

tried in blocking campaign finance reform. We cannot let that happen with reference to the health of our children.

Ms. DELAURO. We are some of the luckiest people in the world. We have an opportunity. We have an opportunity being here, that is how I view what we do, to truly try to make a difference in people's lives. And we are given a trust mandate, if you will, from the people who send us here. They say, protect our interests.

You may not be able to do everything, but we give you our trust; we give you our vote to take there and to protect our interests. Part of those interests, a substantial part of those interests are the children of this country, the families that we represent. And I think if we do not take this opportunity to try to help in some way to make a difference in good public policy in this country, it is there, and the people are there; the majority of the people are there. We should not be thwarted by the will of a few who are prospering and their own self-aggrandizement is at stake rather than thinking about the interests of those young people that we all go to see, and we tell them how wonderful it is to be a Member of Congress, and all the things you can do as a Member of Congress. And if we do not do this, take this opportunity to protect our kids from smoking, the Speaker of the House is culpable and those that do not want to move forward on this are culpable. I do not believe they should go to a school again and represent to children that we are here to protect their interests because we will just have sold their interests out to the highest bidder. That is the danger that lies here in the next few weeks.

Mr. DOGGETT. I know from your service on the Committee on Appropriations that we expend millions of taxpayer dollars to investigate the causes of various kinds of illnesses and diseases in America to try to improve health. Here is one that we know what the cause is. We know that nicotine addiction is the leading cause of preventable illness in America today.

We do not need any more research to find that out. In fact, some of the most powerful research was done by the tobacco companies, hidden by them, hidden by them for years, but we now finally have it. And having that, if we cannot on this leading and most obvious cause do something about it, then I think we really are shirking our responsibilities.

Mr. PALLONE. I agree. I think we are about to run out of time. I just want to thank both of you for participating in this special order tonight, and the main thing we are sending a message: The recess is over. We are back. We have gotten the message from Speaker GINGRICH that he does not want to move on this tobacco settlement. We are sending the message back to the Republican leadership that that is not acceptable to us as Democrats, and that we are going to keep fighting

and keep bringing this up until they agree to move meaningful tobacco legislation.

Mr. DOGGETT. We cannot let this Congress run out of time without responding on the leading public health challenge our young people face.

Mr. PALLONE. If that is all we accomplish this year, it will be a lot.

REQUIRING A TWO-THIRDS VOTE TO RAISE TAXES

The SPEAKER pro tempore (Mr. HULSHOF). Under the Speaker's announced policy of January 7, 1997, the gentleman from Texas (Mr. BARTON) is recognized for 60 minutes as the designee of the majority leader.

Mr. BARTON of Texas. Mr. Speaker, it is my privilege this evening to speak to the Members of this body about a vote that we are going to have tomorrow morning, tomorrow afternoon to amend the Constitution requiring a two-thirds vote of the House and the Senate to raise taxes or broaden the tax base.

The exhibit to my left shows the first 1040 income tax form, which was first used in 1914, over 83 years ago. If you look, look down the form, you can see that you paid a tax of 1 percent on income over \$20,000, 1 percent. And if you had income over \$50,000, you paid an additional, you paid 2 percent.

If you had income over \$75,000, you paid 3 percent. If you had income over \$100,000, you paid 4 percent. If you had income over \$250,000, you paid 5 percent. If you had income, net income, not gross income, over \$600,000, you paid 6 percent.

Less than 1 out of 100 American citizens had to pay any income tax the first year this 1040 form was used. Today, that is not the case. The marginal tax rate has gone up to over 40 percent. That is an increase of 4,000 percent.

If we could see the next chart, this is a chart that is through 1995, so it is actually about 3 years old now, but you can see back in 1955, the tax as a percent of income for two-income families was 27.7 percent. By 1965, it had gone up about 2 percent to a little over 29 percent. Ten years later, 1975, it had skyrocketed to 37 percent. And since that time, it has been between 37, and in 1995, it was 38.2 percent. This year, the latest year that we have numbers on, which we do not have a chart for, it is right at 39 percent. So almost 40 percent of two-earner family income is going to pay their taxes.

What does this mean? It means that the average worker is spending almost 3 hours out of every working day simply to pay Uncle Sam's taxes. For food, clothing, necessities, they spend 2 hours and 32 minutes. For the tax man, they spend 2 hours and 47 minutes, and for all other expenses, they spend 2 hours and 41 minutes. So we actually spend more time working to pay the tax man than we do to provide food, clothing and shelter for our families.

What would a two-thirds vote mean in the real world of voting here in Washington, D.C.? It means in the House of Representatives it would take 29 votes if all Members were present and voting for a tax increase. It means in the Senate, it would take 67 votes instead of the current 51 votes in the Senate and 218 votes in the House.

In the real world what that means is not too many tax increases would pass. In fact, of the last five major tax increases that we have had here on the House floor and over in the Senate, only one of them would have passed; 1982, 16 years ago, there was a Tax Equity and Fiscal Responsibility Act of 1982, passed the House with 52 percent. It passed the Senate with 52 percent. That was \$214 billion in taxes would not have been collected. That one would have failed.

In 1987, we had the Omnibus Budget Reconciliation Act, which was a \$40 billion tax increase. It passed in the House with 57 percent. It passed in the Senate with 62 percent. A little bit closer to the two-thirds vote, but it did not get to the two-thirds vote so it would have failed.

In 1989, we did have a tax increase that would have passed muster under the two-thirds vote for a tax increase. Only \$25 billion, but it did pass the House with 68 percent of the vote, just barely passing the two-thirds vote necessary; the Senate, 93 percent. That one for \$25 billion additional tax dollars on the American people would have become law.

In 1990, we had a \$137 billion tax increase. It passed the House with 53 percent and the Senate with 55 percent, \$137 billion; it would have failed.

Most recently, in 1993, the big Clinton tax increase passed the House by two votes, 218 to 216, so that is 50.2 percent, and in the Senate it passed 51 to 49. That one would have failed. So the last five major tax increase votes we have had going back over 16 years, only one, in 1989, would have passed the two-thirds muster. So the tax burden on the American people would have been lower by a little over \$800 billion.

Supermajority would protect taxpayers from unnecessary tax increases. As I said earlier, the last big tax increase vote that we had, the 1993 Clinton tax increase, would have failed.

You may be asking yourself, this is a good idea in theory, but does it really work? Well, the answer is, it does really work. The States are using supermajority votes to require tax increases. There are 14 States, and I have got them listed here on this chart, and they have various measures requiring tax increase.

In 1992, the State of Arizona passed a State constitutional amendment for all tax increases that says if you want it to pass, it has to get a two-thirds vote in the Arizona legislature. Back in 1934, over 60 years ago, the State of Arkansas where our current President was Governor before he became President, passed a three-fourths vote requirement for any tax increase.

California, in 1978, first on property taxes and now for all tax increases, a two-thirds vote. In 1992, State of Colorado, two-thirds vote required. In Delaware, back in 1980, a three-fifths requirement for tax increases. The State of Florida, since 1971, for corporate income tax rate increases, requires a three-fifths vote; not quite as significant as the two-thirds vote that we are talking about. But still a supermajority of 60 percent.

□ 2100

The State of Louisiana, for the last 32 years, any tax increase would take a two-thirds vote. The State of Mississippi, way back in 1890, 108 years ago, requires a three-fifths vote for a tax increase. In Missouri, since 1996, only 2 years ago, a two-thirds vote for an emergency tax increase.

The State of Nevada, since 1996, a two-thirds vote for any tax increase. And in Nevada, to amend their Constitution, they had to submit it to the people for a referendum; and the people in Nevada voted by referendum, I believe, over 70 percent to require a two-thirds vote for a tax increase.

In Oklahoma, in 1992, a three-fourths vote, 75-percent vote, for a tax increase. In Oregon, in 1996, a three-fifths or 60-percent vote for any tax increase. South Dakota, in 1996, a two-thirds vote for any tax increase. And in Washington State, in 1993, a two-thirds vote.

There are 15 other States that currently have some sort of a legislative initiative to require a supermajority vote. The State of New Jersey, where Governor Whitman has come out in favor of this, and the State of Illinois are two States right off the top of my head.

So what about these States that have these requirements, does it work? Well, let us look at the next chart.

There are some things that are true in every State. This is a study that was done on tax rates and tax revenues for the years 1980 to 1992. It compared the States that had some version of tax limitation, which I just showed my colleagues, with those that did not. And this shows the average change of per capita tax revenue.

In the supermajority States, tax revenue went up 102 percent during the 12-year period. So tax revenues went up in States that had supermajority requirement. But in States that did not have it, their taxes went up faster by an average of, the total is 121 percent of the aggregate States. So that is a difference of 19 percent.

Put another way, in States that had a supermajority requirement to raise taxes, their taxes were, on average, 19 percent lower than in those States that did not have the same requirement.

Since the taxes were not going up quite as rapidly in the supermajority States, that means the gross State products, the amount of goods and services produced in that State, went up faster than in high-tax states, 43 percent versus 35 percent, or a dif-

ference of 8 percent. So the economies of supermajority tax increase States were growing more rapidly than the economies of States that did not require supermajority for a State tax increase.

Well, consequently, if we are not raising taxes as rapidly, the legislature and the governors tend to be less willing to borrow money also. So if we look at the debt, the State government debt in the supermajority States, it did go up, unfortunately, quite a bit, 271 percent, but it did not go up as rapidly as in the States that did not have the supermajority requirement for tax increases. In those States, it went up 312 percent. That is a difference of 31 percent. Thirty-one percent is a huge difference in that time period of 12 years.

And, finally, since taxes are lower and they are going up slower and the gross State product is expanding more rapidly and State government debt is increasing less rapidly, what does that mean? It means that the number of jobs created expands more rapidly in supermajority tax increase States. Twenty-six percent rate of growth in job creation in the supermajority States; only 21 percent in the non-supermajority States. That is a difference of 5 percent.

So if we look at the statistics, and this is a comprehensive study, it was done over a 12-year time period. From 1980 to 1992, it compared in the aggregate those States that had some version of supermajority tax increase vote in their legislatures than States that did not. Taxes went up more slowly in supermajority States. Taxes were lower in supermajority States. Consequently, their economies grew more rapidly and more jobs were created.

So we have proven in the 14 States that have served as a national laboratory for supermajority requirement for tax increases that it works. That is why on April 17, 1998, a group called the American Legislative Exchange Council, or ALEC, which is a bipartisan group of State legislatures of all 50 States, Republicans and Democrats, that meet to debate State issues and to compare their State initiatives to other State initiatives, the American Legislative Exchange Council, which represents all 50 State legislatures and has over 3,000 legislators as members, again Republican and Democrat, they endorsed the Tax Limitation Amendment that we are going to be voting on tomorrow.

I would like to read their letter. It is dated April 17, 1998. It is to Congressman JOE BARTON, that is me, U.S. House of Representatives, Washington, D.C. 20515.

DEAR CONGRESSMAN BARTON. The 3,000 State legislators who are members of the American Legislative Exchange Council, the Nation's largest bipartisan membership organization of State legislators, would like to voice their support of a Federal amendment requiring a two-thirds supermajority vote in each Chamber of Congress to pass any bill that would increase taxes.

The Federal tax burden is at a record high. This year, the average American family will

spend more than 38 percent on their income on Federal, State, and local taxes, more than they will spend on food, clothing, shelter, and medical expenses combined. And we pointed that out earlier.

Tax increases fuel excessive government spending and smother economic growth and job creation. Thus, any increase in the tax burden should require a broad consensus. Taking money from hard-working Americans should not be an easy task for the tax-and-spend politicians. A supermajority requirement would make tax hikes more difficult and shift the debate from tax increases to spending cuts.

Fourteen States already require a supermajority to raise taxes. These States have demonstrated faster economic growth, higher employment growth, and experience slower tax and spending increases than the States without a supermajority requirement. A supermajority amendment would constrain tax-and-spend policies that squash economic opportunity for American families.

Congress has a momentous opportunity to provide a brighter, more prosperous future for this great Nation. The States have shown the benefits of a supermajority requirement. Now is the time to apply this experience to the Federal Government.

Sincerely,

BOBBY HOGUE,
*Speaker from Arkansas, National Chairman
for the American Legislative Exchange
Council.*

This is an extremely positive endorsement and shows again that it works at the State level, it will work at the Federal level. We have got a bipartisan consensus for this legislation, this constitutional amendment.

Another group that has endorsed the Tax Limitation Amendment is the Associated Builders and Contractors, a national organization of builders and contractors from around the United States, again a bipartisan group. It is not a Republican group. It is not a Democratic group.

It says,

DEAR REPRESENTATIVE BARTON: On April 15, the House of Representatives will consider H.J. Res. 111.

Actually, we are going to consider it on April 22, because we were not in session on April 15.

This is legislation requiring a two-thirds supermajority of both Houses of Congress to pass any new tax or tax increases. On behalf of the Associated Builders and Contractors and its more than 21,000 member firms, I urge you to vote yes on H.J. Res. 111, the Tax Limitation Amendment to the Constitution.

It goes on to talk about their strong advocacy for the family and fiscal responsibility. This is signed by Charlotte W. Herbert, who is the Vice President of Government Affairs. It is dated March 20, 1998.

We have an endorsement from the National Association of Manufacturers. This is dated February 24, 1998.

On behalf of the National Association of Manufacturers, nearly 14,000 members, over 10,000 of which are small manufacturers employing fewer than 500 employees, I commend your leadership in bringing the Tax Limitation Amendment to a vote on the House floor this April. It is hard to imagine a more appropriate time to bring this important legislation to the attention of the American taxpayers.

I am enclosing a resolution adopted by the board of directors which concludes that the

existing Federal tax system is beyond repair and should be replaced by a simple, low-rate system that eliminates multiple taxation. Just as importantly, underlined, this resolution concludes that procedures such as a supermajority voting requirement should be adopted to make revision both difficult and infrequent.

The National Association of Manufacturers is therefore pleased to support the Tax Limitation Amendment, which would require a two-thirds vote in the House and Senate to levy any new tax or increase the rate or base of any existing tax. This amendment would force the Congress to focus on spending reductions rather than tax increases in order to balance the Federal budget. Such a result is completely consistent with the National Association of Manufacturers' long-standing position that, while it is critically important to eliminate the Federal budget deficit, this should be done by restraining the growth of Federal spending, not increasing taxes.

We applaud your effort to make the Tax Limitation Amendment a reality and are impressed by the bipartisan support you have garnered for it. The National Association of Manufacturers looks forward to working with you and your colleagues and staff to pass this important legislation.

This is from Paul Huard, who is the Senior Vice President for Policy and Communications for the National Association of Manufacturers, and it was dated February 24, 1998, in a letter to me.

We have the U.S. Chamber of Commerce, dated February 20, 1998. This letter of endorsement is from Bruce Josten, who is the Executive Vice President of Government Affairs.

DEAR CONGRESSMAN BARTON: The U.S. Chamber of Commerce, the world's largest business federation, representing more than 3 billion businesses and organizations of every size, sector, and region, wishes to voice its support for the Tax Limitation Amendment.

The two-thirds supermajority requirement to raise taxes in your amendment would keep the pressure on limiting government spending in order to maintain a balanced budget. Turning to tax increases first when the budget deficit returns, as they will sooner or later, is poor economic policy. The Tax Limitation Amendment would shift the burden of keeping a balanced Federal budget from the taxpayer to the big government spender.

We are looking forward to working with you on passing this legislation. Bruce Josten.

I could go on and on. We have got over 30 national organizations that have endorsed the Tax Limitation Amendment, groups that I have already mentioned, the U.S. Chamber, National Association of Manufacturers, American Builders and Contractors, the American Legislative Exchange Council.

We also have groups like Christian Coalition, Family Research Council, Americans for Tax Reform, Senior Coalition 60 Plus. So we have family groups, business groups, tax limitation groups, all kinds of groups across a broad political and public policy spectrum.

I see that one of my chief cosponsors is here, the gentleman from Arizona (Mr. SHADEGG), who led the fight in Arizona several years ago to pass tax lim-

itation at the State level. He, along with the gentleman from Texas (Mr. HALL) and the gentleman from New Jersey (Mr. ANDREWS) and myself are the four chief sponsors of this amendment, two Republicans and two Democrats.

I will yield such time as he may consume to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Speaker, I thank the gentleman for yielding. Let me make a few remarks and then perhaps we can engage in a dialogue back and forth and make some of these points in a way that will drive them home, hopefully, to our colleagues who get to cast a historic vote tomorrow.

I raise the issue for my constituents on this question as really presenting one direct question: Should Congress be more responsible about spending the hard-earned tax dollars taken from the citizens of this great country? Simple as that. Should the Congress be more responsible about how to spend that money?

Now, we heard my colleague the gentleman from Texas (Mr. BARTON) talk about this being a Tax Limitation Amendment. It is an amendment designed to make it a little bit more difficult to raise taxes on the American people. And then I stand up, as one of the other chief sponsors of this and say, it really is about spending. Well, let me draw the link.

The problem is, when it is easy to raise taxes, as it has been in this country for too long, then we can be too casual about how we spend that money. This measure is designed to achieve a very important goal and that goal is to make us, the Members of Congress, be more responsible about the way we spend your money.

□ 2115

Because if we say that going on to the future, on into the next century, on into the horizons that lie ahead in America that we are not going to pass additional tax increases with a simple majority vote, 50 percent of the Members of this body plus 1, we are going to have to have a supermajority, we are making it that much harder, just a little more difficult to raise the taxes on the American people.

I will tell my colleague, I, JOHN SHADEGG, would like to see it much more difficult to raise taxes on the American people. I do not think we can get that far down the road, but with this measure, we can make it a little bit more difficult. I believe that is vitally important. I think it is very timely that this measure is before us right after tax day, but right after a fair amount of publicity in which the American media has reminded the American people recently that taxes in America today are at the highest level they ever have been in our history.

I think about my generation, the baby boom generation, peers of mine in their mid-forties, early fifties. They are paying more in taxes today in

America than ever in the history of our Nation. I think about the generation behind us who are coming up, the Generation X'ers. They are just beginning their working careers. They are paying more in taxes today than ever in their lives.

Taxes as a proportion of our total economy are taking up more than they ever have at any point in time. That is really a composite of two figures. Federal taxes are at their highest level since 1945, a war year at the end of World War II, when they were about one-tenth of 1 percentage point higher than they are now.

But if you combine that almost record high Federal tax level with higher State and local taxes, because State and local taxes today are dramatically higher than they were in 1945, we are taxing the American people at a rate higher than we ever had.

I would like to be here tonight talking about tax relief for the American people, and hopefully in the next few weeks we will be able to do that, but this measure is not about tax relief. It is about ensuring that before this Congress reaches into the pockets of hard-working American men and women one more time and takes out of their wallets like this one yet a few more hard-earned American dollars and says, no, we need this money for the government, we need this so that we in Congress can spend it on programs that we think are wise, and the American taxpayer who earned this dollar does not get to make that decision because the government is going to take it from them, before we do that yet one more time and ratchet up the tax level yet one more time, we ought to make it a little bit harder. We ought to make it a little bit harder to take those hard-earned dollars from American taxpayers.

My colleague, the gentleman from Texas (Mr. BARTON), pointed out that 14 States have enacted tax limitation amendments. Arizona, as my colleague pointed out, is one of those States. In 1992 we passed a tax limitation amendment in Arizona, and we required under that measure a two-thirds majority to raise State taxes in Arizona. I am very proud because I helped lead that effort in Arizona. It has had a tremendously beneficial effect on the Arizona economy.

Before we passed that, Arizona had gone through a series of tax increases. Year after year after year, the Arizona legislature had done what politicians all too often do when there is a constant demand for more money. They had passed tax increase after tax increase after tax increase. As a result of that, the Arizona economy had grown very sluggish.

Since passing this measure in Arizona, which, by the way, passed by a vote of 72 percent of the people of Arizona voting on the measure approved the adoption of this Constitutional amendment, our economy has sped up dramatically.

Mr. BARTON of Texas. Mr. Speaker, would the gentleman yield for a question?

Mr. SHADEGG. Mr. Speaker, I am happy to yield.

Mr. BARTON of Texas. Have there been any attempts to raise taxes in the State legislature since this amendment was adopted into the Arizona Constitution?

Mr. SHADEGG. Not only have there been no attempts to raise taxes in the Arizona legislature since this measure was adopted, at least no broad-based tax increases, and because we wrote the Arizona measure in a very comprehensive fashion, no increase in fees or user fees, but in point of fact the legislature has gone the other way and they have actually cut taxes, helping to stimulate that economy. As a result of that stimulated economy, we are getting more revenues in than we did before.

Mr. BARTON of Texas. Does it take a two-thirds vote of the Arizona legislature to cut taxes?

Mr. SHADEGG. It does not take a two-thirds vote at the Arizona legislature to cut taxes. It takes a two-thirds vote of the Arizona legislature to raise taxes.

Mr. BARTON of Texas. Under our amendment which we have right here before us, would it take a two-thirds vote to cut taxes in Congress?

Mr. SHADEGG. It certainly would not. As the gentleman well knows, you can make the argument, and our colleague in the United States Senate who is carrying this makes the argument that it actually does take in the U.S. Senate a two-thirds majority to cut taxes. Because of the debate rules they have and the rules on cutting off debate, you really, as a practical matter, to be able to pass a tax relief measure over there, would have to have a two-thirds majority.

But under this tax limitation amendment, you would never have to have a two-thirds majority here in the House to enact tax relief. You would have to have a two-thirds majority to enact a tax increase yet one more time.

Mr. BARTON of Texas. So we can cut taxes by a simple majority vote, but we would have to have a two-thirds vote to raise taxes.

Mr. SHADEGG. That is exactly right. The gentleman mentioned earlier broad public support for this. I want to talk about a poll recently conducted by Americans for Hope, Growth, and Opportunity, a nationwide poll taken on this issue within the last few weeks. In that poll, there are some surprising numbers.

First of all, the overall number says that the vast majority of Americans, Republican or Democrat, Independent, you name it, favor this idea. And 68 percent of all Americans, regardless of their party registration or their party leanings or affiliation, favor the adoption of a tax limitation constitutional amendment requiring a two-thirds majority rather than a simple majority of

this body and of the United States Senate in order to raise taxes yet one more time.

You might find it not too surprising that within that number, 75 percent, three out of every four Republicans also favor this idea. I suppose we as Republicans can take claim for the fact that we are the antitax party, and that makes some sense that we would favor by a fairly high number, a number higher than the total, the option of the tax limitation amendment. But I am very encouraged and find it most significant that when you poll Democrats, it turns out that 63 percent, a very dramatic majority.

Mr. BARTON of Texas. Almost a two-thirds majority vote.

Mr. SHADEGG. Almost a two-thirds majority of all Democrats across America in a nationwide poll, just short of two-thirds of all Democrats in this country, favor the adoption in America today, hopefully by this vote tomorrow, of a supermajority requirement to raise taxes. I certainly hope that that is a figure that is not lost upon our colleagues; that they will recognize that the time has come to pass this.

When we have now government taking the highest proportion of the gross domestic product in taxes that it has ever taken in our Nation's history, it seems to me very clear that the signal being sent by Republicans and by Democrats is that it is time to enact a constitutional tax limitation.

Mr. BARTON of Texas. What would happen tomorrow on the House floor if three-fourths of the Republicans present and voting voted for tax limitation and 63 percent of the Democrats present and voting voted for tax limitation? Would that be enough to pass this constitutional amendment and send it to the Senate for a vote?

Mr. SHADEGG. What would happen is we would be sending a tremendous signal across this country that we are through reaching into the pockets, at least willy-nilly reaching into the pockets of the American taxpayers. Because if three-fourths of the Republican Members paralleled the support in the society, three-fourths of all the Republicans voted for this amendment tomorrow, and if 63 percent of all Democrats, as you posed in your question, just like 63 percent of all Democrats across America, voted for this Constitutional amendment tomorrow, it would pass and pass with a very, very wide margin, sending a bullet shot across this wall to the United States Senate and to the President saying this is an important piece of legislation.

Mr. BARTON of Texas. It would be a great idea, and it is legal if people were to fax, e-mail, write, call, send by Pony Express, by any means of communication to their elected Congressman or Congresswoman, be they Republican or Democrat, that they are for this amendment.

Mr. SHADEGG. Absolutely.

Mr. BARTON of Texas. That is allowed under this Constitution.

Mr. BARTON of Texas. If 75 percent of the Republicans out there listening today or tonight and 63 percent of the Democrats out there listening tonight would pick up the phone, crank up the fax machine, get on the Internet and send an e-mail, we could wake this Congress up and pass this tomorrow with a resounding vote.

Mr. BARTON of Texas. I assume you are going to vote for it tomorrow.

Mr. SHADEGG. I most certainly am going to vote for it with great pride.

Mr. BARTON of Texas. That is one vote. I am going to vote for it. That is two votes.

Mr. SHADEGG. We are on our way.

Mr. BARTON of Texas. We need 290 more votes if all Members are present and voting.

Mr. SHADEGG. I think it is clearly doable and would be a great signal for this country.

Mr. BARTON of Texas. We may have three votes. The Speaker in the chair, I think he is a vote for it also.

Mr. SHADEGG. He just gave me a thumbs up. We have got three votes. We are on a roll. This could be almost a telethon. We are talking about building a vote for a tax limitation amendment.

The gentleman from Texas mentioned earlier the effect of this, but I want to repeat that particular sentiment in some of those statistics. Well, 14 States have adopted in their own Constitutions a tax limitation amendment. Some studies have been done on those States that have had tax limitation for a number of years. What those studies show is that government and government spending grow at a slower pace in those States than in States without tax limitation.

Interestingly, in case you say, "Well, so what, we have slowed the growth of Congress, I am not so concerned about that, Congressman, I am interested in my job," the flip side of that, in tax limitation States, States that have adopted a tax limitation amendment at the State level, the private economy and the number of jobs, the employment rate grows faster than in non-tax limitation States.

I know it is hard sometimes for the audience, for our colleagues out there listening, to absorb statistics, but I am going to read through them very importantly in a slow fashion so that people can get them.

In tax limitation States taxes grow more slowly than in non-tax limitation States, and spending grows more slowly. As a matter of fact, in tax limitation States over a 12-year period taxes increased by 102 percent. So tax limitation States, there it is, there are the figures, spending has grown by 102 percent.

But in non-tax limitation States in that same 12-year period, spending has gone up by 112 percent, a dramatic increase. By contrast, if you look at the economies of those States, in tax limitation States, the economies, including employment, the economies grew by 43

percent, whereas by contrast, in States without tax limitation the economies have grown by only 35 percent.

So the bottom line is, tax limitation slows the growth of government and promotes the growth of the private sector. For people across America who want jobs, the bottom line is the adoption of a tax limitation amendment, in every single one of those States where it has been adopted, has encouraged the number of jobs that are growing. If you say you have a young son or daughter about ready to enter the job market, tax limitation amendment in your State has enhanced their chance of finding a job in the productive market.

Mr. BARTON of Texas. I actually have a young son and young daughter who are about to enter the job market. My daughter Allison wants to be a teacher. She graduated in December from Texas A&M. My son Brad is graduating from Stanford School of Business in June. They are both looking for jobs. So I have a son and a daughter who want a job, and they will find a job more likely in a supermajority State to raise taxes.

Mr. SHADEGG. If that is true at the State level, why do we not make America a supermajority Nation for future tax increases? Why not take that principle which has worked at the State level and adopt it at the Federal level, so that we promote further economic growth across this Nation because we make it slightly harder for the U.S. Congress to raise taxes yet one more time.

We force the Members of this Congress, you and I and the gentleman in the Speaker's chair who has joined us in voting tomorrow for this, make it a little bit more important that we look a little bit more carefully at how we spend the dollars.

It is worth noting, many people across America are very, very upset at the General Accounting Office audit which came out just a few days ago showing that our government is wasting massive amounts of dollars. Indeed, those numbers show that in some instances we cannot trace where the money has gone. We cannot find equipment that was supposed to have been purchased. We are literally kind of allowing money to slip through the hands of the Federal Government and not even get real value added.

That should offend every American taxpayer. That should be, I hope, the driving force which puts this amendment over the top tomorrow. Because if we make it just a little harder to raise taxes, we will have to be just a little bit more careful, hopefully a lot more careful about how we spend those hard-earned dollars that we take out of the pockets of the American people.

I compliment the gentleman. I am happy to chat with him about other beneficial aspects of this amendment. I do think that it is important to emphasize over and over again, 75 percent of Republicans favor it, 63 percent of Democrats across America favor it.

□ 2130

Mr. BARTON of Texas. And that is all in the last month. I mean that is not like 10 years ago or 20 years ago. That is a poll, a national poll taken within the last month.

Mr. SHADEGG. That is absolutely correct. Now we just need to make sure that those Americans who feel like communicating their sentiments, hopefully 75 percent of all Republicans across the country, 63 percent of all Democrats across the country, will call and let their Member of Congress know that they think that it would be a good idea to vote for tax limitation.

Mr. BARTON of Texas. And it is my understanding, Mr. Speaker, that the gentleman has been on a number of national radio and television shows about this and has debated some opponents of it from time to time, as I have. Have you ever had one of the opponents say that we should not do this because it would not work?

Mr. SHADEGG. Well, I have had a number of people engage in debate. In Arizona we debated this measure. The opponents of it predicted dire consequences. They said that this was an irresponsible measure, that we should never have a supermajority requirement, that we had always just had a simple majority.

They even go so far, and you may have heard this in debate yourself, as to say it is un-American to require anything other than a simple majority. And yet the Founding Fathers when they drafted our Constitution inserted a number of supermajority requirements, and when you combine the supermajority requirements that are already in our Constitution, such as to ratify a treaty, with others that have been added—

Mr. BARTON of Texas. Or to convict a President of impeachment proceedings.

Mr. SHADEGG. Or to convict a President in impeachment proceedings. If you add those supermajority provisions or requirements that were in our original Constitution with those that have been added to the Constitution by amendment, there are today already in our Constitution 10 different provisions which require not a simple majority, not 50 percent plus one, but a supermajority. And if it is appropriate in those circumstances, you and I are here tonight arguing that it should be appropriate in this one where we actually reach into people's pockets and take the productive efforts of their labor out of their pockets and give them to someone else to spend.

Mr. BARTON of Texas. Well, I have engaged in a number of debates, and most of the opponents are opposed to this for the very reason that it would work. They say quite emphatically that it would make it very difficult to raise taxes, therefore they are opposed to it. And I say exactly, that is the point. Let us make it more difficult than it is today.

I think that in an economy that is generating \$7 trillion worth of goods

and services with almost 300 million Americans, with over 80 million Americans working, paying a tax burden, if you combine State and local taxes it is approaching 40 percent of their gross income, that there should be a national consensus. There should be Republicans and Democrats who say we have to have a supermajority vote to raise taxes.

I would like to point out again that the group that most represents the State legislatures on a bipartisan basis, the American Legislative Council, has endorsed a tax limitation amendment. I am not going to read that letter again because I did earlier, but I think that is proof positive that this is not a gimmick, it is not a Republican election year ploy, it is common sense, good public policy.

We have got a number of Governors that have endorsed this. Governor Whitman in New Jersey has endorsed it. Governor Wilson in California, our largest State in the Union in terms of population, has endorsed it. We also pointed out earlier there are 15 States that are considering adding a supermajority requirement to their State constitutions to go along with the 14 States that already have it.

So tomorrow, beginning approximately 12:30, we will have a vote on the rule. That should take about an hour. It is an open rule. The minority party, if they wish, will have the right to offer a substitute. They will also have a right to offer a motion to recommit. The rule debate should take about an hour, and then we will have three hours of debate equally divided, an hour and a half for the proponents, an hour and a half for the opponents, and the gentleman from Arizona (Mr. SHADEGG) and I are going to be on the floor helping to manage the time for those that are in favor of this. And then the debate should conclude around 4 o'clock tomorrow afternoon, and we may vote immediately or we may hold the vote until a little after 5 o'clock.

Since this is a constitutional amendment, I think everybody knows that it takes a two-thirds vote of those present and voting to pass. So last year when we had the vote on April 15, we had 233 votes, which was a majority, a substantial majority. But that day we needed I believe 279 votes, so we failed by 40 or 50 votes since we did not quite have the two-thirds.

So tomorrow hopefully we will get well over 75 percent of the Republicans. I will predict that we get that. The key question is if we can get the 63 percent of the Democrats who have said in a national poll that the gentleman from Arizona (Mr. SHADEGG) here alluded to, if they will support this amendment.

Mr. SHADEGG. Mr. Speaker, I would like to make a couple of points that I think are important and I will be emphasizing tomorrow in the debate, but in case anyone is out there listening tonight and not able to listen to the debate, one of them is an intellectual point that addresses a concern that

some people have about, well, is it appropriate to insert a supermajority requirement in the Constitution, and the other is just a practical argument.

You know, I do not know if we have a large chart of this, but I have a small chart that I can hold up here and hopefully we can focus on. In 1950 the Federal tax bite was \$1 out of every \$50. So in 1950, when I was a young boy growing up in Arizona, if my dad earned a hundred dollars, the Federal Government got two of those dollars. He had to send \$2 in for every \$100 he earned.

By 1996 that figure had changed rather dramatically. By 1996 it had become not \$1 in taxes to the Federal Government out of every \$50 earned but \$1 in taxes out of every \$4 earned. So today, 1996, or at least in 1996 and it has gotten worse since then, if you earned \$100, you did not send in \$2 you sent in \$25, one fourth, to the Federal Government alone.

That is a staggering increase in the tax burden on the American people, and I think it explains why it is appropriate to take the vehicle of amending the Constitution and amend it at this particular time.

We have already talked about the fact that Federal taxes are at their highest level that they have ever been in American history and placing a huge burden on the American people. But I now want to turn to kind of a practical side of this issue, and I actually like to quote often the quote which hopefully the camera can focus on at the front of the room. John Randolph, the author of this quote, was a Member of this body, United States House of Representatives, early in our Nation's history. He served in the United States House and then ultimately was elected to the United States Senate and served in the United States Senate.

Mr. BARTON of Texas. I think he was a member of the Constitutional Convention also.

Mr. SHADEGG. I think that is exactly right.

Mr. BARTON of Texas. I am not certain, but I believe that is correct.

Mr. SHADEGG. John Randolph said, as that quote reads, and I want people to read it with me and think about it, but he said at one point, talking about government and about the power of the Congress, that "It has been said that one of the most delicious of privileges is that of spending other people's money."

One of the most delicious of privileges is that of spending other people's money. What he was talking about is the power of government through taxation to take other people's money, and then for this Congress and Members of it to enjoy the privilege of spending it.

Well, I reflected on that quote back when I discovered it in the debate in Arizona over a tax limitation amendment, and about the point he was making. And the sad truth is that the privilege of taking other people's money through taxation and then being able

as a government to spend it I believe has become abused.

I want to talk a little bit about a practical experience I had which led me to support the tax limitation amendment in Arizona and leads me to fight passionately for the adoption of the tax limitation amendment at the national level. For years in Arizona I worked in connection with the Arizona legislature. I was not a member of the legislature but I worked for the Arizona attorney general's office.

And members of the Arizona legislature would call me over to their office, and this happened hundreds of times in my career at the Arizona attorney general's office, and a member of the legislature would call me over to his or her office, and they would either have a letter from a constituent or they would have a constituent sitting there in the room. And the letter or the constituent would be making the case that there was a very serious problem, even sometimes a heart-rending problem, a sad problem, a tragic problem, somebody doing without, somebody suffering, somebody in need.

And the legislator member of the Arizona legislature with whom I would be talking would say, "Look, my constituent has identified this very serious problem, people in need. Can we solve this problem? Could we pass a bill and appropriate some money to fix this problem? Could we create a program to fix this problem? Could we take the resources of government to solve this very tragic problem?"

And the conversation occurred hundreds of times in my career at the attorney general's office, and of course the answer always was that we could, of course, pass such legislation, we could make an appropriation, we could create a program, we could spend money. What occurred to me is that in those conversations there was always one person missing.

There was always the constituent who wanted the program. And it was invariably a worthy program, something that you know almost all Americans and all Arizonans would say, "There really is a need there. We need to take care of that." And there was a legislator, a member of that legislative body, like we here in the Congress, with the power to write a bill and make an appropriation and create a program and spend the money to solve the problem.

But the person missing in those discussions, and they were missing in every single discussion I ever watched, was the taxpayer, the individual who would have to foot the bill to solve that problem, who would have to pay the tax bill to pay for that appropriation. The taxpayer, the man or woman, the young boy or girl starting their first job at a McDonalds or a Burger King who would have to have wages taken out, taxes taken out of their wages to pay for that program, they were never in the room. They were not a part of the conversation. There was

always an empty chair where that person could not speak up and say, "Yes, this is a serious problem. Yes, maybe we ought to think about it, but we have to consider where is that money going to come from."

Mr. BARTON of Texas. Mr. Speaker, I can actually put a face to that anonymous person. Two weeks ago I went to Waco, Texas where my mother lives. She is a retired widow on Social Security, and she has some teacher retirement, and because her only income comes from three sources, Social Security, teacher retirement and some IRA dividend income from an IRA that she and my father had saved on when he was alive, she does not have any withholding taken out, and it is a relatively modest fixed income.

So last year I had done her taxes after my father passed away, and she did not have to pay any taxes. So this year I was not too worried when she said, "Are you going to come do my taxes?" I thought, "Well, it is not a big deal. She will not owe any tax, so I can just go ahead and do it."

So I finally went over there a week before the filing deadline and we sat down, and she had had to take a slightly larger dividend from her IRA because she is over 70 years of age and the law requires that you begin to disburse this particular type of a Keogh account.

So first time I went through and made the calculation. I said, "Well, mom, it looks like this year you're going to have to pay a little bit in tax," and it was like \$200 or \$300, and she said, "That's no problem."

Then I went back through again and I said, "I just want to double check the numbers," and I checked the Social Security number, and I checked the teacher retirement number, and then I checked the IRA number, and lo and behold, I had added incorrectly or missed something. So I said "Well, mom, I'm going to have to recalculate this tax," and when I did it was well over \$1,000.

And she said, "Well, I don't have enough money to pay that." So she got real excited and called the bank and she wanted to know how much money was in her account and whether she had enough money to pay the tax or she was going to have to take some money out of a savings account, this IRA account, or what. And it turned out after looking at her checkbook and looking at what her expenses the rest of the month were, we decided that she would be able to write a check, because you cannot tell the IRS, you know, "We will send it next week." You know, just you have got to send the money when you calculate your tax return.

So my mother, who is a widow on a fixed income, had to pay well over \$1,000 in income taxes this year, and that does not come out of nowhere. I mean, that shows very clearly the need to make it much more difficult than it is today to raise taxes, because there

are a lot of Nell Bartons in this country. In my mother's case, she was fortunate that she had enough money this year to pay her Federal income tax without having to borrow from me or to go into her savings account.

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There are a lot of people come April 15 that are in real tough shape, and we need to protect those people by passing this constitutional amendment.

Mr. SHADEGG. There is no doubt about it. As the gentleman well knows, whenever you come to the floor and propose a constitutional amendment, one of the reticences, one of the resistance factors you face, is that people say we should not tamper with the Constitution lightly. We really ought to think about these issues gravely and seriously, about whether it is appropriate to amend the Constitution. We ought to consider the consequences of our conduct.

Is a constitutional amendment really necessary? If this was such a great idea, how come the Founding Fathers did not do it?

I know, because you have carried this amendment on this floor many times in the past, you face that argument where people say, no, if it was necessary the Founding Fathers would have put a tax limitation amendment in the original Constitution. They would not have said you could raise taxes with a simple majority. They would have said you could raise them only with a supermajority, so you must be wrong. We do not need this. This is a radical idea and bad idea.

When I tell the story, if I could just make this point, about that empty chair of the taxpayer who is not there in the conversation, I want to make the point that when we enact new programs, we never talk to the taxpayer, and the role of government is so dramatically different than it was at the founding of this country.

The first and most important difference is that we did not have an income tax. I think all students of American government know we did not have an income tax. We could not even have contemplated passing the kind of taxes and tax burden.

Mr. BARTON of Texas. It was unconstitutional.

Mr. SHADEGG. Until we amended the Constitution with the 16th amendment. So we did not even contemplate reaching into people's pockets time and time and time again with ever-increasing income taxes to pass that money on to some government program to solve a problem.

But there are dozens of other differences in the role of the Federal Government today. I firmly believe that the Enumerated Powers Doctrine says that this Congress can only do a certain limited number of things. There are actually only 18 enumerated powers in the U.S. Constitution. Yet this Congress does a whole lot of things that it is not supposed to do under that doctrine.

The 10th amendment says you are not supposed to do any of those things, but rather those authorities belong to the States and to the people. Yet the 10th amendment and the Enumerated Powers Doctrine have almost been completely read out of the Constitution.

While I regret that, those are the facts. That means that it is appropriate to amend the Constitution and to say wait; before you raise taxes yet one more time, we are going to make the bar a little higher. We are going to say instead of doing it with a simple majority and stealing that money from the American people yet one more time at a higher rate than today, when it is as high as it has ever been in our Nation's history, you cannot do it with a simple majority. You have to have a broad consensus represented by a two-thirds majority.

That is why I think this amendment at this point in time is appropriate and is not inconsistent with what the Founding Fathers intended.

Mr. BARTON of Texas. As the gentleman from Arizona has pointed out, when the Constitution was ratified by three-fourths of States in 1787 through 1789, it was unconstitutional to have any kind of a head tax or income tax.

That situation changed in the early 1900s. The constitutional amendment making income tax constitutional, the 16th amendment, passed, as the gentleman has pointed out. Since that time, the average marginal tax rate at the Federal level has gone from 1 to over 40 percent. So we do need to pass a constitutional amendment making it more difficult to raise taxes.

Again, it does not take college level algebra to understand this amendment. Two-thirds is a bigger fraction than one-half. Therefore, it would be more difficult to get two-thirds vote to raise taxes in the House and the Senate than the current one-half plus one.

Mr. SHADEGG. If the gentleman will yield quickly on that point, there are a lot of people who are my constituents who say Congressman, why just two-thirds? I would rather it was three-fourths or five-sevenths. They want it to be as high a fraction as possible. I think this is a reasonable figure, and we need to strive very hard to get support for it and encourage our colleagues to vote for it.

Mr. BARTON of Texas. I did a town meeting in Arlington, Texas, last week, and one of my constituents said we ought to make it by unanimous consent, 100 percent, which would be very difficult, indeed.

So we need to wrap this special order up. I want to thank the gentleman from Arizona (Mr. SHADEGG) for his strong leadership. The gentleman from Texas (Mr. HALL) and the gentleman from New Jersey (Mr. ANDREWS), our Democrat chief sponsors, could not be here this evening, but they are quite supportive. We should require a national consensus to raise taxes, and we should require a two-thirds vote.

Hopefully, the people that were polled in the poll that the gentleman alluded to will call their Congressmen and Congresswomen, and tomorrow we will get a bipartisan vote that ends up the requisite two-thirds to pass this and send it to the other body. I look forward to a big vote tomorrow.

ATTACK ON WORKING FAMILIES MUST CEASE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New York (Mr. OWENS) is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, we have just returned from a recess, the Easter recess, and I think the period between now and the 4th of July will be a very busy period where the Congress has some business that has to be conducted, and I hope that we will be able to make room on this very busy agenda for some items that I think are of great necessity.

I hope that in the next few months we can see an end to one feature of this Congress that is highly undesirable, and that is the attack on working-class families. The attack on working families must cease. It is counterproductive. It does no good. It is out of step with the present situation in America where we are enjoying unlimited prosperity.

The stock market, the Dow Jones average has jumped to the 9,000 level. It is double what it was 2 years ago. Unprecedented prosperity we are enjoying, and yet at a time like this, the war on working families has been intensified by the Republican majority.

I can speak from intimate experience about this war on working families, because I serve as the ranking member on the Subcommittee on Workforce Protections of the Committee on Education and the Workforce. So we are having hearings; we are having mark-ups; and I know intimately how this war is intensifying, and it has become a kind of a microguerrilla warfare.

The Republicans did a very strange thing in 1994 when they authored a Contract with America. It had nothing in there about attacking working families. It had nothing in there about attacking unions. There were no antilabor platforms parts of the contract. That was the overt contract.

Obviously, they had a covert contract, because immediately after the Republicans won the majority, in addition to pushing their overt Contract with America, there was an attack started in 1994 on the working families, a steady attack.

That was an attack which was sort of open warfare, out in the open, and with heavy armor. The public could clearly see what was happening; the workers could see what was happening clearly, and we rallied our forces against those people who wanted to end, at one point wipe out the Department of Labor, and then wanted to wipe out the National