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No. 15

## House of Representatives

The House was not in session today. Its next meeting will be held on Monday, February 10, 1997, at 2 p.m.

## Senate

FRIDAY, FEBRUARY 7, 1997

The Senate met at 11 a.m., and was called to order by the Honorable TIM HUTCHINSON, a Senator from the State of Arkansas.

### PRAYER

The PRESIDING OFFICER. Today's prayer will be offered by the guest Chaplain, Rev. Jack Michael Loo, of the Church of the Master, in Mission Viejo, CA.

Almighty Living God, You have given us the gift of another day and have filled it with Your holy presence. We commit ourselves to honor You with the living of each hour. But no matter how noble our resolve, we confess our weaknesses and our frailties and declare our deep need of Your strength.

Strengthen our love for people so that every action we take on their behalf is driven by the same compassion that drives Your heart. Increase our faith so that no difficulty or discouragement keeps us from believing in what is right and Your ability to accomplish it through us.

Deepen our wisdom so that every confusing situation and perplexing issue gets tamed by Your enlightenment and knowledge. Mobilize our courage so that once we see what must be done, nothing, not even our own fears, will keep us from doing it.

This day may we know that we are Your people and You are our God. In the name of our Lord. Amen.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. THURMOND].

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, February 7, 1997.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TIM HUTCHINSON, a Senator from the State of Arkansas, to perform the duties of the Chair.

STROM THURMOND,  
President pro tempore.

Mr. HUTCHINSON thereupon assumed the Chair as Acting President pro tempore.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

### THE GUEST CHAPLAIN

Mr. HATCH. Mr. President, we are pleased to welcome the Reverend Jack Michael Loo as guest Chaplain today.

For the past 4 years, Reverend Loo has been senior pastor of the Church of the Master in Mission Viejo, CA. Prior to that, he served as executive pastor of the First Presbyterian Church of Hollywood, where Dr. Lloyd Ogilvie, our Chaplain, was senior pastor prior to becoming Senate Chaplain.

We want to express our personal gratitude and thanks to Reverend Loo for opening our session today with his excellent prayer.

I was particularly pleased that he said in spite of our fears we should stand up and do what is right.

We are grateful to have you here and are grateful for your prayer over this body. We appreciate the service which you give to your congregation and to the people throughout this country.

Thank you so much.

### SCHEDULE

Mr. HATCH. Mr. President, on behalf of the majority leader, I will announce the schedule.

Today the Senate will be resuming consideration of Senate Joint Resolution 1, the constitutional amendment requiring a balanced budget. The majority leader announced that there will be no rollcall votes during today's session. Under the order the time between now and 1 o'clock will be equally divided in the usual form. I will remind all Senators that by consent we will resume debate on Senator DURBIN's pending amendment at 3:30 on Monday. There will be 2 hours for debate at that time. Senators should be aware that there will be a rollcall vote on or in relation to the Durbin amendment beginning at 5:30 on Monday, February 10. On Monday, Senator WELLSTONE is expected to offer at least two amendments to Senate Joint Resolution 1. However, any votes ordered on those amendments will occur during Tuesday's session.

### BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration

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



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of Senate Joint Resolution 1 which the clerk will report.

The assistant legislative clerk read as follows:

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

The Senate resumed consideration of the joint resolution.

Pending:

Durbin amendment No. 2, to allow for the waiver of the article in the event of an economic recession or serious economic emergency with a majority in both Houses of Congress.

Mr. HATCH. Mr. President, yesterday the President of the United States submitted his budget. I have to say that the President has come a long way. He now says that he agrees that the budget needs to be balanced by the year 2002. This budget is a legitimate departure point from which to move in developing a final budget package.

I was disappointed, however, to see that the President's 5-year cost of Government is almost identical to what he proposed a year ago. This does not look like the era of "big government is over." It is not even shrinking according to this budget. Even more disturbing, the budget deficit over the next 5 years is nearly \$200 billion higher than what was proposed just a year ago. And the deficit does not even decline until the year 1999. The bulk of the spending cuts contained in his budget occur after the President leaves office.

So he has left all of the hard decisions to the years 2002 and 2001. Seventy-five percent of any fiscal responsibility has to occur in the 2 years after he leaves office.

That is not what I call political courage. That is not what I call attending to the structural problems and the economic problems of this country. It is more of the same that we have had for the last 28 years.

These huge stacks here on the table to my right represent 28 years of unbalanced budgets. These are the actual 28 budgets. Keep in mind that only involves the last 28 years, since 1969, the last time we balanced the Federal budget. For most of the last 60 years we have not balanced the Federal budget. So this is just a small smattering. If we put them all up here for the last 60 years, they would reach almost to the ceiling.

Then we have this budget which came up here yesterday that has all the tough decisions made after he leaves office. The reason we elect Presidents is so they can make the tough decisions and help us to work in a bipartisan way so that nobody can scream at the other side.

In this particular case this budget is filled with smoke and mirrors. What this means is that many of the tax cuts and spending increases contained in this budget are not even likely to occur or will not be offered until the last 2 years of the budget's projections, well after this President is gone.

Just as important as reaching a balanced budget in 2002 is reforming the

entitlement programs. This is what we are going to have to face. We are going to have to face the growing financing and deficit problems we see looming in the next century. This may sound far away, but it is only a few short years before we see the next century begin. We cannot be lulled into a false sense of security because we have not reached the crisis yet.

I had hoped that the President would take a leadership position and tackle these difficult programs. Unfortunately, the budget contains only short-term fixes. We see no sign of the structural reforms that are absolutely needed. We see more signs of business as usual.

By the way, while the President says that his budget balances the budget, the Congressional Budget Office—which he has touted himself as being accurate through the years and which certainly has not been what I consider a conservative Congressional Budget Office for all the time I have been here—the Congressional Budget Office says that his budget will not be balanced in the year 2002; and that the Administration is using economic assumptions that just are not realistic.

I want to applaud the President for providing some tax relief in the budget. It is a solid first step in giving some tax relief to the American people. But it is only a baby step, and really a tentative one at that, because all of the tax increases—and there are plenty of them in this budget that he submitted yesterday—are permanent. The spending programs are permanent. But, the tax cuts are temporary and are likely never to occur because they go away if he does not meet his standards.

So it is a big shell game again.

I get so doggone tired of it. It is almost unbelievable. It is just more of the same of what we have had over the last 28 years, and it is really another reason why we simply have to pass this balanced budget amendment.

The Presidents just do not seem to have the courage to stand up and do what really has to be done. I am really concerned about it. Well, I could go on and on on the President's budget, but I want to leave time for others.

As we open the debate today on the balanced budget amendment to the Constitution, I have to refer again to this stack of unbalanced budgets. These are the actual 28, the last 28 years' budget packages.

I keep these budgets here, Mr. President, as a reminder of the generation of bipartisan budgetary failure. Here it is, 28 straight years of unbalanced budgets. There has not been one single balanced budget since 1969, not one in 28 years, and yet we have people on the other side come and say, "Oh, let's just have the will to do it. Let's just do it and the President will sign it."

Give me a break. That is not going to happen any more than it happened over the last 28 years. Paul Simon said, "Your hair will turn green before that happens, unless we have this balanced budget amendment."

I might say, Mr. President, there has only been one balanced budget in the last 36 years. If we had 36 up here, it would be much higher, the 36 individual budgets that have not been balanced. And there have been only eight balanced budgets in the past 66 years. Just think about it—58 years of unbalanced budgets. Only eight balanced budgets since 1930.

This sad history of budgetary failure is not a Democratic problem or a Republican problem. It is an American problem. Those of us who are proposing a constitutional amendment to require balanced budgets do not do so as Republicans or Democrats; we do so as Americans, Americans concerned about America and the future of our children and our grandchildren.

Let me just give you a few illustrations of how bad our debt problem has become. The national debt, as we all know, is now over \$5.3 trillion—\$5.3 trillion. That is a debt for each and every American of more than \$20,000. CBO, the Congressional Budget Office, projects that in the year 2002, total Federal debt will exceed \$6.8 trillion. That means roughly \$24,000 of debt for every person, every man, woman and child in America, with annual interest costs projected to be over \$3,100 per taxpayer. That is just what we have to pay on the interest against the Federal debt, \$3,100 for each taxpayer a year by the year 2002.

The national debt has increased more than \$4 trillion since the Senate last passed a balanced budget amendment in 1982. We passed it in the Senate. Tip O'Neill and the liberals in the House defeated it at that time.

The debt, which started this year at a baseline of \$5.3 trillion, has increased over \$550 million each and every day since then. Since we began debate this year on the balanced budget amendment in the Judiciary Committee, the debt has increased by more than \$10 billion—just since we began debate this year.

In 1996, gross interest exceeded \$344 billion. That is more than the total Federal outlays in 1975—all outlays—and is nearly \$50 billion more than the total revenues in 1975.

In 1996, gross interest consumed nearly 25 percent of the Federal budget and more than one-half of all personal income taxes.

In 1997, for the first time, we will pay more than \$1 billion a day in gross interest on the debt. That is more than \$41 million each hour and \$685,000 each minute that we are losing in just interest costs.

Net interest payments on the debt are currently the third largest budget category, amounting to 15 percent of the Federal budget, and it is the fastest growing item in the Federal budget.

Our annual net interest payment on the debt is more than the combined budgets of the Departments of Commerce, Agriculture, Education, Energy, Justice, Interior, Housing and Urban Development, Labor, State, and Transportation.

I think these basic facts should make it plain why the balanced budget amendment is an idea with appeal for Republicans and Democrats, for liberals and conservatives.

There are liberal Democrats who see the money we waste on interest payments that could be used in better ways to help the disadvantaged. There are conservative Republicans who see the wreckage we are doing to the opportunities for our citizens and our people by strapping debt, interest, and future economic and tax burdens on them.

We are all concerned that our resources are being misallocated because the Federal Government is spending willy-nilly, with thoughtless borrowing, rather than making deliberate choices.

As we close this week of debate, I thank my colleagues who have participated in the debate who have expressed why we, Republicans and Democrats, are concerned about the debt the Government piles up just like the stack of these unbalanced budgets here, and why we, Republicans and Democrats, believe the only answer is the constitutional requirement that the Government act more deliberately in its spending decisions without always taking the easy recourse to borrow.

This is a proposal that can unite us as Americans across party lines. Let me mention again that every Republican Senator is a cosponsor of this amendment. That is a great signal. But equally important is that seven courageous and bold Democrats have also signed on as original cosponsors. I wish to pay special tribute to those Democrats who support this and who have spoken in support of a constitutional amendment either in the Chamber or by signing on as cosponsors. Senators BRYAN, GRAHAM of Florida, KOHL, BAUCUS, BREAU, MOSELEY-BRAUN, and ROBB have stood up for America and its future, and I applaud them for standing for principle and our children.

Mr. President, I am also pleased to say that six other Democrats have voted for this in the recent past and have promised to support it in their most recent campaigns. I welcome their support for this most important insurance policy that this stack of budgetary failures will not grow too much higher and, more importantly, that our American future will be brighter. If all of these folks honor their commitments to their constituents, all 55 Republicans and all 13 Democrats who have said to their constituents they will vote for it, we will pass the balanced budget amendment this year and it will be a great day for all Americans.

I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Kansas is recognized.

Mr. ROBERTS. Mr. President, I truly appreciate this opportunity to speak in behalf of the balanced budget amendment to the Constitution, and in this

regard I especially thank several of my colleagues: Mr. HATCH, the distinguished chairman of the Judiciary Committee—and I associate myself with all of his remarks—Mr. DOMENICI, the distinguished chairman of the Budget Committee, and Mr. CRAIG, the Republican policy chairman, for their longstanding leadership and efforts in behalf of this legislation that I feel, in effect, would simply protect the financial and economic future of our children and their children.

For those who have had the perseverance and the tenacity to pursue this goal, it has at times been a very lonely trail. Whatever success we might achieve, and that I hope we will achieve, it has been in large part due to the efforts of these Senators and their leadership role, and the American people should certainly be aware of that.

I have read some interesting commentary in regard to this effort. Our opponents predict dark budget clouds for Social Security and any other programs deemed essential by Senators regarding their particular and parochial interests; but contrary to that dire prediction, if we total the sum of the balanced budget parts, I see and predict a very bright future. I see a nation with 6.1 million more jobs in 10 years. I see lower interest rates that will directly affect the daily lives and pocketbooks of every citizen in terms of the amount of the hard-earned income they pay now for living essentials—health care, housing, education, loans, food and transportation.

If you ask the American people, with a 2 percent drop in interest rates, how would you like 6 months of groceries free as compared to what you are paying now, or corresponding savings in your health care premium costs, mortgage payment or student loans, and if you compare those savings in their pocketbooks with the marginal reductions in the amount of growth in Federal programs in this city, why, put that way, the American people support a balanced budget. They are six jumps ahead of Washington.

So the question is how, how do we achieve a balanced budget? In his State of the Union Address, President Clinton said, "Don't give me a balanced budget amendment. Give me a balanced budget."

I agree with that. I must say I do agree. But with all due respect to the President, many of my colleagues and I have done just that but to no avail. During the last session of Congress, we sent two balanced budgets to 1600 Pennsylvania Avenue, and despite exhaustive effort and despite a lot of rhetoric to the contrary, in reality I think they were dead on arrival. However, I must say that passing the balanced budget amendment in the House last year and two budgets that were in fact in balance, despite the Presidential vetoes, this action did provide the kind of fiscal backbone and tenacity not seen in the Congress for decades. In my own case, I was very proud

of our efforts within the House Agriculture Committee, as chairman, in enacting farm program and food stamp reform that also produced an estimated \$350 billion in savings over the life of the budget agreement.

It can be done. They said it could not be done, but it can be done. And with our reform of farm program policy passing by overwhelming margins—318 in the House, 74 in the Senate—we also proved there is bipartisan support for true reform and budget savings.

We also achieved very considerable budget savings in discretionary spending at the conclusion of the appropriations process, all 13 major spending bills—something unique to the last Congress. So we made some progress. But that was last year. And last year, despite our successes and a reduced deficit, we fell short of the final goal, a budget that is truly, truly in balance. However, the real problem is that while there is considerable talk about accepting responsibility and standing foursquare for a balanced budget, there are serious differences of opinion as to how to bring the budget into balance.

I don't know how many times I have heard my Kansas constituents say, "Pat, why can't you and Senator Kassebaum and Senator Dole—Bob and Nancy—work together and bring this budget into balance?" Well, which programs would be cut? In most cases, I know, our constituents certainly come to Washington and say, "Yes, I want to balance the budget; yes, I know we have to quit this business of mortgaging the future of our young people, our children and their children; but, you know, my program is a little different. My program really represents an investment." And, in many cases, that is true. But, do we have the political wherewithal to address the real entitlement question, and that is our individual freedom and the future of our kids and their kids? In that, if you total up all the spending, you reach a certain level, as evidenced by all of the budget reports on the floor of the Senate, where that is the key question, not each individual program.

So, do we have the political wherewithal to save and restore Medicare and other entitlements? In this regard, the President and many of our friends across the aisle stated over and over again they are for a balanced budget, but not that budget, that budget meaning any cuts in their favorite and priority programs. And I must say, despite the fact that a Republican Congress and the President were within \$10 a month difference last year in regard to preventing Medicare bankruptcy, \$10 a month, some even say \$7, because of the fact we were not able to reach agreement and the fact that the Democratic Party made a conscious decision to make Medicare a top issue in last year's campaign, I am not overly confident any budget agreement can be worked out without a great deal of difficulty—unless we have to—unless there is some outside discipline that

will force Congress to get the job done. The lure of political opportunism may be just too great. The coming debate in regard to Social Security is a classic example.

I have here the report in regard to the balanced budget amendment legislation we are considering. On page 33, the minority views begin. And I note, as I thumb through some of the commentary, that it is merely a repeat of what many of us on this side of the aisle experienced in 30-second spots.

So the real question is, does the Congress have the fortitude and the perseverance and the tenacity to truly balance the budget? As has been said by many of my colleagues, despite very good men and women of both parties with the best of intentions, it is now the 28th year in which a majority in Congress has failed in efforts for the Federal Government to live within its means and to prevent the mortgaging of our children and their children—28 years. There is the evidence right down there, right next to Senator CRAIG. As a matter of fact, I think it stacks so high that we are in violation of the Occupational Safety and Health Administration code, and maybe the fire code.

So we all agree that we must make progress toward a balanced budget. Then during the course of our political deliberations, we most generally agree to disagree on how to achieve this goal. I think it is clear that, if there is anything to be learned during the time we have regrettably experienced ever-increasing deficits and political discord, it is that we need a balanced budget amendment to the Constitution to simply get the job done.

Now, the minority says in the beginning of their views:

The real question this year is not whether to reduce the deficit but by how much and what cuts to make in order to bring the budget into balance. That is the real work that lies before us.

And amen to that. And I credit the minority for starting off with that paragraph.

But, as has been said before, we now have the President's budget, and in that regard I am going to quote from today's issue of the Washington Post. This is an independent observation, not known for conservative views—some conservative views. When they shine the light of truth into darkness, it is usually to the left-field bleachers as opposed to the right-field bleachers. But the Post says this morning:

"For the first time in 30 years, we'll be able to tell the American people that we have brought fiscal sanity back to their Government," declared Clinton's Budget Director, Franklin D. Raines, at a news conference.

And the Post goes on to say this, and this a wake-up call to the American people:

But, in many respects, [the President's] fiscal 1998 budget falls well short of the administration's soaring rhetoric. On issues such as deficit reduction, Medicare, tax cuts and welfare, congressional Republicans and

many independent budget analysts charge [the President's] plan is crafted less to impose fiscal discipline than to gain political advantage in the budget battle to come.

That is the Washington Post. That is not some Republican on Senate floor.

In assembling its blueprint for wiping out the deficit by 2002 and beyond, the administration offers dozens of new spending initiatives, including almost \$60 billion of additional entitlement programs [I thought we were going to scale those back], while providing sketchy information about spending cuts.

Clinton is relying heavily on new fees and deferred spending reductions to reach balance. About 75 percent of all the proposed spending cuts would take effect after 2000, a strategy that would put off most of the pain—most of the discipline, if you will—until after President Clinton leaves office.

A respected columnist, second to none, the dean of the political writers in Washington, David Broder, added this in today's issue of the Post:

The numbers in the latter document [I am talking about the budget] are immensely revealing. After pages of pat-myself-on-the-back rhetoric, the gauzy camouflage is pulled aside. And you can learn that there's really not that much wrong with this budget except that it adds another \$1.2 trillion to the statutory national debt in the next 5 years, fails to start addressing the baby-boomer retirement problem, further squeezes the share of money available for needed domestic programs, shifts burdens to the States, shortchanges the cities and stagnates investments in nonmilitary research and development, the real seed corn for the future. Other than that, it's a fine, forward-looking budget plan.

That is by David Broder and I think it deserves significant attention for those involved in this debate as well as all of the American people.

Mr. President, with the fall of the Greek Republic as an example, there is an often-quoted and pessimistic theory that a democracy cannot exist as a permanent form of government. The argument and prediction is a democracy can only exist until the voters discover they can vote themselves largesse from the Public Treasury. From that moment on, the majority always votes for the candidates promising the most benefits, with the result that a democracy always collapses over a loose fiscal policy.

That was predicted about the Greek Republic. It happened. If that prediction is true, it is a terrible prospect for our future.

Mr. President, I don't buy it. I think the American people are willing to sacrifice and invest in the future if we but set the example and get the job done.

I must say, when we look at our most recent history, and the fact our best efforts fell short during the last session of Congress—and, goodness knows, we worked hard—I believe this debate, this legislation and this time represents our very best opportunity to set our Nation's fiscal house in order.

In his State of the Union Address, President Clinton said, "we need action." And I agree. It is, indeed, time for action.

And for action that gets the job done, we need a constitutional amendment.

I yield the floor.

Mr. CRAIG addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, let me make note of the comments of the Senator from Kansas. They are so appropriate and so well directed at what we can do here as it relates to controlling our spending and modifying programs that do just that and produce long-term benefits.

The Senator from Kansas last year, of course, was a major player and author of the Freedom to Farm Act while he was chairman of the House Agriculture Committee. That very act changed the whole dynamics of Government policy as it related to farm programs and Government's relationship to production agriculture.

He spoke of the net savings in the tens of billions of dollars that will result over an extended period of time. I would guess that less than a few years ago, many Senators and many Members of the U.S. House would have said, "That can't be done; you cannot sever that relationship." And yet, we have severed it.

Agriculture continues to prosper every bit as well as it did tied directly to the Government and Government programs and, we believe, in the long term will prosper more, simply because it is not relying on farming-to-Government programs but, in fact, is now looking at the market and producing to the market, as we had hoped it would.

That was one major benefit in change that occurred in the 104th Congress.

Another one that occurred that is, in the long term, going to substantially get us to the point by 2002 of a balanced budget, of course, was the welfare reform.

So when the kind of pandering that occurs here on the floor, often from the other side, that there is no way to balance the budget, or, if you balance it, you must begin to exempt major portions of the budget because they are too sensitive, too important and no constraints must be put upon them of the kind that a constitutional amendment would place upon them, so, therefore, they must be exempt, I would argue just the opposite, that all it forces us to do is make tough choices, priorities, where should the dollars be spent.

Of course, we all know we are going to build and maintain a strong human safety net in Government policy for the citizens of this country who are poor or disadvantaged or need an opportunity. That is exactly what has been and will remain a concern of this Congress always.

All we are asking, and what I think we are causing to happen, is what the American people have been asking now for well over a decade. Out of fear—now fright—that this Congress cannot control a Federal debt, they are saying, "Balance your budget."

Of course, the Senator from Kansas and I, the day before yesterday, referenced this large stack of 28 consecutive budgets that are piled here beside me, to recognize that 14 of them have deficit spending, with all the intent to deficit spend and no intent to balance. And 14 of them have the intent to balance, where the Congress collectively, in producing the budgets, said it is our intent that these budgets lead to a balanced budget.

Yet, of course, we now have evidence, by the President's budget coming to us yesterday, that in all the rhetoric and all the time that he expended and all the good intentions that he expended in the State of the Union Message this week, referencing a balanced budget many, many times, that his budget isn't balanced, won't even balance unless you do major cuts and major tax increases, largely because he is habitually the kind of public leader that we have had for so many years, who wants to constantly add new programs without making the tough choices of deleting programs so that you can add.

I am not suggesting the programs the President spoke of are not contemporary and necessary. When he spoke to education the other night, I applauded a fair amount of what he said. But I am willing to stand here and make the tough votes to suggest spending ought to decrease somewhere else if we as a country are going to shift our priorities in spending to education.

We now have an amendment before us that would impact the whole intent of a balanced budget amendment to our Constitution, and those are tough choices, prioritizing and doing exactly what the American people expect us to do, and that is balance the budget. If 51 of us can say, "Oh, we can't balance the budget, the environment is too extreme at the moment, economically at this point in the country or the priorities of spending are we just have to bypass this national mandate, this constitutional mandate and do it only by 51 votes here in the Senate," then I suggest to you this amendment wipes away the full intent of a balanced budget amendment and causes us, if that were to become part of the balanced budget amendment, to gimmick up the Constitution by simply doing exactly what we do now.

So we are telling the American people that the amendment that is before us is one where, "Oh, we have given you a balanced budget amendment to the Constitution. Rest assured we have given you what you wanted, but more importantly, we have now simply prescribed business as usual."

It is with those frustrations that I think we are now suggesting that this is an amendment—the amendment to the constitutional amendment, the one before us—is one that does not deserve to be in the Constitution, because it would be false pretense to argue it any other way.

Yesterday, there was a fascinating article from *Investors Business Daily*

that I thought was very reminiscent of the very arguments we are placing here on the floor. The President had expressed concern about the ability to react promptly in a recession and, of course, the amendment we have before us would argue that that is what it allows. When the President said that, I said, "Mr. President, we have provided for that. We have a three-fifths vote in the amendment now." It is a tough vote. It is not always easy to come by, but it is a necessary vote to force us to the reality.

Let me suggest that Congress, in 1962, passed 12 economic stimulus bills because of a recession. All 12 bills received 60 votes or more in the U.S. Senate. In 1993, in a stimulus package, there were similar kind of votes.

What I am suggesting is that the record is replete with a voting pattern that says if we are truly in a major economic emergency and there is need for economic stimulus, that the very marker we have put in the proposed constitutional amendment that we are debating on the floor is the proper mark and not 51 votes.

So what *Investors Business Daily* said yesterday was:

The idea that deficit spending could smooth out the rough spots in a business cycle comes from John Maynard Keynes. Recessions, he believed, started when all the buyers in the economy suddenly stopped spending. . .

The evidence shows that public works programs have done nothing to solve recessions, a 1993 article by economist Bruce Bartlett in *The Public Interest* magazine pointed out.

Spending packages aimed at fighting recession have never been enacted before a recession ended on its own.

In other words, they always came after all of the indicators were in place that the recession was over.

Recessions are usually defined as two straight quarters of falling GDP. So no one actually knows a recession is happening until six months after it starts. No one knows it's over until three months later.

That is the reality of how we define "recession." Yet, the amendment that we have before us to amend the resolution would argue that we know better.

Mr. President, I ask unanimous consent that the full text of the editorial called "Prospective Balanced-Budget Blather" be printed in the *RECORD*.

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

PERSPECTIVE BALANCED-BUDGET BLATHER,  
FEBRUARY 6, 1997

Without deficits, recessions would be longer, deeper and harder to pull out of, the common wisdom says. Treasury Secretary Robert Rubin echoes that in opposing a balanced-budget amendment. But it's not true.

The idea that deficit spending could smooth out the rough spots in a business cycle comes from John Maynard Keynes. Recessions, he believed, started when all the buyers in the economy suddenly stopped spending.

Sellers usually respond to such a decline in demand by cutting output and jobs, rather than cutting prices, the Keynesian view went. That threw more people out of work, and further reduced aggregate demand.

Only government could turn this cycle around, by pumping money into the economy. It did so by hiring people for public works programs, for example.

But because the government collects less in taxes during recessions, those public programs had to be paid for with debt, Keynes argued.

The evidence shows that public works programs have done nothing to solve recessions, a 1993 article by economist Bruce Bartlett in *The Public Interest* magazine pointed out.

Spending packages aimed at fighting recession have never been enacted before a recession ended on its own, as the chart shows.

In fact, Congress often enacts these packages the very month the recession is over. They are usually nothing more than pork-barrel spending dressed up as compassion.

Recessions are usually defined as two straight quarters of falling GDP. So no one actually knows a recession is happening until six months after it starts. No one knows it's over until three months later.

Even then, it takes Congress time to pass a law for extra spending. And it takes still more time for that money to make its way through the economy.

So even if Congress could tell when a recession was starting—unlikely, given the records of most economic forecasters—it still wouldn't have more than a small effect.

And Keynes was wrong not just in practice, but in theory as well.

He based his whole theory on the notion that government experts acted rationally, while the average person did not. Central planners could know enough and act quickly enough to save people from the consequences of their own bad decisions—clearly not the case.

There are programs, such as unemployment insurance, that kick in automatically when recession hits, without having to wait for Congress to act. The amount those programs actually increase during recession could be easily handled within a balanced budget, however.

Between 1980 and 1984—which includes years of deep recession—real spending on jobless benefits rose \$47.4 billion above its level in 1979, an economic peak. That increase was just 1% of government spending over those four years.

Recessions have been less severe in the postwar period, many economists argue, largely because of the greater role Government has played in easing recessions. But it is not certain that they are less severe, and it is even less certain that this is due to government.

On the surface it seems true. From 1920 to 1938, recessions averaged 20 months, with a 14.2% decline in real GNP. Since 1948, they averaged 11 months, with 2.4% drop in real GNP. Unfortunately, it's hard to compare the two periods, because the prewar data are quite crude.

National Bureau of Economic Research economist Christina Romer, in a key 1986 *American Economic Review* article, tried to compare apples with apples. She adjusted the more recent data so that it was calculated much like those of the prewar period.

And she found the evidence of a change in the length, frequency and severity of business cycles was weak.

Even if recessions are less severe, it may have little to do with government. The growing importance of the service sector, where employment tends to be stable, could be one reason. And technology has helped ease the sharp boom-bust cycle of the farm and factory sectors.

Legitimate gripes about a balanced-budget amendment are easy to come by. But Rubin's is not one of them.

Mr. CRAIG. It is important to recognize that while the politics of the argument are interesting, the record would

suggest that it does not fit, that Congress has always responded to recessions after they were over. And, in fact, what ended up usually was pork-barrel spending that became a part of the total budget program that went on.

Between 1980 and 1984—which includes years of deep recession—real spending on jobless benefits rose \$47.4 billion above its level in 1979, an economic peak. That increase was just 1% of government spending over those four years.

Recessions have been less severe in the postwar period, many economists argue.

That is exactly the point of those figures, the argument that somehow we straitjacket our Government by a balanced budget not able to respond to times of recession, and the facts simply do not bear it out, the economic facts, not mine, but those of the economists who study this.

So when Secretary Rubin fears straitjacketing, what Secretary Rubin fears is that the American people will once again have control of their budget and the spending of the Federal Government and that we take it out of the hands of politicians and force them to stay within parameters and make the tough choices and to stop mounting the huge Federal debt that we are currently having.

That is the essence of a balanced budget amendment. That is why we are here on the floor, because the American people have asked us to do this. I am one of those who believes so strongly that the record is replete with the facts that we as politicians cannot do it.

Some of us can make those tough votes; others cannot for various reasons. It is true that, as never before, special interest groups come to Washington for a piece of the pie. So it is easy to give it away and make the pie bigger. The only problem is we borrow hundreds of billions of dollars annually to make the pie, expecting future generations to pay for the ingredients. Therein lies the great discrepancy, why we are here.

It is an important issue. We must fight to make sure that we retain it and that we pass the balanced budget constitutional amendment resolution and disallow the kind of amendments that would weaken it or make it hollow at best. We cannot put that kind of language in our Constitution.

I yield the floor.

Mr. DODD addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I ask unanimous consent that I may be able to proceed as in morning business and the time I use not be deducted from the debate on the pending business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DODD. I thank the President.

Mr. President, I have a couple of items that I would like to address, if I may, here of a different nature than

the debate on the constitutional amendment for a balanced budget. Myself, I will have some remarks later in the day on that subject matter, but I would like to take a little bit of time, if I could, to raise several issues.

(The remarks of Mr. DODD pertaining to the submission of Senate Congressional Resolution 6 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

#### TRIBUTE TO PAMELA HARRIMAN

Mr. DODD. Mr. President, all of us in this country were deeply saddened by the tragic death of Pamela Harriman in Paris a few days ago. Regardless of party or political persuasion, this was a remarkable woman who spent a lifetime, from the basement of 10 Downing Street with that most revered of leaders of the 20th century, Sir Winston Churchill, to representing the United States in the Embassy in Paris. Hers was a remarkable life in many ways.

As we have been reading about the legend of Pamela Harriman over the past few days not enough attention, in my view, is being paid to her profound legacy to this country. Most of us—I think all of us, maybe with some exception in this Chamber—were born in this country. We did not make the choice to be Americans. We were fortunate enough that our parents or grandparents or great-grandparents came to this country, and we were the beneficiaries of those decisions.

I have always thought it was somewhat different for people who made the choice, the conscious choice to become an American. Pamela Harriman made that choice to be an American and contributed mightily to this country. She was engaged in the political process. She was a partisan. And I say to my friends on the other side, I think that is healthy when people become engaged and not only have ideas and values and beliefs, but are willing to act on them. And for those of us who are Democrats, we will be eternally grateful for her support and her willingness to be engaged in the political life in this country. For people, regardless of political persuasion, she was a great individual who represented our country in Paris with great distinction.

There was a column presented the other day, Mr. President, by Richard Holbrooke in the Washington Post which I think captured in many ways the feelings of many of us about Pamela Harriman's service.

Mr. President, I ask unanimous consent that that column by Richard Holbrooke be printed in the RECORD.

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

[From the Washington Post, Feb. 6, 1997]

#### PAMELA HARRIMAN'S LAST MISSION

By Richard Holbrooke

If, as Soren Kierkegaard said, "Life is lived forward but understood backward," then the arc that Pamela Harriman traveled can best be understood by beginning at its end, with

her ambassadorship to France. The four years she spent in Paris in service to her adopted nation gave a different meaning to what had gone before it, not only to her biographers but also to herself. In retrospect, everything that preceded Paris will look different because, after a life in which she was identified closely with a series of important men, she did something important so splendidly on her own.

She spent her last hours before she fell ill in a characteristic whirlwind of activity. Less than an hour before her fatal attack, she was discussing on the telephone with her friend Undersecretary of State Peter Tarnoff some highly technical problem concerning the Treaty on Conventional Forces in Europe. This was not the public Pamela Churchill Harriman, the one the press always described as "beautiful and glamorous," but the intensely serious public servant, handling personally a matter most ambassadors would have left to someone else. Then, after discussing the CFE with Tarnoff, she went swimming at the Hotel Ritz and, as she got out of the pool, collapsed without warning.

Because Pam was the daughter of a Dorset baron, I often asked her, teasingly, how she had managed to overcome the disadvantages of her birth. But in a sense, I meant it; had she followed the normal trajectory for a girl of her generation and limited education, she would perhaps have lived out the last few years of a fairly predictable life as, say, a duchess dowager in some stately English home. Instead she began a 57-year voyage almost continuously in the public eye.

The standard stories always emphasize the men in each phase of Pam's life, and there was truth in this; she herself talked of it occasionally with her close friends. But the role men played in her life can be misunderstood. It is true that she loved, and was loved by, an extraordinary group of men. But Pam absorbed more than the luxuries of life from her close proximity to men in power. From each of them she learned something new and gave something back. It was with Averell Harriman, a major figure in both foreign policy and the Democratic Party for half a century, that she returned to the world of public affairs, this time not as the British daughter-in-law of Winston Churchill but as a proud new American citizen. She became increasingly involved in Harriman's two major concerns: the Democratic Party and American foreign policy. Thus, when President Clinton made the decision to send her to Paris in 1993, she was more prepared than either she or most of us realized.

Unlike many political appointees, she was determined to understand the most complex details of her job. At the same time, she remained a perfectionist, equally determined to present a flawless facade. When, as her "boss," I tried to get her to take more time off, to relax more, to do less, she simply said, "I can't do that. I'm not built that way."

Her efforts produced results not only for her personally but for the nation. In the famously difficult relationship between Washington and Paris, Pam achieved a level of access to the highest levels of the French government that was unique. While the press focused on the strains in the relationship, these were never as serious as reported, and in any case they would have been far greater without Pam's ability to bring officials of both nations—most of them younger than her son Winston—together under her roof to work things out. It was one of her enduring beliefs that if she could get the right people together in a room she could get them to agree, or at least reduce their disagreements. That she was so often right, in the face of the usual bureaucratic passivity or pessimism, was a tribute to her determination and tenacity.

Almost exactly 28 years ago, on January 19, 1969, a group of us went to Orly airport in Paris to say goodbye to Averell Harriman, who was leaving his post as chief negotiator to the Vietnam Peace Talks on the day before Richard Nixon's inauguration. Harriman was 76 years old, and that day in Paris was to be his last as a U.S. government official. Now, at the same age and in the same city, his widow has gone out as she would have wanted to, just as she was ending a successful mission for her nation.

#### TRIBUTE TO CASEY MILLER

Mr. DODD. Mr. President, a third subject matter I raise here in morning business today is one that did not get national attention except for those who may have been interested. But I want to pay tribute to a neighbor of mine, Mr. President, a neighbor and a friend, a woman who truly revolutionized the way we speak and write in this country. Casey Miller is her name.

Throughout her life, Casey Miller promoted and venerated the role of women in our society by fighting to eradicate gender-specific language from everyday speech.

Postal worker, artisan, police officer, and restaurant server are just some of the words that enter the glossary of modern English because of Casey Miller. While many falsely see these words as political correctness gone awry, they in fact represent a genuine effort to place America's women on the same linguistic standing as men.

Her book, "The Handbook of Nonsexist Writing" is still considered the standard reference guide on how to correctly utilize language in order to properly address and speak of women. Too often in everyday discussions we use the words "man," "men," and "he," as if they were interchangeable for all people. But these words only describe the role of the male gender and they demean to many women the significant position of women in our society.

As the English novelist Thomas Hardy once said, "It is difficult for a woman to define her feelings in language which is chiefly made by men to express theirs." The fact is that "the man on the street" may be the woman with a strong opinion. Things that are "man-made" are often built by women. The "man of the house" is by no means always a man. And the "land where our fathers died" is the same land of our mothers.

Through Casey Miller's writings, more and more Americans became aware of the implicit discrimination in our language and the distinct individuality of women in our society. Though she was not a household name, Mr. President, for most Americans, her impact on the way we write and speak has been profound. For all of her efforts she deserves the appreciation of women and men across this country of ours.

Besides her groundbreaking work on behalf of women, Casey Miller was an active and vital participant in humanitarian and philanthropic causes.

Through Childreach, the U.S. branch of Planned Parenthood International, Ms. Miller served as a foster parent for dozens of children in poor and disadvantaged countries. What is more, she shared her good fortune with others, generously donated to her alma mater Smith College, the NAACP, and the Humane Society.

On a personal level I rise here, Mr. President, to talk about Casey Miller who passed away a number of days ago not just because she was a pioneer in the feminist movement, served our country in uniform in previous conflicts, but she was a dear friend, and she happens to have been my next door neighbor in Connecticut. More than just being an activist and someone who made a significant contribution through a particular avenue that she sought, she was a wonderful, wonderful, friend. I cannot tell you the countless breakfasts, lunches, and dinners, so lively across the lawn. I could spend an evening with Casey Miller and Kate Swift, her lifetime friend and partner.

For millions of us across the country, Casey Miller has had an impact—you may not know her name—for the way we speak today, for the changes that have occurred. Even in our own legislative body Casey Miller made a significant contribution.

Mr. President, I just wanted to rise this morning and pay tribute to my neighbor. I will miss her very, very much. She was a wonderful friend, a great person, an individual who proved, once again, that one person can truly make a difference in our society.

I ask unanimous consent that two editorials about Casey Miller be printed in the RECORD.

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

CASEY MILLER, 77, A PROMOTER OF USING  
NONSEXIST LANGUAGE  
(By Lawrence Van Gelder)

Casey Miller, a writer and editor who was a pioneering advocate of nonsexist language, died on Sunday at her home in East Haddam, Conn. She was 77.

Kate Swift, her close friend and co-author, said the cause of death was chronic obstructive lung disease.

Beginning in the early 1970's, Ms. Miller and Ms. Swift co-wrote numerous books and articles on English usage and its relationship to the status of women. Writing in a climate of increasing sensitivity and opposition to language that relegated women to secondary status, Ms. Miller and Ms. Swift waged a forceful campaign against what many considered sexist language. If not all their proposals (like "genkind" to replace mankind) found their way into everyday usage, the women nonetheless helped to raise awareness of oppression by language.

Ms. Miller and Ms. Swift were the authors of "Words and Women," published in 1976 by Doubleday and 1991 by HarperCollins, and "The Handbook of Nonsexist Writing," published in 1980 by Lippincott & Crowell and in 1988 by HarperCollins. They also wrote many articles on sexism in English that appeared in national periodicals and in more than 30 anthologies and textbooks.

They achieved widespread recognition as authorities on the subject of linguistic dis-

paragement of women with "One Small Step for Genkind," a 1972 article in The New York Times Magazine that was reprinted in college textbooks as recently as last year.

In it, they wrote: "Except for words that refer to females by definition (mother, actress, Congresswoman), and words for occupations traditionally held by females (nurse, secretary, prostitute), the English language defines everyone as male. The hypothetical person ('If a man can walk 10 miles in two hours . . .'), the average person ('the man in the street') and the active person ('the man on the move') are male. The assumption is that unless otherwise identified, people in general—including doctors and beggars—are men.

"It is a semantic mechanism that operates to keep women invisible; 'man' and 'mankind' represent everyone; 'he' in generalized use refers to either sex; the 'land where our fathers died' is also the land of our mothers—although they go unsung. As the beetle-browed and mustachioed man in a Steig cartoon says to his two male drinking companions, 'When I speak of mankind, one thing I don't mean is womankind.'"

Ms. Swift said yesterday that the idea for the article grew out of their first collaboration as editors in 1970, on a sex education handbook for high schools that talked about the nature of man and man's behavior and used the pronoun "he" in ways that made it impossible to know whether the author was writing about both males and females or only about males.

"We began to think this was a field that needed to be written about and explored," Ms. Swift said.

Their articles on the subject first appeared in New York magazine and in the first issue of Ms. magazine. The New York Times Magazine article appeared on April 16, 1972, and "got an awful lot of negative comment," Ms. Swift said.

Casey Geddes Miller was born on Feb. 26, 1919, in Toledo, Ohio. She received a bachelor of arts degree in 1940 from Smith College, where she was a philosophy major. During World War II, she served for three years in the Navy, working in Washington in naval intelligence.

She was on the staff of Colonial Williamsburg from 1947 to 1954, when she became the curriculum editor of the publishing house of the Episcopal Church, Seabury Press. Ten years later, she became a free-lance editor, working at her home in Greenwich and after 1967 in East Haddam, where she formed her editorial partnership with Ms. Swift.

She is survived by her sisters, Kate R. Gregg of Falmouth, Me., and Caroline S. Cooper of Gilmanton, N.H.

#### TAKING ON "MANKIND"

Gender-neutral phrases like postal carrier and police officer roll off our tongues nowadays as if they had always been a part of our linguistic consciousness. But we know that's not true. Until a few years ago, the English language was loaded with male-biased terms.

A turning point came in 1980, with the "Handbook of Nonsexist Writing," today considered the standard reference on how to avoid degrading women with words. Its co-authors were Casey Miller and Kate Swift of East Haddam.

Ms. Miller died Sunday at the age of 77.

In dozens of magazine articles and two books, Ms. Miller and Ms. Swift made a strong case for banishing gender-biased words from our everyday language.

Many of their proposals—such as eliminating suffixes -ess and -ette and replacing loaded words like "craftsman" with the neutral "artisan"—have been widely adopted.



The two authors drew attention to other sexist expressions, from founding fathers to working wife to old wives' tale, arguing that prejudices in language reflect the mostly white, Anglo-Saxon patriarchal society in which our grammar and vocabulary developed. Such terms are destructive, Ms. Miller and Ms. Swift wrote, because they perpetuate stereotypes demeaning to women.

Theirs were persuasive arguments.

A graduate of Smith College, Ms. Miller's lifelong passions were words and language. As a lieutenant during World War II, she helped to break codes used by Japanese in the Pacific. Later she worked in publishing before moving to East Haddam in 1967 to begin her career as a freelance editor and writer.

Although hers was not a household name, Ms. Miller has left a more lasting legacy than others who have achieved celebrity status: Changing the way Americans write and speak.

Mr. DODD. I thank my colleagues for allowing me to digress. Mr. President, I yield the floor.

#### BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The Senate continued with consideration of the resolution.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Missouri is recognized.

Mr. ASHCROFT. I thank my colleague from the State of Connecticut. Mr. President, I am pleased to have an opportunity to make some remarks about the balanced budget amendment. It is my understanding the minority leader may come to the floor to speak, and if he does I am happy to interrupt my remarks to provide him an opportunity to make whatever remarks he plans to make.

Mr. President, when we discuss the balanced budget amendment, we are usually talking about the impact of runaway spending on our economy or on our future. These are fundamental considerations, but I think there is another consideration that we must not lose sight of, and that is, perhaps, more fundamental and more profound than the economic implications of the balanced budget. A protracted deficit spending empowers the central Government with the means to undermine our basic liberties. What I really mean to say is that unlimited spending by Government promotes unlimited Government, and unlimited Government means limited freedom. There is a relationship between the size of Government and the number of its prerogatives and the size of individuals and the number of their prerogatives.

For how we tax and spend, really, in fact, determines whether we are prosperous or poor, free or enslaved, good or evil. I believe if we want to be free, we have always to be careful about the size of Government.

Now, the acknowledgment that we can control Government by controlling its power of the purse is not new. From the very beginnings of this Republic there has been a clear understanding

that if you could control the purse, if you could limit spending, you could limit the encroachment of Government upon the freedom of individuals. Money is and money has always been the source of Government's most basic power. History bears testament to this truth.

The Magna Carta, which was signed grudgingly by King John a few centuries ago—I might add, no relation, King John, but the name is still in current use—prescribed that the monarchy could not impose taxes, and King John grudgingly signed this, the monarchy could not impose taxes without the consent of the Great Council. Charles I was executed because he tried to spend money without the consent of the Commons. And our own Declaration of Independence talks of injuries and usurpations, not the least of which was George III's imposition of taxes without representation, taxes without the consent or participation in the decisionmaking by colonial residents.

Mr. President, deficit spending has wrested power from the people. It has taken power from the next generation and brought it to this generation, the power to decide how the resources of our own children will be spent. It has deposited this power in the Halls of Congress.

We are not only taking the freedom of this generation when we spend in deficit, we are taking the freedom of the next generation, so that we have a compound problem here. The extent and reach of Government encroaches upon the capacity of individuals to live freely, not only in the present time but because we are funding this overreaching of Government with deficit spending, it encroaches upon the freedom of the next generation.

This is an inversion of the will of the Framers of the Constitution. It is an invasion of the social contract in which our forefathers developed this country. It takes the power from the people and puts it in the hands of the Congress. And really what Congress' enterprise ought to be is empowering people. It is time to return to the people the ability to control their own lives, their future and their destiny and to begin to assure the next generation that we will not have exercised their prerogatives, we will not have made their choices about how to spend their resources, but that we will, indeed, protect some of that prerogative which they rightfully have which they ought to enjoy. Another way of saying this is that it is simply immoral to tax unborn generations of Americans in anticipation of their existence in order to satisfy our undisciplined consumption that is a result of deficit spending.

Mr. President, Congress today does not have to vote to raise more revenue in order to spend more money. We have gone through a transition from tax and spend, which is an arguable proposition, to borrow and spend, which is certainly a very questionable proposition. We now are in a category of

steal and spend, because borrowing without the intention or capacity to pay back by those who are doing the borrowing is something that is categorized in the law as something far different from borrowing. People who go to borrow without the intention to pay back are stealing. Most State statutes call it stealing by deceit. When we in this generation borrow without the intention or capacity to repay those moneys which we have borrowed, we, in fact, are stealing from the next generation. We cannot have their consent to take their resources because they do not exist yet. We are taking resources from our children and grandchildren at a time before they are even born. We are borrowing without the intention to pay back. We have gone from tax and spend to borrow and spend, and I dare say, now we find ourselves in the moral reprobate position of stealing from the next generation to spend.

I spent some time as attorney general of my State. I had the privilege of serving the people of Missouri for 8 years as attorney general. It is the attorney general's responsibility to uphold the convictions of individuals who have violated the law. Among those are people who abuse children. I think child abuse is reprehensible. It is beyond my comprehension how someone would abuse a child, let alone his or her own child.

But most of the people who abuse children would not think of stealing from children, or stealing from their own children. I find it to be abhorrent and immoral, and it is very unwise that we would take from our own children the capacity that they ought to have to be free, and that we would somehow wrest from them the decisionmaking capacity of free citizens in the next generation to decide how to deploy the resources that they generate. We would have already made the decisions, we would already have consumed the benefits, and we would send to them nothing more nor less than the bill—the debt to be paid.

We owe our children so much more than that. Tax and spend was bad; borrow and spend was worse. When we got to a situation where we could not repay that which we had borrowed, it became stealing by deceit, and steal and spend is morally reprehensible and must be curtailed, it must be stopped.

The ability to take resources of the next generation is unique to the Congress. No father can create debts which are visited upon his or her son or daughter. No mother can create a debt that can be visited upon her son or daughter. The law simply does not allow the debts of a parent to be imposed upon a child. Only in one universe can this happen, and it can only happen when the people of this country, through their Congress, create a debt which will be visited on those who are yet unborn, will be used as a set-off to garnishee the wages that are yet unearned. It's time that we stop.



No family in America finds its children encumbered by the debts of parents. The American people are fed up with a Congress that spends these yet unearned wages of the next generation, and rightly so. It is more than economics; it is a matter of freedom. Second it is more than freedom; it is a matter of integrity.

Mr. President, deficit spending is not only a threat to our posterity and our children's future, it is a method by which Washington's elite circumvent the public, the law, and the Constitution. When the people express the belief that Government is out of control, they are correct. For too long, this body has satisfied the appetites of narrow interests at the public's expense. Where is the accountability to taxpayers? Where is the will to do that which is right?

Mr. President, we have tried time and time again to deal with this problem of recurring chronic debt. In terms of the medical profession, this is not an acute problem that lasts momentarily and then is gone, this is a chronic problem. These copies of out-of-balance budgets for the United States, year after year—I believe there are only 28 years stacked here. Over the last 60 years, you can more than double, perhaps triple, the volume represented by these out-of-balance budgets. They represent the absence of our capacity to discipline ourselves to stop spending someone else's money, to stop borrowing someone else's money, to stop stealing by deceit the resources of the next generation.

In 1985, we tried something. It was a noble endeavor. To be commended are Senators GRAMM, former Senator RUDMAN, and Senator HOLLINGS in the Gramm-Rudman-Hollings Act. Then again we didn't have the will to carry through, and we changed the law so we could change the rules because we could not change our habits. We put Gramm-Rudman II in place in 1987. Then we changed the law and we changed the rules because we could not change our habits and broke that agreement. When the Budget Enforcement Act of 1990 went into effect, again, we found ourselves changing the law and the rules because we could not break our habit. It becomes apparent to me that we need to do more than just have laws and rules, because we never have been able, in the face of our bad habit, to maintain our commitment to the rules or to the laws. We have simply changed the law and broken the rules because we could not break the habit.

We need systemic change, something that goes to the very heart of us, that forbids this insistent expropriation, taking away from the next generation. It is simply that we need to put into the Constitution an immutable, unchangeable document, a kind of capacity to provide the discipline we have lacked and lacked consistently. I think we need to summon the discipline to restrain Government. It is obvious that

Republican and Democrat Congresses have not had it. Republican and Democrat Presidents have not had it. It is time for us to provide a backbone implant, if you will, for the Congress of the United States to place in the Constitution of the United States this discipline.

While one Senate cannot bind the next Senate, and hasn't because we have changed the laws and changed the rules because we could not break the habit, our Constitution can provide that discipline. Persons born in 1900 paid, roughly, 24 percent of their income in Federal and local net taxes. Persons born in 1970 will pay about 34 percent of their income in net taxes. If the policies that we have in place now remain, persons born in 1994 and thereafter will find themselves, over the course of their lifetimes, paying a net tax rate of about 84 percent. It is a trend which cannot continue. It is taxation without representation. It is an expropriation of the freedom and opportunity of the next generation. It is immoral, it is obscene, and it must end.

As Thomas Jefferson stated in a letter to James Madison in 1789:

The question whether one generation of men has a right to bind another \* \* \* is a question of such consequence as not only to merit discussion, but place also, among the fundamental principles of every government.

We must place it among the fundamental principles of our Government by enshrining the balanced budget amendment in our Constitution.

Now, there is some quibbling about whether those who founded this great Nation would have wanted the balanced budget amendment in the Constitution. I must say to you that there were certain presumptions that surrounded most individuals who assembled to create the finest document ever written by human hand—the U.S. Constitution. One presumption was the presumption of integrity and the presumption of responsibility that the Founders expected of those in Government. Tragically, that presumption is unwarranted as it relates to the Congress today. I believe, absent their ability to rely upon the integrity and determination of the Congress, they would gladly have placed in the Constitution a framework which would have required such responsibility.

Mr. President, I send to the desk for inclusion into the RECORD the letter of Thomas Jefferson to James Madison, written in Paris on September 6, 1789.

I ask unanimous consent that it be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. ASHCROFT. Mr. President, during this debate, we have heard frequently that there is not a need to amend the Constitution. There is authority, we are told, for Congress to do what is right if we simply exercise greater fiscal discipline. No one in this

Chamber has ever argued that there is inadequate authority for balancing the budget. But these unbalanced budgets are a testimony which is undeniable, not to the absence of authority, but to the absence of discipline. It is time that we, who have experienced a collective loss of will, provide a structure in which we cannot allow this abuse of the future of the United States to continue.

The balanced budget amendment is real reform, and it will be felt. I had the privilege of serving my State as Governor. I have seen what happens when there is a framework and structure which demands discipline. I know that for 8 years we balanced our budgets. As a matter of fact, we aimed for a little surplus so we could create a rainy day fund so that when times got tough, we could simply call upon those resources that we had developed when times were good. And it was not only an appropriate way to do business because it was moral and because it didn't steal from the next generation. It was an appropriate way to do business because it was very healthy for the State economically. And over and over again our State was rated at the very top with the highest bond rating—the highest financial rating of any State in the country because it was understood that we had this concern about the integrity of our fiscal affairs.

So, Mr. President, let me just say a balanced budget amendment is real reform. It will reestablish the historical responsibilities observed in this country that we could have balanced budgets, except in times of war, which is something that should be assumed. But it cannot be assumed and must be institutionalized.

It is also a political reform that will be felt first and foremost in the cold corridors of power here on the Potomac. Most importantly, it will be felt by the American people who will have their right to self-governance restored.

Over two centuries ago Edmund Burke reminded members of the British House of Commons of a fundamental principle. Burke said: "The people must possess the power of granting their own money or no shadow of liberty can subsist."

The truth of the matter is that, if the people do not have power over their own purse strings and if we can extend our Republic of Government by borrowing or stealing from the next generation, we indeed will have seriously eroded the liberty which we are entitled to in this country.

We need to safeguard those liberties which were first inscribed in the Magna Carta in 1215 preserved by the blood of patriots on continents around the world. We must return the power of the purse to the people. We must stop stealing from our children. We must stop stealing by deceit.

Mr. President, the balanced budget amendment to the Constitution not only has to do with economics and the economy, and not only has to do with

prosperity. It is a problem about integrity, and it is a challenge relating to liberty. And we must embrace it and offer it to the people of the United States for ratification.

## EXHIBIT 1

LETTER FROM THOMAS JEFFERSON TO JAMES  
MADISON, PARIS SEPTEMBER 6, 1789

DEAR SIR: I sit down to write to you without knowing by what occasion I shall send my letter. I do it because a subject comes into my head which I would wish to develop a little more than is practicable in the hurry of \* \* \* of making up general dispatches.

The question Whether one generation of men has a right to bind another, seems never to have been started either on this or our side of the water. Yet it is a question of such consequences as not only to merit decision, but place also, among the fundamental principles of every government. The course of reflection in which we are immersed here on the elementary principles of society has presented this question to my mind; and that no such obligation can be so transmitted I think very capable of proof.—I set out on this ground, which I suppose to be self evident, *'that the earth belongs in usufruct to the living'*: that the dead have neither powers nor rights over it. The portion occupied by any individual ceases to be his when himself ceases to be, and reverts to the society. If the society has formed no rules for the appropriation of it's lands in severality, it will be taken by the first occupants. These will generally be the wife and children of the decedent. If they have formed rules of appropriation, those rules may give it to the wife and children, or to some one of them, or to the legatee of the deceased. So they may give it to his creditor. But the child, the legatee, or creditor takes it, not by any natural right, but by a law of the society of which they are members, and to which they are subject. Then no man can, be *natural right*, oblige the lands he occupied, or the persons who succeed him in that occupation, to the payment of debts contracted by him. For if he could, he might, during his own life, eat up the usufruct of the lands for several generations to come, and then the lands would belong to the dead, and not to the living, which would be the reverse of our principle.

What is true of every member of the society individually, is true of them all collectively, since the rights of the whole can be no more than the sum of the rights of the individuals.—To keep our ideas clear when applying them to a multitude, let us suppose a whole generation of men to be born on the same day, to attain mature age on the same day, and to die on the same day, leaving a succeeding generation in the moment of attaining their mature age all together. Let the ripe age be supposed of 21. years, and their period of life 34. years more, that being the average term given by the bills of mortality to persons who have already attained 21. years of age. Each successive generation would, in this way, come on, and go off the stage at a fixed moment, as individuals do now. Then I say the earth belongs to each of these generations, during it's course, fully, and in their own right. The 2d. generation receives it clear of the debts and incumbrances of the 1st. the 3d of the 2d. and so on. For if the 1st. could charge it with a debt, then the earth would belong to the dead and not the living generation. Then no generation can contract debts greater than may be paid during the course of it's own existence. At 21. years of age they may bind themselves and their lands for 34. years to come: at 22. for 33: at 23. for 32. and at 34. for one year only; because these are the terms of life which remain to them at those respec-

tive epochs.—But a material difference must be noted between the succession of an individual, and that of a whole generation. Individuals are parts only of a society, subject to the laws of the whole. These laws may appropriate the portion of land occupied by a decedent to his creditor rather than to any other, or to his child on condition he satisfies the creditor. But when a whole generation, that is, the whole society dies, as in the case we have supposed, and another generation or society succeeds, this forms a whole, and there is no superior who can give their territory to a third society, who may have lent money to their predecessors beyond their faculties of paying.

What is true of a generation all arriving to self-government on the same day, and dying all on the same day, is true of those in a constant course of decay and renewal, with this only difference. A generation coming in and going out entire, as in the first case, would have a right in the 1st. year of their self-dominion to contract a debt for 33. years, in the 10th. for 24. in the 20th. for 14. in the 30th for 4. whereas generations, changing daily by daily deaths and births, have one constant term, beginning at the date of their contract, and ending when a majority of those of full age at that date shall be dead. The length of that term may be estimated from the tables of mortality, corrected by the circumstances of climate, occupation &c. peculiar to the country of the contractors. Take, for instance, the table of M. de Buffon wherein he states 23,994 deaths, and the ages at which they happened. Suppose a society in which 23,994 persons are born every year, and live to the ages stated in this table. The conditions of that society will be as follows 1st. It will consist constantly of 617,703 persons of all ages. 2ly. Of those living at any one instant of time, one half will be dead in 24. years 8. months. 3dly. 10,675 will arrive every year at the age of 21. years complete. 4ly. It will constantly have 348,417 persons of all ages above 21. years. 5ly. And the half of those of 21. years and upwards living at any one instant of time will be dead in 18. years 8. months, or say 19. years as the nearest integral number. Then 19. years is the term beyond which neither the representatives of a nation, nor even the whole nation itself assembled, can validly extend a debt.

To render this conclusion palpable by example, suppose that Louis XIV. and XV. has contracted debts in the name of the French nation to the amount of 10,000 milliards of livres, and that the whole has been contracted in Genoa. The interest of this sum would be 500. milliards, which is said to be the whole rent roll or nett proceeds of the territory of France. Must the present generation of men have retired from the territory in which nature produced them, and ceded it to the Genoese creditors? No. They have the same rights over the soil on which they were produced, as the preceding generations had. They derive these rights not from their predecessors, but from nature. They then and their soil are by nature clear of the debts of their predecessors.

Again suppose Louis XV. and his cotemporary generation had said to the money-lenders of Genoa, give us money that we may eat, drink, and be merry in our day; and on condition you will demand no interest till the end of 19 years you shall then for ever after receive an annual interest of 12% per cent.<sup>1</sup> The money is lent on these conditions, is divided among the living, eaten, drank, and squandered. Would the present genera-

tion be obliged to apply the produce of the earth and of their labour to replace their dissipations? Not at all.

I suppose that the received opinion, that the public debts of one generation devolve on the next, has been suggested by our seeing habitually in private life that he who succeeds to lands is required to pay the debts of his ancestor or testator: without considering that this requisition is municipal only, not moral; flowing from the will of the society, which has found it convenient to appropriate lands, become vacant by the death of their occupant, on the condition of a payment of his debts: but that between society and society, or generation and generation, there is no municipal obligation, no umpire but the law of nature. We seem not to have perceived that, by the law of nature, one generation is to another as one independant nation to another.

The interest of the national debt of France being in fact but a two thousandth part of it's rent roll, the payment of it is practicable enough: and so becomes a question merely of honor, or of expediency. But with respect to future debts, would it not be wise and just for that nation to declare, in the constitution they are forming, that neither the legislature, nor the nation itself, can validly contract more debt than they may pay within their own age, or within the term of 19 years? And that all future contracts will be deemed void as to what shall remain unpaid at the end of 19 years from their date? This would put the lenders, and the borrowers also, on their guard. By reducing too the faculty of borrowing within it's natural limits, it would bridle the spirit of war, to which too free a course has been procured by the inattention of money-lenders to this law of nature, that succeeding generations are not responsible for the preceding.

On similar ground it may be proved that no society can make a perpetual constitution, or even a perpetual law. The earth belongs always to the living generation. They may manage it then, and what proceeds from it, as they please, during their usufruct. They are masters too of their own persons, and consequently may govern them as they please. But persons and property make the sum of the objects of government. The constitution and the laws of their predecessors [are] extinguished then in their natural course with those who gave them being. This could preserve that being till it ceased to be itself, and no longer. Every constitution then, and every law, naturally expires at the end of 19 years. If it be enforced longer, it is an act of force, and not of right.—It may be said that the succeeding generation exercising in fact the power of repeal, this leaves them as free as if the constitution or law had been expressly limited to 19 years only. In the first place, this objection admits the right, in proposing an equivalent. But the power of repeal is not an equivalent. It might be indeed if every form of government were so perfectly contrived that the will of the majority could always be obtained fairly and without impediment. But this is true of no form. The people cannot assemble themselves. Their representation is unequal and vicious. Various checks are opposed to every legislative proposition. Factions get possession of the public councils. Bribery corrupts them. Personal interests lead them astray from the general interests of their constituents: and other impediments arise so as to prove to every practical man that a law of limited duration is much more manageable than one which needs a repeal.

This principle that the earth belongs to the living, and not to the dead, is of very extensive application and consequences, in every country, and most especially in France. It enters into the resolution of the

<sup>1</sup> 100£, at a compound interest of 5. per cent, makes at the end of 19. years, an aggregate of principal and interest of £252-14, the interest of which is 12£ 12s-7d which is nearly 12% per cent on the first capital of 100. £.

questions. Whether the nation may change the descent of lands holden in tail? Whether they may change the appropriation of lands given antiently to the church, to hospitals, colleges, orders of chivalry, and otherwise in perpetuity? Whether they may abolish the charges and privileges attached on lands, including the whole catalogue ecclesiastical and feudal? It goes to hereditary offices, authorities and jurisdictions; to hereditary orders, distinctions and appellations; to perpetual monopolies in commerce, the arts and sciences; with a long train of *et ceteras*: and it renders the question of reimbursement a question of generosity and not of right. In all these cases, the legislature of the day could authorize such appropriations and establishments for their own time, but no longer; and the present holders, even where they, or their ancestors, have purchased, are in the case of bona fide purchasers of what the seller had no right to convey.

Turn this subject in your mind, my dear Sir, and particularly as to the power of contracting debts; and develope it with that perspicuity and cogent logic so peculiarly yours. Your station in the councils of our country gives you an opportunity of producing it to public consideration, of forcing it into discussion. At first blush it may be rallied, as a theoretical speculation: but examination will prove it to be solid and salutary. It would furnish matter for a fine preamble to our first law for appropriating the public revenue; and it will exclude at the threshold of our new government the contagious and ruinous errors of this quarter of the globe, which have armed despots with means, not sanctioned by nature, for binding in chains their fellow men. We have already given in example one effectual check to the Dog of war by transferring the power of letting him loose from the Executive to the Legislative body, from those who are to spend to those who are to pay. I should be pleased to see this second obstacle held out by us also in the first instance. No nation can make a declaration against the validity of long-contracted debts so disinterestedly as we, since we do not owe a shilling which may not be paid with ease, principal and interest, within the time of our own lives.—Establish the principle also in the new law to be passed for protecting copyrights and new inventions, by securing the exclusive right for 19, instead of 14, years. Besides familiarising us to this term, it will be an instance the more of our taking reason for our guide, instead of English precedent, the habit of which fetters us with all the political heresies of a nation equally remarkable for its early excitement from some errors, and long slumbering under others.

I write you no news, because, when an occasion occurs, I shall write a separate letter for that, I am always with great & sincere esteem, dear Sir Your affectionate friend & servt.

Mr. ASHCROFT. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DASCHLE. Mr. President, today we begin the debate about the budget resolution. As everyone knows, yesterday the President sent to Congress his plan for a balanced budget. The way we receive that budget will be the first

real test of our ability and our willingness in this Congress to find bipartisan consensus on a budget.

Is bipartisanship truly our goal, or is it merely a PR strategy? The debate that begins today will go a long way on both sides of the aisle toward answering that question.

The plan the President is sending us balances the Federal budget by the year 2002 while protecting our priorities. It invests in America's future, and pays for those investments.

The President's budget offers targeted tax relief for homeowners and families with children; for parents who are struggling to save for their children's college education, and workers who are trying to save for their own retirement; for companies involved in environmental cleanup and converting old industrial sites into new hubs of opportunity.

The budget provides a strong framework for a bipartisan agreement. It reflects 2 years of hard negotiations, and contains ideas advocated by both parties.

With the requisite sense of purpose and political will, this Congress can enact a balanced budget that protects important national priorities this year. That is my goal, and I am committed to making it happen.

It does not take a miracle to balance the budget. I know. I helped write a plan last year that balanced the budget by the year 2002—and protected Medicare, education, and the environment. I voted for it. And so did a lot of other people.

The President adopted the plan. And the President is submitting a modified version of that very plan today. So he knows it does not take a miracle to balance the budget. The President has shown us a blueprint that will allow us to make that a reality.

It also doesn't require a constitutional amendment. The President's budget will balance the budget by the year 2002 without it.

But let me be clear. I support a balanced budget amendment. I have since I was first elected to Congress. I have voted for amendments in the past. I have opposed other amendments. And I will support a balanced budget amendment again this year.

But it has to be the right amendment. There is a difference between supporting a responsible amendment and supporting any balanced budget amendment.

Senator DORGAN and I and others are cosponsoring an amendment that requires Congress to pass a balanced budget without looting the Social Security trust funds.

The version of the amendment now before the Senate contains no such protection.

It places current retirees in the most immediate danger. Let me read a letter from the President that I received just last week. In that letter the President states:

In the event of an impasse in which the budget requirements can neither be waived

nor met, disbursement of Social Security checks could cease or unelected judges could reduce benefits to comply with this constitutional mandate.

That was a letter from the President just last week.

Social Security has never been a day late or a dollar short. The amendment should not force us to break that historic contract.

This version of the amendment also places future retirees at risk. The heart of the 1983 bipartisan agreement that rescued Social Security was a plan to set aside funds for baby boomers' retirement. Because of that plan, Social Security is now running huge surpluses. This year alone that surplus is expected to be \$78 billion. By the year 2002, it is expected to be \$104 billion. By 2019, when many of the baby boomers start to retire, the Social Security trust funds will have built up a \$3 trillion surplus, which will be absolutely necessary to pay the retirees at that time.

But, if we pass this version of the balanced budget amendment, none of those funds will be available to pay the Social Security benefits.

This amendment says clearly, "Total outlays for any fiscal year shall not exceed total receipts for that year." Total outlays, including Social Security.

The Government would be forbidden not only from running a deficit, but also from drawing down the surplus.

Social Security benefits could be paid only from taxes raised in the same year. That means, when the baby boomers retire, Congress would have to raise taxes dramatically, or slash Social Security benefits deeply—or both.

In addition, this version of the amendment cheats working families.

American workers are paying more in payroll taxes today than is needed to cover the Social Security checks that go out. The surplus revenues are supposed to be set aside to meet their future retirement needs. If we pass this amendment without exempting Social Security, the Government cannot save those tax dollars to pay for future Social Security needs of the baby boomers. Instead, the money will be diverted to other Government programs, to everything from highways to salaries of Members of Congress.

More than half of American taxpayers, 58 percent, pay more in Social Security taxes than they do in income tax. These taxes place a disproportionately heavy burden on low and moderate-income families. It is justifiable to levy these taxes if they are truly set aside for Social Security, but it is inexcusable if they are used to pay for general Government operations. The Congress should not enshrine this abuse of the payroll tax in the U.S. Constitution.

The amendment that is before the Senate contains another flaw that I will seek to change. It would limit in perpetuity how Congress can treat capital investments in our future economic growth. If this amendment

passes, any proposal to create a capital budget would be declared unconstitutional. A capital budget would allow us to differentiate between investments and operating costs like every single State in the country.

If we were to ask any Governor today, do you have a capital budget, the answer is "yes." If we would ask any Governor today, if you had to work under the same accounting devices that we do at the Federal level, a unified budget, would you have a balanced budget, chances are in every single case the answer would be, "no, we would have a deficit." We would have a large deficit, billions of dollars of deficit. Why? Because for many, many years, in some cases from the very beginning of a State's history, they have known the importance of differentiating between capital investments and operating costs, knowing that you do not treat an investment long term like you do somebody's lunch.

I think it is very important for this country to differentiate in that regard at some point in the future as well. And for us at this date, regardless of how one feels about a capital budget, to say that from here on out we are going to make it unconstitutional for this country to even consider budgeting the way we do in business, the way we do in families, the way we do in States, in my view is extraordinarily dangerous to this country's economic health and well-being.

How many times have we heard on this Senate floor the following phrase: this Government ought to budget its expenditures the way a family does. We ought to treat our budget the way every single family treats its budget.

Mr. President, there are not many families I know of that pay off their mortgage in 1 year. How many families today say that they have a balanced budget, taking into account the mortgage that they themselves must pay? Few families today would have the ability to pay off a mortgage in 1 year. But we are asking the Federal Government to pay off every one of its mortgages in each year, to treat a mortgage the same way we treat a bill for the lights which run this building.

There is a big difference, and I think the time has come for this country to have a capital budget. Regardless, as I say, the real question is, should we have an accounting system like families, like businesses, like States? I hope the answer is "yes," someday, and I hope we will have the foresight, regardless of what we may think of a budgeting system of that kind, to at least say that the Senate has the right to consider a capital budget at some point in the future. To make it expressly unconstitutional, in my view, is extraordinary.

I ask all of my colleagues to think very carefully about the amendment we write. I have also heard so often Senators come to the floor and say this bill is not perfect; this amendment is not the best we can do, but let us ac-

cept the fact that we can improve on it at some point in the future.

I hope no one in this entire debate will ever come to the floor and say this bill is not perfect, this amendment to the U.S. Constitution may not be perfect, because we do not have the luxury of coming back and amending it. We do not have the luxury of altering it once it becomes part of the U.S. Constitution. We tried that once before with prohibition, and it took another constitutional amendment to undo the damage we did the first time.

So let us not in any way, shape or form be content to satisfy our need to pass an amendment and then say we are willing to accept something that is imperfect. We have imperfections in this amendment that have to be dealt with. There is absolutely no reason to pay for deficit spending with Social Security trust funds. There is no reason to constitutionally preclude us from dealing directly with the real need to pass a capital budgeting system at some point in the future.

So let us be honest. Let us recognize that this amendment is not perfect; it needs to be changed; it needs to be amended in a constructive way; it needs to take into account our future; it needs to recognize that we have to be truthful with the American people; and it needs at long last to be dealt with in a bipartisan way, with Republicans and Democrats working together to fashion an amendment that makes sense not only for us but for all posterity.

Mr. President, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER (Mr. ENZI). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### PEOPLE HELPING PEOPLE—STORIES FROM THE WINTER OF 1996-97

Mr. DASCHLE. Mr. President, one of the great fears of our time has been that America is slowly losing its sense of community and, with it, the idea that each of us has a responsibility toward one another. Today, I am proud to say that all around America our spirit of community remains strong. As you know, the Great Plains have been paralyzed this winter by terrible blizzards, high winds, and subzero temperatures. But thanks to the efforts of individuals all over the country, I am happy to report this afternoon that we are pulling through.

I am proud to say that during the worst of the bitter cold and howling winds, South Dakotans have been at their best. They have bundled up, put on their boots and trudged outside to help their friends and neighbors—even perfect strangers—make it safely through dangerous storms.

Residents of the northern Great Plains are accustomed to harsh winters. But all would agree, this winter has been especially brutal. Some say it is the worst we have seen this century. I remind you that most of this century has already passed.

In the blizzards that descended upon us in January, wind chill temperatures dropped to nearly 90 degrees below zero. Blowing snow covered roads with drifts that were as high as 30 feet and 60 feet long. Visibility dropped to less than a few feet as 60-mile-an-hour winds whipped snow into swirling white walls, hiding everyone and everything before it.

With roads closed, thousands of South Dakotans were left with only the food in their cupboards and a dwindling supply of propane to heat their homes. Even more seriously, travelers were left stranded on the highways, and many of our elderly residents and those in need of medical attention were cut off from any assistance.

I wish I could say that we survived these dangers unharmed, but I cannot. Five people have died directly as a result of these conditions. Others have died in the aftermath of the repeated ice storms and blizzards. While today we honor the heroes of these difficult times, we must also remember the victims. To those who lost loved ones this winter, I want to say that our thoughts and our prayers are with you.

Our hearts also go out to those whose farms and homes and businesses have been so hard hit by the heavy snow and cold. No one can know for sure how many livestock have died, but estimates range at least as high as 40,000. I urge all of those who have suffered loss not to go through this tragedy alone. There is no shame in asking for help.

Despite our losses, the heavy toll of this winter could be much worse. Many might have died, but did not. Many might have gone without heat and food and medicine, but were brought needed supplies just in time. This is due not to luck but to the simple fact that South Dakotans from every walk of life have pitched in to ensure that we get through this winter as safely as we can and together.

No one can list the thousands of people who put themselves at risk to help the victims of these storms, and no one can tell all of their stories. Indeed, the few I want to relate today only scratch the surface of those that might be told.

Time and again across South Dakota, neighbor has checked on neighbor, and families have taken in stranded travelers in need of assistance. Emergency snowmobile crews have teamed up with local police departments to ensure that doctors and nurses have made it to work over snow-clogged roads.

In fact, just last night my parents told me of a cousin of mine who left his home at 3 o'clock in the morning, on a Saturday morning, to drive 300 miles to buy a new snow blower he was going to use in the community. He brought it

back that morning, and his wife told my parents that it was the single biggest event that has occurred in that area in decades.

They have delivered medicine to the homebound and brought spare parts to farmers in need of aid. During the darkest, coldest parts of the blizzard that have torn through our State, they have risked their lives to rescue stranded motorists and brought lifesaving medical attention to those in need.

One of those teams was the Drift Busters. The Drift Busters is a snowmobile club in Aberdeen, my hometown, which went into action shortly after the onset of our most recent blizzard. Their quick action and bravery were instrumental in saving the residents of Aberdeen from serious harm.

One of the most threatening situations occurred when 2-year-old Stetson Heirigs accidentally ingested poison and needed emergency care in a hospital. After a quick conference call with Stetson's family and the poison control center, club president Duane Sutton drove his snowmobile over 7 miles through darkness, blowing snow, and bitter cold to reach the family's home near Richmond Lake. Then, with the aid of a comember, Dennis Beckler, he ensured that the boy reached the hospital safely and received the treatment he needed just in time. Today Stetson is safe and healthy.

Extraordinary bravery has been a fact of life throughout the course of this winter. We have all heard the remarkable story of Karen Nelson, a nursing home aide from Webster who was stranded for over 40 hours in her pickup after becoming disoriented on the roads she has driven her entire life. With her engine running for heat and her cellular phone her only link to the world, Karen waited through the hours of darkness, crying and praying, as a team from around the State assembled to find her.

From Rapid City came aircraft equipped with special heat-seeking sensors to scour the drifts from the sky. From Watertown came experts in communications to triangulate the signal from Karen's phone and narrow down her location. Meanwhile, Day County rescue teams in snowmobiles and four-wheel-drive vehicles combed the roads for any sign of her car. At last she was found when she told the rescue team over her phone that she heard the sound of engines overhead. I cannot adequately express how proud we are of all the outstanding people that made Karen's rescue possible, and of Karen for her bravery in enduring those long, cold hours before the rescuers arrived.

Many of the dangerous circumstances of this winter have been found on South Dakota's Indian reservations. Blasted by blizzard after blizzard and woefully short of money and equipment, tribal workers have acted courageously throughout this difficult season.

Of particular note are the Rescue Rangers of the Cheyenne River Res-

ervation, who during the height of the January blizzards led convoys of snowplows, ambulances, and four-wheel-drive vehicles to ensure that medical attention was received where it was needed. In dangerous conditions, the Rescue Rangers plowed through 30-foot drifts packed harder than adobe by 80-mile-an-hour winds. Creating an even greater challenge were the vast distances that had to be traveled to reach those in need.

At one point this month, seven Rescue Rangers nearly froze after becoming stranded on an 85-mile trip to provide medical attention to a tribal elder.

A truly heart-wrenching story was related to me by Gregg Bourland, chairman of the Cheyenne River Reservation, who told me of two families stranded in a snow-blocked pass on highway 63. After 14 hours, frostbitten and certain that rescue would come too late, the parents placed tags with vital information on each of their children so they might be identified after they had died. Thankfully, the Rescue Rangers arrived in time.

Luckily, not all of the stories of this winter are as terrible as that. For instance, I was touched to learn of the Bredvik family, who opened their home to stranded motorists along I-29 near the North Dakota border. While Lynn Bredvik picked up the travelers one by one in his snowmobile and brought them home, his mother Dorothy opened up her kitchen and provided each with a hearty breakfast of eggs, sausage, bread, and, in South Dakota, lefse. When asked why she would open her home to over a dozen strangers, Dorothy said it was "old hat" to her. It is what families do during blizzards.

I think Dorothy has summed it up for all of us. Her actions might seem extraordinary to someone else, but for people like her they are old hat. We like to think of our State as the biggest small town in America, where everyone is a member of the same community. We understand you cannot make it through this world alone and that we have a responsibility to help each other whenever or wherever we can.

We will need to continue to do that because this winter is not over. Weather reports from South Dakota continue to tell us of minus-50 degree windchills. We have received nearly 10 inches of new snow in the past couple of days, and there are over 2 more months of snow to come. We need to make sure that the farmers and ranchers devastated by their livestock losses can get the help they need and that low-income families can keep their homes heated during this freezing weather.

We must prepare ourselves for the inevitable floods of spring. When the great drifts that currently cover my State begin to melt, they will release their force on areas that have been declared Federal flood disasters in the last 4 of 5 years. Simply put, come spring there will be nowhere left for

the water to go. We need to ensure that prompt Federal assistance is made available when this flooding occurs. These are difficult challenges to be sure, but together I am absolutely convinced that we will overcome them. We always do.

Finally, I want to thank everyone whose help has been so vital to South Dakota. This has been more than an individual or a State effort. America has pulled together. Our neighbors to the south, north, west and to the east have all helped and sent something—snowblowers, snowplows, teams of rescue workers. For hours upon end, workers and snowplows donated from States as far away as Texas have labored alongside our National Guard to keep the roads clear.

During the worst of the storms, when the Pine Ridge Indian Reservation was cut off from the outside world, 25,000 pounds of food were donated by Feed the Children, based in Oklahoma City, and delivered to Pine Ridge by the 28th Transportation Squadron of Ellsworth Air Force Base. Together they worked to ensure that no one would go without food. Indeed, help has poured into South Dakota from around the country. Even as we speak, Federal Emergency Management Agency teams are fanning out over South Dakota to assess the damage and bring help where it is needed. Thanks to the rapid response of President Clinton, public and private agencies too numerous to mention, and the support of our friends and neighbors all over, I am proud to announce to my colleagues this afternoon that we are pulling through.

So thank you, South Dakota, and thank you America. We are proud of you. All of your stories will never be known but you can be sure that they are alive in the hearts of those of us whom you have helped when we needed it the most.

I yield the floor and 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. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### STOKES COURTHOUSE

Mr. DEWINE. Mr. President, I introduced yesterday legislation to honor the late Carl Stokes.

Carl Stokes was born on the east side of Cleveland in 1927. He lost his father at the age of 2. When he was young, his family was so poor that Carl, his mother, and his brother LOUIS—now our distinguished colleague in the House of Representatives—had to sleep in the same bed.

In 1962, Carl Stokes was elected to the Ohio House of Representatives—the first African-American to serve as a Democrat in our State legislature.

In 1967, he was elected mayor of Cleveland—the first African-American ever to be elected mayor of a major U.S. city.

He served two terms as mayor, and in his second term, he became the first African-American to serve as an officer of the National League of Cities.

Carl Stokes later became a television news anchor in New York City, and a municipal judge in Cleveland. In 1994, President Clinton named him United States Ambassador to the Seychelles.

The Honorable Carl Stokes had a long and distinguished career before his untimely passing in April of last year. In his eulogy for Mayor Stokes, the Reverend Jesse Jackson called him "a dream maker and an odds buster."

That's exactly right. Carl Stokes was a man who made a difference. The people of Ohio will always remember him as a man of great courage and personal character.

For this reason, I am introducing legislation today to name the new Federal courthouse in Cleveland after this truly honorable man.

#### NOMINATION OF JOHN F. MAISTO, TO BE UNITED STATES AMBASSADOR TO THE REPUBLIC OF VENEZUELA

Mr. DEWINE. Mr. President, today I offer my support to the President's nomination of the Honorable John F. Maisto to serve as United States Ambassador to the Republic of Venezuela. Mr. President, it has been my pleasure to know Ambassador Maisto and I have known him as the United States Ambassador to Nicaragua. He has served with great distinction as our United States Ambassador to Nicaragua for the last 4 years, helping that country make its very historic transition to full democracy.

In fact, Mr. President, I had occasion to be in Nicaragua this past November, and it just happened to be the week that the Ambassador and his wife were leaving after 4 years. I had the opportunity to talk to Nicaraguans clear across the political spectrum. I had the opportunity to talk to Nicaraguans with all kinds of background, Nicaraguans who had many different political beliefs. But I found that it was unanimous that our Ambassador had done a fantastic job—a fantastic job of representing our country in a time in Nicaragua's history that was crucial for not only democracy to continue to develop in Nicaragua, but also crucial for our continuing relationship with this country, which we have had such a long relationship with in the past.

It was very clear to me, after talking to the many Nicaraguans that I saw, that our Ambassador was very well respected and that he had represented us exceedingly well.

Mr. President, before his posting to Managua, Ambassador Maisto had served as Deputy Assistant Secretary of State for Inter-American Affairs. He also served as Deputy U.S. Representa-

tive to the Organization of American States, and Deputy Chief of Mission in the United States Embassy in Panama.

Mr. President, this is a man whose hands-on experience with Latin America will serve us very well. It has served us in the past and will continue to serve us. Mr. President, the Ambassador will be an outstanding Ambassador to Venezuela, and I urge that his nomination be confirmed.

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

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

#### MORNING BUSINESS

Mr. DEWINE. 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 5 minutes each.

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

#### THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, February 6, the Federal debt stood at \$5,302,957,481,388.92.

One year ago, February 6, 1996, the Federal debt stood at \$4,987,289,000,000.

Five years ago, February 6, 1992, the Federal debt stood at \$3,801,444,000,000.

Ten years ago, February 6, 1987, the Federal debt stood at \$2,232,746,000,000 which reflects a debt increase of more than \$3 trillion (\$3,074,337,787,977.17) during the past 10 years.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1008. A communication from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the report under the Outer Continental Shelf Lands Act; to the Committee on Energy and Natural Resources.

EC-1009. A communication from the Deputy Assistant Secretary for Water and Science, Department of the Interior, transmitting, pursuant to law, the interim report on the High Plain States Groundwater Demonstration Program for October 1996; to the Committee on Energy and Natural Resources.

EC-1010. A communication from the President of the United States, transmitting, pursuant to law, Presidential Determination 96-54; to the Committee on Environment and Public Works.

EC-1011. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the

report entitled "Drinking Water Infrastructure Needs Survey"; to the Committee on Environment and Public Works.

EC-1012. A communication from the National Director, Tax Forms and Publications Division, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Revenue Procedure 97-11; to the Committee on Finance.

EC-1013. A communication from the Lieutenant General, USA Director, Defense Security Assistance Agency, transmitting, pursuant to law, the report on status of loans and guarantees under the Arms Export Control Act; to the Committee on Foreign Relations.

EC-1014. A communication from the Lieutenant General, USA Director, Defense Security Assistance Agency, transmitting, pursuant to law, the report on foreign military sales under the Arms Export Control Act; to the Committee on Foreign Relations.

EC-1015. A communication from the Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Exceptions to the Educational Requirements for Naturalization for Certain Applicants," received on February 3, 1997; to the Committee on the Judiciary.

EC-1016. A communication from the Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Priority Dates for Employment-Based Petitions," (RIN1115-AE24) received on February 3, 1997; to the Committee on the Judiciary.

EC-1017. A communication from the Copyright Office of the Library of Congress, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC-1018. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report under the Low-Income Home Energy Assistance Act; to the Committee on Labor and Human Resources.

EC-1019. A communication from the Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, the report of a rule relative to projects with industry, (RIN1820-AB13) received on January 31, 1997; to the Committee on Labor and Human Resources.

EC-1020. A communication from the Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, the report of a rule relative to disability and rehabilitation research projects, (RIN1820-AB38) received on February 3, 1997; to the Committee on Labor and Human Resources.

#### 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. AKAKA (for himself, Mr. FRIST, and Mr. INOUE):

S. 291. A bill to provide for the management of the airspace over units of the National Park System, and for other purposes; to the Committee on Commerce, Science, and Transportation.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. FEINSTEIN (for herself, Mr. WARNER, Mr. BURNS, Mr. ROBB, Mrs. MURRAY, and Mrs. BOXER):

S. Res. 51. A resolution to express the sense of the Senate regarding the outstanding achievements of NetDay; to the Committee on Labor and Human Resources.

By Mr. DODD:

S. Con. Res. 6. A concurrent resolution expressing concern for the continued deterioration of human rights in Afghanistan and emphasizing the need for a peaceful political settlement in that country; to the Committee on Foreign Relations.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. AKAKA (for himself, Mr. FRIST, and Mr. INOUE):

S. 291. A bill to provide for the management of the airspace over units of the National Park System, and for other purposes; to the Committee on Commerce, Science, and Transportation.

#### THE NATIONAL PARKS AIRSPACE MANAGEMENT ACT OF 1997

Mr. AKAKA. Mr. President, in behalf of myself, Senator FRIST, and Senator INOUE, I am today introducing the National Parks Airspace Management Act of 1997, a bill designed to mitigate the impact of commercial air tour flights over units of the National Park System. The measure would establish a new, statutory framework for minimizing the environmental effects of air tour activity on park units. This measure is similar to legislation I offered in the last two Congresses.

Briefly, our bill would specify the respective authorities of the National Park Service and the Federal Aviation Administration [FAA] in developing and enforcing park overflight policy; establish a process for developing individualized airspace management plans at parks experiencing significant commercial air tour activity; provide for the designation of those parks which did not experience commercial air tour activity as of January 1, 1997, as flight-free parks; establish a new, single standard governing the certification and operation of all commercial air tour operators that conduct flights over national parks; require a variety of safety measures, such as improved aircraft markings, maintenance of accurate aeronautical charts, installation of flight monitoring equipment, and an air tour data base; and, establish a National Park Overflight Advisory Council.

Mr. President, aircraft overflights of noise-sensitive areas such as national parks have been increasing in scope and intensity for a number of years, sparking significant public debate and controversy about the safety and environmental impact of such activity. The focus of much of the debate, and much of the controversy, has been the commercial air tour sightseeing industry, which has experienced explosive growth in some areas, notably at the Grand Canyon and in my own State of Hawaii. But significant commercial air

tour activity has also been developing in such widely dispersed locations as Glacier National Park in Montana, the Utah national parks, Mount Rushmore in South Dakota, and the Statue of Liberty and Niagara Falls in New York. In fact, at Great Smoky Mountains National Park, commercial air tour overflights have fostered such opposition that the State of Tennessee has passed legislation to restrict such flights.

In 1987, precipitated by a midair collision at the Grand Canyon, Congress adopted the National Parks Overflights Act, Public Law 100-91. The act permanently banned below-the-rim flights at the Grand Canyon and led to a Special Federal Aviation Regulation—SFAR 50-2—establishing flight-free zones and air corridors at the park. The act also established temporary altitude restrictions for Yosemite National Park in California and Haleakala National Park in Hawaii. Finally, Public Law 100-91 mandated that the Park Service conduct a study on the impact of low-level flights on units of the National Park System.

Since passage of the National Parks Overflights Act, a number of important developments have occurred. First, in 1993 a Department of Transportation and Department of the Interior interagency working group was established to address park overflight issues of mutual concern, an acknowledgment by the executive branch that the issue required extensive interagency cooperation, but also a reflection of the deep differences in approach and attitude that existed between the National Park Service and the FAA on this contentious matter.

In 1994, the overflights report mandated by Public Law 100-91 was completed, identifying and documenting low-altitude flights as threats to park resources and recommending a variety of means to address these threats, such as incentives to encourage use of quite aircraft technology, flight-free zones and flight corridors, altitude restrictions, noise budgets, and limits on times of air tour operations. Also in 1994, in response to a pair of helicopter crashes in the Pacific, the FAA issued an emergency flight rule—SFAR 71—imposing certain altitude and other operating restrictions on air tour operators in Hawaii.

More recently, last spring, the President issued an executive memorandum directing agency heads to participate in the effort to protect natural quite in National Park System units. The memorandum led to the final rule for the Grand Canyon, issued in December 1996, providing for additional, delineated restrictions on air tour activity at the park. The memorandum also led to a new rule promulgated earlier this year to ban preemptively, for 2 years or until a national rule is developed, flights at Rocky Mountain National Park. Finally, as a result of the President's memorandum, the FAA and the Park Service were required to develop

a comprehensive, national rule governing air tour flights at all national parks. Work on the national rule is in the preliminary stages.

While these developments have been welcome, it is fair to say that overall progress on the overflights issue has been desultory. For every Grand Canyon or Rocky Mountain, there are dozens of parks whose overflights problems remain completely unaddressed. In this regard, problems and delays associated with the development of a national rule have been particularly disappointing. Reportedly, the FAA and Park Service continue to squabble over matters of jurisdiction, and air tour operators and environmental organizations continue to prefer confrontation to accommodation. In the meantime, air tour-generated problems continue to accrete, exacerbating the environmental and safety consequences of park overflights. This experience has shown us that only Congress, through legislation, can produce lasting, effective policy on this matter.

Mr. President, when all is said and done, the simple truth is that the complex problems associated with park overflights cannot be fully resolved administratively. In my opinion, this state of affairs is largely due to the fact that the FAA and the Park Service, the two agencies with the heaviest responsibility for addressing park overflights, are governed by vastly different statutory mandates. On the one hand, the FAA is responsible for the safety and efficiency of air commerce; on the other, the Park Service is charged with protecting and preserving park resources. These mutually exclusive missions have bred different approaches, attitudes, and institutional cultures that have hindered interagency cooperation and development of a consistent, effective park overflights policy. Only by modifying or clarifying their statutory responsibilities with respect to the management of park airspace can the two Federal agencies be expected to work together consistently and systematically to address the overflight problem.

Mr. President, the legislation we are proposing today would address this and other barriers to the development of a comprehensive park overflights policy. Our bill deals with the commercial air tour overflights issue in a national context, since the safety and environmental concerns which are being debated so vociferously at the Grand Canyon and in Hawaii are being echoed at park units scattered throughout the National Park System.

At the outset, our bill establishes a finding that National Park Service policy recognizes the importance of natural quiet as a resource to be conserved and protected in certain park units. Toward that end, our legislation creates a new statutory framework for minimizing the environmental effects of air tour activity on units throughout the National Park System.

The bill articulates a regulatory scheme under which the Park Service



and the FAA are required to work in tandem to develop operational policies with respect to the overflights problem. It provides for joint administration in many areas while clearly denoting the FAA's primary on matters related to safety and air efficiency and the Park Service's lead role in identifying the resources to be protected and the best means of protecting them.

The bill requires the development, with public involvement, of individually tailored park airspace management plans for units significantly affected by overflight activity, as determined by the Director of the Park Service. It calls for good faith negotiations between commercial air tour operators and both the Park Service and the FAA to reach agreement on flights over park areas.

It provides for the Park Service to recommend to the FAA the designation of individual units as "flight-free parks" for those units which, as of January 1, 1997, experienced no overflights by commercial air tour operators and where air tour flights would be incompatible with or injurious to the purposes or values of those parks.

It also mandates the development by the FAA of a generic operational rule for commercial air tour operations at all units of the National Park System, subject to modification at individual park units based on negotiations among air tour operators, the FAA, and the Park Service.

Our legislation requires the FAA to implement a single standard, through a new subpart of part 135, title 14, Code of Federal Regulations, for certifying commercial air tour operators. Such a uniform standard, which has been recommended by the National Transportation Safety Board [NTSB], will substantially enhance safety by providing essential consistency in such areas as pilot qualifications, training, and flight and duty time limitations.

It mandates commercial air tour safety initiatives recommended by the NTSB and others, including the installation of a flight monitoring system and the use of identification markings unique to a commercial air tour operator, the development of aeronautical charts which reflect airspace management provisions with respect to individual park units, and the development of a national database on air tour operations.

Last, but by no means least, the bill establishes a National Park Overflight Advisory Council which would provide advice and recommendations to the Park Service and the FAA on all issues related to commercial air tour flights over park units and serve as a national forum for interest groups, including representatives of the air tour industry and the environmental community, to exchange views constructively.

It is significant to note that our bill will not affect emergency flight operations, general aviation, military aviation, or scheduled commercial passenger flights that transit National

Park System units. Furthermore, recognizing the special needs for air travel in Alaska, this bill will not affect the management of park units or aircraft operations over or within park units in the State of Alaska.

Mr. President, I believe that the legislation we are offering today will give us the tools to minimize the adverse effects of commercial air tour flights on park resources as well as on the ground visitor experience, while at the same time enhancing the safety of such flights. I believe it is a balanced measure that, through extensive opportunity for public involvement, attempts to accommodate the legitimate concerns of all park users, including air tour operators and passengers. Indeed, I strongly believe that under certain well-regulated conditions, air tourism provides an important service to many elderly, disabled, or other visitors who might otherwise never enjoy the wonders of our national parks.

Nevertheless, our bill's central premise is that the 369 park units of the National Park System were created because of their exceptional natural or cultural significance to the American people. All of the provisions of the National Parks Airspace Management Act are therefore designed with the protection of park resources as their essential, if not exclusive, goal. For it is self-evident that a park whose values have been corrupted is a park ultimately not worth visiting, by air or land.

Mr. President, in closing, I would like to acknowledge the fact that the senior Senator from Arizona [Mr. MCCAIN] earlier this week introduced related legislation on park overflights. While his bill differs from ours in some details, the intent of both measures is the same—to mitigate the adverse effects of air tours flights on our national parks. Given our common goal, I hope that we can work together in crafting an effective, bipartisan approach to this troubling and divisive issue.

Thank you, Mr. President. I urge my colleagues to support the National Parks Airspace Management Act of 1997. I ask unanimous consent that a copy 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. 291

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "National Parks Airspace Management Act of 1997".

#### SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Commercial air tour flights over units of the National Park System (referred to in this Act as "units") may have adverse effects on the units.

(2) The flights may degrade the experiences of visitors to the affected areas and may have adverse effects on wildlife and cultural resources in those areas.

(3) A significant number of complaints about commercial air tour flights over certain areas under the jurisdiction of the National Park Service have been registered.

(4) Although resource preservation is the primary responsibility of the National Park Service, the agency continues to struggle to develop a policy that would achieve an acceptable balance between flights over units by commercial air tour operators and the protection of resources in the units and the experiences of visitors to the units.

(5) Although the mission of the Federal Aviation Administration is to develop and maintain a safe and efficient system of air transportation while considering the impact of aircraft noise, the agency continues to have difficulty adequately controlling commercial air tour flights over units.

(6) Significant and continuing concerns exist regarding the safety of commercial air tour flights over some units, including concerns for the safety of occupants of the flights, visitors to those units, Federal employees at those units, and the general public.

(7) The concern of the Congress over the effects of low-level flights on units led to the enactment, on August 18, 1987, of the Act entitled "An Act to require the Secretary of the Interior to conduct a study to determine the appropriate minimum altitude for aircraft flying over national park system units" (Public Law 100-91; 101 Stat. 674; 16 U.S.C. 1a-1 note).

(8) The Act referred to in paragraph (7) requires the Director of the National Park Service to identify problems associated with flights by aircraft in the airspace over units.

(9) Pursuant to the Act referred to in paragraph (7), on September 12, 1994, the Director submitted a report to Congress entitled "Report On Effects Of Aircraft Overflights On The National Park System".

(10) The National Park Service report concluded that, because the details of national park overflights problems are park-specific, no single altitude can be identified for the entire National Park System.

(11) The National Park Service report presented a number of recommendations for resolution of the problem of national park overflights, including—

(A) the development of airspace and park use resolution processes;

(B) the development of a single operational rule to regulate air tour operations;

(C) seeking continued improvements in safety and interagency planning related to airspace management; and

(D) the development of a Federal Aviation Administration rule to facilitate preservation of natural quiet.

(12) The policy of the National Park Service recognizes the importance of natural quiet as a resource to be conserved and protected in certain units.

(13) The National Park Service—

(A) defines natural quiet as "the natural ambient sound conditions found in certain units of the National Park Service"; and

(B) recognizes that visitors to certain units may reasonably expect quiet during their visits to those units established with the specific goal of providing visitors with an opportunity for solitude.

(14) The number of flights by aircraft over units has increased rapidly since the date of enactment of the Act referred to in paragraph (7) and, due to the high degree of satisfaction expressed by air tour passengers, as well as the economic impact of air tour operations on the tourist industry, the number of flights will likely continue to increase.

(15) A progression of aesthetic and safety concerns about low altitude flights have been associated with growth in commercial air tour traffic.

(16) As the number of flights over units continues to increase, the likelihood exists that there will be a concomitant increase in the number of conflicts regarding management of the airspace over the units.

(17) A need exists for a Federal policy to address the conflicts and problems associated with flights by commercial air tour aircraft in the airspace over units.

(18) A statutory process should be established to require the Secretary of Transportation and the Secretary of the Interior, acting through the Director, to work together to mitigate the impact of commercial air tour operations on units, or specific areas within units that are adversely affected by commercial air tour operations.

#### SEC. 3. DEFINITIONS.

In this Act:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the Federal Aviation Administration.

(2) **AGREEMENT.**—The term “agreement” means an agreement entered into by a commercial air tour operator, the Director, and the Administrator under section 4(h) that provides for the application of relevant provisions of an airspace management plan for the unit concerned to the commercial air tour operator.

(3) **AIR TOUR AIRCRAFT.**—The term “air tour aircraft” means an aircraft (including a fixed-wing aircraft or a rotorcraft) that makes air tour flights.

(4) **AIR TOUR FLIGHT.**—The term “air tour flight” means a passenger flight conducted by air tour aircraft for the purpose of permitting a passenger to the flight to view an area over which the flight occurs.

(5) **COMMERCIAL AIR TOUR AIRCRAFT.**—The term “commercial air tour aircraft” means any air tour aircraft used by a commercial air tour operator in providing air tour flights for hire to the public.

(6) **COMMERCIAL AIR TOUR OPERATOR.**—The term “commercial air tour operator” means a company, corporation, partnership, individual, or other entity that provides air tour flights for hire to the public.

(7) **COUNCIL.**—The term “Council” means the National Park Overflight Advisory Council established under section 9.

(8) **DIRECTOR.**—The term “Director” means the Director of the National Park Service.

(9) **FLIGHT-FREE PARK.**—The term “flight-free park” means a unit over which commercial air tour operations are prohibited.

(10) **UNIT.**—The term “unit” means a unit of the National Park System.

#### SEC. 4. NATIONAL PARK AIRSPACE MANAGEMENT PLANS.

(a) **IN GENERAL.**—The Director and the Administrator shall, in accordance with this section, develop and establish a plan for the management of the airspace above each unit that is affected by commercial air tour flights to the extent that the Director considers the unit to be a unit requiring an airspace management plan.

(b) **PURPOSE OF PLANS.**—The purpose of each plan developed under subsection (a) is to minimize the adverse effects of commercial air tour flights on the resources of a unit.

(c) **DEVELOPMENT OF AIRSPACE MANAGEMENT PLANS.**—

(1) **TREATMENT OF RELEVANT EXPERTISE.**—In developing plans under subsection (a)—

(A) the Administrator shall defer to the Director in matters relating to the identification and protection of park resources; and

(B) the Director shall defer to the Administrator in matters relating to the safe and efficient management of airspace.

(2) **NEGOTIATED RULEMAKING.**—In developing a plan for a unit, the Director and the Administrator shall consider utilizing nego-

tiated rulemaking procedures as specified under subchapter III of chapter 5 of title 5, United States Code, if the Director and the Administrator determine that the utilization of those procedures is in the public interest.

(d) **COMMENT ON PLANS.**—In developing a plan for a unit, the Director and the Administrator shall—

(1) ensure that there is sufficient opportunity for public comment by air tour operators, environmental organizations, and other concerned parties; and

(2) give due consideration to the comments and recommendations of the Council and the Federal Interagency Airspace/Natural Resource Coordination Group, or any successor organization to that entity.

(e) **RESOLUTION OF PLAN INADEQUACIES.**—If the Director and the Administrator disagree with respect to any portion of a proposed plan under subsection (a)—

(1) the Director and the Administrator shall refer the proposed plan to the Secretary of the Interior and the Secretary of Transportation; and

(2) the Secretary of the Interior and the Secretary of Transportation shall jointly resolve the disagreement.

(f) **ASSESSMENT OF EFFECTS OF OVERFLIGHTS.**—The Director and the Administrator may jointly conduct studies to ascertain the effects of low-level flights of commercial air tour aircraft over units that the Director and the Administrator consider necessary for the development of plans under subsection (a).

(g) **PERIODIC REVIEW.**—

(1) **IN GENERAL.**—Not less frequently than every 5 years after the date of establishment of a plan under subsection (a), the Director and the Administrator shall review the plan.

(2) **PURPOSE OF REVIEW.**—The purpose of the review shall be to ensure that the plan continues to meet the purposes for the plan.

(3) **REVISION.**—The Director and the Administrator may revise a plan if they jointly determine, based on that review, that the revision is advisable.

(h) **FLIGHTS OVER UNITS COVERED BY PLANS.**—

(1) **AGREEMENT.**—A commercial air tour operator may not conduct commercial air tour flights in the airspace over a unit covered by an airspace management plan developed under subsection (a) unless the commercial air tour operator enters into an agreement with the Director and the Administrator that authorizes such flights.

(2) **CONTENTS.**—An agreement under paragraph (1) shall—

(A) provide for the application of relevant provisions of the airspace management plan for the unit concerned to the commercial air tour operator; and

(B) to the maximum extent practicable, provide for the conduct of air tour flights by the air tour operator in a manner that minimizes the adverse effects of the air tour flights on the environment of the unit.

#### SEC. 5. FLIGHT-FREE PARKS.

For units that, as of January 1, 1997, experienced no overflights by commercial air tour operators, the Director, in consultation with the Administrator, shall—

(1) prescribe criteria to identify units where air tour flights by commercial air tour aircraft would be incompatible with or injurious to the purposes and values for which the units were established;

(2) identify any units that meet those criteria; and

(3) designate those units as “flight-free park” units.

#### SEC. 6. SINGLE OPERATIONAL RULE FOR COMMERCIAL AIR TOUR OPERATIONS.

(a) **IN GENERAL.**—Except as provided in subsection (b), the Administrator, after no-

tice and hearing on the record, shall issue a regulation governing the operation of all air tour aircraft flights by commercial air tour operators over units.

(b) **SEPARATE OPERATIONAL RULES.**—

(1) **IN GENERAL.**—The Administrator may issue regulations that prescribe separate operational rules governing the conduct of flights by fixed-wing aircraft and by rotorcraft if the Administrator determines under subsection (a) that separate rules are warranted.

(2) **DEVELOPMENT OF OPERATIONAL RULE.**—In developing an operational rule under paragraph (1), the Administrator shall—

(A) consider whether differences in the characteristics and effects on the environment of fixed-wing aircraft and rotorcraft warrant the development of separate operational rules with respect to that craft;

(B) provide a mechanism for the Director to recommend individual units or geographically proximate groups of units to be designated as aerial sightseeing areas, as defined by section 92.01 of the Federal Aviation Administration Handbook, dated January 1992; and

(C) provide a mechanism for the Director to obtain immediate assistance from the Administrator in resolving issues relating to the use of airspace above units with respect to which the issues are of a critical, time-sensitive nature.

(c) **EFFECT ON AGREEMENTS.**—Nothing in this section is intended to preclude the Administrator, the Director, and a commercial air tour operator from entering into, under section 4(h), an agreement on the conduct of air tour flights by the air tour operator over a particular unit under different terms and conditions from those imposed by an operational rule issued under this subsection.

#### SEC. 7. AIRCRAFT SAFETY.

(a) **DEVELOPMENT OF A SINGLE STANDARD FOR CERTIFYING COMMERCIAL AIR TOUR OPERATORS.**—

(1) **COMMENCEMENT OF RULEMAKING.**—The Administrator shall initiate formal rulemaking proceedings (which shall include a hearing on the record) for the purpose of revising the regulations contained in part 135 of title 14, Code of Federal Regulations (relating to air taxi operators and commercial operators), to prescribe a new subpart to specifically cover all commercial air tour operators (as that term shall be defined by the Administrator under the subpart) that conduct commercial air tour flights over units.

(2) **COVERED MATTERS.**—The regulations issued under subsection (a) shall address safety and environmental issues with respect to commercial air tour flights over units. In issuing the regulations, the Administrator shall attempt to minimize the financial and administrative burdens imposed on commercial air tour operators.

(b) **AIRCRAFT MARKINGS.**—

(1) **REQUIREMENT.**—Each operator of commercial air tour aircraft shall display on each air tour aircraft of the operator the identification marks described in paragraph (2).

(2) **IDENTIFICATION MARKS.**—The identification marks for the aircraft of a commercial air tour operator shall—

(A) be unique to the operator;

(B) be not less than 36 inches in length (or a size consistent with the natural configuration of the aircraft fuselage);

(C) appear on both sides of the air tour aircraft of the air tour operator and on the underside of the aircraft; and

(D) be applied to the air tour aircraft of the air tour operator in a highly visible color that contrasts sharply with the original base color paint scheme of the aircraft.

(c) **AERONAUTICAL CHARTS.**—The Administrator shall ensure that the boundaries of

each unit and the provisions of the airspace management plan, operational rule, or Special Federal Aviation Regulation (SFAR), if any, with respect to each unit are accurately displayed on aeronautical charts.

(d) FLIGHT MONITORING SYSTEMS.—

(1) IN GENERAL.—The Administrator shall carry out a study of the feasibility and advisability of requiring that commercial air tour aircraft operating in the airspace over units have onboard an automatic flight tracking system capable of monitoring the altitude and ground position of the commercial air tour aircraft.

(2) DETERMINATION BY ADMINISTRATOR.—If the Administrator determines under the study required under paragraph (1) that the use of flight tracking systems in commercial air tour aircraft is feasible and advisable, the Administrator and the Director shall jointly develop a plan for implementing a program to monitor the altitude and position of commercial air tour aircraft over units.

(e) NATIONAL DATA BASE FOR COMMERCIAL AIR TOUR OPERATORS.—The Administrator shall—

(1) establish and maintain a data base concerning all commercial air tour aircraft operated by commercial air tour operators that shall be designed to provide data that shall be used in making—

(A) determinations of—

(i) the scope of commercial air tour flights; and

(ii) accident rates for commercial air tour flights; and

(B) assessments of the safety of commercial air tour flights; and

(2) on the basis of the information in the data base established under paragraph (1), ensure that each flight standards district office of the Administration that serves a district in which commercial air tour operators conduct commercial air tour flights is adequately staffed to carry out the purposes of this Act.

**SEC. 8. EXCEPTIONS.**

(a) FLIGHT EMERGENCIES.—This Act does not apply to any aircraft—

(1) experiencing an in-flight emergency;

(2) participating in search and rescue, firefighting or police emergency operations;

(3) carrying out park administration or maintenance operations; or

(4) complying with air traffic control instructions.

(b) FLIGHTS BY MILITARY AIRCRAFT.—This Act does not apply to flights by military aircraft, except that the Secretary of Defense is encouraged to work jointly with the Secretary of Transportation and the Secretary of the Interior in pursuing means to mitigate the impact of military flights over units.

(c) FLIGHTS FOR COMMERCIAL AERIAL PHOTOGRAPHY.—The Director and the Administrator shall jointly develop restrictions and fee schedules for aircraft or rotorcraft engaged in commercial aerial photography over units at altitudes that the Director and the Administrator determine will impact adversely the resources and values of affected units.

**SEC. 9. NATIONAL PARK OVERFLIGHT ADVISORY COUNCIL.**

(a) ESTABLISHMENT.—There is established a commission to be known as the "National Park Overflight Advisory Council".

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Council shall be comprised of the following members:

(A) Members from each of the following groups, appointed jointly by the Director and the Administrator:

(i) Environmental or conservation organizations, citizens' groups, and other groups with similar interests.

(ii) The commercial air tour industry and organizations with similar interests.

(B) Representatives of departments or agencies of the Federal Government.

(C) Such other persons as the Administrator and the Director consider appropriate.

(c) DUTIES.—The Council shall—

(1) determine the effects of commercial air tour flights in the airspace over the units on the environment of the units;

(2) determine the economic effects of restrictions or prohibitions on the flights;

(3) solicit and receive comments from interested individuals and groups on the flights;

(4) develop recommendations for means of reducing the adverse effects of the flights on the units;

(5) explore financial and other incentives that could encourage manufacturers to advance the state-of-the-art in quiet aircraft and rotorcraft technology and encourage commercial air tour operators to implement the technology in flights over units;

(6) provide comments and recommendations to the Director and the Administrator under section 4;

(7) provide advice or recommendations to the Director, the Administrator, and other appropriate individuals and groups on matters relating to flights over units; and

(8) carry out such other activities as the Director and the Administrator jointly consider appropriate.

(d) MEETINGS.—The Council shall first meet not later than 180 days after the date of enactment of this Act, and shall meet thereafter at the call of a majority of the members of the Council.

(e) ADMINISTRATION.—

(1) COMPENSATION OF NON-FEDERAL MEMBERS.—Members of the Council who are not officers or employees of the Federal Government shall serve without compensation for their work on the Council, but shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service under section 5703(b) of title 5, United States Code, to the extent funds are available for that purpose.

(2) COMPENSATION OF FEDERAL MEMBERS.—Members of the Council who are officers or employees of the Federal Government shall serve without compensation for their work on the Council other than that compensation received in their regular public employment, but shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law, to the extent funds are available for that purpose.

(f) REPORTS.—Not later than 1 year after the initial meeting of the Council, and annually thereafter, the Council shall submit to Congress, the Administrator, and the Director a report that—

(1) describes the activities of the Council under this section during the preceding year; and

(2) sets forth the findings and recommendations of the Council on matters related to the mitigation of the effects on units of flights of commercial air tour operators over units.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

**SEC. 10. EXEMPTION FOR STATE OF ALASKA.**

Nothing in this Act shall affect—

(1) the management of units in the State of Alaska; or

(2) any aircraft operations over or within units in the State of Alaska.

**ADDITIONAL COSPONSORS**

S. 11

At the request of Mr. DASCHLE, the name of the Senator from Iowa [Mr.

HARKIN] was added as a cosponsor of S. 11, a bill to reform the Federal election campaign laws applicable to Congress.

S. 268

At the request of Mr. MCCAIN, the name of the Senator from Tennessee [Mr. THOMPSON] was added as a cosponsor of S. 268, a bill to regulate flights over national parks, and for other purposes.

**SENATE CONCURRENT RESOLUTION 6—RELATIVE TO AFGHANISTAN**

Mr. DODD submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 6

Whereas Congress recognizes that the legacy of civil conflict in Afghanistan during the last 17 years has had a devastating effect on the civilian population in that country and a particularly negative impact on the rights and security of women and girls;

Whereas the longstanding civil conflict in Afghanistan among the warring political and military factions has created an environment where the rights of women and girls are routinely violated;

Whereas the Afghan forces led by Burhanuddin Rabbani and Abdul Rashid Dostum are responsible for numerous abhorrent human rights abuses, including the rape, sexual abuse, torture, abduction, and persecution of women and girls;

Whereas Congress is disturbed by the upsurge of reported human rights abuses, including extreme restrictions placed on women and girls, since the Taliban coalition seized the capital city of Kabul;

Whereas Afghanistan is a sovereign nation and must work to solve its internal disputes; and

Whereas Afghanistan and the United States recognize international human rights conventions, such as the International Covenant on Economic, Social, and Cultural Rights, which espouse respect for basic human rights of all individuals without regard to race, religion, ethnicity, or gender: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That (a) Congress hereby—*

(1) deplores the violations of international humanitarian law by the Taliban coalition in Afghanistan and raises concern over the reported cases of stoning, public executions, and street beatings;

(2) condemns the Taliban's targeted discrimination against women and girls and expresses deep concern regarding the prohibition of employment and education for women and girls; and

(3) takes note of the recent armed conflict in Kabul, affirms the need for peace negotiations and expresses hope that the Afghan parties will agree to a cease-fire throughout the country.

(b) It is the sense of Congress that the President should—

(1) continue to monitor the human rights situation in Afghanistan and should call for an end to discrimination against women and girls in Afghanistan and for adherence by all factions in Afghanistan to international humanitarian law;

(2) review United States policy with respect to Afghanistan if the Taliban coalition and others do not cease immediately the harassment and other discriminatory practices against women and girls;

(3) encourage efforts to procure a durable peace in Afghanistan and should support the United Nation Special Mission to Afghanistan led by Norbert Holl to assist in brokering a peaceful resolution to years of conflict;

(4) call upon the Government of Pakistan to use its good offices with the Taliban to reverse the Taliban's restrictive and discriminatory policies against women and girls; and

(5) call upon other nations to cease providing financial assistance, arms, and other kinds of support to the militaries or political organizations of any of the warring factions in Afghanistan.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President with the request that he further transmit such copy to the United Nations and relevant parties in Afghanistan.

Mr. DODD. Mr. President, as a matter of cold war aggression, Soviet troops invaded, as we all remember, Afghanistan in December of 1979. After years of harsh struggle for independence, the Afghan people finally achieved that goal of independence in 1992. No sooner, however, had the Soviet threat been lifted than a new destabilizing force emerged in that region. Then, instead of fighting outside aggressors, the Afghans started fighting among themselves.

Today, Afghan civilians continue to live in constant fear: fear of being embroiled in armed conflict; fear of being abducted by one militia group or another; fear of persecution and torture; fear of rape and sexual harassment; and, finally, fear of dying an early and senseless death.

Amnesty International has done an excellent job of monitoring and reporting on the deteriorating human rights situation in Afghanistan.

Mr. President, I ask unanimous consent that a factsheet prepared by Amnesty International be printed at the end of these remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DODD. Mr. President, the conflict in Afghanistan has changed dramatically in recent months. In September 1996, the Taliban coalition seized the capital city of Kabul, thereby securing control of two-thirds of the territory of Afghanistan.

The Taliban, many of whom grew up and were educated in the refugee camps in Pakistan during the war years of the 1980's, see themselves as the guardians of Afghan security and stability. Unfortunately, this guardianship has had very harsh consequences for the women and young girls of Afghanistan. Moreover, in an effort to solidify total control over Afghanistan, they continue to engage militarily with the other factions led by various leaders of that country. Today, the Taliban controls three-quarters of the nation.

Mr. President, my concern here is that we have had significant reports of terrible abuse of the young women of Afghanistan by the Taliban, including denying them even the basic opportunities to work. Many of the teachers in

Afghanistan were women. They have been denied entirely the right to work, to teach.

Internal tensions have been exacerbated by players who have encouraged the various factions to continue the armed conflict in order to advance their own selfish economic and security interests. Outside assistance in the form of arms transfer, military training, and financial aid seriously undermined international efforts to broker a political solution to the conflict.

With respect to humanitarian issues, the fact of the matter is that none of the parties involved in the civil conflict are innocent. All have contributed to the extraordinary human rights crisis.

While all these human rights abuses concern me, today I want to call specific attention to the deteriorating human rights practices as they relate to the rights and treatment against Afghan women and girls—much of these at the hands of the Taliban. I am deeply disturbed by the Taliban's discriminatory treatment of women and girls. Some of the most objectionable features of the Taliban's discriminatory policies include barring women from employment, prohibiting girls from attending schools, restricting the times when women and girls may leave their homes, and mandating a restrictive dress code for females. Moreover, the Taliban has reacted to women and girls who stray from these restrictive policies with public rebukes in the form of street beatings and stonings.

I believe, and imagine most of my colleagues would agree that: Women should have the right to work—to earn a living for their families using their knowledge, expertise, and skills; girls and women must be given access to basic education; and both women and men must be afforded a basic sense of humanity and respect. Street beatings, amputations, and other forms of summary justice for alleged crimes are unacceptable.

The United States cannot stand idly by in the face of unconscionable violations of basic human rights and needless killings. We certainly cannot condone, by our silence, the plainly discriminatory practices which severely handicap women and girls.

I believe that the resolution I have introduced today will call public attention to the serious situation in Afghanistan. I urge my colleagues to join me in reaffirming the need for a peaceful settlement for a country that has been plagued by the brutality of war for too many years; in urging all the factions in Afghanistan to adhere to internationally recognized principles of human rights; and in calling an end to the Taliban's discriminatory policies toward women and girls. I hope my colleagues will join me in supporting the enactment of this resolution at the appropriate time.

I am going to, Mr. President, send this resolution to the desk. And I urge my colleagues to take a look at it,

along with a report from Amnesty International, and urge that they join with me in our condemnation of these events as they are occurring today.

Hopefully, we can consider this resolution at some appropriate time on the floor of the U.S. Senate and adopt it and send a clear message that those of us in this body—while there are many issues we deal with at home—that an issue such as this basic fundamental denial of human rights should not go unrecognized as an institution here that cares so deeply about it in a bipartisan way as we have talked about so frequently. I urge they give their support to this resolution. I just send it to the desk, Mr. President.

The ACTING PRESIDENT pro tempore. The resolution will be received.

#### EXHIBIT 1

AFGHANISTAN: AMNESTY INTERNATIONAL BRIEF, JANUARY 24, 1997

#### Summary

For years Amnesty International has consistently decried the shocking human rights abuses committed by all sides of the conflict in Afghanistan. Due to the last twelve years of civil war, 400,000 children have been killed, five million people, one-third of the population, have been made refugees. Afghanistan is the most heavily mined country in the world, women have been treated as spoils of war.

Since the emergence of the Taliban as a major political and military force in 1994 and the takeover of Kabul on September 27, 1996, a new chapter has opened in the long history of human rights abuses in Afghanistan. The Taliban's strict interpretation of Islamic law have led them to severely restrict public freedom, especially with regards to women.

#### The Taliban

The Taliban, (literally "religious students"), were trained and organized in Islamic schools in Pakistan. They now control approximately three-fourths of the country, with other factions controlling the rest. When the Taliban first took over Kabul, it seemed that perhaps the death and destruction of the previous years of fighting could finally be replaced by some semblance of stability. However, it soon became apparent that the price of this stability would be human rights, and its primary victims would be women.

#### Abuses against women

Women have suffered tremendously over the years of conflict in Afghanistan as rape victims, casualties of war, refugees, and mothers, sisters, and wives of the dead. However, since the Taliban's rise, their strict policies towards women's behavior have been of particular concern. These policies not only violate internationally recognized standards of human rights but do so solely based on their gender.

All schools for girls have been closed and women forbidden from attending universities.

Women are not allowed to work outside the home or leave the house without being covered from head to toe.

Women have been beaten for allowing their head covering to slip or showing a few inches of ankle.

Appearing in public without "proper" reason is punished by severe beating. One woman received bullet wounds for leaving her home in order to take her child to the doctor.

By forbidding women to work outside the home, the Taliban have severely limited

many families' incomes. Especially hard hit are some 30,000 widows who were the primary providers for their families and now have no means to support them.

Women's medical care has suffered, as women are not allowed to be treated by male doctors, and the female doctors are now forbidden to work.

#### *Other concerns*

Amnesty International is also concerned with several other forms of human rights abuses perpetrated by the Taliban. These include:

**Deliberate and arbitrary killings:** These include civilians killed in retribution, for being suspected anti-Taliban sympathizers, and captured soldiers.

**Political prisoners:** The Taliban have detained hundreds, possibly more than a thousand, civilians for their ethnic origin, political affiliation, or refusing to obey the Taliban's religious edicts.

**Torture and ill-treatment:** Beatings have become a common form of punishment, and prisoners are often used for life-threatening work such as clearing minefields.

**Unfair trials and cruel or inhumane punishments:** Courts of law in Taliban-controlled areas are presided over by "Islamic" judges who sentence such punishments as stonings and amputations.

#### SENATE RESOLUTION 51—CONCERNING THE OUTSTANDING ACHIEVEMENTS OF NETDAY

Mrs. FEINSTEIN (for herself, Mr. WARNER, Mr. BURNS, Mr. ROBB, Mrs. MURRAY and Mrs. BOXER) submitted the following resolution; which was referred to the Committee on Labor and Human Resources:

S. RES. 51

Whereas the children of the United States deserve the finest preparation possible to face the demands of this Nation's changing information-based economy;

Whereas in the year 1996, NetDay succeeded in bringing together more than 100,000 volunteers nationwide to install the wiring infrastructure necessary to connect classrooms, from kindergarten to the high school level (K-12), to the Information Superhighway and bring them the educational benefits of contemporary technology;

Whereas NetDay succeeded in wiring 25,000 K-12 schools nationwide efficiently and cost-effectively, while establishing and improving classroom information infrastructure;

Whereas NetDay organizers created a World Wide Web site (<http://www.netday96.com/>) with an on-line database of all public and private K-12 schools, where individuals with a shared interest in upgrading technology in their schools can locate each other and form communities with a lasting interest in their schools;

Whereas NetDay stresses educational opportunity for everyone by reaching out to rural and lower income communities to equalize access to current technology;

Whereas the relationships formed through NetDay activities and initiatives between schools and their communities will last well beyond 1996 into the 21st century, and other communities are already planning to organize future NetDay projects that build and expand upon the initial achievements of NetDay in 1996;

Whereas NetDay has substantially increased the visibility of educational technology issues;

Whereas NetDay enables K-12 schools to move into the information age through community and cyberspace-based action;

Whereas students and schools benefited from significant NetDay corporate sponsorship and donations from hundreds of companies and organizations throughout the nation who contributed by sponsoring individual schools, providing wiring kits, and helping to design and test the networks;

Whereas NetDay will help facilitate the placement of educational technology, such as computer hardware, software, Internet and technical services, and teaching aids and training material, in the hands of schools through NetDay activities nationwide; and

Whereas both past and future NetDay activities across America will save schools and taxpayers millions of dollars in technology startup costs: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) the organizers, coordinators, and volunteers of NetDay throughout the United States should be commended for their actions;

(2) NetDay's success should be used as a positive model in other communities throughout the United States, this year and in future years;

(3) NetDay activities should continue to expand nationwide to assist students, parents, and schools across the country, so that they may obtain the full benefits of computer equipment and networks, strengthen their educations, and begin careers with more skills and opportunities in order to help them compete more successfully in the global economy;

(4) businesses, students, parents, educators, and unions throughout the country should consider organizing NetDay activities in their communities to provide similar opportunities for their schools; and

(5) the Senate affirms its support of NetDay's commitment to have classrooms of K-12 schools fitted with the needed technological infrastructure for the 21st century.

• Mrs. FEINSTEIN. Mr. President, on behalf of myself, Senator JOHN WARNER, Senator CONRAD BURNS, Senator CHARLES ROBB, Senator PATTY MURRAY, and Senator BARBARA BOXER, I rise today to reintroduce a Senate resolution acknowledging the achievements of NetDay and affirming NetDay's commitment to wire our local K-12 schools to the information superhighway. I wish to commend the organizers and volunteers of NetDay, a nationwide public-private partnership.

Last year, NetDay was successful in bringing out more than 100,000 Americans, including 50,000 Californians to volunteer in their neighborhood schools. These students, teachers, parents, and friends of the schools came to wire classrooms and school libraries throughout the Nation. Thousands of individuals accomplished their goal to install communications cables, connect wires and switches to upgrading their schools for the 21st century.

Their success was significant. Over 25,000 elementary, junior, and senior high schools were wired. Throughout the United States, volunteers climbed ladders and got on their hands and knees to install the wiring infrastructure needed to connect thousands of elementary and secondary school classrooms with contemporary technology.

In recognition of the NetDay effort, I am very proud to submit a Senate resolution commending all of the more than 100,000 volunteers for their hard

work and dedication to ensure that schools throughout America have the needed technological infrastructure for the 21st century.

NetDay began in California on March 9, 1996. The term was coined by co-founders John Gage of Sun Microsystems, one of the Nation's leading technology companies and Michael Kaufman of KQED, a California public broadcasting station. Mr. Gage and Mr. Kaufman saw this initiative as a day where hundreds of Californians came out to an old-fashioned barn raising for the modern technology age.

Just as volunteers would gather in the Nation's early years, with neighbor helping neighbor, to build homes, barns, or community buildings, California's NetDay volunteers gather in support of neighborhood schools. Amazingly, and to their surprise, NetDay succeeded in 1 year in wiring 3,500 schools efficiently and cost effectively, establishing and improving our classroom information infrastructure up and down the State.

The NetDay effort is an important one to California. Despite the State's tremendous resources, opportunities, and wealth of technology companies, California still ranks at the bottom of States in funds spent per student on computers. The cost today of providing a computer for each student, from kindergarten to high school, is approximately \$6 billion for 1,159,565 computers in California. NetDay activities are one way to ease some of the financial burden.

With our current budget deficit, we have been doing everything to encourage local, volunteer solutions to difficult problems. NetDay activities across America have and will continue to save schools and taxpayers millions of dollars in technology start-up costs by providing equipment, computer time, and training for teachers through the school's corporate partners. Business sponsors and corporate volunteers have been instrumental in making NetDay a successful reality.

But we should also note that NetDay was not just about saving money. The most valuable asset of NetDay was the commitment of thousands of volunteers who worked in their community schools. The relationships formed between schools and their communities will extend beyond 1996. NetDay volunteers have the continued goal of stimulating and facilitating communities in the United States to participate in their local schools. Parents and neighbors who had previously never visited or been involved in their children's school are now motivated to come back to the classroom and work to improve their child's learning environment.

NetDay organizers tell me that communities across the Nation are already planning to organize future NetDay activities, building and expanding upon earlier achievements. Further, in April of this year, NetDay organizers will be focusing resources on schools and communities that are often underserved.

We all agree our children deserve the finest preparation possible to face the demands of the changing information-based economy. We need to provide the next generation with the proper training for high-technology, well paying jobs. This will only happen if we include all our neighborhoods. NetDay will help meet these challenges, stressing educational opportunity for everyone by reaching out to rural and lower income communities where current technology may be inadequate or incomplete. Even if students don't have computers at home, at least students can have access at schools to explore, develop skills, learn, and grow. Congress should encourage these important goals.

With this resolution we can support the overall effort of ensuring that our classrooms are equipped with effective and constructive learning tools. As students move from elementary school to high school and then into college or the work force, it is imperative that these individuals are adequately trained to use contemporary technologies. This resolution will help motivate our communities, both volunteers and businesses, to provide donated resources, to build upon the success of the NetDay experience and to ensure that the children in all our towns and cities reap the benefits of an advanced learning environment.

I would also like to take this time to congratulate this administration for making the improvement of our classroom's technological infrastructure a priority. This administration deserves great credit for advancing education and technology. Last year, President Clinton and Vice President GORE joined thousands of Californian volunteers in fulfilling this goal. They also support the expansion of NetDay activities nationwide to increase the level of technology in our classrooms to enhance our children's ability to learn.

It is my pleasure to submit this resolution commending the NetDay cofounders, Michael Kaufman and John Gage, the dozens of corporate sponsors and business partners, and the thousands of students, teachers, parents, and neighbors working in community schools throughout California and the Nation. The success and commitment they have shown can serve as a positive model, this year and in future years.

My colleague and cochair on the U.S. Senate Information Technology Caucus, Senator JOHN WARNER joins me in cosponsoring this resolution. In addition, Senator CONRAD BURNS of Montana, Senator CHARLES ROBB of Virginia, Senator PATTY MURRAY from Washington, and my California colleague Senator BARBARA BOXER join me in supporting the advancement of educational technology by sponsoring this resolution. Together, we urge our Senate colleagues to affirm congressional support for preparing U.S. classrooms with the needed technological infrastructure for the 21st century.

In today's global economy, America's students will face challenges on an

international scale. Students must graduate with the skills needed to face today's changing workplace. Computers and technology can enhance the educational experience of children and provide a valuable complement to traditional teaching tools. Technology is not the complete solution to our complex education needs, but it is an important area that needs both our attention and our support.

I invite my Senate colleagues to join this public-private partnership effort.●

#### NOTICES OF HEARINGS

##### COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Labor and Human Resources will be held on Wednesday, February 12, 1997, 9:30 a.m., in SD-430 of the Senate Dirksen Building. The subject of the hearing is "Teamwork for Employees and Managers (TEAM) Act." For further information, please call the committee, 202—224-5375.

##### COMMITTEE ON RULES AND ADMINISTRATION

Mr. WARNER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR-301, Russell Senate Office Building on Thursday, February 13, 1997, at 9:30 a.m. to mark up recurring budgets contained in the omnibus committee funding resolution for 1997 and 1998.

For further information concerning this markup, please contact Chris Shunk of the committee staff.

#### ORDER OF BUSINESS

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

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

#### HONORING DR. PHILLIP R. SHRIVER

Mr. DEWINE. Mr. President, I rise today to honor, on a very special occasion, one of the most important figures in the history of education in the State of Ohio. This year, Dr. Phillip R. Shriver will celebrate the 50th anniversary of his career as a teacher.

Dr. Shriver was born in Cleveland in 1922. When he was 6 years old, his grandfather gave him an Indian spear point, and thus began his lifelong interest in Ohio history.

He graduated from Yale in 1943, graduating early so he could go and make some history himself as a Navy lieutenant in World War II.

When Dr. Shriver got back to the United States, he set his sights on his

work of a lifetime. Armed with an M.A. from Harvard in 1946, and his Ph.D. from Columbia in 1954, he began teaching history to generation after generation of Ohio students.

In 1947, Dr. Shriver joined the faculty at Kent State University. In 1965, he became the president of Miami University, greeting in his first incoming class a freshman, myself, and my future wife, Frances Struewing.

He served as Miami's president for 16 years—all the while continuing to teach. He has also served as president of the Ohio College Association, and as chairman of the Council of Presidents of the National Association of State Universities and Land Grant Colleges.

Even after his retirement from the presidency of Miami, he continues his mission in the classroom. Dr. Shriver continues to teach.

It has been said that the past is prologue. Well, I think of the enthusiasm of Dr. Phillip Shriver, as he has made Ohio's past a living reality for countless young men and women, I cannot help thinking that he has done much to shape the future of our State and the lives of its people.

Mr. President, I join all of his family and friends in congratulating him on a truly historic milestone.

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

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

Mr. AKAKA. Mr. President, I ask unanimous consent that I be permitted to speak for 10 minutes as if in morning business.

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

The Senator from Hawaii is recognized.

Mr. AKAKA. I thank the Chair.

(The remarks of Mr. AKAKA PERTAINING TO THE INTRODUCTION OF S. 291 ARE LOCATED IN TODAY'S RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. AKAKA. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### ORDER FOR RECORD TO REMAIN OPEN

Mr. LOTT. Mr. President, I ask unanimous consent that the RECORD remain open until 3 p.m. today, for Senators to include statements and to introduce legislation.



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

#### ORDERS FOR MONDAY, FEBRUARY 10, 1997

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 12 noon on Monday, February 10. I further ask that immediately following the prayer, the routine requests through the morning hour be granted.

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

Mr. LOTT. Mr. President, for the information of the Senate, the phrase "the routine requests through the morning hour" are deemed to include the approval of the Journal to date, the waiving of resolutions coming over under the rule, the waiving of the call of the calendar, and the expiration of the morning hour.

Mr. President, I ask unanimous consent that the Senate then proceed to a period of morning business until the hour of 1 p.m., for Senators to speak during the designated times: Senator DASCHLE or his designee from 12 to 12:30, Senator THOMAS or his designee from 12:30 to 1.

I further ask unanimous consent that at 1 o'clock the Senate resume consideration of Senate Joint Resolution 1, the constitutional amendment requiring a balanced budget, and that Senator WELLSTONE then be recognized at that time.

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

#### PROGRAM

Mr. LOTT. For the information of all Senators, the Senate will continue the debate on the balanced budget amendment on Monday. Under a previous order, the Senate will resume debate on the Durbin amendment at 3:30 with a vote occurring on or in relation to that amendment at approximately 5:30 on Monday. Senators can, therefore, expect the next rollcall vote on Monday, February 10, at 5:30.

Prior to that debate, Senator WELLSTONE will be recognized to offer two amendments. It is my hope we will be able to complete all debate on Senator WELLSTONE's amendments during Monday's session, however those amendments will be voted on during Tuesday's session.

I also remind my colleagues that next week is the final week of business prior to the Presidents' Day recess. I hope we will be able to make continued progress on the balanced budget amendment, and it is possible the Senate will act on a number of nominations that will be available. In fact, we do have pending before us for consideration the nomination of Charlene Barshefsky to be the U.S. Trade Representative, although her nomination will involve probably a vote on a waiver of an existing law, and possibly an

amendment to that waiver that may be offered by Senator HOLLINGS or others; so we will have to keep that in mind. And we expect to have the nomination reported out for U.N. Ambassador Richardson.

We also may be voting next week on the mandatory provisions included in last year's omnibus appropriations bill involving population planning funding. That will depend on whether the House is able to complete its action early in the week. But we could very well get to a vote on that issue Wednesday or Thursday of next week because we would like to complete it, if we could, before the Presidents' Day recess.

We will continue, then, to have debate on amendments, with time agreements wherever possible, on the constitutional amendment for a balanced budget. So I urge my colleagues to be understanding next week.

We also will be out a good portion of Thursday morning for Ambassador Harriman's funeral, and therefore we probably won't be able to get started with votes until sometime after noon on Thursday. But we'll have a full day on Monday, Tuesday, Wednesday, and Thursday next week before we go out for the Presidents' Day recess.

#### ORDER FOR ADJOURNMENT

Mr. LOTT. If there is no further business to come before the Senate, I now ask the Senate stand in adjournment under the previous order, following the remarks of Senator DODD.

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

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

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

#### BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The Senate continued with the consideration of the joint resolution.

Mr. DODD. Mr. President, first, I express my gratitude to the majority leader for graciously arranging at the end of the business time for me to address the issue at hand, and that is the proposed constitutional amendment to balance the budget.

I, like all of my colleagues, do not know a single Member of this body who disagrees with the proposition that we ought to be balancing the budget or getting us close to it and as quickly as we possibly can. I don't think there is any debate about the desired goal shared by everyone in this Chamber and the overwhelming majority of Americans in this country for a balanced budget. They do, I think, Mr. President, share this goal for wise reason.

I was asked the other day in a classroom in my home State of Connecticut by students, "Why is balancing the budget, why is there so much talk about that? What is the importance of that?" Maybe we take for granted that everyone understands the answer. We talk about it as if it were an end in and of itself, rather than the implications of a balanced budget for our Nation and, for that matter, people who live beyond our Nation.

The reason is that balancing the budget is not a goal in and of itself. It is what it does, what it creates, and that is, of course, a sound economy and an expanded economy. It creates jobs in the country and opportunities for people that wouldn't otherwise exist if we were operating with a mountain of debt that forced the U.S. Government to compete in the borrowing business with private institutions and individuals.

By balancing the budget, what we are doing is contributing significantly to the economic growth and the job creation that is absolutely essential if any nation is going to succeed, and particularly if we are going to be successful in the 21st century.

Balancing the budget has importance, but its real importance is not in and of itself, but rather what it contributes to the overall wealth and strength of our Nation.

So I begin these remarks, Mr. President, by stating what I think is the obvious—I hope it is the obvious—and that is that every Member of this body believes that balancing the Federal budget is an issue of critical importance to our Nation's future. Across the political spectrum, from the White House to the Capitol, among Democrats and Republicans, liberals, conservatives, moderates, whatever label people wish to place on themselves or are placed on them, there exists, I think, a broad-based consensus on the desire for bringing the Federal budget into balance.

In fact, in the last Congress, both the President and the Republican leaders agreed in principle to a 7-year balanced budget plan. The sticking point then was the details of those plans, not the notion of a balanced budget itself. So the debate today is not about whether we should balance the budget. That we agree on. The debate today, and will be over the coming days, is how we balance the budget.

The proponents of this constitutional amendment would have us believe otherwise. They would lead us to believe that the Congress is simply incapable of mustering the necessary courage to make the tough choices to balance the budget. They would have us believe that only by an amendment to the U.S. Constitution would we be forced, and future Congresses forced, to act.

Mr. President, when one considers our efforts at reducing the deficit over the past half dozen years, I think it is fair to say such an assertion lacks credibility. Over the past decade, the



deficit, as a percentage of the gross domestic product, has shrunk by more than 70 percent. Let me restate that. Over the past decade, the deficit as a percentage of the gross domestic product has shrunk by more than 70 percent. Today, it is only 1.4 percent of the gross domestic product. In fact, as a percentage of the economy, the deficit is at its lowest level in more than a generation in this country.

These figures clearly demonstrate that contrary to the conventional wisdom, contrary to the rhetoric from across the aisle, and from other places, this body does, in fact, possess ample courage to reduce the deficit. In fact, the tremendous decreases in the Federal deficit came in the last 4 years, as this chart to my left, I think, amply demonstrates.

I will just point out, it is entitled "Bringing the Deficit Down to Ground Zero," which we all agreed should occur by the year 2002. What is indicated by these dots and lines, in 1992, the annual deficit stood at \$290 billion. Based on the projections in 1992, that deficit was going to increase each year from \$302 billion over 1993 and 1994, going up to \$312 billion, then up to \$319 billion in 1996, \$351 billion by 1997, \$391 billion by 1998. Those were the projections for the increase in the deficit that we were given in 1993.

But in 1993, as many will recall, we adopted a budget plan that was, unfortunately, not bipartisan, Mr. President. It was adopted with just Democratic votes. Those were the days when we were in the majority on this side. That is, before the arrival of the distinguished Presiding Officer.

We were in the majority and passed a budget resolution here in the U.S. Senate. A similar one was passed in the House. They were done in the most uncommon of fashions. Usually there is some bipartisanship. But this one was done exclusively with Democratic votes, on both sides.

It was hotly contested, hotly debated. People may recall it was decided by one vote, I think, in the House of Representatives, and I think by that margin here in the Senate as well. In fact, I think it was the vote of the Vice President at the time casting the vote that made that possible. At any rate, it was a very narrow vote.

But what has happened since then, since 1993, and that budget resolution? We have seen by 1993, instead of being \$302 billion, the deficit went from \$290 billion to \$255 billion. Then it has proceeded, over the next 3 years, down to \$203 billion, \$164 billion, and in 1996, \$107 billion.

What we hope is going to occur with this budget proposal that is before us now, and over the next 5 years, is that the budget will continue, based on the projections included, will fall to that ground zero, balancing the budget by the year 2002.

Let me state here that I appreciate immensely the reaction, of the majority in both this body and in the House

of Representatives, to the President's budget. That is not to say they have endorsed the budget. Quite to the contrary, there are significant disagreements. But unlike almost every year that I can recall, Mr. President, whether it was a Republican President or a Democratic President, with the submission of budgets you could almost guarantee the press releases would go out from whoever was the opposing party in the legislative branch announcing that the budget was dead on arrival and we began this tremendous fight on Capitol Hill to try to come up with a new budget altogether.

That is not the case this year. I give the majority here credit, as well as the administration, for working ahead of time to try to come up with some common ground on some of the more delicate issues. As I said, there has not been total agreement, but we are not in the same situation we have been in the past where this turns into a huge battle from the very beginning.

So my hope is, despite what previous history there may have been, we are now going to be able to work on a budget agreement that gets us to that ground zero in the year 2002. That is really what we ought to be doing. Because as the Presiding Officer knows, and others are certainly aware, writing something into the Constitution and issuing a press release about it does not make it happen. You have to do the work.

Whether it is in the Constitution or not, you have to do the kind of work in order to move us in that direction toward ground zero. Because of the implications, again, I want to stress the point. This is important to do because of what it does to our economy. It gives us the kind of economic growth, the stability, the lower interest rates that allow for businesses to borrow and expand and put people to work. That is the effect of a balanced budget.

So there has been a good record here now. We are going in the right direction for the first time in years. The challenge for all of us here, regardless of party or ideology or some label that someone wants to put on someone, is to work together to see to it that we achieve those desired goals stated in this chart.

None of us can predict, obviously, what is going to happen next week, tomorrow, or, for that matter, next month, next year that might disrupt our ability to move in this direction. That is one of the major reasons I have such reluctance about writing into the Constitution an economic theory that could end up being highly disruptive toward our ultimate goals as a nation.

As someone suggested—I think my colleague from North Dakota, Senator CONRAD, the other day, Mr. President, in talking about the proposed amendment. He suggested to a group of us that if we had any hesitation about whether or not this particular amendment belonged in the Constitution—and I have made a similar rec-

ommendation to people in my own home State—to take out 20 minutes or a half-hour, which is all you need, to read the Constitution of the United States. It is an incredible document in its simplicity and directives.

Then, if you would, after you read the Constitution of the United States, pick up and read this amendment and ask yourself the simple question: Does this language in this amendment, putting aside the implications of it, but does this language in this amendment belong in this document, this organic law of our country, which represents the timeless principles—the timeless principles—that we embrace as a people?

Nothing in the Constitution is contemporary in the sense that it deals with a present-day problem, except to the extent that human nature constantly raises issues that need to be addressed and protected by the Constitution. But we have historically stayed away from dealing with the issue of the day in the Constitution.

I urge again that we consider what the implications would be of taking language which deals with economic theory, which is the contemporary issue of the day, and enshrining it in the organic law of the country, in such a way that I think we do an injustice to that document. Also, we run the risk, as I hope my colleagues will appreciate, of making it far more difficult in many ways for us to achieve the kind of economic opportunity, the job creation, the stability that is the underlying goal behind the entire discussion of whether or not we ought to have a constitutional amendment that balances the budget and does what we are presently on the right path toward achieving and that the Congresses in the years ahead will have to grapple with itself, as it deals with the issues of its day.

So, Mr. President, I hope that Members, and others who may be in doubt about what this debate is all about, that they might take the time to read, as I say, both the Constitution and the amendment and ask themselves the question that Senator CONRAD of North Dakota posed to us the other day, as to whether or not those particular words belong in the Constitution.

Mr. President, other issues have been raised over the past number of days, and more will be raised next week, which are posed by this amendment.

One of the issues that I will be raising has to do with the issue of national security. Again, the Presiding Officer is someone who is no stranger to these issues as a new Member of this body and he has a distinguished record in serving our country. I commend him for it.

One of my concerns here is that the amendment would seem to indicate that we could not expend resources on a national security problem unless there was a declaration of war. As my colleagues are certainly aware, it has been many a year since we declared

war despite the fact that we have had many conflicts in which American men and women have lost their lives. My concern would be that, given how difficult that can be, given the nature of the world in which we live today, declarations of war may be harder to achieve.

This could be a matter for a separate discussion, the whole issue of the role of Congress and the war powers resolutions which we have debated extensively here over the years. But I can imagine, as I am sure the Presiding Officer could, situations that would not warrant necessarily a declaration of war, and yet it may be critically important that the United States respond because the national interest of the country is at stake, and yet we find ourselves engaged in such a debate where we have to first declare war before a President might be able to act and get the necessary funds.

That is the kind of problem I see posed by the well-intended authors of this amendment, to create situations that could pose serious problems for our country. I have drafted an amendment and I have asked people to look at it. It may be an amendment that can be agreed to. It seems to me that we ought to be able to respond to situations without tying ourselves into long legislative knots around here. It may be absolutely critical that the Chief Executive, the Commander in Chief of this country be able to respond to a situation without getting bogged down in what could be a partisan battle, for whatever reason, and put in jeopardy the lives of American men and women or put in jeopardy the interests of our country. We could find ourselves hamstrung by a problem in the constitutional amendment that its authors never intended, but in the years to come could occur.

So that is one issue that I find particularly troublesome about the balanced budget amendment. I urge again my colleagues to review and look at it.

Another issue was raised by our colleagues from California, Senator FEINSTEIN and Senator BOXER. Unfortunately, their State, maybe more so than any other in recent years, has been plagued by one disaster after another, natural disasters in most cases, where they have needed additional attention and resources. There seems to be little or no provision to respond to those situations again without having to go through the tremendous gyrations of developing some support.

California is a big State. They have more than 50 Members of Congress in the House. They have the same number of Senators we have. What if you come from a smaller State that does not have the same kind of political clout that California might bring to a situation, where they need those extra dollars? Are we going to be able to respond? A legitimate issue is raised, Mr. President, by the language of this amendment, this constitutional amendment, that would make it ex-

tremely difficult for the Congress to respond to natural disasters that could hit any State in this country.

Again, that is another reason that I think my colleagues ought to examine carefully some proposals that will be offered and, I would say, ultimately to step away from what I consider to be sort of a bumper-sticker approach to an issue that deserves far greater work and diligence than merely writing into the Constitution language that could make our job as legislators far more difficult in responding to the needs of our Nation.

Mr. President, I will not take a great deal of time here today. I merely wanted to rise to indicate once again that we are on the right track. I think we are going in the right direction in dealing with the issue of getting our budgetary house in order. That is what we are going to have to do year in and year out, to see to it that we have the ability to respond.

I am not old enough to remember the Great Depression, and I am confident the Presiding Officer is not either, but there are people certainly who will read this RECORD who are listening to what we are saying who remember the 1930's. I can only imagine how difficult it must have been for that Congress and that Chief Executive Officer. In the Northeast, in my State of Connecticut, and the Midwest was particularly hard hit in those years, what would life have been like in a Connecticut or Nebraska if we had been hit as we were with that Great Depression and faced with the tremendous need to provide resources to people in our States. We ought to be very thankful that we do not have national depressions. We have taken enough steps over the years to avoid the kind of difficulties that can sweep across a nation.

Mr. President, I am sure the President is aware of this, my State, over the last 4, 5, 6, or 7 years, has been very hard hit economically. We have historically been called the Provision State, dating back to the Revolutionary War, and we are proud of it. The builders of helicopters, and jet engines at Pratt & Whitney, and submarines and electric boats, radar systems at Norden, we have a long history. The end of the cold war, the recession and the real estate collapse all hit my small State very hard. It has been very, very difficult for us to get back on our feet. Luckily, these economic troubles did not sweep across the country. Most parts of the country have done well. What am I to do in my State because of its unique problems? We need some particular help in responding to the needs of our people.

What worries me is that we may not have national depressions, but we could have regional depressions. Will there be enough votes in these bodies to have supermajorities to provide the resources that specific regions of the country need? It could be an agricultural problem that hits—possibly bad crop seasons. I know the people of my

State have been sympathetic in the past in responding when that has occurred. They are consumers of the food that is produced in this country. But natural disasters can hit. People can be literally wiped out in a matter of weeks. How do we respond? Should we respond? Is every State that does not have the same interests going to vote accordingly?

Again, hamstrung by a constitutional amendment, it would make it difficult for us to use common sense and respond. That is troublesome to me, to put it mildly. For those reasons and others, Mr. President, I urge my colleagues to move away from this particular debate. If the issue was we needed to get the attention of some reluctant Members of Congress—and I happen to believe there were some who were not serious enough about this issue. I go back to the days of the early 1980's. As an original sponsor of the Gramm-Rudman proposal, I think it could have worked had we not had a bunch of loopholes. Back in 1982 or 1983, I offered a pay-as-you-go budget, Mr. President, requiring that for every single expenditure there had to be resource to pay for it—every single expenditure. Had we adopted a pay-as-you-go in 1982, we would have been in balance 11 years ago, in 1986. I only got 22 votes on the floor of this Chamber in 1982 on that proposal.

I take very seriously this debate about getting this budget in balance and moving in the right direction, but I again argue, as I did at the outset, it is work. It is not easy. Everybody has to go back to their constituencies and explain why everyone has to share in this responsibility. Merely taking out a chisel and etching into the organic law of this country the conclusion of a proposal of balancing the budget does not get us there, and it does raise serious, serious questions about other weighty matters that this Nation must come to terms with from time to time.

In my view, it places them in jeopardy, and particularly at a time when it seems to me that we are on the right track, moving in the right direction. I do not understand why we would place in jeopardy other vitally important issues when, in fact, we are achieving, I think all would agree, the goals stated by those who strongly endorse this constitutional amendment.

In addition the constant inflexibility in our budgetary decisionmaking process could have a disastrous impact on the business community. The private sector expects order and consistency in our economic policy. What's more, they rely on the Federal Government for our support and assistance in myriad ways.

Whether it's the research and experimentation tax credit, our aggressive advocacy for American exporters, or the vital statistics and information published by Federal agencies, the private sector receives crucial support from the Federal Government. However, passage of this amendment could

threaten to create a frantic rush, year in and year out, for the savings necessary for bringing the budget into constitutional compliance. In that sort of an environment, no Federal program would be safe. Business leaders would be unable to plan ahead, not knowing what programs will be funded or cut from year to year. An R&E tax credit that is constantly in jeopardy of being canceled is of little benefit to American business.

Contrary to the rhetoric of those who support this amendment, American businesses will suffer if they are forced to operate in the looming shadow of tax increases or potential cuts in important programs. What's more, under the requirements of a balanced budget amendment the Congress would be forced to reorder our budgetary priorities every fiscal year. There'd be no rhyme or reason to what we cut and what we fund, because our decisions would be based on short-term economic factors. Long-term considerations would simply go by the wayside. By almost any standard, the balanced budget amendment is bad economic policy. But, it would have even worse and more far-reaching constitutional implications. Passage of this amendment risks allowing direct judicial involvement in the enforcement of a balanced budget requirement.

If for whatever reason, the Congress was unable to achieve either a balanced budget or get 60 votes to waive the requirement for such, then the Federal judiciary could be forced to make critical decisions on budgetary allocations. I must say, I find it quite interesting that many of the same people who complain about so-called judicial activism are seeking to pass an amendment that would thrust the judiciary directly into our budgetary discussions. Theoretically, judges could order the Government to stop Social Security checks from being sent out, cut Federal spending, or even raise taxes. Additionally, to those who complain about a clogged court system, we could see a significant rise in litigation by either Members of Congress or private citizens hurt by spending cuts mandated by this amendment.

For the Congress to go along with such a proposal represents an abdication of our responsibilities as legislators. The Constitution mandates very clearly that the legislative and executive branches must possess sole responsibility for fiscal policy. Yet, this amendment would fundamentally

transform our constitutional system of checks and balances by placing the judiciary in an unheard of position—making budgetary decisions. This contravenes the most sacrosanct notions of constitutional integrity—our system of checks and balances and division of authority among the three branches of government. And it would debase the Constitution by involving it directly in economic decision making. This constitutional amendment would place what is fundamentally a fiscal policy into our organic law.

Again, I urge all my colleagues to read the Constitution before they cast their vote. Look at the sorts of amendments that have been enacted. At their core, they deal almost universally with issues of social policy and the functioning of our democratic institutions—not with economic policy. But, this amendment would change that legacy. And I believe it could begin a disquieting process of including what is basically statutory language into our national Constitution. There can be little doubt that we face a momentous decision.

Changing the Constitution is not like adopting a simple statute that can be modified or repealed somewhere down the road. The fact is, amending the Constitution is one of the most sacred duties of our role as national leaders. Indeed, the language we insert into the Constitution is timeless. And it will likely stay there long after all of us leave this Earth. However, I worry that the fundamental, hallowed nature of our Constitution is being lost on my colleagues.

The last Congress advocated one of the most sweeping rewrites of the U.S. Constitution since the Bill of Rights. And I worry that this Congress will continue this troubling precedent. In the 104th Congress, amendments were proposed requiring a supermajority for taxes, advocating term limits, providing for a line-item veto, allowing school prayer, preventing unfunded mandates, criminalizing flag burning, and the list goes on.

The Constitution is not a set of institutional guidelines to be amended by each new generation of leaders. Generation after generation will live with the consequences of our constitutional decisions. And while I realize that this amendment is incredibly popular among the American people, that should not be our determining factor. Amending the Constitution must not be based on the political currents of today, but the sacred principles on

which our Nation was founded. There is a very good reason why, in the more than 200 years since this Nation adopted the Constitution, we have seen fit to amend it only 27 times—27 times in more than 200 years. In fact, in those 200 or so years, there've been approximately 11,000 proposed amendments to the Constitution. Only 33 passed the Congress. And the Bill of Rights notwithstanding, only 17 are now part of the Constitution. What's more, amending the Constitution remains an incredibly difficult task.

Two-thirds of the Congress, and three-fourths of the State legislatures must agree before we change the law of the land. Our Founding Fathers made clear that amending the Constitution would not be an easy or brazen decision. As Henry Clay said 145 years ago, "The Constitution of the United States was made not merely for the generation that then existed, but for posterity—unlimited, undefined, endless, perpetual posterity."

These are not idle words. The Constitution is sacred parchment—our guiding force for more than 200 years of democratic rule and a beacon for millions around the world who yearn for the dignity that freedom and democracy bestows. In my view, this document remains one of the greatest political and democratic accomplishments in human history and the amending of it must not be a rash or impetuous act. We all agree on the need for balancing the budget, but this amendment is the wrong way to go about doing it. If we are to really bring our fiscal house in order; if we are to guarantee to future generations that they will not be burdened with our debts; if we are to balance the budget in a fair and equitable manner, then let us reject this amendment and instead roll up our shirt sleeves and get down to the task of making the tough choices to truly balance the budget.

I thank the majority leader for making this possible. I yield the floor.

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ADJOURNMENT UNTIL MONDAY,  
FEBRUARY 10, 1997

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 12 noon, Monday, February 10, 1997.

Thereupon, the Senate, at 2:14 p.m., adjourned until Monday, February 10, 1997, at 12 noon.