

Senate to once and for all eliminate those programs our Government can no longer afford, to permanently reduce spending and bring the Federal budget into balance. This relieves the future threat to the Social Security Program because Congress will wean the Federal Government off American tax dollars by cutting spending on programs, rather than by cutting Social Security benefits or raising Social Security payroll taxes.

There are those who say that the balanced budget amendment should include a reference to the Social Security trust fund. Just the opposite is true, however. By writing into the Constitution an exemption for the Social Security Program, Congress will leave a loophole to shelter a whole host of other programs for scrutiny. Congress could later move program after program under the veil of the Social Security trust fund to provide protection from the reach of the balanced budget amendment. In the end, the fiscal integrity and independence of the Social Security Program would be violated, not protected. Equally important, Congress would once again avoid casting the tough votes on those programs that are the cause for our rising national debt.

As the founder and chairman of the bipartisan Social Security Caucus, I have long led the battle to preserve the long-term financial stability of the Social Security trust fund and ensure that the promised retirement benefits will be available to current and future generations of American workers. A constitutional amendment to require a balanced Federal budget will remove any incentives for Congress to tamper with Social Security benefits, by finally forcing Congress to make the tough decisions required to address the threat posed to all of us by an ever-increasing national debt. Social Security is not the cause of our Nation's growing debt. It certainly should not be and will not be a part of the solution as long as this Member serves in the House.

Mr. Speaker, I support this legislation today to reaffirm the commitment of this Congress to protect the Social Security Program while at the same time taking definitive action to eliminate Federal deficit spending with the enactment of a balanced budget constitutional amendment.

#### PARLIAMENTARY INQUIRY

Mr. FATTAH. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. KOLBE). The gentleman will state it.

Mr. FATTAH. Mr. Speaker, I would like to know the legal effect of the resolution in front of us. Is it binding?

The SPEAKER pro tempore. The gentleman is not stating a parliamentary inquiry.

Mr. FATTAH. I am trying to understand the distinction between a concurrent resolution as it is presently before the House.

The SPEAKER pro tempore. Pursuant to House Resolution 44, the previous question is ordered on the concurrent resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the concurrent resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FLANAGAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 412, nays 18, not voting 4, as follows:

[Roll No. 40]

YEAS—412

Abercrombie	Crapo	Hansen
Ackerman	Creameans	Harman
Allard	Cubin	Hastert
Andrews	Cunningham	Hastings (FL)
Archer	Danner	Hastings (WA)
Armey	Davis	Hayes
Bachus	de la Garza	Hayworth
Baessler	Deal	Hefley
Baker (CA)	DeFazio	Hefner
Baker (LA)	DeLauro	Heineman
Baldacci	DeLay	Herger
Ballenger	Dellums	Hilleary
Barcia	Deutsch	Hilliard
Barr	Diaz-Balart	Hinchey
Barrett (NE)	Dickey	Hobson
Barrett (WI)	Dicks	Hoekstra
Bartlett	Dixon	Hoke
Barton	Doggett	Holden
Bass	Dooley	Horn
Bateman	Doolittle	Hostettler
Becerra	Dornan	Houghton
Beilenson	Doyle	Hoyer
Bentsen	Dreier	Hunter
Bereuter	Duncan	Hutchinson
Berman	Dunn	Hyde
Bevill	Durbin	Inglis
Billbray	Edwards	Istook
Blirakis	Ehlers	Jackson-Lee
Bliley	Ehrlich	Jacobs
Blute	Emerson	Jefferson
Boehkert	Engel	Johnson (CT)
Boehner	English	Johnson (SD)
Bonilla	Ensign	Johnson, E.B.
Bonior	Eshoo	Johnson, Sam
Bono	Evans	Johnston
Borski	Everett	Jones
Boucher	Ewing	Kanjorski
Brewster	Farr	Kaptur
Browder	Fawell	Kasich
Brown (CA)	Fazio	Kelly
Brown (FL)	Fields (TX)	Kennedy (RI)
Brown (OH)	Filner	Kennelly
Brownback	Flake	Kildee
Bryant (TN)	Flanagan	Kim
Bryant (TX)	Foglietta	King
Bunn	Foley	Kingston
Bunning	Forbes	Klink
Burr	Ford	Klug
Burton	Fowler	Knollenberg
Buyer	Fox	Kolbe
Callahan	Frank (MA)	LaFalce
Calvert	Franks (CT)	LaHood
Canady	Franks (NJ)	Lantos
Camp	Frelinghuysen	Largent
Cardin	Frisa	Latham
Castle	Frost	LaTourette
Chabot	Funderburk	Laughlin
Chambliss	Furse	Lazio
Chapman	Gallely	Leach
Chenoweth	Ganske	Levin
Christensen	Gejdenson	Lewis (CA)
Chrysler	Gekas	Lewis (GA)
Clayton	Gibbons	Lewis (KY)
Clement	Gilchrist	Lightfoot
Clinger	Gillmor	Lincoln
Clyburn	Gilman	Linder
Coble	Gonzalez	Lipinski
Coburn	Goodlatte	Livingston
Coleman	Goodling	LoBiondo
Collins (GA)	Gordon	Lofgren
Collins (IL)	Goss	Longley
Collins (MI)	Graham	Lowe
Combest	Green	Lucas
Condit	Greenwood	Luther
Conyers	Gunderson	Maloney
Cooley	Gutierrez	Manton
Costello	Gutknecht	Manzullo
Cox	Hall (OH)	Markey
Coyne	Hall (TX)	Martinez
Cramer	Hamilton	Martini
Crane	Hancock	Mascara

Matsui	Pickett	Spence
McCarthy	Pombo	Spratt
McCollum	Pomeroy	Stark
McCrery	Porter	Stearns
McDade	Portman	Stockman
McDermott	Pryce	Stokes
McHale	Quillen	Studds
McHugh	Quinn	Stump
McInnis	Radanovich	Stupak
McIntosh	Rahall	Talent
McKeon	Ramstad	Tanner
McKinney	Rangel	Tate
McNulty	Reed	Tauzin
Meehan	Regula	Taylor (MS)
Meek	Reynolds	Taylor (NC)
Menendez	Richardson	Tejeda
Metcalf	Riggs	Thomas
Meyers	Rivers	Thompson
Mfume	Roberts	Thornberry
Mica	Roemer	Thurman
Miller (CA)	Rogers	Tiahrt
Miller (FL)	Rohrabacher	Torkildsen
Mineta	Ros-Lehtinen	Torres
Minge	Rose	Towns
Mink	Roth	Traficant
Moakley	Roukema	Upton
Molinaro	Roybal-Allard	Velazquez
Mollohan	Royce	Vento
Montgomery	Rush	Volkmer
Moorhead	Sabo	Vucanovich
Morella	Salmon	Waldholtz
Myers	Sanders	Walker
Myrick	Sanford	Walsh
Nadler	Sawyer	Wamp
Neal	Saxton	Ward
Nethercutt	Scarborough	Waters
Neumann	Schaefer	Watts (OK)
Ney	Schiff	Waxman
Norwood	Schroeder	Weldon (FL)
Nussle	Schumer	Weldon (PA)
Oberstar	Seastrand	Weller
Obey	Sensenbrenner	White
Olver	Serrano	Whitfield
Ortiz	Shadegg	Wicker
Orton	Shaw	Wilson
Owens	Shays	Wise
Oxley	Shuster	Wolf
Packard	Sisisky	Woolsey
Pallone	Skeen	Wyden
Parker	Skelton	Wynn
Pastor	Slaughter	Yates
Paxon	Smith (MI)	Young (AK)
Payne (NJ)	Smith (NJ)	Young (FL)
Payne (VA)	Smith (TX)	Zeliff
Peterson (FL)	Smith (WA)	Zimmer
Peterson (MN)	Solomon	
Petri	Souder	

NAYS—18

Clay	Klecicka	Skaggs
Dingell	Moran	Stenholm
Fattah	Murtha	Tucker
Gephardt	Pelosi	Visclosky
Geren	Poshard	Watt (NC)
Kennedy (MA)	Scott	Williams

NOT VOTING—4

Bishop	Thornton
Fields (LA)	Torricelli

□ 1613

Mr. MORAN and Mr. KENNEDY of Massachusetts changed their vote from "yea" to "nay."

Mr. HASTINGS of Florida and Mrs. MALONEY changed their vote from "nay" to "yea."

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### PROPOSING A BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The SPEAKER pro tempore (Mr. KOLBE). Pursuant to House Resolution 44 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union

for the consideration of the joint resolution, House Joint Resolution 1.

□ 1615

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 1) proposing a balanced budget amendment to the Constitution of the United States, with Mr. WALKER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the joint resolution is considered as read the first time. Under the rule, the gentleman from Illinois [Mr. HYDE] will be recognized for 1½ hours, and the gentleman from Michigan [Mr. CONYERS] will be recognized for 1½ hours.

The chair recognizes the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, I yield myself such time as I may consume.

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

Mr. HYDE. Mr. Chairman, it is clear, judging from the minority party's reactions, that our quest to achieve a balanced budget has already encountered fierce resistance. This is evidenced by the cascade of amendments they have offered to the legislation barring unfunded mandates and to the balanced budget amendment itself.

Why this lip service to the concept, Mr. Chairman, but genuine obstruction to the process? Mr. Chairman, as I was asking, why do the Democrats give lip service to these concepts of banning unfunded mandates and having a balanced budget amendment, but yet the process seems to be strewn with land mines?

Mr. Chairman, I think, and this is just my personal opinion, they do not want a balanced budget amendment, despite what they say, nor do they want to forego unfunded mandates, because it is through their mandates and deficit spending that Government grows bigger and bigger and bigger. The minority party has a long-standing romance with big Government, and unfunded mandates and deficit spending are the flowers and the candy they keep bestowing on their beloved.

Why do we need a balanced budget amendment? The current statistics, the figures, the money, are both inescapable and staggering. Federal debt is now \$4.7 trillion and growing; the 1995 deficit, \$176 billion, and by the year 2005 the deficit will be, if current expenditure rates continue, \$421 billion. As a matter of fact, Mr. Chairman, the Federal Government has run deficits in 33 of the last 34 years.

Mr. Chairman, interest on the national debt is 14 percent of Federal spending. It is the third largest item in the budget after Social Security and defense. It now totals \$235 billion, and next year debt service will jump to \$260 billion. By the year 2000 it will be \$310 billion and still counting, and still mounting.

□ 1620

Foreign creditors now own 20 percent of our debt. That is the reality lurking behind this romance with ever-bigger Government that seems to consume the Democrats.

The balanced budget amendment is much more than a mere symbol. It would establish a binding, legal framework, a disciplined structure requiring Congress to make the tough choices with a bias toward cutting spending, not increasing the debt and not increasing taxes.

In 1982, I wrote an op-ed piece expressing skepticism about a balanced budget amendment. Thirteen years later, that skepticism has dissipated. I am convinced nothing is going to work short of a balanced budget amendment. To date we have rejected all serious efforts to hold back this tidal wave of red ink that threatens to inundate us all. In the past 10 years, three major legislative efforts have sought to reverse our chronic deficit pattern. Two of them have failed and the third is destined to do so. I am convinced only a long-term permanent legal commitment provided by a constitutional amendment will harness a runaway Congress in pursuit of a balanced budget amendment.

In short, this amendment is essential to force Congress to make the kind of difficult choices it has evaded for years. It is a last gasp of a fiscal policy suffocating from overspending.

The balanced budget amendment is a procedural enforcement tool. It is not a detailed plan.

Much has been made about the failure of our amendment to specify where the cuts are going to come and when they will be made.

I suggest that a constitutional amendment should never include a laundry list of spending cuts. It is a statement of general principles, not an inventory of details. It is irresponsible for balanced budget amendment critics to demand in a single legislative vehicle a specific balanced budget plan covering the next 7 years as a precondition for passing the amendment. Making complete and accurate spending and revenue projections covering the entire 7-year timeframe is impossible at this time and they know it. It would be the sheerest speculation and more misleading than informative.

As George Will has said, "The Constitution stipulates destinations. It doesn't draw detailed maps."

This year as part of the annual budget process, Congress will begin to identify what specific cuts need to be made between now and 2002. Passing the balanced budget amendment will give Congress the opportunity to reexamine virtually every function of Government. Like the base closing commission, it will impose a systematic reform that will force elected officials to make those tough decisions. The result will be what the voters said they want, a smaller, less intrusive Government and more power to reside where it be-

longs, with the States, with local communities, and with American families.

The long-neglected 10th amendment will be resuscitated and so will our economy. What we need to do is to convince America that we will make the cuts and that we have the will to make the cuts necessary to bring the budget into balance. That was the clear signal of November 8 last year.

We have heard so much about Social Security and we have heard it from the party that has taxed Social Security in the last budget, taxed the Social Security benefits that they so cavalierly refer to as sacred. It seems to me that was a violation of sanctity, but nonetheless, that is their problem.

Social Security is off-limits. It is not on the table. The Republican Party, the Republican leadership has made it clear that Social Security will not be cut.

The budget can be balanced by the year 2002 without touching Social Security.

One of my authorities for that is the distinguished gentleman from Texas and a fine Democrat named CHARLES STENHOLM.

It should be noted that a balanced budget amendment will provide greater protection for each American's investment in Social Security because by balancing the budget, no additional Government bonds will have to be issued to finance the deficit. Thus, there will be no more borrowing from the trust fund which truly protects the future of our Nation's retirees.

In contrast, if there is no amendment, starting in the year 2013, the Federal Government will have to begin paying back from general revenues the trillions it will have borrowed by then from the trust funds. Congress will then have to face the inevitable task of raising payroll taxes and/or reducing benefits.

The Contract With America clearly supports senior citizens. It helps seniors in several ways. It raises the Social Security earnings limit to \$30,000 over 5 years. It repeals the onerous Clinton/Democrat tax increases on Social Security retirees. It provides a \$500 elder care tax credit and tax incentives to help individuals purchase private long-term care insurance.

Not only will the balanced budget amendment protect our seniors but it will protect our children and their children as well. We steal from them by thrusting the metastasizing Federal debt on their shoulders. We will continue to commit generational larceny if we fail to reduce the debt. It can only be done with the help of a balanced budget amendment.

One of the most interesting lines last night in the President's State of the Union speech was this: "None of us can change our yesterdays, but all of us can change tomorrows." Well we better be careful how we change tomorrows,

by lightening the debt on our grandchildren's backs or by exacerbating it. If we do not have a balanced budget amendment, you know what is going to happen and it is no present our grandchildren or future generations.

Slowing the rate of growth of spending is the answer. Under current policies, spending will increase by 5.4-percent annually over the next 7 years and total spending during that period amounts to \$13 trillion. We can balance the budget by 2002 if we hold spending growth to about 3-percent annually.

If we do not act, what is going to happen? The longer we put this off, the tougher it gets. Where will we find the money for essential Government services and programs when the debt service grows to 30 percent or 40 percent of Federal spending? How will the private sector finance business startups, job creation, with debt service eating up almost half of the private investment funds generated each year? What will we do when the foreigners close their checkbooks?

The American taxpayer deserves and demands relief. We need bold action to regain the confidence of the investment community here and abroad. More dollars will be available to the private sector. Savings rates will increase. Interest rates will be lower. Capital investment will be encouraged. More jobs available for more Americans.

If the last election did not convert you, perhaps you are beyond redemption. But to the rest I say, seize the day, and now is the day.

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

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

Mr. Chairman, I rise in opposition to House Joint Resolution 1 and have long opposed the concept a constitutional amendment to balance the budget because it seeks to trivialize our most fundamental document by inserting an ill-defined and unenforceable promise about budgetary policy. The Constitution deals with real—not illusory—promises to safeguard the rights and liberties of all Americans. And while many are quick to point to simplistic Gallup polls indicating widespread support for such an amendment, they severely underestimate the real desire of the American people to see their Government take real responsibility for reducing the deficit—rather than simply taking credit for promising to do so after two more Presidential elections have passed into history by the year 2002.

Make no mistake. All Members of this body want to see the Federal budget balance. Its crushing weight will dampen the dreams of our children, constrain capital flows, increase interest rates, and exert often regressive influences on the economy. Only using the Constitution both trivializes that precious document and delays action for 7 years. In the past 2 years, President Clinton and the Congress didn't

delay but acted on a budget that has brought us 3 consecutive years of deficit reduction for the first time in modern history.

That is the way it should be, but that is not what House Joint Resolution 1 is all about. The proposed amendment is the epitome of "trust me" politics. It rightfully is the heart of the Republican Contract With America—because it is all style and symbolism, and no substance.

Most significantly, the new majority refuses to put its money where its mouth is by supporting the truth in budgeting concept. Not only that, they blocked our right to offer that measure as a perfecting amendment. Why is that? Are Republicans hiding the real numbers because as one of their leaders said that the "Congress may buckle," or because as one of the majority members in the Judiciary Committee said that the "States may buckle?"

What I object to most is the fact that I believe that its proponents, relying largely on public opinion polls, are trying to buy their budget cutting wings on the cheap. And because they are not answering fundamental questions raised by the amendment, they are selling the American people a pig in a poke. Well, I am from Detroit, and we know that when buying a car, we first need to look under the hood.

This budget is going to force over \$1 trillion in cuts, but no one will say from where. Will our military have to be cut in half? Will Medicare be on the chopping block. Will veterans' benefits be up for grabs? How about student loans. When we tried to provide protections for these programs in the Judiciary Committee, the Republicans in lockstep said no. And, yes, what about Social Security?

Upon taking office, the new majority promised that Social Security would be protected from the hemorrhagic budget knife which must surely follow if the proposed balanced budget amendment to the Constitution passes.

Less than 7 days later, one of its chief lieutenants, the respected Judiciary chairman, HENRY HYDE, said during committee markup of the measure, that Social Security couldn't be taken off the table because if it was, the cuts in other programs would be "too draconian?"

Senior citizens of America beware. The balanced budget amendment removes current "off-budget" protections of Social Security and places the program on the chopping block. It is clear and simple. House Concurrent Resolution 17, a Republican proposal to provide implementing legislation without touching Social Security is a mirage, totally unenforceable, without any sanction if Congress fails to do it. The only way, I repeat the only way to protect Social Security from cuts under this amendment, is to put it in the text of the constitutional amendment.

Proponents, and particularly Republican proponents, are telling Governors and other States' representatives that

any fears that Washington will cascade Federal responsibilities to States in the form of unfunded mandates—a scenario many consider inevitable if the amendment becomes law—are magically resolved by the imminent passage of unfunded mandates legislation.

You've got to be kidding. In the 103d Congress I chaired the committee with jurisdiction over unfunded mandates. So I know that whatever unfunded mandates legislation Congress passes now, can and most likely will be superseded with subsequent legislation passing the responsibilities—but not the bucks—to the States. The amendment, in fact, is the mother of all unfunded mandates. The only way to stop that from being so is to say in the text of the constitutional amendment. But Republicans in lockstep said no to that. They stopped us from an amendment on the floor to that effect also. Starting to get the picture?

It's great to say we'll balance the budget in 6 or 7 years—well after two more Presidential elections—but how are we going to do it? Is defense going to be cut in half—even as Republicans state they'll seek increased funding? Will Medicare, veteran's benefits, student loans, or agricultural subsidies be reduced and by how much?

That evasiveness may make for good politics but do not make for good economic policy and could turn a mild recession into a dramatic economic downturn. Many countercyclical entitlement program for instance, such as unemployment benefits, require budgetary flexibility to keep our economy strong when it runs sour. Today a 1 percent increase in unemployment would increase the deficit by \$57 billion—both because of declining taxes and increasing demand for benefits. With such a proposed constitutional amendment, the Federal Government would be forced to increase taxes or cut benefits by \$57 billion during an economic contraction. This would dramatically aggravate the economy, create economic pressures increasing rather than decreasing the deficit, and generally make a bad situation far worse.

Had the constitutional amendment been ratified in 1991 when the recession combined with the savings and loan crisis created a \$116 billion shortfall in receipts, the amendment would have plunged this country into a devastating economic contraction which would have been bad for all our goals, including deficit reduction.

And the amendment's failure to provide definitions for "receipts" and "outlays" would only mean more chaos. Are loan guarantees or contingent liabilities of Government corporations considered "outlays"? We do not know from the text of the amendment. What about zero coupon bonds on the revenue side? Does Congress have the prerogative to declare certain items off budget, or outside the traditional "receipts" and "outlays" categories. It's unclear.

Further the mechanics of such an amendment are not spelled out. The budget identified in the amendment requires only estimates of overall spending and revenues, which are always inaccurate because of unanticipated economic circumstances. So what happens if revenues fall short, or there are overages in entitlement outlays at mid-year? Does Congress enact a supplemental appropriations bill? Does the President impound funds despite statutory requirements to provide outlays? Do the courts step in?

Finally, there is nothing in the proposal before us to explain what the enforcement mechanism will be if Congress fails to honor its promise to balance the budget. Do the courts step in on their own initiative and start making budget decisions will-nilly? Do impacted States and taxpayers have the right to bring suit to make Congress keep its Contract with America? Does a sequestration procedure kick in which would cut back all expenditures by a fixed amount? Do the capital markets "go on hold" while the international monetary system is kept in suspense about whether the U.S. Government will be brought to a halt? I think what this amendment does is to pass the buck ultimately to a unaccountable Federal judiciary whose role is not to decide how much the American people should be taxed and on what tax dollars should be spent. Isn't it ironic that one of the first promises of the Republican contract is to abdicate budgetary responsibility to another branch of Government. Make no mistake, if the amendment is ratified, critical decision about taxes and Federal spending could be made in a secret chamber without any checks whatsoever.

Do individuals affected by any of the above courses of action have the right to sue? Much of our information about the level of outlays on the mandatory side of the budget are not even calculable until 3 months after the fiscal year.

In the past weeks the Republican leaders have publicly admitted that they will not spell out what cuts will be necessary to bring the budget into balance because Congress' knees would buckle, or because the States' knees would buckle or because the American taxpayer's knees would buckle. Well buckle or not, the American people have a right to know. And the amendment I will be offering later will require Congress to specifically enumerate how it will eliminate the deficit in the next 7 years before it will go into effect.

Well, do not fear: By passing the amendment before us, we are on a "glide path" to a balanced budget, because that's what the Republicans say—but do not vote to specify—about the effect of the proposed amendment after only 2 weeks of consideration by Congress.

This effort is not serious, and by its snake oil promises, does not augur well

for the accountability which Americans have demanded in this new Congress.

□ 1640

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

Mr. HYDE. Mr. Chairman, I yield 4 minutes to the gentleman from Wisconsin [Mr. SENSENBRENNER].

Mr. SENSENBRENNER. Mr. Chairman, the balanced budget amendment is a question of discipline. It is a question of financial discipline on a Congress which has had none.

Amending the U.S. Constitution is strong medicine, and in past history has occurred only to correct deficiencies in the Constitution, which was adopted in 1787, to abolish slavery, to give women the right to vote, and in other important matters such as the Bill of Rights.

I would submit the strong medicine is in order to force Congress to put America's fiscal house in order. Congress has tried and failed in the past to put discipline on itself in a statutory manner.

In 1990 we had the Bush budget agreement with discretionary spending caps and firewalls. That lasted 3 years before it was replaced by the 1993 Clinton agreement.

In 1985 we had the Gramm-Rudman law, which was amended twice before it was repealed, because the shoe started to pinch too hard.

In 1981 we had the Gramm-Latta, and in 1978 we the Harry Byrd law that required Congress to balance the Federal budget by 1981.

To my knowledge that law still is on the books, and since 1981 the national debt has increased by almost \$3½ trillion. So we do need a constitutional amendment to force the people who serve in this Chamber and the one down the hall to start reducing the Federal budget deficit to zero so that we do not mortgage our children and grandchildren's future.

It is no secret that many of the most vocal opponents of the balanced budget amendment have big-spending records on issues of taxing and spending, and they are the ones that do not want to put this constitutional discipline on the House of Representatives so that they can go on spending as usual.

The time has come to put a stop to that, and that is why House Joint Resolution 1 should pass.

Now, tomorrow the biggest item of controversy will be the three-fifths vote that would be required both to raise taxes and to increase the national debt. I favor a three-fifths supermajority in both cases and hope that the House of Representatives will approve it.

Why should we not make it harder to increase taxes on the American people and to raise the national debt? We ought to do that so that a balanced budget amendment simply is not complied with by increasing taxes.

But also a three-fifths supermajority will require bipartisanship for future

tax increases and national-debt increases. No longer will a partisan majority be able to ram a tax increase down the throats of the American people such as happened in August 1993. It will require a consensus in order to achieve a tax increase or in order to increase the national debt.

The President last night called for consensus. We have not had consensus in these areas in the past. We ought to have consensus in the future, and the three-fifths vote will require that consensus to be had.

I would hope that this amendment would pass and be sent to the States with the three-fifths vote.

Mr. CONYERS. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman for yielding me this time.

I appreciate your leadership on our committee.

I must say, as I listen to this debate, I hear people accusing this side of the aisle of being political, and it would be much easier for us to say, "Oh, let us just go along; let us just vote yes, let us take up this new idea of government by windsock or government by the slogan of the day." Clearly we would be more popular.

But it seems to me that when you deal with the Constitution, we are not talking about popularity, and our forefathers and foremothers in the past restrained themselves and did not just throw everything they could think of into this Constitution.

I must say, as the ranking member on the subcommittee that dealt with this amendment, I have been shocked by the whole process. As we saw today in the rule, they had to waive points of order because of some of the violations that went on during the markup, improper notice, the problems we had of not having, or of having very short hearings. We had less time to mark this bill up than it takes me to make a costume for my children for Halloween.

You know, I always thought of a constitutional amendment as being real serious. Yet it was like, "No, no, no, we have got to have it out here, we have got to have it now because it is on our slogan, and there was some ad or something in a TV journal and we have got to have it now." So here we are.

□ 1650

Some of the amendments that we never dealt with in committee I think are the most serious amendments of all and go right to the core of this amendment. There are things like who has standing to sue. Now, that sounds like a technical thing. Obviously, the average guy is not too interested in it. Unless you can figure out what standing to sue means, it is finding out can anybody enforce this thing. Are we passing something and throwing it into the

Constitution, and if the President has an unbalanced budget or we have an unbalanced budget, something can be done about it?

Then I think the American people can be mad about it; we cluttered up the Constitution and nobody had any enforcement. But we never got to the issue of standing. In fact, most of the witnesses said they felt, the way this was drafted, no one had standing. So I have real questions as to whether this is really worth anything.

Then, second, if you got over the standing hurdle and somebody could challenge this and it went to court, what could the court review?

What we are saying today is the Presidents have not been able to balance the budget, we have not been able to balance the budgets, so now we are going to give it to the courts. The courts have the right to decide we are leaning too heavily on defense and can take it away? Or do the courts look at our estimates? What do the courts do?

Of course, we never got to those amendments. That was one of the over 20 amendments sitting at the desk that we never got to.

Are insurance funds in this? Yes. You buy crop insurance, you think you have got crop insurance. Surprise, the money goes to balance the budget. Social Security funds are on the table, as we well know from the prior debate. Let us be honest, they are on the table. So are all the trust funds.

You pay for gasoline, and you think that tax is going to buy highways. No, we are going to put it into a budget balancing. Maybe that is what we should be doing. But we ought to tell the American people what we are doing.

But let me tell you the real reason I do not think this belongs in the Constitution: I was one of the Members on this side, and there were only Members on this side, who voted for the last budget, the last few budgets that have brought this deficit down. It is easy to deplore the deficit, but we do not find very many votes to vote for real cuts that really turn it around. We prefer rhetoric to reality.

So, being one of the realists who voted to bring it down, and also being an airplane pilot, let me tell you what I feel our challenge is in this body. Every year when we do a budget, it is like bringing an airplane down to the ground. We are trying to bring the deficit down to zero, but we know we cannot bring it down to zero, blam, or we crash just like an airplane.

We were up in the airplane, and we want to bring it down to the ground, boom. No. You have to find a way to bring an airplane down, just as we try every year to find what is the right angle of descent for this deficit so that we do not throw this economy into a spiral or into a tailspin and have a depression. And yet we also are able to bring the deficit in the right direction.

Many of us have been voting for what we thought was the right angle and

have not been joined by very many people and have been beaten up for doing that. But that to me is what our mission is, trying to assess that angle. And putting it in the Constitution or demanding we do a crash into the Constitution is not where I think we want to go.

Mr. HYDE. Mr. Chairman, I am pleased to yield 3 minutes to the distinguished gentleman from Pennsylvania [Mr. GEKAS].

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

Mr. GEKAS. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in support of the balanced budget amendment, and I do so for several apparent and vivid reasons.

First, just to put it in the Constitution and have it as a discipline for the Members of Congress is reason enough to support the balanced budget amendment. But if one looks at it more analytically, one will find even additional rationale for strong support of this amendment.

In my judgment, and it has been said in various ways throughout the parts of the debate that have preceded this, our Social Security funds, our trust funds to which there has been reference, our pension system, our budgetary problems, our deficit, everything is on the table and will be helped when we reform a balanced budget. Social Security, actuarially, will be even more sound than it is today. Veterans' benefits will stay in place and be strengthened when we reach that balanced budget. So why do we clamor for a balanced budget? To solidify our economy, to stabilize our debt situation, to make it possible in the near future, 2002, borrowing power on the part of citizens will be greater. Mortgaging and lending that will allow the building of homes and the building of businesses will be made easier once a balanced budget has arrived.

Why? Because everyone in America knows that when the Federal Government comes to a point that it will cease to borrow from the private sector in order to finance debt, then that money no longer required by the Federal Government because we have reached a balanced budget, that money will remain in the private sector. And lo and behold, the banks and lending institutions and all who are interested in the availability of private capital for creation of jobs, for reduction of unemployment, for increasing workers' benefits, for then considering the raising of the minimum wage, all those other matters that come with prosperity will be given a yeoman's chance if we reach—and I say when we reach—the balanced budget in the year 2002.

We must balance the budget not just to insert into the Constitution, as valuable as that is, the language of balanced budget, but rather to do so for the spirit of America in reaching financial sanity through the balanced bud-

et that will free us all, including our citizens, for the enterprise of the future.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes and 45 seconds to the former Chair of the Subcommittee on Crime, the gentleman from New York, CHARLES SCHUMER.

Mr. SCHUMER. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in opposition to the amendment, the Barton amendment, the amendment that is on the floor.

You know, ladies and gentleman, I guess the balanced budget amendment is something that the closer you get the worse it looks.

You look at a couple of lines, "let us have an amendment in the Constitution to balance the budget," and everyone says, "Great idea, let's do it." Then you look at the mechanism of how to do it, and it does not look that good.

And, finally, you look at the specific proposal and the kind of cuts that it would entail, and it looks very bad altogether. My guess is that a number of the strategists on the other side who have put together this amendment hope it fails. It is a great campaign issue: "We are for a balanced budget amendment." But there is no way to do this amendment even if you should take our advice and leave Social Security off the table, without decimating programs like Medicare, like transit, et cetera.

I believe we must balance the budget. But I believe we should be on a gradual glide path down, not a severe drop and not a constitutional amendment that mandates that once you are in there you can never get out.

I talked to a number of financiers on Wall Street, "Wait until we are able to make the cuts." And yet we are unable to raise the debt ceiling. This nearly happened a few years ago, and Wall Street tremored. Wait until it happens now.

The people who devised this amendment did not really know what government is all about. They did not think it through. They did not go step by step by step. They rather said, "Let's find something that sounds good. The polls back us up. Eighty percent of America are for a balanced budget amendment." But when told it would cut Medicare by about one-third, which is about the cut that I understand the majority on the Budget Committee are considering, 76 percent say, "No, forget about it." So I say to the Members on our side who know it is a bad idea but are a little worried about opposing the big headline-grabbers, just wait, the closer the scrutiny, the closer we get to actuality, the less good this idea will be.

I think, in fact, that if you wanted to make sure our side retakes the majority, make sure the balanced budget amendment becomes law, and a few years after that we will have total change and total revolution. Good politics, maybe on the surface, although I

say "no" after a long period of time. Good substance? No way.

Mr. STENHOLM. Mr. Chairman, will the gentleman yield?

Mr. SCHUMER. Mr. Chairman, I would be happy to yield to my friend, the gentleman from Texas [Mr. STENHOLM], who has pursued this with such sincerity and is one of the few who is willing to make the tough cuts required and who supports this amendment.

Mr. STENHOLM. Mr. Chairman, I was just going to ask for a point of clarification because I wanted to be sure that I did not hear the gentleman saying that those who support the balanced budget amendment do not have a plan or cannot get there. I would take very strong exception to that on behalf of a lot of folks on both sides of the aisle. We do, and we can, and we will.

Mr. SCHUMER. I would say to the gentleman that my guess is I certainly think the gentleman understands the severity of the cuts. He is willing to cut Social Security—

Mr. STENHOLM. No, sir.

Mr. SCHUMER. My guess is 90 percent of the supporters of the balanced budget amendment are not. Once we have taken Social Security off, the cuts are at least one-third.

I make the point that my analysis is, and I think it is uncontroverted, that it would require about a one-third cut in all discretionary programs. I do not think most people are willing to take that kind of cut.

Mr. HYDE. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey [Mr. SAXTON].

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

Mr. SAXTON. Mr. Chairman, this is truly an historic debate, and I do not think there is any question about where the sentiment lies in this House relative to a balanced budget amendment. I think there is a huge majority that favor a balanced budget amendment, probably 300 or more Members. The question is which one will we support. Will we support a balanced budget amendment that makes it easier to raise taxes, or will we support a balanced budget amendment that makes it more difficult to raise taxes to accomplish the goal that we want to accomplish?

I favor the bill that was reported from the Committee on the Judiciary. It requires a 60 percent majority, or three-fifths, in order to raise taxes to balance the budget, and I have come to that conclusion after looking, at great length, to what has happened in our efforts to balance the budget over the last couple of decades.

In 1991, Mr. Chairman, the Democrat leaders of the House, the Democrat leadership of the House, and the Republican President got together, and they worked out an arrangement where we would have a tax increase, and for every dollar of tax increases we would have \$2 in spending cuts. I say to my

colleagues, "Well, if you asked yourself what happened, you probably guessed it. We got the tax increases, but we never got the spending cuts."

And history repeated itself in 1983 because the same kind of arrangement was arrived at with the same kind of results, and then in the middle of the 1980's we passed the Gramm-Rudman bill, and the Gramm-Rudman bill began to work, and we began to see the level of spending ratchet down, even if it was ever so slowly, but, as it ratcheted down, it became very painful to make those spending cuts, and we repealed the Gramm-Rudman bill.

Then our next major effort in 1990 was when George Bush got together with the Democrat leadership, and went out to Andrews Air Force Base, and came back here with a deal and said, "We're going to have a \$170 billion deficit remaining in 1995," and that happens to be this year, "if we don't do something," and we imposed—I did not, but the House collectively imposed—the largest tax increase in the history of our country on the American people to solve the deficit problem. Well, it did not do it either.

And in 1993 President Bill Clinton came to the House and said we have to do something about the deficit, and once again we raised taxes, once again the biggest tax increase in the history of our country imposed on the American people, and guess what? Next year our projected deficit is not \$170 billion which was projected in 1990. It is \$180 billion.

So, Mr. Chairman, not only did we not take the easy out to increase taxes, but it also can be said quite clearly, "It didn't work."

Now this is bad tax policy, creates a lot of bad things, and particularly it has a bad effect on our economy, and I know that we like to do things around here on a bipartisan basis, and I know that if the three-fifths provision passes, Mr. Chairman, it will pass on a bipartisan basis.

So, I look at the history of tax increases, look at the effect that they have had on our deficit, and I ask for support for the three-fifths provision.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. STENHOLM].

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

Mr. STENHOLM. Mr. Chairman, just as I felt compelled to challenge the statement of my colleague from New York regarding those of us who support the balanced budget being unwilling to make the tough cuts, I found it very, very difficult to restrain myself from the gentleman from New Jersey [Mr. SAXTON] a moment ago in asking for time because, when I look at some of the tough votes that were cast last year, like the Solomon amendment on the budget, he did not vote for it. When I look at the entitlement cap, he did not vote for it. The gentleman from

Colorado [Mr. SCHAEFER] did, but not other Members.

We have a lot of rhetoric on this floor today that has no standing with reality, and I would hope in our bipartisan spirit we could start understanding that we are serious, in the serious mode now, regarding amending the Constitution of the United States, and just as my colleague stated on the floor a moment ago that CHARLIE STENHOLM is for cutting Social Security, that is not true. I voted against the previous amendment for the merits of the amendment. I am not for cutting Social Security one penny, and no one can ever find anything in the RECORD that suggests that our amendment that we will offer tomorrow does that either. But yet the rhetoric flows free in this House today, and that is what is wrong with the political rhetoric involved in this issue.

I am pleased to stand here today and rise in support of sending to the States an amendment to the Constitution. I have not come to this position lightly. I have come reluctantly because I would rather be doing almost anything than amending the Constitution for any purpose, but I am convinced that we must do so for the reasons that we will hear amplified over and over. But I have three simple reasons for wanting to amend the Constitution for purposes of requiring a balanced budget. Those reasons are Chris, Cary, and Courtney Ann, my three children, and I have just this month learned that by the end of August, God willing, I will have a fourth reason: our first grandchild. Motivations do not come much stronger than that.

Our Constitution has always, in large measure, been about protecting the unrepresented from the abuses of government. The threat to unrepresented, future children from continued deficit spending is the type of governmental abuse appropriately proscribed by the Constitution. This point was made by Thomas Jefferson who said, "The question whether one generation has the right to bind another by the deficit it imposes is a question of such consequence as to place it among the fundamental principles of the government."

Our bipartisan, bicameral consensus balanced budget amendment that the gentleman from Colorado [Mr. SCHAEFER] and I will offer tomorrow we believe is based exactly on the same principle as the rest of the Constitution. It will protect the fundamental rights of the people by restraining the Federal Government from abusing its powers, from borrowing money day after day as we incessantly debate who is for cutting spending and who is for raising taxes. The easiest vote for any of us to cast is to vote "no" on everything and watch the deficit go up.

The amendment which I introduce with Representatives DAN SCHAEFER, JOE KENNEDY, MIKE CASTLE, L.F. PAYNE, NATHAN DEAL, and 132 others on January 4, the amendment now

numbered House Joint Resolution 28, is consensus language that has been developed over the past decade.

This same language was introduced on opening day as Senate Joint Resolution 1 by Senate Majority Leader DOLE, Senators PAUL SIMON, LARRY CRAIG, HOWELL HEFLIN, ORRIN HATCH, and others. Obviously, this language has strong bipartisan, bicameral support.

Requiring a higher threshold of support for deficit spending will protect the rights of future generations who are not represented in our political system but will bear the burden of our decisions today.

The language of the Schaefer-Stenholm amendment is the product of years of careful review and refinement. The amendment has been improved over the years based on the advice of Constitutional scholars, budget experts, numerous Members of Congress, and others. Changes were made in the amendment to address criticisms that were raised in the numerous hearings on the amendment. This exhaustive review process has produced an amendment that is workable, flexible, and enforceable.

I do have some concern that the hearings held in the Judiciary Committee this year were just the start of any such review on the language incorporated in House Joint Resolution 1. Nonetheless, I have always supported my friend and colleague, JOE BARTON, in his effort to bring this language before the House of Representatives. I included his amendment in every discharge rule which I filed in each of the past three Congresses. I also know that JOE is sincere about his desire to reduce the Federal deficit. JOE was one of the 37 brave souls to vote for the entitlement cap amendment I offered last year.

The horrors conjured up when opponents talk about balanced budget Constitutional amendments are not really aimed at those amendments, but rather against what those amendments will require: significant deficit reduction. To those who assert that deficit reduction will wreak havoc on the economy, I must ask, "What do you think the deficit is doing to our economy?" More importantly, what do you think it will do to the lives of our grandchildren?

Reaching a balanced budget will require discipline, but it is a far cry from the doom-and-gloom scenario portrayed by many opponents of the constitutional amendment. Federal spending is increasing now at about 5 percent, or about \$75 billion per year. Trimming that growth in spending to 3.1 percent would balance the budget by fiscal year 2002.

But the hard truth is that the budget won't be balanced without passing the amendment first.

I am committed whole-heartedly and single-mindedly to passing the constitutional amendment which can garner two-thirds support in the House, two-thirds support in the Senate, and ratification by three-fourths of the States.

With the House scheduled to consider six different balanced budget amendment proposals from Members covering the political spectrum, it is clear that the overwhelming majority of the House supports the principle of amending the Constitution to mandate a balanced budget. The question therefore is not whether we should pass a balanced budget amendment, but whether the amendment that we pass will be effective and enforceable.

There are three fundamental tests of whether an amendment will provide effective fiscal discipline and is an appropriate addition to the Constitution. First, an amendment must have enforcement to make it more difficult for Congress to borrow money. Second, the amendment must not include any loopholes that could be used to circumvent the amendment. Finally, a constitutional amendment should be timeless and reflect a broad consensus, not make narrow policy decisions.

Let me first address enforcement. Allowing Congress to waive the balanced budget requirement by a majority vote would gut the amendment. To be effective, an amendment must require a substantially higher threshold of support to deficit spending. A requirement for a super majority vote to increase the debt limit is critical to ensure that gimmicks are not used to circumvent the amendment.

Second, taking the Social Security trust fund or capital expenditures out of budget calculations would open up a tremendous loophole in the amendment. This loophole makes it possible for the Government to fund any number of programs off-budget by redefining them as Social Security or capital expenditures. This would make the constitutional amendment meaningless.

Finally, we must ensure that the language of any approved amendment passes constitutional muster. A balanced budget amendment reflects a consensus that Congress and the President should set priorities through the regular legislative process. Items such as capital budgeting, the treatment of the Social Security trust fund, and specific budget plans represent narrow policy issues on which there is not necessarily a consensus. These issues do not belong in the Constitution. It would be particularly inappropriate to place the concept of capital budgeting in the Constitution when there is no consensus on what should be included in a capital budget.

We face a historic opportunity to add a solid, credible, meaningful amendment to the Constitution, at last responding to Thomas Jefferson's concerns. I urge my colleagues to take responsibility for the future we will hand our children and grandchildren. Vote for the balanced budget amendment.

Mr. HYDE. Mr. Chairman, I yield 5 minutes to the gentleman from Colorado [Mr. SCHAEFER].

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

Mr. SCHAEFER. Mr. Chairman, in the years I have watched this body at work, I have concluded that only a constitutional amendment requiring a balanced Federal budget will force the consensus necessary for real deficit reduction.

Opponents of the amendment are pressing its supporters to present a plan to eliminate the deficit at the same time Congress considers the amendment itself.

The debate over amending America's founding document should not be a divisive quarrel about narrow special interest spending programs, as opponents are seeking to make it. Rather, I believe the discussion should be elevated above politics, to a thoughtful and long over due discussion of the more fundamental issues of the appropriateness

and necessity of adding a balanced budget requirement to the Constitution.

The Constitution both enumerates and limits the powers of the Government to protect the basic rights of the people. The Framers of the Constitution saw balancing the budget and promptly repaying debt as moral imperatives fitting squarely within that framework. Permitting the Government to abuse its power over debt was not simply considered economic folly, but a violation of a basic right of the people—the right to be free from the massive indebtedness of a wasteful government.

Our Constitution currently protects the people from the excesses of Government that might infringe on their freedoms of religion or speech, right to keep and bear arms, be secure in their persons, homes, and papers and other rights. In exactly this same spirit, the balanced budget amendment would protect the American people—today and in future generations—from the burdens and harms created when a Government amasses an intolerable debt.

Amending the Constitution means dealing with the most fundamental responsibilities of the Government and the broadest principles of governance. Scaring up special interest opposition only cheapens the debate and drags the Constitution through the gutter of politics.

Demanding to see specific spending cuts before supporting a balanced budget amendment is little more than a poorly supporting a balanced budget amendment is little more than a poorly disguised argument against a balanced budget itself. It is like demanding a list of every kind of speech which will be protected before agreeing to support the first amendment.

Mr. Speaker, the freedom from the harms of excessive Government debt, like free speech, is a right of the people that is absolute, not contextual.

There are literally hundreds of plans to balance the budget out there—one, in fact, for every Member of the House and Senate. There are countless ways to balance the budget. What is lacking is an overriding moral imperative—backed up with the might of the Constitution—to force consensus.

After all, if we could have consensus on how to balance the budget right now, we would not be needing to debate a constitutional amendment.

Mr. Speaker, the primacy of fiscal responsibility in the Government's affairs, once taken as an unwritten given, should be explicitly returned to its rightful place among America's first principles. I urge my colleagues to support the balanced budget amendment.

□ 1710

In closing, I would say that I want to give a lot of credit, much credit, to my good friend, the gentleman from Texas [Mr. STENHOLM] and his work over the



years, as well as all the other people who have worked on this specific issue so long and so hard. And over the years we have been able to sort out the arguments that would be rallied against the language of the amendment that the gentleman from Texas [Mr. STENHOLM] and I have proposed.

Mr. WATT of North Carolina. Mr. Chairman, I yield 3 minutes to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. I think the gentleman for yielding.

Mr. Chairman, we are engaged in particularly serious business this evening. In the 206 years of the Republic we have amended the Constitution some 27 times. There have been over 11,000 proposals.

Yes, indeed, we need to bring the Federal budget, the operating budget of the Federal Government, into balance. It is not a question of whether we do it, but how we do it. We need to do it through a sensible process, not through an amendment to the Constitution that I believe will prove unworkable and detrimental to the national interests. And let me explain why I think the proposals that have been brought to the floor will run into those kinds of problems.

First, those proposals with supermajority requirements: The reason we have a Constitution is that the Articles of Confederation required supermajorities for spending and taxing decisions, and they proved unworkable and brought the early version of this Nation into gridlock. We should not repeat that mistake by passing an amendment that would give 41 Senators, theoretically representing only 12 percent of the people of this country, the power to bring Government to a grinding halt.

Second, the enforcement problem: The amendments that are before us are silent on how we deal with living up to the promise that we are making. Now, some assert that the courts could not get involved. I have no reason to believe that that is the case. The courts have authority under the Constitution to deal with matters arising under the Constitution. Do we really want unelected and unaccountable judges making decisions about spending and taxation?

Third, these proposals depend upon budget estimates, notoriously—through our recent experience—problematic and unreliable, and especially difficult when the economy may be going into recession. Recall when we were dealing with 1981 with the fiscal 1982 budget, the Reagan administration estimated growth of 4.2 percent. That year ended up going into recession, a decline in GDP of 1.9 percent. What would that have done if this amendment were in effect?

The distinction, fourth, between capital and operating: We need to be able to make investments. This amendment hamstringing any ability of the Congress in the future to make the necessary in-

vestments that will save operating costs in the long run.

Finally, the effort to fashion an escape clause for national security: Is "an imminent threat to national security" going to be whatever a future Congress says it is, or are we again inviting the Judiciary to get involved? I do not know. No one can know. It is an invitation to an intrusion by the Judicial Branch that is absolutely inappropriate.

We evidently are not going to deal with these very substantial problems. My prayer is that our colleagues in the State legislatures, with the time that they will have to examine the ramifications of this, will find the faults and turn this down.

Today we are being called upon to take the extraordinary step of amending to the Constitution. In the 206 years that this Nation has been governed by that charter of our democracy, about 11,000 possible amendments to it have been introduced in Congress, with only 27 approved. There's good reason for this conservative approach to our Constitution. Amendments to the Constitution must be presumed to be for all time.

It isn't just a reverence for the document as now constituted, however, that leads me to oppose the proposed amendments before us today. I do consider it essential to get our Government's financial house in better order, and I have devoted much of my effort here in Congress to that end. But to achieve that end I am not willing to sacrifice the ability of our Government to function. We must act to eliminate the deficit, but not by putting shackles on the democracy. To varying degrees, that is what each of the six versions of a balanced budget amendment before us today would do. Each would create more problems than it would solve.

Let me illustrate in five ways.

To begin with, the amendment proposed by Representative BARTON and supported by the Republican leadership, would require a three-fifths vote in both the House and the Senate to approve an unbalanced budget, raise more revenue through taxes, or borrow more money. This would be constitutional lunacy. It violates the basic constitutional principle of majority rule and would effectively place control of the budget in the hands of 41 Senators—who might represent as little as 12 percent of the American people.

All of us, I believe, recognize that there are times when it will be necessary to spend more, to tax more, or to borrow more. We could not have won the Revolutionary War, or World War II, or the cold war, without doing so. It can be hard enough here to achieve a simple majority vote on budgetary matters. That's the nature of a representative democracy, which is inherently constrained in making decisions.

To raise the threshold for a decision by requiring three-fifths supermajorities in both the House and the Senate is a prescription for gridlock and failure. As a practical matter this amendment would act as a straitjacket in those times when swift action will be most needed. We could well be stuck with a policy-by-default that would turn an economic downturn into a depression, or a manageable threat to our security interests into a major conflict.

In fact, it was precisely this weakness with the Articles of Confederation—its requirements for supermajority votes in Congress to make basic budgetary decisions, and the resulting national paralysis—that led to the convening of the Constitutional Convention and the drafting of the Constitution. In that Philadelphia convention, the delegates repeatedly considered, and rejected, proposals to require a supermajority for action by Congress, either on all subjects or on more subjects than the five eventually specified in the original Constitution. Those are for overriding a veto, ratifying a treaty, removing officials from office, expelling a Representative or Senator, and proposing amendments to the Constitution. Amendments to the Constitution later added two others: restoring certain rights of former rebels, and determining the existence of a Presidential disability. None of those constitutional requirements for a supermajority threaten the basic functioning of the Government the way the three supermajority requirements of the Barton amendment would.

It's not difficult to imagine the problems that could be created. In the midst of a recession or some other national emergency, an attempt to raise the debt ceiling or raise additional revenue could be supported by strong majorities in both bodies, but be blocked by a minority of only 41 Senators, aligned by some particular regional interest or political ideology.

Imagine a situation in which a badly needed measure was blocked by the Senators of the 21 least populous States. Senators from States with fewer than 30 million people—less than 12 percent of the country—could effectively thwart the will of the remaining 88 percent. The amendment, in short, would give exaggerated power to small States, and would effectively give 41 Senators the power to hold the country hostage. Recent experience gives us plenty of evidence that there are those who are willing to do so.

We can't let this provision, which is essentially an act of political gamesmanship, back us and future Congresses into a legislative corner that would be difficult, if not impossible, to get out of when our country most needs decisive and timely action.

A second major problem with all the different versions of a balanced budget amendment before us today is the possibility that judicial interpretation and enforcement of an amendment could turn basic taxing and spending decisions over to unelected judges. If a deadlock in Congress or some other development were to lead to an unbalanced budget, no enforcement mechanism has been specified to resolve the issue. I would hope that this would not lead to the Federal courts stepping in and writing budgets, cutting spending, or raising taxes. But that possibility is not ruled out by any of the texts before us. And therefore, the general authority of the courts to consider cases arising under the Constitution would apply. Anybody who is concerned about unelected judges making decisions that should be left to elected legislatures should be greatly alarmed about this possibility.

A third concern is an example of subtler, but no less troubling, problems of definition and workability.

We should ask ourselves, for instance, about the meaning and effects of these words that appear in both the Barton and Stenholm-



Schaefer versions: that deficit spending is possible only if the United States faces "an imminent and serious military threat to national security." Would this be a Grenada-type situation? Panama? The Gulf War? What about times of national economic crisis, or major natural disasters? How can we respond in times of crisis if the Constitution itself tells us that we cannot so act?

A fourth problem has to do with the inherent weakness of budgetary estimates on which all of the proposed amendments rely. The level of accuracy we've seen in revenue and spending projections is rarely equal to the job of making budgets to which we must adhere, on penalty of judicial enforcement, during the course of a fiscal year. There are Members here who will remember 1981, when we started to dig this deficit hole in earnest. The first Reagan budget rosiely forecast economic growth of 4.2 percent in the year ahead. The economy, apparently not in a mood to obey the President, proceeded to decline by 1.9 percent.

The relevant lesson is that when we make projections, often 18 months or more into the future, our actions are based on economic models that are not perfect. And a lot can happen in the space of only 18 months to overtake the best projections. Given the difficulty we would face in marshalling the supermajority required for us to take corrective action, a balanced budget amendment could well leave us stranded.

Finally, it's impossible to make the investments we need in roads, bridges, airports, and the rest of the facilities that are vital to our economic health if we don't differentiate between an operating budget and a capital budget. Families, businesses, and State and local governments can do that, the Federal Government should also have that ability.

Balancing an operating budget makes sense. That's the kind of balanced budget States are typically required to achieve. The more difficult issue is capital spending and investment: something that all States, municipalities, and individuals borrow to do regularly when they build a bridge or buy a house. We regularly borrow from future revenues to invest in future well-being. By effectively prohibiting borrowing for investment on the Federal level, we'd force a wholesale shift in investment responsibility to the States and localities. Or worse, we'd force a foolish limit on needed investment that would only increase operating costs in the long run.

Each of the proposed amendments before us now all fail for one or more of these reasons. That is why I have to reject all of them. But let no one mistake my rejection of these proposals for a desire to keep the budget unbalanced. The Federal deficit, which has more than quadrupled since 1980, continues to act as a drag on the Nation's economy, compromising our efforts to deal with our fiscal problems and indenturing our children, and their children, for decades to come.

I do understand why most people believe that the moral authority of the Constitution is necessary to force us to act to correct our fiscal problems. And I know that the pressure to pass something will likely lead to a proposed amendment being passed by the House. So I tried to examine the proposals being put forward to see if there were

ways I would amend them in a responsible manner to make them more workable and legitimate. I found two ways to amend—to improve—the six versions before us today, to reduce or eliminate the problems that I see with them. Unfortunately, the Rules Committee decided not to let me offer any of those amendments.

My first proposed change would have made it clear that the courts would not be brought into budget writing by litigation on the enforcement of a balanced budget amendment. I would have done so by adding a clause stating, "Neither the judicial power of the United States nor of any State shall extend to any case arising under this Article."

We should make it clear in this way, I believe, that a balanced budget amendment doesn't turn into a wholesale abdication of Congress' basic responsibility, as the people's elected representatives, to make the final decisions on vital budget choices. It is irresponsible of us to create any possibility of letting these choices be assumed by unelected judges, and any amendment to the Constitution should clearly state that it is Congress that will continue to be responsible and accountable for the Federal budget.

The second amendment I tried to be able to present to the House was an alternative, simple amendment stating that Congress must pass a budget in which "total operating expenditures . . . for any fiscal year shall not exceed total operating receipts" except in times of national security or economic emergency, as determined by majority vote. It also would have required the President to send Congress a budget in which total receipts exceed operating expenditures for every fiscal year, and would have given Congress the power to enforce and implement the provision by appropriate legislation.

This alternative would have avoided the gridlock of supermajority requirements, would have left us with the flexibility to make capital investments, and would have placed the burden on Congress to find the appropriate mechanisms to enforce the new balanced operating budget requirement. I'm not sure that even this would have ultimately proven acceptable in light of my serious reservations about amending the Constitution, but this simple approach certainly would be far less troublesome than any of the other choices we face today.

I'm deeply concerned, all of us are, about the growing national debt. It has brought us to this point, where we consider exercising one of our most solemn powers, the power to amend the Constitution itself.

The irony of this is that after a dozen years of profligate spending, we're finally moving in the right economic direction. Over the past 2 years, we've finally achieved a level of fiscal discipline that hasn't been seen around here in a long time. We've approved a hard freeze on discretionary spending.

We've reduced the rate of increase in most entitlements, and actually cut some. It would truly be a shame if, at this promising moment, we were to wave the rhetorical wand, pass this amendment, and allow ourselves to believe that we've won the battle, only awaiting State ratification of that amendment. Rather, there can be no letup in the hard work needed to produce sensible budgets, with reduced deficits, over the next several years.

In the end, we should be mindful that when we amend the Constitution, history will judge our actions with an especially critical eye. The Constitution grants primary responsibility for the budget to Congress for a reason: the decisions we make ultimately reflect the needs and preferences of the people we represent. The progress we're finally making is proof of the ability of this body, at its best, to discharge its responsibilities. We must continue and strengthen the discipline recently shown here. That is the best way for us to honor both our fiscal responsibility and our obligation to preserve and protect the Constitution.

I urge my colleagues to continue the hard work we've already begun to discipline our spending habits and reject the seductive and popular gimmickry of these balanced budget amendments.

Mr. HYDE. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, for 40 years, 40 years, this body failed to pass a balanced budget amendment. No line-item veto. And yet the Gephardt bill tries to scare you with the Social Security card.

Well, if you are so concerned with the Social Security card, all those arguing with the gentleman from Missouri [Mr. GEPHARDT], then why not support the three-fifths to raise taxes, because it would take a three-fifths vote to increase the tax on Social Security.

But no, it is smoke and mirrors. You want to raise taxes at will. You want to be able to pass on unfunded mandates, the big tax and spenders. I would say there is not a Member of the Black Caucus except the only Republican that did not vote in the last Congress to increase the taxes on Social Security. No Republican voted for it. There is not a Member that is arguing here today, except maybe the gentleman from Texas [Mr. STENHOLM], that did not cut Medicare by \$56 billion, and not a penny went for health care. Why? Because not a single Republican or Democrat voted for it in the Committee on Ways and Means.

Do you get the picture? Why not vote for Gephardt? Because GEPHARDT kills the rule of three-fifths in his bill to raise taxes. He kills the limitations to raise the debt ceiling. They want to be able to raise the debt. Does that tell you something about the real issue on the balanced budget amendment?

What about the limit on cutting spending. GEPHARDT kills that. And

that is why we do not support it. And we are asking him to support the three-fifths that would stop those things and also the unfunded mandates.

Why does the gentleman from New York [Mr. SCHUMER] and the gentlewoman from Colorado [Mrs. SCHROEDER] and the gentleman from Missouri [Mr. GEPHARDT], the last Congress they voted to cut Medicare, they voted to cut Social Security, and they also voted to increase the marginal tax rate of every middle-income American. All of them. But yet now they switch their story. I guess it is easier to switch than fight.

Take a look at the leadership and the Rivlin memo to GEPHARDT and the Rivlin plan. The plan is to cut Social Security. The plan was to cut Medicare. The plan is to cut veterans benefits and further dismantle the military. But yet now we are talking about protecting Social Security. I will bet you will not find hardly anyone, if anybody, that wants to touch Social Security in here.

□ 1720

Then support the three-fifths, let us not have the smoke and mirrors. The gentlewoman from Colorado says we had hard choices in the Clinton tax package, that the liberal leadership twisted arms and only passed by one vote last Congress, one vote. Well, she did. She cut Medicare and Social Security. Those were the hard choices. They cut in 1986 IRA's. Now they want to support them back. They cut the annuities for senior citizens.

Get a life.

Mr. WATT of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. STUPAK].

Mr. STUPAK. Mr. Chairman, I thank the gentleman for yielding time to me.

I rise today, to urge my colleagues to support the Gephardt and Wise substitute amendments to the Barton balanced-budget amendment.

I have supported a balanced-budget amendment before my election to Congress, and I am going to support one today. But as long as I have believed in a balanced-budget amendment, I have also believed that Social Security is a sacred contract between the Government and its people. That is why I offered my own substitute balanced budget amendment. While not made in order by the House Rules Committee, my substitute, like the Gephardt and Wise proposals, specifically exempted Social Security from budget cuts and eliminated the unconstitutional and unworkable super majority requirement for raising revenue.

Not specifically exempting Social Security in the text of a balanced budget amendment—as the Republicans fail to do in their proposal—is to place this contract directly in the path of the uncertainty of the annual budget process and subject the program to possible cuts. That is irresponsible and unacceptable.

My constituents in northern Michigan understand that balancing the budget will require difficult choices and painful cuts. Almost to a person, they have indicated to me that they are willing to make the tough choices. But people in Michigan also understand a promise. Simply put, cutting Social Security is the same as cutting the Federal Government's credibility. Social Security is not just statistics—it is the only thing which stands between thousands of elderly Americans and true poverty. In Michigan, more than 1.5 million people receive these benefits—that is 1.5 million real people with real bills to pay and very real obligations to meet.

The Republican leadership claims that the adoption of House Concurrent Resolution 17, offered by the gentleman from Illinois, Congressman FLANAGAN, would protect Social Security from cuts. But, Mr. Chairman, if the Flanagan resolution were currency, it would be the peso—not worth a heck of a lot.

As we all know, this resolution has no force of law, and is really nothing more than saying to our Nation's senior citizens "I know we've pointed a loaded gun at you, but we promise we won't pull the trigger—at least not until the Nation's bill for the tax breaks for the rich and spending in the GOP Contract With America comes due."

Mr. Chairman, the Gephardt and Wise substitutes are tough and responsible and keep the promises that our Nation has made. I urge my colleagues to support these balanced-budget substitute amendments.

Mr. HYDE. Mr. Chairman, I yield 3 minutes to the gentleman from Tennessee [Mr. BRYANT], a member of the committee.

Mr. BRYANT of Tennessee. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I come before you today behalf of the people of my district to support a balanced budget amendment with three-fifths supermajority tax increase provisions because, Mr. Chairman, most every one of them is demanding relief:

Relief from a Congress that has strapped each and every one of them with a debt of over \$4.5 trillion. Relief from a Congress that has taken away from many of them the incentive to save and invest as a result of burdensome and stiff taxes. And relief from a Congress that has created more than ever a sense of distrust of this institution.

A balanced budget amendment with three-fifths majority tax provisions will give them this relief, Mr. Chairman. We have before us the opportunity to restore the trust in this institution, the opportunity to bring about an economic climate that will encourage savings and investment, and an opportunity to begin addressing the problem of our ever-increasing debt by slowing spending.

We can do all of this by supporting a balanced budget amendment with a three-fifths majority for tax increases.

Mr. Chairman, it is my strongest belief that the tax burden placed on our society has created the circumstances I have mentioned. As a result of raising taxes, we have decreased the ability of the American people to save and invest, thereby damaging our economy.

Mr. Chairman, it makes it difficult for someone to save and invest when they wake up every morning knowing that Congress is making them work from January to May to pay their taxes.

Clearly, Mr. Chairman, raising taxes has not been the answer. There are the nine States which have similar supermajority requirements in order to raise their taxes. And in those nine States, State taxes have gone down an average of 2 percent. Compare those numbers, Mr. Chairman, to the 41 other States without some type of supermajority requirement to raise State taxes. Their State tax burden has gone up 2 percent. I repeat, Mr. Chairman, nine States have supermajority tax requirements for tax increases, and these nine States have lower tax burdens.

Mr. Chairman, today this country is at a crucial crossroads of its history. Now we have at the time opportunity to change the way Congress goes about its business of taxing and spending. Opponents of the idea of a balanced budget amendment with a three-fifths provision scoff at that idea. They say it will not work. I say nonsense. Having a balanced budget amendment with the three-fifths provision for tax increases will work.

Do we want to keep raising taxes and borrowing money we do not have? I do not think so, because either way the taxpayer gets stuck with the tab. Taxpayers know it, and they are sick and tired of it.

Mr. Chairman, we were sent here to make some tough decisions. We were sent here to reform the way we do business. It is something that should and rightfully be expected of us. Requiring a three-fifths majority for tax increases in a balanced budget amendment will invariably bring about the necessity of slowing spending. So it will ultimately force this body to make some long overdue decisions about how we are spending taxpayers' dollars and whether they should or should not be spent.

Some do not want to confront these decisions but they must be confronted. Otherwise, we are only saddling ourselves and our future generations with more debt and more red ink.

The American people are demanding a balanced budget. They expect Congress to curb its spending. They want to trust us and deserve that tax relief. Passing House Joint Resolution 1 will give them all.

I urge my colleagues to support this.

Mr. WATT of North Carolina. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. PETERSON].

(Mr. PETERSON of Florida asked and was given permission to revise and extend his remarks.)

Mr. PETERSON of Florida. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise today in support of the Nation's future and for the protection of our children and grandchildren's well-being. Right now both are in jeopardy because of the tremendous national debt that we continue to accumulate. Why do we keep borrowing from future generations?

I will answer my own question: because the Government has not made the tough decisions necessary to balance the budget and because of conflicting signals from the American people to cut spending but not from their favorite programs.

To stop us from passing the buck and to force the Nation to commit to making the sacrifices necessary for the long-term in economic security, I will join many of my Democratic colleagues in supporting the constitutional amendment to the balance the budget.

The bipartisan balanced budget amendment generally referred to as the Stenholm-Schaefer amendment, which I cosponsored when I first was elected to this House 4 years ago, contains no gimmicks and no shell games. It simply requires that total outlays not exceed total receipts.

I along with many of my fellow Democrats have led the fight for this amendment long before the Republican contract was drafted. We have pushed to bring this amendment to the floor each Congress and continually voted for its passage. And we came very close to passing this amendment previously.

Today, I reaffirm my support for the Stenholm-Schaefer balanced budget amendment and join my colleagues on both sides of the aisle in taking aggressive action now to protect the Nation's economic security and our children and grandchildren's future.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. PETERSON of Florida. I yield to the gentleman from Missouri.

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

Mr. VOLKMER. Mr. Chairman, I planned to take a couple of minutes to talk, but basically about the same thing that gentleman has mentioned. Some of us have been here, and I have been here 18 years. I voted on the constitutional amendment for a balanced budget back in 1982.

We have consistently voted on it. I have supported it. I am a cosponsor of the amendment of the gentleman from Colorado and the gentleman from Texas. Some of us have struggled and fought. We came close, 9 votes one year, 12 votes, if I remember right, last year. We may see a culmination. If we don't, we are going to continue to fight.

It was not a contract with America that started us on this effort. It was because some of us feel that we need to have a constitutional amendment for a balanced budget, but a sound one, one that makes sense, not a three-fifths majority, and that we need to do that in order to arrive at balancing the budget in the future.

Mr. Chairman, I thank the gentleman for yielding to me.

Mr. PETERSON of Florida. Mr. Chairman, reclaiming my time, I will once again compliment my colleague the gentleman from Texas [Mr. STENHOLM] for leading this battle, along with my friend over here, the gentleman from Colorado [Mr. SCHAEFER] who really intently feel seriously about this to the point of making the hard decisions necessary to balance this budget.

We stand with them in this fight.

□ 1730

Mr. HYDE. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. Mr. Chairman, every year, we hear the same arguments used against the balanced budget amendment: it is unnecessary, binding, and a blot on the Constitution. We are told we need to tighten our belts, make the tough choices, stand up to special interest groups.

There is one word you'll never hear used against the amendment though: commitment.

That is because opponents here in Congress do not share our commitment for cutting spending and reducing the deficit. As Robert Reich made it clear last week, neither does the administration. It is just not important to them.

But it is important to the American people. It is important to our future. It is important to our children.

Mr. Chairman, Congress does not lack for choices, it lacks commitment. The balanced budget amendment represents a commitment to the American people to make the tough choices and cut spending. It's the one budget agreement Congress can't repeal.

As a long-time cosponsor of the balanced budget amendment, I am excited this legislation is before us, and I look forward to successfully passing it, here and on to the States for ratification.

Last night, Bill Clinton told America that he was working to cut spending and reduce the deficit. He said his budget would cut \$130 billion over the next 5 years. What he did not say was that spending will continue to rise and the deficit will continue to climb.

In fact, the legacy of the Clinton tax increase of 1993 is higher spending, lower growth, and higher deficits. The 1993 reconciliation bill was just one in a long line of budget agreements designed to balance the budget through tax increases and spending constraints. Each time, the taxes were gathered, but the spending cuts never materialized.

We are presented today with the unsavory picture of Congress and the ex-

ecutive branch piling fiscal failure upon failure. The situation is intolerable and it cries out for change. In my mind, that change can begin with passage of the balanced budget amendment. Not an end unto itself, the BBA will create a bulwark of fiscal discipline to the congressional budget process, beyond which neither Congress nor the President can tread.

The BBA will reform the budget process by forcing Congress to make decisions between increasing taxes and cutting spending. If the tax cap provisions are included with the BBA, then Congress will have no choice but to prioritize its spending decisions. Even without the cap, however, the BBA will provide a line of defense for the American taxpayers that simply doesn't exist today.

A balanced budget amendment is an idea whose time has come. While it is not the final answer to our fiscal problems, it will provide a measure of discipline that does not exist now, and it will instigate reforms that otherwise would not occur. For that reason, I applaud this effort and support the balanced budget amendment.

Mr. WATT of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. VISCLOSKY].

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

Mr. VISCLOSKY. Mr. Chairman, I appreciate the gentleman's yielding time to me.

Mr. Chairman, beside asking Americans to give their lives for their country, there is nothing more profound that any of us can do than to amend the Constitution of the United States.

After serving in this House for 10 years, I have come to the conclusion that without an amendment, the budget will never be balanced. That is why I support the balanced budget amendment offered by the gentleman from Texas [Mr. STENHOLM] and the gentleman from Colorado [Mr. SCHAEFER].

Mr. Chairman, I support a balanced budget amendment because I do not believe that the President and the Congress will find the collective courage necessary to balance the budget without a Constitutional imperative. It is my sincerest hope that the weight of the Constitution will force the balanced budgets necessary to secure a prosperous future, our nation's sovereignty, and a government that makes smarter decisions.

America has always been the land of opportunity. A better life for each successive generation is one of the defining characteristics of our nation. Each generation's hard work paved the way so that those who followed could travel farther down the road of prosperity. Unfortunately, in recent decades, the economic policies of this country have caused us to lose our way. Nations, just like families, must plan for the future. As a nation we have failed to plan. We

have borrowed to achieve a false sense of prosperity today, leaving the bills for our children to pay tomorrow.

In 1992, our government spent \$290 billion more than it had. In 1992 alone, \$1,150 was borrowed from every single person in America. Over the past 20 years, the average budget deficit has grown from \$36 billion in the 1970s, to \$156 billion in the 1980s, to the unprecedented \$248 billion hole we have dug for ourselves so far in the 1990s. This irresponsible spending has resulted in a debt hole so deep that this year's interest payment (\$213 billion)—just the interest payment—will be larger than this year's deficit (\$176 billion).

Today's talk about balancing the budget, while also calling for increased defense spending and lower taxes sadly assures me that fiscal responsibility will be trumped by politics as usual. These are the same misguided economic policies that tripled our national debt during the past 12 years. Republican George Bush called it "Voodoo Economics."

In 1798, Thomas Jefferson said that if he could add one amendment to the Constitution, it would be to prohibit the Federal Government from borrowing money: "We should consider ourselves unauthorized to saddle posterity with our debts, and morally bound to pay them ourselves." Our recent history makes it clear we should heed Jefferson's wisdom.

Our current spending spree cracks the foundations of our nation's sovereignty. At the beginning of the 1980s, foreigners owed Americans much more than we owed them. Today, we are the world's largest debtor nation. We owe foreigners much more than they owe us. And foreigners are collecting these debts by buying our office buildings, our companies, and our farms. We are selling our nation to anyone who will bankroll our outrageous spending. In an era when economics plays a larger role in the global order, our spending binge threatens our sovereignty and ability to influence international events. It's much harder to get Japan to tear down its trade barriers when we are indebted to them.

A message sent loud and clear in the 1994 elections was that Americans want us to make wise decisions. A balanced budget will force the achievement of this goal because the decisions made depends on the amount of money you have to spend. This is proven true in our daily lives. A person with \$3 to spend on lunch will make an entirely different set of decisions than that same person with \$10 to spend. The Government just puts it on a credit card.

We must remember, however, that voting for a balanced budget amendment is the easy part. The amendment has overwhelming public support and simply voting "yes" puts each of us on the right side of public opinion without having to make the tough choices that will put the budget into balance.

It would be a cruel hoax on the American people to pass a balanced budget amendment without beginning to actually balance the budget. If we start our work today, the impact will be less painful and our decisions less difficult than if we continue to postpone tough decisions.

To ensure that we make good on our commitment to balance the budget, I am working to draft the Balanced Budget Enforcement Act of 1995. This bill would force us—today—to begin bringing the budget into balance by the year 2002, while the ratification process proceeds. It would do so by setting spending caps and using across-the-board cuts if the caps aren't met. I don't believe this bill is the only answer to our budgetary problems, but it is an answer and it will lead to balanced budget.

There is little argument that balancing the budget is essential to the future of our country. However, the bickering begins and political courage fades when we begin to talk specifics. It is time to summon the courage and start today.

Mr. HYDE. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from New Jersey [Mr. FRELINGHUYSEN].

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

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman from Illinois for yielding time to me. Mr. Chairman, I rise today in support of the balanced budget amendment.

Our current financial crisis is due to overspending pure and simple, and I firmly believe that a balanced budget amendment will impose discipline on Congress and the executive branch to live within defined means.

Having worked under a similar mandate in the State of New Jersey as a State legislator, chairing the appropriations process, I am fully prepared to work within the same spending and taxing restraints on the Federal level to make those serious decisions.

Mr. Chairman, I urge my colleagues to vote in favor of the Barton amendment to provide, finally, discipline to the Federal budget process.

Mr. WATT of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, Harry Truman used to say, in an earlier and perhaps better era here in D.C., "The buck stops here." In today's Washington, D.C. your buck barely gets a chance to wipe its feet before it is back out the door in the form of some new Federal spending.

Without the fiscal discipline of a balanced budget amendment, I doubt this Congress will be able to make the tough choices that are required, no matter what party is in charge. It is time to quit passing the buck, or in this case, the debt, to future generations and put our fiscal house in order.

The national debt is nearly 5 times higher today than it was when Ronald Reagan became President in 1981. That is a disgraceful bipartisan legacy of irresponsible spending and tax giveaways.

The total debt of the Federal Government totals more than \$4.6 trillion, \$16,000 for every man, woman and child in America. Interest alone will total more than \$225 billion this year. That is 10 times more than all the funds spent by the Federal Government on all education programs and assistance this year.

Some oppose the balanced budget amendment over genuine concern for the fate of Social Security, child nutrition, education funding, or other meritorious programs. An honest assessment of those programs shows us they have not done well during this decade of spend and debt. We accumulated \$4 trillion of debt, but there is not a penny in the Social Security Trust Fund. It is full of IOUs. How are we going to cash those IOUs in when we need them?

Twenty percent of Oregon's children live in poverty. Many go to bed hungry every night. We know of the shortfall in education funding. It is time to get our priorities straight, make some tough decisions. As we make those tough choices, I am confident these programs, the programs I care about, will do better than they did during the spendthrift decade.

My home State of Oregon has a balanced budget amendment, as do most other States. Every local government in Oregon is required to balance its books every year, as does every responsible family. The Federal Government can do the same.

Mr. HYDE. Mr. Chairman, I am pleased to yield 1 minute and 30 seconds to the gentlewoman from Washington [Ms. DUNN].

Ms. DUNN of Washington. Mr. Chairman, I rise in favor of the Barton balanced budget amendment. Some say that to propose a balanced budget amendment without proposing how we would get there is wrong. I say nonsense.

The American people are pleading with us to set aside bickering and at least agree on the goal of living within our means. We must take that first step toward a balanced budget amendment, with or without the support of the President. Then we can debate the spending cuts necessary to achieve that goal.

Mr. Chairman, my colleagues on the other side of the aisle have had 40 years to control the power of the purse and prove that Congress could be fiscally responsible. The result: Congress has left this country with a crippling debt and with higher taxes. Americans can no longer afford this sort of behavior from their Congress.

Mr. Chairman, now the burden of proof should be on the Congress to justify dipping further into the taxpayers' wallets. That is why we must pass the

Barton substitute that requires a three-fifths majority to raise taxes. We must force this Congress to make tough choices in spending cuts, not taxing our way to a balanced budget. Protect the taxpayer. Pass the Contract With America version of the balanced budget amendment.

Mr. WATT of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Utah [Mr. ORTON].

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

Mr. ORTON. Mr. Chairman, I rise in strong support of a balanced budget amendment. I am disappointed that the majority will not allow us to vote on mine and other amendments which I believe solve some of the problems, but there are many similarities between the amendments we will look at.

There is, however, a real problem: How do we enforce it? We have looked to a super majority in various amendments as a way to enforce it, or future legislation as a way to enforce it. Will it work? The problem I see with these amendments is that they rely upon estimates, not actual. Will it actually require us to balance the budget? No. Why?

Mr. Chairman, I read in the Barton amendment, section 1, the last line "Congress and the President shall ensure that actual outlays do not exceed outlays set forth in this statement." What about receipts? How do we guarantee that the projection of revenue is actually going to show up?

If we say "Well, it will," look at the last 14 years. CBO has missed in every one of those years by an average of, overestimating revenue, an average of \$25 billion per year. What is going to happen? At the time we figure out that receipts did not come in, it is too late to cut spending. We have already spent it. It is the end of the fiscal year. Even if we could get three-fifths to raise taxes, it is too late to do that.

□ 1740

There is one option and one option only, that is, increase the debt limit. You are going to put a permanent ceiling on the debt limit and you cannot raise it without three-fifths.

What you have done is in contravention of the Founding Fathers' intent, you will have placed control in 40 percent of this body or the other body to hold us hostage.

Let us say they decide they want more welfare spending, and they are not going to vote for increasing the debt limit unless you give them a higher debt limit to spend more money on welfare, or defense, or anything else.

We had better back up. I will vote for and support the best constitutional amendment we can, but I certainly hope the other body can do a better job and perfect this before we have to send it to the State legislatures.

Mr. HYDE. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Ohio [Mr. HOKE].

Mr. HOKE. I thank the gentleman for yielding me the time.

Mr. Chairman, I rise today in support of the Barton balanced budget amendment.

We are going to vote either tonight or tomorrow on this amendment and we are going to have the opportunity to complete 2 pieces of work that were begun 200 years ago and about 100 years ago. One is the Constitution itself.

Thomas Jefferson wrote in 1789 very clearly and very well. He said:

If there is one omission that I fear in the document called the Constitution, it is that we did not restrict the power of the government to borrow money.

What this constitutional amendment does is it puts into the constitution the restriction that the Founding Father and founder of the Democratic party, Thomas Jefferson, wanted to have put in the Constitution, the restriction on borrowing money. It is the three-fifths majority that is required to raise the debt ceiling. That is the operative language that makes it very, very difficult, not impossible—but by no means impossible—but it creates the hurdle over which we have to jump in order to borrow more money to make it possible to deficit-spend. It is the essential element of this constitutional amendment with respect to spending.

On the taxing side, we are going to complete the 16th amendment to the Constitution which allowed the income tax in the first place. That is, that we are going to require that there be a three-fifths majority to raise taxes as well.

These two together will complete the spending and taxing limitations and restrictions that were begun 200 years ago and need to be completed, need to be fulfilled in the Constitution of our country.

Our country was founded on limited government, not unlimited borrowing. To limit government, we need that supermajority. To limit borrowing, we need a supermajority to increase the debt. And the BBA will reinforce the theme of the Constitution.

The other thing that the BBA does is it will change the way that the American people have been cheated out of the definition of government. The proper definition of government is what the people are willing to pay for on a pay-as-you-go basis.

We really have no idea what we as a Nation believe our Government should be, what the size and scope of it should be, what its role should be, what its definition should be, because just as in a family you do not know how you want to define your lifestyle except by what you are willing to pay for, just as in a company you do not know what you are willing to do, what you want to do in terms of defining the direction of your company and where you want to go, the same is true with respect to our Nation and our national identity and what we are willing to pay for in terms of defining what our government is going to be.

We have been cheated out of that as a Nation. We do not know what that is. Until we are required to match revenues against expenditures, until that happens, we will not know as a Nation what it is that we want our Government to do.

Mr. WATT of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Chairman, I rise today in strong support of the balanced budget amendment. I have been for the balanced budget amendment for the last several years, because I do not believe that we can find the will to make the necessary cuts to save the future generations of this country without the support of the American people through a balanced budget.

The fact is the people say:

Listen, JOE, you are a liberal Democrat, how can you possibly be for a balanced budget amendment? It is going to cut the very programs that much of your family and others have stood for generations.

I say to them that those very programs that stand up for the working people and the poor and the senior citizens of this country have suffered the worst cuts over the course of the last 15 or 20 years in this country as a result of budget deficits.

Look at the housing budget. Cut by 77 percent over the course of the last 15 years. Look at those who have press conferences that say they want to protect fuel assistance for the poor. Look at what has happened to the fuel assistance program. Cut by 30 percent.

Aid to education. All of the programs that are designed to assist the very poor, our vulnerable citizens, are the programs that get cut.

And after all, who pays the debt? It is the working families of America that pay the lion's share of America's taxes. We see a greater and greater percentage of those taxes going for one particular item, and, that is, to pay the interest on the debt.

What accounts have gone up in the last 15 years? National defense. We have seen the budget doubled. We have seen a fantastic increase, from \$70 billion a year to \$240 billion a year on the interest payments alone on the national debt.

Does a working family get to educate their kid? Do they get to take care of a senior citizen, a parent? Do we see the bellies of our poorest children filled as a result of interest payments on the national debt?

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. HYDE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CUNNINGHAM) having assumed the chair, Mr. WALKER, chairman of the Committee of the Whole House on the State of the Union, reported that that

Committee, having had under consideration the joint resolution (H.J. Res. 1) proposing a balanced budget amendment to the Constitution of the United States, had come to no resolution thereon.

#### GENERAL LEAVE

Mr. HYDE. 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 1, the balanced budget constitutional amendment.

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

There was no objection.

#### HOOR OF MEETING ON TOMORROW, THURSDAY, JANUARY 26, 1995

Mr. HYDE. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 9 a.m. tomorrow.

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

#### LEGISLATIVE PROGRAM

Mr. CONYERS Mr. Speaker, reserving the right to object, and I do not intend to do so, let me just take this opportunity to clarify the schedule for the remainder of the evening and for tomorrow.

Can we confirm that the only remaining legislative business for today is to complete general debate, not going into the Barton amendment?

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

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

Mr. HYDE. I believe that is correct. I have not been instructed otherwise, so it is correct.

Mr. CONYERS. Will the gentleman indicate to us whether we plan to finish the balanced budget amendment tomorrow or carry some of the bill over until Friday?

Mr. HYDE. I hope with the superb cooperation I have come to expect from the distinguished gentleman from Michigan, we could finish it tomorrow.

Mr. CONYERS. Then, finally, on behalf of the Democratic leadership, I have been asked to confirm that the Democratic side will be assured of at least 20 1-minute speeches tomorrow morning preceding our activity.

Mr. HYDE. At most, the gentleman is exactly correct.

Mr. CONYERS. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

#### PROPOSING A BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The SPEAKER pro tempore. Pursuant to House Resolution 44 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the joint resolution, House Joint Resolution 1.

□ 1749

#### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the joint resolution (H.J. Res. 1) proposing a balanced budget amendment to the Constitution of the United States, with Mr. WALKER in the chair.

The Clerk read the title of the joint resolution.

□ 1750

The CHAIRMAN. When the Committee of the Whole rose earlier today, the gentleman from Illinois [Mr. HYDE] had 52 minutes remaining in the debate, and the gentleman from Michigan [Mr. CONYERS] had 47 minutes remaining in the debate.

The Chair recognizes the gentleman from Illinois [Mr. HYDE].

#### PARLIAMENTARY INQUIRY

Mr. HOKE. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. HOKE. Mr. Chairman, when the Chair or the Speaker grants unanimous consent that someone may revise and extend their remarks, does that mean, is that implicit that that means within the rules, or does that actually mean that the remarks themselves can be revised in the RECORD?

The CHAIRMAN. It means revisions and extensions within the meaning of clause 9 of rule XIV.

Mr. HOKE. That have been adopted by this House in the 104th Congress?

The CHAIRMAN. The gentleman is correct.

The Chair recognizes the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, I am pleased to yield 1½ minutes to another distinguished gentleman from Michigan [Mr. UPTON].

Mr. UPTON. Mr. Chairman, I thank the gentleman from Illinois for yielding me this time.

Mr. Chairman, there have been many efforts made in this Chamber to try and balance the budget. I can well remember the Freeze Budget, the 1992 Group Budget, the Pork Busters, our good friend Tim Penny who led many bipartisan efforts, and I can remember Gramm-Rudman. Every one of these was to no avail.

Remember this button: "108 in '88?" That meant under Gramm-Rudman our deficit was going to be by law no greater than \$108 billion in 1988.

Well, guess what? It was \$187 billion, not \$108 billion.

Promises, promises, promises, promises, and every one of them was broken.

It is time to keep our promise. The deficit today is over \$200 billion, and it is as far as the eye can see \$200 billion. In fact, by the turn of the century it is not going to be \$200 billion, it is not going to be \$300 billion. The OMB, the Office of Management and Budget is projecting over \$400 billion.

I had a town meeting a couple of weeks ago and I had a very activist Democrat stand up and say:

Fred, I have been against the balanced budget before because I did not think it would work. I thought we had laws that made it work, but I've given up. When you get back to Washington, please, please, please, for our children and for our jobs, pass a balanced budget amendment.

It is time now to keep our promises. It is time to pass a balanced budget amendment, a constitutional one.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Alabama [Mr. BROWDER].

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

Mr. BROWDER. Mr. Chairman, I want to thank the gentleman from Michigan for yielding time to me.

Mr. Chairman, let me first commend my colleague, CHARLIE STENHOLM, for his leadership on the issue we are debating today. We are considering, hopefully for the last time, passage of a balanced budget amendment to the Constitution. I have been on this floor three times before pressing the Members of this institution to let this debate out of Washington. Ratification is my ultimate goal, but more important in my mind is the great public debate that will take place around this country during the process of ratification.

The balanced budget debate must be expanded beyond the Washington betway and with passage in Congress the debate will begin in earnest. For as the states consider ratification, our country will begin a full and frank public debate on the role of government—Federal, State and local—and the cost of fulfilling that role.

If the politicians who designed past efforts to bring the budget into balance had engaged the public in that process then I doubt we would have dug—or been allowed to dig—such a huge deficit hole.

Mr. Chairman, the balanced budget amendment incorporates into our fundamental law the principle that the Federal Government cannot spend more money than it takes in, except under special circumstances. That principle rightly fits in the Constitution and would not, as some suggest, trivialize that basic document. But more importantly, the ratification process will allow, even force, the American people to focus on what they want from their government, what benefits they will surrender in the name of fiscal responsibility, and what burdens they will shoulder to do the important tasks they ask their government to do.