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 obliviously 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).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of April 12, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95).
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95).
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95).
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95).
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95).
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps	A: 242–190 (3/15/95).
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95).
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95).
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95).
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95).
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95).
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95).
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95).
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95).
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95).
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95).
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95).
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95).
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95).
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95).
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95).
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95).
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95).
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95).
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95).
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95).
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95).
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps	PQ: 236–194 A: 234–192 (6/29/95).
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95).
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95).
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242–185 A: voice vote (7/18/95).
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232–192 A: voice vote (7/18/95).
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95).
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217–202 (7/21/95).
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95).
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/25/95).
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	A: 230–189 (7/25/95).
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: voice vote (8/1/95).
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	A: 409–1 (7/31/95).
H. Res. 207 (8/1/95)	MC	H.R. 1555	Communications Act of 1995	A: 255–156 (8/2/95).
H. Res. 208 (8/1/95)	O	H.R. 2127	Labor, HHS Approps. FY 1996	A: 323–104 (8/2/95).
H. Res. 215 (9/7/95)	O	H.R. 1594	Economically Targeted Investments	A: voice vote (9/12/95).
H. Res. 216 (9/7/95)	MO	H.R. 1655	Intelligence Authorization FY 1996	A: voice vote (9/12/95).
H. Res. 218 (9/12/95)	O	H.R. 1162	Deficit Reduction Lockbox	A: voice vote (9/13/95).
H. Res. 219 (9/12/95)	O	H.R. 1670	Federal Acquisition Reform Act	A: 414–0 (9/13/95).
H. Res. 222 (9/18/95)	O	H.R. 1617	CAREERS Act	A: 388–2 (9/19/95).
H. Res. 224 (9/19/95)	O	H.R. 2274	Natl. Highway System	PQ: 241–173 A: 375–39–1 (9/20/95).
H. Res. 225 (9/19/95)	MC	H.R. 927	Cuban Liberty & Dem. Solidarity	A: 304–118 (9/20/95).
H. Res. 226 (9/21/95)	O	H.R. 743	Team Act	A: 344–66–1 (9/27/95).
H. Res. 227 (9/21/95)	O	H.R. 1170	3-Judge Court	A: voice vote (9/28/95).
H. Res. 228 (9/21/95)	O	H.R. 1601	Internatl. Space Station	A: voice vote (9/27/95).
H. Res. 230 (9/27/95)	C	H.J. Res. 108	Continuing Resolution FY 1996	A: voice vote (9/28/95).
H. Res. 234 (9/29/95)	O	H.R. 2405	Omnibus Science Auth	A: voice vote (10/11/95).
H. Res. 237 (10/17/95)	MC	H.R. 2259	Disapprove Sentencing Guidelines	A: voice vote (10/18/95).
H. Res. 238 (10/18/95)	MC	H.R. 2425	Medicare Preservation Act	PQ: 231–194 A: 227–192 (10/19/95).
H. Res. 239 (10/19/95)	C	H.R. 2492	Leg. Branch Approps	PQ: 235–184 A: voice vote (10/31/95).
H. Res. 245 (10/25/95)	MC	H. Con. Res. 109	Social Security Earnings Reform	PQ: 228–191 A: 235–185 (10/26/95).
		H.R. 2491	Seven-Year Balanced Budget	
H. Res. 251 (10/31/95)	C	H.R. 1833	Partial Birth Abortion Ban	A: 237–190 (11/1/95).
H. Res. 252 (10/31/95)	MO	H.R. 2546	D.C. Approps.	A: 241–181 (11/1/95).
H. Res. 257 (11/7/95)	C	H.J. Res. 115	Cont. Res. FY 1996	A: 216–210 (11/8/95).
H. Res. 258 (11/8/95)	MC	H.R. 2586	Debt Limit	A: 220–200 (11/10/95).
H. Res. 259 (11/9/95)	O	H.R. 2539	ICC Termination Act	A: voice vote (11/14/95).
H. Res. 261 (11/9/95)	C	H.J. Res. 115	Cont. Resolution	A: 223–182 (11/10/95).
H. Res. 262 (11/9/95)	C	H.R. 2586	Increase Debt Limit	A: 220–185 (11/10/95).
H. Res. 269 (11/15/95)	O	H.R. 2564	Lobbying Reform	A: voice vote (11/16/95).
H. Res. 270 (11/15/95)	C	H.J. Res. 122	Further Cont. Resolution	A: 229–176 (11/15/95).
H. Res. 273 (11/16/95)	MC	H.R. 2606	Prohibition on Funds for Bosnia	A: 239–181 (11/17/95).
H. Res. 284 (11/29/95)	O	H.R. 1788	Amtrak Reform	A: voice vote (11/30/95).
H. Res. 287 (11/30/95)	O	H.R. 1350	Maritime Security Act	A: voice vote (12/6/95).
H. Res. 293 (12/7/95)	C	H.R. 2621	Protect Federal Trust Funds	PQ: 223–183 A: 228–184 (12/14/95).
H. Res. 303 (12/13/95)	O	H.R. 1745	Utah Public Lands	
H. Res. 309 (12/18/95)	C	H.Con. Res. 122	Budget Res. W/President	PQ: 230–188 A: 229–189 (12/19/95).
H. Res. 313 (12/19/95)	O	H.R. 558	Texas Low-Level Radioactive	A: voice vote (12/20/95).
H. Res. 323 (12/21/95)	C	H.R. 2677	Natl. Parks & Wildlife Refuge	Tabled (2/28/96).
H. Res. 366 (2/27/96)	MC	H.R. 2854	Farm Bill	PQ: 228–182 A: 244–168 (2/28/96).
H. Res. 368 (2/28/96)	O	H.R. 994	Small Business Growth	
H. Res. 371 (3/6/96)	C	H.R. 3021	Debt Limit Increase	A: voice vote (3/7/96).
H. Res. 372 (3/6/96)	MC	H.R. 3019	Cont. Approps. FY 1996	PQ: voice vote A: 235–175 (3/7/96).
H. Res. 380 (3/12/96)	MC	H.R. 2703	Effective Death Penalty	A: 251–157 (3/13/96).
H. Res. 384 (3/14/96)	MC	H.R. 2202	Immigration	PQ: 233–152 A: voice vote (3/21/96).
H. Res. 386 (3/20/96)	C	H.J. Res. 165	Further Cont. Approps	PQ: 234–187 A: 237–183 (3/21/96).
H. Res. 388 (3/20/96)	C	H.R. 125	Gun Crime Enforcement	A: 244–166 (3/22/96).
H. Res. 391 (3/27/96)	C	H.R. 3136	Contract w/America Advancement	PQ: 232–180 A: 232–177, (3/28/96).
H. Res. 392 (3/27/96)	MC	H.R. 3103	Health Coverage Affordability	PQ: 229–186 A: Voice Vote (3/29/96)
H. Res. 395 (3/29/96)	MC	H.J. Res. 159	Tax Limitation Const. Amdmt.	
H. Res. 396 (3/29/96)	O	H.R. 842	Truth in Budgeting Act	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

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

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

Mr. Speaker, my Republican colleagues ought to be ashamed of this rule and this constitutional amendment.

The Constitution of the United States is one of the most carefully crafted and well-respected documents ever created. It's the foundation for the greatest Government on Earth. It is the protection of our freedoms. And it's no place for political theater. But that's what's happening today, Mr. Speaker.

Today my Republican colleagues are staging a legislative fiasco, or, as the New York Times put it, ''Staging a vote on an irresponsible measure''—and just in time for tax day. And they know it will go nowhere. Because this ridiculous amendment needs 290 votes to pass the House and luckily that won't happen. So, today's bill is showboating pure and simple and the American people deserve more from their Congress.

They deserve a constitutional amendment that at least has been reported out of a congressional committee, and this bill, House Joint Resolution 169, has never been the subject of a full committee hearing nor has it been reported out.

Mr. Speaker, amending the Constitution is serious business and we should at least know what we are doing.

Mr. Speaker, this issue, the issue of getting a supermajority to raise taxes, has come up three times this Congress. In the beginning of the Congress my Republican colleagues changed the rules to require a three-fifth vote for tax increases. But, every single time that rule came up, my Republican colleagues voted against it.

They ignored it on the so-called Medicare Preservation Act, they ignored it on the Budget Reconciliation Act, and they ignored it on health insurance reform.

If my Republican colleagues think this supermajority idea is so wonderful, why didn't they do it the first three times they had the chance?

Mr. Speaker, they had three times to show they were serious and three times they showed they weren't. They didn't impose on themselves this supermajority that they now want to impose on the Constitution of the United States.

And I would say to my colleagues that it is a lot easier and a lot less dangerous to change the House rules than to change the Constitution of the United States of America.

This amendment, Mr. Speaker, like a lot of other legislation we've seen this Congress, will help the very rich at the expense of lower income working American families.

This amendment to our Constitution will lock in corporate welfare and tax breaks for the very rich at the expense of middle and lower income families.

This amendment will not prevent tax increases on working families. In fact, my Republican colleagues have given themselves a big loophole. They can still increase taxes on working families as long as they also decrease taxes on the very rich.

That means the Republican budget is a-OK. That means that this amendment allows the budget that will give the richest 1 percent of Americans a $15,000 tax break while it raises the taxes on families earning $27,000 a year.

And finally, this rule, Mr. Speaker, is one more restrictive rule in a year of 100 percent restrictive rules.

I urge my colleagues to defeat this rule.

□ 1645

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

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

Mr. Speaker, I should just very briefly point out to the gentleman from Massachusetts that according to the study put out by the National Taxpayers Union, more than 25 percent of the revenue the IRS got in 1992 came from 1 percent of the taxpayers. One percent of the taxpayers, the very wealthiest in the country, pay 25 percent of the burden. So this certainly clarifies the confusion on that side of the aisle about what this rule does.

With that, Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON], the chairman of the Committee on Rules, a gentleman who is well versed. Certainly it is appropriate for him to address some of the issues that have been brought up by the ranking minority member.

Mr. SOLOMON. I certainly thank my colleague from the Rules Committee, a very valuable member of that committee from Colorado.

Mr. Speaker, my good friend from Massachusetts says we ought to know what we are doing before we vote on this bill. Let me tell my good friend from Massachusetts and everybody else within listening ear here, we know exactly what we are doing. We are making it difficult for this Congress to raise taxes on the American people. That is exactly what we are doing.

Let me call attention right at the outset of this debate, and the 3 hours that we will go after this, I want you to watch the people who stand up and oppose this constitutional amendment. I have here a list, a brand new list from the National Taxpayers Union, and I guarantee you that everybody on that side of the aisle that stands up to oppose this will appear as the biggest spenders in the entire Congress.

So keep that in mind: The people that oppose this constitutional amendment are the big spenders that want to continue to stick it to the American people. And those of us that want to make it difficult to raise taxes are those that have the lowest record for voting for big spending programs in this Congress. Now that we have set the parameter, I want all of you to pay attention and keep track as they stand one by one on each side of the aisle.

Now, having said all that, I am rising to support this legislation, Mr. Speaker.

Attempting to amend the Constitution of the United States is a serious and a very historic undertaking. We would not suggest that this approach is any way easy at all, but as future Congresses are forced to deal with budget realities, the bottom line is that there are limited options to reach a balanced budget.

One is to cut spending, and that is the way we ought to be doing it. The other is to raise revenue, either by raising taxes, which we should never do, or improving economic growth. That is the only way that you get new revenues coming into the Federal budget.

A proposed constitutional amendment before the House today is designed to discourage future Congresses from imposing large tax increases unless there is a two-thirds consensus that this is necessary. That is very simple.

Mr. Speaker, the opponents of this constitutional amendment may try to portray it as some sort of unworkable scheme, but we should keep in mind that 10 States that I know of, and maybe there are more, with one-third of the Nation's population already have some sort of supermajority voting requirement regarding taxation, and those States seem to be managing nicely. They do not have any problem. It just takes an overwhelming need to raise taxes before they will vote for it.

Other opponents may argue that in a democracy all votes should be by a simple majority. That sounds nice, but our own U.S. Constitution already provides for two-thirds votes on a number of issues. For example, this proposed amendment to the Constitution, like all constitutional amendments originating in the Congress, will require a two-thirds vote in each House. So that is already a part of the Constitution, and that is what we are proposing to extend here today.

The Constitution also requires a two-thirds vote by each House of Congress to pass any bill over the President's veto. There is another two-thirds requirement. And the Constitution also requires that there be a two-thirds vote to expel a Member. So everywhere in our rules and in the Constitution we have the two-thirds proviso.

Mr. Speaker, the opponents also may argue that the two-thirds vote requirement is only provided in cases of special significance, and that is true. We all admit that. But as Chief Justice John Marshall stated in the case of McCulloch versus Maryland in 1819, listen to this now, ''The power to tax involves the power to destroy.''

Let me tell you something: We have all but destroyed the American family in this country. When people with incomes of $30,000 and $40,000 and $50,000

or less or more have to work 3 out of every 8 hours of their day just to pay the taxes for the Federal, State, and local governments, let me tell you, that is the power to destroy. That is what we are trying to prevent from happening in the future.

Mr. Speaker, the increasing of the overall tax burden on the American population is a situation of special significance. It is at least as significant as the ratification of a treaty, for example, and the Constitution already requires a two-third vote in the Senate to approve any treaty at all.

Writing in support of this specific constitutional amendment is someone that I admire and respect very much. Columnist George Will wrote last week that ''the properly reverent reason for amending the Constitution,'' and listen to this, ''is to revive those of the Framers' objectives that have been attenuated by political developments since the Framers left Philadelphia'' way back when. George Will concluded that this proposed constitutional amendment meets that test.

He cites two supporters of the supermajority requirement, John McGinnis of the prestigious Yeshiva University's Cardozo Law School and Michael Rappaport of the University of San Diego Law School, as saying the amendment should be seen as an attempt to revive the original values of the Constitution rather than as a radical innovation.

Mr. Speaker, that is true. The Framers of our Constitution designed a system to ''temper simple majoritarianism'' with Federalism and the separation of powers, and to protect ''that which taxation can threaten—the right to enjoyment of property that results from enterprise.''

We do not want to take money away from people, and that is exactly what we have been doing. And yet those values have been undermined by the Supreme Court's expansive interpretation of the commerce clause and by the rules and regulations of the administrative state that have substantially compromised property rights, which is what we all cherish so much, property rights, our own property.

George Will quotes the two legal scholars to the effect that if the supermajority requirement for raising taxes ''forces Congress to finance spending with larger deficits that are even more unpopular than higher taxes,'' what does that mean? ''This will induce Congress to spend less than it otherwise would.''

Let me repeat that, because that is really what this debate is all about. ''This will induce Congress to spend less than it otherwise would.'' That is what it is all about. George Will echoes these sentiments by saying that ''by making tax increases most difficult, a supermajority requirement would force the political class to look to economic growth to raise revenues,'' and that is where we should be looking.

George Will concludes, and I quote, ''Some such amendment could represent reverent restoration of the values embodied in what the Framers did at Philadelphia.''

Mr. Speaker, I have to go back to my hero, Ronald Reagan, because in 1981 we rammed through the Reagan revolution. We made such a great beginning.

But in 1982 there were some deficits that were appearing, and the liberals that controlled this Congress back in 1982 went to Ronald Reagan and to me and others and they said, ''Mr. Reagan, if you will give us $1 in tax increase, we will guarantee you $2 in spending cuts.'' Ronald Reagan, being a new kid on the block, bought that. He bought that deal.

And do you know what? He actually signed a tax increase over my objection, but what do you think happened? We did not get a nickel's worth of spending cuts at all. As a matter of fact, we spent $1.29 more than we got in tax revenues coming in. That is what this debate is all about.

If we are ever going to stop this sea of red ink, we are going to make it as difficult as we possibly can in raising taxes on the American people, and that is why I hope everyone comes over here and votes for this rule and then votes for this very important constitutional amendment. Because if we do, and we give the two-thirds vote, that means that the people themselves through their representatives in the State legislatures across this country are going to have a chance to then speak and be heard about ratifying this proposal. Let us give the American people that choice by passing this today.

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

Mr. SOLOMON. I yield to the gentleman from Massachusetts.

Mr. MOAKLEY. I thank the gentleman for yielding. But if he is so intent in passing the supermajority, why did his party three times this year waive the supermajority that they put in themselves in changing the rules? Could the gentleman please answer that question?

Mr. SOLOMON. As the gentleman knows, he has some people on his side of the aisle that would liked to have raised a point of order and the point of order would not have stood but it would have taken up several hours of this body's time. That is the only reason. It did not raise taxes and the gentleman knows it.

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

Mr. SOLOMON. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I hope I have better luck getting a straight answer.

When the gentleman said that it was the liberals who controlled Congress in 1982 that forced Ronald Reagan to have a tax increase, does he include in that the man who was then chairman of the Republican-controlled Senate Finance Committee, ROBERT DOLE?

The tax bill he is talking about in 1982 was passed by a Democratic House and a Republican Senate with ROBERT DOLE as chairman of the Finance Committee.

Was ROBERT DOLE who passed that tax bill one of those liberals the gentleman is complaining about?

Mr. SOLOMON. No. ROBERT DOLE was asked by Ronald Reagan to go along with that bill because Ronald Reagan thought he could trust the liberals. He found out he could not, and BOB DOLE regrets it to this day.

Mr. MOAKLEY. Mr. Speaker, I yield 10 minutes to the gentleman from California [Mr. BEILENSON].

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

Mr. BEILENSON. I thank my good friend from Massachusetts for yielding time to me.

Mr. Speaker, I rise in strong opposition to the rule and to the proposed constitutional amendment it makes in order, which would require two-thirds majorities for passage of bills increasing revenues.

☐ 1700

Mr. Speaker, many of us believe that the tax limitation constitutional amendment is a foolish idea, but even Members who support it ought to be very troubled by the manner in which the House of Representatives is being asked to consider it today.

Amendments to the U.S. Constitution are the most serious and important measures Congress ever considers, because they propose to change the document that is the very foundation of our Government. Yet this proposed constitutional amendment has not gone through even the minimal preliminary step of being reported by the committee of jurisdiction—the Judiciary Committee—before being brought to the House floor. And, because the amendment has not been reported, there is no committee report available discussing the reasons for the legislation.

In fact, only one hearing was held on this subject in the Judiciary Committee—in one of its subcommittees—and that was on a measure that was significantly different from the one that we are to consider today. This new proposal was introduced on March 28, just 1 day before the House recessed for 2 weeks; and its only airing was in the Rules Committee the following day, as Members were preparing to leave Washington for their home districts.

Even worse, this amendment will be debated at a time when Members are just returning from their districts after the 2-week recess, and have not yet had a chance to focus on this proposal, and to consider the merits of the arguments on both sides.

Why is so important a measure as this being debated under such circumstances? For one simple reason: because its proponents believe they will get some public-relations benefit by holding this vote on April 15, the day many Americans identify with paying taxes.

The Republican leaders are so intent on holding this vote on April 15, to get publicity as part of today's tax-related news stories, that they are willing to violate the normal legislative process to do so.

And, the Republican leadership is holding this debate today knowing full well that they will not come close to obtaining the two-thirds vote necessary to pass this measure.

This is a cynical strategy that demeans the U.S. Congress by using the floor of the House of Representatives as a stage for a public-relations stunt, and the debases the U.S. Constitution by using a proposed amendment to it as a stage prop. That is a disgraceful misuse of the legislative process.

It is also more different than anything could be from the careful, thoughtful debate of 1787–1788 of the authors of the Constitution. If more members had read any of their debates, we would never dishonor them by attempting to overthrow what they had one in such an arrogant and thoughtless manner.

If we care at all about the Constitution we all swore to uphold, we would never consider bringing such an important proposal to the floor in the slipshod and disgraceful way that has been followed here. I cannot conceive of anyone being so disrespectful of the men who devoted themselves to creating the great document that has bound us all together so successfully now for more than 200 years than the very manner in which this matter has been thus far considered—and is being presented to the entire House for its final consideration here today.

Beyond the circumstances under which this amendment is being considered, the proposal itself is extremely unwise, which perhaps explains why the committee of jurisdiction refused to act on it.

The primary reason we ought to reject this amendment is that it violates the principle of majority rule, which is at the heart of our democratic form of government. By requiring two-thirds of each House to agree on bills that increase revenues, it would hand control over tax policy—one of Congress's most important responsibilities—to a one-third minority in each House.

Currently, the Constitution requires two-thirds majorities for only five kinds of measures: Presidential impeachment, expulsion of House or Senate Members, ratification of treaties, overriding a veto, and amending the Constitution. This amendment would for the first time require two-thirds majority for passage of ordinary, regular legislation.

Since the committee did not take the time to look carefully at the issue which is being presented to us today, perhaps it might be useful and of some benefit to Members if we were to consider that those who wrote our Constitution, and fought to have it adopted, thought about this very matter.

Mr. Speaker, let me read just very briefly, if I may, from two of the issues of the Federalist, the first being No. 22, written by Mr. Hamilton, published in December of 1787, in part, to give a minority a negative upon the majority, which is always the case where more than a majority is requisite to a decision is in its tendency to subject the sense of the greater number to that of the lesser. This is one of those refinements which, in practice, has in effect the reverse of what is expected from it in theory, the necessity of unanimity in public bodies or of something approaching towards it has been founded upon a supposition that it would contribute to security but its real operation is to embarrass the administration, to destroy the energy of the government and to substitute the pleasure, caprice, or artifices of an insignificant, turbulent or corrupt junto to the regular deliberations and decisions of a respectable majority. In those emergencies of the Nation in which the goodness or badness or weakness or strength of the government is of greatest importance, there is commonly a necessity for action. The public business must in some way or other go forward.

If a pertinacious minority can control the opinion of a majority respecting the best mode of conducting it, the majority in order that something may be done, must then conform to the views of the minority. Thus the sense of the smaller number will overrule that of the greater and give a tone to the national proceedings different from that of the majority. Hence tedious delays, continual negotiations and intrigue, contemptible compromises of the public good.

Secondly, from Federalist paper No. 58, published in February 1788, attributed to both Mr. Hamilton and to Mr. Madison, but which scholars now seem to believe was most likely written by Mr. Madison, here too, Mr. Speaker, I read just a small part. I quote: If has been said that more than a majority ought to have been required for a quorum; in particular cases, if not in all, more than a majority of a quorum for a decision. That some advantages might have resulted from such a precaution cannot be denied. It might have been an additional shield to some particular interests and another obstacle generally to hasty and partial measures, but these considerations are outweighed by the inconveniences in the opposite scale in all cases where justice or the general good might require new laws to be passed or active measures to be pursued, the fundamental principle of free government would be reversed. It would no longer be the majority that would rule. The power would be transferred to the minority, where the defensive privilege limited in particular cases, an interested minority might take advantage of it to screen themselves from equitable sacrifices to the public wheal or in particular emergencies to extort unreasonable indulgences.

Mr. Speaker, two additional comments, if I may, which I believe are relevant:

No. 1, it is useful to recall that the reluctance of the Framers of the Constitution to including supermajority provisions in the Constitution was largely due to the ineffectiveness of the Articles of Confederation which they were drafted to replace. The articles required a supermajority for both taxing and spending, and the fact that it was so difficult to pay off debts from the Revolutionary War and to pay for the regular national expenditures thereafter was the main reason for the downfall of the Articles of Confederation. For that reason, the Philadelphia Convention chose to reject proposals to impose supermajorities in legislative fields of even special sensitivity and concern, reserving them for the five specific and special areas we have heretofore mentioned.

No. 2, the Founding Fathers were willing to accept the fact that Congresses in the future might use poor judgment at times and pass harmful laws by a majority vote—but they believed so deeply in the principle of majority rule, that they placed that principle above whatever personal concerns they had that the majority at times would act in a manner contrary to their own feelings.

And, finally, in Federalist No. 30, Hamilton argued that taxation is a necessity ''in one shape or another,'' and that any effort to weaken the power to tax is to minimize what he referred to as ''the most important of the authorities'' of government.

For these reasons and many others which I will submit in the form of extended remarks, Mr. Speaker, I strongly oppose this proposal. I urge Members to vote down the rule. That is not the way to bring a constitutional amendment before this body.

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

Mr. Speaker, I would say to the gentleman from California, put this in real simple terms. We are talking about taxes, taxes, and taxes. You know, taxes do not need rain. Taxes do not need fertilizer to grow. All they need are politicians.

What we are trying to do with this two-thirds, which I live in a State which exercises that, what we are trying to do is put a speed bump in front of politicians that want to continue to increase taxes in this country. It is not going to stop the opportunity from funding the Federal Government. Obviously, that is important. It is going to make you slow down before you hit that speed bump. If you go over it at the proper speed, you are going to get through it. If you do not go over it at the proper speed, it means you are raising taxes too much.

I think April 15 is a very appropriate time for people to be considering, gosh, how much further are we going to let the Federal Government go, how much deeper into our pockets are we going to

let them get. This proposal we have today was called by the gentleman from California a stage prop, sinful, slipshod.

You know, what we are attempting to do, one thing, we are attempting to give this to the States, every State in the Union, that is what this Constitution says, they are entitled to debate it. One debate took 203 years. We want every State, we want thousands of elected officials to debate this with the constituents they represent. That is all we are trying to do today. This does not automatically put a two-thirds limitation on the United States of America. It says to the States of the United States of America, here, States, we want you to debate this, here States, here is the opportunity under this Constitution, under Jefferson and so on, to debate it.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. BARTON], who is well versed in this area.

Mr. BARTON of Texas. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise in strong support of the rule to bring up the tax limitation amendment this evening for floor consideration.

I would like to point out, under the rule the minority party has an opportunity to offer a substitute if they so wish. So, if they have a problem with specific language in the amendment, they will be given an opportunity to offer their own language. It is my understanding they are not going to do so.

The distinguished member, the ranking member of the Committee on Rules, Mr. MOAKLEY, said in his remarks earlier that this is irresponsible. I would take exception to that and say, Mr. Speaker, that this is the most responsible thing we could do on tax day, 1996.

For over 125 years of this Nation's history, we had tax limitation in the Constitution. It was not a supermajority vote requirement, it was a requirement that all tax bills had to originate in the House of Representatives, that are the people's body most closely related to the people and elected for 2-year terms. Unfortunately, in 1913 we passed the 16th amendment to the Constitution that said an income tax was constitutional.

The marginal tax rate in that first income tax bill in 1913 was 1 percent. Today it is 39.8 percent. That is an increase of 4,000 percent in the marginal tax rate on the American people. In 1913, less than 1/10th of 1 percent of the American people had to pay ever 1 percent. Today, literally every American working has to pay some sort of income tax, and as we speak on the floor, 10 minutes after 5, April 15, 1996, it is 10 after 4 in Texas, 10 after 3 in Colorado, 10 after 2 in California, there are millions of American taxpayers, one-third of all American taxpayers do not file their tax return until the last 2 weeks. There are millions of Americans as we speak scrambling to fill out their taxes, to file an extension, to understand the Tax Code, and every one of those, I think, with almost no exception, is saying my taxes are too high. Sixty percent of working families in this country, both spouses have to work. Of those that are single-parent families, over half of them have to have two jobs. Is it not time to say enough is enough? A 4,000 percent increase on working Americans in their marginal tax rate should be enough for even the biggest-spending liberal in this body.

Let us vote for the two-thirds tax limitation later this evening, send it to the Senate, send it to the States, where three-fourths of them are necessary to ratify it, and begin to focus where we should have focused on all along, and that is on spending limitation, not on tax increases.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. RANGEL].

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

□ 1715

Mr. RANGEL. Mr. Speaker, not too long ago, when there was a different majority, we used to have a little pamphlet called How to pass a law. I know the freshmen had a chance to read it before they took it off. But it used to go something like this: A Member introduces a bill. It is forwarded to a committee. The committee assigns the bill to a subcommittee. They have hearings on the bill and people who are for it and against it, they listen to the testimony. Then the committee members amend it, they change it. But when they pass it, they take it up to the full committee.

The full committee, they too sometimes have hearings, and they have people to listen to it, to see whether it makes sense. Then they amend it and they report it to the floor. And that is the way it used to be, before the new rules come in.

Nothing goes to the committees anymore. You can sit on the subcommittee, the full committee, and all you have to do is be in the back room with the Speaker and let someone have a great idea and pass it to my dear friend, the gentleman from New York, Mr. SOLOMON, and Mr. SOLOMON brings it to the floor.

I do not mind that. When you lose, you are entitled to be subjected to this type of legislative oppression. I never complain. But do not mess with my Constitution. Do not do that to the American people. Do not send it to a public relations firm on the day that we are supposed to pay taxes, and to believe that this document that allowed our country to survive for 200 years can now be distorted just because you are down in the polls and you are trying to make a couple of points.

No, no, no, no. The Committee on the Judiciary has jurisdiction over this, and the chairman of the Committee on the Judiciary should be entitled to have hearings with scholars, with judges, and with those people who hold this document precious.

Mr. Speaker, oh, it is a good gimmick. I would use it if I could. But the thing is that I would not use it on the floor, not to be a hoaxer to the American people to believe that this is going to become law and we are going to change the Constitution.

We can take a lot of tomfoolery, we can take a lot of jokes, a lot of hoax, a lot of hypocrisy, but somewhere in your hearts you know that, when you want to amend that precious and sacred document called the U.S. Constitution, that at least the committee of jurisdiction should hear it, should have hearings, and report back to the House.

Mr. Speaker, I know it is an election year. I know it has been done before. We like to have flat taxes. We like to have fair taxes; we like to make certain that everyone pays an equal amount. But when the time comes, since you have the votes to put in a bill, to have hearings on the bill and to vote if you want the flat tax, vote for it. You have the votes to pass anything you want in taxes. But I warn you, do not mess with our Constitution. Do not do that to this Congress or to the American people.

Mr. MOAKLEY. Mr. Speaker, I yield 6 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I am honored to follow the gentleman from New York, because he laid out what we are talking about: A political trick being played with the Constitution as a prop, and that ought to be beyond the pale.

Mr. Speaker, what we have here is the most outrageous abuse of the procedures I have seen in 16 years. Here is what happened.

This constitutional amendment was presented in a hearing to the Judiciary subcommittee on which I sit. At the hearing, the chairman of the full Committee on the Judiciary, the gentleman from Illinois [Mr. HYDE], was unable to conceal his lack of belief in this amendment. He was quite critical of it.

As the hearing proceeded, this was the original amendment which is still the one they plan to vote on in the Senate, it became clear under the amendment they originally presented, to go to a flat tax in the income tax, or to go to a sales tax, or to give the President the power to impose a countervailing tariff on a Nation discriminating against our project, all of those would have required two-thirds. There was some disagreement among the sponsors, but they agreed to that.

So what happened then? Well, it was clear from listening to several of the Republicans on the subcommittee that they did not have the votes to get it out of subcommittee. So there was no markup on this in subcommittee, there was no markup in committee. Instead, a private conference was held with the

chairman of the Committee on Ways and Means, who to his credit thought the original amendment was really stupid. And it was.

Mr. Speaker, the hearing showed it to be stupid. It did all kinds of things, and I mean stupid in that it did all kinds of things the original sponsors did not mean it to do. So it has been totally changed.

We now have an amendment before us which is wholly different than the one that was originally introduced. This amendment has had no hearings, because we had one hearing which showed a great flaw in the original amendment. They were so embarrassed and the chairman of the Committee on Ways and Means said they cannot do this, so they came up with a whole new one. They did not learn from their mistakes. They learned if you are going to have a stupid amendment, do not have a hearing on it. Because this one did not have a hearing.

They could not defend the original one in the hearing, so they bring this one forward, and it had no hearing, no markup, nothing. It came out of the private set of conversations.

I talked to one of the sponsors of the bill today after it had been rewritten. He said I have not seen it yet.

The chairman of the Committee on Rules quoted George Will. George Will wrote in his column supporting this amendment that the language of this version is problematic. George Will asks us to vote for a constitutional amendment that is problematic.

Now, George Will, with whom I disagree, does not want to put problematic language into the Constitution. Obviously he thinks this is a good political gimmick and that is why he talks about it. Why else would he say pass something that is problematic?

Here is one of the things problematic about it. It would require, according to the majority's own views, two-thirds to cut the capital gains tax. I heard a little colloquy before in which one of the sponsors of the amendment said, well, not necessarily. The Congressional Budget Office does not score it that way.

Mr. Speaker, that was not an answer. Let me put this within the rules. That was not an answer consonant with the reality of the facts of the situation. The facts of the situation are that this amendment does not give CBO that authority. CBO is irrelevant. This amendment says by a method to be determined, we will require two-thirds if that method says that has got a reasonable chance of raising revenues more than de minimis.

Never have we seen such imprecise language in the Constitution. I have more respect for my friends than to think they are serious about putting this kind of sloppiness into the Constitution. But it does show what a political game this is.

But what they say is that, if it raises the revenues, well now, they believe every single sponsor of this believes that cutting the capital gains tax raises revenues. If you put up a board that reflected their views, that board would rule that it needed a two-thirds vote to reduce the capital gains tax.

Now, I guess their view is this: They will be in control, a group that believes that reducing the capital gains tax will raise revenue will be in control, they will propose such a thing, and then they will set up a board which will rule contrary to their rule that it will cut the revenues. Obviously it will not happen.

The reference to CBO was not a legitimate intellectual response, because CBO has no role under this amendment and the people who will be in control at the time that a tax bill is proposed will be the ones to deal with it.

The fundamental problem we have is this: The right wing group that has taken over the Congress, because they are a majority of the minority, or a minority of the majority, but a very intense one, they have control; the ideological right wing group that has taken over has recognized that their viewpoint is not supported by the majority.

The majority does not like their attacks on Medicare, their attacks on Medicaid, their attacks on the environment. It does not like those. The majority did not even like their tax cut. If you poll them, they said we are serious about balancing the budget, unlike some who want to use it as a game.

What they are trying to do is change the rules, if they are successful, so the temporary majority they got in 1994 would continue to govern long after it has been repudiated at the polls. What this says is if the majority of the American people decide 10 years from now they would like to spend more money on the higher education, the environment, defense, or anything, tough. Because we, having gotten control now, will change the rulings.

But even on those terms, they had a hard time coming up with an amendment. And this amendment, which has never had a hearing and never had a committee vote, which is problematic in its language, according to George Will, which would require you to get a two-thirds vote to cut the capital gains tax, is a disgrace.

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

Mr. Speaker, while it is interesting to hear the gentleman from Massachusetts refer to the right wing, I would remind the gentleman from Massachusetts that this concept is supported by 68 percent of the Federal employees, that this concept is supported by 71 percent of the union workers.

Now, the gentleman from Massachusetts makes a very eloquent speech about how this is not getting a fair hearing. If the gentleman from Massachusetts wants to get this proposal a fair and a complete hearing, he will vote for this. You know why? Because if he votes for it and we get the necessary votes, we can send it to the 50 States.

If you want a fair hearing, if the gentleman from Massachusetts really wants a complete hearing, he will get it out here to every State in the Union, in which, during the process of ratification, thousands and thousands of elected officials will have the opportunity to listen to their constituents, who frankly think their taxes are awful high.

Mr. Speaker, I yield 3 minutes to the gentleman from Arizona [Mr. SHADEGG].

Mr. SHADEGG. Mr. Speaker, I thank my colleague from Colorado for yielding me time.

Mr. Speaker, I rise in strong support of this constitutional amendment. It is an amendment whose time has come. It has well embodied the principle that enough is enough. Six times since 1980 this Congress has raised taxes on the American people. In 1993, the largest of those tax increases passed with the barest of majorities.

There is a simple premise behind this constitutional amendment, a premise embraced by 73 percent of all Americans, a premise adopted by the 10 States that already have a constitutional amendment requiring a supermajority, indeed, the 10 States whose population represents one-third of all Americans, and that is the premise that the U.S. Congress needs to be more responsible about spending the tax dollars it takes from American taxpayers.

If you believe in that premise, then you should not oppose this amendment, but support it. Because by making it somewhat more difficult to raise taxes yet again, we will force on this Congress a level of fiscal discipline which has been missing. Indeed, if you look at this Congress and the past Congresses, our record of fiscal discipline, of spending cuts, is abysmal.

The gentleman earlier on the other side referred to George Will and implied that Mr. Will had criticized the language of this amendment. But he omitted the conclusion of Mr. Will. And the conclusion of Mr. Will at several of the different points in his article was that this was indeed a good amendment. He said:

> The properly 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.

Mr. Will continues:

> Such am amendment will be voted on by the House on Monday April 15, tax day. Such an amendment could represent a restoration of the values embodied in what the framers did in Philadelphia.

This is indeed not an extreme amendment. I would cite the words of a professor from Cardozo Law School and the University of San Diego Law School who said:

> The amendment should be seen as an attempt to revive the original values of the Constitution, rather than as a radical innovation.

In a Nation where the average American family spends more on taxes than

on food, clothing and shelter combined, this is not a radical amendment of the extreme right. It is an amendment supported by labor, it is an amendment supported by rank and file Democrats, it is an amendment whose time has come, and I urge its passage.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, the concept is popular, but the problem Members cannot seem to get through their heads there is we do not deal just in concepts. We have to deal in reality. We are amending the Constitution of the United States. We are creating litigation, we are creating rights, we are dealing with the basic law.

I did not imply that George Will was critical. I quoted George Will. He said the language was problematic. That is in response to the gentleman from Colorado, who says, and of all the silly arguments, I think this is the silliest we get today, oh, vote on the constitutional amendment; and you should vote yes, even if you disagree with it, because you leave it to the people.

Of course, when we vote on the Equal Rights Amendment, that argument disappears. When we vote on a lot of others, that argument disappears. No, you are supposed to vote on it, whether you agree with it or not.

Here is the problem: It will not get a fair hearing in the States because they cannot change it. The point I am making is on its own terms, it is stupid. It does not do what the gentleman wanted it to do. If we had a markup and a hearing we might be able to do that. The States cannot change it.

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

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

Mr. BARTON of Texas. Mr. Speaker, my question is, If you do not agree with the language but you agree with the concept, is there going to be alternative language offered by the Democrat minority?

Mr. FRANK of Massachusetts. Mr. Speaker, reclaiming my time, I would say no, because we have not had the time to do that. We have not had a markup. You know, these rules that we have of hearings, and we have had no hearings on this language, of markups, these are not games. There is a reality to them. People that care about something come together and talk and bounce it off.

I am not going to play the kind of game you play. No, there was not in the 2 weeks, all of which was recessed, during which we could see the new language, which replaced your original wholly inadequate language, your original language was repudiated on your side, so they had to come up with whole new language, it has similar kinds of problems, and you have studiously avoided subjecting any of this language to any of the legislative procedures that would test it.

So, no, we are not going to be able to in this short period of time under this gun play that kind of game with the Constitution.

□ 1730

Mr. MCINNIS. Mr. Speaker, I ask for a report on the balance of time remaining.

The SPEAKER pro tempore (Mr. EWING). The gentleman from Colorado [Mr. MCINNIS] has 6½ minutes remaining, and the gentleman from Massachusetts [Mr. MOAKLEY] has 5 minutes remaining.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Speaker, I thank the gentleman for yielding me time, and I am reluctant to get into this high-powered debate. But I do sit on the Committee on the Judiciary, and I sit on the Subcommittee on the Constitution of the Committee on the Judiciary, and I will tell my colleagues that this bill has not come to either one of those committees for hearings or consideration. It was simply brought to the floor so that we could deal with it on April 15, tax day, so that it could be the backdrop for a political debate on an issue that really needs substantive deliberate consideration.

Mr. Speaker, Members may think that we are playing games when we talk about representation and majority rule, but that is what the entire concept of our country is based on. Each one of us, as Members of this body, is sent here to represent a different constituency, to bring our input to bear from that constituency on every problem that comes to America. When we talk about doing away with the concept of majority rule, what we are doing is undermining the basic fabric and principle of the Constitution and the democracy that we are sent here to represent. So this whole notion that we can take one-third or one-fourth of our Members and tie up the whole process and make them a majority is counter democratic.

Mr. Speaker, I have been arguing with my colleagues all this term that this whole concept of undermining the Constitution is not a conservative concept. Conservative government is based on the Constitution, and not withstanding that, these revolutionaries who call themselves conservatives have four times, during the course of this Congress, come to us and said let us do away with the Constitution that we believe in so dearly, that we are sent here to preserve.

Mr. Speaker, I think we ought to vote down this rule and vote down the bill and send it back for a proper consideration and deliberation.

Mr. MCINNIS. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Speaker, I thank the gentleman from Colorado [Mr. MCINNIS] for yielding me the time.

Nowadays when you speak up for something the American people want, they call you a revolutionary. I do not think that is a pejorative. I think that is a praiseworthy word now. We need to, I think, focus on the issue. The real issue today is April 15 and it is tax day.

The Federal Government's bite has grown larger and more painful over the years. Today, the average American has to work from January 1 to May 6 just to earn money to pay his or her taxes. That is not fair. Today the average American family has to pay nearly 40 cents out of every dollar it earns for taxes. That is up in the Federal Government by some month more than it was just 10 years ago. What is interesting to me, I read in the paper over the weekend that our Committee on Ways and Means, some 40 people only 6 fill out their own taxes, some 15 percent. That means our tax system is too complicated. If the people who write the taxes here, legislation here in Congress, if this legislation is too complicated for the people in the Congress, can you imagine what it must be for the American people?

Mr. Speaker, this is a vote whose time has come and today is the appropriate day, and I appreciate the Committee on Rules bringing this legislation up so we can vote on it for the American people.

Mr. MCINNIS. Mr. Speaker, I yield 1 minute to the gentleman from Arizona [Mr. HAYWORTH].

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Colorado for yielding me the time.

Mr. Speaker, I rise in strong support of this rule and in strong support of this proposed constitutional amendment, because there is nothing extreme about allowing the American people to hang on to more of their hard-earned money, and there is nothing nonsensical about requiring a supermajority to raise taxes. Indeed, history has proven all too eloquently in recent years that this institution has raised taxes time and again to the point that over the past few years, for every dollar raised in new taxes, Congress spends $1.59.

Mr. Speaker, this is a great idea whose time has come. Just as Arizona and several other States of the Union have put provisions such as this in their respective State constitutions, I rise in full support of doing the same thing in our Federal Constitution. As we have seen the cost of government grow 13,500 percent since enactment of the 16th amendment, we stand on the rights of taxpayers. We stand on the rights of the American people. We stand for this rule. And we stand for this amendment.

Mr. MOAKLEY. Mr. Speaker, every single rule the House has adopted this session has been a restrictive rule; you heard that correctly, the Republican House has so far adopted 100 percent restrictive rules in this session. And if it is adopted, the rule before us will leave that 100 percent purely restrictive rules record intact.

This is the 66th restrictive rule reported out of the Rules Committee this Congress.

In addition 73 percent of the legislation considered this session has not been reported from committee—11 out of 15 measures brought up this session have been unreported.

Mr. Speaker, I include the following extraneous material for the RECORD.

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1*	Compliance	H. Res. 6	Closed	None.
H. Res. 6	Opening Day Rules Package	H. Res. 5	Closed; contained a closed rule on H.R. 1 within the closed rule	None.
H.R. 5*	Unfunded Mandates	H. Res. 38	Restrictive; Motion adopted over Democratic objection in the Committee of the Whole to limit debate on section 4; Pre-printing gets preference.	N/A.
H.J. Res. 2*	Balanced Budget	H. Res. 44	Restrictive; only certain substitutes; PQ	2R; 4D.
H. Res. 43	Committee Hearings Scheduling	H. Res. 43 (OJ)	Restrictive; considered in House no amendments	N/A.
H.R. 101	To transfer a parcel of land to the Taos Pueblo Indians of New Mexico.	H. Res. 51	Open	N/A.
H.R. 400	To provide for the exchange of lands within Gates of the Arctic National Park Preserve.	H. Res. 52	Open	N/A.
H.R. 440	To provide for the conveyance of lands to certain individuals in Butte County, California.	H. Res. 53	Open	N/A.
H.R. 2*	Line Item Veto	H. Res. 55	Open; Pre-printing gets preference	N/A.
H.R. 665*	Victim Restitution Act of 1995	H. Res. 61	Open; Pre-printing gets preference	N/A.
H.R. 666*	Exclusionary Rule Reform Act of 1995	H. Res. 60	Open; Pre-printing gets preference	N/A.
H.R. 667*	Violent Criminal Incarceration Act of 1995	H. Res. 63	Restrictive; 10 hr. Time Cap on amendments	N/A.
H.R. 668*	The Criminal Alien Deportation Improvement Act	H. Res. 69	Open; Pre-printing gets preference; Contains self-executing provision	N/A.
H.R. 728*	Local Government Law Enforcement Block Grants	H. Res. 79	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 7*	National Security Revitalization Act	H. Res. 83	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference; PQ	N/A.
H.R. 729*	Death Penalty/Habeas	N/A	Restrictive; brought up under UC with a 6 hr. time cap on amendments	N/A.
S. 2	Senate Compliance	N/A	Closed; Put on Suspension Calendar over Democratic objection	None.
H.R. 831	To Permanently Extend the Health Insurance Deduction for the Self-Employed.	H. Res. 88	Restrictive; makes in order only the Gibbons amendment; Waives all points of order; Contains self-executing provision; PQ.	1D.
H.R. 830*	The Paperwork Reduction Act	H. Res. 91	Open	N/A.
H.R. 889	Emergency Supplemental/Rescinding Certain Budget Authority	H. Res. 92	Restrictive; makes in order only the Obey substitute	1D.
H.R. 450*	Regulatory Moratorium	H. Res. 93	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 1022*	Risk Assessment	H. Res. 96	Restrictive; 10 hr. Time Cap on amendments	N/A.
H.R. 926*	Regulatory Flexibility	H. Res. 100	Open	N/A.
H.R. 925*	Private Property Protection Act	H. Res. 101	Restrictive; 12 hr. time cap on amendments; Requires Members to pre-print their amendments in the Record prior to the bill's consideration for amendment, waives germaneness and budget act points of order as well as points of order concerning appropriating on a legislative bill against the committee substitute used as base text.	1D.
H.R. 1058*	Securities Litigation Reform Act	H. Res. 105	Restrictive; 8 hr. time cap on amendments; Pre-printing gets preference; Makes in order the Wyden amendment and waives germaneness against it.	1D.
H.R. 988*	The Attorney Accountability Act of 1995	H. Res. 104	Restrictive; 7 hr. time cap on amendments; Pre-printing gets preference	N/A.
H.R. 956*	Product Liability and Legal Reform Act	H. Res. 109	Restrictive; makes in order only 15 germane amendments and denies 64 germane amendments from being considered; PQ.	8D; 7R.
H.R. 1158	Making Emergency Supplemental Appropriations and Rescissions	H. Res. 115	Restrictive; Combines emergency H.R. 1158 & nonemergency 1159 and strikes the abortion provision; makes in order only pre-printed amendments that include offsets within the same chapter (deeper cuts in programs already cut); waives points of order against three amendments; waives cl 2 of rule XXI against the bill, cl 2, XXI and cl 7 of rule XVI against the substitute; waives cl 2(e) od rule XXI against the amendments in the Record; 10 hr time cap on amendments. 30 minutes debate on each amendment.	N/A.
H.J. Res. 73*	Term Limits	H. Res. 116	Restrictive; Makes in order only 4 amendments considered under a ''Queen of the Hill'' procedure and denies 21 germane amendments from being considered.	1D; 3R.
H.R. 4*	Welfare Reform	H. Res. 119	Restrictive; Makes in order only 31 perfecting amendments and two substitutes; Denies 130 germane amendments from being considered; The substitutes are to be considered under a ''Queen of the Hill'' procedure; All points of order are waived against the amendments.	5D; 26R.
H.R. 1271*	Family Privacy Act	H. Res. 125	Open	N/A.
H.R. 660*	Housing for Older Persons Act	H. Res. 126	Open	N/A.
H.R. 1215*	The Contract With America Tax Relief Act of 1995	H. Res. 129	Restrictive; Self Executes language that makes tax cuts contingent on the adoption of a balanced budget plan and strikes section 3006. Makes in order only one substitute. Waives all points of order against the bill, substitute made in order as original text and Gephardt substitute.	1D.
H.R. 483	Medicare Select Extension	H. Res. 130	Restrictive; waives cl 2(1)(6) of rule XI against the bill; makes H.R. 1391 in order as original text; makes in order only the Dingell substitute; allows Commerce Committee to file a report on the bill at any time.	1D.
H.R. 655	Hydrogen Future Act	H. Res. 136	Open	N/A.
H.R. 1361	Coast Guard Authorization	H. Res. 139	Open; waives sections 302(f) and 308(a) of the Congressional Budget Act against the bill's consideration and the committee substitute; waives cl 5(a) of rule XXI against the committee substitute.	N/A.
H.R. 961	Clean Water Act	H. Res. 140	Open; pre-printing gets preference; waives sections 302(f) and 602(b) of the Budget Act against the bill's consideration; waives cl 7 of rule XVI, cl 5(a) of rule XXI and section 302(f) of the Budget Act against the committee substitute. Makes in order Shuster substitute as first order of business.	N/A.
H.R. 535	Corning National Fish Hatchery Conveyance Act	H. Res. 144	Open	N/A.
H.R. 584	Conveyance of the Fairport National Fish Hatchery to the State of Iowa.	H. Res. 145	Open	N/A.
H.R. 614	Conveyance of the New London National Fish Hatchery Production Facility.	H. Res. 146	Open	N/A.
H. Con. Res. 67	Budget Resolution	H. Res. 149	Restrictive; Makes in order 4 substitutes under regular order; Gephardt, Neumann/Solomon, Payne/Owens, President's Budget if printed in Record on 5/17/95; waives all points of order against substitutes and concurrent resolution; suspends application of Rule XLIX with respect to the resolution; self-executes Agriculture language; PQ.	3D; 1R.
H.R. 1561	American Overseas Interests Act of 1995	H. Res. 155	Restrictive; Requires amendments to be printed in the Record prior to their consideration; 10 hr. time cap; waives cl 2(1)(6) of rule XI against the bill's consideration; Also waives sections 302(f), 303(a), 308(a) and 402(a) against the bill's consideration and the committee amendment in order as original text; waives cl 5(a) of rule XXI against the amendment; amendment consideration is closed at 2:30 p.m. on May 25, 1995. Self-executes provision which removes section 2210 from the bill. This was done at the request of the Budget Committee.	N/A.
H.R. 1530	National Defense Authorization Act FY 1996	H. Res. 164	Restrictive; Makes in order only the amendments printed in the report; waives all points of order against the bill, substitute and amendments printed in the report. Gives the Chairman en bloc authority. Self-executes a provision which strikes section 807 of the bill; provides for an additional 30 min. of debate on Nunn-Lugar section; Allows Mr. Clinger to offer a modification of his amendment with the concurrence of Ms. Collins; PQ.	36R; 18D; 2 Bipartisan.
H.R. 1817	Military Construction Appropriations; FY 1996	H. Res. 167	Open; waives cl. 2 and cl. 6 of rule XXI against the bill; 1 hr. general debate; Uses House passed budget numbers as threshold for spending amounts pending passage of Budget; PQ.	N/A.
H.R. 1854	Legislative Branch Appropriations	H. Res. 169	Restrictive; Makes in order only 11 amendments; waives sections 302(f) and 308(a) of the Budget Act against the bill and cl. 2 and cl. 6 of rule XXI against the bill. All points of order are waived against the amendments; PQ.	5R; 4D; 2 Bipartisan.
H.R. 1868	Foreign Operations Appropriations	H. Res. 170	Open; waives cl. 2, cl. 5(b), and cl. 6 of rule XXI against the bill; makes in order the Gilman amendments as first order of business; waives all points of order against the amendments; if adopted they will be considered as original text; waives cl. 2 of rule XXI against the amendments printed in the report. Pre-printing gets priority (Hall) (Menendez) (Goss) (Smith, NJ); PQ.	N/A.
H.R. 1905	Energy & Water Appropriations	H. Res. 171	Open; waives cl. 2 and cl. 6 of rule XXI against the bill; makes in order the Shuster amendment as the first order of business; waives all points of order against the amendment; if adopted it will be considered as original text. Pre-printing gets priority.	N/A.
H.J. Res. 79	Constitutional Amendment to Permit Congress and States to Prohibit the Physical Desecration of the American Flag.	H. Res. 173	Closed; provides one hour of general debate and one motion to recommit with or without instructions; if there are instructions, the MO is debatable for 1 hr; PQ.	N/A.
H.R. 1944	Recissions Bill	H. Res. 175	Restrictive; Provides for consideration of the bill in the House; Permits the Chairman of the Appropriations Committee to offer one amendment which is unamendable; waives all points of order against the amendment; PQ.	N/A.

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1868 (2nd rule)	Foreign Operations Appropriations	H. Res. 177	Restrictive; Provides for further consideration of the bill; makes in order only the four amendments printed in the rules report (20 min. each). Waives all points of order against the amendments; Prohibits intervening motions in the Committee of the Whole; Provides for an automatic rise and report following the disposition of the amendments; PQ.	N/A.
H.R. 1977 *Rule Defeated*	Interior Appropriations	H. Res. 185	Open; waives sections 302(f) and 308(a) of the Budget Act and cl 2 and cl 6 of rule XXI; provides that the bill be read by title; waives all points of order against the Tauzin amendment; self-executes Budget Committee amendment; waives cl 2(e) of rule XXI against amendments to the bill; Pre-printing gets priority; PQ.	N/A.
H.R. 1977	Interior Appropriations	H. Res. 187	Open; waives sections 302(f), 306 and 308(a) of the Budget Act; waives clauses 2 and 6 of rule XXI against provisions in the bill; waives all points of order against the Tauzin amendment; provides that the bill be read by title; self-executes Budget Committee amendment and makes NEA funding subject to House passed authorization; waives cl 2(e) of rule XXI against the amendments to the bill; Pre-printing gets priority; PQ.	N/A.
H.R. 1976	Agriculture Appropriations	H. Res. 188	Open; waives clauses 2 and 6 of rule XXI against provisions in the bill; provides that the bill be read by title; Makes Skeen amendment first order of business, if adopted the amendment will be considered as base text (10 min.); Pre-printing gets priority; PQ.	N/A.
H.R. 1977 (3rd rule)	Interior Appropriations	H. Res. 189	Restrictive; provides for the further consideration of the bill; allows only amendments pre-printed before July 14th to be considered; limits motions to rise.	N/A.
H.R. 2020	Treasury Postal Appropriations	H. Res. 190	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; provides the bill be read by title; Pre-printing gets priority; PQ.	N/A.
H.J. Res. 96	Disapproving MFN for China	H. Res. 193	Restrictive; provides for consideration in the House of H.R. 2058 (90 min.) And H.J. Res. 96 (1 hr). Waives certain provisions of the Trade Act.	N/A.
H.R. 2002	Transportation Appropriations	H. Res. 194	Open; waives cl. 3 Of rule XIII and section 401 (a) of the CBA against consideration of the bill; waives cl. 6 and cl. 2 of rule XXI against provisions in the bill; Makes in order the Clinger/Solomon amendment waives all points of order against the amendment (Line Item Veto); provides the bill be read by title; Pre-printing gets priority; PQ. *RULE AMENDED*.	N/A.
H.R. 70	Exports of Alaskan North Slope Oil	H. Res. 197	Open; Makes in order the Resources Committee amendment in the nature of a substitute as original text; Pre-printing gets priority; Provides a Senate hook-up with S. 395.	N/A.
H.R. 2076	Commerce, Justice Appropriations	H. Res. 198	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; Pre-printing gets priority; provides the bill be read by title.	N/A.
H.R. 2099	VA/HUD Appropriations	H. Res. 201	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; Provides that the amendment in part 1 of the report is the first business, if adopted it will be considered as base text (30 min.); waives all points of order against the Klug and Davis amendments; Pre-printing gets priority; Provides that the bill be read by title.	N/A.
S. 21	Termination of U.S. Arms Embargo on Bosnia	H. Res. 204	Restrictive; 3 hours of general debate; Makes in order an amendment to be offered by the Minority Leader or a designee (1 hr); If motion to recommit has instructions it can only be offered by the Minority Leader or a designee.	1D.
H.R. 2126	Defense Appropriations	H. Res. 205	Open; waives cl. 2(l)(6) of rule XI and section 306 of the Congressional Budget Act against consideration of the bill; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; self-executes a strike of sections 8021 and 8024 of the bill as requested by the Budget Committee; Pre-printing gets priority; Provides the bill be read by title.	N/A.
H.R. 1555	Communications Act of 1995	H. Res. 207	Restrictive; waives sec. 302(f) of the Budget Act against consideration of the bill; Makes in order the Commerce Committee amendment as original text and waives sec. 302(f) of the Budget Act and cl. 5(a) of rule XXI against the amendment; Makes in order the Bliely amendment (30 min.) as the first order of business, if adopted it will be original text; makes in order only the amendments printed in the report and waives all points of order against the amendments; provides a Senate hook-up with S. 652.	2R/3D/3 Bipartisan.
H.R. 2127	Labor/HHS Appropriations Act	H. Res. 208	Open; Provides that the first order of business will be the managers amendments (10 min.), if adopted they will be considered as base text; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; waives all points of order against certain amendments printed in the report; Pre-printing gets priority; Provides the bill be read by title; PQ.	N/A.
H.R. 1594	Economically Targeted Investments	H. Res. 215	Open; 2 hr of gen. debate. makes in order the committee substitute as original text	N/A.
H.R. 1655	Intelligence Authorization	H. Res. 216	Restrictive; waives sections 302(f), 308(a) and 401(b) of the Budget Act. Makes in order the committee substitute as modified by Govt. Reform amend (striking sec. 505) and an amendment striking title VII. Cl 7 of rule XVI and cl 5(a) of rule XXI are waived against the substitute. Sections 302(f) and 401(b) of the CBA are also waived against the substitute. Amendments must also be pre-printed in the Congressional Record.	N/A.
H.R. 1162	Deficit Reduction Lock Box	H. Res. 218	Open; waives cl 7 of rule XVI against the committee substitute made in order as original text; Pre-printing gets priority.	N/A.
H.R. 1670	Federal Acquisition Reform Act of 1995	H. Res. 219	Open; waives sections 302(f) and 308(a) of the Budget Act against consideration of the bill; bill will be read by title; waives cl 5(a) of rule XXI and section 302(f) of the Budget Act against the committee substitute. Pre-printing gets priority.	N/A.
H.R. 1617	To Consolidate and Reform Workforce Development and Literacy Programs Act (CAREERS).	H. Res. 222	Open; waives section 302(f) and 401(b) of the Budget Act against the substitute made in order as original text (H.R. 2332), cl. 5(a) of rule XXI is also waived against the substitute. provides for consideration of the managers amendment (10 min.) If adopted, it is considered as base text.	N/A.
H.R. 2274	National Highway System Designation Act of 1995	H. Res. 224	Open; waives section 302(f) of the Budget Act against consideration of the bill; Makes H.R. 2349 in order as original text; waives section 302(f) of the Budget Act against the substitute; provides for the consideration of a managers amendment (10 min.) If adopted, it is considered as base text; Pre-printing gets priority; PQ.	N/A.
H.R. 927	Cuban Liberty and Democratic Solidarity Act of 1995	H. Res. 225	Restrictive; waives cl 2(L)(2)(B) of rule XI against consideration of the bill; makes in order H.R. 2347 as base text; waives cl 7 of rule XVI against the substitute; Makes Hamilton amendment the first amendment to be considered (1 hr). Makes in order only amendments printed in the report.	2R/2D.
H.R. 743	The Teamwork for Employees and managers Act of 1995	H. Res. 226	Open; waives cl 2(l)(2)(b) of rule XI against consideration of the bill; makes in order the committee amendment as original text; Pre-printing get priority.	N/A.
H.R. 1170	3-Judge Court for Certain Injunctions	H. Res. 227	Open; makes in order a committee amendment as original text; Pre-printing gets priority	N/A.
H.R. 1601	International Space Station Authorization Act of 1995	H. Res. 228	Open; makes in order a committee amendment as original text; pre-printing gets priority	N/A.
H.J. Res. 108	Making Continuing Appropriations for FY 1996	H. Res. 230	Closed; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee.	
H.R. 2405	Omnibus Civilian Science Authorization Act of 1995	H. Res. 234	Open; self-executes a provision striking section 304(b)(3) of the bill (Commerce Committee request); Pre-printing gets priority.	N/A.
H.R. 2259	To Disapprove Certain Sentencing Guideline Amendments	H. Res. 237	Restrictive; waives cl 2(l)(2)(B) of rule XI against the bill's consideration; makes in order the text of the Senate bill S. 1254 as original text; Makes in order only a Conyers substitute; provides a senate hook-up after adoption.	1D.
H.R. 2425	Medicare Preservation Act	H. Res. 238	Restrictive; waives all points of order against the bill's consideration; makes in order the text of H.R. 2485 as original text; waives all points of order against H.R. 2485; makes in order only an amendment offered by the Minority Leader or a designee; waives all points of order against the amendment; waives cl 5© of rule XXI (⅗ requirement on votes raising taxes); PQ.	1D.
H.R. 2492	Legislative Branch Appropriations Bill	H. Res. 239	Restrictive; provides for consideration of the bill in the House	N/A.
H.R. 2491	7 Year Balanced Budget Reconciliation Social Security Earnings Test	H. Res. 245	Restrictive; makes in order H.R. 2517 as original text; waives all pints of order against the bill; Makes in order only H.R. 2530 as an amendment only if offered by the Minority Leader or a designee; waives all points of order against the amendment; waives cl 5© of rule XXI (⅗ requirement on votes raising taxes); PQ.	1D.
H. Con. Res. 109	Reform.			
H.R. 1833	Partial Birth Abortion Ban Act of 1995	H. Res. 251	Closed	N/A.
H.R. 2546	D.C. Appropriations FY 1996	H. Res. 252	Restrictive; waives all points of order against the bill's consideration; Makes in order the Walsh amendment as the first order of business (10 min.); if adopted it is considered as base text; waives cl 2 and 6 of rule XXI against the bill; makes in order the Bonilla, Gunderson and Hostettler amendments (30 min.); waives all points of order against the amendments; debate on any further amendments is limited to 30 min. each.	N/A.
H.J. Res. 115	Further Continuing Appropriations for FY 1996	H. Res. 257	Closed; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee.	N/A.
H.R. 2586	Temporary Increase in the Statutory Debt Limit	H. Res. 258	Restrictive; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee; self-executes 4 amendments in the rule; Solomon, Medicare Coverage of Certain Anti-Cancer Drug Treatments, Habeas Corpus Reform, Chrysler (MI); makes in order the Walker amend (40 min.) on regulatory reform.	5R.
H.R. 2539	ICC Termination	H. Res. 259	Open; waives section 302(f) and section 308(a)	

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.J. Res. 115	Further Continuing Appropriations for FY 1996	H. Res. 261	Closed; provides for the immediate consideration of a motion by the Majority Leader or his designees to dispose of the Senate amendments (1hr).	N/A.
H.R. 2586	Temporary Increase in the Statutory Limit on the Public Debt	H. Res. 262	Closed; provides for the immediate consideration of a motion by the Majority Leader or his designees to dispose of the Senate amendments (1hr).	N/A.
H. Res. 250	House Gift Rule Reform	H. Res. 268	Closed; provides for consideration of the bill in the House; 30 min. of debate; makes in order the Burton amendment and the Gingrich en bloc amendment (30 min. each); waives all points of order against the amendments; Gingrich is only in order if Burton fails or is not offered.	2R.
H.R. 2564	Lobbying Disclosure Act of 1995	H. Res. 269	Open; waives cl. 2(l)(6) of rule XI against the bill's consideration; waives all points of order against the Istook and McIntosh amendments.	N/A.
H.R. 2606	Prohibition on Funds for Bosnia Deployment	H. Res. 273	Restrictive; waives all points of order against the bill's consideration; provides one motion to amend if offered by the Minority Leader or designee (1 hr non-amendable); motion to recommit which may have instructions only if offered by Minority Leader or his designee; if Minority Leader motion is not offered debate time will be extended by 1 hr.	N/A.
H.R. 1788	Amtrak Reform and Privatization Act of 1995	H. Res. 289	Open; waives all points of order against the bill's consideration; makes in order the Transportation substitute modified by the amend in the report; Bill read by title; waives all points of order against the substitute; makes in order a managers amend as the first order of business, if adopted it is considered base text (10 min.); waives all points of order against the amendment; Pre-printing gets priority.	N/A.
H.R. 1350	Maritime Security Act of 1995	H. Res. 287	Open; makes in order the committee substitute as original text; makes in order a managers amendment which if adopted is considered as original text (20 min.) unamendable; pre-printing gets priority.	N/A.
H.R. 2621	To Protect Federal Trust Funds	H. Res. 293	Closed; provides for the adoption of the Ways & Means amendment printed in the report. 1 hr. of general debate; PQ.	N/A.
H.R. 1745	Utah Public Lands Management Act of 1995	H. Res. 303	Open; waives cl 2(l)(6) of rule XI and sections 302(f) and 311(a) of the Budget Act against the bill's consideration. Makes in order the Resources substitute as base text and waives cl 7 of rule XVI and sections 302(f) and 308(a) of the Budget Act; makes in order a managers' amend as the first order of business, if adopted it is considered base text (10 min).	N/A.
H.Res. 304	Providing for Debate and Consideration of Three Measures Relating to U.S. Troop Deployments in Bosnia.	N/A	Closed; makes in order three resolutions; H.R. 2770 (Dorman), H.Res. 302 (Buyer), and H.Res. 306 (Gephardt); 1 hour of debate on each.	1D; 2R.
H.Res. 309	Revised Budget Resolution	H. Res. 309	Closed; provides 2 hours of general debate in the House; PQ	N/A.
H.R. 558	Texas Low-Level Radioactive Waste Disposal Compact Consent Act	H. Res. 313	Open; pre-printing gets priority	N/A.
H.R. 2677	The National Parks and National Wildlife Refuge Systems Freedom Act of 1995.	H. Res. 323	Closed; consideration in the House; self-executes Young amendment	N/A.
		PROCEDURE IN THE 104TH CONGRESS 2D SESSION		
H.R. 1643	To authorize the extension of nondiscriminatory treatment (MFN) to the products of Bulgaria.	H. Res. 334	Closed; provides to take the bill from the Speaker's table with the Senate amendment, and consider in the House the motion printed in the Rules Committee report; 1 hr. of general debate; previous question is considered as ordered. ** NR; PQ.	N/A.
H.J. Res. 134 H. Con. Res. 131	Making continuing appropriations/establishing procedures making the transmission of the continuing resolution H.J. Res. 134.	H. Res. 336	Closed; provides to take from the Speaker's table H.J. Res. 134 with the Senate amendment and concur with the Senate amendment with an amendment (H. Con. Res. 131) which is self-executed in the rule. The rule provides further that the bill shall not be sent back to the Senate until the Senate agrees to the provisions of H. Con. Res. 131. ** NR; PQ.	N/A.
H. R. 1358	Conveyance of National Marine Fisheries Service Laboratory at Gloucester, Massachusetts.	H. Res. 338	Closed; provides to take the bill from the Speakers table with the Senate amendment, and consider in the house the motion printed in the Rules Committee report; 1 hr. of general debate; previous quesetion is considered as ordered. ** NR; PQ.	N/A.
H.R. 2924	Social Security Guarantee Act	H. Res. 355	Closed; ** NR; PQ	N/A.
H.R. 2854	The Agricultural Market Transition Program	H. Res. 366	Restrictive; waives all points of order against the bill; 2 hrs of general debate; makes in order a committee substitute as original text and waives all points of order against the substitute; makes in order only the 16 amends printed in the report and waives all points of order against the amendments; circumvents unfunded mandates law; Chairman has en bloc authority for amends in report (20 min.) on each en bloc; PQ.	5D; 9R; 2 Bipartisan.
H.R. 994	Regulatory Sunset & Review Act of 1995	H. Res. 368	Open rule; makes in order the Hyde substitute printed in the Record as original text; waives cl 7 of rule XVI against the substitute; Pre-printing gets priority; vacates the House action on S. 219 and provides to take the bill from the Speakers table and consider the Senate bill; allows Chrmn. Clinger a motion to strike all after the enacting clause of the Senate bill and insert the text of H.R. 994 as passed by the House (1 hr) debate; waives germaneness against the motion; provides if the motion is adopted that it is in order for the House to insist on its amendments and request a conference.	N/A.
H.R. 3021	To Guarantee the Continuing Full Investment of Social security and Other Federal Funds in Obligations of the United States.	H. Res. 371	Closed rule; gives one motion to recommit, which if it contains instructions, may only if offered by the Minority Leader or his designee. ** NR.	N/A.
H.R. 3019	A Further Downpayment Toward a Balanced Budget	H. Res. 372	Restrictive; self-executes CBO language regarding contingency funds in section 2 of the rule; makes in order only the amendments printed in the report; Lowey (20 min), Istook (20 min), Crapo (20 min), Obey (1 hr); waives all points of order against the amendments; give one motion to recommit, which if contains instructions, may only if offered by the Minority Leader or his designee. ** NR.	2D/2R.
H.R. 2703	The Effective Death Penalty and Public Safety Act of 1996	H. Res. 380	Restrictive; makes in order only the amendments printed in the report; waives all points of orer against the amendments; gives Judiciary Chairman en bloc authority (20 min.) on enblocs; provides a Senate hook-up with S. 735. ** NR.	6D; 7R; 4 Bipartisan.
H.R. 2202	The Immigration and National Interest Act of 1995	H. Res. 384	Restrictive; waives all points of order against the bill and amendments in the report except for those arising under sec. 425(a) of the Budget Act (unfunded mandates); 2 hrs. of general debate on the bill; makes in order the committee substitute as base text; makes in order only the amends in the report; gives the Judiciary Chairman en bloc authority (20 min.) of debate on the en blocs; self-executes the Smith (TX) amendment re: employee verification program; PQ.	12D; 19R; 1 Bipartisan.
H.J. Res. 165	Making further continuing appropriations for FY 1996	H. Res. 386	Closed; provides for the consideration of the CR in the House and gives one motion to recommit which may contain instructions only if offered by the Minority Leader; the rule also waives cl 4(b) of rule XI against the following: an omnibus appropriations bill, another CR, a bill extending the debt limit. ** NR.	N/A.
H.R. 125	The Gun Crime Enforcement and Second Amendment Restoration Act of 1996.	H. Res. 388	Closed; self-executes an amendment; provides one motion to recommit which may contain instructions only if offered by the Minority Leader or his designee. ** NR.	N/A.
H.R. 3136	The Contract With America Advancement Act of 1996	H. Res. 391	Closed; provides for the consideration of the bill in the House; self-executes an amendment in the Rules report; waives all points of order, except sec. 425(a)(unfunded mandates) of the CBA, against the bill's consideration; orders the PQ except 1 hr. of general debate between the Chairman and Ranking Member of Ways and Means; one Archer amendment (10 min.); one motion to recommit which may contain instructions only if offered by the Minority Leader or his designee; Provides a Senate hookup if the Senate passes S. 4 by March 30, 1996. **NR.	N/A.
H.R. 3103	The Health Coverage Availability and Affordability Act of 1996	H. Res. 392	Restrictive: 2 hrs. of general debate (45 min. split by Ways and Means) (45 split by Commerce) (30 split by Economic and Educational Opportunities); self-executes H.R. 3160 as modified by the amendment in the Rules report as original text; waives all points of order, except sec. 425(a) (unfunded mandates) of the CBA; makes in order a Democratic substitute (1 hr.) waives all points of order, except sec. 425(a) (unfunded mandates) of the CBA, against the amendment; one motion to recommit which may contain instructions only if offered by the Minority Leader or his designee; waives cl 5(c) of Rule XXI (requiring 3/5 vote on any tax increase) on votes on the bill, amendments or conference reports.	N/A.
H.J. Res. 159	Tax Limitation Constitutional Amendment	H. Res. 395	Restrictive; provides for consideration of the bill in the House; 3 hrs of general debate; Makes in order H.J. Res. 169 as original text; allows for an amendment to be offered by the Minority Leader or his designee (1 hr) ** NR.	1D.

* Contract Bills, 67% restrictive; 33% open. ** All legislation 1st Session, 53% restrictive; 47% open. *** All legislation 2d Session, 95% restrictive; 5% open. **** All legislation 104th Congress, 66% restrictive; 34% open. ***** NR indicates that the legislation being considered by the House for amendment has circumvented standard procedure and was never reported from any House committee. ****** PQ Indicates that previous question was ordered on the resolution. ******* Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules as well as completely closed rules and rules providing for consideration in the House as opposed to the Committee of the Whole. This definition of restrictive rule is taken from the Republican chart of resolutions reported from the Rules Committee in the 103d Congress. N/A means not available.

Mr. MOAKLEY. Mr. Speaker, I yield the balance of my time to the gentleman from Colorado [Mr. SKAGGS].

The SPEAKER pro tempore. The gentleman from Colorado [Mr. SKAGGS] is recognized for 3 minutes.

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

Earlier in this debate, I asked the distinguished chairman of the Committee on Rules if he might yield, and he indicated that I should await my time, which has now come. The gentleman knows the rules, because he followed the rules in bringing the flag desecration amendment to this House. That was, as I recall, properly considered in the Committee on the Judiciary, was the subject of hearings and markup, then was brought to the Committee on Rules.

The gentleman from New York, earlier in this hour, observed that this is important and serious business, amending the Constitution of the United States. And I would simply ask the distinguished Chairman of the Rules Committee, would it not have been proper and better procedure for this proposal to have at least had a hearing in the Committee on the Judiciary, so that the implications of these words, which have otherwise received no hearing other than your Rules Committee hearing on March 29, so that we could have had a careful examination of this proposal, as we did of the gentleman's proposal to amend the Constitution to protect the flag? Would that not have been better procedure?

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

Mr. SKAGGS. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I just say to the gentleman that it could have been, the same as in three previous Congresses we have considered balanced budget amendments that never went through the proper process, either. The gentleman makes a point.

Mr. SKAGGS. Mr. Speaker, reclaiming my time, I know the gentleman knows better, because he has shown that he knows better than to follow or to be a party to an abuse of the Rules of the House in considering an amendment to the fundamental charter of this country, as we are experiencing here this evening.

This is a sad, sad occasion, to have completely run roughshod over the basic guarantees of serious, deliberate action on something as fundamental as our Constitution. It is a shameful demonstration of the priority being given to political theater, to symbolism over our responsibilities as legislators for this country to look carefully before we act on an amendment to the Constitution. Because the process that has brought us to this point has been such an insult to the intelligence and responsibility of the Members, I regretfully will need to make sure that we have every opportunity to vote on every conceivable procedural point for the rest of this evening.

Mr. MCINNIS. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. GOSS].

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

Mr. GOSS. Mr. Speaker, I rise in strong support of this rule and the purpose for it.

Mr. Speaker, as the American people endure yet another April 15, it is appropriate to note the direct relationship between higher taxes and higher government spending. While incomes have stagnated for many Americans over the last 20 years, the actual take-home pay for Government rose 58 percent and Government spending increased even faster. In fact, the Federal Government spent 80 percent more in inflation adjusted terms in 1995 than in 1973.

The rationale for the last two major tax hikes was deficit reduction. The deal was this—give us more of your money and, trust us, we will get serious about cutting spending. However, while the American taxpayer kept his end of the bargain, prior to this Congress the Federal Government maintained its reckless spending habits. Spending did not slow down, it accelerated. Adjusting for inflation, nondefense discretionary spending was 23 percent higher in 1995 than 1990. The American people are not selfish and they certainly do not mind paying their fair share, but they are not stupid either—they recognize when their Government has sold them a bill of goods.

Mr. Speaker, we have all heard the same disheartening facts. Every year, the average American works until May 5 just to pay his or her taxes. Put another way, this means that 3 hours out of every work day are dedicated solely to sustain Government spending.

This Congress has worked to reduce this oppressive tax burden. We have sent President Clinton a variety of tax relief measures, from middle-class tax relief to increasing the Social Security earnings limit, making it clear that we intend to keep our word with the American taxpayer. We have also begun examining long-term alternatives to our current tax system, that would increase fairness and simplicity. I commend Representatives BARTON and SHADEGG for their hard work to provide long-term protection for American taxpayers through the bill before us today.

Mr. MCINNIS. Mr. Speaker, I yield 30 seconds to the gentleman from Arizona [Mr. HAYWORTH].

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Colorado for yielding me the time.

Listening to my colleague across the aisle from Colorado talk about this process being an insult, I would just simply remind all of us that article V of the Constitution simply says in its opening clause: ''The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this Constitution.''

It does not provide for any other folderol where there are urgent questions of action to be taken. It is incumbent upon this Congress to take those actions, so it is not insult. It is proper to move forward in this fashion to amend the Constitution of the United States.

Mr. MCINNIS. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from Colorado [Mr. MCInnis] is recognized for 4 minutes.

Mr. MCINNIS. Mr. Speaker, I find it awfully interesting that one would be able to stand up and talk about the word shameful and so on. This is 2 years after this country experienced the largest tax increase in the history of this country. And by the way, some may argue, well, that tax increase really was to try and get the wealthy people of this country and it did not impact the average working Joe or the working Jane out there. It sure as heck did.

Anybody that buys a gallon of gasoline pays four cents more per gallon because this Congress passed a tax increase on them. Some time take a look, and this is a good day to do it, on April 15, take a look at what you have to pay in taxes. Not just what you send in to the Federal Government. Not just what you send in to the State government, but stop and buy a gallon of gasoline. And after that, if you get really depressed, stop by the liquor store and buy a fifth of whiskey, and see what you pay on a fifth of whiskey in taxes. Then go to the store and see what you pay in sales tax to buy a lawn mower to mow your grass.

Taxes, taxes, taxes. Around here, that is the fuel that feeds this fire in the U.S. Congress. And it seems that the U.S. Congress wants to get the biggest bonfire it can ever have. Well, you know what it has led to? It has led to this. It has led to a concept where we have got to put a speed bump in the way of these people that love to raise your taxes, and raise you taxes, and raise your taxes.

Right now, just in this proposal of this concept, 73 percent of the American people are saying do it. An interesting number here, 68 percent of the Federal employees say do it. Seventy-one percent of the union members say do it. In the Democrats, 64 percent of the Democrats as polled say do it. It is time that we bring a conscience to this country.

Now, some people say, well, you are not giving an opportunity for debate. That is exactly what this concept does. That is why it so carefully follows the Constitution of the United States. What it does is it allows this to go to every State, all 50 States, all of the elected State legislators in those States, which, by the time this debate was thoroughly finished, by the time it got ratified or did not get ratified, you would have thousands and thousands of locally, not in Washington, but locally elected officials who were engaged in this debate of whether or not we should require a supermajority to go out to the working people of this country and raise their taxes.

Mr. Speaker, I think that this rule is fundamentally fair, and I think that this concept is fundamentally necessary for the positive growth and the future of this country.

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

The previous question was ordered.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

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

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

The Sergeant at Arms will notify absent Members.

Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 232, nays 168, not voting 31, as follows:

[Roll No. 111]

YEAS—232

Allard	Dunn	Kim
Archer	Ehlers	King
Armey	Ehrlich	Kingston
Bachus	Emerson	Klug
Baker (CA)	English	Knollenberg
Baker (LA)	Ensign	Kolbe
Ballenger	Everett	LaHood
Barr	Ewing	Largent
Barrett (NE)	Fawell	Latham
Bartlett	Flanagan	LaTourette
Barton	Foley	Laughlin
Bass	Forbes	Lazio
Bateman	Fowler	Leach
Bereuter	Fox	Lewis (KY)
Bilbray	Franks (CT)	Linder
Bilirakis	Franks (NJ)	Livingston
Bliley	Frelinghuysen	LoBiondo
Blute	Frisa	Longley
Boehlert	Funderburk	Lucas
Boehner	Ganske	Manzullo
Bonilla	Gekas	Martini
Bono	Geren	McCollum
Brownback	Gilchrest	McCrery
Bryant (TN)	Gillmor	McDade
Bunn	Gilman	McHugh
Bunning	Goodlatte	McInnis
Burr	Goodling	McIntosh
Burton	Gordon	McKeon
Buyer	Goss	Metcalf
Callahan	Graham	Meyers
Camp	Greene	Mica
Campbell	Greenwood	Miller (FL)
Canady	Gunderson	Molinari
Castle	Gutknecht	Montgomery
Chabot	Hall (TX)	Moorhead
Chambliss	Hancock	Morella
Chenoweth	Hansen	Myers
Christensen	Hastert	Myrick
Chrysler	Hastings (WA)	Nethercutt
Clinger	Hayes	Neumann
Coble	Hayworth	Norwood
Coburn	Hefley	Nussle
Collins (GA)	Heineman	Packard
Combest	Herger	Parker
Cooley	Hilleary	Paxon
Cox	Hobson	Petri
Crane	Hoekstra	Pombo
Crapo	Hoke	Porter
Cubin	Horn	Portman
Cunningham	Hostettler	Pryce
Davis	Houghton	Quillen
Deal	Hutchinson	Quinn
DeLay	Hyde	Radanovich
Diaz-Balart	Inglis	Ramstad
Dickey	Istook	Regula
Doolittle	Johnson (CT)	Riggs
Dornan	Johnson, Sam	Roberts
Dreier	Jones	Roemer
Duncan	Kelly	Rogers
Rohrabacher	Smith (MI)	Upton
Ros-Lehtinen	Smith (NJ)	Vucanovich
Roth	Smith (TX)	Walker
Roukema	Smith (WA)	Walsh
Royce	Solomon	Wamp
Salmon	Souder	Watts (OK)
Sanford	Spence	Weldon (FL)
Saxton	Stearns	Weldon (PA)
Scarborough	Stump	Weller
Schaefer	Talent	White
Schiff	Tate	Whitfield
Seastrand	Taylor (MS)	Wicker
Sensenbrenner	Taylor (NC)	Wolf
Shadegg	Thomas	Young (AK)
Shaw	Thornberry	Young (FL)
Shays	Tiahrt	Zeliff
Shuster	Torkildsen	Zimmer
Skaggs	Torricelli	
Skeen	Traficant	

NAYS—168

Abercrombie	Gibbons	Nadler
Ackerman	Gonzalez	Neal
Andrews	Green	Oberstar
Baesler	Gutierrez	Obey
Baldacci	Hall (OH)	Olver
Barcia	Hamilton	Orton
Barrett (WI)	Harman	Owens
Becerra	Hastings (FL)	Pallone
Beilenson	Hefner	Pastor
Bentsen	Hilliard	Payne (NJ)
Berman	Hinchey	Payne (VA)
Bevill	Holden	Peterson (FL)
Bishop	Hoyer	Peterson (MN)
Bonior	Jackson (IL)	Pickett
Boucher	Jacobs	Pomeroy
Brewster	Jefferson	Poshard
Browder	Johnson (SD)	Rahall
Brown (OH)	Johnson, E. B.	Rangel
Bryant (TX)	Johnston	Reed
Cardin	Kanjorski	Richardson
Clay	Kaptur	Rivers
Clayton	Kennedy (MA)	Rose
Clement	Kennedy (RI)	Roybal-Allard
Clyburn	Kennelly	Rush
Coleman	Kildee	Sabo
Collins (IL)	Kleczka	Sanders
Collins (MI)	Klink	Sawyer
Condit	LaFalce	Schroeder
Conyers	Lantos	Schumer
Costello	Levin	Scott
Coyne	Lewis (GA)	Serrano
Cramer	Lincoln	Sisisky
Danner	Lofgren	Skelton
DeFazio	Lowey	Slaughter
DeLauro	Luther	Spratt
Dellums	Maloney	Stark
Deutsch	Manton	Stenholm
Dicks	Markey	Stokes
Dingell	Martinez	Studds
Dixon	Mascara	Stupak
Doggett	Matsui	Tanner
Dooley	McCarthy	Tejeda
Doyle	McDermott	Thompson
Durbin	McHale	Thurman
Edwards	McKinney	Torres
Eshoo	McNulty	Velazquez
Evans	Meehan	Vento
Farr	Meek	Visclosky
Fazio	Menendez	Volkmer
Filner	Miller (CA)	Ward
Flake	Minge	Waters
Foglietta	Mink	Watt (NC)
Frank (MA)	Moakley	Waxman
Furse	Mollohan	Woolsey
Gejdenson	Moran	Wynn
Gephardt	Murtha	Yates

NOT VOTING—31

Borski	Ford	Ortiz
Brown (CA)	Frost	Oxley
Brown (FL)	Gallegly	Pelosi
Calvert	Hunter	Stockman
Chapman	Jackson-Lee (TX)	Tauzin
Cremeans		Thornton
de la Garza	Kasich	Towns
Engel	Lewis (CA)	Williams
Fattah	Lightfoot	Wilson
Fields (LA)	Lipinski	Wise
Fields (TX)	Ney	

☐ 1803

Mr. WYNN changed his vote from ''yea'' to ''nay.''

Mr. GORDON and Mr. CHAMBLISS changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

MOTION OFFERED BY MR. SKAGGS

Mr. SKAGGS. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore (Mr. EWING). The Clerk will report the motion.

The Clerk read as follows:

Mr. SKAGGS moves to reconsider the vote whereby the House ordered the previous question on House Resolution 395.

MOTION TO TABLE OFFERED BY MR. MCINNIS

Mr. MCINNIS. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. MCINNIS moves to lay the motion to reconsider on the table.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado [Mr. MCINNIS] to lay on the table the motion to reconsider offered by the gentleman from Colorado [Mr. SKAGGS].

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

Mr. SKAGGS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 15-minute vote, followed by a 5-minute vote on the adoption of the rule.

The vote was taken by electronic device, and there were—yeas 232, nays 169, not voting 30, as follows:

[Roll No. 112]

YEAS—232

Allard	Cooley	Graham
Archer	Cox	Greene
Armey	Crane	Greenwood
Bachus	Crapo	Gunderson
Baker (CA)	Cubin	Gutknecht
Baker (LA)	Cunningham	Hall (TX)
Ballenger	Davis	Hancock
Barr	Deal	Hansen
Barrett (NE)	DeLay	Hastert
Bartlett	Diaz-Balart	Hastings (WA)
Barton	Dickey	Hayes
Bass	Doolittle	Hayworth
Bateman	Dornan	Hefley
Bereuter	Dreier	Heineman
Bilbray	Duncan	Herger
Bilirakis	Dunn	Hilleary
Bliley	Ehlers	Hobson
Blute	Ehrlich	Hoekstra
Boehlert	Emerson	Hoke
Boehner	English	Horn
Bonilla	Ensign	Hostettler
Bono	Everett	Houghton
Brownback	Ewing	Hutchinson
Bryant (TN)	Fawell	Hyde
Bunn	Flanagan	Inglis
Bunning	Foley	Istook
Burr	Forbes	Johnson (CT)
Burton	Fowler	Johnson, Sam
Buyer	Fox	Jones
Callahan	Franks (CT)	Kelly
Camp	Franks (NJ)	Kim
Campbell	Frelinghuysen	King
Canady	Frisa	Kingston
Castle	Funderburk	Klug
Chabot	Gallegly	Knollenberg
Chambliss	Ganske	Kolbe
Chenoweth	Gekas	LaHood
Christensen	Geren	Largent
Chrysler	Gilchrest	Latham
Clinger	Gillmor	LaTourette
Coble	Gilman	Laughlin
Coburn	Goodlatte	Lazio
Collins (GA)	Goodling	Leach
Combest	Gordon	Lewis (KY)
Condit	Goss	Linder

Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Norwood
Nussle
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stump
Talent
Tate
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Torricelli
Traficant
Upton
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—169

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Boucher
Brewster
Browder
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cramer
Danner
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Eshoo
Evans
Farr
Fazio
Filner
Flake
Foglietta
Frank (MA)
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson (IL)
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tejeda
Thompson
Thurman
Torres
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Woolsey
Wynn
Yates

NOT VOTING—30

Borski
Brown (CA)
Brown (FL)
Calvert
Chapman
Cremeans
de la Garza
Engel
Fattah
Fields (LA)
Fields (TX)
Ford
Frost
Hunter
Jackson-Lee (TX)
Kasich
Lewis (CA)
Lightfoot
Lipinski
Ney
Ortiz
Oxley
Pelosi
Stockman
Tauzin
Thornton
Towns
Williams
Wilson
Wise

□ 1820

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. EWING). The question is on the resolution.

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

RECORDED VOTE

Mr. SKAGGS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 234, noes, 162, not voting 35, as follows:

[Roll No. 113]

AYES—234

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Greene
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (KY)
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Norwood
Nussle
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Torkildsen
Torricelli
Traficant
Upton
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—162

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Boucher
Brewster
Browder
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Costello
Coyne
Danner
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fazio
Filner
Flake
Foglietta
Frank (MA)
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson (IL)
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McNulty
Meehan
Meek
Menendez
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Slaughter
Spratt
Stark
Stenholm
Stokes
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thurman
Torres
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Woolsey
Wynn
Yates

NOT VOTING—35

Borski
Brown (CA)
Brown (FL)
Calvert
Chapman
Conyers
Cremeans
de la Garza
Fattah
Fields (LA)
Fields (TX)
Ford
Frost
Hunter
Jackson-Lee (TX)
Kasich
Lewis (CA)
Lightfoot
Lipinski
McKinney
Ney
Ortiz
Oxley
Pelosi
Rose
Scarborough
Studds
Tauzin
Thornton
Tiahrt
Towns
Waxman
Williams
Wilson
Wise

□ 1829

The Clerk announced the following pairs:

On this vote:

Mr. Calvert for, with Ms. Jackson-Lee of Texas against.

Mr. Lightfoot for, with Mr. Towns against.

So the resolution was agreed to.

The result of the vote was announced as above recorded.

MOTION OFFERED BY MR. SKAGGS

Mr. SKAGGS. Mr. Speaker, I offer a motion to reconsider.

The SPEAKER pro tempore (Mr. EWING). The Clerk will report the motion.

The Clerk read as follows:

Mr. SKAGGS moves to reconsider the vote whereby the House adopted House Resolution 395.

MOTION TO TABLE OFFERED BY MR. MCINNIS

Mr. MCINNIS. Mr. Speaker, I move that the motion to reconsider be laid on the table.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado [Mr. MCINNIS] to lay on the table the motion to reconsider offered by the gentleman from Colorado [Mr. SKAGGS].

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

RECORDED VOTE

Mr. SKAGGS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken be electronic device, and there were—ayes 233, noes 164, not voting 34, as follows:

[Roll No. 114]

AYES—233

Allard	Doolittle	Hyde
Andrews	Dornan	Inglis
Archer	Dreier	Istook
Armey	Duncan	Johnson (CT)
Bachus	Dunn	Johnson, Sam
Baker (CA)	Ehlers	Jones
Baker (LA)	Ehrlich	Kasich
Ballenger	Emerson	Kelly
Barr	Ensign	Kim
Barrett (NE)	Everett	King
Bartlett	Ewing	Kingston
Barton	Fawell	Klug
Bass	Fields (TX)	Knollenberg
Bereuter	Flanagan	Kolbe
Bilbray	Foley	LaHood
Bilirakis	Forbes	Largent
Bliley	Fowler	Latham
Blute	Fox	LaTourette
Boehlert	Franks (CT)	Laughlin
Boehner	Franks (NJ)	Lazio
Bonilla	Frelinghuysen	Leach
Bono	Frisa	Lewis (KY)
Brownback	Funderburk	Linder
Bryant (TN)	Gallegly	Livingston
Bunn	Ganske	LoBiondo
Bunning	Gekas	Longley
Burr	Geren	Lucas
Burton	Gilchrest	Manzullo
Buyer	Gillmor	Martini
Callahan	Gilman	McCollum
Camp	Goodlatte	McCrery
Campbell	Goodling	McDade
Canady	Gordon	McHugh
Castle	Goss	McInnis
Chabot	Graham	McIntosh
Chambliss	Greene	McKeon
Chenoweth	Greenwood	Metcalf
Christensen	Gunderson	Meyers
Chrysler	Gutknecht	Mica
Coble	Hall (TX)	Miller (FL)
Coburn	Hancock	Molinari
Collins (GA)	Hansen	Montgomery
Combest	Hastert	Moorhead
Condit	Hastings (WA)	Morella
Cooley	Hayes	Myers
Cox	Hayworth	Myrick
Cramer	Hefley	Nethercutt
Crane	Heineman	Neumann
Crapo	Herger	Ney
Cremeans	Hilleary	Norwood
Cubin	Hobson	Nussle
Cunningham	Hoekstra	Packard
Davis	Hoke	Parker
Deal	Horn	Paxon
DeLay	Hostettler	Petri
Diaz-Balart	Houghton	Pombo
Dickey	Hutchinson	Porter
Portman	Shadegg	Tiahrt
Pryce	Shaw	Torkildsen
Quillen	Shays	Traficant
Quinn	Shuster	Upton
Radanovich	Skeen	Vucanovich
Ramstad	Skelton	Walker
Regula	Smith (MI)	Walsh
Riggs	Smith (NJ)	Wamp
Roberts	Smith (TX)	Watts (OK)
Rogers	Smith (WA)	Weldon (FL)
Rohrabacher	Solomon	Weldon (PA)
Ros-Lehtinen	Souder	Weller
Roth	Spence	White
Roukema	Stearns	Whitfield
Royce	Stockman	Wicker
Salmon	Stump	Wolf
Sanford	Tate	Young (AK)
Saxton	Taylor (MS)	Young (FL)
Schaefer	Taylor (NC)	Zeliff
Seastrand	Thomas	Zimmer
Sensenbrenner	Thornberry	

NOES—164

Abercrombie	Green	Oberstar
Ackerman	Gutierrez	Obey
Baldacci	Hall (OH)	Olver
Barcia	Hamilton	Orton
Barrett (WI)	Harman	Owens
Becerra	Hastings (FL)	Pallone
Beilenson	Hefner	Pastor
Bentsen	Hilliard	Payne (NJ)
Bevill	Hinchey	Payne (VA)
Bishop	Holden	Peterson (FL)
Bonior	Hoyer	Peterson (MN)
Boucher	Jackson (IL)	Pickett
Brewster	Jacobs	Pomeroy
Browder	Jefferson	Poshard
Brown (CA)	Johnson (SD)	Rahall
Brown (OH)	Johnson, E. B.	Rangel
Bryant (TX)	Johnston	Reed
Cardin	Kanjorski	Richardson
Clay	Kaptur	Rivers
Clayton	Kennedy (MA)	Roemer
Clement	Kennedy (RI)	Roybal-Allard
Clyburn	Kennelly	Rush
Coleman	Kildee	Sabo
Collins (IL)	Kleczka	Sanders
Collins (MI)	Klink	Sawyer
Conyers	LaFalce	Schroeder
Costello	Lantos	Schumer
Coyne	Levin	Scott
Danner	Lewis (GA)	Serrano
DeFazio	Lincoln	Sisisky
DeLauro	Lofgren	Skaggs
Dellums	Lowey	Slaughter
Deutsch	Luther	Spratt
Dicks	Maloney	Stark
Dingell	Manton	Stenholm
Dixon	Markey	Stokes
Doggett	Martinez	Studds
Dooley	Mascara	Stupak
Doyle	Matsui	Tanner
Durbin	McCarthy	Tejeda
Edwards	McDermott	Thompson
Engel	McHale	Thurman
Eshoo	McNulty	Torres
Evans	Meehan	Torricelli
Farr	Meek	Velazquez
Fazio	Menendez	Vento
Filner	Miller (CA)	Visclosky
Flake	Minge	Volkmer
Foglietta	Mink	Ward
Frank (MA)	Moakley	Waters
Furse	Mollohan	Watt (NC)
Gejdenson	Moran	Woolsey
Gephardt	Murtha	Wynn
Gibbons	Nadler	Yates
Gonzalez	Neal	

NOT VOTING—34

Baesler	Ford	Rose
Bateman	Frost	Scarborough
Berman	Hunter	Schiff
Borski	Jackson-Lee (TX)	Talent
Brown (FL)	Lewis (CA)	Tauzin
Calvert	Lightfoot	Thornton
Chapman	Lipinski	Towns
Clinger	McKinney	Waxman
de la Garza	Ortiz	Williams
English	Oxley	Wilson
Fattah	Pelosi	Wise
Fields (LA)		

□ 1847

Mr. GIBBONS changed his vote from ''aye'' to ''no.''

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

Mr. CANADY of Florida. Mr. Speaker, pursuant to the provisions of House Resolution 395, I call up 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, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

Mr. SKAGGS. Mr. Speaker, I raise the question of consideration of House Joint Resolution 159.

The SPEAKER pro tempore (Mr. EWING). The question is: Will the House now consider House Joint Resolution 159, as amended.

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

RECORDED VOTE

Mr. SKAGGS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 241, noes 157, not voting 33, as follows:

[Roll No. 115]

AYES—241

Allard	Doolittle	Hutchinson
Archer	Dornan	Hyde
Armey	Dreier	Inglis
Bachus	Duncan	Istook
Baker (CA)	Dunn	Jacobs
Baker (LA)	Ehlers	Johnson (CT)
Ballenger	Ehrlich	Johnson, Sam
Barr	Emerson	Jones
Barrett (NE)	English	Kasich
Bartlett	Ensign	Kelly
Barton	Everett	Kim
Bass	Ewing	King
Bateman	Fawell	Kingston
Bereuter	Fields (TX)	Klug
Bilbray	Flanagan	Knollenberg
Bilirakis	Foley	Kolbe
Bliley	Forbes	LaHood
Blute	Fowler	Largent
Boehlert	Fox	Latham
Boehner	Franks (CT)	LaTourette
Bono	Franks (NJ)	Laughlin
Browder	Frelinghuysen	Lazio
Brownback	Frisa	Leach
Bryant (TN)	Funderburk	Lewis (KY)
Bunn	Gallegly	Linder
Bunning	Ganske	Livingston
Burr	Gekas	LoBiondo
Burton	Geren	Longley
Buyer	Gilchrest	Lucas
Callahan	Gillmor	Manzullo
Camp	Gilman	Martini
Campbell	Goodlatte	McCollum
Canady	Goodling	McCrery
Castle	Gordon	McDade
Chabot	Goss	McHugh
Chambliss	Graham	McInnis
Chenoweth	Greene	McIntosh
Christensen	Greenwood	McKeon
Chrysler	Gunderson	Metcalf
Coble	Gutknecht	Meyers
Coburn	Hall (TX)	Mica
Collins (GA)	Hancock	Miller (FL)
Combest	Hansen	Molinari
Condit	Hastert	Montgomery
Cooley	Hastings (WA)	Moorhead
Cox	Hayes	Morella
Cramer	Hayworth	Myers
Crane	Hefley	Myrick
Crapo	Heineman	Nethercutt
Cremeans	Herger	Neumann
Cubin	Hilleary	Ney
Cunningham	Hobson	Norwood
Davis	Hoekstra	Nussle
Deal	Hoke	Packard
DeLay	Horn	Pallone
Diaz-Balart	Hostettler	Parker
Dickey	Houghton	Paxon

Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Torricelli
Traficant
Upton
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—157

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Boucher
Brewster
Brown (CA)
Brown (OH)
Bryant (TX)
Cardin
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Danner
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fazio
Filner
Flake
Foglietta
Frank (MA)
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson (IL)
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
Lantos
Levin
Lewis (GA)
Lincoln
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Mascara
Matsui
McCarthy
McDermott
McHale
McNulty
Meehan
Meek
Menendez
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Orton
Owens
Pastor
Payne (NJ)
Payne (VA)
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tejeda
Thompson
Thurman
Torres
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Woolsey
Wynn
Yates

NOT VOTING—33

Bonilla
Borski
Brown (FL)
Calvert
Chapman
Clay
Clinger
de la Garza
DeFazio
Fattah
Fields (LA)
Ford
Frost
Hunter
Jackson-Lee (TX)
LaFalce
Lewis (CA)
Lightfoot
Lipinski
Martinez
McKinney
Ortiz
Oxley
Pelosi
Rose
Scarborough
Tauzin
Thornton
Towns
Waxman
Williams
Wilson
Wise

□ 1906

So the House agreed to consider House Joint Resolution 159.

The result of the vote was announced as above recorded.

MOTION OFFERED BY MR. SKAGGS

Mr. SKAGGS. Mr. Speaker, I offer a motion to reconsider the previous vote.

The SPEAKER pro tempore (Mr. EWING). The Clerk will report the motion.

The Clerk read as follows:

Mr. SKAGGS moves to reconsider the vote whereby the House agreed to consider House Joint Resolution 159.

MOTION TO TABLE OFFERED BY MR. CANADY OF FLORIDA

Mr. CANADY of Florida. Mr. Speaker, I move to lay the motion to reconsider the vote on the table.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CANADY] to lay on the table the motion to reconsider the vote offered by the gentleman from Colorado [Mr. SKAGGS].

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

RECORDED VOTE

Mr. SKAGGS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were ayes 236, noes 157, not voting 38, as follows:

[Roll No. 116]

AYES—236

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Greene
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (KY)
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Packard
Pallone
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stump
Talent
Tate
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Torricelli
Traficant
Upton
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—157

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Boucher
Browder
Brown (CA)
Brown (OH)
Bryant (TX)
Cardin
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Danner
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fazio
Filner
Flake
Foglietta
Frank (MA)
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson (IL)
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
Lantos
Levin
Lewis (GA)
Lincoln
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Orton
Owens
Pastor
Payne (NJ)
Payne (VA)
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Scott
Serrano
Sisisky
Skaggs
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tejeda
Thompson
Thurman
Torres
Velazquez
Vento
Visclosky
Volkmer
Ward
Watt (NC)
Woolsey
Wynn
Yates

NOT VOTING—38

Becerra
Bonilla
Borski
Brown (FL)
Calvert
Chapman
Clay
Clinger
de la Garza
DeFazio
Fattah
Fawell
Fields (LA)
Ford
Frost
Hayes
Hunter
Jackson-Lee (TX)
LaFalce
Laughlin
Lewis (CA)
Lightfoot
Lipinski
Martinez
Ortiz
Oxley
Pelosi
Rose
Schumer
Stockman
Tauzin
Thornton
Towns
Waters
Waxman
Williams
Wilson
Wise

□ 1923

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Mr. Speaker, during rollcall votes Nos. 111, 112, 113, 114, 115, and 116, I was unavoidably detained, out of town at a meeting with my constituents.

Had I been present, I would have voted ''no'' on 111, ''no'' on 112, ''no'' on rollcall 113, ''no'' on 114, ''no'' on 115, and ''no'' on 116.

Mr. LIGHTFOOT. Mr. Speaker, because I was unavoidably detained, I missed the procedural rollcall votes Nos. 111, 112, 113, 114, 115, and 116. Had I been present, I would have voted ''yea'' on each of these votes.

The SPEAKER pro tempore (Mr. RIGGS). Pursuant to House Resolution 395, an amendment in the nature of a substitute consisting of the text of House Joint Resolution 169 is adopted.

The text of House Joint Resolution 159 is as follows:

H.J. RES. 159

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

''ARTICLE —

''SECTION 1. Any bill to levy a new tax or increase the rate or base of any tax may pass only by a two-thirds majority of the whole number of each House of Congress.

''SECTION 2. The Congress may waive section 1 when a declaration of war is in effect. The Congress may also waive section 1 when the United States is engaged in military conflict which causes an imminent and serious threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law. Any provision of law which would, standing alone, be subject to section 1 but for this section and which becomes law pursuant to such a waiver shall be effective for not longer than 2 years.

''SECTION 3. All votes taken by the House of Representatives or the Senate under this article shall be determined by yeas and nays and the names of persons voting for and against shall be entered on the Journal of each House respectively.''.

The text of House Joint Resolution 159, as amended, is as follows:

H.J. RES. 169

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

''ARTICLE —

''SECTION 1. Any bill, resolution, or other legislative measure changing the internal revenue laws shall require for final adoption in either House the concurrence of two-thirds the members present, unless that bill, resolution, or measure is determined at the time of adoption, in a reasonable manner prescribed by law, not to increase the internal revenue by more than a de minimis amount.

''SECTION 2. The Congress may waive section 1 when a declaration of war is in effect. The Congress may also waive section 1 when the United States is engaged in military conflict which causes an imminent and serious threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law. Any provision of law which would, standing alone, be subject to section 1 but for this section and which becomes law pursuant to such a waiver shall be effective for not longer than 2 years.

''SECTION 3. All votes taken by the House of Representatives or the Senate under this article shall be determined by yeas and nays and the names of persons voting for and against shall be entered on the Journal of each House respectively.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. CANADY] and the gentleman from Michigan [Mr. CONYERS] each will control 1½ hours of general debate time.

The Chair recognizes the gentleman from Florida [Mr. CANADY].

GENERAL LEAVE

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Joint Resolution 159.

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

There was no objection.

Mr. CANADY of Florida. Mr. Speaker, I yield 45 minutes to the gentleman from Texas [Mr. ARCHER], and I ask unanimous consent that he may be permitted to yield blocks of time to other Members.

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

There was no objection.

Mr. CONYERS. Mr. Speaker, I ask unanimous consent to yield 45 minutes to the distinguished past chairman of the Committee on Ways and Means, the gentleman from Florida [Mr. GIBBONS], and I ask that he be recognized to yield blocks of time.

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

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida [Mr. CANADY].

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

Mr. Speaker, today, the millions of Americans rushing to meet the midnight deadline to file their Federal income tax return are asking themselves—why is it that every year more and more of my family's income goes to pay Federal taxes, leaving me with less and less to meet my needs and the needs of my children? As they write that painful final check to the IRS or review the bottom line of their tax liability, they are asking themselves—is there any relief in sight? Will Congress ever be weaned from imposing higher and higher taxes? Will Washington ever get its spending habits under control? To the American people I say, today's vote should give you a glimmer of hope.

Today, we are again considering a mechanism that will bring relief to the American taxpayers. We will be debating and voting on a constitutional amendment to require a two-thirds vote of each House of Congress for any bill that increases revenue by more than a de minimis amount.

Members voted on a similar provision that was part of House Joint Resolution 1, the balanced budget constitutional amendment of the Contract With America in January 1995. In the 1st session of the 104th Congress, the Subcommittee on the Constitution held hearings and the Full Judiciary Committee favorably reported the balanced budget constitutional amendment which included a supermajority requirement for raising tax revenue.

On January 26, 1995, the House voted 253 to 173 in favor of the balanced budget constitutional amendment that had been reported by the Committee on the Judiciary. That version of the amendment, which was sponsored by Congressman BARTON, would have required a three-fifths majority of the entire House and Senate to increase tax revenue and would have allowed a simple majority to waive the requirement in times of war, or in the face of a serious military threat. The balanced budget amendment ultimately adopted by the House did not, however, include the Barton supermajority tax limitation provision.

When the House passed a balanced budget amendment without the Barton supermajority requirement, Speaker GINGRICH promised to schedule another vote on the supermajority tax limitation amendment in the 104th Congress. Today's vote fulfills that promise.

On March 6, 1996, the Subcommittee on the Constitution held an additional hearing on the Barton tax limitation constitutional amendment. House Joint Resolution 159 was criticized as being too broad. For example, as originally drafted House Joint Resolution 159 would have required a two-thirds majority of each House to close a tax loophole or make revenue neutral changes to the Tax Code. Under the Barton substitute amendment made in order under the Rule, such actions would not require a supermajority vote as long as the legislation as a whole was revenue-neutral or resulted in only a de minimis increase in revenue.

The amendment before us this evening requires a two-thirds vote of each House for any bill that is not revenue neutral. Congress may waive this requirement when a declaration of war is in effect, or by adopting a joint resolution upon finding that the United

States in engaged in military conflict which causes an imminent and serious threat to national security. The amendment requires that all votes be taken by rollcall.

This substitute amendment is in keeping with the supermajority requirement that was approved by the Committee on the Judiciary and the House in January 1995 as part of the Contract With America.

In addition, the House Rules as adopted at the beginning of this Congress require a three-fifths majority vote to pass a Federal income tax rate increase. However, the House Rule cannot bind future Congresses and can be waived by the Rules Committee as had been done at least once this past year—yet another reason why we need the permanence and certainty of a constitutional amendment.

Members should be aware that the language of the constitutional amendment we are voting on today differs significantly from the House Rule. The constitutional amendment, unlike the House Rule, does not apply to bills that cut taxes or that are roughly revenue neutral. It will make it harder for Congress to raise taxes, yet allows flexibility to make revenue neutral changes to the tax laws.

The National Commission on Economic Growth and Tax Reform, headed by former Congressman Jack Kemp, recently recommended requiring a two-thirds supermajority vote to raise the tax rate. The Kemp Commission recommended substantial changes to the Tax Code and argued that such changes should be held in place by requiring a supermajority vote to raise taxes. The Commission report stated ''a two-thirds supermajority vote of Congress will earn Americans' confidence in the longevity, predictability, and stability of any new tax system.''

The Framers of our Constitution understood the need for requiring supermajority votes for certain fundamental decisions. The Constitution currently includes ten supermajority requirements for decisions of importance including the requirement of a two-thirds vote to send a constitutional amendment to the States for ratification. I submit that under our current system it is too easy for us to add to the already onerous tax burden Congress has placed upon the American people. The adoption of a supermajority provision can only help us give careful consideration to proposals to raise taxes, and will require us to reach broad consensus in order to do so.

I urge my colleagues to support this important measure and I reserve the balance of my time.

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

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

(Mr. GIBBONS asked and was given permission to include extraneous material.)

Mr. GIBBONS. Mr. Speaker, as one distinguished Republican told me as we were coming over here, ''And to think we gave up a whole day of vacation for this debate.'' I think he put his finger right on the issue here. Everybody in this Chamber and everybody within the sound of my voice knows that what we are doing tonight is show business; not very good show business, but show business.

The gentleman from Texas [Mr. BARTON] sent us a Dear Colleague letter numbering some 20 pages. As I read it and studied it, it reminded me of a quotation that a distinguished Supreme Court Justice made about 100 years ago: Taxes are what we pay for civilization. Taxes are what we pay for civilization.

How well have Americans done? The Organization for Economic Cooperation and Development, which keeps statistics on all of the industrialized countries on Earth, tells us that there are 24 industrialized countries on Earth. Of those 24 industrialized countries on Earth, the United States has the lowest tax rate of any of those 24 countries. This is not ancient history, this is today's history, compiled by the OECD. They are not an American organization. The United States is a member of the OECD, but the headquarters of it is in Europe. It rates all of the industrialized nations.

Of all of the industrialized nations, the United States of America, this Federal Government, has the lowest tax rate of any of them. Do any of you in this Chamber dispute what I have just said? I would ask the gentleman from Texas [Mr. BARTON], does he dispute what I have just said?

In fact, in the 20-some page letter of the gentleman from Texas [Mr. BARTON], he included in his Appendix E on page 20 a list of all of the industrialized nations that had tax limitations in their procedures. I do not think the gentleman from Texas even read this himself or he never would have sent it to us. Of all the nations in this chart that have tax limitations, guess what? Every single one of them has a higher tax rate than the United States of America.

Mr. Speaker, I would ask the gentleman from Texas, did he know that when he sent this to us?

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

Mr. GIBBONS. I yield to the gentleman from Texas.

Mr. BARTON of Texas. Mr. Speaker, I would tell the gentleman from Florida [Mr. GIBBONS], I did read that memo.

Mr. GIBBONS. It did not sink in then, though, did it?

Mr. BARTON of Texas. Mr. Speaker, I will be happy to debate it if the gentleman wishes to.

Mr. GIBBONS. I just wondered if the gentleman had read it. He is arguing for a tax limitation by constitutional amendment. He sent us a chart listing all the other countries on Earth that have tax limitations. Every one of them has a higher tax rate than the United States of America.

Mr. Speaker, taxes are the dues of civilization. It is what we pay for civilization. The tax rate in America, being the lowest of the 24 industrialized countries, has remained remarkably stable for about the last 50 years. The tax rate for the 1950's comes out at 17.62 percent. That was the tax rate for the 1950's. The tax rate for the 1960's comes out at 18.31 percent. We have to remember that we were fighting the Vietnam war at that time. The tax rate for the 1970's comes out at 18.47 percent. The tax rate for the 1980's comes out at 18.97 percent. For the first 5 years of 1990, the tax rate has dropped to 18.75 percent.

Mr. Speaker, the ridiculous thing about this amendment is its unintended consequences that will occur. If this amendment ever became law, we would first of all have to declare war on some unsuspecting country, so that for 2 years we could handle the ordinary and necessary business of this country, which from time to time requires us to make certain adjustments in the Tax Code. After 2 years we would have to find some other unsuspecting country and declare war on it, or maybe we can declare war on somebody in outer space. As long as we declare war, we can waive all of this.

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

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

Mr. STARK. Mr. Speaker, the gentleman just stated some interesting statistics of 17 percent and 18 percent tax rates. I suspect the gentleman was referring to the percentage of gross domestic product.

Mr. GIBBONS. That is correct. That is the only way you can measure tax rates.

Mr. STARK. That is the only effective way to measure it?

Mr. GIBBONS. That is the only way you can measure tax rates.

Mr. STARK. I thank the gentleman for clarifying that.

Mr. GIBBONS. I thank the gentleman for bringing up that question and letting me clarify it.

Mr. Speaker, there are so many other reasons why this is just a ridiculous piece of show business here today, but Mr. Speaker, at this time I will go back and yield time to other Members so they can participate in the debate.

Mr. Speaker, I include for the RECORD the following document:

CENTRAL-GOVERNMENT TAXES AS PERCENTS OF GDP, 1992: AN INTERNATIONAL COMPARISON

Country	Rank	Percent GDP
Netherlands	1	45.2
Luxembourg	2	43.1
Belgium	3	42.5
Italy	4	41.0
Greece	5	39.7
France	6	39.3
Finland	7	37.3
Norway	8	37.0
Ireland	9	35.2

CENTRAL-GOVERNMENT TAXES AS PERCENTS OF GDP, 1992: AN INTERNATIONAL COMPARISON—Continued

Country	Rank	Percent GDP
Austria	10	34.1
New Zealand	11	33.7
Denmark	12	33.6
United Kingdom	13	33.5
Sweden	14	32.9
Spain	15	31.4
Portugal	16	31.2
Germany	17	28.1
Iceland	18	26.6
Japan	19	22.0
Australia	20	21.8
Turkey	21	21.2
Canada	22	20.8
Switzerland	23	20.2
United States	24	19.9

Note: Of the 24 countries for which the OECD keeps statistics, the United States ranks lowest in terms of tax burden.

Source: Committee on Ways and Means Democratic Staff based on information from the Organization for Economic Cooperation and Development [OECD]. Prepared April 15, 1996.

Total U.S. Federal revenue as percents of GDP, 1950–95

Fiscal year	*Total receipts*
1950	14.8
1951	16.5
1952	19.4
1953	19.1
1954	18.9
1955	17.0
1956	17.9
1957	18.3
1958	17.8
1959	16.5
Average, 1950's	17.62
1960	18.3
1961	18.3
1962	18.0
1963	18.2
1964	18.0
1965	17.4
1966	17.8
1967	18.8
1968	18.1
1969	20.2
Average, 1960's	18.31
1970	19.6
1971	17.8
1972	18.1
1975	18.5
1976	17.7
1977	18.5
1978	18.5
1979	19.1
Average, 1970's	18.47
1980	19.6
1981	20.2
1982	19.8
1983	18.1
1984	18.0
1985	18.5
1986	18.2
1987	19.2
1988	18.9
1989	19.2
Average, 1980's	18.97
1990	18.8
1991	18.6
1992	18.4
1993	18.4
1994	19.0
1995	19.3
Average, 1990–95	18.75

Note: Federal Revenue has hovered at 18–19 percent of GDP for all of our Post-WWII history.

Source: Committee on Ways and Means Democratic Staff based on information from the Organization for Economic Cooperation and Development (OECD). Prepared April 15, 1996.

DISTRIBUTION OF THE CURRENT FEDERAL TAX BURDEN

[Projected 1996 income levels]

Income range	Number of families (in millions)	Average income (in dollars)	Effective tax rate (in percent)
Less than $10,000	14.6	$6,009	6.7

DISTRIBUTION OF THE CURRENT FEDERAL TAX BURDEN—Continued

[Projected 1996 income levels]

Income range	Number of families (in millions)	Average income (in dollars)	Effective tax rate (in percent)
$10,000–$20,000	18.5	14,794	10.4
$20,000–$30,000	16.6	24,941	16.5
$30,000–$40,000	13.5	34,841	19.4
$40,000–$50,000	10.8	44,808	21.7
$50,000–$75,000	17.7	61,278	23.6
$75,000–$100,000	8.6	85,637	25.4
$100,000–$200,000	7.0	129,788	26.7
$200,000 or more	1.9	486,031	31.9
All	110.8	48,165	23.8

Source: Committee on Ways and Means Democratic Staff based on June 1995 information from the Congressional Budget Office.

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

Mr. BARTON of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. ARCHER], the distinguished chairman of the Committee on Ways and Means.

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

Mr. Speaker, let me quickly say that the percentage of GDP is not the only way to determine the tax burden on Americans. GDP and its percentage relative to taxes means very little to the worker. What is important to the worker is how much comes out of his or her paycheck, not what percentage of GDP.

We can talk in those glossary terms inside the beltway, but the American people who are out there producing understand that what they have left in their paycheck is not as much as it should be. That is why I rise in strong support of this constitutional amendment that will serve as a barrier to those who seek to raise taxes and increase the Federal Government's role in our lives, because that is what this debate is all about. That is what the balanced budget debate is all about: How big will the Federal Government be, and how much will it take out of our hard-earned pay?

Taxes in this country are too high, irrespective of what they are in other places around the world. That is because too often Congress has found it easier to raise taxes than to say no to new spending. A constitutional limitation on tax increases will rectify that unfortunate bias. It is time to tilt tax and spending decisions in favor of working Americans who pay the taxes. This proposed constitutional amendment does exactly that.

I have made no secret of my desire to tear our current income tax out by its roots and replace it with a consumption tax on the purchase of goods and services; so simple, because it will remove the IRS completely and totally from every American's individual lives. Accordingly, the amendment's sponsor and I have worked hard to come up with language that would require a supermajority vote for tax increases without making it harder to replace the current income tax system. This revised language accomplishes these twin objectives.

Mr. Speaker, I would like to have a brief colloquy with the sponsor, the gentleman from Texas [Mr. BARTON], about how the amendment will work in practice.

Mr. Speaker, as I read the proposed constitutional amendment, the two-thirds requirement would not apply to tax legislation that is a net tax cut or that is revenue-neutral overall.

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

Mr. ARCHER. I yield to the gentleman from Texas.

Mr. BARTON of Texas. Mr. Speaker, I would tell the gentleman, that is correct.

Mr. ARCHER. Accordingly, the supermajority requirement would not have applied to the Balanced Budget Act of 1995 or the Contract With America Tax Relief Act of 1995, since those bills provided a net tax cut, is that correct?

Mr. BARTON of Texas. That is correct, Mr. Speaker.

Mr. ARCHER. It would also not apply to legislation that replaces one tax system with another, as long as that replacement is revenue-neutral; for example, if we were successful in tearing the income tax out by its roots and replacing it with a broad-based consumption tax, that legislation would be subject to a simple majority vote, is that correct?

Mr. BARTON of Texas. If the replacement tax raised the same amount or less revenue than the current tax, then the answer is yes.

Mr. ARCHER. Also, the supermajority requirement does not apply to tax legislation that raises a de minimis amount of revenue. Am I correct in assuming that a bill that increases Federal tax revenue by less than one-tenth of 1 percent would be considered de minimis?

Mr. BARTON of Texas. That is correct.

Mr. ARCHER. Therefore, H.R. 831, which increased and extended the health insurance deduction for the self-employed, H.R. 2778, which provided tax relief to our troops in Bosnia, and H.R. 3103, the Health Coverage Availability and Affordability Act of 1996, would not have required a two-thirds vote. Is that correct?

Mr. BARTON of Texas. Mr. Speaker, the gentleman is correct. Those bills would have met the de minimis exception.

Mr. ARCHER. I thank the gentleman for the clarification. I would also like to point out that the amendment allows Congress to establish procedures that would provide certainty at the time of passage as to whether the two-thirds requirement applies.

I want to address one spurious criticism. Some opponents of House Joint Resolution 159 have argued that it poses problems similar to those alleged with the current House rule that requires a supermajority vote for Federal income tax rate increases.

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Anyone who makes that argument clearly has not read the amendment.

The amendment and the House rule are fundamentally different. Indeed the wording of the constitutional amendment reflects the lessons that we have learned from our experiences in dealing with the House rule. The House has not passed any bill containing a Federal income tax rate increase.

Mr. GIBBONS. Mr. Speaker, I yield 4 minutes to the gentleman from New York [Mr. RANGEL].

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

Mr. RANGEL. Mr. Speaker, everyone knows that this is April 15, the time that we are supposed to pay taxes. But some of my colleagues think it is April 1, that is, April Fool's Day, because the whole idea of passing a constitutional amendment has been aborted.

Normally a bill would go to the committees that have jurisdiction so that we could really find out the impact of this bill on the American people and especially the American taxpayer. But my dear friend from Texas, Mr. BARTON, did not ask for the House Judiciary Committee that is headed by Chairman HYDE who everyone knows is an expert on the Constitution, he just went to his friend James Perry of the Americans for Tax Reform. I see that 17 pages was sent in support of the Barton amendment. There is nothing here from the Committee on the Judiciary because they never had hearings.

My distinguished chairman, at least chairman for the rest of this year, BILL ARCHER, was here, and this really talks about how this thing is supposed to work, and there is an asterisk next to Mr. Perry's name, but no place here does it say who he is. But it is not important. I would rather have seen something from the Committee on Ways and Means that would just answer certain questions.

Under this amendment if we wanted to protect the Social Security system or to protect the Medicare system and if we had to increase the premium, we would need a two-thirds vote in order to do that. On the other hand if we wanted to raise taxes for education or health care or Social Security or anything, we would need a two-thirds vote for that. But suppose we wanted to close the loopholes, because I refer to this as a lobbyist amendment, not a constitutional amendment. Suppose those people were supporting corporate welfare or wanted to strike it out, close the loopholes. That would mean an increase in taxes. And we would need a two-thirds vote or lock in the lobbyists who are protecting the corporations.

On the other hand, it seems to me that when the majority party decided it was going to increase the taxes of the earned-income tax, the benefits that we give to the lowest, the poorest working people we have in the United States, they just waived a provision that they have in the rules.

Someplace they would say this to the taxpayers as they said, and let me read this section here from this paper that the gentleman from Florida [Mr. GIBBONS] has given to me. This is not a committee report, this is not a Ways and Means report. This is not a Judiciary report. This is a report from Americans for Tax Reform and this is how they open this debate.

That millions of Americans while they are standing out there in front of the post offices paying their taxes, for the first time would see these Republicans on the floor on TV, drive-time radio talk shows will offer live coverage as the votes and hearings proceed. What hearings? As the vote proceeds, and for the first time this resolution will give guaranteed live media coverage.

And so, my friends, enjoy your gimmick, enjoy your public relations, but let us not treat the Constitution that way, and you should have more respect for the American taxpayers than to do this gimmick on this particular day.

Mr. CANADY of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. HOKE], a member of the Committee on the Judiciary.

Mr. HOKE. I thank the chairman for yielding the time.

Mr. Speaker, in 1950, the average income family in America had 2 percent of its income paid to the Government in taxes. In 1996, that number has gone up to about 25 percent. We have had, you could say, a 12 times, a 1,200 percent increase in the percentage of taxes that the average American family is paying to the Government. We have seen that increase in taxation that falls directly on the backs of working men and women fuel the explosion in growth in government in the past 45 years. That is what has fueled it.

What I would ask the gentlemen and gentlewomen on the other side of the aisle is do you think that would have been possible if this tax limitation amendment had been in place? I would suggest to you that it would not have been possible and that today what we are fighting and what is a fundamental problem that faces our society and our economy is that families cannot make it on one income, and the reason that they cannot make it on one income is not because it is not enough money to actually raise children with one person staying at home, and it makes no difference to me whether it is the mother or the dad staying at home, but they cannot make it because too much money is being kept out of the paychecks and given to the Government. That is the fundamental problem. When you go from 2 percent in 1950 to 25 percent in 1996, and we are not talking about the rich people, upper-class people, we are talking about the average income family in America. That is the fundamental problem. That is the fundamental problem that tears at the social fabric. That is the fundamental reason that we have been able to fuel this tremendous growth in government, this explosion in the size of government.

The other thing that I wanted to address, and I would draw to your attention, particularly the gentleman from Florida, the senior Member who is retiring this year, this is an article that just appeared in this week's, or I guess last week's Time magazine. It says ''Europe's Job Crunch.''

You draw attention to the fact that other economies, other countries have got higher tax rates. I want to just read a little bit about what they say because what we do know is that in other countries, there is tremendous stagnation. They say:

> Call it Eurosclerosis, the combination of a staggering tax burden and a blanket of regulations that smother new businesses and entrepreneurship. The symptoms. Europe's unemployment rate of 11 percent is twice as high as the United States and its job creation chart is a flat line. Over the past 3 years the U.S. has created 8.4 million new jobs. Europe none. Significantly many of those new American jobs pay higher than average wages and as many as 60 percent are managerial or professional.

Spain has got a 20-percent unemployment rate; Italy 12; we have got 11 percent in Germany; and France has got 12 percent. This is exactly what you get when you have higher and higher and higher taxes. It is not what created the American success story. It is not what holds the potential of the American dream. We ought to pass this. It will really slow down the growth of government.

Mr. GIBBONS. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Speaker, there are at least five very good reasons to vote ''no'' on this ill-advised constitutional amendment.

The first is that it is a classic example of pure political posturing. At the very beginning of this session of Congress we passed legislation, a rule that said that we would require three-fifths votes to raise taxes, and every single time that rule was to apply, the majority had the rule waived. So we cannot even abide by the rule that exists now, and we want to make it into a constitutional amendment so that we cannot even waive the rule.

Imagine what would have happened with all of the tax legislation that passed for the last 20 years if we had had this rule. There was only one minor piece of legislation that would have passed.

Second, it is fiscally irresponsible. It makes it almost impossible to raise revenue to reduce the deficit, whether it is to cut capital gains taxes, which would increase revenue in the initial years, or particularly to close corporate and individual tax loopholes. We cannot do that under this legislation.

Third, it really shows contempt for the wisdom of the Founding Fathers. They debated this many times and they decided that the Articles of Confederation, article 9, which required a supermajority to increase revenue, was not working, that the minority was thwarting the will of the majority. And

so in 1787 at the Constitutional Convention they decided, they voted that they had to have a pure political majority for this democracy to work.

The Constitution is not some rough working draft. It is a body of law that has served this Nation better than any Constitution has served any nation in the history of mankind. For 200 years it has made us the most democratic, the strongest nation on Earth, and now we want to mess around with it, with this kind of constitutional graffiti.

Fourth, it shows a contempt for the legislative process. This language was not even considered by the subcommittee or the full Committee on the Judiciary. We bring it out here and we look at it here on the floor. By the seat of the pants we are coming up with definitions that we want to put into the Constitution.

For example, what does ''de minimis'' mean? We say, well, how about 0.1 percent of the Federal budget? What kind of constitutional definition is that? We do not even know how many years we should measure whether the revenue is de minimis or not, or whether user fees would apply.

There are all kinds of issues that have not even been adequately considered. The fact is that this is just pure political grandstanding. We are making politically expedient points at the cost of the integrity of this body. This is a bad amendment. we all ought to vote ''no'' on it.

Mr. BARTON of Texas. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey [Mr. SAXTON], the distinguished chairman of the Joint Economic Committee.

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

Mr. SAXTON. Mr. Speaker, I am very pleased to rise today in support of the tax limitation amendment requiring a supermajority to raise taxes, and I commend the gentleman from Texas [Mr. BARTON] for his hard work and determination in bringing this amendment to the floor tonight.

I am also proud to say that in 1991, along with my colleague from Texas, I was one of the first Members to bring this supermajority voting requirement to the American people's attention. Tonight we bring it to the attention of the American people once again, this time in anticipation of passing the measure.

For many years we have known that a fundamental change in the way Congress does business is needed, and this is an example of the kind of change that we sincerely believe is needed. Currently it is much easier to raise taxes on the hard-working American people than it is to cut spending, and so we have seen year in and year out as the budget went up, and 1990 is a good example, we increased taxes. In 1993 once again the majority increased taxes, and still we have a deficit.

Let me just say what I think the real issue is here. It is demonstrated by this chart on my left. Today there are 10 States that have supermajority requirements for raising taxes. They happen to be Arizona, Arkansas, California, Colorado, Delaware, Florida, Louisiana, Mississippi, Oklahoma, and South Dakota. Four of those States have a two-thirds supermajority requirement, 3 have a three-fifths, and 3 have a three-fourths requirement.

This chart demonstrates quite clearly that in the States on average that have a supermajority requirement, that growth is much lower in government than in States that have no supermajority requirement, that is, growth in spending.

So, of course, that makes us believe that the same pattern would hold true within the Federal Government. If we went on the street today and asked almost any American, the great majority would say that government is too big, it is too burdensome, it is growing too fast, it is too overwhelming on the American people, and taxes are too high.

So this provision creates a situation in which both parties will realize a major objective that we promise the American people every year, lower taxes.

How does this work? It is very simple. We are trying to restore some balance to the way we operate here in the Congress, the pressures for spending. Just take, for example, a State that wants to build a highway or a series of highways.

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There is a very focused effort by a number of special interest groups to get those highways built. There are people who want to get quicker from point A to point B, and that is very important for them for their morning and afternoon commute to and from work. They are focused on those projects. There are labor unions who want jobs; they are focused on those jobs. There are contractors and business people who will make a profit, and they are focused on those projects.

So an intense lobbying effort takes place because of that focus. Now, nobody wants higher taxes. But how deeply do the American people have an opportunity to lobby for lower taxes? Only on the surface, only at election time. They do not have lobbyists in this town, like the special interest groups. And so it seems to me that by requiring a larger vote known as a supermajority, we put some balance back in the system to achieve what these 10 smart-minded States have been able to accomplish. That is slower growth in their governments, and slower growth is what both parties have promised the American people in this House.

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

Mr. Speaker, leave that chart there just a minute. Do not move that chart. That chart is as phony as a $3 bill.

He has got California and Florida in that supermajority States. Florida requires a supermajority for increase in corporate income tax. But you can increase the Florida sales tax, which collects 90 percent of the revenue. California you listed as a supermajority State, and California only applies to property taxes. But you can increase the income tax and the sales tax and everything else. I do not know how many other phony things you have got in that, but that chart is no good.

Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. STARK].

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

Mr. Speaker, this amendment proposal is really nothing more than political sham, phony or not, and we all know it.

These proceedings, which will amount to 5 or 6 hours, are a pathetic political circumstance, staged by the radical Republican leadership of the House, to hopefully be broadcast at prime time on today's tax day.

At this moment in our history, a brief moment, the House happens to be under the control of a misguided vanguard who are ideologically opposed to any tax increases whatsoever. That does not mean we should pervert our Constitution, which has served us so well and supports the longest lasting system of democratic government in modern history.

That is right. This is just another cheap publicity stunt. Remember the Contract With America? That bunch of stupid ideas that sounded so good? Now the Republicans are using that constitutional amendment as a prop and a shallow scheme to convince the public that new majority is working in the best interests of average Americans.

The same radical zealots who said they would save Medicare when they actually wanted to destroy it and handed out tax breaks to the rich are trying to trick us again. Just as Americans file their tax forms, we have the promise of a constitutional amendment to require a two-thirds vote. But the absurdity of this proposal goes much deeper. Any major government initiative requires funding.

Think of it, if this law had been in effect, you would not now have Social Security or you would not now have Medicare. And somebody earlier mentioned family values. Well, that would be fine, except there would be no highway system for the families to go anywhere and you would not be able to vaccinate your children, because we pay for those childhood vaccines with a tax.

All of that would not be here today if this amendment were to pass, and that is not how it is supposed to be done. Amending the Constitution is a serious matter, and this resolution has been rushed through without any discussion or deliberation at the committee level, without any public debate, simply so it could be here tonight on tax day. This is no way to run a country, and my colleagues on the other side of the aisle

who support this proposal should be ashamed.

Mr. CANADY of Florida. Mr. Speaker, I yield 5 minutes to the gentleman from Tennessee [Mr. WAMP].

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

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

Mr. Speaker, I must say, as a freshman Member of this body, it disappoints me to see the kind of name-calling, shallow partisan rhetoric that seems to always seep its way into this debate, particularly by senior Members that have brought distinction to this institution for a long period of time. And now it seems like the same angry, hostile words are used over and over again as if the American people do not know better.

I am not much for partisan rhetoric and shallow words, and I do not come down here on a regular basis to say that Republicans are always right, Democrats are always wrong. I come down here tonight because I do think this is a fundamental issue in 1996. It is the litmus test of this whole process today, and that is the size and scope of the government and the difference in the two parties and their positions and their record on this issue. The barometer of the issue of the size and scope of the Federal Government is taxes. The government is going to grow as the Congress taxes the American people. The government is going to shrink which the American people would like as we reduce taxes on the American people.

Our party, the party of Lincoln, clearly today stands for less government and lower taxes. The Democratic Party, as you have seen tonight, is still Congress coming down here in defense of big government, in defense of higher taxes, even stating that maybe we should or inferring that we should have higher taxes like other countries in other parts of the world where I personally do not want to live. I want to live here, and we want our country to have lower taxes.

Let us look for a moment where we have been: $2,286 per person was paid in 1980, just a few short years ago. I remember that year very well—1980, per person to the Federal Government, $2,286. Last year, that figure was $4,996, almost $5,000. We have gone from $2,286 per person to almost $5,000, well over doubled in those few short years the amount the average American is paying to the Federal Government.

I tell you, the reference was made to our Framers of our Constitution and our Founding Fathers. Obviously they cannot report to us tonight, but here is what I think they are doing tonight, they are rolling over in their graves, screaming we told you so, we warned you time and time again about the government. You know, think about this, a balanced society would have government, business, religion, and family, all four at the same level in a healthy balance.

Do we not realize that the government is way above the line? The family is now way below the line, our religious institutions are way below the line, business is now way below the line, because the government has sucked off the responsibilities of those other four institutions. In order to bring it down, we have got to reduce the tax burden and balance out our society.

We had the gentleman from Ohio [Mr. HOKE] report that in 1950 we paid 2 percent of our dollars in revenues to the Federal Government; now that figure is 25 percent. I have a 9-year-old son and a 7-year-old daughter. My question is, at this pace, what are they going to be paying or will they have anything at all left from the dollars that they make? Because I suspect that they will not unless we draw a line in the sand tonight.

Ladies and gentlemen, people of America, this is about drawing a line in the sand and saying we are not, as a responsible Congress, going to raise your taxes anymore. We are going to have to learn to do with less. We need to limit Congress' ability to raise taxes. It happened in 1993. I think that one vote was the defining vote of the election of 1994 if there was one vote you could turn to. This is something we need to do.

I come from east Tennessee. I consider east Tennessee the center of the universe. The hills and valleys of east Tennessee, the people are honest and straightforward. They believe very passionately that the government is too big, that taxes are too high. They want me to do something about it. And I am.

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Speaker, I rise in strong opposition to this constitutional amendment. The amendment is not what it appears. This amendment is more than mischievous it will bring the definition of the word ''gridlock'' to new highs.

This constitutional amendment could add to the deficit. Normally when revenue raisers and spending provisions are matched to assure that legislation is paid for they do not match exactly but rather yield slight differences that are used to reduce the deficit. This amendment would seem to preclude that, meaning that the authors of bills will adjust their spending upward so as to avoid a super majority requirement. This simply makes no sense.

This constitutional amendment is being considered without hearings and without ever being considered by the Judiciary Committee. Constitutional amendments are serious matters and they deserve the most careful consideration. The handling of this amendment on this particular day is more suitable to a publicity stunt than to a change to the Constitution.

This amendment would require a super majority to close down egregious tax shelter or corporate welfare if the proceeds went to deficit but not if the proceeds went to fund tax cuts or other corporate welfare. Again, this simply does not make sense: We should not have a constitutional bias against deficit reduction.

Ordinary reauthorizations of popular programs would require super majorities under the amendment.

The only tax bill enacted last year would have violated the proposed amendment. The Congress last year enacted legislation to extend the health insurance deduction for the self insured and paid for it by closing down a tax loophole after press reports about its abuse by one corporation. Under the terms of the amendment, however, a super majority would have been required—since shutting down a loophole would meet the definition of a tax increase.

Finally, the majority has already waived a similar House rule three times. They waived it for consideration of their big tax cut bill because it would have increased taxes on working American families by $36.45 billion to help pay for tax cuts for better off families. They waived it for consideration of the Medicare bill because the premium increase could be construed as an income tax rate increase. And they waived it on the recently passed health insurance reform bill.

If the majority can not live under its own rule, they clearly can not be serious about a constitutional amendment. I believe our Constitution and the American taxpayer deserves better treatment.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas [Mr. STOCKMAN].

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

Mr. STOCKMAN. Mr. Speaker, I am really shocked. In fact, as you are in Texas right now, 7:15, filling out your taxes, you heard on the House floor tonight that it is radical to allow you to keep your money. Listen to what I am saying. They say it is radical for you to keep your money.

Now, I do not know about you, but I find that a radical thought and a little bit shocking that you are so stupid that we need to take your money and bring it up here in Washington and make your State of Texas weaker and make us stronger.

I believe in you. They obviously, on the other side, do not. They want to take more of your money. The gentleman from Ohio, very articulate gentleman, said that the unemployment rate in Europe is 12 percent, and so since they are doing what they are doing and the gentleman suggests we should follow them, then the logic says maybe we should make our unemployment rate 12 percent. Let me finish.

POINT OF ORDER

Mr. RANGEL. Mr. Speaker, I have a point of order.

Mr. STOCKMAN. Mr. Speaker, I think it is radical for them to deny you your money as you are going to file your income tax.

The SPEAKER pro tempore (Mr. RIGGS). The gentleman from Texas will suspend so the gentleman from New York can be heard on his point of order.

Mr. RANGEL. Mr. Speaker, the gentleman in the well has made it abundantly clear that he is addressing his constituents in Texas somewhere and his eyes are directed at the camera so that it is difficult for me really to know whether he is talking to me or making a political address to his constituents. I thought that violated the rules of the House.

Mr. STOCKMAN. Mr. Speaker, I will address that through the Chair.

The SPEAKER pro tempore. The point or order offered by the gentleman from New York is well taken. The Chair will remind all Members to address their remarks only to the Chair.

Mr. STOCKMAN. Mr. Speaker, I have to tell you your money tonight is going to be spent by Washington, and, Mr. Speaker, I have to tell you that I am going to stand here in the well and say we are going to defend every American's right to keep their money regardless of the demagoguery and to me a very offensive rhetoric on the other side. We believe in the American people, and we think the money does not belong here in Washington but indeed it belongs in your pockets across America, and remember, 12 o'clock, when you are filing that check, they want more of it.

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POINT OF ORDER

Mr. RANGEL. Mr. Speaker, I rise to a point of order.

The SPEAKER pro tempore (Mr. RIGGS). The gentleman will state his point of order.

Mr. RANGEL. Mr. Speaker, cleverly the gentleman has wound up his speech once again addressing his taxpayers back home.

Mr. Speaker, I withdraw my point of order.

Mr. GIBBONS. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana [Mr. JACOBS].

Mr. JACOBS. Mr. Speaker, I ask my friends and colleagues to recognize something that has occurred tonight in this debate, and that is a betrayal of an inclination to suggest that there is no connection between taxes and spending. It is said that if taxes are curtailed, spending will be curtailed. In my nearly 30 years in Congress, I have not found that to be the case.

In 1976 I began the movement for a balanced budget amendment to the Constitution. By the way, mine was called the Payment Book Amendment. After the balance was achieved, then 5 percent of the national debt, which then was $750 billion, had to be retired each year by a surplus equal to the 5 percent.

I do not mean to pick out any particular President, but as a good example, almost never has the Congress appropriated as much money as a President requests. President Reagan's budgets increased spending in his first 4 years in office by $1 trillion and cut taxes in 1981 by $750 billion, restoring some of that the following year by a reguessive tax increase.

One night when ''I pondered weak and weary'' and could not sleep, I turned on a TV interview program, on which a prominent Member of the Congress was advocating a $40 billion increase in spending on a new space program. The interviewer was thoughtful enough to ask, ''Would you offer an increase in taxes by $40 billion to pay for the increased spending?''

The Member of Congress replied, ''Mr. Rose, this country spends $40 billion a year on dog food.''

Mr. Rose did not ask the logical follow-up question, which, of course, was, ''which dog are you going to ask to give up his food?'' The mere fact that people spend a certain amount on dog food does not mean you can increase spending in the Government without increasing taxes to pay for it.

If you really want to curtail spending constitutionally, forbid the Government from borrowing. The easiest thing in the world is to whip out the U.S. Government credit card, and that is exactly what has been done in a bipartisan manner as long as I have served in the Congress.

As for complaints about making car payments or paying the electric bill or any of the other things that are necessities in life, and I do not say that all the increased spending in the eighties was a necessity—I cast my district's vote against much of it—but I do say the necessity is to get cracking and pay for it and stop paying interest on it.

People have not only recently complained about paying taxes. I do not like to pay taxes. I do not like to pay any of my bills, and I do not like it if someone else runs up bills that I have to pay. Will Rogers said, ''It is a great country, but you can't live it in for nothing.''

Some of the greater patrioteers I would say in this country swear their allegiance and undying love, ''patrioticer'' than thou. They do not serve in the military, they do not go out and sweep the streets. There is one way they can show their love for the country, and the only way is not to complain about the taxes. But do they ever.

And it is human nature to avoid distastful duty. It is poor state craft indeed to have an arrangement where it is easier to run up the bills than to pay them. A constitution is supposed to restsorum the more foolish aspects of human nature, not view force and encourage them.

Finally, if I have time, I want to disabuse people of a couple of myths. One myth is that the 1993 tax act was the largest increase in history. That is not true. Neither was the 1982 act—the Reagan tax increase—the largest in history.

In World War II, there were all sorts of increases that dwarfed both of them. Between the two, however, the Reagan tax increase in 1982 was $340 billion in 1993 dollars, the only fair comparison, adjusted for inflation, and the Clinton tax increase was $249 billion. And the myth has gone on for decades that John F. Kennedy was elected President because they stole it in Chicago and Illinois went for Kennedy. The fact is that at 3:33 on the morning following the election, Michigan went over to Kennedy and elected him. Illinois was surplusage. These are two myuths which have been asserted so certainly and so often, that most people have come to believe them. ''Truth crushed to earth * * *''

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa [Mr. GANSKE].

Mr. GANSKE. Mr. Speaker, I rise today in strong support of this joint resolution. Today the people in my home State of Iowa are filing their tax returns. The average Iowan is sending more of their hard-earned money to Washington than they spent on food, shelter, and clothing combined.

For the last 40 years, liberals in Congress have been incapable of restraining the urge to spend and spend and spend. I am glad that my colleague just recently mentioned a credit card, because it is as easy for a Member of this Congress to pull out their congressional credit card, their congressional voting card, slip it into the slot and push a yes button, and you have just spend billions of dollars.

Iowans are frustrated, because instead of working for their families, they have been working to support the spending habits of past liberal Congresses. A minister's wife told me just the other day, ''I went back to work part-time. The extra income that we made for our family bumped us up into the next tax bracket. I basically went back to work to pay our family's taxes.''

One of the things we can do to put a halt to this madness, this raising of taxes time and time again, is to pass this resolution.

The problem is not that Americans do not pay enough taxes; the problem is that Congress spends too much. By making it harder to raise taxes, we can accomplish two goals: First, more money stays where it should, in the families; second, it mades reducing spending even more necessary.

If liberals in Congress have a tougher time raising taxes, maybe they will be forced to quit spending more money that we have. They have spent too much for too long, and the American people are tired of paying for it. I urge my colleagues to vote ''yes'' on this joint resolution.

Mr. GIBBONS. Mr. Speaker, I yield 4 minutes to the gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. Mr. Speaker, this amendment is the essence of nonsense. Just look at it—read it.

But we are not here because this is a well-written, well-reasoned amendment. this amendment isn't even a good idea. We are here because it is April 15, tax day—it is time to score political points—the Constitution be dammed.

Two fundamental truths underlie our Government—majority rule, and the Constitution. This amendment is contrary to both. It is ill-conceived, ill-constructed, and ill-advised.

Our Constitution is a sacred document. It is the foundation of the greatest democracy on Earth. Since the adoption of the Bill of Rights over 200 years ago, the people have seen fit to amend it only 17 times. That is because the Constitution is not merely law—it is the foundation of our Nation. It is liberty. It is the separation of powers—checks and balances. It is the essence of democracy.

I revere the Constitution. We must not amend it lightly. Welfare reform—Government spending—tax policy—these are the province of laws. We must not clutter our Constitution with such matters. We must not cheapen the foundation of this great Nation.

It appears that many of my colleagues disagree.

In the past 16 months, the Republican leadership has brought four constitutional amendments to the floor of the House. This is nothing less than an assault on our Constitution—on our democracy. Republicans would restrict the right of voters to choose their Member of Congress. They would limit free speech. They would deny majority rule—deny democracy.

If this amendment had been part of our original Constitution, there would be no Social Security. There would be no Medicare. You see, Republicans voted against Social Security and Medicare. They did not want these programs. They do not want these programs today. Republicans want Medicare to wither on the vine. You have even heard the Senate majority leader brag about his ''no'' vote.

Democrats—the majority of Congress—the majority of America—supported Social Security. They supported Medicare and they won. Republicans lost—they could not stop the will of the people. With this amendment, they could. No majority rule. No one man—one person—one vote. So much for fundamental truths. So much for our Constitution.

Mr. Speaker, I am saddened that I, as a Member of this House, have been reduced to voting on such a terrible and unwise amendment. I am embarrassed. There have been no hearings. This amendment was born in darkness and conceived in a den of inequity. It is a vague, overly broad, political stunt. It is silly.

Our Constitution is not silly. Democracy is not silly. This amendment is not worthy of the U.S. Constitution, of majority rule, or of this body. Do not demean, do not cheapen—the Constitution of the greatest nation on Earth.

This amendment does not belong here—it certainly does not belong in the Constitution. Get this amendment out of here. Get if off of the floor, out of this House. It is a waste of paper. It is trash. It belongs in the garbage—the waste heap of political stunts.

I urge my colleagues to oppose this amendment.

Mr. BARTON of Texas. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I must address the remarks of the distinguished gentleman from Georgia [Mr. LEWIS].

Mr. Speaker, the den of iniquity that the gentleman referred to where this specific language was actually drafted was a Committee on Ways and Means hearing room right across the hall. There have certainly been some shady deals discussed in that room over the past, but this is not one of them.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. FOX].

(Mr. FOX of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. FOX of Pennsylvania. Mr. Speaker, I thank the gentleman for his leadership on this issue and for bringing it forward.

Mr. Speaker, the tax limitation balanced budget amendment will ensure that, like American families, the Government spends only within its means. The tax limitation balanced budget amendment will prevent the Congress from balancing governmental books on the backs of working Americans. The tax limitation balanced budget amendment is necessary because Congress has repeatedly failed to control its spending.

When Gramm-Rudman would have forced budget cuts in 1987, Congress revised the act to put off a balanced budget. Congress' inability to cut the deficit and pay down the debt demonstrates the need for this legislation. A balanced budget amendment is the best approach to eliminate the deficit while protecting the fruits of the American worker's labor.

Had this measure been in effect, Mr. Speaker, during 1993, the largest tax increase in history would have needed 290 votes, rather than 218. Instead of passing by only one vote with the support of only one party, a clear bipartisan consensus would have been required.

If you believe that Americans are undertaxed and passing tax increases ought to be as easy as possible and the quick-fix solution to our fiscal problems, do not vote for this measure. On the other hand, if you do not want to hold your constituents' hard-earned tax dollars hostage, you will vote for this reform.

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Mr. GIBBONS. Mr. Speaker, I yield myself 30 seconds to ask the gentleman from Texas [Mr. BARTON], I heard him take that cheap shot at the Committee on Ways and Means. The gentleman is not inferring that we had anything on the Committee on Ways and Means to do with this joke of yours, is he?

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

Mr. GIBBONS. I yield to the gentleman from Texas.

Mr. BARTON of Texas. Mr. Speaker, I am not referring to anything.

Mr. GIBBONS. The gentleman is not saying the Committee on Ways and Means took any action on this.

Mr. BARTON of Texas. Mr. Speaker, the gentleman from Georgia [Mr. LEWIS] used the term of ''den of iniquity'' and the room is the Committee on Ways and Means where we drafted this language. That was the only point I was trying to make. I did not refer to that as the den of iniquity.

Mr. GIBBONS. Well, it was a cheap shot.

Mr. Speaker, I yield 3 minutes to the gentleman from Virginia [Mr. PAYNE].

Mr. PAYNE of Virginia. Mr. Speaker, I rise in opposition to this ill-conceived amendment. And while I can certainly agree with those Members who are attempting to find ways to cut spending and to reduce the size and the scope of the Federal Government, I strongly oppose their use of this mechanism to accomplish that goal.

Mr. Speaker, while my colleagues on the other side of the aisle would like to convince us that the debate on this amendment is about whether or not we believe it should be easier or harder to raise taxes, in reality, the real issue at stake here is very different. This amendment does not make it harder to raise taxes so long as the tax money raised is immediately spent on something through the Tax Code. That is the part of this bill that its sponsors are not making clear.

Under the language of the resolution, Congress can raise taxes on anyone by a majority vote: The rich, the poor, the middle class, corporations, large ones, small ones, foreign or domestic, anyone, so long as we immediately spend the money we raise on someone else through the Tax Code. The only ones we cannot spend this money on are our children and grandchildren, because tax bills which raise money for deficit reduction are the only bills that will be subject to this supermajority vote. This means that we cannot close corporate loopholes, even those considered inadvertent or egregious, and dedicate the money to deficit reduction unless we can get a supermajority of the Congress to agree. However, it will only take a simple majority of the Members to close those same loopholes and spend the money, creating new loopholes for a different group which just might happen to be more popular in some future political climate.

Since my election to Congress, I have spent many hours working on various proposals to balance the Federal budget. I have done this because I believe that budget deficits hurt our economy and represent a legacy of fiscal irresponsibility that we then pass on to future generations. But despite my efforts and the efforts of many other

Members on both sides of the aisle, those who have worked to produce a balanced budget that is fair and responsible and acceptable to the majority of Congress and the American people, this goal has not been achieved, and I cannot in good conscience support an amendment to the Constitution which will make the task of balancing our budget even more difficult in the future.

I urge my colleagues to vote against this amendment.

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise in opposition to this constitution amendment.

The greatest sin against our children is the sin of the deficit, spending more than we are willing to raise in tax revenue. It will impose a paralyzing burden on our children, crippling government in their adulthood, robbing it of the resources necessary to provide even essential services. The deficit is the greatest threat we face. It destroys the lifeblood of economic growth, robbing our neighbors of their jobs and our kids of a strong, vital economy.

We must cut the rate of growth in spending. We must reform entitlements to address real, not imagined, need. But if we fail, we must pay for the services we are enjoying. High taxes have finally elected a Republican majority that is finally discipling spending, providing important public services in a more efficient, cost-effective way. That is the real answer. That is the right answer in a democracy, disciplined spending, balancing the budget.

I am proud as a Republican that we have had the courage to offer and to pass a balanced budget to cut spending, to wipe out the annual deficit over 7 years, but I leave each generation free to establish that balance between taxing and spending that they believe is in their interest. Democracy is about taking responsibility. Responsibility to identify and serve society's needs, to appropriate and to tax, that is democracy, and I am for it. I oppose this amendment.

Mr. GIBBONS. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts [Mr. NEAL].

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

Tonight, we are debating an amendment to the Constitution. Any time we amend the Constitution it should be done in a serious manner. Amending the Constitution should not be taken lightly.

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

The issue of requiring a two-thirds majority is not a new issue. This issue plagued our Founding Fathers. This proposed amendment would gravely weaken the principle of majority rule that has been at the heart of our system for more than 200 years. The Constitutional Convention rejected requiring a super-majority approval for basic functions such as raising taxes. James Madison associated majority rule with ''free government.'' He believed a person whose vote is diluted by super-majority rules is not an equal citizen and his freedom is not fully enjoyed. The arguments of James Madison still hold true today. With the adoption of this amendment, power would be transferred to the minority. A minority would be able to prevent passage of important legislation. Our Founding Fathers recognized the difficulty of operating under a two-thirds majority. The Articles of Confederation required the vote of nine of the thirteen States to raise revenue. We should learn from the wisdom of our Founding Fathers.

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

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

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

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

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

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

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

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

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

I urge you not to support this proposed amendment. We do not know enough about its effects. Tomorrow, we have on the schedule the Taxpayer Bill of Rights and this an example of legislation that will really help the individual taxpayer. Just because it is Tax Day, we would not support a constitutional amendment that sounds good at first. In reality, this amendment will create numerous problems and will change the concept of majority rule. With this amendment, we are turning back the clock of history and not moving forward.

I offer a suggestion tonight, Mr. Speaker, that we reject this foolhardy proposal.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Mrs. SEASTRAND].

Mrs. SEASTRAND. Mr. Speaker, I rise in strong support of this constitutional amendment requiring a supermajority to increase our Federal taxes.

The average American family of four already spends 38.2 percent of their income to government in taxes. We need to pass this amendment so that we can have two-thirds of this body's vote to help cement a pattern we have advanced in this Congress, that pattern being that when we face a problem of deficit spending, we address it by reducing spending and not taxing our citizens of these United States, taxing them out of a job or making a decent living.

I have heard liberal opponents of this measure describe it as fiscally irresponsible, and I want to throw out a few statistics to counter those claims. For instance, the States that have a supermajority for tax increases have incurred 13 percent less debt than those

States with a simple majority. Second, a supermajority does not exclude government from raising taxes in the event of fiscal hardships. It just ensures that the legislators, those elected officials, will scrutinize their options and provide added projections to the average taxpayer.

I heard earlier this evening the gentleman from Florida, the ranking Member, making comments about California, and I want to say that I served in the State assembly in California, and I want everyone to know that you need a supermajority, two-thirds, to raise taxes. In fact, as a member, I opposed a measure about 5 years ago that increased taxes on the citizens of California. However, my point is that still we were able, that body was able to increase taxes even with a supermajority.

Last, Mr. Speaker, statistics show that the States that live under the supermajority tax increase requirement have smaller tax and spending increases, grow faster, create more jobs and accumulate less debt. I urge Members to back this supermajority for tax increases.

Mr. Speaker, I heard a lot of comments about cheap shots and publicity stunts, but I will tell you, my 26-year-old who is just entering the job market, my daughter who is 24, are anxious, like your children and grandchildren, are anxious for us to do this tonight.

Mr. GIBBONS. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland [Mr. HOYER].

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

Mr. HOYER. Mr. Speaker, I thank the gentleman from Florida for yielding me the time.

This is a sad day in the House of Representatives. Amending the Constitution of the United States is a very serious matter. I have voted to amend the Constitution of the United States on a number of occasions. I believe we ought to have a requirement that we will be constrained by our revenues in our expenditures. I believe that deficits eat at our economy and place at risk the next generation. But tonight, in my opinion, is the theater of the irresponsible. I do not see senior Members who have given thoughtful consideration to this speaking very much on this floor on behalf of this amendment. I do not see the distinguished chairman of the Committee on the Judiciary on the floor as a proponent of this amendment. I did see a distinguished senior member of the Committee on Ways and Means, the gentlewoman from Connecticut [Mrs. JOHNSON], say that she believed in democracy, she believed in our Constitution, and unlike many documents, it gave to the people the right to choose.

Perhaps the people sometimes make mistakes, as each of us do, but it gave them that right. It did so for the most part by majority vote. This House, under this leadership, does not trust the people, no matter what it may see, and let me give the examples. We adopted a rule. It said that we could not raise taxes except by a three-fifths vote. We have waived that rule, of course, on a number of occasions when it suited the fancy of the leadership of this House.

□ 2045

Seventy-three percent of the bills that have come to this floor have come without a hearing in the substantive committees, out of the Committee on Rules. That shuts the American public out of the decisionmaking process.

One hundred sixty-five legislative riders have been added to appropriations bills without a single hearing on any of those riders.

Term limits. Term limits is a classic ''we don't trust the people.'' We do not trust them to elect the right people. Every 2 years they have that opportunity to choose in a democracy, to send us back or to retire us. But there are some in this body who believe that, no, we do not trust the people to make that decision.

We started this Congress by disenfranchising in the Committee of the Whole the representatives of American citizens from Puerto Rico, from Guam, American Samoa, the District of Columbia. Perhaps we did not trust those people as well.

We passed an amendment through this House, which I opposed, sponsored by the gentleman from Maryland [Mr. EHRLICH] and the gentleman from Oklahoma [Mr. ISTOOK], which said, ''That if you get Federal money to propose a program, if you get money, you cannot spend your own money to advocate issues before the Congress or other political bodies.''

Why does this leadership not trust the people?

The line-item veto was essential, I have been told, over the years, and my friend from Texas, Mr. STENHOLMand I agreed that there was a necessity for a process. But it kept even the relationship between the Executive and the Legislature. The line-item veto was essential, but not until January, not in this budget process, my colleagues. The line-item veto would go into effect next year.

My colleagues, Warren Rudman was mentioned. Warren Rudman is a distinguished Republican, a Senator from New Hampshire, not known as a profligate fiscal State. Warren Rudman opposes this amendment. Why does he oppose this amendment? Because he believes, as the gentlewoman from Connecticut [Mrs. JOHNSON] believes, that it will undermine, not enhance, the ability of this Nation to democratically and fairly balance the budget, which is our objective and our responsibility.

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Delaware [Mr. CASTLE].

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

I rise in support of this constitution amendment which we are talking about, and it has been stated here several times that amending the Constitution is a serious matter. Well, raising people's taxes is also a serious matter, and taxes are high in the United States of America, particularly if we look at the range of about $30,000 to $60,000, and we consider Social Security taxes, Medicare taxes, personal income taxes and all the local taxes which, after all, are part of the taxation that people face. The important thing here is it is the taxpayers' money we are talking about, and for that reason I believe that we should have a higher standard before we appropriate the taxpayers' money by passing tax legislation in the Congress of the United States.

The history of this Congress is to spend too much, and then in later years to tax to try to make up for that. We had the same problems in my State of Delaware. Back in 1980 we had 19.8 percent personal income taxes. we had businesses leaving the State, we were not balancing our budget, and we came along and we said we have got to do something about it, and we passed a balanced budget amendment, and we passed a supermajority to increase our taxes, and we passed a line-item veto, and since that time we have balanced our budget 19 times, we have cut taxes 6 times, we lowered poverty more than any other State in the United States of America. We have one of the lowest unemployment rates in the entire United States of America. It has worked, and it has worked well.

A tax limitation amendment is not a magic solution to our fiscal problems, but like the balanced budget amendment and the line-item veto, it will make a real contribution to putting the Federal Government on a permanent path to fiscal responsibility. Without a constitutional mandate, we may have some short-term success in limiting the growth of government, but we will never change the fundamental problems that lead to continued growth in Federal programs and spending. The only way to change business as usual in Washington is to make it more difficult for this Government to raise taxes and continue deficit spending. We owe it to the people of this country to send this amendment to them for ratification.

The easy decision is to vote no. The tough decision and the right one is to vote yes.

Mr. Speaker, I urge its passage.

Mr. GIBBONS. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. LEVIN].

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

Mr LEVIN. Mr. Speaker, it is said that the Republican majority has returned and showed they have not learned a thing during this break. The public has legitimate concerns about taxes, but I think the message from the public, these last months, has been do not play games with these concerns.

I wish the Republican majority has gone back, as I did, and read the transcript of proceedings in 1982 over that tax bill. Here is what was said by the Senate manager:

The bill would increase revenues of about $99 billion over 3 years. Confronted with the need to raise revenues, our committee sought to emphasize eliminating or cutting back on justified preferences in the Tax Code.

And then he went on to say:

Some of my colleagues, some of my Republican colleagues, some of the pure supply-siders, though there are not as many as there were, would say why are you raising revenues,

and this is what he continues to say on page 6907:

As I said earlier, I do not know what choice we had. The bill can help eliminate much taxpayer resentment over the perceived unfairness of our tax system by cutting back on tax shelters that benefit the wealthy, who can afford sophisticated tax planning.

Then a month later in the conference that same gentleman from the Senate said this:

I would say that those who talk about tax increases where you have not paid taxes at all, but now you have to start paying taxes because of tax compliance. That is not a tax increase. It seems to me, when you properly consider that, then I suggest we have a pretty good bill. Call it a tax bill, call it a tax increase, call it tax reform, call it anything you want, but vote for it. Vote for it because it is good policy.

That was ROBERT DOLE in 1982. What is he going to do now with this proposal? That bill in 1982, the conference report carried only 226 to 207 in the House. It would have been defeated under this legislation. Is ROBERT DOLE going to give in to the irresponsibles in the House majority?

This proposal will defend tax loopholes. What our colleagues' bill should be called is the Tax Loophole Preservation Act of 1996. I urge its defeat. It is going to die in the Senate. It is clearly playing game with legislative concerns of the American people. They have had enough of that from our colleagues. Too much.

Mr. BARTON of Texas. Mr. Speaker, I yield myself 30 seconds.

The gentleman from Maryland [Mr. HOYER] talked about the lack of senior Members speaking on behalf of this amendment. So far today we have had the chairman of the Committee on Economic and Educational Opportunities, the gentleman from Pennsylvania, Mr. GOODLING, speak in favor; the chairman of the Committee on Rules, the gentleman from New York, Mr. SOLOMON, speak in favor; the chairman of the Committee on Ways and Means, the gentleman from Texas, Mr. ARCHER, speak in favor; the chairman of the Joint Economic Committee, Mr. SAXTON, speak in favor. We expect to have the chairman of the Republican Policy Committee speak in favor later this evening.

Mr. Speaker, I yield 2½ minutes to the gentleman from Arizona [Mr. HAYWORTH].

Mr. HAYWORTH. Mr. Speaker, I thank my friend from Texas for yielding me this time.

There are two documents to which we should pay great attention this evening, Mr. Speaker. One, of course, the document which is the foundation of our constitutional republic, the Constitution of the United States, and I have listened with great interest, the spontaneous historical revisionism which has gone on during the course of this debate, for it is worth noting and worth asking: If a personal income tax were so desirable, if a personal income tax were so laudable, why did not our Founders spell that out by levying a personal income tax in the main body of this document, the Constitution of the United States?

Now history shows us that it was a constitutional amendment that gave us a personal income tax, the 16th amendment, ratified in 1913, which leads me, Mr. Speaker, to the second document here, and unfortunately, Mr. Speaker, it is a document with which Americans come into more contact on an annual basis, unfortunately, than I dare say the Constitution of the United States. Form 1040. This is the first.

Mr. Speaker, the Center for Small Business Survival conducted a study, which I think is incredibly illuminating, for it went back to the initial tax tables and the tax code levied or instituted in 1913 and projected that into real dollars in 1990, and the statistics and the findings are nothing short of amazing. If we applied the tax tables of 1913 to the American people today, in real dollars today, a single filer would be exempt on his first $46,000 of income.

Simply noted, it is this. I can show my colleagues the tables, and I will do it during a special order. But the fact is even adjusting for inflation, since the institution of this income tax, the spending of Government has increased by 13,500 percent, and if we are so quick to riase taxes, our Founders did give us a mechanism to correct that. It is a constitutional amendment, and the only game being played is the increased transference of wealth from the American people to the shores of the Potomac.

Mr. Speaker, I stand in support of this amendment, and the American people know it is the right thing to do.

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Speaker, if my colleagues think the current tax system is fair and equitable, then they will love this amendment. If they like the loopholes and tax giveaways in our Tax Code, they should embrace this constitutional amendment.

Why? Because it will let the special interests and foreign corporations who are now getting a free ride under our loophole-ridden Tax Code stop any reforms from moving through Congress.

Seventy-three percent of the foreign corporations doing business in the United States pay absolutely no Federal corporate income tax. This is a scandal, and the authors of this legislation want to keep it that way. They say that a minority of either the House or Senate should be able to stop tax reform that places a fair tax on foreign corporations doing business in the United States.

Every year foreign corporations mine millions dollars of gold on Federal lands. They pay no royalties to the U.S. Treasury. This bill allows a minority of Members of the House or Senate to stymie any legislation placing a reasonable royalty on mining operations on Federal lands.

The oil and gas industry seems to be doing just fine. Prices are rising at the gas pumps. Profits are up, stocks are increasing in value. Do they really need a $1.5 billion a year Federal tax subsidy? Do we need a constitutional amendment that protects their subsidies? They majority thinks so.

This amendment has been cynically sold as tax relief for average Americans. Nothing could be further from the truth. This legislation makes certain that Members of Congress, whose campaigns are fueled by contributions from the oil industry and a host of other special interests, can protect their tax breaks, subsidies, and loopholes those special interests receive.

□ 2100

Make no mistake about it, every dollar that the U.S. Tax Code dishes out in corporate tax loopholes comes straight out of the pockets of working people in this country. This cynical legislation ought to be called the Special Interest Tax Loophole and Corporate Welfare Protection Act. It is a desperate attempt to defend the status quo and make sure that working Americans pay while foreign corporations and special interests play.

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. CAMP].

Mr. CAMP. Mr. Speaker, I rise in support of the tax limitation amendment. Americans today work almost 3 hours out of every 8-hour day just to pay their taxes. That is unacceptable. Our taxes are heavy burdens. They are hurting families and causing us to lose jobs. It has been far too easy to raise taxes, far too easy.

Just recently, in 1993, we saw the tax burden increase by almost $250 billion by just a single vote. It should not be that easy to place additional financial burdens on the backs of America's working families. The tax limitation amendment would require a two-thirds majority vote to increase taxes. That means any future tax hike would be supported by a large majority in Congress, not just a single vote.

I know, while I have not been in Congress as long as some of those on the other side who have come to the well in opposition to this amendment, I have been here long enough to know that we need change. My friends on the other side had it their way for 40 years. We

can point fingers wherever we want, but let us look at the facts. This country is $5 trillion in debt. A child born last year owes $187,000 just in interest on the debt. How can we expect any American to realize the American dream under those circumstances?

Will this solve all of our problems? Probably not. But it is another tool to reduce the size and scope of the Federal Government, a Federal Government that has grown too large. Let us make the decision. Let American working families keep more of what they earn. Vote for the tax limitation amendment.

Mr. BARTON of Texas. Mr. Speaker, I am happy to yield 2 minutes to the distinguished gentleman from Arizona [Mr. SALMON].

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

Mr. Speaker, I did listen when I was back home in the district over the last couple of weeks. I listened to people who said they were tired of the liberals with their fingerprints on their wallets and their footprints on their backs, and that they are sick and tired of paying $1 out of every $4 of their income in taxes. They are sick and tired of having to have both spouses in a family work, one of those spouses just to pay the tax bill for the family.

I do not know if any of the Members have read the recent article in Readers Digest where it talked about the poll they did among Americans, an equally divided poll among Republicans, Democrats, and Independents, some that called themselves conservatives, many that called themselves liberals.

One thing they all agreed on across all classes of our society here in these United States was that they felt no family should be paying more than 25 percent of their income in their total tax burden. But what is the average family of four's tax burden? It is at 39 percent, when you include the 24 percent of their income that goes to the Federal Government, with little to show for it.

In fact, in 1950, middle-class couples with two children sent $1 out of every $50 to Washington. Today they send $1 out of $4. What more do they have to show for it? Of the last 16 major votes to increase taxes, only half of them would have passed by the two-thirds vote. In the 1980's alone, we would have saved the taxpayer $666 billion, had this measure been in effect.

If this is some cruel joke being perpetrated upon the American public, then I fail to see the humor in it. The cruel joke is Americans are working more and they are taking home less. More is coming here to spend, spend on whatever. But they do not have anything to show for it.

I remember I heard a respondent that listened to President Clinton talking about the 4 million jobs he took credit for. His comment was, ''That's great. I have three of them.'' The fact is, maybe Americans are making more, but they are taking home less. It is time we stand up for them. This cruel joke has been perpetrated on the American taxpayer for long enough. Let us stand up for them and get rid of this smokescreen of doublespeak for ''Let's stick it to the taxpayer one more time.''

Mr. GIBBONS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Georgia [Ms. MCKINNEY].

Ms. MCKINNEY. Mr. Speaker, I rise in opposition to this Republican publicity stunt, masquerading as public policy. We are having a hard enough time as it is, trying to scale back some of the special interest tax breaks in our tax code with just a simple majority vote. If adopted, however, this constitutional amendment would make it virtually impossible to reduce corporate welfare. What will this mean for middle-class families? It will mean that Social Security, Medicare, education, and the environment will all be on the chopping block, while corporate tax subsidies are forever locked in place because of a two-thirds vote requirement in the Constitution.

Mr. Speaker, this amendment is designed to allow tax increases on middle-class families just as long as those increases are offset by tax cuts for the wealthy. Is that not convenient?

Mr. Speaker, I urge my colleagues to defeat this tax day publicity stunt.

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, I heard the excuse that, well, we have not had hearings. I do not think you have to have a hearing, to go in your district, to have people feel that they are taxed too high. You can go into any district across this country and people will say that they are taxed too high. But the Democrats will give you every excuse in the world why we should limit Democrats from increasing taxes. Why? Because everything that we have been fighting for on these budget debates is about the ability of the Federal Government to spend money, to spend money to their constituents so they can get reelected, so they got the power to start with, whether it is Medicare, Medicaid, education, the environment, welfare. It is about the flow of dollars that are going out of the Federal Government.

It is like they are talking about free money. Mr. Speaker, it is not free money. They have to take it from their constituents in the first place, send it to Washington, DC, feed a big bureaucracy, and get very little of the money back to the areas which they are trying to help: for example, welfare, where you only get about 30 cents on a buck back; education, 760 programs in education, where you only fund about 6 percent of the total education revenue; 760 programs, where you only get 23 cents on every dollar back into the classroom, because of the spending.

Mr. Speaker, they say, ''Well, we all want a balanced budget.'' I submit that that is not true, Mr. Speaker. The President submitted four budgets that increased the deficit $200 billion a year. When he was finally forced and cornered into producing a balanced budget scored by CBO in 7 years, what did he do? He put off 90 percent of the discretionary cuts until years 6 to 7, when he would not even be here, if he is elected to a second term, and then increase taxes during that time and increase spending. Mr. Speaker, a balanced budget amendment takes the power away from the Democrats. That is what they are fighting.

Mr. GIBBONS. Mr. Speaker, I yield the remainder of my time to the gentleman from New York, [Mr. ENGEL].

The SPEAKER pro tempore. (Mr. RIGGS). The gentleman from New York [Mr. ENGEL] is recognized for 1½ minutes.

Mr. ENGEL. Mr. Speaker, I think we ought to look at this proposed amendment and call it for what is. It is a Republican election year publicity stunt. They want to require a simple majority to go to war, but want to require a two-thirds majority to correct a tax loophole to end corporate welfare. That makes no sense to me whatsoever.

Mr. Speaker, at the beginning of this Congress the Republican majority passed a much-heralded House rule requiring a three-fifths vote to raise taxes, and every time we have raised taxes in this Chamber with Republican votes and Republican majorities, they have waived that rule, that house rule, three times. So who is kidding who? The House rule was supposed to prevent taxes being raised without a three-fifths majority. Each time the Republicans found it convenient to raise taxes, they just waived it.

So with the same publicity at the beginning of this Congress that they put in to look good, this is the same kind of election year publicity stunt that they are putting in right now: a simple majority to go to war, a two-thirds majority to correct a tax loophole to end corporate welfare.

One can only conclude from this that they like the corporate welfare, they like the special interests, they like catering to the special interests, and it is the middle class once again under the Republican plans that get kicked in the teeth. Americans should understand what this is all about. This is to protect corporate welfare. It is a cynical election-year publicity stunt. It hurts the middle class and ought to be defeated.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from South Carolina [Mr. GRAHAM.]

Mr. GRAHAM. Mr. Speaker, if there is something wrong with our corporate code, and there may be, and if foreign corporations are getting away with tax murder, we need to change it. But I would suggest that the party that has been in control for 40 years has some blame to accept that that is true.

Let us stop blaming each other and try to fix the problem. What is the

problem? It may make the gentleman feel better that this is an election year, but I ran on the same concept in the election year 1994. This is not a new thought to Congress. I believe very deeply that there should be a wall between your pocketbook and the U.S. Congress' ability to take money out of it.

One thing we have learned is that if you leave Congress to its own devices, you lose. What would the Founding Fathers say about this debate? They would want to know, how is the country doing? If you tell them they are in 5 trillion dollars' worth of debt, they would say, ''What is $1 trillion?'' We have created new money amounts.

I do believe it is time to change the way we do business in Washington, and this is a start. I do not trust the Republican Party enough to leave it unhindered. I want to change America for the sake of the people who earn the money and have to pay the taxes.

Let us have the line-item veto and give it to a Republican and Democratic President to regulate the way we spend. Let us have a balanced budget amendment that regulates both parties' conduct, so we cannot leave here with a deficit. Let us have term limits so Congressmen will come here with a different view of how to serve the public. Let us change America and be serious about it before it is too late.

Some say it is too late. I do not believe that. The two-thirds supermajority vote requirement to raise taxes is long overdue. It is needed, because we in America, in Congress, have been irresponsible. Do not trust party rhetoric, do not trust political rhetoric. Change the rules of how Congress taxes you, how it spends money. If we do not do that, nothing in America is going to change.

This is a great debate to be having, and there is going to be a vote pretty soon, and you will find out who is with you and who is against you. If you believe this is corporate welfare, a way of protecting it, then you can punish me if you thing that is true. If you believe this is a good rule to limit congressional spending long overdue, you can punish the people who voted the other way. This is a great debate to be having. It is one of many we have had. I am proud to be part of it.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, this constitutional amendment on taxes is a cynical, back door attempt by NEWT GINGRICH and his followers to appear to favor cutting taxes for average Americans while actually preserving tax breaks for their special interest and big business supporters.

Were it to become law—which all of us know it will not—average Americans will continue to pay a high price for tax loopholes and special interest giveaways.

Despite their rhetoric, Republicans under NEWT GINGRICH have been working against family interests since they took over the Congress.

If they were serious about helping America's families, GINGRICH and his followers would not have voted to raise taxes on the working poor by cutting the earned income tax credit. They would not have voted to cut funds for education.

If Republicans were serious about helping American families they would stop blocking a vote to increase the minimum wage, and they would not allow companies to raid the pensions of hardworking Americans.

But they are not serious about helping American families get ahead. They are cynical, and I think it is safe to say that one thing we don't need more of in this country is cynicism.

Today's vote is a transparent gimmick intended to shield Republicans from their lengthy antifamily record.

We all understand how it works. The Republicans say this vote will make it harder to raise your taxes, and if you vote against them, they will say you voted to raise taxes. Pretty neat. But wrong on all accounts.

In fact, if you vote for this amendment, you will make it harder to balance the budget. You will make it harder to resolve the crisis in Medicare and Social Security. You will make it harder, if not impossible, to make responsible budget choices for the future.

By making it nearly impossible to vote to end a tax loophole—because the Republicans will say it is a tax increase—this amendment will preserve the fundamentally unfair tax structure we have today.

Consider this: In 1952 corporate income taxes were 32 percent of Federal revenues. By 1992, corporate income taxes had fallen to just 9 percent of Federal revenues because of tax loopholes and favorable, but unjustified treatment.

This amendment will protect those special interest tax breaks, such as the tax shelter for money hidden in foreign subsidiaries, or the ability of businesses to deduct today capital depreciation that occurs in the far off future.

It is tax loopholes like these and many others that allowed at least 130 large companies in the 1980's to avoid paying any Federal taxes at all even though they had large profits.

The Democratic majority in the 1980's enacted the alternative minimum tax to require these large profitable corporations to pay Federal taxes.

Well guess what? Not only does the Republican majority want to preserve tax loopholes, they want to repeal the alternative minimum tax too. They want to help profitable corporations pay no taxes.

Think about that as you file your own tax returns.

So this amendment is really about locking in an unfair tax system—not making the tax system more fair. It is about preserving what is wrong with America and making the middle class and low-income Americans pay the price. It is about selling the Constitution for a short-term and short-sighted political gain.

Well, Mr. Speaker, guess what?

The constitution is not for sale. And I have enough faith in the intelligence of the American voters that they will see that you are trying to sell a piece of the Constitution that you swore to uphold to buy a little air time for the November election.

My colleagues, clear your eyes. Summon your courage. Cast the right vote tonight against this amendment and know that in doing so you are standing up for what's right. Isn't that what the American people sent us here to do?

Vote no tonight on the latest and most cynical ploy by the most cynical man in American politics today.

□ 2115

Mr. CANADY of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. WELDON].

Mr. WELDON of Florida. I thank the gentleman for yielding me the time.

Mr. Speaker, in 1988 we had a presidential candidate who pledged no new taxes and then in 1990 taxes were raised. Then in 1992 we had another candidate who campaigned on a middle-class tax cut and in 1993 he raised taxes. It should be no surprise to the minority Members in this room that now there are a new group of people in this Congress who want to actually require a three-fifths majority to raise taxes.

I am told that if this law were in place, the majority tax increases over the past 15 years of 1982, 1984, 1987, as well as 1990 and 1993, would not have gone through. I think it is good to have a firewall of protection between the people's wallet and the Government of the United States. I support this amendment. I encourage all of my colleagues to support the amendment. We need this protection for the working people in the United States.

Mr. CONYERS. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I do want to repeat, because the outrageous tactics being used here need to be underlined

This is an amendment to the Constitution of the United States, the text of which has never had a public hearing, has in fact been in existence for barely 2 weeks, during almost all of which time we were out of session. It is being rushed through late tonight just for the symbolic version of it being on April 15. It really shows a fundamental disrespect to democracy.

There has been zero pubic hearing on the text of this amendment. We had a hearing on the text of the earlier amendment they introduced, and it was so shabby that they had to withdraw it. They come up with a new one and they learned they better not expose it to the light of day. But this amendment shows a disrespect for democracy in another way.

The question here is not the substantive one of whether or not taxes

should be increased. Sometimes taxes are increased unnecessarily. When Ronald Reagan and the then Senate Finance chairman ROBERT DOLE and the Democrats in the House collaborated in 1982 for a tax increase, I voted ''no.''

In 1982, with a Republican Senate and Ronald Reagan as President, we did a tax increase. I thought it was a mistake. A year later when Ronald Reagan and ROBERT DOLE and Tip O'Neill came together to raise taxes again for Social Security, I thought that was a mistake a I voted ''no.'' I thought they made a mistake.

The Reagan-Dole-O'Neill tax increase of 1982 and the Reagan-Dole-O'Neill tax increase of 1983, I voted against both of them. But I did not think that I had the right to have them defeated when I could not get a majority on my side. We are not talking substance here. We are talking about majority rule.

As of now, there does not appear to be much public sentiment for significant tax increases, nor does there appear to be a lot of sentiment for tax decreases. At this point the general public's sentiment appears to be, let us do deficit reduction. But 8 years from now, 12 years from now, should the majority of the American voters have a right to decide then by majority rule that we need to increase taxes some? Yes, I think they should.

As a matter of fact, one of the problems you will have with this poorly drafted amendment, this keep it in the dark and let's not have a public hearing amendment, is that you may make it harder for people to lower taxes in the future, because in a rational world under the right circumstances, we might decide to reduce taxes. But under this amendment, if we were to reduce taxes 1 year and then 4, 5, 7 years later decide that we erred or that for unforeseen reasons things did not work out as we thought and we needed more revenue to defend the United States, to protect the environment, to protect Social Security, we should need two-thirds to do it.

In 1981 Ronald Reagan and Senator DOLE and Tip O'Neill collaborated, that time they fought. There was a tax cut in 1981. Apparenly it was the Republican view, the Reagan-Dole view in 1981 was that they cut taxes by too much. So they raised taxes back in 1982 to offset some of that they had done in 1981. They said they overshot in 1981.

You would make it impossible for them to to do this. Make it impossible for people to correct errors, and you make it less likely they will act in the first place.

I talked about Social Security. We have a problem with Social Security. One possible solution might be right now, Social Security taxes stop at $62,000 of income, making it by far the most regressive tax we have. Medicare used to stop, and we raised the amount of income that is subject to the Medicare tax.

I think a reasonable thing to do might be to say from $60,000 to $90,000 you have got to pay half a percent to Social Security, and from $90,000 to $200,000 you pay 1 percent, and above $200,000 you pay 1.5 percent. That would be one way to help protect Social Security.

But you would make that impossible, or at least require a two-thirds, which makes it very difficult. So any possibility that we might want to raise taxes on people who make $60,000 or more to help protect the Social Security system, that is what you are aiming at.

Are there bad tax increases that would be hurt by this? Yes, the Reagan-Dole-O'Neill tax increases of 1982 and 1983 that I voted against would not have become law. But I do not want to change the rules. I want to have to go by majority rule.

What this amendment says is, ''No, no, we don't like this majority rule stuff.'' That might have been all right for a while ago. Maybe that is OK for France or Sweden or Belgium, but this is America. We do not have majority rule anymore.

Those of us currently in power will change the rules and we will take our substantive preference, and right now what they are saying is, ''We don't like government, we think government is too big, so we want to change the rules so that a majority in the future that disagrees with our position and thinks we need more aid to education and more environmental protection but doesn't want to cut the military, that they won't be able to do that without getting two-thirds.''

By the way, what we are having here now is a fundamental distortion of the democratic process to try and freeze in the views of a temporary majority.

Mr. BARTON of Texas. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Speaker, whenever you follow the good Representative from Massachusetts, you want to spend your time replying to some of his preposterous arguments.

I submit on this House floor that disrespect to democracy has been greatest with the $5 trillion debt, and what we need to do is bring that debt down. We have had so many taxes on this House floor with 40 years of Democrat rule that we have not had the opportunity to control this budget, and now we do with this great House joint resolution.

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

Mr. STEARNS. I will not yield.

Let me just say that going back 220 years, our Founding Fathers had the foresight to mandate a two-thirds majority vote on certain priority issues. This is something not brand new we are bringing to the Congress here in April 1996. Alexander Hamilton and James Madison and John Jay would be turning over in their graves if they saw that we had a $5 trillion debt in this country.

James Madison, a vocal supporter of majority rule, argued that the greatest threat to liberty in a republic came from unrestrained majority rule, and that is why they proposed two-thirds majority for conviction in impeachment trials, expulsion of a Member of Congress, override a Presidential veto, quorum of two-thirds of the States to elect a President, consent to a treaty, proposing constitutional amendments. There were seven of these that were already in the Constitution when they wrote the document, and since then three more.

I submit that to prevent any further debt, we must pass this resolution.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. FRANK] because the gentleman's name was mentioned but he was not yielded to.

Mr. FRANK of Massachusetts. Mr. Speaker, typical of the hit-and-run tactics of the gentleman, to make abusive remarks and then refuse to yield so I could respond.

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

Mr. FRANK of Massachusetts. No, no longer than he would to me.

Mr. STEARNS. Will the gentleman yield?

Mr. FRANK of Massachusetts. No, I follow the gentleman's example, and I ask the Chair to please restrain the gentleman. The gentleman gets up, makes insulting remarks, refuses to yield and then tries to interrupt me when I am speaking. I am simply responding as he did under his rule.

I would say this. First he talked about Democratic tax increases. The disrespect for facts is glaring.

Mr. STEARNS. Will the gentleman yield?

Mr. FRANK of Massachusetts. Regular order, Mr. Speaker. Please instruct the gentleman who refused to yield that he may not interrupt.

The SPEAKER pro tempore (Mr. RIGGS). The gentleman from Massachusetts will withhold so that the Chair can admonish the gentleman from Florida that the House will proceed in regular order, and that the gentleman from Massachusetts controls the time and may proceed as he sees fit.

Mr. FRANK of Massachusetts. I thank the Chair.

I would have been prepared to engage in a colloquy. The gentleman made insulting remarks, refused to yield. Now what he is trying to do is to prevent me from responding by deliberately flouting the rules of the House. It is not worth further discussion.

What is worth further discussion is his blatant misrepresentation of the facts of the situation when he talked about Democratic tax increases. The tax increase of 1982 was a Reagan-Dole-O'Neill tax increase. So was the one of 1983. In fact, these tax increases came asked for, not just signed but asked for by Ronald Reagan.

The notion that you are justified in making it harder to raise revenue because you want to reduce the debt is bizarre. As a matter of fact, when we

were trying to save the Social Security system, we raised revenues in part for Social Security. I suppose you could have reduced expenditures to Social Security. I was not in favor of doing that. Maybe the gentleman is. But that is how you deal with it in this situation.

Finally, the silliest thing I have heard today is to say that because the Founding Fathers required two-thirds in a couple of extraordinary circumstances, that must have meant that they wanted two-thirds in this one. Yes, it shows that they were perfectly capable of understanding when we required two-thirds, what extraordinary circumstances required two-thirds and when the general principle of majority rule ought to apply.

They felt that for raising the revenues of the United States, majority rule ought to apply. That does not mean we cannot change it. We have a right to amend the Constitution. But to invoke the Founding Fathers so that you can say that they were mistaken seems very, very unfortunate. They decided we did not need two-thirds. The current Republican majority does not trust democracy, and therefore they want to make the amendment.

Mr. CANADY of Florida. Mr. Speaker, I yield 1½ minutes to the gentleman from California [Mr. BILBRAY].

Mr. BILBRAY. Mr. Speaker, April 15 is a very important date in my family because my mother was a tax consultant. My family has been involved in income tax for 45 years and my wife now runs a business.

While I keep hearing this discussion about the constitutional issue, let me remind you, the Founding Fathers not just once but twice specifically in the Constitution said the income tax should not be allowed. Twice in article 1.

The first thing they did is they said you make sure you have fair apportionment of representation in the House of Representatives and a fair apportionment of taxes.

So when someone brings up the founding Fathers, let us go back to the Founding Fathers' constitutional document and the 16th amendment was the only amendment that specifically reversed the direction of the Founding Fathers. It should have included a supermajority at the time the 16th was passed.

Mr. Speaker, my family has listened to working-class people talk about being taxed too much and every time I hear people on the other side of the aisle say, ''We're only raising the taxes on the rich,'' go ask the middle-class people in my community in Imperial Beach and in San Diego and whenever you are going to lower the taxes, ''Oh, it's only going to be lowered on the rich.''

Let us be frank and open about it. That is what it is all about. You want more money to increase spending so you get more power in Washington and less freedom as individuals. I am telling you as somebody who has worked in the communities as a working class, you taxes are not on the rich, they are bearing down on the middle class, and they are sick and tired of it. They want the original Founding Fathers' intention that taxes should be fair and equitable and this amendment will help to do that.

□ 2130

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia [Mr. SCOTT], a member of the committee.

Mr. SCOTT. Mr. Speaker, I rise to oppose this late-night attack on the Constitution. We all know that this initiative will not become law. It is nothing more than a public relations ploy which panders to voters on April 15. Perhaps some will think that the American people on April 15 will forget that the big fat tax cut for the wealthy that was part of the Republican budget was funded by cutting Medicare, education, and environmental protection programs.

Mr. Speaker, much has been said tonight about fiscal responsibility. Mr. Speaker, this amendment does nothing to reduce spending. In fact, it continues to allow spending money by majority vote whereas paying the bills will require a two-thirds vote. It does not take a rocket scientist to figure out what will happen to the deficit if this amendment is adopted. Earlier this evening, we heard a list of taxes which would not have been adopted if this amendment had been in effect, but all of the prior spending would have still been adopted.

Shamefully, Mr. Speaker, this amendment will also have the effect of requiring a two-thirds vote to eliminate special interest tax breaks and cutting corporate welfare.

Mr. Speaker, we need to get serious about facing our budget problems. This amendment will do nothing to curb spending. It will make it more difficult to pay the bills we run up, and at the same time it will shamefully protect corporate welfare and current special interest loopholes.

We should defeat this resolution.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Speaker, the tax man cometh tonight, and if there was ever a more abominable tax system than the American income tax system, we have yet to see it on the face of the planet. It came to use by a two-thirds vote. It did not come to this Chamber, to this body, to the American public except through a constitutional amendment that required a two-thirds vote.

The first attempt to pass an income tax was declared unconstitutional because our Constitution prohibited an income tax system in our country as it was first written. So what is wrong with requiring that changes should come only with a two-thirds vote? We are not saying taxes cannot be raised in America. We are simply saying they should not be easily raised, no more easily than the American public was first inflicted with this system with a two-thirds vote when the 16th amendment was proposed and later adopted.

I wish we were debating the repeal of the income tax system tonight. We have such a bill before this body, House bill 3039, a bill to establish an alternative tax system for America. This system taxes Americans twice on the same money, once when you earn it and again when you spend it, when you pay all the business taxes, when you consume American products. It taxes only American products, not products made from overseas and imported here. It is a lousy system. It costs small businesses $4 to conform to the Code for every dollar they send in tonight, and we are paying all of that cost. We are told $300 billion worth of man-hours is spent in complying with this Tax Code. We ought to get rid of it.

But at least we ought not raise taxes more easily than this country was inflicted with income taxes, and that was with a two-thirds vote of the Congress and a confirmation by the legislatures of the 16th amendment.

I remind you, the income tax was declared unconstitutional once. It was repealed in prior history in this country by Congress. Americans hate it. They have a right to hate it. It is a lousy system, and we ought to at least make it more difficult to raise taxes under that system in America.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina [Mr. WATT], a distinguished member of the Committee on the Judiciary.

Mr. WATT of North Carolina. Mr. Speaker, I left this body earlier and I went and watched these proceedings on television for a while to try to get a flavor of what was going on here. And as I listened, I heard my colleagues on the Republican side come to the floor and say that this is about taxes, taxes, taxes.

I think they are missing the point. We can debate taxes when we talk about whether to raise taxes or lower taxes. This is about whether to amend the Constitution of the United States. This is about fundamental fairness. Lord knows, I have been in on the losing end of a lot of votes since I have come to this House, both when we were in the majority and during this term when we are now in the minority. But on every single one of those votes, almost without exception, it has been by majority rule, because that is the basis on which our constitutional democracy is founded. It is one person, one vote.

Every single Member of this House gets sent to this body by the same number of people. That is why we redistrict the country every 10 years after every census, to guarantee that each individual citizen in this country, in this body, the people's body, has one

individual who represents their interests and that individual's vote is equivalent to the vote of every other individual in this body.

So, this is not about taxes, taxes, taxes, my friends. This is about the fundamental rights and belief in democracy. This is about majority rule. And you all seem to have missed that point.

You say that you believe in conservative values. But four times during this session of Congress you have come in to attack the Constitution. I am beginning to believe that you do not believe in the Constitution at all.

We should defeat this insane amendment to the Constitution and to the fundamental rights that we all should believe in and support.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Nebraska [Mr. CHRISTENSEN].

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

Mr. CHRISTENSEN. Mr. Speaker, the only point anyone has missed in this whole debate is the fact that the American people are frustrated and fed up. The last 30 years their taxes have been raised and raised and raised every time. This amendment today would reassure taxpayers that they are entitled to the money that they work so hard to earn and the taxes will only be raised when absolutely necessary.

I am convinced that you can never satisfy the appetite of certain Members of this body to tax and to spend the earned incomes of our working families. While we may not be able to cure their appetite, this supermajority amendment would put a hurdle in the system that Washington's big spenders would have to jump before they could get into our wallets.

President Clinton recently declared that the era of big government is over. And he is right. By passing this amendment, we will put a needed restraint on the politicians who want to keep raising taxes to pay for more big government programs.

I urge my colleagues to support passage of this important amendment to the Constitution of the United States and to restore some economic sanity back to the people who sent us here.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. WALSH].

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

I rise today in opposition to H.J. Res. 159, the proposed amendment to the Constitution to require two-thirds majorities for bills increasing taxes. Those who support this concept are well-intended and probably, like many of us, frustrated at not being able to cut taxes for hard-working American families across the country.

The Constitution is alive and well today after 220 years. It granted Congresses the power to levy taxes. To change this very special document in this manner is inappropriate. The framers of the Constitution had wisdom far beyond their years. They felt the strength of the Nation, with few exceptions, was based upon majority, not supermajority, rule. Let us stick to that concept. The surest way for this Nation to ensure itself against higher taxes is to retain and indeed expand the Republican majority.

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. KINGSTON].

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

First of all, I want to say to some of the previous speakers, here is a copy of the Constitution that talks, in article 5, about the amendment procedure. Clearly, it would not be in there unless our forefathers anticipated the need to amend it.

I also recommend to you something else you probably have not read, the bill itself, which talks about how you can close a corporate loophole. I am going to put both of these here if you want to take the time to read them tonight before you vote on these and find out how absurd some of the arguments are.

Here is why I support this thing. Forty-five percent of the income, the household income of the middle class family, goes to taxes now. Two-income families all over America, you know what that means, it means the second employee, one spouse is working for the Government. You can say, no, no, no, not my husband, not my wife. He is a real estate agent, she sells clothes, he is a barber. That is not true. They are working for the Government. They might be getting their paycheck through the private sector. That money goes straight to the Government. These people are government employees.

The middle class has had enough of this. I was here in 1993 when the big Clinton tax increase came through here, and that 15 minutes, which is the traditional voting stance, the 15 minutes came and the majority was not there. So, what happened? The Democratic Speaker, the Democrat Majority Leader, the Democrat Whip went around the House, and this place looked like a beehive, all the buzzing around, because you want a road, you want a bridge, you want a highway, you want a new committee assignment.

The clock kept going, 20 minutes, 25 minutes, 30 minutes, squeezing out that last vote, giving away that last bridge, that last committee assignment or whatever it took to get it just over the hump. And, of course, the votes where there, and the tax increase went by two votes. And what happened as a result of it? The government got bigger, bigger. Yes, the deficits went down, the government got bigger. What would have happened without it? the deficit would have gone down. The government would have got smaller. That upsets a lot of people who like agencies, commissions, bureaucracies, red tape, micromanagement out of Washington. But for John and Sue, middle class, they want less taxes, not more government.

Support this. It is good legislation.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. FILNER].

Mr. FILNER. Mr. Speaker, I rise today in opposition to House Joint Resolution 159, the supermajority bill, because I am convinced it is really a super loophole bill.

This bill will require a two-thirds vote—a ''supermajority''—for any legislation that increases revenue. While this may sound like a good idea it is, in fact, a terrible idea for our country. Closing existing tax loopholes will also raise revenue, therefore this legislation will require supermajority votes to close tax loopholes. Closing tax loopholes should not require a supermajority—it is not fair, it is not right, and it is not constitutional.

I introduced H.R. 1497, the Insurance Tax Fairness and Small Insurance Company Economic Growth Act, to close a tax loophole in the life insurance industry. By closing a huge loophole in Section 809 of the tax code, my legislation will level the playing field in the life insurance industry, provide tax relief for small life insurance companies and raise nearly $2 billion annually for the U.S. Treasury.

However, if this supermajority amendment is approved, a minority of this House could prevent closing this or any other tax loophole. Protected by the supermajority requirement, loopholes will continue to ensure tax unfairness and inequality—the ''super loophole'' is born.

Legislation like mine, which targets nearly $2 billion in unpaid taxes, demonstrates the financial irresponsibility of supermajority constitutional amendment. My bill is about fairness and equality; this amendment is about neither.

By requiring a supermajority vote on loophole closings and other tax corrections, this bill will tie our legislative hands and prevent us from taking the necessary actions to make our tax system fairer. Legislation such as H.R. 1497, should be addressed individually by Congress and not be made inconsequential by this proposed constitutional amendment.

For more than 200 years, the U.S. Constitution has guaranteed certain rights, privileges and protections. It has never guaranteed nor protected the right to a tax loophole—and now is not the time to start doing so. Oppose the supermajority, defeat this bill and prevent super loopholes.

☐ 2145

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Idaho [Mrs. CHENOWETH].

Mrs. CHENOWETH. Mr. Speaker, this whole debate sort of revolves around

what Thomas Jefferson once said, and that is that it is time we chain the government and free the people. That is what this debate is about, because we have operated in a policy of absolute unrestrained Federal Government. The more money we give the Federal Government, the more power this Federal Government has.

We have gotten to the point where nearly 50 percent of our ability to see, our time, energy and intelligence, which we invest in our workplace, we see almost 50 percent of that taken by the Federal Government.

So it is time we put the restraints on the Federal Government. John Marshall, our Supreme Court Justice back in 1819, said the power to tax involves the power to destroy. The power to destroy may defeat and render useless the power to create. These are propositions not to be denied.

In 1996, that is what we are facing, and that is what we are dealing with now in the Federal Government.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado [Mr. SKAGGS], a Member who has been on the floor a lot tonight.

Mr. SKAGGS. Mr. Speaker, I thank the gentleman very much for the time.

Mr. Speaker, I guess I am just an old-fashioned conservative. I believe in majority rule. I think it is dangerous when we give over power over a substantial responsibility of this Government to 34 Senators representing as few as 10 percent of the people.

I am also pretty conservative about the way this House ought to operate. I think for some reason it is important that on a constitutional amendment perhaps we have some serious deliberation and examination, even in the Committee on the Judiciary. It is ironic, I think, that the chairman of that committee is not here controlling debate on this matter.

Mr. Speaker, we are the stewards of an incredible legacy in this Constitution. It is astounding to me to see what we are about this evening.

I suggest to my colleagues that we envision perhaps standing over here in the well James Madison, and back there John Jay, and over here, Alexander Hamilton, looking down on us and the way we are tending their grand legacy of constitutional government.

I think that they would be ashamed of our performance here tonight, absolutely ashamed.

Mr. Speaker, I oppose this proposed amendment to the Constitution to require the vote of two-thirds of both Houses of Congress to approve certain changes to Federal revenue laws.

This proposed amendment is a bad idea and bad constitutional law. Even worse, we consider it today in this body under a process that insults Members' intelligence and responsibility, that contradicts any suggestion that this House is a thoughtful body, and that demeans and debases the very amendment process itself.

Mr. Speaker, let me say a word about the process that has brought this measure to the House today. The original proposal put forward by Representative BARTON, House Joint Resolution 159, received one hearing in the House Committee on the Judiciary on March 6, 1996. It then was removed from that committee and scheduled for a vote on the floor. It was not marked up or approved by the Judiciary Committee. House Joint Resolution 159 was then replaced by a second proposal, House Joint Resolution 169, which is being considered here today. This version of the amendment was introduced on March 28, 1996, considered by the Rules Committee on March 29, 1996, and reported to the House. We then went into recess for 2 weeks. So, very few Members have even seen the text of this amendment, much less studied it. This proposal has had no hearing at all in the committee of jurisdiction.

Second only, perhaps, to an act of Congress declaring war, an amendment to the Constitution ought to command the most serious and deliberate sort of legislative review, examination, and analysis 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. The Constitution shouldn't be used to make political statements.

I would, however, like to commend the sponsors of this bill on one point. They recognize that a change in the U.S. constitution is necessary in order to require a supermajority to pass legislation on this subject. In effect, they concede that the attempt by the House in January, 1995 to simply pass a rule requiring a supermajority is not the proper procedure.

I oppose this proposed constitutional amendment on a number of grounds. It violates what Madison called the fundamental principle of free government, the principle of majority rule. The Constitution makes very few exceptions to that principle, none having to do with the core, on-going responsibilities of Government. We should be extremely wary of any further exceptions, especially if it would complicate the essential responsibilities and competency of the government.

We have to be mindful that the logical corollary of supermajority rule is minority control. And under this proposed amendment, 34 Senators representing less than 10 percent of the American people would have the power to control the Government's revenue and tax policy.

I also oppose this proposed amendment because of its almost absurdly impractical consequences—intended and unintended.

One such consequence would be for all practical purposes to lock into law whatever was the then current tax structure at the time of this amendment's ratification. If you like the tax system the way it is now, or if you have supreme confidence that some future Congress will have gotten it fixed just right before ratification, you ought to love this proposal.

Another related consequence of this proposal would be to complicate efforts to balance the budget, particularly as they entail reducing the growth of entitlement programs.

Finally, I'm opposed to this proposed amendment because, like the current House three-fifths rule, it is vague and will generate confusion and litigation.

I know the authors of this proposal feel strongly about taxes. But simply having strong feelings about an issue is not sufficient reason to cede power over all future changes to an important area of national law to a small minority. In addition to the tax issue, Members of Congress will typically have very strong feelings on a number of issues—civil rights or trade or the deployment of U.S. troops abroad. In none of these areas does it serve the long-term national interest to undermine the principle of majority rule. In short, my opposition to this proposal is primarily grounded in the fundamental principle that is at stake, the principle of majority rule—the fundamental principle of free government.

Wiser lawmakers than we have considered the question of whether to require a supermajority for passage of certain kinds of legislation. At the Constitutional Convention, the Framers of the Constitution specifically considered—and rejected—proposals to require a supermajority to pass legislation concerning particular subjects such as navigation and commerce. They rejected various legislative supermajority proposals largely because of their experience under the Articles of Confederation and the paralysis caused by the Articles' requirement of a supermajority to raise and spend money. In other words, we have a Constitution because it was impossible for the country to function under a constitutional law such as is being proposed here.

The Framers' judgment on this matter, including whether to retain the Articles' supermajority to raise revenues, should give us all cause to reflect on the wisdom of the proposals before the House today.

In those cases in which the Framers did impose supermajority requirements, none deals with topics of regular legislative business central to the on-going operation and management of the Federal Government, such as taxes and revenues.

In those cases in which the Framers did impose supermajority requirements, only two require action by both bodies, namely, the override of a Presidential veto and the referral of a proposed amendment to the States. Both are extraordinary matters.

In sum, this proposal would go far beyond any existing constitutional precedent. It would effectively paralyze the ability of future Congresses to deal with one of the most nuanced of all legislative issues—revenues and taxes, allowing a small minority to control national policy.

The Presidential primary election season brought forward a number of innovative ideas regarding the Federal tax system. Were it now in the Constitution, this new amendment would likely serve to thwart these ideas or other reforms. This amendment would certainly apply to flax tax proposals which proponents claim would increase economic growth and, therefore, federal revenues. This proposed amendment would likely require a two-thirds vote on legislation implementing the consumption tax or Value-Added Tax [VAT] proposed by some, which again proponents believe would increase economic activity and Federal revenues. There's been a lot of talk on both sides of the aisle about getting rid of corporate welfare. Many want to end corporate welfare by closing tax loopholes—and that, of course, would likely bring in additional tax revenue from affected corporations and so would require a two-thirds vote under this proposal. And what about a capital gains tax cut? Its advocates usually argue the effect will be to raise revenue. Does that mean the two-thirds requirement would kick in?

But let's say we tried one of these ideas out before the amendment took effect. Is anyone certain enough that one of them is the correct solution to the tax reform problem that you wish to make repeal or revision next to impossible?

And if this proposed amendment were part of the Constitution, it would probably make it more difficult to reduce taxes. If at some point in the future, Congress judges the budget and economy healthy enough to reduce taxes, how likely is it that a responsible Congress would go ahead and do so knowing that it would be almost impossible to raise rates again in the event circumstance required it?

If now in the Constitution, this proposed amendment would certainly make the current efforts to balance the budget a lot more difficult. Whether adjusting the Consumer Price Index [CPI], or reducing business and tax subsidies, or taxing the income of expatriates, or limiting the use of section 936 tax credits for business activities in Puerto Rico, or narrowing the EITC, or means testing Medicare Part B premiums, or limiting the amount of profits companies can shift to overseas subsidiaries—all would have to be passed by two-thirds.

It is important to realize that the proposal being considered here today is not really a tax amendment at all. The word 'tax' does not appear in the text, nor does 'income tax,' 'tax rate,' or 'new tax.' It is a ''revenue'' amendment. The only legislation requiring a two-thirds vote under this proposal is that which has the effect of increasing ''internal revenues.''

There is no technical definition of ''internal revenues'' except perhaps as distinguished from revenues from ''external'' sources, such as import duties. All other sources of Federal revenue are presumably included under this proposed amendment. So any legislation to increase any Federal fee or charge or fine would be subject to a two-thirds vote if it results in more than a ''de minimis'' increase in revenues. So would any proposal to sell Federal assets—another frequent component of budget balancing and privatization plans. And according to the proposed amendment, de minimis is to be defined by Congress at some later time. Or quite conceivable, at each time a revenue bill is considered, inviting an exercise in manipulative definition whenever the prospect of winning two-thirds approval was dim.

On the other hand, it's arguable that this proposal would not necessarily require approval of two-thirds for a tax increase. Some tax increases can actually reduce or, at least, not increase revenues. For example, the luxury tax on certain boats an cars that was repealed in 1993 is said to have actually reduced sales so dramatically that associated revenues actually declined. Some even argue that most tax increases on business activity actually reduce Federal revenues by depressing economic growth. What economic theory, interpreted by which expert, will therefore determine the application and effect of this amendment if it were adopted?

So, once you consider how this amendment might be interpreted, many absurd consequences come to mind.

In the context of deficit reduction, we should also consider the fairness and equity implications of this amendment. Most Federal benefits to lower and middle income Americans come from programs that depend on direct expenditures. The benefits of upper income Americans and corporations often come through various kinds of tax breaks. Since this amendment would require a simple majority to cut programs benefiting lower- and middle-income Americans, but a supermajority to reduce tax benefits to wealthy Americans and corporations, it would unfairly bias deficit reduction and create a path of least resistance that would disproportionately hurt middle and lower income citizens.

Of course, it is to examine and understand exactly these sorts of things that we usually refer legislation, especially amendments to the Constitution, to committee. There, these and other questions can be asked and answered and necessary refinements and revisions to a proposal can be crafted. Sadly, no, shamefully none of this regular order has been followed in the House. We should not be surprised at the logical incoherence of the proposal which we are considering today.

In evaluating this proposed amendment, it's also helpful to examine some recent experience in the House. In the 104th Congress, the House pretended to operate under a new rule requiring a three-fifths vote to pass any increase in a Federal income tax rate. Obviously, the amendment before the House today would go much further.

The short history accumulated on the application of he New House rule is instructive about the problems that would likely rise under this proposed constitutional amendment. In the 14 months that the three-fifths rule has been in effect, it has been waived during consideration of the majority party's budget reconciliation bill H.R. 2491, the Contract With American tax bill H.R. 1215, the majority's Medicare bill H.R. 2425, and, recently, the House version of the Kennedy/Kassebaum health care bill H.R. 3103. These waivers have been accompanied by dispute and confusion as to the meaning of the rule.

The amendment we are considering is far more problematic because the Constitution can't be waived for convenience sake when questions arise. And you can be certain that similar questions about the meaning of this amendment will arise in great number. The net effect would probably be for almost any future tax bill that passed by less than two-thirds under some claimed exemption from this amendment to be subject to protracted litigation, creating an outcome we ought to avoid in tax law—uncertainty and confusion.

Much of the criticism I have offered about the amendment being voted on today in the House—House Joint Resolution 169—can also be made of the original version—Senate Joint Resolution 49—which addresses any new tax or increase in a tax rate or base, as opposed to an increase in internal revenues. While the original version directly addresses the issue of taxes, instead of the vague concept of internal revenue, it would also obstruct many proposed approaches to tax reform and interfere with efforts to balance the budget. It would require a two-thirds vote on flat tax proposals which would increase the tax base as they reduce the tax rate, on legislation implementing the new consumption tax or value added tax [VAT] proposed by some Members of Congress, and on closing tax loopholes that also necessarily increase the tax base. Instructively, if the original version of the proposed amendment were already a part of the Constitution, the new majority in this Congress could not have passed its budget bill, which effectively increased taxes on Americans eligible for the earned income tax credit.

One thing we can be sure of. We don't know the future. Why would we wish to deprive our successors in Congress of the tools and ability to deal with the problems they will face? To our successors we are in effect saying, ''We don't care what the particular circumstances may be in 10 or 50 years; we don't trust you, and you're stuck with our expectations of your incompetence.'' What arrogance.

I urge the Members from both sides of the aisle to take a close look at this proposed constitutional amendment in the light of the wisdom and experience of the framers, its stifling and absurd effects, and the history of the House of Representatives' three-fifths rule. Treat it for what it is, a political statement—and one better made on the floor of the House than put into the U.S. Constitution.

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. FORBES].

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

Let us talk about being ashamed, $5 trillion worth of shame. And who pays? The auto mechanic and the nurse who works at Brookhaven Memorial Hospital who are sitting at their kitchen table as we sit here. They are sitting at their kitchen table trying to figure out how they are going to feed the spending monster in Washington.

Mr. Speaker, who should be ashamed? We should be ashamed. For 40 years this body has taken upon itself to spend and spend and spend. Most recently in 1982, 1984, 1987, 1990, and 1993, this body has said, ''We are going to just get more money from the average working people,'' average working people, who are out at home trying to make hard-earned dollars as we sit here in Washington trying to take those hard-earned dollars and redistribute them to our own political constituencies.

Who pays? They are paying. The American people are paying, and they are tired of it. They are tired of a Congress that just willy-nilly over 40 years has raised the burden on average working families. If we care about those families, we will support this super majority so that we can put the brakes on spending, so that we can put the brakes on raising taxes on people who are home right now racing to the deadline of the annual day of reckoning, April 15.

If we care about average working people back home, we will support the brakes that we need to put on the raising of taxes on average working people in America.

Mr. CONYERS. Mr. Speaker, I yield myself 30 seconds to remind my Republican colleague whose voice was raised pretty loudly about the $5 trillion debt that it was initiated under the administration of Republican Presidents, sir. It was under the Democratic administrations that we have been able to make a dent in this debt. So the gentleman's fulminations are appropriate

for April 15, but factually they are seriously inaccurate.

Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Ohio [Ms. KAPTUR].

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

Mr. Speaker, I rise in strong opposition to this amendment to slice another part out of the precious heritage of our Constitution. This is in fact the fourth attempt by this Republican leadership in the 104th Congress to rip apart the Constitution of the United States, a document that has only been amended 17 times, excluding the Bill of Rights in our 207 year history as a nation.

Now they are trying to rid it of majority rule, enshrined in the Constitution since the beginning of this Republic. We are being asked to undermine the delicate checks and balances between the executive and legislative branches on the important issue of revenues. Other equally weighty issues, such as borrowing or coining money or even declaring war, itself could eventually become subject to the same supermajority threshold.

Reread article I, sections 5 and 7. It specifically defines how decisions are to be made between this legislative branch and the executive branch. It does provide for a two-thirds override in the event of a veto by the President, but majority rule is enshrined in this Chamber.

In 1779 the emerging republic that was to call itself the United States of America threw off the shackles of monarchy and gave voice to the people by vesting all their legislative powers in those they elected here, and they did it by majority rule, bound by the Constitution that has kept us free.

Frankly, this amendment is a cheap shot against a sacred document during a week that most Americans would like to forget: tax filing time. But this Member is one that is unwilling to unravel the Constitution and its environment of majority rule for the sake of a few well-timed press releases at tax time. For shame.

Mr. BARTON of Texas. Mr. Speaker, I yield 3 minutes to the honorable gentleman from Texas [Mr. HALL], one of our chief sponsors of this legislation.

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

Mr. HALL of Texas. Mr. Speaker, this is not a difficult issue at all. It is rather simple actually. It just gets down to this, as to whether or not in order to raise people's taxes, we want a simple majority to do it, or do we want to make it a little bit tougher and require two-thirds?

I think most Americans filing their tax returns today firmly believe that they are paying too much in taxes at all levels of government. These hard-working Americans are tired of a tax and spend Federal Government. They want some financial accountability.

Let me issue a challenge to every Member of this body: When you go home, look into the face of the first 15 of your constituents you see, and ask them a simple question: Would you like me to make it a little tougher for those folks up there to raise your taxes or not.

I challenge you to do that. I assure you that you will get 15 out of 15 that will tell you, Yes, I would. We are paying too much taxes. We want more return for your tax dollars. We don't want higher taxes.

Mr. Speaker, that is why I rise today as a cosponsor, along with the gentleman from Texas, Mr. BARTON, the gentleman from Texas, Mr. PETE GEREN, and the gentleman from Arizona, Mr. SHADEGG, in support of this.

A year ago we announced the sponsorship of this legislation, and the leadership made good on its promise to allow us a vote on this bill on tax day. Today we have an opportunity I think to show the American taxpayer where we stand on this issue. For the first time in many year this Congress has focused on efforts to achieve a balanced budget and decrease taxes at the same time. These are goals that many of us have worked on forever since we have been elected to Congress.

Last year the House passed an historic balanced budget amendment to the constitution, and now we are asking our colleagues' support of the tax limitation amendment, which will further ensure fiscal responsibility and accountability in Federal Government. This amendment will help make sure that future Congresses continue to focus on slowing the government and slowing the spending at the Federal Government, rather than increasing taxes as the means to balance the budget.

If history teaches us anything, Congress will always be tempted to raise taxes, especially if a balanced budget becomes a constitutional mandate. While raising taxes may eventually be necessary, this important issue should not be resolved by a simple majority vote. The tax limitation amendment would not make it impossible to raise taxes, it would simply make it more difficult. Each of those 15 constituents that you talk to and ask whether or not they want it to be more difficult for us to raise their taxes, they are going to tell you yes, make it as difficult as you possibly can.

A two-thirds vote, 290 votes in the House and 67 in the Senate, is a lot higher standard, one that would afford more protection for the American taxpayer. I think certainly, as has been noted, the two-thirds requirement can be waived in the event of a declared war or military conflict that threatens national security.

Mr. Speaker, fairness in taxation is an issue upon which this Nation was founded. The tax limitation amendment would help restore this fairness. We can go to the polls if we want to. Seventy-three percent of registered voters support a two-thirds supermajority; 72 percent believe there is no need to raise taxes. Sixty-four percent of the Democrats said support the supermajority. Sixty-eight percent of the Federal employees and 71 percent of union workers said support this amendment.

Mr. CANADY of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Mississippi [Mr. TAYLOR].

Mr. TAYLOR of Mississippi. Mr. Speaker, I thank the gentleman for yielding me 1 minute.

Mr. Speaker, I rise in defense of what they are trying to do. I would say to the gentleman from Florida [Mr. CANADY], I would feel a lot better if in speaking to the Senate the gentleman would try to amend this to also call for a two-thirds vote to raise the debt limit for this country.

You see, there is something equally as evil as tax and spend, in fact something even more evil, and it is called borrow and spend. Tax and spend, you at least ask this generation to pay for something. Borrow and spend, we ask the next generation to pay for something.

Just 2 weeks ago this body by a fairly large margin voted to raise the debt limit by $600 billion.

□ 2200

And for those of you who are not following this, we now spend 30 times more money on interest on the national debt than we do on foreign aid, more money on interest on the national debt than Medicade and Medicare combined, more money on the interest on the national debt than we do on defending this Nation.

I will vote for the bill of the gentleman from Florida [Mr. CANADY] but I sure as heck hope he would use this learning experience to turn right around and call for a constitutional amendment that calls for a two-thirds vote to raise the debt limit. And then turn right around and let us pressure the other body to pass the constitutional amendment to require the balanced budget that this House passed about a year ago today.

Mr. BARTON of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. DELAY], distinguished whip, who is operating at reduced power because of an accident rollerblading in Sugar Land.

The SPEAKER pro tempore (Mr. RIGGS). The Chair did recognize the distinguished majority whip's foot attire, but was not going to bring attention to that.

The gentleman from Texas [Mr. DELAY] is recognized for 3 minutes.

Mr. DELAY. Mr. Speaker, I appreciate the sympathy expressed about my foot attire.

I just want to commend my Texas colleagues, Mr. BARTON and Mr. ARCHER, on their fine work in developing this balanced budget initiative alternative. I can give you one simple reason this tax limitation balanced budget amendment is necessary: Bill Clinton. Bill Clinton wants to raise taxes to pay

for more spending. He did it in the first half of his term in office when he signed the largest tax increase in history. If Republicans did not control the Congress in the second half, I believe he would have raised taxes then, too. Even today, Bill Clinton is trying to raise taxes to pay for more spending.

Mr. Speaker, the American people contribute more to government spending than they do to family spending. In fact, the government now takes more money from families, 52 percent, than families are allowed to spend on their own. The government takes 52 cents out of every hard-earned dollar that the American family makes today. Mr. Speaker, I just think this is outrageous.

According to the latest polls, 66 percent of the American people believe they are being taxed too much, while 1 percent believe they are being taxed too little. It is time to bring our tax rates in the line with what the American people want, not what Washington politicians want.

The current budget impasse is being fought over the principle of Washington spending. The President wants Washington bureaucrats to spend more of the American people's money. We believe that the American people would rather spend their own money for themselves. This battle of principle is what this tax limitation balanced budget amendment is all about and that is why I support it.

Mr. Speaker, it is time to get responsible about Washington spending. So I urge my colleagues to vote for this legislation and send it to the Senate.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes and 30 seconds time to the gentleman from Missouri [Mr. VOLKMER], a Member who was once the speaker of the statehouse in Missouri.

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

Mr. VOLKMER. Mr. Speaker, I do not know if I will take the full 3 minutes because it is hard to find very much to say about this radical piece of legislation from the radical right that is bound and determined to shift the tax burden of the American public, to shift it from a progressive tax to a regressive tax. And why do I know the cat is out of the bag? I listened to the gentleman from Texas [Mr. ARCHER] earlier in this debate. He said that under this proposed constitutional amendment with a majority vote, he could pass a consumption tax, which would be a national sales tax. That is the consumption tax, the most regressive tax that we can find, and he can do it on majority vote. At the same time, he can lower the high tax rate from 39, 36, eliminate them altogether, make the highest tax rate around 25 percent, so that a millionaire will only pay 25 percent. Then he would pay the national sales tax of 20 percent maybe of what he buys only, and that is all.

Then the poor person out here that is making $20,000 a year, got a wife and two kids, is going to pay that same 20 percent sales tax that the millionaire pays, the same rate that the millionaire pays for necessities. The cat is out of the bag, folks. That is what this is all about: Who pays? Who pays? Who suffers the burden?

The Republican radical right under NEWT GINGRICH wants to shift that burden. They proved it with their tax cut proposal last year. It is again here right in this constitutional amendment, to shift the burden from a progressive tax that basically says the more you earn, the more you get from unearned income, either way, the more you pay. I believe in that. I have always believed in that. I have been thankful for it.

I would like to pay $1 million in taxes next year. I would love to pay $1 million in taxes next year, because that means that I got to make at least 2 million, and I get to keep the other 1 million. Now that is not too bad.

I got everybody in my district almost, 99 percent, going to take that any day. They would love to pay more and make more. And I heard the gentleman over here, the minority whip, talk about this 52 percent. He ought to come to my district.

There are not very many people in my district paying that amount of taxes to the Federal Government. I do not know of any in his district that are paying that kind of money to the Federal Government. They are not, because that is not the top tax rate.

But the story is, we need to kill this monster. That is what it is. It is in disguise, a snake in disguise, to shift the tax burden from the wealthy to the middle-income to the poor. Vote it down.

Mr. CANADY of Florida. Mr. Speaker, I yield 4 minutes to the gentleman from Texas, Mr. PETE GEREN.

Mr. PETE GEREN of Texas. I thank my friend for yielding me the time.

Mr. Speaker, I have listened to this debate tonight. One thing I have heard over and over is that this process has been hasty, that we have had few hearings rather than several.

Mr. Speaker, I contend that this system has worked as it should, as the founders intended. Our States have been a laboratory to test this initiative. With all due respect to the committee process, a real-world test that has been underway for several years involving 70 million Americans in 10 States gives a better understanding of the impact of this initiative than all the hearings that could ever be held.

What has the test shown? It has proven that this initiative works as advertised, more jobs, more economic growth, less government and lower taxes. Critics say that the supporters of this measure do not trust the American people because of the supermajority. Surveys of the American people show that an overwhelming majority of Americans support this initiative, over 75 percent do, and nearly 68 percent of Democrats support it. It is an initiative that is spreading from State to State with broad and bipartisan support. It has received overwhelming support at the ballot box.

But if the critics are right, the ratification process will prove the undoing of this initiative, for this is just the first step. The Senate would be next. Then it would go to the people, requiring three-quarters of the States to say yes before it became part of the Constitution. I say that those who vote no do not trust the American people with this matter. Those who vote yes trust the American people to make this decision.

Mr. Speaker, critics contend that this initiative empowers the minority at the expense of the majority. My colleagues, the current system has empowered a minority at the expense, literally and figuratively, of the majority. The Federal Government, representing 20 percent of our GNP, has become the most powerful political force in America. The full force of the government is used in the political process to block efforts to cut or reduce the growth of government. That majority has become the tail that wags the dog in this great experiment in democracy.

In the real world of politics today, it is easier to raise taxes than reform Medicare, even though we must do it. Politically it is easier to raise taxes than reform Social Security. Politically it is easier to raise taxes than reform the VA health care system, and on and on and on. Rather than do what we know we must do, we raise taxes because it is easier. Perhaps if the bar were raised, if it were a little harder to raise taxes, we might tackle Medicare, we might tackle the other issues that are considered political untouchable in this political climate.

As far as the intent of the founders, the founders would never recognize what has become of our government. Telling cities and States how to run local government, telling school boards how to run their schools, and involving itself in the most minute details of American daily life. It is a government that controls so much of American life that it has become the biggest force in American politics. It has learned to manipulate the system so that it feeds itself and grows in good times and in bad times. It grows in the antigovernment Reagan years, just as it does in the pro-government years. During the so-called antitax, antigovernment decade of the 1980's, the size of our government grew by over 25 percent. It did not shrink even then. No matter who controls the Congress, who controls the White House, government grows. The record is clear.

This amendment, if passed tonight, approved by the Senate, and only after being passed by three-fourths of the states, that would slow that growth, will make the growth of government more judicious. It will give the force of government, the political juggernaut that it has become, a higher hurdle to

clear before it indulges its ambitions, is a higher hurdle to clear before it takes resources from the people.

Over the 200 years of this experiment in democracy, those institutions that get their funds from the political process have figured out the political process. Those who pay the bills are no match for those whose livelihood depends on growing government. This initiative will put the political process back where it was when our Constitution was ratified. It will level the playing field for those who pay the bills.

This initiative is not elegant. It will never thrill the academics. It is a blunt instrument to check the brute political power of a government with an insatiable appetite to grow, to control more of American life. It is a blunt instrument whose time has come.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Speaker, this is the fourth amendment to the Constitution that the Republican leadership has forced the House to vote on in the past 16 months. This radical assault on our Nation's most sacred document is an outrage, and I rise in defense of our Nation's Constitution and against this resolution.

This resolution before us is the product of a poll and a focus group. It is election-year political theater at its worst. Our Constitution is the greatest political document ever written, yet Speaker GINGRICH is convinced he can do better. Does the Speaker really think he can improve upon the work of Madison and Hamilton?

Congress ought to be approaching the Constitution with reverence and humility. Instead, the Republican leadership is treating the Constitution as a rough draft. This amendment flies in the face of the principle of majority rule that has guided this Nation since its founding. It would vest unprecedented power in the hands of a small minority and prevent the majority from enacting the will of the American people. If the principle of majority rule was good enough for James Madison, it should be good enough for NEWT GINGRICH and the Congress.

Mr. Speaker, I urge a ''no'' vote on this resolution.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Oklahoma [Mr. COBURN] in whose State there is a supermajority tax limitation amendment for that State.

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

Mr. COBURN. Mr. Speaker, it is interesting coming from Oklahoma, being a new Member of this body, the arrogance of this body. What we hear tonight is arguments based on class envy. What we hear tonight is arguments that the people in the States are not adequate to make decisions about their own well-being. The very idea that our Framers of our Constitution had in mind was that we should send to the States to be decided amendments to the Constitution. By us precluding that, based on what we think, not with prudence, but based on what we think that they should not have the opportunity to decide that, that in the face that the vast majority of people in this country when asked, do you think we should change this system, do you think that we should make it more difficult to raise taxes, would agree.

□ 2215

So once again Washington collectively, Washington in its arrogance, in its ego, has decided that we know better. Well, that is just not the truth. It is arrogant, it is careerism, it is elitism at its worst, and it is impossible for this country to survive with that kind of thinking continuing.

The other thing that I hear tonight is that this bill would not allow tax reform. That is not true. It does allow tax reform.

Finally, this is what this new Congress is all about, trying to put us back in a redirection, trying to reform this institution, trying to give it the self-discipline that it needs because it has obviously not had it over the past 30 years.

Mr. Speaker, I support this bill. The people of Oklahoma support this bill. This is something that we should and must do for the next generation.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. EDWARDS].

Mr. EDWARDS. Mr. Speaker, I do not come to this well with a speech that I have written because I had no intention tonight to give a speech. I came to this House to hear the debate on amending one of the most cherished documents that this world and this Nation have ever seen.

And I want my colleagues to look around in this room at 10:15 in the evening. There are very few Members here; there are more staff people on the floor of this House than there are Members of the House. And the reason I ask Members to look around is that this is the only hearing that this amendment to the most cherished document in our country will receive in this House. It is not arrogance to want a full consideration and careful review of our Constitution.

I suggest it is reverence, reverence for our document that we all proclaim to love and reverence for our country and the seriousness of the issues which we debate this evening.

To my colleagues who genuinely believe that we should have such an amendment, or a similar one, I suggest let us have the courage to debate it in the light of day before the American people and not late at night as a political gimmick simply because this happens to be tax day.

To my colleague and friend, the gentleman from Texas [Mr. BARTON], who genuinely believes in tax limitation, let me suggest it says something wrong about this process when even he, who has fought harder for this issue than anyone I know, had to admit in a national publication just a few days ago that even he did not understand the content of this amendment to our Nation's Constitution.

I plead with my colleagues to pay respect not to our Constitution, just with their rhetoric, but to pay respect to it with our process. I think our Founding Fathers would be sad, whether they supported tax limitation or not. I think our Founding Fathers would be sad that we would have had no single hearing on such an important issue, that we would debate amending the Constitution at 10:20 at night with very few Members on this floor and more staff members than Members here.

Regardless of my colleagues' position on the issue, I suggest this is a sad day for our country and a total lack of reverence for our Constitution.

Mr. CANADY of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Oregon [Mr. COOLEY].

Mr. COOLEY. Mr. Speaker, I rise in favor of this resolution. I rise to remind this body of an important fact that seems to have gotten lost in the debate, that if this resolution passes tonight we will not have amended the Constitution. Remember that it takes three-fourths of the States and the people of the States in order to amend the Constitution. When we vote for this measure, we are voting to let the people decide that they would like two-thirds of congressional votes in order to raise the taxes. We are voting to let the people decide.

Those who vote against this measure would like to keep the money and the power here in Washington. Do not we trust the American people? I think we should. Let us let the American people decide whether or not they would like to make it harder for us to raise taxes.

Mr. BARTON of Texas. Mr. Speaker, I only have two more speakers, myself and the other chief sponsor. So I would like to reserve the balance of my time.

The SPEAKER pro tempore (Mr. RIGGS). The Chair would advise that the gentleman from Florida [Mr. CANADY] has 8 minutes remaining, the gentleman from Michigan [Mr. CONYERS] has 16½ minutes remaining, and the gentleman from Texas [Mr. BARTON] has 12 minutes remaining.

Mr. CONYERS. Mr. Speaker, I will step into the breach and yield 2 minutes to the distinguished gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, I am going to read a list of names. What is wrong with this list?

Madison.
Adams.
Franklin.
Jefferson.
WISE.
GINGRICH.

Mr. Speaker, if you said that the last two should not be confused tonight with the first four, you are absolutely correct. No one is going to confuse

what is happening tonight with Thomas Jefferson or John Adams or Benjamin Franklin.

Careful consideration was what the Constitution was about. What everyone should understand, there has not been one hearing on this, not one committee action. The previous speaker said what is wrong with sending it to the States. When we send it to the States, we send it as is, and, yes, it is fair to let the States vote on it, but have us perfect it first before we send it there.

I have to ask another question. If two-thirds is good for raising taxes for protecting Rupert Murdoch, for instance, then what is wrong with two-thirds for some other sacred areas? What about Social Security cuts when beneficiaries pay more out of pocket? Should not that have been two-thirds? What about Medicaid cuts?

I think if we are going to ask the middle class in this country to potentially pay $36,000 a year for nursing home costs that Medicaid has been paying for their loved ones, that might be worth two-thirds. That is certainly an increase. Somebody adding $3 or $4,000 on a student loan, and you proposed that earlier, Mr. Speaker, and the Republican Party, and yet that would not require two-thirds vote. You were happy with a 1—with 50 percent.

Sending our sons and daughters to war; I find it interesting, Mr. Speaker, that to raise taxes on the wealthiest would require a two-thirds vote, to raise an army to fight a war would only require a simple majority. It seems to me that some priorities are wrong here.

Mr. Speaker, I have faith in the American people, and I do not think it is arrogance. I have faith because I know that American people can say I know how my representatives voted, and I can evaluate that person whether or not they should have voted for that tax increase.

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, the American people want a balanced budget. The American people want to control spending. They want a line-item veto. The Republicans have tried to give that to them. And the American people want less taxes. They are going to pay until May 7 everything that they earned this year in taxes. Almost half of the year everything Americans earn are going to go just to pay taxes. They are fed up. Look at every single poll.

I am talking to my liberal colleagues in this Chamber. They are being taxed to death, and they do not want their taxes raised any further.

Now how do we guarantee that? We guarantee that by making it very difficult to raise their taxes, and the best way to do that is to have a supermajority.

The Barton bill is a very good step in the right direction. A two-thirds majority to raise taxes makes sense. If it is really necessary to raise taxes, our colleagues will get the two-thirds majority, but if it is not necessary, they will not.

Now we need a balanced budget, we need a line-item veto. We have given the President that. And we need to control taxes. Their party has been in control for 40 years, and for 40 years the policy has been tax, spend, tax, spend, tax, spend, and it has put this country in a terrible downward spiral. Every time we raise taxes; there has been 3 major taxes in the last 12 years; every time taxes have been raised, we spend more and more and more, and we are now into almost a 6 trillion dollars national debt.

When our forefathers came up with the income tax for the first time back in what, the early 1900's, it was 1 mill on a dollar, 1 tenth of 1 cent on a dollar, and said it was not going to go higher than probably half a cent on the dollar, and now one is working almost 6 months a year just to pay their taxes. it has to come to an end. The Barton bill is a good bill and should pass.

Mr. CANADY of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Colorado [Mr. SCHAEFER].

Mr. SCHAEFER. Mr. Speaker, I thank the gentleman for yielding this time to me, and just to respond one moment to the gentleman from Missouri who was talking about possibly the consumption tax in this country, and we have built into it a two-thirds vote in which to certainly raise that from a 15 percent to a 16 percent level, and more importantly for his farmers in Missouri or any farmer throughout the country, the estate tax is being abolished, which means that that individual who builds this family business or family farm over a period of time and turns around and wants to give it to his children or grandchildren, this is not going to happen any longer, and he can do it or she can do it at no interference with the Federal Government.

The second thing is I wanted to mention that there is built in a personal exemption refund for the working poor all the way up to the poverty line in this particular piece of legislation. So in essence the working poor in this country would pay nothing as far as taxes go on whatever they earn.

So I want to make this a very solid point, that the consumption tax is not being debated now. The two-thirds vote certainly is, and I certainly strongly support it.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina [Mr. HEFNER].

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

Mr. HEFNER. Mr. Speaker, I do not know where to start here. There was a budget that was offered here that supposedly was supposed to get a lot of support, was going to cut Medicare $270 billion, was going to do $240 billion worth of tax cuts. Right now we are not talking about raising taxes on anybody. But it seems to me, if we are going to do something of this magnitude, we would have some hearings on it, especially something as important as amending the Constitution of the United States.

And let us make one thing perfectly clear. We have been sitting here for almost 3 hours, and what we have come down to is the gentleman from Texas has talked about something that is a very frivolous thing in a campaign year, a campaign year, and the gentleman from Indiana said what we have done, we have given the President the line-item veto, but they saw fit to pass everything else in that bill except give the President the line-item veto the authority for this year. We are going to wait until after the election.

☐ 2230

Everything is predicated on the November election. The consultants have already been together and said,

> Hey, look, what we are going to do on this amendment tonight: The folks that vote against it, we are going to brand them as big spenders and liberals and don't want to get the balanced budget, and we will have a campaign issue in November.

It is just that simple. They do not particularly care about restrictions on raising taxes.

Nobody wants to vote to raise taxes. I pay taxes. I am a taxpayer. But this is purely and simply about the November elections, about 30-second spots, what we are going to do in November, how we can make the inroads on folks that vote against this irresponsible constitutional amendment. No hearings. Not even the chairman of the committee is here talking about passing this amendment. It is totally irresponsible, and that is basically what it is. Let us look at it for what it is; it is a campaign tool for November, pure and simple. Had it not been there, we would have been gone a long, long while ago.

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. GILCHREST].

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

Mr. Speaker, in the landmark case of McCulloch versus Maryland, America's first giant judicial situation, John Marshall wrote that the power to tax is the power to destroy. To be sure, in that instance Justice Marshall was seeking to prevent my home State of Maryland from taxing a Federal bank, but the principle remains. The fact is that taxation, taken to the extreme, can render meaningless the right to property, freedom of contract, or virtually any other freedom.

This amendment simply clarifies that Congress' use of that potentially destructive power—the power of taxation—should be subject to a higher approval standard than that of Congress' other powers as defined under article I, section 8 of the constitution. This

amendment would make it subject to the same super-majority requirements used for constitutional amendment, veto override, or treaty ratification.

It is true that the Founders did not intend for taxation to be subject to the same requirements. But it is also true that their standards were adopted prior to the ratification (indeed the proposal) of the 16th amendment. Prior to the 16th amendment, the power of taxation meant tariffs and excise taxes. But the 16th amendment created the income tax which refocused taxation on the livelihoods of individuals. When the rights of individuals to earn a living face potential threats from Government power, there should be a higher legislative standard for government to use that power. The amendment before us creates such a standard.

Mr. Speaker, today many people feel the strain attendant to tax rates which have risen continually over decades. On this day more than any other, our constituents are aware of the potentially destructive power of Federal taxation. I am supporting this amendment to provide my constituents a reasonable level of protection against that. I urge my colleagues to do the same.

Mr. BARTON of Texas. Mr. Speaker, I yield 6 minutes to the gentleman from Arizona [Mr. SHADEGG] who is one of the original sponsors of this legislation and who helped pass similar legislation in the Arizona legislature, which is now in the Arizona constitution.

Mr. SHADEGG. Mr. Speaker, it has been a privilege to be a part of this debate today, but it has been at times a very sad debate. At times we have heard from the other side that this is simply politics. That is dead wrong. This amendment raises a straightforward issue regarding fiscal responsibility. Should this Congress and this Federal Government be more responsible about spending the money it has?

If you believe it should, then indeed you should vote for this amendment, because simply by making it harder on this Tax Day, 1996, for the government to reach into the pockets of average American citizens and take more money out, we will force discipline on this Congress and we will cause this Congress to be more cautious, more prudent and more judicious in spending the money that we do take from those citizens.

All day long, Mr. Speaker, I have heard the other side talk about this as an attack on the sacred principle of majority rule. Well, bunk. This is not an attack on the sacred rule, the sacred principle of majority rule. Indeed, the very reason for placing it in the Constitution is because Constitutions are designed to protect minorities, to protect minorities against the tyranny of the majority, and indeed in this Nation where now the average American spends more on taxes than on food, shelter, and clothing combined, since the adoption of the 16th Amendment, we have a tyranny of the majority on the issue of taxes over the minority.

Mr. Speaker, the second issue I have heard makes me question whether anyone has bothered to read the amendment. Indeed, all day long I have heard my colleagues on the opposite side decry that they could not do any tax reform, they could not close corporate tax loopholes they could not provide additional funding for Medicare or child care, or for anything that they believed was a worthy cause.

That is dead wrong. I urge them to read the language which was left here because, as written, this measure provides for ''revenue-neutral tax reform''; that is, any measure which raised taxes on some but lowered taxes on others could be passed with a simple majority. Indeed, the other point they have made all day is that this is an outrageous debate which is radical, which is politics, which is a public relations ploy, theater and grandstanding.

Let me tell them, they are again wrong, because in 10 States in this Union, an amendment just like this one has already passed. Are they saying that it is radical of those States? If they are, they are telling one-third of all Americans that they live in a State which has adopted a radical grandstanding political theater of an amendment. That is right; one-third of all Americans live in a State which has adopted a tax limitation amendment just like the one before us tonight.

It is not radical, it is indeed a reasonable reform, a reform that two law professors have said would attempt to retrieve the original values of the Constitution, rather than a radical innovation. Let us look at what has happened. In those States which have adopted supermajority, taxes have climbed more slowly than in other States. You would expect that. Spending has climbed more slowly than in States which do not have a supermajority requirement. Those you could predict.

Let us look at the economic effect. We hear a lot of talk about the economy and jobs. In those States which have a supermajority, which have done what we have proposed to do here tonight, the economy has grown at 43 percent since 1980 to 1992. In those States which have refused to do what we do tonight, the economy has only grown at 35 percent. What does that mean? It means that the growth in the economy creates jobs, and indeed the study reveals the same: higher levels of job creation in those States which have a supermajority requirement.

The other side often talks about the importance of creation of jobs. This measure tonight would do more to enable us to create jobs in this Nation than anything else we could do in the 104th Congress. That is why the last fact is rather evident and why the other side hurts, because once examined by those facts, once made real to them, what happens?

A survey result revealed that 64 percent of Democrats support a tax limitation because it creates jobs; that 68 percent of Federal employees support tax limitation. Why? Because they are sick of wasteful spending at the Federal level; that 71 percent of union members who pick up that tab also support tax limitation, and that 73 percent of all Americans support tax limitation. This is indeed an idea whose time has come.

We have a tyranny of the majority in taxes in this Nation. I urge my colleagues to support this reasonable reform to restore the Founding Fathers' intent, and the intent that we should not have a tyranny of the majority over the taxpayers in this Nation.

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

Mr. SHADEGG. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I thank the gentleman very much for yielding to me.

Mr. Speaker, is the gentleman aware that in his charts where he indicates the supermajority of States, he includes California and Florida?

Mr. SHADEGG. Mr. Speaker, I believe those are 3 of the 10 States which have supermajority requirements, as does my State of Arizona, enacted in 1992, pursuant to an initiative drive with the support of 72 percent of the electorate.

Mr. CONYERS. Mr. Speaker, then does the gentleman know that in those two States, that the requirement of supermajority does not apply to sales tax, which is the principal means of raising revenue in those two States?

Mr. SHADEGG. It applies to some taxes in various States. They are not uniform across the Nation.

Mr. CONYERS. Is the gentleman aware of that?

Mr. SHADEGG. Certainly I am aware of that. But what we have seen is that in all 10 States, the economy has grown more and jobs have expanded more.

Mr. CONYERS. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, the distinguished chairman of the Committee on Appropriations, the gentleman from Louisiana [Mr. LIVINGSTON], made some comments that need to be rebutted.

During the 40 years that we claim that Democrats were running wild, we had Presidents Nixon, Bush, Eisenhower, Ford, and Reagan. We had Republican majorities in the Senate. In many years, in some of those years, we had Republicans with working control of this House, so I think trying to blame this on one particular party, the debt that we find ourselves in, is unfair and inaccurate.

Further, Mr. Speaker, under this President we have reduced the deficit from $290 billion, the highest in history, to $140 billion, which is more than a half, a 50 percent reduction.

Mr. CANADY of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. CHRYSLER].

Mr. CHRYSLER. Mr. Speaker, we hear a lot in this debate today about the election year ploy and the campaign ploy of this two-thirds majority.

There are some short memories in this body, because it was just last year that we voted on this very issue in this same body. If we want to talk about election year ploys, we would want to talk about the minimum wage. Why did the Democrats not vote for it in 1993 when they controlled all three bodies? They controlled all three bodies and they raised their taxes, but why not minimum wage? Not until the AFL–CIO came to town and the union bosses demanded of the President that he bring this up and make it an issue in this election did they even talk about the minimum wage this year.

Mr. Speaker, I want to support the two-thirds majority of the gentleman from Texas [Mr. BARTON] for any further tax increases in this country.

Mr. CONYERS. Mr. Speaker, I yield myself 45 seconds.

Mr. Speaker, I would ask my distinguished colleague, the gentleman from Michigan [Mr. CHRYSLER], would he not have felt better if a constitutional amendment would have had some hearings in some committee before we brought it to the floor to attempt to send it out to the States?

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

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

Mr. CHRYSLER. Mr. Speaker, we voted last year, I would say to my colleague, the gentleman from Michigan, just last year we voted on the Barton amendment that had a two-thirds provision in it in the balanced budget amendment. Then we did, in fact, vote to have this body have a two-thirds vote to raise taxes last year.

Mr. CONYERS. Mr. Speaker, I would ask the gentleman to check a little bit more carefully. I do not know how long he has seen the proposal that is on the floor. It was only put together rather recently, in remote corners of the Congress. It is different from the one that was debated at the time the he suggested.

PARLIAMENTARY INQUIRY

Mr. BARTON of Texas. Mr. Speaker, parliamentary inquiry.

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

Mr. BARTON of Texas. Mr. Speaker, there is some confusion or at least concern on our side. I am the sponsor of the amendment, and I was under the understanding that I have the right to close. I would like a ruling on that.

The SPEAKER pro tempore. The manager of the joint resolution has the right to close debate.

Mr. BARTON of Texas. Mr. Speaker, can the manager of the bill yield to me to close on his time?

The SPEAKER pro tempore. The manager of the joint resolution gentleman from Florida [Mr. CANADY], can yield for the purposes of closing debate to any Member.

Mr. BARTON of Texas. Mr. Speaker, I yield the 6 minutes that I control back to the gentleman from Florida [Mr. CANADY] to use as he may wish to; I yield the 6 minutes that I still control.

The SPEAKER pro tempore. The Chair is advised that that would be an appropriate offer, and that the gentleman from Florida [Mr. CANADY] will now control 8 minutes of time.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas, Ms. SHEILA JACKSON-LEE a distinguished member of the Committee on the Judiciary.

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

□ 2245

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am somewhat like my colleague from Texas who previously spoke as I came to listen to this dabate, recognizing that Congressman BARTON has a sincere commitment to this issue. But I take umbrage with the gentleman from Arizona and his articulation of who is in control.

I think our Founding Fathers in the Constitutional Convention of 1787 were trying to do one thing, and that is to remove the colonies from tyranny. We come today on April 15, 1996, to return them to that same tyranny, and that is to allow a minority to rule.

The constitutional amendment would allow tax increases on one group of taxpayers to fund tax breaks for another group. The Republican leadership has already waived the existing House rule requiring a three-fifths vote to raise taxes on three separate occasions, demonstrating already the unworkability of such a proposal.

I am opposed to this amendment because we find ourselves again coming to the floor of the House to allow a minority to dominate the majority. This is tyranny, simply and purely.

The framers of the Constitution rejected the principal of requiring a supermajority for basic Government functions such as raising taxes. James Madison, one of the drafters of the Constitution, stated that requiring more than majority of a quorum for decision will result in minority rule and the fundamental principle of free government would be reversed.

I am not sure what my Republican colleagues are trying to do but the Houston Chronicle saw it for what it was, political trickery. Of course we want to bring down the deficit, but do we want to bring down the hammer on top of those who can least afford it. Do we want to continue to see an increasing deficit when this Congress is not able to meet the responsibilities of this government?

This amendment is poorly drafted, Mr. Speaker, and I would simply say this is wrongheaded and wrong-directed. This is tyranny. This is not in keeping with the Constitution or that of our Founding Fathers. I ask that we vote this down.

Mr. Speaker, I rise in opposition to the resolution, House Joint Resolution 159, to amend the Constitution to require that any legislation raising taxes be subject to a two-thirds majority vote in the House and the Senate. If this amendment is added to the Constitution, Congress will not have the flexibility that is necessary to meet the important fiscal priorities of our Nation.

This proposal lists only two circumstances under which Congress could waive the two-thirds requirement. Those instances are when Congress adopts a declaration of war, or Congress adopts a resolution stating that the United States is engaged in a military conflict causing a threat to national security.

Even the House leadership understands the practical problems with this proposal because the House adopted a House rule in January 1995, similar to the constitutional amendment. The House rule requires a three-fifths majority to pass any bill containing an increase in income tax rates. On three occasions, the House leadership waived this requirement when considering bills containing such increases such as the Budget Reconciliation bill, the Medicare Preservation Act, and the Health Coverage Availability and Affordability Act.

I also oppose this resolution because it will give a minority of the House and Senate control over tax legislation. Our democratic system of government is based on majority rule. We must not undermine this central concept by allowing one-third of the membership of either the House or the Senate to exercise this power.

This amendment is poorly drafted. For example, the amendment states that legislation containing only a de minimis increase in revenue will not be subject to the two-thirds requirement. The problem, however, is that the term ''de minimis'' is not defined. Thus, Federal courts would ultimately decide the meaning of this term.

This resolution is not the most effective means of securing a balanced budget, which the majority of Members of the House proclaim is their legislative priority. In some instances, sound fiscal policy may require a combination of spending reductions and tax increases. In many cases, Congress considers legislation that contains such combination. Moreover, if Congress has considerable difficulty raising taxes, it may have to resort to more deficit spending in order to meet the critical needs of the Federal Government.

Finally, this resolution really avoids the key concerns of most taxpayers. They want simpler tax forms and they want their tax dollars spent wisely by eliminating waste, fraud, and abuse. I urge my colleagues to vote against this resolution. Let us get serious about improving the tax system and moving forward on balancing the budget. This proposed constitutional amendment will not help achieve these important goals.

Mr. CANADY of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. GILLMOR].

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

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

Mr. Speaker, I rise in opposition to the joint resolution.

Mr. CANADY of Florida. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. BAKER].

Mr. BAKER of California. Mr. Speaker, these new constitutionalists are

certainly fabricating. The Founding Fathers did not allow a tax on income, so why would they need a limitation? They just made it illegal when we had to amend the Constitution. Yet speaker after speaker say the Founding Fathers did not envision a two-thirds vote. They did not allow you to steal from income at all.

And then, oh, but California. Rob the rich. Tax the rich. Soak the rich. We love the rich. Baloney. California allows a two-thirds vote only for all taxes; sales tax, income tax, all taxes. I served in the legislature for 12 years. Do not fabricate, you new constitutionalists. We are not after one group, we are not after another group. All taxpayers should be protected. The rich, the poor, others.

In the 1950's we taxed at a 23-percent level. We are now taxing at 40 percent. Do you think we are undertaxed? Ask the people. Ask the people tonight on the 15th, do you need protection or is Washington out of control? Yes, we are out of control. No, you have done nothing about the deficit. The new majority will protect you if you will keep us, the new majority.

Mr. CONYERS. Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. STENHOLM].

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

Mr. STENHOLM. Mr. Speaker, I rise in opposition to House Joint Resolution 159, and I want to spend a little time examining closely what exactly we are voting on and what we are not.

On the floor earlier today a blanket statement was made that if you are opposed to this amendment, there is only one reasonable explanation: it is because you are a big spender. I find it interesting, then, that the National Taxpayer's Union vote tally scores me based on my actual votes on appropriation and reconciliation bills as a Member who is a spending cutter.

I also find it significant that the Concord Coalition, one of the most thoughtful, respected, and credible watchdogs of deficit spending, is opposed to this amendment. They wrote, ''Enactment of this constitutional amendment would be detrimental to the budget process. In considering how to balance the Federal budget and keep it balanced over the long term, all options for reducing spending or raising revenues must be on the table. No area of the budget, on either the spending or the revenue side, should receive preferential treatment such as requiring supermajorities.''

The Center on Budget and Policy Priorities writes, ''The Coalition budget represented the most serious of all deficit reduction plans developed in the last year. It contained more deficit reduction over the next 7 years than any other plan. Under the proposed constitutional amendment, the coalition budget would be unconstitutional unless it received a two-thirds vote.''

The coalition budget would have balanced the budget in 7 years, with considerably less debt than the reconciliation bill passed by the majority, primarily through spending cuts. In fact over 90 percent of the deficit reduction came from $731 billion in spending cuts. However, it contained a limited number of commonsense changes that would have resulted in increased revenues, hence unconstitutional unless two-thirds of the House supported it.

Does that really make common sense? I believe amending the Constitution is serious business and deserves serious debate. I suspect it is precisely because Committee on the Judiciary chairman HENRY HYDE has the same respect for and concern about amending the Constitution that his committee was never given its proper and vitally important chance to consider the resolution before us on the floor tonight.

The Constitution serves to protect fundamental rights of the minority in circumstances where majority rule does not adequately protect those rights. I believe that the balanced budget amendment is an appropriate addition to the Constitution because it protects the rights of future generations who are not represented in the current political system. By contrast, individuals who are affected by tax increases are represented in the political system and are protected by our system of majority rule. Our children and grandchildren are not.

It is too easy to borrow money. Debt going from $1 trillion to $5 trillion in the last 13 years is evidence that the theory behind the amendment proposed before us tonight has not worked and will not work.

Tax limitation promises have a superficial appeal which completely ignores the realities of the deficit. It is time for us to start eating our vegetables and resisting the dessert, regardless of whether it is Republican tax cut dessert or Democratic extra spending dessert being peddled.

This debate is not about the level of taxes that CHARLIE STENHOLM, JOE BARTON, PETE GEREN, or any other Member of the 104th Congress thinks is appropriate under the current circumstances for the next year or even the next 7 years. This debate tonight is about whether those of us here tonight should place in the Constitution an inflexible rule that will apply for all future generations.

I wonder if this amendment has been fully thought out. I think the debate today proves it has not. There are so many serious unanswered questions about this amendment.

For example, the resolution before us amends the Constitution to require a two-thirds majority vote to increase internal revenue by more than a de minimis amount. Nowhere either in the bill or in any part of the Constitution are there any clues as to what policies would be covered by the phrase ''internal revenue'' or what ''de minimis'' might mean.

Later this week the House will vote on a bill to take the transportation trust funds off-budget. However, the airport ticket tax which is supposed to fund the aviation trust fund has expired. Under this amendment, a two-thirds vote would be required to extend this tax. On the one hand, a majority of this body may say that these trust funds deserve special protection, while on the other hand we are voting tonight to prevent Congress from funding the trust fund at all unless two-thirds of this body shall concur.

This bill should be sent back to committee for the further and thoughtful review that any constitutional amendment, before it ever gets to the floor of the House, should have had. Vote ''no'' on this amendment. It is a very politically popular amendment but it is a poorly thought out resolution.

Mr. CANADY of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. BOEHNER].

Mr. BOEHNER. Mr. Speaker, tonight we are having a debate about whether we should amend the Constitution to make it more difficult to raise taxes. If you look back over the last 15 years, over the last 30 years, take that amount of time, it has become clear that whenever Congress got into a bind, they just raised taxes. The fact is many of us believe that it ought to be more difficult to raise taxes and many of us believe that if we are going to balance the budget, we ought to do it by reducing spending and controlling spending and not by increasing taxes. A number of States already have tax limitation language in their Constitutions, Arizona, Arkansas, California, Colorado, Delaware, Florida, Louisiana, Mississippi, Oklahoma, and South Dakota. They all have requirements to balance their State budgets. And so you can see that these States have a tax limitation amendment in their Constitution. They also have a requirement to balance their budgets, and they are doing just fine, and this Congress can do the same thing. The fact is it has been too easy to raise taxes in this Congress. What we are trying to do is to tell the American people, ''We're on your side, we're going to make it tougher.''

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

The SPEAKER pro tempore. The Chair would remind the gentleman from Michigan that he has 3¾ minutes remaining.

Mr. CONYERS. Mr. Speaker, this is not a good day to have brought this measure to the floor. I would have liked to have recommended that you brought it on April 1 instead of April 15, and that is because this is a grand and elaborate but clear scheme that attempts to fool the American people. It is also, as it has been pointed out, a sham, to protect the wealthy of this country from being taxed fairly. It is a proposal that the House has once earlier defeated as a constitutional amendment and which the majority, the new majority, has on 4 different occasions violated the very principle that

they now attempt to enshrine as a constitutional amendment on April 15.

It is a demeaning insult to a Constitution that deals with fundamental rights and liberties, and it is a scam that will fail, and many of its proponents are fully aware of that.

At heart, the measure before us tonight is designed to ensure that the very wealthiest of individuals and corporations never have to pay their fair share of taxes. And how?

Well, consider the tax loopholes for the super-rich that this bill would all but ensure would never be closed. First, it would take a two-thirds majority to make billionaires who make their fortunes in this country, to make them pay their fair share of taxes instead of moving out of the Nation and renouncing their citizenship to avoid such payment.

Second, it would take a two-thirds majority to end tax incentives for companies that open plants overseas.

Third, it would take a two thirds majority to stop the financial markets from permitting the wealthy to defer capital gains.

Finally, it would take a two-thirds majority vote to stop the wealthy from hiding their income from the Internal Revenue Service by using foreign trusts for safe havens.

And so this is a cruel and a patent hoax that I hope will be refused at this late hour of the night on a measure written somewhere other than in the Committee on the Judiciary and which is one that does not deserve to be supported on this night of April 15.

□ 2300

I urge a ''no'' vote on the measure now pending.

Mr. Speaker, I yield back the balance of my time.

Mr. CANADY of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts [Mr. TORKILDSEN].

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

Mr. TORKILDSEN. Mr. Speaker, I rise in support of this constitutional amendment.

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

Mr. CANADY of Florida. Mr. Speaker, I yield 6 minutes, the balance of my time, to the gentleman from Texas [Mr. BARTON], the sponsor of this amendment.

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

Mr. BARTON of Texas. Mr. Speaker, as the much maligned author of this amendment, I feel somewhat put upon. Some of the more polite things the amendment has been called tonight are irresponsible, stupid and insane. It has not been called unnecessary. There have been concerns expressed about the procedure by which it has been brought to the floor. I think some of those concerns are valid. But there has not been anything substantively said against the policy we are attempting to adopt.

We have heard some concerns about the language. Yet the rule offered the Democrats an alternative. If they support the policy but do not agree with the specific language, they could have brought a substitute amendment based on the same policy to the floor, and they chose not to do so.

There has been much said about the history and the Founding Fathers and how in 1787 there was no requirement for supermajority vote for a tax increase in the Constitution. That is true. The original Constitution prevented an income tax of any kind. The 16th Amendment in 1913 made income taxes constitutional. So, for over 125 years the tax limitation provision that we had in the Constitution was that all tax bills should originate in the House of Representatives, which was the body closest to the people and the only Federal body always elected by the people.

But beginning in 1913, with the 16th amendment, we began to have income taxes in this Nation. The first income tax was 1 percent on income up to $20,000. In 1913, one-tenth of 1 percent of the American people had to file a Federal income tax, one-tenth of 1 percent.

Since 1913, the average marginal tax rate on the American taxpayer has grown to 39.8 percent of 40 percent, which is a 4,000 percent increase, 4,000 percent increase in the marginal tax rate on the American taxpayer since 1913 and the passage of the first income tax.

Enough is enough. It is time this evening to pass the two-thirds tax limitation constitutional amendment and send it to the other body for ratification so it can go to the States. We do not have a revenue problem in the U.S. Federal Government. Federal revenues in the time that I have been in this body since 1985 have grown an average of $55 billion a year, $55 billion a year revenue growth.

But, unfortunately, spending has grown $59 billion a year, $59 billion a year. We do not have a revenue problem. We have a spending restraint problem.

Fortunately, we have a laboratory called the State governments. There are States that have tax limitations in their constitutions or in their laws, and in those States that have it, there are four things that are true in every State: Their taxes are lower; their taxes go up slower; their jobs increase faster; and economic growth in those States goes up faster.

Interestingly, no State that has tax limitations repealed it. In fact, States are adding to it. There are 18 States that are considering adding some form of tax limitation to their constitutions right now, the most current one being Nevada, where it is going to be voted on by the voters this November.

Tax limitation for supermajority vote requirements does work. The polls support that. Seventy-three percent of the American people support it. Eighty percent of Republicans support it. Eighty percent of independents support it. Interestingly enough, 64 percent of the Democrats, self-identified support it, low-income support it, with 80 percent. Middle-income people, 77 percent margins. High income people, 64 percent margins.

Those are polls. Let us talk about real people in Innis, Texas, where I live, real people like Jan and Troy Rogers, who own the hardware store. They support it. Real people like Bill and Helen Templen, who own the drugstore, they support it. Single-parent families, like Linda Gillespie, who works for me and has a son and daughter-in-law, married, both working, and a daughter working her way through college, they support it. They support it because they know that the average American family today spends more time working for the government to pay the government the tax revenue than they do for their own family, any other thing in their family budget.

We simply, Mr. Speaker and Members of this body, must pass the tax limitation language this evening, send it to the other body for ratification, send it to the States so that three-fourths of the States may have an opportunity to ratify this.

On tax day, April 15, 1996, it is time to say enough is enough and pass this. If we do not pass it, we are like the movie villain Freddie in ''Friday the 13th.'' We will be back next year on April 15, 1997, until we do pass it. It is not if we are going to pass it, it is when we are going to pass it.

This is not something that takes a long learning curve. In my town meetings when I talk about this, after the first 10 to 15 seconds the people are for it. I have yet to have one person in my town meetings or my public meetings in the last year who say they oppose it, making it more difficult to raise their taxes.

So let us, please, Mr. Speaker, vote for the two-thirds supermajority vote to require a tax increase on the American people.

Mr. FRANKS of Connecticut. Mr. Speaker as a cosponsor of House Joint Resolution 159, I rise in strong support for the passage of this resolution which proposes a constitutional amendment to require a two-thirds supermajority for passage of legislation that raises taxes.

Mr. Speaker, I am of the opinion that the situation of the taxpayer is one of desperation. For years, the American taxpayer has been like a person stranded in the middle of the desert, crawling, straining, praying for the first sight of that precious, random oasis which would provide him with the water to quench his thirst and give him relief.

However, the aching taxpayer suffering in the desert sun has become rightfully cynical. He knows that because of the deception of the heat, he may not be able to believe his eyes. You see, Mr. Speaker, over the past few years, the taxpayer has had to deal with a series of tax-related mirages. For example, he

had to deal with a mirage in 1988 that said to him ''Read my lips, no new taxes.'' But that mirage raised taxes on the American people in an ill-advised budget deal in 1990. After that, the taxpayer had to handle the mirage that comes to him in 1992 and promised him middle-class tax relief but then, in early 1993, that mirage went ahead and gave him the largest tax increase in American history. Later, the mirage of 1992 returned in late 1994 to promise that taxpayer a ''middle class bill of rights. Predictably, nothing ever came of that.

Thus, Mr. Speaker, for these long years, the hot, blistering sun of big Government has parched the America taxpayer. The taxpayer of 1996 is presently fiscally dehydrated and it will be up to the members of the 104th Congress to come to the rescue—to provide the American taxpayer with the refreshment of fiscal discipline and the parasol of tax limitation.

I think House Joint Resolution 159 is a commonsense solution. This resolution proposes an amendment to the Constitution to require a two thirds majority vote for the House or Senate to pass any legislation which would result in an increase in personal, business, or other Federal taxes—taxes which have a significant effect on our national security.

Mr. Speaker, this type of legislation is nothing new. It is not some prototype piece of legislation which has not even been tested at the small town level. According to the April 15, 1996, edition of the Wall Street Journal, one-third of all Americans live in the 12 States that have tax limitation provisions in their constitutions. The Journal also pointed out that during the years 1980–92, the States that had the supermajority provisions in their constitutions raised their taxes by 102 percent while the States without such a law raised taxes by 121 percent.

Also, I am sure, much to the chagrin of some of my colleagues on the other side of the aisle who have supported huge tax increases in the past, this type of proposal has the support of our employers, the American people. According to the Wall Street Journal, a Polling Co. poll found that 73 percent of the American populace support the idea of a supermajority when dealing with raising taxes. The same poll cited in the Journal also found the supermajority idea is supported by 64 percent of Democrats, 68 percent of Federal employees, and 71 percent of union members. This is not a concept that is only supported by rich and their fat-cat friends. Rather, this thoughtful proposal is supported by a broad spectrum of America. With this knowledge, I know that this proposal can be supported in my district—from the corporate manager in Danbury to the housewife in Shelton, from the teacher in Newtown to the boilermaker in Waterbury, and so on.

Let me be clear—I can respect the arguments of those colleagues of mine who express reservation about passing the constitutional amendment. The Constitution is the most sacred document of our land and it should not be used for momentary whims and passing fancy. But it is my belief, and the belief of a great supermajority of Americans—not just a mere majority, that is amendment is needed to bring an end to confiscatory Government that has gone on for way too long. We need to let the American people take home more of the money they work for and utilize it in the way they see fit.

Accordingly, I fully support this amendment and encourage my colleagues to do likewise. I yield back the balance of my time.

Mr. LIGHTFOOT. Mr. Speaker, I am proud to serve as an original cosponsor of the tax limitation amendment, which would make it impossible to raise the taxes of America's working families without a two-thirds vote of Congress.

It is inconceivable that it requires a two-thirds vote to override President Clinton's veto of our plan to provide tax relief to American families. But in 1993, it only took a single vote majority to enact the largest tax increase in American history.

Prior to Republican control of the House and Senate, history had shown Congress to be reckless and irresponsible with the taxpayers' dollars. This legislation will protect American taxpayers from the tax-and-spend liberals in Congress, who are all too eager to raise taxes and expand the Federal Government.

The 104th Congress has made great strides in rolling back the tide of Government expansion and escalating debt, yet, we need to take every precaution against backsliding. Requiring a two-thirds vote of Congress to raise taxes will ensure a continued commitment to fiscal responsibility.

Mr. GILMAN. Mr. Speaker, though I am weary at attempts to amend our Constitution and the concepts authored by our forefathers, I am concerned that our Nation continues to drown in wasteful Government spending and increased taxes, laying a heavy financial burden upon the backs of our children and grandchildren. Our Nation is great because of the principles espoused by our Founding Fathers and authored in the Constitution. This includes the belief that if you are able and willing to work hard you can adequately provide for your family.

However, Congress continues to ignore this principle and instead chooses to place economic roadblocks in front of working Americans. It is time to reel in the Federal Government's long arm. The Federal Government has been reaching into the pockets of Americans for far too long.

Accordingly, I rise in support of this constitutional amendment to provide a supermajority to raise taxes.

The debate should not be about supermajority rule versus majority rule, but instead about how best to provide jobs, investment, and economic growth for all working Americans.

Accordingly, I urge my colleagues to support this initiative and all measures aimed at providing working families with the ability to succeed in our Nation's economy.

Mr. KIM. Mr. Speaker, I rise in support of House Joint Resolution 159.

After a long, hard winter, it seems that spring has finally arrived. Across the Nation, many cities enjoyed their first warm, sunny weekend in months. In Washington, the cherry blossoms have bloomed, adding beautiful spring colors to the wonderful weather.

Regrettably, millions of Americans didn't get to enjoy this beautiful spring weekend. Instead, many of us were stuck inside doing our taxes.

A wasted spring weekend is a relatively minor annoyance, however, when compared to Americans' overwhelming frustration with the tax system in general. I'll bet that most Americans would endure the hassle of filing taxes with a lot less complaint—if only they felt that the taxes they paid were fair and that their money was spent wisely.

Unfortunately, neither of the above is true. The fact is, Americans pay too much in taxes, and the taxes they pay are all too often wasted.

The statistics are amazing: The average American citizen works well into May for our Government. Think about it: Every dollar that a person earns, from January 1 until several weeks after April 15, will go to pay Federal, State, and local taxes. And that does not include gas taxes, property taxes, and sales taxes.

And where does all of this money go? A great deal of it goes to support worthy Federal programs, such as Medicare, national parks, student loans, transportation, and defense. But too much of it is wasted—to support a bloated Federal bureaucracy, pork barrel projects, fraudulently received welfare benefits, and inefficient or outdated Federal programs.

Is it any wonder, then, that Americans are fed up with paying taxes? Should we be surprised that the American people resent having to pay high taxes, only to see their hard-earned money thrown down a rathole? I don't think so.

With the new majority in Congress, these frustrations are finally being addressed. In fact, one of the primary goals of the new Republican Congress is to reform how this Nation taxes and spends. We have passed a balanced budget bill that would reduce Federal spending by hundreds of billions of dollars over 7 years. We have passed legislation that would reform or consolidate hundreds of wasteful Federal programs. And, we have passed a bill that would have given middle-class individuals and families a substantial tax cut.

The constitutional amendment we are considering today is part of these continuing efforts. The amendment is simple: It would require a two-thirds vote in both the House and Senate to pass a tax increase. Instead of a simple majority vote, it would take 290 votes in the House and 67 votes in the Senate to raise taxes on the American people.

In doing so, this amendment would make it much more difficult to raise taxes—and would finally stack the odds in favor of the American taxpayer. If this amendment is passed, we will never again be faced with a repeat of the 1993 tax debate, in which the largest tax increase in American history was rammed through both Houses by one vote on a party-line basis. Congress would still have the option of raising taxes—but only if a broad, bipartisan coalition agreed that a tax increase was necessary.

In all probability, however, supporters of a tax increase will never convince two-thirds of both houses that such a tax hike is necessary. History bears this point out: During the past 30 years, Congress has passed 16 major tax increases. If this amendment were in effect, 8 of those tax increases would not have been passed. In the 1980's alone, this amendment would have saved American taxpayers nearly $700 billion in increased taxes.

In short, this amendment will force Congress to stop looking to the American taxpayer every time we want to spend more than we take in. Instead, the tax limitation amendment will force Congress to do what we have historically been unwilling to do: Cut spending.

Finally, the most appealing aspect of this amendment is that it will be permanent. By incorporating this bias against higher taxes into the Constitution, we ensure that future Congresses are not tempted to reach into the wallets of the American people. We also ensure that the efforts of this Congress to cut spending and lower taxes are not in vain.

In sum, I strongly support House Joint Resolution 159 because if provides critically needed protection for American taxpayers. It will stack the deck against tax increases and for spending cuts. And, while it won't prevent taxpayers from having to spend another spring weekend doing their taxes, it will at least ensure that they don't have to pay more taxes than are truly necessary.

For these reasons, I urge my colleagues to support this important legislation.

Mr. BEREUTER. Mr. Speaker, this member rises in opposition to House Joint Resolution 159, the so-called tax limitation amendment. Certainly it would be more politically expedient to simply go along and vote in support of a Constitutional amendment requiring two-thirds approval by Congress for any tax increases. However, this Member can not in good conscience cast such a vote.

As this member stated when speaking in favor of a balanced budget amendment to the U.S Constitution, there is a great burden of proof to deviate from the basic principle of our democracy—the principle of majority rule. Unfortunately, this Member does not believe the proponents of this amendment have met this burden.

There should be no question of this Member's continued and enthusiastic support for a balanced budget and a constitutional amendment requiring such. Tax increases should not routinely be employed to achieve a balanced budget. That is why this member supported the inclusion of a supermajority requirement in the Rules of the 104th House which were adopted at the beginning of this Congress. However, to go beyond that and amend the Constitution is, in this Members opinion, an unreasonable and dangerous action.

Mr. PORTER. Mr. Speaker, I rise in opposition to this resolution. Amending the Constitution to require a two-thirds vote to raise taxes may make for good election year politics, but adding a policy-specific supermajority requirement to our Constitution runs contrary to the fabric of the text and is an unwise change that should be rejected.

I speak today, Mr. Speaker, as a very strong opponent of taxes. I believe that our fiscal problems do not result from excessive spending and I do not favor tax increases. During my service in Congress, I have voted against the tax increases that were adopted in 1983, 1990, and most recently, I opposed President Clinton's tax increase in 1993. My record in opposition to increased spending is equally strong and unwavering.

But I think it is instructive to reflect upon the teachings of the Founding Fathers when considering a proposition of this magnitude. Our forefathers founded this nation over 200 years ago in tax revolt. King George III's imposition of huge and unfair levies without the consent of the American colonists led to their rallying cry of ''no taxation without representation.'' The British Crown's impositions, including heavy taxation, were among the principal causes of the American revolution.

Within a decade, in 1787, the leaders of that revolution were writing a new constitution to govern the relationship among the new National Government, the States, and the people. Heavy upon their minds was the power of the central government to tax. Yet, having the opportunity to require supermajorities for the imposition of any tax, they did not write such a provision into the new Constitution.

Indeed, supermajority provisions are found only rarely in our Constitution. In the instances where they are found, there is a particular rationale reflecting the concern of the Framers with the need to maintain checks and balances between the branches of the government and between the two Houses of the Congress. In no case do we find a policy-specific supermajority requirement such as the one that is proposed today.

Supermajority requirements are found in the Constitution in the context of expelling a member of the House or Senate or impeaching the President. Such requirements make obvious sense in that they protect Representatives or Senators espousing a minority viewpoint or a President who is disfavored by a majority of the legislative branch from being purged from office simply because of his or her views.

A supermajority requirement is also found with respect to the ratification of treaties by the Senate. Again, there is a process-based rationale for this requirement. Because the House plays no role in the treaty ratification process, and because treaties are afforded the status of supreme law, the Framers sought to avoid a situation whereby a President in concert with a simple majority of the Senate could utilize the treaty process to make law while circumventing the popularly elected House. The supermajority requirements was imposed as a check on this power.

There is also a supermajority requirement for the promulgation of an amendment to the Constitution. And, again, this is a process based requirement designed to protect the Constitution itself from constant revision.

Perhaps most well known is the supermajority requirement for the override of a Presidential veto. This requirement also relates to the concerns of the Framers about the balance of powers. During debate on the Constitution, it was proposed by some delegates that the President have an absolute veto over legislation that he disliked, with no provision for an override. Other delegates felt that the Chief Executive should play no role in the enactment of legislation and therefore should have no ability to veto legislation. The two-thirds override provision that found its way into the final version of our Constitution was essentially a compromise between these two views—the President was given the authority to negate legislation adopted by the Congress in order to protect against the potential for rash action by the legislative branch, but if a supermajority of legislators—after reflecting on the President's veto—nonetheless felt that the measure was in the national interest, they could reverse the effect of that veto.

Moreover, Mr. Speaker, the proponents of the resolution that we debate today have overlooked an even more fundamental reason why policy-specific legislative supermajority requirements were eschewed by the Framers. The bicameral composition of the legislative branch itself—with House members serving relatively short terms and apportioned by population and Senate members serving relatively long terms and apportioned by State—was designed to retard the adoption of unpopular or unfair legislation and, in particular, tax legislation The record of the debates of the Framers makes clear that a chief reason why the House was intentionally structured to keep its Members close to the wishes of their constituencies was to deter them from recklessly taxing those people. Equally clear is that the Senate was intended as a more insular and—it was assumed—contemplative body that would protect the small States from tax and other legislation that might be adopted by the House that might disproportionately impact such small States. In short, the bicameral legislature that we have today was fashioned—after considerable debate—to act as a check on both excess and unfair taxation. A supermajority provision respecting taxes was not considered necessary because it was considered redundant of the essential structure of the legislative branch.

Mr. Speaker, earlier this year, we changed the House rules to require a supermajority to raise taxes. I supported that change in the rules because I feel very strongly that, at this time, we should bind ourselves to resolve the present deficit crisis with a focus on the elimination of wasteful and unnecessary Federal spending and the elimination of programs that have outlived their usefulness or are more appropriately the function of the States or local governments. But the resolution before us today proposes to change the text of our Constitution and, in so doing, to bind future generations with respect to the resolution of a problem that we cannot anticipate. To do so is, in my judgment imprudent. And it is also unnecessary.

Mr. Speaker, I believe that the Founders had it right the first time—each of us must stand for election every 2 years and each of us must answer for our votes in this body. Those who vote for increased taxation must answer to their constituencies for such action and, it seems clear to me, that the voters continue to express a visceral dislike of taxes and a strong willingness to turn out of office those who lose touch with this sentiment. Senators also cannot escape the consequences of voting to raise taxes. Indeed, the move to a popularly elected Senate has, if anything, strengthened the responsiveness of the legislative branch to the anti-tax ethos that is found at the core of our Nation's founding and reflected in its central organizational document.

Mr. Speaker, those who propose to amend our Constitution bear a heavy burden to convince the Members of this body and the American people of the propriety of their action. This resolution does not meet that burden.

Mr. COYNE. Mr. Speaker, I rise today in opposition to this proposed amendment to the Constitution. I believe that such an amendment would be unwise.

I am primarily concerned that this amendment will spell the end of majority rule in this country. We will find it much harder to address the many financial problems that we know this country will face in coming years. Under this amendment, one-third of the Senate could block legislation. Conceivably, one-third of the Senate could represent States containing only 10 percent of the country's population. In short, 10 percent of the country's voters could thwart the will of the other 90 percent! That's not democracy.

What would be the effect of such a change in the Constitution? Well, let us just look at some of the close votes of the past. If this

amendment had been part of the Constitution in years past, for example, we wouldn't have had the votes needed to pass the legislation that create Social Security or Medicare. If we adopt this amendment, we would find it much harder to close corporate tax loopholes—we can't even muster a majority of votes to eliminate them. I am also concerned that the proposed amendment, if ratified, would produce a Federal Tax Code that is more regressive than the one under which we live today. We could, for example, pass a flat tax or a VAT tax under this amendment, but we could not pass legislation that would reform the current income tax to make it more progressive and reduce the tax burden on working families.

Even the Republicans don't really want to live by such rules. We have had a House rule for the last year that requires a three-fifths vote to increase income tax rates. The Republican-controlled House has already waived that rule four times. What are they saying by offering this constitutional amendment—stop us before we tax again? Or are they just offering this amendment as a political gesture that they know will never be ratified as part of the Constitution?

Moreover, this amendment would shift a great deal of control over Federal taxes from Congress to the courts. Under this amendment, anyone would have standing to bring a suit in court. Do we doubt that the courts would be inundated with cases challenging congressional tax legislation? I doubt that this is what the Founding Fathers had in mind.

If this amendment is ratified, it will be much more difficult to balance the budget in future years. In order to reduce the deficit under this amendment, Congress would have to make devastating changes in the programs that serve the needs of the American people—programs like Social Security, Medicare, and Medicaid. I do not think the American people want such an outcome.

We all know that in coming years, Congress will have to both cut spending and raise taxes in order to keep the deficit from exploding. Entitlements will have to contribute their share. But this amendment would result in paralysis and massive deficits that would cripple the country, impose unnecessary suffering on senior citizens and the poor, and choke off economic growth.

I find it especially disturbing that the House is considering this amendment without adequate hearings and consideration at the committee level first. Amending the Constitution is a major decision. Such a step deserves careful consideration. And yet we have had—what?—one hearing at the subcommittee level on this proposal. It hasn't even been considered by the full Judiciary Committee.

I urge my colleagues to reject this hasty and ill-advised amendment.

Mr. Speaker, I rise in opposition to House Joint Resolution 159. This constitutional change is unnecessary and misguided, and I urge my colleagues to oppose it.

This initiative strikes at the very heart of our constitutional democracy, eroding the principle of majority rule. The Constitution requires a supermajority only in extraordinary circumstances, such as a veto override or impeachment of a president. This resolution would give a small minority of this House the power to block critical bills—even responsible legislation designed to balance the federal budget—if you contain a tax increase. If Congress can declare war by a simple majority vote, surely we can pass a tax bill by the same margin.

I also foresee difficulties defining a tax increase. Earlier this year, the Republican House majority passed a bill reducing the earned income tax credit, a tax credit for our nation's working poor. That measure effectively increased low-income Americans' taxes by reducing their credit. However, the GOP did not consider that bill a tax increase. It is likely we will see similar controversies. If Congress eliminates an unjustified tax deduction, thereby resulting in a tax bracket change for an individual or a corporation, does that constitute a tax increase? Would it require a supermajority to right this hypothetical wrong? The answer is uncertain as this legislation is currently written.

The resolution's provision waiving the two-thirds requirement for ''de minimis'' tax increases is also troublesome. By failing to define a ''de minimis'' increase, the resolution abdicates responsibility for developing this guideline and turns it over to the federal courts. The courts will undoubtedly spend many years and thousands of taxpayer dollars delineating precisely what is meant by this term.

There are other technical difficulties with the measure. It does not define the time period over which a tax increase must be estimated in order to trigger the two-thirds requirement. Similarly, this amendment does not address situations where bills projected to decrease tax revenues actually increase taxes. Closing loopholes in the tax code could also be almost impossible if these efforts were subject to a two-thirds vote on the House.

Mr. Speaker, I would also note that the Republican-controlled House has not even been able to live under its own rule that income tax increases must be passed by a three-fifths vote. This rule has been waived three times in this Congress, allowing income tax bills to pass by a simple majority. If the GOP violates the spirit of its own rules, what will prohibit it from circumventing a Constitutional amendment in a similar way?

House Joint Resolution 159 is the fourth attempt by this Republican Congress to amend the Constitution—the most ever since the post-civil war period. I urge my colleagues to vote against this resolution.

Mr. GILLMOR. Mr. Speaker, I rise in reluctant opposition to the tax limitation amendment offered by the gentlemen from Texas. I commend them for their hard work on this effort, but in the end, I believe this proposal is bad public policy.

Let me make it clear that I am opposed to a tax increase on the American people. I think the overall tax burden of the average American family is too large, and tax relief or tax reduction is appropriate. I believe this amendment is well intentioned, but as we all know, the ''road to Hell is paved with good intentions.''

Regrettably, this vote and the way it came about is an example of ideology prevailing over common sense. I do not believe that higher taxes are a panacea to our budget problems. I would support a lower tax burden. As Ohio Senate President, I was responsible for pushing through the largest income tax cut bill in Ohio history. This was accomplished even though we had to contend with a Democrat-controlled House and Democrat Governor who opposed that tax relief bill. Americans, of all backgrounds, deserve to have more money in their pockets to spend the best way they know. Government should not be in the business of making decisions that working families can make for themselves. The average family now pays more in taxes than for food, clothing, and shelter.

Let me briefly set out four reasons this proposal should not be approved tonight. First, changes to our fundamental charter, the U.S. Constitution, should not be undertaken lightly. The justification for this proposed change has simply not been adequately made. When the Constitution was first written, Congress was given the authority to raise revenues by a simple majority vote. This amendment places new hurdles on our jurisdiction, putting philosophy over reality.

Second, I want to remind the members that at the beginning of the 104th Congress, the House rules stipulated that new revenue provisions needed to be approved by three-fifths majority. This rule, though, has been waived repeatedly. Very simply, it did not work as intended, so it was waived. However, the Constitution cannot be waived.

Third, the practical effect of this type of provision if it had been in effect in the past would have prevented some of the most significant progress we have achieved as a nation. Specifically, I am referring to the National Highway System, our magnificent interstates that we all voted to renew earlier this Congress. These roads have given us the greatest transportation system in the world, and added hundreds of billions of dollars to our economy. If this Tax Limitation Amendment had been part of our Constitution when the Highway Act was originally voted on by the Congress, this system would not exist today. Congress first passed a gas tax to pay for this highway system, one of the greatest public works projects in our history, with more than two-thirds of House members voting for it. Yet, reauthorizing the tax would have never happened because in 1959 it would have failed by a vote of 243 to 163, less than two-thirds.

Fourth, the procedures used here simply fail to meet the minimum standards we should adhere to in voting on a constitutional amendment. There have been no meaningful hearings on this proposal. In fact, the current version was just recently drafted, behind closed doors, with no opportunity for the public, or even most Members, to examine it.

Mr. Speaker, I urge my colleagues to stand up for sound, reasonable, and practical public policy and oppose this amendment.

Mr. LANTOS. Mr. Speaker, this Congress—now under new management, as my distinguished colleagues on the other side of the aisle have repeatedly emphasized—has been long on rhetoric and extremely short on accomplishments. In the first session, we had the largest number of recorded votes in recent memory—and the fewest number of bills passed in recent memory. I hasten to add, Mr.

Speaker, that the limited accomplishments of this Congress' new management had little to do with Presidential vetoes. It has a great deal to do with poor quality legislation and extremist legislation that has not found support even among the Republican majority in the other body. It has a great deal to do with partisan posturing while ignoring the importance of bipartisan cooperation and good government.

Today, Mr. Speaker, we are once again engaged in another exercise of symbolism rather than substance as we consider House Joint Resolution 159/169, to require a two-thirds vote in both houses of Congress in order to increase tax revenues. No one likes to pay taxes, and no one likes to pick up the tab after lunch. But just as there is no free lunch, taxes are the price we pay in order to participate in the benefits of civilized society.

Today is April 15—tax day, the deadline by which all of us must file our Federal income taxes. In order to take advantage of media interest in taxes, our colleagues on the other side of the aisle are bringing to the floor a bill which does little to deal with the burden of taxation, a bill which does little to deal with the issue of fairness in taxation. Once again we are seeing this House posture rather than perform. We are taking time today to consider an ill-conceived and ill-drafted resolution that will go nowhere, a resolution that this House should not even take the time to consider, a resolution that is so flawed that it should not be adopted.

Furthermore, Mr. Speaker, the majority on the other side of the aisle has already had a super majority requirement, which was adopted last year as a rule of the House. The House Rules require a three-fifth vote for any tax increase. But have they followed their own super-majority rule in the House? Since the adoption of the House Rule 16 months ago, the House majority has waived the rule three times for specific legislation. The hypocrisy is appalling, Mr. Speaker.

House Joint Resolution 159/169, which we are considering, has a number of serious flaws. First, it is a violation of the fundamental principle of majority rule that is a the heart of our democracy. Adopting this amendment would make democratic decision making more difficult. Requiring super majorities, in all but the most weighty and most fundamental issues, simply makes it even more difficult to govern. The paralysis we have seen in this House and between the House and the Senate over the past year would be considerably compounded by adding this new requirement.

Second, this amendment would erect serious new barriers to deficit reduction. If we are to deal with our Nation's deficit we must have both spending cuts and revenue increases in the years ahead. The requirement of a two-thirds vote for any legislation that raises revenues would make it difficult, if not impossible, to adopt legislation that balances program cuts and increased payments for government services. Under this amendment, even an increase in the fee charged visitors to our national parks would apparently require a two-thirds vote of the House and the Senate. A cut in the capital gains tax rate, according to official projections would result in an increase in tax revenues for the first few years, this it appears that a reduction in the capital gains tax rate would therefore require a two-thirds vote. The awkwardness of this requirement is obvious.

Third, as with so much of the legislation that we have considered in this house over the past sixteen months, this provision will be of much greater benefit to the wealthiest and most powerful Americans at the expense of the rest of our people. As the Center on Budget and Policy Priorities, which has expressed its strong opposition to this resolution, stated: ''A two-thirds majority would be required to curb special interest tax benefits, which disproportionately benefit those at high income levels. By contrast, a simple majority vote would be required to cut federal programs, which primarily benefit the middle class and the poor.''

The Concord Coalition—the respected bipartisan organization established four years ago by former Senators Paul Tsongas of Massachusetts and Warren Rudman of New Hampshire ''to eliminate federal budget deficits and build a sound economy for future generations''—has expressed its opposition to this constitutional amendment. The Concord Coalition, which has taken fiscal responsibility very seriously, opposes this resolution and has announced that it will include this vote as a key vote for its 1996 congressional scorecard.

Mr. Speaker, there are a number of serious and thoughtful analyses that have been made in connection with the legislation that we are considering today. The Washington Post published an excellent editorial on April 12 entitled ''Showboating on Tax Day'' which raises very serious and thoughtful objections to the bill we are considering House Joint Resolution 159/169. As the Post argues: ''Issues like this ought not be raised to the constitutional level. If evaded, the amendment would breed contempt for the Constitution. If adhered to, it would weaken the government whose resolve it purports to strengthen.'' Mr. Chairman, I ask that the text of this Washington Post editorial be included in the RECORD at the conclusion of my statement.

Mr. Speaker, this House has been too long on symbolism and too short on legislation that is meaningful to the American people. I urge my colleagues to oppose this symbolic resolution before us today. Let us move on to the serious and important business of the people.

SHOWBOATING ON TAX DAY

The House is scheduled to vote next week on a constitutional amendment requiring two-thirds votes of both houses to pass tax increases. It's a bad idea whose effect would likely be not so much to limit tax increases as to raise their political price by giving minorities the power to hold the majority hostage. The Republicans are staging the vote to demonstrate on tax day their devotion to lower taxes and smaller government. They should find a better way to do that than to turn the Constitution into a political toy.

The amendment is being advanced in the name of fiscal responsibility, but the effect would be to make a responsible fiscal policy harder to achieve. The budget is structurally out of balance now. It can only become more so as the baby boomers begin to retire; the day is not that far off. Aid to the elderly, mainly in the form of Social Security and Medicare, already makes up close to half the budget for other than interest and defense.

Left to itself, the share will increase; to protect the rest of government and keep the deficit from rising, there will be pressure to cut the net cost of these programs. If all the cost cutting takes the form of benefit reductions, the standard of living of the elderly, so painfully raised in recent years, will be adversely affected. For the sake of social equity as well as fiscal responsibility, there will need to be tax increases as well as benefit cuts. In the face of a problem as fundamental as this, why, except for misplaced ideology, make the decent solution harder to achieve?

The amendment tries to use a change in procedure to achieve a particular policy result. All kinds of questions of interpretation instantly arise. The Republicans want to cut the capital gains tax. As part of the argument in favor, they say that at least at first it will add to revenues rather than reduce them, because it will generate more sales of assets. If you have cut that supposedly adds to revenues, does that mean you need a two-thirds vote in both houses, or will simple majorities suffice? Over what time periods do you measure? Who does the measuring, and what if they turn out to be wrong?

Issues like this ought not be raised to the constitutional level. If evaded, the amendment would breed contempt for the Constitution. If adhered to, it would weaken the government whose resolve it purports to strengthen. If it's hard to assemble majorities for responsible budgets, how much harder to assemble two-thirds. This is a showy proposal meant to make its supporters look good on tax day. What it does instead is make them look like another bunch of pols in search of another gimmick. The House should vote this amendment down.

Mr. BUNNING of Kentucky. Mr. Speaker, this is the day that comes each year when the American people are reminded of the cost of their government. And this government ain't cheap.

The Federal budget has grown to more than one-and-a-half trillion dollars and that is a cost paid directly by working Americans. It has become too easy to sit here in our Nation's Capital and spend other people's money.

Other people's money—money that they earned through work and effort—should be spent with care and only for what we absolutely must have.

But, unfortunately, Jefferson, was right when he said that no one spends someone else's money as carefully as he spends his own.

If the amendment before us today is approved, it will make it more difficult for the government to spend other people's money in such a callous way. In a word, it will make us more accountable.

Those who like to call the ones who earn the money greedy because they want to keep more of it for their families should think again.

In my books, the greedy ones are those who sit here in Washington demanding that the workers hand over more and more of what they earn.

Mr. Speaker, our fiscal problem has not been a lack of revenues but too much spending of other people's money. The time has come for us to make it more difficult to take and spend money earned by the American worker.

Higher taxes and more spending are not signs of virtue. In fact, they are signs of a government grown too fat. To paraphrase President Reagan, you cannot measure compassion by the size of the Federal budget.

I think that it is time for some compassion for the folks who have been paying the bills around here.

The American taxpayer deserves a system that makes it at least as easy to cut spending as it is to raise taxes and this amendment will do that. It levels the field so that the easy answer is no longer to stick it to the taxpayer one more time.

If taxes grow more slowly and spending must be cut so that the government lives with

its means, that is a virtue. It may help to curb the vice of spending more and more of other people's money.

I urge my colleagues to support the American Taxpayer and support the ⅔ majority rue for tax increases.

Mrs. SMITH of Washington. Mr. Speaker, I join my colleagues today in supporting this supermajority tax increase amendment. A year ago, my freshmen colleagues and I led a fight in the first round of an effort to bring taxation under control. Since coming to Congress a little over a year ago, I have seen first hand how difficult it is to cut Federal spending. One of the best disincentives we can use is to make raising taxes that much more difficult. The American people are no longer willing to give the benefit of the doubt to Congress. Our tax and spend addiction has taken over efforts for credible discussions about deficit reduction. As a grandmother of six young children, I only have to think of their future tax rates to realize what will happen if we do not get Federal spending under control. We have no moral right to depend on tax increases in the future to fund the Federal spending today.

Requiring a two-thirds supermajority for a tax increase is part of sound economic growth. States with supermajority requirements saw their economies grow 43 percent between 1980 and 1992. States without such requirements lagged behind at 35 percent. Taxes also grow more slowly in States with a supermajority requirement. In the State of Washington, we have such a supermajority and it has done much to increase the level of accountability between the taxpayers and their elected officials. It allows hard working Americans to invest their dollars in the economy whether it be through a home purchase, a college education, or simply providing a better life for their families.

I ask my colleagues today to join with me in supporting this two-thirds supermajority tax legislation. We can do no less for our children and grandchildren.

Ms. DUNN of Washington. Mr. Speaker, I rise today in strong support of House Joint Resolution 159 and urge my colleagues to approve this common sense and responsible measure.

The truth is, Mr. Speaker, that it is simply too easy to raise taxes.

Currently, it is easier to increase taxes than it is to cut them. In 1993, President Clinton and the Democratic-controlled Congress enacted the largest tax increase in the history of our great Nation by a 50-percent-plus-one vote. And that is exactly how it happened. They passed the largest increase in the history of the United States by a one-vote margin.

Democrats placed this burden squarely on the backs of the American people. Those tax increases took real money out of the pockets of real American families.

In 1995, Republicans worked to reverse the largest tax increase in the history of our Nation. Last fall, we passed and sent to the President a measure that would have included tax reductions to offset the economic burden placed on every American by the 1993 tax increases.

Unfortunately, the President vetoed that relief and in order to override the veto and pass tax cuts the Congress needed to achieve a two-thirds majority. It is simply too easy in this country to take more money out of the pockets of the citizens. Simple majority for a tax increase—and two-thirds majority for tax cut. This must stop. This Republican Congress will no longer allow elected officials to take the easy way out.

During the past 30 years there have been 16 major votes to increase taxes. Of those 16, only 8 would have passed if the two-thirds majority requirement had been in place. Since 1980, the taxpayers would have saved $666 billion had the tax limitation amendment been in effect.

Around the country States have also been forced to reform their spending, and budgeting priorities because of deficit-spending. The most successful method used by States has been some type of tax limitation. One-third of all Americans live in a State with tax limitation in their constitutions. Mr. Speaker, the Federal Government has learned a number of lessons from the States, and this is no exception. States that have enacted a tax limitation have experienced expanded economies, reduced spending and a better way of life for its citizens.

Mr. Speaker, I would hope that my colleagues on the other side of the aisle will at the very least listen to their constituents. The American people support tax limitation. Seventy percent of the American public support amending the Constitution to require a two-thirds vote to raise taxes.

The power of the Federal Government to tax is an enormous responsibility. If used unwisely this power will lead to a lower standard of living for all Americans. With enactment of this amendment, no longer will tax increases become the preferred method of dealing with our Nation's finances. Ultimately, this measure will foster good government by forcing us to reevaluate commitments and prioritize spending. I urge my colleagues to support House Joint Resolution 159.

Mr. MCDERMOTT, Mr. Speaker, in the words of Seattle Time's columnist Terry Tang, today's debate is best summed up as ''A Republican Floor Show Only a Cynic Could Love.''

The proposed constitutional amendment is so gravely flawed it should not be debated on the floor of the House of Representatives. Instead of working to finish passages of this year's budget, or work on serious legislation, the Republican leadership has decided to waste valuable legislative time debating a bill they know will never pass.

Today's vote is nothing more than a cynical publicity stunt to pander for political votes. Today's vote to amend the Constitution to require a two-thirds vote to raise taxes is a perfect example of Republican legislation which has nothing to do with governing and everything to do with bumper-sticker politics.

While these sound-bite tactics play well in campaign ads, they fail the test of serious legislation. When will the Republican Party learn that there is more to legislating than trying to add a campaign slogan to the Constitution?

When the Republicans took control of the House in January 1995, one of the first things they did was pass a House rule requiring a three-fifth's vote to pass any legislation that included an increase in income tax rates. The Republicans touted the passage of this rule as a sign of their commitment to not raise taxes on Americans and balance the budget through spending cuts alone.

Have the Republicans lived up to their lofty promise not to raise taxes on Americans? The answer is an emphatic ''No.'' On four separate occasions, the Republican leadership brought bills to the House floor for a vote which included increases in income tax rates on working Americans.

How do we know for sure that at least four Republican bills included tax increases?

Simply because they already have voted to waive their new rule four times in order to ensure passage of their legislation by a simply majority vote, and not the three-fifth's majority vote that their own House rule required.

Let me make this clear—the Republicans have ignored their own rule, they have voted on and passed four separate pieces of legislation which increased income tax rates on the American people, in direct contradiction to their widely publicized promise not to raise taxes.

The Republicans have clearly not been able to live according to the terms of the House rule they adopted for themselves at the start of this Congress.

The Republicans now want all of their minions to march down to the House floor today and ram an amendment through the House without ever taking the time to study what such an amendment might actually mean to the American people.

If the American people, and my colleagues across the aisle were to take the time to actually think about this bill, people would clearly see that such an amendment would have significant consequences on our country's future.

Passage of this amendment to the Constitution is nothing more than giving Speaker GINGRICH another tool to undermine the working men and women of America.

This amendment is structured to protect corporate welfare in the Tax Code, reduce spending on education and the environment, weaken Medicare and Medicaid and threaten the future of Social Security.

The latest budget proposals put forth by the President and the Republican leadership include provisions which would close corporate tax loopholes in the Tax Code to help reduce the deficit. Yet, the Republican leadership, with this amendment, is signaling to corporate American that they are in the clear from here on out because this amendment would make it almost impossible to close any tax loopholes for deficit reduction.

Why? Because the requirement for a two-thirds majority would not only apply to measures to raise taxes, but also to measures to cut unproductive tax expenditures that grant subsidies to select industries.

The amendment was drafted this way, despite the fact that a recent CBO study found that over half the corporate subsidies the Federal Government provides are through the Tax Code. Closing tax loopholes is often hard enough by a majority vote requirement—to constitutionally require a two-thirds vote of Congress to do so would be impossible.

The Republican party evidently would rather balance the budget on the backs of working men and women than require corporate America to contribute its fair share to deficit reduction.

It shouldn't be surprising to anyone to learn that this amendment is biased against average families and the poor.

Most Government programs that benefit working Americans, like Social Security, school loans, unemployment insurance and food stamps, to name a few, come from the spending side of the budget.

In contrast, wealthy individuals and corporations tend to receive benefits through the Tax Code. Because this amendment makes raising revenue for deficit reduction through the Tax Code very difficult, the wealthy and powerful are more easily able to preserve their Federal Government benefits.

Most distressing is that this amendment makes clear that the Republicans have no commitment to preserving Medicare or Social Security for future generations.

This amendment would prevent Congress from asking beneficiaries of these programs who have high incomes to pay for more of the Government benefits they receive.

The Medicare bill which the Republicans passed, would have increased the Medicare part B premiums for beneficiaries. Under today's amendment, it would not be allowed without a two-thirds vote.

Whether raising premiums is necessary or not, Congress needs the flexibility to be able to take actions such as increasing premiums or means testing Social Security benefits if a majority of Representatives think it is necessary for the continued financial integrity of these programs.

Amending the Constitution should not be taken lightly. It is disconcerting to know that bills we will be voting on later this evening on the suspension calendar will have undergone substantially more scrutiny than this proposed amendment.

Today's amendment has never had a hearing before either the Constitution Subcommittee or the full Judiciary Committee. This legislation has not been marked up nor has a report on this bill been filed.

Trying to amend the Constitution of the United States with a Republican Party campaign slogan is irrefutable evidence of how little respect the Republicans have for our Constitution.

For any Member to vote for legislation which has undergone so little scrutiny, let alone a constitutional amendment which will affect the lives of every American would be a serious mistake.

For this House to vote on such a flawed amendment is a disgrace to the institution and an insult to the Nation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for general debate has expired.

Is there a Member intending to offer the amendment made in order under the rule? If not, pursuant to House Resolution 395, the previous question is ordered.

The question is on engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. STENHOLM

Mr. STENHOLM. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the joint resolution?

Mr. STENHOLM. I certainly am, in its current form.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. STENHOLM moves to recommit House Joint Resolution 159 to the Committee on the Judiciary with instructions that the Committee conduct hearings and a necessary study on the joint resolution.

The SPEAKER pro tempore. The gentleman from Texas [Mr. STENHOLM] is recognized for 5 minutes in support of his motion.

Mr. STENHOLM. Mr. Speaker, the debate tonight has been a good debate. Members on both sides have made very good and relevant points. However, I believe it has now been clearly demonstrated that much more work remains before this amendment should be sent to the other body. If I have learned anything over the many years that we spent in bipartisan work on the passage of the balanced budget constitutional amendment, it is a tremendous respect for every significant single word that goes into the Constitution of the United States.

The constitutional amendment bipartisanly worked on over the years underwent a great deal of scrutiny both in the public arena and in committee hearings. The amendment evolved and improved because of that scrutiny. We have seen an alarming abuse of the committee review process during this entire Congress, but never so blatantly as with this constitutional amendment.

For people who revere the history of this Nation, the aborted democratic procedures of the past year and a half make a mockery of the title deliberative body. To bring a constitutional amendment to the floor of the House without having it undergo the scrutiny of the Committee on the Judiciary I think in itself is ample reason that this House tonight should refer this amendment back to the committee so that it may be what it should have done before tonight, and that is conduct hearings on this amendment, on these words, on this what has been spoken tonight, and a necessary study of the joint resolution, and then bring it forward again for consideration of this House if the majority so wills.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Does the gentleman from Florida wish to be recognized in opposition to the motion to recommit?

Mr. CANADY of Florida. I do wish to be recognized in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Florida is recognized for 5 minutes.

Mr. CANADY of Florida. Mr. Speaker, let me just point out it is erroneous to claim the House Committee on the Judiciary has not considered this issue. The Committee on the Judiciary has considered the issue. Hearings have been held on this issue.

Let me review some of the history that has occurred during this Congress. In the first session of this Congress the Committee on the Judiciary Subcommittee on the Constitution held hearings on House Joint Resolution 1, the Balanced Budget Constitutional Amendment. Those hearings were conducted on January 9 and January 10. House Joint Resolution 1, as reported by the Committee on the Judiciary on January 11, 1995, included a three-fifths majority voting requirement to increase tax revenues. During floor consideration of House Joint Resolution 1, on January 25 and 26, 1995, the full House voted on the Barton balanced budget proposal, which would have required a three-fifths majority of the entire House and Senate to increase tax revenue and would have allowed a simple majority to waive the requirement in time of war or in the face of serious military threat. Although the Barton proposal received 253 votes, an amendment without the supermajority tax limitation provision was ultimately adopted by the House by a vote of 300 to 132.

I would like to continue with my explanation. On March 6 of this year, the Subcommittee on the Constitution again held hearings on a supermajority tax limitation provision. It is true that the hearing was held on a proposal that did not have language identical to this language. But that hearing considered a broad range of issues related to a supermajority requirement in connection with taxes.

Now, the issue before the House tonight is this: Are the American people undertaxed or not? The opponents of this bill believe that the American people are undertaxed and the debate began with an assertion comparing our tax rate in this country and the tax burden in this country to the tax burden in other countries around the world. The clear implication was that the opponents of this bill believe that the American people are undertaxed. I do not think that the American people agree with that, and as Americans all over the country are racing to the post office to deposit their tax returns in the U.S. Mail, I think most of them are saying that they are not undertaxed. Indeed, I believe that they are overtaxed. All the polls show that. That is consistent. It crosses party lines.

So, the issue here that is before the House tonight is whether we are going to take steps to restrain the taxing authority of this Government. I understand that a principled case can be made against that. But that is the issue before us.

Now, if you believe that the American people are undertaxed, I would suggest that you vote against the motion to recommit and that you vote against this proposed amendment. But if you believe that the tax burden on the American people should be restrained, then I would suggest that you vote against the motion to recommit and in favor of this proposed amendment to the Constitution.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The question is on the motion to recommit offered by the gentleman from Texas [Mr. STENHOLM].

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on passage of the joint resolution.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 243, nays 177, not voting 12, as follows:

[Roll No. 117]

YEAS—243

Allard	Ehrlich	LaHood
Andrews	Emerson	Largent
Archer	English	Latham
Armey	Ensign	LaTourette
Bachus	Everett	Laughlin
Baker (CA)	Ewing	Lazio
Baker (LA)	Fawell	Lewis (CA)
Ballenger	Fields (TX)	Lewis (KY)
Barr	Flanagan	Lightfoot
Barrett (NE)	Foley	Lincoln
Bartlett	Forbes	Linder
Barton	Fowler	Livingston
Bass	Fox	LoBiondo
Bevill	Franks (CT)	Longley
Bilbray	Franks (NJ)	Lucas
Bilirakis	Frelinghuysen	Manzullo
Bliley	Frisa	Martini
Blute	Funderburk	McCollum
Boehner	Gallegly	McCrery
Bonilla	Ganske	McHugh
Bono	Gekas	McInnis
Browder	Geren	McIntosh
Brownback	Gilchrest	McKeon
Bryant (TN)	Gilman	Metcalf
Bunn	Gingrich	Meyers
Bunning	Goodlatte	Mica
Burr	Goodling	Miller (FL)
Burton	Gordon	Molinari
Buyer	Goss	Montgomery
Callahan	Graham	Moorhead
Calvert	Green	Myers
Camp	Greene	Myrick
Canady	Greenwood	Nethercutt
Castle	Gutknecht	Neumann
Chabot	Hall (TX)	Ney
Chambliss	Hancock	Norwood
Chenoweth	Hansen	Nussle
Christensen	Harman	Ortiz
Chrysler	Hastert	Oxley
Coble	Hastings (WA)	Packard
Coburn	Hayes	Pallone
Collins (GA)	Hayworth	Parker
Combest	Hefley	Paxon
Condit	Heineman	Petri
Cooley	Herger	Pombo
Cox	Hilleary	Portman
Cramer	Hobson	Pryce
Crane	Hoekstra	Quillen
Crapo	Hoke	Quinn
Cremeans	Holden	Radanovich
Cubin	Horn	Ramstad
Cunningham	Hunter	Regula
Danner	Hutchinson	Riggs
Davis	Hyde	Roberts
de la Garza	Inglis	Roemer
Deal	Istook	Rogers
DeLay	Johnson, Sam	Rohrabacher
Diaz-Balart	Jones	Ros-Lehtinen
Dickey	Kasich	Roth
Doolittle	Kelly	Royce
Dornan	Kim	Salmon
Doyle	King	Sanford
Dreier	Kingston	Saxton
Duncan	Klug	Scarborough
Dunn	Knollenberg	Schaefer
Ehlers	Kolbe	Schiff
Seastrand	Stearns	Walker
Sensenbrenner	Stockman	Wamp
Shadegg	Stump	Ward
Shaw	Talent	Watts (OK)
Shays	Tate	Weldon (FL)
Shuster	Tauzin	Weldon (PA)
Skeen	Taylor (MS)	Weller
Skelton	Taylor (NC)	White
Smith (MI)	Tejeda	Whitfield
Smith (NJ)	Thornberry	Wicker
Smith (TX)	Tiahrt	Wolf
Smith (WA)	Torkildsen	Young (AK)
Solomon	Traficant	Young (FL)
Souder	Upton	Zeliff
Spence	Vucanovich	Zimmer

NAYS—177

Abercrombie	Gonzalez	Nadler
Ackerman	Gunderson	Neal
Baesler	Gutierrez	Oberstar
Baldacci	Hall (OH)	Obey
Barcia	Hamilton	Olver
Barrett (WI)	Hastings (FL)	Orton
Bateman	Hefner	Owens
Beilenson	Hilliard	Pastor
Bentsen	Hinchey	Payne (NJ)
Bereuter	Hostettler	Payne (VA)
Berman	Houghton	Pelosi
Bishop	Hoyer	Peterson (FL)
Boehlert	Jackson (IL)	Peterson (MN)
Bonior	Jackson-Lee (TX)	Pickett
Borski	Jacobs	Pomeroy
Boucher	Jefferson	Porter
Brewster	Johnson (CT)	Poshard
Brown (CA)	Johnson (SD)	Rahall
Brown (FL)	Johnson, E. B.	Rangel
Brown (OH)	Johnston	Reed
Bryant (TX)	Kanjorski	Richardson
Campbell	Kaptur	Rivers
Cardin	Kennedy (MA)	Roukema
Clay	Kennedy (RI)	Roybal-Allard
Clayton	Kennelly	Rush
Clement	Kildee	Sabo
Clinger	Kleczka	Sanders
Clyburn	Klink	Sawyer
Coleman	LaFalce	Schumer
Collins (IL)	Lantos	Scott
Collins (MI)	Leach	Serrano
Conyers	Levin	Sisisky
Costello	Lewis (GA)	Skaggs
Coyne	Lipinski	Slaughter
DeFazio	Lofgren	Spratt
DeLauro	Lowey	Stark
Dellums	Luther	Stenholm
Deutsch	Maloney	Stokes
Dicks	Manton	Studds
Dingell	Markey	Stupak
Dixon	Martinez	Tanner
Doggett	Mascara	Thomas
Dooley	Matsui	Thompson
Durbin	McCarthy	Thurman
Edwards	McDermott	Torres
Engel	McHale	Torricelli
Eshoo	McKinney	Velazquez
Evans	McNulty	Vento
Farr	Meehan	Visclosky
Fattah	Meek	Volkmer
Fazio	Menendez	Walsh
Filner	Miller (CA)	Waters
Foglietta	Minge	Watt (NC)
Frank (MA)	Mink	Waxman
Frost	Moakley	Williams
Furse	Mollohan	Wise
Gejdenson	Moran	Woolsey
Gephardt	Morella	Wynn
Gibbons	Murtha	
Gillmor		

NOT VOTING—12

Becerra	Ford	Thornton
Chapman	McDade	Towns
Fields (LA)	Rose	Wilson
Flake	Schroeder	Yates

□ 2331

So, two-thirds not having voted in favor thereof, the joint resolution was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 51. Concurrent resolution to provide for the approval of final regulations that are applicable to employing offices that are not employing offices of the House of Representatives or the Senate, and to covered employees who are not employees of the House of Representatives or the Senate, and that were issued by the Office of Compliance on January 22, 1996, and for other purposes.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1972

Mr. PETERSON of Minnesota. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1972.

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

There was no objection.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the pending business is the question of the Speaker's approval of the Journal.

Pursuant to clause 1. rule I, the Journal stands approved.

AMERICAN OVERSEAS INTERESTS ACT—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104–197)

The SPEAKER pro tempore laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning herewith without my approval H.R. 1561, the ''Foreign Relations Authorization Act, Fiscal Years 1996 and 1997.''

This legislation contains many unacceptable provisions that would undercut U.S. leadership abroad and damage our ability to assure the future security and prosperity of the American people. It would unacceptably restrict the President's ability to address the complex international challenges and opportunities of the post-Cold War era. It would also restrict Presidential authority needed to conduct foreign affairs and to control state secrets, thereby raising serious constitutional concerns.

First, the bill contains foreign policy provisions, particularly those involving East Asia, that are of serious concern. It would amend the Taiwan Relations Act (TRA) to state that the TRA supersedes the provisions of the 1982 Joint Communique between the United States and China. The 1982 Communique has been one of the cornerstones of our bipartisan policy toward China