

4. Switzerland is providing search and rescue dog teams. Assistance by other countries is unknown.

5. Anticipated duration of disaster assistance activities is unknown.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *January 20, 1995.*

#### SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, and under a previous order of the House, the following Members are recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. EHLERS] is recognized for 5 minutes.

[Mr. EHLERS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 5 minutes.

[Mr. OWENS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas [Mrs. LINCOLN] is recognized for 5 minutes.

[Mrs. LINCOLN addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. LIPINSKI] is recognized for 5 minutes.

[Mr. LIPINSKI addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

#### CONSIDERATION OF THE BALANCED BUDGET AMENDMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Utah [Mr. ORTON] is recognized for 60 minutes as the designee of the minority leader.

Mr. ORTON. Mr. Speaker, I rise today to discuss the balanced budget amendment, which will be coming up later this week and possibly continuing into next week. It is a very critical issue which we will be facing in the Congress, and I feel it important that we discuss it in greater detail than we will have time during the formal debate on the floor of this House to discuss and compare the various amendments which are going to come before us. I will talk about some of the similarities and the differences.

□ 1440

I recognize that right now going on on network television are the opening

statements of the O.J. Simpson trial. It will take someone who is very dedicated and very interested in the balanced budget issue to actually be watching at this point in time, but I hope that my colleagues are watching and that in fact they and others interested in this debate will get a copy of what I am going to talk about, to analyze the amendments in depth and in detail prior to our debate coming up later this week.

There has been a great deal of debate over whether or not we should balance the budget. I am not going to enter into that debate today. I personally believe that our country balance its budget, that we cannot continue with several hundred billion dollar deficits each year, and that in fact if we fail to balance the budget, at some point in time we will reach an economic crisis wherein devaluation of our currency or hyper inflation rates or high interest rates, some economic meachancism will in fact make up for the problem which we have today in not balancing our budget. So I am not going to focus on that part of the debate.

It has also been argued even by those who agree that we must balance the budget that in fact there are two different ways to do it. One, requiring in the Constitution by amending the language of our Constitution that we must balance the budget. The other is to do it through statutory reform, by changing statutes themselves, changing the budget process itself, so that in fact we might be able to, through the regular committee action and floor action in this body and the other body, that we might be able to agree to a balanced budget.

It is argued that you do not need to amend the Constitution to balance the budget. In fact, that is correct, you do not. But I also believe that by requiring in the Constitution that we must balance our budget, it will give us that additional impetus, the additional force necessary, the commitment necessary, to actually accomplish that balanced budget. So I favor a balanced budget amendment to the Constitution, and this discussion is not going to go through the arguments of whether we should or should not file a balanced budget amendment to actually require it.

This is a very serious issue, amending our Constitution. It was created over 200 years ago, and over that time has served us very well and has been amended very few times. In fact, now to change the actual wording in our Constitution is indeed very serious and very critical that we must do it right.

Our first rule in government should be first to do no wrong, to do no harm. We must be certain that the changes we place into our Constitution do not create greater havoc or do greater harm or prevent us from being able to govern this great Nation.

So really the issues I would like to discuss here today come down more to the questions of if we do place into our

Constitution a requirement to balance the budget, what wording should we use and how would in be enforced? What type of enforcement mechanism should we include in the Constitution to require this Government to balance its income and outgo, or its outlays and receipts, was we call it in the various amendments. There are very technical issues and I am going to attempt over the next little while in plain English to outline a comparison of the various amendments that have been filed, so that we can identify where there are similarities and where there are differences.

I plan on focusing on three principal amendments, all three of which have been filed as legislation in this Congress. They are the Barton-Tauzin constitutional amendment, which I believe has the support of the majority leadership in the body. They are also the Schaefer-Stenholm amendment, which is the amendment that has been filed by Senator DOLE, Senator HATCH, and Senator SIMON in the Senate. And also a balanced budget amendment which I have filed in this body, and I would like to compare the three of them.

I would like to analyze the alternative approaches being used in these three different amendments, the approaches and the mechanisms used for enforcement. I would like to identify the differences in these amendments, and there are several. There are some differences in what numbers we are going to be relying upon in balancing the budget. Some of these amendments requires or allow us to use or rely upon estimates of receipts and outlays. Other amendments will require us to deal with actual receipts and outlays. There are significant differences between estimates and actual numbers, and I would like to talk about those.

Also, some of these amendments require the creation of, or do create in the Constitution, a new supermajority requirement for legislative action, while the other relies upon the existing constitutional majorities and the existing supermajority identified in overriding a Presidential veto.

Also the enforcement mechanisms specifically. Some of these, two of these amendments rely upon future implementing legislation in order to set up an enforcement mechanism. The other sets up an enforcement mechanism in the language of the amendment itself.

Also with regard to waiver, two of these amendments allow the Congress to waive the provisions of this article for any year in which the country is in war or military conflict. The other provides a more broad waiver opportunity.

Finally, I would like to outline a possible—rather a probable—constitutional crisis which in fact may be created under the terms and implementation of two of these particular amendments. So those are the things that I would like to talk about.

First of all, let me compare the similarities in these amendments. The

reason I have chosen these three amendments is because two of them are almost certain to have a vote on the floor of this House. The Barton-Tauzin amendment is indeed the amendment that the leadership has indicated we will have a vote on. The Stenholm-Schaefer amendment, the Committee on Rules will decide today whether to allow a vote on that amendment, and that amendment I believe should and will have a vote, because that is the amendment as filed in the other body, in the Senate. Third is the alternative amendment which I have filed, and it is obvious the reason I would like to talk about that is to show the difference between the language in the amendment I have filed and the language in the amendments that have been filed and almost certainly will be voted upon.

Now, I will be asking the Committee on Rules later this afternoon to allow my amendments to be put forward for debate and a vote here on the floor of the House, and for that purpose I want to outline and explain the similarities and differences between all three of these amendments for my colleagues, so that as we look at these amendments in the future debate, that there will be understanding as to what each amendment does and does not include.

First of all, the similarities. All three of these amendments provide for four very basic and substantive things to occur, and each do so very similarly.

Now, they use slightly different language, but the language is not opposing or contradictory. Some of it is a little more artful than others in my opinion, but all three of these provide first that total outlays shall not exceed total receipts. That is the basic substantive criteria for the amendment, total outlays shall not exceed total receipts. Also, all three of these amendments would require that the President of the United States must submit to the Congress a proposed budget in which total outlays do not exceed total receipts.

So it is saying that Congress must adopt a balanced budget, it is saying that the President must submit a balanced budget request to the Congress.

Third, all three of these agree in the definition of what is total outlays and total receipts.

□ 1450

Fourth, all three of them provide that this amendment would go into effect as of fiscal year 2002, or the second fiscal year following ratification by the necessary number of States, should that be later than 2002.

Therefore, Mr. Speaker, those issues are really in common with all of the amendments. Each amendment contains somewhat different language, but each amendment concurs with those principles.

Now, Mr. Speaker, let us outline the differences in these amendments; first of all, the issue of estimated receipts and outlays as opposed to actual receipts and outlays.

Here I would like to refer specifically to the language of the Spratt amendments. In the Schaefer-Stenholm amendment, section 6, the language says "Congress shall enforce and implement this article by appropriate legislation which may rely on estimates of outlays and receipts." Specifically, in the language of the amendment it allows the Congress, in implementing a balanced budget, to rely upon estimates of revenue and estimates of expenditures.

In the Barton-Tauzin amendment, I would like to refer to section 1 of the Barton-Tauzin amendment. I will read it in its entirety, but the appropriate language is in the center: "Prior to each fiscal year Congress shall, by law, adopt a statement of receipts and outlays for such fiscal year in which total outlays are not greater than total receipts. This is a statement of," and it's prior to the fiscal year, so it must be an estimate. "Congress may, by law, amend that statement, provided revised outlays are not greater than revised receipts, and Congress may provide in that statement for a specific excess of outlays over receipts by a vote directed solely to that subject in which three-fifths of the whole number of each House agree to such excess." So this Barton-Tauzin amendment also states that Congress would adopt a statement of receipts.

On the other hand, in the Orton amendment, section 3, the Orton amendment requires that for any fiscal year in which actual outlays exceed actual receipts, Congress shall provide by law for the repayment in the ensuing year. Therefore, only the Orton amendment identifies the determination by Congress of actual outlays and actual receipts to ensure that the budget is actually balanced.

What happens if we rely on receipts? To be fair, let me read the last sentence of section 1 of the Barton-Tauzin amendment, which says "Congress and the President shall ensure that actual outlays do not exceed the outlays set forth in such statement."

That is only dealing with actual outlays. What about actual receipts? There is no guaranty mechanism that the receipts which we project to receive will actually be received by government, and there is no mechanism in either of these other two amendments to deal with the possibility, in fact likelihood, that actual receipts will not match or mirror estimated receipts.

Just to give some idea of the extent of the problem we are talking about, I would like to refer you to the Congressional Budget Office records of the last 14 fiscal years in estimating actual receipts. How far have they been off?

This chart shows, beginning in 1980 and going through 1993, the amount by which the Congressional Budget Office estimates of receipts differed from actual receipts. The zero line is the amount of actual receipts that came in. The hashed marks here show the

amount of overestimate or underestimate of receipts from the CBO's projections.

If we look in 1980, CBO forecasted, projected that the Federal Government would generate almost \$40 billion more in revenue than it actually received in 1980. In 1981 they overestimated receipts by \$58 billion; in 1982 by \$73 billion; in 1983 by \$91 billion.

Look here, in 1990, the Congressional Budget Office estimated that receipts would actually be \$119 billion more than they actually were. Those are estimates. Those are the Government's best guess at how much revenue would be coming into the budget during that fiscal year.

We have to estimate at the beginning of the year. That is how we create the budget. Without the possibility of estimating revenue and expenditures, we have no budget. That is what the budget is, is an estimate.

The problem, however, is unless we have some requirement to come back and match those actual outlays with actual receipts, we do not have a mechanism that requires a balanced budget. If all we require are expenditures or outlays to be actual, we still can end up not balancing the budget because we have overprojected revenues.

Let me show you what would have happened if in fact the Congressional Budget Office over the last 14 years, if they had projected the actual receipts. We would have had no deficit. We would have had balance in what was projected.

We would, indeed, have had an annual deficit each year because the estimates of expenditures always exceeded the estimates of receipts. I'm not saying that it is Congressional Budget Office's fault that we had deficit spending, but the Congressional Budget Office estimated that expenditures would be a certain level, and estimated that receipts would be a certain level.

If in fact we had had a balanced budget requirement in 1980, and we had held receipts to only the amount that we have projected them to be, as the Barton-Tauzin amendment would do, but did not have a mechanism for ensuring that receipts reached the level that we had estimated, this is what would have happened. In that 14 years, we still would have had a national debt or deficit spending over that period of time of over a half a trillion dollars.

Therefore, unless we have a mechanism in this amendment to require somehow the balancing of actual receipts and actual expenditures, there is no guaranty that these amendments will provide or even require a balanced budget. That is a critical failing in both the Barton-Tauzin and the Stenholm-Schaefer amendments.

Neither of them require us going back at the end of the year and comparing what we spent with what we brought it. Both of them allow us, in fact, to project receipts and expenditures. Both of them would allow this kind of overstatement of receipts with

no mechanism to require us to go back and do anything about it.

The Orton amendment, on the other hand, as I read, requires actual receipts and actual outlays to be compared, and if they are different, requires Congress to provide by law for the repayment of the actual outlays over the actual receipts. There are other differences in these amendments.

The next major difference is the difference of super majority status, or super majorities. This came about as an effort or an attempt to create an enforcement mechanism in the balanced budget amendment.

The critics of a balanced budget amendment said "So you say in the Constitution that you have to balance the budget, but if all you do is say it and have no enforcement mechanism, how can the public trust government, rely upon government, to actually balance the budget as the Constitution requires?" And if government simply ignores the requirement to balance the budget as required, does that not create public cynicism and distrust of government?

In an effort to make it more difficult to ignore this requirement, both the Barton-Tauzin and the Stenholm-Schaefer amendments have in fact created the requirement of constitutional super majorities; in other words, more than 50 percent, significantly more than 50 percent. In both these cases 60 percent of the House and Senate would be required to take certain congressional or legislative action.

□ 1500

Again I would like to read specifically from the various amendments.

The Barton-Tauzin amendment. First of all, section 1 states, "Congress may provide in that statement for a specific excess of outlays over receipts by a vote directed solely to that subject in which three-fifths of the whole number of each House agree to such excess."

So there is a three-fifths majority required in order to estimate that outlays would be greater than receipts. I do not know any politician who is willing to estimate that outlays would be greater than receipts and I do not know why Congress would want to estimate outlays greater than receipts if in fact they have a balanced budget requirement, but under the provisions of this balanced budget amendment, they would have to have a three-fifths majority in order to file a statement, or a budget in which outlays exceeded receipts.

In section 2, the Barton amendment also says, "No bill to increase receipts shall become law unless approved by a three-fifths majority of the whole number of each House of Congress."

So to raise taxes, it requires a three-fifths majority.

Then finally, in section 6, "The amount of Federal public debt as of the first day of the second fiscal year after ratification of this article shall become a permanent limit on such debt and there shall be no increase in such

amount unless three-fifths of the whole number of each House of Congress shall have passed a bill approving such increase and such bill has become law."

So under Barton it requires a three-fifths majority to project that your budget would be out of balance, a three-fifths majority to increase taxes, and a three-fifths majority to increase the debt limit of the United States.

Under the Stenholm bill, it does the same thing, requiring a three-fifths majority to estimate that your expenditures would exceed your receipts, and it requires a three-fifths majority for you to raise the debt limit but does not require a three-fifths majority to increase taxes.

There lies the major philosophical difference between those two amendments which you will see debated on this floor over the coming days, and it is an ideological argument. Do you want to require a supermajority of the body in order to increase revenue? Or do you want to say, no, we will leave it a constitutional majority, which is 50 percent plus one, and then the President would have to sign that into law or veto it, thereby bringing in the constitutional majority necessary for an override of the veto to ensure that in fact taxes could only be increased with the agreement of both Houses of Congress and the President in the executive branch.

But those are the supermajority requirements outlined in both of these other two constitutional amendments.

In the Orton amendment, it does not set up the requirement of supermajorities at all. It allows all of the current actions that are taken in Congress, or the actions under this amendment to be taken with the standard constitutional majority but it also requires that in the event Congress does not balance the budget, in other words, in the event outlays exceed receipts in any particular year, they must provide by law for it to be paid back. That brings the President into this activity, thereby bringing into play the constitutional supermajority necessary to override the President's veto.

Under the Orton amendment, it does not create a supermajority. It allows a majority of the House and a majority of the Senate to act in concert with the President. If the President disagrees with the Congress, he may veto the legislation, in which case the Congress in order to enact the legislation over the veto would be required to get the supermajority necessary to override the veto, which is greater than three-fifths.

Next there is a difference in waivers. Under the Barton amendment and the Stenholm amendment, both of these constitutional amendments would only allow the Congress to waive the requirement of a balanced budget in a year "in which a declaration of war is in effect" or, and now I am paraphrasing, the United States faces an imminent and serious threat of inter-

national security which would be declared by a joint resolution.

The Stenholm amendment identifies engaged in a military conflict which presents a serious threat to the national security.

These are very narrow waiver provisions. In reality, there are many, many, different forces outside and internal forces which could impact the U.S. economy, making it detrimental to the United States to require a balanced budget in any specific year, such as economic depression, the cyclical events which occur in economies. There are times in which balancing the budget which would require either substantial decrease in Federal expenditures or increase in taxes would bring upon economic calamity.

This can viewed in historic detail by looking back to President Hoover who at the end of his term in fact did cut spending and substantially increased taxes which was followed by the economic depression.

The Orton amendment simply provides that "the provisions of this article may be waived for any fiscal year only if Congress so provides by law by a majority of the whole number of each House. Such waiver shall be subject to veto by the President."

Therefore, the Orton amendment relies upon the Constitution as it currently is drafted and in effect relies upon the requirement of majorities in both bodies supported by the concurrence of the President through signature on the legislation in order to waive the requirement for a balanced budget.

I personally believe that if you have got both Houses of Congress and the President saying it is necessary to waive the provisions of that balanced budget amendment for the good of the Nation, then we probably should have the power to waive it; and if the public disagrees, in the next election they can say so and they can vote those people out and vote in people who promise not to do that type of thing.

So the waiver is the third major difference.

The fourth has to do with enforcement, the enforcement mechanism itself.

Under the Barton version of the amendment, section 8 reads, "Congress shall enforce and implement with appropriate legislation." That legislation is not currently even drafted. It is contemplated to be future legislation.

Under the Stenholm version of the bill, section 6 reads, "The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts."

Again, that legislation implementing the balanced budget, telling the country how we are going to enforce this amendment, has not yet been drafted.

The theory is that we will first pass the constitutional amendment requiring us to do it, we will then somehow

find the wisdom and the courage to come back and actually do it.

Under the Orton version of the amendment, it is a fairly simple enforcement mechanism which relies upon the current balance of powers between the legislative, executive, and judicial branch, and it states simply under section 3, "For any fiscal year in which actual outlays exceed actual receipts, the Congress shall provide by law for the repayment in the ensuing fiscal year of such excess outlays."

□ 1510

If Congress fails to provide by law for repayment, within 15 days after Congress adjourns to end a session there shall be a sequestration of all outlays to eliminate a budget deficit.

This is a very, very hard enforcement mechanism, but it places the burden squarely on the shoulders of the Congress and the President to either find a way to balance the budget, and state it by statutory law, or to say to the public we cannot find a way; we believe it would be detrimental to the public to balance the budget and here is why.

If Congress neither balances the budget nor waives the balanced budget requirement, the Constitution would place in it a hard sequester enforcement mechanism that simply cuts spending across the board to balance the budget in the next fiscal year, to pay back the deficit that we incurred, probably through estimating rosy scenarios, as has been done in past years.

If we want to ensure to the public that in fact the Government will balance its budget, I submit the Orton amendment is the only amendment which has been filed which contains an enforcement mechanism to require Government to accomplish what is set forth in this article. So there is a significant difference in enforcement.

Finally, I told you I wanted to outline the possibility or even probability of a constitutional crisis if in fact we adopt either the Stenholm-Schaefer or the Barton-Tauzin amendment, and it is my opinion that one or the other will be adopted. By the way, before I explain the crisis, let me say I have in two Congresses in the past supported and voted for the Stenholm-Schaefer language, which is the same language which has been proposed in the Senate, and it is, in fact, my intention to vote for the best balanced budget amendment that we can get through this House, this time. What I am attempting to do is to raise the debate to these issues which I believe must be addressed in order to develop the best constitutional amendment.

Let me point out a scenario which I believe can and will lead to constitutional crisis if we do not change the language of these amendments before adoption. Assume the following facts: Let us assume that we pass the amendment. The year 2003 rolls around, the amendment is in place, it is part of the Constitution. Let us assume that it is the Barton-Tauzin amendment which

has been passed. We follow the amendment to the letter.

The amendment requires us to set forth a statement, a proposed budget in which outlays do not exceed receipts. We do that. We identify through our priorities where we are going to cut, where we are going to increase, and that statement of outlays and expenditures is in balance.

We go along and we revise those statements of outlays and expenditures through the year, if necessary. It is in balance and, in fact, Congress and the President have "insured that actual outlays do not exceed the outlays set forth in such statement." They have kept a padlock on the purse strings, they have not spent 1 cent more than outlined in the projected budget.

But, the fiscal year ends September 30, the new fiscal year begins October 1. On September 10 or September 1 we discover, the Treasury Department tells us we over estimated revenues, because of a cyclical down turn in the economy, because unemployment went higher, because something happened, dumping from a foreign country into our markets, we lost employees, we have lost revenue. Some unforeseen occurrence has taken place, and revenues do not match what we had estimated.

Let us say that the budget in 2003 is the same as the budget this year, approximately \$1.5 trillion. We estimate \$1.5 trillion of expenditures; we estimate \$1.5 trillion of receipts. We only spend \$1.5 trillion, but we only bring in \$1.49 trillion. We are short \$100 billion of revenue, or we are short \$100 million of revenue, or we are short \$100,000 of revenue. It does not matter. So long as the revenue is less than the receipts or the expenditures, we are not in balance, we are now in violation.

What happens? First of all it takes a three-fifths majority to waive this and to cut or lower our estimate of expenditures or raise our estimates of revenues. But estimates are not going to do us any good in September of the fiscal year if we have already spent the money. There is not any money we can cut. It was spent through the fiscal year. In fact, it says you cannot raise revenue without a three-fifths majority.

It would not do us any good to raise revenue anyway, because in September of the fiscal year we could not get a bill passed and implemented, signed and gear up the Internal Revenue Service to go out and collect more money. Therefore, what happens is, the Government is in deficit spending, not because we spent more than we thought, but because we did not bring in the revenue we thought, and section 6 comes into play.

Section 6 says the amount of Federal public debt, as of the first of the second fiscal year after ratification of this article shall become a permanent limit on such debt and there shall be no increase in such amount unless three-fifths of the whole number of each House of Congress shall have passed a

bill approving such increase and such bill has become law.

What you have done is, the only option that the Federal Government has at the end of that fiscal year is to increase the debt limit, if they have overestimated revenues, and those revenues do not come in, and we have seen the likelihood of overestimating revenues. This chart shows that in every year but 1 in the last 14 years we overestimated revenues.

So if we follow history and overestimate revenues, only spent the amount we said we would spend, we have not balanced the budget, we cannot borrow more money to make up that difference, unless three-fifths of the House and the Senate vote. If my math is correct, that only takes 40 Members of the Senate or 178 Members of the House to make up 40 percent.

Therefore, what you have done by creating a super majority requirement is you have placed control of that decision in the hands of a minority of Members in this body or the other body. In other words, 40 percent could hold the 60 percent hostage for some other action or refuse to allow the debt limit to be increased.

People say, "Oh, well, so what? So you do not allow the debt limit to be increased; you just cannot borrow more money." If I go to the bank, my bank tells me, "Sorry, you have hit your debt limit. We are not going to loan you any more money." Why should we not do that with the Government?

The problem, is, the Government has Treasury notes, Treasury bills, and so on, which are actually out there, people have purchased them. Over 80 percent of the money we have borrowed has come from we, the people of the United States.

□ 1520

It is from our savings and checking accounts, et cetera.

Those T-bills come due. We have already spent the money of the fiscal year. We brought in less than we thought.

If we do not increase the debt limit and borrow that \$100 billion or \$100,000 or whatever the difference is, we are in technical default.

So what happens if the Government is in technical default? You just go in, file chapter 11 bankruptcy, your creditors will give you some time to work it out, and pay it back, and all is well? No. If the Government goes into technical default, the most likely scenario is an immediate devaluation of the dollar which causes an immediate spiraling of inflation, an immediate increase in interest rates, would cause turmoil not only in the stock market in this country, the stock market and financial markets would cause turmoil throughout the entire world.

It is not a feasible alternative to force the U.S. Government into bankruptcy, into technical default on its loans. Therefore, the Congress would be required to act to increase that debt

limit, and if you get 40 percent of either body refusing to increase the debt limit, unless you deal with this specific issue, now you have placed control of the Government in the hands of the few rather than in the hand of the majority.

This could happen on either side of the aisle. You could have some from the right-hand side of the political spectrum, those who believe that we have been spending far too little on national defense, those who believe that, in fact, the budget should be spending more on national defense; they could group together and get 40 percent of either body and say, "We will not agree to increase the debt limit of the United States unless we not only borrow what we have to borrow to cover last year's expenditures, we want to borrow more. We want another \$200 billion, and we want a \$200 billion supplemental appropriation today passed before we agree to increase the debt limit, in order to put \$200 billion more into national defense."

You could get 40 percent of the people from the left-hand side of the political spectrum who believe that we are not spending enough on job training and education and welfare benefits or retirement benefits who may come to the floor of this House or the other house and say, "Sorry, we have not spent enough on these programs. I am not going to vote to increase the national debt and prevent the country from going into technical bankruptcy and default unless we also borrow enough money, and you give me a supplemental appropriation right now to increase welfare payments or retirement benefits or health care," or any of the other benefits that they feel very strongly about.

You might also have some people who care more about getting a highway or a bridge built in their district who demand more appropriations for pork-barrel spending, for a clock tower in their State or some other type of spending which the rest of this body would not go along with but for the fact a gun is being held to the head of the country.

I say to my colleagues and suggest going back and reviewing the Federalist Papers wherein Madison, the draftsman of our Constitution, and Hamilton, and Jefferson, and Jay debated and discussed among themselves and others the wisdom of creating supermajority requirements to act in this or the other legislative body. They concluded, and I believe rightly so, that supermajorities should be used very, very limited, only to situations of overriding a veto or adopting a treaty or expelling Members from the body, instances wherein the Constitution requires supermajorities.

And so I submit that if, in fact, we include the language of supermajorities and specifically the language of a supermajority requirement to increase the debt ceiling, that, in fact, you are inviting a constitu-

tional crisis. You are inviting just the exact scenario that those supporters of a balanced budget amendment in this body have fought so hard against. You are inviting the types of calamity that we must avoid.

Now, I am going to be asking the Committee on Rules to make in order two specific amendments. First is the constitutional amendment which I have filed as a separate, freestanding amendment. It also has been filed, and I believe is identified in the RECORD, as an amendment to the balanced budget amendment in the form of a substitute. It is that amendment which I have outlined which does not create constitutional supermajorities but relies upon the current majority and the veto of the President in order to enforce the provisions of a balanced budget. It broadly allows waiver, but again with the Congress and the President agreeing to that waiver by law.

It does not create provisions for a supermajority to either increase spending or revenues or to increase the debt limit.

It is the simplest version which I know of which has been filed in as plain English as we could put it and the only version of the constitutional amendments filed, to my knowledge, which has in it a real enforcement mechanism in the body of the amendment itself. Others rely upon future legislation to enforce.

So I will be asking for that amendment to be made in order so that we can come here to the floor of the House and debate that amendment and the provisions in it.

I will also be asking to be made in order a substitute which in essence is the wording of the Stenholm-Schaefer amendment, but deleting two particular provisions, deleting from their section 6 the words that allow the Congress to rely upon estimates of outlays and receipts, and also deleting entirely section 2 of that particular amendment which creates the constitutional supermajority of three-fifths in order to increase the debt limit.

It is my hope that the Committee on Rules will allow these amendments in the nature of a substitute to be brought forward. I have agreed many times with my colleagues on the other side of the aisle over the last 4 years that I have been selected as a Member of this body wherein they came to the floor of this House and complained that the then Democratic Rules Committee was being unfair, was not allowing the system to work, was not allowing this body to work its will on legislation, was not allowing full, free and open debate on the issues, was not allowing us to draft the best legislation we could possibly draft, and they called for open rules. They said:

You put us in the majority, and when we bring legislation to the floor, it will come under an open rule, so that any Member of this body can come to the well of this floor and propose amendments to perfect the language of the legislation, to make it better, to use the brilliance and the genius of our

system, free and open debate, so that the will of the people can be determined in this body.

That was their pledge.

They are now in power. They have an opportunity to keep that pledge. And I would urge them to do so by providing an open rule of debate on this very critical and important constitutional amendment. I cannot conceive of a more critical piece of legislation to consider in this or any other Congress than amending the very words of the Constitution itself.

I cannot conceive of bringing that type of legislation to the floor of this body under a closed rule preventing free and open debate, preventing us to raise these questions.

□ 1530

I would ask anyone who would support a closed rule to come to the floor of this House and explain to the people how they are going to avoid the very constitutional crisis I have just outlined. It is necessary to bring these issues to the floor for full and open debate in order to work the will of the people, in order to get the best legislation we can possibly get.

So I thank my colleagues for their patience, their listening to these issues, and I thank them for their consideration of the balanced budget amendment, which I support, and I thank them for their consideration of the amendments which I hope to propose and encourage this body to proceed very cautiously as we contemplate and move toward amending the very language which is the foundation of our system, the Constitution of the United States.

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#### TECHNICAL CORRECTION TO HOUSE CONCURRENT RESOLUTION 16, PROVIDING FOR STATE OF THE UNION ADDRESS

The SPEAKER pro tempore (Mr. COMBEST). Without objection, the reference of House Concurrent Resolution 16 to the date in 1995 shall be corrected to be a reference to January 24, 1995.

There was no objection.

The text of House Concurrent Resolution 16, as corrected, is as follows:

H. CON. RES. 16

*Resolved by the House of Representatives (the Senate concurring).* That the two Houses of Congress assemble in the Hall of the House of Representatives on Tuesday, January 24, 1995, at 9 p.m., for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

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#### A CRIME BILL WITH TEETH

(Mr. BARR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARR. Mr. Speaker, at the beginning of this session, I introduced with several of my colleagues The Taking Back Our Streets Act of 1995. Last