



Written by [Jack Kenny](#) on July 15, 2011

McConnell's 'Backup' plan on Debt Limit Draws Fire From Conservatives

With the national debt currently at roughly \$14.3 trillion, Republican congressional leaders, including McConnell, have been demanding White House support for cuts in entitlement programs, including Social Security, and Medicare, in return for raising the debt limit. They have also insisted there be no tax increases. Obama, meanwhile, has insisted on a budget deal that would include raising revenues by increasing taxes on families with annual incomes of \$250,000 or more (or an individual earning \$200,000) and eliminating provisions in the tax code that allow depreciation allowances for things like oil wells and corporate jets.



McConnell's "last choice option" would authorize the President to raise the debt ceiling in increments totaling \$2.4 trillion, if Obama specifies spending cuts of equal amounts. But Congress would not have to act on the proposed spending cuts before the debt limit is raised. Congress could vote against Obama's debt limit increases, but the President could veto the disapproval and, under the McConnell plan, raise the debt limit without congressional authorization. The necessary two-thirds vote in each house to override a veto would be unlikely, especially in the Senate, where Democrats are in the majority.

The White House appeared to welcome the proposal, without endorsing it as the solution to the debt crisis. "Senator McConnell's proposal today reaffirmed what leaders of both parties have stated clearly, that defaulting on America's past-due bills is not an option," press secretary Jay Carney said in a written statement. "The president continues to believe that our focus must remain on seizing this unique opportunity to come to agreement on significant, balanced deficit reduction." Speaker of the House John Boehner (R-Ohio) also was receptive to the McConnell plan as a last resort. "I think everybody believes there needs to be a backup plan if we are unable to come to an agreement, and frankly I think Mitch has done good work," Boehner said in an interview with Fox News.

But a number of conservatives both within and outside of Congress were critical of a deal that gives the President the power to raise the debt ceiling with no guarantee that Congress will follow through on the spending cuts.

"So far everybody I've talked to has been annoyed by it, mostly the conservatives," said Ron Paul, a 12-term Congressman from Texas and a candidate for 2012 Republican presidential nomination. "I don't think it's going to work," Paul said in an [interview](#) on NewsMax TV. "I do think, however, that somehow or other they will raise the debt limit by making some promises that people will fall into the trap of believing." [Sen. Pat Toomey \(R-Pa.\) conceded](#) that there will be a "partial government shutdown" if the debt limit is not raised by August 2. "But we will not default on our debt. There is enough ongoing revenue in the form of tax revenue to prevent that. And, frankly, if we just raised the debt limit without



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the structural reform, without the real spending cuts we need, then we're inviting a catastrophe down the road."

A stalemate in negotiations between Speaker of the House Newt Gingrich and President Bill Clinton over spending issues and the raising of the debt ceiling led to brief partial shutdowns of the government in 1995 and '96. Gingrich, now running for Republican presidential candidate, put out a Twitter message saying, "McConnell's plan is an irresponsible surrender to big government, big deficits and continued overspending." Conservative activist Brent Bozell urged followers to call McConnell's office to say that he has "betrayed the trust of the American people."

Aside from the fire it has sparked on the right, the McConnell plan raises constitutional issues by granting the President the power to raise the debt limit without congressional approval. In the long list of congressional powers in Article I, Section 8 of the Constitution, the very first item is, "To borrow money on the credit of the United States." No such power is delegated to the President.

By passing on to the President the authority to raise the debt ceiling, Senator McConnell and others in Congress may be looking to insulate themselves from blame for the resulting increase in the national debt and continued growth of federal spending. But the Supreme Court has ruled that Congress may not reassign to the executive powers and responsibilities the Constitution has delegated to the legislative branch. When a Republican Congress passed and President Clinton signed the Line Item Veto Act of 1996, the idea was to give the President power to eliminate from appropriations bills wasteful spending that Congress couldn't or wouldn't cut. The bill thereby gave the President the power to amend and alter rather than veto bills, in effect letting him rewrite legislation. Nor did Congress have the chance to override his decision as it would with a vetoed bill. In a 6-3 ruling finding the act unconstitutional, the Supreme Court held: "Although the Constitution expressly authorizes the President to play a role in the process of enacting statutes, it is silent on the subject of the unilateral presidential action that either repeals or amends parts of duly enacted statutes."

Nor does the Constitution give any sanction to unilateral action by the President to increase the nation's debt. Sen. McConnell and President Obama may both be overlooking that detail in as they focus increasingly on the 2012 elections.

Photo of Sen. McConnell: AP Images



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