BALANCED BUDGET AMENDMENT/Law Enforcement-Crime Prevention

SUBJECT: **A Resolution Proposing a Balanced Budget Amendment to the Constitution of the United States . . . H.J. Res. 1. Hatch motion to table the Byrd amendment No. 301.**

ACTION: MOTION TO TABLE AGREED TO, 68-27

SYNOPSIS: Pertinent votes on this legislation include Nos. 62-63, 65-78, and 80-98.

As passed by the House, H. J. Res. 1, a resolution proposing a Balanced Budget Amendment to the Constitution, is virtually identical to the balanced budget constitutional amendment that was considered last year by the Senate (see 103d Congress, second session, vote Nos. 47-48). The resolution: will require a three-fifths majority vote of both Houses of Congress to deficit spend or to increase the public debt limit; will require the President's annual proposed budget submission to be in balance; and will require a majority of the whole number of each House to approve any bill to increase revenue. Congress will be allowed to waive these requirements for any fiscal year in which a declaration of war is in effect. Congress will enforce and implement this amendment by appropriate legislation. The amendment will take effect in fiscal year 2002 or with the second fiscal year beginning after its ratification, whichever is later. The States will have 7 years to ratify the amendment.

The Byrd amendment would provide that outlays "for law enforcement and the reduction and prevention of violent crime" would not be included in budget calculations.

Debate was limited by unanimous consent. Following debate, Senator Hatch moved to table the Byrd amendment. Generally, those favoring the motion to table opposed the amendment; those opposing the motion to table favored the amendment.

Those favoring the motion to table contended:

If Senators like porkbarrel spending, they should love this amendment. Though we are certain that the distinguished Senator from West Virginia had only the best of intentions in proposing this amendment, we are equally certain that those intentions have no relation to how this amendment would work in practice. Included in this proposal for deficit spending is the proposal that spending

(See other side)

YEAS (68)			NAYS (27)		NOT VOTING (5)	
Republicans (49 or 100%)		**Democrats (19 or 41%)**	**Republicans (0 or 0%)**	**Democrats (27 or 59%)**	**Republicans (4)**	**Democrats (1)**
Abraham	Hutchison	Baucus		Akaka	Gramm-[2]	Heflin-[2]
Ashcroft	Jeffords	Bingaman		Biden	Hatfield-[2AY]	
Bennett	Kassebaum	Bradley		Boxer	Inhofe-[2]	
Bond	Kempthorne	Bryan		Breaux	McCain-[2]	
Brown	Kyl	Campbell		Bumpers		
Burns	Lott	Conrad		Byrd		
Chafee	Lugar	Dorgan		Daschle		
Coats	Mack	Exon		Dodd		
Cochran	McConnell	Feingold		Feinstein		
Cohen	Murkowski	Graham		Ford		
Coverdell	Nickles	Hollings		Glenn		
Craig	Packwood	Kerrey		Harkin		
D'Amato	Pressler	Kohl		Inouye		
DeWine	Roth	Lieberman		Johnston		
Dole	Santorum	Moseley-Braun		Kennedy		
Domenici	Shelby	Nunn		Kerry		
Faircloth	Simpson	Reid		Lautenberg		
Frist	Smith	Robb		Leahy		
Gorton	Snowe	Simon		Levin		
Grams	Specter			Mikulski		
Grassley	Stevens			Moynihan		
Gregg	Thomas			Murray		
Hatch	Thompson			Pell		
Helms	Thurmond			Pryor		
	Warner			Rockefeller		
				Sarbanes		
				Wellstone		

EXPLANATION OF ABSENCE:
1—Official Buisiness
2—Necessarily Absent
3—Illness
4—Other

SYMBOLS:
AY—Announced Yea
AN—Announced Nay
PY—Paired Yea
PN—Paired Nay

for the "reduction and prevention of violent crime" be placed off-budget. The unfixable problem with this language is that some Members have proven themselves to be extremely creative in their designations of "crime prevention" programs. On the crime bill passed last year, a few freight trains of porkbarrel spending were attached by claiming that they were "crime prevention" programs. Education programs, job programs, substance abuse treatment, child care, open-ended grants to cities, etcetera were all funded through that bill by calling them "crime prevention" programs. Some of those spending proposals had been around for years without ever being referred to as efforts to fight crime. However, as soon as it became apparent that the crime bill would be passed and funded, Members could not wait to attach any pet proposal they had to the gravy train by calling it a "crime prevention" proposal. In some cases, the words "to fight crime" were hurriedly scribbled into the texts of the spending programs; in one case, even this pretense was dispensed with. More than $5 billion in wasteful spending was added to that one bill.

It is enough to make one break into a cold sweat to think how Members would exploit the Byrd amendment if it were adopted. Literally every conceivable spending boondoggle that percolated from the minds of Members who were eager to curry favor with special interest groups would be given the "crime prevention" rubric. Crime fighting welfare, education, road-building, and job training programs would proliferate. We are literally talking about the prospect of putting most of our non-entitlement budget off-budget with this amendment. No one in America would be any safer, but everyone would be much deeper in debt.

True efforts to prevent crime will fair well once the balanced budget amendment is passed and Senators sit down and finally prioritize spending. Senators are painfully aware that fighting crime is a major priority; in fact, the situation is so bad that most Senators themselves have now been victims of violent crime or they have a family member or close friend who has been. We take a backseat to no one in our determination to stop the vicious predators who are preying on society, and we pledge to our colleagues that when budget priorities are set under a balanced budget amendment that Federal efforts to prevent violent crime will not be slighted.

In sum, the Byrd amendment appears to be an effort to place funding for law enforcement off-budget, but in reality it would be used to place virtually all discretionary spending off-budget. We do not support the gutting of this balanced budget amendment, and thus strongly support the motion to table the Byrd amendment.

Those opposing the motion to table contended:

Not a day goes by that we are not shocked by a violent crime described on the nightly news or in the newspaper. We live in a country--in cities, suburbs, towns, and rural hamlets--in which violent crimes have become commonplace. The statistics are overwhelming. In 1993, the most recent year for which data are available, there were over 1.9 million violent crimes in this country. Today, Americans are over four times more likely to be the victim of a violent crime than they were 30 years ago.

With these facts in mind, we encourage Senators to consider for a moment the consequences that passage of this balanced budget amendment will have on Federal law enforcement funding. If we exempt Social Security, adopt the tax cuts proposed in the Contract with America, and pay the interest that is due on the national debt, then every other program in the Federal budget will have to be cut by 30 percent in order to balance it by 2002. Clearly, the balanced budget amendment poses a very serious threat to Federal efforts to control violent crime. With violent crime escalating, it would be an abdication of our duty to slash efforts to fight it just to control the deficit.

We make no effort to hide our opposition to this balanced budget amendment; we are certain that all Senators need is a little spine to make the hard choices. One of those hard choices should not be to reduce spending to fight violent crime, though. If this amendment does pass, it should have the Byrd exemption to permit deficit spending for law enforcement and crime prevention programs. Therefore, we oppose the motion to table this amendment.