

power is that we spent money that we did not have, particularly during the 1980's.

But what I think is more important to remind the gentleman is that none of the budget reconciliation measures proposed by President Reagan would have passed during the 1980's. None of them got two-thirds of a vote.

There is only one budget reconciliation measure, which was a minor one, in 1989 that passed with more than two-thirds. But it passed because it was minor. It was an easy vote. These others were not easy votes. It is never an easy vote to balance the budget, to come even closer to balancing the budget than we are doing today.

It certainly was not an easy vote to vote for the budget reconciliation measure in 1993, even though it raised money from the top 1.2 percent of Americans and, in fact, through any number of other measures actually reduced our deficit for 3 years in a row, generated over \$500 billion of deficit reduction. That passed, as was suggested. If one Member of Congress had switched their vote, it would not have passed.

Now if you think that any responsible budget balancing measure is going to get through this House with a two-thirds requirement, you do not understand the dynamics of politics in America today. But that does not mean that we should not try to be, to propose votes that will require political courage, to try to continue to work to balance our budget, to reduce the amount of indebtedness, to reduce that interest.

If it was not for the interest on the debt created during the 1980's—because we cut taxes and did not cut expenditures, if it were not for the interest accumulated during that period of time—we would have a surplus in the budget today. We cannot raise taxes. We can cut them very easily. We can do it at the drop of an eyelid, and this is the kind of easy vote, to vote against the possibility of the Congress acting responsibly on budgetary and tax matters. But that is why it is wrong. It would be the irresponsible thing for the Members of this Congress to vote for today.

Mr. SKAGGS. You know, we look at history not just because it is fascinating to know where we have come from, but because it is also often instructive about the present and the future. And I think it is very useful to again go back to the debates in the Constitutional Convention about just this sort of provision, when the Framers seriously deliberated on the question of whether certain legislative subjects should be, should have a requirement of supermajorities to legislate. They understood because of their experience under the Articles of Confederation that this was a prescription for gridlock and paralysis. That is why we had a Constitutional Convention, to get us out of that problem.

One thing I believe we can always be sure of, we cannot predict the future.

We do not know on April 15, 1996, what a Congress in April 2096 is going to be facing. And yet we are basically saying we do not trust them to have the tools that they are going to require to be good stewards of this Nation's future, that we are so arrogant this year that we will deprive them of the fundamental tools of governing this country by virtue of passing an amendment such as this.

I think it is extraordinarily ill-advised, even if we understood, which clearly from the debate over the last hour we do not understand, the meaning of the specific words being proposed to be put into the Constitution.

But even if we did, it is clear that this is impractical, ill-advised, and would be an extremely foolish and, as the gentleman has pointed out, really an irresponsible act for this Congress to take.

I yield to the gentleman from Virginia.

Mr. MORAN. The only remaining remark I have to make is that we do not act independently here. We have a responsibility to act in the best interests of our constituents. The worst thing this legislation does is to take away the equal representation of our constituents, the American people. The vast majority of the American people will lose the right, the power to determine the legislation of this land. The vast majority of people, two-thirds of the American population, will not have equal representation if this legislation passed because one-third plus one will have the controlling power over what this body, this body of Representatives of the American people, is able to do with regard to tax policy, with regard to balancing the budget, with regard to funding the necessary means of conducting our activities in whatever sphere we are talking about. It is irresponsible. And it is unfair to the vast majority of the American people to pass this today.

THE CONSTITUTIONAL AMENDMENT TO REQUIRE A TWO-THIRDS MAJORITY VOTE TO RAISE TAXES

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Texas [Mr. BARTON] is recognized for 60 minutes as the designee of the majority leader.

Mr. BARTON of Texas. Before I start my special order, I want to commend the gentleman from Colorado and the gentleman from Virginia for yielding time in this special order and once we give our opening statements we will be happy to reciprocate in the spirit and to the level that you did in your special order.

Mr. Speaker and members of the House, we are engaged in a serious debate. It is serious business to determine you should amend the Constitution of the United States. I would point out our Founding Fathers allowed for such amendment, and it has been

amended, I believe, 27, perhaps 28 times, since the original Constitution was ratified in 1787.

If you go back to that time period when our Founding Fathers were debating the same issues that we are debating on the floor of the House this afternoon, you find some interesting facts. First of all, there was no such thing as an income tax anywhere in the world. There were obviously taxes, but those taxes were normally head taxes, property taxes, excise taxes, transaction taxes, duties, fees, tariffs, but there was no income tax because very few people in the world, certainly in the United States, had any income. We were an agrarian economy. Most Americans lived on farms or in small communities and there simply was not a resource there to be taxed. Even then, over 200 years ago, the Founding Fathers were very aware of the sensitivity of the tax burden on the American people. So while they did not require a super majority vote to raise taxes, they did require that the House of Representatives, which was the only body directly elected by the people and the body most responsible to the people, be the body where all tax bills originated.

For 125 years that limitation that all tax bills originate in the House of Representatives worked very well. We did not have an explosion in growth of the Federal Government. In 1913, we had the 16th amendment to the Constitution of the United States that said specifically that an income tax was constitutional. In 1913, 83 years ago, the first tax form, the first 1040, was passed out in 1913. This is a photocopy, a blown-up photocopy of the original 1040 form back in 1913.

Those of you that can read it, you find out some very startling information. First of all, the normal tax, the normal tax that most Americans who even had to pay an income tax paid, was 1 percent on net income up to \$20,000. Less than one tenth of 1 percent of the American population had to pay that normal tax of 1 percent.

The richest American, an American who made over \$500,000 in 1913, had to pay 6 percent. But most Americans paid no income tax, or paid 1 percent.

By 1949, the year that I was born, the tax burden had grown to 5 percent on the American taxpayer, and today the average tax burden is 40 percent. The marginal tax rate on the average taxpayer in America today is 40 percent. If you want to calculate percent increase from 1913, and 1 percent to 1996 and 39.8 percent or 40 percent, it is 4,000-percent increase 4,000 percent. That is too much.

The debate today is about making it more difficult to raise taxes on the American people in the future. It is not about whether we had the appropriate number of hearings in the Committee on the Judiciary. It is not about the exact definition of *de minimis* in Webster's Dictionary, it is all about the basic principle of making it more difficult to raise taxes than it is under

the current simple majority tax increase vote requirement.

It is a very simple concept. Two-thirds as a fraction is a higher number than one-half as a fraction. In fact, it is a higher number by 16 and two-thirds percent, one-sixth, 16.67. Translated into votes in the House, you would go from 218 votes needed to 290 votes. In the Senate you would go from 50 votes or 51 votes needed to 67 votes needed. So that is what we are debating this evening.

There are some States that have tax limitations on their books today. There are 10 States. These States range from the largest State in the Union, the State of California, to the State where President Clinton was Governor, the State of Arkansas. And you can see the other 8 States.

There are four things that are true in every State in the Union that has tax limitation. The first thing that is true is that taxes go up more slowly. In States that have some sort of supermajority requirement for increasing taxes, taxes do not go up. They do go up. In fact, they have been going up, 102 percent between 1980 and 1992. In the States that do not have a supermajority requirement, taxes have gone up 121 percent. That difference of 19 percent, if you calculated it on the Federal tax rate, you would have lower taxes in the Federal Government this year of around, I believe \$160 billion.

□ 1545

So the first thing in all 10 States is that taxes go up more slowly than they do in States that do not have tax limitations.

The second thing we find out is that, since taxes are not going up as fast in tax limitation States, spending is not going up as fast. Again, between 1980 and 1992, in the supermajority tax increase States, their spending went up about 132 percent. But in States that do not have a supermajority requirement to raise taxes, their spending went up 141 percent. So that is a 9-percent savings in spending.

Mr. Speaker, if we calculate 9 percent of \$1.6 trillion we are spending here at the Federal Government this year, that is about \$145 billion savings in spending.

Now, since taxes are not going up as rapidly and spending is not going up as rapidly in those States, some good things begin to happen. The first thing that happens is that employment does grow more rapidly. In States that have a supermajority requirement, the average number of people working went up about 26 percent. In States that do not have a supermajority requirement, employment grew, but only 21 percent. So you have a 5-percent differential there.

Last but not least, since there are more people working in States with a supermajority requirement for a tax increase, the economy in those States grew more rapidly, 43 percent versus 35 percent in the nonsupermajority States.

So those four things are true in every State. Taxes do not go up as rapidly, therefore spending does not go up as rapidly, therefore you create more jobs, and you create more wealth in the State. So the way I say this is a simplified fashion, taxes go up lower, taxes are lower, therefore spending goes up slower in States that have the supermajority requirement. And therefore the taxpayers are not left high and dry like they are in States without the supermajority requirement.

Mr. Speaker, I am a lower, slower guy. I am not a higher, dryer guy.

The last thing I would say on these 10 States, not one State that has passed supermajority has repealed it. In some of these States, the supermajority requirement for a tax increase has been on the books for decades.

With that, I would be happy to yield to my friend from Arizona for such time as he may wish to consume.

Mr. SHADEGG. Mr. Speaker, I thank the gentleman from Texas and join him in calling for the passage of this amendment.

Let me talk about why. On the list of States which my colleague put up which have enacted a supermajority requirement, you will find the first State is my home State, the State of Arizona. We enacted that requirement in 1992. It compels the State legislature there to assemble a two-thirds majority before yet once again raising taxes.

Now, why? The reason for that is that we had had a spiralling increase in taxes in our State year after year after year, and the consequences were devastating.

Mr. Speaker, I think the gentleman did a great job of showing exactly how that comes about. I want to focus on just one of those charts.

This chart alone says it all. For my colleagues in the Congress, I urge them to study this one chart. It says a very simple premise: Where taxes are high, where they are raised time and again, over and over, there is a consequence to be paid for that. In Arizona it was that we had gone from a high growth State with low taxes and a booming economy to years of tax increases, and we had become a low growth State. We had injured our economy. So we put an issue on the ballot, an initiative drive which I helped head, which the people had a chance to vote on. By a margin of 72 percent of those voting, we enacted a supermajority tax limitation.

Those words are kind of confusing, supermajority tax limitation. What it says is simply this: Where today in this Congress we can raise taxes with a simple majority, 50 percent plus one, we would change that standard and make it not impossible but slightly more difficult to raise taxes yet one more time.

Mr. Speaker, we are not cutting taxes, we are just saying that the bar over which we should have to climb to raise taxes yet again ought to be slightly higher.

In my lifetime we have raised taxes in this Nation, income taxes in this Na-

tion, on the average American family by 1,200 percent. The consequence is we are doing to the national economy what the non-supermajority States have done to themselves. That is, if you look at States where it is slightly higher and slightly harder to raise taxes, the supermajority States, you will see economic growth is significantly higher than in those States where there is no supermajority and where, accordingly, it is slightly easier to raise taxes.

The premise which this amendment raises is a straightforward issue of fiscal responsibility. Should Congress be more responsible about spending the hard-earned dollars earned by the citizens of this great country? If you believe it should, then you must vote for this amendment, because by making it slightly harder to raise taxes in America, we will force this Congress to have discipline.

Indeed, Mr. Speaker, the record of this Congress and of past Congresses on controlling spending is abysmal. We have failed time and again to control spending. Thus, we need a supermajority requirement, a discipline on our ability to raise taxes, because that will force us to spend the money we have more wisely.

As the gentleman indicated, there are 10 states that now require this. It is not a radical reform. I would like to point out that some of those who have considered it view it as indeed a rather prudent reform.

George Will recently writing said, "The proper reverent reason for amending the Constitution is to revive those of the framers' objectives that have been attenuated by political developments since the framers left Philadelphia."

What indeed has happened in America is that we have lost many of the first principles established in our U.S. Constitution. The U.S. Supreme Court has as of today so expansively read the commerce clause that this Congress has vastly more power than it did a decade or two or three decades ago. Indeed, it has the power to reach into the pockets of Americans time and time again, to spend that money on almost anything it will.

Six times since 1980 we have raised taxes. On one of those occasions, we had the two-thirds majority. On all of the others, we did not. Yet we raised taxes over and over again.

The 1993 tax increase, the largest in American history, would not have passed this body if one vote had switched. It would not have passed the Senate had the vice president not broken a tie.

Let me conclude by pointing out the words of two scholars who have looked at this issue. John McGuinness of the Yeshiva University's Cardoza Law School and Michael Rappaport of the University of San Diego Law School have said about this amendment that the amendment should be seen as an attempt to revive the original values of

our Constitution, rather than as a radical innovation.

The opponents of this amendment will argue that it offends the notion of majority rule; that whenever the majority wants to do something, they ought to be able to do that. Regrettably, they ignore that the first premise of a constitution is to protect the rights of a minority.

Indeed, in this instance, it is critically important that in the area of taxation, we protect the rights of the minority. That is why a constitutional amendment is the proper device. It is indeed not a radical innovation, but rather an idea that will restore the Founders' intent.

I would invite the other gentleman to join us here.

Mr. BARTON of Texas. I want to compliment the gentleman from Arizona on his leadership. He is one of the named sponsors, and is doing an outstanding job.

I would like to yield to the gentleman from Arkansas [Mr. HUTCHINSON] at this point in time.

Mr. HUTCHINSON. I thank the gentleman for yielding time and compliment Mr. BARTON from Texas for his leadership on the balanced budget amendment and on this constitutional amendment we will be debating and voting on today.

As Americans hasten to file their Federal income tax returns by midnight tonight, many families will again remember how much of their family budget is paid to the Federal Government every year. Today they will be reminded and we will be reminded that the average American family pays \$1 out of every \$4 it earns to the Federal Government. We will be reminded that the average American family spends more on taxes than on food, on clothing, and on shelter combined.

Sadly, we will also be reminded that the average American family can expect to work at least until May 6 before being able to dedicate any of the earnings to anything other than Federal, State, and local taxes. The average worker today spends the first 3 hours when he gets to work each morning just paying his debt to the Federal Government, State government, and local government before he can ever begin to labor for himself or for his family.

With approximately 38 percent of the average family's budget being used to meet their total tax burden, it is high time that the U.S. Congress take action to make further tax increases more difficult.

Our country has run chronic budget deficits for 25 years. We have pretended that we were going to do deficit reduction by raising taxes in the omnibus budget laws described as deficit reduction acts, and yet spending continues more and more.

A perfect example for the necessity of such an amendment can be found in the middle class tax cut that was the centerpiece of President Clinton's 1992

campaign for President. Despite his record in Arkansas of having raised taxes and fees 128 times during his tenure as Governor of my home State of Arkansas, the American people still trusted him to make good on his promise. Just 1 month into his Presidency, however, the President betrayed that trust and traded his promise of a middle class tax cut for the largest tax increase in history. This record tax increase was pushed through Congress in 1993 and was approved by a 51-to-50 vote in the Senate and a 218-to-216 vote in the House. A single vote switch in either body would have killed the legislation. A supermajority requirement easily would have saved our economy from yet another oppressive tax increase.

It is clear that increasing taxes is not the answer to our deficit problems, that increasing taxes is not the way we are going to deal with the growth of the national debt. Every time in the last 40 years this Congress has raised taxes \$2, we have increased spending \$3. Raising taxes is not the answer. We simply must make it more difficult for this Congress and future Congresses to raise taxes.

If that was not enough, our President vetoed the middle class tax cut that this Congress passed and gave to him this past December 6. That is why there will be no tax cut this April for hard working families.

In one stroke of the pen, the President denied tax cut benefits to 28 million families and 59 million children in our \$500 per child tax credit. We will not see capital gains tax relief, we will not see the job creation that would have accompanied it, the relief from the marriage penalty, the estate tax, and on and on. We would have done that and much, much more. But, instead, the temptation is going to be there in the future for Congress to start raising taxes again. That is the temptation, to try to solve deficits by raising taxes, and is simply will not work.

It is time to make Washington start working for families, instead of making families work for Washington. That is why I rise in strong support of this supermajority rule as a necessary component strategy, to shrink the size and power of the Federal Government and limit the power of Congress to tax the American people.

Mr. BARTON of Texas. Before I recognize another gentleman, I would like to ask the gentleman a question: My understanding is you do represent the great State of Arkansas.

Mr. HUTCHINSON. That is correct.

Mr. BARTON of Texas. It is my understanding that Arkansas has had a tax limitation on amendment on the books for several decades. It requires a three-fourths vote; not a two-thirds, but even a higher standard of three-fourths. Could you comment on how that has worked in Arkansas?

Mr. HUTCHINSON. We have a supermajority requirement, a three-

fourths requirement, to raise the income tax in Arkansas. The evidence is very clear that the legislature has been more reluctant to raise the income tax levels for hard-working Arkansans.

Now, we have a lower threshold for raising the sales tax, which many believe is a more regressive tax. The fact is they have fallen back many times on that regressive sales tax, which hurts poor people more than affluent individuals. I believe the supermajority across the board, whether it was a two-thirds or three-fourths, would make a lot more sense. But Arkansas today has one of the lower tax levels and one of the lower tax burdens in the United States. That is why people are moving to Arkansas. That is why our economy is good in Arkansas.

□ 1600

In my particular district, we have got unemployment down around 3 percent, virtually full employment in my district, companies moving in, people doing well, because the tax burden, heavy as it is on the Federal level, has not been that onerous on the State level, partly because of that super majority provision.

Mr. BARTON of Texas. Is there any move in Arkansas to repeal the three-fourths requirement?

Mr. HUTCHINSON. None whatsoever. I think the American people would rise up in arms, the people of Arkansas would rise up in arms if that were to occur. Quite to the contrary, as is happening in the antitax movement across this country, there are initiatives efforts, there is lots of talk about actually putting on the ballot a requirement to put all tax increases to a vote of the people. I do not necessarily support that. What I am saying is there is certainly no sentiment at all to repeal our supermajority tax issue.

Mr. BARTON of Texas. The tax limitation works, the supermajority vote for tax increases works in Arkansas.

Mr. HUTCHINSON. It worked in Arkansas. It worked when President Clinton, then governor of Arkansas. I certainly believe it will work for our country.

Mr. BARTON of Texas. I thank the gentleman from Arkansas.

I would like to yield to the gentleman from Kentucky [Mr. LEWIS].

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today in support of the two-thirds tax limitation amendment to the Constitution. Mr. Speaker, a typical family of four pays nearly 40 percent of its income in Federal, State and local taxes. When you consider sales and a variety of other taxes that a family is often paying nearly half of their hard-earned money in taxes. Is there any wonder why so many folks are struggling to make ends meet? We have learned over the past four decades that too many politicians would rather raise taxes than reduce spending or even the growth of spending. Incidentally, that is not just true in Washington.

An article published in Kentucky papers across the State this weekend showed my home State of Kentucky, that the taxes there are a burden on the lower income people more heavily than any State in the Nation. That is according to the Center on Budget and Policy Priorities. We can make a statement on this tax day in the House of Representatives.

We can tell the folks back home that they matter more than big Government, that Congress can make the occasional tough spending decisions without asking hard working men and women to contribute more.

Mr. Speaker, 3 months ago, President Clinton ripped out a page from the Republican playbook by saying the era of big Government is over. We can help him keep his word today by passing House Joint Resolution 159. It is a good start toward ensuring the era of big Government will truly be over.

Over the past three decades, there have been 16 major votes to increase taxes. Just half of those would have become law if there has been a two-thirds requirement. We may not be able to stop President Clinton from vetoing our tax cuts for working families, but we can help make sure that a one-vote margin in the House or the Senate does not allow another massive tax increase like the 1993 Clinton tax hike.

Mr. Speaker, let us tell the American people that enough taxes are enough.

Mr. BARTON of Texas. I thank the gentleman from Kentucky.

I yield to the gentleman, Mr. HALL of Texas, one of the named sponsors, the distinguished gentleman from Rockwall, the fourth district of Texas.

Mr. HALL of Texas. Mr. Speaker, today, of course, is tax day for millions of Americans. It is also tax day for Congress. I think what we do in the next few hours will send a message to all the hard-working Americans all across the country. It will either give Americans some hope for the future, some hope for tax relief, or it will give them nothing but the status quo.

In the next few hours, we will have an opportunity to vote in support of House Joint Resolution 159, the tax limitation amendment to the Constitution. This amendment would require a two-thirds, a supermajority vote in the House and Senate for any bill that would raise Federal taxes. If a two-thirds requirement had been in place over the past 15 years, major tax increases in the years 1982, 1984, 1987, 1990, and 1993 would have failed. It does not mean we would not have had a tax bill, but it would have been a more sensible tax bill. It would have been sent back and reworked and we would have had more cuts in spending and less taxes on the backs of the American people.

This is a much higher standard than a simple majority vote and a standard that would be far more representative of the wishes of the American people.

Most of us here in Congress, like most Americans, support efforts to bal-

ance the Federal budget, and last year Members of the House went on record to pass a balanced budget amendment to the Constitution. Now today we have another opportunity to show where we stand on an issue that will affect everyone in this country.

Most of us, like most Americans, most of us Members of Congress believe that taxes are either too high or they are high enough, and today we have an opportunity to vote on a bill that would offer some protection to the American taxpayer by making it more difficult to raise Federal taxes. Hopefully the balanced budget amendment will pass the Senate this year and go all the way to the statehouse and to the States for ratification. Following ratification of the amendment, Congress would be obligated to produce balanced budgets.

Now if the vote falls short, which some people predict that it might do and we have to know that anything can happen on the floor of this house, if we do not have enough contact from the people of America to those who stand on this floor and represent them here as their Member of Congress, it is possible that we will not pass this day, this time this bill. But I think we will accept the lessons of history and consider this another step in the right direction. If I know the gentleman from Texas, Mr. BARTON, and the gentleman from Texas, Mr. PETE GEREN, and the gentleman from Arizona, Mr. SHADEGG, as well as I know them, they will be back again and again. It took 13 years for the balanced budget amendment and the line item veto, but it is here and this will follow.

Mr. Speaker, I believe that we can pass it this day. I think if history is any indication and if we listen to the people, that is exactly what we ought to do. So on this historic day, Mr. Speaker, I am pleased to be an original cosponsor of the tax limitation amendment, along with Mr. BARTON, Mr. SHADEGG, and Mr. PETE GEREN. They have worked tirelessly. I do not know of anyone who has worked harder than those men and their staffs throughout this legislation. The grassroots response have been enormous.

On this historic tax day, I think Americans are watching to see where Congress stands on this important issue. I think we need to show the American people that we stand with them. I urge my colleagues to join me in support of House Joint Resolution 159, the tax limitation amendment.

Mr. Speaker, I thank the gentleman.

Mr. BARTON of Texas. I thank the distinguished gentleman from Texas. Before I yield to the gentleman from Texas, Mr. PETE GEREN, I yield to the chairman of the Committee on Economic and Educational Opportunities, the distinguished gentleman from Pennsylvania, Mr. GOODLING.

Mr. GOODLING. Mr. Speaker, I can sum up the most important reason to pass this legislation in one illustration. Thirty-eight percent of what the aver-

age American family earns they pay in taxes. Anybody have any idea how much they spend on food, clothing and shelter combined? Twenty-eight percent, which is 10 percent less than they have to spend on taxes.

I was having a meeting this morning and the one gentleman said, I had to pay my taxes today. He has two little children. He said, very, very difficult. I said, yes, because the President vetoed a package that would have given you the kind of relief you would have needed. It would have given you \$500 for each child. It would have given you a \$500 credit for home care. It would have given you a \$1,000 credit toward long-term insurance. It would have given you an IRA for the parent that stays at home.

These are the kinds of things we should be doing to try to help American families stay together, not take their money and bring it to Washington, DC, to waste. So I would call on all of my colleagues, support this legislation. We get a balanced budget and we make sure that we stop spending more than we take in and we will give hope to the future. We will give hope to the children and the grandchildren that are out there now wondering whether there will be a tomorrow like we were fortunate enough to have.

I thank the gentleman for yielding me this time.

Mr. BARTON of Texas. I thank the gentleman, Mr. GOODLING, for those remarks. Would the chair indicate how much time is remaining in our special order?

The SPEAKER pro tempore. The gentleman has 28 minutes remaining.

Mr. BARTON of Texas. I yield to another of our original sponsors, Mr. PETE GEREN of the 12th District of Texas, who unfortunately will be leaving us at the end of this Congress to return home to Fort Worth.

Mr. PETE GEREN of Texas. I want to thank the gentleman, Mr. BARTON, and commend him, the leadership on this issue, the leadership that he has brought to bear.

From the first day he stepped on the floor of the Congress, he has been pushing this, and his dogged determination has brought us to where we are today. I must say it has been with some reluctance that I have come to the conclusion that it is necessary that we pass this resolution that would amend the Constitution to require a supermajority vote of two-thirds in order to increase tax revenues. However, I believe that if we ever are to control the growth of Government, limit its insatiable ambitions, then this limitation is necessary.

The growth of Government, and with it the increase in taxes and increase in the deficit, have become a constant in this country. Regardless of who is in the White House, regardless of what party controls Congress, Government has remained and will continue to remain a growth industry. In terms of 1983 dollars, from 1969 to much of 1996,

the size of Government measured in terms of its spending, it has nearly doubled. These are in constant dollars. The Government has grown from \$593 billion in 1969 to \$1.1 trillion in 1996.

I commend President Clinton for his statement that the era of big Government is over. I wish that were true. In spite of those words, the size of Government continues to grow and according to all projections, to all projections, it will grow as far as the eye can see and younger generations will bear the brunt and cost of our mushrooming growth in taxes paid and in freedom lost.

According to the General Accounting Office, a child born in 1992, to fund Government on its current growth path, a child born in 1992 will pay 82 percent of his or her future earnings in taxes. Eighty-two percent of his or her future earnings in taxes. The Government itself has become the most powerful political force in America, not the people that pay the bills but the people that live off of those who pay the bills.

When faced with cuts in spending, Government programs are able to rally their individual constituencies to bring overwhelming pressure to bear on the legislative process. The tax limitation amendment is needed to offset this pressure. I do not think our Founders ever imagined that we would have a Federal Government that would be telling us where to place curb cuts in the step of Cleburne or a Federal Government that is spending over 20 percent of the gross national product.

They could not have imagined that when they drafted our Constitution, and I am confident if they had, this limitation amendment would have been put in the original Constitution. This is not a new initiative. It is a tested initiative. It has been tested in the laboratories of our individual States, as our Founders intended.

Currently 10 States have supermajority requirements to raise taxes. They include Arkansas, Arizona, California, Colorado, Delaware, Florida, Louisiana, Mississippi, Oklahoma, and South Dakota, geographically spread across the entire Nation. In States with no tax limitation, taxes have climbed 120 percent per capita from 1980 to 1992, while they increased only 102 percent in States with supermajority requirements. Even with the supermajority requirement, the government has found a way to grow. Supermajority States have enjoyed a 43-percent growth rate from 1980 to 1992, while other States without this limitation have grown by only 35 percent. Employment growth averaged 26 percent in supermajority States but only 21 percent in States without the supermajority requirement. Using data from 50 States, Dr. Richard Vedder, in a study for the Joint Economic Committee, has concluded and I quote:

The economic performance of States is negatively relative to the overall amount of taxation: Higher taxes mean lower growth, lower taxes mean higher growth.

This amendment is not artful. It is not pretty. It is not the sort of provision that will ever thrill constitutional scholars. It is a blunt instrument, and it is unfortunate that it is necessary, but it is necessary. As legislators, we have either been unwilling or unable to put restraints on the growth of government.

In the so-called antitax era that we have all lived through in the last 15 years, we have still seen Government grow. The 1980's were famously antigovernment, antitax, yet taxes grew 20 percent during that decade, the size of Government growing in excess of that. There is a bias in our system toward growing Government. It is a bias that grows stronger every day as Government grows more and more and more intrusive in our lives. This amendment is necessary to counteract this bias and force the Government back into a role that respects that the genius and miracle of our experiment in democracy lies not in Washington, DC, but with the people.

Mr. Speaker, I thank the gentleman, Mr. BARTON, for yielding me this time, and I commend you for your leadership on this effort.

Mr. BARTON of Texas. Well, if the gentleman would remain at the podium, I have got a few questions that I would like to ask.

My first question is, I believe that you are a member of the Democratic Party, is that not correct?

Mr. PETE GEREN of Texas. Certainly am.

Mr. BARTON of Texas. I know that some Members of this body have said that this is some sort of a Republican policy gimmick. But you are not a Republican, obviously. I think you are very proud to be a Democrat.

Mr. PETE GEREN of Texas. No, and I expect that we will have a considerable number of Democrats join us in voting for this. I think the experience that we have seen in the 10 States that have tried this belies the accusation that this is some partisan gimmick by either party. Arkansas, a State that has been controlled by Democrats. Legislature, the Governor's office, I guess since Reconstruction, they have this provision.

□ 1615

California, very strong Democratic legislature, they have had Republican and Democratic Governors; they have this limitation under Willy Brown, one of the leading Democrats in the entire country. This provision came out of the legislature in which he presided as the speaker.

So anybody that tries to dismiss this as a partisan gimmick I think is ignoring the fact that 10 States, some of the States in heavily Democratic—with heavily Democratic majorities in every area of government—have this problem. So for those to try to dismiss it with that sort of criticism I think are ignoring the reality of experience with this provision.

Mr. BARTON of Texas. I am sure that you have seen this study, but you might not have had a chance to really study it in detail, but March 19 through March 21 there was a national poll conducted by Americans for Tax Reform. They polled 1,205 registered voters throughout the country about the tax limitation amendment, and I know that you will find this very gratifying to know that of those poll respondents that identified, self-identified, themselves as Democrats, 64 percent said they supported the two-thirds tax limitation amendment; 80 percent of people that identified themselves as Independents and 80 percent that identified themselves as Republican. So the support is slightly higher for Republicans and Independents, but for Democrats around the country 64 percent of the respondents in this 1,200-person poll that said they were Democrats said they supported the amendment.

And I know as a Democrat you will also be delighted to know that when they asked the poll respondents to identify themselves by socioeconomic status, low, middle class, or high income, of those that identified themselves as low-income wage earners, 80 percent supported two-thirds vote for tax limitation; middle income, self-identified, 77 percent supported tax limitation; and high income, 64 percent. And finally, certainly last but not least, when asked the one political question in this survey, and again these are 1,200 people, March 19 through 21, national poll, plus or minus 2.8 percent variance—when asked would you be more likely or less likely to vote for your Member of Congress if you knew that they voted for the two-thirds tax limitation amendment, by party identification 76—no, 68 percent of self-identified Democrats, said that they would be more likely to vote for their Member of Congress if they knew that he or she had voted for the two-thirds tax limitation constitutional amendment.

Does the gentleman from Texas have any comments on those poll numbers?

Mr. PETE GEREN of Texas. Well, I think that this reflects accurately where Americans are, regardless of party affiliation, and also explains why in many States with a strong, strong Democratic tradition and control of their State governments, have enacted a provision of this sort.

This is a bipartisan initiative. We are not going to have as many people on my side of the aisle supporting it as I would like to see, but I think that poll shows that this is an initiative that enjoys bipartisan support or nonpartisan support, including strong support in the Independent base, and I would expect that—I mean, you look at the States that have it, Florida all the way to California, Louisiana, Arkansas; these are States that have very different economies, they have different political traditions, but joined in a recognition and understanding of the need to check this bias in favor of growing government.

Mr. BARTON of Texas. Well, I think it is interesting that when you really look at the facts and you look at the data that is out there, every State that has it, it works. We pointed out, you pointed out, the gentleman from Texas [Mr. HALL] pointed out, that taxes are lower, they grow slower, and that the economy, therefore, grows faster and more jobs are created. We point out that regardless of what your party affiliation is, it is supported anywhere from 80 to 64 percent. Regardless of your socioeconomic status, low, middle, or high, it is supported.

More States are adding this tax limitation provision to their State constitutions every year. Voters of Nevada have already passed it once. Their constitution requires two separate votes. They are going to vote on it again this fall. We think they will ratify it and they will be the eleventh State to put it in the constitution.

There are some dozen, dozen and a half, States that have got initiatives underway, so we are simply doing what is already being done and continuing to be done in the States, and I think that with your support and the support of the gentleman from Texas [Mr. HALL] we have an excellent chance to get enough Democrat support to pass it by two-thirds on the floor this evening.

Mr. PETE GEREN of Texas. Let me just highlight one point that you made, the economic growth.

If anyone were seeking to find an explanation why 68 percent of Democrats across the country support this, it is one simple word. It is jobs, economic growth. You look through the history of Democratic platforms, and you will see the word "jobs" repeated over and over and over for the last 100 years, and the States that have tried this have been proven job creators.

This is an initiative that will create jobs, as it has in California, as it has in Arkansas. This is an opportunity to extend that job creation across the 50 States of this country.

Mr. BARTON of Texas. Be happy to yield to the gentleman from Texas [Mr. HALL] and then—

Mr. HALL of Texas. I think also, Mr. Speaker, that it might be pointed out: I think that same poll that was conducted indicated not just people that are out of work or that are looking for work, Democrats or Republicans, support this. I think that same poll showed that among Federal employees who already have a job, that 68 percent of those supported the supermajority, and I think it also should be pointed out that union members, who historically have voted Democratic, have indicated that 71 percent of the union members polled supported the supermajority.

So while we up here on the floor of Congress try to shoot an arrow that hits the taxpayer and misses the voter, let me tell you we are hitting both of them and this is a chance for the voters and the taxpayers to have a shield, and I think the gentleman from Fort Worth probably agrees with that.

Mr. PETE GEREN of Texas. Absolutely.

Mr. BARTON of Texas. I thank both my two good friends for supporting this.

I would like to continue some of the comments that I made earlier. This is about making it more difficult to raise taxes, but not making it impossible. When my good friend from Arizona gets back, we are going to go through a colloquy on some of the tax increases that have passed the House in the last 10 to 15 years.

One very good thing about our amendment: It would take bipartisan support to pass any additional tax increases because it is very unlikely that either political party is going to have 67 percent of the House and the Senate at the same time in the modern era, and as has been pointed out numerous times during the debate this afternoon, the last major tax increase that we had 2½ years ago passed by two votes in the House, with no Republican voting for it, and by a tie breaker vote the Vice President, Mr. GORE, voting for it in the Senate. That is not bipartisanship, that is one political party with a very slim majority forcing a massive tax increase, in this case the largest tax increase in American history, down the throats of the American people.

I would now like to engage in a colloquy with the gentleman from Arizona about some of the more recent major tax increases that have been before the House and the Senate.

Mr. SHADEGG. I would just like to commend the gentleman from Texas, actually all three gentlemen from Texas, Mr. BARTON, Mr. PETE GEREN, and Mr. HALL, who have shown great leadership here. I think I heard Mr. HALL recite that whether we passed it today or not, if in the unlikely chance we do not pass this measure today, he had great confidence that we would be here carrying this fight forward in the future, and, for the reasons that Mr. PETE GEREN pointed out, I indeed, so long as I am a Member of this body, until we are successful in this effort, will be here to fight for it precisely for the reason he pointed out, and it is the reason shown on the chart just to your side, and that is job creation.

This measure will aid the American economy. It is wonderful that we have 10 States to look to which have had experience with a supermajority for tax increases; that is, with making it slightly harder to raise our taxes again. And that experience teaches us; it teaches us that the economy and those States where they have made it a little harder to raise taxes, as we propose to do here today for the Nation, have grown at a significantly faster pace, over 40 percent versus under 30 percent.

Now, in the discussion beforehand, and the gentleman might recall that our colleague from Virginia, Mr. MORAN exercised some great concern about whether or not it would be possible to ever muster the two-thirds ma-

ajority that this measure would require for a tax increase. Well, the history shows that while it may indeed be and should be somewhat more difficult, our goal is not here today to make it impossible to raise taxes, and I would just like to point out that on at least four recent occasions more than a two-thirds majority has been mustered for a tax increase, both here in the House and also in the Senate.

The Tax Adjustment Act of 1966 got 74 percent of the Members of the House in its support and 94 percent of the Members of the Senate. The Interest Equalization Tax Extension Act of 1967 got 73 percent of the Members of the House to support it and a similar number in the Senate. In 1989 the Senate passed by a vote of 93 percent of the Members and the House passed by a vote of 58 percent of the members the Omnibus Budget Reconciliation Act of 1989. But the most compelling example of where a supermajority was accorded is what is now the infamous or famous Tax Reform Act of 1986. That probably is one of the best known tax revisions in this Nation's history, and that measure in its final version passed this Congress in 1986 by a vote of 292 to 136 in the House and by a vote of 74 to 23 in the Senate.

So for those who say that a two-thirds barrier is too high, is too extreme, I would call these examples to their attention, and I would simply like to reiterate. The gentleman was asked before, the average American family today spends more on taxes, according to the figures we have been provided, than on food, clothing and shelter combined. When we have reached the point in this Nation where we spend more on taxes as an individual family than on food, clothing and shelter combined, indeed I believe it is time for reform, and the reform we bring here is not a radical one. It is a logical one, not a rightful cut in taxes, but simply a provision that says the next time we try to raise taxes again we ought to have to do it with a two-thirds rather than a 50 percent majority.

Mr. BARTON of Texas. My understanding is the gentleman speaking is from the great State of Arizona and that you have a two-thirds or three-fourths requirement for all tax increases in your State and that has been in effect since 1992.

Is that correct?

Mr. SHADEGG. We do indeed have a two-thirds majority for all tax increases.

Mr. BARTON of Texas. And how has this worked in Arizona the 3 years it has been on the books?

Mr. SHADEGG. Well, as having been the chairman of the initiative drive who put it on the ballot and then pushed it over with the vote of 72 percent of the legislature supporting it, it has worked extremely well. Where we had seen a spate of 9 successive tax increases in a row, we have not seen a general tax increase since that measure was enacted.

I would point out that the measure enacted in Arizona is much like the one we are proposing here; that is, it allows revenue neutral tax reform, so that if we want to change the code in some respect we can, so long as it is not a tax increase. And whenever in Arizona a tax increase is required, that is when the supermajority, two-thirds, is triggered, just as the language we are proposing here today would do.

Mr. BARTON of Texas. I think that is a very basic point that we need to emphasize as often as possible. Under the language that is going to be voted on this evening, we could change from a national income tax, graduated system that we have today, to the flat tax or the national sales tax, as some people propose, with a majority vote so long as the revenue impact was *de minimis*, was neutral or less.

□ 1630

Mr. SHADEGG. Mr. Speaker, our goal is to allow and to continue to go forward with revenue-neutral tax reform. Should we shift from the income tax to a sales tax to a VAT tax, whatever we deem is necessary, provided it is revenue-neutral, it can be accomplished with a simple majority. That provides the flexibility that our colleagues on the opposite side of the aisle are so deeply concerned about.

Mr. BARTON of Texas. Mr. Speaker, I think one of the other concerns under the current tax code, most Republicans and far-thinking Democrats support a rate reduction in the capital gains tax. What is the gentleman's understanding of what we could do with capital gains, if our amendment were to become part of the Constitution?

Mr. SHADEGG. Mr. Speaker, as the scoring by CBO is currently performed, we could easily enact a capital gains tax cut, and would not require a supermajority to do that. Some of us, though, would argue that CBO ought to embrace the concept of dynamic scoring, which might change that analysis.

But as the measure would currently be scored, a change in our capital gains tax rates to lower those tax rates could be accomplished by a simple majority vote, which means that a lot of arguments we have heard already today and a lot of arguments we will hear tonight about how the rule adopted here on the House has had to be waived simply does not have any application to this debate, because the language of the amendment differs from the language of the rule which we adopted on the first day of this Congress.

Mr. BARTON of Texas. Mr. Speaker, I see the distinguished chairman of the Committee on Rules, the gentleman from the great State of New York [Mr. SOLOMON], on the floor. Would he like to engage in the debate?

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

Mr. BARTON of Texas. I yield to the gentleman from New York.

Mr. SOLOMON. I would. Mr. Speaker, I thank both of the gentlemen. I hap-

pen to come from the State—that State is New York—which always is either the first or second highest-taxed State in the Nation. Let me tell you, we have seen hundreds of thousands of manufacturing jobs leave our State almost for that reason alone; that, plus the fact that we are the most overregulated State.

Let me just tell you, we go back to 1993 when this Congress enacted the largest tax increase in the history of this entire Government body, the largest tax increase. Yet, we did not cut the deficit by the amount of the tax increase. That meant by increasing taxes, you actually are giving an incentive to this Congress to increase spending. That is why we should never, never increase taxes in order to bring down the deficit, because it just does not work.

This in itself is going to do more to straighten out the fiscal mess of this Congress and this Government than anything else we could do, because it is going to be a disincentive to this body to spend money. That is what we need to get at this sea of red ink that is literally killing my children, my grandchildren, and yours, and the others around this country.

I commend both of you. Let us get this thing on the floor and let us pass it, and the American people are going to thank us from the bottom of their hearts.

Mr. SHADEGG. Mr. Speaker, if the gentleman will continue to yield, the gentleman raised the question of whether or not tax increases have solved the deficit problem.

I am sure the gentleman is aware that the history is, as he points out, the opposite. Each time we have increased taxes by a dollar, studies show we have further increased spending by not \$1, not an equal amount, but by \$1.59. So we have driven ourselves with each new tax increase to solve our deficit problem, not taken ourselves out of debt, but put ourselves further into debt.

Mr. SOLOMON. The gentleman is so right. Again, I want to thank both of you for the job that you have done to get this on the floor. Sometime around 9 o'clock tonight is going to come the critical vote. I would urge all of you, to the people back in your districts, to get those phones ringing and let us get these Members of Congress to come over here and vote for this vital piece of legislation.

Mr. BARTON of Texas. Mr. Speaker, that phone number is 202-225-3121, for those who wish to call the House switchboard.

Mr. HALL of Texas. Mr. Speaker, will the gentleman yield?

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

Mr. HALL of Texas. Mr. Speaker, I would say to the gentleman from Texas [Mr. BARTON], the leader and the original sponsor of this amendment, that we need to reduce this down to its easiest terms to understand. It is not tough. It

is really simple. It is just, simply, do you want half the Members on this floor to be able to raise your taxes, or do you want it to require two-thirds. We have *de minimis* and all these other one-way roads and explanations and diversions and questionings, and we will have speeches about it later in the day, but it narrows right down to whether or not we want half the people to be able to put taxes on us to where they can have more spending, or we want it to require two-thirds.

The gentleman from New York [Mr. SOLOMON] and I were here when they passed the so-called Tax Reform Act of 1986. It was an act that he simply wanted, the President, President Reagan wanted an act. He wanted a Tax Reform Act. The Committee on Ways and Means chairman wanted a Tax Reform Act. They got together on a Tax Reform Act. We passed it. I think of the two, only one of them really understood it. I am sorry to say that was not President Reagan.

We got the sorriest act that has ever been passed on the floor of this Congress, that set this country back so far. That would not have happened if your amendment, I would say if the gentleman from Arizona [Mr. SHADEGG] had been here, and the gentleman from Texas [Mr. BARTON], if his amendment had been passed, that would not have taken place. It took place right at the break of day when people were trying to go home. This protects people against those of us who are trying to go home; stay here and work, and require a two-thirds majority. I thank the gentleman for his tenacity and the tenacity he will set forth in the future if we fail today.

Mr. BARTON of Texas. Mr. Speaker, I yield to the gentleman from Arizona.

Mr. SHADEGG. Mr. Speaker, I thank the gentleman for his leadership. I simply want to conclude my remarks as a part of this special order by saying we in the Congress have a tremendous opportunity today to deliver to the American people on a promise we made a year ago. On this day when we exact their tax return from them, when we reach into their pockets one more time, we have a chance to tell them that we are going to impose the discipline of a supermajority requirement in the U.S. Constitution. I urge my colleagues not to miss this opportunity to support this amendment.

Mr. BARTON of Texas. Mr. Speaker, I want to conclude very quickly by stating that this is about helping us to get to a balanced budget. The last balanced budget of the U.S. Government was in 1969. My son was born in 1970. He is now about to enter graduate school. He has never lived in a year that we have balanced the Federal budget.

There are two ways to balance the budget. You can cut spending or raise taxes. We think, those of us who support this amendment, we should do it by emphasizing spending cuts, not tax increases. Federal revenues have grown every year since 1964. The 10 years that

I have been in the Congress, they have grown an average of \$59 billion a year, \$59 billion a year. The problem is that spending has grown more rapidly than revenues.

The tax limitation amendment is simply a mechanism to make it more difficult to raise taxes and, therefore, easier to focus on spending reduction or spending limitation, which is what we should do in order to balance the budget. This House and this Senate sent to the President of the United States a 7-year comprehensive budget that would have balanced in 7 years with no tax increases. The President vetoed the Balanced Budget bill we sent him. If we get a supermajority requirement into our Constitution, future Congresses will be able to work with future Presidents and focus on spending limitation, not on tax increases, as a way to balance the budget.

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 159, CONSTITUTIONAL AMENDMENT RELATING TO TAXES

Mr. MCINNIS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 395 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 395

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 159) proposing an amendment to the Constitution of the United States to require two-thirds majorities for bills increasing taxes. An amendment in the nature of a substitute consisting of the text of House Joint Resolution 169 shall be considered as adopted. The previous question shall be considered as ordered on the joint resolution, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) three hours of debate on the joint resolution, as amended, which shall be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; (2) one motion to amend, if offered by the minority leader or his designee, which shall be considered as read and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one

motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. EWING). The gentleman from Colorado [Mr. MCINNIS] is recognized for 1 hour.

Mr. MCINNIS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], pending which I yield myself such time as I may consume. During the consideration of this resolution, all time yielded is for purposes of debate only.

Mr. Speaker, House Resolution 395 is a very simple resolution. The proposed rule is a modified closed rule providing for 3 hours of general debate divided equally between the chairman and ranking minority member of the Committee on the Judiciary. Upon adoption of this rule an amendment in the nature of a substitute consisting of House Joint Resolution 169 shall be considered as adopted. Additionally, the rule provides for an amendment by the minority leader, or his designee, which would be separately debatable for 1 hour. Finally, Mr. Speaker, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, we should not view a proposed amendment to the Constitution of the United States lightly. However, the participants at the constitutional convention were acutely aware of the need to allow for the amendments to the Constitution. During the Constitutional Convention, Colonel Mason urged the necessity of an amendment process claiming that "the plan now formed will certainly be defective, as the Confederation has been found to be. Amendments therefore will be necessary, and it will be better to provide for them, in an easy, regular and Constitutional way than to trust chance and violence."

Likewise, Thomas Jefferson stated "I am not an advocate for frequent changes in laws and constitutions. But laws and institutions must go hand in hand with the progress of the human mind. As that becomes more developed, more enlightened, as new discoveries are made, new truths discovered and manners and opinions change. With the change of circumstances, institutions must advance also to keep pace with the times."

The Framers with their infinite wisdom included Article V within the Constitution of the United States. Article V has not been overused. During the course of our history, in addition to the 27 amendments that have been ratified by the required three-fourths of the States, six other amendments have been submitted to the States but not ratified by them. At times the ratification process moves slowly. For example, the 27th amendment to the Constitution was proposed on September 25, 1789, and it was declared ratified on May 18, 1992, nearly 203 years later. Ultimately, this House, the Senate, and the various State legislatures will have thoroughly debated the merits of the supermajority requirement prior to ratification, or rejection, of this proposal.

Mr. Speaker, in my opinion, requiring a supermajority for tax increases is a good idea. My State of Colorado requires a three-fourths supermajority for tax increases by the legislature, and the State of Colorado is doing fine. One-third of all Americans live in States that have tax limitations in their constitutions, and they have curbed the growth of both taxes and debt.

Today, the average American, who works an 8-hour day, will spend the first 2 hours and 46 minutes paying his tax liability. This year, the average American family will pay more in taxes than housing, transportation, recreation, and clothing combined. I do not believe that we should continue to increase the average person's tax burden unless there is broad bipartisan consensus as to the increase being necessary. Any tax measure that could garner the required two-thirds vote would obviously enjoy wide support from all political parties, and among the people generally. I urge my colleagues to support this rule and the underlying legislation.

Mr. Speaker, I include for the RECORD documents detailing a comparison of the amendment process between the 103d Congress and the 104th Congress.

The information referred to is as follows:

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,¹ 103D CONGRESS V. 104TH CONGRESS

[As of April 12, 1996]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open ²	46	44	60	59
Modified Closed ³	49	47	26	25
Closed ⁴	9	9	16	16
Total	104	100	102	100

¹ This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

² An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

³ A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

⁴ A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).