

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.