

times, American-made products made in our country by American workers cost less than some of these now-exotic foreign imports.

Let me remind the Congress that a pair of these Chinese-made tennis shoes that sell for \$150 cost 17 cents to make in China, and they are buying missile technology with our dollars.

So, with that, "1-800 Buy America," I would appreciate if the Congress, while we are waiting on people to get here, would enact that legislation.

#### TAX LIMITATION CONSTITUTIONAL AMENDMENT

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 407, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 407

*Resolved*, That upon the adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 111) proposing an amendment to the Constitution of the United States with respect to tax limitations. The joint resolution shall be considered as read for amendment. The amendment specified in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The previous question shall be considered as ordered on the joint resolution, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) three hours of debate on the joint resolution, as amended, which shall be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; (2) one motion to amend, if offered by the Minority Leader or his designee, which shall be considered as read and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the distinguished ranking member of the Committee on Rules, the gentleman from Massachusetts (Mr. MOAKLEY), pending which I yield myself such time as I may consume. During consideration of this resolution, all the time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 407 is a modified closed rule providing for the consideration of H.J. Res. 111, the tax limitation amendment, which seeks to amend the U.S. Constitution to require a two-thirds vote of Congress to pass legislation which increases taxes.

Mr. Speaker, this is not the first time this Congress has considered such an amendment. In fact, the rule before us is virtually identical to the rule the House adopted last year which provided for consideration of the same issue. As in 1997, the rule provides for a generous 3 hours of general debate time, equally divided between the chairman and ranking minority member of the Committee on the Judiciary.

In addition, the rule provides for the consideration of an amendment offered by the minority leader or his designee which will be debatable for 1 hour; and another opportunity for the minority to change the legislation will be available through the customary motion to recommit, with or without instructions.

My colleagues should understand that when the House votes to adopt this rule, it will automatically adopt an amendment to H.J. Res. 111, which is specified in the Committee on Rules report.

Specifically, the amendment will clarify that any bill, resolution or other legislative measure changing internal revenue laws will be subject to a two-thirds vote in both the House and the Senate and that the vote must be a recorded vote. This is the same language that the Committee on the Judiciary added to last year's bill.

Further, the amendment clarifies that any revenue increase that is a result of a tax cut would not be subject to the two-thirds vote. This is the language which the gentleman from Florida (Mr. MCCOLLUM) was successful in adding to the tax limitation amendment last year. Its purpose is to ensure that the amendment does not inadvertently make it more difficult to reduce taxes in the future.

Again, I would reiterate to my colleagues that both this rule and the underlying bill we will consider are virtually identical to what the House voted on April 15, 1997.

Given the similarities, some of my colleagues may question the purpose of revisiting this issue. Well, what we learned in the Committee on Rules yesterday is that support for this measure is growing and no doubt will continue to grow. Sixty-eight percent of Americans support an amendment to the Constitution requiring a supermajority vote by Congress to raise taxes. Today's vote will provide another opportunity for Members to respond to their constituents and public opinion, which across party lines is clearly supportive of a tax limitation amendment.

I am sure that when Members were home in their districts over the Easter and Passover holidays they had the opportunity to meet with their constituents who were either preparing their taxes or had just paid them. I hope those meetings remind all of us just who is paying the tax bills around here and how high the Government's bills have become in terms of what the average American family can afford. The Federal tax burden alone is now nearing a record one-fifth of family income.

How can this Congress justify a tax rate that represents the largest burden Americans have been asked to bear since World War II? Combined with State and local taxes, Americans are saddled with the highest tax rate ever.

At a time when our economy is booming, unemployment is low, and we are on the verge of realizing a budget surplus, this policy is simply unacceptable.

The illogic of this situation cries for reasonable measures to control our government's insatiable appetite for consuming the taxpayers' hard-earned pay. Reasonableness is what the tax limitation amendment demands of this institution.

Mr. Speaker, all the amendment before us would do is make it a little bit harder for Congress to raise taxes during times of peace. At the same time, it encourages Congress to look at other options other than taxes as a means of managing the Federal budget.

I don't think any of my colleagues would claim that there is no fat in the Federal bureaucracy to trim. But, while the special interests that benefit from government spending often have a paid voice looking out for their interests, the average American taxpayer has to rely on his or her Member of Congress as a voice for controlling spending and protecting their paychecks.

Considering that the average Federal tax burden per person has more than doubled from 1980 to 1995, I think Congress needs to do a better job of looking out for our constituents, the taxpayers, interests. Through this amendment, our constituents will have a voice that can compete with that of special interests.

And we know tax limitation amendments can be effective. They have been tried and tested by the States with very good results. In States that require a supermajority vote to raise revenue, taxes have increased more slowly, economies have grown more rapidly, and jobs have been created more quickly.

Mr. Speaker, the need for this constitutional amendment is clear. Congress has demonstrated that even in times of prosperity and peace it cannot curb its penchant to tax.

The discipline and balance imposed by our Founding Fathers was swept away by the 16th amendment which gave Congress the right to directly tax individuals' income. As a result, the power to lay and collect taxes has been so abused that families are no longer saving to buy homes and pay for their children's education. They are saving to pay the government on April 15.

It is time to restore some discipline and fairness to our system if we are to ever to give our citizens the economic freedom to pursue their dreams, whether those dreams are of homeownership, education, self-employment, a secure retirement, or a more prosperous future for their children and grandchildren.

Given what is at stake, a higher standard of consideration and consensus for higher taxes is totally appropriate and should be demanded by the American people.

□ 1115

In closing, Mr. Speaker, I would urge my colleagues to support both the rule and the underlying legislation. This is a balanced rule that will enable the

House to have a full and fair discussion of the merits of this constitutional amendment, and I urge its swift adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I thank my colleague and my dear friend from Ohio, the Honorable Justice PRYCE, for yielding me the customary half hour.

Mr. Speaker, I yield myself such time as I may consume.

Today, Mr. Speaker, my Republican colleagues say they want to amend the Constitution to require a supermajority vote for tax increases. Mr. Speaker, just 2 years ago the Republicans changed the House rules to require a three-fifths vote for tax increases every time the bill came up. But every time that bill came up with that amendment in it, they waived their requirement. That is right, Mr. Speaker, once again my Republican colleagues are proposing amending the Constitution with the requirement that they ignored, not once, not twice, but five times just in the last Congress.

They waived the three-fifths rule on the Contract with America Tax Relief Act. They waived the three-fifths rule on the Medicare Preservation Act of 1994. They waived the three-fifths rule on the Budget Reconciliation Act of 1996. They waived the three-fifths rule on Health Insurance Reform. And they waived the three-fifths rule on the Welfare Reform Conference Report.

In short, Mr. Speaker, they waived the rule every time that it applied. But today they want to attach it to the United States Constitution.

Mr. Speaker, amending the Constitution, as you know it, as I know it, is a very serious business and should never be used as a political tool. Our Constitution has only been amended 27 times in the last 210 years since it was ratified.

Today's proposed amendment will require a supermajority to pass revenue-raising legislation. Mr. Speaker, we should make sure that any law we impose on the American people has as much support as possible. But the problem with a supermajority is it effectively turns control over to a small minority who can stop legislation, even legislation that the majority supports. In other words, Mr. Speaker, one-third plus one of either the House or Senate could effectively hold up the entire country.

This has been a bad idea, not last year, 2 years ago, 10 years ago, it has been a bad idea for a very, very long time. In fact, James Madison in the Federalist Papers said that under a supermajority the fundamental principle of free government would be reversed. It would no longer be the majority party that would rule. The power would be transferred to the minority.

Since this amendment requires 290 votes to pass the House, this bill looks a lot more like showboating than legislating. Mr. Speaker, the American people deserve a lot better than that.

This amendment will cripple our government's ability to act during a national crisis. It will make it impossible to pass the McCain bipartisan tobacco bill. It will lock in every corporate welfare and tax break for the very rich at the expense of the middle and lower class families.

In fact, Mr. Speaker, this amendment has an extreme loophole. My Republican colleagues can still increase taxes on the working families as long as they also decrease the taxes on the very rich.

An editorial in Monday's Washington Post warns that the effects of this amendment would be to add to future deficits while disturbing the balance of powers and undercutting the democratic process by enshrining minority rule.

This amendment is poorly thought out. It will empower the minority, which is not the way our government is supposed to work. And it will probably hurt middle and low income families while helping the rich.

Mr. Speaker, I urge my colleagues to oppose the rule and oppose the bill.

Mr. Speaker, I reserve the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Texas (Mr. BARTON), one of the authors of this legislation.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, as I begin to speak, the Pages are putting an example of the first 1040 form up for those Members in the Chamber to look at.

This was a 1040 form in 1914. It was one page long. It is a little difficult to read, but if we will look here, citizens were taxed 1 percent on net income over \$3,000, 1 percent. Less than 1 percent of the American people had to pay any income tax the first time it was collected in 1914.

If we go on down and look at these numbers again, it is very difficult to see from the Chamber, but if we had over \$20,000 of net income, we paid an additional 1 percent. If we had over \$50,000, we paid 2 percent. And it goes down. Then if we had over \$500,000 of net income back in 1914, we paid the horrendous rate of 6 percent. That was the first income tax collected on the American taxpayers by the Federal Government back in 1914.

Since that time, the marginal rate has not stayed at 1 percent. It is now over 40 percent. That is an increase of 4,000 percent. The time has come to do something about that. The time has come to support the rule that the gentlewoman from Ohio is on the floor, representing a majority of the Members of the Committee on Rules, to make in order the rule for the debate of the tax limitation constitutional amendment.

This rule makes in order the bill that we voted on last year, the constitutional amendment that we voted on

last year. It also makes in order a Democratic substitute, if they wish to offer a substitute, and a motion to recommit. So it is a very fair rule.

The amendment that was reported out of the Committee on the Judiciary last year, and we did not have a hearing in the Committee on the Judiciary this year but we reported the same bill to the Committee on Rules, would require a two-thirds vote of the House and the Senate to raise taxes.

It explicitly states that if we want to lower the capital gains tax rate, we can do that with the simple majority vote. If we want to change to a national sales tax, if we want to change to a flat tax, as long as the overall revenue effect is de minimis, and that is a very fancy Latin word that means "very little", we can do that with a majority vote.

We may be asking, as my good friend from Massachusetts said in his opposition just a second ago or a few minutes ago, is this a gimmick? The answer is no, it is not a gimmick. If we could have, not that chart but the one right underneath here, you see this has been tried in 14 States. It is either in the State constitutions in 14 States or it is in the State law in 14 States, some of them as far back as 1890.

In the year 1890, 100 years ago, the State of Mississippi said, if we are going to have a tax increase, it takes a three-fifths vote. The other 13 States that have it, some of them are as high as three-fourths. Since 1934, the State of Arkansas, where our President was the former governor. Most of them are two-thirds, which is in the amendment.

These 14 States, a number of studies have been done over the years, and there are four things that are true in those 14 States. Their taxes are lower than in States that do not have a supermajority requirement. Their taxes go up slower than in those States that do not have a supermajority tax increase requirement. Therefore, their economy grows faster. Believe it or not, it means that more jobs are created, about 43 percent in States that have the supermajority requirement, more jobs are created than in those States that do not.

When we get to the debate later this afternoon on the amendment, keep a few things in mind. The opponents that are against this are not against it because they do not think it will work. They are against it because they know it will work. They know that it will take a consensus of the country and a consensus of the Congress, not just the Republicans, not just the Democrats, but a bipartisan majority, supermajority to require a tax increase.

If I could see the last chart, there are going to be some other poll numbers reported later in the debate. This is a poll that was taken last year. And the poll that was taken last year, 64 percent of people identified with the Democratic Party said they were for a two-thirds vote to raise taxes. Sixty-eight percent of Federal employees

that were polled said they were for a two-thirds requirement to raise their Federal taxes. Seventy-one percent of union members said that they were for a two-thirds requirement to raise their taxes, and 73 percent overall of all Americans.

So this is not a conservative issue. This is not a Republican issue. This is an American issue. The latest number poll, that is this year, 75 percent of all Americans are for the supermajority requirement. So vote for the rule.

Mr. MOAKLEY. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. TRAFICANT).

(Mr. TRAFICANT asked and was given permission to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, capital gains taxes, withholding taxes, income taxes, sales taxes, excise taxes, highway taxes, aviation taxes, fuel taxes, property taxes, manufacturing taxes, education taxes, cigarette taxes, liquor taxes, ticket taxes, corporation taxes, old taxes, new taxes, flat taxes, fast flat taxes, surtaxes, taxes on taxes, and a retroactive tax to tax us if we miss something the government needed.

I understand all the philosophical debates that are being brought up here today, but I support the rule and support the bill for the following reasons: I think a Nation that overtaxes their people, kills hope and rewards their enemies, and part of the enemy is the Congress who can raise our taxes too easily. Just look at the Constitution, if it makes any difference. We have enacted a macroeconomic trade agreement with great bearings on tax revenue with a one simple majority vote when the Constitution called for a two-thirds requirement. We are out of sync.

In addition, we have a tax code that rewards dependency, penalizes achievement, subsidizes illegitimacy, kills investment, kills jobs. If we work hard, we send a lot of money to government. If we do not work, government sends us a check. Beam me up here. I mean it. Beam me up.

If we go to a tax court, we are guilty in the eyes of the court and we have got to prove ourselves innocent. That is unbelievable to me, and I do not see anybody talking about this.

I wanted to thank the Republicans for including my burden-of-proof provision in the IRS reform bill. Without it, there is nothing of significant protection for our taxpayers.

Look, is it any wonder the American people are taxed off? They are fed up. They are fed up with a system that kills families, destroys families, and treats people like second-class citizens.

This may not be the exact answer. I do not know if this will become law. Probably not. But I want to support it. Any measure that makes it tougher to tax the American people is absolutely 100 percent on target with me.

I would like to just remind everybody that all of these taxes that we do pay, the American people are now beginning

to question how we are employing them and using them. I think it is fitting for the Congress of the United States to make it more difficult to raise these taxes.

The American people are taxed off. And I think Congress should recognize it before there are other great changes here.

Ms. PRYCE of Ohio. Mr. Speaker, I appreciate the remarks of my good friend and colleague from the great State of Ohio.

Mr. Speaker, I am pleased to yield 1 minute to the gentleman from California (Mr. CAMPBELL).

□ 1130

Mr. CAMPBELL. Mr. Speaker, I thank my colleague for yielding this time to me.

I regret I cannot support this amendment to the Constitution, and I would like to take a moment to explain why.

If we make it more difficult to increase taxes but we do not make it any more difficult to spend money, what we will create is a bias in favor of increasing spending and simply borrowing the money. That is even worse than increasing spending and increasing taxes to pay for it, because when we increase spending and increase taxes to pay for it, at least we are being honest and asking the very people who benefit from the spending to ante up and pay the cost and suffer the pain of the tax increase. But when we spend their money and make our children pay for it, which is what we do when we borrow, we get the political gain but we make the next generation—who do not yet have the right to vote—pay for it.

The size of the United States debt is very, very large. It is \$5.7 trillion. As a percentage of the GNP it is the highest it has been since the end of World War II, and what we do in this amendment today is make it far more likely that that debt will increase. What we should do and what I would support is a two-thirds requirement to increase borrowing also. Then we would have a two-thirds requirement for either increasing taxes or increasing borrowing; and we would not bias the system in favor of borrowing.

Without that change, I cannot support this amendment.

Mr. MOAKLEY. Mr. Speaker, I have no remaining speakers. I yield back the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing let me reiterate that this rule is identical to the rule the House adopted last year by voice vote on the same issue. It gives ample opportunity for all sides to be heard on the tax limitation amendment, and it gives the minority two separate opportunities to change the underlying legislation.

Let me also remind my colleagues that the tax limitation amendment has the support of 68 percent of all Americans, and it is not hard to understand

why. Today nearly 40 percent of the average American family's income goes toward taxes. It is reasonable in the minds of those Americans to put a small bump in the road that will slow down the people who want to take even more of their hard-earned money.

Today's vote will not end debate on this matter but instead it will start the debate down across all 50 States, down to the local level where the people will determine whether amending the Constitution is in order.

Mr. Speaker, I urge my colleagues to let reasonableness and the will of the people prevail by voting "yes" on the rule and "yes" on the tax limitation amendment.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. GOODLATTE. Mr. Speaker, pursuant to House Resolution 407, I call up the joint resolution (H.J. Res. 111) proposing an amendment to the Constitution of the United States with respect to tax limitations, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 407, the joint resolution is considered read for amendment.

The text of House Joint Resolution 111 is as follows:

H.J. RES. 111

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:*

"ARTICLE—

"SECTION 1. A bill to increase the internal revenue shall require for final adoption in each House the concurrence of two-thirds of the whole number of that House, unless that bill is determined at the time of adoption, in a reasonable manner prescribed by law, not to increase the internal revenue by more than a de minimis amount.

"SECTION 2. The Congress may waive the requirements of this article when a declaration of war is in effect. The Congress may also waive this article when the United States is engaged in military conflict which causes an imminent and serious threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law. Any increase in the internal revenue enacted under such a waiver shall be effective for not longer than two years.

"SECTION 3. Congress shall enforce and implement this article by appropriate legislation."

The SPEAKER pro tempore. Pursuant to House Resolution 407 the amendment printed in House Report 105-488 is adopted.

The text of House Joint Resolution 111, as amended by the amendment

printed in House Report 105-488, is as follows:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein),* That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

“ARTICLE —

“SECTION 1. Any bill, resolution, or other legislative measure changing the internal revenue laws shall require for final adoption in each House the concurrence of two-thirds of the Members of that House voting and present, unless that bill is determined at the time of adoption, in a reasonable manner prescribed by law, not to increase the internal revenue by more than a *de minimis* amount. For purposes of determining any increase in the internal revenue under this section, there shall be excluded any increase resulting from the lowering of an effective rate of any tax. On any vote for which the concurrence of two-thirds is required under this article, the yeas and nays of the Members of either House shall be entered on the journal of that House.

“SECTION 2. The Congress may waive the requirements of this article when a declaration of war is in effect. The Congress may also waive this article when the United States is engaged in military conflict which causes an imminent and serious threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law. Any increase in the internal revenue enacted under such a waiver shall be effective for not longer than two years.

“SECTION 3. Congress shall enforce and implement this article by appropriate legislation.”

The SPEAKER pro tempore. Under the rule, the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Michigan (Mr. CONYERS) each will control 1½ hours.

The Chair recognizes the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Joint Resolution 111 requires a two-thirds vote in both the House and Senate for any bill that changes the internal revenue laws by more than a *de minimis* amount. The resolution allows Congress to waive the supermajority requirement to pass a tax increase during a period of declared war between the United States and another country, or when the Congress and the President enact a resolution stating that the United States is engaged in a military conflict which threatens national security. Tax legislation enacted under this waiver can be enforced for no longer than 2 years after its enactment.

H.J. Res. 111 provides a simple mechanism to curb wasteful and abusive government spending by restraining the government's unquenchable appetite for taking the American people's money. The more the government has, the more it spends. The tax limitation amendment will ensure that when the

government needs money it will not simply look to the American people to foot the bill.

A constitutional amendment is the only way we can assure the American people that Congress will only take from their pocketbooks that which is truly needed. This constitutional amendment will force Congress to focus on options other than raising taxes to manage the Federal budget. It will also force Congress to carefully consider how best to use current resources before demanding that taxpayers dig deeper into their hard-earned wages to pay for increased Federal spending.

Furthermore, if Congress has less to spend on programs, it will be forced to act responsibly and choose what is truly important to the American people, and it will be forced to make sure government programs are run as effectively and efficiently as possible. Simply put, the harder it is for Congress to tax the American people, the harder it will be for Congress to spend their hard-earned money. Government will spend less when the American people give it less.

Mr. Speaker, tax limitation requirements have been proven to work. In the 14 States that have adopted supermajority requirements for tax increases, taxes grew at a rate about 10 percent less than States without tax limitation requirements. Between 1980 and 1992, in States with a supermajority requirement economic growth was 43 percent, compared to 35 percent in States without such a requirement. Employment growth was 26 percent, compared to 21 percent in States without such a requirement.

The need for this amendment is clear. The tax burden on our citizenry is out of control. In 1934 Federal taxes were 5 percent of the average family's income. Today that figure is nearly 25 percent. Overall taxes consume nearly 40 percent of an average family's income. That is more than food, housing and clothing combined.

To support this huge level of taxation we have developed a cumbersome Tax Code that causes needless confusion and delay. In 1914 the Internal Revenue Code contained 11,400 words. Our current code contains over 7 million words. American taxpayers spend over \$200 billion and 5.4 billion hours a year just to comply with Federal taxes. Sixty percent of taxpayers must hire a professional just to sort through their own return.

Just think how small, simple and fair our Tax Code would be if we would have had a supermajority requirement when the taxes that created this monster were enacted. In fact, four of the last five major tax increases, including the 1993 increase, the largest tax increase in American history, four out of five would not have passed if the tax limitation amendment had been in effect when they were enacted.

□ 1145

This would have saved the American people hundreds of billions of dollars.

That is money the American people could have used to invest, pay for retirement, or for their children's education. It is simply too easy for Congress to tax the American people too much and too often by a Tax Code that is too complicated.

Our Constitution contains a Bill of Rights designed to preserve freedom by restricting government intrusion into the lives of the people. But the power to tax is the power to reach the lives of the people in a very direct way, controlling what and how much the people can do with their own resources. Taxes affect how you invest your money, how you spend it, where you live, and many other aspects of everyday life.

The power to tax has been abused by the government, using it as a club to drive the government's will into the lives of the people at the expense of freedom and opportunity.

Mr. Speaker, this amendment simply returns control of the American taxpayer's pocketbook to where it belongs, the American taxpayer. While this Congress has shown discipline and restrained increases in spending leading to the first balanced budget in three decades, it is simply too easy for Congress to spend the people's money.

As long as Congress can continue to raise taxes every time it wants to spend more money, we will never have true tax relief; we will never have true debt reduction.

The Constitution entrusts Congress with the power of the purse. Unfortunately, Congress time and time again, has taken that to mean it can pay for its own bloating simply by pulling the American people's already tight purse strings. This amendment reminds Congress it is not the government's money; it is the people's money.

I believe in good and effective government, but more money does not mean better government. Better government means doing more with less of the American people's money. Requiring a two-thirds vote in both Houses to raise taxes will force Congress to do more with smaller and more efficient government.

I have great confidence in the American people. Americans have shown they are the most ingenuous, creative, and hard-working people in the world. The government should not punish those very traits that have made the United States the most effective and productive Nation in history.

Working hard to make more money for your family is rewarded by tax after tax after tax. There is the income tax, the marriage tax, the death tax, the Social Security tax, the sales tax; you name it, government can find a way to tax it.

Well, Mr. Speaker, this amendment says no more. The American people have had enough. Our tax system is out of control, unfair, and abusive. The least we can do is take action to prevent it from becoming more so. It is time for Washington to stop asking American families to shoulder the financial burden brought by bloated

budgets and wasteful spending. Once and for all, it is time for Washington to get off the American people's backs and out of their pocketbooks.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. SCOTT), the ranking member of the Subcommittee on the Constitution of the Committee on the Judiciary.

Mr. SCOTT. Mr. Speaker, I would like to thank the ranking member from the Committee on the Judiciary for yielding me time.

Before I begin discussing our concerns about the amendment, I would like to say a few words about my concerns about the priorities of the House.

Consideration of this amendment represents an annual tax day press event. Although we fail to do much of substance in the 105th Congress, here we are in front of the cameras debating an impractical tax limitation amendment. I would hope we would begin to debate some of the serious issues before us, like the tobacco settlement, saving Social Security, health care, juvenile justice. But those issues are nowhere to be seen because we have taken polls, and on an annual April 15th situation, we are debating the same constitutional amendment that was defeated last year around April 15th. So let us put it in perspective: We are not legislating; we are just posturing for political advantage.

But I would have serious concerns about the constitutional amendment, H.J. Res. 111, the proposed constitutional amendment, with respect to tax limitation. The terms of the amendment are unbelievably vague. The only thing clear about the amendment is the fact that the amendment will cause great confusion.

When we had a hearing on the resolution before it was defeated last year, both Democratic and Republican witnesses expressed very serious concerns about H.J. Res. 111. Former Office of Management and Budget Director Jim Miller, tax limitation amendment supporter, went so far as to call some of the language silly and unworkable.

The language considered by experts at the hearing requiring a two-thirds majority vote to increase the Internal Revenue was the language we heard last time. We marked up a different bill in the committee than that which was reviewed by the experts, and the language that is now before us on the floor requires a two-thirds majority to change the Internal Revenue laws, resulting in an increase in the Internal Revenue by more than a de minimis amount.

Of course, no one seems to have the slightest idea what a change in the Internal Revenue laws to increase the general revenue by more than a de minimis amount, nobody knows exactly what that means, and it is our intention, therefore, apparently to leave this very significant interpretive ques-

tion to the whims and wishes of the courts, or to some bureaucratic person.

The confusion created by the constitutional amendment will create powers in a new bureaucracy. For example, who are we going to anoint with the power to decide the golden question? Will a particular bill constitute an increase in revenue, or will it increase revenue by more than a de minimis amount?

We heard testimony that this power would be investigated in a bureaucrat with unprecedented powers to control the legislative power, because once that decision is made, that could require a two-thirds, rather than a simple majority vote.

Who becomes the golden decider of that particular question? The American public deserves answers to these questions before, not after, we have made a mess that cannot be cleaned up. What happens if we pass, for example, a controversial corporate tax loophole that we estimated would cost \$500 million, but later discover it is costing \$500 billion? Although it took only a simple majority to pass the corporate tax loophole, it will take two-thirds in both the House and the Senate to correct it.

For this reason, we ought to be calling the resolution the Corporate Loop-hole Protection Act.

Furthermore, there are those who support the legislation saying it will control spending. There is nothing in the legislation to control spending. Spending will continue with a simple majority vote. Unfortunately, paying for the spending will require a two-thirds vote. That is obviously a prescription for disaster.

In addition to being vague and biased in its protection of corporate loopholes, this amendment would be unworkable. There are very good reasons why supermajorities are rare in our Constitution, and that is because they have learned from experiences of the failed Continental Congress that excessive supermajority requirements are not practical for an efficient government.

We only require supermajorities for things like overriding a Presidential veto, impeachment or proposing constitutional amendments. These are well-defined circumstances, not open to interpretation.

But, unfortunately, there will always be numerous views on whether or not a bill increases the revenue by more than a de minimis amount. Incredibly, the supermajority prescribed in this resolution would be a much stronger requirement than the supermajorities required for impeachment, treaty ratification or veto overrides, because it requires a two-thirds vote of the Membership of the House; not just those present and voting.

In fact, we have not been able to adhere to our own tax limitation rules. That would give us a fairly good idea of what would happen under this constitutional amendment. In the 104th

Congress we had a rule that required a three-fifths vote on bills requiring Federal income tax increases.

The story of the tax limitations rules provides us with what would happen, because there was waiver after waiver after waiver, because many major bills included changes in the tax system that increased taxes.

The rule was waived for the 1996 budget reconciliation conference report; it was waived for the Medicare preservation bill; it was waived for the Health Coverage and Availability Act. In recent history, no major tax changes, whether signed into law by a Democrat or Republican President, have passed both Houses by two-thirds majority.

If we could not function with a three-fifths majority, how could we possibly function with a two-thirds requirement, that can only be waived in cases of war or amending the Constitution?

Amending the Constitution is very serious business, and should not be conducted haphazardly. Some very tough questions are not even close to being answered. Therefore, I urge my colleagues to act responsibly and reject this tax day publicity stunt, and vote no on H.J. Res. 111.

#### GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Joint Resolution 111.

The SPEAKER pro tempore (Mr. GILLMOR). Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in response to my good friend, the gentleman from Virginia (Mr. SCOTT), I would like to include for the record a letter from the gentleman from Texas (Mr. ARCHER), the chairman of the House Committee on Ways and Means, to the gentleman from Illinois (Mr. HYDE), the chairman of the Committee on the Judiciary.

The letter referred to follows:

U.S. HOUSE OF REPRESENTATIVES,  
COMMITTEE ON WAYS AND MEANS,  
Washington, DC, April 7, 1997.

Hon. HENRY J. HYDE,  
Chairman, Committee on Judiciary, Rayburn  
House Office Building, Washington, DC.

DEAR CHAIRMAN HYDE: I understand that the Judiciary Committee is scheduled to consider H.J. Res. 62. Section 1 of the resolution would generally require a supermajority vote for any bill that amends the internal revenue laws unless that bill is determined at the time of adoption, in a reasonable manner prescribed by law, not to increase the internal revenue by more than a de minimis amount. In relevant respects, this language in H.J. Res. 62 is substantially identical to the language of H.J. Res. 169, as considered by the full House last year. That language was carefully crafted by myself and Mr. Barton and the other sponsors of the legislation. Moreover, Mr. Barton and I entered into a colloquy on the House floor, describing how we interpreted the language of the resolution.

First of all, the Constitutional amendment would not apply to tax legislation that is a

net tax cut or that is revenue neutral overall. Thus, the supermajority requirement would not have applied to the "Balanced Budget Act of 1995" or the "Contract with America Tax Relief Act" since those bills provided a net tax cut. Similarly, it would also not apply to legislation that replaces one tax system with another as long as that replacement is revenue neutral. For example, if we were successful in replacing the current income tax with a broad-based consumption tax, that legislation would be subject only to a simple majority vote provided that the replacement tax raised the same amount or less revenue than the current tax.

Second, the Constitutional amendment excepts from the  $\frac{2}{3}$  requirement tax legislation that raises no more than a "de minimis" amount of revenue. The amendment states that Congress may "reasonably provide" how this exception is applied. Details may be very important, but they do not belong in the Constitution. Instead, Congress would adopt legislation that implements the Constitutional amendment by defining terms and fleshing out procedures.

It is up to this or a future Congress to design this "implementing legislation." However, it is my understanding and intent that such legislation will have the following characteristics:

Revenue would be measured over a period consistent with current budget windows. For example, measuring the net change in revenue over a 5 year period would be appropriate.

Estimation would be made employing the usual revenue estimating rules. As under the Budget Act, a committee of jurisdiction or conference committee would, in consultation with the Congressional Budget Office or the Joint Committee on Taxation, determine the revenue effect of a bill.

A bill would be considered to raise a "de minimis" amount of revenue if it increased Federal tax revenues by no more than 0.1 percent over 5 years.

For purposes of determining whether a bill raises more than a "de minimis" amount of revenue, only tax provisions (i.e., provisions modifying the internal revenue laws) in the bill would be considered. Other provisions that increase Federal revenues or receipts (such as asset sales, tariffs, user fees, etc.) would not be taken into account in determining the revenue raised by the bill.

"Internal revenue laws" means the current Internal Revenue Code (i.e., the Federal individual and corporate income tax, estate and gift taxes, employment taxes, and excise taxes). It would also include any new tax that may be added to the current Internal Revenue Code or that is analogous to any tax in the Internal Revenue Code. It does not, however, include tariffs.

Accordingly, a supermajority vote would not have been required for H.R. 831, which increased and extended the health insurance deduction for the self-employed; H.R. 2778, which provided tax relief to our troops in Bosnia; H.R. 3103, the Health Coverage Availability and Affordability Act of 1996; and H.R. 3448, the Small Business Job Protection Act of 1996. Each of the bills was designed to be revenue neutral, but due to the strictures of the Budget Act, was slightly budget positive and raised a de minimis amount of revenue.

I hope that this information is helpful in the deliberations of the Committee on Judiciary.

With best personal regards,

BILL ARCHER,  
Chairman.

Mr. Speaker, I would note that as a part of this letter, the gentleman from Texas (Mr. ARCHER) says, "Second, the

Constitutional amendment excepts from the two-thirds tax requirement legislation that raises no more than a de minimis amount of revenue."

The gentleman from Virginia asks what that might be. The gentleman from Texas (Mr. ARCHER) continues, "The amendment states that Congress might reasonably provide how this exception is applied. Details may be very important," and they are, "but they do not belong in the Constitution. Instead, Congress would adopt legislation that implements the constitutional amendment by defining terms and fleshing out procedures.

"It is up to this or a future Congress to design this implementing legislation. However, it is my understanding and intent that such legislation will have the following characteristics:

"Revenue would be measured over a period consistent with current budget windows. For example, measuring the net change in revenue over a 5-year period would be appropriate.

"Estimation would be made employing the usual revenue estimating rules. As under the Budget Act, a committee of jurisdiction or conference committee would, in consultation with the Congressional Budget Office or the Joint Committee on Taxation, determine the revenue effect of a bill.

"A bill would be considered to raise a de minimis amount of revenue if it increased Federal tax revenues by no more than 0.1 percent over 5 years.

"For purposes of determining whether a bill raises more than a de minimis amount of revenue, only tax provisions in the bill would be considered. Other provisions that increase Federal revenues or receipts, such as asset sales, tariffs, user fees, et cetera, would not be taken into account in determining the revenue raised by the bill.

"Internal Revenue laws means the current Internal Revenue Code.

"Accordingly, a supermajority would not have been required for House Resolution 831, which increased and extended the health insurance deduction for the self-employed; House Resolution 2778, which provided for tax relief to our troops in Bosnia; H.R. 3103, the Health Coverage Availability and Affordability Act of 1996; and H.R. 3448, the Small Business Job Protection Act of 1996. Each of the bills was designed to be revenue neutral, but due to the strictures of the Budget Act, was slightly budget positive and raised a de minimis amount of revenue.

"I hope that this information is helpful to the deliberation of the Committee on the Judiciary."

Mr. Speaker, I yield the balance of my time to the gentleman from Texas (Mr. BARTON) and I ask unanimous consent that he be permitted to control that time and yield to other Members.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BARTON of Texas. Mr. Speaker, I would announce that when the gen-

tleman from Texas (Mr. HALL) comes to the floor, I will ask unanimous consent to yield some of my time to him as the chief Democrat sponsor.

Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. MILLER.)

□ 1200

Mr. MILLER of Florida. Mr. Speaker, today I rise in strong support of a tax limitation amendment. I would like to take a minute to share what I have been hearing from my constituents in southwest Florida.

In March, the Citizens for a Sound Economy's Scrap the Code Tour made a stop in Sarasota. Six hundred and fifty residents attended to hear the gentleman from Texas (Mr. ARMEY) and the gentleman from Louisiana (Mr. TAUZIN) talk about the flat tax and the national sales tax. There was real excitement about the possibility of real tax reform. But I am also hearing at home that the tax limitation amendment is the first and perhaps the most critical step towards fundamental reform.

At a recent town hall meeting, I asked my constituents to tell me whether they prefer a flat tax or a national sales tax. They told me that either approach was a vast improvement over the current system, but they do not believe that politicians can restrain themselves from tampering with the system once they fix it.

Sarasota residents told me that tax rules must be consistent if taxpayers are to be a player in the game. But the truth is, and taxpayers know this better than anyone, that Congress changes tax laws every year. If we are to move to a simpler, fairer tax system, then we must assure the American people that Congress will not repeatedly change the rules.

The sad truth is that Americans will no longer take our word for it. They want a legal restraint on Washington's tax and spend nature, and who can blame them? American taxpayers need to have confidence that if Congress reduces the tax burden this year, that they will not turn around and hike taxes next year. How can an American family decide how much to save or whether to buy a house if Congress continues to change the rules of the game?

By requiring a two-fifths vote of Congress to any tax increase, taxpayers could finally have the confidence in the system. Americans need that peace of mind. They deserve that peace of mind. I advise my colleagues on both sides of the aisle to listen to the American people. They are urging us to pass the tax limitation amendment.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 5 minutes to the gentlewoman from Texas (Ms. SHEILA JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the ranking member for yielding time to me.

To the ranking member of the Subcommittee on the Constitution of the Committee on the Judiciary, and to my colleagues, I think the real issue here on this day, April 22, which is Earth Day, which hopefully has us embracing the richness of our earth and the value of the assets that this earth bestows upon all of us, I think we should actually come to the floor of the House and tell the simple truth.

This legislation, which unfortunately our Republican friends did not have the opportunity to put before the House on April 15, for all of the political shenanigans that that would have generated across the country, is truly a case of the rule and the tyranny of the minority.

This constitutional amendment is bogus and does not represent truth in lending or truth in telling the story about taxes in America. What actually tells the story of taxes in America is real reform: simplification of the Tax Code; making sure that the IRS lends itself to mediation and dispute resolution; ensuring that there is no marriage penalty, language that is in my Taxpayers Justice Act that was filed in 1997, that has yet to see its time on the floor of the House for debate.

But this bill simply is tyranny. For when I am home with my constituents and I hear from the veterans of the Vietnam War, people needing Social Security and Medicare, health benefits and education, they talk about fiscal responsibility. They talk about balancing the budget, but they realize that as we appropriate monies for these great needs, veterans' hospitals that are seeing closings and diminishing of service, and having to put veterans out after a 24-hour stay, they realize we must balance the budget with the responsibility of appropriating monies for these great needs in this country, at the same time as increasing or promoting or having the ability to raise revenue.

What does this constitutional amendment do; a constitutional amendment, by the way, that never went to the Committee on the Judiciary, never followed the lines of processes? Yes, it went in 1997, but if my calendar tells me right, it is 1998, so it had no judicial process whatsoever. Mr. Speaker, the key is that it did not go through the judicial process, the committee that had the right of jurisdiction.

In so doing, what we have in this process, we have two-thirds of this body that are required to raise the revenue to protect the veterans' benefits, health benefits, education benefits, and at the same time only 51 percent that can appropriate. So therefore, we appropriate, but do not have the money to either help balance or help pay for these needs.

Mr. BARTON of Texas. Mr. Speaker, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Texas.

Mr. BARTON of Texas. Mr. Speaker, this is the second session of the 105th

Congress. In the first session of the 105th Congress, the Subcommittee on the Constitution of the Committee on the Judiciary held a hearing on March 18, 1997, where the resolution was ordered reported to the full House on April 8, 1997, by the subcommittee. It is the exact language that was voted on last year, so the gentleman from Illinois (Mr. HYDE) did not feel they needed to hold another hearing on the exact language, since this is in the same Congress.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I appreciate the clarification of my colleague, the gentleman from Texas.

Let me clarify and say that as I understand it, the bill did not succeed in 1997, and therefore, I would argue very vigorously because of the real concerns with this legislation that it needed additional hearings and an additional opportunity to go through the process through the Committee on the Judiciary.

Let me also respond to my colleague, the gentleman from Texas, to say that this is a dangerous piece of legislation, because as we look to balance and secure Social Security and Medicare, this bill smacks in the face of being able to ensure that Medicare and Social Security are safe.

A 1996 report for the Social Security trustees projects the Social Security trust fund to start running in deficits in 2012. Medicare actuaries project the Medicare Hospital Insurance Trust Fund will become insolvent in 2010. It is, therefore, a requirement that not only do we see a decrease in benefits, but we also see an increase in revenue to provide for the solvency of Social Security and Medicare. This bill will kill that.

Mr. Speaker, I rise today in opposition to House Joint Resolution 111, the Tax Limitation amendment. As you all know, this amendment seeks to require a two-thirds majority vote in each House to increase tax revenues by more than a "de minimis" amount, except in times of war or military conflict which posed a threat to national security. First of all, this measure is completely ambiguous. If we are proposing to amend the longest standing document of civil liberty and freedom in the Western world, surely, we should be absolutely clear about what our intentions are.

Leaving the determination to Congress as to what a "de minimis" increase is, is ultimately as arbitrary and meaningless as not having a standard at all. The fact of the matter is that this language will inevitably encourage years of exhaustive litigation about what a "de minimis" increase truly is. Do the authors of this bill intend that potential tax increases be evaluated by changes in percentages or by numerical amount? When do changes begin to exceed the "de minimis" standard included in this bill, is it over an annual period, a two-year period or a five-year period? The plain answer is that nobody knows. Furthermore, the one exception in the bill in regards to the special circumstances that may arise during an armed military conflict are written too narrowly to be effective. Even in this drastic case, the tax limitation is only waived for a maximum of two years.

But more importantly, this constitutional amendment is contrary to the very spirit and purpose of the Constitution. This nation was founded upon principles of majority rule, so why should we now sacrifice these sacred principles to encapsulate the level of the federal government's tax revenues? The whole purpose of the Connecticut and New Jersey Compromises that helped to form this great Congress over two centuries ago, was to allow the American people the opportunity to express their will through both locally and broadly elected representation that had their particular interests at hand.

But how can this process continue to take place when 146 members of this body could vote to defeat any new tax measure that is not a so-called "de minimis" change in current tax policy? Clearly, any initiative that would seek to give such an enormous amount of power to such a small minority is both imprudent and inappropriate. I believe that this bill is a poorly written expression of a poorly conceived legislative initiative, and I urge all of my colleagues to vote it down, just like we have done over the last two years.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to my good friend, the gentlewoman from Houston, Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for yielding me the time.

What we have as we look to this bill, which requires a two-thirds majority for increasing the revenue, we have a rule by tyranny, a rule by the minority. We have a tyrannical ruling of those who would have us not provide for Social Security and Medicare, veterans' benefits, health benefits, educational benefits.

Do Members know what else we have? We give to all of our large corporate multinationals, those individuals who see tax loopholes as a way to survive, we give them another hammer to beat down tax loopholes. Because what it would require of us, if we found a tax loophole that might just by coincidence raise a slight bit of revenue, two-thirds of this body would have to vote for it. That means that tax loopholes would proliferate across this Nation.

I simply say that I realize my colleagues have good intentions, but this is not the way to run a government. This is a way to shut down a government. This is what the Founding Fathers did not want to have happen, the tyranny of the minority, telling us that we could not vote for or provide for the people of this Nation.

Mr. Speaker, I ask that my colleagues vote this down and rule on behalf of the people of America.

Mr. BARTON of Texas. Mr. Speaker, we are going to put the gentlewoman from Texas (Ms. JACKSON-LEE) down as undecided on this amendment.

Mr. Speaker, I yield 3 minutes to my good friend, the gentleman from my California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, it has been long observed that a frog thrown into a pot of

□ 1215

boiling water will jump right out, but throw a frog into a pot of tepid water and then slowly turn up the heat under the pot, and the frog will stay there until he is cooked.

That boiled frog strategy is how Congress imposed a monstrous tax burden on the American people. Congress did not wake up one day and then pass a law that confiscates more than 20 percent of an American family's income, which is exactly how much in Federal taxes the American people are paying. Many people are paying more than 20 percent. But the heat was turned up on the American taxpayer over the last six decades. That is how we got to this position.

In 1934 the Federal Government took just 5 percent of an American family's income. Because of the increase in Federal taxes that we have seen, because that increase has been gradual, the American people have gone along just treading water while the heat was turned up. It made it even easier for Congress to increase taxes on the people, turning up the heat on the people all the time.

This has come to a point today where our freedom is threatened by the level of taxation that our people have to bear. We are now at a level of taxation that is totally inconsistent with what our Founding Fathers had in mind and what our Founding Fathers believed was consistent with a free society. We are just servants, unable to choose our servitude, and having the fruits of our labor stolen by the government.

We are here today to pass a tax limitation constitutional amendment which would make it harder to turn up the heat on the taxpayers. This resolution would amend the U.S. Constitution to require a two-thirds majority vote of the House of Representatives and the Senate to pass any legislation resulting in a tax increase.

Mr. Speaker, one of the arguments we are hearing against this amendment is that it requires more than just a simple majority, which is 50 percent plus one, and that that subverts majority rule. But a supermajority is a majority. It is just a stronger majority, because it is reserved for situations that are important.

In fact, there are two dozen instances in which the House of Representatives, or at least, excuse me, one House of Congress, is required to vote by more than a simple majority to get its work done. That is more. What is more, eight of these supermajorities are specifically written into the U.S. Constitution.

What we are saying today is let us just add another, a ninth constitutional requirement, that would make it more difficult for Congress to raise the taxes of the American people. Because what we are recognizing today is that by raising taxes, we are diminishing the freedom of the individual American citizen to make decisions with his or her life about the product of their labor. Today we have a chance to vote

clearly on the side of the people's freedom against increasing taxes and boiling their freedom down.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT), the ranking member.

Mr. SCOTT. Mr. Speaker, I wanted to correct the statement made in the earlier comments. It was indicated it required a two-thirds vote of the membership of the House. That was the bill as it had been introduced. The rule that we passed changed the bill, so it is only two-thirds of those present and voting. So if we want to cut Social Security, it would require a simple majority; if we want to cut education, a simple majority; cut Medicare, a simple majority. But to close the corporate loophole, it would require two-thirds of those present and voting.

Mr. CONYERS. Mr. Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. STEARNS).

(Mr. STEARNS asked and was given permission to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, Daniel Webster, a great Member of this body, said, "The power to tax is the power to destroy."

Now, there are lots of folks that are saying we are taxed too much. They say, well, this is just the Federal level we are talking about. It is not a lot of taxes. But there are taxes on the local level, there are taxes on the State level, there are taxes on our gasoline, there are taxes on our bread. It goes on and on. So this simple amendment is needed if we are going to stem the tide here.

This is not a new idea. Fourteen States currently require supermajorities in their legislative bodies to increase taxes or revenue. Let me repeat that, fourteen States already do this. This is not something new. From 1980 to 1987 taxpayers in those States enjoyed a 2 percent decrease in personal income taxes paid.

More States are looking to protect their citizens from overtaxation. Since 1995, Mr. Speaker, legislators in 21 States introduced similar legislation. So what we have is the start of a rebellion across this country of ours of people saying, hold it, no more taxes; no more increasing taxes on the State, Federal, and local level until we pass it by a two-thirds majority.

A lot of folks will say this is a draconian step, but it was pointed out by another colleague here, the gentleman from California (Mr. DANA ROHRABACHER) that there are already on the books ten instances in which the Constitution already requires a supermajority vote. I will not go through and list all ten, I will make them part of the record.

Let me mention one: conviction and impeachment trials. On that we would all agree. What about consent to a treaty? We cannot pass it by just a simple majority vote, we have to have two-thirds.

So surely if we consent to a treaty, we should have consent to taxes on the American people. State ratification of the original Constitution. And if the Electoral College is going to meet, if the Electoral College sits down and they want to vote, they have got to have a two-thirds presence and two-thirds vote to even start the procedures.

If the President has a disability, it requires two-thirds of this body to vote. To remove one of the Members from holding office who is engaged in insurrection requires a two-thirds vote. There is a long history of using two-thirds majority or supermajority requirement to take action.

So, Mr. Speaker, this is not undemocratic. It is not unusual. This is something that the States are now doing. The Federal Government is stepping up to the plate and many of us support this strongly. I urge my colleagues to align themselves with the States, align themselves with the people and move forward and pass this amendment today.

Mr. Speaker, I am providing for the RECORD a list of the instances where our Constitution already requires a supermajority vote, as mentioned in testimony on this legislation before the Committee on the Judiciary by Daniel Mitchell, McKenna Senior Fellow at the Heritage Foundation:

#### SUPERMAJORITY REQUIREMENTS AND TAXATION

There is nothing undemocratic or unusual about supermajority requirements in our system of representative democracy. Supermajority voting requirements are routinely used for legislative business in both the House and the Senate. Since 1828, the House has allowed a two-thirds vote to suspend rules and pass legislation. Senate rules require a two-thirds vote for suspension of the rules and for the fixing of time for considering a subject. The Senate requires a three-fifths vote of all Senators to end debate or to increase the time available under cloture. Senate Budget procedures require that three-fifths of the full Senate must agree to waive balanced budget provisions or points of order to consider amendments that would violate the budget approved by Congress.

There are ten instances in which the Constitution already requires a supermajority vote. Seven of these were part of the original Constitution and three were added through the amendment process:

Art. I, 3, cl. 6: Conviction in impeachment trials.

Art. I, 5, cl. 2: Expulsion of a Member of Congress.

Art. I, 7, cl. 2: Override a Presidential Veto.

Art. II, 1, cl. 3: Quorum of two-thirds of the states to elect the President.

Art. II, 2, cl. 2: Consent to a treaty.

Art. V: Proposing Constitutional Amendments.

Art. VII: State ratification of the original Constitution.

Amendment XII: Quorum of two-thirds of the states to elect the President and the Vice President.

Amendment XIV: 3: To remove disability for holding office where one has engaged in "insurrection or rebellion."

Amendment XXV, 4: Presidential disability.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would ask the gentleman from Florida (Mr. STEARNS), my good friend, about the revolution he described. Last April 15th it failed in the House. Does the gentleman have some additional information that will lead us to believe we are going to be overwhelmed today with the passage of this amendment?

Mr. STEARNS. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Florida.

Mr. STEARNS. Mr. Speaker, the gentleman from Michigan (Mr. CONYERS) has always been very kind to question me after my speech, and I appreciate that because it gives me an opportunity—

Mr. CONYERS. That is why I do it.

Mr. STEARNS. To bring back some salient points that I may have forgotten.

Mr. CONYERS. Just answer the question. I have yielded only a minute.

Mr. STEARNS. Mr. Speaker, I would say to my colleague that frankly, from the time it was voted on the House floor until today, we have been enlightened. And since April 15th it has been very close to our minds and I think it will pass.

Mr. CONYERS. Mr. Speaker, reclaiming my time, I would ask if the gentleman remembers the \$50 billion secret cigarette tax cut that has come into the legislation by Speaker Gingrich since April 15th? That is a question.

Mr. STEARNS. Mr. Speaker, if the gentleman would continue to yield, I do not know about a secret—

Mr. CONYERS. Oh, the gentleman does not know about it?

Mr. STEARNS. My colleague would realize that everything is passed on the House floor. There is nothing secret about it.

Mr. CONYERS. The \$50 billion tobacco tax cut was public? The gentleman knew about it before it was revealed, after it had been found in the budget bill? Just answer the question.

Mr. STEARNS. Mr. Speaker, the gentleman is asking me a question that does have not an answer.

Mr. CONYERS. Did the gentleman know about it before all of us knew it? The gentleman knew about the \$50 billion tobacco tax cut? Did he?

Mr. STEARNS. I knew what I voted on on the House floor and the gentleman from Michigan did too.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. SHADEGG) to respond. I do not mind doing it.

Mr. SHADEGG. Mr. Speaker, I simply want to make the point, the question was asked as to what has changed since the last time this was voted upon in this body that would cause a different result. I think it is worth noting that two States have enacted tax limitation amendments since the last vote in this House on this issue. Those two

States did so by a margin of over 70 percent.

I think it is also very important to note that it is now broadly being publicized in this country that we are taxing the American people today at the highest rate we ever have in American history. Federal taxes are higher than at any point in time since the end of World War II, since 1945.

In 1945, by the way, a war year in which we were funding a war economy and a war, in 1945 Federal taxes were one-tenth of 1 percentage point higher than they are now as a proportion of our Gross Domestic Product. If we add the obviously higher State and local taxes, dramatically higher than 1945, to those almost all-time high Federal taxes, it is clear we are taxing the American people at the highest level in our history.

I think that is a change. It has been broadly publicized. It is part of the change which led two new States by a broad majority, 70 percent plus of the voters in those States, to enact their own tax limitation amendments.

I think those are changes that have occurred since the last vote and hopefully will encourage Members of this body to embrace this today. Clear changes that have occurred since the last vote.

Mr. CONYERS. Mr. Speaker, I yield 5 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, I thank the gentleman from Michigan for yielding me this time.

Mr. Speaker, in response to the previous speaker, yes, taxes are high today on the American people. But they are highest because of the high FICA taxes on Social Security. More than half of American workers pay more in FICA taxes than they do in income taxes to the Federal Government.

The wealthy are paying a rate of taxes less than 50 percent of what the gentleman talked about in those years. Less than 50 percent. That is what this bill is all about today: the wealthy and the powerful. Not about middle income people, not about working people who are paying more in FICA taxes than they are income taxes.

We should be considering real reform today here on the floor of the House. The Tax Code could be reformed. It could be a lot simpler so people do not have to hire accountants. And if we make it simpler, we are going to cut out a lot of those loopholes and special interest tax breaks. That would be real reform.

We could have the IRS reform, the Taxpayer Bill of Rights that passed the House of Representatives last year which is held up by a Republican majority in the Senate for some strange reason. That would be real reform.

We could middle income tax relief. That would be real reform. Expand the Earned Income Tax Credit to get people working and not confiscate taxes from people who earn below the poverty level. That would be real reform.

But, no, what that is about today is quite simple. The Republicans are trotting out their same old tired, bait-and-switch constitutional amendment. It should be called "The Special Interest Loophole and Deficit Promotion Act." It is not targeted toward average Americans.

What are the Republican majority afraid of? Are they afraid that they are going to raise taxes on average Americans, so that they want to require a two-thirds vote in the House of Representatives? I do not think so.

What they are afraid of is that the outrage, and there is real outrage that the previous gentleman spoke about, among the American people that they are being screwed because the wealthy, the large corporations and the foreign corporations are not paying their fair share, that that might sink in with the American people and they might demand real reform. They are afraid that they will not be able to protect their corporate and special interest sponsors here on the floor of the House from a real grass roots movement to reform the Tax Code.

Foreign corporations in this country, 73 percent of the foreign corporations operating in America pay no Federal income taxes because of a very generous loophole provided in our Federal Tax Code not provided by any of our competitor Nations. Won here, a gift to foreign corporations. It is beyond me why we cannot close that loophole and raise \$15 billion a year from foreign corporations that make money in this country by just asking that they pay at the same pathetic rate that American corporations pay.

But, no. We allow them to pay zero. Nothing. And under this bill that will never change, because it requires two-thirds vote here on the floor of the House to require foreign corporations to begin to pay income taxes, maybe so we could provide income tax relief to middle income Americans.

U.S. multinationals use the same loophole to get around taxes. We have the pharmaceutical industry, a real darling. We have noticed the reasonable price of pharmaceuticals in this country. \$3 billion tax loophole because they say all of our profits are made in Puerto Rico where we do not have to pay taxes, and all of our losses and development costs are here in the United States of America where we sell the drugs at inflated prices to the same people who are paying high taxes.

Now, that would be real reform but, no, we are going to protect against reforming and closing that loophole by this amendment.

Accelerated depreciation, the biggest loophole in the Tax Code. It would be nice if average Americans could get that. Eastman Kodak paid an average of 17.3 percent on their products last year. American Home Products, 15.6 percent on \$4.2 billion of earnings. And Allied Signal, 10.7 percent on \$3.4 billion of earnings.

It would be nice if a teacher working full-time could pay taxes to the Federal Government at the rate of 10.7 percent like Allied Signal did with their tax loophole. But that will never happen in the Republicans' world if this amendment passes. We will never close those loopholes. We will never provide that tax relief to average Americans.

This is not about wage earners. It is not about the middle-class. It is about the wealthy. It is about the people who have written the special interest loophole-ridden Tax Code that we have today, and it is about desperate attempts to protect those special interest loopholes against a real revolt by the American taxpayers.

Mr. Speaker, it is time to send this phony amendment packing as we have three or four times previously, and to take up real reform on the floor of the House with a simple majority. Close the tax loopholes; make the special interests, make the foreign corporations, make others pay their fair share, and give the American workers the tax relief they deserve.

Mr. BARTON of Texas. Mr. Speaker, I yield myself 1 minute to respond to the gentleman from Oregon (Mr. DEFAZIO).

Mr. Speaker, the gentleman is absolutely right. FICA taxes are a tax. Under this amendment it would take a two-thirds vote to raise FICA taxes, which would make it unlikely.

The gentleman may be right about some of the tax loopholes. I would point out that under this amendment we could close every loophole in the Tax Code if we wanted to, as long as we used that revenue that was generated to then lower the overall tax rate or tax burden, and the overall net effect was a *de minimis* increase in taxes. We could do that until the cows come home.

We could go to a flat tax, a sales tax. What we cannot do is raise the overall tax burden unless two-thirds of the Members of this House and the other body vote to do that.

Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. HEFLEY).

Mr. HEFLEY. Mr. Speaker, I thank the gentleman from Texas for yielding me this time.

Mr. Speaker, Tip O'Neill once made the statement, Tip O'Neill, the long-time Speaker of the House here in this Chamber made the statement, and I quote directly, "God, I love big government." If my colleagues adhere to that philosophy, then they do not want this amendment.

But if my colleagues want a smaller government, a less intrusive government, a less expensive government, this amendment needs to be passed. It should not be easy to raise taxes and it is far too easy to do that now.

Mr. Speaker, I have listened to some of the comments coming from the other side on this issue and they keep telling us that we should not make it harder for Congress to raise taxes for

the sake of the people. Do not do it because it would hurt seniors and Social Security. Do not do it because too many children are smoking. Do not do it because there are too many people out there that need our help. Always reasons to take more of the people's hard-earned money because we seem to know a better way to spend it than they do.

A great deal of my colleagues seem to think that if the Nation has a problem, we should simply raise taxes to solve it. They still do not understand that in so many cases higher taxes is the problem.

If we allow every American to keep more of their own money, lower taxes could make seniors and future retirees less reliant on the Federal Government and Social Security. It could mean that families might be able to spend a little more time together instead of one parent working to pay the taxes and the other parent working to pay the bills, as in so many families. The extra family time would do more to ensure our children are raised right than all the Federal programs that we can drag out.

Mr. Speaker, those on the other side of this issue still do not get it. And unfortunately if we do not get it, the American people will pay the price.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume just to engage in a colloquy with the gentleman from Colorado (Mr. HEFLEY), who made a very impassioned statement that I agree with in principle.

Mr. Speaker, the problem is, though, that if we do this, it may be virtually impossible to raise the excise tax on cigarettes pursuant to the pending tobacco settlement legislation. Had the gentleman considered that?

Mr. HEFLEY. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Colorado.

Mr. HEFLEY. Mr. Speaker, there is no tobacco settlement at this point.

Mr. CONYERS. I said pending tobacco settlement legislation.

Mr. HEFLEY. Mr. Speaker, there is all kinds of pending out there that by the time we get through, it will change form many times. But by the time this amendment is ratified, we will have far more than enough time to do whatever the gentleman wants to do with the tobacco settlement.

Mr. CONYERS. Okay. I get it. Then the gentleman from Colorado, too, was one of the ones that presumably knew about the \$50 billion tax cut for the tobacco people that was put into the budget amendment?

Mr. HEFLEY. Mr. Speaker, I think that is a ridiculous question.

Mr. CONYERS. That is a ridiculous question, is it not?

Mr. HEFLEY. My answer to the gentleman is I think that is a ridiculous question that not even the gentleman from Michigan—

Mr. CONYERS. The gentleman does not even want to answer it.

Mr. HEFLEY. Neither the gentleman from Michigan nor I know whether there was a \$50 billion tax cut put in the budget agreements.

Mr. CONYERS. Mr. Speaker, reclaiming my time, I would say to the gentleman that we voted it out of the bill. It must have been put into the bill. I presume the gentleman was aware and awake the day we voted to take it out. What does the gentleman mean that he does not know if it was put in in the first place?

Mr. HEFNER. Mr. Speaker, as I said earlier, there is no tobacco settlement—

Mr. CONYERS. Mr. Speaker, I did not yield to the gentleman. I am not going to yield to the gentleman anymore.

Mr. Speaker, I reserve the balance of my time.

□ 1230

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. JONES).

Mr. JONES. Mr. Speaker, today the House is listening to the American people by voting on the tax limitation amendment. I feel very strongly about this vote because I know that the citizens in my district, the Third District of North Carolina, need and deserve tax fairness. They, like so many Americans throughout this Nation, are tired of Congress raising their taxes time and time again with just a simple majority.

Taxes have been raised so many times over the years that the American citizen now spends more on taxes than on food, clothing, and shelter combined. In 1934, the American people paid just 5 percent of their income in Federal taxes, but today that burden has soared to over 20 percent. This is simply unfair to the American people.

The tax limitation amendment will protect the American people from elected officials who wish to raise their taxes on a lark by requiring a super-majority for such a vote. Four out of the last five major tax increases have passed with less than the two-thirds majority which this amendment would require. That means had the tax limitation amendment been in place, the American taxpayer could have kept approximately \$660 billion of their hard-earned dollars instead of sending the money to Washington, D.C.

I imagine this is why polls show that 75 percent of the American people support this amendment. When I was elected to Congress in 1994, I made a promise to the people of my district that I would work to reduce their unfair tax burden. This legislation that we are voting on today represents a major step toward that goal. It is a protection for the taxpayer that is long overdue, and I urge my colleagues to support it.

Mr. Speaker, in closing, let me ask my colleagues to keep in mind a quote from an editorial in today's *Investors Business Daily*. I quote: "The U.S. House will have the chance Wednesday

to perform a noble deed. It can begin to unshackle American taxpayers by passing a tax limitation amendment to the Constitution."

Mr. CONYERS. Mr. Speaker, I yield 5 minutes to the gentleman from Colorado (Mr. SKAGGS).

Mr. SKAGGS. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, here we go again. It is the third time in as many years that we are considering amending the Constitution to require a two-thirds majority of both Houses regarding any increase in revenue. Note revenue, not just taxes.

I guess this is turning into one of those rites of spring, like the Cherry Blossom Festival, that comes around when the sap rises. But let us not be taken for saps in this.

This is not a spring fling that is harmless fun. It is very serious business. We need to take it seriously even though the process and the timing of this debate, like the cherry blossom parade, suggest that it is mainly for show.

The proposed amendment is a bad idea. But it is also coming before this House through a process that insults Members' intelligence, contradicts any aspiration that this body has to be a thoughtful one, and really demeans and debases the constitutional amendment process itself.

Second, perhaps, only to declaring war, an amendment to the Constitution ought to command the most serious deliberation and legislative review and analysis we are capable of. It deserves much better treatment than this kind of rush job. The Constitution is a little bit too important to be used as a prop for a political stunt.

Even if this were being considered in a serious way, it does not warrant approval, first, because it is undemocratic, and second, because it is grossly impractical.

First, this proposed amendment violates what James Madison called the fundamental principle of free government, the principle of majority rule. In the *Federalist* paper No. 58, Madison put it quite well, and I quote, "It has been said that more than a majority ought to be required," in certain instances. Madison goes on, "In all cases where justice or the general good might require new laws to be passed or active measures to be pursued, the fundamental principle of free government would be reversed. It would no longer be the majority that would rule, the power would be transferred to the minority."

In other words, the logical corollary of supermajority rule is minority control. And this amendment demonstrates that in a dramatic way.

Under this proposed amendment, 34 United States Senators, who today might represent less than 10 percent of the American people, would have the power to control the government's tax and revenue policy.

The Constitution makes very few exceptions to the general principle of ma-

jority rule; none of them, none of them having to do with the core ongoing responsibilities of government.

The framers considered this very question of whether to require supermajorities for passage of certain kinds of legislation. They specifically rejected proposals to require a supermajority to pass bills on subjects such as navigation and revenues because of their experience under the Articles of Confederation and of the paralysis caused by the Articles' requirement for supermajorities to raise and spend money. Their judgment ought to resonate today and cause us great pause.

In those few exceptions where the framers did impose supermajority requirements, none deals with the ongoing core responsibilities of government. There were only two requirements for supermajorities in both Houses as this amendment would involve: one, to override a Presidential veto; two on the referral of other amendments to the Constitution. Both extraordinary matters.

Under this proposal, it would be, and this gets to the impracticability of it, much more difficult to close corporate loopholes than it would be to impeach the President of the United States. In sum, this goes far beyond any existing constitutional precedent.

But if it is bad in theory, it is even worse in practice.

For example, some of the things that would be made much more difficult, if not impossible, if this amendment were really in the Constitution would be: tax reform, which is hard to do if you do not also have offsetting revenues as well as revenue decreases; eliminating corporate welfare and improving the fairness of the Tax Code by getting rid of special tax breaks on loopholes; selling Federal assets.

There is no definition in this proposal of what internal revenue is. We recently sold the Elk Hills Petroleum Reserve for over \$3 billion, certainly not de minimis, that went into the internal revenues of the country. Would that bill have required two-thirds? Nobody can answer that question because this thing was rushed through without any kind of careful deliberation.

Preserving Social Security, Medicare, balancing the budget, all of those things are likely to involve offsetting raises and subtractions. Presumably the raises are going to demand a two-thirds margin.

The SPEAKER pro tempore (Mr. SNOWBARGER). The time of the gentleman from Colorado (Mr. SKAGGS) has expired.

Mr. SCOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. SKAGGS).

The SPEAKER pro tempore. Without objection, the gentleman from Virginia (Mr. SCOTT) will now control the time for the opposition.

There was no objection.

The SPEAKER pro tempore. The gentleman from Colorado (Mr. SKAGGS) is recognized for an additional 2 minutes.

Mr. SKAGGS. Mr. Speaker, we hear an awful lot about wanting to reduce taxes and everybody would love to lower taxes. But do we really think that reasonable, rational, serious-minded Members of future Congresses will be likely to reduce taxes in times when we have budget surpluses and are able responsibly to do so knowing full well that if times go bad and there were need, again, to balance the budget with increased revenues, that it would take two-thirds then to do so?

It is no wonder, Mr. Speaker, that when the House was constrained by its own rule requiring a three-fifths supermajority to deal with this same issue, it waived that rule repeatedly, to balance the budget, to reform welfare, to preserve Medicare, to extend health care coverage, and increase deductions for small business. But if this supermajority requirement were in the Constitution rather than in the House rules, we could not have waived it, and we could not have passed those bills.

One thing we can be very sure of, we do not know what the future holds. Why would this Congress wish to deprive our successors of the tools and ability to deal with future problems? How arrogant is it of us to say to our successor Members of Congress: We do not care what may be the problems that you face. We are so certain today that you will be incompetent to exercise good judgment in the future that we will make sure that you are deprived of the ability to do so through majority rule.

Rather than insulting those future Members of this body, we ought to honor the wisdom of the framers and protect that central principle of this wonderful government of ours: the principle of majority rule. It has stood us in good stead for over 200 years. We should reject this atrocious idea.

Mr. BARTON of Texas. Mr. Speaker, may I inquire as to the time remaining on each side?

The SPEAKER pro tempore. The gentleman from Texas (Mr. BARTON) has 64 minutes remaining, and the gentleman from Virginia (Mr. SCOTT) has 61 minutes remaining.

Mr. BARTON of Texas. Mr. Speaker, I yield myself 2 minutes to respond to the gentleman from Colorado.

First, I want to commend the gentleman from Colorado (Mr. SKAGGS). He led the debate in opposition to this at least one of the times it has been on the floor. I thought we had a very good, informed, and intellectual debate. I would say to my good friend that the reason it is on the floor is because it is something that needs to be done.

We have 14 States that require some sort of supermajority for tax increase, including, I believe, the gentleman's State of Colorado. We have 27 groups that have endorsed this amendment. We have 10 national groups that have key voted it. We have approximately 10 Governors who have now come out in support of it. We can debate spending priorities; that is a fair thing.

We can debate whether we should have any tax increase or more tax increases, but if you look at the marginal tax rate that has gone up from 1 percent back in 1914 to around 40 percent today, you cannot debate that taxes have gone up tremendously, and to most Americans that tax burden is as high as it should be.

Mr. SKAGGS. Mr. Speaker, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Colorado.

Mr. SKAGGS. Mr. Speaker, I commend the gentleman for the straight face with which he suggests that we are indulged in serious business. We all know we are doing this because it is close to tax day. We did this a year ago. We did this 2 years ago. It failed both times. This is a charade and the gentleman is well aware of it.

Mr. BARTON of Texas. Mr. Speaker, I am totally unaware of that. I think it is a serious issue. I would ask my good friend from Colorado to ask me to his congressional district at a time and place of his convenience, and we will engage in as serious a debate as the gentleman wishes to participate in before his constituents.

Mr. SKAGGS. Mr. Speaker, I would be delighted.

Mr. BARTON of Texas. We will see if they think it should be more difficult to raise their taxes.

Mr. SKAGGS. Mr. Speaker, if the gentleman will continue to yield, we will be in touch to work out a date.

Mr. BARTON of Texas. Mr. Speaker, I yield 4 minutes to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Texas for yielding me the time. I listened with great interest to my colleague from Colorado who plans to return to private life, and I appreciate my colleague from Colorado a great deal, especially since he was one who spearheaded the notion of civility returning to this Chamber.

Let me humbly suggest in the most civil tones I can offer that when the people's business comes before the House, whether it is in April or December or a time in between, it will befit this House to call serious debate or to characterize serious debate as some form of stunt.

I also appreciate the gentleman's revision of American history because the gentleman, I know, swore to uphold and defend the Constitution. Let us just simply read the first clause from article 5, Mr. Speaker. The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution. There is no subservience to some Washingtonized rules of the House.

This House, whenever it shall deem it necessary, shall propose amendments to the Constitution, but to the revisionist history offered by my colleague from Colorado on the left, I would point out that when it came to questions of revenue in the Federal Govern-

ment and the intent of our founders, there is a larger question this House should consider. And that is, if revenue procurement was so noble and so necessary, why did not the founders include the direct taxation of income in the main body of the Constitution or in the subsequent Bill of Rights?

Indeed, if that is so noble, if that is so civic minded, it would appear to me if that were so sober that our founders would have incorporated that form of revenue procurement into the main body of the Constitution.

□ 1245

And yet, the amendment process gave us the 16th amendment. And, as my colleague from Texas pointed out, starting at a very modest level, we have seen taxes grow from 1 percent to almost 40 percent of the median family income.

Therefore, to be truly constitutional and true to the spirit of debate and civility in this Chamber, those of us who are here to serve the people bring this proposal forward again, not because of cherry blossoms in the spring or sap or any other derogatory comment that some gentleman may offer to score debating points but because, to be true to the spirit of the Constitution, the 5th article is a living, breathing part of the Constitution and we have every right to do this. Because the people govern; and the people in the 6th district of Arizona and across the State of Arizona who have enacted a supermajority limit for raising taxes in State government, and I see my colleague from Arizona, who helped lead that initiative when we were both private citizens, have said, enough is enough.

And so we stand here today to say, the people know best. Not that Washington knows best and not that any type of verbal gymnastics can obscure this basic notion, that it is not a profile in courage to go back to the pocketbooks of the American people again and again and again and, by the margin of one vote, enact what the liberal senior senator from New York called the largest tax increase in the history of the world.

Indeed, this amendment offers a tool completely constitutional, completely rational, and I daresay completely civil to allow Americans to hold on to more of their hard-earned money and send less of it to Washington.

Mr. SCOTT. Mr. Speaker, I yield 30 seconds to the gentleman from Massachusetts (Mr. FRANK) before I yield to the gentleman from Texas.

Mr. FRANK of Massachusetts. Mr. Speaker, I am reassured that this is not purely symbolism. But I am puzzled. As I calculate the debate, we have about 2 hours left. It is a quarter to 1. I went into my cloakroom assuming I would be told we would be voting between 3 and 3:30. But I am told that we have been informed that the vote will not be until 5:30 or so because the Speaker of the House is not in town. He is out doing something else, and we

have to hold the vote so he can be sitting here.

Now, I hope that is inaccurate. And I am always glad to be corrected. Well, not always glad. Sometimes I am gladder than other times. If I am to be corrected, I would like to be. But if we are holding up a vote for 2 hours just so our out-of-town Speaker can rejoin us and preside on the vote, that seems to me a little symbolic.

Mr. BARTON of Texas. Mr. Speaker, will the gentleman yield for an answer?

Mr. FRANK of Massachusetts. I yield to the gentleman from Texas.

Mr. BARTON of Texas. Mr. Speaker, I saw the Speaker in HT-5 less than an hour ago. So at least an hour ago he was in town.

Mr. FRANK of Massachusetts. So we will be voting right at the conclusion of this debate?

Mr. BARTON of Texas. If the gentleman would yield further, I do not know when we are going to vote. But the Speaker is in town.

Mr. SCOTT. Mr. Speaker, I yield 5½ minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, I rise in opposition to this Republican tax loophole preservation act.

Certainly, it is tempting to write off the proposal as just another expression of Republican frustration at their failure to advance the cause of true tax reform in this Congress. We know that even the bipartisan legislation that we approved here in the House last year to correct some of the abuses at the IRS continues to linger.

Indeed, one of the many subjects on which this do-nothing Republican Congress has done nothing this year is tax reform. There is not one taxpayer in this entire country that can point to a bit of help that it has gotten in 4 months out of this Republican Congress since it convened in January. And this constitutional amendment is no doubt a part of the overall Republican strategy with reference to the United States Constitution.

I have got some friends there in Austin and they wake up each morning and on their calendar they have a thought for the day. Well, the House Republicans always go them one better. They seem to have a constitutional amendment a day. They profess to be a conservative Congress, but we would never know that from the fervor and the furor to edit and tinker and rewrite one provision after another in the United States Constitution that has served our country so well over the last 2 centuries.

The document upon which this Nation was founded is in danger of being tinkered with and overwritten, until it commands as much respect as the municipal traffic code.

And, of course, the immediate effect of this proposal on our efforts to reduce youth smoking must also be considered.

In this morning's paper, our colleague, the gentleman from Texas (Mr.

DELAY), writes, "No new taxes. No, not even on cigarettes," and he declares that any increase on Federal taxes on tobacco is unwise, unwarranted, and unfair.

Well, those of us who have seen the studies that this is the most effective way to cause young Americans to not become addicted to nicotine, the leading cause of preventable death in this country, reject that kind of thinking. We have had difficulty mustering a majority to overcome the stranglehold that big tobacco has had on this House, and to get a two-thirds majority would be impossible forever. And perhaps that is why the tobacco companies support this kind of an approach.

But even more is at stake on this particular matter, and that is why I call it the Republican tax loophole preservation act. Americans are rightfully dissatisfied with our tax system and our Tax Code. They know that it has one provision after another that is a special loophole or advantage that benefits the few at the expense of the many.

Let me reiterate one of the examples that has been given on this floor and enlighten my colleagues a little bit more about it. The \$50 billion tax credit that the gentleman from Georgia (Mr. GINGRICH) and his cohorts put into this Tax Code last year as they proposed it was passed here in the House on about page 317 of an extensive bill under a title that masqueraded as assistance for small business. They included \$50 billion for the tobacco industry. And only after the bill passed and that little provision was found tucked in there did they suddenly disavow any knowledge. They did not even know how it got there.

Well, if this piece of legislation, this constitutional amendment, passes, all that we need is to get some smooth lobbyist and the cooperation of the Speaker of the House to tuck in a provision like this \$50 billion tax credit, and guess what? It will be there forever unless we can muster two-thirds to undo the damage. Unless we can find the will in the House to get two-thirds of this body to write out these loopholes, they are going to be there forever.

I am concerned about the loopholes, about the corporate welfare in our Tax Code. I think it is unfair. I think there is one provision, one special provision put in there by these thick-carpet lobbyists after another that ought to be repealed in the Tax Code. But if we want to ensure that our Tax Code has all the loopholes that it has today plus any that the Speaker and the lobby can throw in there in the future and that they stay there and that all the rest of us who are out there working for a living have to pay for those tax loopholes, approve this measure.

Because the only way we get rid of any of those loopholes is not only to get the majority we find so difficult to get for reforming the tax system today, we will have to have two-thirds of this

body. This is the tax loophole protection measure that is up for consideration today.

And every American who wants to see this system change and changed fundamentally so that there is more fairness in our tax system, so that it does not take a bank of accountants to prepare a tax return on April 15, all of us who want to see real change in that system need to be here speaking out against this constitutional amendment. Because it will set back our effort at reform, not advance it.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Utah (Mr. CANNON).

Mr. CANNON. Mr. Speaker, I have listened to the arguments time and again against this amendment. This is straightforward.

Government survives on the generosity of its citizens. Should not changes that affect that generosity require more than 50 percent plus one vote?

When the people put on the cloak of responsibility inherent in citizenship of this great country, they understand that they will have an obligation to contribute. They must keep vigilant of the issues of the day, express their opinions, vote their conscience, and actually pay money into the system. This is the price of democracy.

Government has a responsibility, in turn, to respect its citizens. When we talk about legislating an increase in the cost of government, we are talking about taking by force more of the hard-earned money of our own constituents, the people who voted to have us represent them here in Washington, D.C.

In 1996, during my campaign, I pledged, like many other Members, to reduce the tax burden put on American families and to require a supermajority to raise taxes. Today, just a few days after April 15, we all agree that our Tax Code is too thick, our tax laws are too complicated, and our tax system is too burdensome. Our constituents agree. In fact, that is why many if not most of us are here.

An editorial from yesterday's Investor's Business Daily makes this point clearly. The tax limitation amendment is key to reforming a corrupt system that pushes the average American family's tax bill beyond the combined costs of food, clothing, and housing. It is hard to imagine that anyone could find fault with it, certainly not the taxpayers who will work until May 10 just to make enough money to pay taxes.

It is our responsibility today to restore respect for our citizen's generosity with the accountability that they deserve.

Mr. SCOTT. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, I respect my friend and colleague, the gentleman from Texas (Mr. BARTON), and his genuine concern for high taxes, and I share that concern. But the more I study this constitutional amendment, the less I like it. It is bad policy, period.

This resolution should be named the tax loophole protection act. And this is how it works. If they can afford a million-dollar tax lobbyist, just hide a special interest tax break in a huge tax bill; and then, once it becomes law, it would require a two-thirds vote in Congress to undo their special deal.

Let us be specific. Just a few years ago, when we were trying to stop multi-billionaire American citizens from leaving this country and not paying their fair share of taxes, this would have been a dream come true for them. That is bad news for average working families. They will pay higher taxes to cover the costs of special-interest tax loopholes for multinational corporations and multi-millionaires.

If they can afford to hire well-heeled tax lobbyists, this bill is a dream come true. But if they are a typical hard-working American trying to support their family, this bill is a nightmare.

Mr. Speaker, what bothers most Americans is not paying their fair share of taxes. What bothers most Americans, and especially on April 15, is that their taxes are higher because some powerful special interest too often got back-room, one-of-a-kind tax loopholes. If they think it is a great idea that special interests get tax breaks and loopholes we do not get, they will love the tax loophole protection act.

The American people need to know, and we certainly know, the congressional tax bills are filled with special-interest tax breaks. Sometimes these bills are hundreds, hundreds of pages long; and the effect of hiding taxes, tax cuts, loopholes behind vague language would make Rembrandt and Picasso green with envy.

If there is a single Member of this House that claims that he or she is aware of every hidden tax loophole in our tax bills in recent years, I will relinquish the rest of my time right now. I did not think so.

Mr. Speaker, we should not enshrine into law tax loopholes by requiring the same supermajority vote to amend those loopholes that it would tax to amend our U.S. Constitution. Somehow it just does not seem right to give special-interest tax loopholes the same protection we give our American Constitution. This resolution may lower taxes for the powerfully connected, but it will raise taxes for average working Americans.

□ 1300

Vote no on this resolution.

Mr. BARTON of Texas. Mr. Speaker, I yield 7 minutes to the gentleman from Arizona (Mr. SHADEGG), one of the chief sponsors of this amendment.

Mr. SHADEGG. Mr. Speaker, I thank the gentleman for yielding the time. It is often important in a debate to have a red herring. If we do not want to talk about the real issue in a piece of legislation, talk about something that we can imply is involved in the legislation but really is not, a red herring.

In this debate today, sadly, we have a red herring. The red herring is the argument raised on the other side that this measure will make it harder to close tax loopholes. Member after Member after Member after Member of the other side has gotten up and said this is the Tax Loophole Protection Act. This will make it impossible to close tax loopholes. This is a bad idea because it will make it impossible to reach corporate tax loopholes. Sadly, it appears that those Members either have read it and know that to be false, or have not bothered to read the language that we are voting on.

Simply stated, this measure will make it no harder to close tax loopholes. Any tax loophole in the current Code, as the last speaker identified, and the speaker before him, and the speaker before him berated their concern about not being able to close tax loopholes, every single one of the tax loopholes about which they are concerned can be closed under this measure, and can be closed with a simple majority vote provided that the Congress does not use the closing of the tax loophole to raise overall taxes.

That is, if we close the tax loophole on one particular group or corporation as they would like to do, we have to give tax relief to some other group of Americans. If they are greatly concerned about individual taxpayers being punished when they close the tax loophole, all they have to do is grant tax relief to individual Americans, and only a simple majority vote is required.

All of this discussion of preserving forever tax loopholes is simply wrong. It is not the way the measure is written. The measure is written to provide that any tax increase, that means the closing of the tax loophole, which is revenue neutral, does not result in the increase in overall taxes, passes with a simple vote.

We close a tax loophole, we give other Americans a tax break, and there is, in fact, only a simple majority required. It is sad that they cannot comprehend the language of this measure and want to use a red herring.

Let us talk about some of the other arguments that have been made. It has been argued that this matter is impractical. Well, 14 States are currently operating under this measure and doing extremely well.

It has also been argued that it is confusing, and we do not know what will happen. Well, 68 million Americans know what will happen under tax limitation. In a 12-year statistical comparison of States with tax limitation against States without tax limitation, what happens is very clear.

In States where we have tax limitation, government spending goes up more slowly. As a matter of fact, in tax limitation States, while government spending went up by 132 percent over those 12 years, in nontax limitation States it went up by 141 percent.

There is another corollary. Taxes go up more slowly in tax limitation

States. In this 12-year period, taxes went up 102 percent. It is clearly possible still to raise taxes. In nontax limitation States, taxes went up by 112 percent. So we slow the growth of government if we pass a tax limitation amendment.

But let us talk about the positive side of this for the American people. In tax limitation States, this 12-year study showed economies expand faster. Overall economies grow dramatically faster. In tax limitation States, economies grew by 43 percent, whereas, in nontax limitation States, the economies grew by only 35 percent.

Let us talk about the final benefit of this so we do know what would happen. In those States which have enacted tax limitation, employment, jobs, putting people to work grows faster and grew faster in those 12 years than in nontax limitation States.

In tax limitation States, States which have adopted a Constitutional amendment identical to this one, employment grew at 26 percent in the 12 years. By contrast, in States which refused to adopt this, as my colleagues on the other side are arguing, employment grew by only 21 percent.

The bottom line is it is very clear tax limitation slows the growth of government and boosts the private economy, including jobs for which my colleagues on the other side are so concerned.

Another colleague of mine got up and said that this is undemocratic. Somehow this flies in the face of democracy. He quoted James Hamilton, excuse me, James Madison. Let me make it very clear what James Madison said. He was a vocal supporter of majority rule. But he argued that the greatest threat to liberty in the republic came from an unrestrained majority rule.

On top of James Madison who argued that an unrestrained majority rule is bad for democracies, Alexander Hamilton also argued in favor of the danger of an unrestrained majority. The Presidential veto used by this President is the best example of the restraining the majority rule.

The final argument I want to turn to is the issue of how this is somehow inconsistent with the Founding Fathers' view of the world and that the Founding Fathers considered and rejected this. Absolutely nothing could be further from the truth.

Alexander Hamilton, who expressed his views on this issue, pointed out that direct taxes should require specific constitutional constraints. And I would note that, at the founding of this Nation, there was no direct tax. To argue that the Founding Fathers debated this issue and rejected it is silliness. At the founding of this country, there, we not only could pass an income tax with a simple majority vote, we could not pass an income tax with 100 percent vote. Because, at that time, direct taxation of the people was not permitted.

The second claim made by that same speaker was, well, if we pass a tax limi-

tation amendment, no future Congress will ever cut taxes, because they will be afraid that they cannot raise them again in the future. Again the argument is false.

In my State of Arizona, we passed tax limitation in 1992. Since then, we have enacted four significant tax cuts. So with tax limitation in place, the legislature of the State of Arizona has said that they could still cut taxes and have the courage to do that.

There is a simple fact here. This measure will make it harder for this Congress to raise taxes, harder for this Congress to reach into the wallets of hard-working Americans and take money out of those wallets.

All the other discussion on the other side is red herring. What they want is they want it to be easy to reach into your wallet or your purse and take your money. And they understand the simple principle. If we have to have a two-thirds vote, it is going to be harder to raise taxes than if we have to have a simple majority vote. I urge my colleagues to support the amendment.

Mr. SCOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, could I gain the attention of the floor manager, the gentleman from Texas (Mr. BARTON)? He, in response to the gentleman from Massachusetts, said that he saw the Speaker. He was sighted recently this morning.

Mr. BARTON of Texas. Mr. Speaker, I did.

Mr. CONYERS. Mr. Speaker, I have not yielded yet. The fact of the matter is, if the Speaker's office is correct, they say he is out of town, and is not due back until late afternoon.

I just wanted to announce that so that everybody will know that there is not clones of Speaker GINGRICH around on the floor.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield to me?

Mr. CONYERS. Yes, I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I spoke with the gentleman. Apparently, he misspoke; that what happened, he had said that he had thought he had seen the Speaker an hour ago. He later told me he had seen him maybe a couple of hours or 2½ or 3 hours before. But we have since asked, because I was just puzzled.

This debate is going to end by 3:00 or 3:30, and we were told we would not vote until 5:30. We have been told that the reason for the delay is that the Speaker is out of town. He wanted personally to reside, and that is why we are going to delay it. I mention that in the context of whether or not that was symbolic.

So I appreciate the gentleman's information. Apparently, the gentleman from Texas miscalculated on the time, and he had seen the Speaker earlier. The Speaker since left town, and we are going to apparently delay the vote until the Speaker comes back.

Mr. CONYERS. Mr. Speaker, I add this information, not that I am concerned that he is here or not here, but I just want the record to be correct.

Mr. BARTON of Texas. Mr. Speaker, is there a question?

Mr. CONYERS. Mr. Speaker, I just wanted the gentleman's attention. No; it is not a question. I am making an announcement.

Mr. BARTON of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. SAXTON), chairman of the Joint Economic Committee.

Mr. SAXTON. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, first let me commend the gentleman from Texas (Mr. BARTON), who recognizes the effect of high taxes on the economy. As a matter of fact, recently he traveled to my home State of New Jersey to boost an effort there to do a very similar type of thing that we are trying to do here, hopefully, with a successful vote today.

He went to New Jersey because New Jersey serves as a case study for the reasons that we believe strongly that this bill ought to be passed today. And let me just recite a bit about that case study.

Back in 1990, the then Governor of New Jersey proposed a \$2.8 billion tax increase on the citizens of New Jersey. Mr. Speaker. By a single vote, by a single vote in both the State Assembly, that is the lower house, and, of course, the State Senate, also by a single vote in the Senate, the tyranny of a one-person majority pushed through the largest tax increase in New Jersey's history.

The consequences of this onerous tax cost 300,000 taxpayers in New Jersey their jobs. And 300,000 people, following that tax break, following that tax increase, were out of jobs. The economy of New Jersey, already hit by the nationwide recession, fell into further crisis. We called it a recession within a recession because of that large tax increase.

As a result, the leadership in New Jersey changed. It changed hands. And Governor Christie Todd Whitman was elected to reverse the devastating effects of the 1990 tax increase. Governor Whitman pledged during her campaign to cut taxes and then maintained the pledge, and followed through even earlier and more quickly and more efficiently than she had promised.

However, the real threat continues in New Jersey. The tyranny of a one-person majority still has the power to raise taxes on hard-working people in New Jersey. For this reason, Governor Whitman has set out on an ambitious endeavor to ensure that a one-vote majority in both Houses of the State legislature will never again raise the taxes on hard-working families in New Jersey with similar results of the 1990 increase.

Governor Whitman has begun to lobby the State legislature to enact a supermajority to raise taxes modeled

after the attempt here today to pass the Constitutional amendment. The people of New Jersey have experienced firsthand the devastating impact of raising taxes on the work force and on the economy.

Providing an amendment to the Constitution requiring a supermajority to raise taxes will negate the possibility of the tyranny of a one-person majority as history in New Jersey has demonstrated. It will be more difficult to raise taxes on hard-working Americans. It will be easier for people to make a living, and easier for the economy to respond in a positive nature.

I urge Members to vote in favor of H.J. Res. 111, and commend the gentleman from Texas (Mr. BARTON), the gentleman from Arizona (Mr. SHADEGG), and the gentleman from Texas (Mr. HALL) for their leadership on this issue.

Mr. SCOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, my good friend from Arizona (Mr. SHADEGG) made a statement about how great the seven States were doing that require a supermajority vote of the legislature. Sorry. Wrong report.

The fact of it is that the Heritage Foundation report is fundamentally flawed. My source is the Center on Budget and Policy Priorities, which point out that five of the seven States that the gentleman cited experienced slower than average growth in tax revenue, because the study is flawed for the reason that it considers only State level tax changes rather than changes in total State and local revenues. The gentleman forgot that. It is a small point, but it is critical.

By some measures, supermajority States have had less economic growth than other States, and have not had smaller tax increases. Sorry about that. Five of the seven States with supermajority requirements experience lower than average economic growth as measured by changes in per capita, personal incomes between the years 1979 and 1989.

In addition, five of the seven supermajority requirement States had higher than average growth of State and local revenues as a percentage of residents' income. Case closed.

Why do you not bring some accurate statistics and reports, I say to the gentleman from Arizona, who is still my friend? But let us be accurate. We are talking about constitutional amendments.

Mr. BARTON of Texas. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania (Mr. PETERSON).

□ 1315

Mr. PETERSON of Pennsylvania. Mr. Speaker, I thank the gentleman from Texas for yielding this time to me and commend him on his work on this issue.

Why should we make it more difficult to raise taxes? Most Americans believe

the Federal Government is too big, is too intrusive in their lives. It is a bureaucracy they cannot deal with, and they do not want it to grow, so we do not need to look at more money. This government grows and our taxes grow without raising them.

Many have said we are trying to protect the current Tax Code. That is a lie. If those really believe that, I urge them to join the Largent-Paxton bill that I joined and many have joined here that sunsets the current code on December 31st of 2001, but also requires that by July the 4th we have a replacement. We want to replace this code, but we do not want to make it easier to raise taxes.

The vast majority of Americans believe the Federal Government should stop growing. It grows because of the aggressiveness of our current Tax Code. I come from a State government where taxes were flat. We did not get the kind of growth we get, usually double the rate of inflation just with new money every year.

Then there are those that are salivating over the cigarette tax because it will allow government to grow even more. Now I am not opposing the cigarette tax, but I say for every penny that we bring in on a cigarette tax we need to decrease taxes an equal amount because we do not need more money in Washington. The cigarette tax should not come forward unless we agree that we are going to cut taxes equally.

Why are Democrats afraid of tax limitation? They ruled here for four decades by buying the people's support with new programs, more government, a bigger Federal Government, and this will stop them in their tracks. The American public changed here a couple years ago because they suddenly realized that all of this free money from Washington was not free. They were sending it to Washington, and they got less back than they sent and a Federal Government that does not answer their phone calls, a Federal bureaucracy that does not care about them, a Federal bureaucracy that is totally insensitive to the needs of our communities because they do not understand them.

Yes, the voters today realize that when they increase Federal taxes that the Federal Government is going to grow, and that is what Democrats want, that is what made them successful. But all of a sudden the American taxpayers had as much government as they could afford and as they could want, and that is why Republicans are running the Congress today. And this bill, this resolution, will lock in and make it more difficult to grow this Federal Government that by most people's standards is too big and too hard to deal with.

Mr. SCOTT. Mr. Speaker, I yield 8 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I think the previous speaker made it very clear. The motivation for this is a distrust of democracy in the

people. The gentleman from Pennsylvania said the Democrats kept control by buying the support of the people with programs. In other words, the people dared to disagree with him. The majority preferred certain programs.

For example, to take a program that I believe would have been made impossible by this amendment, the Medicare program, because the Medicare program was passed by less than a two-thirds majority, and it raised taxes because we financed Medigap through Social Security, and the gentleman is correct. The Democratic majority of 1965 would not have been able to buy the support of the people who crassly said, "We'll take some Medicare in return for a tax increase." He would like to make it impossible.

What this amendment is about is a fundamental distrust of democracy, and arguing frankly as to what the results are of having tax limitation or not seems to me inappropriate because we do not in my view derogate from democracy because we think it will have better results.

If my colleagues are committed to majority rule, now we have a modified form of majority rule. We have 2 senators per State. We do not have undaunted majority rule, but within that framework we have always felt that a majority is a more democratic, more representative method than a minority, and what we are being told here is no, majority rule does not work.

The gentleman from Pennsylvania (Mr. PETERSON) made it clear. The darn people kept voting for Democrats. They were bought off. We cannot trust these people to make their own decisions. And then he said correctly, yes, people were unhappy so they voted Republican. But I think my Republican friends are not sure that is going to stick. They shut down the Federal government in 1995; it was not the best decision they ever made. They were a little worried.

So what do they want to do? We heard the gentleman from Pennsylvania; he wants to lock in the decision. In other words, Democrats had won, now Republicans have won, let us not trust democracy. We never can tell about those people, they may get bought off by support for programs again. As my colleagues know, they were for Medicare, they were for Social Security, they may be for another one of those other darn programs.

Let us therefore lock this in; let us change the rules. Let us, while we have a majority now, change the rules so if the people change their opinion, if the public decides that they want more of a public sector, if we were to decide that years from now we might want to increase this percentage of revenue, if the people decided they wanted to raise taxes on cigarettes and not necessarily reduce revenues elsewhere, if people decided they wanted to raise taxes on cigarettes just for programs dealing with health, let us make that impossible. Let us go to a two-thirds vote.

The question is democracy, and by the way, that is a pattern.

Mr. COX of California. Mr. Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from California.

Mr. COX of California. Mr. Speaker, the gentleman understands that when we considered this the last time it got 233 votes, a majority. The only reason that they carried the debate with a minority is that it takes two-thirds in order to amend the Constitution.

Does the gentleman from Massachusetts think that Article V of the Constitution distrusts democracy? Does the gentleman think when three-quarters of the State legislatures have to approve what we are doing here today by a bare majority vote, not a supermajority, that it is not distrusting democracy?

Mr. FRANK of Massachusetts. Yes, it is. Mr. Speaker, I would be glad to respond to the gentleman.

Of course there is a difference, and this is a very profound and very clear difference. There is a difference between the day-to-day decisions that government makes and the question about what the basic rules will be.

Of course the Constitution treats amending the Constitution differently than passing legislation, because what we say is when we are creating the fundamental structure of government, that is a more fundamental decision. And yes it is, I think, reasonable to say. And, no, I am not going to yield yet. The gentleman apparently just discovered that the Constitution required two-thirds and three-quarters.

Mr. COX of California. If the gentleman would yield for a point of personal privilege, I went to the same law school at the very same time, and the gentleman and I were classmates.

Mr. FRANK of Massachusetts. Mr. Speaker, I must say the relevance of where either the gentleman or I went to law school, my friend talked about red herrings, that seems to me totally trivial. The fact is this:

There is a very clear distinction between a Constitutional Convention and the rules for amending the fundamental rules and the day-to-day decisions, and no, I do not think decisions about whether or not we should have a Medicare program. And I want to be clear, the Medicare program would have been made impossible by this.

This is a kind of imposition on the people they do not like. They try to whittle it down, now they would apparently wish they never had it. But the fact is that a decision about whether or not there were Medicare programs, a decision about whether or not to raise taxes on cigarettes, is not the same as the fundamental decision about the structure of government.

And, yes, I think it ought to take two-thirds to decide if we are going to change the Bill of Rights, if we are going to change the basic rules by which we govern ourselves, but that is not the same as saying that the deci-

sion to raise the cigarette tax or to institute Medicare, and those are two issues which are involved, should be done only by a majority.

And I think it is very clear the other side does not like a majority. The gentleman from California conceded that point. No, he does not want it to be by majority rule. They have had bad luck with the majority. They did come back into control of Congress in 1994, and it turned out the public has been less sympathetic to their wishes than they had hoped them to be.

So what they are trying to do, the gentleman from Pennsylvania was right, they want to lock it in. They want to use the temporary majority they have now to change the rules so in the future majorities that disagree with them will not have a chance to vote.

They do not like some of the highway bill. They think the highway bill is one of those programs where the Americans get bought off. I have heard some of the Republican leaders say that is what Democrats do. I think the American people have a right to decide they want to go forward with that program. I do not think they are getting bought off.

Now the point again I want to stress is this: Results in tax limitation States and nontax limitation States seem to me irrelevant. We do not decide whether or not we are going to stay with the fundamental precepts of democracy because it might be advantageous.

I will say as far as results are concerned there is a difference between a Federal and a State taxation base. I heard all these arguments about how terrible taxes were for the minority in 1993. They made all kinds of predictions about the tax bill of 1993 would hurt the economy. Never have they been more wrong. But the question is if we will stay with democracy or restrict the people because we do not trust them.

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I thank the gentleman, who went to the same law school as the gentleman from California.

Mr. FRANK of Massachusetts. Why do all my colleagues keep saying that?

Mr. CONYERS. It does not mean that everybody learned the same thing at that class. I mean everyone did their own thing. So some of this information is very important about the Constitution that we are discussing here today.

Now the \$50 billion cigarette tax reduction for the tobacco industry, which the Speaker knows about since his fingerprints are the only ones on it, would have required a two-thirds majority to have taken out. That is what the gentleman from Massachusetts (Mr. FRANK) keeps telling the Republicans, that that is what the problem with this giveaway bill is that they are masquerading as something good for working folks. It is a corporate giveaway, and they are not going to get

away with it again. They did not succeed last year and it does not look like they are going to do it again.

## APPENDIX

DATA DO NOT SHOW BETTER ECONOMIC PERFORMANCE IN STATES WITH SUPERMAJORITY REQUIREMENTS

The Heritage Foundation contends that states in which a supermajority vote of the legislature is required to raise taxes have experienced faster economic growth and fewer tax increases than other states. A March 1996 Heritage report looks at the seven states that have had supermajority requirements in place for a number of years—Arkansas, California, Delaware, Florida, Louisiana, Mississippi, and South Dakota—and finds that five of the seven states experienced slower than average growth in tax revenue. It also finds that five of the seven states (but not the same five states) experienced faster economic growth than the average state. The Heritage report suggests a causal link between supermajority limits, lower taxes, and faster economic growth, saying ". . . there is no escaping the logical relationship between supermajorities and super state performances."<sup>3</sup>

But the Heritage study is fundamentally flawed. It considers only state-level tax changes rather than changes in total state and local revenues, despite the capacity of states to shift costs and responsibilities to local governments. In addition, it compares 1980, a year in which the economy was just turning down from the peak of an economic expansion, with 1992, a year at the beginning of a recovery from a deep recession. Economists and analysts generally frown upon comparisons that use years representing different points in the business cycle.

If one measures state and local revenues, examines years that represent similar points in the business cycle, and looks at various measures of economic growth, conclusions very different from those Heritage has presented may be drawn. By some measures, supermajority states have had less economic growth than other states and have not had smaller tax increases. For example:

Five of the seven states with supermajority requirements experienced lower-than-average economic growth, as measured by changes in per capita personal incomes between 1979 and 1989. (These years both represented business cycle peaks.) Four of the seven supermajority states had lower-than-average economic growth during this period as measured by changes in Gross State Product.

In addition, five of the seven states with supermajority requirements had higher-than-average growth of state and local revenues as a percent of residents' incomes from 1979 to 1989. Five of the seven states (not the same five) had higher-than-average increases in state and local taxes per capita from 1984 to 1993, two other years falling at similar points in the business cycle.

This is not to say that supermajority requirements hinder economic growth and lead to revenue increases. Rather, the point is that different choices of years and of measures of taxes and economic growth lead to diametrically opposed results. This should serve as a strong caution that no valid conclusions about the effects of supermajority requirements can be drawn from the type of simplistic analysis the Heritage Foundation has conducted.

Mr. FRANK of Massachusetts. Mr. Speaker, I just want to summarize, to

<sup>3</sup>Daniel J. Mitchell, "Why a Supermajority Would Protect Taxpayers," The Heritage Foundation, March 29, 1996.

say I understand particularly that the conservative wing of the Republican party has been dissatisfied lately. They used to be dissatisfied with the Democrats, they were dissatisfied with the President. Now they are dissatisfied with their leadership, and I think they are beginning to show dissatisfaction with the American people. The American people are not quite as willing as they are to see the government dismantled.

Yes, people have criticisms of the government in general, but the people show more support for particular programs than is popular with some over there. That is why the gentleman from Pennsylvania talked witheringly about the people being bought off and locking these in, and I say to my friends on the other side, the response when they think the majority is no longer as supportive of their philosophy as they once were is to try to talk them back into being on their side. It is not to change the rules so that the country becomes structurally less democratic than it was the day before.

## PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore (Mr. SNOWBARGER). The gentleman will state his parliamentary inquiry.

Mr. FRANK of Massachusetts. Mr. Speaker, does that mean we will be voting at the close of approximately an hour and a half that is left? Will we be voting right away around 3:30, for the Members that want to know when we are going to vote? Does that mean when this debate ends we will proceed immediately to a vote?

The SPEAKER pro tempore. The Chair will make that judgment at that time.

Mr. FRANK of Massachusetts. Well, who will tell the Chair what judgment to make, Mr. Speaker?

The SPEAKER pro tempore. The Chair will be making that decision at that time.

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume.

To the gentleman from Massachusetts (Mr. FRANK), I want in the interests of full disclosure and open and honest debate, subsequent to his conversation with me publicly and privately, I have called the Speaker's office to try to confirm his whereabouts. The Speaker is not on Capitol Hill at this point in time. He does expect to arrive between 5:00 and 5:30. I will at the appropriate time, at the end of all debate, if we use the full time, ask for the yeas and nays, and I have asked that the vote be held until the Speaker can be here which should be between 5:00 and 5:30.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the gentleman for clarifying that and for not mentioning

where my friend and I went to law school

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Michigan.

Mr. CONYERS. I thank the gentleman for making that announcement, but I made it earlier. I made it first.

Mr. BARTON of Texas. So?

I would like to walk through some of the constitutional mechanisms which I believe are very important, and which show that the majority that supports this amendment wants the majority to speak on this amendment.

The 16th Amendment allowed a Federal income tax. That passed with a two-thirds vote in the House and the Senate, was sent to the States, and three-fourths of the States ratified it. It is my belief that because of the 16th Amendment, which allowed income taxes to be placed on the heads of the American taxpayer, that we need a constitutional amendment raising the bar to a two-thirds vote.

If we were to pass this amendment today, it would take two-thirds of the House. We would send it to the Senate, it would take two-thirds of the Senate. It would go to the States, it would take three-fourths of the States to ratify. Those States would ratify by a majority vote in the States, so there will be ample opportunity for a majority of the citizenry and their elected legislatures in this country to determine whether they want to raise the bar on raising taxes.

Mr. COX of California. Mr. Speaker, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from California.

Mr. COX of California. I think the gentleman raises a very important point. We were just having a debate about what are procedural rules and what are substantive rules. The gentleman from Massachusetts insists that it would be antidemocratic were we to have a two-thirds vote requirement to have procedural rules that govern revenue bills, and yet the gentleman makes a very fine point.

The Founding Fathers who wrote the Constitution, including the Bill of Rights that we now so cherish and would not amend without a two-thirds vote, said there could be no income tax at all, not Medicare payroll taxes, not any kind of tax. And it required the 16th Amendment to the Constitution in the 20th century, which passed not only the Congress by a two-thirds vote but all of the State legislatures, three-quarters of them by another majority vote in each, in order to change that rule.

□ 1330

Clearly the constitutional requirements to raise revenue are the sorts of procedural rules that the Founding Fathers intended would be governed by Article V of the Constitution, and clearly the consequence of the amendment that the gentleman is proposing

here today is not only to ensure that two-thirds of the House and Senate are with us, so it is clearly majoritarian, but also all of the States get in on this debate.

In 75 percent of the State legislatures, at least we would have to have a majority vote in support of this proposal before it can become law. I can think of no more deep trust in democracy than this proposal.

Mr. Speaker, I would point out that the constitutional fathers wanted to make it impossible to have an income tax, so you could have had 100 percent vote, and it would have been unconstitutional, because direct head taxes were unconstitutional. It took an amendment to the Constitution in 1914 to make income taxes permissible.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. GRANGER), the former mayor of Fort Worth.

Ms. GRANGER. Mr. Speaker, I rise today in strong support of the tax limitation amendment. Ronald Reagan once said, "We all work for the Federal Government. It's just that some of us don't take the civil service exam."

The Gipper was making a joke, but he was not trying to be funny. He was referring to the fact that every American works from January 1 to May 9 just to pay his Federal income taxes. That is right, for over 4 months of the year, the income of Americans goes not to their savings account, not to their families, but to the government.

For too long, Washington has taken too much money from too many people. The only way to stop this is to lower taxes and keep them lowered.

How can we do this? With the tax limitation amendment. This amendment simply says if you want to raise taxes, you better have a good reason, and you better be able to convince two-thirds of the people's representatives in Congress.

For the critics of this amendment, I have some questions. Do you really think the American people are undertaxed? Most Americans do not think so. Do you really think a tax increase automatically equals a revenue increase? History suggests otherwise. Do you really think it is such a bad thing to make it difficult to raise taxes? After all, it is not our money we are talking about; it is the hard-earned, hard-won money of the American people.

Mr. Speaker, I would remind some of our friends on the other side of the aisle that Congress does not live on taxes alone. We have reached a budget surplus by controlling spending and growing the economy.

More importantly, Mr. Speaker, I support this amendment because it is true to the spirit and the soul of our Nation. Before there was an American dream, there was the dream of America; a place where free people could raise a family, work for a living, and maybe own a home. A place where free people were busy making a living by making a difference.

This is a story of America. Our greatness is found not in the halls of Congress, but in the heartland of the Nation. We have solved our problems not because of government programs, but because of our good people.

Mr. Speaker, just think what the American people can do and will do when we let them keep more of their own money. Just think of the history that will be written in the next century, if only we allow Americans to have the resources they need and the freedom they deserve.

Mr. SCOTT. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. BENTSEN).

(Mr. BENTSEN asked and was given permission to revise and extend his remarks.)

Mr. BENTSEN. Mr. Speaker, I rise in opposition to the amendment.

Mr. Speaker, I rise in opposition to H.J. Res. 111, the tax limitation amendment. I support fiscal discipline, including strict adherence to the Balanced Budget Act we enacted just 8 months ago, and I support a simpler, fairer, and more efficient tax code. But this proposed constitutional amendment does not guarantee that we will stay the course of fiscal discipline or enact responsible tax reform. This legislation is bad process, bad politics and bad policy.

First, an amendment requiring two-thirds of both houses of Congress to raise taxes would allow a small minority to hijack tax policy. That's critical because only 146 members of the House could exert control over the Federal Government's most powerful policy lever. This is simply unwise. A small minority of the House could impose its will on the majority giving new meaning to the phrase, "Taxation without representation." And why limit the two-thirds requirement to tax increases? Why not require a two-thirds increase to reduce Social Security benefits or to declare war? In making policy choices, the Constitution adheres to the time-honored principle of majority-rule. I believe we should stay the course.

Second, although the resolution would amend the Constitution to make it more difficult to raise taxes, it does not define what constitutes a tax or a tax increase. For instance, many of us support scrapping the Federal Tax Code. Yet, if this amendment were adopted it could result in a small minority blocking significant tax reform because any closure of a tax loophole to create a more simple and fairer tax system could be considered a tax increase. Eliminating the wasteful ethanol subsidy could be interpreted as a tax increase. Issues like this would kill tax reform.

Third, this is the third time in 3 years that we will go through this publicity stunt. In 1996, an identical resolution failed by 37 votes. In 1997, it failed by 49 votes. The Senate did not even consider the bill. Each time, more members are realizing that the resolution is a Republican Party publicity stunt performed around each April 15. This is a political device disguised as a solemn constitutional amendment; it embraces a popular goal while maintaining silence over the means to accomplish it.

I want to emphasize that this is not a vote on whether to raise taxes. Many who oppose this legislation, myself included, voted for \$95 billion in tax cuts as part of the balanced

budget agreement reached last year. Rather, this is a vote about whether we will effectively put the President and the Congress in a policy straightjacket that would severely limit our ability to fight recessions, depressions, capital flights, currency devaluations, reform the Federal Tax Code, and other challenges posed by a new economy.

Rather than engage in making political points, this Congress should continue on the path of sound fiscal policy we established in the Balanced Budget Act of 1997. Passage of this act showed we could balance the budget while cutting taxes for working families, encouraging Americans to save for retirement, protecting Medicare, and investing in education and research.

If we are serious about reforming the Tax Code and maintaining fiscal discipline, we cannot rely on gimmicks that tinker with the Constitution. Rather, let us get on with the important work of this Congress, including passing a long-overdue budget resolution that abides by the budget agreement, committing any surpluses to paying down the \$5.4 trillion Federal debt, and strengthening Social Security for future generations. These are steps that will make a real difference for the American people. This legislation will not.

Mr. SCOTT. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURUO).

Ms. DELAURUO. Mr. Speaker, I rise in support of tax cuts for hard-working American families, but in opposition to this tax loophole protection bill.

Mr. Speaker, this bill would require a two-thirds majority vote to approve any legislation raising taxes. Now, that is a great sound bite, until you realize that it stops bills closing tax loopholes for the wealthy in order to provide tax relief to working middle-class families in this country.

For instance, it would allow billionaires, who have made their fortunes here, to decide to renounce their citizenship to go to live in another country, and, therefore, not have to pay for any taxes. It makes it harder to pass legislation raising tobacco taxes to stop children from smoking.

I support tax relief for working families. The first bill I introduced as a Member of Congress was a bill to cut taxes for middle-class families. In this Congress, I have introduced the bipartisan Smoke-Free and Healthy Children Act to raise taxes on tobacco by \$1.50 per pack. This bill would deter children from starting to smoke. It would fund cancer research and public health initiatives, and it will support safe, affordable child care for all of our children. But if this two-thirds requirement passes, legislation raising tobacco taxes is doomed.

Mr. Speaker, the legislation before us today protects the tobacco industry and makes it harder for Congress to pass legislation increasing the taxes on cigarettes. Today, as we discuss tobacco legislation, the tobacco industry executives must be dancing for joy.

Mr. Speaker, I urge all of my colleagues to vote no on this bill.

Mr. BARTON of Texas. Mr. Speaker, I yield 6 minutes to the gentleman

from California (Mr. COX), the Chairman of the Republican Policy Committee.

Mr. COX of California. I thank the gentleman for yielding me time.

Mr. Speaker, I would point out in response to my colleague who just spoke that she is incorrect about the way that the amendment would work. It would be very easy for us by mere majority vote to have a tobacco tax, even with this amendment in the Constitution. However, it would be very difficult for us to raise \$300 billion or more from the American people and grow the government by that amount.

What would be required by this amendment is that we have a thorough debate on whether we want to grow the government with those new taxes or whether we want to offset other taxes on the working Americans that the gentlewoman says she favors simultaneously. If the net effect is to grow the government by \$300 billion rather than impose a new tariff on tobacco, but return those revenues to the American people who earn the money in the first place in the form of other tax cuts, it makes a big, big difference.

What this legislation is all about is the tax burden on the American people, which right now is higher than at any time in two centuries of American history.

It is worth dwelling on that. In fact, we should have a moment of silence for the hard-working American people bearing this tax burden. Not just the highest tax burden in the history of the United States of America in terms of the raw number of dollars, not even the highest tax burden in terms of inflation-adjusted dollars, but the highest tax burden as a share of the economy in two centuries of American history, even with this large and growing economy, as a share of that economy, with the exception of 2 years, 1944 and 1945, when income taxation by the Federal Government reached 20.9 percent of gross domestic product.

We are up over 20 percent again now in peacetime, not World War II. That is where the tax limitation amendment passed the House of Representatives on April 15th, 1997, a year ago, with 233 votes, a significant majority. But the defenders of majority rule over there, who say we distrust majorities, are hiding behind the fact they have to have a two-thirds vote in order to pass this, and claiming victory because a minority of them want to have higher taxes on the American people, and it is minority rule and minority dictation that are actually controlling this debate today, because we need to get from 233 votes to 290 votes in order to succeed, where the State legislatures then, after we propose, and that is all we do in this process as Congress, is propose a constitutional amendment, will pass it or not by a majority vote. A majority will rule in the State legislatures.

That is how constitutional amendments under Article V of the Constitu-

tion become part of that charter document. Seventy-five percent of the State legislatures would have to enact it by a 50 percent vote.

So do not give us this stuff about "We are for majority rule." You are hiding behind the supermajority vote requirement here to defeat tax limitation for the American people so you can keep taxes high and make them easier to raise. The tax burden on the American people now is unconscionably high, and we need relief.

It is currently a rule of the House of Representatives that we have a supermajority vote to raise taxes. That is the way we operate right now. Ever since Democrats lost their status as the majority party here in 1994, we have operated under this rule, and we have not raised taxes.

In 1993 we had the largest tax increase in American history, and that was the penultimate act of the Democratic Congress before they lost their status as the majority party.

In 1994, when we won majority status as Republicans in this Congress, the Dow Jones industrial average was at 3900. Today, it is around 9000. Today, tax collection by governments at all levels are higher than ever as a result of wise tax policy; not trying to soak the American people for every last red cent they are worth, but as a result of some common sense and moderation.

The 16th amendment to the Constitution, which made the income tax possible, was proposed by a Republican Congress. In the House of Representatives, in this very building, in 1909, Representative Sereno Payne of New York offered what became the 16th amendment to the Constitution; and Champ Clark, the minority leader from Missouri, also spoke in favor of that. Both of them were opposed to the kinds of tax regime we have today.

Mr. PAYNE, the chief sponsor of the 16th amendment, said he wanted to make sure that we had this power added to the Constitution so that we could exercise it only in time of national security emergency, in time of war.

As to the general policy of an income tax, he said,

I am with Gladstone. I believe it tends to make a Nation of liars. It is, in a word, a tax upon the income of honest citizens, and an exemption, to a greater or lesser extent, of the income of rascals.

That is the chief sponsor of the 16th amendment that made this possible. It took two-thirds of both the House and the Senate to give us that amendment in the first place.

If you want to trust democracy, then trust our State legislatures, who, by majority vote, will give us this tax limitation upon the Congress, or they will not. Seventy-five percent of them must act by majority vote in order for this to happen.

If you want to trust democracy, consider the results of the last half century, when the income taxes exploded by leaps and bounds. As recently as the

eve of Pearl Harbor, only one in seven Americans had to file an income tax. My folks, when raising me, making the average national income, like every family making the average national income in the 1950's, paid income tax at a rate of 2 percent. The FICA tax on my dad's paycheck was 1.5 percent. Look at where we are today.

If you think taxes need to be higher, vote against this. If you think it is undemocratic that we require two-thirds of the United States Senate to ratify a treaty, vote against this.

If you believe in the United States Constitution, if you believe in the wisdom of the Founding Fathers and the Constitution that they gave us, if you believe in the American people, and you do not think this is a giveaway, but rather letting them keep their money, vote with the gentleman from Texas (Mr. BARTON) and vote for this amendment. We desperately and dearly need it for the future of America.

Mr. SCOTT. Mr. Speaker, I yield 3 minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I would say in response to the comments of the gentleman from California that I do believe in the United States Constitution, and I think sometimes that the Republican majority in this House thinks that the U.S. Constitution is a draft document that needs constant revision. Our Founding Fathers set up a document that establishes a balance between the branches and establishes majority rule on those issues of substance that come before this particular body.

There is a difference. As the gentleman from Massachusetts pointed out earlier, there is a difference between those rules laid out in the Constitution that govern how we operate here and the matters that relate to what working families in this country have to deal with.

Mr. COX of California. Mr. Speaker, will the gentleman yield?

Mr. ALLEN. I yield to the gentleman from California.

Mr. COX of California. I would point out, if I understood the gentleman, he said the Founding Fathers set up this balance, and that the Constitution is not a draft document. But the Constitution the Founding Fathers gave us made taxes unconstitutional and it took the 16th amendment to make it possible. So we are only amending the 16th amendment.

□ 1345

Mr. ALLEN. Mr. Speaker, the Founding Fathers said very clearly that there is a process for establishing, for amending the Constitution. That is what we are going through. This is not hiding behind the supermajority vote. This is not minority dictation. This is an issue of how we are going to deal with substantial, substantive issues as we go forward.

There has been a lot of debate here about State examples. They are, in my

view, almost completely irrelevant. The States are not responsible for Medicare, the States are not responsible for Social Security, the States are not responsible for national defense, and the States are not responsible for taking this country out of a deep recession or depression, if we ever fall into one again.

We want to preserve majority rules on those issues that matter, mostly that involve the business of this House, as we conduct it.

I would say this. One speaker earlier said this limitation, constitutional tax limitation agreement, would make it harder for this Congress to raise taxes. That is right. It would make it harder for this Congress to raise taxes, and it would make it much harder for this Congress to reduce deficits, because the two go together.

If we look back at history, what has happened here in this Congress in recent years, since 1982, five of the six major deficit reduction acts that have been enacted since 1982 and helped us balance the budget have included a combination of revenue increases and program cuts. President Reagan signed three of those deficit reduction measures, President Bush signed one, and President Clinton signed one. Not one of those five passed with a two-thirds majority in this House of Representatives.

There is no one in this House, there is no one in this House who can look out into the future and see what is going to happen to Medicare in 10, 20, 30 or 40 years. There is no one in this House who can be absolutely sure that we are not going to need to do something with Social Security, or other issues that come before us.

This is a bad bill, and it should be voted down.

Mr. BARTON of Texas. Mr. Speaker, I am happy to yield 2 minutes to the distinguished gentleman from the great State of Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Speaker, it is a big deal to amend the Constitution, I agree. Mr. Speaker, I want to talk about this issue from a little bit different level than what we have talked about it thus far.

Why should we change the Constitution and make it hard to raise taxes? One simple reason: freedom, freedom, freedom. If we take someone's money, we take their freedom away. The more money we take, the more freedom we take away. It is inherent upon us to try to restore some of the freedoms that have been lost in the last 50 years in this country.

Mr. Speaker, I can remember as a small boy and then as a young man and now here at 50 years of age, I can list the things I cannot do today as an American citizen that I could do at those times. So what I would want the American people to think, and for the Members of Congress to consider, is are they more free if we make it harder to raise Americans' taxes? Are Americans more free if we take less of their

money, not more? That is what this is about. We are not amending the Constitution any more than we are amending the sixteenth amendment, which made it all too easy to raise taxes.

We just heard about the five tax increases that have been passed. Not one of those balanced the budget. The budget is not balanced now.

We have heard of surpluses. That is a joke. We are going to borrow \$150 billion this year. There is no surplus.

The tax increase never gave us a balanced budget. For every dollar we increased taxes out of the last five, the Members of this body have not had the determination, except to spend another \$1.46 for every dollar we increased the taxes. So we should make it very difficult to raise taxes, because it is very important we return freedom to the people of this society.

Mr. SCOTT. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise today in opposition to this amendment, because it is part of the annual rite of spring; that is, the Republicans wait until tax day and then they trot out this bill. And in a somewhat cynical fashion they suggest to us, you did not like paying your taxes, so here is our solution so you will not have to pay higher taxes.

Let us try to go behind the rhetoric and look at the reality. The fact of the matter is, it is not likely that we are going to raise taxes. Number one, we are in a period of unprecedented economic prosperity. We have projected surpluses for the next 5 to 10 years. There is absolutely no enthusiasm or inclination to raise taxes.

Second, as the gentleman from California pointed out, we are operating under House rules by the Republicans that say we have to have a supermajority to initiate a revenue increase. Unfortunately, they have waived it about three times, but the fact of the matter is, if we have the House rules that prevent raising taxes, if we have an economy that suggests there is no need to raise taxes, we have to wonder, why are they so determined to pass this measure?

Let me suggest that this is just another in the continuing chapter of the Republican efforts to provide tax reform for the rich. Why? Because what this bill would do is prevent us from closing tax loopholes in two areas: first, the corporate tax loopholes. What this bill would say is, if we Democrats propose to close tax loopholes, oh, that is raising revenue, we cannot do it. There are also tax loopholes for the very wealthy. We could also be prohibited under this amendment from closing those tax loopholes.

So the real beneficiaries of this amendment are not going to be average Americans, who are not likely to see a tax increase. The real beneficiaries are going to be the very wealthy and the corporations.

One other group we heard about, the billionaire expatriates; that is, the people who earned their money in this country and then decided to leave and take up foreign citizenship so they could avoid paying taxes. They, too, would be protected under this amendment.

Mr. Speaker, the point is this: We need to close some tax loopholes. We need to close corporate tax loopholes, we need to close corporate loopholes for the very wealthy, and we need to close the expatriate tax loophole. We need the ability to do it. This bill impedes that.

We do not need to tinker with the Constitution. I found it very interesting that the gentleman from California suggested, well, the reason we cannot get this bill passed is because we require a supermajority to amend the Constitution. That is the whole point. That is why this is a bad idea. I do not think the gentleman can have it both ways.

The Constitution is working. The economy is working. The only people who benefit from this April Fool's joke are the rich. It does not benefit the average taxpayer. I urge the rejection of this amendment.

Mr. BARTON of Texas. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I will actually read the resolution we are voting on and explain it:

"Any bill, resolution, or other legislative measure," and that means any vehicle that we bring to the floor, "changing the Internal Revenue laws," that is, the Internal Revenue Code we currently operate under, "shall require," it means we must, "for final adoption in each House," that is, the House and Senate, "the concurrence of two-thirds of the Members of that House voting and present," it means it would take a two-thirds vote to raise taxes, "unless that bill is determined at the time of adoption," i.e., through the normal committee process, "in a reasonable manner," we would be open and transparent, "prescribed by law, not to increase the internal revenue by more than a *de minimis* amount." *De minimis* is a Latin word that means a very little bit, if you want to talk Texan.

"For purposes of determining any increase in the internal revenue under this section, there shall be excluded any increase resulting from the lowering of an effective rate of any tax." That is, you can cut the capital gains tax rate with a majority vote, and if that raises revenues, so be it. "On any vote for which the concurrence of two-thirds is required under this article, the yeas and nays of the Members of either House shall be entered," so it has to be a record vote.

Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. DELAY), the distinguished Majority Whip.

Mr. DELAY. Mr. Speaker, I thank the gentleman for all his hard work. I am proud to call him a fellow Texan,

and he has worked so hard on this constitutional amendment, along with the gentleman from Arizona and so many other people, just to get this amendment passed for the American people.

Mr. Speaker, I appreciate the gentleman clarifying what has been going on here. It will be tough to pass this legislation today, chiefly because of the efforts of liberal Democrats to kill it. We all know that.

There has been a lot of talk about addiction these days: drug addiction, cigarette addiction, other things. Make no mistake about it, liberal Democrats are addicted to higher taxes. They want higher taxes so they can spend more money and expand the size of this government. We know that. That is the difference between the two parties. They are trying to defend it, though, by covering up the reality of what this bill actually does.

The gentleman from Maryland was talking about the fact that we cannot close corporate loopholes for the rich. That is not true. What is in the amendment is, basically, if we want to close corporate loopholes, then cut taxes for somebody else and make it a tax-neutral bill, and we will not have to have the supermajority vote. That is covering up what is the truth here. He wants more taxes to expand the size of government.

The gentleman from Maine was talking about the fact that, since 1982, there have been five bills introduced in this House to lower the deficit and balance the budget, each one of them to raise taxes by a majority vote. He is absolutely right. But the fact was, in every one of those bills, including the ones signed by Reagan and Bush, the size of government expanded, the taxes went up, and the deficits went up, too. There was no balanced budget. The only budget that is close to being balanced is the one that we passed last year that cut taxes and restricted spending and the growth of this government.

The American people know that. They are not going to be fooled by all the rhetoric. Every proposal that has come out of this White House is a proposal that will be funded with higher taxes.

The gentleman from Maryland said we are not going to raise taxes around here because we have a surplus. Has he not been listening to the White House? They want to raise cigarette taxes. They are talking about it almost every day, about raising cigarette taxes to \$1 or \$2 a pack. Every proposal that comes out of this White House will be funded by more taxes.

In fact, later on this week, tomorrow, I understand, the White House is going to celebrate with those Members of Congress who voted for the largest tax increase in history in 1993. They are going to have a party over at the White House, imagine that, a celebration for those who voted for the largest tax increase in the history of this country.

I have to tell the Members, many of those people that will be celebrating

tomorrow at the White House are now former Members of Congress. The American people spoke in that last election that made them former Members.

Mr. Speaker, clearly, clearly the White House, the President of the United States, liberal Democrats, are totally out of touch with the American people. If we look at the elections all across this country, their philosophy of higher taxes and bigger government is being rejected all across this country. The American people are overtaxed, they are overregulated, and they are overburdened by this Federal Government.

I am not talking about the tax burden of 38 percent. Over 50 percent of the average family's income goes to pay for government, if we add up all the costs of government, local, State, and Federal taxes, and the cost of regulations. Fifty cents out of every one of Members' constituents' hard-earned dollars goes to the government today. No wonder America's families are under such strain, because it takes one parent who is forced to support the government while the other one works for the family in this country.

We think that is immoral. We have got to stop this rampaging in the American family's pocketbook, Mr. Speaker. This amendment to the Constitution will make it more difficult to raise those taxes, and we should make it more difficult to raise taxes. That is why I support this legislation.

Mr. SCOTT. Mr. Speaker, I yield 8 minutes to my distinguished colleague, the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank my friend and colleague from Virginia for yielding time to me.

I rise in opposition to this resolution to amend the U.S. Constitution to require a two-thirds vote to raise Federal taxes.

Last year, the Washington Post characterized this best under the editorial, Show Vote on Tax Day. That does not apply this year, because we were in recess when April 15 came and went, but the strongest argument is still applicable, we should not be using the Constitution as a political prop.

We know the political advantages of doing this kind of thing, but let me tell the Members some of the disadvantages of doing it and some of the fatal flaws that are involved with this legislation.

□ 1400

One of them is that we fail to define a number of the most important terms. For example, what is "de minimis"? We do not explain whether we are talking about a \$50 million tax increase or a \$1 billion tax increase.

What constitutes a "broadening of the tax base"? Whose interpretation is it? The leadership of the Congress? When we are talking about something this serious, clearly we need to define precisely what it is we are talking about.

But it also needs to be stated and considered by the majority that this would preclude any fundamental reform of the IRS Code, because we cannot have a fundamental reform of the IRS Code without affecting tax rates and altering the present tax base. Any changes that would broaden the base, such as closing corporate loopholes or replacing the current tax system, as the majority leader wants to do with the new flat tax, or the chairman of the Committee on Ways and Means wants to do with a national sales tax, would now require a  $\frac{2}{3}$  vote and then ultimately would not be determined on the floor of the House. Instead, these issues would have to be determined across the street in the Supreme Court.

But let me tell my colleagues about another issue, one that smacks of hypocrisy. Let me bring the House back to 1995 when this body passed the Contract on America, and we had one provision which was the most celebrated. First of all we had a rule that passed in January, and I think all the Members remember that. We had to have a three-fifths vote to raise any taxes. It said "no bill or joint resolution or amendment or conference report carrying a Federal income tax increase shall be considered or passed or agreed to unless determined by three-fifths of all the Members voting." That is a rule that applied to all of our legislation.

We then had the Contract With America Tax Relief Act of 1995 three months later, which became the first violation of that very rule. I raised a point of order because that so-called Tax Relief Act actually increased capital gains taxes on small business from 14 percent to 19.8 percent. There was a point of order that should have been applied. In a precipitous ruling it was originally rejected, but then I got a letter from the House Parliamentarian saying absolutely, it was a violation of the House rule.

Subsequently and because of that ruling, the House leadership, the Committee on Rules, has had to waive the three-fifths vote requirement on every single occasion they have brought up a tax bill. Four occasions in the last term. For the Balanced Budget Act of 1995, they had to waive the rule. For the Medicare Preservation Act, they had to waive the rule. The Health Coverage Affordability and Portability Act, waive the three-fifths requirement. Likewise, the Small Business Protection Act. Four times we waived the rule that required a three-fifths vote because we never had three-fifths of the votes to pass just those basic relatively non-controversial tax law changes.

Now, let me tell my colleagues about another more recent example, and that is the tax relief bill we just passed as part of the Balanced Budget Act. It was a compromise. The majority and the minority both agreed to it. It was called the Taxpayer Relief Act of 1997. It closed some tax loopholes, but it imposed a new aviation excise tax and

broadened the tax base to help pay for some of the bill's tax cuts. That also did not get three-fifths. It was a violation of the House rule.

Mr. Speaker, we know if this was passed we could never do that kind of a thing. We could never have that kind of a Balanced Budget Act.

Lastly, I want to go even further back to the Articles of Confederation. Initially they thought this was a good idea. They said that nine out of the original 13 States would have to vote. Article 9 of the Articles of Confederation required just this kind of supermajority, nine out of 13 States.

If we look back at some of the debate that occurred in the Constitutional Convention, we will find that tax increases became too politicized. They could never get 9 out of 13 States to actually do what was necessary to keep this Republic going. And so in 1787 at the Constitutional Convention our Founding Fathers recognized that this was a supreme defect and they established a national government that could impose and enforce laws and collect revenues through a simple majority rule.

Mr. Speaker, my point is, this is a legislative responsibility. Do not take this legislative responsibility and pass the buck, send it across the street to the Supreme Court and have these difficult issues resolved by the Judicial Branch. They should properly be resolved by the legislative branch, by Congress.

I do agree with that Post article last year that this is another "show vote." We do not need show votes in the Congress. What we need is people who are willing to make the tough choices, who are willing to look back at history and realize that the public is best served by majority rule and a Congress with the courage to do the right thing ahead of the politically expedient thing. This constitutional amendment is not the right thing to do, it is at best a politically expedient "show vote".

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. MORAN of Virginia. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I want to thank the gentleman from Virginia for his contribution today. Four times they have had, the Republicans have had to waive their own requirement. Does the gentleman have there any explanation from them as to why that occurred?

Mr. MORAN of Virginia. Mr. Speaker, reclaiming my time, obviously they felt that they got the political benefit from putting in that three-fifths rule requirement. But then when it would apply, they got a rule that waived it. We raised an objection but nobody seemed to care.

Mr. CONYERS. Mr. Speaker, if the gentleman would continue to yield, why would people come to the floor crying about that same issue, then? Why would people now come to the floor crying about why they need to

impose this two-thirds requirement rule, when the same rule they imposed in the House under NEWT GINGRICH, the Speaker, is the one they ignore, they honor in the breach, they never do it?

Mr. MORAN of Virginia. Mr. Speaker, I would say to the distinguished ranking member that he makes an excellent point. Here we cannot even meet the 60 percent requirement and they want to raise it to a 67 percent requirement. It seems to me, again, that this is just window dressing and not substantive legislation. I thank the gentleman from Michigan (Mr. CONYERS) for raising an excellent point.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. PAUL).

(Mr. PAUL asked and was given permission to revise and extend his remarks.)

Mr. PAUL. Mr. Speaker, I thank the gentleman from Texas (Mr. BARTON) for yielding me this time, and I thank the gentleman for bringing this very important issue to the floor.

Mr. Speaker, I would also like to compliment the gentlemen and ladies on the other side who have spoken out against this resolution, because I have to compliment them. They are brave to be able to come up here and speak their beliefs and really come out on the position of being for taxes. If I did something like that, I could not return to Texas. But I have to admire them for their willingness to come here and take a pro-tax position, so I think that is to be commended.

Mr. Speaker, I would like to suggest to our side that if we all in the Congress did a better job in following the Constitution, we would not need this amendment. Because if we took our oath of office seriously, if we followed the doctrine of enumerated powers, if we knew the original intent of the Constitution, this government and this Congress would be very small and, therefore, we would not have to be worrying.

The other contention we have and have to think about is if we do not already follow the Constitution in so many ways, why are we going to follow it next time? Nevertheless, this is a great debate. I am glad I am a cosponsor. I am glad it was brought to the floor.

We do have to remember there is another half to taxation and that is the spending half. It is politically unpopular to talk about spending. It is politically very popular to talk about the taxes. So, yes, we are for lower taxes, but we also have to realize that the government is too big. They are consuming 50 percent of our revenues and our income today, and that is the problem.

Government can pay for these bills in three different ways. One, they can tax us. One, they can borrow. And one, they can have the tax of inflation, which is indeed a tax. We are dealing here only with one single tax. But eventually, when we make a sincere ef-

fort to get this government under control, we will look at all three areas.

We will limit the borrowing power. We will limit the ability of this Congress to inflate the currency to pay the bills. And we certainly will follow the rules of this House and this Constitution and not raise taxes.

Mr. SCOTT. Mr. Speaker, I yield 6 minutes to the gentleman from Massachusetts (Mr. NEAL).

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. NEAL of Massachusetts. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I would say to the gentleman from Texas (Mr. PAUL) before he goes out, I just wanted to explain one thing. This is not a debate about those "for" taxes and those "against" taxes, so the gentleman misunderstands our position. Our position is not for enshrining corporate loopholes to the tune of \$450 billion in a constitutional amendment. It is not about being for taxes. I am not for taxes. I am trying to keep the gentleman's side of the aisle from enshrining this \$450 billion loophole.

Mr. NEAL of Massachusetts. Mr. Speaker, reclaiming my time, for the third year in a row we are now debating a resolution to pass a constitutional amendment to require a two-thirds majority for any bill making a change in the revenue laws unless it is, "determined at the time of adoption in a reasonable manner prescribed by law not to increase revenue by more than a de minimis amount." The resolution failed to receive a two-thirds majority for passage the past two years, and last year the defeat was by a greater margin.

All I can say about this resolution is that we have said enough about it and it is time to move on, instead of this waste of time with the gimmicks that are typically associated with these efforts in this House. Let us get away from the gimmicks.

Mr. Speaker, if I can, we ought to call this the "Republican Straight-Faced Amendment." There are Members of this House that vote for term limits after they have served for 20-plus years and do not retire. That constitutionally we ought to take the line-item veto and pass it down to the White House, because somehow they believe that there is more wisdom at that end of Pennsylvania Avenue than this end of Pennsylvania Avenue. And, Mr. Speaker, instead of doing our work, we ought to have a balanced budget amendment to the Constitution, which we balanced without disturbing the Constitution.

Mr. Speaker, it is gimmickry and it speaks to the lowest instincts of the American voter when these proposals are repeatedly put in front of them by people who lack the fundamental sincerity on most of these issues. If they are for term limits after 12 years or 6 years, pick up and go. If they pledge at home that they are going to do that, they ought to take advantage of it and

leave the institution. But no, we come back with this kind of a gimmick time and time again.

Since this is the third year in a row, Mr. Speaker, that this proposal is brought before us, let me give my testimony from the last 2 years as well and submit that for the RECORD:

Mr. Speaker, today is a day that is dreaded by most Americans for one reason or another. Today, April 15th is commonly known as "Tax Day." Anxiety is high and many Americans are scrambling to meet the deadline. People across America are concerned if they have to pay or if they did their taxes right. Today, the House is participating in a publicity stunt to try to ease the anxiety and fear about our current tax system.

We went through this exercise exactly a year ago today and rational minds prevailed. The resolution fell 37 votes short of the two-thirds majority required to endorse a change in the Constitution. We should not waste our time by having this debate again and hear Mr. Speaker would like to have it every April 15th.

Instead of holding this publicity stunt, Congress should be working towards balancing the budget. This resolution will not help individual taxpayers. A balanced budget will benefit us all. If we want to help taxpayers, we should enact targeted tax breaks such as expanded individual retirement accounts (IRAs). IRAs will provide a tax incentive for savings. We need to increase our national savings rate.

Today, we are debating an amendment to the Constitution. Any time we amend the Constitution it should be done in a serious manner. Amending the Constitution should not be taken lightly. This proposed amendment to the Constitution would require a two-thirds majority for any bill making a change in the revenue laws unless it is "determined at the time of adoption, in a reasonable manner prescribed by law, not to increase internal revenue by more than a *de minimis* amount." This resolution does nothing but compound our current budget debate.

As a former history teacher, I value the Constitution and I have tried to pass this on to my students. Currently, the Constitution requires a two-thirds majority vote in the House in only three instances—overriding the President's veto, submission of a constitutional amendment to the states, and expelling a Member from the House. These instances differ substantially from the issue before us today.

The proposed Constitutional Amendment is similar to a House rule which was adopted last Congress. The rule required a three-fifth majority for "carrying a Federal income tax rate increase." This rule change was narrower than the proposed Constitutional amendment. The Constitutional Amendment would affect all taxes and would also prohibit revenue increases through eliminating loopholes or other base broadeners.

The experience with the House rule demonstrates the unworkability of the proposed Constitutional Amendment. This rule was narrowed at the beginning of this Congress and the rule is basically meaningless.

The issue of requiring a two-thirds majority is not a new issue. This issue plagued our Founding Fathers. This proposed amendment would gravely weaken the principle of majority rule that has been at the heart of our system for more than 200 years. The Constitutional

Convention rejected requiring a super-majority approval for basic functions such as raising taxes. James Madison associated majority rule with "free government." He believed a person whose vote is diluted by super-majority rules is not an equal citizen and his freedom is not fully enjoyed. The arguments of James Madison still hold true today. With the adoption of this amendment, power would be transferred to the minority. A minority would be able to prevent passage of important legislation. Our Founding Fathers recognized the difficulty of operating under a two-thirds majority. The Articles of Confederation required the vote of nine of the thirteen states to raise revenue. We should learn from the wisdom of our Founding Fathers.

The proposed Constitutional Amendment would change how the House currently functions. This amendment would require any bill closing loopholes for deficit reduction to require a two-thirds majority. However, the amendment would permit tax increases on one group of taxpayers to pay for a tax break for another group of preferences.

This proposed amendment would require a two-thirds majority to reinstate funding of the Superfund program. A supermajority would be required to reinstate the trust fund for the airport and safety and improvement program.

Deficit reduction should be our primary focus and this proposed amendment would make it harder to enact deficit reduction. The Coalition Budget which was a responsible balanced budget would require a two-third majority by closing unnecessary tax preferences.

We should take a hard look at the action we are about to take today. Last year the Washington Post ran an editorial entitled "False Promises." This editorial hit the nail on the head. It reminds us that damage done to the Constitution cannot be undone. We simply cannot waive the Constitution.

We should realize that we are elected to make hard decisions. A majority of major legislation passes with less than a two-thirds margin. Our job would be easier here if two-thirds of us could always agree and this is not supposed to be an easy job. We have to make tough decisions which often result in close votes.

Between 1982 and 1993, five bills that raised significant revenue were enacted. President Reagan signed three and the other two were signed by President Bush and President Clinton. All five of these bills did not receive a two-thirds vote on the House Floor.

Raising taxes is never an easy decision. I voted for President Clinton's budget in 1993 and parts of this budget were hard to support enthusiastically. But as a package, it was the right thing to do. President Clinton's budget in 1993 tackled the deficit. In 1992, the deficit was equal to 4.7 percent of the gross domestic product. The deficit will drop to 1.4 percent of GDP. The difference is money available for investment in the private economy.

I cannot predict the future, but based on past precedents, I believe it will be extremely difficult for any President to have a budget pass Congress if this amendment is enacted. So many of us hear the complaints from our constituents about gridlock. This amendment could add to the gridlock. We would not be able to pass the budget deals of the past without a supermajority. We should all know from this year's budget process how difficult this could be.

We will hear today that this amendment is important because it will help reduce our taxes. If we really want to help the American taxpayer we can do better than this legislation today. Our energy should be focused on deficit reduction. This amendment would make deficit reduction more difficult.

We all want to make our tax system more fair and simpler. This amendment will not help reach that goal. We have not studied the effects of this amendment closely enough. The wording of this amendment is not clear and could result in years of litigation. The resolution is not specific enough to address questions such as the length of the budget window or what constitutes a tax or a fee.

I urge you not to support this proposed amendment. We do not know enough about its effects. Just because it is Tax Day, we should not support a Constitutional Amendment that sounds good at first. In reality, this amendment will create numerous problems and will change the concept of majority rule. With this Amendment, we are turning back the clock of history and not moving forward.

Mr. Speaker, what we should be doing here today, according to the Certified Public Accountants of America, is speaking to the 10 big taxpayer headaches that could be cured through a little tax simplification. We could use our time to correct legislation that would make the tax burden easier for the American people.

Number two and three are individual alternative minimum tax and individual capital gains. Democrats on the Ways and Means subcommittee have introduced two bills that would address these important issues.

But let me talk if I can about AMT. The accountants refer to the individual AMT as the "iceberg on the horizon sneaking up on unsuspecting middle income taxpayers as fast as the Titanic went down."

The individual AMT is a tax on the individual taxpayer to the extent that the taxpayer's minimum liability exceeds his or her regular tax liability. The AMT imposes a lower marginal rate of tax on a broader base of income. The nonrefundable credits available to an individual to reduce his or her regular tax liability generally may not reduce the individual's minimum tax.

But starting in 1998, individuals who take advantage of that tax credit enacted as part of the Taxpayer Relief Act of 1997 will now have to fill out the complicated AMT form. In 1998, 856,000 people will pay the AMT, and this will increase to 3,000,822 taxpayers in the year 2008.

□ 1415

The AMT will affect middle-income earners and result in the individual not being able to fully benefit from the new credits. An example would be a married couple with three children, including one in college, with a gross income of \$63,000 would be affected by the AMT. This couple is entitled to \$2,300 in credits, but \$620 of that amount would be disallowed due to the alternative minimum tax.

The gentlewoman from Connecticut (Mrs. KENNELLY) has introduced a good

piece of legislation that would fix that problem. Many of us have spent hours upon hours of filling out schedule D. The Taxpayer Relief Act of 1997 provides for five different rates. An additional tax rate is scheduled to take place in 2001 and another in 2006. The gentleman from Pennsylvania (Mr. COYNE) has introduced a very simplified Capital Gains Tax Act of 1998. This legislation would require a taxpayer to include 60 percent of their total capital distributions on appropriate tax lines.

My argument here today is simply this. The other side knows that this is not going to pass, and they are trying to position Members of this House again in an election year over this issue. Leave the Constitution alone. The Constitution works fine as we have demonstrated with the balanced budget amendment, as we have demonstrated internationally with the demise of the Soviet Union. The rest of the world envies this system and they view it with a great deal of envy. Yet we sit here and come up with gimmicks rather than speaking to the real issues that confront the American citizen every single day, whether in the workplace or in other avenues of their lives. It is time to move on from this gimmickry, Mr. Speaker, and get to the real issues that confront this Nation.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the very distinguished gentleman from Wisconsin (Mr. NEUMANN).

Mr. NEUMANN. Mr. Speaker, let me begin by commending the gentleman from Texas (Mr. BARTON) on a fine proposal here.

I have been here for about 45 minutes. I finally heard something I absolutely agree with on the other side. The purpose of bringing this bill to the floor today is to position Members officially, those that are for higher taxes, and those who think taxes are too high already. I absolutely agree that that is what this bill will do.

If Members do not support the Tax Limitation Act, they are clearly defining themselves as being a person who is for higher taxes. The reality is this debate is not about what has been discussed here so far, though. This debate is about who knows best how to spend the hard-working people of America's money. That is what this debate is about.

The United States Government right now today collects an average of \$6,500 for every man, woman and child in the United States of America. A lot of citizens say, do not worry about me; I do not pay that much in taxes.

If one does something as simple as buy a pair of shoes in a store, and the store owner makes a profit selling that pair of shoes, the store owner then has to turn around, take some of that money, and send it here to Washington. The point is, the United States Government is too big and spends too much of the taxpayers money, and the people in this city want to maintain the power

and the ability to even take more out of those paychecks of hard-working Americans, and that is wrong.

Why is it, why is it that that tax rate is so high? We need to understand the thinking in this town. The reason taxes are so high is because the people in this community believe they know how to spend the hard-working people of America's money better than those people themselves know how to spend it. The reason taxes are so high is because spending is so high.

When we got here in 1995, spending was growing at twice the rate of inflation. Think about that. What other family in America, what other institution in America was in a position where they could increase the spending rates at twice the rate of inflation? But that is what government was doing. The only reason we have a balanced budget today, the economy is strong, but the reason we have a balanced budget is because in the face of that strong economy we slowed the growth rate of Washington spending down to the rate of inflation, and one would have thought we were cutting it to ribbons. All we did was slow the growth rate so it was only going up as fast as the rate of inflation, and in this community one would have thought we were cutting it to ribbons.

I rise today to urge in the strongest way I can the support of this amendment to prevent higher taxes in the future.

Mr. SCOTT. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. FAZIO).

Mr. FAZIO of California. Mr. Speaker, supporters of this resolution, as we have just heard, would like us to believe that this is a debate between those who would raise taxes and those who do not want to raise taxes. But this is a wolf in sheep's clothing, little more than an invitation, instead, to gridlock.

If Members need any evidence of that, just look to my home State to see how giving the power of a majority to a few has resulted in a deadlocked legislature that has been annually unable to govern effectively.

In California, we have a two-thirds rule requirement for passing taxes and budgets. As a result, State government has missed its budget deadline nearly every year. The legislative gridlock is intense, throwing the operation of the State into a crisis mode time and time again.

We had a taste of that kind of deadlock 2 years ago when the President and Congress were unable to see eye to eye on the budget and the government was shut down. I doubt any of us would want to relive that experience every year, least of all the new majority that brought it about.

Passage of this resolution would also thwart any attempts at real tax reform because it would take a two-thirds majority to pass changes in the tax system to make it fairer. The current tax system, laced with loopholes and com-

plexities, would stay on the books forever.

So forget about any ideas for tax simplification because a two-thirds majority would be required. We will be stuck with what we have. Somehow I doubt those pushing this resolution today, as well as those who want a fairer, simpler tax system, would be happy about that.

It is also easy to see why special interests are lined up today to support this resolution. While it would still take only a majority vote to write a loophole to give a tax break to an industry, it would be nearly impossible to repeal it. Why? Because the two-thirds vote would be required.

If the voters are not happy with those who vote for tax increases in the best interests of our Nation, they have ample opportunity to express their opinions every other November. That is the way our democracy works. When George Bush said "no new taxes" and did otherwise, a simple majority of New Hampshire's Presidential primary sent him a punishing message. We would not have been able to slash our Federal budget deficit either, if this two-thirds rule had been in effect during the past 10 years.

In 1990, 1993 and 1997, we made tough votes, including one that passed by a single vote, to move this Nation from the \$200 billion deficits of the Reagan era to our upcoming budget surplus of over \$50 billion. Not one of those measures would have been passed if a two-thirds requirement was in place.

I know we have heard quotes from our Founding Fathers time and time again today about the tyranny of the minority, but the framers of our Constitution, who witnessed the collapse of the Articles of Confederation which required 9 of the 13 States to approve any tax, well understood the danger of the supermajority requirements.

As Madison wrote, "the minorities might take advantage of it to screen themselves from equitable sacrifices to the general weal, or in particular emergencies, to extort unreasonable indulgences."

This would be especially so in the Senate, where a third of the Senate represents only 10 percent of the population of this country. They would be in position to kill any legislation. In other words, the State of California—10 percent of the population with but two votes in the Senate, is equal to the smallest States adding up to a third of the Senate; and yet those 17 States could control what would be voted out of that institution, a rampant example of minority power which frustrates the will of the majority and only adds to the existing inequity in the other body.

For example, it would be nearly impossible to pass any tax increase on the tobacco companies because Senators representing the handful of tobacco-growing States with only a few allies could effectively thwart any tax increase. That might be a good example of what some of the advocates of this

proposal bring us today: To hand a small minority veto power over what the majority believes is important to democracy. This amendment ought to be defeated every year in April when it is brought back for political purposes, as it is today.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Woodlands, Texas (Mr. BRADY).

Mr. BRADY. Mr. Speaker, on a radio quiz program that premiered this day back in 1940, America first heard the phrase, "the 64-dollar question." At that time that was pretty good money and a lot of listeners tuned in. Of course, it was just a few years after that that it had grown to the \$64,000 question. And then that game was on a roll.

Of course, today we look at State lotteries; it is not unusual to see a \$64 million prize handed out. It has gotten ridiculous and taxes have inflated over the years much the same way. And it is our families and our small businesses that are paying the price.

Look at what we do each day. As we get up in the morning, we drink the first cup of coffee, we pay a sales tax on it. Jump in the shower, pay a water tax; get in our car to drive to work, and pay a fuel tax. At work we pay on our income an income tax and the payroll tax; drive home to our house on which we pay a property tax; flick on the lights and pay the electricity tax; hit the TV and pay cable tax; talk on the telephone and pay a franchise tax. On and on and on until at the end of our life we pay a death tax. No wonder it is so hard for families to make ends meet these days. We are taking their dollars and they need to keep more of what they earn. And that is what this amendment is all about.

I have served on the city council, had the privilege of serving in the Texas legislature, and now in Congress. I can tell my colleagues, when revenues go down, government first tries to raise taxes. If that does not work, they borrow. If that does not work, they use accounting tricks. And finally, and only if they are forced to, they will live within their means.

That is what this amendment is all about, forcing the government, who historically has not lived within its means, to start living within its means.

I am proud to be an original cosponsor of this bill and urge its passage.

Mr. SCOTT. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. STENHOLM).

(Mr. STENHOLM asked and was given permission to revise and extend his remarks.)

Mr. STENHOLM. Mr. Speaker, I rise in opposition to this resolution. I certainly share the goal of limiting taxes and strongly support reducing taxes. However, I cannot support a fiscally irresponsible proposal that allows us to increase spending with a simple majority, but requires a supermajority to

pay for the spending increases that we have already enacted.

I want to start by saying that I have a great deal of respect for my colleague, the gentleman from Texas, who has worked diligently and honorably for years on behalf of this amendment, and I know that the gentleman from Texas (Mr. BARTON) has the highest level of integrity. Having worked with him on several efforts to control spending and bring fiscal responsibility to our government, I know that he advocates this amendment based on a sincere principle, and I respect that.

Unfortunately, I am not sure that everyone advocating this amendment is doing so for the same motivations. This debate today is part of a pattern of fiscal irresponsibility and a fiscally irresponsible legislative agenda of this year.

Two weeks ago we passed a highway bill that increased spending by more than \$20 billion beyond the 42-percent increase in highway spending in the budget resolution without saying how we are going to pay for it. Next month, we will vote to sunset the current Tax Code without giving business and other taxpayers any idea of how they should plan for the future. We read about all kinds of promises about what Congress is going to do, but we do not have a budget resolution to show how we are going to pay for it all. If Congress is interested in keeping taxes low, we should focus our energy on controlling spending.

Unfortunately, the Republican leadership seems to be more interested in moving legislation to increase spending than they are in working to control spending. The Concord Coalition, one of the most credible watchdogs of deficit spending, opposes this amendment because it would be detrimental to maintaining a balanced budget, and they are right.

My foremost fiscal concern is that we not mortgage our children's future to pay for today's consumption. Balancing the budget honestly without depending on the Social Security surplus should be our highest priority. Under this amendment, we can increase spending by a majority vote, but would need a two-thirds vote to raise the revenues to pay for the increased spending.

The easy option will be for Congress to increase spending and pay for that by increasing the debt we will leave to our children and grandchildren. Witness the 1980's, if Members do not believe Congress left to its own whims, what we will do. This debate is just a distraction from a meaningful debate on genuine tax reform and budget priorities. If we were serious about helping American taxpayers, we would be doing our work to develop legislation that will actually accomplish something meaningful.

We would have passed a budget resolution to establish a road map to show how we are going on control spending and maintain a balanced budget. We

would have passed IRS reform legislation to ensure that the important protections in this bill were available when Americans filed their tax returns this year. We would be conducting serious hearings to carefully examine the various options for tax reform. I am anxious to begin work on tax reform.

I thought we were supposed to start work on tax reform before the Presidential election in 1996. We have been talking about tax reform for almost 3 years now, but have not even begun to do any serious work in committees to bring legislation forward.

□ 1430

I am a lot more interested in working to pass meaningful IRS reform and tax reform legislation that would do a lot more for American taxpayers instead of spending time debating amendments that are going nowhere.

Saying that a simple majority can increase spending but a two-thirds vote is necessary to pay for it is irresponsible. The truly conservative and responsible position is to protect future generations from having to bear the burden of our irresponsibility today. Vote responsibly. Oppose this amendment.

The SPEAKER pro tempore (Mr. SNOWBARGER). The Chair would advise the Members that the gentleman from Virginia (Mr. SCOTT) controls 10½ minutes and the gentleman from Texas (Mr. BARTON) controls 17 minutes.

Mr. BARTON of Texas. Mr. Speaker, I yield 1½ long minutes to the gentleman from North Carolina (Mr. COBLE), the distinguished chairman, a member of the Committee on the Judiciary.

Mr. COBLE. Mr. Speaker, one issue distinguishing the two major political parties is a five-letter word, "taxes."

Now, I am not suggesting that all Democrats favor high taxes nor that all Republicans favor low taxes. There are exceptions to every rule. But I am suggesting that the philosophy of the two major parties is clear and that it is genuinely recognized from sea to sea, from border to border, that the Republican Party is generally the party that advocates low taxes, that the Republican Party is the party that generally advocates and permits workers to retain more of their earnings.

We talked for a long time about estate tax reform, capital gains tax reform. "Oh, we can't do that. It costs too much money on collections." In fact, some of my Democrat friends about 5 or 6 or 7 years ago wanted to lower the exemption threshold on estate taxes from \$600,000 to \$200,000.

Well, we have raised it, raised the exemption. We have delayed the call of the tax man knocking on the door at the estate's house collecting the tax. We advocate low taxes.

What I am saying, Mr. Speaker, is that perhaps the bar in raising taxes of a simple majority may be too low. Let us raise that bar and make it a little more difficult and a little more challenging to negotiate in the resulting tax increase. Make it tougher.

I advocate the resolution that the gentleman from Texas (Mr. BARTON) is promoting and urge my colleagues to do likewise.

Mr. SCOTT. Mr. Speaker, I yield as much time as he may consume to the gentleman from California (Mr. MILLER).

(Mr. MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, I rise in opposition to the resolution.

Two things about today's tax bill are important to note:

First, it is a waste of time, and therefore—ironically—a waste of taxpayer's money.

And second, it is a diversionary tactic, intended to distract the public's attention away from the fact that the Republican leaders have stifled action on issues that most American families really want, like: Protecting thousands of teenagers and pre-adolescents from predatory practices of cigarette companies; passing a bill to protect the rights of patients unfairly treated by their HMOs and insurance companies; and enacting real campaign finance reform to reduce the influence of special interest money in politics.

Instead, because it does not want to act on any of these critical issues, the Republican leadership is running out the legislative clock by bringing to the floor a bill that has failed time and time again.

This proposal failed in 1996. It got even fewer votes when it was brought up in 1997. And the Republicans know full well that it will fail again today.

Today, ladies and gentlemen, you are witnessing a show. But shows belong in the theater, not on the floor of the People's House.

If Republicans had really wanted to get something done for taxpayers, they would have already sent the bipartisan IRS reform bill to the President for his signature.

The reason today's bill has failed in the past, and the reason it will fail again today, is that it is bad legislation.

Despite what you are being told, this bill would do very little to help, and a lot more to hurt, the average taxpayer.

In fact, this legislation is custom-made to perpetuate some of the most egregious inequities in the current tax system and to frustrate efforts at real reform, all at the expense of the American taxpayer.

This bill would effectively prevent any tax reform which would close tax loopholes for corporations and special interests.

It would make it virtually impossible to pass comprehensive tobacco legislation like the bipartisan bill developed by Senator McCAIN.

It would cripple the ability of the government to act during national crises.

And it could saddle America with financial disaster by foreclosing any revenue increases to deal with future deficits.

This bill is yet another effort by this Republican leadership to further restrict the democratic process in the House of Representatives and to prevent a majority of Members from exercising its will. Under this bill, all it would take is one-third of members to block real tax reform or to block a tobacco settlement.

I congratulate my colleagues in advance for their resolve in standing up to the Republican leadership and voting against this legislation.

Mr. SCOTT. Mr. Speaker, I advise the gentleman from Texas (Mr. BARTON) that we have two speakers left; and if he has more than that, we would prefer that he go at this point.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Utah (Mr. COOK).

Mr. COOK. Mr. Speaker, I rise to speak in favor of the tax limitation amendment.

It has amazed me today to listen to the opponents of this amendment call it undemocratic. I can think of nothing more democratic than doing what the majority of the American people want to have done. And the American people want this amendment. We have seen it in poll after poll. The latest polls show that, 3-to-1, people in this country favor this amendment, support for it is so strong, that a growing number of States are now requiring supermajorities in their own legislatures to raise taxes.

My colleagues, let us cut to the bottom line. This is not about democracy. It is about the fear some Members have of losing power, the power to increase the tax burden on the American people with a slim majority. We can see why some Members are afraid of losing that power when we see how often Congress has exercised that power in the past, usually unwisely.

In recent decades, Congress has raised taxes time and time again. Until today, working Americans struggle under the heaviest tax burden they have carried in the last 50 years. At the same time we have that shocking tax burden, we have a revenue surplus that is now predicted to swell annually for the next several years. Why? Because President Clinton acted too hastily when he asked for the largest tax hike in history 5 years ago and the Democratic-controlled Congress acted unnecessarily when it gave it to him by the slimmest of majorities, one vote.

For the last 5 years, working Americans have paid the price for that haste and imprudence. With this amendment, that would never have happened and it could never happen again. This amendment simply says that Congress must have a strong enough, compelling enough reason to raise taxes, a reason that is so sound it persuades two-thirds of the Congress. My colleagues, if there ever was time for this amendment, that time is now.

Mr. SCOTT. Mr. Speaker, I yield 1 minute to the gentlewoman from the District of Columbia (Ms. NORTON), and we will have two speakers after that.

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, this must be an election year or something. The Republican majority this year fancies itself a constitutional convention, so many constitutional amendments have come forward.

The framers gave us a flawed document, but this was not the flaw in it. Why is two-thirds so rare in the Con-

stitution for a presidential veto, for a constitutional amendment and for expulsion of a Member? Because the framers were democrats. They reserved minority power for fundamental rights only, not for everyday business of the House.

This amendment would create a field day for lawyers: the "de minimis" language in the amendment, for example "De minimis" in relationship to what?

Who is the majority afraid of? They control the House. Are they afraid they will raise taxes, like taxes on tobacco, for example, to save the lives of children?

We are not smarter than the framers. I like the framework they gave us. Let's keep it.

Mr. BARTON of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. KASICH), the distinguished chairman of the Committee on the Budget.

Mr. KASICH. Mr. Speaker, I was on the road within the last month and I happened to be at a Holiday Inn. I changed my clothes, and I was getting ready to leave the Holiday Inn, and I walked past the door where there was a family. It kind of took me back to my youth. Remember when we used to go on vacation as a kid? We would spend the first 24 hours arguing about where we were going to stay and then the next 12 hours arguing about the fact that we did not stay at the right place.

I looked inside the hotel room, and there was mom and dad and the kids. And I say to Members of the House, like many of them in the gallery here today, and there was grandma and grandpa. Then I looked inside the room real quickly, because I kind of thought I saw myself there for just a minute thinking about my childhood. And there was mom and dad taking lunch meat and making sandwiches for all the people in that room.

I knew the kids were going to go in that little swimming pool in that Holiday Inn, and they were going to have some of the greatest times bonding as a family, understanding each other's love and caring, which we all need more of in this world.

When I looked in the room of that hotel, do my colleagues know what struck me and what touched my heart? Would it not be great if that family had more, would it not be great if that family could take that trip more than once a year, and would it not be great if that family could, instead of having to take the lunch meat and make the sandwiches, maybe that night they would get to go to McDonald's and they can get the quarter-pounder and extra large fries.

There are so many people in this Chamber today smiling about that story because there are so many people in this Chamber today that live that life. And this proposal is designed to say to the government officials and the politicians, "You are not going to get into the people's budgets anymore to make the government budget bigger and the family budget smaller."

Why do we want to lock in two-thirds? Because we think there is a crisis in the family in America today. We are not going to solve the problems of violence in our schools with another cop in the school yard. We are going to solve it with love and support and rebuilding of families.

So I want to compliment the gentleman today; and I think every Member ought to come to this floor and say that if the government at some point decides it has to take more power from families, they ought to have a large percentage of this House that goes along.

Frankly, tax cuts are not about economic theory. They are about personal power. And the more that moms and dads have in their hands, the better off their children are, the better off their communities are, the better off all the American people are. So that is why we think this is such an important issue.

I ask my colleagues not just to vote for this amendment to help that family in that Holiday Inn that I saw, but why do they not exercise a little self-interest and help their children and the children of their constituents so that family budgets get bigger, so that families are more powerful, that we have more love and peace in this country?

That is what this is really all about, not economic theory. Although that is a part of it, not economic theory. It is about the stuff of life and about the stuff of caring.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to the gentlewoman from Wyoming (Mrs. CUBIN), who represents the entire State.

Mrs. CUBIN. Mr. Speaker, I rise in strong support of this resolution.

There is one fact that Americans must always bear in mind: The government spends their money because it does not have any money of its own to spend, period. It is their money when they earn it. It is their money when it is taken out of their paycheck before they ever see it. And it is still their money when the government spends it. And when it is their money that is spent, the government ought to be more accountable to them.

Do my colleagues know what we have done with the spending habits in this government? The average American family pays 40 percent of their income in taxes. What that means is we have stolen the choice of many of our young families as to whether or not one parent will stay home and raise the children and the other one go to work to support the family.

Now, as it is, one has to support the family and the other one works full-time to support the government. That means that they cannot be the room mother, they cannot stay home to take care of their ailing elderly parents, they have to work because they have to feed the government.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Alabama (Mr. RILEY), in hope that he would talk fast.

Mr. RILEY. Mr. Speaker, I rise today in strong support of the American taxpayer and in support of the tax limitation amendment.

This Congress, more than any other, has given the American people much-needed tax relief. But there is still a lot we must do. Taxes is still too high. The Tax Code is still too complicated.

Seventy-nine percent of the American people believe that it is far too easy for Congress to raise their taxes. Mr. Speaker, I agree with them.

Four out of the last five major tax increases passed Congress with less than a two-thirds majority. In my book, it should be much more difficult for this government to confiscate an even bigger chunk of the family's income. The time to turn this trend around has come. The tax limitation amendment will do just that.

Once again, we have heard from the naysayers and the doomsdayers who fear that the sky will fall if this tax limitation amendment is enacted. They say that a supermajority requirement will make it too difficult to raise taxes for their feel-good social policies. They are rightfully concerned, Mr. Speaker.

The tax limitation amendment will indeed make it tougher for Congress to raise taxes. That is exactly why I support it.

This year the average American family will work until approximately mid-May to earn enough income to pay an entire year's worth of taxes. Factor in local and state taxes, and U.S. taxpayers will spend more time working for the government than they will for their own families. Mr. Speaker, that is wrong.

This amendment will once and for all give Congress the needed discipline to hold the line on taxes. It will require a two-thirds supermajority vote in both Houses of Congress before any tax increase can be passed.

The American people know how to spend their hard earned income better than we do. It is time we let them keep more of it.

The SPEAKER pro tempore. The Chair would advise the Members that the gentleman from Texas (Mr. BARTON) has 8½ minutes remaining and the gentleman from Virginia (Mr. SCOTT) controls 9½ minutes.

Mr. SCOTT. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I am wiping the tears from my eyes from the touching Holiday Inn story of the gentleman from Ohio (Mr. KASICH), where he peeked into the door and saw himself with this family.

And I just want him to know, wherever he is, that if that family had gotten a fair and honest campaign financing system that the Speaker of the House continues to bottle up, they would have more money. If that family in the Holiday Inn that he peeked in on was relying on Medicare or Social Security, they would oppose the amendment because it threatens their viability. If that family relied on a minimum wage, they would be hurt by this Republican Congress that does not want to raise the minimum wage.

□ 1445

If for all of the Republicans that claim that they are for lower taxes but for really huge tax loopholes, they would realize how fraudulent this measure is. It really takes some acting to pull this off every April around tax time. The same people who are willing to throw out and undercut the cornerstone of our democracy majority rule to let this repose in a small and a controlled system, reversing the principles of James Madison. I think that this is outrageous that we would permanently enshrine \$450 billion corporate and tax loopholes in an amendment like this.

Ladies and gentlemen, I call on you this year, I called on you last year, I called on you the year before, reject this foolishness that demeans the House of Representatives.

Mr. BARTON of Texas. Mr. Speaker, it is my distinct pleasure and high honor to yield 4 minutes to the honorable gentleman from Rockwell, Texas (Mr. HALL), the chief Democratic sponsor of the tax limitation amendment. He has done an outstanding job on his side of the aisle in pushing this very necessary constitutional amendment.

Mr. HALL of Texas. Mr. Speaker, I stand here of course today with my colleagues to show my support for the tax limitation amendment. I have no ill will toward anyone on either side. It is an issue that reasonable men and women can differ. It is not a situation where a double handful of Republicans or just a few of us Democrats are for tax limitation. There are a lot of us that are for it. Last time, it got 170, 180 or 190 votes. That is not just a double handful of people. That is a ground swell, and it is a beginning.

We may not pass it this time. It has been said by my friend, the gentleman from Michigan (Mr. CONYERS), who is truly my friend, and he expresses his own thoughts on behalf of his own district and does it very well. I have to do the same thing. I can do it without rancor. I can do it without calling anybody names or anything. I just think that it makes sense to make it a little tougher to put taxes on anyone, to pass any more taxes.

Along the way to passing something like this, I think this will pass. It may not pass. As several speakers have said, it may not pass today, but it will pass in time and, along the way, good men and good women will differ.

It has been my privilege to work for this measure for the past 3 years with the gentleman from Texas (Mr. BARTON) and, of course, with the gentleman from Arizona (Mr. SHADEGG) and the gentleman from New Jersey (Mr. ANDREWS) and others.

The gentleman from Texas (Mr. BARTON) and I share the representation of probably two of the most conservative areas in the State of Texas. But that does not mean that they have a corner on the market of being smart or knowing how we tax people or how we should not tax people. They are simply fiscally conservative districts, and

they think we ought to have a tax limitation amendment.

It will be a very responsible tool for providing continued budgetary discipline for those deserving constituents that we are standing here representing.

The premise behind the tax limitation amendment is simple, but it is very powerful. The Constitution would simply be amended to permanently reflect current House rules which were implemented in response to a past record of a lot of pork barrel spending. There is no question about that.

Look at the transportation bill we just passed. We just passed a balanced budget amendment and then passed a bill with an increase of 45 or 48 percent increase over the last budget, busts the budget by \$20 billion or \$30 billion. I think we just have to be sensible about it.

I think, also, it has been said that we cannot look into the future. One of the speakers over here who opposes this says we cannot look into the future. We may have more problems for Medicare and Medicaid. He is exactly right.

Henry Ford in 1913 thought he had the only assembly line that was ever going to be worth 15 cents. It happened so that same year they passed the IRS bill, the very first. And they could not look into the future, because they said it was temporary. It is a page and a half.

We will pass tax limitation. It is going to take some time. It took 15 or 20 years to get a balanced budget amendment, but it happened. It took 10 or 12 years to pass the Telecommunications Act, but it happened because good people kept pressing, good people kept pushing.

We are in the tenth or twelfth year on record to try to reauthorize the superfund legislation, but it is going to happen because it ought to happen. And I think so with the tax limitation, not for the rich, but for the working for people who are working for money, have to buy school clothes in September, people who have to make payments on cars. They ought not to have their taxes passed on to them without having some say in it.

We are not taking that say away from anybody today. We are passing it on to the 50 States. They get last guess at whether or not this amendment ought to pass. Are we afraid of their decision? I think not.

I ask each Member of this Congress, maybe not today but before we vote again on it, for it or against it next year, and, yes, on tax day is a good day because people are very interested in taxes on April the 15th, walk out into your district and talk to the first 10 people you see. Do not handpick them and do not have a poll that you like. Walk out there and talk to the first 10 people that are having to pay taxes, no matter what their station in life is, no matter how far they are. Ask them if they are for making it a little more difficult to put taxes on their poor old backs. I think 9 out of 10 will tell you

they are for the limitation tax bill, and so am I.

Mr. BARTON of Texas. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. SOLOMON), the Chairman of the Committee on Rules.

(Mr. SOLOMON asked and was given permission to revise and extend his remarks.)

Mr. SOLOMON. Mr. Speaker, I rise to associate my remarks with a good Democrat, the gentleman from Texas (Mr. HALL) and another good Republican, the gentleman from Texas (Mr. BARTON). Thank you for bringing this bill before us.

Mr. Speaker, I rise in support of this amendment to the Constitution of the United States to require a two-thirds vote to increase taxes.

This Congress needs to act to limit taxes. Our current tax system takes so much out of the take home pay of the average family that it is difficult to pay the rest of the bills.

We talk about the need to preserve families and family values, but then government takes away more and more, leaving families with less and less.

This tax limitation amendment is designed to make it more difficult for the Federal Government to take more of the people's money.

It will require the Congress to focus on options other than raising taxes to manage the Federal budget.

Some on the other side of this issue have argued that a requirement for a two-thirds vote to increase taxes is somehow undemocratic.

But the truth is that there are already numerous supermajority voting requirements.

For over a century and a half the House has required a two-thirds vote to suspend the rules and pass legislation. It requires a two-thirds vote to take up a rule on the same day that it is reported from the Rules Committee. The House also requires a three-fifths vote to pass bills on the Corrections Calendar.

On the other side of this building, the Senate requires a three-fifths vote of all Senators to end a filibuster.

Senate budget procedures require that three-fifths of the Senate must agree to waive points of order that would violate the budget approved by Congress.

There are ten instances in which the Constitution currently requires a supermajority vote. Seven of these were part of the original Constitution, and three were added through the amendment process.

The seven in the original Constitution are:

- (1) Conviction in impeachment trials;
- (2) Expulsion of a Member of Congress;
- (3) Override a presidential veto;
- (4) Quorum of two-thirds of the states to elect the President;
- (5) Consent to a treaty;
- (6) Proposing constitutional amendments; and
- (7) State ratification of the original Constitution.

The three additional supermajority requirements included in the amendments to the Constitution are:

- (1) Quorum of two-thirds of the states to elect the President and the Vice President;
- (2) To remove disability for holding office where one has engaged in "insurrection or rebellion"; and
- (3) Presidential disability.

It is no doubt important to require a two-thirds vote to remove the disability for holding office where one has engaged in "insurrection or rebellion". But it seems to me that increasing the burdens of taxation on our own citizens is a much more important decision in the life of this nation.

The adoption of a requirement for a two-thirds vote to raise taxes will ensure Congress has to think twice before it increases the burdens on hardworking American families. Members should vote for this rule and the constitutional amendment to make it harder to raise taxes.

Mr. SCOTT. Mr. Speaker, I yield such time as he may consume to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

(Mr. FALEOMAVAEGA asked and was given permission to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Mr. Speaker, I rise in opposition to the resolution. The Constitution does not need to be fixed. If it is not broken, it does not need fixing.

Mr. Speaker, I rise today in strong opposition to House Joint Resolution 111, a constitutional amendment that would require a two-thirds majority vote in the U.S. House of Representatives and U.S. Senate to pass any bill increasing federal taxes, except in time of war or military conflict.

Mr. Speaker, I oppose this bill for many reasons, but the fundamental reason is the change in our tradition of majority rule which has governed our country, with limited exceptions, for the past two centuries. Over the years I have seen our system of checks and balances work to the benefit of the American people time and time again. When Congress gets out of sync with the American people, the people elect new Senators and Members of Congress. When the views of the public change more than those of the Members of Congress, we see more significant changes in the membership of the two Houses of Congress. These larger changes take place because individual voters take their right to vote seriously, and vote for individuals who represent their interests.

This system has worked well for over 200 years. Today, H.J. Res. 111 proposes to alter this system and give to one-third of the Members of either House of Congress the power to prevent Congress from increasing revenue collected by the government. Why is this being proposed? Supporters of this resolution say it is too easy to raise taxes. I find that difficult to accept. While I cannot vote on the floor of this House, I generally find consideration of legislation which will raise taxes difficult enough just to support, let alone vote for.

Our voting records are all reviewed carefully by our opponents at election time, and votes which are perceived to be unpopular back home are brought to the public's attention over and over again through political advertising. Votes to increase taxes are difficult votes, but there are times when it is in the national interest to do so. Traditionally, it has been the majority of the Members of Congress, together with the President, who determine what is in the national interest. H.J. Res. 111 would permit one-third of either House of Congress to make that decision for what could be the vast majority of Congress. For example, thirty-four Senators could subvert the wishes of 435

Members of the House and 66 Senators. This is an important point because the Constitution gives the power to originate tax measures to this body, the U.S. House of Representatives. Under the terms of H.J. Res. 111, the will of a vast majority of this body could be thwarted by 34 Senators. Mr. Speaker, this is not democracy and should not be supported.

There are many examples of the problems the proposed constitutional amendment would create, and I want to take a moment to briefly mention a couple. For example, would a provision that reduces revenues for five years but would raise them every year after that be prohibited? Are we to be stuck with current tax rates on the rich? Are those to be the maximum tax rates forever? Currently, the poor pay no federal income taxes. Are we to be stuck with the tax rate of zero percent for them forever? Under the terms of H.J. Res. 111, I submit we would be, because it will be very difficult to get two-thirds of both Houses of Congress and the President of the United States to sign a bill which would change those rates.

There is also the issue of tax loopholes. It is hard enough under current law to end these provisions which inure to the benefit of special interest groups. Let us not make it any harder.

Mr. Speaker, we are all up for re-election every two years. That alone is a strong enough disincentive to raise taxes only when it is in our national interest to do so. The voters are the check in our current system and the current system is working well. Under the current system, majority rules. Under H.J. Res. 111, the minority rules. Let's not change the Constitution to give this significant power to a minority of Congress.

Mr. SCOTT. Mr. Speaker, I yield the balance of the time to the gentleman from Michigan (Mr. BONIOR), the Minority Whip.

The SPEAKER pro tempore. The gentleman from Michigan is recognized for 7½ minutes.

Mr. BONIOR. Mr. Speaker, I thank my friend for yielding to me, and I appreciate the debate that we have had this afternoon.

This amendment would rewrite the Constitution to say that the tail should wag the dog. How else would you describe an amendment that empowers a minority of the Congress to dictate policy to the majority? How else can you describe an amendment that effectively denies a majority of Americans a voice on their own taxes? That is what the amendment would do.

But it is only one of 99 constitutional amendments that have been proposed in this Congress. So were Jefferson and Madison and the other framers of the Constitution so negligent that our Constitution actually needs 99 amendments? Are members of the 105th Congress so wise that we can propose 99 improvements to one of the greatest documents in the history of democracy?

America needs tax reform. We agree on that. But we do not need a constitutional amendment that would protect special interest loopholes.

Now, this proposal that we have been discussing today might as well be called a loophole protection act, be-

cause it will make it nearly impossible to eliminate tax loopholes that cost, every day, American taxpayers billions of dollars, like the tax breaks that companies that send American jobs overseas would get.

Or do you remember the bill we had just last Congress that would reward billionaires who renounce their American citizenship just to avoid taxes? That would be protected under this proposal. You would need supermajorities to deal with that, to repeal those benefits.

We have seen this proposal before. We voted it down in 1996. We defeated it again just last year. Bad ideas, like rotten fish, do not improve with age. This amendment is just one of a whole series of bad tax proposals the Republicans have put forward lately.

It is almost as bad as their plan to enact the national sales plan. They have a plan, listen to this, that would effectively force Americans to pay 30 percent more for a house, 30 percent more for a car, 30 percent more for your child's education, 30 percent more for everything. It's their sales tax proposal.

Under this plan, the heaviest burden, of course, would fall on those who could least afford it, working families, senior citizens, those on fixed income. They need tax relief, not what these folks are offering over here in the GOP.

What if the price of prescription drugs went up 30 percent overnight? Look at this chart: blood pressure, arthritis, diabetes, heart disease, inhaler drugs priced at a 30 percent increase on these basic commodities oftentimes used by our seniors. How would that affect them? How would it affect our mothers and our fathers and our grandparents who are living on a budget that is tight? How could they afford this 30 percent GOP tax increase?

The flat tax is another idea that they have, the GOP flat tax. If you are a middle-class family making between \$25,000 and \$100,000 a year, the GOP flat tax would actually mean a tax increase for you, a tax increase for you. If you make over \$100,000 a year, as this chart shows, you would get a tremendous tax break. If you make between \$25,000 and \$100,000, you are paying.

So our message is that working families need tax relief, not a tax increase. Let us leave the Constitution alone. Let us defeat this ill-conceived amendment.

We are for tax cuts. I believe those cuts must be a part of a fair and a reasonable approach to tax reform, tax reform that genuinely helps America's working families. Like the education tax credit we recently adopted that would provide Hope scholarships and other types of tax credits and scholarships for higher education, make education more affordable for our families. Like the child care tax credit that makes raising families a little bit easier. Like the earned income tax credit that helps literally tens of millions of people in this country, those were

Democratic proposals that help people specifically. And like, of course, the tax credit that we are suggesting this Congress that would help in child care for our families.

This kind of tax relief makes sense. It makes a difference in people's lives. We ought to focus on that, not on half-baked constitutional ideas that would take away from the majority the right to control, to have a say in the tax policies of this country.

I urge my colleagues to vote no on this proposal.

Mr. SCOTT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The gentleman from Texas (Mr. BARTON) is recognized for 4½ minutes.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, first, I want to commend the gentleman from Michigan (Mr. CONYERS) and the gentleman from Virginia (Mr. SCOTT) for the tone of the debate. I thought we had a good debate this year, and I appreciate your participation. I want to thank the gentleman from Texas (Mr. HALL), my chief Democratic sponsor, along with the gentleman from New Jersey (Mr. ANDREWS) for his efforts.

Mr. Speaker, the first Federal income tax that was levied on the American people was 1 percent of any net income over \$3,000. Today, the average American taxpayer pays 39.8 percent in Federal and State taxes. That is an all-time high with the exception of World War II when we were fighting to maintain democracy against Naziism and imperialism of the empire of Japan.

Simply put, something needs to be done about that. We need a tax limitation amendment to the Constitution of the United States of America. When the original Constitution was written by our Founding Fathers, they made it unconstitutional to have an income tax. Unconstitutional. You could have had a 100 percent vote, and there would be no income tax because it was unconstitutional.

But the sixteenth amendment to the Constitution, which was passed in 1913, made income taxes constitutional. So we need a ⅓ vote to raise taxes, Federal taxes on the American people.

The question is, would it work? That is a fair question. We have not had anybody who opposes it say that it would not work. They are opposed to it for the reason that it would work.

There are 14 States that have requirements for supermajorities to raise taxes. And in those 14 States, their taxes are lower, their taxes go up slower, their economies grow faster, and more jobs are created than States that do not. So if it works in the States, I think it would work here in the Federal Government.

Is it supported by the American people? I will enter into the RECORD an endorsement letter from the American

Legislative Exchange Counsel which is 3,000 legislators on a bipartisan basis around this country, endorsing the tax limitation amendment. The signer of this is the Speaker of the Arkansas House, a Democrat, Bobby Hogue. So the State legislators support it and think that it would work.

Mr. Speaker, I include that letter for the RECORD as follows:

AMERICAN LEGISLATIVE  
EXCHANGE COUNSEL,  
Washington, DC, April 17, 1998.

Congressman JOE BARTON,  
*House of Representatives, Washington, DC.*

DEAR CONGRESSMAN BARTON: The 3,000 state legislators who are members of the American Legislative Exchange Council (ALEC), the nation's largest bipartisan membership organization of state legislators, would like to voice their support of a federal amendment requiring a two-thirds supermajority vote in each chamber of Congress to pass any bill that would increase taxes.

The federal tax burden is at a record high. This year the average American family will spend more than 38 percent of their total income on federal, state and local taxes. More than they will spend on food, clothing, shelter and medical expenses combined. Tax increases fuel excessive government spending and smother economic growth and job creation. Thus, any increase in the tax burden should require a broad consensus. Taking money from hard working Americans should not be an easy task for the tax and spend politicians. A supermajority requirement would make tax hikes more difficult and shift the debate from tax increases to spending cuts.

Fourteen states already require a supermajority to raise taxes. These states have demonstrated faster economic growth, higher employment growth and experienced slower tax and spending increases, than the states without a supermajority requirement. A supermajority amendment would constrain tax and spend policies that squash economic opportunities for American families.

Congress has a momentous opportunity to provide a brighter, more prosperous future for this great nation. The states have shown the benefits of a supermajority requirement, now it is time to apply this experience to the federal government.

Sincerely,

SPEAKER BOBBY HOGUE,  
*Arkansas, National Chairman.*

We have over 27 national groups that have endorsed the tax limitation constitutional amendment. I will enter that into the Record at this point in time.

The document referred to is as follows:

SUPPORTERS OF H.J. RES. 111, THE TAX  
LIMITATION AMENDMENT

Association of Concerned Taxpayers; American Conservative Union; American Legislative Exchange Council; Americans for Hope, Growth & Opportunity; Americans for Tax Reform; Associated Builders & Contractors; Christian Coalition; Citizens for a Sound Economy; Competitive Enterprise Institute; Concerned Woman for America; Council for Affordable Health Insurance; Council for Citizens Against Government Waste; Empower America; Family Research Council; Food Distributors International; National Association of Manufacturers; National Association of Wholesaler-Distributors; National Beer Wholesalers Association; National Federation of American-Hungarians; National Federation of Independent

Business; National Tax Limitation Committee; National Taxpayers Union; Seniors Coalition; Small Business Survival Committee; United Seniors Association; U.S. Chamber of Commerce; and 60 Plus

We have 10 groups that have keyvoted it, saying it is something that they have really taken a look at: the U.S. Chamber of Commerce, the Americans for Tax Reform, the Citizens for a Sound Economy, the National Taxpayers Union, the National Association of Manufacturers, 60 Plus, Seniors Coalition, Associated Builders and Contractors, National Beer Wholesalers.

We have got 10 governors who think it will work. I will enter their names in the Record, and they support it.

The document referred to follows:

KEY POINTS ON H.J. RES. 111, THE TAX  
LIMITATION AMENDMENT

Highest cosponsor total ever—186.

27 diverse groups from pro-business to pro-family have endorsed TLA (See attached endorsement list).

Keyvote by: U.S. Chamber of Commerce; Americans for Tax Reform; Citizens for a Sound Economy; National Taxpayers Union; National Association of Manufacturers; 60 Plus; Seniors Coalition; Associated Builders and Contractors; and National Beer Wholesalers.

Have received encouragement/endorsement letters from the following Governors: Governor Christine Todd Whitman (NJ); Governor Mike Huckabee (AR); Governor Paul Cellucci (MA); Governor Frank Keating (OK); Governor Pete Wilson (CA); Governor Jane Dee Hull (AZ); Governor Kirk Fordice (MS); and Lt. Governor Bob Peeler (SC).

But the reason that I am here on the floor of the House of Representatives supporting this as strongly as I am is not because of all the groups that are for it, it is not because all of my colleagues are for it, it is because it is in the best interest of my family.

Nell Barton, retiree, widow on Social Security and teacher retirement, had to write a check for over \$1,000 to pay her Federal income taxes 2 weeks ago. My son, Brad Barton, has graduated from graduate school, going into the job market; my daughter, Allison, just graduated from college, wants to be a teacher; my wife, Janet, who has been a homemaker while we have raised our children, wants to go back into the job market.

□ 1500

I do not want their taxes to go up, I am sorry. Our problem in Washington, D.C., is not lack of revenue. Do my colleagues know how much revenue increased from last year to this year at the Federal level? \$126 billion. \$126 billion. Do my colleagues know what the average is for the last 4 years? \$106 billion. Do my colleagues know what the average is for the last 10 years? Over \$60 billion.

My colleagues, our problem is not lack of revenue. Our problem is lack of spending discipline.

As the chairman of the Committee on the Budget, the gentleman from Ohio (Mr. KASICH), pointed out about 15 minutes ago, we need to make it tougher

to raise taxes. Let us vote for a two-thirds constitutional requirement to raise taxes, send it to the other body, send it to the States, and hopefully three-fourths of the legislatures will ratify it and it will become a part of the Constitution of the United States of America.

Mr. Speaker, it is time to stop debating. It is time to vote to make it tougher to raise taxes.

Vote for the constitutional amendment.

Ms. PELOSI. Mr. Speaker, I rise in opposition to the tax limitation amendment to the Constitution. Mr. Speaker, this amendment is not appropriately named. A more accurate title would be the "Minority Rules Amendment," because it would require a two-thirds majority vote in the House and Senate to pass any bill increasing Federal revenues.

What we are debating here today is not whether taxes should be raised or lowered, but whether the majority of the House of Representatives should be empowered to make the tough decisions on one of the most important areas of governmental operation. The effects of the legislation before us would go far beyond debates on personal tax rates—this legislation would impose dangerous limits on our ability to address the health and social welfare needs of millions of Americans.

Some of the most critical areas of policy that this House will consider in the near future will involve debates about taxation, including tobacco control, Medicare, and Social Security.

On the issue of tobacco, we have research showing that price increases can be effective at reducing teen smoking—the most important aspect of tobacco legislation being considered this year.

Passage of the constitutional amendment before us would undermine our ability to enact legislation which puts this research to work, by making it more difficult to impose tax increases on tobacco products. It would mean that we cannot equally and fairly consider the range of options available to limit tobacco use among young people. Why should a minority of Members be empowered to proscribe our consideration of the options to reduce teen smoking?

On Social Security, there are numerous proposals being offered to secure the financial health of the trust fund for decades to come. And there are few issues more important to our constituents than protecting the stability of the Social Security system. If we pass the legislation before us today, one potential ingredient of a comprehensive plan to support Social Security will become far more difficult to enact. I ask again, why should a minority of Members be able to stop congressional action in this area?

The point is not to make taxation easier. None of us want to do that. The point is maintain the principle of majority rule on essential matters before the Congress. It is to recognize that on the key issues before this House, we must take responsibility to act thoughtfully and wisely. The issue of taxation has implications for our ability to promote public health, lift seniors out of poverty, and address other national priorities. We must not abandon majority rule and limit our ability to fairly and honestly consider policy on these and other critical issues.

Mr. CARDIN. Mr. Speaker, I rise in opposition to H.J. Res. 111.

This joint resolution would eviscerate the principle of majority rule in this House with respect to the most fundamental power of the Congress. Article I, Section 8 of the Constitution enumerates the powers of the Congress. It begins with the words, "The Congress shall have Power to lay and collect Taxes."

Those words make clear the view of the Founders of the Constitution that the power to tax is the most basic power of the legislative branch of government. The men who wrote the Constitution were acutely aware of the dangers of the government's power to tax. Their anger and frustration over the taxing practices of the British government led to the American Revolution.

The framers of the Constitution also were familiar with the use of supermajority requirements. The Constitution reserves supermajorities to instances involving the fundamental processes of government, not substantive policy proposals. The House is required to produce a supermajority in only three cases—overriding a presidential veto, submitting a constitutional amendment to the states, and expulsion of a member from the House.

What is clear is that the American people are disgusted with our federal tax system. What is also clear is that the problem with the tax system in this country is not found in the Constitution. It is found in this Congress. Instead of tax reform, we continue to add complexity and confusion to a tax code that is already beyond comprehension for most Americans. We need tax reform, not constitutional gimmickry.

The fact is that this proposal is unworkable. The evidence of this is in the record of the majority party in this House. In January of 1995, fresh upon taking control of the House for the first time in forty years, the new majority amended the rules of this House to require a three-fifths majority to pass any tax increase.

During the 104th Congress, the rule came into play on five occasions. And each time, five out of five, the majority chose to waive the rule. At the start of this Congress, having learned from that embarrassing experience, the majority narrowed the rule to make it unlikely it will ever apply to any legislation.

Imagine the crisis that might have ensued had this constitutional amendment been in effect instead of the provision amending the rules of the House. Instead of simply having the Rules Committee waive the rule to permit the legislative process to function, we would have had a potential constitutional crisis. The last thing this country needs is to have the legislative process bogged down in extended court battles every time a revenue increase is included in any legislation.

Let me emphasize this problem. The vagueness of this amendment is a constitutional shipwreck waiting to happen. Most members of this body, and the overwhelming majority of the American people, agree on the need for comprehensive reform of our tax system. Under this amendment, however, tax reform—already facing an uphill political battle—will become all but impossible.

Tax reform will involve tremendous shifts in the ways the federal government collects revenues. As a supporter of a plan to move from the current tax system to a fairer, more simple, more efficient system based on a broad-based consumption tax, I am committed to the principle that tax reform must be accomplished on a revenue neutral basis.

But in tax reform, there will be winners and losers. If the constitution says that revenue increases must be approved by a two-thirds majority, the losers in tax reform will be sure to pursue the matter in court. The resulting delay and confusion will make it even more difficult to give the American people the tax reform they deserve.

Let me make one final point. The sponsors of this proposal argue that it is needed because without it, it is just too easy to raise taxes. Respectfully, that is a ridiculous notion. It is not easy to raise taxes. It has never been easy to raise taxes. It never should be, and it never will be.

Consider the 1993 tax bill, which the supporters of this proposal cite as an example of the horrors that the amendment would prevent. It passed by one vote margins in both Houses. It definitely wasn't easy.

But more important, had this amendment been in effect, that legislation would not be law. The budget of the United States, instead of heading for the first surplus in thirty years, would be hundreds of billions of dollars in the red. The national debt, instead of heading down, would be climbing toward \$7 trillion. And instead of looking at the third tax cut bill in the three years, we would be in the depths of the fiscal crisis that gripped this country and choked our economy.

Mr. Speaker, let us not trivialize the Constitution. We should defeat this diversion, and move quickly to get on with the real business of tax reform.

Mr. CRANE. Mr. Speaker, I rise in strong support of H.J. Res. 111, the Tax Limitation Constitutional Amendment.

Since I was first elected to this body, I have fought against the growth of government in Washington. For most of my tenure, that fight was an uphill battle, and our rising debt and annual deficits were testaments to that fact. The last time our government enjoyed a budget surplus was the year I was first elected to Congress, 1969. Until recent years, Congress has been to blame for the lack of fiscal discipline, not the taxpayers. Even though we are enjoying a budget surplus, Americans have the highest tax burden since World War II.

Quite simply, the Tax Limitation Amendment proposes a constitutional amendment requiring a two-thirds majority vote of both the House and Senate for passage of a bill that would raise taxes, except in the case of war. Even taxes that were increased as a result of the United States involvement in a war would be in effect for no more than 2 years. That provision alone would have forced Congress after World War II to revisit the high taxes, and the implementation of mandatory tax withholding, that helped to fund our victory over tyranny, but which were unnecessary after peace was achieved.

Since 1980, four of the five tax increase bills passed with less than a two-thirds majority. The last tax increase, the 1993 Clinton tax increase, was the largest in America's history. That bill passed both Houses by a two-vote margin. Although it will do nothing to redress past tax increases, a supermajority requirement will protect the American taxpayers from future Congresses.

To those who have reservations or objections to making this part of the Constitution, I assure you that the Tax Limitation Amendment is completely consistent with that document. The Constitution demands that Congress con-

sider important matters such as overriding presidential vetoes and passing constitutional amendments by two-thirds majorities. Certainly, protecting the wallets of American taxpayers from profligate Washington spending is just as important.

I urge my colleagues to join me in voting for the Tax Limitation Amendment.

Mr. SERRANO. Mr. Speaker, I rise in strong opposition to H.J. Res. 111, proposing an amendment to the Constitution to require a two-thirds supermajority vote in both House and Senate for any legislation that would raise revenues through changes to the Tax Code.

A supermajority requirement is a profoundly bad idea. Majority rule is a fundamental principle of our American government. To allow a minority in one Chamber to block urgently needed legislation for any reason—ideological, partisan, whatever—would stand that principle on its head.

Today, with no supermajority requirements, Congress can do a great many things with only a simple majority in each Chamber. Many of us consider these just as important as raising taxes. Yet no supermajority requirement is proposed for them:

Congress can declare war, surely one of the most significant powers granted us by the Constitution—by majority vote.

Congress can pass appropriations to protect and enhance the well-being of our people, through education, biomedical research, law enforcement, public health, housing, food safety, national security—by majority vote.

Congress can pass bills that invest in America's physical infrastructure, our highways and airways, transit systems, ports, and parks—by majority vote.

Congress can balance tax and spending provisions to deal with pressing budgetary and economic situations—by majority vote.

Congress can create or close tax loopholes for wealthy special interests or pass a steep hike in the federal tobacco tax—by majority vote.

Congress can permit or deny access to federally-funded abortions—by majority vote.

Congress can impose the death penalty for more crimes, and for ever-younger criminals—by majority vote.

Surely these policies are as important and deserve as much deference as raising taxes does.

Mr. Speaker, why are we wasting a day on this loser? The same amendment failed to pass in 1996 and actually lost support in 1997. There's no reason to believe it will do better this year. This is an exercise in empty rhetoric, nothing more.

There are other bills we could have taken up today that might actually accomplish something. But no, Republicans must prove their devotion to tax cuts above all other priorities by engaging in 3 hours of unproductive bombast and then failing to pass anything.

I urge my colleagues to oppose this misguided legislation.

Mr. PORTER. Mr. Chairman, I rise today to express my opposition to H.J. Res. 111, the Tax Limitation Amendment, which would require a two-thirds supermajority in both houses of Congress to approve increases in taxes.

Mr. Chairman, I believe our fiscal problems result from excessive spending and I do not favor tax increases. I voted against tax increases in 1983 and 1990 and President Clinton's 1993 tax increase, and I have supported

fiscally conservative policies throughout my service in Congress. My voting record in this regard has earned numerous awards from groups such as the National Taxpayers Union, the Grace Commission's Citizens Against Government Waste, the U.S. Chamber of Commerce, Watchdogs of the Treasury, Inc., Citizens For A Sound Economy and the Concord Coalition, which rated my work in the last Congress at 100 percent.

Despite my strong opposition to tax increases, however, I do not feel it is appropriate to amend the Constitution by adding a two-thirds supermajority requirement to it for Congress to pass tax increases. Over 200 years ago, our forefathers founded our nation in tax revolt. King George III's imposition of huge and unfair levies without the consent of the American colonists led to their rallying cry of "no taxation without representation." The British crown's impositions, including heavy taxation, were among the principal causes of the American Revolution.

Within a decade, in 1787, the leaders of that revolution were writing a new constitution to govern the relationship among the new national government, the states, and the people. Heavy upon their minds was the power of the central government to tax, as can be seen throughout the document. Yet having the opportunity to require supermajorities for the imposition of any tax, they did not write such a provision into the new constitution.

Supermajorities are found in our Constitution for a number of purposes, but each one relates to the separation of powers and the system of checks and balances among the branches of government. No supermajority provisions concern policies which federal governments might seek to follow in the future. Our nation's wise founders clearly and explicitly placed their faith and the entire structure of our government in simple majority rule. This is the essence of our democratic Republic under the Constitution.

To write a two-thirds requirement for tax increases into the House rules is one thing. I support it and voted for it during the last Congress. But to write the same provision into our Constitution to bind Americans for all time to come is quite a different matter. I cannot support it. I believe it should be a matter for the people of each time to determine on their own.

As always, I remain committed to cutting federal spending and to opposing tax increases. My view is that these policy decisions should be driven by the will of the people and the individuals they choose to elect in their time, not by the views of one generation enshrined as a constitutional mandate.

Mr. ISTOOK. Mr. Speaker, taxes are too high. Federal taxes take over a fifth of America's entire economic output—more than ever before in history, and many Americans pay half of their income in combined Federal, State, and local taxes.

And some people will do anything to throw up roadblocks and detours in our trip to fiscal responsibility. They don't want to make the journey toward a balanced budget in the first place. They like joyriding instead, and sending the bill to taxpayers. They want to spend, spend, spend, without regard for how much it costs or how much debt we build.

When confronted with the debt, they always do the same thing: Raise taxes, and pat themselves on the back for "making the tough decisions!"

Mr. Speaker, the joyride is over. This time we move toward a balanced budget, and we can't bill taxpayers for the trip.

Big government got us where we are. So big government can foot the travel costs to get us back to fiscal sanity. Cutting spending is the way to reach a balanced budget.

But the joyriders won't stop looking for a free ride from taxpayers, and that's why we need the Barton tax limitation amendment. No more detours. No more tax increases.

Let's pay our own way to a balanced budget. Support the Barton amendment.

The SPEAKER pro tempore (Mr. SNOWBARGER). All time for debate has expired.

Pursuant to House Resolution 407, the previous question is ordered on the joint resolution, as amended.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the joint resolution.

The question was taken.

Mr. SCOTT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, further proceedings on final passage are postponed.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will recognize special orders without prejudice to resumption of legislative business.

#### SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Michigan (Mr. STUPAK) is recognized for 60 minutes as the designee of the minority leader.

#### INVESTIGATION VIOLATIONS

Mr. STUPAK. Mr. Speaker, there are a number of issues I would like to address today in my time here as a special order: leaking underground storage tanks, on this, today being Earth Day; and also on food safety; but first, Mr. Speaker, I have something I would like to say. I think I, as all Americans, we should be outraged by the actions of the so-called investigations that are going on here in Washington, D.C.

Mr. Speaker, unfortunately these are not investigations but violations of everything that we hold as dear as American citizens. Every basic right, every fundamental belief on which this great country was founded upon is being trampled by a select few. But it is this few, those who think they are above the law, that give Congress and government a bad name.

But this is more than just giving Congress or government a real bad

name. This is about privacy, it is about the Constitution, it is about the laws of this Nation, it is about the oath of office, and it is about our word.

Mr. Speaker, the chairman of the Committee on Government Reform and Oversight, the gentleman from Indiana (Mr. BURTON), has released private recorded conversations covered by the Privacy Act to the news media. The conversations released were those of Mr. Hubbell, and those conversations were amongst himself to his wife and his family, and they were subpoenaed by the committee from the Justice Department.

The gentleman from Indiana (Mr. BURTON) was allowed access to these recordings because of his position as a Member of Congress and as chairman of the Committee on Government Reform and Oversight. The gentleman from Indiana (Mr. BURTON) was warned by the Justice Department that Mr. Hubbell had a right to privacy, and that the gentleman from Indiana (Mr. BURTON) and his committee should safeguard these tapes against improper disclosure. The gentleman from Indiana (Mr. BURTON), a Member of Congress, put himself above the law and has purposefully released these tapes.

Does not a Member's oath of office, the Constitution of the United States, in which we are sworn to uphold the Bill of Rights, the Privacy Act, human decency mean anything any more? Since when is it okay for a Member of Congress to trample the rights of individual citizens, no matter who that Member of Congress is? It is never okay for anyone, let alone a Member of Congress, to trample the individual rights of individuals.

Mr. Speaker, the rule of law applies to everyone on every occasion. This government cannot pick and choose when to follow the law. The laws of this Nation mean everyone must follow the law. Everyone includes, and especially it includes, Members of Congress, those of us who are sworn to uphold the law.

When Members or individuals who are elected officials sit by and allow a chairman or any Member of this Congress to openly ignore the law, then we are not worthy of holding elected office. That is why I can no longer sit by while the gentleman from Indiana (Mr. BURTON) continues to place himself above and beyond the rule of law.

And then I must ask who is going to be the next target? Who is the next target of invasion of privacy, of violation of our constitutional rights? I often have to ask myself, in the last few days, why do the American people sit idly by and tolerate such an invasion of rights of privacy?

Mr. Speaker, in this case let us be very, very clear what is going on here. In this case the gentleman from Indiana (Mr. BURTON) is the first chairman in congressional history, in the 200-and-some years that we have had Congresses, to have the power to unilaterally, unilaterally issue subpoenas and release confidential information.