

summarize the steps taken by the Committee during its investigation of the nominee and identify any unresolved or questionable matters that have been raised during the course of the inquiry.

E. Hearings. The Committee shall conduct a public hearing during which the nominee shall be called to testify under oath on all matters relating to his or her suitability for office, including the policies and programs which he or she will pursue while in that position. No hearing shall be held until at least 72 hours after the following events have occurred: the nominee has responded to pre-hearing questions submitted by the Committee; and the report required by subsection (D) has been made to the chairman and ranking minority member, and is available to other members of the Committee, upon request.

F. Action on confirmation. A mark-up on a nomination shall not occur on the same day that the hearing on the nominee is held. In order to assist the Committee in reaching a recommendation on confirmation, the staff may make an oral presentation to the Committee at the mark-up, factually summarizing the nominee's background and the steps taken during the pre-hearing inquiry.

G. Application. The procedures contained in subsections (C), (D), (E), and (F) of this rule shall apply to persons nominated by the President to positions requiring their full-time service. At the discretion of the chairman and ranking minority member, those procedures may apply to persons nominated by the President to serve on a part-time basis.

RULE 9. PERSONNEL ACTIONS AFFECTING COMMITTEE STAFF

In accordance with Rule XLII of the Standing Rules of the Senate and the Congressional Accountability Act of 1995 (P.L. 104-1), 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, state of physical handicap, or disability.

ORDER OF BUSINESS

Mr. BIDEN. Mr. President, my vote on the motion to table amendment No. 253 should have been "no." I was mistaken on the sequence of the amendments before us today. I believe that a simple majority, as now provided in the Constitution, is appropriate for decisions to increase revenues. I do not believe that we—or future generations—should be constrained in the options available to keep the budget in balance.

(Ms. SNOWE assumed the Chair.)

Mr. HATCH. Madam President, I yield 3 minutes to the distinguished Senator from Idaho.

The PRESIDING OFFICER. Under the previous order, the Senator from Utah has 15 minutes.

The Senator from Idaho is recognized for 3 minutes.

Mr. CRAIG. Madam President, thank you. Let me thank the Senator from Utah for yielding. There are so many people that I would like to thank this evening who have been direct participants in what I believe to have been one of the most important debates that the Senate of the United States has engaged in—at least in my tenure and in the tenure of many of our Senators.

I certainly would like to thank the Senator from Utah for his leadership on this issue and a good many others who have been directly responsible for bringing this most important issue and statement to the floor. I also thank the Senator from Illinois, PAUL SIMON, for his stalwart leadership in pursuit of the fiscal responsibility that most of us aspire to, which the Constitutional amendment would allow.

But tonight, let me talk to my colleagues here in the Chamber, for I believe we suffer the wrong idea. Somehow tonight, those who plan to vote against this amendment believe that their vote against it is like the passage of the vote for or against a bill that oftentimes comes to the floor. It is not that kind of vote.

Article V of our Constitution—the very organic document that we attempt to offer out an amendment to tonight—says this very clearly: "The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose an amendment."

So tonight we are not voting on an amendment to pass it or to fail it. We are voting on an amendment to propose it to the citizens of this country, to allow them to decide what the organic law of this land will be about.

And anyone who suggests tonight that they will stand in opposition to this amendment stands in opposition to the right of the people of their State to say, "Yes, we support it," or "No, we don't." And that is the fundamental issue.

So I ask you to search your soul tonight and decide whether you, as a Senator of the U.S. Senate, are going to stand in the way of the citizens of your State, if you know better than they, if you really have a better vision than the average citizen of this country that supports you and elects you and sends you to this Congress to represent their interest.

But in this instance, you are not allowed to do that. You are not allowed to say, "I know better." What you can say is, "I propose."

Let us allow tonight the right of the citizens to decide. The Constitution is a basic document. It protects the people's right. Tonight we want to protect the people's right against an overburdening debt structure that has denied this country the kind of economic freedom that all Americans are entitled to.

I ask all of you to join with us tonight in proposing to the citizens of this great Nation a constitutional amendment for their decision.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I yield 5 minutes to my distinguished colleague and prime cosponsor of this amendment, the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Madam President, and my colleagues, first, let me pay tribute to Senator BYRD, who is a very worthy

foe and certainly one of the most distinguished Members of this body.

I also appreciate the leadership of Senator HATCH on this, Senator CRAIG, and my colleagues on this side, Senator HEFLIN, Senator ROBB, Senator MOSELEY-BRAUN, Senator EXON, Senator CAMPBELL, and I should be mentioning others.

If we had a proposal in here that said, two decades after we balance a budget, we are going to have an average increase in income of every American of 36 percent, we would vote for it overwhelmingly. And yet that is precisely what the General Accounting Office says will happen if we balance the budget in this country.

Data Resources, Inc., one of the two top econometric forecasters in this country, says if we balance the budget, the prime rate will go down 2.5 percent and we will have an increase in national income of 2 percent. CBO says at least 1 percent growth in income. The Wharton School in Philadelphia says the prime rate will go down 4 percent. We have an opportunity to do these things that can help our economy immensely. And I hope we do not muff that opportunity.

I heard a reference from Senator BYRD to history. It is important to remember that Thomas Jefferson, in 1787, said, "If I could add one amendment to the Constitution, it would be to prohibit the Federal Government from borrowing."

And remember the rallying cry of the American Revolution—taxation without representation.

What are we doing to our grandchildren and generations to come? If that is not taxation without representation, nothing is.

And talk about history, I have not heard one opponent talk about economic history here. I have not read one editorial talking about economic history. The reality is the history of nations is that when they pile up debt and they get around 9, 10 or 11 percent of deficit versus national income, they start monetizing the debt. They start the printing presses rolling.

CBO says we are headed for 18 percent. We can take a chance that we will be the first nation in history to go up 18 percent without monetizing the debt, but we are taking a huge, huge gamble.

The Declaration of Independence. We are making, every year as we add to the deficit, a declaration of dependence. We now owe roughly \$800 billion in our bonds to other countries. If the SIMON family gets too deeply into debt, we start losing our independence; and if a nation does, it starts losing its independence.

Senator DODD and I are old enough to remember 1956, when three nation friends of ours—Israel, France, and Great Britain—went in and seized the Suez Canal, which President Nasser had taken. They did it because they were our friends; thought they could get by with it, and it was just before an

election. President Eisenhower said, "This is wrong."

But something else happened we did not know about, or most of us did not know about until sometime later. The United States threatened to dump the British pound sterling. And without firing a shot, the troops of Great Britain, France, and Israel withdrew.

We are in that situation.

Talk about American foreign aid. We now spend twice as much in foreign aid to the wealthy through interest and bonds than we do in foreign economic assistance to poor people. This year, the current estimate is \$339 billion on interest, 11 times as much on interest as education, twice as much on interest as all our poverty programs combined, 22 times as much on interest as foreign economic assistance. It gets worse each year, and it will continue to get worse unless we pass this amendment.

The PRESIDING OFFICER. The Senator has used his 5 minutes.

Mr. SIMON. I ask unanimous consent for 30 more seconds.

Mr. HATCH. I yield 30 seconds to the Senator.

Mr. SIMON. I would simply point out, is there going to be pain if we pass this? Yes. But it is very interesting, there were polls by the Wirthlin Group which showed 76 percent of the population favors this, and 53 percent said they favor it, but they also believe it is going to cause them pain.

The American people are yearning for leadership. Tonight, my friends in the Senate, let us give it to them.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I yield 2½ minutes to the distinguished Budget Committee chairman, Senator DOMENICI.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico.

Mr. DOMENICI. I thank the distinguished chairman, Senator HATCH, for yielding me 2½ minutes.

Madam President, fellow Senators, this is a historic night. We have never been so close to putting our Nation's fiscal house in order as we will be in 40 minutes. It is on our shoulders, but I can tell you that our children and grandchildren, whether they are present, whether they are listening, whether they are capable of listening or they are too small, they will either thank us tonight for doing something for them or they will wonder where we were when they needed us most.

The truth of the matter is there are many risks, but the status quo will not work. For those who come to the floor and raise the risks of a balanced budget, the risks of this amendment, they should be asked what are the risks of doing nothing. I am convinced that the status quo, with reference to fiscal policy for our Nation, means that the legacy for our children is very close to zero.

I want to close by quoting Laurence Tribe, a very liberal constitutional

scholar. He was testifying on the balanced budget. I asked him whether or not it made sense to do something like this. And listen carefully to what he said:

Given the centrality in our revolutionary origins of the precept that there should be no taxation without representation, it seems especially fitting in principle that we seek somehow to tie our hands so we cannot spend our children's legacy.

That is the issue. Do we spend our children's legacy or do we leave a legacy to them? Plain and simple. That is the issue.

I thank the Senator for yielding, and I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I yield 1 minute to the distinguished Senator from Nebraska, the ranking member of the Budget Committee.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nebraska.

Mr. EXON. I thank my friend and colleague, the manager of the bill.

Let me be brief. I just want to say that I have listened to what Senator SIMON just said about the debt that continues to consume America. Even if we pass this in the next half-hour—which I hope and urge we do—we are still at least 8 years away from beginning to cut down the national debt. That shows how far we are behind the curve.

I just wish to say, Madam President, that it has been a real experience in working with the many people on both sides of the aisle. I hope we have the 67 votes in the next few minutes when we cast this historic vote. I think this amendment must be approved.

I yield back the remaining time.

The PRESIDING OFFICER. There is no remaining time.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, as a Member of the Senate, I have had the great honor of voting on many historic bills, but few in the history of the Senate are as significant as this one. It is so rare that we have a vote that so dramatically and directly affects the future of our children and our grandchildren. This vote is clearly a vote for future generations.

This vote is especially significant because of who it will help and who it will hurt. It will help our children and our grandchildren. By removing the onerous burden of debt that we have been accumulating on their shoulders, we are helping to level the generational playing field. It will restore the American dream for another generation of Americans.

Who does this vote hurt if we prevail? For starters, the politics-as-usual crowd, the special interest groups, and those with vested interests in the status quo, all those groups who keep feeding at the trough and who think

the gravy train will never run out of gas.

The balanced budget amendment means no more pork for the special interests. And while I am at it, I want to give the special interests and those with vested interests in the status quo one piece of advice: Pack your bags and hit the road. The show is over.

Do Members know who else is hurt by the balanced budget amendment? You may find this hard to believe—everyone in this Chamber. Gone are the days when politicians can take the easy way out. Gone are the days when politicians can say "Pass it; we will worry about how to pay for it later." We can no longer pass anything that we cannot come up with the money for. It is called accountability, and it starts right here, right now.

That is why I am so proud to have been a part of this debate. And when I see my grandchildren I can look them in the eye and tell them that today marks a new beginning in their lives. I can smile, knowing that when it comes time for them to go to college, to train for a career, to buy a house, to raise a family, they will be able to do so. The American dream will live on for another generation.

To the President of the United States, I have a caution for him: Mr. President, you have joined forces with the special interests. Let me ask you one simple question. How can you look your daughter, Chelsea, in the eye after what you are trying to do here? How can you justify the trillions of dollars of red ink that you and others who are voting against this have subjected the children of America to?

Madam President, over the next several months, we will be working late into the evening, examining every single line of the Federal budget, searching for waste, fraud and abuse, cutting programs that have outlived their usefulness, and finding the money for those that still work. It will all be worth it. For our grandchildren, it is worth it.

Madam President, I want to thank everybody who has participated. I want to pay tribute to the distinguished Senator from West Virginia for the dignified manner in which he has conducted his opposition to this amendment. I want to pay great tribute to my friend from Illinois, Senator SIMON, and to my friend from Idaho, Senator CRAIG, and all the others who have worked so hard on this floor, especially those 11 brandnew Senators. They have made a real difference here. They have shown Members that this is the new way.

Adopting this amendment is what we have to do. We have to do so to have a future for our children and grandchildren. We can no longer afford to spend this country into bankruptcy. I want to thank all of the loyal and dedicated staff people and those who have worked so hard during this debate and in preparation for it.

And above all, I thank all those who will vote for this amendment this evening. I urge my colleagues to vote for it. It is one of the most important votes we will ever cast. Our national life depends upon it. The salvation of this country depends on it. And the future of our children depends on it.

The PRESIDING OFFICER. The Chair now recognizes the Democratic leader, who has the next 15 minutes.

Mr. DASCHLE. Madam President, this has been a good debate. It has been a long and historic debate. But it has not been a debate about a balanced budget.

No one supports the current debt or deficit. Every Senator believes, as I believe, that deficit spending must end. We heard the figures. We have debated how we got to this point. We have noted all of our efforts so far. I have not heard anyone argue for doing nothing. The debate has been about how we achieve what we all say we want, and over what time period, and whether or not to accomplish what we say we all want, we amend the Constitution for the 28th time.

During this debate, we have heard many who have argued eloquently that there is no purpose in amending the Constitution for this reason. Our colleague, the senior Senator from New York, emphasizes over and over again that while 1 machine can do the work of 100 men and women, no machine can replace the need to take fundamental responsibility.

No provision in the Constitution can create a formula for automatic deficit reduction. Nothing we do here will embolden Senators to make decisions which we are otherwise unable to make for ourselves.

This debate has also underscored the role the Federal Government plays within our economy. No one can deny that fiscal policy has moderated the extraordinary consequences of a deep recession.

This countercyclical strategy employed since World War II has had profoundly positive consequences for the economy during our lifetimes. We have seen them. We have seen the charts. We have seen all of the arguments made on the other side, and nothing will dissuade me that the fiscal policy initiated since World War II has had the desired result.

Many who will vote no today will do so out of legitimate fear that our ability to counter economic downturns will be severely jeopardized—severely jeopardized—with the passage of this amendment.

There are also many who believe that fiscal policy should never be written into the Constitution because it does not belong there. They have argued that, like the thousands of other amendments proposed in 200 years, this, too, should be defeated.

Many Members have listened to the logic of many of these arguments and appreciate each and every one. Many Members have also decided that the

time has come for a balanced budget amendment—that the question of a constitutional amendment is before Members for a good reason.

But we also question the wisdom of the amendment that is now presented to the Senate, and we are deeply troubled by the attitude of many of our Republican colleagues that we take this amendment or there will be no amendment at all. We are troubled, really, for three reasons: First, it is our belief that this ought to be our very best effort. We cannot come back later as we can with statutes. We cannot come back later and say, if we could only change that phrase or that paragraph or even that word. That is not something we can do with the Constitution. We will have to admit that we made mistakes in drafting, and, if we have, we will have to live with them for all time. This is going to be with us a long, long time. Even the prohibition amendment was with us for 13 years, long after we came to the conclusion that it, too, was a mistake.

Second, this debate has been politicized, unfortunately. The RNC has used this debate as a membership drive. In fact, in my State of South Dakota, they are interrupting ads with programs, there are so many these days. The practical ramifications of this amendment, as well, as currently drafted, are profound, and we ought to realize that. We ought to understand the ramifications of this particular language, regardless of how we view the constitutional amendment itself. Let Members look at this language. Let Members examine this draft, and let each and every one ask, are we prepared, tonight, to put it into the United States Constitution?

This amendment could pass by 70 votes, yet it will fail perhaps by two tonight. Why? Not because two-thirds of a majority opposes the concept of a balanced budget amendment—I am sure that two-thirds and more support it—but because some of us have a grave concern about the specific draft our Republican colleagues tonight insist upon, a draft which is filled with promise but devoid of details.

That was the reason I offered, many weeks ago, the Right to Know amendment requiring that we spell out the details, insisting that we know how we get from here to there, recognizing the importance of a blueprint, of a glide-path, knowing that, as you cannot build a house without a blueprint, you cannot balance the budget without one, either.

Today the chairman of the Finance Committee indicated that Medicare and Medicaid may be cut by \$400 billion over the course of the next several years. This is a detail that happens to be very important, that we recognize may be part of the mix. If we are not willing to spell it out, if we are not willing to put on paper the details, then, indeed, I think we are asking for a pig in the poke, and we are asking for it in the U.S. Constitution.

The Republicans promise, even though they are unwilling to spell it out, to leave Social Security untouched. But while they argue we need to put a balanced budget requirement into the Constitution for purposes of certainty, they are unwilling to do so for Social Security. Without the promise in writing, we cannot require future Congresses to comply with our expectations.

I will predict tonight, if this amendment passes, that the Social Security trust fund will be used, and that is wrong. The American people oppose it. We have made a commitment to them now for over 60 years. We compound the deficit reduction problem, and we mask the size of the deficit, but we invite the cynicism of the American people all over again. If we are prepared to reduce the deficit using Social Security trust funds, what confidence should they have in us with any future decision, after we have made the commitment that has stood for this long?

In my view, the amendment is also especially lacking when it comes to enforcement and the role of the courts. Something this important should not be unresolved. In spite of the best efforts of the senior Senator from Georgia, as written, it is very likely we will see a constitutional crisis as Congress and the courts face off on the very question of jurisdiction in the years ahead.

It is also unfortunate that the Federal Government cannot be allowed to function budgetarily like virtually everyone else does. We should not treat investment and operating costs alike, and yet that is exactly what we will require as a result of the actions taken in this body now for the last several weeks.

No one does that at any level of Government, no one does that in business, no one does that in their family budgeting. We should not do it either. And yet tonight, by the action taken on this amendment, we will be, if indeed the amendment passes, requiring the Federal Government to do something no one else does.

Madam President, the bottom line, regardless of whether we are talking about Social Security, a capital budget, the right to know, enforcement, or any one of a number of the issues that we have raised for the last several weeks, the bottom line is this: We can do better. This is not the best we can do. This is a shoot-now-ask-later approach, and we will regret it. That could destroy the very fabric upon which this Nation was built. And I hope—I just hope—that we all come to the realization of what the stakes are as we cast our vote tonight. It is, as others have said, one of the most critical votes we will cast, a vote which could change not only the budget but the economy and the perception of the very Constitution itself. Let us take care to do it right. Let us defeat this amendment and go back to the drawing

board before it is too late. Future generations are counting upon us tonight to do just that.

I retain the remainder of my time and yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senate majority leader.

Mr. DOLE. Madam President, do I understand the Democratic leader retains the remainder of his time? Are there additional requests?

Mr. DASCHLE. Madam President, I was anticipating others who may ask for time, but if there is no other request for time, I yield it back.

The PRESIDING OFFICER. Is the Senator yielding back?

Mr. DASCHLE. I yield back the remainder of my time.

The PRESIDING OFFICER. The Senate majority leader is recognized for 15 minutes.

Mr. DOLE. Madam President, the Senator from South Dakota asked earlier for 1 minute, which I am prepared to allow.

Mr. DOLE. Madam President, for those who follow this debate, we have had 19 days of consideration. We have had 115 hours 54 minutes of debate. That does not include votes or quorum calls or morning business, where a lot of the morning business was directed at the balanced budget amendment. So we have had a lot of debate. I just say that for the RECORD for some who think maybe we have not been on this long enough.

My view is we are down to about one vote—one vote. Maybe it is 68; maybe it is 66. I think we do stand at the crossroads in American history. I think this vote is one of the most important many of us will have cast in decades because now we have an opportunity to do it, and we have not had that opportunity before. In fact, this may be the single most important vote we cast in our careers.

I will say at the outset, and I think the figures I quoted indicate, we do not take amending the Constitution lightly. This certainly has been considered at length. Everybody has had an opportunity to say just about everything they wanted to say. I think we also must understand that there was never a more serious time when Washington needed the discipline, when Congress needed the discipline, that the Constitution and only the Constitution can impose.

We heard a lot of talk about laws that were passed, and we passed since 1969—the last time we passed a balanced Federal budget—we passed seven different laws containing balanced budget requirements. And despite all the speeches and the good intentions and everything else that went with it over the past quarter of a century, the Federal debt has grown each year and every year.

Why is it so important to balance the budget? There are probably a lot of reasons that have been stated on this floor

from people who oppose and people who support the balanced budget amendment. Oh, it is important to balance the budget and maybe it is even important to vote for the balanced budget amendment if you are in a tough race for reelection. But in 1969, the American taxpayers paid \$12.7 billion for interest on the national debt. This year interest on the national debt will devour a staggering \$234 billion, more than all the Government spent on agriculture, crime, crime fighting, veterans, space and technology, infrastructure, natural resources, the environment, education and training—all of that and more was spent for interest on the debt.

We have gone through this debate where some are trying to scare America's senior citizens, but by doing what we hope we can do in about 20 minutes, by passing a constitutional amendment with 67 votes, we take the opposite view, that we are protecting the very programs that they try to scare seniors with—Medicare and Social Security.

What they fail to mention is the national debt threatens every program. Every program is threatened—Medicare, Medicaid, Social Security, agriculture, nutrition programs, you name it. If the debt continues to escalate, as it will, each year interest payments are going to be larger and larger and consume more and more of its share of the Federal dollar.

According to President Clinton's budget, interest on the debt is going to consume 16 percent of every Federal dollar. And anyone who is still not convinced need look no further than President Clinton's recent budget, which essentially gave up on ever balancing the budget and ever balancing the Nation's books.

In 1992, Candidate Clinton seized on the \$292 billion deficit, the highest in history, and he campaigned against the deficit. He was successful. He agreed to cut it in half. Now, 2 years into his administration, his own budget abandons the pledge, predicting a deficit of \$196.7 billion next year and roughly \$200 billion a year through the year 2000. In each of the next 5 years, the amount the Federal Government collects in taxes is projected to rise, but spending will go up much more.

The picture only gets worse in the next century when the deficit is projected to rise to \$421 billion—\$421 billion—by the year 2005. So we are going to double it, we are going to double it if we fail to take action in the next few moments.

If there was any message last November—and different people heard different messages; some did not hear any message at all and some are here, and some will be voting. There was a revolution last November. The American people said, "Stop. Stop. Wait a minute. We want less Government, we want to rein in Government, we want to dust off the 10th amendment, we want to return power to the States and power to the people, and one way to do

that is to rein in Federal spending and not increase Federal taxes."

So the American people—Democrats, Republicans, Independents, voters generally—sent us a message. I am not certain what the precise message was, but I think the general message was, as I stated, "Rein in the Federal Government."

I believe adoption of this amendment is a big step in that effort. If we are ever going to rein in the Federal Government, rein in spending, we need help. We do not have the will in this body to do it. Oh, I have heard all the speeches, and then I checked the voting records and they do not match.

Oh, I hear speeches. I hear speeches at night when I cannot sleep.

People on the Senate floor say all we have to do is make these tough decisions. But then when the tough decision comes, oh, that is too tough, or it is not tough enough, or any other excuse to duck. We cannot wait for statutory changes. We cannot count on them. They have not worked, as I said, since 1969. I think the American people want us to stand up to the special interests and they want us to do the right thing.

Many say, oh, well this is the easy way out. You all vote for the balanced budget amendment. Then you go out and say, well, I voted for the balanced budget amendment. Then you continue to vote for all the spending programs.

I do not think so. My view is, if we adopt this amendment and three-fourths of the States ratify it, it is going to fundamentally change the way we do business in the Congress and all over Washington.

So this is an amendment whose time has come. Thomas Jefferson said in 1789:

The question whether one generation has the right to bind another by the deficit it imposes is a question of such consequence as to place it among the fundamental principles of government. We should consider ourselves unauthorized to saddle posterity with our debts, and morally bound to pay them ourselves.

Now, if you think about that for a moment, this was just 1 year after the new Constitution went into effect. Thomas Jefferson himself was pondering whether a constitutional amendment requiring a balanced budget was needed.

So, Madam President, the time for a balanced budget amendment to the Constitution has come. Since our first Constitution went into effect in 1788, a total of 27 amendments have been adopted. The first 10, commonly referred to as the Bill of Rights, made the United States a model for the world by limiting the powers of Government and securing rights for individuals and States. The Bill of Rights was proposed to the legislatures of the several States by the first Congress on September 25, 1789, and ratified by December 15, 1791.

I think there is a common thread that runs through all the amendments

that have been adopted, whether it is the first 10, the Bill of Rights—there is a common thread. Most have either limited the power of Government or provided constitutional protection to groups of Americans. And I believe the balanced budget amendment would do both. By limiting the Federal Government's ability to borrow, it will help provide constitutional protection to future generations of Americans and those who are not adequately represented in our current system.

Nobody has contacted me on behalf of the 5-year-olds or the 10-year-olds or the 15-year-olds about their future. Nobody is lobbying for them. They are waiting for us.

I do not believe we can continue to mortgage America's future. If we continue current tax-and-spend policies, we are going to saddle that future generation with lifetime tax rates, effective rates of more than 80 percent. So if we want to take away representation of our children and our grandchildren, if we want to take away the discipline, if we want to have it one way in an election year and another way in the next year, then we can vote against the balanced budget amendment.

As I look around the Chamber, I see Democrats and Republicans saying, wait a minute; it is time we act. This is a bipartisan effort. We need Democrats and Republicans to make this happen. It is not going to happen unless it is bipartisan.

We also took an oath of office to support and defend the Constitution of the United States against all enemies, foreign and domestic. Well, I consider the rising debt and the interest rates to be sort of a domestic enemy, and I think that simple oath illustrates why the balanced budget amendment is so important. We have not been successful in the past. We have not balanced the budget in the past because the Federal budget never became a national priority, and if you want to make it a national priority, we adopt a balanced budget amendment and say we are going to have a balanced budget by the year 2002. That makes it clear to everyone in this body that balancing the budget is not only a national priority but also a constitutional duty and that every Senator will be sworn to uphold and defend this amendment to the Constitution. That is the way it works. That is the way it should work.

So we have had a healthy debate, as I have said, of 115 hours, or 116 hours, plus a lot of other morning business hours. I certainly wish to commend my colleague, Senator HATCH, who has been on this floor day after day after day, and my colleague, Senator CRAIG, who every morning in my office has had a meeting with the group to work on the balanced budget amendment, trying to find out what we need to address, how we can pick up one more vote. And if anybody ever questioned anybody's motives, you cannot question the motives of the Senator from Illinois, Senator SIMON. He has been for the balanced budget as long as I have

known him. He can go any way he wants. He is not running again. This is not politics to PAUL SIMON. This is a commitment he has made to the people of Illinois and a commitment he has made to his colleagues on both sides of the aisle. So I appreciate the efforts made by my friend from Illinois.

Certainly the Senator from West Virginia deserves our thanks, hopefully not to overdo that. He has made a great contribution to the debate. In fact, I have been saying around the country that Senator BYRD is the expert, and I say it with admiration; he is a master of the game. He also understands Roman history, at least he understands it better than the rest of us because we never question what he says about Roman history. I am trying to get C-SPAN to give college credit to those who watch it. And it would be deserved because the Senator from West Virginia does understand it, and certainly he has contributed to this debate.

Then let me just have the last word. I think everybody has said out here from time to time that the Constitution is a living document, and that is why it includes article V, which outlines the process for proposing and ratifying constitutional amendments. The Founding Fathers did not make amending the Constitution easy, and the action we take today, if we succeed, is not the last word. And if we fail, it is not the last word, because the final word of whether or not there is going to be a balanced budget goes outside Washington, goes away from this body and out to our respective States.

I will say to those who still maybe have not quite decided which way to go—there may be two or three of those, maybe four—maybe you are not quite certain, but certainly you have some confidence in your State legislature, wherever it may be. Why not give them a chance? It takes three-fourths of the States to ratify. Why not say that we have some confidence in the people who live in our respective States and deal on a daily basis with problems that affect our constituents, too, because the Founding Fathers said in the final analysis it is going to be determined by the people, by those who are closest to the people, and those are the men and women who serve in statehouses around the country.

I think we ought to remember that as we vote. The Founding Fathers did not put the final authority in the hands of Congress; they put it in the people, members, men and women, State legislators who are closest to the people.

So I remind my colleagues as we prepare to vote here of just a few facts. I think many Senators referred to these earlier. Depending upon which poll you use—and polls change from time to time—about 80 percent of the American people favor the balanced budget amendment. Now, maybe 80 percent are wrong and the 20 percent are right. It has happened in the past. But these polls have been consistent—71, 75, 78,

81, somewhere between 75 and 80 percent. Three hundred Members of the other body voted for a balanced budget amendment, 72 Democrats and 228 Republicans. They joined together to give us this historic opportunity. And I would state what every Member already knows, that adoption of this amendment, if it is adopted, is only the first step in securing our Nation's financial future. Whatever happens, we are going to have to make difficult choices.

Republicans will begin work on a detailed 5-year plan to put the budget on a path of balance by the year 2002, and our plan will not raise taxes. Our plan will not touch Social Security. Everything else, from agriculture to zebra mussel research, will be on the table.

So, Madam President, as George Washington reminded us in his farewell address:

The basis of our political system is the right of the people to make and alter their institutions of government.

The time has come for us to exercise that right. So I would just say, let us get prepared for this fundamental change. It is going to come. If not tonight, it will come maybe next month or the next month or the next year. It is not going to be business as usual in Washington.

So I just urge my colleagues to vote for this amendment—it will take 67 of us—and send it back to the States for ratification. Let those closest to the people then decide if we spelled out how we will reach the balanced budget amendment. Let us not take that judgment away from them.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. DOLE. Madam President, I move that the Senate stand in recess until 10 a.m.—

Mr. BYRD. Before the distinguished leader makes his motion, would he explain to the Senate why we are going out and why we are not having the vote, as we all anticipated we would be having a vote?

Mr. DOLE. Let me explain to my friend from West Virginia that we still think there is some chance of getting this resolved by tomorrow morning, because we could have 67 votes or maybe more.

We have been on this now for 115 hours. I do not know how many days. Everybody has had a right to debate. We are up to the critical time of the vote. This Senator wants to make every effort he can to see if we can reach the 67 votes. If we fail, we will fail, and it will be 10 o'clock or perhaps noon tomorrow morning.

Madam President, I renew the motion.

Mr. BYRD. Madam President, would the Senator allow me 5 minutes before he makes that motion?

The PRESIDING OFFICER. Debate is not in order at this point.

Mr. BYRD. Madam President, I ask unanimous consent to speak for 5 minutes.

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

Mr. BYRD. Madam President, I thank the distinguished majority leader for allowing me to have this privilege to address this question before he makes the motion to adjourn.

Madam President, I think this is a sad spectacle. We have had 30 days of debate. Both sides have poured out their hearts, have worked hard, and we came to the moment that we thought we were going to have a rollcall vote. We entered into an agreement to that effect. Now, if we had known that we were going to reach this kind of a travesty, this Senator would never have agreed to that unanimous-consent request.

Madam President, the Framers intended that, before the people at the State level should have an opportunity to ratify a constitutional amendment, it must be approved by both Houses of the Congress by a two-thirds vote, and it was here that the amendment was supposed to be probed and examined and carefully studied before it was sent on its way to the States.

Now, here is what we see: We see the sad spectacle of Senators on the other side trying to go over until tomorrow in order to get another vote for this amendment. It should be obvious to everyone that the main object here is to get that vote, as the distinguished majority leader says.

It boils down to an insatiable, insatiable desire to get a vote for victory. We are tampering with the Constitution of the United States! This is no place for deal-making, back-room huddles. No wonder the people have such a low estimation of the Congress. Going to make deals in the back room. I do not imply by what I am saying—I do not want to cast any aspersions on any Senator in particular.

But this is a process that we have worked our way through. We were told there would be a vote. We have waited on a vote. Up here the press is gathered. They want to see the outcome of this debate.

(Disturbance in the visitors' galleries.)

The PRESIDING OFFICER. The Chair will remind the occupants of the galleries there will be no expressions of approval or disapproval.

Mr. BYRD. Madam President, this has every appearance of a sleazy, tawdry effort to win a victory at the cost of amending the Constitution of the United States.

We have had our chances, why do we not vote? I hope we will vote, Madam President. Let us not wait until tomorrow. Now is the time for the decision. That is what we were told.

I deplore this tawdry effort here to go over until tomorrow so that additional pressures can be made on some poor Member in the effort to get this vote. Laugh if you must. Laugh! This is no laughing matter. We are talking about the Constitution of the United States. We were ready for a vote. Obviously, the proponents on the other side felt they were going to lose. We cannot win them all. We cannot lose them all. I think it is a sad day for the U.S. Senate if this is the way that we are going to go about amending the Constitution of the United States.

I thank the distinguished majority leader. I hope we will vote tonight.

Mr. DOLE. I ask for 5 minutes to respond and then I will make the motion. This is probably, as I said in my statement, the most important vote we will cast around here, maybe in our careers.

We do not take amending the Constitution lightly. But to suggest that somehow this is unprecedented, tawdry, whatever, in my view, is out of bounds. We have every right to use the rules to determine if we have the votes or if we can pick up votes, and I intend to do that. We have been on this amendment 115 hours, plus 20-some hours of quorum calls and votes. Nobody complained about that.

What about the 80 percent of the American people? Do you think they care whether we vote at 7 o'clock or 7:30 or 10 o'clock in the morning, the 80 percent who want this passed? Do Members think they feel the way the Senator from West Virginia feels? Absolutely not.

Now, we have some obligation to ourselves. Obviously, nobody is trying to put the arm on anybody around here. We have not made house calls. We have not knocked on the doors. We have gone in their offices. But we have good-faith negotiations going, and maybe they have helped. That is fine. If they have ended, there are still other options.

So I just suggest, Madam President, this is an important vote. If I thought there was one more vote tomorrow morning or two more votes or three more votes next week, I would make every effort I could to secure those votes, just as the distinguished Senator from West Virginia has done time after time after time in this body.

I think the sad spectacle is that we may lose this vote, whether it is tonight—it is not going to be tonight—whether it is tomorrow or later, where people who voted for the amendment before their election, vote against it after their election. What are the American people to think? What are the American people to think about any Member in this body? They sent us a loud and clear message last November, and as I said, nobody knows what the precise message was, but generally, it was to rein in the Federal Government, to give power back to the people and back to the States. That is what this amendment does.

So, in my view, by postponing this vote, we will attempt to reflect the will of 76 to 80 percent of the American peo-

ple and not the will of 20 percent. We may fail this time. I quoted earlier statements of Jefferson and Washington who had a little knowledge about what the Founding Fathers had in mind and who suggested themselves that there might come a time we would have to amend the Constitution. We should not pile up a debt on the next generation as we continue to do.

I want to commend, again, those who is worked on both sides of the aisle. This has been bipartisan, and it should be, and it still can be. I know the President is very strongly opposed to the balanced budget amendment. I know he has called Members. I know what happens when your President calls. We have gone through it on this side. It puts a lot of pressure on a Senator or a Member of Congress.

We have tried to improve the conditions by accepting or agreeing to an amendment offered by the distinguished Senator from Georgia, Senator NUNN. I just hope that all Senators will think about this overnight. Somebody could decide to vote the other way. We take a gamble. We might lose a vote. But in my view the gamble is worth taking. The risk is worth taking. I know the Senator from West Virginia—

Mr. HOLLINGS. Will the distinguished Senator yield for a question?

Mr. DOLE. No, I will not yield for a question.

I know the Senator from West Virginia feels strongly about this amendment, and he has a right to feel strongly about it. It does not mean he is right. He might be wrong. We may be right. If we cannot determine that tonight or tomorrow night we will determine it the next time the voters have a chance to speak.

RECESS UNTIL 10 A.M. TOMORROW

Mr. DOLE. Madam President, I move that the Senate stand in recess until 10 a.m., Wednesday, March 1.

The PRESIDING OFFICER. The question is on agreeing to the motion to recess.

So the motion was agreed to, and at 7:41 p.m., the Senate recessed until Wednesday, March 1, 1995, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate February 28, 1995:

THE JUDICIARY

Peter C. Economus, of Ohio, to be U.S. District Judge for the Northern District of Ohio, vice Frank J. Battisti, resigned.

Joseph Robert Goodwin, of West Virginia, to be U.S. District Judge for the Southern District of West Virginia, vice Robert J. Staker, retired.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Henry W. Foster, Jr., of Tennessee, to be Medical Director in the Regular Corps of the Public Health Service, subject to qualifications therefor as provided by law and regulations, and to be Surgeon General of the Public Health Service, for a term of 4 years, vice M. Joycelyn Elders, resigned.