

U.S. industry by imposing through a majority vote a mere, simple majority vote, an excessive burden on just one industry.

For those who say that tax limitation is a radical idea, let me point out that one-third of all Americans today reside in a State in which there is a constitutional supermajority requirement in their own constitution. The other argument we will hear is that this provision is unworkable. In point of fact, as rewritten by the House, it would allow revenue-neutral tax reform to go forward. What it would not do, however, is allow this Congress to reach into the pockets of Federal taxpayers already overburdened, and take yet one more time from those taxpayers.

The fundamental purpose of a constitutional amendment ought to be to seek to restore to the Constitution the founders' original intent. I would suggest that that is precisely what this amendment does. If we look at the history of this Nation over the past four decades, we will see that the Supreme Court has read the commerce clause so expansively that the Government is vastly more powerful than it was in the past. This measure, this simple idea of saying to raise taxes yet once again we ought to have a supermajority, will provide needed restraint. I urge its adoption.

#### A PROPOSED CONSTITUTIONAL AMENDMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Colorado [Mr. SKAGGS] is recognized during morning business for 5 minutes.

Mr. SKAGGS. Mr. Speaker, as past Members who have addressed the House this morning have pointed out, later today we will take up an amendment to this Constitution of the United States. I want to address myself for the moment to the process by which this proposed amendment has been brought to the House.

Passing for the moment the fact that I believe it is a bad idea and bad constitutional law, even worse is how we consider it today under a process that insults the intelligence and responsibility of Members of the House, that contradicts any suggestion that this House is able to operate in a thoughtful and considered manner, and that demands and debases the very process of constitutional amendment itself.

The original proposal brought forward by the gentleman from Texas [Mr. BARTON], House Joint Resolution 159, received a single hearing before the House Committee on the Judiciary on March 6. It was then essentially removed from the committee and scheduled for a vote on the floor today. It was not marked up or approved by the Committee on the Judiciary. That committee, Mr. Speaker, is vested with the responsibility and authority under the rules of the House to give the kind

of thoughtful consideration to a constitutional amendment that I believe the people of America think ought to obtain.

House Joint Resolution 159 was then replaced, or will be if the rule before the House later today is enacted, by an entirely new proposal, House Joint Resolution 169.

□ 1200

This version of this constitutional amendment was first introduced in the House on the evening of Thursday, March 28. It was considered by the Committee on Rules the next day. On the morning of March 29, and reported to the House. And then this House went on recess for 2 weeks, the entire intervening time between consideration in the Committee on Rules and today. So very few Members have had an opportunity even to see the text of this amendment, much less to study and understand its implications.

Again, this proposal has had no hearing at all in the Committee of jurisdiction, no markup, no regular deliberative process whatsoever. Let us stop and think about that for a second. Surely second only perhaps to the responsibility that we have in Congress in considering a declaration of war, second only to that, an amendment to the Constitution, an amendment to the Constitution ought to command the most serious and deliberate sort of legislative review, examination and analysis that we are capable of. It deserves better treatment than a rush job to meet a politically sexy vote deadline that the majority admits is a matter of symbolism. Symbolism in amending the fundamental document of this country.

Mr. Speaker, the Constitution should not be used to make political statements.

There are many, many issues that are raised by this proposal, and I will speak about those later on today. One has to do with the fundamental contradiction of the principle of majority rule on which this country is based. In fact, if this were to become part of the Constitution, 34 Senators, representing less than 10 percent of the people of the country, could hold power over this important area of legislation.

Mr. Speaker, it would lock us in, for all practical purposes, to whatever the current tax structure might be at the time of its ratification. It will get in the way of many, many of the necessary things we are going to have to do to get the budget balanced, especially in areas of entitlement reform. It may unintentionally, or intentionally, who knows, actually get in the way of tax cuts because, for instance, those who are the strongest advocates of a capital gains tax reduction argue that that will actually increase revenues, and under this provision, that would require a two-thirds vote. Why? Because it is not whether the tax rate goes up, but whether revenues go up that controls whether a two-thirds vote is to be required.

So, there are many, many issues here that have not been examined because this proposal has been rushed through in derogation of every single rule of procedural regularity that the House is supposed to adhere to. Of course, it is exactly to examine and understand issues such as those I've mentioned that we refer legislation, especially amendments to the Constitution, to committee. However, that was not done in this case.

Mr. Speaker, because of the extraordinary abuse of process involved in bringing this matter to the floor, I want to put my colleagues on notice that I reserve the right to exercise every procedural right to a vote on every procedural matter that may be involved in consideration of this issue.

□ 1300

#### 1993 CLINTON TAX INCREASE

The SPEAKER pro tempore (Mr. HOBSON). Under the Speaker's announced policy of May 12, 1995, the gentleman from Texas [Mr. SAM JOHNSON] is recognized during morning business for 5 minutes.

Mr. SAM JOHNSON of Texas. Mr. Speaker, today is April 15, tax day, and this is the day when Americans send their tax dollars to Washington and when the IRS sends its agents out to audit Americans, and you know this day, believe it or not, on this day, Americans have to work 21 more days to pay all their Federal, State and local taxes. So it is not over today.

We have a chance to offer today some security to every American by making it harder for the Government to raise their taxes. Today we are going to vote on a constitutional amendment to require a two-thirds vote to raise taxes. You know, I thank the gentleman from Texas [Mr. BARTON], my good friend, for this hard work on behalf of the American people.

This amendment should have been adopted back in 1993 because that is when the President and his fellow Democrats passed the largest tax increase in the history of this Nation, and it squarely broke the backs of the American people. This amendment would have allowed Americans to keep more of their money for themselves, for their families, for their savings and for their future. That big Clinton tax increase meant that families and workers pay more every time they drive to work, or take their kids to soccer practice, or their family on a vacation. This is because the President increased the Federal gasoline tax by 4.3 cents. I bet most of my colleagues do not even know what their gasoline tax is. In the State of Texas, it amounts to 38½ cents a gallon. That is one-fourth of your total gasoline tax or gasoline bill and most pumps do not tell you that you that. That big Clinton tax increase meant seniors pay more on their social security benefits because that was raised, as well. So for seniors, the

President's tax increase continues to mean slower growth, fewer jobs and a less competitive America.

The President used class warfare to justify his need to increase taxes, but in reality, his tax increase hit middle America the hardest, the people he claimed to protect. The President's income tax increase hit small businesses right in their pocketbook. It took more money out of their businesses, out of their pockets and out of their future, money which could have been used to expand or hire new workers. Even Senators KENNEDY and DORGAN, both Democrats, agreed.

Mr. Speaker, this is the major difference now between Republicans and Democrats. Democrats believe Americans should pay more taxes and that the Government deserves more of your money. They believe in raising the minimum wage instead of allowing every American to keep more of what they earn. Democrats believe in big taxes, big Government. They deplore the entrepreneurial spirit, success and self-accomplishment. They believe that if you work harder every day of your life, your own hard work and determination produces results so that you become successful, you should be punished. That is why this administration raised taxes, because they honestly feel that the Government has the right to take what you earn and spend it. They believe they can spend your money better than you can.

Conservatives, on the other hand, believe in a smaller, less intrusive Government, lower taxes and the ability of the American people to succeed. Opportunity, hard work and the Republican ideal is the American dream. We feel that people should be rewarded for success and not punished. We believe that the money you earn is yours to keep. We know this works because Presidents Kennedy and Reagan proved that it does. Their tax cuts, their tax relief allowed people to grow the economy, create jobs and increase the living standard of every American.

Families should not be forced to pay more in taxes than they pay for food, clothing and shelter combined, which is the fact today. To me, that is unacceptable. While I applaud my friend for his amendment, my hope and desire is that we will follow through on another promise and replace the current tax system with one that promotes freedom: That is, F, free, fair and simple; reduces the role of government, R; E-E, by eliminating the IRS, encouraging savings and investment; driving the economy; opportunity for all; and the "m" in "freedom," put more money in the pockets of all Americans.

This is what the country deserves, and this is what we can begin to implement actually next week when I introduce a bill to repeal the 16th amendment to the Constitution, which is the income tax amendment. We must act as soon as possible and rid the Nation of the IRS now.

#### FIVE PROBLEMS WITH REQUIRING A TWO-THIRDS VOTE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Virginia [Mr. MORAN] is recognized during morning business for 5 minutes.

Mr. MORAN. Mr. Speaker, I have only five problems with the issue that was just discussed by the gentleman from Texas to require a two-thirds vote to raise taxes. Actually, the language that would be made part of the Constitution says to make any change in internal revenue law would require two-thirds of this body voting in favor of it. Let me mention the five problems I have with it.

The first is that it is a classic case of political posturing. The second is that it is bad public policy. The third is that it is fiscally irresponsible. The fourth is that it shows contempt for the wisdom of our Founding Fathers. And the fifth is that it is very badly written. But other than those five problems, it is a fine piece of legislation, I suppose.

Mr. Speaker, I have to say I think that this body would be shamed if we were to yield to the kind of political expediency that has brought it to the floor. Let me explain why it is such a classic case of political grandstanding. At the very beginning of this congressional session, when we began the Contract With America, there was a lot of hoopla over the fact that we, on the first day, passed a requirement that there would be a three-fifths vote requirement to raise income taxes. And those who voted for it took a lot of credit, of course, for doing so. But then when it was to apply to the legislation considered by this body, the majority got the Committee on Rules to waive that rule because they knew that those bills could not get three-fifths of the vote. So they did not let it apply to the so-called Tax Relief Act, to the Medicare Improvement Act, to the balanced budget resolution, or even to the health insurance reform legislation that we just recently passed.

All of those bills included some increases in income tax. So for convenience sake, we simply waived the rules because the majority could not get three-fifths of the vote.

But you cannot waive the Constitution. The fact is that none of the major bills that have gone a long ways toward addressing the Reagan debt that occurred during the 1980's because we kept cutting taxes and not cutting expenditures, we did the politically popular thing and not the politically unpalatable thing and created \$3 trillion of debt. Well, almost all of those bills never would have come close to two-thirds vote. That is why I say it is political posturing.

They assume that on the Senate side there will be a sufficient level of responsibility not to pass it. Of course on the Senate side, you have got a very interesting situation. Seventeen States, the least populous who represent only 10 percent of the population, are rep-

resented by, of course, 34 Senators. There are two Senators for every State. So those 17 States are represented by 34 Senators, which is just exactly the number you need to block the majority's will. All you need is one-third plus one.

So those 34 Senators have within their power to stop any revenue changes to the tax law if this constitutional amendment were to pass. Ten percent can change the will of the majority of 90 percent. What kind of a situation is that in the world's greatest democracy? In fact, let me get to the issue with regard to recognizing the wisdom of our Founding Fathers.

Article IX of the Articles of Confederation required this kind of supermajority to increase revenue. It did not work. And so when they convened in 1787, the Constitutional Convention, James Madison and others had the courage to stand up and say, this is not what we meant by our democracy. When we have tough votes, they need to be majority votes. The minority should not be able to control or to void the will of the majority. That is what this kind of constitutional amendment would do.

Mr. Speaker, it is also very bad public policy. If you want to make the tax system fairer, if you want to deal with the corporate and individual tax loopholes, if you want to change it into an income tax code that emphasizes savings and investment, you cannot do any of those things under this bill. It is bad public policy. It is hypocritical. It is inconsistent with the Constitution. I would hope my colleagues will vote this legislation down today.

#### HOUSE REPUBLICANS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Washington [Mr. McDERMOTT] is recognized during morning business for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, I include for the RECORD an editorial from the Seattle Times from April 12, 1996, the title of which is "A Republican Floor Show Only a Cynic Could Love." It is written by a woman named Terry Tang.

[From the Seattle Times, Apr. 12, 1996]

A REPUBLICAN FLOOR SHOW ONLY A CYNIC COULD LOVE

(By Terry Tang)

If the House Republicans intended people to tune them out as publicity-mad buffoons, they've done a terrific job.

The latest example of their effort is the upcoming vote on a constitutional amendment to require a two-thirds vote of Congress to increase taxes. A floor debate and vote will be staged on Monday, April 15, tax day. Don't be surprised if you've heard nothing about this. Neither have many members of Congress who've been on Easter break for the past two weeks.

The House Judiciary subcommittee held a hearing on an earlier version of the Tax Limitation Amendment last month. That version was so preposterously worded—it would have required a supermajority in Congress to alter