

RPTS THOMASDCMN ROSEN

MARKUP OF H.J.RES. 1, PROPOSING A BALANCED BUDGET
AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES

Wednesday, June 15, 2011

House of Representatives,
Committee on the Judiciary,
Washington, D.C.

The committee met, pursuant to call, at 1:12 p.m., in Room 2141, Rayburn House Office Building, Hon. Lamar Smith [chairman of the committee] presiding.

Present: Representatives Smith, Sensenbrenner, Coble, Gallegly, Goodlatte, Lungren, Chabot, Issa, Pence, Forbes, King, Franks, Gohmert, Jordan, Poe, Chaffetz, Griffin, Marino, Gowdy, Ross, Adams, Quayle, Conyers, Berman, Nadler, Scott, Watt, Jackson Lee, Waters, Cohen, Johnson, Pierluisi, Quigley, Chu, Deutch, and Sanchez.

Staff Present: Sean McLaughlin, Staff Director; Alli Halataei, Deputy Chief of Staff/Parliamentarian; Zach Somers, Counsel; Sarah

Kish, Clerk; Danielle Brown, Minority Counsel; and David Lachmann, Minority Counsel.

Chairman Smith. The chair may call a recess at any time. The clerk will call the roll to establish a quorum.

The Clerk. Mr. Smith.

Chairman Smith. Here.

The Clerk. Mr. Coble?

Mr. Coble. Here.

The Clerk. Mr. Gallegly?

Mr. Gallegly. Here.

The Clerk. Mr. Goodlatte?

Mr. Goodlatte. Here.

The Clerk. Mr. Lungren?

[No response.]

The Clerk. Mr. Chabot?

[No response.]

The Clerk. Mr. Issa?

[No response.]

The Clerk. Mr. Pence?

[No response.]

The Clerk. Mr. Forbes?

[No response.]

The Clerk. Mr. King?

[No response.]

The Clerk. Mr. Franks?

Mr. Franks. Here.

The Clerk. Mr. Gohmert?

[No response.]

The Clerk. Mr. Jordan?

[No response.]

The Clerk. Mr. Poe?

Mr. Poe. Here.

The Clerk. Mr. Chaffetz?

[No response.]

The Clerk. Mr. Griffin?

[No response.]

The Clerk. Mr. Marino?

[No response.]

The Clerk. Mr. Gowdy?

[No response.]

The Clerk. Mr. Ross?

[No response.]

The Clerk. Mrs. Adams?

[No response.]

The Clerk. Mr. Quayle?

Mr. Quayle. Here.

The Clerk. Mr. Conyers?

[No response.]

The Clerk. Mr. Berman?

[No response.]

The Clerk. Mr. Nadler?

Mr. Nadler. Here.

The Clerk. Mr. Scott?

Mr. Scott. Here.

The Clerk. Mr. Watt.

Mr. Watt. Here.

The Clerk. Ms. Lofgren?

[No response.]

The Clerk. Ms. Jackson Lee?

Ms. Jackson Lee. Here.

The Clerk. Ms. Waters?

[No response.]

The Clerk. Mr. Cohen?

[No response.]

The Clerk. Mr. Johnson?

Mr. Johnson. Here.

The Clerk. Mr. Pierluisi?

[No response.]

The Clerk. Mr. Quigley?

[No response.]

The Clerk. Ms. Chu?

[No response.]

The Clerk. Mr. Deutch?

[No response.]

The Clerk. Ms. Sanchez?

[No response.]

The Clerk. Mr. Marino?

Mr. Marino. Here.

The Clerk. Mr. Conyers?

Mr. Conyers. Here.

Mr. Goodlatte. [Presiding.] Are there additional members who wish to record their presence?

The Clerk will report.

The Clerk. Mr. Chairman, 14 members responded "present."

Mr. Goodlatte. A working quorum is present. I now call up House Joint Resolution 1 for purposes of markup. The clerk will report the joint resolution.

[The information follows:]

***** INSERT 1-1 *****

The Clerk. H.J. Res. 1, proposing a balanced budget amendment to the Constitution of the United States.

Mr. Goodlatte. Without objection, the joint resolution is considered as read. When we adjourned our last meeting, we had just completed consideration of the Jordan amendment and will now turn to Ms. Jackson Lee to offer an amendment.

Ms. Jackson Lee. Thank you very much, Mr. Chairman, and I would like to take amendment numbers 13 and 21 en bloc. I ask unanimous consent.

[The information follows:]

***** INSERT 1-2 *****

Mr. Goodlatte. Without objection, the two amendments will be considered en bloc. The clerk will report the amendments.

The Clerk. Amendment to H.J. Res. 1 offered by Ms. Jackson Lee. Page 4, line 1, strike section 9 and insert section 10. And on page 3, after line 24, insert the following: Section 9.

Ms. Jackson Lee. I ask unanimous consent that the amendments be considered as being read.

Mr. Goodlatte. Without objection, the amendment will be considered as read and the gentlewoman is recognized for 5 minutes to explain her en bloc amendments.

Ms. Jackson Lee. I thank the gentleman, and I offer to my colleagues, I think, an effective compromise for the value that all of the members here, and that is, the responsibility of this country to help the most vulnerable.

Whatever your opinion is on the floating budgets that are now being discussed, this particular resolution will limit the annual Federal spending to 20 percent of the prior year's gross domestic product, and limit even lower than the 20 percent of the current GDP since GDP typically grows each year. In fact, an amendment was approved to lower it to 18 percent. Frankly, in a country that is continuously growing, any cuts made to accommodate a mandated balanced budget amendment would fall most heavily on domestic discretionary spending. In fact, as written, this bill would cut total funding for non-defense discretionary programs by approximately 70 percent in 2021, by more than \$3 trillion over 10 years. This includes veterans

medical care, most Homeland security activities, border protection, the FBI. These cuts will impact funds that protect our Nation's food and water supply.

My amendment indicates that we need a three-fifths majority to convert or to cut Medicare and Social Security. H.J. Res. is part of the effort to end Medicare as we know it. Medicare vouchers, turn Medicare to vouchers and therefore causing individuals who worked hard to not be able to have Medicare. Most people who have Medicare live on modest income. Today 43 percent of all Medicare beneficiaries are between 65 and 74 years old. And 12 percent are 85 years old. They have a life most likely because they have had access to health care. The efforts that are being made by the present budget are suggesting that we would voucher these individuals.

Now with H.J. Res., it means that we would end it in its totality. Medicare covers a population with diverse needs and circumstances. And Medicare is for those who have worked and contributed to this society.

My amendment number 21 is equally clear. It deals with the issue of Medicaid. Supporters of this resolution may recall that we had a surplus of over \$200 billion in the late 1990s. In fact, we had half a trillion dollars at the end of the Clinton administration. If we are to cut Medicaid, my State alone, the State of the chairman, there are 5.6 million people with incomes under the Federal poverty level who qualify for Medicaid. 15 percent of the State is on Medicaid, 1.3 million people are still uninsured. In the 18th Congressional

District, which, by the way, is number 32 with respect to food insecurity, and it is a replica of a number of districts across the land where people are really suffering because they have no food.

Close to 19 percent of the constituents in that area are on Medicaid. Harris County, one of the largest counties in the United States, has 1,000 Census tracts where people are underserved and have no access to nutritious and healthy food. Unemployment is high. We are turning the corner on that. Jobs need to be created.

So now we put in a balanced budget that is going to deny the people who are most needy the opportunity to have access to Medicare, Social Security, and Medicaid.

About 731,000 children in Texas are on the CHIPS program. The CHIPS program has provided 7.4 million children across America to be able to have a children's health program. That was created during the balanced budget discussion without a balanced budget amendment in 1997.

When we helped to balance the budget, we helped to refine Medicare, and we created the Children's Health Insurance Program.

Let me remind all of you that there was a story that really was riveting to many of us when we heard it. A young boy that was 13 years old in the Baltimore, Maryland area developed an abscessed tooth. He never got the treatment that he needed because his single mother had no health care. His family had no health care. And he had no access to health care. Tragically, that young man lost his life.

With this balanced budget amendment, we will see more children, seniors, and others who are dependent upon Medicaid, particularly those

in nursing homes, the disabled, and many who have come to me and said the cuts that the States are now promulgating, for example, in Texas again, an individual came and said, "I have a 59-year-old child that I have been taking care of because of their present state of condition and with the Medicaid cuts, I don't know what I am going to do."

This is a simple amendment that provides a thoughtful process that says in cutting those particular aspects of helping those who are the most vulnerable, you will need a three-fifths simple majority.

I would ask my colleagues to recognize that I believe, even though we are in the budget cutting business, and we are in the business of developing a solution to the enormous debt, we are also in the rationale, reasonable business of not cutting veterans, not cutting education, not cutting Medicare, Medicaid, and Social Security. These amendments don't even go that far. They deal with Medicare, they deal with Social Security, and they deal, of course, with the issue of Medicaid.

I know my friends will say there is a trust fund, but we all know about the trust fund for Social Security. Every year someone is suggesting we are in it, we are out of it. I would make the point that this is a way of protecting those particular investments that Americans are making, particularly in Medicare and Social Security.

In Medicaid, the greatest recipients are children who cannot vote. And I believe it is our obligation to protect those children.

With that I ask my colleagues to support amendments 13 and number 21.

I yield back.

Mr. Goodlatte. I thank the gentlewoman. And I recognize myself in opposition to the en bloc amendment.

This amendment would create special constitutional protections making it much harder for Congress to adopt any reforms to two specific pieces of legislation. The underlying resolution's text is consistent with the rest of the Constitution. It lays out broad rules rather than specific policies. The Jackson-Lee amendment deviates from this to create new constitutional protections for the specific policy behind Social Security and Medicare. The amendment does not define what it means to "limit funding or privatize" Social Security and Medicare. This ambiguity will lead to intense litigation.

For example, funding for Social Security and Medicare is already "limited" in the sense that citizens are only entitled to specific limited benefits. Any reform of these programs could arguably be characterized as limiting them. What if Congress wants to change these programs to ensure that they survive? Do the changes become unconstitutional if they raise the retirement age or change the way inflation is calculated? We should not tie future Congresses' hands by elevating our current Social Security and Medicare policies to constitutional status. Because the amendment would cast doubt on any effort to change Social Security and Medicare, it should be opposed for that reason.

The amendment also addresses a different subject. The balanced budget amendment sets a broad framework for balancing the annual

Federal budget. It is not about specific policy preferences. The Jackson Lee amendment would single out a specific statutory government program which is mentioned nowhere in the Constitution for special constitutional protection. If this amendment were adopted, any time Congress wanted to limit funding for Medicaid, it would need a three-fifths majority, but the language "limit funding for Medicaid" is an incredibly vague principle. Almost any change to Medicaid that attempts to preserve the long-term viability of the program could be characterized as limiting funding. This would make innovative changes aimed at saving the program more difficult to achieve.

Moreover, in balancing the budget, we will have to find savings in a variety of government programs, and that discussion should include Medicaid.

Social Security, Medicaid and other government social programs will be helped, not hurt, by a balanced budget amendment. If the Federal Government is crippled with debt, it won't be able to fund Medicaid or other government programs. And for that reason, I urge my colleagues to oppose the amendment.

Ms. Jackson Lee. Will the gentleman yield?

Mr. Goodlatte. I will yield to the gentlewoman from Texas.

Ms. Jackson Lee. First of all, let me just say thank you for that analysis. What I would argue is that a three-fifths majority is less than two-thirds. But I would also just say that I believe that you could easily find support for reasonable fixes to Medicaid. This amendment does not prohibit those fixes, it just says that it needs

a 60 percent vote. And frankly, I believe that that is credible when you come to what programs that deal with the most vulnerable in the United States. I think that is the difference from ordinary discretionary spending. That these are lifelines to the young man who lost his life because he had no access as a child to some form of health care.

So I believe that we could, in actuality, come to an agreement on fixes that Members believe is for the constructive good for all.

Mr. Goodlatte. The chair recognizes the gentleman from New York, Mr. Nadler, for 5 minutes.

Mr. Nadler. Mr. Chairman I was originally attempted to oppose this amendment, but I will support it. I am opposed to putting in the Constitution specific policies. I am opposed to putting in the Constitution specific policy preferences and to tying the hands of our successors.

And I made those arguments in opposition to this amendment last week, or whenever we were here 2 weeks ago, and I made those in opposition to the specific policy preferences placed in this proposed amendment by the majority. Specifically, that the budget should never be over 18 percent of GDP. Maybe 19 percent is appropriate, maybe 17, maybe 22. That is a specific policy and this proposed amendment will put that policy into the Constitution for all time to come. No increase in taxes without a two-thirds vote. Again, that is a policy preference, and I am not going to debate the wisdom of that policy preference now, but at times in our history, taxes were too high, and

we should have lowered them. And at times in our history they were, we raised them. Ronald Reagan raised them twice. And here you are putting into this a -- not a broad constitutional principle, but a specific policy preference against higher taxes.

You could debate the merits of that policy preference. But to tie the hands of our successors when circumstances may have changed or the majority may have changed in the future is wrong constitutionally.

Now, these two amendments do exactly that. They put into place in the Constitution in this constitutional amendment specific policy preferences. But if we are going to put into the Constitution specific policy preferences such as no higher taxes and 18 percent of GDP, we ought to place protecting Medicare and Medicaid and Social Security on the same wrongful protected basis because otherwise, the 18 percent of GDP requirement, and perhaps the no new taxes ever requirement will force future Congresses to cut Medicaid or to eliminate, perhaps, Medicaid, Social Security, and Medicare.

So when the chairman says that we shouldn't put specific policy preferences into the Constitution is exactly right, but his whole amendment puts specific policy preferences into the Constitution, and ties our hands.

So I view these particular amendments as simply putting some policy preferences that I agree with rather than some policy preferences that I don't agree with into the Constitution. And as long as you are going to put the other policy preferences into the

Constitution, that will make it harder to adhere to these policy preferences, put them all in.

While we are at it, we'll come up with 40 or 50 more because if you are going to screw up the Constitution by putting in a really bad amendment that ties the hands of our successors, maybe we should dictate more about what is protected against the handiwork being done here.

So I support these amendments, although it is simply trying to make a little less bad a very obnoxious constitutional amendment which we will certainly have to oppose in the end.

Ms. Jackson Lee. Will the gentleman yield?

Mr. Nadler. Yes, I will.

Ms. Jackson lee. I thank the gentleman for his analysis. I am very comfortable with the analysis that you have made, and you are absolutely correct. You are almost driven to do this based upon a policy decision that was accepted last week of the 18 percent number which really drives perspective potentially all funding.

Mr. Nadler. Thank you. Reclaiming my time.

I would point out that the government, the Federal Government has never been as low as 18 percent since before Medicare went into effect, and with the graying population, even though Social Security is entirely self-financing and doesn't add or detract from the deficit really, we include the revenue and we include the disbursements in the overall budget because of Lyndon Johnson's handiwork. So including that, and including Medicare, it is almost impossible to see how the government can be under 18 percent without slashing Social Security

and Medicare in the future or without eliminating the military practically in its entirety.

So given the fact that we are protecting this constitutional amendment, tax breaks for the very wealthy which have an even greater protection, two-thirds vote which would make it almost impossible to ever get rid of those tax breaks for the wealthy, we have to try to protect Social Security and Medicare and Medicaid which these amendments do.

Mr. Goodlatte. Who seeks recognition? The chair recognizes the gentleman from North Carolina, Mr. Watt.

Mr. Watt. Thank you, Mr. Chairman. You know my mama taught me a basic rule when I was a little boy and that basic rule was two wrongs don't make a right. I have tried to live by that. I think the underlying legislation is a terrible idea for the reasons I articulated the last time we were marking up this bill because it gives certain people more power in the process. And I think we ought to have equal power in the process. I also think this is a terrible idea for the same reason.

And we could add 50 more of these things and they all would be terrible ideas. But I don't think it would make this bill any better. So I just have to say I am going to vote against this amendment. I am going to vote against the bill. I think both of them are terrible ideas and to require a three-fifths or two-thirds majority in more instances than our Constitution already provides for, I think is not consistent with my definition of democracy.

And for that reason, I have to follow my mother's basic tenet, two wrongs don't make a right, forty wrongs don't make a right. We can't correct this bill. We need to defeat it.

Mr. Franks. Mr. Chairman.

Mr. Goodlatte. Mr. Franks from Arizona is recognized for 5 minutes.

Mr. Franks. Mr. Chairman, I know we have talked a lot about Medicare and Social Security during this balanced budget amendment, and I think that is unfortunate in the context it is discussed because Mr. Chairman, if there is anything that is vital to the survival of Medicare and Social Security, it is the economic productivity and the financial survival of -- economic productivity of the Nation and the financial survival of this government and that is the central purpose for this bill the chairman has introduced.

And again, I think it is unfortunate that the Medicare issue is being used to distort this debate. And I know that my friends on the left realize that some of the discussions here surrounding Medicare proposals in this House being voucher programs and things like that, my friends on the left know that isn't true. And I guess I am hoping that they might somehow believe that the people will catch on to that too and put that effort aside.

I know that there is always the effort to try to make a situation look as bad as it can. But the truth is Medicare, Social Security, this country itself is at risk unless we change our budgetary and our fiscal habits. It will all change in the most dramatic way. And

Mr. Goodlatte has put the balanced budget amendment here before this committee to remedy that situation, and I would hope my friends on the left would come up with a better plan rather than one to distort this one.

Ms. Jackson Lee. Would the gentleman yield?

Mr. Franks. Yes.

Ms. Jackson Lee. Let me express my appreciation for the tone in which you are offering your opposition. The Ryan budget has been defined in many ways and we can all disagree. But certainly, I don't think even the author has strayed away from the fact that it changes Medicare. Some of us believe that it changes it for the worse.

But what I would say is the line of reasoning of these two amendments has to do with the policy issues that have already been included in H.J. Res. 1. And the 18 percent cap really impacts the most vulnerable.

And I leave you with this: The reason Medicaid is included in this is because right now 7.4 million American children, children here, are on Medicaid and the potential of losing that safety net calls for the protection of both Medicaid, Social Security, and Medicare. I thank the gentleman and I yield back.

Mr. Franks. I thank the lady. I would suggest that is the reason for Mr. Goodlatte's bill is to protect all of these things in the long run. With that, Mr. Chairman, I would yield the remainder of my time to the gentleman from California.

Mr. Lungren. I would like to remind my friends on the other side

you refer to them as those on the left. They do happen to be left of us right now physically. Former vice Presidential candidate on the Democratic side, the senator from Connecticut, Mr. Lieberman, said last week we must change Medicare to save it. He recognizes that if we do nothing, Medicare will be available to nobody.

So the gentlelady talks about the riveting story of the one child. I could give you the riveting stories of all children of America when my grandchildren are about the age of trying to enter the workforce. There will be, according to CBO, no Medicare available to anybody at that time. The Medicaid program will be broke. And Social Security will not be able to survive. That is a riveting story that we ought to tell. And those who want to ignore that ignore it not at their peril, but at the peril of their children and their grandchildren.

Mr. Goodlatte. The gentleman yields back. The chair recognizes the gentleman from Georgia, Mr. Johnson, for 5 minutes.

Mr. Johnson. It amazes me that we talk about how perilous a situation we are in with our debt and the fact that we are strapping children with, I think, the figure was about \$48,000 worth of debt that they have got to pay for as soon as they are born. And we talk so much about the children and the future. But yet, yesterday, and I am speaking in favor of the gentlewoman's amendment because I think sometimes two wrongs, the second one can lessen the first one.

Ms. Jackson Lee. Go ahead, brother.

Mr. Johnson. I think two wrongs can lessen the first one. Robin Hood is a good example. He took from those who took from others. He

took from the rich who had taken from others and sometimes with bad intent. They stole it sometimes. And then he turned around and committed a wrong and gave it back to the poor.

So I think I vote in favor of this amendment notwithstanding the fact that I think the underlying bill is horrible and ties up future hands of the people's representatives.

But we talk about the children. But they are the first ones that the Republicans want to cut. We are talking about children, women, infants and children, the WIC, program yesterday.

Mr. Lungren. Will the gentleman yield?

Mr. Johnson. In just 1 minute. Is one measure among many that continues to whack away at the social safety net of this country. And today what we are doing is putting into eternal submit the current unfair tax structure of this country which allows the rich, the big oil companies, the multinational corporations, the wealthy individuals, Wall Street, to pay no taxes while the middle class and below are forced to carry this burden.

So we are enshrining and submit this system of never raising any revenue and always cutting, cutting, cutting. When does the Grim Reaper stop cutting? The Grim Reaper is just cutting, cutting, but he is cutting for the babies, the infants, the children, the elderly with Medicare. The elderly and the persons who can't afford medical care, disabled people, children. Medicaid. People in nursing homes. Today there was an article in The Washington Post talking about how the Republican governors now are conspiring to cut Medicare benefits,

to cut State responsibility for Medicaid payments.

So it is all part of an orchestrated attack on those who don't have the resources. It is almost like those who need Robin Hood again. And I think that the American people should wake up and understand what this is. And it is an assault on the middle class and the poor of this country and it should not be allowed to continue.

This is not the silver bullet that kills the Grim Reaper, this amendment offered by the gentlelady from Texas. But it sure does lessen the potential impact on a program, Medicare, Medicaid, and Social Security that is there to support the least of these.

I will yield to my friend from California.

Mr. Goodlatte. The time of the gentleman has expired. The gentleman from California is recognized for 5 minutes.

Mr. Lungren. I thank the gentleman for yielding.

First of all, I am confused. The gentleman has said that we on this side are the ones that are trying to take money out of Medicare and I just would note that the gentleman's vote on the floor last year stripped almost one half trillion dollars from Medicare and didn't put it into Medicare to assist but rather put it into another program. The health care vote. I know it wasn't quite a half trillion. I know it was a \$488 billion.

And the other thing, I guess, the gentleman would help me, I am confused, we are under attack here, I understand that. But you said the first place we want to cut is children. But last week you said the first place we want to cut is seniors. And I am confused.

Mr. Johnson. I can't make up my mind which one.

Mr. Lungren. I know. So maybe you guys you ought to get together and decide which parade of horrors you want to establish once again.

The problem is you can't repeal the laws of arithmetic. The fact of the matter is Medicare is going broke. We just don't know how soon. CBO says in 9 years. The trustees say I guess it is in 15 years. But they had said it was 5 years longer just a month before. Social Security currently is unsustainable. The Medicaid system, as it exists today, is going broke. The governors have come pleading bipartisan basis for us to allow them more flexibility.

At least we are trying to present an alternative to the status quo which will allow all of those programs to go down, that is, the status quo will. And we would be pleased to debate alternative approaches to saving those systems but frankly, all we hear on the other side is these parade of horrors.

And I would just say that I don't think we are going to have an adult conversation when all we hear is how one side is against the old, against the young, against the ill, against clean air, against clean water, against the world. I mean, at some point in time, you reach the level of absurdity that folks won't even listen to you. And I would like to listen to you. I enjoy listening to you, but I would like to have at least an intelligent discussion of alternatives so that we can do it. It does no good for us to just be throwing these bolts of general criticism.

Mr. Johnson. Will the gentleman yield?

Mr. Lungren. I said I would yield to the gentleman from Arizona first, and if I have time, I will be happy to yield.

Mr. Franks. Thank you, sir, and thank you, Mr. Chairman.

You know, I really do try a lot harder than it seems to not respond. But the gentleman said that the Grim Reaper was cutting children, and that this was our main focus was our first choice here was to cut children. And you suggested that you can't make up your mind whether we want to hurt the old or the elderly or the children the most. I say this to you not -- I am trying to point out an important point. I would encourage you to try and go ahead and pick the elderly. Because a party or group that supports allowing a policy that sees 4,000 children cut to pieces every day should not attack anyone on this side for trying to cut children.

There is nothing that undermines the argument more in the entire world when you say that you are committed to protecting children, yet you support policies that allow them to be cut to pieces every day. And I hate to be the one to have to say that, but somebody's got to do it. And I just hope somehow that we can get back to what the real issue here is, and that is, to try to survive economically so that we can help everyone. The old, the young, so that all of God's children have a chance to live and be free and pursue their dreams.

With that, I would yield back.

Mr. Lungren. I would be happy to yield to the gentleman from Georgia.

Mr. Johnson. I am sorry that I am not enunciating myself clearly.

Or intelligently.

Mr. Lungren. No, no, no. I wouldn't say that.

Mr. Johnson. I thought I heard that.

Mr. Lungren. No, no, no. I would not say that.

Mr. Johnson. But at any rate, I would like to say that I have got a great idea that we can employ to get our fiscal house in order. And it is to force the corporations, the rich, the big oil companies that get the tax subsidies, it is to force those people to pay their fair share of the burden of governing America.

Mr. Lungren. I take my time back.

If you look at the Ryan proposal, it is to get rid of many deductions, many set-asides, allow people to pay, more people to pay at a lower rate which would be very good for the economy of this country.

Mr. Goodlatte. The time of the gentleman has expired. The gentleman from Virginia, Mr. Scott, is recognized for 5 minutes.

Mr. Scott. Thank you, Mr. Chairman.

Mr. Chairman, I agree with the gentleman from North Carolina that you can't improve this legislation. You just have to defeat it, and part of that is because most of the debate has been on the title of the legislation, the title is Proposing a Balanced Budget Amendment to the United States Constitution. One of the little secrets about this is the legislation doesn't require a balanced budget. In fact, any budget, every budget that we considered this year would have been subject to the three-fifth majority needed. And you ask, just think for a moment. If you have a tough deficit reduction bill, is it easier

or harder to pass if you raise the threshold to three-fifths from a simple majority. Most people would say, if you have got a tough deficit reduction proposal, it would be easier to pass in a simple majority. This legislation raises it to three-fifths.

You also have a provision in here that raises to three-fifths the threshold for raising taxes. If you are trying to balance the budget, that again, would make it harder. Then you have got this other provision as amended, 18 percent of GDP, you need two-thirds to pass that.

Now there isn't a single budget that was proposed that would get us down there. Matter of fact, last time we got down to 18 percent of GDP was before Medicare. So it is one way, I guess, you could get down to 18 percent, you could repeal Medicare was actually before the Elementary and Secondary Education Act. So before education and Medicare, was the last time you got down to 18 percent.

So to the extent that it works at all, it will make it harder to balance the budget, and it would jeopardize Social Security and Medicare.

Now, throughout these proceedings, we have heard the Arizona balanced budget amendment extolled. We have heard those virtues extolled time and time again. And I was wondering how do we do it. And we Googled Arizona budget to find out how Arizona did it with their balanced budget amendment and we found out. First of all, they got \$6 billion from the stimulus package. \$6 billion. And then we find out that last year and this year, they sold State property. They

sold -- including the Supreme Court Building and the State Capitol.

Mr. Franks. We got a good price. And in Arizona's real estate market, you know, that is a real challenge in our market for real estate this year.

Mr. Scott. Before I was interrupted, I was going to repeat it. I don't have to repeat it. I think people understood we sold the State Capitol. And the gentleman from Arizona, I guess, has explained to us why that ought to be the model for the Federal Government.

So Mr. Chairman, I would ask unanimous consent to introduce into the record a newspaper article outlining the sale of the Supreme Court Building and the State Capitol netting hundreds of millions of dollars to help Arizona balance its budget as the, I guess, role model for this constitutional amendment would provide for the Federal budget.

Mr. Johnson. I hope it was not with an adjustable rate mortgage.

Mr. Goodlatte. The gentleman from Virginia has the time. Without objection, the gentleman's article will be welcomed into the record.

[The information follows:]

***** COMMITTEE INSERT *****

Mr. Scott. Again, Mr. Chairman, I think we need to point out the passage, the enactment of this legislation, you cannot overlook the fact that by increasing the threshold to three-fifths to pass the budget, even a severe deficit reduction plan will be unbalanced this year, that it will take three-fifths, and actually make it harder to balance the budget. And people need to get past debating the title and look at the provisions.

This legislation, unfortunately, cannot be improved. It has to be defeated.

Ms. Jackson Lee. Would the gentleman yield?

Mr. Scott. I yield to the gentlelady from Texas.

Ms. Jackson Lee. Let me agree with the gentleman's framework as he defined the Constitution.

But what my argument would be is that the present legislation, as you have so accurately indicated, makes it difficult to balance the budget. But the present legislation will, in essence, implode. Social Security, Medicare, and Medicaid. I would rather err on the side of clarifying the lifeline for those who are needing Medicare, Social Security, and Medicaid to be preserved since we are in this constitutional battle, which I wish would result in the good gentleman from Virginia's good intentions, the gentleman who has offered the bill, drawing it down. And I thank the gentleman for yielding.

Mr. Goodlatte. The chair recognizes the gentlewoman from California, Ms. Chu.

Ms. Chu. Yes, I would like to yield my time to the gentleman from

New York, Mr. Nadler.

Mr. Nadler. I want to make some comments about what we heard before about Social Security And Medicare being unsustainable and so forth. A few facts are in order.

Social Security is perfectly soundly financed. If you accept the reports of the trustees, it is soundly financed until 2030-something, at which time it will be able to pay 74 percent of its obligations until 2037. The assumption behind that assertion of a problem is that the annual economic growth rate of the United States will average 1.6 percent forever. The average annual growth rate of the United States has averaged 3-1/2 percent since the Civil War, closer to 4 percent since World War II.

If the average annual growth rate of the United States goes down to 2.4 percent, Social Security is flush for as far as into the future as far as we can see. And even if the Social Security trustees are correct in their intermediate projections, which is what that is, it is a projection based on certain assumptions. They make three, an optimistic and pessimistic projection too. Even if are right on that intermediate projection, simply removing the cap on the Social Security wage base so that people pay the 6.2 percent above \$106,000 would totally solve that problem.

And Social Security does not contribute to the deficit because the income exceeds the outgo, and with that adjustment, even granting the projections will continue to do so.

Medicare does have a problem, but the problem isn't Medicare.

The problem is the cost of medical services generally. And Medicare costs have increased less, and at a slower rate than the cost of private health insurance by about one to 1-1/2 percent each year. And if Joe Lieberman's suggestion that 65 and 66-year-olds be taken from Medicare and given to private insurance, that means the total cost of medical care will go up because that population of 2 years worth of age cohort will have higher cost of medical care through private insurance.

Now, we do have a problem. But the problem is that medical costs generally -- not in Medicare. Medicare goes, including Medicare, but not concentrated there. Medicare goes up more slowly than other medical care costs. And when I first started dealing with this subject, we used to say we spent 12 percent of GDP on medical care, now it is up to about 17 percent. No other country does more than 11 percent. And that can't keep going up. We have a general problem.

Now, the Affordable Care Act last year started dealing with some different suggestions for cutting down medical costs generally and, of course, the Republicans opposed all of those suggestions. But we are going to have to do something.

But it is not a Medicare problem. It is a medical cost problem generally, and it is a worse problem in the private insurance market than it is in Medicare.

And finally, what the Republican budget would do to Medicare is precisely to eliminate it and substitute a voucher system because what it would do would be to say to future generations, you don't get your bills for the doctors paid for by the government as you do now. You

will go by private insurance and we will give you a voucher or premium support or a check or whatever you want to call it, we will give you a certain amount of money to help you buy the private insurance, and that check or voucher or premium support, whatever you want to call it, will increase based on the increase of the consumer price index, which is about one-quarter of the increase in cost of medical care. Which means that as the CBO, the Congressional Budget Office has projected, the cost of medical care will increasingly shift from the government to the individual. And by 2030, I think it is, the average senior citizen will pay out of his own pocket 68 percent of costs, and the government will pay 32 percent.

So it wouldn't reduce the costs of medical care. It would simply shift a large portion of the medical care from the government to the individual. And it is fully justified to say that this would eliminate Medicare, they still may call it Medicare, but the Medicare system that we have always known will be eliminated, and a voucher system, that is, the system you go buy private insurance on the market and we give you a voucher to support part of the cost of that, an ever decreasing part of that, that is the Republican proposal.

And that is just an honest description of it.

I yield back.

Mr. Goodlatte. The gentleman from Virginia, Mr. Forbes, is recognized for 5 minutes.

Mr. Forbes. Thank you, Mr. Chairman. Once again, we always become amazed with the discussion that if we can take it off of the

major facts that we are looking at, maybe it helps win our arguments.

But what the American people know is when all of this dust settles, no matter what we tell them, they understand you can't keep borrowing almost twice what you are spending and make a solvent government. They can't do it in their homes, they can't do it in their businesses, and they know we can't keep doing it in the Federal Government. I hear my friends on the other side of the aisle saying we want business to pay their fair share. But that is not what they mean, because last week they bragged about the fact over and over and over again at how we took \$80 billion-plus and gave it to two corporations just because those are the companies they liked, and we didn't even give that with tax breaks, we just gave them the money. And there are very few companies in the United States if you gave them those kinds of moneys that you couldn't improve what they were doing and help them.

Mr. Johnson. Will the gentleman yield?

Mr. Forbes. Not yet. You have had plenty of time, and I want to finish this.

Mr. Johnson. Well, I just want to correct --

Mr. Forbes. And then the second thing is this: We look at the true fact that the gentleman from California pointed out, which is this: No matter what we say in here, the Congressional Budget Office has told us that when people who are 55 years of age or younger in this country get ready for Medicare, it isn't going to be there for them because it is going to be bankrupt. And the trustees of Medicare just differ about 4 years, but they would say the same conclusion. And right now,

despite all the hoopla, there is only one plan that has been put out there that the CBO has been able to score and say this is what is going to help save that plan and that is Paul Ryan's plan. I am not saying that's a perfect plan or the right plan or anything else.

But it seems a little incredulous that we can come in here and say I would do, this I would do this, I would do this, but nobody has come over here on that side of the aisle with a plan that they have put forth that has been scored by the CBO that is going to say this is going to save Medicare. And as the gentleman from California said, we want to hear that. We want to hear that discussion and debate. Just put a plan forward. Have it scored by the CBO, and we will come up and debate it.

And then finally, my good friend from Virginia points out that Arizona sold their State Capitol. You know, that is tough. But you know they are not laughing, the States aren't. We talk about conspiracies. What the States are in such a problem about is because the Federal Government has put them in that difficulty. And I tell you if you keep borrowing 42 cents on every dollar that you are spending, one day we may have to sell this Capitol, but we might not have sold it yet but we have sure mortgaged it to the hilt and we have not only mortgaged this because we are paying \$73 million a day to the Chinese, on just interest to the Chinese. That is a pretty hefty mortgage that they are going to collect on.

And the final thing is, we have done something far worse than mortgaging the Capitol. We have mortgaged the future lives of our

children and our grandchildren to the tune of \$45,000 a kid that we have put on them, and the simple truth of the matter is, they are smart enough to look us in the eyes and say it is not fair for you to pass this burden on to us, and they are exactly right.

And while this amendment may not be perfect, Mr. Chairman, it certainly is the only thing that I see that is going to help bring some sanity to the spending that we have in this House and in the Senate. And I hope that we do it so that we can help bring about some physical responsibility, get this debt off of our kids, get it off of our families and move our country back in the direction that we are destined to go.

Mr. Goodlatte. Will the gentleman yield?

Mr. Forbes. I yield to the gentleman from Virginia.

Mr. Goodlatte. I think the gentleman means that the constitutional amendment is what we need, not the amendment to the constitutional amendment.

Mr. Forbes. Mr. Chairman, I want to make absolutely clear that was my intention.

Mr. Johnson. Will the gentleman yield?

Mr. Forbes. I would be happy to yield.

Mr. Johnson. That was not \$80 billion that was given away to our favorite corporations, GM and Chrysler. That was \$80 billion in loans, which are being repaid and which we are actually going to make money.

Mr. Forbes. Reclaim my time. If you look at The Wall Street Journal last week, it still costs us \$14 to \$17 billion. And again,

the gentleman said it again correctly, to your favorite businesses.

And the bottom line is we shouldn't be picking those winners and losers in businesses. What we ought to realize is that the reason is you wanted to help those companies is because you thought they created jobs and that is great. But that is the same reason we want to help businesses across the country. Our folks are looking they don't want welfare checks. They want paychecks. And one of the ways we help get them that is by keeping these businesses strong and keep them going. If we want to pay off the mortgage on this country, the best thing we can do is put people back to work and get them help them making income to do it.

I yield back.

Mr. Goodlatte. The time of the gentleman has expired. The question occurs on the en bloc amendment offered by the gentlewoman from Texas, Ms. Jackson Lee. Those in favor will respond by saying aye. Opposed no.

Ms. Jackson Lee. Roll call.

Mr. Goodlatte. In opinion of the chair, the noes have it. Roll call has been requested and the clerk will call the roll.

The Clerk. Mr. Smith.

[No response.]

The Clerk. Mr. Sensenbrenner?

[No response.]

The Clerk. Mr. Coble?

[No response.]

The Clerk. Mr. Gallegly?

Mr. Gallegly. No.

The Clerk. Mr. Gallegly, no.

Mr. Goodlatte?

Mr. Goodlatte. No.

The Clerk. Mr. Goodlatte, no.

Mr. Lungren?

Mr. Lungren. No.

The Clerk. Mr. Lungren, no.

Mr. Chabot?

Mr. Chabot. No.

The Clerk. Mr. Chabot, no.

Mr. Issa?

[No response.]

The Clerk. Mr. Pence?

Mr. Pence. No.

The Clerk. Mr. Pence, no.

Mr. Forbes?

Mr. Forbes. No.

The Clerk. Mr. Forbes, no.

Mr. King?

[No response.]

The Clerk. Mr. Franks?

Mr. Franks. No.

The Clerk. Mr. Franks, no.

Mr. Gohmert?

[No response.]

The Clerk. Mr. Jordan?

Mr. Jordan. No.

The Clerk. Mr. Jordan, no.

[No response.]

The Clerk. Mr. Poe?

[No response.]

The Clerk. Mr. Chaffetz?

[No response.]

The Clerk. Mr. Griffin?

[No response.]

The Clerk. Mr. Marino?

Mr. Marino. No.

The Clerk. Mr. Marino, no.

Mr. Gowdy?

Mr. Gowdy. No.

The Clerk. Mr. Gowdy, no.

Mr. Ross?

[No response.]

The Clerk. Mrs. Adams?

Mrs. Adams. No.

The Clerk. Mrs. Adams, no.

Mr. Quayle?

Mr. Quayle. No.

The Clerk. Mr. Quayle, no.

Mr. Conyers?

Mr. Conyers. Aye.

The Clerk. Mr. Conyers, aye.

Mr. Berman?

[No response.]

The Clerk. Mr. Nadler?

Mr. Nadler. Aye.

The Clerk. Mr. Nadler, aye.

Mr. Scott?

Mr. Scott. No.

The Clerk. Mr. Scott, no.

Mr. Watt?

Mr. Watt. No.

The Clerk. Mr. Watt, no.

Ms. Lofgren?

[No response.]

The Clerk. Ms. Jackson Lee?

Ms. Jackson Lee. Aye.

The Clerk. Ms. Jackson Lee, aye.

Ms. Waters?

Ms. Waters. Aye.

The Clerk. Ms. Waters, aye.

Mr. Cohen.

[No response.]

The Clerk. Mr. Johnson?

Mr. Johnson. Aye.

The Clerk. Mr. Johnson, aye.

Mr. Pierluisi?

[No response.]

The Clerk. Mr. Quigley?

Mr. Quigley. No.

The Clerk. Mr. Quigley, no.

Ms. Chu?

Ms. Chu. Aye.

The Clerk. Ms. Chu, aye.

Mr. Deutch?

Mr. Deutch. Aye.

The Clerk. Mr. Deutch, aye.

Ms. Sanchez?

[No response.]

The Clerk. Mr. Smith?

Chairman Smith. [Presiding.] No.

The Clerk. Mr. Smith, no.

Mr. Chaffetz?

Mr. Chaffetz. No.

Chairman Smith. Mr. Chaffetz, no.

Mr. Coble?

Mr. Coble. No.

The Clerk. Mr. Coble, no.

Chairman Smith. Mr. Griffin?

Mr. Griffin. No.

The Clerk. Mr. Griffin, no.

Mr. Gohmert?

Mr. Gohmert. No.

The Clerk. Mr. Gohmert, no.

Chairman Smith. Are there any other members who wish to be recorded? If not the clerk, will report.

Mr. King. Mr. King votes no.

Chairman Smith. The clerk will report.

The Clerk. Mr. Chairman, seven members voted "aye," 21 members voted nay.

Chairman Smith. The majority having voted against the amendment, the amendment is not agreed to.

We will go to the gentleman from Florida, Mr. Deutch, for the purposes of offering an amendment.

Mr. Deutch. I have an amendment at the desk.

Chairman Smith. The clerk will report the amendment.

The Clerk. Amendment to H.J. Res. 1, offered by Mr. Deutch of Florida. Page 3, strike lines 20 through 24 and insert the following.

Chairman Smith. Without objection, the amendment is considered as read and the gentleman is recognized to explain his amendment.

Mr. Deutch. Mr. Chairman, this amendment is a simple one to protect seniors' Social Security checks from being eaten away by inflation. If the majority wishes to cut benefits as we are apparently

bound on doing here today, these reduced benefits should at least keep up with cost of living. Seniors are disproportionately affected by inadequate or nonexistent cost-of-living-adjustments, since most are on fixed incomes and are no longer able to work to make up the difference.

Additionally, since poor cost of living adjustments have a cumulative effect, the very oldest will be hit the hardest. .3 percent annual cost of living reduction would effectively reduce the benefits of a widow of 90 by 10 percent. If she had a 401(k) or personal savings, it is probably long gone. Beyond that, her medical bills are rising, and because of a slight reduction in the annual cost of living adjustment, her income would be reduced dramatically.

Contrast that to the fiscal apocalypse predicted by the majority if the top 2 percent had their taxes go back to where they were in the 1990s. Taking 3 percent away from millionaires and billionaires is class warfare. We have been told that is apparently off the table thanks to the way this balanced budget amendment was drafted. However, taking 10 percent from great grandma is somehow considered fiscal responsibility.

Cost of living adjustments protects seniors on fixed incomes from price inflation. If the majority insists on cutting Social Security benefits, I urge them to consider the hopefully unintended consequences of including cost-of-living adjustments in their outlay calculations.

RPTS DEAN

DCMN ROSEN

[2:12 p.m.]

Mr. Deutch. Cuts to COLAs would affect current retirees and would disproportionately affect the eldest and the poorest. I urge support for my method to protect these most vulnerable from broken promises. I yield back the balance of my time.

Chairman Smith. Thank you, Mr. Deutch. The gentleman from Virginia, Mr. Goodlatte, is recognized in opposition to the amendment.

Mr. Goodlatte. Thank you, Mr. Chairman. The balanced budget amendment as drafted is simple and clear. It requires that outlays not exceed receipt. This amendment would create an exception to this simple formula by exempting Social Security cost of living adjustments from the balanced budget requirement. Our budget should be genuinely balanced with an accurate accounting of receipts and expenditures. We shouldn't move certain expenditures off the books and pretend that we have balanced the budget. We can pay for Social Security within the confines of a balanced budget.

Taking certain Social Security expenditures off the books would defeat the purpose of balancing the budget. Additionally this amendment would create a huge loophole and encourage the government to manipulate the Social Security Act to make an unbalanced budget appear balanced. If the Deutch amendment were adopted, any time Congress wanted to move spending off the books, all it would have to

do is amend section 215(i) of the Social Security Act to include that spending. Currently, section 215(i) addresses cost of living adjustments, but if we adopt the Deutch amendment, Congress could amend section 215(i) to place all sorts of government spending outside of balance government requirements. Federal Government needs to live within its means, moving certain expenditures, however worthy, off the books is an accounting trick to avoid making the choices required to balance the budget and the amendment should be defeated.

Mr. Deutch. Would the gentleman yield for a question?

Mr. Goodlatte. I would be happy to yield.

Mr. Deutch. If the amendment referred specifically to section 215(i) cost of living adjustments, would that make the gentleman satisfied that we are narrow enough and focused?

Mr. Goodlatte. It might be the amendment less bad, but I would still oppose it for the other reasons that I cited.

Mr. Deutch. And if I could ask another question, if the gentleman would continue to yield.

Mr. Goodlatte. I would be happy to yield to the gentleman.

Mr. Deutch. The suggestion that the gentleman makes that somehow this would impair the ability to keep a balanced budget, I don't believe that the gentleman is accurate. The fact is, under this amendment, the majority party can continue its efforts to create such innovative programs as they were defined earlier as the privatization of Social Security, can continue to attempt to cut Social Security and reduce Social Security benefits, we will continue to oppose those, but --

Mr. Goodlatte. Reclaiming my time. The majority party, as the gentleman refers to us, has made no such attempt to cut Social Security benefits. And I yield back my time to the chairman.

Ms. Jackson Lee. Mr. Chairman.

Chairman Smith. The gentlewoman from Texas, Ms. Jackson Lee, is recognized.

Ms. Jackson Lee. I rise to support the gentleman's from Florida's amendment, and he had a brilliant inquiry, which I am going to yield shortly so that he can pursue his line of reasoning. He is right that recently in the last 48 hours, I believe, a member of the Republican leadership introduced legislation to privatize Social Security. If we can go down memory lane, we will recall that during the Bush years, they introduced legislation to privatize Social Security with a lot of fanfare; of course, that would have preceded Wall Street's monumental collapse, leaving Social Security recipients, SSI recipients in total collapse. And probably we would see mass numbers of people literally walking the streets, being evicted from homes, children without resources. We understand the ultimate results of privatization.

I think the gentleman's amendment is reasonable because it fits into the scheme of a bad bill, but your attempt is to suggest that the inflation costs, cost of living costs, which every time I go home and meet with seniors, they ask a question, are you going to deny a reasonable cost of living response in light of my expenses, high cost of prescription drugs, which obviously are now high because of

prescription -- because of Part D, which will be changed by the Affordable Care Act. So I think you have a reasonable assessment that I would support and ask my colleagues to support your amendment, and yield to the gentleman from Florida.

Mr. Deutch. I thank the gentlelady from Texas. The fact is, we have heard throughout this entire markup, seemingly in response to every amendment that the amendments are bad because they somehow muddy up an otherwise clean constitutional amendment. The fact is that the lives of seniors in America today is not clean, it is messy; it is dirty and getting harder every single day. All of this amendment does, all that it does is say, let's go ahead and have whatever debates Congress wishes to have about the future of Social Security, but when our costs go up, please don't penalize us, please keep our life in mind when you are having these deliberations. That is all this amendment does and I would respectfully ask that it be considered favorably. And I yield back to the gentlelady.

Ms. Jackson Lee. Reclaiming the time. I just conclude my remarks as I did on the Medicare Social Security and Medicaid amendment offered previously. We do have an obligation to the most vulnerable. However humorous it may appear, the gentleman is absolutely right, these lives are challenged, they are individuals who have paid into the system, they have worked, they have provided for families, and what we are suggesting is that all the balance budget issues, we need to recognize the present current situation.

I might cite a comment that was made by John Marshall that I cited

in an earlier hearing, that our Constitution was geared toward dealing with human crises as we face them. It is now the 21st century, John Marshall probably could not imagine a Social Security-Medicare system, but he did imagine human dignity. And frankly, this balanced budget amendment and the thrust of it, maybe not the author's intention, is to disallow human dignity. I think we owe that obligation to the American people and I support the gentleman's amendment and yield back.

Chairman Smith. Thank you, Ms. Jackson Lee. Are there other members who wish to be heard on the amendment? If not, the question is on the amendment.

All in favor say aye. All opposed say no.

In the opinion of the chair the noes have it.

Voice. I ask for the yeas and nays.

Chairman Smith. The clerk will call the roll.

The Clerk. Mr. Smith.

Chairman Smith. No.

The Clerk. Mr. Smith, no.

Mr. Sensenbrenner?

[No response.]

The Clerk. Mr. Coble?

[No response.]

The Clerk. Mr. Gallegly?

[No response.]

The Clerk. Mr. Goodlatte?

Mr. Goodlatte. No.

The Clerk. Mr. Goodlatte, no.

Mr. Lungren?

Mr. Lungren. No.

The Clerk. Mr. Lungren, no.

Mr. Chabot?

[No response.]

The Clerk. Mr. Issa?

[No response.]

The Clerk. Mr. Pence?

Mr. Pence. No.

The Clerk. Mr. Pence, no.

Mr. Forbes?

[No response.]

The Clerk. Mr. King?

Mr. King. No.

The Clerk. Mr. King, no.

Mr. Franks?

Mr. Franks. No.

The Clerk. Mr. Franks, no.

Mr. Gohmert?

[No response.]

The Clerk. Mr. Jordan?

Mr. Jordan. No.

The Clerk. Mr. Jordan, no.

[No response.]

The Clerk. Mr. Poe?

[No response.]

The Clerk. Mr. Chaffetz?

Mr. Chaffetz. No.

The Clerk. Mr. Chaffetz, no.

Mr. Griffin?

[No response.]

The Clerk. Mr. Marino?

[No response.]

The Clerk. Mr. Gowdy?

Mr. Gowdy. No.

The Clerk. Mr. Gowdy, no.

Mr. Ross?

[No response.]

The Clerk. Mrs. Adams?

Mrs. Adams. No.

The Clerk. Mrs. Adams, no.

Mr. Quayle?

Mr. Quayle. No.

The Clerk. Mr. Quayle, no.

Mr. Conyers?

Mr. Conyers. Aye.

The Clerk. Mr. Conyers, aye.

Mr. Berman?

[No response.]

The Clerk. Mr. Nadler?

Mr. Nadler. Aye.

The Clerk. Mr. Nadler, aye.

Mr. Scott?

Mr. Scott. Aye.

The Clerk. Mr. Scott, aye.

Mr. Watt?

Mr. Watt. Aye.

The Clerk. Mr. Watt, no.

Ms. Lofgren?

[No response.]

The Clerk. Ms. Jackson Lee?

Ms. Jackson Lee. Aye.

The Clerk. Ms. Jackson Lee, aye.

Ms. Waters?

Ms. Waters. Aye.

The Clerk. Ms. Waters, aye.

Mr. Cohen.

Mr. Cohen. Aye.

The Clerk. Mr. Cohen, aye.

Mr. Johnson?

Mr. Johnson. Aye.

The Clerk. Mr. Johnson, aye.

Mr. Pierluisi?

Mr. Pierluisi. Aye.

The Clerk. Mr. Pierluisi, aye.

Mr. Quigley?

Mr. Quigley. Aye.

The Clerk. Mr. Quigley, aye.

Ms. Chu?

[No response.]

The Clerk. Mr. Deutch?

Mr. Deutch. Aye.

The Clerk. Mr. Deutch, aye.

Ms. Sanchez?

[No response.]

Chairman Smith. The gentleman from Virginia?

The Clerk. Mr. Forbes votes no.

Chairman Smith. The gentleman from California.

The Clerk. Mr. Gallegly votes no.

Chairman Smith. And the gentleman from Arkansas, Mr. Griffin.

The Clerk. Mr. Griffin votes no.

Chairman Smith. The Gentlewoman from California, Ms. Chu.

The Clerk. Ms. Chu votes aye. Mr. Marino, Mr. Marino votes no.

Chairman Smith. The clerk will report.

The Clerk. Mr. Chairman 12 members voted aye 15 members voted nay.

Chairman Smith. The majority having voted against the amendment, the amendment is not agreed to.

Are there any other amendments? If not, a reporting quorum being

present, the question is on reporting the joint resolution as amended favorably to the House.

Those in favor say aye, those opposed no.

In the opinion of the chair the ayes have it and the joint resolution as amended is ordered reported favorably and a roll call vote has been requested, and the clerk will call the roll.

The Clerk. Mr. Smith?

Chairman Smith. Aye.

The Clerk. Mr. Smith, aye.

Mr. Sensenbrenner?

[No response.]

The Clerk. Mr. Coble?

[No response.]

The Clerk. Mr. Gallegly?

Mr. Gallegly. Aye.

The Clerk. Mr. Gallegly, aye.

The Clerk. Mr. Goodlatte?

Mr. Goodlatte. Aye.

The Clerk. Mr. Goodlatte, aye.

Mr. Lungren?

Mr. Lungren. Aye.

The Clerk. Mr. Lungren, aye.

Mr. Chabot?

[No response.]

The Clerk. Mr. Issa?

Mr. Issa. Aye.

The Clerk. Mr. Issa, aye.

Mr. Pence?

Mr. Pence. Aye.

The Clerk. Mr. Pence, aye.

Mr. Forbes?

Mr. Forbes. Aye.

The Clerk. Mr. Forbes, aye.

Mr. King?

Mr. King. Aye.

The Clerk. Mr. King, aye.

Mr. Franks?

Mr. Franks. Aye.

The Clerk. Mr. Franks, aye.

Mr. Gohmert?

Mr. Gohmert. Aye.

The Clerk. Mr. Gohmert, aye.

Mr. Jordan?

Mr. Jordan. Aye.

The Clerk. Mr. Jordan, aye.

Mr. Poe?

[No response.]

The Clerk. Mr. Chaffetz?

Mr. Chaffetz. Aye.

The Clerk. Mr. Chaffetz, aye.

Mr. Griffin?

Mr. Griffin. Aye.

The Clerk. Mr. Marino?

[No response.]

The Clerk. Mr. Gowdy?

Mr. Gowdy. Aye.

The Clerk. Mr. Gowdy, aye.

Mr. Ross?

[No response.]

The Clerk. Mrs. Adams?

Mrs. Adams. Aye.

The Clerk. Mrs. Adams, aye.

Mr. Quayle?

Mr. Quayle. Aye.

The Clerk. Mr. Quayle, aye.

Mr. Conyers?

Mr. Conyers. No.

The Clerk. Mr. Conyers, no.

Mr. Berman?

Mr. Berman. No.

The Clerk. Mr. Berman, no.

Mr. Nadler?

Mr. Nadler. No.

The Clerk. Mr. Nadler, no.

Mr. Scott?

Mr. Scott. No.

The Clerk. Mr. Scott, no.

Mr. Watt?

Mr. Watt. No.

The Clerk. Mr. Watt, no.

Ms. Lofgren?

[No response.]

The Clerk. Ms. Jackson Lee?

Ms. Jackson Lee. No.

The Clerk. Ms. Jackson Lee, no.

Ms. Waters?

Ms. Waters. No.

The Clerk. Ms. Waters, no.

Mr. Cohen.

Mr. Cohen. No.

The Clerk. Mr. Cohen, no.

Mr. Johnson?

Mr. Johnson. No.

The Clerk. Mr. Johnson, no.

Mr. Pierluisi?

Mr. Pierluisi. No.

The Clerk. Mr. Pierluisi, no.

Mr. Quigley?

[No response.]

The Clerk. Ms. Chu?

Ms. Chu. Ms. Chu, no.

[No response.]

The Clerk. Mr. Deutch?

Mr. Deutch. No.

The Clerk. Mr. Deutch, no.

Ms. Sanchez?

[No response.]

The Clerk. Mr. Sensenbrenner?

Mr. Sensenbrenner. Aye.

The Clerk. Mr. Sensenbrenner, aye.

Chairman Smith. The gentleman from Florida, Mr. Ross.

The Clerk. Mr. Ross votes aye.

Chairman Smith. The gentleman from Texas, Mr. Poe.

The Clerk. Mr. Poe votes aye.

Chairman Smith. Are there other members who wish to be recorded?

The clerk will report.

The Clerk. Mr. Chairman 20 members voted aye, 12 members voted nay.

Chairman Smith. The ayes have it and the joint resolution as amended is reported favorably. Without objection, the joint resolution will be reported as a single amendment in the nature of a substitute incorporating amendments adopted and the staff is authorized to make technical and conforming changes. Members will have 2 days to submit their views. There being no further business, this markup is adjourned.

[Whereupon, at 2:24 p.m., the committee was adjourned.]