

“Joint resolution proposing a balanced budget amendment to the Constitution of the United States”

AMENDMENT NO. 1460

To amend the title so as to read:

“Joint resolution proposing a balanced budget amendment to the Constitution of the United States”

RECESS

Mr. DURBIN. Madam President, I ask unanimous consent to recess under the previous order.

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, at 12:28 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

PROPOSING AN AMENDMENT TO THE CONSTITUTION RELATIVE TO REQUIRING A BALANCED BUDGET—S.J. RES. 24—Continued

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES RELATIVE TO BALANCING THE BUDGET—S.J. RES. 10—Continued

The PRESIDING OFFICER (Mr. WEBB). The Senator from Vermont.

Mr. LEAHY. Mr. President, it occurs to me that all Senators swear an oath to support and defend the Constitution of the United States. I carry a copy around with me. It is our duty. It is our responsibility. But the pending amendments to the Constitution that are on the floor of the Senate threaten the constitutional principles that have sustained our democracy for more than 200 years.

In addressing the Nation's debt and deficit, what is lacking are not phrases in our Constitution. What is lacking is the seriousness within today's Congress to act, and the willingness in Congress to cooperate in forgoing solutions that meet the real needs of our country and its people. These are human failures, not the failure of our constitutional framework. Nor are these failures insoluble or inherent. We balanced the budget and even created budget surpluses less than two decades ago.

Now we are being asked to put the problem once again under the pillow for another day—this radical partisan proposal would be out of place in our national charter.

Never in our history have we amended the Constitution—the work of our Founders—to impose budgetary restrictions that require supermajorities for passing legislation. Yet now it seems every Member on the other side of the aisle has joined to put forth a radical proposal to burden our Constitution with both of these kinds of strictures.

The Hatch-McConnell proposal is different in kind than any other amendment to our Constitution. It is not con-

sistent with the design of our founding document or the stance taken by our Founding Fathers.

It is a bad idea to write fiscal policy into our Nation's most fundamental charter. It is simply unnecessary. We do not need a balanced budget amendment to balance a budget. A vote for this amendment does absolutely nothing to get our fiscal house in order. Congress can work to continue our economic recovery. We can pass the appropriate legislation that leads to a Federal balanced budget, just as we did in the early 1990s.

I remember that very well because I was here. I remember, in this body, not a single Republican voted to balance the budget. It took the Democrats in the Senate and the Vice President of the United States to pass that balanced budget. Not a single Republican voted for a balanced budget in the House. They gave a lot of speeches on the floor that if we passed that balanced budget amendment, everything would come to a screeching halt. Actually, what happened was we passed it, and President Clinton was able to leave his successor a huge surplus.

With a growing economy, with what we did by votes in the House and the Senate—not by a constitutional amendment—we were able to create significant budget surpluses and pay down the debt until those surpluses were squandered. We have done it before. We can do it again. We need only work together to make the tough decisions, not to pass something that is a feel-good, bumper-sticker kind of item which kicks the can down the road and binds future Congresses to a fiscal proposal that is fundamentally unsound and the consequences of which are not understood.

The Republican proposal in the Senate is significantly more radical than the version the House of Representatives rejected in a bipartisan vote last month. In fact, the Hatch-McConnell constitutional amendment is the most extreme of all the pending proposals. The proposal, by its terms, will neither balance the budget nor pay down the Nation's debt, something everybody says they want. Instead, at a time of partisan brinksmanship that has led to the first-ever downgrading of our country's credit rating this summer and when ideological gridlock is the Republicans' operating principle, it would require supermajorities to pass legislation for the first time in our Nation's history. It would require a supermajority to raise the debt ceiling in times of economic crisis. Did we learn nothing from the disaster we went through last summer, which should have been a routine lifting of the debt ceiling and became a political free-for-all for weeks and months, cost the American taxpayers billions of dollars and caused people to lose their retirement money in the stock market? Do we want to do that again? I hope the Senate rejects this proposal.

Two weeks ago, the Judiciary Committee's Subcommittee on the Con-

stitution held a hearing to examine the Hatch-McConnell proposal. All those witnesses, including those who were invited by the measure's cosponsors, presented thoughtful critiques of this extreme proposal and voiced serious concerns about its wording. Even Republican cosponsors discussed possible changes to the language in order to better achieve their goals. This is not the proposal that Senator HATCH previously favored. This is one of more than two dozen pending versions. In fact, we were not told which of the many versions of the proposal would be pending until yesterday. This proposal has not been considered by the Constitution Subcommittee or the Judiciary Committee. The House of Representatives has already voted down a less-extreme version of this proposal by a bipartisan majority. Yet here is the Senate of the United States, being forced to vote on some proposal for a constitutional amendment without doing any of the hard work or the votes that are expected to accompany an amendment to America's Constitution. This is no way for the Senate to proceed on a proposed constitutional amendment. This is not some feel-good resolution. We are talking about amending America's charter.

The Hatch-McConnell proposal contains many problematic provisions and it leaves many significant questions unanswered. Section 10 of this proposal relies on estimates for outlays and receipts. We know that economists' estimates and recommendations do not always agree. So what do these proposed constitutional provisions really mean? We know that estimates are not static but ever changing. What if during the course of a fiscal year, there was a natural disaster, a terrorist attack, or a shift in the economy? What then? What if estimates were recalculated or revised, as employment statistics are every month? Would that make every penny expended by the Government over a revised estimate unconstitutional? Would that mean we could not help disaster victims or could not respond to a terrorist attack?

Another provision would limit total outlays for each fiscal year to 18 percent not 16, not 20, not 17.9 of the previous year's Gross Domestic Product (GDP). But who is to decide what the "GDP" was for a particular time period? What is to be included and what is not? How often do those estimates and artificial constructs get revised? Since when do economic surveys and shifting estimates belong in the Constitution? And what policy decision justifies the constitutional permanence of the number 18? I note that not even the budget proposed this year by Representative RYAN and the House Republicans, with all its draconian cuts and the end of Medicare as we know it, would satisfy this arbitrary 18 percent of GDP limit. None of the budgets proposed by or passed under President Reagan, not one, would have satisfied this proposal. At the end of the Bush