour mood, agitated to anger by apostles of discontent. Seldom have political partisans so boldly boasted of obstruction, so viciously attacked colleagues and their own institutions. What's missing is civility.

The assault on mutual respect has pervaded Congress. Republicans, desperate after 40 years in the minority, are turning ever more negative. Some nervous Democrats follow suit. Not only do dissident members attack the personal integrity of our president, but they seem out to weaken and destroy Congress itself. Absurdly, they think this is what the public wants.

Senate Republican Leader Bob Dole and House Whip Newt Gingrich recently pledged support on the Capitol steps for a constitutional amendment to limit congressional terms. House members should not be trusted, the argument goes, to serve faithfully for more than six years, nor senators for more than 12.

But at the heart of this gimmicky assault on the Constitution lies an unspoken assumption that the public cannot be trusted to choose wisely. The hypocrisy of the position that these two publicly profess is transparent in the fact that Dole has been in Congress continuously since 1960, and Gingrich, who would limit future colleagues to no more than three terms, is seeking his ninth.

If their logic should ever prevail, the legislative branch will be vastly weakened, bereft of strong and experienced leaders, much more at the mercy of an authoritative executive branch. There will be no Sam Rayburns, no Robert A. Tafts, no Arthur Vandenbergs or Barry Goldwaters to curb the presidential appetite for power or to soften its occasional rashness with their wisdom. And civility.●

NATIONAL VOTER REGISTRATION ACT

● Mr. SARBANES. Mr. President, I rise today to draw to the attention of the Senate my concern about declines in recent decades in voter participation in local and national elections. In the 1988 election, only about half of those citizens eligible to vote went to the polls. While turnout improved during the last Presidential election, voter participation remains low in this country compared to other advanced democratic countries. According to the Congressional Research Service, only 61 percent of U.S. citizens eligible to vote are registered. While there are many reasons why people do not vote, studies indicate that the major reason is that they are not registered. In fact, the Bureau of Census reports that voter turnout of registered voters in Presidential elections typically exceeds 85 percent.

Recognizing the need to establish uniform national voter registration procedures to allow greater opportunities for all eligible citizens to participate in the electoral process, the U.S. Congress adopted the National Voter Registration Act early in the 103d Congress, legislation I was proud to support. The National Voter Registration Act, also known as the motor-voter bill, provides greater opportunities for all eligible citizens to participate in the electoral process.

The methods for voter registration established by the legislation—by mail, as part of drivers license renewal, and when visiting Government agencies—are well tested and successful methods for registering voters. And, in fact, States which have implemented the motor-voter provisions have experienced significant increases in voter registration. About 3,700 voters were registered in Washington State within the first 7 days of motor-voter operation. Florida has been averaging more than 3,000 new voter registrations per day from people obtaining drivers licenses. The successes continue to be documented in other States such as Georgia, where more than 18,000 people have been registered under the new procedures since January 1, 1995, and in Kentucky where 10,000 new voters were registered in the first 10 days of implementation. In my own State of Maryland, approximately 90,000 people have been registered through the Motor Vehicle Administration in 1995 alone, and Maryland election officials expect an additional 900,000 citizens to register under the new system.

While some critics of this legislation have charged that by making voter registration easier, there may be increased opportunities for fraud, the bill includes important safeguards to prevent such fraud. The mail registration form requires a statement of eligibility to vote, an attestation that the applicant meets each requirement of eligibility to vote, and the signature of the applicant under penalty of perjury.

Mr. President, there are further misconceptions surrounding this bill that should be clarified. First, though agencies are required to provide registrants with assistance when requested, the National Voter Registration Act does not require agency personnel to fill out registration forms—it is the applicant who fills out the form. Second, the legislation requires that an applicant be informed that the quality and quantity of Government assistance they receive will not be effected by their willingness or refusal to register. Third, the legislation protects the privacy of the applicant by restricting the use of voter registration information. An applicant has the option of completing the form at home and returning it by mail, and agency employees may not force an individual to register or attempt to persuade an applicant to join a particular political party.

I understand that concerns have also been raised about potential additional costs for State and local governments to implement this legislation. I would simply note that any increased costs for a State to comply with the uniform voter registration standards provided by this legislation would be relatively small, particularly in those States, such as Maryland, that have already taken steps to increase the opportunity for citizens to register to vote. In addition, the legislation provides relief to all States in the form of a postal rate reduction for State and local election officials which will save State and local governments more than $4 million per year. There are also expected to be savings through the use of uniform registration forms in those States that have not yet adopted uniformity between jurisdictions and because voter registration is now likely to be spread out over the year as people renew drivers licenses. Consequently, there will be less need to hire additional registrars to handle the higher volume of registration that typically occurs in some States before registration deadlines.

Mr. President, it is my strongly held view that we must be careful about attaching price tags to civil rights. Imagine if we had decided not to extend the right to vote to 18-year-olds, women, or other minorities because it would place a burden on the States due to an increased workload or the purchasing of new voting machines. The National Voter Registration Act is already making it easier for citizens to exercise one of the most fundamental rights of a democracy—the right to vote. A healthy democracy thrives on the active participation of the governed.

This important new law is clearly working and should not be repealed nor should its implementation be delayed as some have proposed.●

CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY ACT—S. 381

● Mr. LIEBERMAN. Mr. President, I am pleased to join several of my colleagues as a cosponsor of the Cuban Liberty and Democratic Solidarity Act, although I have reservations concerning the trade sanctions included in the legislation. Fidel Castro's 36-year dictatorship has been catastrophic for Cuba's society and economy. Agricultural and industrial production have been stymied by authoritarian state control. Many of Cuba's most skilled and talented citizens have chosen to risk their lives to achieve freedom elsewhere, including the United States. Meanwhile, living standards for those who remained have fallen steadily. The backward direction of Cuba's development stands in sharp contrast to other states in Central and South America, who have flourished under policies of market and democratic liberalization. Castro is among the last adherents to the bankrupt philosophy of Communist authoritarianism. The Cuban people cannot move forward to the prosperity which their human and natural resources entitle them as long as Castro's authoritarian rule remains intact. The United States must continue to do what it can to help the Cuban people in their struggle for economic and political freedom and to reestablish the rule of law.

We also have an obligation to American citizens, many of whom have unresolved property claims against the Castro government, to work for justice on their behalf. At the same time, I believe the United States must balance its goals in Cuba with other important foreign policy objectives, such as free trade and support for market and political reforms in other countries. Accordingly, I associate myself with the objectives of the Cuban Liberty and Democratic Solidarity Act and look forward to working with my colleagues to improve the bill particularly in the

trade areas as it receives further consideration.●

HOW COLORBLIND ADOPTIONS CHANGED AND ENRICHED OUR LIVES

● Mr. SIMON. Mr. President, for several years I had an outstanding staff member, Pamela J. Huey, who, unfortunately for me, moved to Minneapolis with her husband and family.

She was not only a superb staff person but she is a genuine humanitarian.

She and her husband have adopted two African-American children. I have seen Benjamin develop into a fine young man and their new child, Anthony, I am sure will do the same.

She has written for the Minneapolis Star Tribune an article titled, ''Colorblind Adoptions Changed and Enriched Our Lives.''

I ask that her article be printed in the RECORD.

The article follows:

[From the Minneapolis Star Tribune, Jan. 29, 1995]

COLORBLIND ADOPTIONS CHANGED AND ENRICHED OUR LIVES

(By Pamela Huey)

The national debate on welfare reform, teenage pregnancy and orphanages demands another look at transracial adoption as one positive alternative for children who need stable, loving homes.

While some within the African-American community and other minorities continue to oppose the adoption of children of color by Caucasian parents, I would argue that such adoptions are not only successful but desirable, producing benefits for parents, children and society as a whole.

Five years ago, childless and wanting to start a family, my husband and I approached an agency in Washington, D.C., specializing in foreign adoptions. But the paperwork, red tape, cost and prospect of spending an undetermined amount of time in another country were daunting.

We learned our agency did receive ''domestic'' placements but these children were nearly always black or biracial. We wondered why, if there were babies in our own country in need of loving, nurturing homes, would anyone travel halfway around the world for a baby? Skin color seemed the only answer. We told the agency that the race of the child did not matter—a baby was a baby—and within seven months we were parents of a beautiful black 17-day-old boy. This Christmas, we became parents of Anthony, a 6-week-old African-American baby, also born in Washington, D.C.

Adopting Benjamin and Anthony has changed and enriched our lives in profound ways that we did not anticipate.

When we moved to the Twin Cities in 1992, we chose an integrated neighborhood in south Minneapolis.

The church we chose, Park Avenue United Methodist, has a spiritual mission to increase understanding between the races and to bring people together as one to worship God.

Benjamin attends Seed Academy, a private school with an Afrocentric curriculum.

We've attended classes for multicultural families. We've participated in the YMCA's ''home team'' program for multicultural families. The Twin Cities area seems to have no end of opportunities for us.

But most importantly, we have a perspective on race relations and racial prejudice that we otherwise would never have had. The love of parent for child has no equal, and loving Benjamin and Anthony was given us a window on a world previously closed to us. Now, as parents, we hurt for the young black males who are considered threats just because of their race.

Interracial adoption breaks down barriers and increases understanding in new ways that filter through the extended family. Grandparents, aunts, uncles, brothers, sisters and cousins, even neighbors and family friends, also are exposed to this new understanding and a family love that crosses racial lines.

We hope growing up in our racially blended family will give Benjamin and Anthony skills for living in both white and black worlds and that their worlds will be more human and loving, rather than divided along racial lines.

Harvard Law Prof. Elizabeth Bartholet wrote in the May 1991 issue of the University of Pennsylvania Law Review that ''transracial adoptees appear more positive than blacks raised inracially about relationships with whites, more comfortable in those relationships and more interested in a racially integrated lifestyle.''

American University Prof. Rita Simon, who has done exhaustive studies on the long-term effects of these adoptions, has written that transracial adoptees perceive ''their world as essentially pluralistic and multicolored.''

We hope we are not being naive. We know Benjamin and Anthony will face racism and hatred in future years, and we are trying to prepare them for that.

As we prepared for our second adoption, I asked Benjamin what kind of sister or brother he would like. His first response was ''black.'' But then he thought for a moment and responded, ''Any color would be OK.''

Pamela Huey is a journalist who lives in Minneapolis.●

RULES OF PROCEDURE OF THE COMMITTEE ON BANKING

● Mr. D'AMATO. Mr. President, I ask that the rules of procedure and jurisdiction of the Committee on Banking, Housing, and Urban Affairs be printed in the RECORD.

RULES OF PROCEDURE FOR THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

(Adopted in executive session, January 11, 1995)

RULE 1.—REGULAR MEETING DATE FOR COMMITTEE

The regular meeting day for the Committee to transact its business shall be the last Tuesday in each month that the Senate is in Session; except that if the Committee has met at any time during the month prior to the last Tuesday of the month, the regular meeting of the Committee may be canceled at the discretion of the Chairman.

RULE 2.—COMMITTEE

(a) *Investigations.*—No investigation shall be initiated by the Committee unless the Senate, or the full Committee, or the Chairman and Ranking Minority Member have specifically authorized such investigation.

(b) *Hearings.*—No hearing of the Committee shall be scheduled outside the District of Columbia except by agreement between the Chairman of the Committee and the Ranking Minority Member of the Committee or by a majority vote of the Committee.

(c) *Confidential testimony.*—No confidential testimony taken or confidential material presented at an executive session of the Committee or any report of the proceedings of such executive session shall be made public either in whole or in part by way of summary, unless specifically authorized by the Chairman of the Committee and the Ranking Minority Member of the Committee or by a majority vote of the Committee.

(d) *Interrogation of witnesses.*—Committee interrogation of a witness shall be conducted only by members of the Committee or such professional staff as is authorized by the Chairman or the Ranking Minority Member of the Committee.

(e) *Prior notice of markup sessions.*—No session of the Committee or a Subcommittee for marking up any measure shall be held unless (1) each member of the Committee or the Subcommittee, as the case may be, has been notified in writing of the date, time, and place of such session and has been furnished a copy of the measure to be considered at least 3 business days prior to the commencement of such session, or (2) the Chairman of the Committee or Subcommittee determines that exigent circumstances exist requiring that the session be held sooner.

(f) *Prior notice of first degree amendments.*—It shall not be in order for the Committee or a Subcommittee to consider any amendment in the first degree proposed to any measure under consideration by the Committee or Subcommittee unless (1) fifty written copies of such amendment have been delivered to the office of the Committee at least 2 business days prior to the meeting, or (2) with respect to multiple first degree amendments, each of which would strike a single section of the measure under consideration, fifty copies of a single written notice listing such specific sections have been delivered to the Committee at least 2 business days prior to the meeting. An amendment to strike a section of the measure under consideration by the Committee or Subcommittee shall not be amendable in the second degree by the Senator offering the amendment to strike. This subsection may be waived by a majority of the members of the Committee or Subcommittee voting, or by agreement of the Chairman and Ranking Minority Member. This subsection shall apply only when at least 3 business days written notice of a session to markup a measure is required to be given under subsection (e) of this rule.

(g) *Cordon rule.*—Whenever a bill or joint resolution repealing or amending any statute or part thereof shall be before the Committee or Subcommittee, from initial consideration in hearings through final consideration, the Clerk shall place before each member of the Committee or Subcommittee a print of the statute or the part or section thereof to be amended or repealed showing by stricken-through type, the part or parts to be omitted, and in italics, the matter proposed to be added. In addition, whenever a member of the Committee or Subcommittee offers an amendment to a bill or joint resolution under consideration, those amendments shall be presented to the Committee or Subcommittee in a like form, showing by typographical devices the effect of the proposed amendment on existing law. The requirements of this subsection may be waived when, in the opinion of the Committee or Subcommittee Chairman, it is necessary to expedite the business of the Committee or Subcommittee.

RULE 3.—SUBCOMMITTEES

(a) *Authorization for.*—A Subcommittee of the Committee may be authorized only by the action of a majority of the Committee.

(b) *Membership.*—No member may be a member of more than three Subcommittees and no member may chair more than one Subcommittee. No member will receive assignment to a second Subcommittee until, in

order of seniority, all members of the Committee have chosen assignments to one Subcommittee, and no member shall receive assignment to a third Subcommittee until, in order of seniority, all members have chosen assignments to two Subcommittees.

(c) *Investigations.*—No investigation shall be initiated by a Subcommittee unless the Senate or the full Committee has specifically authorized such investigation.

(d) *Hearings.*—No hearing of a Subcommittee shall be scheduled outside the District of Columbia without prior consultation with the Chairman and then only by agreement between the Chairman of the Subcommittee and the Ranking Minority Member of the Subcommittee or by a majority vote of the Subcommittee.

(e) *Confidential testimony.*—No confidential testimony taken or confidential material presented at an executive session of the Subcommittee or any report of the proceedings of such executive session shall be made public, either in whole or in part or by way of summary, unless specifically authorized by the Chairman of the Subcommittee and the Ranking Minority Member of the Subcommittee, or by a majority vote of the Subcommittee.

(f) *Interrogation of witnesses.*—Subcommittee interrogation of a witness shall be conducted only by members of the Subcommittee or such professional staff as is authorized by the Chairman or the Ranking Minority Member of the Subcommittee.

(g) *Special meetings.*—If at least three members of a Subcommittee desire that a special meeting of the Subcommittee be called by the Chairman of the Subcommittee, those members may file in the offices of the Committee their written request to the Chairman of the Subcommittee for that special meeting. Immediately upon the filing of the request, the Clerk of the Committee shall notify the Chairman of the Subcommittee of the filing of the request. If, within 3 calendar days after the filing of the request, the Chairman of the Subcommittee does not call the requested special meeting, to be held within 7 calendar days after the filing of the request, a majority of the members of the Subcommittee may file in the offices of the Committee their written notice that a special meeting of the Subcommittee will be held, specifying the date and hour of that special meeting. The Subcommittee shall meet on that date and hour. Immediately upon the filing of the notice, the Clerk of the Committee shall notify all members of the Subcommittee that such special meeting will be held and inform them of its date and hour. If the Chairman of the Subcommittee is not present at any regular or special meeting of the Subcommittee, the Ranking Member of the majority party on the Subcommittee who is present shall preside at that meeting.

(h) *Voting.*—No measure or matter shall be recommended from a Subcommittee to the Committee unless a majority of the Subcommittee are actually present. The vote of the Subcommittee to recommend a measure or matter to the Committee shall require the concurrence of a majority of the members of the Subcommittee voting. On Subcommittee matters other than a vote to recommend a measure or matter to the Committee no record vote shall be taken unless a majority of the Subcommittee is actually present. Any absent member of a Subcommittee may affirmatively request that his or her vote to recommend a measure or matter to the Committee or his vote on any such other matters on which a record vote is taken, be cast by proxy. The proxy shall be in writing and shall be sufficiently clear to identify the subject matter and to inform the Subcommittee as to how the member wishes his or her vote to be recorded thereon. By written notice to the Chairman of the Subcommittee any time before the record vote on the measure or matter concerned is taken, the member may withdraw a proxy previously given. All proxies shall be kept in the files of the Committee.

RULE 4.—WITNESSES

(a) *Filing of statements.*—Any witness appearing before the Committee or Subcommittee (including any witness representing a Government agency) must file with the Committee or Subcommittee (24 hours preceding his or her appearance) 120 copies of his statement to the Committee or Subcommittee, and the statement must include a brief summary of the testimony. In the event that the witness fails to file a written statement and brief summary in accordance with this rule, the Chairman of the Committee or Subcommittee has the discretion to deny the witness the privilege of testifying before the Committee or Subcommittee until the witness has properly complied with the rule.

(b) *Length of statements.*—Written statements properly filed with the Committee or Subcommittee may be as lengthy as the witness desires and may contain such documents or other addenda as the witness feels is necessary to present properly his or her views to the Committee or Subcommittee. The brief summary included in the statement must be no more than 3 pages long. It shall be left to the discretion of the Chairman of the Committee or Subcommittee as to what portion of the documents presented to the Committee or Subcommittee shall be published in the printed transcript of the hearings.

(c) *Ten-minute duration.*—Oral statements of witnesses shall be based upon their filed statements but shall be limited to 10 minutes duration. This period may be limited or extended at the discretion of the Chairman presiding at the hearings.

(d) *Subpoena of witnesses.*—Witnesses may be subpoenaed by the Chairman of the Committee or a Subcommittee with the agreement of the Ranking Minority Member of the Committee or Subcommittee or by a majority vote of the Committee or Subcommittee.

(e) *Counsel permitted.*—Any witness subpoenaed by the Committee or Subcommittee to a public or executive hearing may be accompanied by counsel of his or her own choosing who shall be permitted, while the witness is testifying, to advise him or her of his or her legal rights.

(f) *Expenses of witnesses.*—No witness shall be reimbursed for his or her appearance at a public or executive hearing before the Committee or Subcommittee unless such reimbursement is agreed to by the Chairman and Ranking Minority Member of the Committee.

(g) *Limits of questions.*—Questioning of a witness by members shall be limited to 5 minutes duration when 5 or more members are present and 10 minutes duration when less than 5 members are present, except that if a member is unable to finish his or her questioning in this period, he or she may be permitted further questions of the witness after all members have been given an opportunity to question the witness.

Additional opportunity to question a witness shall be limited to a duration of 5 minutes until all members have been given the opportunity of questioning the witness for a second time. This 5-minute period per member will be continued until all members have exhausted their questions of the witness.

RULE 5.—VOTING

(a) *Vote to report a measure or matter.*—No measure or matter shall be reported from the Committee unless a majority of the Committee is actually present. The vote of the Committee to report a measure or matter shall require the concurrence of a majority of the members of the Committee who are present.

Any absent member may affirmatively request that his or her vote to report a matter be cast by proxy. The proxy shall be sufficiently clear to identify the subject matter, and to inform the Committee as to how the member wishes his vote to be recorded thereon. By written notice to the Chairman any time before the record vote on the measure or matter concerned is taken, any member may withdraw a proxy previously given. All proxies shall be kept in the files of the Committee, along with the record of the rollcall vote of the members present and voting, as an official record of the vote on the measure or matter.

(b) *Vote on matters other than to report a measure or matter.*—On Committee matters other than a vote to report a measure or matter, no record vote shall be taken unless a majority of the Committee are actually present. On any such other matter, a member of the Committee may request that his or her vote may be cast by proxy. The proxy shall be in writing and shall be sufficiently clear to identify the subject matter, and to inform the Committee as to how the member wishes his or her vote to be recorded thereon. By written notice to the Chairman any time before the vote on such other matter is taken, the member may withdraw a proxy previously given. All proxies relating to such other matters shall be kept in the files of the Committee.

RULE 6.—QUORUM

No executive session of the Committee or a Subcommittee shall be called to order unless a majority of the Committee or Subcommittee, as the case may be, are actually present. Unless the Committee otherwise provides or is required by the Rules of the Senate, one member shall constitute a quorum for the receipt of evidence, the swearing in of witnesses, and the taking of testimony.

RULE 7.—STAFF PRESENT ON DAIS

Only members and the Clerk of the Committee shall be permitted on the dais during public or executive hearings, except that a member may have one staff person accompany him or her during such public or executive hearing on the dais. If a member desires a second staff person to accompany him or her on the dais he or she must make a request to the Chairman for that purpose.

RULE 8.—COINAGE LEGISLATION

At least 40 Senators must cosponsor any gold medal or commemorative coin bill or resolution before consideration by the Committee.

EXTRACTS FROM THE STANDING RULES OF THE SENATE

RULE XXV, STANDING COMMITTEES

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

* * * * *

(d)(1) Committee on Banking, Housing, and Urban Affairs, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Banks, banking, and financial institutions.

2. Control of prices of commodities, rents, and services.

3. Deposit insurance.

4. Economic stabilization and defense production.
5. Export and foreign trade promotion.
6. Export controls.
7. Federal monetary policy, including Federal Reserve System.
8. Financial aid to commerce and industry.
9. Issuance and redemption of notes.
10. Money and credit, including currency and coinage.
11. Nursing home construction.
12. Public and private housing (including veterans' housing).
13. Renegotiation of Government contracts.
14. Urban development and urban mass transit.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to international economic policy as it affects United States monetary affairs, credit, and financial institutions; economic growth, urban affairs, and credit, and report thereon from time to time.

COMMITTEE PROCEDURES FOR PRESIDENTIAL NOMINEES

Procedures formally adopted by the U.S. Senate Committee on Banking, Housing, and Urban Affairs, February 4, 1981, establish a uniform questionnaire for all Presidential nominees whose confirmation hearings come before this Committee.

In addition, the procedures establish that:

(1) A confirmation hearing shall normally be held at least 5 days after receipt of the completed questionnaire by the Committee unless waived by a majority vote of the Committee.

(2) The Committee shall vote on the confirmation not less than 24 hours after the Committee has received transcripts of the hearing unless waived by unanimous consent.

(3) All nominees routinely shall testify under oath at their confirmation hearings.

This questionnaire shall be made a part of the public record except for financial information, which shall be kept confidential.

Nominees are requested to answer all questions, and to add additional pages where necessary.●

BLACK HISTORY MONTH

● Mr. SARBANES. Mr. President, I rise today to add my voice to those who have already spoken in recognition of February as Black History Month. Since 1926 this nation has designated February as the month in which we honor the achievements and contributions of African-Americans to our history, our culture, and our future. One could also say that February is the month in which we honor our Nation's unsung heroes—from the African-American soldiers who have often received no acknowledgment for fighting in the American Revolution to the African-American poets and authors often excluded from literary anthologies. The history of African-Americans is the history of what this country has come to mean to so many people around the world. It is the history of possibilities, of dreams, and of the equality of all human beings. It is the story of insurmountable odds overcome and of challenges yet to be faced.

Mr. President, my own State of Maryland has been blessed to be the birthplace and home of countless outstanding African-Americans. Maryland was a bedrock of the Underground Railroad which helped many African-Americans find their way out of slavery to freedom. In fact, Harriet Tubman, the African-American woman credited with leading more than 300 men, women, and children to freedom on the Underground Railroad was a Marylander. The history of Maryland is replete with the contributions of African-Americans, many of which have gone undocumented and unrecognized. Black History Month affords us an opportunity to honor our heroes both past and present, and to remind ourselves of the many national heroes whose faces do not adorn currency or postage stamps and whose stories are not told in history books or encyclopedias.

During this month of celebration, one of the three great African-Americans receiving special honor across the Nation is Frederick Douglass, a man whose life symbolized heroism. Born on Maryland's Eastern Shore in 1818, Frederick Douglass escaped slavery to become one of the leading abolitionists of his time. For Frederick Douglass it was not enough that he won his own freedom; he spent his life fighting for the freedom and advancement of millions of other people. His life, like the lives of many of the other men and women honored during Black History Month, was a life of triumph against overwhelming odds. One only has to visit the birthplace of Frederick Douglass and take a moment to imagine it without the nearby highway, automobiles, and convenience stores in order to have an inkling of the challenges which faced a slave seeking freedom. Not only was there the challenge of escaping an isolated plantation and the constant fear of recapture and torture, but also the challenge to self-educate, find work, and build a new life away from all that was familiar.

The history of African-Americans, however, does not begin or end with slavery and the Civil War. Long after the end of slavery, African-Americans continued to fight for freedom and all of its rights. It is a struggle which has inspired people around the world to fight for their freedom. Mr. President, I utter the name of Frederick Douglass not only to honor the man who was known as Frederick Douglass and who achieved so very much with his life, but for all nameless thousands who like Frederick Douglass achieved so much from so little—people who gave their lives so that their children and grandchildren might have better lives, people who have helped to define the real possibilities of freedom and equality in this Nation.

Mr. President, as we near the end of this month, I hope that each of us will take a moment to remember the lessons of Black History Month and to carry them with us throughout the year as a reminder of all that is truly possible. Two hundred years ago, how many Americans would have imagined a Thurgood Marshall or an Alice Walker? Black History Month is a time to celebrate—to celebrate all of the great achievements of African-Americans, to celebrate how far this country has come, and to remind us of how much further we have to go.●

U.S. POLICY VIS-A-VIS SERBIA

● Mr. LIEBERMAN. Mr. President, I would like to express my strong disapproval at the latest developments in the administration's approach to Bosnia. The national press reported last week the administration's decision to concur with a Contact Group proposal to offer Serbia a complete lifting of U.N. sanctions if it would recognize the independence of Croatia and Bosnia and cut off arms to rebel Serbian armies in both countries.

This might have been a reasonable proposal if, as the New York Times put it, ''Serbia's President, Slobodan Milosevic, had a record of honoring his commitments, or if the five-power group had a record of insisting on compliance with its deals. Neither is true.''

This latest step in United States compliance with the Contact Group's policy of appeasement followed the decision just 1 month ago to extend for another 100 days a partial easing of U.N. sanctions on Serbia with the understanding that it would deny assistance to rebel Serbs in both Croatia and Bosnia. During the previous 100-day, sanctions-easing period last fall, SAM 6 missiles mysteriously appeared at Serbian positions in Bosnia and regular soldiers of the Serbian army participated in the Serb attack on Bihac. But since there was no proof of Serbian complicity, the sanctions easing was extended.

Two weeks ago, U.N. monitors were temporarily barred from a Serbian airfield during a time when U.N. troops in northern Bosnia observed helicopters travel from Serbia to Bosnian Serb positions in Bosnia. Once again, Serbia created a fact—continued assistance to the Bosnian Serbs—for which there was no documentary proof.

Now it appears from press reports that Milosevic has rejected this latest Contact Group offer, just as the Serbs have refused earlier offers—in which the United States has concurred—to effectively legitimize Serbian gains from aggression in exchange for promises to cease fighting.

But even if Milosevic were to agree, there is no reason to believe that he would honor a new pledge to cease supporting Serbian aggression in Bosnia now any more than he has any previous similar promise. And even if Milosevic were to accept the Contact Group offer, this would not necessarily persuade the Croatian or Bosnian Serbs to accept the peace plans. Both are well supplied at the moment. They need only wait for a few months until Milosevic finds a way to renew his support, as he has always done.

The Contact Group's offer to Milosevic was objectionable from the

outset because it was immoral. It was an expression of weakness and indecision on the part of five of the strongest and most principled nations on Earth. It remains wrong on the grounds of realism and practicality, not just because Milosevic rejected it, but because it would not work even if he changed his mind.

The further we go down the path of appeasement in the Balkans, the more obvious it becomes that not only does this policy offer no hope of resolving the Bosnian tragedy, it demeans the role of the United States in the world. I am more convinced than ever that we must abandon the policy of weakness and appeasement and return to the lift-and-strike policy President Clinton brought into the Oval Office in 1993.●

TURKEY'S CONFIDENT LEADER

● Mr. SIMON. Mr. President, recently, Lally Weymouth had an op-ed piece in the Washington Post about Turkey's remarkable Prime Minister.

It's a great tribute to her.

The political storms are not easy to weather in Turkey, but one of the things that our friends in Turkey must understand is that an improved relationship with the United States, and much of Western Europe, is in the interest of all of us, but it is not likely to happen until Turkey faces up to the Cyprus question and the Armenia question.

I recognize that is easy for a politician of the United States to say, and not easy for a political leader in Turkey to say because of the decades of emotion on these issues.

But if the people in the Middle East can get together, even though it is not all smooth, and if the people in Northern Ireland can get together, then it seems to me, the Turks, the Greeks, and the Armenians ought to be able to work out a better relationship than the one they now have, and that is in the interest of all parties.

I ask that the Lally Weymouth column be printed in the RECORD.

The column follows:

[From the Washington Post, Nov. 28, 1994]

TURKEY'S CONFIDENT LEADER

(By Lally Weymouth)

In a country where a radical Islamist party is growing in strength, and increasingly women are seen on the streets of major cities wearing the chador, the prime minister is a decidedly modern woman who has surprised the experts with her staying power. From the day 48-year-old Tansu Ciller came to power little over a year ago, analysts have been predicting the fall of her coalition. So far, however, she has managed to prove them wrong.

It remains true, however, that virtually every move Ciller makes is controversial. Some Turks criticize her as a disorganized novice; she's an academic-turned-prime minister. Others say she has failed to deal with Turkey's economic crisis; inflation this year is running at 116 percent, and the growth rate is negative.

Yet the prime minister appears cool and unflappable as she stops out of a helicopter in Istanbul and enters her palace to talk about Turkey's problems.

For one thing, Turdey's relationship with Washington has deteriorated in the post-cold war era. Meanwhile, Ciller has many soldiers deployed fighting terrorists in the southeast of Turkey. On the domestic front, she's engaged in an effort to reschedule a by-election for some national assembly seats, a vote originally scheduled for early December. Experts have been predicting that Ciller's party wouldn't fare well in these elections, since the majority of seats at stake are located in southeast Turkey, where the fundamentalist ''Welfare Party'' is strong.

Ciller, however, says confidently, ''We are the majority party in the parliament * * * and I think we'll increase that majority. We're going to do much better than ANAP [the other right-of-center party.] I'm secular and democratic and progressive and this is what people want.

The central threat to Ciller's party and to all mainstream Turkish parties is the radical Islamist ''Welfare Party.'' The prime minister nevertheless plays down the fundamentalist threat, claiming that the fundamentalists have only 15 or 16 percent of the vote. Indeed, she argues that their core vote is even smaller than that; she believes that Welfare attracts a considerable number of protest voters who are reacting to Turkey's economic problems.

Shouldn't her party (the True Path) merge with the other right-of-center party (the Motherland Party)—to offer voters a united front against the fundamentalists? Ciller, who has acquired a populist touch, strikes out at the Motherland Party, calling it elitist, ''the product of the military coup. They had contacts [only] with the upper class,'' says Ciller, claiming that her True Path Party ''represents the peasants and small businessmen, the artisans and free trades—the private sector.'' In the next elections, she predicts, Turkish voters will opt for one party, and ''very likely it's going to be me and my party they will choose.''

As Ciller sees it, she's faced with two major problems: an economic crisis and a terror threat. In the economic realm, she's trying to privatize the state sector: ''I'm for a free market economy * * * but we've had problems in the economy because the government sector was so big. The government is in finance, in banking, in manufacture—everywhere.''

As for terrorism, when Ciller became prime minister, the Syrian-sponsored PKK terrorists controlled large areas of southeast Turkey. Although she and other Turkish officials have not noticed any dropoff in Syrian support for the terror group, Ciller says she has used her army to regain control over much of the southeast. The prime minister says confidently that factories and schools are open again after having been closed for six years. ''Life is going back to normal * * * and I did it in one year,'' she said. ''We still have problems, but it's a big step in the right direction.''

Her government has been criticized for the harsh methods used by the army in fighting the PKK, but Ciller claims she had no choice: ''The fight was not against people living in the southeast [but] against the PKK who were killing the Kurdish and Turkish people without discrimination.''

Turning to foreign affairs, Ciller notes that Turkey was a faithful U.S. ally during the Cold War, and cooperated with the United States and its allies in prosecuting the gulf war, shutting down an oil pipeline from Iraq that had produced large revenues for Turkey, thus causing economic hardship.

Recently, when Saddam marched toward Kuwait, Ciller said she told President Clinton that ''we back the U.S. 100 percent and that I would provide any help the president would ask.''

Yet she hesitates when it comes to the question of renewing ''Operation Provide Comfort''—the program started by the United States and the international community to aid the Kurds in northern Iraq. ''My people have hesitations about Provide Comfort because they feel it might help separate northern Iraq from the rest of the country,'' she said. ''We feel the territorial integrity of Iraq should be maintained.''

Ciller has endeavored to warn Washington about Russia's aggressive posture. ''We know what is going on there * * * and we cannot close our eyes to the fact * * * that there are forces within Russia who want to go back to the old empire, to the old ways * * *. Aggression should be stopped—be it in Bosnia, in Azerbaijan or Kuwait.''

Tansu Ciller is looking to the future. She plans to guide Turkey into the Customs Union of the European Union. Then, she wants Turkey to play some role in the Middle East peace process. Moreover, she wants to aid the Turkic Republics of the former Soviet Union emerge into independence.

But, says the prime minister, ''we need help.'' She does; she also deserves it.●

RULES OF SELECT COMMITTEE ON INTELLIGENCE

● Mr. SPECTER. Mr. President, paragraph 2 of Senate rule XXVI requires that not later than March 1 of the first year of each Congress, the rules of each committee be published in the RECORD.

In compliance with this provision, I ask that the rules of the Select Committee on Intelligence be printed in the RECORD.

The rules follow:

SELECT COMMITTEE ON INTELLIGENCE—RULES OF PROCEDURE

RULE 1. CONVENING OF MEETINGS

1.1. The regular meeting day of the Select Committee on Intelligence for the transaction of Committee business shall be every other Wednesday of each month, unless otherwise directed by the Chairman.

1.2. The Chairman shall have authority, upon proper notice, to call such additional meetings of the Committee as he may deem necessary and may delegate such authority to any other member of the Committee.

1.3. A special meeting of the Committee may be called at any time upon the written request of five or more members of the Committee filed with the Clerk of the Committee.

1.4. In the case of any meeting of the Committee, other than a regularly scheduled meeting, the Clerk of the Committee shall notify every member of the Committee of the time and place of the meeting and shall give reasonable notice which, except in extraordinary circumstances, shall be at least 24 hours in advance of any meeting held in Washington, D.C. and at least 48 hours in the case of any meeting held outside Washington, D.C.

1.5. If five members of the Committee have made a request in writing to the Chairman to call a meeting of the Committee, and the Chairman fails to call such a meeting within seven calendar days thereafter, including the day on which the written notice is submitted, these members may call a meeting by filing a written notice with the Clerk of the committee who shall promptly notify each member of the Committee in writing of the date and time of the meeting.

RULE 2. MEETING PROCEDURES

2.1. Meetings of the Committee shall be open to the public except as provided in S. Res. 9, 94th Congress, 1st Session.

2.2. It shall be the duty of the Staff Director to keep or cause to be kept a record of all Committee proceedings.

2.3. The Chairman of the Committee, or if the Chairman is not present the Vice Chairman, shall preside over all meetings of the Committee. In the absence of the Chairman and the Vice Chairman at any meeting the ranking majority member, or if no majority member is present the ranking minority member present shall preside.

2.4. Except as otherwise provided in these Rules, decisions of the Committee shall be by a majority vote of the members present and voting. A quorum for the transaction of Committee business, including the conduct of executive sessions, shall consist of no less than one third of the Committee Members, except that for the purpose of hearing witnesses, taking sworn testimony, and receiving evidence under oath, a quorum may consist of one Senator.

2.5. A vote by any member of the Committee with respect to any measure or matter being considered by the Committee may be cast by proxy if the proxy authorization (1) is in writing; (2) designates the member of the Committee who is to exercise the proxy; and (3) is limited to a specific measure or matter and any amendments pertaining thereto. Proxies shall not be considered for the establishment of a quorum.

2.6. Whenever the Committee by roll call vote reports any measure or matter, the report of the Committee upon such measure or matter shall include a tabulation of the votes cast in favor of and the votes case in opposition to such measure or matter by each member of the Committee.

RULE 3. SUBCOMMITTEES

Creation of subcommittees shall be by majority vote of the Committee. Subcommittees shall deal with such legislation and oversight of programs and policies as the Committee may direct. The subcommittees shall be governed by the Rules of the Committee and by such other rules they may adopt which are consistent with the Rules of the Committee.

RULE 4. REPORTING OF MEASURES OR RECOMMENDATIONS

4.1. No measures or recommendations shall be reported, favorably or unfavorably, from the Committee unless a majority of the Committee is actually present and a majority concur.

4.2. In any case in which the Committee is unable to reach a unanimous decision, separate views or reports may be presented by any member or members of the Committee.

4.3. A member of the Committee who gives notice of his intention to file supplemental, minority, or additional views at the time of final Committee approval of a measure or matter, shall be entitled to not less than three working days in which to file such views, in writing with the Clerk of the Committee. Such views shall then be included in the Committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report.

4.4. Routine, non-legislative actions required of the Committee may be taken in accordance with procedures that have been approved by the Committee pursuant to these Committee Rules.

RULE 5. NOMINATIONS

5.1. Unless otherwise ordered by the Committee, nominations referred to the Committee shall be held for at least 14 days before being voted on by the Committee.

5.2. Each member of the Committee shall be promptly furnished a copy of all nominations referred to the Committee.

5.3. Nominees who are invited to appear before the Committee shall be heard in public session, except as provided in Rule 2.1.

5.4. No confirmation hearing shall be held sooner than seven days after receipt of the background and financial disclosure statement unless the time limit is waived by a majority vote of the Committee.

5.5 The Committee vote on the confirmation shall not be sooner than 48 hours after the Committee has received transcripts of the confirmation hearing unless the time limit is waived by unanimous consent of the Committee.

5.6 No nomination shall be reported to the Senate unless the nominee has filed a background and financial disclosure statement with the Committee.

RULE 6. INVESTIGATIONS

No investigation shall be initiated by the Committee unless at least five members of the Committee have specifically requested the Chairman or the Vice Chairman to authorize such an investigation. Authorized investigations may be conducted by members of the Committee and/or designated Committee staff members.

RULE 7. SUBPOENAS

Subpoenas authorized by the Committee for the attendance of witnesses or the production of memoranda, documents, records or any other material may be issued by the Chairman, the Vice Chairman, or any member of the Committee designated by the Chairman, and may be served by any person designated by the Chairman. Vice Chairman or member issuing the subpoenas. Each subpoena shall have attached thereto a copy of S. Res. 400, 94th Congress, 2nd Session and a copy of these rules.

RULE 8. PROCEDURES RELATED TO THE TAKING OF TESTIMONY

8.1 NOTICE.—Witnesses required to appear before the Committee shall be given reasonable notice and all witnesses shall be furnished a copy of these Rules.

8.2 OATH OR AFFIRMATION.—Testimony of witnesses shall be given under oath or affirmation which may be administered by any member of the Committee.

8.3 INTERROGATION.—Committee interrogation shall be conducted by members of the Committee and such Committee staff as are authorized by the Chairman, Vice Chairman, or the presiding member.

8.4 COUNSEL FOR THE WITNESS.—(a) Any witness may be accompanied by counsel. A witness who is unable to obtain counsel may inform the Committee of such fact. If the witness informs the Committee of this fact at least 24 hours prior to his or her appearance before the Committee, the Committee shall then endeavor to obtain voluntary counsel for the witness. Failure to obtain counsel will not excuse the witness from appearing and testifying.

(b) Counsel shall conduct themselves in an ethical and professional manner. Failure to do so shall, upon a finding to that effect by a majority of the members present, subject such counsel to disciplinary action which may include warning, censure, removal, or a recommendation of contempt proceedings.

(c) There shall be no direct or cross-examination by counsel. However, counsel may submit in writing any question he wishes propounded to his client or to any other witness and may, at the conclusion of his client's testimony, suggest the presentation of other evidence or the calling of other witnesses. The Committee may use such questions and dispose of such suggestions as it deems appropriate.

8.5 STATEMENTS BY WITNESSES.—A witness may make a statement, which shall be brief and relevant, at the beginning and conclusion of his or her testimony. Such statements shall not exceed a reasonable period of time as determined by the Chairman, or other presiding members. Any witness desiring to make a prepared or written statement for the record of the proceedings shall file a copy with the Clerk of the Committee, and insofar as practicable and consistent with the notice given, shall do so at least 72 hours in advance of his or her appearance before the Committee.

8.6 OBJECTIONS AND RULINGS.—Any objection raised by a witness or counsel shall be ruled upon by the Chairman or other presiding member, and such ruling shall be the ruling of the Committee unless a majority of the Committee present overrules the ruling of the chair.

8.7 INSPECTION AND CORRECTION.—All witnesses testifying before the Committee shall be given a reasonable opportunity to inspect, in the office of the Committee, the transcript of their testimony to determine whether such testimony was correctly transcribed. The witness may be accompanied by counsel. Any corrections the witness desires to make in the transcript shall be submitted in writing to the Committee within five days from the date when the transcript was made available to the witness. Corrections shall be limited to grammar and minor editing, and may not be made to change the substance of the testimony. Any questions arising with respect to such corrections shall be decided by the Chairman. Upon request, those parts of testimony given by a witness in executive session which are subsequently quoted or made part of a public record shall be made available to that witness at his or her expense.

8.8 REQUESTS TO TESTIFY.—The Committee will consider requests to testify on any matter or measure pending before the Committee. A person who believes that testimony or other evidence presented at a public hearing, or any comment made by a Committee member or a member of the Committee staff may tend to affect adversely his or her reputation, may request to appear personally before the Committee to testify on his or her own behalf, or may file a sworn statement of facts relevant to the testimony, evidence, or comment, or may submit to the Chairman proposed questions in writing for the cross-examination of other witnesses. The Committee shall take such action as it deems appropriate.

8.9 CONTEMPT PROCEDURES.—No recommendation that a person be cited for contempt of Congress shall be forwarded to the Senate unless and until the Committee has, upon notice to all its members, met and considered the alleged contempt, afforded the person an opportunity to state in writing or in person why he or she should not be held in contempt, and agreed by majority vote of the Committee, to forward such recommendation to the Senate.

8.10 RELEASE OF NAME OF WITNESS.—Unless authorized by the Chairman, the name of any witness scheduled to be heard by the Committee shall not be released prior to, or after, his or her appearance before the Committee.

RULE 9. PROCEDURES FOR HANDLING CLASSIFIED OR SENSITIVE MATERIAL

9.1 Committee staff offices shall operate under strict precautions. At least one security guard shall be on duty at all times by the entrance to control entry. Before entering the office all persons shall identify themselves.

9.2 Sensitive or classified documents and material shall be segregated in a secure storage area. They may be examined only at secure reading facilities. Copying, duplicating, or removal from the Committee offices of such documents and other materials is prohibited except as is necessary for use in, or preparation for, interviews or Committee meetings, including the taking of testimony, and in conformity with Section 10.3 hereof. All documents or materials removed from the Committee offices for such authorized purposes must be returned to the Committee's secure storage area for overnight storage.

9.3 Each member of the Committee shall at all times have access to all papers and other material received from any source. The Staff Director shall be responsible for the maintenance, under appropriate security procedures, of a registry which will number and identify all classified papers and other classified materials in the possession of the Committee, and such registry shall be available to any member of the Committee.

9.4 Whenever the Select Committee on Intelligence makes classified material available to any other Committee of the Senate or to any member of the Senate not a member of the Committee, such material shall be accompanied by a verbal or written notice to the recipients advising of their responsibility to protect such material pursuant to section 8 of S. Res. 400 of the 94th Congress. The Clerk of the Committee shall ensure that such notice is provided and shall maintain a written record identifying the particular information transmitted and the Committee or members of the Senate receiving such information.

9.5 Access to classified information supplied to the Committee shall be limited to those Committee staff members with appropriate security clearance and a need-to-know, as determined by the Committee, and, under the Committee's direction, the Staff Director and Minority Staff Director.

9.6 No member of the Committee or of the Committee staff shall disclose, in whole or in part or by way of summary, to any person not a member of the Committee or the Committee staff for any purpose or in connection with any proceeding, judicial or otherwise, any testimony given before the committee in executive session including the name of any witness who appeared or was called to appear before the Committee in executive session, or the contents of any papers or materials or other information received by the Committee except as authorized herein, or otherwise as authorized by the Committee in accordance with Section 8 of S. Res. 400 of the 94th Congress and the provisions of these rules, or in the event of the termination of the Committee, in such a manner as may be determined by the Senate. For purposes of this paragraph, members and staff of the Committees may disclose classified information in the possession of the Committee only to persons with appropriate security clearances who have a need to know such information for an official governmental purpose related to the work of the Committee. Information discussed in executive sessions of the Committee and information contained in papers and materials which are not classified but which are controlled by the Committee may be disclosed only to persons outside the Committee who have a need to know such information for an official governmental purpose related to the work of the Committee and only if such disclosure has been authorized by the Chairman and Vice Chairman of the Committee, or by the Staff Director and Minority Staff Director, acting on their behalf. Failure to abide by this provision shall constitute grounds for referral to the Select Committee on Ethics pursuant to Section 8 of S. Res. 400.

9.7 Before the Committee makes any decision regarding the disposition of any testimony, papers, or other materials presented to it, the Committee members shall have a reasonable opportunity to examine all pertinent testimony, papers, and other materials that have been obtained by the members of the Committee or the Committee staff.

9.8 Attendance of persons outside the Committee at closed meetings of the Committee shall be kept at a minimum and shall be limited to persons with appropriate security clearance and a need-to-know the information under consideration for the execution of their official duties. Notes taken at such meetings by any person in attendance shall be returned to the secure storage area in the Committee's offices at the conclusion of such meetings, and may be made available to the department, agency, office, committee or entity concerned only in accordance with the security procedures of the Committee.

RULE 10. STAFF

10.1 For purposes of these rules, Committee staff includes employees of the Committee, consultants to the Committee, or any other person engaged by contract or otherwise to perform services for or at the request of the Committee. To the maximum extent practicable, the Committee shall rely on its full-time employees to perform all staff functions. No individual may be retained as staff of the Committee or to perform services for the Committees unless that individual holds appropriate security clearances.

10.2 The appointment of Committee staff shall be confirmed by a majority vote of the Committee. After confirmation, the Chairman shall certify Committee staff appointments to the Financial Clerk of the Senate in writing. No Committee staff shall be given access to any classified information or regular access to the Committees offices, until such Committee staff has received an appropriate security clearance as described in Section 6 of Senate Resolution 400 of the 94th Congress.

10.3 The Committee staff works for the Committee as a whole, under the supervision of the Chairman and Vice Chairman of the Committee. The duties of the Committee staff shall be performed, and Committee staff personnel affairs and day-to-day operations, including security and control of classified documents and material, and shall be administered under the direct supervision and control of the Staff Director. The Minority Staff Director and the Minority Counsel shall be kept fully informed regarding all matters and shall have access to all material in the files of the Committee.

10.4 The Committee staff shall assist the minority as fully as the majority in the expression of minority views, including assistance in the preparation and filing of additional, separate and minority views, to the end that all points of view may be fully considered by the Committee and the Senate.

10.5 The members of the Committee staff shall not discuss either the substance or procedure of the work of the Committee with any person not a member of the Committee or the Committee staff for any purpose or in connection with any proceeding, judicial or otherwise, either during their tenure as a member of the Committee staff at any time thereafter except as directed by the Committee in accordance with Section 8 of S. Res. 400 of the 94th Congress and the provisions of these rules, or in the event of the termination of the Committee, in such a manner as may be determined by the Senate.

10.6 No member of the Committee staff shall be employed by the Committee unless and until such a member of the Committee staff agrees in writing, as a condition of employment to abide by the conditions of the nondisclosure agreement promulgated by the Senate Select Committee on Intelligence, pursuant to Section 6 of S. Res. 400 of the 94th Congress, 2d session, and to abide by the Committee's code of conduct.

10.7 No member of the Committee staff shall be employed by the Committee unless and until such a member of the Committee staff agrees in writing, as a condition of employment, to notify the Committee or in the event of the Committee's termination the Senate of any request for his or her testimony, either during his tenure as a member of the Committee staff or at any time thereafter with respect to information which came into his or her possession by virtue of his or her position as a member of the Committee staff. Such information shall not be disclosed in response to such requests except as directed by the Committee in accordance with Section 8 of S. Res. 400 of the 94th Congress and the provisions of these rules, or in the event of the termination of the Committee, in such manner as may be determined by the Senate.

10.8 The Committee shall immediately consider action to be taken in the case of any member of the Committee staff who fails to conform to any of these Rules. Such disciplinary action may include, but shall not be limited to, immediate dismissal from the Committee staff.

10.9 Within the Committee staff shall be an element with the capability to perform audits of programs and activities undertaken by departments and agencies with intelligence functions. Such element shall be comprised of persons qualified by training and/or experience to carry out such functions in accordance with accepted auditing standards.

10.10 The workplace of the Committee shall be free from illegal use, possession, sale or distribution of controlled substances by its employees. Any violation of such policy by any member of the committee staff shall be grounds for termination of employment. Further, any illegal use of controlled substances by a member of the Committee staff, within the workplace or otherwise, shall result in reconsideration of the security clearance of any such staff member and may constitute grounds for termination of employment with the Committee.

10.11. In accordance with title III of the Civil Rights Act of 1991 (P.L. 102–166), all personnel actions affecting the staff of the Committee shall be made free from any discrimination based on race, color, religion, sex, national origin, age, handicap or disability.

RULE 11. PREPARATION FOR COMMITTEE MEETINGS

11.1 Under direction of the Chairman and the Vice Chairman, designated Committee staff members shall brief members of the Committee at a time sufficiently prior to any Committee meeting to assist the Committee members in preparation for such meeting and to determine any matter which the Committee member might wish considered during the meeting. Such briefing shall, at the request of a member, include a list of all pertinent papers and other materials that have been obtained by the Committee that bear on matters to be considered at the meeting.

11.2 The Staff Director shall recommend to the Chairman and the Vice Chairman the testimony, papers, and other materials to be presented to the Committee at any meeting. The determination whether such testimony, papers, and other materials shall be presented in open or executive session shall be made pursuant to the Rules of the Senate and Rules of the Committee.

11.3 The Staff Director shall ensure that covert action programs of the U.S. Government receive appropriate consideration by the Committee no less frequently than once a quarter.

RULE 12. LEGISLATIVE CALENDAR

12.1 The Clerk of the Committee shall maintain a printed calendar for the information of each Committee member showing the measures introduced and referred to the Committee and the status of such measures; nominations referred to the Committee and their status; and such other matters as the Committee determines shall be included. The Calendar shall be revised from time to time to show pertinent changes. A copy of each such revision shall be furnished to each member of the Committee.

12.2 Unless otherwise ordered, measures referred to the Committee shall be referred by the Clerk of the Committee to the appropriate department or agency of the Government for reports thereon.

RULE 13. COMMITTEE TRAVEL

13.1 No member of the Committee or Committee Staff shall travel abroad on Committee business unless specifically authorized by the Chairman and Vice Chairman. Requests for authorization of such travel shall state the purpose and extent of the trip. A full report shall be filed with the Committee when travel is completed.

13.2 When the Chairman and the Vice Chairman approve the foreign travel of a member of the Committee staff not accompanying a member of the Committee, all members of the Committee are to be advised, prior to the commencement of such travel, of its extent, nature and purpose. The report referred to in Rule 13.1 shall be furnished to all members of the Committee and shall not be otherwise disseminated without the express authorization of the Committee pursuant to the Rules of the Committee.

13.3 No member of the Committee staff shall travel within this country on Committee business unless specifically authorized by the Staff Director as directed by the Committee.

RULE 14. CHANGES IN RULES

These Rules may be modified, amended, or repealed by the Committee, provided that a notice in writing of the proposed change has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken.

APPENDIX A—RESOLUTION TO ESTABLISH A STANDING COMMITTEE OF THE SENATE ON INTELLIGENCE AND FOR OTHER PURPOSES—MAY 19, 1976

Resolved, That it is the purpose of this resolution to establish a new select committee of the Senate, to be known as the Select Committee on Intelligence, to oversee and make continuing studies of the intelligence activities and programs of the United States Government, and to submit to the Senate appropriate proposals for legislation and report to the Senate concerning such intelligence activities and programs. In carrying out this purpose, the Select Committee on Intelligence shall make every effort to assure that the appropriate departments and agencies of the United States provide informed and timely intelligence necessary for the executive and legislative branches to make sound decisions affecting the security and vital interests of the Nation. It is further the purpose of this resolution to provide vigilant legislative oversight over the intelligence activities of the United States to assure that such activities are in conformity with the Constitution and laws of the United States.

SEC. 2. (a)(1) There is hereby established a select committee to be known as the Select Committee on Intelligence (hereinafter in this resolution referred to as the ''select committee''). The select committee shall be composed of fifteen members appointed as follows:

(A) two members from the Committee on Appropriations;

(B) two members from the Committee on Armed Services;

(C) two members from the Committee on Foreign Relations;

(D) two members from the Committee on the Judiciary; and

(E) seven members to be appointed from the Senate at large.

(2) Members appointed from each committee named in clauses (A) through (D) of paragraph (1) shall be evenly divided between the two major political parties and shall be appointed by the President pro tempore of the Senate upon the recommendations of the majority and minority leaders of the Senate. Four of the members appointed under clause (E) of paragraph (1) shall be appointed by the President pro tempore of the Senate upon the recommendation of the majority leader of the Senate and three shall be appointed by the President pro tempore of the Senate upon the recommendation of the minority leader of the Senate.

(3) The majority leader of the Senate and the minority leader of the Senate shall be ex officio members of the select committee but shall have no vote in the committee and shall not be counted for purposes of determining a quorum.

(b) No Senator may serve on the select committee for more than eight years of continuous service, exclusive of service by any Senator on such committee during the Ninety-fourth Congress. To the greatest extent practicable, one-third of the Members of the Senate appointed to the select committee at the beginning of the Ninety-seventh Congress and each Congress thereafter shall be Members of the Senate who did not serve on such committee during the preceding Congress.

(c) At the beginning of each Congress, the Members of the Senate who are members of the majority party of the Senate shall elect a chairman for the select committee, and the Members of the Senate who are from the minority party of the Senate shall elect a vice chairman for such committee. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman. Neither the chairman nor the vice chairman of the select committee shall at the same time serve as chairman or ranking minority member of any other committee referred to in paragraph 4(e)(1) of rule XXV of the Standing Rules of the Senate.

SEC. 3. (a) There shall be referred to the select committee all proposed legislation, messages, petitions, memorials, and other matters relating to the following:

(1) The Central Intelligence Agency and the Director of Central Intelligence.

(2) Intelligence activities of all other departments and agencies of the Government, including, but not limited to, the intelligence activities of the Defense Intelligence Agency, the National Security Agency, and other agencies of the Department of State; the Department of Justice; and the Department of the Treasury.

(3) The organization or reorganization of any department or agency of the Government to the extent that the organization or reorganization relates to a function or activity involving intelligence activities.

(4) Authorizations for appropriations, both direct and indirect, for the following:

(A) The Central Intelligence Agency and Director of Central Intelligence.

(B) The Defense Intelligence Agency.

(C) The National Security Agency.

(D) The Intelligence activities of other agencies and subdivisions of the Department of Defense.

(E) The intelligence activities of the Department of State.

(F) The intelligence activities of the Federal Bureau of Investigation, including all activities of the Intelligence Division.

(G) Any department, agency, or subdivision which is the successor to any agency named in clause (A), (B), or (C); and the activities of any department, agency, or subdivision which is the successor to any department, agency, bureau, or subdivision named in clause (D), (E), or (F) to the extent that the activities of such successor department, agency, or subdivision are activities described in clause (D), (E), or (F).

(b) Any proposed legislation reported by the select committee, except any legislation involving matters specified in clause (1) or (4)(A) of subsection (a), containing any matter otherwise within the jurisdiction of any standing committee shall, at the request of the chairman of such standing committee, be referred to such standing committee for its consideration of such matter and be reported to the senate by such standing committee within thirty days after the day on which such proposed legislation is referred to such standing committee; and any proposed legislation reported by any committee, other than the select committee, which contains any matter within the jurisdiction of the select committee shall, at the request of the chairman of the select committee, be referred to the select committee for its consideration of such matter and be reported to the Senate by the select committee within thirty days after the day on which such proposed legislation is referred to such committee. In any case in which a committee fails to report any proposed legislation referred to it within the time limit prescribed herein, such committee shall be automatically discharged from further consideration of such proposed legislation on the thirtieth day following the day on which such proposed legislation is referred to such committee unless the Senate provides otherwise. In computing any thirty-day period under this paragraph there shall be excluded from such computation any days on which the Senate is not in session.

(c) Nothing in this resolution shall be construed as prohibiting or otherwise restricting the authority of any other committee to study and review any intelligence. activity to the extent that such activity directly affects a matter otherwise within the jurisdiction of such committee.

(d) Nothing in this resolution shall be construed as amending, limiting, or otherwise changing the authority of any standing committee of the Senate to obtain full and prompt access to the product of the intelligence activities of any department or agency of the Government relevant to a matter otherwise within the jurisdiction of such committee.

SEC. 4. (a) The select committee, for the purposes of accountability to the Senate, shall make regular and periodic reports to the Senate on the nature and extent of the intelligence activities of the various departments and agencies of the United States. Such committee shall promptly call to the attention of the Senate or to any other appropriate committee or committees of the Senate any matters requiring the attention of the Senate or such other committee or committees. In making such report, the select committee shall proceed in a manner consistent with section 8(c)(2) to protect national security.

(b) The select committee shall obtain an annual report from the Director of the Central Intelligence Agency, the Secretary of Defense, the Secretary of State, and the

Director of the Federal Bureau of Investigation. Such reports shall review the intelligence activities of the agency or department concerned and the intelligence activities of foreign countries directed at the United States or its interest. An unclassified version of each report may be made available to the public at the discretion of the select committee. Nothing herein shall be construed as requiring the public disclosure in such reports of the names of individuals engaged in intelligence activities for the United States or the divulging of intelligence methods employed or the sources of information on which such reports are based or the amount of funds authorized to be appropriated for intelligence activities.

(c) On or before March 15 of each year, the select committee shall submit to the Committee on the Budget of the Senate the views and estimates described in section 301(c) of the Congressional Budget Act of 1974 regarding matters within the jurisdiction of the select committee.

SEC. 5. (a) For the purpose of this resolution, the select committee is authorized in its discretion (1) to make investigations into any matter within its jurisdiction, (2) to make expenditures from the contingent fund of the Senate, (3) to employ personnel, (4) to hold hearings, (5) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (6) to require, by subpena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents, (7) to take depositions and other testimony, (8) to procure the service of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946, and (9) with the prior consent of the government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The chairman of the select committee or any member thereof may administer oaths to witnesses.

(c) Subpenas authorized by the select committee may be issued over the signature of the chairman, the vice chairman or any member of the select committee designated by the chairman, and may be served by any person designated by the chairman or any member signing the subpenas.

SEC. 6. No employee of the select committee or any person engaged by contract or otherwise to perform services for or at the request of such committee shall be given access to any classified information by such committee unless such employee or person has (1) agreed in writing and under oath to be bound by the rules of the Senate (including the jurisdiction of the Select Committee on Standards and Conduct[1] and of such committee as to the security of such information during and after the period of his employment or contractual agreement with such committee; and (2) received an appropriate security clearance as determined by such committee in consultation with the Director of Central Intelligence. The type of security clearance to be required in the case of any such employee or person shall, within the determination of such committee in consultation with the Director of Central Intelligence, be commensurate with the sensitivity of the classified information to which such employee or person will be given access by such committee.

SEC. 7. The select committee shall formulate and carry out such rules and procedures as it deems necessary to prevent the disclosure, without the consent of the person or persons concerned, of information in the possession of such committee which unduly infringes upon the privacy or which violates the constitutional rights of such person or persons. Nothing herein shall be construed to prevent such committee from publicly disclosing any such information in any case in which such committee determines the national interest in the disclosure of such information clearly outweighs any infringement on the privacy of any person or persons.

SEC. 8. (a) The select committee may, subject to the provisions of this section, disclose publicly any information in the possession of such committee after a determination by such committee that the public interest would be served by such disclosure. Whenever committee action is required to disclose any information under this section, the committee shall meet to vote on the matter within five days after any member of the committee requests such a vote. No member of the select committee shall disclose any information, the disclosure of which requires a committee vote, prior to a vote by the committee on the question of the disclosure of such information or after such vote except in accordance with this section.

(b)(1) In any case in which the select committee votes to disclose publicly any information which has been classified under established security procedures, which has been submitted to it by the executive branch, and which the executive branch requests be kept secret, such committee shall notify the President of such vote.

(2) The select committee may disclose publicly such information after the expiration of a five-day period following the day on which notice of such vote is transmitted to the President, unless, prior to the expiration of such five-day period, the President, personally in writing, notifies the committee that he objects to the disclosure of such information, provides his reasons therefor, and certifies that the threat to national interest of the United States posed by such disclosure is of such gravity that it outweighs any public interest in the disclosure.

(3) If the President, personally in writing, notifies the select committee of his objections to the disclosure of such information as provided in paragraph (2), such committee may, by majority vote, refer the question of the disclosure of such information to the Senate for consideration. The committee shall not publicly disclose such information without leave of the Senate.

(4) Whenever the select committee votes to refer the question of disclosure of any information to the Senate under paragraph (3), the chairman shall not later than the first day on which the Senate is in session following the day on which the vote occurs, report the matter to the Senate for its consideration.

(5) One hour after the Senate convenes on the fourth day on which the Senate is in session following the day on which any such matter is reported to the Senate, or at such earlier time as the majority leader and the minority leader of the Senate jointly agree upon in accordance with paragraph 5 of rule XVII of the Standing Rules of the Senate, the Senate shall go into closed session and the matter shall be the pending business. In considering the matter in closed session the Senate may—

(A) approve the public disclosure of all or any portion of the information in question, in which case the committee shall not publicly disclose the information ordered to be disclosed,

(B) disapprove the public disclosure of all or any portion of the information in question, in which case the committee shall not publicly disclose the information ordered not to be disclosed, or

(C) refer all or any portion of the matter back to the committee, in which case the committee shall make the final determination with respect to the public disclosure of the information in question.

Upon conclusion of the information of such matter in closed session, which may not extend beyond the close of the ninth day on which the Senate is in session following the day on which such matter was reported to the Senate, or the close of the fifth day following the day agreed upon jointly by the majority and minority leaders in accordance with paragraph 5 of rule XVII of the Standing Rules of the Senate (whichever the case may be), the Senate shall immediately vote on the disposition of such matter in open session, without debate, and without divulging the information with respect to which the vote is being taken. The Senate shall vote to dispose of such matter by one or more of the means specified in clauses (A), (B), and (C) of the second sentence of this paragraph. Any vote of the Senate to disclose any information pursuant to this paragraph shall be subject to the right of a Member of the Senate to move for reconsideration of the vote within the time and pursuant to the procedures specified in rule XIII of the Standing Rules of the Senate, and the disclosure of such information shall be made consistent with that right.

(c)(1) No information in the possession of the select committee relating to the lawful intelligence activities of any department or agency of the United States which has been classified under established security procedures and which the select committee, pursuant to subsection (a) or (b) of this section, has determined should not be disclosed shall be made available to any person by a Member, officer, or employee of the Senate except in a closed session of the Senate or as provided in paragraph (2).

(2) The select committee may, under such regulations as the committee shall prescribe to protect the confidentiality of such information, make any information described in paragraph (1) available to any other committee or any other Member of the Senate. Whenever the select committee makes such information available, the committee shall keep a written record showing, in the case of any particular information, which the committee or which Members of the Senate received such information under this subsection, shall disclose such information except in a closed session of the Senate.

(d) It shall be the duty of the Select Committee on Standards and Conduct[1] to investigate any unauthorized disclosure of intelligence information by a Member, officer or employee of the Senate in violation of subsection (c) and to report to the Senate concerning any allegation which it finds to be substantiated.

(e) Upon the request of any person who is subject to any such investigation, the Select Committee on Standards and Conduct[1] shall release to such individual at the conclusion of its investigation a summary of its investigation together with its findings. If, at the conclusion of its investigation, the Select Committee on Standards and Conduct[1] determines that there has been a significant breach of confidentiality or unauthorized disclosure by a Member, officer, or employee of the Senate, it shall report its findings to the Senate and recommend appropriate action such as censure, removal from committee membership, or expulsion from the Senate, in the case of a Member, or removal from office or employment or punishment for contempt, in the case of an officer or employee.

[1] Name changed to the Select Committee on Ethics by S. Res. 4, 95–1, Feb. 4, 1977.

SEC. 9. The select committee is authorized to permit any personal representative of the President, designated by the President to serve as a liaison to such committee, to attend any closed meeting of such committee.

SEC. 10. Upon expiration of the Select Committee on Governmental Operations With Respect to Intelligence Activities, established by Senate Resolution 21, Ninety-fourth Congress, all records, files, documents, and other materials in the possession, custody, or control of such committee, under appropriate conditions established by it, shall be transferred to the select committee.

SEC. 11. (a) It is the sense of the Senate that the head of each department and agency of the United States should keep the select committee fully and currently informed with respect to intelligence activities, including any significant anticipated activities, which are the responsibility of or engaged in by such department or agency: *Provided,* That this does not constitute a condition precedent to the implementation of any such anticipated intelligence activity.

(b) It is the sense of the Senate that the head of any department or agency of the United States involved in any intelligence activities should furnish any information or document in the possession, custody, or control of the department or agency, or person paid by such department or agency, whenever requested by the select committee with respect to any matter within such committee's jurisdiction.

(c) It is the sense of the Senate that each department and agency of the United States should report immediately upon discovery to the select committee any and all intelligence activities which constitute violations of the constitutional rights of any person, violations of law, or violations of Executive orders, presidential directives, or departmental or agency rules or regulations; each department and agency should further report to such committee what actions have been taken or are expected to be taken by the departments or agencies with respect to such violations.

SEC. 12. Subject to the Standing Rules of the Senate, no funds shall be appropriated for any fiscal year beginning after September 30, 1976, with the exception of a continuing bill or resolution, or amendment thereto, or conference report thereon, to, or for use of, any department or agency of the United States to carry out any of the following activities, unless such funds shall have been previously authorized by a bill or joint resolution passed by the Senate during the same or preceding fiscal year to carry out such activity for such fiscal year:

(1) The activities of the Central Intelligence Agency and the Director of Central Intelligence.

(2) The activities of the Defense Intelligence Agency.

(3) The activities of the National Security Agency.

(4) The intelligence activities of other agencies and subdivisions of the Department of Defense.

(5) The intelligence activities of the Department of State.

(6) The intelligence activities of the Federal Bureau of Investigation, including all activities of the Intelligence Division.

SEC. 13. (a) The select committee shall make a study with respect to the following matters, taking into consideration with respect to each such matter, all relevant aspects of the effectiveness of planning, gathering, use, security, and dissemination of intelligence:

(1) the quality of the analytical capabilities of the United States foreign intelligence agencies and means for integrating more closely analytical intelligence and policy formulation;

(2) the extent and nature of the authority of the departments and agencies of the executive branch to engage in intelligence activities and the desirability of developing charters for each intelligence agency or department;

(3) the organization of intelligence activities in the executive branch to maximize the effectiveness of the conduct, oversight, and accountability of intelligence activities; to reduce duplication or overlap; and to improve the morale of the personnel of the foreign intelligence agencies;

(4) the conduct of covert and clandestine activities and the procedures by which Congress is informed of such activities;

(5) the desirability of changing any law, Senate rule or procedure, or any Executive order, rule, or regulation to improve the protection of intelligence secrets and provide for disclosure of information for which there is no compelling reason for secrecy;

(6) the desirability of establishing a standing committee of the Senate on intelligence activities;

(7) the desirability of establishing a joint committee of the Senate and the House of Representatives on intelligence activities in lieu of having separate committees in each House of Congress, or of establishing procedures under which separate committees on intelligence activities of the two Houses of Congress would receive joint briefings from the intelligence agencies and coordinate their policies with respect to the safeguarding of sensitive intelligence information;

(8) the authorization of funds for the intelligence activities of the Government and whether disclosure of any of the amounts of such funds is in the public interest; and

(9) the development of a uniform set of definitions for terms to be used in policies or guidelines which may be adopted by the executive or legislative branches to govern, clarify, and strengthen the operation of intelligence activities.

(b) The select committee may, in its discretion, omit from the special study required by this section any matter it determines has been adequately studied by the Select Committee To Study Governmental Operations With Respect to Intelligence Activities, established by Senate Resolution 21, Ninety-fourth Congress.

(c) The select committee shall report the results of the study provided for by this section to the Senate, together with any recommendations for legislative or other actions it deems appropriate, no later than July 1, 1977, and from time to time thereafter as it deems appropriate.

SEC. 14. (a) As used in this resolution, the term ''intelligence activities'' includes (1) the collection, analysis, production, dissemination, or use of information which relates to any foreign country, or any government, political group, party, military force, movement, or other association in such foreign country, and which relates to the defense, foreign policy national security, or related policies of the United States, and other activity which is in support of such activities; (2) activities taken to counter similar activities directed against the United States; (3) covert or clandestine activities affecting the relations of the United States with any foreign government, political group, party, military force, movement or other association; (4) the collection, analysis, production, dissemination, or use of information about activities of persons within the United States, its territories and possessions, or nationals of the United States abroad whose political and related activities pose, or may be considered by any department, agency, bureau, office, division, instrumentality, or employee of the United States to pose, a threat to the internal security of the United States, and covert or clandestine activities directed against such persons. Such term does not include tactical foreign military intelligence serving no national policymaking function.

(b) As used in this resolution, the term ''department or agency'' includes any organization, committee, council, establishment, or office within the Federal Government.

(c) For purposes of this resolution, reference to any department, agency, bureau, or subdivision shall include a reference to any successor department, agency, bureau, or subdivision to the extent that such successor engages in intelligence tivities now conducted by the department, agency, bureau, or subdivision referred to in this resolution.

SEC. 15. (This section authorized funds for the select committee for the period May 19, 1976, through Feb. 28, 1977.)

SEC. 16. Nothing in this resolution shall be construed as constituting acquiescence by the Senate in any practice, or in the conduct of any activity, not otherwise authorized by law.

APPENDIX B—RESOLUTION AMENDING THE RULES OF THE SENATE RELATING TO OPEN COMMITTEE MEETINGS—JANUARY 15, 1975

Resolved, That paragraph 7(b) of rule XXV of the Standing Rules of the Senate is amended to read as follows;

''(b) Each meeting of a standing, select, or special committee of the Senate, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a portion or portions of any such meetings may be closed to the public if the committee or subcommittee, as the case may be, determines by record vote of a majority of the members of the committee or subcommittee present that the matters to be discussed or the testimony to be taken at such portion of portions—

''(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

''(2) will relate solely to matters of committee staff personnel or internal staff management or procedures;

''(3) will tend to charge an individual with crime on misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

''(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interest of effective law enforcement; or

''(5) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

''(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

''(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person.

Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee or subcommittee may adopt.''

SEC. 2. Section 133A(b) of the Legislative Reorganization Act of 1946, section 242(a) of the Legislative Reorganization Act of 1970, and section 102 (d) and (e) of the Congressional Budget Act of 1974 are repealed.●

MEASURE PLACED ON THE CALENDAR—S. 376

Mr. HATCH. I believe there is a bill at the desk that requires a second reading.

The legislative clerk read as follows:

A bill (S. 376) to resolve the current labor dispute involving major league baseball, and for other purposes.

Mr. HATCH. I would object to further consideration of the bill at this time.

The PRESIDING OFFICER. The bill will be placed on the calendar.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, and upon the recommendation of the Republican leader, pursuant to 22 U.S.C. 276l, appoints the Senator from Alaska [Mr. STEVENS] as chairman of the Senate delegation to the British-American Interparliamentary Group during the 104th Congress.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276d–276g, appoints the Senator from Alaska [Mr. MURKOWSKI] as chairman of the Senate delegation to the Canada-United States Interparliamentary Group during the 104th Congress.

The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h–276k, appoints the Senator from Arizona [Mr. KYL] as chairman of the Senate delegation to the Mexico-United States Interparliamenary Group during the 104th Congress.

The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276a, appoints the Senator from Montana [Mr. BURNS] as chairman of the Senate delegation to the Interparliamentary Union during the 104th Congress.

The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a–1928d, appoints the Senator from Delaware [Mr. ROTH] as chairman of the Senate delegation to the North Atlantic Assembly during the 104th Congress.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair announces on behalf of the President pro tempore of the Senate and the Speaker of the House of Representatives, pursuant to section 201 (a)(2) of Public Law 93–344, the appointment of Ms. June Ellenoff O'Neill as Director of the Congressional Budget Office for the term of office beginning on January 3, 1995, effective March 1, 1995.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

ORDERS FOR THURSDAY, FEBRUARY 23, 1995

Mr. HATCH. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9:15 a.m. on Thursday, February 23, 1995; that following the prayer, the Journal of the proceedings be deemed approved to date, the time for the two leader be reserved for their use later in the day; that there then be a period for the transaction of routine morning business not to extend beyond the hour of 10 a.m., with Senators permitted to speak for up to 5 minutes each, with the following Senators to speak for the designated times: Senator MURKOWSKI, 20 minutes; Senator CAMPBELL, 10 minutes; Senator DORGAN, 15 minutes.

I further ask unanimous consent that at the hour of 10 a.m. the Senate resume consideration of House Joint Resolution 1, the constitutional balanced budget amendment.

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

RECESS UNTIL 9:15 A.M. TOMORROW

Mr. HATCH. If there is no further business to come before the Senate, I now ask that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 8:10 p.m., recessed until Thursday, February 23, 1995, at 9:15 a.m.

NOMINATIONS

Executive nominations received by the Senate February 22, 1995:

UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

JOHN CHRYSTAL, OF IOWA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 1997. (REAPPOINTMENT.)

GEORGE J. KOURPIAS, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 1997. (REAPPOINTMENT.)

GLORIA ROSE OTT, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 1996, VICE WELDON W. CASE, TERM EXPIRED.

HARVEY SIGELBAUM, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 1996, VICE CAROLYN D. LEAVENS, TERM EXPIRED.

THE JUDICIARY

INEZ SMITH REID, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE DISTRICT OF COLUMBIA COURT OF APPEALS FOR THE TERM OF 15 YEARS, VICE EMMET G. SULLIVAN.

IN THE ARMY

THE FOLLOWING-NAMED OFFICER, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE.

To be lieutenant colonel

MILTON D. HUGHES, 000–00–0000

IN THE NAVY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTIONS 601 AND 5035:

VICE CHIEF OF NAVAL OPERATIONS

To be admiral

JOSEPH W. PRUEHER, 000–00–0000.

THE FOLLOWING-NAMED OFFICER FOR APPPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

DONALD L. PILLING, 000–00–0000