



Federal Affairs Subcommittee MEETING PACKET

**Wednesday, November 16 , 2011
Webster Hall
9:00 AM – 10:30 PM**

**Dean Cannon
Speaker**

**Clay Ford
Chair**

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Federal Affairs Subcommittee

Start Date and Time: Wednesday, November 16, 2011 09:00 am
End Date and Time: Wednesday, November 16, 2011 10:30 am
Location: Webster Hall (212 Knott)
Duration: 1.50 hrs

Consideration of the following bill(s):

HM 47 War on Terror by Abruzzo
HM 205 Vietnam Veterans by Metz
HM 499 Federal Balanced Budget Amendment by Ingram

Presentations by the Office of the Attorney General:

1. Update on Florida's Lawsuit Regarding the Federal Affordable Care Act.
2. Update on Florida's Lawsuit Regarding the United States Environmental Protection Agency's Adoption of Numeric Nutrient Criteria for Florida Waters.

NOTICE FINALIZED on 11/09/2011 14:00 by Sims-Davis.Linda

House Memorial

A memorial to the Congress of the United States recognizing the death of Osama bin Laden as a positive step forward in the war on terrorism and declaring a continuing unity of commitment against terrorism, its crimes against humanity, and al-Qaeda.

WHEREAS, the actions taken by Osama bin Laden and al-Qaeda and its networks targeting innocent civilians, including women and children, are repugnant, and

WHEREAS, Osama bin Laden was the mastermind of the September 11, 2001, attacks on the United States of America, which murdered 2,977 citizens, and

WHEREAS, Osama bin Laden and al-Qaeda were responsible for other terrorist attacks against the United States of America, including bombing American embassies in Tanzania and Kenya and attacking the U.S.S. Cole, and

WHEREAS, President Barack Obama took immediate action upon learning of the location of Osama bin Laden, and

WHEREAS, while resisting capture, Osama bin Laden was killed on May 1, 2011, by operatives of the Central Intelligence Agency and Navy Seals, and

WHEREAS, Osama bin Laden's death provides some degree of closure as it relates to September 11, 2001, NOW, THEREFORE,

Be It Resolved by the Legislature of the State of Florida:

HM47

2012

28 That we recognize the death of Osama bin Laden as a
29 positive step forward in the war on terrorism and declare a
30 continuing unity of commitment with other states and nations
31 against terrorism, its crimes against humanity, and al-Qaeda.

32 BE IT FURTHER RESOLVED that copies of this memorial be
33 dispatched to the President of the United States, to the
34 President of the United States Senate, to the Speaker of the
35 United States House of Representatives, and to each member of
36 the Florida delegation to the United States Congress.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HM 47 War on Terror
SPONSOR(S): Abruzzo
TIED BILLS: IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Federal Affairs Subcommittee		Camechis	Camechis
2) State Affairs Committee			

SUMMARY ANALYSIS

Osama bin Laden led the al-Qaeda terrorist organization and was responsible for terrorist attacks throughout the world, including the September 11, 2001, attacks on the United States. On May 1, 2011, bin Laden was killed by U.S. Navy Seals in Abbottabad, Pakistan.

This memorial recognizes the death of bin Laden as a positive step forward in the war on terrorism and declares a continuing unity of commitment with other states and nations against terrorism, its crimes against humanity, and al-Qaeda.

Copies of the memorial will be provided to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and each member of the Florida delegation to the United States Congress.

The memorial does not have a fiscal impact on state or local governments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background¹

According to the Federal Bureau of Investigation (FBI), Osama bin Laden had openly declared war on the U.S. and was committed to killing innocents well before 2001. The al-Qaeda organization, under his leadership, was responsible for the 1998 bombings of the U.S. Embassies in Dar es Salaam, Tanzania and Nairobi, which killed over 200 people. On June 7, 1999, bin Laden was added to the FBI's Top Ten fugitives list, and the U.S. offered a \$25 million reward for information that would lead to his apprehension or conviction.

On September 11, 2001, a small group of al-Qaeda members hijacked four commercial passenger aircraft in the U.S., two of which were flown into the World Trade Center towers. Another aircraft was flown into the Pentagon in Arlington, Virginia. A fourth plane was successfully retaken by passengers before crashing in Pennsylvania. The intended target of the fourth aircraft was believed to be the United States Capitol. The attack killed nearly 3,000 civilians. Intelligence agencies quickly learned that the attacks were carried out by al-Qaeda. In October 2001, bin Laden's name was added to the U.S. Department of State's Most Wanted Terrorists List. In 2004, bin Laden released a videotaped message claiming responsibility for the September 11 attacks.

On May 1, 2011, bin Laden was killed by U.S. Navy Seals in Abbottabad, Pakistan.

Effect of Proposed Changes

This memorial recognizes the death of Osama bin Laden as a positive step forward in the war on terrorism and declares a continuing unity of commitment with other states and nations against terrorism, its crimes against humanity, and al-Qaeda.

Copies of the memorial will be provided to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and each member of the Florida delegation to the United States Congress.

B. SECTION DIRECTORY: None.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues: None.

2. Expenditures: None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues: None.

¹ Information for this background was obtained from http://www.fbi.gov/news/stories/2011/may/binladen_050211/binladen_050211 and <http://www.biography.com/people/osama-bin-laden-37172>.

2. Expenditures: None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR: None.

D. FISCAL COMMENTS: None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision: Not applicable.

2. Other: None.

B. RULE-MAKING AUTHORITY: None.

C. DRAFTING ISSUES OR OTHER COMMENTS: None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

HM 205

2012

1 House Memorial

2 A memorial to the Congress of the United States,
 3 urging Congress to initiate and support nationwide
 4 efforts to commemorate the 40th anniversary of the end
 5 of the United States' involvement in the Vietnam War
 6 and demonstrate the nation's appreciation for the
 7 honorable service and sacrifice of Vietnam Veterans.

8
 9 WHEREAS, the Vietnam War was a Cold War military conflict
 10 that occurred in Vietnam, Laos, and Cambodia from November 1,
 11 1955, until the United States Congress passed the Case-Church
 12 amendment in 1973 which prohibited the further use of American
 13 military forces in the conflict, and

14 WHEREAS, 2013 marks the 40th anniversary of the end of the
 15 United States' involvement in the Vietnam War, and

16 WHEREAS, there are an estimated 650,000 Vietnam veterans in
 17 the State of Florida, and

18 WHEREAS, because of the intense public opposition to the
 19 war that existed at the time, members of the United States Armed
 20 Services returned home to an unprecedented lack of formal
 21 positive recognition of the honorable service they had provided
 22 on behalf of their country and the tremendous sacrifices they
 23 had made, and

24 WHEREAS, the lack of formal "Welcome Home" parades and
 25 other traditional celebrations for returning soldiers that were
 26 common in previous military conflicts in which the United States
 27 was engaged, coupled with verbal and sometimes physical abuse,
 28 resulted in great disillusionment, undeserved indignity, and

29 often great suffering and anguish among returning Vietnam
 30 veterans, and

31 WHEREAS, many of these brave men and women are now reaching
 32 an advanced age, and

33 WHEREAS, March 30, 2013, will mark the official date of the
 34 40th anniversary of the end of the United States' involvement in
 35 the Vietnam War, and

36 WHEREAS, on that date this nation will be presented with a
 37 unique and historic opportunity to hold appropriate observances
 38 and long-overdue recognition ceremonies that will honor our
 39 nation's aging Vietnam War veterans and that may finally provide
 40 these brave men and women a fitting expression of gratitude and
 41 a measure of healing and official closure that has been denied
 42 them for decades and that they so greatly deserve, and

43 WHEREAS, the importance of the commemoration of the 40th
 44 anniversary of the end of the United States' involvement in the
 45 Vietnam War and the opportunity that such an historical
 46 anniversary presents to attempt to rectify past injustices and
 47 ingratitude cannot be stressed strongly enough, and

48 WHEREAS, it is fitting and appropriate that the United
 49 States Congress initiate and support efforts at the national
 50 level to mark this historic anniversary and to attempt to
 51 redress the lack of appropriate recognition and undeserved
 52 ingratitude that so many of these brave servicemen and
 53 servicewomen received upon returning home, and

54 WHEREAS, as part of a national effort, it is also requested
 55 that the United States Congress authorize the minting of a 40th
 56 anniversary commemorative medal expressing the nation's

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57 appreciation for the honorable service of Vietnam veterans, and
 58 WHEREAS, for this historic opportunity to be fully
 59 realized, the United States Congress should act promptly and
 60 decisively, NOW, THEREFORE,

61

62 Be It Resolved by the Legislature of the State of Florida:

63

64 That the Congress of the United States is urged to initiate
 65 and support nationwide efforts to commemorate the 40th
 66 anniversary of the end of the United States' involvement in the
 67 Vietnam War and demonstrate the nation's appreciation for the
 68 honorable service and sacrifice of Vietnam veterans.

69

70 BE IT FURTHER RESOLVED that, as part of such national
 71 effort, the United States Congress is requested to authorize the
 72 minting of a 40th anniversary commemorative medal expressing the
 73 nation's appreciation for the honorable service of Vietnam
 74 veterans.

75

76 BE IT FURTHER RESOLVED that copies of this memorial be
 77 dispatched to the President of the United States, to the
 78 President of the United States Senate, to the Speaker of the
 79 United States House of Representatives, to each member of the
 80 Florida delegation to the United States Congress, and to the
 legislative governing body of each of the other 49 states of the
 United States.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HM 205 (2012)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Federal Affairs

2 Subcommittee

3 Representative Metz offered the following:

4

5 **Amendment**

6 Remove lines 16-17 and insert:

7 WHEREAS, as of July 2011, the Florida Department of
8 Veterans' Affairs estimates that there are approximately 454,
9 000 Vietnam era veterans living in Florida, and


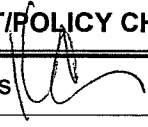
10

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HM 205 Vietnam Veterans

SPONSOR(S): Metz

TIED BILLS: IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Federal Affairs Subcommittee		Bennett 	Camechis 
2) State Affairs Committee			

SUMMARY ANALYSIS

Due to the controversy surrounding the Vietnam War, many veterans returned to the United States without formal recognition of their service. This memorial urges Congress to initiate and support a nationwide effort to commemorate, in 2013, the 40th anniversary of the end of the United States' involvement in the Vietnam War, and demonstrate the nation's appreciation for the honorable service and sacrifice of Vietnam veterans. This memorial also asks Congress to authorize the minting of a commemorative anniversary medal to express the nation's appreciation for the honorable service of Vietnam veterans.

The United States Armed Forces began serving in an advisory role to South Vietnam in the mid-1950s, but became directly involved in the mid-1960s when troops were sent into Vietnam. United States ground troops were withdrawn from Vietnam on March 30, 1973, under the terms of the Paris Peace Accords. More than 58,000 United States service members lost their lives in the war, including 1,952 Floridians, and more than 153,000 were wounded and required hospital care. There are approximately 7.5 million living veterans of the Vietnam War, with approximately 454,000 living in Florida.

This memorial does not seek establishment of a legal holiday, and does not address the design, issuance, or sale of the commemorative medal.

The sponsor of this memorial, Representative Metz, sponsored a substantially similar memorial, CS/HM 845, during the 2011 regular session of the Florida Legislature. That memorial passed the House, but died in Senate messages.

This memorial has no fiscal impact on state or local government.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Effects of Proposed Changes

This memorial urges Congress to initiate and support the nationwide effort to commemorate, in 2013, the 40th anniversary of the end of the United States' involvement in the Vietnam War, and to demonstrate the nation's appreciation for the honorable service and sacrifice of Vietnam veterans. The memorial does not, however, propose creation of a legal holiday.

This memorial also asks Congress to authorize the minting of a 40th anniversary commemorative medal, but does not address the design, issuance, or sale of the medal.

Copies of the memorial must be sent to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and to each member of the Florida delegation to the U.S. Congress.

Background

The Geneva Accords were signed in July of 1954, dividing Vietnam into a communist north and democratic south. The rationale developed by the Eisenhower Administration to explain its economic and military support of South Vietnam became known as the "domino theory." Likening the countries of southeast Asia to a row of dominos, the President argued that if one country fell, it would trigger the fall of others.¹ Thus, the United States began to endorse and support South Vietnam's effort to defend against the communist North.

The U.S. initially supported South Vietnam in an advisory role but, by the mid-1960s, U.S. military forces were directly involved in combat operations against the North. More than 3 million Americans served in the Vietnam War, some 1.5 million of whom actually saw combat in Vietnam.² American involvement in the war began to decline after the Paris Peace Accords were signed on January 27, 1973. The U.S. completed withdrawal of its ground troops from Vietnam on March 30, 1973, but thousands of U.S. support personnel remained in Vietnam. All remaining U.S. personnel were evacuated when Saigon fell on April 30, 1975.³

Military involvement in Vietnam, and the neighboring countries of Laos and Cambodia, resulted in the deaths of 58,220 U.S. service members, 1,952 of whom were from Florida.⁴ An additional 153,303 U.S. service members required hospital care as a result of wounds.⁵ There are approximately 7.5 million surviving veterans of the Vietnam War⁶, with approximately 454,000 residing in Florida.⁷

¹ *The War in Vietnam, 1954-1964*; <http://faculty.smu.edu/dsimon/Change-Viet.html>.

² *Echoes of Combat: The Vietnam War in American Memory*, Stanford University (June 2001).

³ U.S. Congress, President, and Florida Legislature recognize May 7, 1975, as the end of the Vietnam War (for purpose of veteran affairs). Text at: <http://www.gpo.gov/fdsys/pkg/CFR-2005-title45-vol3/pdf/CFR-2005-title45-vol3-sec506-10.pdf>; 14 Fla. Prac., Elder Law § 14:5 (2010-11 ed.).

⁴ <http://thewall-usa.com/summary.asp>.

⁵ Anne Leland; Mari-Jana "M-J" Oboroceanu, *American War and Military Operations: Casualties: Lists and Statistics*, Congressional Research Service, <http://www.fas.org/sgp/crs/natsec/RL32492.pdf> (February 26, 2010); <http://siadapp.dmdc.osd.mil/personnel/CASUALTY/castop.htm>.

⁶ *Statistics at a Glance*, Dep't of Veterans Affairs (as of 8/12/2011) and *America's Wars*, Dep't of Veterans Affairs (May 2010) available at http://www1.va.gov/opa/publications/factsheets/fs_american_wars.pdf.

⁷ *Fast Facts*, Fl. Dep't of Veterans' Affairs, <http://www.floridavets.org/>.

The Vietnam War was a divisive issue in the U.S., and many veterans did not return to the acknowledgment and appreciation of their service traditionally afforded veterans of other military conflicts.

Present Situation

Congressional Action

The National Defense Authorization Act of 2008 authorizes the Secretary of Defense to commemorate the 50th anniversary of the Vietnam War.⁸ In doing so, the Secretary "shall coordinate, support, and facilitate other programs of the Federal Government, State and local governments, and other persons or organizations in the commemoration of the Vietnam War." The commemoration program consists of events and activities, held across the nation and over the course of several years, to thank, honor, and recognize the contributions and sacrifices made by veterans during the Vietnam War.⁹

On March 7, 2011, the U.S. Senate unanimously adopted a resolution that designated March 30, 2011, as "Welcome Home Vietnam Veterans Day."¹⁰ The resolution honors Vietnam veterans who, because of the divisiveness and controversy surrounding the war, were not properly acknowledged or honored upon return. The resolution encourages individual states to establish a "Welcome Home Vietnam Veterans Day" holiday as well.

Commemorative medals

The United States Mint produces a variety of national medals to commemorate significant historical events or sites and to honor those whose superior deeds and achievements have enriched U.S. history or the world.¹¹ Commemorative medals must be authorized by a public law enacted by Congress and signed by the President. Since 1991, thirty-seven commemorative medals have been authorized by public law and minted by the Department of the Treasury.¹² In contrast to commemorative coins, medals are not legal tender.

B. SECTION DIRECTORY: None

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues: None
2. Expenditures: None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues: None
2. Expenditures: None

⁸ National Defense Authorization Act for Fiscal Year 2008, Pub. L. no. 110-181, 598, 122 Stat. 141 (2008).

⁹ http://www.vietnamwar50th.com/assets/1/7/Commemoration_Fact_Sheet_Sept_2010_v2.pdf

¹⁰ S. RES 55, 112th CONGRESS, 1st Session.

¹¹ http://www.usmint.gov/mint_programs/medals/

¹² <http://ccac.gov/legislation>

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR: None

D. FISCAL COMMENTS: None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision: Not Applicable

2. Other: None

B. RULE-MAKING AUTHORITY: Not Applicable

C. DRAFTING ISSUES OR OTHER COMMENTS: The memorial indicates that an estimated 650,000 Vietnam veterans are in Florida. The Florida Department of Veterans' Affairs estimated that 453,657 Vietnam era veterans resided in Florida as of July 2011.¹³ The sponsor of the memorial is expected to offer an amendment to update the statistic to reflect the most recent data.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not Applicable

¹³ <http://www.floridavets.org/information/FlaVetStats/StatsMenu.html>

1 House Memorial

2 A memorial to the Congress of the United States,
 3 urging Congress to propose to the states an amendment
 4 to the Constitution of the United States that requires
 5 the federal budget to be balanced each year.

6
 7 WHEREAS, a balanced budget amendment to the United States
 8 Constitution has been proposed in the United States Congress,
 9 and

10 WHEREAS, the current national debt is over \$14.3 trillion,
 11 a cost of approximately \$46,000 for each man, woman, and child
 12 in the United States, and is growing at an alarming rate, and

13 WHEREAS, for 2011, the Congressional Budget Office projects
 14 that, if current laws remain unchanged, the federal budget will
 15 show a deficit of close to \$1.5 trillion, or a national deficit
 16 equal to nearly 10 percent of the country's entire economic
 17 output, one of the largest shares of entire economic output this
 18 country has experienced since 1945, and

19 WHEREAS, if the White House budget projections come to
 20 pass, the national debt will exceed the current gross domestic
 21 product of the United States by December 2012, and

22 WHEREAS, this spending has created national security
 23 concerns that the total interest expense on the debt due by the
 24 Federal Government for Federal Fiscal Year 2010 alone,
 25 approximately \$414 billion, is almost eight times greater than
 26 the 2010 fiscal year budget of the Department of Homeland
 27 Security of \$55.3 billion, and

28 WHEREAS, equally as concerning, foreign-owned debt

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29 | accounted for approximately 31.5 percent of the total federal
 30 | debt as of May 2011, and foreigners are, therefore, in a unique
 31 | position of authority with respect to the United States, and

32 | WHEREAS, credit agencies have already downgraded the
 33 | nation's AAA credit rating due to the size of its indebtedness
 34 | and these very large federal budget deficits, deficits that
 35 | could potentially further destabilize government finances and
 36 | financial markets, and

37 | WHEREAS, millions of people in this country have made
 38 | difficult choices discerning between wants and needs and have
 39 | taken the responsible steps to curb personal spending in these
 40 | difficult economic times, NOW, THEREFORE,

41 |

42 | Be It Resolved by the Legislature of the State of Florida:

43 |

44 | That the Florida Legislature respectfully petitions the
 45 | Congress of the United States to propose to the states an
 46 | amendment to the United States Constitution that requires the
 47 | federal budget to be balanced each year.


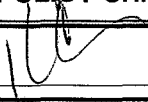
48 | BE IT FURTHER RESOLVED that copies of this memorial be
 49 | dispatched to the President of the United States, to the
 50 | President of the United States Senate, to the Speaker of the
 51 | United States House of Representatives, and to each member of
 52 | the Florida delegation to the United States Congress.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HM 499 Federal Balanced Budget Amendment

SPONSOR(S): Ingram

TIED BILLS: IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Federal Affairs Subcommittee		Bennett 	Camechis 

SUMMARY ANALYSIS

This memorial urges the U.S. Congress to propose a constitutional amendment that requires the federal budget to be balanced each year. The memorial does not, however, specify the exact form the amendment should take or suggest specific provisions that should be included in the amendment.

The memorial will not have a fiscal impact on state or local governments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

This memorial urges the U.S. Congress to propose a constitutional amendment that requires the federal budget to be balanced each year. The memorial does not, however, specify the exact form the amendment should take or suggest specific provisions that should be included in the amendment.

Background

The U.S. Constitution does not require the annual federal budget to be balanced, and the constitutional provision governing federal spending broadly authorizes Congress “[t]o borrow Money on the credit of the United States.”¹ Thus, when the federal government spends more money than it collects in revenues, a budget deficit is created. To pay the expenses that exceed revenue collections, the federal government borrows money and creates federal debt.

Until the 1930s, most federal legislators acted as if there were a constitutional balanced budget requirement and “would have considered it to be immoral to spend more than they were willing to generate.”² After the Great Depression, however, this implied restraint began to fade, prompting the proposal of the first balanced budget amendment (BBA) in 1936.³ In the 1980s, a “radical departure” from historical budgetary practices occurred “as budget deficits accumulated in a period of peace and sustained growth.”⁴

Federal Action

Congress experimented with formal balanced-budget requirements in response to the growing deficit of the 1980s. The most prominent effort was the Gramm-Rudman-Hollings Balanced Budget Act of 1985. The Act set a deficit reduction timeline and made it more difficult for Congress to increase spending deficits. The act ultimately failed in practice due to a lack of enforcement mechanisms.⁵

In 1992, a proposed constitutional amendment requiring Congress and the President to balance the federal budget each year fell short of passage by nine votes.⁶ Similar BBAs were proposed in 1995 and 1997; both failed to pass the Senate by one vote.⁷ The balanced budget issue then stalled as a result of the budget surpluses of the late 1990s. However, because of the recent economic downturn and increased deficit, the number of BAA proposals introduced in Congress has increased.

State Action

In 1983, thirty-two states had passed resolutions requesting a constitutional convention for proposing a balanced budget amendment; two short of the required thirty-four states.⁸ However, after the enactment of the Gramm-Rudman-Hollings Balanced Budget Act of 1985, Florida and Alabama rescinded their applications for a constitutional convention.⁹

¹ U.S. Const. art. I, § 8.

² James M. Buchanan, *Clarifying Confusion About the Balanced Budget Amendment*, 49 Nat'l Tax J. 347, 347-48 (1995).

³ H.J. Res. 579, 74th Cong.; Introduced by Representative Harold Knutson.

⁴ Alberto Alesina, *The Political Economy of the Budget Surplus in the United States*, 14 J. Econ. Persp. 3, at 6 (2000).

⁵ James V. Saturnov, *A Balanced Budget Constitutional Amendment: Background and Congressional Options*, Congressional Research Services (2011).

⁶ H.J. Res. 290; legislative history of all proposed balanced budget amendments can be found at : http://thomas.loc.gov/cgi-bin/cpquery/?&sid=cp1058emTZ&r_n=sr003.105&dbname=cp105&&sel=TOC_7122&

⁷ *Id.*

⁸ Saturnov, *supra* note 6, at 25.

⁹ *See Id.* (Since 1989, ten additional states have rescinded their constitutional convention applications Nevada (1989), Louisiana (1991), Colorado (1992), Oregon (1999), Idaho (2000), Utah, (2001) North Dakota (2001) Wyoming (2001), Arizona (2003) and Georgia (2004)).

The Amendment Process

Article Five of the U.S. Constitution establishes the process to amend the Constitution. The amendment process consists of essentially two steps: 1. an amendment must be proposed and 2. the amendment must be ratified by 38 states.

An amendment may be proposed by two-thirds of both houses of the U.S. Congress or by a national convention. A national convention may be assembled if requested by at least 34 state legislatures. To become part of the Constitution, proposed amendments must be ratified either by approval of at least 38 state legislatures or state ratifying conventions. Congress decides which method of ratification must be used. Any amendment ratified by 38 states becomes a valid part of the constitution.

In order for the Florida Legislature to ratify an amendment, a majority of the members present and voting in each house must vote in favor of a concurrent resolution approving the amendment.¹⁰

Present Situation

On August 24, 2011, the Congressional Budget Office (CBO) issued a report on the status of the federal deficit, stating that:

The United States is facing profound budgetary and economic challenges. At 8.5 percent of gross domestic product (GDP), the \$1.3 trillion budget deficit that the Congressional Budget Office (CBO) projects for 2011 will be the third-largest shortfall in the past 65 years (exceeded only by the deficits of the preceding two years). This year's deficit stems in part from the long shadow cast on the U.S. economy by the financial crisis and the recent recession. . . .¹¹

The recent accumulation of large deficits has resulted in an increase in proposed state and federal legislation to curb such increases.

In 2011, the Florida Senate passed a concurrent resolution urging Congress to call a convention for the purpose of proposing amendments to the U.S. Constitution to achieve and maintain a balanced federal budget. The resolution died in House messages.¹² In 2011, South Dakota, Texas, and Utah passed resolutions urging Congress to pass a BBA.¹³

In Congress, more BBA proposals have been introduced during the first six months of the 112th Congress than in any Congress since the 105th in 1997-1998.¹⁴ As of November 7, 2011, at least thirteen resolutions proposing a BBA are pending in the House of Representatives, while five are pending in the Senate.¹⁵ The proposed BBAs differ significantly on threshold issues such as how each amendments' provisions apply during times of "military conflict," the number of votes required to suspend the mandate, and whether the budget must be balanced during each fiscal year.

B. SECTION DIRECTORY: None.

¹⁰ House Rules 5.10 (a), 10.8, and 13.6.

¹¹ See full report at: http://cbo.gov/ftpdocs/123xx/doc12316/Update_SummaryforWeb.pdf

¹² CS/S.C.R. 4 (2011).

¹³ South Dakota: S.C.R. 9; Texas: H.C.R. 18; Utah: H.C.R. 3.

¹⁴ H.J. Res. 290; legislative history of all proposed balanced budget amendments can be found at: http://thomas.loc.gov/cgi-bin/cpquery/?&sid=cp1058emTZ&r_n=sr003.105&dbname=cp105&&sel=TOC_7122&.

¹⁵ House Joint Resolutions 1, 2, 4, 5, 10, 11, 14, 18, 23, 41, 52, 54, and 56; Senate Joint Resolutions 3, 5, 10, 23, and 24.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues: None.
2. Expenditures: None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues: None.
2. Expenditures: None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR: None.

D. FISCAL COMMENTS: None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision: Not applicable.
2. Other: None.

B. RULE-MAKING AUTHORITY: Not applicable.

C. DRAFTING ISSUES OR OTHER COMMENTS: None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.