

he rolled out a new jobs bill of a half trillion dollars that he thought was going to create jobs, but I just don't think that it's going to create jobs either. It's just going to add to our national debt. And the reason why he can do all of these things is because he doesn't have to do what this lady does each and every day, and that's to balance the checkbook. Americans want a checkbook that's balanced.

I would like to show another visual. I'd like to talk about what a few other people said in addition to Ronald Reagan.

Ben Franklin: "Creditors have better memories than debtors."

George Washington: "As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible."

□ 1650

Oh, my good friends in the House, if we had only utilized his words, to use it sparingly as possible.

Both sides have been part of the problem. This is not a Republican or a Democrat sin. This is a sin from past Congresses. This is a sin we can rectify.

Thomas Jefferson: "The principle of spending money to be paid by posterity under the name of funding is but swindling futurity on a large scale." The principle of spending money to be paid by posterity under the name of funding is but swindling futurity on a large scale.

He was saying you can't spend your way out of debt. You can't spend today, put the burden on your children of tomorrow and expect a healthy economy. No Nation has ever been successful in doing that. We in America will not be successful in doing that, and that's why we have to have the balanced budget amendment.

My good friends in the House, this week is a very important week for America. We need to pass the balanced budget amendment.

I yield back the balance of my time.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. NUGENT, from the Committee on Rules (during the Special Order of Mrs. SCHMIDT), submitted a privileged report (Rept. No. 112-285) on the resolution (H. Res. 466) providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

#### WE NEED A BALANCED BUDGET AMENDMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. GOHMERT) is recognized for 30 minutes.

Mr. GOHMERT. Mr. Speaker, I appreciate so much the comments of my

friend from Ohio, from Washington State, good people, good observations. It's an honor to serve with devoted people like that.

Spending is at an all-time crisis. We do need a balanced budget amendment. There's no question. We have got to have a balanced budget amendment.

The great Senator from the State of Texas, Phil Gramm, joined forces and got a bill referred to as Gramm-Rudman through. That was supposed to force, legislatively, the House and Senate to only spend within the revenue coming in. But since it was legislation, since both bodies can create such legislation, then both bodies can undo such legislation. Just like both bodies can create a debt ceiling bill, as occurred late July, early August this year, both bodies can decide to do something different a few months later. That's the problem with legislation. That's why we do need a balanced budget amendment.

Now, the bill that was brought through committee this year, this 112th Congress, titled H.J. Res. 1, it passed out of committee, the Judiciary Committee. It says that the purpose is proposing a balanced budget amendment to the Constitution of the United States. Massive number of cosponsors. And it was a good bill. It was, it is.

And all gratitude goes to Mr. BOB GOODLATTE. He has been a strong proponent for advancing a balanced budget amendment for numerous Congresses for many years, and he has done a good thing with this bill. I appreciated his also including an amendment that I brought to committee that was passed in committee and is part of the joint resolution. But it's House Joint Resolution 1. It's a good bill. It's to provide for a balanced budget amendment.

In section 1 it simply says:

Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

Well, you might think that would be sufficient just to say total outlays cannot exceed total receipts. But those of us who've been around Congress long enough know that's not good enough unless you add, as Mr. GOODLATTE does in Section 8:

Total receipts shall include all receipts of the United States Government except those derived from borrowing.

If Section 8 is not in there, some Member of Congress down the road, if the balanced budget amendment were made into law as an amendment to the U.S. Constitution, would be clever enough to say, hey, it doesn't say you can't borrow. It just says you can't have outlays exceed total receipts. Well receipts, if you get loans, you've got money coming in, even from loans, well, that ought to be good enough.

So we need Section 8 that says total receipts include all receipts except those derived from borrowing. That's a good provision to have in there because

we know that this body, different parties in charge, different groups in here, as Members of the House and Senate, have always had people that found a way, found a loophole, found a way to get around the laws, the Constitution.

A good example of that, no, a great example of that is the ObamaCare bill. Article I of the United States Constitution, section 7 makes very clear that any bill that raises revenue, increases the amount of revenue, it has to start here in the House. It can't originate in the Senate. It has to start in the House. That's where the founders wanted bills involving taxes in any way, that raise revenue at all, had to start in the House.

Over the years, people found a way around that. And we saw that with the ObamaCare bill. The election of SCOTT BROWN in the Senate made clear that they were going to have to do something different than what was originally planned in order to get the ObamaCare bill passed. So they took a House bill—they knew they couldn't wait on the House to do anything. They were going to have to start it.

So to get around the clear requirement of the Constitution that bills that raise revenue, as did the President's health care bill—raised taxes quite a bit actually—they said, okay, we're going to take a House bill that's already passed the House. They took one that provided a tax credit for first-time homebuyers who happened to be veterans. That was the basic intent of the bill.

Beginning with line 1, page 1, the Senate then deleted every word and substituted therein 2,400, 2,500 pages of ObamaCare. That way the Senate could say, hey, it didn't originate here in the Senate. This is a bill that originated in the House. We just struck every single word and put in the Senate bill.

Well, that violates the intent of the Constitution because, clearly, that health care bill did not originate in the House. But that was deemed to be a loophole in the rules and in the constitutional law, and so it's been gotten away with before and it was gotten away with on that bill.

So we know games get played like that. If you don't specify that receipts do not include borrowed money, then somebody's going to figure that out and use it and probably get away with it. So it has to be in there.

The rule has now been reported from the Rules Committee about the balanced budget amendment version that we're going to be taking up. And people keep referring to it as a clean balanced budget amendment. That's the one we're going to take up, one that does not have anything else other than total outlays must not exceed total receipts.

□ 1700

Now, in this House Joint Resolution 1, it has another provision that says:

Total outlays for any fiscal year shall not exceed 18 percent of economic output of the United States, unless two-thirds of each

House of Congress shall provide for a specific increase of outlays above this amount.

It goes on in section 3:

The limit on the debt of the United States held by the public shall not be increased unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

That means in order to increase the debt ceiling, you can't do it with one more than 50 percent, that also will require three-fifths to raise the debt ceiling.

Section 4 is a requirement that the President transmit to the Congress a budget for the United States Government. That's a proposed budget for that fiscal year. "Total outlays do not exceed total receipts."

Well, we've already seen with the Senate, seen previously the President can just choose to ignore that, not because it's not a matter of law. The law requires the Senate to pass a budget. They've chosen to ignore that, to violate the law. They have violated the law. They continue to refuse to follow the law. But, unfortunately, it's another loophole in the law even though they're required to pass a budget, and the Senate's failed to do so for going on a thousand days now. There is no enforcement mechanism of what we do to the Senate if the Senate violates the law by not submitting a budget, so we've seen games get played. The games continue.

Now, in this House Joint Resolution 1, section 5 says: "A bill to increase revenue"—in other words, raising taxes—"shall not become law unless two-thirds of the whole number of each House shall provide by law for such an increase by a rollcall vote." So, in other words, a supermajority is required in the House and the Senate in order to raise taxes.

Now, of course, section 6 makes an exception for war. As it says: "The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect." It's a war exception because we know in times of war we have to do whatever has to be done in order to provide for the common defense and to ward off those who would destroy this country that we love.

So I think those are all important.

But now we're going to be taking up something that is so important to the country, a balanced budget amendment. And I believed when I was elected in 2004 a balanced budget amendment is very important to become a part of the Constitution through the amendment process, and I still believe that. My beliefs have not changed. But in my over 6½ years now here in Congress, it's become very clear to me that unless we have a constitutional cap on spending, the House and Senate will not be able to control themselves. And all one need do is look at who's paying the taxes now.

We're told somewhere between 50 percent and 53 percent of all of the adult Americans will pay all of the income

tax. We're now told over 47 percent of American adults are not paying any income tax. When a country has close to 50 percent who are not paying any income tax, then you're always going to have a situation where there is a hue and cry among those who are getting money from the government and not paying money in not to cut spending but to raise taxes.

I feel like having a cap on spending is so important that even though I really appreciate and think a supermajority to raise taxes is a good idea, I think it would be okay to let that go. If we have a cap on spending, the provision that would say it takes three-fifths to raise the debt ceiling, if we have a balanced budget amendment and a cap on spending, I think we can let those go.

But I've become increasingly convinced that if we don't have a cap, a maximum amount of spending—and the best way we've seen, I'm open to other ideas, but the best proposals have indicated a percentage of our gross domestic product is the best thing to take a percentage of and make that the maximum amount the government can spend. If we don't do that, I've seen repeatedly, whether the Republicans are in charge or the Democrats are in charge, we can't control spending. No better example than what's been going on lately.

We have a President in the White House who has threatened that he'll veto a bill that makes cuts that he doesn't want. He's threatened to veto a bill that tries to rein in the extra trillion dollars of spending that he immediately came in and spent.

I mean, good grief. It would seem that since this body, under control of Speaker PELOSI for 2007, 2008, 2009, 2010, that we had spent more money than in history, that we could at least go before the big Wall Street bailout, October of 2008, we could at least go back to 2007 spending. That was spending that was created by the liberal Congress headed by Speaker PELOSI. Surely we could go back to 2007 before we added an extra trillion dollars and then President Obama added a trillion dollars, and then we keep adding that extra trillion dollars that we didn't spend in 2007 and actually wasn't spent until fiscal year 2009 because it was so late in 2008. We'd already passed October 1. We're in 2009 spending. Why couldn't we go back to 2008 levels of spending before we added an extra trillion, before this President ran up spending to about \$1.5 trillion more than we were bringing in in receipts?

It just seems so grossly ridiculous to have a President come in and increase and say: We're going to have this big, over a trillion dollars in added spending we've never had before. And, by the way, if you dare try to cut any of this spending, I'm going to veto the bill.

So we don't cut spending. We had the biggest wave election last November since the 1930s. Over 80 new Republicans coming into the House of Representatives. Having met them, gotten

to know them, these are good people. These are good Members of Congress. They came with the right motivation. They were elected by people who had the right motivation. They want to see this country thrive and not just survive but really prosper and protect liberty. They were driven by those beliefs. They were driven by the same desire that I have that motivated me to run for Congress in 2004.

I do not want to be a part of the generation that gave our children a lesser country than we inherited. That's why so many of us work so hard. We don't want to be that generation. This country could go on for 200 more years and still be the greatest, freest land in the history of the world, but not with the level of spending that we have embraced.

□ 1710

So I've come to see, when you look at what has happened with that wave election coming in and when you go back and look at our conservative Republican pledge made by wonderful people I love serving with, that we pledged to the American people. I didn't write that pledge, but I agreed to it. It said we were going to return spending to pre-stimulus, pre-bailout levels. We promised that. We pledged that. Not only that, we said, Here is our marker. We promise you we're going to cut at least \$100 billion in the first year if you put us in office. That's our pledge.

Everybody who took that pledge meant it. Then we had a wave election after that pledge, and wonderful, wonderful people came into this body with the intention of keeping the pledge.

We got to the spring of this year. Well, actually, we got to December—Speaker PELOSI was still in charge. There was more money given away by Congress in December than in any lame duck session in the history of the country, which was after the most conservative wave election since the 1930s. Actually, that wasn't a conservative election back in the thirties, but this was a wave election. A powerful majority of Americans wanted restraint on spending, and with the wonderful people who were elected and sent up here, we had the biggest giveaway last December of any lame duck session in history.

Then we come in at the first of this year, still with the best of intentions. We still knew, Okay. Just forget about December because we're going to keep our pledge. Then some realized, Gee, we're up against an awful lot of people who don't pay any income tax, and they don't want any cuts in spending. We may not get enough in the Senate to do what we promised, so let's do a compromise. It was with the best of intentions. There was nothing ill-intended about working out a compromise with the Senate.

The way it should have worked is for this House to pass the bill that they believed was appropriate. It was for this House to pass a bill that cut \$100

billion off of spending and then wait and demand for the Senate to pass something, because the Senate just seemed to have trouble passing anything. It's why the President is 50 percent right when he says this is a do-nothing Congress, because the Senate has been doing nothing. They've got our bills piled up down there, led by able leadership here in the House. They're letting them pile up down there. They're not going to pass them. They don't want to create those jobs or it might look good for Republicans who are driving the agenda. So they're just going to let them die down there unless the American public makes it very clear: You either pick up those Republican bills in the Senate and pass them or over 20 Democratic Senators won't be back come January 2013. Maybe that will motivate them.

In the meantime, we should have forced them to pass something. Then it would go to conference, and then a compromise would be worked out. That's how the system was intended to work. Then we could say to our constituents here from the House, where the Republicans have the majority, You see what the House passed. This is what we believe. We passed what we said we would. If you want this to become law as we passed it in the House, you've got to give us the majority in the Senate, and we'll do that.

As it is, all we have is a majority in the House. This is the only place we can pass it. We had to work out a compromise in the conference committee, and that's why we got what we did. But in the meantime, if you want what the House passed before the compromise, give us the Senate next year and you'll get it. That's the way the system was designed to work.

Then it allows the Senate to say, Look, see all these giveaway programs that we passed here in the Senate? We had to drop some of these giveaway programs in the conference committee because, the dadgum fiscally responsible Republicans in the House, they wouldn't go along with all the giveaways, so we had to cut some in conference; but if you want more and more giveaways like we're passing in the Senate, then give us back the majority in the House, and you'll get more and more giveaway programs. That's the way the system is supposed to work.

Then in November next year, the American voters can say either they want a majority in the House to have more giveaway programs like the Senate has passed or they can say we want more fiscal responsibility as we found in the House by virtue of the bills they passed. The problem has been that we have been negotiating with the Senate to see what we think they might pass and then shoot at the target that they say they might pass in the Senate rather than passing what we believe in in the House.

This summer, it is to the Republicans' credit in the House that we passed a bill called Cut, Cap, and Bal-

ance. There were some issues and concerns I had, but overall it was a good bill and it passed. We should have demanded that the Senate pass something that would go to the conference committee with our Cut, Cap, and Balance and that we would work out a compromise from there, but that's not what we did. We turned around and passed a debt ceiling increase that had been negotiated and, basically, was what the Senate said they might be willing to pass, and we got it passed.

My point being, we keep passing bills that really haven't cut spending. With the wave election like we had and with a big group coming in, we couldn't control spending? We couldn't get a majority to pass it in the House to cut \$100 billion in spending? What are the hopes in the future?

The time has come for a balanced budget amendment with a cap on spending. I think that cap on spending is so important to help future Congresses, to help this country last. I think it is so important that I think we can forget about the two-thirds to raise taxes. I think we could forget about some of the other provisions if we just have those two things: one, a balanced budget requirement where outlays do not exceed the receipts and where the receipts don't include borrowed money; number two, a cap on spending. We've seen time and time again we haven't been able to control spending even with the incredibly good Representatives that were added last November.

With regard to the debt ceiling and bringing down the spending, good grief. We added over \$1 trillion. We're spending nearly \$1.5 trillion more than we're bringing in in receipts—and we can't find \$100 billion to cut from that? I mean, good grief. This House this year had agreed to a 5 percent cut in our legislative budgets. We did that to ourselves. Most of America has no idea about that. Then for next year, we're going to have a little over a 6 percent cut in our legislative budget. Most of America has no idea about that either, but we did it.

The only way that's going to really make a difference in the deficit is if we make that demand of every other agency, of every other department, of every other amount of discretionary spending and if we say, Look, we did it to ourselves, that gives us the moral authority to say, You're cutting your budget 5 percent next year and 6 percent the year after that, and we're going to bring this down 11 percent over the next 2 years. Then, voila, we have met the requirement that was put upon the supercommittee.

You see some problems with the so-called supercommittee. There are some great people on there. The people who were put on there from the House and the Senate, the Republicans, they're friends and they're good people. PAT TOOMEY—there's not a more conservative guy anywhere—he was even willing, from the reports, to have a framework that actually raised revenue like

the demand had been made by the Senate Democrats and by the President. Some of us were wincing at it—ooh—but he was willing to do that. It looked like the Democrats were so impressed—gee, this is great. So I'll tell you what. This may be the deal that works. Then they went back and talked to their Democratic leadership, whoever that is, and they came back and said, We can't work out a deal here.

That should have made it pretty clear, when the agreement was made to cut hundreds of billions of dollars from our national security and at the same time cut hundreds of billions of dollars from Medicare, that some people on the other side of the aisle have realized, if we go into next year's election and if the only cuts to Medicare have been the \$500 billion that ObamaCare did last year—that the Democrats rammed through against the will of the Republicans in the House and the Senate and against the people across America—we're going to be toast next November. So, if we could have this failure of the supercommittee and if all this doesn't work out and if all these hundreds of billions are cut from Medicare, then we can tell them the Republicans did it instead of ObamaCare, which AARP thought was a good idea.

□ 1720

They'll forget about that if we have those cuts this year because we blame the Republicans.

Mr. Speaker, may I inquire how much time is left.

The SPEAKER pro tempore (Mr. HUIZENGA of Michigan). The gentleman from Texas has 55 seconds remaining.

Mr. GOHMERT. Let me finish up by saying, we need a cap on spending.

And with respect for the veterans, let me finish with a prayer from George Washington, just a small excerpt since my time is so short. It's Washington's prayer:

Almighty God, we make our earnest prayer that Thou wilt keep the United States in Thy holy protection; and Thou wilt incline the hearts of the citizens to entertain a brotherly affection and love for one another and for their fellow citizens of the United States at large, and particularly for their brethren who have served in the field.

Those are our veterans. I'm a veteran. I didn't serve in combat. But thank God for those willing to make the ultimate sacrifice for our liberties. Now we should not squander it.

With that, I yield back the balance of my time.

#### ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 398. An act to amend the Immigration and Nationality Act to toll, during active-duty service abroad in the Armed Forces, the periods of time to file a petition and appear for an interview to remove the conditional basis for permanent resident status, and for other purposes.