The result of the vote was announced as above recorded.

Stated for:

Mr. BECERRA. Mr. Speaker, this morning I was unavoidably detained, and therefore unable to cast my floor vote on rollcall No. 99, on Approving the Journal.

Had I been present for the vote, I would have voted ''yea'' on rollcall vote 99.

MOTION TO INSTRUCT CONFEREES ON H.R. 2646, FARM SECURITY ACT OF 2001

The SPEAKER pro tempore (Mr. OSE). The unfinished business is the question of agreeing to the motion to instruct on H.R. 2646 on which the yeas and nays were ordered.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Michigan (Mr. SMITH).

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 265, nays 158, not voting 11, as follows:

[Roll No. 100]

YEAS—265

Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barr
Barrett
Bartlett
Bass
Becerra
Bereuter
Berkley
Berman
Biggert
Bilirakis
Blagojevich
Blumenauer
Boehlert
Bonior
Bono
Borski
Boswell
Boucher
Brady (PA)
Brown (OH)
Calvert
Cannon
Capito
Capps
Capuano
Cardin
Carson (IN)
Castle
Chabot
Clay
Clayton
Clyburn
Collins
Conyers
Cox
Coyne
Crane
Crowley
Cubin
Culberson
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
Deal
DeFazio
DeGette
DeLauro
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Doyle
Duncan
Ehlers
Ehrlich
Engel
English
Eshoo
Evans
Farr
Fattah
Ferguson
Flake
Ford
Fossella
Frank
Frelinghuysen
Ganske
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Goss
Graham
Green (TX)
Green (WI)
Greenwood
Gutierrez
Hall (OH)
Harman
Hart
Hefley
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Istook
Jackson (IL)
Johnson (CT)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kirk
Kleczka
Kucinich
LaFalce
Langevin
Lantos
Latham
Leach
Lee
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Lofgren
Luther
Lynch
Maloney (CT)
Maloney (NY)
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McInnis
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Ney
Northup
Nussle
Oberstar
Obey
Olver
Owens
Oxley
Pallone
Pascrell
Payne
Pelosi
Peterson (PA)
Petri
Pitts
Platts
Pomeroy
Portman
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Reynolds
Rivers
Roemer
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sawyer
Saxton
Schakowsky
Schiff
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Solis
Spratt
Stark
Stearns
Strickland
Stupak
Sununu
Sweeney
Tancredo
Tauscher
Taylor (MS)
Thune
Tiberi
Tierney
Toomey
Towns
Udall (CO)
Udall (NM)
Upton
Velazquez
Walsh
Wamp
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (FL)

NAYS—158

Abercrombie
Aderholt
Akin
Armey
Baca
Bachus
Baker
Ballenger
Barton
Bentsen
Berry
Bishop
Blunt
Boehner
Bonilla
Boozman
Boyd
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Camp
Cantor
Carson (OK)
Chambliss
Coble
Combest
Condit
Cooksey
Costello
Cramer
Crenshaw
Cunningham
Davis, Jo Ann
Delahunt
DeLay
Dooley
Doolittle
Dreier
Dunn
Edwards
Emerson
Etheridge
Everett
Filner
Fletcher
Foley
Forbes
Frost
Gallegly
Gilchrest
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Grucci
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hill
Hilleary
Hilliard
Hulshof
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kingston
Knollenberg
Kolbe
LaHood
Lampson
Larsen (WA)
Larson (CT)
LaTourette
Lewis (GA)
Lewis (KY)
Lowey
Lucas (KY)
Lucas (OK)
Manzullo
McCrery
McIntyre
McKeon
Mink
Moran (KS)
Myrick
Nethercutt
Norwood
Ortiz
Osborne
Ose
Otter
Pastor
Paul
Pence
Peterson (MN)
Phelps
Pickering
Pombo
Price (NC)
Putnam
Radanovich
Rehberg
Riley
Rodriguez
Rogers (MI)
Ross
Ryun (KS)
Sandlin
Schrock
Scott
Sessions
Shadegg
Shimkus
Shows
Skeen
Skelton
Smith (TX)
Snyder
Souder
Stenholm
Stump
Sullivan
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thurman
Tiahrt
Turner
Visclosky
Vitter
Walden
Watkins (OK)
Watts (OK)
Weller
Whitfield
Wicker
Woolsey

NOT VOTING—11

Clement
Hastings (FL)
Issa
Jones (OH)
Markey
Reyes
Rogers (KY)
Schaffer
Simpson
Traficant
Young (AK)

□ 1105

Mr. TAYLOR of North Carolina, Ms. JACKSON-LEE of Texas, and Ms. BROWN of Florida changed their vote from ''yea'' to ''nay.''

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. ISSA. Mr. Speaker, on rollcall No. 100 I was inadvertently detained. Had I been present, I would have voted ''yea.''

PROVIDING FOR CONSIDERATION OF H.R. 586, FAIRNESS FOR FOSTER CARE FAMILIES ACT OF 2001

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 390 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 390

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 586) to amend the Internal Revenue Code of 1986 to provide that the exclusion from gross income for foster care payments shall also apply to payments by qualified placement agencies, and for other purposes, with the Senate amendment thereto, and to consider in the House without intervention of any point of order a motion offered by the chairman of the Committee on Ways and Means or his designee that the House concur in the Senate amendment with the amendment printed in the report of the Committee on Rules accompanying this resolution. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The previous question shall be considered as ordered on the motion to final adoption without intervening motion or demand for division of the question.

The SPEAKER pro tempore (Mr. SWEENEY). The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, House Resolution 390 provides for a motion offered by the chairman of the Committee on Ways and Means or his designee that the House concur in the Senate amendment with the amendment printed in the report of the Committee on Rules accompanying this resolution.

The rule waives all points of order against consideration of the motion to concur in the Senate amendment with an amendment. It provides one hour of debate in the House, equally divided and controlled by the chairman and ranking member of the Committee on Ways and Means.

Finally, the rule provides that the previous question shall be considered as ordered on the motion to final adoption without intervening motion or demand for division of the question.

Mr. Speaker, upon adoption of this resolution, it shall be in order to take from the Speaker's table the bill, H.R. 586, the Fairness on Foster Care Families Act of 2001. This measure was passed by the House on May 15, 2001 by a vote of 420–0, and would amend the Internal Revenue Code to provide that the exclusion from gross income for foster care payments shall also apply to payments by qualified placement agencies.

The motion to be offered by the chairman of the Committee on Ways and Means would modify H.R. 586 in a number of ways. First, it would make permanent the tax reductions passed by Congress last year by repealing Title IX of H.R. 1836, the Economic Growth Tax Relief Reconciliation Act of 2001, which ''sunsets'' tax relief provisions after 2010. The motion also contains a provision providing further protection for the Social Security and Medicare trust funds.

Finally, the measure assists taxpayers by reforming the penalty and interest sections of the Internal Revenue Code, providing new safeguards against unfair IRS collection procedures, and increasing the confidentiality of taxpayer information.

Mr. Speaker, it is imperative that the House act without delay to pass these important changes in our tax law. The need to make permanent the tax reductions passed last year is particularly acute. If we fail to pass this legislation, Americans will lose tax relief on January 1, 2011. On that date, if we fail to act: New, lower individual tax rates will disappear; the new $1,000 per child tax credit will be cut to $500; significant reductions in the marriage penalty would end; the annual IRA contributions would be cut from $5,000 to $2,000; the death tax would be resurrected; and contribution limits for education IRAs would be cut from $2,000 to $500; and, finally, greater deductibility of student interest loans would end.

Mr. Speaker, the American people have waited far too long for this much-waited relief to have it snatched away because Congress failed to act. Accordingly, I urge my colleagues to support both the rule and the underlying measure.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Washington (Mr. HASTINGS) for yielding me this time. This is a closed rule. It will allow for consideration of the measure to make permanent last year's tax cut. This restrictive rule will not make permanent any amendments. It will also prohibit a motion to recommit which is a long-standing right of the minority.

When Republicans were in the minority, they promised if they ran the House, the minority's right to offer a motion to recommit would be protected. The rule that we are considering makes a mockery of that promise. It is hard to imagine a more restrictive rule, and it is wrong for a measure as expensive, important, and controversial as this bill is.

The bill makes permanent the 10-year tax cut enacted last June. I for one, and many of us, do not understand why the House is rushing to pass this bill. There is no way we can accurately predict how much this legislation will cost a decade from now.

Since we passed the tax cut last year, our Nation suffered of course the terrible terrorist acts on September 11, which shifted our national priorities to homeland defense and the war against terrorism. We do not know the full cost of these important initiatives, but it will become clear over the next few years. It would be prudent to wait and to get more realistic numbers before changing the tax laws again.

During Committee on Rules consideration of the rule, the gentleman from Illinois (Mr. PHELPS) offered an amendment which would allow the tax cuts to be made permanent upon certification by the Congressional Budget Office that the measure would not create a budget deficit in 2011 or 2012. The Republican majority on the committee refused to make the amendment in order.

The procedure that the Republicans used to bring this bill to the floor prevents Democrats from amending the bill or offering a motion to recommit, and only by defeating the previous question can we bring democracy and order back to the budget process.

Mr. Speaker, my constituents are not asking for this bill. In fact, they want us to delay the tax cuts in order to fund the war on terrorism and keep the budget in balance.

This year in my annual congressional questionnaire, I asked, ''Do you favor or oppose delaying already enacted tax cuts in order to fund the war on terrorism?'' A full 55 percent of those who responded said they favored delaying tax cuts.

Mr. Speaker, if the previous question is defeated, I will offer an amendment to this unfair rule that will protect the fiscal integrity of our budget. I urge defeat of the previous question.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, we are doing this today not because of any public opinion poll, not because our constituents have said that we should do this or not do it; we are doing it because it is the right thing to do. If we do not take this action, in 10 years we will see the largest tax increase in our Nation's history inflicted on the American people. That is just plain wrong.

It is very clear that this tax measure which we put into place, Mr. Speaker, has played a role in mitigating the economic downturn that we have suffered since September 11. I believe that it is important for us to let every single investor know, every single American taxpayer know that we are not going to put into place this massive tax increase.

It is just an incredible irony when we listen to the horror stories about how people have said we should live very productively for the next 10 years, but in 2010, before this thing expires, one has to drop dead. I think that the idea behind this whole measure of phasing it out was just plain wrong.

□ 1115

Some of my colleagues have been putting forward ridiculous claims that the idea of phasing it out initiated right here in the House. It did not. It was part of the Byrd rule in the Senate that required that.

So we passed out of the House of Representatives a measure which, in fact, did exactly what we are going to do today right here. We did it with bipartisan support. Democrats and Republicans supported this measure. I happen to believe very strongly in guaranteeing the minority the right to a motion to recommit, and I think it is the right thing to do, and we have guaranteed the minority the right to offer a motion to recommit, and they did it when this bill came forward.

It is not unusual for this procedure of our concurring in a Senate amendment as we are doing here today. In fact, in the 103rd Congress, in 1993, we saw on six occasions our Democratic colleagues do this exact same thing. I am not saying because one side does it that the other should do it. We are not doing this in retaliation at all; we are doing it because this has been a standard procedure. But when people claim that the motion to recommit is not being allowed, you have got to realize that every Member of this House has had a chance in the past to vote on an identical measure that we are going to be voting on today when it comes to the tax portion of this bill. And so it has been debated; and in fact, we gave the gentleman from New York (Mr. RANGEL) not only a motion to recommit but a substitute, so there were two bites at the apple when this measure was considered before. It is the right thing to do. Let us move it through.

We had to try four times to get the economic stimulus package through the United States Senate. Many people have said that the other body will not bring it up. I hope very much that they will, in fact, follow our lead once again and do the right thing.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SWEENEY). The Chair would advise Members to avoid urging the Senate to act.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. PHELPS).

Mr. PHELPS. Mr. Speaker, I thank the gentleman from Ohio for giving me the opportunity to speak on this very important issue.

Mr. Speaker, first and foremost I would like to express my strong concern with making this tax cut permanent. Yesterday, I offered a simple amendment to the Committee on Rules that would protect Social Security by not allowing the repeal of the sunset of the tax cut to borrow from our Social Security surplus. My amendment was simple and straightforward, and it would have helped save our Nation's most crucial program. But it was denied and without debate or question. A vote was not even allowed.

The budget already calls for tapping into the Social Security trust fund to support other government programs every year for the next 10 years to the total of $1.5 trillion. Our Nation cannot afford to make this worse. Making this tax cut permanent will take away $4 trillion from the Social Security and Medicare trust funds. This is $4 trillion that we promised the American people would be kept safe, locked up.

I am very supportive of repeal of these taxes such as the marriage tax penalty and the estate tax, but only if it is within a balanced budget and it does not require raising the debt ceiling and we do not use the Social Security surplus funds. As fiscal policy leaders of this Nation, we must ensure that making tax cuts permanent will not require the use of Social Security surplus funds. However, it is obvious the Republicans do not agree.

It is time that we start being fiscally responsible. We need to look out for Americans by protecting the resources they depend on us to protect. By making this tax cut permanent, we will make our deficit larger by borrowing even more funds from our Social Security trust fund.

Vote ''no'' on the previous question, and then allow my amendment to be presented to save Social Security.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. SESSIONS), a member of the Committee on Rules.

Mr. SESSIONS. Mr. Speaker, today is a classic example of what we have with one party that is for the taxpayer and one party that is for the tax collector. The tax collector in this case is that IRS that gets money after money after money from the American public. But we are telling the story today that we do not think that we cannot afford it and it is expensive because we have already given it to the taxpayer.

Alan Greenspan said lower taxes equals jobs and a stronger economy. That is what we are after. We want jobs for people, and the way you do that is by giving people back their own money.

What does this bill also do? This bill says today, we are going to make sure that the American people, that through the elimination of taxes, 3.9 million low-income Americans will be able to keep that money that we have already given to them. The tax collector, you see what their plan is. They want to raise taxes on 3.9 million low-income families. We think that is wrong.

The tax collectors want to raise taxes for single moms by $770. We believe that the President's plan, the Republican plan, that we cut taxes by $770 for single moms, was the right thing to do. We believe the right thing to do is to give money to people so that they can make their own decisions in life. The bottom line is senior citizens count, too.

This is not an expensive tax cut. This is giving money directly to people who deserve it. The tax collectors' plan, they want to raise taxes. We want to give money back; $920 is what would be taken for every single senior.

This is all about spending and making priority decisions. One side can spend $2 trillion, but when it gets down to seniors and single moms and low-income Americans, they say, Sorry, you come last in line.

The Republican Party believes it is your money and you should keep it.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. Mr. Speaker, I rise in opposition to the bill before us today to make permanent tax cuts before it is clear we can afford them. Today we have the opportunity to vote to fund a new round of tax cuts right out of Social Security. Today we can vote for America to go deeper into debt, to force our children to pay billions in interest, to pay more for their homes and to have less for their schools. Today we can vote to put this country back into deficit and debt and more deficit and more debt. Or we can vote for America's future. We can vote for a balanced budget. We can vote to restore the lockbox to protect Social Security.

When we had a $5.6 trillion surplus, we could afford a substantial tax cut, and I supported the President. War and recession intervened. Now we have no surplus, and we have the added expenses of the war on terrorism. While we did not ask for this war and we certainly did not ask for this recession, we cannot shrink from the consequences. To make cuts permanent when it is not clear that we can afford them is simply irresponsible.

Imagine this: at the very same time that the House GOP is asking for a half a trillion dollars in additional tax cuts, the White House is asking to raise the debt limit by $750 billion. What does that mean? That means that we are asking to borrow the money to fund the tax cut. It cannot be simpler than that. We are asking to fund a massive increase in the tax cut out of our Social Security.

I do not know about you, but I would have a hard time looking my parents in the face and telling them that I would like to fund additional cuts for me out of their retirement. And I would have a hard time telling my children that I was prepared to raise the cost of their homes and their education to raise the debt over their heads to fund something now that we cannot afford.

I hope the circumstances change; but right now we should restore a balanced budget, and we should restore fiscal responsibility. I urge a ''no'' vote on this measure.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in strong support of both the rule and the underlying legislation.

Make no mistake about it, this is an issue on which there should not be a disagreement. John F. Kennedy said a rising tide lifts all ships. With that, he cut tax rates. The result was not less income to the Federal Government but more. Ronald Reagan took the same premise. He lowered tax rates and revenues went up.

We are being presented today with a false pretext, a pretext that the only way to increase government revenue is to increase government tax rates, and that is simply wrong. But look at the devastation that that position will cause. If Congress fails to make the Bush tax cut permanent, it will result in the single largest tax increase in American history. That simply makes no sense.

But what is puzzling here is that the American taxpayers do not even understand why we are doing this. Why we are doing this is because there is a bizarre rule in the other body called the Byrd rule; and under the Byrd rule it said that when you make tax policy and it goes beyond 10 years, you must have 60 votes. Sadly, there were only 58 votes, of course, a solid majority for these tax cuts; but we were stuck with the bizarre system where all of these tax relief provisions will go out of existence if we do not act now.

Which one do they oppose? Do they think we should reinstate the marriage penalty and punish Americans who are married? Do they believe that we should repeal the increase in the tax credit and punish parents with small children? I do not think so. Are they opposed to the repeal of the death tax and do they support it being fully reinstated? Because that is what opposing this rule and that is what opposing this bill will do.

But what about savings in America? In this legislation, IRA contribution limits were increased. They would be reduced by 60 percent if we do not act today to make them permanent.

Education IRAs. How many kids are in school today because we increase the ability for education IRAs? Who will be hurt if we do not make this tax cut permanent? Every American will be

hurt. I urge my colleagues to support this rule and support this important piece of legislation.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the very distinguished gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. I thank the gentleman for yielding me this time and tell him how much we all will miss him when he leaves the House in the near future.

Mr. Speaker, the votes before us are a test of whether this Congress will force future generations to shoulder trillions of dollars of new debt incurred by current policy choices. It is a test of whether our grandchildren will have to respond to problems and issues this Congress and administration would rather postpone than try to solve. Amongst them, the solvency of Social Security.

There are, of course, alternatives. One is requiring this Congress and the President to fashion a wartime budget, a wartime budget based on a thorough assessment of our Nation's vulnerabilities and the strategy for addressing them; a wartime budget that ensures that our Armed Forces have all the resources needed to fight the long war against terrorism; a wartime budget that prioritizes every other government program, every other decision about spending and taxing.

Rather than legislate by ideology, we need a wartime budget that ensures our economy remains strong after we win the war against terrorism. Rather than incur trillions of dollars of new debt, we need a wartime budget that sets out the tough, but right, choices. Rather than use the Social Security surplus to fund our current government spending, we need a wartime budget that guarantees the promises we have made to Social Security recipients.

Fiscal responsibility is as critical to homeland defense as are the tools we provide to first responders. A wartime budget can achieve fiscal responsibility.

Defeat the rule. Enact a fiscally responsible wartime budget.

The SPEAKER pro tempore. Without objection, the gentlewoman from New York (Ms. SLAUGHTER) will now control the time for the gentleman from Ohio (Mr. HALL).

There was no objection.

□ 1130

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 30 seconds to the gentleman from Missouri (Mr. HULSHOF), the author of the bill,

Mr. HULSHOF. What I want to do, Mr. Speaker, is kind of set the record straight. There have been a couple of comments made by the other side, the gentleman from Illinois, that said somehow what we are doing today is going to cost $4 trillion. Let me just advise the Members of the House there is actually no budget number from the Congressional Budget Office or the Joint Tax Committee or any official scorekeeper that says any such thing.

Secondly, the other side says we are taking this money out of Social Security. That also is not true. We are talking about budget implications in the fiscal years 2011 and 2012 when we are going to be running surpluses. The numbers, Mr. Speaker, are that over the next 10 years, permanence would cost $374 billion. At the same time, we are projected to have a surplus of $2.3 trillion.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. Mr. Speaker, I appreciate the opportunity to speak on this rule, and I want to point out that I am an individual who voted for the tax cut last year. It encompassed a number of measures which I personally felt were important, including elimination of the estate tax and elimination of the marriage penalty.

The bottom line is, times have changed in terms of what we know about the future. If anything we have learned in the last year, it is that things change, and my concern is one certainty we do know is that baby boomers are going to retire and our Social Security system, which is supposed to be overcollecting right now in anticipation of that, that we are spending that Social Security surplus.

So the question I raise is why are we looking at this now? This is something we are talking about 8 years down the line, and we are hearing comments today like this is the only shot we got, and if we do not do it now, then all these tax implications are going to expire. I do not think that is true. I think we are elected to be responsible and make good decisions.

There is concern about long-term planning. People need to understand what is in the tax cut. I will tell you one where I can accept that, and that is in terms of the estate tax. I understand that there is planning now for estate planning for the future, and if we were voting on that measure alone, that is something I would give serious consideration to.

But we are not doing that. Everything has been bundled together for something 8 years away, and I reject the notion that we need to be looking at that right now. In fact, in the face of the uncertainty we face, I think it is irresponsible to make that decision today.

I sure would like to come up with policies that reduce the long-term tax burden for this country, but one thing that is not going to reduce the long-term tax burden for this country is if we incur more debt and we have more interest we have to pay.

When I look at the next generation, when I look at my own 3-year-old son, we are going to be imposing an additional tax burden on him by the debt that we run up by decisions we make here in this Congress.

So I call on people to take a step back from the rhetoric and let us do the responsible thing. As I say, if you want to bring up an estate tax issue, maybe that is one where the long-term planning implications make sense. But, in general, doing something today for 8 years from now, with all the uncertainties we face in the world, to me does not make sense, so I encourage people to oppose the previous question.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from South Carolina (Mr. BROWN).

Mr. BROWN of South Carolina. Mr. Speaker, we worked hard last year to provide real and meaningful tax relief to the American people, and I am glad to say that we succeeded in creating a package that was a true benefit to all who pay Federal income taxes. For too long the government has taken too much money from the pockets of the American people, and our President and Congress decided it was time to give some money back.

This tax relief sunset was a major flaw in what was an otherwise great initiative. If Congress does not remedy this, families will go back to bed on December 31, 2010, only to wake up the next morning to the largest tax increase in the history of our country. Low income taxpayers will see a 50 percent tax increase. Families will once again be subject to the marriage penalty and will see the child tax credit cut in half. The death tax will once again rob children of family owned and operated farms and businesses.

By passing this bill we can do what we meant to do all along, provide permanent tax relief to the American people. If any on the other side of the aisle believe it is right, either economically or morally, to increase taxes in order to put the people's money back into the coffers of the government, then they have every right to vote against this legislation and against this rule. I, for one, think it is important for Americans to see where their representatives stand on this issue, to see which side we are on, putting money in the pockets of the people, or the coffers of the government.

Again, I support the rule, and hope others will as well.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. TANNER).

Mr. TANNER. Mr. Speaker, I would ask that every young person under the age of 35 years old in this country listen to what I have to say. We are almost $6 trillion in debt as a Nation, as a people, we owe. That is 16 percent of the money that comes here every year. That means we have a 16 percent mortgage on this country.

The President has submitted a request to the Congress for authority to borrow another three-quarters of a trillion dollars. That is another $750 billion. The administration has submitted a budget that is not balanced for the next 10 years.

If there ever was a recipe for financial disaster, if there ever was a generational mugging going on in this

Congress because we will not cut spending or raise the money that we need to finance the war and other things that we want today, then let me just say to all of you young people, under these policies, you are going to be overtaxed the rest of your lives because you are going to have to pay 16 or 18 percent interest before you ever get to what you need in your day when it comes.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 15 seconds to the gentleman from Wisconsin (Mr. RYAN), a cosponsor of the bill.

Mr. RYAN of Wisconsin. Mr. Speaker, I see my friend from Tennessee. I am under 35 and I am not interested in seeing my generation get hit with the single largest tax increase in American history in the year 2011 if this bill does not pass.

The score of this bill assumes that you are going to have a huge tax increase and if we do not have that huge tax increase, it is going to cost the government money.

All we are proposing is to keep taxes constant, level. Not cutting them, keeping them level. You are saying we want a big tax increase and if we do not get it, it is going to cost us money somehow.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Indiana (Mr. PENCE).

(Mr. PENCE asked and was given permission to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, I thank the gentleman for yielding me time and rise in support of the rule.

Mr. Speaker and in support of the underlying bill, the tax relief guarantee act.

Mr. Speaker, we all realized, many on both sides of the aisle last year, that it was simply morally wrong to tax married couples more than unmarried couples living together in America.

Mr. Speaker, we realized it was morally wrong to tax small business owners and family farmers over 50 percent of everything they had earned and kept after paying taxes all of their lives, just because of their deaths. And last year Congress repealed, with much support on the Democrat side of the aisle, the marriage penalty and repealed estate taxes. But because of an arcane rule in the Senate, these taxes will be thrust back into the pockets of American taxpayers in the year 2011.

Just as it was morally wrong to have these taxes on the books, I offer to you it is morally wrong, Mr. Speaker, to bait and switch the American people. So many of my constituents have thanked me on the street for ending death taxes, thanked me for ending the onerous marriage penalty, and I have to stop them and say, well, almost. Because in Congress-speak, while we got all the publicity, all of us, for doing just that, the reality is we did less than that, and today we try to make that right.

If we do not pass the Tax Relief Guarantee Act, we will have the largest single year tax increase in American history in the year 2011, and it will most hit low income Americans and married couples. Low income Americans will see their tax rate rise from 10 percent to 15 percent. That is a 50 percent tax increase on those least able to pay. Three million American families now off the tax rolls will be thrust back on the tax rolls, and married couples with children, like me, will suddenly find their tax burden rising by thousands of dollars.

Mr. Speaker, those who say we cannot afford to pass this bill today, we cannot afford not to.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from Arkansas (Mr. ROSS).

Mr. ROSS. Mr. Speaker, let me begin by saying this is not a partisan issue for me. I was one of 28 Democrats to stand with our President and vote for the largest tax cut in some 20 years. This tax cut does not sunset for 10 years. We all knew that when we voted for it and when we supported it. This is a vote that should happen, in 10 years, and it is a vote that I hope I can cast to repeal the sunset in 10 years. But not now. Not now, unless we can demonstrate without a shadow of a doubt that the money will not come from raiding the Social Security trust fund.

America is in a crisis. We are setting up a train wreck for our kids and our grandkids. $5.9 trillion in debt. What does that mean to the American people? $1 billion every single day this country pays, using your tax money in interest. Not principal, but just interest on the national debt. How much is $1 billion? That is 200 brand new elementary schools every single day in America. That is new highways. That is more economic opportunities for our people. And now for next year we are proposing to deficit spend for the first time since 1997 $50 billion, all of this coming from the Social Security trust fund.

We all know, everyone agrees that Social Security is broke in 2041. That is assuming that we find a way to pay back the $1 trillion that we have already borrowed from the Social Security trust fund, which we all know there is no provision on how that money gets paid back.

Do not repeal the sunset now. Let us make certain that we can save Social Security and Medicare and not dip into it.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, I want to emphasize what is being said here, and I suspect we will hear it over and over and over, regarding Social Security. But the fact of the matter is, this bill will not affect any benefits paid out now or in the future to any recipient of Social Security. That needs to be emphasized over and over and over.

Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Nebraska (Mr. OSBORNE)

Mr. OSBORNE. Mr. Speaker, I rise in support of H.R. 586, the Tax Relief Guarantee Act of 2002, and in support of the rule.

I know there are divided views on whether the tax cut was good for the economy or not. Alan Greenspan says it was a good thing, and I guess I tend to agree with him.

I would like to pay special attention to the permanent repeal of the death tax. Currently a farmer or small businessman needs three estate plans: First of all, if he dies before 2010, he has to be able to take advantage of the partial exemption; if he dies in 2010, he has a total repeal of the death tax; if he dies after 2010, then he has no death tax exemption and he has to pay the full death tax.

This may sound a little bit extreme, but this is what is going on today. Can you imagine dropping dead while you are watching the football games on January 1, 2011, and your family will not come to the funeral the next day because you died one day too late? That is real pressure to die on time in 2010, and that is basically what we have to do.

So what I would like to point out is that, as has been pointed out in previous debate, the death tax is the most unfair tax. The estate has already been taxed by income, Social Security, property and sales taxes. Then over half of what is left goes to pay taxes. Heirs usually have to sell the farm or business after estate taxes. There are not enough assets left to operate. Money leaves the communities, and this is devastating to small towns.

The death tax repeal needs to be made permanent and it needs to be made permanent now, because plans are being made to transfer businesses and farms, and I think this is the time to do it.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. MOORE).

Mr. MOORE. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I voted for the tax cut last year. This is not a partisan issue for me. Last year, there were surpluses. This year, the surpluses are gone. But this legislation would increase the debt of our Nation by over $4 trillion in the next decade. That is $4 trillion we will have to borrow, borrow from Social Security. That is $4 trillion right when we need it, when the baby-boomers begin to retire. That is a $4 trillion debt that we will have to pass on to our kids and grandkids. That is not fair. That is not fiscally responsible.

And it gets worse. Three times in the last year the Secretary of Treasury has written Congress warning us that unless Congress acted to raise the debt limit, we would place our country in a situation of default on current debt obligations.

□ 1145

Congress has not acted; and 2 weeks ago, the Secretary of the Treasury

began to borrow money from Federal retirees' pension funds in order to keep our government solvent.

The President has requested a $27 billion defense supplemental to continue our war on terrorism. That is $27 billion we are going to have to borrow, and we will do it. So at a time when we are borrowing money to pay for the war on terrorism, when we are shifting retiree pension funds to maintain current services, and when we know in 10 years the baby boomers will begin to retire, we are wanting to cut taxes. We are wanting to cut taxes starting in 8 years. That is not only fiscally irresponsible, because we do not know what is going to be happening to the economy in 8 years, it is hypocritical; and it did not have to be this way.

Last year I voted for the President's tax cut. We had assurances from the President, and I believed it too, that we had these surpluses that would go on and we would be able to afford the tax cut. I am not apologizing for voting for the tax cut, but we should not take this irresponsible action. If we do, it is going to cost our kids $4 trillion in the future.

The budget, the projected budget surpluses simply did not materialize. We need to reevaluate our position now, just like any responsible business would do.

Mr. Speaker, I ask the Members to vote against this proposal.

Mr. Speaker, I rise to oppose the rule to H.R. 586. This bill is bring brought to the floor under an abusive procedure that prevents the consideration of any amendments and even a motion to recommit.

This rule limits full and fair debate on proposed legislation that would have the effect of increasing the deficit by over $4 trillion in the next two decades. That's $4 trillion that we will have to ''borrow'' from the Social Security trust funds. That's $4 trillion that we will need at precisely the time the baby boom generation will be retiring. That's a $4 trillion debt we will pass on to our children and grandchildren.

Mr. Speaker, that's not fair; that's not fiscally responsible. And, it gets worse.

Three times in the last year, the Secretary of the Treasury has written Congress warning us of a ticking time bomb in our budget. He warned that, unless Congress acted to raise the debt limit—that is if Congress does not increase the government's authority to borrow money—we would place our country in the unprecedented position of defaulting on current debt obligations.

To date, Congress has not acted; and, 2 weeks ago, the Treasury Secretary began to ''borrow'' retirees' pension funds in order to keep the government open and to prevent a Federal default.

Moreover, this Congress has pending a $27 billion defense supplemental to allow us to continue our campaign against terrorism. That is $27 billion we did not anticipate; that is $27 billion we will have to borrow. So, at a time when we're borrowing money to pay for the war on terror, when we're shifting retiree pension funds to maintain current services, and when we know we'll have, in ten years, an enormous obligation as baby boomers begin to retire and draw Social Security—we're cutting taxes?

Mr. Speaker, that's not only fiscally irresponsible, it's hypocritical. And it didn't have to be this way.

Last year, I voted for the President's tax cut with his assurance that we would have the money to pay for it without dipping into the Social Security surpluses. Like you, I believe that we should fix provisions of last year's tax cut to increase certainty in the tax code that will help people plan for their financial future. Unfortunately, the budget surpluses projected last year did not materialize and we are now in a situation where we must reevaluate our fiscal decisions in order to get us out of the deficit ditch.

Yesterday, our fiscally conservative coalition took to the Rules Committee a proposal to amend this bill to provide for this permanent extension without using the Social Security surpluses and to restore fiscal integrity to the Federal Government. This amendment was rejected on a vote of 6–3.

Today, I urge my colleagues to defeat this rule to allow the House to consider our amendment that will help ensure we get out of the deficit ditch, out of the Social Security surplus and back on the road to fiscal responsibility.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 15 seconds to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Speaker, I just want to clarify two errors from the last speaker. First of all, in 8 years we are not talking about cutting taxes. In 8 years we are talking about keeping them constant and not raising taxes. The $4 trillion figure that has been mentioned repeatedly is a nonexistent figure. It is a bogus figure. It is not supported by CBO or by the Joint Tax. It is a dreamed-up Washington math figure, and it should be disregarded by those who are watching this debate.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, it is funny how politics changes very little over the years. More than 30 years ago, Ronald Reagan, in a speech for Barry Goldwater, what I consider the best speech ever given said, ''This is the issue of this election: whether we believe in our capacity for self government, or whether we abandon the American revolution and confess that a little intellectual elite in a far distant capital can plan our lives for us better than we can plan them ourselves.''

I guess I am now part of that little intellectual elite in Washington, but I can tell my colleagues that I have had no epiphany or no revelation over the past 2 years that tells me how to spend people's money better than they can spend it themselves. That is why I and all of my Republican colleagues and 28 of our Democrat colleagues supported the legislation last year to cut taxes. Now it is incumbent on us to make it permanent.

If we truly believe that Americans can spend their money better than we can spend it for them, then we will support this measure to make the tax cuts permanent.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, common sense tells us if you want to get out of a hole, you do not dig it deeper. Well, our Nation is in a deep fiscal hole; and this fiscally irresponsible bill would dig that hole much, much deeper.

These are the facts. Our present national debt is right at $6 trillion. Interest on that debt last year alone costs the American taxpayers $360 billion. Last year's dreams of huge surpluses have disappeared. That is a fact. Instead, the reality is we will have a $100 billion deficit this year. And the administration is presently asking us in Congress to immediately raise our national debt ceiling by $700 billion.

Yet, despite all of those facts, we are debating today a proposal that would cut taxes by $374 billion more in this decade and, yes, by $4 trillion more in the next decade. The hole is getting deeper, Mr. Speaker; and sadly, it will be our children and our grandchildren who will be trapped in it for their entire lives, paying massive amounts of taxes just to pay the interest on the debt.

Our generation has no right, whether we are in an election year or not, to put that kind of unfair burden upon our children and future generations of Americans. Increasingly, the national debt harms our present economy by driving up interest rates on homes, cars, credit, and family businesses and farms.

Mr. Speaker, I want to say this: if a Member wants to take credit back home this week for cutting taxes $4 trillion in this bill, then I hope he or she would be honest enough to tell his or her constituents just where you want to cut that $4 trillion. You want to cut it out of defense, Medicare, Social Security, Medicaid, interest on the national debt, which are increasing. Those five programs represent 70 percent of the budget.

I am an appropriator. It will be interesting to look at how many Members who want to take credit for this tax cut today have letters sitting over at the Committee on Appropriations at this very moment. The fact is there are thousands of them asking for hundreds of billions of increased spending.

This is an unfair rule and a bad bill. We should defeat both.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. BRADY), a member of the Committee on Ways and Means.

Mr. BRADY of Texas. Mr. Speaker, let me tell my colleagues where I would start cutting waste and spending. The American government spends $5 billion a year helping salmon swim upstream each year. That is enough to put each fish on a first-class flight

from the mouth of the river to the top and still save money. That is where I would start cutting. By the way, we also give a grant to a group to teach them how to catch those fish once they are grown. That is where I would start.

The fact is, higher taxes do not balance the budget. A stronger economy balances the budget in Washington, D.C. Making permanent the President's tax relief is an issue of jobs.

Economists tell us that the President's tax relief has already created 800,000 new jobs just in the time it has been in place. It has helped soften the recession. It is the anti-recession formula. But we can grow the economy even faster, create more jobs, build this revenue here, if we will grow and strengthen where we can count on this relief in the future. Most importantly, getting the economy moving now is the key to balancing our Federal budget, to paying down our debt, to preserving Social Security and Medicare.

As my colleagues know, we are here because of a Senate rule that will eliminate the tax relief that we are counting on; and it is funny how the Senate has few rules when it comes to spending our money, but quite a few when it comes to sending it back. The fact is, making permanent this tax relief will help a family of four, two teachers raising their children, avoid a tax hike of $2,000; a $2,000 tax hike.

To grow our economy, to preserve Social Security, to pay down the debt, Americans need tax relief we can count on, not a tax hike we can count on.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. TURNER).

Mr. TURNER. Mr. Speaker, I think it is clear that everybody in this House would like to see tax cuts continued past 2010. The issue is not whether we are for tax cuts; the issue is whether or not we are willing to use the Social Security trust fund money to pay for those tax cuts.

I voted for the President's tax cut last June, and I would be glad to extend that tax cut; and I hope we have the opportunity to do it sometime between now and 2010. But when we have gone from projections of $5.5 trillion in surplus down to where we no longer have any surplus and we are projecting deficits, it seems fiscally irresponsible to propose today to extend that tax cut.

I am confident we will be able to extend much of it, but fiscal conservatives will support a balanced budget first. Fiscal conservatives will oppose deficit spending, and fiscal conservatives will oppose spending the Social Security trust fund money to pay for future tax cuts.

There is no business in America that will use its retirement fund to give dividends to stockholders, and if they did, they would go to jail. So I am confident that today the right thing to do is to oppose the previous question, oppose this rule, and let us have the opportunity to adopt the Blue Dog amendment to encourage and promote fiscal responsibility.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 30 seconds to the gentleman from Missouri (Mr. HULSHOF).

Mr. HULSHOF. Mr. Speaker, again, I am compelled to respond to the gentleman from Texas, my friend, who just spoke. The fact is, and again I respect those that bring the green eye shade approach here, keeping in mind, of course, that the Congressional Budget Office and Joint Tax do not take into account the economic benefits that are going to happen from small businesses being able to invest. But even assuming the numbers, we have on-budget surpluses; in the most recent numbers, on-budget surpluses in the year that this permanent tax cut kicks in.

If we really want to talk about numbers, the fact is that if we do nothing, nearly 4 million people that are now off the tax rolls are going to be put back on them, and 3 million of those are families with kids. So I would urge that we vote in favor of this measure.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from Mississippi (Mr. SHOWS).

Mr. SHOWS. Mr. Speaker, this is an issue that is not a partisan issue for me, it is very bipartisan, because we just do not think it is the right thing to do. I supported the President's tax cuts when he brought them up and the Speaker and the leadership in the House, because I thought they were the right thing to do, and I still think they were the right thing to do. But they were just to go for 10 years, and then we were to reevaluate and then extend if the economy was doing right.

Even the Republican budget, fiscal year 2003, phased out these tax cuts. They knew the cuts would create a horrible, looming deficit. They knew these tax cuts would dramatically cut into Social Security, Medicare, military retirees, veterans' benefits, and public education. When the timing is right and the Nation does not have such pressing wartime needs or the deficits or taking care of Social Security, that is the time to institute the tax cuts, again extending it past the 10 years.

We cannot deny America's families and seniors what they were promised. The best way to give the American taxpayer back the money they deserve is to keep Social Security, keep Medicare solvent, and lower the cost of prescription drugs, and bring our jobs back from Mexico.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. Mr. Speaker, I rise in strong opposition to the previous question and urge the defeat of this measure.

I am one who believes that nonsunsetting tax cuts are, in fact, appropriate. I do not think they should sunset; I think they should be made permanent. But I think they need to be made permanent at a level that we can afford.

The sunset provision of existing law, I think, is flawed. It disallows Americans from planning, both for personal reasons and for business reasons. But the truth is, the existing tax policy should have been made at a level we can afford, a level that does not jeopardize Social Security, Medicare, homeland security, and the other priorities that are important to our Nation.

Unfortunately, we have seen the cost of this tax cut is increasing our debt and puts programs such as Social Security and Medicare in trouble. We pay $1 billion per day just on the interest on our national debt, and if we remove this sunset, it is just going to exacerbate the problem.

It is time that we have honest debate on tax policy, debt reduction, and fiscal policy. That is what we should be doing now, not engaging in political debate, and I would urge defeat of this measure.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. RANGEL), the ranking member of the Committee on Ways and Means.

(Mr. RANGEL asked and was given permission to revise and extend his remarks.)

Mr. RANGEL. Mr. Speaker, I rise to oppose this rule. I went before the Committee on Rules yesterday, and I asked my Republican colleagues to consider just a little fairness in presenting this extremely important piece of legislation to the floor. But they refused to allow Democrats to amend it; they refused to allow us time to debate it; they refused to allow us even the opportunity to send it back to committee with certain instructions.

They do this because they know that our great Nation, our great Republic, even though we are at war today, is actually supporting the government not on regular tax dollars, but on the tax dollars that are being paid by people for their Social Security benefits. We are saying that maybe the President did not know at the time that he had the tax cuts that we would have war or the impact of the recession; but we as legislators, we cannot foresee what is going to happen in the far distant future. This bill before us will be cutting taxes for the next couple of decades at the very time that 40 million Americans will become eligible for their Social Security benefits.

□ 1200

Do we want to take a gamble that we will not have the money there, that the Social Security trust funds just will not be there as they have been for us? Do we want to take a gamble that for those 40 million Americans that become eligible for Medicare and health care as they become older, that the money will not be there?

What is the rush in doing this during the limited time that Mr. Bush is going

to be President? Why can we not do this, yes, with the green shades on, and look after the American future the same way we look after our businesses, and being able to say that when the time comes, we will take a look at the economy?

All we wanted to do is say, yes, make the tax cuts permanent, but make it contingent that it does not do violence to the Social Security trust fund. What are they so afraid of, that these things have to be rammed down America's throat, rammed down the Congress, and not even give us a chance to amend and express our views?

If Members think it is so good, why is it that they do not give us time as Americans, not as Democrats, not as Republicans, but as Members of the House of Representatives, to do this? We did not have time even to amend it in the committee of jurisdiction, the tax-writing committee.

We are dealing with close to $5 trillion of revenue shortfalls. We are not dealing with just trying to spend the people's money, we are trying to make certain that the trust fund is there. These funds are entrusted to us. We are the board of trustees. We guarantee that the people are entitled to have their Social Security benefits, and they are taking away that right from the Congress, from the Democrats, and from the American people.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, I want to emphasize once again when we have this discussion on Social Security that the benefits now will not be harmed at all by passage of this bill and signing it into law, and benefits in the future will not be harmed when this bill is signed into law by the President.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. THOMAS), chairman of the Committee on Ways and Means.

(Mr. THOMAS asked and was given permission to revise and extend his remarks.)

Mr. THOMAS. Mr. Speaker, perhaps there is someone who is wondering how such extreme opposite statements could be made and both be true. I invite them to take a look at a section of the Constitution which is called the ''speech and debate clause.'' There, any Member of Congress is protected from any of the normal libel, slander, or other penalties for not speaking the truth.

That is why, in the context of debate on the floor, we can have such wild and exaggerated statements which have no basis in fact and are not true, not only spoken but repeated by Member after Member.

What we just heard from the gentleman from Washington and what we might like to know is that in this legislation it says, ''The Social Security and Medicare trust fund shall be held harmless.'' Not one penny will come out of the trust fund.

In addition to that, if Members are looking for fundamental debate between the parties, I think they have seen it. What they are using are scare tactics about Social Security and Medicare to make sure that the people do not get some of their hard-earned dollars back. What they are saying is they know better than the people, and what they say is when the time is right, they may let people have it back. It is kind of like when we go to a bank, and if we do not need the loan, we get one.

How are we going to grow the economy, have these people make the decisions about economic and industrial questions, or Americans? Republicans believe the way we grow the pie, the way we provide more over this decade and the next, is to get more of Americans' money in their hands and let them make the decisions. It has worked for 200 years.

They are concerned that it will work and that more people will understand the concepts and ideas of opportunity and power. Allow us to continue to grow as a country.

About the fact that we need opposite debate or bills or amendments, this is pretty simple: The tax cut is either going to be permanent or it is not. We are going to hear a lot of rhetoric. That is the basic question: Do we want it to be permanent, or not? It is pretty simple.

We have a board behind us. We have voting boxes. They vote yes or they vote no. This is not a complicated issue. Either people get their money back guaranteed over time so the country can grow, or they listen to them.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, I am glad to follow the chairman of the Committee on Ways and Means, because I guess since this week was April 15, my colleagues have to show again that they are against tax increases. We voted for one last year. Now let us show we are against them, and we are going to vote against one 8 years from now. It just does not make sense.

Last year, when Congress passed the tax cut, a lot of us voiced concerns that we were cutting and not leaving enough room for emergencies. Well, in the post-September 11 environment, that argument has even more weight now.

It is more important, with the war on terrorism, it is critical that we realize our defense responsibilities. We must continue to pay for the important domestic responsibilities we have, education, prescription drugs for seniors, and not go deeper into deficit spending.

All people ask is that the Federal Government live like our families. If our families have to pay for the security of their home, for their prescriptions for their parents, for the education of their children, why would they go to their employer and say, we need a tax cut; we need a pay cut 8 years from now?

It does not make economic sense, it only makes political sense during this week. I am just amazed that my Republican colleagues would try and pull this over the eyes of Americans.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 15 seconds to the gentleman from Wisconsin (Mr. RYAN)

Mr. RYAN of Wisconsin. Mr. Speaker, I just wanted to quickly respond to the last speaker about tax cuts being the source of the loss of the surplus this past year.

That is simply not the case. Seventy-three percent of the loss of the surplus this past year came because our economy went into a recession. People lost their jobs and they did not pay taxes, and the surplus dried up because we went into recession. These tax cuts will grow the economy and get us back on track and grow those surpluses.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. HILL).

(Mr. HILL asked and was given permission to revise and extend his remarks.)

Mr. HILL. Mr. Speaker, the country's current budget situation is like the proverbial elephant in the living room. He is there and he is larger than life, but very few if any of our colleagues on the other side of the aisle will acknowledge him.

Several of my colleagues and I have been over the last several months trying to alert everyone to the elephant's presence. Rest assured that we are going to continue to come down to this House floor and point him out until everybody acknowledges him.

This elephant, unfortunately, comes with his own set of numbers. In one year, the projected 10-year surplus decreased $4 trillion. That is the truth. That is a fact.

The Federal Government will run a deficit, both this year and next. That is the truth. That is a fact.

Because of these deficits, the Federal Government will have to borrow money to pay its bills. That is the truth. That is the fact.

To pay for these bills, the Federal Government will borrow almost $2 trillion more this decade than was expected when CBO published its numbers in January, 2001. That is the truth. That is the fact.

All told, by the time the interest payments are added in, the national debt will be almost $3 trillion larger than earlier projected when the 10-year budget window closes. That is the truth. That is the fact.

And to top it all off, Social Security surplus dollars will be used to help balance the budget through the end of this decade. That is the truth. That is the fact. This is our problem. This is the elephant. Our fiscal house is not in order.

For those who are listening, it is probably very hard to determine what is the truth and what is the fact, so we

offered an amendment that was rejected by the Committee on Rules: We will agree to the tax cuts, but let us do a study by CBO to in fact determine once and for sure what the truth and the facts are. Are we dipping into Social Security? Are we not managing our house in a fiscally responsible way?

This idea was rejected. I am sorry that it was.

Mr. HASTINGS of Washington. Mr. Speaker I yield 15 seconds to the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Speaker, the truth and facts are that when one is laid off, they do not pay into Social Security. If they do not have a job, they do not pay to preserve Medicare. If there is no means of income, they are not helping balancing this budget, they are not paying for the war, they are not paying down our debts.

The economy strengthens our government and strengthens all these programs. That is what this bill is all about.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from Iowa (Mr. NUSSLE), chairman of the Committee on the Budget.

(Mr. NUSSLE asked and was given permission to revise and extend his remarks.)

Mr. NUSSLE. Mr. Speaker, that is the truth? Those are the facts? Okay, let us say it is the truth. Let us say it is the facts. Where is their plan? We have been asking for their plan for now going on over 6 months. Where is their plan?

Where is their plan on terrorism? Where is their plan on defending this Nation? Where is their plan on special education? Where is their plan on prescription drugs? Where is their plan on Medicare? Where is their plan on Social Security? Where, where, where in the name of God is their budget?

They do not have a budget; the Senate does not have a budget. The only plan for the American people to look at is the plan that was passed here in the House of Representatives by the President of the United States and the House Republicans. Why is that? Because they are devoid of ideas, they are unable to act, and they are unwilling to lead; therefore, we must.

Now, this is a new phenomenon. The great Democratic Party that led us many times in our history is disappointing America with absolutely not one scintilla of an idea. So what do we have to do? We have to move forward. We want to do it in a bipartisan way.

I mean, translate this debate for us today. The Democrats are coming to the well and they are wringing their hands and saying, oh, my goodness, I am worried about the budget in 2020. That is what I am worried about, the budget in 2020.

We are worried about the family budget today. It is not the Federal budget. Wake up. It is America's family budget that matters. The Republicans are the ones who have paid down the debt, $450 billion. Yet, they come to the well and say, we are worried about the debt in 2020? Well, do something about it. Give us their plan, give us their budget, give us their ideas.

Do not just come down here and scare America's seniors and wring their hands about an economy they are unwilling to do anything about, but join us. Join us in recognizing that last year, because of some quirky Senate rules, they were unable and unwilling to do more than 10 years.

Alan Greenspan said yesterday, ''The markets of America assumed this tax cut is permanent.'' Certainly, my constituents believe that when we pass a bill and pass a law, it means it is permanent until Congress is willing to change it.

The reason they are scared of this debate is simple: Because automatically, 10 years from today, do Members want to know what they are up to? They want the tax increase on America, but they do not want to have to vote for it. No, they do not want to have to show their plan, they do not want to have to show their budget, they just want it to automatically happen.

Have the guts to have a plan, have the guts to have a budget, have the guts to come to the floor and tell America what Democrats are all about. Do not just accuse us of doing nothing, of wrecking the economy, of dipping into Social Security, which we all know is impossible. Do not do that unless they have got a plan on what to do about it, and America will wake up to that fact as soon as we have the opportunity to get this story out.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SWEENEY). Members are asked to refrain from casting reflections upon the other body.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

If Members had the guts to have an open rule, they would be hearing some Democrat plans.

Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Let me share our plan with the gentleman. I appreciate and respect his passion, but let me tell the Members what our plan is: It is the same plan that every American family and every small business has to abide by every day. That plan says we make sure that the budgets are balanced. That plan says we make sure that the numbers add up. That plan says we take care of retirement. That plans says we make sure if we get sick or if our parents or grandparents get sick, we can pay for their medications and prescription drugs.

That is not a novel plan, that is the plan that every single working American family has to abide by, and it is the same plan we should abide by.

I am one of those Democrats who have supported tax cuts. I was one of 28 Democrats to support the President's tax cut. I was one of nine Democrats to support the President's economic stimulus package because it provided tax cuts, because we could afford those plans.

Now all we are asking is for some bipartisanship. I will support this bill. All we are asking is that we do the responsible thing and have the Congressional Budget Office certify to the American people that this is not going to break into their Social Security and their retirement savings.

□ 1215

That is the responsible thing to do. That is the plan that every American family wants from us, and that is what we should do.

The SPEAKER pro tempore (Mr. SWEENEY). The Chair will advise Members that the gentlewoman from New York (Ms. SLAUGHTER) has 3 minutes remaining. The gentleman from Washington (Mr. HASTINGS) has 3¾ minutes remaining.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 15 seconds to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Speaker, I simply want to clarify the last speaker. According to the most recent figures from the Congressional Budget Office and the Joint Committee on Taxation, this bill will not dip into Social Security. This bill will still leave an on-budget or non-Social Security surplus in both the years 2011 and 2012, the years which we are discussing.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman from Washington (Mr. HASTINGS) for yielding me the time, and I rise in support of making these tax cuts permanent.

I just want to talk about the human factor in the death tax. I have a constituent in my congressional district in Kissimmee, Florida. Actually, it is a couple. They owned a florist, Dennis and Nancy Sexton. Their uncle owned a florist in the same town, a much bigger floral operation. He passed away. He had 19 employees, and Dennis inherited that operation; and Dennis had to spend about $253,000 to deal with the death tax. The death tax was $160,000. The lawyer's fee and accountant fees were $60,000. He spent $4,000 on the appraisal of his uncle's floral operation, and he did not have that kind of money.

So what did he do? He did the things that a lot of small business owners have to do. He laid off people. He took people that had worked for his uncle for years, brought them in and said I have to lay you off. Others he said I have to cut your salary. He took out a loan. He had to forego repairs on the building. They actually went a summer

in Florida in their office, with no air conditioning, just to save some money, and had fans in there.

The other thing he had to do, he had traditionally given to the United Way, to various charities in the community, as a lot of businessmen do. A lot of these charities come to the local businesses and ask for a donation. He has had to totally cut all that off.

Now, he is going to survive, and I think he is going to make it; and hopefully some day he will be able to grow the business back up to where it was before the IRS stepped in. But I think this death tax is absolutely horrible, and to say in our bill that we want to bring it back in 10 years I just think is obscene, and I thoroughly support all the other provisions.

I am only allowed 2 minutes, but my colleagues could put forward similar arguments with the retirement provisions. We can make the exact same arguments.

So this is a good piece of legislation, and I commend our leaders for bringing it to the floor, and I would encourage everybody on both sides of the aisle to vote in support of it.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, Woody Allen said, ''This is a tragedy of a disaster.'' Look at the State of New Jersey. A member of my colleagues' own administration, very good friend of mine, left the State and said I had a billion dollar surplus. What happened to it? Now we have an $8 billion deficit, the worst in the Nation.

We cannot fill these cards unless we know the numbers. We do not know the numbers 10 weeks from now. How can my colleagues tell us what the numbers are going to be 15 years from now? $400 billion more in deficit, $400 billion more and my colleagues need to address the American people on American values who believe we should pay for what we are getting and not go into debt even further.

By 2008 we will have paid the government's debt, the Nation's debt. Now what has happened? We are into deficit, Mr. Speaker, and Woody Allen's words ring so true, so true.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentlewoman from Michigan (Ms. KILPATRICK).

Ms. KILPATRICK. Mr. Speaker, I thank our ranking Committee on Rules member this morning for yielding me the time.

Someone else asked earlier why do we not put our own plan forward. Well, we have a rule that will not give us a substitute, will not allow us a substitute, will not allow us amendments and will not allow us a motion to recommit. What kind of process is this?

I rise in opposition to the rule and also the underlying bill. If we spend as much time on tax cuts, if we translate that to education and health care, our health care system that is collapsing, Medicare trust fund, our senior parents, our aunts and uncles who built this country, the world and this country would be a better place.

It is a bad bill, it is a bad rule, and until we shore up Social Security for those who built this country, until we have an adequate health care system and Medicare, why do we have a tax bill with a permanent tax cut years out that really cannot bind this Congress? It is a bad rule. It is a bad rule.

Let us vote the rule down, vote the bill down and continue to build America for the people who built it, the Medicare senior citizens who deserve a better health care system than we now have.

The SPEAKER pro tempore. The Chair would advise the Members that the gentleman from Washington (Mr. HASTINGS) has the right to close. He has 1½ minutes remaining. The gentlewoman from New York (Ms. SLAUGHTER) has 1 minute remaining.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself the remaining time.

I want to remind my colleagues and anybody listening out there that the cost of this bill is $753,713,000. The intended raise in the debt limit is $750 billion. Coincidence, I do not know; but one certainly wonders whether one has a lot to do with the other.

We are going to call for a vote on the previous question. If it is defeated I am going to offer an amendment for this unfair rule. The Phelps substitute that was offered in the Committee on Rules and that the Republican majority on the Committee on Rules refused to make in order would allow the tax cuts to be made permanent upon certification by the director of the Congressional Budget Office that enactment of the legislation would not result in an on-budget deficit.

Quite simply, Mr. Speaker, the permanent extension of the tax cuts should not use Social Security funds; and we all stood here, both sides alike, and pledged to protect Social Security funds in a lockbox. We propose that my colleagues let that promise be kept to the American people.

The procedure that the majority used to bring the bill to the floor prevents the Democrats from having a substitute motion to recommit, and only by defeating the previous question can we bring fiscal order back to the budget process. That should be the top priority of this Congress.

So I urge a ''no'' vote on the previous question.

Mr. Speaker, I ask unanimous consent that the text of the amendment be printed in the RECORD immediately before the vote.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield the balance of our time to the gentleman from Missouri (Mr. HULSHOF), the author of this bill.

(Mr. HULSHOF asked and was given permission to revise and extend his remarks.)

Mr. HULSHOF. Mr. Speaker, I thank the gentleman from Washington (Mr. HASTINGS) for yielding me the time.

My friend from New Jersey awhile ago quoted Woody Allen. Let me provide this quote that I came across in an old ''Farmers Almanac'' recently. It said, ''If Patrick Henry thought taxation without representation was bad, he ought to see it with representation''; and I think Mr. Henry would look at what we did a year ago and he would roll over in his grave because this sunset that was placed on this tax cut has no policy reason at all. It was simply put there by the other body by the bill's opponents.

Why is it, I ask my colleagues, especially those 28 of them, many of whom spoke here today, why is it that tax increases are always permanent? We are still paying for the Spanish-American War with the tax on luxury telephones that was passed in 1898. The death tax that we are trying to repeal once and for all was enacted in 1916. We still have deficit reduction taxes that my colleagues put on the American people back in 1993. So it is a good policy reason that we make these tax cuts permanent.

What is going to happen if we do not? What I hear from the other side of the aisle is, talking about this, we cannot afford this tax cut. Mr. Speaker, if we do nothing, this cost has to be borne by someone, and that someone is the American family, it is the American business, because we know if we do nothing, they are going to see the largest tax increase our Nation has ever had thrust upon them.

Mr. Speaker, a bipartisan majority voted to enact these tax relief measures that we passed a year ago. If it was good policy then, it remains good policy now. I urge a ''yes'' vote on the rule and a ''yes'' vote on the underlying legislation.

The material referred to earlier by the gentlewoman from New York (Ms. SLAUGHTER) is as follows:

PREVIOUS QUESTION ON H. RES. 390, RULE FOR H.R. 586, FAIRNESS FOR FOSTER CARE FAMILIES ACT OF 2001

At the end of the resolution, add the following new section:

SEC. ___(a) Upon adoption of the House amendment to the Senate amendment to H.R. 586, the enrolling clerk of the House of Representatives shall—

(1) prepare an engrossment of the House amendment without title ___ (related to the repeal of the sunset provision of the Economic Growth and Taxpayer Relief Act of 2001) and transmit it to the Senate for further legislative action; and

(2) prepare an engrossment of a bill comprised of title ___ (related to the repeal of the sunset provision of the Economic Growth and Taxpayer Relief Act of 2001).

(b) The vote by which such House amendment was agreed to shall be deemed to have been a vote in favor of the bill referred to in subsection (a)(2) upon certification by the chairman of the Budget Committee that enactment of the legislation would not rely on

the use of Social Security surplus funds. Upon the engrossment of such bill, it shall be deemed to have passed the House of Representatives and been duly certified and examined. The engrossed copy shall be signed by the Clerk and transmitted to the Senate for further legislative action. Upon final passage by both houses, the bill shall be signed by the presiding officer of both houses and presented to the President for his signature (and otherwise treated for all purposes) in the manner provided for bills generally.

(c) The Chairman of the Budget Committee shall make the certification under subsection (b) only if the Director of the Congressional Budget Office finds that enactment of the bill would not result in an on-budget deficit in any of the 10 fiscal years based on the most recent economic and technical assumptions by the Congressional Budget Office and all legislation enacted prior to the certification and any additional changes in spending and revenues assumed in H. Con. Res. 353 as passed by the House.

Mr. HASTINGS of Washington. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 219, nays 206, not voting 9, as follows:

[Roll No. 101]

YEAS—219

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—206

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (TX)
Harman
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—9

Brown (OH)
Clement
Duncan
Hall (OH)
Hastings (FL)
Horn
Jones (OH)
Rogers (KY)
Traficant

□ 1248

Mrs. CAPPS and Messrs. MCDERMOTT, WYNN and STUPAK changed their vote from ''yea'' to ''nay.''

Mr. REHBERG changed his vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SWEENEY). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. SLAUGHTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 218, noes 205, not voting 11, as follows:

[Roll No. 102]

AYES—218

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Morella
Myrick

Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—205

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (TX)
Harman
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Kanjorski
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—11

Brown (OH)
Clement
Duncan
Frelinghuysen
Hall (OH)
Hastings (FL)
Jones (OH)
Kaptur
Rogers (KY)
Traficant
Whitfield

□ 1258

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FRELINGHUYSEN. Mr. Speaker, I was inadvertently detained and was not recorded for rollcall vote 102 on April 18. Had it been recorded, I would have voted ''aye''.

PARLIAMENTARY INQUIRY

Mr. McDERMOTT. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. McDERMOTT. Mr. Speaker, the Committee on Ways and Means, the Subcommittee on Human Resources, is meeting at this time rewriting the welfare bill, the TANF bill. Is there any rule under which it is possible for us to suspend here on the floor so that we can go back to the committee and work on that? Members of the Committee on Ways and Means are presently supposed to be in two places at once. I am asking whether there is provision under the rules.

The SPEAKER pro tempore. The Chair would advise the gentleman that there is no House prohibition on committees meeting while the House is considering H.R. 586. Therefore, the committees are able to meet.

PERMISSION FOR MEMBER TO REVISE AND EXTEND REMARKS ON H.R. 586, FAIRNESS FOR FOSTER CARE FAMILIES ACT OF 2001

Mr. McDERMOTT. Mr. Speaker, I ask unanimous consent to revise and extend my remarks on the bill which is before us.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. THOMAS. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. THOMAS. How can the gentleman from Washington revise and extend his remarks on the bill before us when the bill has not been laid before us?

The SPEAKER pro tempore. By unanimous consent, a Member is allowed to revise and extend his remarks on a bill that is yet to be considered.

Mr. THOMAS. As long as it is yet to be considered. The gentleman said ''the bill before us.''

The SPEAKER pro tempore. The gentleman's unanimous consent request is perfectly in order.

Mr. THOMAS. I would like to place in front of the House the bill that the gentleman just placed his information on the RECORD. I did that for the purpose of making sure that notwithstanding the Speaker's response, guided by the Parliamentarian, this individual from California believes the bill has to be in front of us if you are going to place unanimous consent remarks on the bill that is in front of us.

FAIRNESS FOR FOSTER CARE FAMILIES ACT OF 2001

Mr. THOMAS. Mr. Speaker, pursuant to House Resolution 390, I call up from the Speaker's table the bill (H.R. 586) to amend the Internal Revenue Code of 1986 to provide that the exclusion from gross income for foster care payments shall also apply to payments by qualified placement agencies, and for other purposes, with a Senate amendment thereto, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Page 3, after line 19, insert:

SEC. 3. ACCELERATION OF EFFECTIVE DATE FOR EXPANSION OF ADOPTION TAX CREDIT AND ADOPTION ASSISTANCE PROGRAMS.

Subsection (g) of section 202 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended to read as follows:

''(g) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.''.

MOTION OFFERED BY MR. THOMAS

Mr. THOMAS. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. THOMAS moves that the House concur in the Senate amendment with an amendment, as follows:

In lieu of the matter proposed to be inserted by the Senate, strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the ''Tax Relief Guarantee Act of 2002''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; etc.

TITLE I—TAX REDUCTIONS MADE PERMANENT

Sec. 101. Tax reductions made permanent.
Sec. 102. Protection of social security and medicare.

TITLE II—TAXPAYER PROTECTION AND IRS ACCOUNTABILITY

Sec. 201. Short title.

Subtitle A—Penalties and Interest

Sec. 211. Failure to pay estimated tax penalty converted to interest charge on accumulated unpaid balance.
Sec. 212. Exclusion from gross income for interest on overpayments of income tax by individuals.