Code of 1986, that imposes a new percentage as a rate of tax and thereby increases the amount of tax imposed by any such section; and

(2) a Federal income tax rate increase is retroactive if it applies to a period beginning prior to the enactment of the provision.

HISTORY OF CONGRESSIONAL CONSIDERATION OF BUDGET RESOLUTIONS UNDER DEMOCRATIC MAJORITY

Section 301(a) of the Congressional Budget Act of 1974 provides that Congress shall complete action on a concurrent resolution on the budget on or before April 15 of each year. The following table represents the dates of House and final congressional passage of concurrent resolutions on the budget:

Final Congressional Passage of Budget Resolution	*House Passage of Budget Resolution*
June 29, 1995	May 18, 1995.
May 12, 1994	March 8, 1994.
April 1, 1993	March 15, 1993.
May 21, 1992	March 5, 1992.
May 22, 1991	April 17, 1991.
October 9, 1990	May 1, 1990.
May 18, 1989	May 4, 1989.
June 6, 1988	March 23, 1988.
June 24, 1987	April 9, 1987.
June 27, 1986	May 15, 1986.
August 1, 1985	May 23, 1985.
October 1, 1984	April 5, 1984.
June 23, 1983	March 23, 1983.
June 23, 1982	June 10, 1982.
May 21, 1981	May 7, 1981.
June 21, 1980	May 7, 1980.
May 23, 1979	May 14, 1979.
May 17, 1978	May 10, 1978.
May 17, 1977	May 5, 1977.
April 29, 1976	April 29, 1976.

Ms. PRYCE of Ohio. 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 resolution was agreed to.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 950

Ms. DELAURO. Mr. Speaker, I ask unanimous consent to have my name withdrawn as a cosponsor of H.R. 950. My name was inadvertently included as a cosponsor of this bill.

The SPEAKER pro tempore (Mr. SOLOMON). Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

TAX LIMITATION CONSTITUTIONAL AMENDMENT

Mr. CANADY of Florida. Mr. Speaker, pursuant to House Resolution 113, I call up the resolution (H.J. Res. 62) proposing an amendment to the Constitution of the United States with respect to tax limitations, and ask for its immediate consideration in the House.

The Clerk read the title of the House Joint Resolution.

The text of House Joint Resolution 62 is as follows:

H.J. RES. 62

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. A bill to increase the internal revenue shall require for final adoption in each House the concurrence of two-thirds of the whole number of that House, unless that bill 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 the requirements of this article when a declaration of war is in effect. The Congress may also waive this article 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 increase in the internal revenue enacted under such a waiver shall be effective for not longer than two years.

''SECTION 3. Congress shall enforce and implement this article by appropriate legislation.''

The SPEAKER pro tempore (Mr. SOLOMON). Pursuant to House Resolution 113, the committee amendment in the nature of a substitute, modified by the amendment printed in House Report 105–54 is adopted.

The text of the committee amendment in the nature of a substitute, as modified, is as follows:

H.J. RES. 62

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 each House the concurrence of two-thirds of the Members of that House voting and present, unless that bill 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. For the purposes of determining any increase in the internal revenue under this section, there shall be excluded any increase resulting from the lowering of an effective rate of any tax. On any vote for which the concurrence of two-thirds is required under this article, the yeas and nays of the members of either House shall be entered on the journal of that House.

''SECTION 2. The Congress may waive the requirements of this article when a declaration of war is in effect. The Congress may also waive this article 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 increase in the internal revenue enacted under such a waiver shall be effective for not longer than two years.

''SECTION 3. Congress shall enforce and implement this article by appropriate legislation.''.

The SPEAKER pro tempore. The gentleman from Florida [Mr. CANADY] and the gentleman from Virginia [Mr. SCOTT] each will control 90 minutes.

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

Mr. CANADY of Florida. Mr. Speaker, I yield 30 minutes to the gentleman from Texas [Mr. BARTON] 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 Texas?

There was no objection.

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

Mr. Speaker, House Joint Resolution 62 introduced by the gentleman from Texas [Mr. BARTON] requires a two-thirds vote for any bill that changes the internal revenue laws to increase the internal revenue by more than a de minimis amount. Why is this amendment needed? Simply put, a supermajority vote makes it more difficult for Congress to raise taxes. It is a mechanism by which to restrain the Government's appetite for reaching into people's pockets and taking their money. It is a mechanism to protect the American people from Government overreaching.

The Federal Government's insatiable appetite for raising taxes is borne out by the facts. In 1934 Federal taxes were just 5 percent of a family's income. By 1994 this figure had jumped to 19 percent; almost one-fifth of a family's income went to pay Federal income taxes.

The amendment will require the Congress to focus on options other than raising taxes to manage the Federal budget. It will force Congress to carefully consider how best to use current resources before demanding that taxpayers dig deeper into their hard-earned wages to pay for increased Federal spending. The amendment would not require a two-thirds vote for every tax increase in any bill. For example, a bill that both lowered and increased taxes, if it were revenue neutral, would not be subject to the two-thirds vote.

□ 1445

In addition, the supermajority requirement would be waived when a declaration of war is in effect or when both Houses pass a resolution, which becomes law, stating that, ''The United States is engaged in military conflict which causes an imminent and serious threat to national security.''

The resolution we are considering this afternoon also includes a provision offered by the gentleman from Florida [Mr. MCCOLLUM] which amended the committee-reported version with the adoption of the rule. The McCollum

amendment addresses a problem which may arise if, at some time in the future, Congress decides to move to a system of dynamic scoring for determining the revenue effects of legislation.

Under current revenue estimating procedures, scoring of a capital gains tax cut, for example, would generally result in projected revenue losses and thus would not require a two-thirds vote under the amendment. However, if Congress moved to a system of dynamic scoring, as some have urged, a cut in the capital gains tax probably would result in some increase in revenue.

The McCollum amendment makes clear that increases in revenue which result from the lowering of the effective rate of a tax are not to be taken into consideration in determining whether a piece of legislation is subject to the two-thirds vote requirement.

During committee consideration, I offered a substitute amendment which was adopted by the Committee on the Judiciary making two changes to the underlying text. The substitute amendment requires that all votes taken pursuant to the amendment be taken by the yeas and nays. It also conforms the text of House Joint Resolution 62 to the language voted on by the House in 1996 by making clear that the amendment applies to any bill, resolution, or other legislative measure changing the Internal Revenue laws. Any bill changing the Internal Revenue laws would require a two-thirds vote, unless it was determined that the bill's provisions, taken together, raise revenue by less than a de minimis amount.

Generally, the term ''internal revenue laws'' covers taxes found in the Internal Revenue Code: income taxes, estate and gift taxes, employment taxes, and excise taxes.

The gentleman from Texas [Mr. ARCHER], chairman of the Committee on Ways and Means, explained the scope of the amendment in an April 7, 1997, letter to the gentleman from Illinois [Mr. HYDE], chairman of the Committee on the Judiciary. He stated, and I quote, ''Internal Revenue laws means the current Internal Revenue Code. That is, the Federal individual and corporate income tax, estate and gift taxes, employment taxes, and excise taxes. It would also include any new tax that may be added to the current Internal Revenue Code or that is analogous to any tax in the Internal Revenue Code,'' close quote.

The amendment would not apply to tariffs, asset sales, user fees, voluntary payments, or bills that do not change Internal Revenue laws, even if they have revenue implications.

For purposes of determining whether a bill raises more than a de minimis amount of revenue, only tax provisions in the bill would be considered. Legislation that is roughly revenue-neutral would not be subject to a two-thirds vote. For example, a bill that closed a tax loophole would not require a two-thirds vote if it created no more than a de minimis increase in revenue or was accompanied by an offsetting tax cut. It is the intention of the sponsors that a bill would be considered to raise a de minimis amount of revenue if it increased tax revenues by no more than one-tenth of 1 percent over 5 years.

The amendment states that a determination must be made at the time of the adoption of the legislation as to whether it raises the Internal Revenue by more than a de minimis amount. The determination shall be made in a reasonable manner prescribed by law. In order to implement the article, Congress will need to adopt legislation defining terms and fleshing out the necessary procedures.

It is up to this or a future Congress to design implementing legislation pursuant to the provision of the amendment requiring the Congress to enforce and implement the amendment through legislation. The gentleman from Texas [Mr. ARCHER], chairman of the Committee on Ways and Means, which would have jurisdiction over such implementing legislation, suggested the following reasonable criteria in his letter to Chairman HYDE, and I quote again: ''Revenue would be measured over a period consistent with current budget windows. For example, measuring the net change in revenue over a 5-year period would be appropriate. Estimation would be made employing the usual estimating rules. As under the Budget Act, a committee of jurisdiction or a conference committee would, in consultation with the Congressional Budget Office or the Joint Committee on Taxation, determine the revenue effect of a bill.''

In McCulloch versus Maryland, a case that was decided in 1819, long before the advent of the Federal income tax, the U.S. Supreme Court Chief Justice John Marshall stated, ''The power to tax involves the power to destroy.'' This sentiment is no less true today. The power to tax is the power to use the coercive mechanisms of Government to require citizens to surrender their property to the Government for its own purposes. This amendment will ensure that this enormous power is exercised in a careful, thoughtful, and prudent fashion for the sake of ourselves, our Nation, our children, and future generations of Americans.

The Federal Government seems to have forgotten a fundamental fact: The money we spend belongs to the people. It is money that they have earned. It is only fitting that when we increase our demands on those earnings, with all the coercive effect of law, we do so only with careful consideration and broad agreement. Adoption of the tax limitation amendment will bring needed relief to the American people. I urge the passage of the resolution.

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

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

Before I begin discussing my concerns with the specific amendment, I would like to say a few words about my concern with the priorities of the House.

Mr. Speaker, I remind my colleagues that we have not yet reached an accord on the budget. Today is the deadline for Congress to have completed action on our budget, and yet we are debating senseless constitutional amendments, intervening in impending cases, and we are passing worthless resolutions. Instead of participating in tax day political pagentry, I would hope that we would begin to address some of the serious issues facing the American public today.

Mr. Speaker, I have some very serious concerns about the constitutional amendment of the week, House Joint Resolution 62, the proposed constitutional amendment with respect to tax limitations. My concerns are not objections to my colleagues' attempts to limit new taxes. All Members of this Congress should be constantly asking themselves whether our tax system is fair and appropriate. In fact, our Committee on Ways and Means has the responsibility of addressing these complex issues in great detail.

The end of limiting new taxes, however, is not the issue here. Rather, it is the issue of a means which is impractical and counterproductive, and that is what I have concerns about.

The terms of the amendment are unbelievably vague. About the only thing clear about this amendment is the fact that this amendment will cause great confusion. Both Democratic and Republican witnesses at the subcommittee hearing expressed very serious concerns about House Joint Resolution 62. Former Office of Management and Budget Director Jim Miller, a tax limitation amendment supporter, even went so far as to call some of the language silly and unworkable.

The vagueness issue is further exacerbated by a change made to the language seemingly in response to the negative comments made by experts at the hearings. Our subcommittee chairman, the gentleman from Florida [Mr. CANADY] to his credit, has made a valiant effort to correct some of those problems. However, I think the mission was just impossible.

The language considered by the experts at the hearing required a two-thirds majority to, quote, increase the Internal Revenue. We marked up a very different language in the committee than that which was reviewed by the experts. The language we considered in the Committee on the Judiciary and are now considering on the floor requires a two-thirds majority to, quote, change Internal Revenue laws if they increase the Internal Revenue by more than a de minimis amount. Of course, no one seems to have a good idea of what constitutes a, quote, Internal Revenue law or what exactly may be considered a de minimis amount.

My office has contacted a number of tax lawyers, including some of the witnesses who testified before the Subcommittee on the Constitution. None

of them has a clear idea as to what will or will not be considered a, quote, Internal Revenue law. The committee report further fuels the confusion by stating that Internal Revenue laws are laws both within the Internal Revenue Code and outside the Internal Revenue Code. In other words, even the Committee on the Judiciary that reported the bill does not have a clear idea of what will and will not be considered a, quote, Internal Revenue law.

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

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

Mr. BARTON of Texas. Mr. Speaker, I thank the gentleman for yielding, and I want to tell the gentleman, when I am controlling time, I will be happy to yield. Last year we had a pretty good dialog back and forth, and we have enough time that we can do that.

Mr. Speaker, on the gentleman's question of what will be covered, if the gentleman will continue to yield, I can read exactly what would be covered.

Mr. SCOTT. Mr. Speaker, I will continue to yield if the gentleman will explain what he is reading off of.

Mr. BARTON of Texas. Mr. Speaker, I am actually reading off my own staff briefing paper, but I am the sponsor of the amendment.

Mr. WATT of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. SCOTT. Mr. Speaker, I will regain my time and yield to the gentleman from North Carolina [Mr. WATT] very briefly.

Mr. WATT of North Carolina. Mr. Speaker, I would inquire of the gentleman from Texas [Mr. BARTON], does the gentleman profess to be able to tell us what a constitutional amendment means himself as opposed to trying to clarify the language that he professes to be able to pull out of his own notes? I suppose we are going to do this in a court of law?

Mr. BARTON of Texas. Mr. Speaker, the short answer is yes, I do claim to be a constitutional expert.

Mr. WATT of North Carolina. Mr. Speaker, I just want to make clear that that is what the gentleman is doing here, because there is no definition in this bill, and the problem we are raising is, the gentleman from Texas [Mr. BARTON] is not going to be around every time this gets litigated in a court of law to be able to explain to the court what this constitutional amendment means.

Mr. SCOTT. Reclaiming my time, Mr. Speaker, I yield to the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Speaker, revenue increases subject to the supermajority requirement include: Income taxes, and I think we all know what a direct income tax is; estate and gift taxes; employment taxes, including Social Security and Medicare; and excise taxes, such as Superfund, aviation, gasoline.

Things that would not be included under the amendment would be tariffs, user fees, voluntary Medicare premiums, the Part B premium, and bills that do not change the Internal Revenue laws even if they have revenue implications.

On the question of de minimis, de minimis is one-tenth of 1 percent, which, under the current Tax Code, would be about $300 million a year.

Mr. Speaker, I yield back to the distinguished gentleman from Virginia [Mr. SCOTT].

Mr. SCOTT. Mr. Speaker, I would say that the gentleman has indicated that to increase spending on Superfund would take a two-thirds majority, so we are attacking the environment. Also, if we label something a fee, it is not included. If we call it a tax, it is included.

In terms of de minimis, the gentleman from Texas [Mr. BARTON] has suggested that the one-tenth of 1 percent is de minimis. Our total budget, Mr. Speaker, is $1.6 trillion. One-tenth of 1 percent of $1.6 trillion is $1.6 billion. Jokes have been made about a billion here and a billion there, but I certainly think that most people would think that $1.6 billion is more than de minimis. But of course the courts would have to make that decision, and, as the gentleman from North Carolina has pointed out, a staff memo to the chief sponsor is not what the Supreme Court will consider.

Mr. Speaker, the confusion created by this constitutional amendment will create powers in a new bureaucracy, such as the CBO, or cede Congress' taxing power to the court, because someone has to answer the questions that we have not answered. Some faceless bureaucrat punching numbers will have the power to determine how Congress will consider bills. Will the court overturn entitlement reform or cuts in corporate welfare because such initiatives were passed with less than a two-thirds vote? We should not be ceding our powers to courts or unelected economists.

Who will be appointed or anointed with the power to decide the golden question: Will a particular bill constitute an increase in the revenue more than a de minimis amount? Last March in the subcommittee, we heard one witness saying that this power should be vested in one person who would have the power to control the legislative powers of Congress.

In addition, the complex and subjective nature of economics makes it clear that any interpretation will be disputed, so who becomes the arbitrator of such disputes?

Mr. Speaker, the American public deserves answers to these questions before, and not after, we have made a mess that cannot be cleaned up. What happens, for example, if we pass a controversial corporate tax loophole that we estimated would have cost $500 million, only to find later that we made a mistake in our estimate and it will actually cost $5 billion?

□ 1530

Although it would have taken a simple majority to pass the subsidy, it would take a two-thirds majority to correct it. For this reason, we should be calling this resolution the loophole protection act. In addition to being vague and biased in its protection of corporate loopholes, this amendment would be unworkable.

There is a very good reason why supermajorities are rare in our Constitution. They are rare because the framers of the Constitution learned from their experiences and the failed Continental Congress that excessive supermajority requirements are not practical in an efficient government.

Supermajorities are only required for a precious few actions, such as overriding a Presidential veto, impeachment or proposing constitutional amendments to the States. These are well-defined circumstances not open to interpretation.

Unfortunately, there will always be numerous interpretations on the question of whether or not a bill will ''increase revenue more than a de minimis amount.''

The fact that we have not been able to adhere to our own tax limitation rules should give us a fairly good idea of how problematic this constitutional amendment will be to the body.

In the 104th Congress, we had a rule that required a three-fifths vote on bills involving Federal income tax increases. The story of the tax limitation rule's application in the last Congress was one of waiver after waiver after waiver because many bills included changes in the tax system that could be classified as tax increases.

The rule was waived for the 1996 budget reconciliation report. It was waived for the Medicare preservation bill. It was waived for the Health Coverage and Availability Act.

In recent history, no major tax changes, whether signed by a Democratic or Republican president, passed both houses with a two-thirds majority vote. If we could not function with a three-fifths requirement that included a waiver provision, how possibly could anyone think we could function with a two-thirds requirement that could only be waived by war or by amending the Constitution.

Mr. Speaker, amending the Constitution is serious business which should not be conducted haphazardly. Some very tough questions have not come even close to being answered; and I, therefore, urge my colleagues to act responsibly and reject this tax day publicity pageantry and vote ''no'' on House Joint Resolution 62.

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

Mr. DUNCAN. Mr. Speaker, I rise in strong support of this resolution; and I thank the gentleman from Texas for yielding me time. I am pleased to be one of the original cosponsors of this bill.

A little over 2 years ago, President Clinton's budget, in a footnote that

was often mentioned by Ross Perot, said the young people born that year would pay average lifetime tax rates of 82 percent.

Paul Tsongas a well-respected member of the other party who served for 10 years in the House and Senate, wrote a column about this and he called it an incredible 82 percent; and he said that we were in danger of turning the young people into indentured servants for the Government, and he predicted that in a very few years we would have a war between the generations.

Already today the average person pays almost half of his or her income in taxes and in paying the cost of regulations. Very few people really realize how much they are paying. But when you add up sales taxes, property taxes, gas taxes, excise taxes, Social Security taxes, it is a tremendous sum; income taxes become a small part of the whole burden.

Unfortunately, for too many people, too many people believe that if the Government sends them back a small refund, it is doing them some kind of a favor.

As many people have pointed out, today it takes two incomes to do what one did just a few years ago. Today one spouse basically works to support the Government, while the other spouse works to support the family.

Mr. Speaker, the people of this country can spend their own money better than than the bureaucrats can spend it for them. The easiest thing in the world to do, Mr. Speaker, is to spend other people's money. We need to make it harder for Government to take so much money from the people.

The Government at all levels, but particularly at the Federal level, is becoming increasingly arrogant and coercive. We need to take this coercive society that we have created today and turn it into a great and free society once again.

We can do this if we leave to the people the power, the freedom to have more control over their own money. We need to require a two-thirds majority vote to pass a tax increase. Very few people in this country think that taxes are too low.

Those who want to see the 82 percent tax rate predicted in President Clinton's budget just 2 years ago should vote against this legislation. Those who want to hold down taxes should vote for this resolution.

Mr. SCOTT. Mr. Speaker, I yield 8 minutes to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Speaker, I thank my colleague for yielding time to me for the purpose of debating the bill.

Mr. Speaker, we have heard a lot of discussion today about the fact or the alleged fact that the supporters of this bill are trying to do the public taxpayers a favor. I want to take issue with that. I want to do it in two different ways.

First of all, I want to say to my colleagues, and individuals who may be listening to this argument also, that in 1952 corporate income taxes contributed 32 percent of the Federal revenue. By 1992, corporate income taxes contributed a total of 9 percent of the total Federal revenue.

During that period of time when corporate income taxes were becoming a smaller and smaller and smaller and smaller part of the Federal budget, many, many loopholes were put into our tax laws that provide substantial corporate tax benefits to corporations. Now, if this amendment passes, if this constitutional amendment passes, those loopholes that are currently in the law will require a two-thirds majority of this House to be removed from the law.

So if there is any individual taxpayer in America, any person in America who thinks that this bill is about protecting individual taxpayers, they had better think again. What it is really about is protecting corporate tax interests who have already seen their percentage of the Federal revenues decreased over the last 40 years from 32 percent of our revenues down to 9 percent.

Who was it that picked up the burden of that corporate tax reduction? It was individuals. So anybody who is suffering under the impression that this is for the benefit of individual taxpayers, dissuade yourself of that notion. It is just simply not the case.

The second point I want to make on this has to do with the constitutional framework in which we operate, the concept of majority rule. Every 10 years we are required by law to take a census of the number of people in this country, and by constitutional law, to redistrict the entire Congress of the United States for election purposes.

The reason for that redistribution, and in that process some States that have gained population gain representatives, some States that have lost population over the last 10 years lose representatives, but the reason we go through that process is to assure that every single person in the United States has equal representation in this House of Representatives. Every single district in America is supposed to represent approximately the same number of people. The reason we do that is because we believe in the whole concept of majority rule.

Every single Member of this body who comes in here representing equal constituencies, on almost every single item with the exception of four or five things that were delineated in the original Constitution of the United States, has an equal vote.

Mr. Speaker, what these cavalier gentlemen would like to do is to upset that balance, to say to the American people that their vote is less important unless they are in the minority or majority, depending on which side they happen to be on. Any time we require something other than a majority vote in this House, we are diminishing the value of somebody's vote out there in the public.

I want to dissuade all of my colleagues, Mr. Speaker, and the American people, that this is not about taxation. This is about the equal representation that all of us fought so hard for and that our ancestors fought so hard to protect, the whole theory of democratic rule.

My colleagues on the other side are going to get up and tell us we are trying to protect the American people. What they are doing is protecting their corporate interests. We have seen it over the last 40 years, a reduction in the amount corporations contribute to support the Government, and what they are doing is diminishing the right of every single individual voter in this country by saying, oh, no, your vote is not as important as somebody else's vote in this body.

I have risen on the floor of this House to oppose every single constitutional amendment that they have proposed. They keep saying that they are conservatives. What is conservatism but to uphold the Constitution of our United States?

This new conservative majority has proposed 118 constitutional amendments in the last 2 years. This new conservative majority brought four constitutional amendments to the floor of the House last year. That is an average of four times more than any Congress in the last 10 years.

They would have us believe that this is about upholding some constitutional conservative principle. Defending the Constitution as it is written is the conservative notion, Mr. Speaker. I think we should reject this amendment and stand up for the power of individual citizens in this country.

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

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

Mr. CHABOT. Mr. Speaker, I rise in strong support of this taxpayer protection amendment. Early in this century, Congress passed a constitutional amendment to make it easier for the Federal Government to tax people. The 16th amendment authorizes a direct Federal income tax.

Now as we near the end of the 21st century we have some significant experience with heavy Federal taxation. I think one inescapable conclusion we must draw from our Nation's experience is that the Federal Government does not find it difficult to raise taxes. Rather, it finds it all too easy. We need to pass structural constitutional protections for the American taxpayers, to make it harder to raise taxes.

□ 1515

Most of what goes on in this town involves taking and spending other people's money. Political power determines how much money is taken away from people who earn it, and political power determines to whom that money

is given. People who have to spend most of their time earning a living for themselves and to support their families do not have very much time or very much say over how the taxing and spending goes on in this town. And they get ripped off time and time again.

For example, just look at the so-called market access program under which money is taken away from taxpayers and given to corporate trade associations to advertise their products overseas. Sure, it is a ripoff, a $100-million-a-year ripoff. But the big corporations that benefit from it have real incentives to lobby here in Washington to keep the transfers going and the money coming from the taxpayers, and the taxpayers get hit.

In recent years to pay for programs like this, the Federal Government has raised taxes on the gasoline people buy. It has raised taxes on working seniors. It has raised taxes on small businesses. The Government's share of the average American family income has gone up, when it was born, from around 5 percent, now it is 25 percent. That is a 500-percent increase just during my lifetime. We all know the Federal Government has not gotten 500 percent better. The Government taxes people to pay for the entertainment of rich elites in the NEA. The Government taxes people to build roads through national forests for private lumber companies. The Government taxes people in order to subsidize the profits of various utility companies.

Those who argue that we cannot have structural protections in the Constitution requiring a supermajority here ignore other similar protections: the requirement that a bill pass through two different Houses of Congress, for example; the power of the President to veto legislation; it takes two-thirds to override a Presidential veto; the constitutional limitations restricting Federal power to specifically enumerated areas. All of these are valuable protections against congressional abuse.

Oppressive increases in Federal taxation have got to stop. We cannot keep increasing the frequency with which Congress goes back to the well and raises taxes over and over again. It is too easy for the Government to raise taxes on hard-working American people. I urge passage of this protection for the American taxpayer.

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

Mr. STARK. Mr. Speaker, I thank my distinguished colleague for yielding me the time.

Mr. Speaker, I could not begin to match the eloquence of the previous speakers on this side who would suggest to the American public that they are at grave risk of having their Constitution damaged by a capricious majority who would today—in kind of a television stunt that is hardly worthy of a second rate talk show host—try and convince the American people that they are doing something to save them money or to save the Government. It is again a sham. There is much that we could be doing in this body that is important, and obviously we are not.

But it is important to note what might have happened had this kind of a silly constitutional amendment been agreed upon earlier. Social Security would now be bankrupt. It would not have been saved in the 1984 legislation which did not receive a two-thirds vote. As the Republicans have repeatedly tried to raise the taxes on the senior citizens for Medicare in their own rule which required two-thirds last year, they had to waive the rule to increase the premiums on Medicare beneficiaries. That was a Republican move.

The health coverage availability and affordability bill would have imposed additional taxes on withdrawals from medical savings accounts, an equally silly idea, but again the Republicans had to waive their own rule. The Republicans could not operate, they do not know how to operate the House with a two-thirds rule they have in here now. If they had to read the Constitution without moving their lips, I suspect they would be in real trouble. The House waived or ignored the two-thirds rule each time it would have applied.

This resolution is far more restrictive and it is a bad idea through and through. It is a gimmick. It is showboating. It denigrates the Constitution. We were all sent here to make tough choices, some unpopular. Occasionally it is necessary to raise revenues in this country. We would no longer have airport traffic control. Our Nation's transportation infrastructure would disappear. The Medicare Social Security Program would no longer be able to be kept viable. All of these would be the outgrowth of this cockamamie idea that has come up and would be much better if we would just pledge allegiance a few more times today in honor of those good citizens who do pay their taxes, which happens to be mostly the lower middle income folks, I might add, and not the rich folks who can take advantage of the many loopholes that we have built into the system.

I urge my colleagues to ignore this, to vote no, to pretend that it did not happen, to go back home and say that there are important things that this Congress could do but they are not being presented to us by the Republican majority.

Mr. BARTON of Texas. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I want to speak in this 2-minute period about the tax issue directly. I notice that my distinguished colleagues on the other side do everything but talk about the direct issue, which is taxes. In the 4 years of the Clinton administration, including this fiscal year 1997, Federal revenues have gone up an average of $88 billion a year, $88 billion. The high year was $104 billion; the low year, the year that we are currently in, it is estimated to be $52 billion. So that is an average of $88 billion increase in Federal revenues during the Clinton administration.

If we go back to the Bush administration, the average was $65 billion, the high year being, and the low year being $23 billion. If we go back to the last 10 years, to include the last 2 years of the Reagan administration, we still have an average increase, including the Clinton years, the Bush years and the last 2 years of President Reagan, $65 billion a year. We do not have a problem of Federal revenues going up. We have a problem limiting the revenues going up in terms of tax increases and limiting the ability to increase spending.

I would point out again, in the original Constitution there was a zero; there was zero income tax, 100 percent prohibition against any direct tax, Article I, Section 9. The 16th amendment to the Constitution, 1913, changed that. We need to go back, maybe not 100 percent prohibition as the Founding Fathers, but a two-thirds vote requirement would make it more difficult to raise taxes. I would point out, if we would have had a two-thirds requirement on the books, 4 of the last 5 major tax increases totaling $666 billion would not have occurred. I would hope that we can talk about the substance of the amendment and what it would do, which would make it more difficult to raise taxes.

Mr. CANADY of Florida. Mr. Speaker, I would inquire of the Chair concerning the amount of time remaining on each side.

The SPEAKER pro tempore (Mr. SOLOMON). The gentleman from Florida [Mr. CANADY] has 49¾ minutes remaining, the gentleman from Virginia [Mr. SCOTT] has 67¾ minutes remaining, and the gentleman from Texas [Mr. BARTON] has 26 minutes remaining.

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

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

Mr. Speaker, I rise here today in support of House Joint Resolution 62, the tax limitation amendment. As a private citizen in Nevada, I led an effort to amend our State constitution with this very same language. I am proud to say that after passing overwhelmingly in 2 consecutive elections, and may I say both with over 70 percent support of the voters, that initiative, the Gibbons tax restraint initiative, as it became known, has become law in Nevada, a policy that says, we need to put a leash on runaway spending and tax increases. The Federal Government needs to be put on a fat-free diet by making it more difficult to raise taxes, we shift the focus of the balanced budget debate to where it needs to be, on the spending.

Mr. Speaker, the facts speak for themselves. States with similar supermajority requirements for tax increases experience greater economic

growth, lower taxes, and reduced growth in spending.

Mr. SCOTT. Mr. Speaker, I yield 7 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I could not help but notice the somewhat pained look on the face of my friend from Florida, when the Chair told him he had 49 minutes remaining. Time goes quickly when you are having fun, I would have to say to the enthusiastic advocate of this constitutional amendment.

Mr. Speaker, we should note that today is the day when under the law of the country, the Republican majority should be giving us their budget. We have no budget. They do not want to present the budget, and what we have today is a diversion, a proposal that is not taken seriously by all but a handful on the other side, that no one thinks is going to go anywhere, and it is an effort to divert people's attention from the fact that they have failed their legislative responsibility to bring forward a budget.

The problem is not for them that it is too easy to raise taxes. It is that for all of their rhetoric, it is too hard to cut spending. The gentleman from Texas, the author of the amendment, said if this amendment had been in effect we would have $666 billion less in revenue. Well, I assume when those who advocate this amendment would show us how they could cut $666 billion a year out of spending. But they will not; they will not even try.

What we have is the emptiest rhetoric imaginable, all of this breast beating about cutting spending but not a nickel cut. Where is their budget?

If, in fact, they believe that we have overtaxed and that the remedy is to reduce spending, why have they failed their statutory responsibility to bring forward a budget?

What happened was a few years ago, a year and a half ago, 1995, the Republican majority found out that there is a great inconsistency between their talk about reducing spending in general and their interest in reelection in particular. The public did not like it when they shutdown the Government. They are not prepared to live up to the rhetoric. They are not prepared in fact to propose those spending reductions.

So we sit around here waiting, I guess, for heaven-sent spending reductions. We go pass the time when we are supposed to do the budget, and they talk about a tax limitation amendment.

There are a couple of problems with the amendment on its own terms. In the first place, with this amendment, we have to be very careful because every time we turn around it is a new form.

The fact is, it is very difficult to put into the Constitution legislation of this sort. Defining taxes for this purpose is difficult. Last week they got through the Committee on the Judiciary a version of this that they did not notice until we pointed it out to them apparently would have required a two-thirds vote to cut the capital gains tax. Because under their view, cutting the capital gains tax increases revenue, and their amendment was worded so we would have needed a two-thirds vote to cut the capital gains tax.

We pointed that out to them so we have a new version of the amendment which takes care of that. But there are other problems.

There are Members who have argued that one thing we should do to balance the budget is to cut back on the Consumer Price Index and what it triggers. I am not in favor of that as a whole; some Members are. But I understand this: The Consumer Price Index controls tax brackets. The Consumer Price Index determines tax bracketing. If we were to reduce the Consumer Price Index, as the Boskin Commission recommended, we would be increasing tax revenues because we would be changing the bracketing in a way that brought in more revenue. So if this constitutional amendment were part of the Constitution, it would then take two-thirds to reduce the CPI.

Now, if we had another version of this coming up they would probably change it to do that. The problem is, we cannot put into the Constitution this sort of procedure. But there is a more profound problem. This bespeaks a majority that does not trust the American public. This bespeaks Members who do not think they can get a majority.

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, the CPI is not part of the Internal Revenue Code so it would not take a two-thirds vote. In fact, it would not even take a vote. We could do that by executive order or by regulation of the Department of Labor.

Mr. FRANK of Massachusetts. Mr. Speaker, it is interesting to have the advocate that says you need a two-thirds vote of the Congress to raise taxes say he wishes it could be done instead by Executive order, because understand, first of all, that changing the CPI the way the Boskin Commission said would increase taxes.

□ 1530

It would increase the rate of taxation on people because of what it would do with the brackets.

The gentleman from Texas, not surprisingly, said I do not want to do that; let the President do that by executive order. So on the one hand he wants it to be a two-thirds vote, and on the other hand he wants the President to do it by Executive order.

He may not have read the most recent version of his amendment, because it does not say the Internal Revenue Code. It quite specifically, as we were told in the Committee on the Judiciary, does not say the Internal Revenue Code, it says the internal revenue of the United States, small ''i'' small ''r''. So when the gentleman says this does not affect the Internal Revenue Code, that is wrong.

Finally, the CPI does directly affect the brackets. If we reduce the CPI, then we reduce the indexation of brackets and the result is higher revenues.

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

Mr. FRANK of Massachusetts. Mr. Speaker, I will be glad to yield to the gentleman from Texas if he wants to appeal to the President to get him out of this one again.

Mr. BARTON of Texas. Mr. Speaker, I would say to the gentleman, that did not state my preference. I simply said what the amendment would cover and would not cover.

Mr. FRANK of Massachusetts. Mr. Speaker, reclaiming my time, let me be clear. The gentleman did not mean, and I apologize to the gentleman, I will not in the future confuse what he says with what he believes, if that is what I am supposed to interpret. It did seem to me like he was saying we will let the President do that one.

In fact, however, the point is still valid. This amendment does not deal with the Internal Revenue Code, big ''I'', big ''R'', big ''C''. It says the generic, the internal revenue of the United States. And cutting the CPI would increase the internal revenue of the United States, and it would clearly require a two-thirds vote.

The point is it should not require a two-thirds vote. Democracy should be allowed to function. Today there is not a majority in this country for raising taxes. There might be a majority for reducing taxes.

Suppose 10 years from now there is a different majority. Suppose 10 years from now people have changed their views? We have had economic growth; they want to deal more fully with certain things. They, in fact, decide they have to get that debt down and they would be willing to vote a tax increase dedicated to reducing the national debt.

That ought to be a decision that the majority of the American people could take if they want to, and this is one more obstacle that we are trying to put in the way, those who support this, in the path of a majority.

The majority today ought to do what it thinks is right. If it wants to reduce taxes, it should reduce taxes. If it wants to keep them the same, it should keep them the same. If it wants to cut spending, it should cut spending, although the majority apparently does not want to do that, because that would require a budget that requires tough political discussions, and they want to avoid those.

But what we should not do is to say, because we have a majority today, we will change the basic rules so that 10 years from now, if a new majority said things have been pretty good economically and we could afford a tax increase

to reduce the deficit, we should not require that to take two-thirds.

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

Mr. RILEY. Mr. Speaker, I rise today in strong support of the American taxpayer and in support of the tax limitation amendment.

To put it simply, taxes on Americans are too high. The average American taxpayer works until May 7 to earn enough income to pay an entire year's tax. When we factor in local and State taxes, U.S. taxpayers will spend more time working for the Government than for their own families. Clearly, taxes are out of control.

Mr. Speaker, the tax limitation amendment will provide Congress with the needed discipline to once and for all hold the line on taxes.

Today we have heard from the naysayers and the doomsdayers who fear that the sky will fall if the tax limitation amendment is passed. They are rightfully concerned. This is because so many in Washington still lack the courage to make the tough decisions, the tough decisions that today will create a better America for tomorrow.

The tax limitation amendment will indeed make it tougher for Congress to raise taxes, and that is exactly why I support it.

Mr. SCOTT. Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. HALL].

(Mr. HALL of Texas asked and was given permission to revise and extend his remarks.)

Mr. HALL of Texas. Mr. Speaker, I rise in support of House Joint Resolution 62, the tax limitation amendment.

Today is a day that a lot of hard-working Americans, honest and decent people, have come to view with a sense of despair, hopelessness, and some even fear. It is not a sense of selfishness but rather a sense of disenfranchisement with the process which causes so many millions of Americans to believe that Government spending and taxes are out of control.

If we had had this amendment back 3 years ago, we would not have had the largest tax increase in the history of this country. If we had had this in 1986, when we had Chairman Rostenkowski and President Reagan pushing for a tax bill, for a new tax reform act, we would not have had this. That is the worst thing, in my opinion, that has hit this Congress since I have been up here.

Today we have an obligation to our constituents to let them know that we are listening to what they say and that we are willing to take some responsibility by endorsing a very concrete step toward slowing the rate of growth in spending and moving closer always toward the goal of what we have all been seeking, what the President says he wants, what the House and Senate say they want, and that is a balanced budget.

Today we are asked to vote for or against the tax limitation amendment, House Joint Resolution 62. This proposal would amend the Constitution so as to require a two-thirds supermajority vote in both Chambers of Congress as a prerequisite for passage of any legislation which would raise taxes by more than a de minimis amount.

This resolution covers income taxes, estate and gift taxes, payroll taxes, and excise taxes. It does not cover tariffs, user fees, voluntary premiums, and other items which are not part of the internal revenue laws. Currently, just such a rule is in place in the House to make certain that we all go on record when a tax increase is proposed. However, this rule does not apply to the U.S. Senate; it only applies this term to the House.

We are just asking to bring some discipline into the process. We are asking to make it a little bit harder to tax the American people. This is a day to make it a little bit harder to tax the American people, the day when they are parting with their money, 40 percent, upper or lower, depending on their bracket or their area, of all the money they have made all of last year.

The many good people in my district, the 4th Congressional District, have been unified and very clear in communicating to me their desire to see Congress balance the budget. The tax limitation amendment would simply challenge Congress to balance the budget without gouging hard-working individuals with regular tax increases.

Contrary to some arguments made by pro-spending opponents of this resolution, the tax limitation amendment does not hamper efforts to close so-called loopholes, because tax increases below a small amount are not subject to the two-thirds requirement.

Those of us who are working toward fundamental tax reform will not be impeded either, because so long as the end result does not increase the tax burden, tax reform bills will not be subjected to the supermajority requirement.

The tax limitation amendment makes good sense. It restores discipline on a system which has spun out of control. Our constituents are overburdened now by a system which has for years left the doors wide open for tax increases to be slipped in as riders to all kinds of legislation. We have to reverse our course and restore a sound business approach to the Government by passing the tax limitation amendment, thereby committing ourselves to going on record so that our constituents can see us vote either yes or no when their pocketbooks are at stake.

I am proud to be the lead Democrat on this bill, along with the gentleman from Mississippi, GENE TAYLOR, and I urge all my colleagues to deliver some relief to the overtaxed and disenfranchised constituents today by voting the passage of the tax limitation amendment.

Mr. Speaker, we have people from all walks of life who support this. We have the American Conservative Union, the Americans For Tax Reform. We talk about senior citizens. The Senior Coalition, United Seniors Association, U.S. Chamber of Commerce, the National Tax Limitation Committee, and I could go on and on. People want us to bring some discipline to this House and discipline to the taxation that takes away the money that they work so hard for.

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

Mr. BARTON of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. SESSIONS], the distinguished gentleman from the Fifth District and one of the whips in this effort to pass the amendment today.

Mr. SESSIONS. Mr. Speaker, I rise today to support not only the gentleman from Texas, JOE BARTON, but also the previous speaker, the gentleman from the Fourth District of Texas, the Honorable RALPH HALL.

As the Congressman from the Fifth District of Texas, I can tell my colleagues that these gentlemen understand and know not only what freedom is but also how to go about it.

Mr. Speaker, Republicans and Democrats across the country ran on the promise to lower taxes for all Americans. The tax limitation amendment is important because it protects the American people from excessive taxes. It restores accountability to elected officials and forces Congress to prioritize how they spend the American people's money.

Future generations deserve lower taxes. Responsible leaders in the Federal Government that only spends money on those things that are within its constitutional mandate are critical to the success of not only today but our future.

If we believe that all Americans deserve to keep more of their hard-earned dollars while paying less in taxes, then the tax limitation amendment is a positive change. If we want to promote prudent financial responsibility and a stronger, healthier economy by cutting off the supply of taxpayer dollars to Washington's spending machine, then the tax limitation amendment is the right thing to do.

If we also believe that the Federal Government should have more power and control over people's lives and resources, then the tax limitation amendment makes our life more difficult. If we believe that the American people deserve more government interference while they continue to pay close to 40 percent of their earnings to the Federal Government, then the tax limitation amendment is not a welcome change. Tax increases are not the answer to any problem. A balanced budget, a trimmed-back Federal Government, a healthy economy, and meaningful tax reform are important.

Seventy percent of taxpayers support a supermajority requirement for Congress to raise taxes. I think it is time that we as Republicans and Democrats listen to America, listen to the taxpayer, and listen to those who put us in

office. Let us do the right thing. I am in support of the tax limitation amendment.

Mr. CANADY of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina [Mr. COBLE], a valued member of the Committee on the Judiciary.

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

I had not planned on coming over here, because I am working on another matter known well to the Speaker, but I felt obliged to be here.

Let us first admit what has gotten us into this mess: Excessive spending for the past 25 to 30 years. If more prudence had been practiced in those days, folks, we would not be here talking about this. That cow, however, is out of the barn, so now we have to play the hand that is dealt us.

I am not one in favor of rushing to the Constitution each time the whim strikes me, but we live in an era today, Mr. Speaker, when activities occur regularly that would astound our Founding Fathers.

I was talking to one of my constituents about 3 weeks ago, and she told me how much taxes she must pay on or before today. This woman is not impoverished, but she is by no measuring stick wealthy. She would be lower middle. The amount she told me almost knocked me off my chair.

As imperfect as it is, my friends, there is no doubt that the United States of America is the greatest country in the world, but oftentimes I wonder if other countries impose such hardships upon savings, upon investing, upon hard work as America does.

Capital gains and estate tax. Let us call the estate tax what it is, the death tax. They are probably the two most lucid illustrations I could offer. The estate tax ought to be abolished. Forget about reducing it or increasing the threshold, it should be abolished. It generates relatively little revenue when compared to total tax collections.

Tax day and the IRS are synonymous. I look across this great hall and see my friend from Ohio, who is probably the most outspoken critic of the IRS. And I am not saying that all IRS agents and employees are no good; I am not saying that at all. I am certain there are many who are good Federal employees. But I am equally certain, Mr. Speaker, that there is much heavy-handed activity, there is much yanking taxpayers around, there is much intimidation that flows from the IRS to taxpayers who are then placed in vulnerable positions. Such activity is intolerable and inexcusable and should not be allowed to be practiced.

□ 1545

Finally, the more difficult we can make it to increase taxes, the better all America will be served.

In conclusion, Mr. Speaker, I say, happy tax day, America.

Mr. SCOTT. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts [Mr. NEAL].

Mr. NEAL of Massachusetts. Mr. Speaker, today is a day that is dreaded by all Americans for one reason or another. Today, April 15, is commonly known as tax day but in deference to my friend who just spoke a moment ago, as he said, happy tax day, I think a more appropriate description of this initiative would be happy gimmick day. All that is missing would be to have that individual who used to stand in the well of the House with a TV Guide in his hand and an ice bucket on his arm talking about term limits after having served for 18 years, that 12 is good enough for the rest of us, and then we ought to talk about the balanced budget amendment, how everybody on that side was thankful that it was defeated. And then we talked about the line-item veto and they are once again in good shape because a Federal judge turned down that initiative.

This is about another gimmick, Mr. Speaker. That is what this initiative is proposed for today. It is to call attention to the failure of the majority to administer the House. We should be speaking about balancing the budget today, and that is where our time should be more appropriately spent.

We went through this exercise exactly 1 year ago today, because, thank goodness, rational minds prevailed and the resolution fell 37 votes short of the majority required to change the Constitution. Every time we do not like something around this institution during the last 4 or 6 years, we suggest that we ought to alter the Constitution for short-term political gain.

Instead of holding this publicity stunt today, Mr. Speaker, we ought to be working on balancing the budget. This resolution is not going to help individual taxpayers. But a balanced budget would help all of us today. If we want to help taxpayers, we should be enacting legislation like an expanded individual retirement account. But instead we are debating an amendment to the Constitution. It ought to be done with these discussions in a serious manner.

This proposal that we are offering today would offer a change in revenue if it is determined at the time of adoption in a reasonable manner prescribed by law, not to increase internal revenue by more than a de minimis amount. This resolution does nothing but compound our current budget stalemate and debate.

Twenty years ago I was standing in a classroom teaching American history to high school students and to college students. I value the Constitution. I tried to pass that on to my students. The Constitution requires a two-thirds majority vote in the House in only three instances: overriding a 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.

Mr. Speaker, I have to tell my colleagues today as we begin this debate, this proposal is about the next election. It is not about balancing the budget. This proposal is how we once again can speak to the concerns and qualms of wealthy Americans at the expense of middle and lower income people. Time and again we have had opportunities to address this balanced budget necessity, but instead we come up with superfluous issues like the one that is proposed today.

The Founding Fathers examined what majority rule meant. Why should one-third of the Members of this institution determine the fate of an initiative that is as important to the future of this country as this one? Why should one-third of the Members of this institution be allowed to veto the long-term interests of this Nation?

I hear Members come to this well on that side and talk about the conservative virtues that made this Nation strong. And in the same breath, we have a constitutional amendment proposed here to address every political concern that they have.

Our time would be better served today speaking to balancing the budget. Jefferson's most prized student, James Madison, reviewed the question of what constituted a majority in a legislative body. They concluded, based upon the bad experience of the Articles of Confederation where 9 votes were required of the 13 to raise revenue, that it was a bad idea.

This proposal is about demagoguery, it is about dividing this Congress, but it goes to the main issue, the core issue, of any legislative body, and that is the right of the majority, the simple majority, to set responsibilities every single day. And by any objective standard, this proposal fails that measurement. We should be spending our time today focusing on balancing the budget and not upon these kind of superficial initiatives.

Mr. BARTON of Texas. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, we have heard quite a bit of dissemination about what the amendment may or may not cover. Let me actually read the relevant part of the amendment, section 1. Any bill, resolution or other legislative measure changing the internal revenue laws, and I want to emphasize, changing the internal revenue laws, shall require for final adoption in each House the concurrence of two-thirds of the Members of that House present and voting unless that bill is determined at the time of adoption and in a reasonable manner prescribed by law not to increase the internal revenue by more than a de minimis amount. For purposes of determining any increase in the internal revenue under this section, there shall be excluded any increase resulting from the lowering of an effective rate of any tax. On any vote for which the concurrence of two-thirds is required under this article, the yeas and nays of the Members of either House shall be entered on the journal of that House.

So in plain English, it takes a two-thirds vote to raise Federal income

taxes. Right now there is $5.7 trillion of personal income in this country, of which about $2.6 trillion is considered to be taxable. If we came to the floor of the House and tried to raise the Federal income tax rate 1 percent, that would be between $26 billion and $57 billion a year. It would take a two-thirds vote to do that, in plain simple English, a two-thirds vote to raise personal income taxes even 1 percent. So let there be no mistake. That is what we are trying to do, make it more difficult to raise income taxes.

Members do not have to take some Congressman's word for this that it might work. They do not have to take a professor's word that it might work. We have 14 States that have this in their State constitution or in their State laws. There are 4 States that have passed it since last year, Missouri, Nevada, Oregon, and South Dakota have passed a supermajority requirement, in most cases a two-thirds supermajority requirement, since last year, and the total is 14 States, including the largest State, the great State of California, which has had this on the books since 1978. In those States that have it, in these 14 States, there are certain facts that are true in every State.

What are those facts? In States that have a supermajority for a tax increase, taxes go up. We are not saying you would not prohibit any tax increase, but they go up more slowly: 102 percent in tax limitation States versus 112 percent in States that do not have any kind of tax limitations. That is a 10 percent difference. Ten percent at the Federal level would be over $100 billion a year.

In the States that have tax limitation, consequently State spending goes up slower, 132 percent versus 141 percent. That is a 9 percent difference. And because the State spending is going up more slowly, the State economies, the private sector economies, grow faster, 43 percent versus 35 percent. And because the economies are growing faster in those States, employment is growing faster, 26 percent versus 21 percent, or a 5 percent difference.

Again, in plain English, tax limitation works. Supermajority requirements for tax limitation actually works. If it works in these States, Arizona, Arkansas, California, Colorado, Delaware, Florida, Louisiana, Mississippi, Missouri, Nevada, Oklahoma, Oregon, South Dakota, and Washington, it will also work in Washington, DC, at the Federal level.

Again, we are not trying to make it impossible to raise income taxes; we are just trying to make it more difficult. When the time comes to vote on this, just keep in mind a 1 percent increase in personal income tax is going to result in $26 billion to $57 billion a year increase in Federal revenue, and as I pointed out earlier, Federal revenues have gone up an average of $88 billion a year the last 4 years.

Mr. CANADY of Florida. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio [Mr. TRAFICANT].

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

Mr. TRAFICANT. Mr. Speaker, we have withholding taxes, income taxes, sales taxes, excise taxes, liquor taxes, ticket taxes. We even created a surtax once. We taxed tax years ago. We coined recently a retroactive tax. We taxed before the tax really would start so the tax did not look as bad as when it started.

Mr. Speaker, how many ways can Congress raise taxes? I would say if Congress was as creative in creating jobs, we would not have any problem with taxes and any problem with revenue. We would have no deficit.

The truth of the matter is today is tax day. The American people are taxed off. We are not talking about the old taxes, and the possible new taxes. What about the hidden taxes that seem to creep up on us? But I just take a look at the whole scheme. Here is the way it is in America.

If you work hard, you get hit on the head and you pay a lot of taxes. If you do not work, the Government sends you a check. Beam me up. Congress debates today corporation taxes, and more corporation taxes. My God, they can move to Mexico and pay no taxes. Why stay here the way it is?

We should be incentivizing and strategizing with the Tax Code, a Tax Code that is so cumbersome you need three accountants and two attorneys and, by God, if you get audited they will all run for the hills and say they did not tell you those things. You know it and I know it. Our Tax Code kills jobs; kills, in fact, investment; rewards dependence; penalizes achievement, and in many cases treats the taxpayer like a second-class citizen. In fact, in a civil tax court, and the Republicans should have dealt with the issue, a taxpayer carries the burden of proof this day against an accusation made by the Government, if you want to talk about Constitution.

I think if the American people had a voice in this debate, you know what they would say? Tax this, Congress. They are fed up. I think this is a simple measure. It deals with income. I am not one to vote for constitutional amendments. But quite frankly, how many ways can we tax people? And the American people are sitting back waiting for someone in the Congress to do something.

I want to give credit to the Republicans. They are trying. But let me say this. There is an awful lot more that could be done. I suggest changing our Tax Code, rewarding work, not nonwork, giving people more of their income, by cutting income taxes and creating a consumption tax, get everybody in America participating, even those deadbeats that avoid the payment of income taxes, folks.

But I think there is one element that is left out of this debate, and I think it is the taxpayer. I think they just have a train coming at them, they are on the track and they are looking not just for some relief, they are looking for some justice.

I support this constitutional amendment. I applaud the efforts of the gentleman from Texas [Mr. BARTON] and those who have brought it forward. I doubt if it will become law. You know that and I know that. But if we make some common sense here, we would reward work. The American people are taxed off and rightfully so.

Mr. SCOTT. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts [Mr. DELAHUNT].

□ 1600

Mr. DELAHUNT. Mr. Speaker, I rise in opposition to the bill.

The Framers of the Constitution were very practical people, and most held profound beliefs about democracy, but their goal was above all to design a system of government that would work. They recognized that certain key questions such as treaty ratification, conviction and impeachment trials or expulsion of a Member of Congress demand more than the customary majority. But with respect to the normal operation of government, they provided in all cases for a simple majority vote. They made no exception for taxation. Pause and reflect for a moment: They made no exception even for declarations of war. Mr. Speaker, what they rightly feared was that a supermajority requirement would give minorities a veto over the political process.

As Madison wrote in The Federalist papers, ''It would be no longer the majority that would rule; the power would be transferred to the minority. An interested minority might take advantage of it to screen themselves from equitable sacrifices to the common wheel, or, in particular emergencies, to extort unreasonable indulgences.''

Madison could have been describing the very amendment before us today. It would give a veto over revenue bills to a minority of Members of either House. It would enable Members of Congress representing one-third of the population or Senators chosen by one-tenth of the population to block revenue measures supported by the vast majority of Americans. It would give these minorities enormous leverage in an emergency to extract concessions in exchange for their support.

The proposed amendment pays lip service to this concern by allowing the two-thirds requirement to be waived in the event of war, yet it would probably be easier to obtain a two-thirds vote to raise taxes during wartime than in my other perilous circumstances. The bill makes no provision at all for hurricanes, floods, terrorist attacks or other localized disasters, let alone a severe economic crisis or a breakdown in the financial system itself. Furthermore, it would make it virtually impossible to eliminate corporate subsidies and other loopholes in the tax system. Corporate welfare would be difficult to reform.

The proponents of this amendment seem willing to accept these consequences, for they rejected a series of amendments in committee which would have addressed at least some of these concerns. They also seem determined to repeat past mistakes.

I was not a Member of this House when the current majority took control in 1995, but I know the House adopted a rule at that time requiring a three-fifths majority to raise taxes. Unfortunately, having created this rule, the majority found it impossible to govern in accordance with it, and it was repeatedly waived or ignored.

Today the majority invites us to graft this failed rule with two-thirds vote onto the Constitution of the United States where it cannot be waived and it cannot be ignored, and this is an invitation that we should and must decline.

Mr. CANADY of Florida. Mr. Speaker, I yield 4 minutes to the gentleman from Arizona [Mr. HAYWORTH].

Mr. HAYWORTH. Mr. Speaker, I thank my colleague from Florida for the time, and I welcome the gentleman from Massachusetts to this body. In the spirit of bipartisanship, I think it is great for us to be able to debate these issues and to take a look at some different perspectives.

I appreciated the citation of a quotation from James Madison, who perhaps more than any one individual is responsible for the Constitution of the United States. I would also try to put at ease the mind of my good friend from Ohio who rose in support of this amendment who said he was not that fond of voting for constitutional amendments. He was somewhat reluctant. Certainly our friends in opposition to this amendment will readily note the veracity of article V of the Constitution, which gives us as the people of the United States the ability from time to time to amend this Constitution.

Indeed I would only take issue with one observation of the gentleman from Massachusetts when he quoted James Madison, and that would be this: that when James Madison penned those words at the outset of this Nation, he did not have to deal with the 16th amendment to the Constitution that led to the direct taxation of personal income. Indeed those who would wrap themselves in the Constitution and talk glowingly about preserving the integrity of this document have to deal with that essential fact. For if it were such a great and good idea, if it were the intent of the founders to directly tax income, then they would have included that in the body of the Constitution or in those first few amendments known as the Bill of Rights.

No, Mr. Speaker, the wisdom of our Founders comes from the fact that they realized from time to time because governments are constituted of men who attempt to make laws that there would be abuse, there would be abuse of the electorate, there would be abuse of the citizenry.

The gentleman from Massachusetts used the term extortion when he talked about minorities. No, Mr. Speaker, the extortion has taken place when this Government has stuck its hands into the collective wallets of hard-working American taxpayers and always, always, and again always ratcheted up their taxes, taking more and more to the point now where the average American family spends more in taxes than on food, shelter, and clothing combined, when the average American family who in 1948 sent only 3 percent of its income in taxes to the Federal Government, at a time last year sent almost one-quarter of its income.

No, the wisdom is found in article V of the Constitution, which gives us the right, indeed the responsibility, to move against those procedures in government which have proved troublesome, to say the least, more than bothersome, which had proven to be real problems for real Americans. That is the wisdom of our Founders found in article V and in the wake of the 16th amendment to the Constitution, which allowed for the direct taxation of income, which allowed for Washington to reach into pockets of average hard-working Americans.

We must find a counterbalance, and the wisdom is found in this amendment that would require a supermajority, as occurs now in my home State of Arizona, to restrain the rate of growth of government because, as history has shown us, the easiest thing in the world to do is raise taxes. The toughest thing in the world to do is to teach this Government to live within its limits to allow the American people to hold onto more of their hard-earned money and send less of it to Washington.

So, Mr. Speaker, it is in that spirit that I wholeheartedly endorse this amendment to the Constitution, and I rise in strong support, and I fervently hope for its adoption in this body today.

Mr. SCOTT. Mr. Speaker, I yield 4 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY of Connecticut. Mr. Speaker, I rise in opposition to this constitutional amendment. Everything is in the eyes of the beholder, but it is very hard for me to understand how one looks at a very serious situation like this and then sets a rule of demand, two-thirds vote to do something on this floor about taxes in a democracy that is usually the majority rules, and it has kept us pretty well in good shape for the last 200 years.

But I would like to say a few words. I noticed the gentleman from Ohio, one of the strongest advocates of this constitutional amendment still said it would not pass. He knew why. Exactly a year ago today we had this same constitutional amendment before us, and we have done nothing about it until this year when it is rolled out again as another public relations type situation.

But there are some serious things that are involved in this amendment. This constitutional amendment can add to the deficit. Normally, when revenue raisers and spending provisions are matched to ensure that a piece of legislation is paid for when it is passed, they do not match exactly, and they rather yield some slight differences and are used to reduce the deficit. Reading this legislation, it seems to me that this could no longer happen.

So this amendment precludes a people or authors of the bills that they want to adjust their spending upward so to avoid that they will adjust their spending upward to avoid a majority, a supermajority requirement. Obviously this makes no sense.

This amendment, and what I am trying to say is this amendment would require a supermajority to close down egregious tax shelters, to take corporate subsidies that are antiquated, not used anymore or are abused, and take those and say, ''You can't eliminate these, you can't eliminate tax shelters unless in fact you were doing that to pay for somebody else's tax shelter, not to reduce the deficit.'' This absolutely once again makes no sense.

Let us go into another everyday kind of housekeeping type of thing that we do around this Congress, and that is authorization. We have reauthorization bills before us this year that we certainly hope we can pass, Superfund, very important to the environment. Let us do the Superfund legislation; as I read this legislation, would take a supermajority.

ISTEA. We finally have something to be happy about. We are going to address the whole situation of transportation in this country. We look at this, and if my colleagues read the legislation as I am reading it, it looks to me like we would have to have a supermajority do, reauthorize, the ISTEA bill.

This whole situation says to me we are in an area that is controversial enough, but let us not kill good legislation before we even write it. And while we are talking about every day and rules of the House, let us talk about rules that were passed in the last Congress that in fact said we had to have a supermajority to do this very thing as a rule of the House. What happened? The majority could not abide by it. They had to waive it time after time after time.

So I am saying it is OK if my colleagues want to waive a rule; they are in the majority. On the other hand, if we pass a constitutional amendment that demands a supermajority, we cannot waive a constitutional amendment.

So I stand here fully understanding that this is tax day and that we have to address these issues.

In 1986 we reformed the Tax Code. We did some good things. We took 6 million people off the Tax Code. We made it simpler. We reduced the margin. We did some bad things. We authored a minimum tax. Oh, my heavens, to wrestle with that was impossible. Passive loss rules; they were much too complicated.

It is time that we do tax reform again. We should do tax reform, we should not attack those working for the IRS. Today they are working the last couple of weeks, and they will continue to work for us to collect our taxes to run this country. We need tax reform, we need simplification, but let us do it in the right way. These ploys are overused, overdone, and we should absolutely not pass this amendment.

The SPEAKER pro tempore (Mr. SOLOMON). Pursuant to the order of the House of today, further consideration of House Joint Resolution 62 will be postponed until after disposition of the two motions to suspend the rules on which proceedings were postponed earlier today.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order: H.R. 1226, by the yeas and nays; and House Resolution 109, by the yeas and nays.

The Chair will reduce to 5 minutes the time for the second electronic vote after the first vote in this series.

TAXPAYER BROWSING PROTECTION ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1226, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. ARCHER] that the House suspend the rules and pass the bill, H.R. 1226, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 412, nays 0, not voting 20, as follows:

[Roll No. 76]

YEAS—412

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
Kind (WI)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Riggs
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—20

Bilbray
Carson
Conyers
Costello
Danner
Flake
Hilleary
Inglis
Istook
Kilpatrick
King (NY)
Lowey
Manton
Owens
Rangel
Sawyer
Schiff
Souder
Towns
Wexler

□ 1632

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HILLEARY. Mr. Speaker, on rollcall vote 76 I was unavoidably detained from the House Chamber. Had I been present I would have cast my vote as a "yea."

SENSE OF HOUSE ON FAMILY TAX RELIEF

The SPEAKER pro tempore (Mr. SOLOMON). The pending business is the question of suspending the rules and agreeing to the resolution, House Resolution 109.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. ARCHER] that the House suspend the rules and agree to the resolution, House Resolution 109, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 412, nays 0, not voting 20, as follows:

[Roll No. 77]

YEAS—412

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins