

were in the air and continued to bombard an 8-mile square chunk of volcanic rock and ash known as Iwo Jima. The Japanese high command was acutely aware of the island's strategic and psychological importance and their forces on Iwo Jima constructed elaborate defenses that would be the toughest encountered by forces of the United States, in particular the United States Marine Corps, during the war of the Pacific.

Our Army, Navy, and air forces subjected Iwo Jima to the longest and most intensive preparation given any objective in the Pacific during World War II. Beginning June 15, 1944, American air attacks continued steadily through the summer and the fall, culminating in a 74-day round of continuous strikes by Saipan-based bombers. These air attacks, plus heavy naval gunfire 3 days before the assault, destroyed everything, or almost everything, above ground on Iwo Jima. But most of the Japanese underground guns and defenses were relatively untouched.

Against Iwo's rocky terrain and caves, naval gunfire could do only so much and victory or defeat would rest with the fighting spirit of 70,000 men of the 5th Air and Amphibious Corps, under the command of Maj. Gen. Harry Schmidt. This force included the 3d, 4th, and 5th Marine Divisions, many of whose members were battle-hardened veterans of earlier Pacific assaults.

Facing them on Iwo was a force of around 20,000 dedicated Japanese soldiers, every one of whom was under orders to make it his duty to take 10 of the enemy before dying. In a matter of days, the opposing forces would clash in a struggle that would prove decisive in the war in the Pacific. It was here on this island atop Mt. Suribachi, where the most famous of all photos was taken from the Pacific—the raising of the flag. It has been a symbol of American gallantry, the symbol of pride and dedication of the U.S. Marine Corps, and all of those who shared in that pride with that uniform. And I, not being one of those that went on Iwo, have I shared that uniform.

Mr. President, I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

#### BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The Senate continued with the consideration of the joint resolution.

AMENDMENT NO. 240

Mrs. BOXER. Mr. President, thank you very much. And I thank my colleagues for working with me to get a time agreement, which I hope will enable all of our colleagues who have various views on the amendment I shall offer an opportunity to express them today before we have a vote.

Mr. President, my amendment, which has been coauthored by Senator LEAHY of Vermont, will enable the Congress to

respond to a federally declared disaster should the balanced budget amendment become part of the Constitution.

I am proud that we have a number of cosponsors. They include Senator FEINSTEIN, my colleague from California; Senator BUMPERS from Arkansas; Senators INOUE and AKAKA from Hawaii; Senator MURRAY from Washington, and there are others.

Mr. President, balancing the Federal budget is a goal we should attain. You know, I saw this national debt go from \$1 trillion to \$4 trillion in the decade of the eighties and there was a very clear reason why this happened—huge increases in the military, huge tax cuts to the wealthy. And I will tell you, it does not add up to a balanced budget. It led to a terrible situation which finally, under President Clinton, we were able to get our arms around when, unfortunately on straight party lines, we did have a vote to reduce that deficit, and the deficit is now about half of where it would have been. So we are making progress.

There are those who believe we must have this amendment in the Constitution in order to continue progress. I think the facts belie that. I just want to make sure that if we do have this amendment, it is in fact a flexible one. We should be able to act to meet the needs of our people. Why else are we here if we cannot do so?

The only exception in this amendment that would enable Congress to take the budget out of balance with a simple majority vote rather than a supermajority vote is a declaration of war. Of course, that makes sense. But there are other times that it should take a simple majority.

For every other emergency right now in this amendment to the Constitution, we would have to have 60 votes in the Senate out of 100 Senators and 261 out of 435 votes in the House of Representatives to respond.

In other words, Mr. President, we would need a supermajority to take the budget out of balance for the particular year in which a disaster struck. We are not just talking about a small problem here. We are talking about a federally declared disaster. We would take a supermajority to take us out of balance to fund that disaster emergency.

Now, Mr. President, I believe that creates a dangerous situation that flies in the face of reason. It flies in the face of reason. It is dangerous. I believe it is reckless, because I believe responding to disasters and emergencies is one of the most honorable and dutiful obligations of this U.S. Senate.

Many Members have felt the pain of seeing our States damaged very badly. Our people dislocated, families mourning the dead and the injured because of a natural disaster. Floods, tornadoes, hurricanes, earthquakes, severe storms, volcanoes.

Many have gone to the shelters. I think the most haunting memories of all those trips that I have made, unfortunately, on too many occasions in my

State in the north and the south and everywhere, the most haunting memories to me are the faces of the elderly and the children who were so disoriented when something like this happens. They are rooted out of their homes and they are afraid. We need to respond in those kinds of desperate circumstances.

Now, I think a reasonable question to ask me is, Senator, how big a problem is this in the Nation? Are you just talking about your State of California? Some might say we could understand why you would feel this way, but what about the rest of the United States?

I think the chart I have up here will explain that there truly is not a State that is immune from the possibility of disaster, and as a matter of fact, the likelihood. Before I point out what this chart means, I want to say that today there is not a State in the Union that is not vulnerable to flooding.

This report from the National Research Council states, "Floods occur more frequently in the United States than any other natural hazard. All 50 states have communities at risk from flooding which occurs primarily as flash floods caused by thunderstorms, rapid melting of ice and snow and storm surges." It talks about the great Midwest floods.

The point I am making is that this chart does not even show the flooding possibilities, because basically the chart would be covered, because every single State has the possibility of disastrous floods.

Looking at the chart, here are the earthquakes in this teal color. The light teal color shows the low risk of earthquake, and we see it is all over the country. If we point to the various teal colors here, all through the country. We are not talking about merely in California. Now, the medium risk, we can see where that lies, pretty much through the country. There is actually a high risk here in the Midwest for earthquakes.

Now, looking at tornadoes we see the whole midsection of the country over to the east and the extreme risk of tornado here in the midsection of the country.

The blue and yellow shows the hurricane, some risk for hurricane, and the dark blue is extreme risk for hurricane, which we see on the coastal areas and of course over in Hawaii.

There is also volcano risk, which many can never forget Mount St. Helens, that is in the West. And tsunami risk, the entire west coast of the Nation, including the islands as well.

As we look on this chart we can see that this country is magnificent. It is also quite vulnerable to disasters if we look at this risk profile.

While many of my colleagues here truly believe that responding to the needs of his or her people is not a requirement to ensuring domestic tranquility. I always go back to the preamble of the Constitution. We read it

as kids in school, but it is very meaningful, or it should be quite meaningful to everyone.

When we say we are to ensure domestic tranquility, I can say when a person is forced out of their home because of an earthquake, a flood, a drought—many things by the way, not even on this chart; droughts we do not even show—but you are forced out because you cannot get water or farm your land, let me assure you, you do not have a situation of domestic tranquility when so many of your people are dislocated. It is pretty basic.

Now, I asked my colleagues, who would ever want to be a Senator in Japan after the Kobe disaster? Many have seen the elected officials and the people in the government going to various town hall meetings and gatherings throughout Kobe, and looking at the memorial there and saying "I am sorry. We are powerless to act. We do not have a plan in place. We cannot act."

I assure Members that without the Boxer-Leahy amendment, we are in effect, I think, unilaterally surrendering this body's commitment to disaster relief. I will prove it. I will prove it. If we need a supermajority to act we are simply not going to be able to act.

Our amendment provides a critical safety valve. It says that in any fiscal year in which spending occurs as a result of an emergency declaration by the President and the Congress has also said, "Yes, it is an emergency," the provisions of the balanced budget amendment may be waived by a majority vote of those present and voting in each House.

I want to make a point here. We purposefully constructed it such that it is not a 51 vote, but those present and voting. When we have a disaster we need to act fast. Suppose there happened to be a couple of seats vacant in the Senate, or people are ill and not here in the U.S. Senate. We should be able to move with the majority. Majority vote is a very important concept.

This amendment does violence to—not my amendment, but the balanced budget amendment to the Constitution—does violence to that notion of fairness of majority rule. When we require a supermajority to act, whether it is a recession period, a depression situation, a natural disaster, if we require a supermajority we are giving a huge amount of power to the minority. When we do that we can tie this body in knots. We have seen it happen here many, many times.

By the way, I know what I am talking about. I voted to end the filibuster, although I am now in a minority in this body. I think inaction is inexcusable. We should not put ourselves in a situation where we cannot act. Full debate, absolutely. But at some point we decide we have had the debate, and we move on.

As I said at the outset of this debate on the balanced budget amendment, our States are not colonies of the Fed-

eral Government. Neither are they separate fiefdoms. When disaster strikes, we should be, as the words above the beautiful Capitol dome, *e pluribus unum*, from the many, one. What a beautiful thought that is. From the many, one. *E pluribus unum*. We help each other. That is the way it should be. One nation, under God, indivisible. That is what I believe in. From the many, one. We pull together, in times of crisis, in times of disaster. And we do not allow one State—whether it is in the middle of the country or at either end or anywhere in between—to stand alone in that circumstance.

We talk a lot about family values here and caring and compassion. My goodness, when we are in the midst of one of these disasters, that is the time to pull together. And we should not create hurdles in this balanced budget amendment which will make it impossible or very difficult for Members to move to resolve and to move quickly.

I believe that without the Boxer-Leahy provision, we will not be from the many, one. We will be divided. We will be stressed. We will be incapable of acting, because getting 60 votes to fully respond to a disaster will be extremely difficult. If we cannot get that, we will need to get offsetting moneys to fund the disaster. Budget cuts right on the spot, turning sensible budgeting out the window.

We will throw sensible budgeting out the window because of a disaster. If we cannot get 60 votes, we will have to cut the budget elsewhere. We will have to cut into the bone of education, transportation, health research, defense, things we need to do in this country to respond to a disaster.

Let me tell you, Mr. President, we have had those votes, and every time it has failed. Every time we have tried to get offsets to pay for an emergency, we never got the votes. It did not work. Why? Common sense tells you, an emergency is unexpected. It happens to us in our families. We should have a rainy day fund—of course we should—and we try to give FEMA a rainy day fund. But sometimes the rains keep on coming. And I can tell you they are coming right now again in Los Angeles today, and we hope we will not experience the kind of problems we did last month.

So you plan for a rainy day, but you do not know when it is going to happen and to what extent it is going to happen. That is not something to be upset about. It is something to be ready for. It is life, and life does throw us some curves sometimes in our personal lives and here sitting in the U.S. Senate.

Why do I say that it will be very difficult to get 60 votes or a supermajority to respond to a disaster? The Republican leadership in the House of Representatives has given us a preview in a letter dated February 7, signed by House Speaker NEWT GINGRICH, House Majority Leader RICHARD ARMEY, House Budget Committee Chairman JOHN KASICH, and House Ap-

ropriations Committee Chairman BOB LIVINGSTON.

Mr. President, let me talk a little bit about this letter. Their letter threatens no action on disaster relief. Right now, forget about waiting for a balanced budget, they are right out here. They are already on the record.

The President has asked for funding for an emergency supplemental to meet the needs of several disasters. He has asked for emergency funding in the supplemental to deal with the Midwest floods and the Northridge earthquake. He also asked for emergency funds to deal with unexpected military obligations and the House leadership is not objecting to that. They have found some offsets, as I understand it, in the military. But when it comes to the emergency supplemental which, in the main, has this money for California and the Midwest—and by the way, 40 States, as I understand it, still need to be paid for emergencies—what do they tell us? I am quoting from the letter:

We will not act on the balance of requests until you have identified offsets and deductions to make up for the funding. Whether these activities are emergencies or not, it will be our policy to pay for them rather than add them to the deficit.

Now, here it is, here it is. So this is not any guessing game we have here. The House leadership says it is their policy, and you know they seem to be able to control the votes over there. I think they had about seven or eight people who went off the party line on one vote, and they got called to the woodshed. This is discipline, my friends. They are not interested in going out of balance to meet these needs, and I can assure you, this emergency supplemental is going to be in trouble. So if we do not act and we get this balanced budget amendment into the Constitution requiring 60 votes, we are in deep trouble.

I am going to repeat what they said: Whether these activities are emergencies or not, it will be our policy to pay for them rather than add them to the deficit.

Mr. President, since a large proportion of FEMA's funding for disasters supports repair and recovery of public buildings, more reliable estimates of the actual dollars that would be necessary for the Northridge recovery were not available when the revised supplemental was transmitted to Congress last year. Here is the point: A lot of these supplemental requests come before we know the extent of the damage. You do not want to go out there with estimates, you want to go out there with real numbers.

So many times there is a time lag. We had in California 120,000 schools, hospitals, city buildings, and other businesses and residences with damage from the quake. It takes time. You cannot judge the extent of the damage to a structure by looking at the exterior. You need to go in there, and then you can find out what the damage is. It takes time.

Look what happens after it takes time. After the rush of sympathy is over, what do they tell us?

Whether these activities are emergencies or not, it will be our policy to pay for them rather than add them to the deficit.

Meaning they are going to seek offsets, and I will tell you, Mr. President, it is going to be hard to find those offsets when we already are in tight budgetary times.

An example of this late discovery of damage is California State University at Northridge. The library appeared only to have minor damage, but once the inspectors got behind the drywall, they found all 86 steel beams were sheared in half.

I am talking about California clearly because I know it the best. But it is not the only State that would lose if this attitude and this balanced budget amendment passes without the Boxer-Leahy language.

The disaster supplemental, again, requested by the President includes funds, as I said, for 40 States and territories. James Lee Witt, the Director of the Federal Emergency Management Agency, has warned us that without these supplemental appropriations, the agency will not be able to meet any disaster requirements by May 1 and no further spending on current relief programs after July.

I will tell you, Mr. President, get down on your hands and knees tonight because if you have a disaster in your State and you see those looks on people's faces when they are living in shelters and they cannot go home and they are afraid to enter their home because of fear of flood or earthquake, you stand up there and say, "Gee, I didn't realize it when I voted against Boxer-Leahy."

I ask you this: Will disasters go away because we want them to, because we are in a tough time right now? Will they go away because of this balanced budget amendment?

Let us look at my second chart called "Probable Costs of Future Natural Disasters." I want to make this point to my friends because, again, those people who say, "Well, sure, Senator BOXER is up here speaking about disasters. It is her State," let us take a look at the east coast and take a look at the largest disasters that we are looking at across the country.

Let us take a look at this. We are talking here about the predictable future. I want to make a side point that a lot of this work that was done, so that we know what our future holds in our country, was done by the U.S. Geological Survey. I think it is important to point that out because in the Republican Contract With America, they want to do away with the funding for the U.S. Geological Survey, which is where we get our information as to where the high risks are so we can share this information with others, but I will not get into that debate today

because there will be other times to raise that question.

But let us take a look across the country. If you look at the Northeast, a \$45 billion class 4 hurricane, and that is really the whole Northeast. Then a \$52 billion class 4 hurricane out of New York which would impact that region. Out of Hampton, VA, a \$33.5 billion class 5 hurricane is predicted. In Miami, a \$53 billion class 5 hurricane is predicted; in New Orleans, a \$25.6 billion class 5 hurricane. And I wanted to note that Senator JOHNSTON is also a co-sponsor of this amendment.

In the Midwest, the real big earthquake. It is very interesting, my friends. It is not predicted for California. We do have a couple of huge ones here and also in Seattle, but the real big one is predicted in the midsection of our Nation, a \$69.7 billion loss, an 8.6 earthquake predicted on this fault.

Here, moving to Galveston, TX, a \$42.5 billion class 5 hurricane. In past disasters, we have had some very conservative Members of the Senate on this floor demanding that we act fast not to get offsets but to take care of their people. Why? Because they looked at their faces. It is real easy to say, well, we will vote against Boxer-Leahy, but wait until it comes to your State and you cannot act. And that is what I am trying to get colleagues to think of on both sides of the aisle. This is one that comes back to haunt you, not maybe but probably. Remember, the whole country is subjected to floods, serious floods. We do not even show that.

Now we get over here to Honolulu, a \$30 billion class 4 hurricane. How we can ever forget the last one that hit there? Los Angeles, a 7.0 earthquake, \$57 billion; San Francisco, \$84 billion, 8.2; and up in Seattle, where a lot of people do not think of it that much, a 7.5 earthquake costing \$33 billion.

(Mr. KEMPTHORNE assumed the chair.)

Mrs. BOXER. So let us not kid the American people; disasters are not going to go away. And I have to tell you again no disaster supplemental appropriation has ever been passed with offsetting spending required. It just has not. It is on the books. We have the votes to show you. It does not happen. And why? Because these are emergencies, and we do not want to destroy everything else we need to do for this country when one of our States is in trouble. So we come together, *e pluribus unum*, come together from the many as one, and we help and we do not destroy the rest of the budget. And then the next year we look back and we say, yes, we had some of these disasters; we are going to be even tougher on our budgeting, but we do not force 60 votes because it is not going to happen. Disasters are beyond our planning.

Mr. President, I am not a constitutional scholar, but I do know a little bit about the origins of our Government. I know that the Constitution was not the first fundamental law gov-

erning this Nation; the Articles of Confederation preceded the Constitution. But that document regulating the relations among the States proved weak and inefficient. The articles provided for a supermajority vote before the National Government could request revenue from the States. And do you know what James Madison called that? A "radical infirmity"—a radical infirmity to require a supermajority. Without careful change to ensure flexibility, this balanced budget amendment is a radical infirmity of the 1990's. It is an infirmity. It is a condition. And it is radical because it takes away the rule of the majority.

Now, I know a lot of people said this election was about a revolution. Maybe it was. But I hope we respect the Founding Fathers here and realize that there is a reason we have majority rule in most cases in this body. We should not shackle the ability of the Congress to respond to emergencies by requiring a supermajority vote.

Now, a measured attack on the budget deficit is a priority of the Congress. I am on the Budget Committee. I have been on the Budget Committee over on the House side, now on the Senate side. I am proud to be here. And I was proud to vote for the largest deficit reduction package in history that has worked. We are on the path. We should restrain spending for the benefit of generations to come, but we must not allow this constitutional amendment to turn the back of the Senate on decent Americans. And listen to this one. If you think about who is impacted by disasters, they are decent Americans who usually, if you look at all these areas, pay their fair share in taxes, who probably have never asked the Federal Government for anything else in their life.

I have seen it. I have seen people who said, "I never asked the Federal Government for anything. All I want now is a chance to get back on my feet," because they were hit with a flood, a hurricane, an earthquake, frost, drought, and they are knocked off their feet. And they are saying, yes, I have some insurance, but I need to have my Government be a partner in helping me continue to be productive.

It seems to me that is reasonable. That is why we are one nation, to act as one when there are serious emergencies, and that is what we do with our amendment, the Boxer-Leahy amendment.

From fiscal year 1988 to fiscal year 1993, Congress has passed six major disaster relief supplemental appropriations bills. I wish to explain this. They totaled \$17 billion in budget authority—since 1988, \$17 billion in budget authority. In 1994, Congress passed a supplemental that included \$8.4 billion for disasters. That is a lot. But compare it to the military budget that is about \$280 billion every year. You can see we spend a great deal defending this Nation, as we should. We have to defend our Nation when we are struck with

the hurricanes, the floods, the devastation of earthquakes, tsunamis, whatever are predicted to happen—\$17 billion since 1988.

Now I am going to show you some photographs from some of these disasters because I think again we have to put a human face on what we are talking about here. This is what happens to America in these times. And the funding that I show here basically is a small proportion of the funds that went for FEMA programs because these were put together by the Federal emergency people. There are other dollars that are added, and I will go into that.

But here is South Carolina, Hurricane Hugo, 304,369 victims. You can see the child, the mother, the ruination, the shock. I have been to too many of these.

Here is the Cypress Freeway in Oakland. I am really familiar with this because my husband takes his car over this freeway, or did, every day for 20 years plus. An hour before it went down, he was on that freeway. This is not something that is far away from my heart.

This happened on the night of the World Series between two California teams, and everyone was sitting in their seats waiting for them to play ball. We did not have a baseball strike. That is a local other issue. But they never did play ball that night because the earthquake struck. People died. There were 896,245 victims—meaning not deaths, victims—people touched by this. And I want you to know something. It took us a while to get the plans to rebuild the Cypress structure because, guess what, we did not want to build it the same way it was built originally because it would have fallen down again. So we had to go back and get the engineering done and do it in a way that would not hurt the community. So it took a while.

There was a move on this Senate floor to deny the funds to rebuild this freeway. I remember it because I had to fight it. And I won that vote by a vote of—I think we had 53 votes, not 60, friends. If this supermajority requirement had been in place, forget it; we would be looking at disaster. Now, tell me something, is that what we want to see in our communities?

Here is Hurricane Andrew. This is extraordinary. There were 219,825 victims, in other words people hurt directly by this disaster. The homes are literally gone.

Do we want 60 votes to be able to make these people have a chance at life again? I hope not. We would be like they are in Kobe, Japan, going to community meetings saying, "Gee, we're sorry, we cannot act. Move to another place, move to another town."

I can imagine the American people's reaction. Forget it. We are not reserved here. Anybody who has had community meetings, you stand up and you are sent to protect the people of your States and help them—if you stand up at a community meeting and say,

"Sorry, I could not get 60 votes"—it is not even a viable thought.

Here is Hurricane Iniki. This literally looks as if a bomb dropped on this house; the magnificent blue sky and a complete, total wreck of a home. That is what it looks like. This is what we are talking about. I am not up here because this is an unimportant issue. I want to show you some more pictures.

Missouri floods, 168,340 victims. Their dreams, their hopes, their memories, their wedding book pictures—destroyed.

Northridge earthquake, Los Angeles area. I will never forget the first thing I heard about was a policeman rushing out to help people and he could not see that the freeway was gone. He was one of the first deaths. I have to go get 60 votes if this amendment passes without the Boxer-Leahy language.

I hope my colleagues on both sides of the aisle will help me with this one. Let us not do another party line vote here. My God, I do not ask people if they are Republicans or Democrats when they are faced with this. I do not care. We are Americans when these things happen. We help each other. Let us not put something in the Constitution that ties our hands, whether Republicans or Democrats, that ties our hands and says you cannot act in a disaster except if you have a supermajority.

After this election, half the people said, "What's going to happen in the Senate?"

I said, "You know what is going to happen? We are not going to be partisan here. It is not like the House that tends to be very partisan. We are going to see reasonable people here come together."

I am waiting. This is a good one. Reasonable people should say that we should not require a supermajority to act in times of disaster.

Here is one that was unbelievable, the volcano eruption in Washington State. That does look like a bomb went off. 1,891 victims.

Then let us look at Houston, TX—horrible floods, 34,000-plus victims. This looks literally like something dropped on this house. You say a flood? This is a picture of what happens when the water is so high.

I have to tell you, I visited northern California in the last flood that we had. I was driving down the road and I looked out the window and I said there is the Russian River. Somebody said the Russian River has never been there, it is on the other side of the bank. In other words it had made a second river.

These things happen. Does it mean we should not require that people who live in a floodplain have insurance? Of course, and we do. We should have insurance programs in place. I am on a task force looking at how better to meet these needs. But the bottom line is with insurance, with savings, with all the things we do, once in a while we are going to have a disaster that is be-

yond our ability to plan for. Do we then turn our backs because we need a supermajority? Or do we in fact make it possible for us to respond in a reasonable fashion, a majority of those present and voting? I hope that makes common sense to my colleagues.

I want to give my friends a picture of the number of times we have had to respond to disasters, and I will show the chart of the predicted disasters. We are here talking about the whole Nation, not just California. Between 1977 and 1993, the Federal Government responded to 578 disasters or emergencies, totaling \$120 billion in inflation-adjusted dollars. The reason I say that is you need to know that we are just talking about very large numbers here, of people across the Nation and not just in California.

I want to make a point. With all these disasters that we have had in the past, this is what will probably happen in the future. When Senator LEAHY gets here—and I expect that he is on his way and will be here shortly to talk about it from his perspective on the east coast. It is going to be hard to believe this, but experts have told us that with all the horror stories and all the photos I showed, in many ways they say we have been lucky. How can they say we have been lucky? Because if Hurricane Andrew in Florida had struck just 25 miles further north into the heart of Miami, there would not have been 350,000 homeless but 1.6 million homeless. So, 25 miles made a difference between 350,000 homeless, which is horrendous, and 1.6 million homeless. The damages would not have been \$20 billion but what have been \$62 billion, according to the study by the Miami Herald.

The Northridge Earthquake severed eight major roads right here leading to downtown Los Angeles. Gas and water lines ruptured. I flew over that area hours after the disaster happened, and it was the most extraordinary thing you ever did see. For miles it was pitch black, no electricity, people not able to function. Again, the elderly and the children are the most vulnerable. We always talk about them here—the elderly and the children, the most vulnerable, the most dislocated. And many of the children still have what they call the post-traumatic symptoms: After the trauma.

We talked about gas and water lines ruptured, fires, power failures. I talked about water service disruption. More than 50,000 homes and apartments were damaged, nearly 170 schools were damaged. And as bad as this disaster was—and it was horrible, hard to imagine—I have to tell you that disaster struck at 4:31 a.m. on a holiday. Had it struck on a school day, you can just imagine what could have happened: 700,000 school children, 6 million commuters. So when these things happen we wonder why, we ask ourselves why, and then we say, "My God, the experts say it could have even been worse."

Looking at the future, we do not know where the worst could occur. It could happen anywhere—east, west, north, south. I am saying to my friends here, please—this has been my decade to see the disasters. Somebody started calling me Calamity Jane because I am coming down here and telling these stories about what happens to my people. But the next decade it could be someone else's decade. I do not wish that on any of my friends here or the people that they represent.

I wish it were possible to say this is not true. They say there is nothing certain except death and taxes. I think we can say death, taxes, and natural disasters are going to happen. The question before this body with the Boxer-Leahy amendment is: Do we want to put ourselves in a circumstance where it is so difficult to respond that people suffer while we try to get 60 votes or find offsets in an already tight budget?

I see my friend, the coauthor of this amendment, has arrived. So I am going to wind down and finish my remarks for this time in the next few minutes while he gets ready to address the Senate.

I mentioned before, I say to my friend from Vermont, that all 50 States are at risk of flooding and tornadoes and about 40 are at risk for earthquakes. There are 65 active or potentially active volcanoes in the United States. Most of the Pacific Northwest, Alaska and Hawaii, and the entire west coast is subjected to tsunami risk—which are these incredible waves that are caused from an earthquake which is out at sea. A study by the University of Southern California on the probable cost of future natural disasters estimates that an earthquake at 7.0 in the Richter scale in LA, West Los Angeles, would cost \$57 billion. You see that reflected on this chart.

I think it is important to note that James Lee Witt, Director of FEMA, the Federal Emergency Management Agency, noted recently another earthquake along the New Madrid fault in America's heartland has a 50-50 chance of occurring in the next 5 years. If such an 8.6 earthquake struck at Memphis, the cost would be \$69.7 billion. I say to my friend from Vermont, it is extraordinary, everyone thinks of earthquakes as being a California phenomenon. The next large earthquake predicted to hit, the largest one, would be in the middle of our country.

So the Boxer-Leahy amendment is not about California and it is not about any one State. It is about America. I have to tell you that in this very sobering information a 7.0 earthquake along this fault, that is along the New Madrid, that is even smaller than the 8.6 they expect, could kill 14,000 and cause 240,000 homeless. That is unbelievable. These are not fantasy figures. Earthquakes estimated at greater than 8.0 struck the Mississippi Valley in late 1811 and early 1812. In 1990, a 4.7 earthquake struck the new Madrid region.

So I show these charts, and my colleagues will do so as well, not to frighten anybody but to say that we need to be prepared for this. It is very immature to close your eyes to problems.

Mr. LEAHY. Mr. President, I wonder if the Senator will yield?

Mrs. BOXER. Yes.

Mr. LEAHY. Mr. President, I would like to add one thing to what the distinguished Senator from California said. She reminded us that this is not a California amendment; it is not only for earthquakes in California. In fact, one of my colleagues asked me walking through the halls this morning, "Why is this a Boxer-Leahy amendment? You don't have earthquakes in Vermont." For a practical matter we do have very mild ones. But I said this is not a Vermont amendment. This is not a California amendment.

There are a lot of areas, whether it is the flooding in the Midwest that we saw last year, that this amendment addresses. I remember, Mr. President—and the distinguished Senator from California and I have discussed this—the time when I first became chairman of the Senate Agriculture Committee. We were in a massive drought, unprecedented drought throughout the Midwest. There were Time magazine cover stories. Networks were doing special segments on it. I took the Senate Agriculture Committee staff else in an airplane and we went around for 3 days to view what was going on and see the extent of the disaster.

I recall one place in North Dakota where they were digging a well down through the soil to where they first found moisture. They found moisture about 2½ feet down in this particular place, and the crop has a root system of only 2 or 3 inches.

We came back here and with bipartisan support we wrote a disaster bill, a very significant disaster bill. But had we not been able to move quickly through the House and the Senate, we would have seen not only thousands of farms go out of business but the ripple effect of thousands of other businesses, everything from the tractor dealers to the clothing stores to the shipping companies to those who export to other parts of the world. It would have affected our balance of payments, especially in a country like ours where we have had now for a number of years balance of payment deficits except in agriculture and some of the intellectual property areas. That was a disaster.

Mrs. BOXER. I say to my friend, I am about to yield to him as much time as he wishes on this subject. He is such a respected Member of this Senate. I am so proud that we are working together. I wanted to conclude my portion right here at this time—or course, we have time reserved until approximately 3:30—to say that according to the report by the National Research Council for the World Conference on Natural Disaster Reduction, and I am quoting:

There are more people and investments at risk, natural disasters today, than ever before. More than half of the U.S. population live in coastal zones or along fault lines.

Therefore, I say to my friend, my colleague, a coauthor of this amendment, that this is not the time for the Federal Government to bind itself from responding to disasters. And without the Boxer-Leahy amendment to this balanced budget provision I think we are doing just that.

I yield as much time as he may consume to the Senator from Vermont.

The PRESIDING OFFICER. Will the Senator from California send the amendment to the desk?

AMENDMENT NO. 240

(Purpose: To provide Federal assistance to supplement State and local efforts to alleviate the damage, loss, hardship, and suffering caused by disasters or emergencies by exempting spending that is designated emergency requirements by both the President and the Congress)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER], for herself, Mr. LEAHY, Mrs. FEINSTEIN, Mr. BUMPERS, Mr. INOUE, Mr. AKAKA, and Mrs. MURRAY, proposes an amendment numbered 240.

At the end of Section 5, add the following: "The provisions of this article may be waived by a majority vote in each House of those present and voting for any fiscal year in which outlays occur as a result of a declaration made by the President (and a designation by the Congress) that a major disaster or emergency exists."

Mrs. BOXER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

The Senator from California has yielded time to the Senator from Vermont.

Mrs. BOXER. That is correct.

The PRESIDING OFFICER. The Senator from Vermont is recognized for up to 10 minutes.

Mr. LEAHY. Mr. President, I ask again for the yeas and nays on the pending Boxer-Leahy amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. Mr. President, is my understanding correct that the Senator from California has yielded to me such time as I may require?

Mrs. BOXER. That is correct.

The PRESIDING OFFICER. That is correct.

Mr. LEAHY. Mr. President, how much time is remaining under the control of the Senator from California?

The PRESIDING OFFICER. The Senator from California has 114 minutes.

Mr. LEAHY. I thank the Chair.

Mr. President, I might ask one more question of the Chair, I was not here when the unanimous consent was entered into. What time was the Senate to recess for the party caucuses?

The PRESIDING OFFICER. The Senate, under the previous order, will recess at 12:30.

Mr. LEAHY. I thank the Chair.

Mr. President, I rise in strong support of the Boxer-Leahy amendment to House Joint Resolution 1, the constitutional balanced budget amendment.

In fact, I think those of us who are concerned about such issues as natural disasters and our country's response to them have to commend the distinguished Senator from California for her leadership. She has been the spearhead in this area. I also thank Senator BUMPERS and others who have come with their support.

Senator BOXER has stated more passionately and eloquently than I ever could the reason why this amendment would give Congress the authority to waive the balanced budget amendment if we need Federal relief for major disasters and emergencies, but only if they have been declared so by the President of the United States. And even then, if it had been declared so by the President, Congress would still—while it would have the flexibility that it needs—require a majority vote of those present and voting in each House of Congress for Federal relief.

I would like to think that we would never have such an emergency. The fact of the matter is that we all know from even recent history that the Federal Government has been called on to give critical aid to supplement State and local efforts to protect the public health and safety in response to major disasters and emergencies. Much of this aid has been paid for by supplemental appropriations not only because of the unexpected nature of the disasters but also because of the size of the disasters.

Flooding in the Midwest a year ago was of a size and severity that nobody had predicted. Certainly the terrible scenes of the earthquake in Los Angeles are such that even as we watched them, most of us—certainly here in the East—could hardly believe what we were seeing, and I expect the same could be said of the inhabitants of Los Angeles. To just show you what happened, the chart I have here displays supplemental appropriations from fiscal years 1989 through 1994. In those years, Congress had to appropriate supplemental major disaster and emergency relief in every year but one. Look what we have.

In 1989, the administration requested \$200 million. We ended up with a supplemental of \$1,108,000,000. In 1990, \$1,150,000,000 went for disaster relief. These were, incidentally, votes cast overwhelmingly by Republicans and Democrats alike, realizing that the Nation faced, in parts of the country, such disasters that we could address them only as a Nation, and that no one

State or region could address it. The Nation had to come together to do it.

In 1991, we were fortunate. There were no supplemental appropriations. But in 1992, the supplemental was \$4,136,000,000. Again, Mr. President, I ask, is there any part of the country, any one State that could, in facing a disaster, come up with \$4 billion by itself? Not even the 10 most populated States could do that. Certainly in areas like my own—a State of under 600,000 people—we could not begin to respond like that. In 1993, it was \$2 billion. And last year, \$4,709,000,000 in supplemental. That is a pretty significant supplemental, especially when it came up to total outlays of \$5,001,000,000.

To give you some idea of where this went, in 1992, over \$4 billion in supplemental appropriations went to a number of areas: the Los Angeles riots; Chicago floods; Hurricane Andrew. In 1993, it was \$2 billion. That went to help victims of the Midwest floods. In 1994, as we have already said, it was \$4 billion to help victims of the Northridge earthquake in Los Angeles.

In each one of these years, certainly it was my feeling that—and also from the calls and letters that came to my office and the reaction from around the country—people realized that as a Nation we had to come together. We had to spread the pain and the efforts to take care of these disasters.

I know firsthand the devastation of a major disaster and the benefits of swift Federal relief. Let me speak of one not the size of California or the Midwest, but I use as example my home town of Montpelier, VT, the capital of our State. It is a beautiful capital, I might say, Mr. President. But it is a city of only 8,500 people. If it is not the smallest in population of any capital, it is certainly among the smallest.

I was born and raised in a home right on State Street, almost diagonally across the street from our State capitol, a lovely marble building—a little like a miniature version of this Capitol. It is nestled in the hills of Vermont, with a beautiful river running along it. But that river becomes the rub, because in 1992 we were hit by enormous amounts of rain, ice jams, and a flood—the worst flood in my lifetime in Vermont. In fact, it was the single greatest catastrophe to hit Montpelier since the floods of 1927.

I mention that because one of our country's largest newspapers reported after those floods that Vermont would never be heard from again, that this natural calamity was such that it could wipe out the State of Vermont. We had been hit with a number of problems during the Civil War. We had one of the highest mortality rates of any State, on a per capita basis. Many of our soldiers that joined the Union during World War I—again, a case where Vermonters had answered the call so strongly—never came back. And now this devastating flood. At that time, the President of the United States

went to Vermont and declared help and we had it.

In this case, in the downtown part of Montpelier, VT, virtually everything is on the same level. The town is surrounded by hills. The State House and everything are on the same level. All the stores along the streets downtown, on which I had walked back and forth to school, where I delivered newspapers, were badly damaged and some were destroyed. The printing shop that my father and mother had in downtown Montpelier, where we had been raised, was in that damaged area.

Again, there are 8,500 people, and unless you live there, that may not seem like an enormous amount or anything in the grand scheme of things. It obviously was to those of us from Montpelier, those of us who lived there. I use the example of Montpelier not out of some parochial interest but because it showed what can go right in this country when there is a disaster.

I talked with the President about the floods. He was not a President of my own party. It was President Bush, who I want to say responded immediately and showed great concern and talked with me about it. He sent Federal officials up to Montpelier. The President declared Montpelier and five surrounding counties a major disaster. He took a personal interest in it. I want to commend President Bush for that.

The Federal Government swiftly provided disaster relief at a critical time in the local cleanup effort. Major figures within the Bush administration that were involved in disaster relief went to Montpelier, and when the cleanup effort was finally completed, the Federal Government had provided \$4 million. That may not be much compared to disasters in other parts of this country, but it was \$4 million that the people of Vermont and the State of Vermont could not have provided. And to the people of Vermont in Montpelier and other areas, that relief came at the darkest moment. Today, Montpelier is back as the beautiful capital it once was and will always be, and it enjoys a thriving downtown.

Now the current version of the balanced budget amendment would make it much harder for future Congresses to help victims of major disasters and emergencies like the Montpelier floods. Instead of a simple majority, the balanced budget amendment would require a supermajority of both Houses of Congress to help major disaster and emergency victims through supplemental appropriations that might throw the budget out of balance.

In fact, a small minority of both bodies could hold critical disaster and emergency relief hostage, making it impossible for the majority to speak on such things.

And I might say, Mr. President, if your State is hit by a major disaster or emergency, do you want, as a Member of this body, to have critical Federal assistance hang on the whims of 41 Senators? I will fight for the 51, but I

would hate to have to have a supermajority.

I think relief for major disasters and emergencies has to be flexible, especially as it is often the aid that comes immediately that is most valuable and most needed, as compared to the aid that might come a year or 2 or 3 years later. Disaster and emergency relief by constitutional mandate is a prescription for gridlock, not for swift action, not for the help people need.

The Founding Fathers of this country rejected requirements of supermajorities, and I think we ought to ask why. I mean, this was the time that allowed this country to become the most powerful, most respected democracy in history. We have to look at their sound reasons for rejecting supermajority requirements before we impose on our citizens a three-fifths supermajority vote to provide Federal relief for major disasters and emergencies.

Go back to the Federalist papers. I believe it was No. 22, where Alexander Hamilton painted an alarming picture of the consequences of the "poison" of supermajority requirements. Mr. Hamilton said that supermajority requirements served "to destroy the energy of the government, and to substitute the pleasure, caprice, or artifices of an insignificant, turbulent, or corrupt junto to the regular deliberations and decisions of a respectable majority."

I could not say it better myself, Mr. President; would not even pretend that I could come close.

But Alexander Hamilton said it very well in speaking of the supermajority requirements as a recipe for increased gridlock and not more efficient action.

Let me read again from Hamilton. He said: "Hence, tedious delays; continual negotiation and intrigue; contemptible compromises of the public good."

In fact, I would go somewhat further, I say to my friend from California, even further than what Mr. Hamilton said. I would say that the supermajority requirements reflect not only a basic distrust just of Congress, but of the electorate itself. I reject that notion. I reject the notion that somehow the majority of the people in this country cannot be expected to do what is right.

I fear that if you require a supermajority requirement, in effect, saying we do not trust democracy, we do not trust a democracy and the rules of democracy that made us the greatest, most respected power on Earth, then you are going to lead Congress to play politics with critical relief from disasters and emergencies; you will have them playing politics with those very things that bind us together as a nation.

It is a question of a person in Vermont helping to respond to a disaster in Colorado or Idaho or California, or vice versa. These are the things that remind us why we have come together as a Union and why, as a democracy, even with the individual identities of

our 50 great and different States, those 50 great and different States come together to help each other when needed.

Even today, where we have a simple majority requirement for supplemental appropriations for disaster and emergency relief, we have seen the potential for partisan politics. And even with a simple majority, if you have a chance at partisan politics, imagine what it would be with a supermajority.

In fact, last Friday's Wall Street Journal reported that:

A multibillion-dollar disaster-aid package for California is caught in the budget wars between President Clinton and House Republicans.

The Journal article reported that the House Republican leadership was delaying action on a request from the President for \$6.7 billion in supplemental appropriations for emergency relief for victims of the California floods and Los Angeles earthquake.

Now, Senator BOXER, our distinguished colleague from California, well documented this gamesmanship. Earlier today, she read from the House Republican leadership's letter. That, plus the Wall Street Journal article, shows exactly what can happen with the politics of a simple majority. Can you imagine what it would be like if you are talking about a supermajority? If you would have to clear that supermajority hurdle to pass disaster emergency relief, what we have seen in that letter and what we have seen in the Wall Street Journal article would look like child's play.

I am no fan of the balanced budget amendment. As I have said before, I worry why we should even have to start amending the Constitution for everything. I worry that some of the strongest supporters of the balanced budget amendment are the same people that voted for the enormous deficits of the Reagan era, and now say we need a constitutional amendment so in the year 2002 somebody will pay off the bills we ran up in the eighties, and of those who speak of a deficit today without realizing those deficits are basically just paying interest on the debt they voted for in the last decade. But I digress.

Even as bad an idea as the balanced budget amendment is, this amendment would improve what is a flawed balanced budget amendment. I think we should tear down as a requirement the supermajority barrier. Otherwise, you are telling future Congresses they are not going to be able to provide the critical disaster and emergency relief that would be needed by those in other parts of our country.

So, Mr. President, I commend the Senator from California. I thank her for yielding me this time. I strongly support the Boxer-Leahy amendment. I am pleased and proud to have had my name joined on her amendment.

Mrs. BOXER. Mr. President, parliamentary inquiry. I just want to make sure we reserved the remainder of the time.

Mr. LEAHY. Mr. President, I reserve the remainder of the time of the Senator from California to her or to her control.

The PRESIDING OFFICER. Who yields time?

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, at this time, I will only speak briefly to the Boxer amendment. But I think it is important that the record of the Congress, as it relates to dealing with emergencies in our country and disasters in our country so declared by our President, be very clear for the record.

The Senator from California and the Senator from Vermont are absolutely correct. There has not been a time in the Congress of the United States, when we were faced with a natural disaster that had badly damaged a State or region of the country and put our citizens in peril, that we did not respond.

And so, when I was looking at crafting a balanced budget amendment, along with a lot of other Senators and Representatives, one of the things we needed to recognize was the very thing the Senator from California is speaking about; that the amendment itself and the requirement, because we wanted to put it in the Constitution, could not be so rigid as not to respond to the needs of the public. And so we provided the supermajority to be the escape valve, if you will. But only under a critical situation could it be applied, not under the simple majority, not even the constitutional majority that I am surprised the Senator did not require in her amendment.

Be that as it may, here is what the record of the U.S. Congress has been like for the last decade in responding to natural disasters. In 1989, for Hugo, pictures 1 and 2 so demonstrated on that display by the Senator from California, the Senate voted 97 to 1, almost 37 votes beyond the supermajority required by our amendment, to fund Hugo.

There was no question in the mind of any Senator that this was not something that we ought to respond to.

The House voted 321 to 99, clearly beyond the supermajority target that we have spoken about and that is embodied within the Constitution.

It causes us all to think. It causes us all to be tremendously dedicated to looking at the details of the proposal as presented by the Budget Committee or by the President for us to consider an emergency, and that we should do. It ought not be the snap of a finger and a simple majority here, not even a constitutional majority, to do so. But clearly, we fell under the purviews of the amendment as it is proposed, not the Boxer amendment, but Senate Joint Resolution 1, the true constitutional amendment.

Again, in 1990, the Hugo supplemental, the Senate voice voted it. It was so easy to get through the Senate,

so understanding that there was a crisis down there that had to be adhered to that we voice voted it. The House, 362 to 59, an even larger vote than the initial supplemental appropriation for the Hugo disaster.

In 1992, Andrew, Senate, 84 to 10; House, 297 to 124, once again, well beyond the supermajority that is required under the Constitution.

The Midwest floods, in 1993, the House voted 400 to 27; the Senate voice voted it. We recognized the magnitude of that disaster, and we responded to it.

In essence, what I am saying is, in every case I cited, what the Senator from California is proposing simply was not necessary and, at the same time, under the amendment as I and others have drafted it, we allowed this kind of flexibility and the standard was met, though it could have been waived. But what our amendment would do would cause the Senate and the House to seriously consider and work with the States to make sure that the money was being well spent, that the States could not handle their particular disaster and that, in the end, if it was absolutely necessary, the general public of this country, the general taxpayer, would respond through the General Treasury of our Federal budget.

The 1994 L.A. earthquake, the very kind that the Senator from California is talking about that has brought her to the floor with her concern—and I do not question that concern in any sense—what was the vote in the Senate? 85 to 10, well beyond the 60 that would be required under the constitutional amendment. The House voted 337 to 74.

From 1978 down through 1994, time and time again, and as I look at the voting record I find in only one situation in the Senate where, under the supplementals as they were proposed, the supermajority would not have been acquired. And in most instances, where the House had a recorded vote, the Senate voice voted it. What does that voice vote express? That without question, this was something that the Senate jointly, in a majority, in fact with a unanimous vote, agreed to.

Having said that and looking at the details of the amendment as proposed by the Senator from California, what we find here is a waiving by a simple majority for an entire year of any moneys that might be necessary. I believe that is an opening up of this amendment that cannot be accepted.

I also believe that the premise, not the emotion, not the concern and not the dedication by which the Senator from California has offered this amendment, but under the premise of what she has offered the amendment, that the supermajority could not be acquired, simply does not exist on the record. The record clearly shows that this Senate time and time again, by a supermajority vote in the seventies and eighties and nineties and unanimously, has voted out the supple-

mental moneys to fund the emergencies that she talks about because she, like I, understands that what can happen to California might some day happen to the State of Idaho or it might happen to the State of Vermont, as the Senator from Vermont spoke.

Where we may differ is on different funding programs. On these national disasters where the lives and the properties of our citizens are truly in peril, we have always stood united. It is on the extra where it is really questionable whether the money can be wisely spent do you find the House or the Senate backing away.

In fact, in the instances of California, it has been the Governor of California over the last several years that has been saying to the Federal Government, "Get out of my way, back away from your regulations and your obstacles and your controls, we can do it for less money. Your Feds and your regulators have created environments that are much more costly in responding to the needs of the citizenry."

As it happened in the California earthquake, it has happened in the California floods recently where the Governor has had to say to the Federal Government, "Back away, let us do it quickly and let us do it right and we can save hundreds of millions of dollars."

While that is not directed at this amendment or the amendment that the Senator is amending, my point is, with restraint and with the current understanding of the Congress of the United States, these problems can be handled through the current amendment as it was crafted. Both the House Judiciary and Senate Judiciary Committees understood these problems, and it is my premise, my firm belief that it is dealt with in the amendment and the amendment by the Senator from California simply is not necessary to deal with her concerns or the concerns that I have as it deals with national disaster.

I retain the remainder of my time.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I yield myself such time as I might consume.

The Senator from Idaho is a wonderful debater and he fights hard for his State and he makes his points well. I have to say to the Senator, he is incorrect in some of the things he has just stated, and I would like to particularly point out that when the Senator from Idaho says that the Governor of California says to the Federal Government, "Back away," when it comes to disasters, you have the wrong Governor.

Pete Wilson is here after every disaster or calling, as well he should, Members of the Senate, Members of the Congress on a bipartisan basis saying, "Help us in this disaster."

So where the Senator from Idaho gets the idea that former Senator Wilson, currently Governor Wilson, does not want the Federal Government's help in a disaster, I do not know be-

cause I have never seen that happen. As a matter of fact, I would say to my friend—

Mr. CRAIG. Will the Senator yield?

Mrs. BOXER. Let me finish and then I will be happy to yield to you. I say to my friend, not only does he want help 90 percent of the way, he asked us to waive the law so we can pay for California 100 percent of the way. I will be glad to yield.

Mr. CRAIG. I was not referencing the money, and that is exactly what the Senator from California was talking about. What I was referencing are the rules and regulations, the web of regulations that causes the rebuilding of freeways at twice the expense it ought to cost or the replacing of a bridge in Monterey, CA, that costs twice as much because you have to do environmental impact statements and all of those kinds of things.

Mrs. BOXER. Let me just take—do you want to take it on your own time? Would the Senator like to take it on his own time?

Mr. CRAIG. My point is, the Governor from California asked those rules be waived.

Mrs. BOXER. Parliamentary inquiry. Who has the time at this point?

The PRESIDING OFFICER. The Senator from California has the floor. The Senator may yield if she wishes.

Mrs. BOXER. I am not going to yield on my time. If the Senator would like to yield on his time.

Mr. CRAIG. If I can complete my statement on my time.

Mrs. BOXER. Absolutely.

Mr. CRAIG. You and I do not have any disagreement. I was referencing Federal rules and regulations that the Governor of California did ask that the Feds back away from so they can complete the freeway rebuilding way ahead of schedule. That is exactly what happened. I was not referencing money. You are absolutely right, the Governor of California was here and by a supermajority of the U.S. Senate, completely within the compliance of the amendment we have proposed, the Governor of California got the money he asked for.

Thank you. I retain the remainder of my time.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Let me say to my friend, perhaps my friend does not remember this, the Governor from California almost did not get the money because to rebuild this Cypress structure, let me tell you what the vote was. The vote was 43 to 52. We only got 52 votes to rebuild this structure.

I want to make the point, when I started my rebuttal to my friend, that the facts are not what they are alleged to be by my friend from Idaho. He makes a great debating point. He says we always vote a supermajority. Wrong, we do not.

The vote to rebuild this structure, a direct result of the Loma Prieta earthquake, was not a supermajority. And I say to my friends who are going to vote against this amendment, beware, because you may not get the 60 votes.

Now, the Senator from Idaho makes the point that he corrects the record. He said, oh, yes, Governor Wilson did not back away from the money; he wanted you to back off on regulations. Let me again say for the record the cooperation between the Clinton administration's Federal Emergency Management Agency and the State disaster team headed by Dick Andrews is superlative. They worked together, as they should, and they were able to be flexible enough to rebuild freeways in record time. But to say that the Governor of the State of California was up here telling us to back away does not make any sense whatsoever in this regard because what this is about is getting the funding. Of course, that is what this is about. This Boxer-Leahy amendment is about getting the funding.

I see that my friend from Maine is in the Chamber. I have had the privilege of working with her for many years over in the House. And, believe it or not, we do work together on some things, and I hope sometime in the Senate soon we will be able to do that again.

I call to her attention the facts about Maine, that between the years of 1989 and 1994, Maine received disaster funds nine times for flooding, ice jam, severe storms, Hurricane Bob, coastal storms, heavy rains, ice jams—these are all the different incidents—snow, severe blizzard conditions, the Yellow Mine fire.

I am sure she knows of all of these things very, very well. It is important to point out to her and all my colleagues here because I think when we talk about disasters and we look at this chart again, we see they have been all over the country. I would say to my friend from Maine, I hope she is never in a position that I was in where I almost was unable to get the funding from this Senate to complete this horrible problem where the Cypress structure fell down. Also, it is an economic issue if people cannot get to work.

Ms. SNOWE. Will the Senator yield?

Mrs. BOXER. I will be glad to yield on her time.

Ms. SNOWE. I would like to make a point.

How much time does the majority have?

The PRESIDING OFFICER. The majority has 20 minutes 15 seconds. The Senator from California controls 87 minutes 39 seconds.

Ms. SNOWE. I thank the Chair. I will do it on my time.

I just want to respond to the Senator from California because the Senator is correct in suggesting that the State of Maine has benefited from emergency supplemental assistance in times of disaster, as have many States throughout the country, including her State of California.

I think the point is that Congress has risen to that occasion, has demonstrated its compassion when it has been necessary to respond to emergencies and disasters as they have occurred in this country over the past years. And unfortunately and regrettably, California has had more than its share. I think the point is that we do not want to obviate the need for a balanced budget amendment, because I think what the Senator's amendment is doing is essentially, by requiring just a majority vote in each house, definitely eliminating the requirements of the three-fifths majority to raise the debt ceiling. So a simple majority could remove the requirements for a balanced budget amendment in making the decisions on supplemental appropriations. So really it is circumventing the entire intent of the constitutional amendment to balance the budget.

As the Senator from Idaho indicated with his examples, time and time again the House and the Senate, far beyond a three-fifths requirement, have in fact approved many of the emergency supplementals to respond to the disasters that have occurred in California, Maine, and elsewhere. So we have demonstrated that on many occasions.

I think the concern that I and many of us have about the amendment of the Senator is that basically it is going to undermine the effectiveness of the balanced budget amendment because it only requires a simple majority in the dead of night to remove the three-fifths requirement of the balanced budget amendment. That would really preempt the effectiveness of a balanced budget amendment, not to mention the amount of money that we might indebt ourselves because it would only be a simple majority.

So I would like to respond to the Senator from California in that regard. We certainly understand what she is trying to do. But I think the point is here that the balanced budget amendment will take care of that with a three-fifths majority. In many cases that is exactly what has happened in the House and Senate without a balanced budget amendment. We have done that and will do that in the future. And a balanced budget amendment will not preclude our compassion in instances of disasters and when we recognize a justifiable need.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER (Mrs. HUTCHISON). The Senator from California.

Mrs. BOXER. Madam President, I will make a couple of remarks and I will yield to my friend, or let him take as much time as he wishes.

I wish to say to my friend from Maine I never ever have questioned her compassion. I do not worry about her vote in an emergency. But we are putting an amendment into the Constitution here, and when the Senator from Maine talks about an exception for a disaster "just a majority vote in the dead of night," I am stunned with that

phrase. Just a majority vote. I would assure the Senator if she won by just a majority vote, which she did, and fairly so, and a nice majority—I do not think it was 60 percent. I might be wrong. Was it 60 percent? She did.

Well, this Senator won by a margin of 6 percentage points, a little bit under, but I do not think that the Senator from Maine would question the fact that a majority vote is a hallmark of democracy. So to talk about "just a majority vote in the dead of night" is astounding to me.

As a matter of fact, I say to my colleague from Vermont, it makes me feel so much stronger about this amendment than I did before because if that is the attitude of the other side of the aisle, "a majority vote in the dead of night," that is a statement against majority rule and against democracy and for tyranny of the minority, and it gives me great trouble in my heart and soul to hear that kind of language on the Senate floor—"just a majority vote in the dead of night."

I say to my friend, we did not get a supermajority to rebuild the Cypress structure.

Show me the next chart here. Let me show you what else did not get "a majority vote in the dead of night" or middle of the day—this, the Midwest flood, an amendment by Senator Durenberger to offset the money, not to leave these people without help—a majority vote, just a majority vote. Fortunately, it did not prevail. If we have a balanced budget amendment, it is not a majority vote. It is a supermajority vote. I have shown you two occasions where that did not happen. And had the balanced budget amendment been in place, we could not have rebuilt the Cypress structure and we could not have helped the people in the Midwest floods because there was a requirement for an offset.

I am going to yield to my friend from Vermont and then my friend from Washington before we have the break for the various conferences, but I want to again let my colleague know, maybe she is unaware, that the House Speaker signed on to a letter—I wonder whether the Senator's State is even affected by this—talking about the emergency supplemental that is coming up which deals with natural disasters.

Whether these activities are emergencies or not, it will be our policy to pay for them rather than add to the deficit.

Which means in plain, simple language they are going to have to cut other programs, and I assure you, we may have a lot of trouble getting funding for those States. As I understand it, 40 States are involved in that.

So I yield to my friend from Vermont as much time as he needs; saving some time for my colleague from Washington.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I will be very brief. I have suggested over and over again on this floor as one who reveres the Constitution, I worry very much when we add anything to the Constitution at all, but I especially worry when we add supermajorities.

This is not a case, when we have matters involving great disasters, where somehow we slip in here in the dead of night and pass them. One of the things I cherish about the House and Senate is that they are open to the public and the press at every hour when we are in session. People can see, especially with television, exactly what we vote on and how we vote on it. That is, of course, as it should be.

But my concern on supermajorities again is what Alexander Hamilton said when he spoke: "Hence, tedious delays; continual negotiations and intrigue; contemptible compromises of the public good."

Madam President, I have managed more bills on the floor of the Senate, I believe, than anybody who is presently on the floor. I have managed a number of major bills, including disaster bills. I know by the time we come to the floor, there have been all kinds of negotiations or other steps before the bill even gets here on the floor. Sometimes it has been joked that more legislation gets passed in the Cloakrooms or the elevators than on the floor.

But the fact of the matter is on a major bill you have Senators of both parties and members of the administration going back and forth negotiating what might be done. Those negotiations would be seen in an entirely different light if anybody involved in them knows whatever you have to do requires a supermajority.

I have won close elections and I have won landslide elections. I have been fortunate that every single time I have run for office in my native State I have gotten more votes than I did the time before. I appreciate that kind of trust that the people of Vermont have shown.

I also remember the statement of my father, God rest his soul, that it is better to win by one vote than lose by a landslide. But what he was doing was referencing that under our system of democracy one vote makes you a majority.

In a country that has seen the benefits of adhering to democratic principles of majority votes, we should be always very, very hesitant when we do anything to change the requirement of just a majority vote and especially hesitant to write it into that sacred covenant, our Constitution.

So I hope we will think back to what Alexander Hamilton said. As we stand here almost in indecent haste, wanting to amend our Constitution, think of a little bit of history. Think of a little bit of history.

We have only amended the Constitution 17 times since the Bill of Rights. Already in this session alone there have been about 75 proposals to amend

it. Somehow this country, this great, wonderful, powerful democracy, the model democracy for the world, has been able to survive for 200 years with only 17 amendments after the Bill of Rights. Somehow since the elections of November the country has gone to such hell in a hand basket because we now need 75 new proposals to amend the Constitution.

Madam President, I do not believe that is happening. My State was not one of the Thirteen Original—it was the 14th State. But I know people in my own State feel we should go slowly in making changes.

I yield to the Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I yield so much time as she may consume to the Senator from Washington [Mrs. MURRAY].

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. I thank my colleague from California for sponsoring this amendment, and I am honored to be here today as a strong cosponsor of this amendment, to add my voice of support to those of my distinguished colleagues, Senator BOXER and Senator LEAHY.

One's decision on this amendment can be made very easily. If any of my colleagues can foresee their state's future forever free of disasters and emergencies, then their opposition to this amendment will be understood. Lacking the powers of Nostradamus, though, all of us must realize the unfortunate certainty of natural disasters and unpredictable emergencies.

A balanced budget, we all agree is a goal we must work towards rapidly. I am concerned however, that House Joint Resolution 1 would block the ability of the Federal Government to respond immediately in the event of a national disaster. The current proposal's only exception from the requirement of a three-fifths vote to approve spending above a balanced budget is upon a declaration of war.

This flexibility is needed, however not only to defend our national security, it is just as needed to defend our security against natural disasters and unforeseen emergencies that would require an immediate response by Congress and the President.

I have come to know the tragedy of natural disasters through the heavy and devastating tolls they have placed upon the residents of Washington State. From the unusual volcanic eruption of Mount St. Helens to seasonal fires and floods, Washingtonians have responded to these increasing emergencies through the support of our Federal Government. The Federal Emergency Management Agency is the only body prepared to handle disasters of this magnitude. Their ability to quickly respond is the key to emergency management.

FEMA's mission is to provide national leadership and support to reduce the loss of life and property. This endeavor serves not only those impacted by the disaster but begins the economic steps of rebuilding the community.

I am sure many of my colleagues have toured disaster sites immediately following an emergency. These are the memories we should recall when deciding whether a balanced budget overrides the concerns of our constituents in need. I had the unfortunate opportunity to visit the fire-ravaged lands of my State last summer. Hearing the stories of those left homeless, of firefighters burned while saving others, puts a very real face on the numbers we hear in the news. A few moments ago my colleague from California, Senator BOXER, put up a chart by Air, Risk Engineering, Inc., that predicted that a Seattle earthquake may occur in the very near future of 7.5 magnitude, costing as much as \$33-plus billion.

I cannot imagine going back to my State in those times of pain and suffering and explaining to my neighbors that a balanced budget amendment prevents them from receiving assistance. Just as we mandate that hospitals can not turn away those in need of medical attention, the Government of the people cannot turn its back on those ravaged by unforeseen natural disasters.

Sadly, none of us are immune from nature's wrath. Fires in my State are no different from hurricanes on the gulf, flooding in the Midwest, ice storms in the East, or earthquakes in California. In 1994 alone, FEMA responded to 36 major disasters totaling over \$3.6 billion. Remember that 90 percent of all disasters are funded through supplemental appropriations. No budget can prepare for the destruction, the death, or the injury caused by these unforgiving tragedies.

All of our hearts are extended to the citizens of Kobe, Japan who have experienced one of the greatest disasters of recent history. If any lesson can be unearthed from that devastation, it is a sign of our feeble attempt to control nature. Technology and preparedness can not combat the unrelenting will of the Earth.

At best, in an emergency we can respond and cope. Our ability to aid disaster victims and rebuild fallen communities must not be held hostage by political amendments. I urge my colleagues to support the Boxer-Leahy amendment and remember their constituents who may well be the victims of their State's next natural disaster.

I thank my colleague from California and I yield her back the time.

Ms. SNOWE. Madam President, I want to respond to a couple of points of the Senator from California. I will be very brief.

The point is she makes reference to one project with respect to the fact they did not receive a supermajority

vote. Yet, time and again, as I mentioned earlier in my remarks, the House and the Senate voted on emergency disaster funds with overwhelming votes. The fact is that out of 14 occasions since 1978, all but 2 were passed by voice vote here in the U.S. Senate. They were passed by overwhelming votes in the House every time there was a recorded vote taken. And I have before me a resolution that passed on October 26, 1989, a joint resolution, by a vote of 97 to 1 here in the Senate. It provides specifically for funding for reconstruction of highways which were damaged as a result of Hurricane Hugo in September 1989 and the Loma Prieta earthquake of October 17, 1989. In fact, that section refers to the fact that the \$100 million limitation contained in that section shall not apply to the expenditures with reference to the reconstruction of those highways in either one of those disasters.

The point is that time and time again the House and the Senate have demonstrated their compassion and their acknowledgment of the serious damage that has been done by the events beyond one's control. I think it is important to reference that.

I know the Senator was making reference to my comments about a simple majority the other night. I should remind the Senator that often I was reminded in my campaign about the midnight pay raise that occurred here in the U.S. Senate a few years ago. But it did occur in the dead of night. And it may have been off the budget. But no one was informed of the fact that vote was going to be taken. The point in all of this is that we have been on record in recognizing disasters and that we were willing to take the action necessary.

The Senator's amendment would really bypass and I think really render the balanced budget amendment ineffective by only requiring a simple majority—a simple majority—to waive the requirement of the balanced budget amendment. That is the issue here. We well know that this could easily circumvent the intent and the purpose of the balanced budget amendment.

Madam President, I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I know that sometimes in debate both sides might use overstatement. But I have to respond to this one. To say that this exception for disaster—by the way, there is already an exception in the balanced budget amendment. Let us not get away with not recognizing that—declaration of war. I assume that my friend fully supports that exception. I am sure she does because she supports the amendment as it is. There is an exception because, yes, in the dead of night we might declare war, and we do not want to see that a minority could stop us from funding that national emergency.

So let us not make it seem that the Boxer-Leahy amendment is opening up an exception in and of itself because it is not. What we are saying is in time of war, says the amendment, there is an exception to the three-fifths vote, the 60 votes. We agree. What the Boxer-Leahy et al., Senator FEINSTEIN, Senator JOHNSTON, Senator INOUE, Senator AKAKA, and others are saying, sometimes our people are in deep trouble. Let us take a look at this.

This is deep trouble. There is deep water. They are trying to survive a hurricane. Guess what? That is a disaster too. People are killed, I say to my friend from Maine, in disasters as sure as people are killed in national emergencies that see us bringing home coffins from far away places. What we are saying is it is time to make sure that we do not take the Constitution that has worked so well and go back to the days of the Federalist papers, when the Articles of Confederation did not work so well—they were called radical—when we said we have to get a supermajority vote to act. We are saying no. We are not opening up an exceptions clause here. There already is an exceptions clause. This looks like a war, I say to my friend. This looks like war. So does this. So does this. So does this. It is a war on our people which comes from a natural disaster. We are saying let us not require a supermajority.

What I find amazing is that the argument is made over and over that it is easy to get these supermajorities. The fact is my colleagues are ignoring specific votes that just took place in which we failed to get a supermajority to help the people in the flood and we failed to get a supermajority to rebuild this freeway. So I am not making up some doom and gloom scenario. And my friends are ignoring a letter from the Republican leadership in the House saying—my friends, it is in black and white; it is in the RECORD; read it—they are not going to act on that emergency supplemental until they can figure out what they are going to cut in Maine, in Texas, in California, wherever they decide they are going to cut.

So my friend from Maine is engaging in a wishful thought when she says we will always respond, that it is easy to get 60 votes. I show her the RECORD. I show her in the RECORD. As a matter of fact, one of those was led by Senator DOLE. I think it is going to be very interesting when he comes to northern California. I am going to take him to see the Cypress Freeway. He led the fight not to fund it. I had to fight against Senator DOLE. That was hard. We won, though. We were able to make our case, despite his eloquence, that in fact this was a disaster and it needed to be funded. But I could not get 60 votes on that vote. What did I get? Fifty-two. So it was a bare two-vote majority. We could fix this freeway.

I see my friend from Hawaii has come on to the floor, a major sponsor of this amendment. I have a picture here to

share with him from Hurricane Iniki in Hawaii. If this does not look like a war zone, what does?

I thank my friend from sponsoring the amendment. I would like to yield to him at this time.

Mr. INOUE. Madam President, will the Senator yield?

Mrs. BOXER. I yield.

Mr. INOUE. Madam President, the amendment by the Senator from California is deserving of most serious consideration because nature's work and God's work are unpredictable, for one thing. In the case of Hurricane Iniki, if that hurricane had proceeded just one-quarter of a degree to the west, it would have devastated the city of Honolulu. And the cost of that would have been astronomical. It would not have been \$1 billion, \$2 billion, or even \$3 billion. It would have exceeded \$50 billion. To suggest that this is not an unusual cost item would seem rather strange.

Thank you very much.

Mrs. BOXER. Madam President, I want to again thank the Senator from Hawaii. He is a leader in this U.S. Senate making sure that our country is prepared for defending itself. He is the ranking member on the Defense Appropriations Committee. And to have his support, his active support, is very meaningful to me as well as Senator AKAKA. Let me tell you why. They have seen the faces of the children and the old people and the young people and the families who get into these situations.

Madam President, it is my understanding that we are going to stop this debate momentarily and then come back after the conferences for lunch.

I ask at this time that I retain the balance of my time.

How much time remains on both sides?

The PRESIDING OFFICER. The Senator from California has 56 minutes and 21 seconds, the majority side has 15 minutes and 13 seconds.

Mrs. BOXER. Thank you very much, Madam President. I look forward to resuming this debate when we return from the caucus lunches.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 being 1 minute away, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:29 p.m., recessed until the hour of 2:15 p.m. Whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. COATS].

#### BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The Senate continued with the consideration of the joint resolution.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.