

**Statement of Senator Patrick Leahy (D-Vt.),
Ranking Member, Senate Committee on the Judiciary
Hearing on
“Preventing America's Looming Fiscal Crisis: the Need for a
Balanced Budget Amendment to the Constitution”
March 16, 2016**

Today the Judiciary Committee meets to discuss a proposal that would amend the Constitution to add an unwise and unworkable balanced budget requirement. It is beyond ironic that Republican Senators are proposing to amend the U.S. Constitution at precisely the same time they are refusing to fulfill existing constitutional responsibilities.

This morning President Obama carried out his constitutional duty and nominated Chief Judge Merrick Garland to be an Associate Justice on the Supreme Court. Chief Judge Garland is impeccably qualified to serve on the Supreme Court. He is widely admired throughout the legal profession and is one of the most accomplished judges on the federal bench. The Constitution states that Senators are to provide their advice and consent on the president's judicial nominations, but Republicans are refusing to do that—even when presented with a nominee who is undeniably qualified, and who has received praise from across the political spectrum.

It is only by holding a public hearing and a vote that Senators honor their constitutional obligation to advise and consent on judicial nominees. By refusing to hold a hearing and a vote on the President's Supreme Court nominee, Senate Republicans are in undeniable dereliction of their sworn constitutional duty. Chief Judge Garland should be confirmed without controversy.

Instead of following the plain text of the Constitution, Republicans now seek to revise it with S.J. Res 6, a drastic and damaging balanced budget amendment offered by Senator Hatch. Like most Americans, I support efforts to balance our budget. We've done it before. Every year we should work together to pass a bipartisan budget that outlines the government's priorities on retirement and safety net programs that support seniors and children, transportation and infrastructure, law enforcement, and education. The balanced budget amendment being discussed today would do none of those things.

Instead, this proposal could send our country careening towards catastrophe. It ties our hands on the revenue side of the ledger while placing unrealistic mandates on the spending side. It will make it more difficult, if not impossible, for our government to respond to economic and natural disasters, and other crises like the opioid epidemic. It would transform our courts into budget-cutting bodies, a role they are entirely unequipped to play. And, as dozens of experts on both side of the aisle have warned, this proposal could deepen recessions and possibly double our unemployment rate, as well as lead to draconian cuts from Social Security, Medicare, and veterans' benefits.

This hearing should be seen for what it is: an attempt to divert attention away from the fact that Republicans have not moved forward with a Budget Resolution this year. Instead of creating a basic budget to fund the government, Republicans are seeking to enshrine dangerous fiscal

policy into our Constitution. Senators should fulfill their existing constitutional responsibilities before trying to create more.

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