United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, SECOND SESSION

Vol. 152 WASHINGTON, THURSDAY, JUNE 22, 2006 No. 82

# House of Representatives

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

''O Lord, have pity on us, for You we wait. Be our strength every morning, our salvation in time of trouble.''

Lord, it takes a great deal of humility for believing people to accede to Your will. Sometimes faith builds such strong convictions in us, Lord, that we can easily have only our own ideas as to how and when You will answer our prayers. Often we do not remain open to other responses or we become impatient with Your unsearchable ways.

Very often, Lord, we profess strong faith in Your providential ways, but it is Your art of timing we find difficult to accept. So confirm us, as a nation of idealists, who will continue to have confidence even during the test of timing.

Have pity on us, Lord, as we wait for You to answer our prayers now and forever. Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from New York (Mrs. MALONEY) come forward and lead the House in the Pledge of Allegiance.

Mrs. MALONEY led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## ANNOUNCEMENT BY THE SPEAKER

THE SPEAKER. The Chair will entertain five 1-minutes on each side.

## NEVER SURRENDER

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, last week we debated the very important issue of how we are going to confront the global war on terror: Are we going to confront this challenge, or are we going to retreat and defeat? Republicans are dedicated to confronting this challenge and will continue to offer the American strong national security policies that will protect this Nation against another attack on their own soil. We will continue to trumpet successes such as the elimination of al Zarqawi and the Iraqi Government naming new interior defense and security ministers.

Democrats, though, are too eager to grasp upon the challenges we face as their rationale to defeat. Even the death of the terrorist al Zarqawi only brought cries of retreat and claims that it was only ''a stunt.'' And just last week, 149 Democrats voted against a resolution declaring that the United States will prevail in the war on terror.

Mr. Speaker, President Kennedy once said, ''The cost of freedom is always high, but Americans have always paid it, and one path we shall never choose and that is the path of surrender or submission.''

When it comes to the global war on terror, we must never choose the path of surrender.

## WHAT IS WRONG WITH THIS CONGRESS

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, the last 24 hours will tell you everything you need to know about what is wrong with this Congress: hold up voting rights, knock down the minimum wage increase, relieve the superrich of responsibility for paying estate taxes, keep sending our children to fight and die in a war based on lies. That, by the way, is the real death tax, and it is paid by the poor and the middle class. Our new motto should be: United We Stand, Sure, But Divided We Profit.

H.R. 5638, the estate tax legislation, should be more accurately described as the American Idle Act, I-D-L-E, because it relieves the children of billionaires and multi-multi-millionaires of over one-quarter of a trillion dollars in estate taxes in just 5 years starting in 2013. The $2,600 per taxpayer loss of revenue will take money from our schools and from our health care and from senior citizens programs.

The Bible says it is easier for a camel to get through the eye of a needle than for a rich man to get to heaven. Here in Washington, the superrich ride elephants, and some donkeys, to get to their alabaster heaven where they pay no taxes.

## EXCESSIVE REGULATIONS ON SMALL BUSINESS OWNERS

(Mrs. KELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KELLY. Mr. Speaker, we have passed important legislation in this Congress to help America's small businesses; we have passed legislation to help make health insurance more affordable and accessible, and legislation to provide tax relief. But we need to continue demonstrating our commitment to helping small businesses in New York and throughout the country by passing legislation that I have introduced to help relieve the excessive regulatory burden on small businesses.

The Cut Unnecessary Regulatory Burden For Small Business Act, passed by the House Government Reform Committee earlier this month, would



Printed on recycled paper.

enable Congress to better eliminate excessive Federal regulations that hamper small business, job growth, and productivity.

When Federal agencies overregulate small business owners, it forces them to spend extra time and money and manpower completing endless paperwork instead of growing their businesses and creating new jobs. In small business forums and small business walks I have held throughout the year in the Hudson Valley of New York, excessive regulations were cited by small business owners as one of the major problems they are facing. And every small business spends $7,0000 per employee per year on regulatory compliance costs.

Let us help small business remain vibrant and strong, not overregulate it. Let us pass the CURB Act.

## TRIBUTE TO LATE GOVERNOR BILL DANIEL

(Ms. BORDALLO asked and was given permission to address the House for 1 minute.)

Ms. BORDALLO. Mr. Speaker, I rise today to pay tribute to the late Bill Daniel, a former Governor of Guam, who passed away on Tuesday at his home in Liberty, Texas.

Governor Daniel was a close family friend whose legacy has left an indelible imprint on the people of Guam. He served as Guam's Governor from 1961 to 1963 and was appointed to the post by President John F. Kennedy. He resigned to allow Manuel Guerrero, his friend and protege, to succeed him as Governor.

Governor Daniel was a gifted and hands-on leader who adopted Guam as his second home. During his tenure, the Navy security clearance requirement for persons traveling to and from Guam was lifted. The University of Guam was elevated to a 4-year institution. Our visitor industry took root, and our agricultural program was upgraded.

Our thoughts and prayers are with his daughters Ann, Susan, and Dani, and the entire Daniel family.

## A TRIBUTE TO PRIVATE FIRST CLASS STEVEN WILLIAM FREUND

(Mr. MURPHY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MURPHY. Mr. Speaker, I rise to pay tribute to a courageous hero of the war on terror, Private First Class Steven William Freund.

Steven Freund of Pleasant Hills, Pennsylvania, attended Thomas Jefferson High School, and he loved to hunt and fish and do just about anything outdoors. He joined the Marines and served in Iraq for 6 months, already escaping two separate roadside bombs. It was dangerous there, and he knew that, but he strongly believed in and was dedicated to America's mission.

But on May 23, Private Freund made the ultimate sacrifice for his mission and the Nation he loved. He was tragically killed by a third roadside bomb while riding in a Humvee conducting combat operations outside Fallujah.

Private Freund is survived by his father, Steven Freund, his brother Mark Menzietti, sister Angela Menzietti, cousins Matt Freund, Jason Eiben and Justin Eiben, and his aunt Donna Eiben of Pittsburgh, who was his legal guardian.

His funeral was a solemn, but beautiful, service that I attended, along with many friends and family. After the funeral, he was awarded the Purple Heart and the Navy and Marine Corps Achievement Medal with combat cluster in a graveside ceremony.

Mr. Speaker, I know that I speak for this entire body when I express the deepest condolences to his family on behalf of a grateful Nation. Semper Fi, Private Freund.

## RAISE THE MINIMUM WAGE

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute.)

Mr. CARNAHAN. Mr. Speaker, this Congress has been consumed with giving tax breaks for the wealthiest Americans, and it is time we look at some of the average Americans and facts about the minimum wage.

Congress has not raised the minimum wage since 1997. The minimum wage is now at its lowest level in 50 years adjusted for inflation. Does anyone really believe it is possible to make even the most basic ends meet on $5.15 an hour? A minimum-wage worker working full time all year will earn just $10,700. It takes a full day's pay for a minimum wage earner to pay for one tank of gas today.

6.6 million people will benefit from a rise in the minimum wage. Eighty-six percent of Americans support the rise in a minimum wage according to a Pugh poll in December of 2005. It is time this Congress listened to the American people and minimum-wage workers, and it is time that we act.

## LINE ITEM VETO IS A COMMONSENSE SOLUTION

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, today we will be debating the line item veto. Now, if you ask my constituents, this is an issue that doesn't need much debate. Giving the President the ability to cut wasteful spending should go hand in hand with fiscal responsibility.

Since coming to Congress 1½ years ago, it has become crystal clear to me, as it was to President Reagan, that Washington doesn't have a revenue problem; it has a spending problem.

The line item veto is a commonsense solution. Greater transparency to the earmark process and backing it up with a 2-week window for Congress to ratify the President's actions will allow us to address unnecessary new spending, one of the biggest long-term challenges of the Federal budget. Mr. Speaker, when we use tools to cut wasteful spending and work toward achieving a balanced budget, the beneficiaries are hardworking American taxpayers. If we truly stand for fiscal restraint, we must pass the line item veto. I call on all of my colleagues, Republicans and Democrats, to support this commonsense, positive move to provide greater responsibility to the budget process.

## THIS COUNTRY NEEDS A NEW DIRECTION

(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Mr. Speaker, the Bush economy continues to be unfriendly to America's workers. Earlier this month, we learned that employers added only 75,000 jobs to their payrolls in May, about half of what we need just to keep up with normal growth in the labor market. Wage growth was disappointing again in May, continuing a pattern in which workers cannot get ahead of rising costs in gasoline, housing, health care, and on education for their children, even though their productivity keeps growing.

The benefits of economic growth under President Bush are showing up in the bottom lines of companies and in the pockets of shareholders, but not in the paychecks of America's workers. Mr. Speaker, this country needs a new direction.

## LONE STAR VOICE: DONALD DOIRON

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, in the border security debate, those that want to allow more illegals in this country just changed the definition of words to make it politically correct to accept illegals. But American citizens are not fooled. Donald Doiron of Nederland, Texas, writes to me:

''Since hearing the plan for treating illegals as guest workers, I have now undergone a complete reversal in my understand of the proper meaning of words. I used to believe that the definition of guest is one that is invited. Now I am told this is no longer correct.

''For instance, if a burglar breaks into my home, he really becomes a guest who is only working for a better life. Because he broke in for that reason, I must accept the obligation to provide him a job, health care, education, transportation, and living quarters for him and his family. I feel so much better now.''

Mr. Speaker, no matter how one puts the political spin, it is still illegal to

enter the United States without permission. What part of illegal do the anarchists that want lawless borders fail to understand?

And that's just the way it is.

## SLOGANS DO NOT REPLACE SOLUTIONS

(Mr. EMANUEL asked and was given permission to address the House for 1 minute.)

Mr. EMANUEL. Mr. Speaker, if there is one thing we have learned from the Republican Congress in the last 6 years, it is that slogans do not replace solutions.

On immigration, House Republicans talk a lot, but there is no action after 6 years. They thunder about immigrant families; but when it comes to forcing big business to comply with our immigration laws, they have raised the white flag. Under the Republican leadership from 1999 to 2003, work-site enforcement of immigration laws were cut back 95 percent. In 1999, the Federal Government prosecuted 182 employers for hiring illegal aliens. In 2003, that dwindled down to just four.

The Republican leaders have also raised the white flag on border security, voting against implementing the 9/11 Commission recommendations. With all their hot rhetoric about terrorism, you would think they would at least provide support for homeland security programs. But they have waved the white flag here, too, cutting $48 million from Customs and Border Security Protection. They want to run a single-issue campaign on immigration on which they haven't done a single thing. The Republican Congress has a 6-year record of failure. Hot rhetoric has not masked failed results.

Mr. Speaker, one thing is clear: when it comes to addressing real immigration challenges facing our Nation, the Republican Congress is all hat and no cattle. It is time for a new direction. It is time for results.

□ 1015

## AMENDMENT PROCESS FOR H.R. 4973, FLOOD INSURANCE REFORM AND MODERNIZATION ACT OF 2006

Mr. HASTINGS of Washington. Mr. Speaker, the Committee on Rules may meet the week of June 26 to grant a rule which would limit the amendment process for floor consideration of H.R. 4973, the Flood Insurance Reform and Modernization Act of 2006.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Rules Committee in room H–312 of the Capitol by 12 noon on Monday, June 26, 2006. Members should draft their amendments to the text of the bill as reported by the Committee on Financial Services.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

## PROVIDING FOR CONSIDERATION OF H.R. 5638, PERMANENT ESTATE TAX RELIEF ACT OF 2006

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 885 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 885

*Resolved*, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 5638) to amend the Internal Revenue Code of 1986 to increase the unified credit against the estate tax to an exclusion equivalent of $5,000,000 and to repeal the sunset provision for the estate and generation-skipping taxes, and for other purposes. The bill shall be considered as read. The amendment printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. BOOZMAN). 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 gentlewoman from New York (Ms. SLAUGHTER), 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 885 is a closed rule providing 1 hour of general debate in the House on H.R. 5638, the Permanent Estate Tax Relief Act, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means.

The rule waives all points of order against consideration of the bill and provides that the amendment printed in the Rules Committee report accompanying this resolution shall be considered as adopted.

Finally, Mr. Speaker, the rule provides one motion to recommit, with or without instructions.

Mr. Speaker, in 2001, Congress acted in a bipartisan fashion to gradually phase out the death tax and eliminate it by 2010. However, if Congress does not act to extend this relief, in 2011 small business owners and family farmers will once again be assessed the full death tax up to the maximum 2001 rate of 55 percent.

The death tax is a form of double taxation, and frankly, Mr. Speaker, it is simply unfair.

The last thing families in central Washington and across the Nation should have to worry about when a loved one dies is losing a family farm or business in order to pay the Internal Revenue Service. But sadly, that is the situation many hard-working families could face if a permanent and workable solution is not agreed to.

H.R. 5638, the Permanent Estate Tax Relief Act, would provide estate and gift tax relief to America's small business owners and family farmers. Specifically, the bill would increase the exemption from $1 million to $5 million per person, indexed for inflation, and it would lower the amount of taxation on estates.

The bill would also provide tax relief for gifts given during a person's life. Currently, gifts given when a person is alive are taxed more than gifts given through a will or death. By reunifying estate, gift and generation-skipping transfer taxes, we give individuals greater flexibility to give gifts during their life rather than at death.

I am also pleased that this legislation creates a new 60 percent deduction for qualified timber capital gains through 2008. In my State of Washington, there are 8.5 million acres of privately owned forests, and the forest parks industry is the State's second largest manufacturing sector.

However, the current Tax Code puts our timber industry at a distinct disadvantage against international competition by subjecting corporate timber and forest product industries to a significantly higher income tax than their overseas competitors. Included in the underlying bill is a provision that lowers the timber tax and supports an industry that provides good jobs in many rural communities, while strengthening its international competitiveness.

Mr. Speaker, last year I, along with 271 other Members of the House, supported a measure that would permanently and fully eliminate the death tax. While permanent elimination of this tax is what I will continue to work with my colleagues on both sides to accomplish, this relief measure is a step in the right direction.

The Rules Committee reported House Resolution 885 by a voice vote last night. Accordingly, I urge my colleagues to support both the rule and the underlying bill.

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

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

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, I appreciate my Republican colleagues for providing the American people with

the clearest possible demonstration of just how stark the differences are between the priorities of our Nation's two major parties.

We have before us a bill whose sole purpose, the sole purpose is to funnel as much as $1 trillion over the next decade to a mere handful of our Nation's richest families.

It is telling that Republican leadership is so committed and so determined to see this legislation through that it called an emergency meeting of the Rules Committee last night to make sure it reached the floor this morning, even though it will not take effect for 4 years.

Now, let me tell you a bill that will expire is the Voting Rights Act, but we could not deal with that. This is the Republican definition of a national emergency, to get as much money as we can to the richest among us. It is not unprecedented national debt. That does not bother them. The struggling middle class? No. Or the fact that tens of millions of Americans scrape by from paycheck to paycheck, scrape by without health insurance, without help and, in many cases, without hope.

To get this bill to where it is today, the Republicans had to ignore the needs of virtually every American citizen. The repeal of the estate tax will benefit less than 1 percent of the people in this country, but those few individuals that it helps will profit handsomely.

Take Lee Raymond, the former CEO of ExxonMobil, who recently secured a retirement package worth almost $400 million, and who last year made more in a single day, probably in a single hour, than the average American family makes in an entire year. Lee stands to gain up to $211 million from this legislation that he will not pay taxes on.

President Bush, Vice President CHENEY and the officers of the Cabinet will not do so badly either. Together they will pocket anywhere from $91 million to $344 million. Just the Cabinet.

People like these are among the three-tenths of 1 percent of superrich Americans who pay an estate tax, and that is it. The other 99.7 percent do not see a dime. Such an astonishingly lopsided outcome is to be expected when we realize who is actually behind this bill.

A recent report from the group Public Citizenry revealed that 18 of the richest families in America, families worth a combined total of $185 billion, have been conducting a concerted and clandestine campaign on its behalf for a decade. We are talking about families that are heirs to the fortunes of families like Wal-Mart, Campbell's Soup and Mars, Incorporated. These 18 families, Mr. Speaker, have spent $490 million in the last decade in their effort to pass this bill. Imagine that, $490 million to lobbyists, and if it does pass, their investment will certainly have been worth it because over $70 billion will be headed their way.

For years, supporters of a repeal of the estate tax have claimed that the people they really want to help are America's small businesses and farmers. Well, as is so often the case, that is a lie. Small business families rarely, if ever, pay estate taxes, and the American Farm Bureau, one of the leading proponents of this repeal, has failed to provide even one legitimate example of a family that lost its farm because of estate tax requirements.

This is the kind of government Republicans have used their time and power to give us, Mr. Speaker. Multibillionaires say, jump, and the majority says, how high?

Bills like this are so outlandish and so entirely justifiable, they would be comical if they were not an assault on the strength of our Union, which is, I might remind everyone, at war.

Consider the opportunity cost of this bill. For the up to $1 trillion Federal that this leadership plans to give away, we could fully insure every single American who does not have health insurance, all 44 million of them. Think of that. We could fully fund the Medicare part D prescription plan. We could pay for all military operations in Iraq and Afghanistan, and then we could use the money left over from that to fully fund No Child Left Behind, and, finally, give every child in America the education the President promised when he took office.

The sad thing is that what we have today is exactly the kind of legislation Americans should expect the majority, whose leader has bragged about never having voted for an increase in the minimum in his 25 years in politics, that is what we should expect from a party that would not allow the Congress to adjust the minimum wage for inflation, a party that would have, over the decades, permitted it to remain at the pathetic $3.35 an hour.

I would challenge my friends on the other side of the aisle to try surviving on that one for a month, Mr. Speaker, and think about the trillionaires who are going to say this is chump change to them, and they do not care. But the notion that they would say if taking away the taxes of the very rich would stimulate the economy, while increasing the pay of the weakest among us, the people who are least paid, will hurt the economy, is an absurdity on its face.

Mr. Speaker, this is a telling moment for this country. It is a moment in which this leadership clearly demonstrates once and for all what its priorities are. It is making the decision that educating our children is not worth the investment, that ensuring our parents and grandparents receive the prescription drugs they need is not worth the investment; that fixing our broken health insurance system is not worth the investment; that curbing our crushing national debt is not worth the investment; but investing in the ultrarich is worth every single dime that can be squeezed out of the Federal Treasury.

The bill embodies the very definition of ''America for Sale.'' Today's Republicans are alone in this belief, Mr. Speaker. Great leaders throughout the history of our Nation have understood that our collective strength lies in our support for the working and the middle class. They have understood that the extreme polarization of wealth this majority is ushering in is fundamentally bad for America, and among those who believe that are Bill Gates and Warren Buffett.

I implore my friends on the other side of the aisle, for the sake of our children, for the sake of our future, for the sake of our military, for the sake of common decency, defeat this bill and begin again to work for the people of this Nation and not against them.

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I think it is worthwhile just to put a little bit of the historical context on this issue because it has been around for some time.

In the 106th Congress, for example, in the year 2000, the House passed a bill to phase out the death tax in 10 years and permanently repeal it. When it passed the House, it got 279 votes, obviously bipartisan. Sixty-five Democrats voted for it. In the other body, in the Senate, it passed the Senate with 59 votes, obviously on a bipartisan basis. Unfortunately, that bill was vetoed by the President in the 106th Congress.

So, in the 107th Congress, in 2001, once again, the House passed the bill to permanently repeal the tax, phase it out over 10 years, and that bill garnered 274 votes, again a bipartisan vote out of the House.

□ 1030

Unfortunately, in the Senate, we were unable to get a full repeal and, instead, the death tax was phased out over 10 years, but would revert in 2011 to the 2001 rate. The expectation, of course, was that the Congress would deal with that before 2011 and fully repeal it.

In the 108th Congress, once again the House passed a bill to fully repeal the death tax, 264 votes out of the House, again on a bipartisan basis; and in the 109th Congress, this Congress, once again the House passed a full repeal, 272 votes, again on a bipartisan basis, with Democrats joining Republicans to repeal it.

The unfortunate thing is this leads us to where we are right now, and that is that the cloture motion failed in the Senate. It takes 60 votes in order to cut off debate in the Senate; and, unfortunately, the Senate only received 57 votes. So, therefore, that issue won't be taken up.

This is an effort, then, to try to get to a position where we can pass this bill out of the House and in fact pass it out of the Senate so that we can have some certainty as far as estate planning. So this issue has been around for some time. It has always enjoyed bipartisan support.

This rule simply provides for us to continue what we have been doing in the last four Congresses, and that is to pass and address this issue in a bipartisan manner. This issue has been around, I think it is timely, in fact, it is time for us to act on this. Accordingly, I urge my colleagues to support the rule and the underlying bill.

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

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Massachusetts, a member of the Rules Committee, Mr. MCGOVERN.

Mr. MCGOVERN. I thank the ranking leader for yielding me the time.

Mr. Speaker, once again this House will consider an estate tax cut for the wealthiest people in the United States. Once again the Republican leadership is forcing their chosen bill through the House without the opportunity for any alternative, even though Democrats asked for and presented a germane substitute before the Rules Committee last night.

Last night, the Rules Committee rushed this bill through under ''emergency procedures.'' That is right, the Republican leadership considers it an emergency to pass a tax cut for some of the wealthiest people on the planet, a tax cut that won't take effect for 4 years.

Mr. Speaker, the real emergency is what is happening to American workers. We are considering another estate tax cut for the wealthy during the same week that this Republican leadership killed an increase in the minimum wage for America's lowest-income workers.

Last week, the Appropriations Committee approved an increase in the minimum wage and included it in the Labor-HHS-Education appropriations bill, but the majority leader quickly said that the House will not consider that provision. This week, the Appropriations Committee defeated a similar effort.

Mr. Speaker, in 1997, nearly a decade ago, this Congress raised the Federal minimum wage to $5.15 an hour. Since the last increase, Congress has voted itself a raise nine times, increasing its own salary by $35,000. Now, in contrast, Mr. Speaker, a person earning the minimum wage over that same time continues to earn only $10,712 per year.

The Republican leadership should ask the minimum-wage family whether their health care costs, their property taxes, their heating and gasoline bills, or tuition for their kids have stayed as flat as the minimum wage. Of course not.

Here is what it boils down to: the Republican leadership has decided it is more important to protect estates that are worth at least $10 million instead of helping to increase people making just $11,000 a year in salary. Mr. Speaker, we have an emergency in our country. We do have an emergency in our country: working families are struggling each and every day. They deserve a raise more than millionaires deserve another tax break.

We should be debating today an increase in the minimum wage for workers in this country. We should be doing something that will make a difference in the lives of people who are struggling in this country. And, instead, here we go again bringing the estate tax bill up again, a bill that benefits mostly people who are very well off. We can do much better than this. We need to get our priorities straight.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 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 time on this important issue. I do rise in support of the permanent Estate Tax Relief Act of 2006, although I am mindful, as I listen to my good friend who just spoke about the estate tax, of what Confucius once wrote a millennium ago. He said: ''When words lose their meaning, men lose their liberty.''

I would prefer in the balance of my remarks to speak not about an estate tax, because I do not know too many estates in eastern Indiana, but I would rather talk about the death tax, because this is a tax that is death to the American Dream for small business owners and family farmers all across eastern Indiana.

It is why, Mr. Speaker, I have dedicated myself in my nearly three terms in Congress to the principle of ending this immoral tax, a tax which, by the way, was instituted in 1916 primarily to raise revenues for World War I. It was a product of a time where the redistribution of wealth was seen globally to be an acceptable practice of economics. It was the very nascent time of socialism on the world stage, and America embraced this principle of redistribution with the estate tax in 1916.

Let me just say that I believe death taxes are immoral. I believe it is morally wrong to make death a taxable event. I believe it is also morally wrong to say to small business owners and family farmers and any American, whatever their means, that after a lifetime of obeying the law and a lifetime of paying your share honestly and legally to the Federal Treasury that we will make your death a taxable event.

So I want to say today that I still believe that we ought to repeal the death tax, and the legislation we will consider under this rule does not repeal, but I want to say that it is relief and it is progress and this Congress should embrace it.

The estate tax relief provided in previous legislation is scheduled to end in 2010, and what we will pass today will literally bring permanent estate tax relief to millions of American families, especially increasing the exemption to $5 million per person effective January 1, 2010. So let me emphasize that what we will do today is not repeal, but it is relief; and I want to recognize that progress and embrace it.

Let me close with a word of caution to our colleagues who may think of this as a starting point, that this is a deal, Mr. Speaker, that we can send down the hallway and we can negotiate from: let me say, having spoken to many of my colleagues who share my belief that we should repeal this onerous death tax outright, that if this is the deal, it is a good deal for the American people. But we say with conviction: this far and no farther. We must demand, at the very minimum, this relief stand when this bill goes to the desk of the President of the United States.

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

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

Mr. RANGEL. Thank you so much for yielding me time. I think we are getting closer to the truth when the previous speaker spoke out as to why we have an inheritance tax in the first place. And while he talked about World War I, I think he was emphasizing what he called a socialistic type of government, where redistribution of the wealth was the issue rather than the actual resources that are raised.

I am convinced that a large number of people, especially the Republicans in this House, look at this not as a revenue issue but as a policy issue. Oh, yes, they call it the death tax because they think this is a way of packaging something, saying that death should not be a taxable event. But realistically, if you are dead, you certainly are relieved of your taxes. So it is the live people you are talking about; people who have hopes and dreams that they would be able to acquire the inheritances of those that preceded them.

So the real reason, perhaps, of having this tax was to make certain we had a middle class, that you did not find the superwealthy being able to influence the politicians and the Congress. And if that was the reason, and I will have to research it, even though some experts thought there was a social policy reason, if ever there was a time to review this policy, it would be now.

The Joint Economic Committee, which is not Republican or Democrat, has indicated that under existing law, when the estate tax goes to $3.5 million, an estate that would be exempt, and $7 million that would be exempt, they say that we would be talking about only 7,500 actual estates. Now, if this does cost $800 billion, or close to $1 trillion, then what we are arguing about is whether or not 7,500 people could cause us to go into the deficit further by having their benefits restored.

In other words, what we are saying here is that while the Nation is at war,

while we are spending $300 billion or $400 billion, while we have a $9 trillion debt, while we are cutting even the services of veterans and those that are fighting, that philosophically the majority believes that we should shatter the so-called Estate Tax Inheritance Act, the death tax, no matter what the economic expense is.

So we are not doing this for this Congress or this election; we are doing it to change the direction of the United States Government so that the items of resources to pay for education and health care, and even our national defense, are going to be jeopardized because some of you believe that the richest of the rich should be protected from an equitable distribution of tax liability.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to a colleague on the Rules Committee, the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I thank the gentleman from Washington for yielding, and I do rise today in strong support of the rule and this underlying bill, and I encourage all my colleagues on both sides of the aisle to support them both.

As a cosponsor of H.R. 89, the full repeal of the death tax, I was disappointed to see the inability of the Senate to obtain cloture on a full repeal of the death tax. I firmly believe that the death tax, the estate tax, is a double taxation and, philosophically, it is wrong.

We have all heard the statements, I think Steve Forbes said this several years ago, that there should be no taxation without respiration. More recently, I have heard the comment that we shouldn't try to balance the budget by robbing the grave. And there are other comments: a death should not be a taxable event. The gentleman from New York (Mr. RANGEL) just said that. I fully agree with every one of those statements.

The gentleman from New York also said, well, you know, in this time of war, in this time of deficits, in this time of debt, we should be able to get this money. We are not, Mr. Speaker, always going to be in that situation. But if we continue to double tax any American, that is a forever situation and it is forever wrong.

So, clearly, I was in favor of full repeal. However, I believe the bill before us today is a very strong compromise. It will protect many more families, small businesses, and family farms from this double taxation, or the so-called death tax.

It is my understanding, Mr. Speaker, that it also, with a manager's amendment, is indexed for inflation. Those of us, the fiscally conservative Members of our side, felt very strongly about that, and I am pleased with that addition.

I know many of my colleagues are as disappointed with the failure of the other body to pass a full repeal as I am; but as many of us say, we cannot let the perfect become the enemy of the good. So I think there is a lot of good in the bill that Chairman THOMAS has brought to us today and that we are discussing at this moment. We have an opportunity to take a substantial and a permanent chunk out of the death tax with a bill that can pass the Senate. They assure us, and I believe, that there will be 60 votes for this bill.

In conclusion, Mr. Speaker, again I want to thank Chairman THOMAS and the committee for their commitment and all of the hard work in bringing this bill before us today. Now is the time for us to pass some real tax relief and eliminate the most egregious form of double taxation.

□ 1045

Ms. SLAUGHTER. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, The Washington Post reports today that middle-class neighborhoods are evaporating in America. It says that it is happening because the gap in this country between the rich and poor is rising at an alarming rate, making it harder for families to raise their children.

And what we consider today will only speed up that process: an estate tax cut giving an enormous tax cut to the richest 10,000 estates in the Nation, no one else. And don't let them fool you, it is not about small business, it is not about family farms; the 10,000 richest estates in the Nation. It will cost $762 billion in the first 10 years alone, this at a time when we are spending between $5 billion and $8 billion per month on the war in Iraq.

Meanwhile, our productivity as a Nation has risen by about 14 percent as the real wages of nonmanagerial workers have risen less than 2 percent. So when people look at the statistics, they wonder where is the rest of that money going? All they need to do is look at this Congress and the Republican leadership of this House emptying the Treasury for the likes of millionaires and billionaires.

Democrats believe this country is not about survival of the fittest but opportunity for all. Democrats understand the pressures on middle-class families: rising health care costs, education, home heating oil, gas prices. We believe we could be raising the minimum wage, one of the best tools we have to keep families from falling off that economic cliff. It has not been raised in almost a decade. Had it been adjusted just for inflation since 1968, those families would be making $9.05 instead of $5.15.

And if this Congress can get a raise, the American people ought to be able to get a raise. But the Republican majority is afraid to let this House even have a debate, a choice, between yet another tax cut for millionaires and a wage increase for families. They are afraid of that real debate that Americans want to have about their economic future.

The American people want us to walk in their shoes, understand their lives. They don't want to see millionaires and billionaires be able to get a tax cut that will help to bankrupt this Nation. What they do want to see is their wages increase. We need to raise the minimum wage and oppose this rule.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado (Mr. BEAUPREZ).

Mr. BEAUPREZ. Mr. Speaker, I rise in support of this rule and the underlying legislation; in fact, in enthusiastic support. I am a cosponsor and have voted several times in this Chamber for permanent repeal of the death tax. This is not repeal, but it is relief, and it is significant relief.

I listened intently to the gentlewoman who spoke just before me. I found that a curious argument. I guess I see America and Americans a little bit differently. I think we ought to be incentivizing and stimulating and celebrating the achievement of the American dream every possible way we can.

I was in business myself, private business, all my life before I came to this Chamber, and as a community banker, I banked, I partnered with a lot of small business people. I celebrated their path to trying to create wealth and keep a business, especially a family business, going generation after generation.

I don't believe there is anything more egregious that government has ever done to disincent the achievement of the American dream than the death tax.

We tax everything you buy, everything you sell, you get to the end of the year, and if you happen to magically have something left, we want a piece of that. And then when you finally close your eyes for the last time, we are going to take our piece of what you have managed to accumulate through your lifetime. I think it is close to criminal, if not criminal.

Today we have an opportunity to provide some relief to those that do what so many come to this Nation for, to achieve the American dream. We have a chance to provide them some relief, some hope that what they worked all their life for, to accumulate something, maybe a business, maybe a family asset, pass it on to their children and their children's children, and that they might be able to do that without the threat of the Federal Government taking it away from them with excessive taxation.

It is with a great deal of pride and, frankly, a great deal of personal experience that I rise again in support of this rule and the underlying legislation. This is not, again, the permanent repeal that I think would be the best thing to do, but I think what we have before us is an opportunity to work with the other body to actually make law that will make a difference for Americans, American families, and our

constituents back home that we all support.

Ms. SLAUGHTER. Mr. Speaker, I yield 2½ minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I want to begin by saying to my friend from Indiana, I think it would be helpful for this Congress to have the information about all of the family farms that have gone out of business in Indiana because of this estate tax. I think it would be helpful if we wrote to the appropriate officials in Indiana to get that list so we could share it with everyone here and see how it impacts this legislation.

I want to say, the last 24 hours will tell you everything you need to know about what is wrong with Congress: holding up the Voting Rights Act; knocking down the minimum wage increase; relieving the superrich from responsibility for paying estate taxes; and keep sending our children to fight and die in a war based on lies. That, by the way, is the real death tax, and it is paid by the poor and the middle class.

Our new motto should be: ''United We Stand, Sure. But Divided We Profit.''

H.R. 5638, the estate tax legislation, should be more accurately described as the American Idle Act, I-D-L-E, because it relieves the children of billionaires and multimillionaires of over one-quarter of a trillion dollars of estate taxes in just the 5 years starting in 2013. The $2,600 per taxpayer loss of revenue will take money from our schools, our health care, our senior citizens, and our veterans.

The Bible says it is easier for a camel to get through the eye of a needle than for a rich man to get to heaven. Here in Washington, the superrich ride elephants, and hopefully no donkeys, to get to their alabaster heaven where they pay no taxes.

Money, most of which has never been taxed once, will continue to gush upwards. The estate tax is cleverly tied to the capital gains rate, currently at 15 percent. Estates up to $25 million or $50 million for a couple will pay the capital gains rate of 15 percent, and those over that will pay double the rate; but what will happen when Congress eliminates the capital gains tax? There will be no estate tax because one or even two times zero is still zero. At that time the destruction of the middle class will be complete. The ascendency of a new plutocracy will be complete.

Allan Sloan of Newsweek put it this way 2 years ago: ''In the name of preserving family farms and keeping small businesses in the family, President Bush would create a new class of landed aristocrats who would inherit billions tax-free, invest the money, watch it compound tax-free and hand it down tax-free to their heirs.''

President Lincoln didn't pray for a government of the wealthy, by the wealthy and for the wealthy at Gettysburg. He prayed for a government of the people, by the people and for the people. Whose prayers are we answering here?

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

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from North Dakota (Mr. POMEROY), who was denied an amendment in the Rules Committee.

Mr. POMEROY. Mr. Speaker, the rule before us allows only one alternative. You know, it has been said before but it deserves repeating today: As our troops fight for democracy in Iraq, we ought to show that we can have democracy on the floor of the House.

I went to the Rules Committee with another alternative for reforming the estate tax, and to have on a party-line vote the majority refuse to allow the Members of this body to even consider any other alternative but the Thomas proposal, in my opinion, does violence to notions that this is a deliberative body where ideas can be considered.

The bill before us is not a reform bill of the estate tax, it is virtual repeal, and make no bones about that, virtual repeal of the estate tax.

Look at this chart. The cost of the alternative I advance and have not been allowed to offer is 40 percent the cost of repeal. Our early estimates on the full phased-in cost of the Thomas proposal is that it will lose 80 percent at least of the revenue of full repeal. That is not a compromise.

I bet you are going to hear some of these guys say we are going to compromise. This is not a compromise, it is virtual repeal. You lose 80 percent of the revenue, it is virtual repeal, no compromise.

Now this is a shocking loss of revenue to help a very, very few people. The proposal that I was not allowed to introduce would have made exempt all of the estates but for 3/10 of 1 percent.

Earlier there was a gentleman from Indiana said small businesses have been lost all over the State of Indiana. I believe he is factually mistaken. I issue a challenge to him right now and anyone else, bring me the names. Bring me the names.

There is no fact whatsoever behind these assertions that this is about small farms and family businesses. This is about the wealthiest estates in this country, and now let me put it really to bear.

The distribution table on the Thomas proposal is that of the $800 billion that would be lost between 2010 and 2020, 43 percent would go to those worth more than $20 million. In a decade when we are going to have 78 million Americans turning 65, we have Social Security going out of balance in 2018, we have Medicare going out of balance in 2012, we are going to take $800 billion and ship it to those who make more than $20 million? What in the world are we thinking about?

Medicare and Social Security apply to everybody. The estate tax proposal advanced by the majority today applies to way fewer, way fewer than 3/10 of 1 percent. This sliver showed the number of estates that would have been taxable under the proposal I have not been allowed to offer today. Their proposal that goes to the $20 million crowd and up even deals with a smaller number yet. What in the world are we thinking?

The preceding speaker said he cannot think of anything more that does violence to the American dream than the death tax. Let me tell you about a few other things that do violence to the American dream: This Congress running up a debt and having to vote not just once in March, but again in May to raise the borrowing limit of the country, putting us nearly $10 trillion in debt. Another thing that does violence to the American dream, the cuts that have been made in student loans so people can pursue the notion of upward mobility, they can get ahead in this world, but they cannot afford to get to college, and they cut student loans in the face of it.

And yet the portion of the American dream that they seem most concerned about is for this $20-million-and-up crowd, even while we have no idea how we are going to solve this Medicare solvency imbalance or how we are going to fund the Social Security imbalance.

Let me come back to the basic issue presented by this rule. How come we only have their plan to consider? We have a plan, a plan that makes the estate tax go away completely for 99.7 percent of the people in this country, and they won't even allow it for consideration. Vote down this rule, vote down this virtual repeal of the estate tax.

□ 1100

Mr. HASTINGS of Washington. Mr. Speaker, I ask my friend from New York how many speakers she has, because I at this time have no more requests.

Ms. SLAUGHTER. I too have no further requests for time, so I will close.

Mr. Speaker, I think what we ought to call this tax is the Paris Hilton tax. Paris Hilton, once this is passed, will be able to jetset again around the world buying herself more bling and more little dogs to carry around in her purse, and probably never work a day in her life.

But while we are helping Paris with her problems, I think we need to think about the poorest among us, those people working two and three minimum-wage jobs every single day simply to try to keep themselves alive and that we have turned our backs on now for over a decade.

So I urge all Members of this House to vote ''no'' on the previous question so I can amend the rule and allow the House to vote on the Miller-Owens bill to increase the Federal minimum wage for the first time in almost 10 years. The bill is identical to the minimum-wage language included in the Labor-HHS appropriations bill that was supposed to come to the floor this week, but was pulled by the leadership.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

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

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, my amendment to the rule provides that immediately after the House adopts the rule for the Paris Hilton bill, it will bring H.R. 2429 to the floor for an up-or-down vote. The bill will gradually increase the minimum wage from the current level of $5.15 an hour to $7.25 an hour after 2 years.

Mr. Speaker, it is time we started to help workers, instead of making the very rich in this Nation richer. And I want us to stop this nonsense that we are doing this for poor farmers. Nobody can come up with a name of a poor farmer. And we will ask the State of Indiana to give us a list of all those people who went under because of this tax.

But we are considering another massive tax cut for our Nation's wealthiest. And to make matters worse, it is done the same week that the leadership of the House blocked legislation to increase the minimum wage for those who need the help the most.

America's low-income workers need our help, but millionaires don't. We are losing our middle class. One of the best things we can do to help the low- and moderate-income families is to increase the minimum wage. It has been, as I said, a decade since it was voted to increase, and it was signed in law in 1996 with the last increase in 1997.

After adjusting for inflation, the value of the minimum wage is at its lowest level since 1955. The purchasing power of the 1997 increase has eroded since then by 20 percent. A full-time minimum-wage earner working 40 hours a week makes $10,700 annually, an amount that is $5,000 below the poverty line for a family of three. The minimum wage now equals only 31 percent of the average wage for the private sector and the nonsupervisory workers, and that is the lowest share since the end of World War II.

Mr. Speaker, can there possibly be any doubt that we are long overdue for another increase in the minimum wage?

Leadership in this House has managed to implement numerous tax breaks for the wealthiest Americans, including this billion dollar budget buster that we are considering today, but turns its back on those who work the hardest and are paid the least, those with no lobbyists, those who struggle to make ends meet every day. They don't have any lobbyists but us on their side. And I think it is time for Congress to step up to the plate and help those who need it most, not just those with the fattest bank accounts.

And those who say an increase in the minimum wage will hurt business and economy are plain wrong, and facts argue just the opposite.

So I urge all Members of this body to vote ''no'' on the previous question so that we can help 7 million-plus American workers who will directly benefit from an increase in the minimum wage.

And let me close by saying this is a very sad day because I believe this bill will pass. And I think this Congress of the United States will go on record as saying that we don't care about those people other than those who can hire the lobbyists and do everything that they want to do.

Mr. Speaker, I yield 2 minutes to Ms. BROWN.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I thank the ranking member; and with what is going on here today, I know soon that you will be Chair, because this is really a very sad day in the House of Representatives, the people's House.

Once again, we are doing like what has happened in this House over and over again, practicing what I call reverse Robin Hood. When I was coming up, my favorite program was Robin Hood. Well, what this House, under the Republican leadership, constantly practices is reverse Robin Hood. What does that mean? Well, it means robbing from the poor and working people to give tax breaks to the rich.

Today, instead of debating a fair minimum-wage bill, we are debating a near repeal of the estate tax bill for millionaires. This is a bill that benefits only 6 to 7,000 very, very wealthy people. This does not help the poor or the majority of working Americans at all. This reverse Robin Hood policy which gives tax breaks to the very wealthy robs from the rest of us and leaves us with very little money to provide services like educational loans, health care, homeland security, transportation, our Nation's veterans, our seniors, our children, the poor.

This is the reason why 77 percent of the American public does not believe that the United States Congress represents their interests. And this reverse Robin Hood bill is a perfect example of why.

I strongly urge my colleagues to vote ''no'' on the rule and send this horrible bill back to the drawing board.

Ms. SLAUGHTER. Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, let me just review. This issue has been around in Congress for some time. This House has acted on full repeal of the death tax for the last three Congresses on a bipartisan basis. But the reality is we simply can't get this through the full Congress because the other body simply doesn't have the votes, supermajority votes, I might add, to close off debate over there, so we have to pass something that can pass both Houses of the Congress. This bill does that. And it is important that we pass this bill as soon as we possibly can so those that are trying to plan estates after 2010 can make those plans with some certainty.

So, Mr. Speaker, this is a good bill. This is a good rule.

The material previously referred to by Ms. SLAUGHTER is as follows:

PREVIOUS QUESTION ON H. RES. 885, RULE FOR H.R. 5638—PERMANENT ESTATE TAX RELIEF ACT OF 2006

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

''Sec. 2. Immediately upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 2429) to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) 60 minutes of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce; and (2) one motion to recommit with or without instructions.''

---

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for a amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Republican majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution * * * [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule * * * When the motion for the previous question is defeated, control of the time passes to the member who led the opposition to ordering the previous question.

That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.''

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time, and 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, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

## PROVIDING FOR CONSIDERATION OF H.R. 4890, LEGISLATIVE LINE ITEM VETO ACT OF 2006

Mr. PUTNAM. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 886 and ask for its immediate consideration

The Clerk read the resolution as follows:

H. RES. 886

*Resolved*, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 4890) to amend the Congressional and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority. The bill shall be considered as read. The amendment in the nature of a substitute recommended by the Committee on the Budget now printed in the bill, modified by the amendment printed in the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. All points of order against the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget; and (2) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida (Mr. PUTNAM) is recognized for 1 hour.

Mr. PUTNAM. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my good friend and colleague from Florida (Mr. HASTINGS), 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. PUTNAM asked and was given permission to revise and extend his remarks.)

Mr. PUTNAM. Mr. Speaker, House Resolution 886 is the rule that provides for debate of H.R. 4890, the Legislative Line Item Veto Act of 2006.

As a member of both the Rules Committee and the Budget Committee, the two committees of jurisdiction for the underlying legislation, I am pleased to bring this resolution to the floor for our consideration.

The Legislative Line Item Veto Act is the product of years of work on both sides of the aisle in Congress and at both ends of Pennsylvania Avenue. The original Line Item Veto Act was signed into law in April of 1996. It was later found unconstitutional by the Supreme Court in its 1998 ruling on Clinton v. The City of New York. In each Congress since 1998, there have been multiple proposals from both parties to give the President constitutional line item veto authority.

In his State of the Union address this year, President Bush stated: ''I am pleased that Members of Congress are working on earmark reform, because the Federal budget has too many special interest projects. And we can tackle this problem together if you pass the line item veto.''

This subtle, but powerful, statement gave momentum to the effort to consider a constitutional option to the original Line Item Veto Act. The statement was followed up by an official message from the President to Congress in which he specifically asked Congress to consider his proposed Legislative Line Item Veto Act of 2006, which was subsequently introduced by Representative PAUL RYAN of Wisconsin.

This legislation is based on an expedited rescissions approach to controlling spending that has been historically supported by both Democrats and Republicans as a means of bringing greater transparency and accountability to the budget and spending process. In fact, during the early 1990s, and again in 2004, expedited rescissions proposals that would have provided the President with the ability to propose the cancellation of spending items and special interest tax breaks and have them considered by Congress on an expedited basis were widely supported by Members of both parties. The Expedited Rescissions Act of 1993 was introduced by the ranking member, the Democratic leader on the Budget Committee, and received 258 votes on the House floor, including 174 Democrats. The Expedited Rescissions Act of 1994, another bill sponsored by the ranking member on the Budget Committee, received 342 votes on the House floor, including 173 Democrats. In 2004, the Ryan-Stenholm bipartisan Expedited Rescissions amendment received 174 votes on the floor, including 45 Democrats, one of which was the ranking Budget Committee member.

The current version of H.R. 4890 is also the product of that bipartisan effort. Based on input from Members from both sides of the aisle, it is narrowly drafted to meet the intent of allowing the President to work with the Congress to reduce wasteful spending, while preserving the separation of powers between the legislative and executive branches. This legislative line item veto ensures that the power of the purse remains in the hands of Congress, where our Founding Fathers placed it and intended it to remain. Both the House and the Senate must affirm the President's vetoed spending. We will vote on any items the President selects. Congress maintains the final say on where and how and if the funding in question occurs.

Mr. Speaker, I thank Mr. RYAN, the Budget Committee, and the Rules Committee for creating legislation that will enable this Congress to maintain control of our spending priorities at both the beginning and the end of the budget process. This legislation is another example of the Republican-led Congress and our President pushing forward with fiscal discipline.

I urge members to support the rule and the underlying bill.

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

Mr. HASTINGS of Florida. Mr. Speaker, I thank my colleague and good friend from Florida (Mr. PUTNAM) for the time, and I yield myself such time as I may consume.

Mr. Speaker, I rise in strong opposition to this rule and the underlying legislation. It is the misguided belief of some that the line item veto will serve as an effective tool to overcome the profligate spending by Congress. The irony, of course, is that if Congress had any kind of backbone, we would do it ourselves. For instance, if these same Members, who in my opinion feign seriousness about reining in spending, were actually serious, they would support our colleague, Mr. FLAKE, more often in his admirable yet heretofore unsuccessful attempts in cutting spending using the constitutionally mandated method, writing them into or removing them from bills before being sent to the President.

□ 1115

Proponents argue that giving the President enhanced authority and power would check Congress' mismicromanagement of Federal spending. Frankly, I think this reasoning is preposterous. I highly doubt that increased rescission authority would be used to decrease our Nation's deficit. To the contrary, I believe such authority would only further the aims of the partisan politics we have seen through this Congress and this administration. And let me be fair. If there is

ever a Democratic President, I think he or she would likely use this particular legislation in a partisan fashion.

For more than 5 years, the President has continually signed off on budgets that have only deepened our Nation's deficit. If the President seeks to cut excessive spending and lower the deficit, he, meaning this President, should adopt the traditional means he already possesses before seeking expanded authority.

Americans might have less trouble keeping their heads above water if they were not being overwhelmed with the red ink flowing in Washington, D.C. The truth of the matter is that this President has no need to use his power to veto when he can convince the majority in Congress to strike sections of legislation that go against the President's political agenda. In fact, in the more than 5 years that President Bush has been in office, he has not used the veto authority he currently possesses to veto a single piece of legislation that would lower our deficit or reduce the debt.

Who knew that in the year 2000 the Supreme Court would choose America's first prime minister and relegate Congress' role to that of an advisory committee.

Someone said recently that this Republican Congress has been simply a rubber stamp for the President. I politely disagree. My view is that at least a rubber stamp leaves an impression.

We have heard, and we will continue to hear, that almost all our Governors have something akin to line item veto authority. This, however, should not be used as a reason why we ought to do the same at the Federal level. In Florida, for example, the Governor's expanded veto authority has clearly shifted powers long held by the State legislators to the executive branch. We cannot let this happen here. We, the legislators, not the executive branch, should determine the legislative agenda.

Ms. SLAUGHTER, in our meeting the other day, said where is it that this divine notion of what ought to be in the power of the purse is over there at 1600 Pennsylvania Avenue, no matter who occupies that office?

Now, once you take an even closer look at this bill, it gets even worse. The bill's provisions mandate that no amendment can be made to any rescission bills while in committee. This heavily restrictive ''all-or-nothing'' approach to the legislative process is quite damaging. Moreover, it totally undermines proponents' arguments that the President's ''all-or-nothing'' power to veto is what must be curbed.

The bill also stipulates limited debate in both the House and the Senate. It certainly does not answer the question of what happens if the Senate votes one way and the House votes another on one of the measures that the President has determined should be rescinded. These requirements do nothing but upset the delicate balance of power that our Founding Fathers crafted.

A footnote right there: Didn't the Supreme Court already tell us once before that veto in this particular fashion was unconstitutional, the line item veto?

If this bill passes, consensus, the ultimate cornerstone of the legislative process, as well as the principles of democracy itself, will most definitely be lost. Furthermore and most importantly, I do not think it wise or in the best interest of the American people for the legislative branch, this House that the Founding Fathers gave the power of the purse, to delegate more of its powers to any administration. Republican, Democrat, Independent, Green, wherever the President comes from, they should not have the power constitutionally mandated for the legislative branch to have. Administrations have continually abused our trust and usurped our constitutional authority.

For more than 5 years, the delicate system of checks and balances that our country depends on has been compromised all too often. Whether using so-called signing statements, and I wish I had to time to explain to the American public that dynamic, and I might add used by President Clinton as well, but not as much as by President Bush, which include caveats to bills, or tapping our phones, or wildly interpreting authority given by the PATRIOT Act, this President has shown little to no regard for Congress' coequal authority for control over the management of the country.

We cannot let this President, or any President for that matter, upset the balance needed to run this country. Granting line item veto authority to the executive branch would not only be offensive to democracy, it would be a serious mistake. It would undermine the United States Constitution, and it would be the kind of mistake we cannot afford to pay.

We are not children in this body, Mr. Speaker. We do not need to enshrine in law a paternalistic relationship between Congress and the President.

I urge rejection of this rule, and I urge rejection and entreat my colleagues to defeat the underlying bill.

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

Mr. PUTNAM. Mr. Speaker, I yield 4 minutes to my colleague from Florida, a member of the Budget and Appropriations Committees, Mr. CRENSHAW.

Mr. CRENSHAW. Mr. Speaker, I thank the gentleman for yielding.

I rise in strong support of this rule so that we can get on with the underlying bill to grant the President line item veto to just be another tool in trying to get a handle on the way we spend money here in Washington. Everybody knows that we are trying to do a better job of controlling spending, and the line item veto would just be another piece of the puzzle, another reform that we ought to put in place to help us toward that goal.

Now, first and foremost, we have got to exercise discipline ourselves here in this House. And a lot of people do not realize it, but we have actually done that. The last couple of years we have written a budget in this House where, for instance, last year in the budget, when you take out defense and homeland security, the nonsecurity spending of the United States Government actually went down for the first time in 20 years since Ronald Reagan was President. This year we wrote a budget that freezes nonsecurity spending. And that is a huge step in the right direction.

We have also put a rainy day fund in our budget this year to kind of be like most American families, to say if there is an unexpected problem, we will have some money set aside. We are already talking about earmark reform. That is part of some legislation.

So now we have got the line item veto. That will give the President the right to say, ''I see something in the spending bill that looks a little bit out of line, and I want to bring it up.'' Now, all that does is add a little bit more oversight, a little bit more accountability, a little bit more transparency into this overall budget process. What is wrong with that? If you really want to get a handle on how we spend money, what is wrong with an additional review? It might even make us here think more thoughtfully about the things that we do and the money that we are spending it on.

So I just think that this is part of the puzzle. It is one tool. It is not going to solve the spending problem once and for all, but it certainly is a valuable tool. We all know that government needs money to provide services, but it seems to me right now government needs something more. It needs discipline, and we are providing that, and the line item veto will help with that. The government needs the commitment to make sure that every task of government is completed more efficiently and more effectively than it ever has been before, and the line item veto will help in that regard.

We can do more with less around here, and if we pass this line item veto, that will just be another part of the puzzle, another tool in our equipment to get a handle on the way we spend money. The American people deserve no less.

So I urge adoption of this rule and adoption of the underlying bill.

Mr. HASTINGS of Florida. Mr. Speaker, excuse me. Will my colleague remain for me to use some of my time to ask him a question before I yield to my good friend Mr. MILLER?

Mr. CRENSHAW. Yes, sir.

Mr. HASTINGS of Florida. And I might add my good friend and fellow Floridian, and he is my good friend.

Let me ask you, Mr. CRENSHAW, do you feel that this House of Representatives and the U.S. Senate, or the Congress, is in a deficit spending environment at this time? Can you answer ''yes'' or ''no''?

Mr. CRENSHAW. I know this year there will be a deficit in terms of our overall budget and spending this year.

Mr. HASTINGS of Florida. Right. And every year since the President has been in office, we have been in this deficit spending environment; would you agree?

Mr. CRENSHAW. I think it is going down, and that is the good news, because the economy is growing.

Mr. HASTINGS of Florida. Then tell me what is down and what is up? Did we not raise the debt ceiling twice?

Mr. CRENSHAW. We raised the debt ceiling twice. And the economy is roaring, and we lowered taxes, and people are back at work, and the deficit is going down, down, down. And that is good news.

Mr. HASTINGS of Florida. Reclaiming my time, you say that this will be a little bit more. Our good friend PAUL RYAN, who is an author of this legislation, yesterday in my dialogue with him, he agreed that this legislation gives the President the power to do five messages in regular legislation and 10 in an omnibus. Do you think by any stretch of the imagination that the American public believes that this is going to reduce the national debt?

Mr. CRENSHAW. For instance, I would say this: We had a transportation bill last time.

Mr. HASTINGS of Florida. Can you answer ''yes'' or ''no''?

Mr. CRENSHAW. And you have heard of the ''bridge to nowhere''? That was about $300 million, and that kind of made its way through the process on to the President's desk. And I think if the President had had a line item veto, he might have said, You know what? I think you ought to take another look at that ''bridge to nowhere.'' And he could have exercised that line item veto. And maybe if that had gone away, then, yes, we would have spent less money, and the deficit would not be as large as it is today, and that is good.

Mr. HASTINGS of Florida. Reclaiming my time, we do not live in Alaska, and no affront to you. I am delighted that we have $1.8 billion coming to Florida for coastal protection, but the President could have line itemed that, too.

Mr. CRENSHAW, you served in the State legislature. And under Democrats and Republicans that had the line item veto, the simple fact of the matter is they have used it in a partisan fashion more often than not. That is among the fears.

Thank you for the dialogue.

Mr. Speaker, at this time I am pleased to yield 4 minutes to my good friend from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman for yielding.

It is fitting that we are talking about the line item veto when we are doing the estate tax. President Clinton left you guys an estate of $5 trillion, and like irresponsible relatives, you went off and blew it. And now you are saying to the country, like so often serial killers leave notes for the police, as the Son of Sam did, saying, ''Help me before I kill again,'' you are saying, ''Help me before I spend again.''

You control all the mechanisms of spending. You control the House. You control the Senate. You control the Presidency. And you need help before you spend again. What is this, Comedy Central? What is it you are doing here? ''Help me, I can't stop spending. Give me a line item veto, and maybe the President will veto 1 million here or 10 million there or 5 million there.''

We have an $8 trillion debt. You inherited a $5 trillion surplus. The money you are going to give to the richest families later today in this country, the richest 7,000 families, you are going to borrow from Social Security.

Mr. CRENSHAW says you are now being fiscally responsible because you have a rainy day fund. You are the only family in America that went out and borrowed money to put into a rainy day fund because you do not have any money. The American people do not have any money in this government. All they have is debt. And you want a bill to help you to keep from spending again. What you need is a 12-step program on spending.

□ 1130

It is called intestinal fortitude. It is called having a spine. It is called having some guts to do what is necessary. But the first thing you did was get rid of the discipline and pay-as-you-go. So now you are stuck.

But more importantly, the Nation is stuck, and so we see this little plea, on the morning that we are going to give away almost $1 trillion to the richest people in the Nation, you have a plea here that maybe the President will stop the bridge to nowhere. How about Congress stopping the bridge to nowhere? How about doing what you were elected to do?

You don't need a line item veto. This isn't about statutes. This isn't about vetoes. This is about what the Congress is to do. You walked in here fresh, newly elected, and you got handed $5 trillion. And now you can't stop yourself. You can't stop yourself.

You can stop yourself from giving the people an increase in the minimum wage that hasn't increased since 1997. You can't give those people 70 cents more an hour. But you give it away to the richest estates, and then you can plead that but for the line item veto, we would somehow get to a balanced budget.

Every dollar you are going to spend today, tomorrow, and every dollar you spent yesterday and the day before came out of the Social Security Trust Fund. I am sure that America, while you are putting away a rainy day fund on borrowed money, I am sure America is delighted that you are putting away the estate tax on their Social Security earnings, on their trust fund. You are taking their trust fund that belongs to all Americans called the Social Security Trust Fund and you are raiding it for the trust fund of the heirs of the richest estates in America. What a wonderful example today. What a wonderful example for young people to learn about our obligations to future generations.

This is a theater of the absurd. You have run the country into the ditch financially. You got a $1 trillion war going that you can't figure out how to stop. You have stolen most of the money from Social Security Trust Fund. Every year we have a deficit. We have a $8 trillion debt. And you want to talk about the line item veto.

You know, the government is spending money like a drunken sailor, and Ronald Reagan said, well, at least the sailor was spending his own money.

You are spending the public's money at a rapid, illegal, unconscionable, immoral rate, and you ought to stop, but the line item veto won't do it.

Lots of things have changed since 1997, but the value of the minimum wage isn't one of them. Because of Congress' failure to act on behalf of the lowest paid workers in America, the minimum wage is still just $5.15 per hour. $5.15 per hour. Think about that. At $5.15 per hour, you would have to work all day just to fill a tank of gas at today's gas prices.

At $5.15 per hour, you would have to work for at least 30 minutes just to afford a single gallon of milk.

Democrats have a simple and reasonable proposal: We want to raise the minimum wage to $7.25 per hour over the next two years. Doing so would directly benefit 6.6 million American workers. The vast majority of those workers are adults. Hundreds of thousands of them are parents with children under the age of 18.

We have all heard the well-worn economic arguments against raising the minimum wage, and we all know they simply aren't true. The truth is that raising the minimum wage won't hurt the economy, and can even help it.

But forget about economics. That's not what this issue is about. This issue is about doing what's right. And it is just wrong that, in the wealthiest and most advanced country in the history of the world, millions of adults work full-time, all year, and yet still earn an income that leaves them deep in poverty.

It is just wrong for the Republican leaders of this Congress to refuse to allow even a vote on raising the minimum wage. But what makes all of this far worse is that today, once again, as it has done so many times during the past several years, the leaders of this House are going to push tax breaks for the wealthiest people in this country .

You know, starting in 2009, only the largest and wealthiest 7,500 estates nationwide will pay the estate tax. The Republican plan to gut the tax on these 7,500 estates will add three quarters of a trillion dollars to the federal budget deficit over the next decade. That's trillion with a T.

Lee Raymond, the former CEO of Exxon Mobil, stands to save as much as $160 million if this estate tax repeal goes through. This is the same Lee Raymond who left his job with a $400 million retirement package.

Why is the Republican leadership so worried about people like Lee Raymond? Why is the Republican leadership constantly looking for new ways to help the absolute richest people in the country? When is the leadership of this House going to do something for the lowest-paid families in America?

If you are born with a silver spoon in your mouth and you stand to inherit millions or even billions of dollars that you did not work to earn, then this Congress wants to serve you. But if you get up every day and go to work to earn a living, then don't expect any help from this Congress. The message all of this sends could not be clearer. The Republicans value wealth, not work.

If you hold up your end of the bargain and contribute to your community and our economy by working hard every day, then you should not have to live in poverty. It is well past time for this Congress to treat America's working families with the respect and dignity they have earned.

The choice to provide hundreds of billions more in tax breaks for the ultra-wealthy is shameful. It's even more shameful to do it while steadfastly refusing to raise the minimum wage.

Mr. PUTNAM. Mr. Speaker, I would just remind my friend that on the three previous occasions there has been an opportunity to vote on this issue, 173 Democrats one time, 173 Democrats another time and 45 Democrats at another time all joined the cast members at his theater.

Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. I appreciate the gentleman yielding.

Mr. Speaker, I rise in very strong support of this rule and certainly the underlying legislation as well.

You know, President Reagan said the government is too big, and it spends too much. That is a very simple statement, but it really goes to the heart of why we need to have a line item veto.

The American people are demanding something be done to get a handle on some of the out-of-control spending that does happen here, and the legislation we are considering today will go a very long way to bring fiscal restraint and greater accountability to government spending.

The line item veto has actually worked in many, many States across our great Nation, including in my home State of Michigan, and I believe it can work here as well at the Federal level.

Currently the only way that a President can make a stand against wasteful spending is to veto an entire bill, even though perhaps only a few provisions in that might be offensive. We have seen that not only this President, but others before him have been extremely hesitant to do so.

So often we hear about some particular egregious pork-barrel spending slipped into what is otherwise a very good bill, and right now there is really nothing that can be done. This bill gives another tool. It is another way for the administration to work with the Congress to address spending in a responsible and a reasonable manner.

This bill is common sense, and I think it will require lawmakers to be more careful about the spending that they are advocating and also to be able to justify that spending. I think this is a great start toward fiscal responsibility, and I urge my colleagues to support this rule and again to support the underlying legislation.

Mr. HASTINGS of Florida. Mr. Speaker, before yielding to my good friend from Wisconsin, perhaps it would be helpful if we have a little bit of historical foundation. Sometimes we forget these great people that met and debated for a long time before they determined the form of government that we should have.

But one of the things that they established most immediately in Article I, after the Preamble, ''We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America,'' Article I, Section 1, colleagues: ''All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives.'' Not a President.

Mr. Speaker, I yield 2½ minutes to my friend, the gentleman from Wisconsin (Mr. KIND).

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

Mr. KIND. Mr. Speaker, I thank my good friend for yielding.

Mr. Speaker, first of all, this rule is outrageous. We have a closed rule, no amendments, no substitute allowed in order. We had a serious discussion in the Budget Committee just last week over this legislation raising serious issues of concern about the body of this legislation. Now we come to the floor today, and we are completely foreclosed from having an honest debate about some of the fixes that I feel and many of my colleagues feel are necessary to improve this legislation.

Now, I appreciate what the authors of the legislation are trying to accomplish, but let's not forget one fundamental fact: If there is a concern about overspending in this Congress, we already have a tool to address it. It is called stop spending.

I guess I would have a little more confidence if the track record of this administration and this Congress was more serious about fiscal responsibility. This is the first President since Thomas Jefferson who has refused to veto one spending bill. He is not even using the rescission process that he already has authority to do.

The last reconciliation measure before this Congress actually increased the national debt, rather than reducing the national debt, for the first time in our Nation's history.

I am afraid this legislation today is nothing but a political fig leaf to try to cover up the complete breakdown in fiscal responsibility under this administration and this Congress. And that is unfortunate, because we owe a better work product to future generations, rather than leaving them a legacy of debt.

Five debt ceiling increases in the last 6 years. They have presided over the quickest and largest expansion of national debt in our Nation's history, and the fastest-growing area in the Federal budget today is interest on the national debt.

What is really unfortunate is we no longer owe this debt to ourselves. We are completely dependent on foreign countries such as China to be financing these deficits today, putting us in a security and an economically perilous situation dependent on other countries to be financing our books because we don't have the institutional will to do it ourselves.

We had a viable and credible substitute that actually gets serious about fiscal responsibility. It reinstitutes pay-as-you-go rules, a tool that worked very effectively in the 1990s that led to 4 years of budget surpluses when we were actually paying down the national debt rather than increasing that debt burden to our children and grandchildren.

We also called for a greater time to review spending measures before they are brought to the floor so we have a chance to dig into it and find out where the spending is going.

We also had in our substitute an important provision that would prohibit any administration from using this line item power to blackmail Members of Congress in order to cajole votes from them to support other measures that are completely unrelated to the spending bill before us.

These are serious deficiencies that many of us have in the bill, but we are foreclosed from discussing them with amendments or by offering a substitute today. I think that is an outrage.

I would encourage my colleagues to reject this rule. Let's open it up. What are we afraid of? Let's have an honest debate. Let's have a debate of ideas, and let the votes fall where they may.

Mr. PUTNAM. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Florida (Mr. MILLER).

Mr. MILLER of Florida. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I sit here and I listened to what can only be termed as the height of hypocrisy. The gentleman who has just debated against this particular bill in fact 2 years ago voted for almost the same thing, and now today he is voting against it. I don't care what you say, that is pretty funny right there.

Since 1991, Federal spending on special-interest projects has increased by 900 percent. We understand that. Congress is long overdue in extending the line item veto privileges to the President of the United States.

This bill does not vest within the President the ability to solely go in and line item veto by himself. It comes back to the Congress. It gives him the authority to propose elimination of earmarks, but it leaves Congress the ability to give an up-or-down vote on the President's proposal.

I served in the Florida State Legislature where there is a line item veto by the Governor, and it was inferred just a little while ago by one of the speakers that it was used politically. Yes, it was used politically in Florida, but only by the Democratic administration.

Mr. HASTINGS of Florida. I don't believe he said that. I want to continue along those lines. Evidently the previous speaker doesn't know what Governor Jeb Bush just did, but that is another story.

I want to keep the Constitution before us. What it says in that same article, which, incidentally, was the first article, the article creating the President was the second article, in the first article, ''No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time,'' by the Congress.

I am pleased to yield 4 minutes to my good friend from Tennessee (Mr. COOPER).

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

Mr. COOPER. Mr. Speaker, in the vain hope that there still is an undecided Member of this body, I think it is important that we look at the facts. I would encourage my colleagues to oppose both the rule on the line item veto and on the estate tax. Why? I am afraid people watching this debate are seeing Congress at a historical low point.

On the estate tax, if you read the editorial in today's Wall Street Journal, the Wall Street Journal is claiming that King BILL THOMAS' proposal is hardly an improvement over current law. Hardly an improvement over current law.

So if you are for repeal, you better check with King BILL THOMAS, because he has been given near royal powers by this House. Members of the vaunted Ways and Means Committee were denied an opportunity to even meet and discuss this legislation. So no one really knows what is in it, except perhaps King BILL THOMAS.

What an outrage. This is supposed to be a deliberative body, but because of this rule, the Pomeroy substitute was not allowed to be considered. What is King BILL THOMAS afraid of? A debate? A discussion in the House of Representatives? This is a shameful moment in our history.

But now turning to the rule on the line item veto, Mr. SPRATT was denied an opportunity to offer a substitute. What is the Budget Committee afraid of? A debate? A discussion? The possibility we actually might know what we are voting on in this rubber-stamp Congress?

Now, I am not a hard-core partisan. While I oppose repeal of the estate tax, I am planning on voting for the line item veto. I would suggest to my colleagues who care about budget deficits that that is the appropriate and consistent approach.

But look at the line item veto. The only thing that that bill will do is deprive President Bush of his last excuse for accepting all congressional spending bills.

My colleagues on both sides of the aisle know that this is the biggest spending domestic President since LBJ; in fact, probably exceeding even the Great Society spender himself.

My colleagues on both sides of the aisle know that earmarks have proliferated. They are now up to some $50 billion a year. And what has the President done about it? He is the first President since Thomas Jefferson to never use his constitutional veto power, that chainsaw for cutting spending. President Bush has never touched it.

There is a lesser power, more like a scissors cutting power, that President Bush has. Every President since Richard Nixon has had that power, and President Bush has never used that power.

So what is he asking for here? Now it is called line item veto, but it is not really. That is a lie. Properly titled, the bill is expedited rescission. Why? Because line item veto is unconstitutional. The Supreme Court decided that in 1998. So all this bill is is a pair of sharpened scissors for the President, who has never used his regular scissors.

□ 1145

Well, I for one hope he will use those sharpened scissors. How are they sharper? Well, it does require that Congress actually vote. We can't blow off the President by delaying indefinitely a vote on his recommended cuts. And that is a small improvement.

But you are telling me, with the Republican tyranny that we have today, Republicans in charge of all branches of government, that President Bush couldn't have forced a vote on his suggested cuts if he had dared bring them up in the last 6 years of his Presidency? Certainly the President could have gotten a vote on it, but he has not dared ask. This is the most feckless, cowardly administration in terms of cutting spending that we have witnessed in American history.

Mr. PUTNAM. Mr. Speaker, I would say to my friend from Tennessee I am sure he did not mean to impugn or personalize the debate against any given chairman in this Chamber.

I am pleased to yield 1½ minutes to the gentlewoman from Ohio (Mrs. SCHMIDT).

(Mrs. SCHMIDT asked and was given permission to revise and extend her remarks.)

Mrs. SCHMIDT. Mr. Speaker, I thank the gentleman from Florida (Mr. PUTNAM) for yielding to me.

Mr. Speaker, I rise today in strong support of this rule and the underlying legislation, H.R. 4890, the Legislative Line Item Veto Act. I commend the gentleman from Wisconsin (Mr. RYAN) for his work on this important legislation. I am proud to be a cosponsor because I believe H.R. 4890 will be a useful tool to reduce the budget deficit, improve accountability, and ensure that our taxpayer dollars are spent wisely.

Unlike previous versions of the Line Item Veto Act, H.R. 4890 preserves Congress' authority. This legislation would give the President the ability to identify unnecessary, duplicative, or wasteful spending provisions that have passed Congress, and send these specific line items back to Congress under an expedited procedure for an affirmative up-or-down vote by both the House and the Senate.

When I was elected to Congress, I pledged to be fiscally responsible. The line item veto is a way to ensure that taxpayer dollars are spent wisely. I urge my colleagues to support this important legislation.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 2 minutes to my good friend from Massachusetts (Mr. NEAL), a distinguished member of long standing on the Ways and Means Committee.

(Mr. NEAL of Massachusetts asked and was given permission to revise and extend his remarks.)

Mr. NEAL of Massachusetts. Mr. Speaker, I thank the gentleman from Florida.

Mr. Speaker, we had in constitutional scholars that were all asked at the Budget Committee meetings whether or not Congress currently possessed the ability within its governing responsibilities to balance the budget, and the answer was ''yes.''

This is a fake tool meant to cover the Republican Party. I opposed this with Ronald Reagan, I opposed it with George Bush, Sr., with Bill Clinton, and now with George Bush, Jr. And do you know what is regrettable about this debate, most regrettable about the debate? Conservatives won't stand up for principle.

The idea of a running mate in 1215 was to keep King John from being an autocrat. When Prince Charles invaded the House of Parliament and arrested members who disagreed with him, it was time to take action.

What do we do here? We cede more authority to the Executive. You put this tool in the hands of Lyndon Johnson, and you are going to regret it. You are going to regret the day you ever embraced this item. Calling down to the White House to see if your spending proposal was okay? As they say to you, Well, I was checking your voting record on some references you made to the administration recently. Now we will decide whether we are going to keep your item in. How ill-considered, how ill-timed in the middle of war that we would do this, to give the authority

to the Executive to make decisions that Mr. Madison and Mr. Jefferson correctly believed belonged with this body. And conservatives violate that spirit today by giving more authority to the other end of Pennsylvania Avenue.

Do you know what is going to happen? And you mark my words. The President will determine what spending priorities are and not the Congress according to our Constitution. Wake up to this issue and what we are about to do here today. The threats from the Executive are always a part of our lives in congressional reality, and everybody here knows it. I listened to that debate; it was the weakest debate I have heard. I had conservative Members come over and say, You are right. We agree with you, but we have got to do something.

Do you know what to do? Add some transparency to this system. Stop issuing press releases in the appropriations process. That would take care of this issue overnight.

Mr. PUTNAM. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. CHABOT), the chairman of the Subcommittee on the Constitution.

Mr. CHABOT. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of H.R. 4890, the Legislative Line Item Veto Act of 2006.

On April 27, the Subcommittee on the Constitution, which I chair, held a hearing on the issue and concluded that the bill Mr. RYAN has introduced will not only reduce frivolous spending, but will pass constitutional muster.

The notion of a line item veto has intrigued those concerned with wasteful Federal spending for a long time. Presidents at least since Thomas Jefferson have asserted that the Executive has some discretion in the expenditure of monies appropriated by Congress. Forty-three Governors have some form of a line item veto to reduce spending, yet until 1996 no such mechanism existed at the Federal level. And that year, Congress enacted the Line Item Veto Act that was part of the Contract with America, and it had overwhelming bipartisan support.

However, the United States Supreme Court ultimately held that the Line Item Veto Act was unconstitutional because it gave the President the power to rescind a portion of the bill as opposed to an entire bill as he is authorized to do by article I, section 7 of the Constitution.

Despite the Supreme Court's actions, the notion of a line item veto has remained very popular. During its brief life, President Clinton used the line item veto to cut 82 projects totaling over $2 billion. Most recently, line item veto proposals have been warmly received by such disparate editorial boards as The Washington Post on one hand and the Wall Street Journal on the other.

In addition, Mr. RYAN's legislation addresses the constitutional concerns that were raised by the 1996 line item veto bill, and gives the President only the authority to recommend to Congress that it rescind money, and it provides for an expedited procedure for doing so.

I would urge my colleagues not only to vote for this rule but also to support the underlying legislation. It is time that we get Federal spending under control, and this is a part of allowing us to do that.

Mr. HASTINGS of Florida. Mr. Speaker, because of the limited number of speakers that I have left, I will reserve my time and allow my colleague from Florida who has more time and maybe more speakers to proceed.

Mr. PUTNAM. I thank my friend.

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

Mr. DENT. Mr. Speaker, I too today rise in strong support of the rule for H.R. 4890, and I would urge my colleagues to support this.

Some people are opposed to this bill and the underlying rule, because they fear that this rule gives too much power to the Executive. Well, I must respectfully disagree. This legislation is important because it forces Congress to be fiscally responsible. We simply must do a better job in reining in Federal spending.

The line item veto is nothing new to the American political system. Many States, including my own of Pennsylvania, allow the Governors the opportunity to reject individual spending initiatives that are brought within a comprehensive budgetary package.

Having served as a State representative and a State senator, I can assure you that the threat of an Executive's blue line, or blue pencil as we say in Pennsylvania, often forces smarter and more disciplined spending on the part of the legislative body. What is more, when the legislative body acts with greater fiscal restraint, the Executive is less likely to exercise that power granted under line item veto.

And if the Executive acts in an arbitrary or capricious manner, the legislative body knows how to respond and retaliate, if necessary, through the budget process. Thus, the legislature and the Executive act as potential deterrent to one another's spending proclivities. I have seen this happen many times.

This legislation as drafted does not, in my opinion, cede Congress' constitutionally mandated spending prerogative to the President. In this bill, the Chief Executive may designate for rejection up to five earmarks per spending bill, 10 in the case of an omnibus or reconciliation package. Congress, however, has the final say on those earmarks, as the legislation provides for an expedited process of returning them to Congress in order to have an up-or-down vote on those proposed rescissions. In this way, the spending proclivities of both sides are kept in check, and we will make important strides toward imposing a culture of fiscal restraint in Washington.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield to my good friend, the gentlewoman from California (Mrs. CAPPS), for 1½ minutes.

Mrs. CAPPS. I thank my colleague from Florida for yielding.

Mr. Speaker, I rise in opposition to this legislation. It is laughable to use this bill for our friends in the majority to preach about responsible budgeting. We have a huge budget deficit precisely because of Republican budget policy combining endless tax cuts with endless spending, including hundreds of billions of dollars in so-called emergency spending.

For example, last week the House spent another $94 billion off the books mostly to pay for the Iraq war. No offsets, nothing to pay for this spending, just pass the cost on to future generations to worry about it.

Later today we are going to vote on another $300 billion tax bill. Again, no offsets. Is it any wonder that we have $300 billion to $400 billion annual deficits as far as the eye can see? And this bill before us is supposed to rein in wasteful spending? This President hasn't vetoed a single bill or used the rescission powers he already has.

I have a better idea, Mr. Speaker, than gimmicks like this bill. This Congress needs a new direction. We need new leadership. And there is a party that can and will do this job. We don't need to shift Congress' responsibility to control wasteful spending to the White House; we just need to change direction. We need new leadership, as I said, to have that responsibility reside right here in the Congress where it belongs. This weak and irresponsible legislation is just more proof. So I urge my colleagues to vote against the bill and against this gimmicky rule.

Mr. PUTNAM. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from Pennsylvania (Mr. ENGLISH), a leader on our Ways and Means Committee.

Mr. ENGLISH of Pennsylvania. I thank the gentleman.

Mr. Speaker, Benjamin Franklin once admonished: before you consult your fancy, consult your purse.

It is the nature of all legislative bodies, including this one, to consult their constituents' fancies, but it is ultimately the responsibility of Chief Executives, including the President, to first consult the purse.

What we propose to do in this legislation is give the President a power to consult the purse that is fundamental and is available to most current Governors, a line item veto mechanism which will allow for the elimination, the challenge of individual spending items.

This is certainly a modest proposal, Mr. Speaker. It is not as strong as what we passed back in 1995 when I first came to Congress, but that was ruled unconstitutional after we gave President Clinton, a President of the other

party, the opportunity to use his line item veto authority 82 times.

President Clinton, using the line item veto, was able to cut over $600 billion in Federal spending before that power was ruled unconstitutional. It was just a few years ago, in January of 1999, I came before this body and offered a constitutional amendment to provide a strong line item veto to the President. But that ultimately proved to be too heavy a burden to carry.

We are considering a much more modest version of the line item veto today that would give the President the opportunity to veto entitlement changes and special tax breaks, as well as all discretionary appropriations. It would allow Congress to be able to act on veto packages within 10 days of the President's submission, and then Congress would have to hold up-or-down votes that would not be amended.

This is a fundamental power. This is an important part of the checks and balances. This will allow the President to unpackage pork barrel spending, the results of log rolling, and identify potential wasteful spending. This is not a panacea, but it is a fundamental reform impregnate of a range of reforms necessary in order for us to get our budget under control. I urge my colleagues to vote for the rule and for the underlying bill.

□ 1200

Mr. HASTINGS of Florida. Mr. Speaker, my good friend from Pennsylvania began his remarks by quoting Ben Franklin who also was from Pennsylvania. Let me also say to you what Mr. Franklin said. At the conclusion of the Constitutional Convention in your home State and his, Benjamin Franklin was asked, What have you wrought? He answered, A Republic, if you can keep it. He did not say a monarchy.

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

Mr. PUTNAM. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Georgia (Mr. GINGREY), a member of the Rules Committee.

Mr. GINGREY. Mr. Speaker, I rise today in support of the rule and this underlying bill, and I want to first of all commend Representative PAUL RYAN of the Ways and Means Committee for bringing up this legislation.

The Legislative Line Item Veto Act of 2006 takes a very measured approach that enables the President to recommend budget savings, but preserves the Congress' power of the purse.

Mr. Speaker, we have heard a lot of speeches this morning from the other side, and it is amazing how they are railing against two very strong, fiscally sound bills that we are going to vote on later today, a limited line item veto for the President and the virtual elimination of the death tax. Mr. Speaker, it gives them a great opportunity to rail against this Republican majority and this President, but I hope the American people are watching closely when they vote, if they vote against the virtual elimination of the death tax and against giving this President the limited power of a line item veto.

Mr. Speaker, H.R. 4890 will serve as an additional tool in our arsenal to reduce spending. This bill gives the Congress another set of eyes to review spending, with Congress still having the final say.

The gentleman from Massachusetts, one of the previous speakers, said that, well, you know, some Member might have a really great project, but some President takes political retribution. The fact is, Mr. Speaker, that we Members on both sides of the aisle would recognize that, and with a simple majority would vote it down. Rather, what would happen is that some Member would have some earmark that is nothing but a bunch of junk, like another rainforest in Iowa or a buffalo museum somewhere. The President would recognize that; he would ask us to rescind it so that that money could buy yet one more up-armored Humvee to protect our soldiers fighting in Iraq and Afghanistan.

I know some of my colleagues would prefer an even stronger bill such as a line item veto constitutional amendment, while others fear that even the underlying bill cedes too much power to the President.

Well, Mr. Speaker, this bill, I believe, balances these concerns, allowing for an additional avenue to reduce the deficit with the approval of the Congress.

However, even with the passage of the underlying bill, we must also redouble our efforts to continue the progrowth policies enacted over the past 6 years, to reduce the tax burden, which in turn increases tax revenues through a strong economy and an increased number of citizens participating in the American dream.

At the end of the day, the American people, through their ingenuity and productivity, will fix this deficit with economic growth. We just have to continue to trust them and reject these calls from the other side to raise taxes.

So, Mr. Speaker, I ask for my colleagues to support the rule and the underlying bill.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself 30 seconds.

The gentleman my good friend Dr. Gingrey from Georgia said we are over here railing while they are getting ready to pass later today the line item veto and repeal the ''death tax.''

Let me tell you what we ought to be railing about. Yesterday, we pulled the Voting Rights Act, an opportunity for its reauthorization. This Nation has an immigration crisis, and you are getting ready to take a dog-and-pony show on the road.

Fifty-five million Americans do not have health insurance, veterans' identities have been stolen because of incompetence, and gas prices are at an outrageous high, and here we are discussing something that ain't going to balance the budget.

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

Mr. PUTNAM. Mr. Speaker, I am pleased to yield 1½ minutes to my colleague from Texas (Mr. CONAWAY), a member of the Budget Committee.

Mr. CONAWAY. Mr. Speaker, I appreciate the gentleman yielding this time.

I rise in support of the rule and also the underlying bill. It is interesting that the other side is trying to speak out of both sides of their mouth on the fact they rail on the President constantly for not having used his veto power, and yet the previous speakers also talk about vetolike power being somehow ceding congressional responsibility to the President. I do not think you can have it both ways.

Support this decision line item veto because it does apply to all spending. In addition, the spending that would be singled out for this treatment would actually not be spent somewhere else if it were upheld, and it would actually go against reducing the deficit.

In addition, just the threat of this would act as deterrent to those Members who would put things into a particular appropriations bill or a spending bill that would be embarrassing for the President to single it out during his line item veto process.

So I rise in support of the rule and also the underlying bill and encourage my colleagues to join me.

Mr. HASTINGS of Florida. Mr. Speaker, I continue to reserve the balance of my time. I have no further speakers other than myself, and I am prepared to close.

Mr. PUTNAM. Mr. Speaker, I am pleased to yield 1½ minutes to the gentleman from New Hampshire (Mr. BRADLEY).

Mr. BRADLEY of New Hampshire. Mr. Speaker, I thank my colleague from Florida, and special thanks to Mr. RYAN for his hard work trying to thread the needle and bring forward a bill that is constitutional, which, while not perfect, certainly is an important step in the right direction.

Why is this an important step? It shines the light on special-interest spending, whether it is earmarks or whether it is special-interest tax breaks.

Citizens Against Government Waste estimated that there were nearly 10,000 of these special-interest projects in last year's appropriations bill, totaling $29 billion, and so it is, in my opinion, extremely appropriate that we shine the light on this special-interest spending.

The substitute, which our friends on the other side of the aisle have talked about, would have further restricted this bill to make it almost meaningless by exempting large swaths of the Federal spending from this rescission authority.

We need to go forward with this bill. I would remind my friends on the other side of the aisle, it has bipartisan support. There were four members of the Budget Committee that voted for it.

Let us vote for it today and let the President have this opportunity to shine the light on unnecessary spending.

Mr. PUTNAM. Mr. Speaker, I yield 1½ minutes to my friend from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. Mr. Speaker, I thank my colleague from Florida for yielding this time to me.

This is a very important bill offered by my colleague from Wisconsin (Mr. RYAN). The legislative line item veto is something that is necessary for us to get our fiscal house in order. What this will do is enable Congress to work with the executive branch to root out special-interest projects.

Case in point. We just passed an emergency spending bill not 2, 3 weeks ago on this House floor. It included $38 million for funding for the National Oceanic and Atmospheric Administration to fund ''activities involving oysters.'' This is an emergency spending bill. Certainly something that is not reasonable. I like oysters, I like them baked, I like them fried, I like them raw. They all really taste great, but does that mean that we should spend $38 million for this?

That is a great case in point for the President to be able to use a legislative line item veto and for us to act to root out this wasteful spending.

Washington big government has an infinite appetite for more, more programs, more spending, more taxes. We have to take a principled stand to reform this, to fix this problem, to root out that waste, and this will put us on a diet if we pass this legislative line item veto.

I encourage the House to approve the rule today and to vote for the underlying bill.

Mr. PUTNAM. Mr. Speaker, may I inquire as to the time remaining on each side?

The SPEAKER pro tempore (Mr. BOOZMAN). The gentleman from Florida (Mr. PUTNAM) has 4½ minutes remaining, and the gentleman from Florida (Mr. HASTINGS) has 2½ minutes remaining.

Mr. PUTNAM. Mr. Speaker, I thank the Speaker, and I would inform my friend from Florida that I have no further speakers and we prepared to close as well.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself the remaining amount of our time.

During the course of this debate and discussion, I have cited to the United States Constitution frequently. I remind my colleagues that article I of the United States Constitution created the Congress. Article II created the President of the United States. Article III created the courts. The Founders must have had something in their mind as to what was first, and as it pertains to the power of the purse, they made it exactingly clear.

In this same Constitution, there are four sections dealing with powers of the President, 10 sections dealing with the powers of Congress.

Mr. Speaker, I will be asking Members to vote ''no'' on the previous question so I can amend the rule to provide that immediately after the House adopts this rule, it will provide for separate consideration of legislation introduced by Representative SPRATT that provides a comprehensive approach to controlling our spiraling deficits without stripping the House of Representatives of its power of the purse.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

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

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, before we turn over our constitutionally granted power to the executive branch, let us vote on a measure that will actually reduce the deficit, rein in irresponsible spending and help to bring accountability back to the House's legislative process.

Mr. SPRATT's bill does many things to encourage deficit reduction. It reinstates pay-as-you-go rules for both mandatory spending and revenues. It amends the Congressional Budget Act to stop the reconciliation process from being used to make the deficit worse or the surplus smaller. It enforces the 3-day layover requirement in the House rules to give Members adequate time to review legislation. It adds earmark provisions. The bill protects important mandatory spending like Social Security, Medicare and veterans benefits from any expedited rescission process. It prohibits the President or executive branch officials from using the rescission authority as a bargaining tool or even a source of blackmail just to secure votes.

In all fairness, when Mr. Clinton was the President of the United States, the first thing that he did with the veto power he had was veto something in toto.

It will be used in a partisan manner.

It is important for Members to know that defeating the previous question will not block the underlying bill, but by voting ''no'' on the previous question, we will be able to consider the Spratt alternative bill.

I urge all Members to vote ''no'' on the previous question.

Mr. PUTNAM. Mr. Speaker, this has been an important debate. It has been a good debate about an issue that has been around for a long time, and it has been around under a variety of iterations, the first version having been found unconstitutional, as my friend from Florida pointed out, and read to us from the Constitution. But because of that, the sponsor of this bill has adjusted it so that it is written in a constitutional form, and it is written in a constitutional form because it leaves the power of the purse in the hands of Congress, as the gentleman pointed out in article I of the Constitution.

It says that we have yet another resource for the President and the Congress to work together to eliminate wasteful spending which we all know exists in this town, but it says that the final say-so rests with the Congress, so the final power of the purse remains in the legislative branch, a very important point.

My friend also overlooks the fact that in these different versions that have been around and most recently have been around in almost identical form to what we are hearing and debating today, there has been support for the Democratic-sponsored version of 174 Democrats when President Clinton was the one who would get the line item veto; in 1994, under the sponsorship of a Democrat, 173 Democrats supporting; in 2004, a bipartisan-sponsored bill, 45 Democrats supporting. Apparently there was a change of heart depending on who the President was in office, whether there was Democratic support for the line item veto; 174 votes for the line item veto when President Clinton was in office, only 45 when President Bush was in office.

□ 1215

But be that as it may, this remains a bipartisan issue. It is an institutional issue. And this effort is carefully crafted to protect this institution, this legislative branch, so that the power of the purse rests with us; but we have expanded the ability to root out wasteful spending.

This is an important issue. I urge the House to adopt the rule and adopt the underlying bill.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I have the honor of chairing the Subcommittee on Legislative and Budget Process of the Rules Committee. My Subcommittee was the first to address this legislation with a hearing last March, shortly after the measure was introduced.

During our hearing, we heard from two distinguished Members of the House, including the bill's sponsor, Representative PAUL RYAN, as well as Chairman LEWIS of the Appropriations Committee. And we heard the administration's position from Office of Management and Budget (OMB) Deputy Director, now Deputy Chief of Staff for the President, Joel Kaplan. Finally, we received historical perspective on this issue from Donald Marron, the Acting Director of the Congressional Budget Office (CBO).

Several problems were brought out with regard to the legislation. I believe that the Committees of jurisdiction have worked diligently with the author of the resolution to appropriately address most problems. Among the concerns brought out during our Subcommittee hearing were:

The number of special messages that could be submitted by the President on each annual Appropriations law.

The amount of time that the President could withhold funding for requested rescissions.

The scope of the rescission request, specifically tax benefits and mandatory spending.

I am pleased that input was welcomed by Representative RYAN and that these concerns

have been addressed. Parameters have been included that will lessen the potential legislative burden on the Congress and prevent the possibility of excessive delaying tactics by the President.

I certainly do not believe that the underlying legislation is perfect. Despite the recent changes, I think that five special messages per bill may still be too many. Think about 50 possible expedited special messages that Congress would have to consider after passing 10 appropriations bills. The legislative burden may be extraordinary.

In balance, however, since the bill gives us another tool to promote good stewardship of the people's money, I urge my colleagues to support the Rule and the underlying legislation. I look forward to a full debate on efforts such as this to increase fiscal discipline in the Congress' budget process.

The material previously referred to by Mr. HASTINGS of Florida is as follows:

PREVIOUS QUESTION ON H. RES. 886—THE RULE PROVIDING FOR CONSIDERATION OF H.R. 4890, LEGISLATIVE LINE ITEM VETO

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

''SEC. 2. Immediately upon the adoption of this resolution, the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5667) to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of discretionary budget authority, promote fiscal responsibility, reinstate Pay-As-You-Go rules, require responsible use of reconciliation procedures, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget. The bill shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 3. If the Committee of the Whole rises and reports that it has come to no resolution of the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of Rule XIV, resolve into the Committee of the Whole for further consideration of the bill.''

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Republican majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution * * * [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule * * * When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.''

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

Mr. PUTNAM: Mr. Speaker, I yield back the balance of my time, and 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.

Mr. HASTINGS of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions previously postponed.

Votes will be taken in the following order:

Ordering the previous question on H. Res. 885, by the yeas and nays;

Adoption of H. Res. 885, if ordered;

Ordering the previous question on H. Res. 886, by the yeas and nays;

Adoption of H. Res. 886, if ordered.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PROVIDING FOR CONSIDERATION OF H.R. 5638, PERMANENT ESTATE TAX RELIEF ACT OF 2006

The SPEAKER pro tempore. The pending business is the vote on ordering the previous question on House Resolution 885, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

The vote was taken by electronic device, and there were—yeas 226, nays 194, not voting 12, as follows:

[Roll No. 308]

YEAS—226

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy

Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—194

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Sherman
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—12

Cannon
Davis (FL)
Evans
Gohmert
Johnson, Sam
Marchant
Pence
Reyes
Serrano
Shays
Smith (WA)
Waters

□ 1240

Mr. CHANDLER and Mr. JEFFERSON changed their vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. 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 228, noes 194, not voting 10, as follows:

[Roll No. 309]

AYES—228

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—194

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Sherman
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—10

Cannon
Carnahan
Davis (FL)
Evans
Johnson, Sam
Reyes
Serrano
Shays
Smith (WA)
Waters

□ 1248

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.

PROVIDING FOR CONSIDERATION OF H.R. 4890, LEGISLATIVE LINE ITEM VETO ACT OF 2006

The SPEAKER pro tempore. The pending business is the vote on ordering the previous question on House Resolution 886, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 227, nays 196, not voting 9, as follows:

[Roll No. 310]

YEAS—227

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—196

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Sherman
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—9

Cannon
Davis (FL)
Evans
Johnson, Sam
Reyes
Serrano
Shays
Smith (WA)
Waters

□ 1257

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. 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

Mr. HASTINGS of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 228, noes 196, not voting 8, as follows:

[Roll No. 311]

AYES—228

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—196

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro

Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—8

Cannon
Davis (FL)
Evans
Johnson, Sam
Reyes
Serrano
Shays
Waters

□ 1305

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.

## MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 103. Concurrent resolution to correct the enrollment of the bill H.R. 889.

## PERMANENT ESTATE TAX RELIEF ACT OF 2006

Mr. THOMAS. Mr. Speaker, pursuant to House Resolution 885, I call up the bill (H.R. 5638) to amend the Internal Revenue Code of 1986 to increase the unified credit against the estate tax to an exclusion equivalent of $5,000,000 and to repeal the sunset provision for the estate and generation-skipping taxes, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

Ms. PELOSI. Mr. Speaker, I rise on the question of consideration. It is inappropriate to consider this bill until the Republican leadership schedules a vote on an increase in the minimum wage, which they are now blocking. Therefore, under clause 3, rule XVI, I demand a vote on the question of consideration.

The SPEAKER pro tempore. The gentlewoman from California demands the question of consideration.

Under clause 3 of rule XVI, the question is, Will the House now consider the bill?

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 238, noes 188, not voting 6, as follows:

[Roll No. 312]

AYES—238

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Cubin
Culberson
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—188

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—6

Davis (FL)
Evans
Johnson, Sam
Serrano
Shays
Waters

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1323

Mr. SULLIVAN and Mr. MATHESON changed their vote from ''no'' to ''aye.''

So the question of consideration was decided in the affirmative.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 885, the bill is considered read.

The text of the bill is as follows:

H.R. 5638

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Permanent Estate Tax Relief Act of 2006''.

**SEC. 2. REFORM AND EXTENSION OF ESTATE TAX AFTER 2009.**

(a) RESTORATION OF UNIFIED CREDIT AGAINST GIFT TAX.—Paragraph (1) of section 2505(a) of the Internal Revenue Code of 1986 (relating to general rule for unified credit against gift tax), after the application of subsection (g), is amended by striking ''(determined as if the applicable exclusion amount were $1,000,000)''.

(b) EXCLUSION EQUIVALENT OF UNIFIED CREDIT EQUAL TO $5,000,000.—Subsection (c) of section 2010 of such Code (relating to unified credit against estate tax) is amended to read as follows:

''(c) APPLICABLE CREDIT AMOUNT.—

''(1) IN GENERAL.—For purposes of this section, the applicable credit amount is the amount of the tentative tax which would be determined under the rate schedule set forth in section 2001(c) if the amount with respect to which such tentative tax is to be computed were the applicable exclusion amount.

''(2) APPLICABLE EXCLUSION AMOUNT.—For purposes of this subsection, the applicable exclusion amount is $5,000,000.''.

(c) RATE SCHEDULE.—

(1) IN GENERAL.—Subsection (c) of section 2001 of such Code (relating to rate schedule) is amended to read as follows:

''(c) RATE SCHEDULE.—The tentative tax is equal to the sum of—

''(1) the product of the rate specified in section 1(h)(1)(C) in effect on the date of the decedent's death multiplied by so much of the sum described in subsection (b)(1) as does not exceed $25,000,000, and

''(2) the product of twice the rate specified in section 1(h)(1)(C) in effect on the date of the decedent's death multiplied by so much of the sum described in subsection (b)(1) as equals or exceeds $25,000,000.''.

(2) CONFORMING AMENDMENT.—Section 2502(a) of such Code (relating computation of tax), after the application of subsection (g), is amended by adding at the end the following flush sentence:

''In computing the tentative tax under section 2001(c) for purposes of this subsection, 'the last day of the calendar year in which the gift was made' shall be substituted for 'the date of the decedent's death' each place it appears in such section.''.

(d) MODIFICATIONS OF ESTATE AND GIFT TAXES TO REFLECT DIFFERENCES IN UNIFIED CREDIT RESULTING FROM DIFFERENT TAX RATES.—

(1) ESTATE TAX.—

(A) IN GENERAL.—Section 2001(b)(2) of such Code (relating to computation of tax) is amended by striking ''if the provisions of subsection (c) (as in effect at the decedent's death)'' and inserting ''if the modifications described in subsection (g)''.

(B) MODIFICATIONS.—Section 2001 of such Code is amended by adding at the end the following new subsection:

''(g) MODIFICATIONS TO GIFT TAX PAYABLE TO REFLECT DIFFERENT TAX RATES.—For purposes of applying subsection (b)(2) with respect to 1 or more gifts, the rates of tax under subsection (c) in effect at the decedent's death shall, in lieu of the rates of tax in effect at the time of such gifts, be used both to compute—

''(1) the tax imposed by chapter 12 with respect to such gifts, and

''(2) the credit allowed against such tax under section 2505, including in computing—

''(A) the applicable credit amount under section 2505(a)(1), and

''(B) the sum of the amounts allowed as a credit for all preceding periods under section 2505(a)(2).

For purposes of paragraph (2)(A), the applicable credit amount for any calendar year before 1998 is the amount which would be determined under section 2010(c) if the applicable exclusion amount were the dollar amount under section 6018(a)(1) for such year.''.

(2) GIFT TAX.—Section 2505(a) of such Code (relating to unified credit against gift tax), after the application of subsection (g), is amended by adding at the end the following new flush sentence:

''For purposes of applying paragraph (2) for any calendar year, the rates of tax used in computing the tax under section 2502(a)(2) for such calendar year shall, in lieu of the rates of tax in effect for preceding calendar periods, be used in determining the amounts allowable as a credit under this section for all preceding calendar periods.''.

(e) REPEAL OF DEDUCTION FOR STATE DEATH TAXES.—

(1) IN GENERAL.—Section 2058 of such Code (relating to State death taxes) is amended by adding at the end the following:

''(c) TERMINATION.—This section shall not apply to the estates of decedents dying after December 31, 2009.''.

(2) CONFORMING AMENDMENT.—Section 2106(a)(4) of such Code is amended by adding at the end the following new sentence: ''This paragraph shall not apply to the estates of decedents dying after December 31, 2009.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying, generation-skipping transfers, and gifts made, after December 31, 2009.

(g) ADDITIONAL MODIFICATIONS TO ESTATE TAX.—

(1) IN GENERAL.—The following provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001, and the amendments made by such provisions, are hereby repealed:

(A) Subtitles A and E of title V.

(B) Subsection (d), and so much of subsection (f)(3) as relates to subsection (d), of section 511.

(C) Paragraph (2) of subsection (b), and paragraph (2) of subsection (e), of section 521. The Internal Revenue Code of 1986 shall be applied as if such provisions and amendments had never been enacted.

(2) SUNSET NOT TO APPLY TO TITLE V OF EGTRRA.—Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to title V of such Act.

(3) REPEAL OF DEADWOOD.—

(A) Sections 2011, 2057, and 2604 of the Internal Revenue Code of 1986 are hereby repealed.

(B) The table of sections for part II of subchapter A of chapter 11 of such Code is amended by striking the item relating to section 2011.

(C) The table of sections for part IV of subchapter A of chapter 11 of such Code is amended by striking the item relating to section 2057.

(D) The table of sections for subchapter A of chapter 13 of such Code is amended by striking the item relating to section 2604.

**SEC. 3. UNIFIED CREDIT INCREASED BY UNUSED UNIFIED CREDIT OF DECEASED SPOUSE.**

(a) IN GENERAL.—Subsection (c) of section 2010 of the Internal Revenue Code of 1986 (defining applicable credit amount), as amended by section 2(b), is amended by striking paragraph (2) and inserting the following new paragraphs:

''(2) APPLICABLE EXCLUSION AMOUNT.—For purposes of this subsection, the applicable exclusion amount is the sum of—

''(A) the basic exclusion amount, and

''(B) in the case of a surviving spouse, the aggregate deceased spousal unused exclusion amount.

''(3) BASIC EXCLUSION AMOUNT.—For purposes of this subsection, the basic exclusion amount is $5,000,000.

''(4) AGGREGATE DECEASED SPOUSAL UNUSED EXCLUSION AMOUNT.—For purposes of this subsection, the term 'aggregate deceased spousal unused exclusion amount' means the lesser of—

''(A) the basic exclusion amount, or

''(B) the sum of the deceased spousal unused exclusion amounts of the surviving spouse.

''(5) DECEASED SPOUSAL UNUSED EXCLUSION AMOUNT.—For purposes of this subsection, the term 'deceased spousal unused exclusion amount' means, with respect to the surviving spouse of any deceased spouse dying after December 31, 2009, the excess (if any) of—

''(A) the applicable exclusion amount of the deceased spouse, over

''(B) the amount with respect to which the tentative tax is determined under section 2001(b)(1) on the estate of such deceased spouse.

''(6) SPECIAL RULES.—

''(A) ELECTION REQUIRED.—A deceased spousal unused exclusion amount may not be taken into account by a surviving spouse under paragraph (5) unless the executor of the estate of the deceased spouse files an estate tax return on which such amount is computed and makes an election on such return that such amount may be so taken into account. Such election, once made, shall be irrevocable. No election may be made under this subparagraph if such return is filed after the time prescribed by law (including extensions) for filing such return.

''(B) EXAMINATION OF PRIOR RETURNS AFTER EXPIRATION OF PERIOD OF LIMITATIONS WITH RESPECT TO DECEASED SPOUSAL UNUSED EXCLUSION AMOUNT.—Notwithstanding any period of limitation in section 6501, after the time has expired under section 6501 within which a tax may be assessed under chapter 11 or 12 with respect to a deceased spousal unused exclusion amount, the Secretary may examine a return of the deceased spouse to make determinations with respect to such amount for purposes of carrying out this subsection.

''(7) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out this subsection.''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 2505(a) of such Code, as amended by section 2, is amended to read as follows:

''(1) the applicable credit amount under section 2010(c) which would apply if the donor died as of the end of the calendar year, reduced by''.

(2) Section 6018(a)(1) of such Code, after the application of section 2(g), is amended by striking ''applicable exclusion amount'' and inserting ''basic exclusion amount''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying, generation-skipping transfers, and gifts made, after December 31, 2009.

**SEC. 4. DEDUCTION FOR QUALIFIED TIMBER GAIN.**

(a) IN GENERAL.—Part I of subchapter P of chapter 1 of the Internal Revenue Code of

1986 is amended by adding at the end the following new section:

**"SEC. 1203. DEDUCTION FOR QUALIFIED TIMBER GAIN.**

''(a) IN GENERAL.—In the case of a taxpayer which elects the application of this section for a taxable year, there shall be allowed a deduction against gross income equal to 60 percent of the lesser of—

''(1) the taxpayer's qualified timber gain for such year, or

''(2) the taxpayer's net capital gain for such year.

''(b) QUALIFIED TIMBER GAIN.—For purposes of this section, the term 'qualified timber gain' means, with respect to any taxpayer for any taxable year, the excess (if any) of—

''(1) the sum of the taxpayer's gains described in subsections (a) and (b) of section 631 for such year, over

''(2) the sum of the taxpayer's losses described in such subsections for such year.

''(c) SPECIAL RULES FOR PASS-THRU ENTITIES.—In the case of any qualified timber gain of a pass-thru entity (as defined in section 1(h)(10))—

''(1) the election under this section shall be made separately by each taxpayer subject to tax on such gain, and

''(2) the Secretary may prescribe such regulations as are appropriate to apply this section to such gain.

''(d) TERMINATION.—No disposition of timber after December 31, 2008, shall be taken into account under subsection (b).''.

(b) COORDINATION WITH MAXIMUM CAPITAL GAINS RATES.—

(1) TAXPAYERS OTHER THAN CORPORATIONS.—Paragraph (2) of section 1(h) of such Code is amended to read as follows:

''(2) REDUCTION OF NET CAPITAL GAIN.—For purposes of this subsection, the net capital gain for any taxable year shall be reduced (but not below zero) by the sum of—

''(A) the amount which the taxpayer takes into account as investment income under section 163(d)(4)(B)(iii), and

''(B) in the case of a taxable year with respect to which an election is in effect under section 1203, the lesser of—

''(i) the amount described in paragraph (1) of section 1203(a), or

''(ii) the amount described in paragraph (2) of such section.''.

(2) CORPORATIONS.—Section 1201 of such Code is amended by redesignating subsection (b) as subsection (c) and inserting after subsection (a) the following new subsection:

''(b) QUALIFIED TIMBER GAIN NOT TAKEN INTO ACCOUNT.—For purposes of this section, in the case of a corporation with respect to which an election is in effect under section 1203, the net capital gain for any taxable year shall be reduced (but not below zero) by the corporation's qualified timber gain (as defined in section 1203(b)).''.

(c) DEDUCTION ALLOWED WHETHER OR NOT INDIVIDUAL ITEMIZES OTHER DEDUCTIONS.—Subsection (a) of section 62 of such Code is amended by inserting before the last sentence the following new paragraph:

''(21) QUALIFIED TIMBER GAINS.—The deduction allowed by section 1203.''.

(d) DEDUCTION ALLOWED IN COMPUTING ADJUSTED CURRENT EARNINGS.—Subparagraph (C) of section 56(g)(4) of such Code is amended by adding at the end the following new clause:

''(vii) DEDUCTION FOR QUALIFIED TIMBER GAIN.—Clause (i) shall not apply to any deduction allowed under section 1203.''.

(e) DEDUCTION ALLOWED IN COMPUTING TAXABLE INCOME OF ELECTING SMALL BUSINESS TRUSTS.—Subparagraph (C) of section 641(c)(2) of such Code is amended by inserting after clause (iii) the following new clause:

''(iv) The deduction allowed under section 1203.''.

(f) CONFORMING AMENDMENTS.—

(1) Subparagraph (B) of section 172(d)(2) of such Code is amended to read as follows:

''(B) the exclusion under section 1202 and the deduction under section 1203 shall not be allowed.''.

(2) Paragraph (4) of section 642(c) of such Code is amended by striking the first sentence and inserting the following: ''To the extent that the amount otherwise allowable as a deduction under this subsection consists of gain described in section 1202(a) or qualified timber gain (as defined in section 1203(b)), proper adjustment shall be made for any exclusion allowable to the estate or trust under section 1202 and for any deduction allowable to the estate or trust under section 1203.''.

(3) Paragraph (3) of section 643(a) of such Code is amended by striking the last sentence and inserting the following: ''The exclusion under section 1202 and the deduction under section 1203 shall not be taken into account.''.

(4) Subparagraph (C) of section 643(a)(6) of such Code is amended to read as follows:

''(C) Paragraph (3) shall not apply to a foreign trust. In the case of such a trust—

''(i) there shall be included gains from the sale or exchange of capital assets, reduced by losses from such sales or exchanges to the extent such losses do not exceed gains from such sales or exchanges, and

''(ii) the deduction under section 1203 shall not be taken into account.''.

(5) Paragraph (4) of section 691(c) of such Code is amended by inserting ''1203,'' after ''1202,''.

(6) Paragraph (2) of section 871(a) of such Code is amended by striking ''section 1202'' and inserting ''sections 1202 and 1203''.

(7) The table of sections for part I of subchapter P of chapter 1 of such Code is amended by adding at the end the following new item:

''Sec. 1203. Deduction for qualified timber gain.''.

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

(2) TAXABLE YEARS WHICH INCLUDE DATE OF ENACTMENT.—In the case of any taxable year which includes the date of the enactment of this Act, for purposes of the Internal Revenue Code of 1986, the taxpayer's qualified timber gain shall not exceed the excess that would be described in section 1203(b) of such Code, as added by this section, if only dispositions of timber after such date were taken into account.

The SPEAKER pro tempore. The amendment printed in House Report 109–517 is adopted.

The text of the bill, as amended, is as follows:

H.R. 5638

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Permanent Estate Tax Relief Act of 2006''.

**SEC. 2. REFORM AND EXTENSION OF ESTATE TAX AFTER 2009.**

(a) RESTORATION OF UNIFIED CREDIT AGAINST GIFT TAX.—Paragraph (1) of section 2505(a) of the Internal Revenue Code of 1986 (relating to general rule for unified credit against gift tax), after the application of subsection (g), is amended by striking ''(determined as if the applicable exclusion amount were $1,000,000)''.

(b) EXCLUSION EQUIVALENT OF UNIFIED CREDIT EQUAL TO $5,000,000.—Subsection (c) of section 2010 of such Code (relating to unified credit against estate tax) is amended to read as follows:

''(c) APPLICABLE CREDIT AMOUNT.—

''(1) IN GENERAL.—For purposes of this section, the applicable credit amount is the amount of the tentative tax which would be determined under the rate schedule set forth in section 2001(c) if the amount with respect to which such tentative tax is to be computed were the applicable exclusion amount.

''(2) APPLICABLE EXCLUSION AMOUNT.—

''(A) IN GENERAL.—For purposes of this subsection, the applicable exclusion amount is $5,000,000.''.

''(B) INFLATION ADJUSTMENT.—In the case of any decedent dying in a calendar year after 2010, the dollar amount in subparagraph (A) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting 'calendar year 2009' for 'calendar year 1992' in subparagraph (B) thereof.

If any amount as adjusted under the preceding sentence is not a multiple of $100,000, such amount shall be rounded to the nearest multiple of $100,000.''.

(c) RATE SCHEDULE.—

(1) IN GENERAL.—Subsection (c) of section 2001 of such Code (relating to rate schedule) is amended to read as follows:

''(c) RATE SCHEDULE.—The tentative tax is equal to the sum of—

''(1) the product of the rate specified in section 1(h)(1)(C) in effect on the date of the decedent's death multiplied by so much of the sum described in subsection (b)(1) as does not exceed $25,000,000, and

''(2) the product of twice the rate specified in section 1(h)(1)(C) in effect on the date of the decedent's death multiplied by so much of the sum described in subsection (b)(1) as equals or exceeds $25,000,000.''.

(2) CONFORMING AMENDMENT.—Section 2502(a) of such Code (relating computation of tax), after the application of subsection (g), is amended by adding at the end the following flush sentence:

''In computing the tentative tax under section 2001(c) for purposes of this subsection, 'the last day of the calendar year in which the gift was made' shall be substituted for 'the date of the decedent's death' each place it appears in such section.''.

(d) MODIFICATIONS OF ESTATE AND GIFT TAXES TO REFLECT DIFFERENCES IN UNIFIED CREDIT RESULTING FROM DIFFERENT TAX RATES.—

(1) ESTATE TAX.—

(A) IN GENERAL.—Section 2001(b)(2) of such Code (relating to computation of tax) is amended by striking ''if the provisions of subsection (c) (as in effect at the decedent's death)'' and inserting ''if the modifications described in subsection (g)''.

(B) MODIFICATIONS.—Section 2001 of such Code is amended by adding at the end the following new subsection:

''(g) MODIFICATIONS TO GIFT TAX PAYABLE TO REFLECT DIFFERENT TAX RATES.—For purposes of applying subsection (b)(2) with respect to 1 or more gifts, the rates of tax under subsection (c) in effect at the decedent's death shall, in lieu of the rates of tax in effect at the time of such gifts, be used both to compute—

''(1) the tax imposed by chapter 12 with respect to such gifts, and

''(2) the credit allowed against such tax under section 2505, including in computing—

''(A) the applicable credit amount under section 2505(a)(1), and

''(B) the sum of the amounts allowed as a credit for all preceding periods under section 2505(a)(2).

For purposes of paragraph (2)(A), the applicable credit amount for any calendar year before 1998 is the amount which would be determined under section 2010(c) if the applicable exclusion amount were the dollar amount under section 6018(a)(1) for such year.''.

(2) GIFT TAX.—Section 2505(a) of such Code (relating to unified credit against gift tax), after the application of subsection (g), is amended by adding at the end the following new flush sentence:

''For purposes of applying paragraph (2) for any calendar year, the rates of tax used in computing the tax under section 2502(a)(2) for such calendar year shall, in lieu of the rates of tax in effect for preceding calendar periods, be used in determining the amounts allowable as a credit under this section for all preceding calendar periods.''.

(e) REPEAL OF DEDUCTION FOR STATE DEATH TAXES.—

(1) IN GENERAL.—Section 2058 of such Code (relating to State death taxes) is amended by adding at the end the following:

''(c) TERMINATION.—This section shall not apply to the estates of decedents dying after December 31, 2009.''.

(2) CONFORMING AMENDMENT.—Section 2106(a)(4) of such Code is amended by adding at the end the following new sentence: ''This paragraph shall not apply to the estates of decedents dying after December 31, 2009.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying, generation-skipping transfers, and gifts made, after December 31, 2009.

(g) ADDITIONAL MODIFICATIONS TO ESTATE TAX.—

(1) IN GENERAL.—The following provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001, and the amendments made by such provisions, are hereby repealed:

(A) Subtitles A and E of title V.

(B) Subsection (d), and so much of subsection (f)(3) as relates to subsection (d), of section 511.

(C) Paragraph (2) of subsection (b), and paragraph (2) of subsection (e), of section 521. The Internal Revenue Code of 1986 shall be applied as if such provisions and amendments had never been enacted.

(2) SUNSET NOT TO APPLY TO TITLE V OF EGTRRA.—Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to title V of such Act.

(3) REPEAL OF DEADWOOD.—

(A) Sections 2011, 2057, and 2604 of the Internal Revenue Code of 1986 are hereby repealed.

(B) The table of sections for part II of subchapter A of chapter 11 of such Code is amended by striking the item relating to section 2011.

(C) The table of sections for part IV of subchapter A of chapter 11 of such Code is amended by striking the item relating to section 2057.

(D) The table of sections for subchapter A of chapter 13 of such Code is amended by striking the item relating to section 2604.

**SEC. 3. UNIFIED CREDIT INCREASED BY UNUSED UNIFIED CREDIT OF DECEASED SPOUSE.**

(a) IN GENERAL.—Subsection (c) of section 2010 of the Internal Revenue Code of 1986 (defining applicable credit amount), as amended by section 2(b), is amended by striking paragraph (2) and inserting the following new paragraphs:

''(2) APPLICABLE EXCLUSION AMOUNT.—For purposes of this subsection, the applicable exclusion amount is the sum of—

''(A) the basic exclusion amount, and

''(B) in the case of a surviving spouse, the aggregate deceased spousal unused exclusion amount.

''(3) BASIC EXCLUSION AMOUNT.—

''(A) IN GENERAL.—For purposes of this subsection, the basic exclusion amount is $5,000,000.

''(B) INFLATION ADJUSTMENT.—In the case of any decedent dying in a calendar year after 2010, the dollar amount in subparagraph (a) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting 'calendar year 2009' for 'calendar year 1992' in subparagraph (B) thereof.

If any amount as adjusted under the preceding sentence is not a multiple of $100,000, such amount shall be rounded to the nearest multiple of $100,000.''.

''(4) AGGREGATE DECEASED SPOUSAL UNUSED EXCLUSION AMOUNT.—For purposes of this subsection, the term 'aggregate deceased spousal unused exclusion amount' means the lesser of—

''(A) the basic exclusion amount, or

''(B) the sum of the deceased spousal unused exclusion amounts of the surviving spouse.

''(5) DECEASED SPOUSAL UNUSED EXCLUSION AMOUNT.—For purposes of this subsection, the term 'deceased spousal unused exclusion amount' means, with respect to the surviving spouse of any deceased spouse dying after December 31, 2009, the excess (if any) of—

''(A) the applicable exclusion amount of the deceased spouse, over

''(B) the amount with respect to which the tentative tax is determined under section 2001(b)(1) on the estate of such deceased spouse.

''(6) SPECIAL RULES.—

''(A) ELECTION REQUIRED.—A deceased spousal unused exclusion amount may not be taken into account by a surviving spouse under paragraph (5) unless the executor of the estate of the deceased spouse files an estate tax return on which such amount is computed and makes an election on such return that such amount may be so taken into account. Such election, once made, shall be irrevocable. No election may be made under this subparagraph if such return is filed after the time prescribed by law (including extensions) for filing such return.

''(B) EXAMINATION OF PRIOR RETURNS AFTER EXPIRATION OF PERIOD OF LIMITATIONS WITH RESPECT TO DECEASED SPOUSAL UNUSED EXCLUSION AMOUNT.—Notwithstanding any period of limitation in section 6501, after the time has expired under section 6501 within which a tax may be assessed under chapter 11 or 12 with respect to a deceased spousal unused exclusion amount, the Secretary may examine a return of the deceased spouse to make determinations with respect to such amount for purposes of carrying out this subsection.

''(7) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out this subsection.''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 2505(a) of such Code, as amended by section 2, is amended to read as follows:

''(1) the applicable credit amount under section 2010(c) which would apply if the donor died as of the end of the calendar year, reduced by''.

(2) Section 2631(c) of such Code is amended by striking ''the applicable exclusion amount'' and inserting ''the basic exclusion amount''.

(3) Section 6018(a)(1) of such Code, after the application of section 2(g), is amended by striking ''applicable exclusion amount'' and inserting ''basic exclusion amount''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying, generation-skipping transfers, and gifts made, after December 31, 2009.

**SEC. 4. DEDUCTION FOR QUALIFIED TIMBER GAIN.**

(a) IN GENERAL.—Part I of subchapter P of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

**''SEC. 1203. DEDUCTION FOR QUALIFIED TIMBER GAIN.**

''(a) IN GENERAL.—In the case of a taxpayer which elects the application of this section for a taxable year, there shall be allowed a deduction against gross income equal to 60 percent of the lesser of—

''(1) the taxpayer's qualified timber gain for such year, or

''(2) the taxpayer's net capital gain for such year.

''(b) QUALIFIED TIMBER GAIN.—For purposes of this section, the term 'qualified timber gain' means, with respect to any taxpayer for any taxable year, the excess (if any) of—

''(1) the sum of the taxpayer's gains described in subsections (a) and (b) of section 631 for such year, over

''(2) the sum of the taxpayer's losses described in such subsections for such year.

''(c) SPECIAL RULES FOR PASS-THRU ENTITIES.—In the case of any qualified timber gain of a pass-thru entity (as defined in section 1(h)(10))—

''(1) the election under this section shall be made separately by each taxpayer subject to tax on such gain, and

''(2) the Secretary may prescribe such regulations as are appropriate to apply this section to such gain.

''(d) TERMINATION.—No disposition of timber after December 31, 2008, shall be taken into account under subsection (b).''.

(b) COORDINATION WITH MAXIMUM CAPITAL GAINS RATES.—

(1) TAXPAYERS OTHER THAN CORPORATIONS.—Paragraph (2) of section 1(h) of such Code is amended to read as follows:

''(2) REDUCTION OF NET CAPITAL GAIN.—For purposes of this subsection, the net capital gain for any taxable year shall be reduced (but not below zero) by the sum of—

''(A) the amount which the taxpayer takes into account as investment income under section 163(d)(4)(B)(iii), and

''(B) in the case of a taxable year with respect to which an election is in effect under section 1203, the lesser of—

''(i) the amount described in paragraph (1) of section 1203(a), or

''(ii) the amount described in paragraph (2) of such section.''.

(2) CORPORATIONS.—Section 1201 of such Code is amended by redesignating subsection (b) as subsection (c) and inserting after subsection (a) the following new subsection:

''(b) QUALIFIED TIMBER GAIN NOT TAKEN INTO ACCOUNT.—For purposes of this section, in the case of a corporation with respect to which an election is in effect under section 1203, the net capital gain for any taxable year shall be reduced (but not below zero) by the corporation's qualified timber gain (as defined in section 1203(b)).''.

(c) DEDUCTION ALLOWED WHETHER OR NOT INDIVIDUAL ITEMIZES OTHER DEDUCTIONS.—Subsection (a) of section 62 of such Code is amended by inserting before the last sentence the following new paragraph:

''(21) QUALIFIED TIMBER GAINS.—The deduction allowed by section 1203.''.

(d) DEDUCTION ALLOWED IN COMPUTING ADJUSTED CURRENT EARNINGS.—Subparagraph (C) of section 56(g)(4) of such Code is amended by adding at the end the following new clause:

''(vii) DEDUCTION FOR QUALIFIED TIMBER GAIN.—Clause (i) shall not apply to any deduction allowed under section 1203.''.

(e) DEDUCTION ALLOWED IN COMPUTING TAXABLE INCOME OF ELECTING SMALL BUSINESS TRUSTS.—Subparagraph (C) of section 641(c)(2) of such Code is amended by inserting after clause (iii) the following new clause:

''(iv) The deduction allowed under section 1203.''.

(f) CONFORMING AMENDMENTS.—

(1) Subparagraph (B) of section 172(d)(2) of such Code is amended to read as follows:

''(B) the exclusion under section 1202 and the deduction under section 1203 shall not be allowed.''.

(2) Paragraph (4) of section 642(c) of such Code is amended by striking the first sentence and inserting the following: ''To the extent that the amount otherwise allowable as a deduction under this subsection consists of gain described in section 1202(a) or qualified timber gain (as defined in section 1203(b)), proper adjustment shall be made for any exclusion allowable to the estate or trust under section 1202 and for any deduction allowable to the estate or trust under section 1203.''.

(3) Paragraph (3) of section 643(a) of such Code is amended by striking the last sentence and inserting the following: ''The exclusion under section 1202 and the deduction under section 1203 shall not be taken into account.''.

(4) Subparagraph (C) of section 643(a)(6) of such Code is amended to read as follows:

''(C) Paragraph (3) shall not apply to a foreign trust. In the case of such a trust—

''(i) there shall be included gains from the sale or exchange of capital assets, reduced by losses from such sales or exchanges to the extent such losses do not exceed gains from such sales or exchanges, and

''(ii) the deduction under section 1203 shall not be taken into account.''.

(5) Paragraph (4) of section 691(c) of such Code is amended by inserting ''1203,'' after ''1202,''.

(6) Paragraph (2) of section 871(a) of such Code is amended by striking ''section 1202'' and inserting ''sections 1202 and 1203''.

(7) The table of sections for part I of subchapter P of chapter 1 of such Code is amended by adding at the end the following new item:

''Sec. 1203. Deduction for qualified timber gain.''.

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

(2) TAXABLE YEARS WHICH INCLUDE DATE OF ENACTMENT.—In the case of any taxable year which includes the date of the enactment of this Act, for purposes of the Internal Revenue Code of 1986, the taxpayer's qualified timber gain shall not exceed the excess that would be described in section 1203(b) of such Code, as added by this section, if only dispositions of timber after such date were taken into account.

The SPEAKER pro tempore. The gentleman from California (Mr. THOMAS) and the gentleman from New York, (Mr. RANGEL) each will control 30 minutes.

The Chair recognizes the gentleman from California.

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

Mr. Speaker, on June 16, the United States Senate majority leader put out the following statement asking for the House to send estate tax legislation to the Senate: ''I will ask the Speaker of the House to send a bill to us that would be a permanent solution to the death tax. I will encourage them to attach appropriate provisions to make it attractive and will hold a vote by July 4.'' This measure, H.R. 5638, is the response to the majority leader's request.

This House is on record with a bipartisan vote in favor of repealing the estate, or death, tax. But we know that the Senate on a procedural or cloture vote rejected that offer from the House by 57 votes in favor of moving forward, short of the 60 necessary.

I heard during the discussion on the rule the ranking minority member on Rules, Ms. SLAUGHTER, say that this bill, H.R. 5638, will pass. I, too, in agreeing with her, believe that the bill will pass. It will be available to the Senate to take from the desk, and it will be then the Senate's decision to pass or defeat it.

I want to underscore the point, this is a response to the majority leader's request. This is not a first offer; it is the only offer to the majority leader's request that the chairman intends to offer.

This bill was crafted as a compromise. Compromises are supposed to be reasonable; but, most importantly, they are supposed to be doable. The goal of a compromise is to make law. H.R. 5638 is a compromise.

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

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

Mr. Speaker, some may ask, why now are we taking up this bill? Why have we decided, that is, the majority, that at a time that our Nation is at war, when our men and women are dying to bring democracy to Iraq, where there are problems getting the equipment they need to protect themselves, when we cannot provide even our veterans with adequate health care and education opportunities, why now, when we find ourselves with a historic $9 trillion indebtedness, when just the interest of this debt is going to prohibit the Congresses that follow us from doing the things that our great Nation would want to do, why now, when the people that have been hit by Rita and Katrina can't restore their lives, why now, when the poor are increasing in population, are we reaching out to the richest of the rich Americans? Why now would the Republican leadership make this a priority for three-tenths of 1 percent of the American people?

Who are these people? How do they have such a communication with the leadership?

The Joint Economic Committee, which is not Republican and not Democrat, they are just fair, they say under existing law nobody except 7,500 families would be liable for any taxes on an estate.

They call it a ''death tax'' because they know how to play on words. Dead people don't pay taxes. But they can use what they want to get people emotionally involved.

But if there is anyone that is concerned about this Republic and making certain that the economy is sound and that wars that we start are paid for and that old folks are able to be taken care of through a Social Security act, why now would they come with this repeal? Because it is a repeal. It is 80 percent a repeal. It is going to cost more than the original repeal. Why do they want these sound tracks to be able to say that they supported repeal of the death tax?

□ 1330

I am going to tell you why. Because they have a mission. They are so organized that they want to destroy everything that Franklin Delano Roosevelt started. And it is not me that is saying that. It is their voting record that says it. Things that Americans are so proud of.

Social Security, a little cushion for people who worked every day in their lives and all they want is a little help with their security. Privatization, that is what we have to do. Medicare, this is something that we have come to depend on. They want it to implode, the things that they cannot deal with from a political point of view, the third rails, if they will.

If they make certain that there are no resources left for Democrats to handle, they have won. And they don't care how many Republicans lose, because their mission is to destroy every bit of social services by saying how can we pay for it.

So I submit to you that anytime a party is prepared to give $2 trillion of tax cuts because it is going to present economic growth and then go to Communist China to borrow the money, there is something wrong with that picture.

And I am suggesting, too, that these 7,500 beneficiaries, they are not begging for this money. They are not getting calls every day. We certainly don't get them. And they wish they were getting them, but they are not getting them, because most people God has blessed to get into this income status are so satisfied that they believe that they owe this Republic some indebtedness for the freedom and equality and opportunity that they receive.

And so if you have any question about supporting the programs that you are proud of as Americans, not as Democrats, not as Republicans, remember one thing: if you get carried with the emotion, one day you will have to explain, why now? Why, when your great country was in so much debt, did you figure that you had to reward 7,500 people? Why now, when your Nation is at war and the GIs will be coming back, those that do, and they ask why can't we get a decent shake and you say because we didn't have the money, we had to give it to the 7,500? Why now, when you take a look at the budgets that we are going to have, either as Republican leadership or Democratic leadership, that we are going to say that the interest that we owe to

foreign countries prevent us from taking care of the things that we have here?

This is not a scheme to reward 7,500 people. This is a scheme to take the resources away from this great Nation that has a commitment to our young and our old for health and education and the things that would really make us a strong Nation. And at the end of the day the fact that they are going to lose the majority won't mean anything because it would be a part of a plan not to perpetuate Republican or, for lack of a better word, leadership, but to destroy a system that Franklin Roosevelt had the hearts and the minds of this great country.

So I submit to you, you can do what sounds like it is the right thing to do because they call it a death tax, but it will be the death of democracy and freedom and the ability to provide the services that are expected of us, not as politicians, but as Americans and Members of Congress. This is going to be a historic vote, and the question is going to be, Which side of this vote did you vote on?

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PRICE of Georgia). The gallery is requested to refrain from showing either positive or negative response to proceedings on the floor.

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

Mr. Speaker, as we might have expected, the gentleman from New York wheeled out all the usual arguments. I hope he didn't trip as he went back to his seat with the flag tightly wrapped around him in terms of his arguments of patriotism. The class warfare card was played; the rich card was played.

''This is for the richest of the rich,'' he said. I tell the gentleman from California, I will quote who know who the richest of the rich are. In today's Wall Street Journal editorial they said, ''But now comes Mr. THOMAS, the chief tax writer, who has proposed a compromise that would be voted on as early as today but is hardly an improvement over current law.''

I will tell you who the richest of the rich are. Dick Patton of the American Family Business Institute says, ''We flatly oppose the Thomas plan. The more our members hear about it, the angrier they get.'' Who are they? The real richest of the rich.

So I find it rather ironic that they need to play those same old tired cards that this is the rich versus everyone else, when today the rich have spoken. They don't like the compromise. A compromise is a compromise.

Now, let us turn to a paper, The Washington Post, which said yesterday: ''The search for a compromise has pitted affluent small business owners against the truly rich, families with estates valued at tens of millions of dollars.'' The paper says: ''Thomas came down in favor of the business owners.'' And we know the Wall Street Journal agrees I didn't come down on the side of the rich.

This is a compromise. We will send it over to the Senate, and we will see if there are 60 Members of the Senate that want to remove once and for all the uncertainty in this very difficult area.

The National Federation of Independent Business says this is a reasonable compromise and they will be watching everyone's vote. Who? For the very rich? No. For the small businessman that creates all the jobs. A few extra dollars and the ability to keep the business together after the principal owner has died will make sure that we can continue this economy in the robust way in which it has continued.

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

Mr. RANGEL. Mr. Speaker, if the rich don't want it and the middle class don't want it, why can't we get on with just the minimum-wage increase and put this behind us?

Mr. Speaker, the gentleman from Michigan (Mr. KILDEE) has a unanimous consent request.

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

Mr. KILDEE. Mr. Speaker, I rise in opposition to H.R. 5638.

Mr. Speaker, in the past, I had considered supporting legislation that would exempt the first $5 million per individual and $10 million per couple from the Federal estate tax.

I believed that to be a reasonable compromise to a complete repeal of the Estate Tax.

But I supported that figure of $5 and $10 million exemption before other tax cuts had driven us into huge deficits.

This Congress has already approved seven tax cuts.

In addition, Mr. Speaker, our Nation is currently engaged in two wars, two very costly wars in terms of human lives and Federal tax dollars.

Seven tax cuts and two wars make it difficult for me to support this reform of the Federal estate tax.

I also wish the House Republican leadership had allowed us to offer the reasonable democratic substitute amendment.

Our amendment would permanently raise the exemption on the estate tax to $3.5 million per person and $7 million per couple.

An exemption at that level would protect over 99 percent of all Americans from ever having to worry about paying the estate tax.

Mr. Speaker, I urge my colleagues to oppose H.R. 5638.

Mr. RANGEL. Mr. Speaker, I would like our Democratic whip, the distinguished gentleman from Maryland (Mr. HOYER), to be given 2½ minutes.

Mr. HOYER. This has nothing to do with the economy and everything to do with fiscal responsibility.

Mr. Speaker, over the last 5½ years, this Republican majority has repeatedly pushed tax legislation that is blatantly unfair, grossly irresponsible, and fiscally ruinous. Today, however, they outdo even themselves.

Our Nation is at war, our brave troops are under fire, our Nation is facing record budget deficits. That is the legacy of this Republican leadership. And the national debt, which now stands at $8.4 trillion, is exploding under this Republican Congress and administration.

Despite all the challenges facing the people of our Nation, today this Republican majority insists that we give a huge tax break to the heirs of the wealthiest people in America. I am for modification that is in process, not this bill.

If there ever was a bill that demonstrated the Republican Party's misguided priorities and the deep differences between our parties, this is the one. Democrats are continuing to fight to raise the Federal minimum wage which has not been increased since 1997 and which is at its lowest level in half a century; 6.6 million workers would be affected, 7,500 people in this bill.

As the majority leader told the press on Tuesday: ''I am opposed to it,'' meaning the increase in the minimum wage, ''and I think the vast majority of our conference is opposed to it.''

But this bill comes to us, not been to committee, never marked up in committee, comes directly to the floor with no consideration.

Let us be clear about the facts. Less than 1 percent of all estates in America will pay estate taxes in 2006 under this year's exemption before this bill. And when the exemption increases in 2009 to $3.5 million, which I have supported, $7 million for couples, only 7,500 estates in America will be subject to the estate tax. But that is not enough. Warren Buffet said they talk about class warfare and his class is winning. Amen, Mr. Buffet.

Today, House Republicans are falling all over themselves to give the heirs of approximately 7,500 estates a tax cut. This bill is not only morally reprehensible but fiscally irresponsible. The Center for Budget and Policy Priorities estimates that this Republican bill will cost $762 billion over its first 10 years.

You don't have $762 billion. We are all correct, you are going to borrow it for the Chinese, from the Saudis, from the Germans, from the Japanese, and others. And who is going to pay the bill? Our children are going to have to pay the bill, our grandchildren are going to have to pay that bill, because you don't have the money.

The Wall Street Journal, which was quoted by Mr. THOMAS, said the other day they didn't agree with PAYGO. Why don't they agree with PAYGO? Because it would undercut tax cuts. Why would it undercut tax cuts? Because you neither have the courage nor the ability to pay for your tax cuts.

Vote against this bad bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Once again, the Chair requests that visitors in the gallery refrain from showing either positive or negative response to proceedings on the floor.

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

I am heartened by the gentleman from Maryland's statement that he is now in support of current law which will move to 3.5. Everyone just needs to remember he was opposed to the legislation that put it into effect. I expect 5 or 6 years from now he will be in favor of this particular measure when he speaks on the floor, although he will be opposed to putting it into law. I always appreciate those kinds of positions.

The gentleman also quoted a very liberal think tank that dreams up numbers that allows them to make outlandish statements on the floor of the House. The Joint Committee on Taxation, the official scorekeeper, says that over a 10-year period this measure will not be $700-some billion; it is $283 billion.

Again, you will hear extremely outrageous statements, as we heard on the underlying legislation in which, for example, the gentleman from Maryland opposed but now blithely says I support. The point is, why not be right the first time? Why not support the legislation when it is in front of you? Why not vote now for H.R. 5638 instead of waiting to say you are for what the bill did after it becomes law?

Mr. Speaker, it is now my pleasure to yield 2 minutes to a member of the Ways and Means Committee, the gentleman from Arizona (Mr. HAYWORTH).

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

Mr. HAYWORTH. I thank the distinguished chairman of the Ways and Means Committee for this time as we again return to the well of the people's House; and how interesting it is, Mr. Speaker, that so many arguments are devoid of real facts and taken perhaps as articles of faith.

I heard the minority whip come to the well and attempt to whip up partisan passions as if this bill had some grand nefarious design. No, Mr. Speaker, that is not the case. And I will avoid pointing out the obvious outlook of my friends on the left who basically take as an article of faith that people who succeed should be penalized.

I rise in strong support of this commonsense compromise because, according to the Joint Committee on Taxation, this legislation would permanently protect more than 99.7 percent of all taxpayers from ever paying this egregious estate tax and would reduce the harmful economic distortions caused by the current law estate tax.

And, again, this is not a partisan argument. The standard bearer of the Democratic Party in the State of Arizona, now a decade ago, has constantly contacted me as a Member of Congress saying: When are you going to take longlasting action on the estate tax? Because I cannot pass my business down to my children in the current conditions.

□ 1345

Why would we penalize those who succeed, and on top of that, by extension, penalize the very people my friends on the left purport to help? Because business owners create jobs. The government does not create the jobs.

For increased economic activity, for a good, solid, consistent policy that helps the most people in the best ways, support this legislation.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. LEVIN), an outstanding member of the Ways and Means Committee.

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

Mr. LEVIN. Mr. Speaker, this bill is a test whose side are you on: The 300 million Americans who will be alive in the year 2009 or the 7,500 families whose estates would be taxed according to 2009 law and figures. That is a Joint Tax Committee statement. It is 300 million versus 7,500 families.

This is not a compromise. This is a sellout, a sellout of 300 million people.

It is at a time that you will not even bring up a minimum-wage bill. At a time when middle-income families are under pressure. I read from The Economist, not a very liberal magazine: In the late 1990s everybody shared in this boom, but after 2000 something changed. After you adjust for inflation, the wages of the typical American worker have risen less than 1 percent since 2000. In the previous 5 years, they rose over 6 percent.

Yes, there is class warfare by you on 300 million Americans, not on the family farmer, the small business person. Under our approach, 99-plus of people with estates would not be taxed at all.

Essentially, you are saying to 300 million, you pay the $800 billion the cost of this bill in the full 10 years. That is the accurate figure.

This bill is irresponsible fiscally, and it is immoral in terms of values.

Let us have a resounding ''no'' vote on this irresponsible legislation.

Mr. THOMAS. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. ISSA) on the compromise bill, H.R. 5638.

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

Mr. ISSA. Mr. Speaker, I want to thank the chairman for bringing this important piece of legislation to the floor, not because it is good enough. It is not. Not because it pleases the Democrats. It does not. But because it is the best we can do.

I just came from speaking with the very small business people that you just heard somehow they were going to protect in another way. I just finished hearing that 300 million people is what it was all about, which is a rounding error up, and 7,500 that would pay the tax that die, but, of course, we are using two different figures, as we often do.

It is not about 300 million, because 300 million people will not die next year, but it is about the businesses that will die if we do not do something, and this is not good enough. It is a down payment.

I rise in support of this bill, not because it is good enough. It is not. It does not keep the promise I made to the people of my district to end once and for all the double taxation of the dead, but I do rise in support of this because it is the best we can do. I promise today to vote for this bill, and then I promise to come back until, in fact, we once and for all eliminate the unreasonable and unfair double taxation.

So please support this piece of important legislation.

Mr. RANGEL. Mr. Speaker, and that is the best they can do.

Mr. Speaker, I yield 2 minutes to the outstanding gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, let me thank Mr. RANGEL for yielding me this time.

There is no question that we need to clean up our Tax Code. We need to make it predictable. We need to deal with expiring provisions. I would hope that we would deal with the savers' credit that is scheduled to expire because that helps low-wage workers, and we need to deal with that.

I would hope that we would adjust the Federal estate tax and make the changes permanent, but I cannot support this bill.

This bill is fiscally irresponsible. By the chairman's own account, the Joint Tax Committee estimates that it will cost us $283 billion that we do not have. That $283 billion is basically in the second 5 years of the program because we already have a law in place now. So the annual loss of revenue is close to $60 billion a year. There is no offset to that loss.

To the credit of a Marylander who contacted me and wants to see a permanent change in the estate tax, that person at least had enough courage to suggest offsets so that we would not be adding to the deficit of the country, but this legislation does not do that. It is fiscally irresponsible.

Mr. Speaker, it speaks to our priorities. Yes, we have time to deal with estate taxes that will benefit basically people who have wealth in excess of millions of dollars, but we do not have enough time to deal with increasing the minimum wage that has been stagnant now for the last 10 years, people making $5.15 an hour. Where is the priority of this Congress?

We have time to take up the reform of the estate tax, but we cannot deal with college education costs and a tuition tax credit that was allowed to expire. Where is our compassion for people who really do need our help? Two hundred eighty-three billion dollars for the wealthy, nothing to help people who are trying to struggle with a college education.

How about the doughnut hole in Medicare? We know seniors cannot afford it. How about using some of that money to deal with the Medicare prescription drug bill, or how about paying down our deficit?

I would hope that both Democrats and Republicans would agree that our first priority should be to pay down our deficit. The problem, Mr. Speaker, is that we are not dealing with the problems of typical families. Instead, we are dealing with those who do not need the help.

I urge my colleagues to reject this legislation.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from California (Mr. HERGER), a member of the Ways and Means Committee.

Mr. HERGER. Mr. Speaker, all across America following the death of a loved one, people of modest means are all too often faced with the grim prospect of selling a family farm or small business just to pay the taxes that come due. Such was the case in my own family when my cousins had to sell the farm that had been in our family since the early 1900s just to pay the taxes. This is simply wrong.

I rise in strong support of the Permanent Estate Tax Relief Act. Like many others in the House, I continue to strongly support permanent repeal of the death tax. Americans should not have to pay this onerous double tax on savings and capital.

Currently, we are scheduled to have a 1-year full repeal of the death tax in 2010, but if Congress fails to act, the death tax will return full force in 2011, reducing exemption levels and restoring maximum tax rates of nearly 60 percent.

Mr. Speaker, this bill before us institutes permanent relief for those subject to the death tax and restores predictability and certainty to small business owners and family farmers planning for the future. It boosts exemption levels and adjusts them for inflation, and with maximum rates tied to capital gains rates, those still subject to the tax will see their burden significantly reduced.

Mr. Speaker, I urge passage of this legislation.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the outstanding gentleman from the State of Washington (Mr. MCDERMOTT).

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

Mr. MCDERMOTT. Mr. Speaker, as I look around the House today, there is scarcely a dozen people on the floor, so they must be somewhere else, probably watching this on television.

So those of you who have just tuned in on television, you are watching not the House of Representatives, but the theater of the absurd. What has gone on in this floor this morning and will continue in this afternoon is absolutely absurd.

The first thing we did was we refused to consider a bill to raise the minimum wage. The minimum wage has been the same since 9 year ago, $5.15 an hour. This is what ordinary Americans consider a starting wage, and this House will not do it.

Now, the second act of this theater of the absurd is let us get rid of the estate tax. It was put in by who? By a public-spirited Republican. Theodore Roosevelt, right. It was not some wild-eyed lefty. It was a guy who was a public-spirited Republican President of the United States, and it is used as a way to finance things that we think we ought to do.

If you read last Sunday's New York Times, and you read the debt that this country is in, and just read the section on college debt, you can see what we could do if we would shift the cost of education back on to the State and off the back of our kids. The average debt coming out of college is $20,000. Why would you want to be a schoolteacher dragging that kind of debt or a doctor, $150,000? But, no, we have to pass a law to give an unending ability of people to get rich in this country and never give anything back.

Now, when you talk about who calls you in your district, well, Mr. Gates called me and he said, do not vote for the repeal of the estate tax.

Now, the third act to this thing, just so you understand how really crazy this is, the third act we are going to do before we leave here today is pass the line item veto to the President. It is a total capitulation by the right, by the House Republicans, saying, please save us from ourselves; we cannot stop giving money away.

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

It is a pleasure to indicate that for the first time in my memory I completely agreed with the gentleman from Washington when he said, if you have just tuned in, and you are watching me, you are watching the theater of the absurd.

We are not repealing the estate tax so Mr. Gates wasted a phone call. I hope he is a little more in tune with what is going on in the software world than he is what is going on in the floor of the House.

We are not doing away with the estate tax. We are producing a compromise which will pass this House and go to the Senate in an attempt to make permanent law and remove uncertainty.

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

Mr. BRADY of Texas. Mr. Speaker, when I first came to Congress, I had a family-owned nursery come sit down with me and explain to me the effect of the death tax, and two of the three children still worked in the nursery. What they showed me on paper was that because the tax, when their parents died, if they could take out enough life insurance on their parents, and if they could go back to the bank and borrow enough money, which, by the way, they spent years getting out of debt, but if they could borrow enough money, they might be able to keep their family nursery. Think about that. They were telling me if they could make enough money off their parents' death and borrow enough money, they might be able to keep their family nursery, might.

The death tax is the wrong tax. It hits the wrong people at exactly the wrong time. It is the number one reason small businesses do not get handed down to the next generation. It is the main reason more and more family farmers and ranches get sold off to pay Uncle Sam for all the big spending programs we have here today.

Permanent repeal of the death tax remains everyone's goal, my belief, on the Republican side of this Chamber.

□ 1400

But any day I can free more family farms and ranches from the specter of the death tax, I am going to support it. Any day I can lower the death tax rate permanently on family groceries and family small businesses, I am strongly going to do that. Until full repeal occurs, I will strongly support lowering this tax. I support this bill.

Mr. RANGEL. Mr. Speaker, I recognize the conscience of the Democratic Caucus, Mr. LEWIS, the gentleman from Georgia, for 2 minutes.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my friend, Mr. RANGEL, for yielding.

Mr. Speaker, I come to the floor today because I am sick and tired of the greed that is prevailing in this House. The Republican majority today will help millionaires with their estate tax cut while forgetting hardworking Americans, millions of them, by refusing to increase the minimum wage. This is unbelievable. It is immoral and it is wrong.

The majority must wake up and see the struggles of minimum-wage workers. They work hard every day to feed their families. People cannot afford health care. People are struggling to fill their cars with gasoline. Many people live in poverty. They live paycheck to paycheck, and they have not seen an increase in the minimum wage in 9 years.

This Congress should be ashamed. Be ashamed. When will we stop helping the superrich? They do not need our help. They are not begging for our help. They are not calling us, they are not sending letters or e-mails, they are not petitioning us to help. When will we start to take care of the least among us?

What would the great teacher say, what would the great teacher say when he comes into the Chamber and sweeps the money out of the Chamber?

Franklin Delano Roosevelt says that ''the test of our progress is not whether we add more to the abundance of those who have much; it is whether we provide enough for those who have too little.'' We are failing this test and we are failing the American people. This is not progress. This is not helping the least among us. This is greed and it is disgraceful.

I urge my colleagues to defeat this bill.

Mr. THOMAS. Mr. Speaker, it is now my pleasure to yield 2 minutes to a member of the Ways and Means Committee, the gentlewoman from Pennsylvania (Ms. HART).

(Ms. HART asked and was given permission to revise and extend her remarks.)

Ms. HART. Mr. Speaker, I thank the chairman for yielding me some time on this issue, one that I have worked on for quite a few years.

When I was a State senator in Pennsylvania, we rolled back the death tax 1.5 percent. We immediately saw healthier small businesses, healthier family businesses, and healthier family bank accounts.

I rise in support of this bill that further addresses a tax problem that the Federal Government has attempted to solve for a number of years. It is one of the main issues I hear about from my constituents when we talk about tax policy and what incentives we need in our Tax Code to promote entrepreneurship and to promote economic and job growth.

The death tax is a clear example of tax law that deters this kind of growth. It deters an individual from starting a business. It deters a family from keeping a business going for generations. Worse than that, it deters the very people that the other side was referring to that this allegedly hurts, the middle class. These are our small business people.

A report recently released by the Joint Economic Committee highlighted a number of disadvantages created by the death tax. First, it inhibits economic efficiency and it stifles innovation. One survey noted that two-thirds of the respondents stated that the death tax was the top reason why it was difficult for a small business to survive from one generation to the next.

One of the biggest complaints I hear from these people, family business owners, small farmers in my district, is the immediate cost of complying with that tax. The majority of the assets held by a family business are farm property or business equipment or the business's building. They are invested in the business. This isn't cash. So they do not have the liquid assets to pay this tax.

So what do they have to do? In order to find the capital to pay this death tax, we force these families to sell off a part of their business and to sell off parts of their family farm to pay the tax. How this helps them I am really baffled. I don't think it helps them. They tell me it doesn't help them, and they have asked us for relief. Today's bill puts us in the direction of further relief for these families, these family business people, these family farmers.

I suggest my colleagues look at the facts. Look at how people respond to death tax cuts, with more job growth, and support this bill.

Mr. RANGEL. Mr. Speaker, I would like to yield 2¼ minutes to a leader in the United States Congress and a member of the Ways and Means Committee, the gentleman from California (Mr. BECERRA).

Mr. BECERRA. I thank the gentleman for yielding. Ladies and gentlemen, our government is in complete disarray. We have no policy in Iraq. We have seen the highest level of fiscal irresponsibility this government has ever propounded upon the American public. We have breathtaking record deficits in our budget. And our priorities, as articulated in this House, are upside down.

We have soldiers today who are dying. We have millions of Americans working to feed their family on a minimum wage of $5.15 an hour. We have gasoline prices that are double what they were when President Bush first assumed office. But what do we have from our friends on the Republican side to deal with all of this? A tax cut that will go to the wealthiest families in America.

I hope, ladies and gentlemen, that we will recognize that every time a Member who supports this tax cut for the wealthiest families in America comes up to talk, that we recognize that they are talking about helping 7,500 families, period. Of the millions of Americans and of those Americans who will die, this bill will help only around 7,500 of all of America's families. It is because it deals with only the very wealthiest.

So everything they say, put it in context. It will help 7,500 families. Or put another way: of a thousand people who will die in America, less than two will receive the hundreds of billions of dollars in tax cuts that will go to those who pay estate taxes; 7,500 families, less than two of every 1,000 Americans who will die.

What could we, instead of giving money to the very wealthy in America, do? Well, we could have fully funded the Medicare part D prescription drug benefit that Republicans have failed to fund. We could have sent 40 million American children to a year of Head Start. We could have provided full health insurance for 174 million children for one additional year. We could have hired 5 million additional public school teachers for one year. We could have given 4-year scholarships to 14 million students to public universities. We could have provided worldwide AIDS programs for 29 years. And we could have provided for every child in the world basic immunization for the next 96 years.

Our priorities are upside down.

Mr. THOMAS. Mr. Speaker, it is now my pleasure to provide 3 minutes in support of H.R. 5638, the compromise that is endorsed by the National Association of Home Builders, the National Association of Realtors, the United States Chamber of Commerce, the majority whip of the House of Representatives, to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Speaker, I am pleased to be able to be on the floor in support of this important piece of legislation. I am also grateful to the chairman not only for this piece of legislation but for the significant legislation he has brought to the floor year after year that really has resulted in an economy that is growing, an economy that creates opportunity, an economy with the lowest unemployment rate, an unemployment rate below the average of the 1970s, the 1980s, or the 1990s.

As I listen to this debate, what we are really talking about today is do we want to let this inheritance tax go back to the level that it was in 2001, where every family farm, every small business that had accumulated value and assets of $600,000 would see 65 percent of the excess of that go to the Federal Government.

Now, I will say first of all that I never thought a trip to the undertaker should also necessitate a trip to visit the IRS by somebody in your family. And while I would like to see the total elimination of the death tax, I think that the bill that the chairman has brought to the floor today solves the problem for millions of American families who have businesses and farms that are worth more than that old exemption; that this suddenly lets them put money that has been going into tax avoidance into continuing to grow their business, continuing to create jobs, continuing to create opportunity, and continuing to expand and build.

Many of the family farmers and small business folks that I work with have built their business with their mom and dad right there at their side. And, frankly, at the time mom and dad passes away, it is really hard for them to know in their mind who helped create the wealth of this business, who helped grow this farm that they grew up on and who didn't. But they have to suddenly decide, as Ms. HART pointed out, what do I sell, which piece of equipment do I sell, what part of the farm do I sell, do I have to sell the corner grocery store and service station just to pay the inheritance tax?

This creates an opportunity for families working together to continue to grow their businesses, to invest their money in the future of their businesses, in the jobs of the people that they will hire, in the communities that they are a part of, and to give a greater level of assurance that their children can continue to do the same kind of job, in the same kind of place, with the same kind of opportunity that they had.

There is nothing you have when you die that you haven't paid taxes on two and three and four times. This bill, for a significant number of Americans, says you don't have to pay taxes that last time after you die. It is the right step to take today. I am interested in taking more steps in the future to continue to work to eliminate this tax, but this is a critically important step

for us to take as we approach 2010 and to let money that has been going into tax avoidance go into growing this economy.

Mr. RANGEL. Mr. Speaker, how much time is remaining on both sides?

The SPEAKER pro tempore. The gentleman from New York has 10¼ minutes, and the gentleman from California has 12½ minutes.

Mr. RANGEL. Mr. Speaker, I yield to the gentleman from Massachusetts, an outstanding hardworking member of the Ways and Means Committee, Mr. NEAL, 2 minutes.

(Mr. NEAL of Massachusetts asked and was given permission to revise and extend his remarks.)

Mr. NEAL of Massachusetts. Thank you, Mr. RANGEL, very much.

What the other side wants you to believe today is that this is tax relief for the average American. What the majority whip said a couple of moments ago was interesting. He said the economy is growing; we have to keep the economy growing. He cleverly neglected to mention the deficits are growing, the insurgency in Iraq and Afghanistan are growing. You need the money to pay for those things.

You know what this is? This isn't for hardworking families. This is the Paris Hilton Tax Relief Act. That is who we take care of with this. Not Conrad Hilton, Paris Hilton. She will be in great spirits this evening when she finds out that the Republican Party has come to her assistance once again.

$2 trillion worth of tax cuts already, $800 billion more worth of tax cuts today, and friends across America, how do you square that with two wars? Seven tax cuts and two wars with no exit strategy in front of us, and they continue to cut taxes.

And the majority whip said, oh, he was cutting taxes for average Americans. We don't have time in this institution to raise the minimum wage. We don't have time for the people that clean the hotel rooms, make the beds, and shovel the streets. We don't have time for them. But, my God, today we have time for Paris Hilton. We will take care of her very well with this piece of legislation. The troops in Iraq? We will cut veterans benefits when they come home.

Let us make all kinds of changes here. But, my goodness, true to form, they are rich and they are not going to take it any more.

This Congress has bent over backwards to take care of the wealthy in America and the strong. And who do we neglect? People that do the menial jobs across this country that we depend upon every single day. Is there no end to this embarrassment of what we do on behalf of the powerful and the wealthy in America?

That is how much of the American population is going to benefit from what they do. Less than 2 percent of the American people are about to benefit from what they are going to do today.

I cannot believe the choice that this Congress is making today.

During the last 10 days, committees within the House have turned back efforts to raise the minimum wage. We won't provide any help to people who earn $5.15 per hour, $10,700 a year. At that wage, people have to work an entire 8-hour day in order to pay for a single tank of gas.

And after rejecting any relief for working poor families, what is the next order of business for the Republican Congress? Elimination of the inheritance tax—a tax that affects only the wealthiest 7,000 families in the United States.

The proposal under consideration today would cost $762 billion over its first 10 years in effect, all to benefit the tiniest share of the wealthiest and most successful members of our society—people who want for nothing, and who have enjoyed the largest share of the rest of the tax cuts that we have passed since 2001.

In this year's budget, the United States Congress cut funding for veterans. We cut funding for programs that helped the elderly and small children. We cut funding for student loans.

We have taken the step—unprecedented in our Nation's history—of conducting two wars with six large tax cuts.

And even after all of that, here we are today, contemplating a tax cut worth hundreds of billions of dollars that will go to the likes of Paris Hilton.

Three estates in every 1,000 would benefit from this tax break. This is not widespread tax relief. This is not Main Street tax relief. This is Park Avenue tax relief that Main Street has to pay for.

This bill costs almost as much as estate tax repeal, and the benefits accrue to the people in our society who need tax relief the least. We have a record deficit, we have a skyrocketing national debt, and we have two wars to pay for. This isn't fuzzy math, this is fantasy math.

Mr. THOMAS. Mr. Speaker, it is now my pleasure to yield 2 minutes to a newer Member of the House of Representatives, the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL of California. I thank my colleague from California, Chairman THOMAS, for yielding me this time.

Ladies and gentlemen, I, like the majority of this House, would support full repeal of the estate tax, but that, as Chairman THOMAS explained, has not passed the Senate. So this is a compromise proposal, but one which I fully support, and for three reasons I will give today: one is facts, second is economics, and the third is equity.

First of all, facts: people on the other side this afternoon have said that 7,500 people will benefit from this reduction in the death tax and that the tax they will not pay, I think it was $750 billion over 10 years. If you do the math on that, Mr. Speaker, you will find that that is $100 million per family.

Now, that is very odd, since families with as small as $1 million of a total taxable estate will be relieved from tax under this bill.

□ 1415

So facts are not what they say. The facts are hundreds of thousands, hundreds of thousands of families over the next 10 years will be relieved from paying tax on death under this compromise proposal.

Second, economics. We have seen that when we reduce the capital gains tax, the economy improved, and revenue to the government actually increased. The same thing will happen here. People are out there with lead trusts, with remainder trusts, with family limited partnerships and all kinds of things that do not generate benefit for this economy but are done simply so they can try to keep a house or a business or farm in their family, they won't have to do that. Mr. Speaker, 99.7 percent of the families in America will not have to do that under this proposal.

The third is equity. Right now under the death tax as it exists, some people can leave their house to their children; some people can't. Some people can leave their farm to their children; some others can't. Some people can leave their business to their children; and some other people can't.

Mr. Speaker, we should not have a tax policy that says to some people what you have worked for and earned in your life you may leave to your children, and other people can't do that. I urge an ''aye'' vote on the bill.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT), a member of the Ways and Means Committee.

Mr. DOGGETT. For the wealthiest few, Republicans don't just aim to eliminate the misnamed ''death tax,'' they want the death of all taxes.

They have got some exit strategy, not for our troops sacrificing their all and facing death in Iraq, it is an exit strategy for billionaires from the tax burden that they should share to support our Nation.

For whom do they spell relief today?

Minimum wage? Won't raise it.

Gas prices? Won't cut them.

Drug prices? Won't lower them.

Veterans' health care? Can't cover them.

Student loans, Medicare, Medicaid? Cut, cut, cut.

This is truly a ''cut-and-run'' Congress: cutting relief for most Americans while running up a huge deficit to finance more billionaire tax breaks.

Will you benefit from these new tax breaks today? Take this quiz:

Do you play Yahtzee or maintain a fleet of yachts?

Do you wear a hard hat or a silk top hat?

Do you drive a pick-up or own a gallery of Picassos?

Do you pump gas by the gallon or sell it by the barrel?

Only if the answer is the latter for all of these questions are you likely to be among the handful of Americans who benefits from not having to pay a tax that Teddy Roosevelt, back when there were a few Teddy Roosevelt Republicans, called a key to not having us copy the landed aristocracy of the European continent.

This bill today goes beyond fiscal irresponsibility, it is true fiscal insanity, piling burden upon burden on our children and grandchildren.

Mr. THOMAS is correct that it is a ''compromise,'' but only in the sense that it compromises our families and our Nation's future and strength.

Mr. THOMAS. Mr. Speaker, it is with great pleasure that I yield 2 minutes to a colleague, someone who understands the reason we are here today, a cosponsor of H.R. 5638, the gentleman from Alabama (Mr. CRAMER).

Mr. CRAMER. Mr. Speaker, I thank the chairman for yielding me this time. I do rise in support of the Permanent Estate Tax Relief Act of 2006.

I want to make a statement on behalf of the farm families of this country. When I came to Congress in the early 1990s, my farm families told me stories over and over again of their problems encouraging the next generation to farm the land that they farm. This is not a rich person's estate tax bill. This is a reasonable compromise.

A lot of us on this side of the aisle have worked long and hard in a bipartisan effort to make sure we had an opportunity to bring that voice of those farmers, to bring the voice of small businesses in this country into alignment with the Federal Government so we could pass for them estate tax reform, estate tax relief that will give them some permanency.

We made a step toward that, but that step has a huge gap in it. It is not permanent. So we have done something of a helping hand, but we have also made this a lawyer's mecca here. Estate tax planning is something they cannot do because they don't have the ability to know exactly what is going to happen.

Is everything in this bill that I want in this bill? No. And there are a lot of Members who didn't get everything in this bill that they want, but this is a reasonable compromise.

I have cochaired a coalition of folks who want to eliminate the death tax, but I am here to say this is a reasonable alternative, and Members should support it.

Mr. RANGEL. Mr. Speaker, I would like to yield 2 minutes to the gentleman from North Dakota (Mr. POMEROY), a Member who really understands this problem.

Mr. POMEROY. Mr. Speaker, I thank the gentleman for yielding.

To start out, let's have a little truth in labeling. The chairman of the Ways and Means Committee calls it a compromise bill. Compromise involves some give and take. This is a bill that he created, no consultation, no discussion with the Senate, no discussion with the Ways and Means Committee, no discussion with anybody. That is not negotiation, that is not a compromise.

A compromise involves meeting people halfway. If you look at the revenue lost here, fully considering the lost revenue between 2010 and 2020, it is virtual repeal. We have been able to calculate it is roughly 80 percent of the cost of full repeal. Again, no compromise.

Let's put this in the context of the fiscal situation facing this country, because this House majority has voted to raise the debt limit of this country, voted to raise it in March, and because the deficits were so horrendous, they had to vote to raise it again in May. It now exceeds $9 trillion.

With the revenue, the $800 billion revenue lost in the next decade, it will all have to be borrowed. Who are we borrowing from to help under their bill? The shocking fact is 43 percent of those who we are borrowing from to help are estates over $25 million, the richest few in this country.

There is another way. We can take the 2009 of $7 million for joint estates. This is the compromise Democrats would be willing to go for. It takes care of 99.7 percent of the estates in this country. We will go one further. We will dedicate the estate tax revenue over that to the Social Security Trust Fund. Social Security actuaries tell us such a step would add 5 years to the life of the Social Security program.

So you have a very stark choice here, the majority bill which is going to hurt Social Security, or our bill which would add 5 years.

Mr. THOMAS. Mr. Speaker, it is a real pleasure to yield 4 minutes to a member of the Ways and Means Committee who has been a stalwart on this issue, who has been in the forefront and is one of those who not only knows this issue from an intellectual point of view, but who has lived it with his family, the gentleman from Missouri (Mr. HULSHOF).

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

Mr. HULSHOF. Mr. Speaker, one of the interesting things about sitting through the debate and hearing all of the various points and wanting desperately to respond to each and every one of them, and not having the time to, I would say to my colleague from the Ways and Means Committee from the State of Washington who mentioned that he had taken a phone call from Mr. Gates, I wish the same gentleman would actually take a phone call from the owner of the major metropolitan newspaper from Seattle, Washington, who actually supports permanent repeal of the death tax.

Having said that, I listened to my friend from North Dakota who just spoke. I am mindful that I stood in this same spot on April 13, 2005, on rollcall vote 102 when we, Mr. CRAMER and I as lead or chief sponsors of H.R. 8, which was permanent repeal. We had the rollcall vote, and we had an extraordinary bipartisan vote: 272 Members of this body said once and for all it is time to kill the death tax.

There were 42, dare I say courageous, Democrats who voted for complete repeal. I hope my words get to those 42, and I urge that same steadfastness on this compromise. It is my understanding there has been some intense political pressure put on my colleagues across the aisle from their leadership, and I certainly hope they would look at this compromise.

I would say to my friend from North Dakota, this is a compromise. As we debated this bill back in April 2005, he pointed out that H.R. 8, the complete repeal, did not include a step up in basis. This bill does, a complete step up in basis upon death.

The gentleman from North Dakota, when we debated this a year and a half ago, talked about there was no indexing. We fixed that in this bill. There is indexing so that the passage of time and the acceleration or accumulation of assets as they appreciate in value will not suddenly look squarely down the barrel of the death tax bill. And so indexing is part of this.

We heard from the philanthropic community as far as opposition to complete repeal of the death tax because there was a concern about charities and foundations not being fully funded. So this compromise accomplishes their goal to make sure that the philanthropic in this country can continue to provide for those churches, charities and synagogues.

And yet from the other side of the aisle, I think some folks just dusted off the talking points from a year and a half ago, because this is not the bill we debated then.

And my good friend from Georgia, and we are working together on a civil rights bill, to hear the word ''greed,'' or to hear from my friend from California say that only 7,500 families will pay the tax, what about the tens of thousands of American taxpayers, family-owned businesses, that had the same experience that I had of sitting across the mahogany table from their longtime family accountant when my mother passed in 2004?

This 514-acre farm that she and my father had built, that my father had worked for nearly five decades, and I am sitting across the table from this family accountant, and he has an old adding machine with the tape on it, and he is punching in values for each of these assets. The acreage per value, the three tractors, the very used combined, the home that I grew up in, the modest life insurance policy, and suddenly as a Member on the Ways and Means Committee, I break out in a cold sweat because I know when he hits the total button, it is either going to be above an arbitrary line that Congress has set or below it. I know that if it is above that line, that I am probably going to have to sell off some of this family business, this farm I grew up on, just to pay the government.

What is ironic is if my mother had passed away 4 months earlier, I would have had to have sold a significant part of that farm just to pay the tax.

This is a very usable compromise, and I would say the fact we are here, of course, is that there is a determined

minority in the other body that has used the Senate's rules and procedures to deny that complete repeal that we have been working for. This is a compromise that deserves bipartisan support. I urge its passage.

Mr. RANGEL. What is the time? I think I would want the majority to catch up in terms of the time gap.

The SPEAKER pro tempore (Mr. REHBERG). The gentleman from New York (Mr. RANGEL) has 4¼ minutes. The gentleman from California (Mr. THOMAS) has 4½ minutes.

Mr. RANGEL. Mr. Speaker, I would like to yield for 2 minutes to the gentlewoman from Ohio (Mrs. JONES), a distinguished member of the Ways and Means Committee.

□ 1430

Mrs. JONES of Ohio. Mr. Speaker, I would like to thank the ranking member, Mr. RANGEL, for yielding me this time. And I want to compliment my colleague, KENNY HULSHOF, for those impassioned words about his family farms. But the good lawyer that I know KENNY HULSHOF is, I know he has come up with some resolve for his family in addressing some of the estate tax issues, short of changing the estate tax, be it who holds the farm, how long they hold it, et cetera et cetera.

But I rise this afternoon in opposition to this legislation. As we have all said earlier, those on this side of the aisle, this is no compromise. It will cost us so much money that many of us can't even count it. And most of the people who benefit from this estate tax have so much money, they far exceed the general everyday person who works hard making $5.25 an hour and can't even think about an estate because, by the time they pay their light bill and their water bill and buy their kids some clothes, pay the gas bill, the estate that they always hoped for could never come into play.

Now, you are going to say, STEPHANIE, why are you comparing working making $5.25 hour to an estate over $5 or $100 million? I am doing it because most of the people in America are making $5.25 an hour at that other level.

We only have a certain amount of money that we operate in the United States of America, and I say it is time for the people at the lower end of the spectrum to have a benefit from the taxing policy of this Nation. I say it is time for the people at the lower end of the spectrum to know that the kids, and the bulk of their kids go to fight in Iraq, have enough armor, et cetera, to be covered; that those families know that their children have the ability to go to college. It is connected because it comes out of the same pot.

I, therefore, invite you, encourage you to vote against H.R. 5638.

Mr. THOMAS. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. CHOCOLA), a member of the Ways and Means Committee.

Mr. CHOCOLA. Mr. Speaker, I thank the chairman for his hard work on this.

Mr. Speaker, I just rise today to ask the question, Whose money is it anyway?

I think it is important to recognize that the Federal Government has no assets that didn't derive from the hard work of the American taxpayer. And that is what we are talking about today.

And it is not just the families that pay the tax that are impacted on this. I have worked in several family businesses, and every business that I have worked with is a family. Everyone that works there is a family. And when you put a business at risk by requiring it to be sold simply to pay taxes, you put every job in that company at risk. If you have 25, if you have 50 employees, you are putting every single one of those jobs at risk by selling the company to someone you don't know. They may live somewhere else and they may move the business or reduce it or do whatever when you lose control. If you really care about working families, you would not ever allow a business to be sold simply to pay the taxes.

And like many of my colleagues, I support full and permanent repeal. This is a step in the right direction. I urge my colleagues to support it.

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

Mr. THOMAS. Mr. Speaker, I believe I will be the last speaker.

Mr. RANGEL. Mr. Speaker, I yield myself 1 minute. There seems to be some confusion as to who the beneficiary is of this special legislation. I suggest to you that if you belong to the one-third of 1 percent of not working families, but families who have inherited an estate that is valued over $3.5 million, or $7 million if you are a couple, that in 2009 you will be the beneficiary.

If there is some confusion about the hundreds of millions of people who work every day, and those six million of them that are at minimum wage, then I suggest to you that you will get nothing from this. But if you are in doubt as to whether one side is just making it up as they go along, and the other side has any question about it, I suggest that you go to the Internet, www.house.gov.jct. That is the Joint Committee on Taxation, and you will be able to decide whether you hit the lottery. If your name is not there with the 7,500 families, then you are a loser in this enormously expensive legislation.

Mr. Speaker, I yield the remainder of my time to the outstanding leader of the Democratic Party and, indeed, our country, the Honorable NANCY PELOSI.

Ms. PELOSI. Mr. Speaker, I thank the gentleman from New York for yielding. I congratulate him on his, as always, excellent leadership on behalf of the middle-class working families in America. I salute him for his excellent presentation today.

Mr. Speaker, today the House is considering the ultimate values debate. The question before us today is, Do we want to cut taxes for the ultra-superrich, or, instead, do we first want to give hardworking Americans a raise?

Do we want to live in an aristocracy, or do we want to live in a democracy?

Do we want to perpetuate wealth or reward work?

The estate tax is central to our democracy. It is rooted in our commitment to create a strong and vibrant middle class and to give every American the opportunity to achieve the American Dream.

After the Gilded Age, in which the elites of the time held power and wealth that far, far, far outstripped what the average American had, America decided to go in a new direction.

One of America's great Republican Presidents, Theodore Roosevelt, made the argument for an estate tax, saying that the ''really big fortune, the swollen fortune, by the mere fact of its size, acquires qualities which differentiate it in its kind, as well as its degree from what is possessed by men of relatively small means.'' Therefore, President Theodore Roosevelt said, ''I believe in a graduated tax on big fortunes properly safeguarded against evasion.''

Democrats believe that we must create wealth. We recognize that, that we must reward entrepreneurship and risk, and we must encourage hard work. That is why Democrats supported a targeted estate tax relief for small businesses and farmers and families that would ensure 99.7 percent of all Americans don't pay any estate tax. This is in the spirit of Theodore Roosevelt, targeting the vast fortunes that differ not only in the quantity of wealth, but in the kind.

I salute Congressman EARL POMEROY for his leadership in giving Congress an alternative that is morally and fiscally responsible. Unfortunately, once again, the Republican leadership, just as they have blocked a vote on the minimum wage, are blocking Mr. POMEROY's option to bring his proposal to the floor, which is responsible, which is paid for, and which is fair to all Americans.

Under Mr. POMEROY's proposal, only the top .3 percent, that means 99.7 percent of Americans, most people in America, would not pay any estate tax. But it would leave that .3 percent, the very, very, superwealthy, to pay their fair share. There are very few people involved, but a great deal of money. We will have a chance to vote on it in the motion to recommit. Unfortunately, we will not have the time to debate it as an alternative.

We have these questions that have come before us when we are talking about this. We are talking about giving $800 billion to a few families in America. Democrats stand for fiscal responsibility, pay-as-you-go budgets, and no new deficit spending.

Republicans, instead, have put forth the bill that will cost the American people, again, almost $800 billion; $800 billion that we don't have, that we are going to have to borrow.

Our national debt is becoming a national security issue. Countries that now own our debt, it is over $1 trillion already, and this doesn't include this $800 billion, those countries that now own our debt will not only be making our toys, our clothes and our computers, they will be soon making our foreign policy. They have too much leverage over us.

With this bill today, the Republicans are giving tax cuts to the wealthy and asking the middle class to pay for it by writing checks to China and Japan for the interest payments on the debt and, ultimately, the payment on principal. It is ridiculous. It is ridiculous.

Let me get this straight. We are at war in Iraq. Many of the same people who wanted to support the stay-the-course that the President is on in Iraq, which has around a $400 billion price tag on it, that is off budget. They don't want to pay for that. And that is a huge figure. And now the Republicans are saying, not only that, not only are we not paying for the war, it is off budget. We will just heap that debt on to future generations. They are saying, we are going to give twice as much as that to a few families in America. It is so unfair, this same week that we are taking this up.

As I said earlier, this is the ultimate values debate. How can a person of conscience say to the Congress, we do not support an increase in the minimum wage. Instead we are going to give $800 billion to the wealthiest people in America.

The minimum wage is $5.15 an hour. It hasn't been raised in 9 years. This is a shame. It is a disgrace. It is unfair.

And what does the leader on the Republican side say about the minimum wage? Mr. BOEHNER says, I have been in this business for 25 years and I have never voted for an increase in the minimum wage. I am opposed to it, and I think the vast majority of the Republican conference is opposed to it.

So thank you, Mr. BOEHNER, for making a differentiation for us. You are for $800 billion for the wealthiest families in America, and not an increase of over $5.15 an hour for America's working families. So instead of giving 7 million Americans a raise by increasing the minimum wage, again, the Republicans are proposing $800 billion, that is nearly $1 trillion, as a gift to the wealthy. This is Robin Hood in reverse. We are stealing from the middle class to give to the wealthy.

Pope Benedict just recently put out his new encyclical, ''God is Love.'' And in his encyclical, he quoted Saint Augustine when he wrote, this is in the Pope's encyclical. You can find it there. He talked about the role that politicians have and that a government should be just, and we should be promoting justice. And he goes on, Pope Benedict does, to quote Saint Augustine. He says: ''A state that is not governed according to justice would be just a bunch of thieves.'' This is the Pope saying this in an encyclical, quoting a saint. ''A state which is not governed according to justice would be just a bunch of thieves.''

I ask this Congress, is it justice to steal from the middle class to give tax cuts to the ultra-superrich?

It is not just. And it is an injustice we cannot afford. Americans can no longer afford President Bush and the Republicans. It is time for a new direction. We can begin by rejecting this estate tax giveaway to the wealthy and insist on a vote to increase the minimum wage. That would be a real values judgment.

Mr. THOMAS. Mr. Speaker, I rise in support of democracy and in opposition to aristocracy, and simply and humbly request I have the same clock that was just used.

How much time do I have remaining?

The SPEAKER pro tempore. The gentleman from California is recognized for his remaining time, which is 3½ minutes.

Mr. THOMAS. Mr. Speaker, I also want to be on record as being opposed to a theocracy. And I will tell you that today, shortly, democracy will be demonstrated when the House of Representatives determines whether or not it sends this compromise measure over to the Senate with a majority vote.

I know it is a mystery to some people. And I found it most revealing in a poll when Americans were being polled as to whether or not you supported either repeal or making smaller the estate or death tax.

□ 1445

One gentleman responded to the poll that he was in favor of repeal, and if he couldn't get repeal, he wanted it smaller. And given the location in which the question was asked, in the home which the gentleman lived, the questioner said, ''But you aren't currently in a position to benefit from the estate tax, whether it's repealed or not.''

And he said very simply, ''But I want to have the opportunity to be able to.''

That is really the American dream. It really is what democracy is all about. It really is keeping more of your hard-earned efforts at the end of your life, or, if this bill becomes law, the amount that is legally appropriate, $5 million per individual, to be given while you are alive or after you pass or partially when you are alive or partially when you have passed. As one of my colleagues said, after all, it is your money.

The estate tax does deal with progrowth or antigrowth because it is simply a tax on capital and savings. The lower the tax on capital and savings, the greater the opportunity for growth.

We have heard the argument that this really is not a compromise. I believe it is a compromise. I said why. But I think the real test as to whether something is or is not a compromise is what I like to call the Goldilocks test. The Wall Street Journal thinks this is too cold. An individual representing the richest people in America, Dick Patten of the American Family Business Institute, says, ''We flatly oppose the Thomas plan. It just isn't good enough.'' The gentleman from North Dakota says, This is virtually repeal. It is just way too hot.

Well, for some it is too hot; for some it is too cold. It sounds to me like that we have got a compromise that has a chance to pass the United States Senate. We know it will pass the House of Representatives.

Mr. Majority Leader, you asked for a bill that should become law. Mr. Majority Leader, the House is sending you the bill you asked for.

I urge support of H.R. 5638. I urge the Senate to take up the compromise as soon as possible. And when that bill is sent to the President, the American people, those who work hard and expect to retain or pass on at the end of their lives a portion of their earnings during that life, will have achieved a significant victory, not in a theocracy, not in an aristocracy, but in a democracy.

Mr. DICKS. Mr. Speaker, the Chairman of the Ways and Means Committee has made a diligent and sincere effort to seek a compromise position on the estate tax issue, and he should be commended here in the House today. Many of the Members of the House have conceded that the threshold at which estates are subject to the tax is not realistic in today's economy, considering the assets many small businesses routinely accrue in this country. While I believe the full repeal of the tax is unjustifiable, because it would mean such a huge loss of revenue to benefit primarily the wealthiest portion of our population, I believe there is interest in making some adjustment, if the cost in terms of lost revenues is reasonable. So I applaud the effort that was made to seek this compromise, however I rise today Mr. Speaker to oppose the unfortunate result, H.R. 5638, because I believe it doesn't meet the test of being reasonable.

At a time when the annual budget deficit is now approaching $400 billion and when there are so many urgent issues in our society that we simply cannot afford to address, I believe the compromise that has been reached raises that threshold far higher than it should be and thus it relinquishes far too much revenue in order to assist a very high-income sector of our population. When fully implemented, and assuming that the current capital gains tax rates are extended permanently, this bill will reduce revenues by an average of $82 billion a year for the first ten years that it is fully implemented. To provide my colleagues with a frame of reference, $82 billion is well more than twice as much as we appropriated earlier this month for the entire Department of Homeland Security. It is nearly four times as much as the appropriation we will consider for the entire Department of Justice for the upcoming fiscal year.

In addition, Mr. Speaker, the nation is now engaged in wars in Iraq and Afghanistan—for which too few Americans are being asked to sacrifice—and we face a compelling need for substantial federal investments that are required to secure our homeland from the threats of terrorist attacks. It seems to me, Mr. Speaker, that it is neither prudent nor fiscally

responsible to be adding such a large annual increase—another $82 billion—to the national debt at this time. We are cutting back on programs that benefit seniors, poor and middle-class Americans, and we are reducing our investment in education, health care, infrastructure and the environment. At this time, Mr. Speaker, I cannot in good conscience support a bill that, by its very nature, provides such a large share of its tax benefits to the least-needy people here in the United States.

I regret that we could not reach a compromise position that was more fiscally responsible, because the Chairman did accede to our request to accelerate the passage of another important piece of legislation, H.R. 3883, by adding it to the compromise package. I appreciate the Chairman's personal interest in the passage of the Timber Tax bill, which I have cosponsored, in order to restore fairness to the tax code and allow regular corporations in the timber industry to compete on a level playing field with other ''pass-through'' entities that currently receive better tax treatment. Again, it is with great regret that I urge the House to defeat the entire estate tax bill, because I believe the Timber Tax language represents a modest and deserving provision that should be passed no matter what becomes of this legislation. We can defeat H.R. 5638 today and return to the attempt at reaching a reasonable, prudent and fiscally-responsible compromise that addresses the legitimate needs of small business owners and that includes that Timber Tax provision. I urge a ''no'' vote on H.R. 5638.

Mr. SMITH of Washington. Mr. Speaker, today the House is taking up an important piece of tax legislation, the Timber Tax Act of 2005. Unfortunately it is attached to a fiscally irresponsible tax cut that I cannot support. However, I do support the Timber Tax Act and hope that the House will bring this legislation to the floor for a separate vote.

In today's economy, the forest products industry is very important to Washington State with 8.5 million acres of privately owned forestland. There are more than two million people in the U.S. who make their living working for the forest products industry and more than 45,000 in Washington alone. This industry is the state's second largest manufacturing sector.

Timber is a unique and risky investment compared to other long term investments. It can take between 20 to 70 years to grow timber that is ready for harvest, which means significant upfront investments in forestry are also subject to risks of nature, clearly demonstrated by last year's hurricanes and wildfires. If passed, the Timber Tax Act would encourage reinvestment in forestland, which supports an industry that provides important jobs to many Washington State residents.

Mr. LARSON of Connecticut. Mr. Speaker, I am disappointed in the Republican leadership and their priorities in this House. Instead of moving forward with the minimum wage increase that was approved last week in the House Appropriations Committee, the Republican Majority places yet another irresponsible estate tax cut bill on the floor.

Let me make my position clear, I support tax relief to help small businesses and family farms. I have voted 5 times in the past six years for balanced reforms to the estate tax that would have virtually exempted all estates. However, again and again the Republican Majority has pushed legislation through this House that helps only the few and costs much more than we can afford. The underlying bill, H.R. 5638, would give tax relief to estates worth more than $3.5 million, which will cost the American people $762 billion over 10 years. Only half of the 1% of Americans affected by the current estate tax would benefit from this bill.

In comparison, the minimum wage increase opposed by the Republican Majority would help 7.5 million American workers earning between $5.15 and $8 an hour. Since Congress has not raised the minimum wage since 1997, its buying power is at its lowest level in 50 years. An increase from $5.15 to $7.25 over two years would help the workers most in-need in this country.

Every day the American people are growing tired of the misguided priorities of this Republican Majority and Administration. In a time when the Nation is facing record deficits, a national debt of $8.4 trillion, a gallon of gas is $2.87 and a gallon of milk is $3.23, the American people are looking for leadership in Congress. We need a new direction on economic policy in this country and not more of the same tired Republican proposals that explode the federal debt.

This Congress should help more Americans help themselves. Unfortunately, this Republican Majority has different priorities. Since the Republican Majority blocked the balanced Democratic substitute that would exempt 99.7% of estates from estate tax liability, I urge my colleagues to do better for the American people and oppose the underlying bill.

Mr. UDALL of Colorado. Mr. Speaker, I am disappointed with this bill and regret that I cannot support it.

I do not support repeal of the estate tax, but I have long supported reforming it.

So, I took hope when I heard that the Republican leadership had decided to abandon its misguided drive for its permanent repeal and to focus instead on its revision.

I hoped that at last we would have a chance to vote on a measure that would strike the right balance, protecting family-owned ranches, farms, and other small businesses while recognizing the need for fiscal responsibility in a time of war. But when I reviewed the details of the bill now before us—even to the limited extent that was possible—I realized that once again I had hoped in vain.

The bill would exempt the first $10 million of an estate for a couple ($5 million for an individual) and would link the estate tax rate to the capital gains rate, which is currently 15 percent, but which is slated to return to 20 percent after 2010. Under the bill, the value of an estate under $25 million would be taxed at the capital gains rate, and the portion above $25 million would be taxed at two times the capital gains rate.

While this is different in some ways from previous versions, it does not represent a true compromise. The Joint Committee on Taxation estimates the bill would reduce revenues by $280 billion between 2007 and 2016, with a reduction of $61 billion, or 75 percent as much as full repeal, in 2016. In other words, the revenue reduction from this bill would be greater—65 percent greater—than simply making the 2009 rates permanent.

And to make matters worse, the bill includes some unrelated provisions that are even less fiscally responsible, most notably a special capital gains tax break for timber companies that well could result in profitable companies paying no tax at all.

Under current law, if a tree-owning company cuts and sells some of its trees, the income is taxable as regular corporate income. But this bill would allow those companies to exclude 60 percent of that income from tax.

The result would be to restore a loophole that was closed when President Reagan signed the landmark tax reform act of 1986. Before that, the largest paper and wood products corporations benefited from favorable treatment to a remarkable extent.

For example, one of those companies told its shareholders that for the period of 1981 to 1983 it made $641 million in U.S. profits—but it not only paid no taxes but in fact had so many excess tax breaks it actually received $139 billion in tax rebates. Another company reported $167 million in pretax profits, yet instead of paying part of that in federal income tax, it got $8 million in tax rebates. And another reported $400 million in pretax profits, but instead of paying taxes, got $99 million in tax rebates.

In 1986, recognizing the unfairness of this kind of legal tax avoidance, Congress closed the loophole. But this bill would undo that reform, bringing back an exclusion for timber income that strongly resembles the pre-1986 tax break.

The bill says this change would be temporary, sun setting at the end of 2008, and the Joint Committee on Taxation estimates that during that two-plus year period it would reduce revenues by $940 million. But if this tax break is extended—and we can be sure its beneficiaries will lobby for its extension beyond 2008—the long-term cost to the Treasury will certainly be more.

I oppose these provisions, which I think should not be part of this or any other legislation.

My opposition to this bill does not mean I am opposed to reducing estate taxes.

I supported an alternative that would have raised the amount of an estate excluded from taxes to $6 million per couple and increased this to $7 million by 2009. This not only would have provided relief for small businesses and family farmers, but it would have done so in a much more fiscally responsible way, because it would have reduced revenues by much less than this bill. It also would have simplified estate-tax planning for married couples, who could carry over any unused exemption to the surviving spouse and so assured that the full $7 million would be available.

Furthermore, that alternative would have transferred the revenue from the estate tax to strengthen the Social Security trust fund, a change that, according to the Social Security Actuary, would solve one quarter of the trust fund's shortfall. But, unfortunately, the Republican leadership actively worked against that alternative and so my hopes for that true, reasonable compromise were thwarted.

As a result, I have no responsible choice but to oppose this bill and to hope that as the legislative process continues it will be sufficiently revised that I can support it.

Time will tell whether that hope, too, will be in vain.

Mr. CANTOR. Mr. Speaker, today we are considering a bill that would move us a step closer to full repeal of the death tax, a goal which I fully support.

The death tax is one of the most egregious taxes in our system today and should be fully repealed. This tax is a punishment for people who have worked hard all their lives, who have built successful small businesses and who have succeeded in living the American dream.

It does not stand to reason that the United States, the most successful economy in the world, should punish its citizens with such a regressive tax. The United States has the second highest estate tax in the world at 46 percent, second only to Japan at 70 percent.

This tax penalizes farmers, ranchers and small business owners. These are people who work hard day in and day out to keep their businesses running and meet payroll deadlines. These are the businesses that produce jobs and provide healthcare for many Americans. When we cripple small businesses with inheritance taxes that force them to close, we not only punish the owner for being successful, we punish their employees as well.

Some of my colleagues on the other side of aisle don't want to pass this tax relief on to the American people. They would rather fund their special interest give aways than let Americans keep their own money. This is not the Government's money. Washington has already taxed these earnings once, twice even three times. Do we really need to go back for more when you die? Isn't death punishment enough?

Mr. Speaker, this tax is shameful, it is greedy and it is offensive and I support the efforts we are making here today to move towards a full repeal of the death tax.

Mr. MORAN of Virginia. Mr. Speaker, I rise today to oppose the Permanent Estate Tax Relief Act of 2006.

This legislation will exempt estates up to $5 million for an individual and $10 million for a couple; will tax the next $20 million in assets at 15 percent and assets above $25 million at 30 percent. According to the Joint Tax Committee, this measure will cost $279.9 billion in lost revenue between now and 2016, and at least $61 billion per year every year after.

This is unacceptable and is fiscally unsound. Not only will this add to the enormous budget deficits we are now facing, but it will also contribute to the increasing concentration of the Nation's wealth among a very small number of Americans.

Thirty years ago the richest one percent of our population owned less than a fifth of our wealth. According to a report by the Federal Reserve Board, that one percent now owns over a third of the Nation's wealth. Workers today are twenty four percent more productive than they were five years ago, but the median earnings of those workers have not risen in line with this, a distinct change from historical patterns. The average CEO pay is now 400 times that of a typical worker. Forty years ago it was 60 times that of an average worker. We are creating a new upper class, one that our country has not seen since the rise of the robber barons, and this legislation ensures that this gap will grow ever wider.

Right now, a couple can pass on four million dollars to their children tax free. The New York Times attempted to find a farmer who had been affected by the estate tax. It was unable to do so, even with the assistance of the American Farm Bureau.

I agree that we need to ensure that small businesses and family farms are able to be passed on to succeeding generations. This is why during debate on a permanent repeal of the estate tax I was supportive of keeping it at its 2009 level. Doing so would ensure that 997 out of every 1000 people can pass their assets on to their children and pay no estate tax. According to the Urban Institute-Brookings Tax Policy Center, if this level was in place in 2011, only fifty farms and small businesses would owe any estate tax.

This legislation will not help the vast majority of our constituents. Instead it will help a small group of people maintain their enormous wealth and, in return, it will increase our country's deficit. As Members of Congress, part of our job is to ensure that the Nation's economy is strong for every person in the next generation. We don't do that when we give ourselves hundreds of billions of tax cuts and leave it to our children to find the tax money to pay for them.

Mr. SHUSTER. Mr. Speaker, in a letter to a friend, Benjamin Franklin wrote that ''In this world, nothing is certain but death and taxes.'' The two will soon go hand in hand unless Congress acts to fully and permanently repeal the Death Tax. After a lifetime of paying taxes the Death Tax unfairly imposes a double tax on small, family-owned businesses and farms. Our family farmers appear rich on paper, but in reality are two poor growing seasons from bankruptcy. The Death Tax does not discriminate—it just forces the family to sell off the land to another larger farm in order to pay the tax. If Congress truly cares about the family farmer the best thing that can be done is to kill the Death Tax.

Mr. Speaker, most small business owners have the entire value of their business in their estate. With the Death Tax, the government immediately ''inherits'' a 37 to 55 percent piece of the estate, a blow that many family businesses and farms cannot survive. Taxing small business owner's hard work in death punishes their families and threatens family businesses across the country. The mere threat of the tax forces business owners to spend thousands of dollars on accountants, lawyers, and financial planners so that they can attempt to ensure the survival of their business after their death.

Mr. Speaker, I grew up on a family farm, and owned and operated a small business before serving in this House. The Death Tax is real and has tangible effects on real people. The Death Tax penalizes hard-working family farmers and business owners hoping to pass on their land or shop—their legacy—onto their children. The Death Tax is an insult to all those who spend a lifetime of hard work to ensure that their children can continue the family business.

Mr. CONYERS. Mr. Speaker, the House of Representatives is known as the ''People's House.'' Instead of taking up legislation that will improve the lives of a wide range of people, we are debating a tax break that will benefit a measly 7,500 Americans, or in other words, only the super-rich.

This bill would increase the estate tax exemption to $5 million for an individual and $10 million for a couple. What is the cost of such a policy change? $823 billion over 9 years. It is shocking that the Congress refuses to give poor working Americans a 70 cent increase in the minimum wage, but have no hesitation in rewarding the very wealthy a $823 billion windfall.

Today, I received a letter from the UAW, who plainly argues that if we pass this legislation, it will exacerbate our enormous federal deficits and place additional burdens on future generations. With a federal debt of over $8 trillion, a tax break for the wealthy is no way to bring our budget back into balance or to reduce the enormous deficit this Administration has presided over.

I also received a letter from the National Education Association that persuasively argues how this legislation would seriously jeopardize the ability to invest in our children and public education in the future. By draining federal coffers of much-needed revenue, we will be forced to cut much more than education. Funding for health care, veterans benefits, environmental protections, affordable housing, student loans, and homeland security are all at risk if we pass this irresponsible legislation.

With so many important issues facing our country—41.2 million Americans without health insurance, no minimum wage increases since 1997, and billions of dollars squandered in Iraq, it is a shame that the People's House has been hijacked by the narrow interests of the super-rich. Today's vote is another in a long list of votes to benefit the special interests of a few. The time is long overdue for the Congress to deal with the myriad of critical issues facing Americans today.

Mr. ENGEL. Mr. Speaker, as Ronald Reagan used to say—there you go again!

Our Republican friends are again taking care of the wealthy and ignoring the needs of the middle class. If they cared about middle class Americans, their priority would be to permanently fix the AMT that affects millions of Americans, not the estate tax that affects 1 percent of rich families. The Republicans in Congress are making sure the rich get richer instead of lifting all Americans up economically.

The Republicans would like us to believe that they are fiscal conservatives, but they are borrowing and spending like drunken sailors, abandoning all fiscal discipline.

As a result, we are leaving our children and grandchildren with mountains of debt for years to come. Of the millions of American families, this bill will allow 830 super rich families get a $16 million tax break—what a disgrace!

History will not refer to us as the baby boomer generation but as the credit card generation, and we can trace it all back to the Republican mantra of cut taxes, borrow and spend!

Mr. GENE GREEN of Texas. Mr. Speaker, I rise in opposition to this legislation, which has been billed as a compromise proposal to legislation this chamber has passed to permanently repeal the estate tax. Instead of offering true compromise, this legislation simply muddies the water and would deal a devastating blow to our national debt.

Make no mistake about it, I do not want to see the children of family farmers or small business owners have to pay dearly for the success of their hard-working parents. Democrats and Republicans alike want American families to be able to preserve their legacies and pass down their farms and small businesses to their heirs. A true compromise would balance the goal of protecting these estates and keeping our country's fiscal house in order. This bill is no such compromise.

This bill would exempt the first $10 million of a couple's estate from the estate tax—an increase from the current $4 million exemption. For estates valued below $25 million, the bill

would impose the capital gains rate—currently 15 percent—and would tax values above $25 million at double the capital gains rate.

Americans should not be fooled by the complexity of this tax structure, because the result is still the same. This bill is a benefit to the wealthiest Americans and will give estates valued at more than $20 million a $5.6 million tax cut, on average. Unfortunately, tax cuts are not free. And this legislation would have all American taxpayers pay the $762 billion ten-year pricetag that will result from lost revenue and interest on our national debt.

Estate tax reform is not a new issue for Congress. For years now, I've supported a sensible compromise that would protect families who have put their blood, sweat and tears into their businesses. Specifically, this proposal would exempt the first $7 million of a couple's estate—an exemption level that would shield 99.7 percent of all Americans from the estate tax.

Faced with a federal budget swimming in a sea of red ink, we should be making the fiscal compromises necessary to shore up Medicare and Social Security and ensure the continued solvency of federal programs that the most vulnerable Americans depend on for their own shot at the American Dream. Americans shouldn't fall for our majority's latest attempt to give millions to the Americans least in need, while leaving those most in need high and dry.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in opposition to the bill, H.R. 5638, the "Permanent Estate Tax Relief Act of 2006."

Mr. Speaker, I have voted for estate tax relief before but I oppose this bill because it is irresponsible to cut taxes for the wealthy when the Nation is at war and the national debt is over $8 trillion dollars.

The Joint Committee on Taxation estimates that THOMAS's estate tax proposal will cost the Federal Government $602 billion, plus an extra $160 billion when interest is accounted for. Only 0.5 percent of the richest families in America currently pay estate taxes. Moreover, under current law in 2009, only 3 out of every 1,000 estates will pay a penny in estate taxes—all couples with estates up to $7 million—99.7 percent—will pass on their entire estates tax-free. Any compromise proposal which deviates from 2009 current law—such as THOMAS' bill and KYL's older proposal—is therefore crafted entirely to benefit this tiny sliver of the richest estates.

American voters stand strongly against drastic estate tax legislation. According to recent polling data, nearly 60 percent of voters hold the initial, unaided view that estate tax should be left as is or reformed, and only 23 percent support repeal. When asked about the estate tax in the context of other budget priorities, voters rank repealing the estate tax as the last priority, and 55 percent of voters oppose repeal.

This so-called compromise, nearly as regressive and costly as a full repeal, is no compromise at all. Passing even this compromise legislation would constitute one of the most regressive tax cuts in the history of the United States. Middle- and lower-class Americans will be forced to shoulder the burden of radically decreasing the estate tax—both monetarily and through decreased public programs. In order to cover the monetary gap, the government will plunge further into debt, which will limit its ability to address the Social Security solvency gap and reduce the money available for public programs. It will also have to tap other tax sources, like payroll taxes, which will overwhelmingly hinder lower-income families.

I urge my colleagues to uphold the core American values of fairness and belief in meritocracy by rejecting this tax cut.

If we really wish to help the most deserving American families, we should raise the minimum wage.

Mr. VAN HOLLEN. Mr. Speaker, I rise today in opposition to this this so-called "Compromise" Estate Tax proposal. This bill does make compromises—it compromises our children's futures, it compromises the future of our Social Security system, and it compromises our working families.

We're facing real issues in this country. We have rising deficits and a Social Security system that needs to be further secured. And today we are debating a bill to effectively repeal a tax that affects only the largest one half of one percent of estates. In the first 10 years after it takes effect, it will cost more than $750 billion, including interest on the added debt. That bill will have to be paid by the rest of America, including our grandchildren.

My colleague, Congressman POMEROY, offered a substitute to reform the estate tax and help shore up Social Security. We could increase the current estate tax exclusion to $3 million per individual and $6 million per couple after 2006 and $3.5 million per individual and $7 million per couple in 2009. This would exempt 99.7 percent of estates from tax liability. And we could funnel estate tax revenues into Social Security, solving a full quarter of the trust fund's shortfall.

Let me remind my colleagues that Social Security not only provides essential retirement security for our Nation's seniors, it also provides disability and life insurance for our troops . We had an opportunity to turn estate tax funds into a dedicated source of revenue for this vital program. We had an opportunity for real reform.

Unfortunately, the majority on the Rules Committee rejected this opportunity by rejecting the Democratic amendment. Now we are debating some very different priorities. Instead of guaranteeing a source of funding for Social Security for our Nation's seniors and military families, we're talking about guaranteeing a huge tax break to multimillionaires and billionaires. Instead of seriously facing our massive deficits, we're talking about adding to them. Instead of instituting real, clear tax reform, we are talking about a tax rate that is not even defined outright in this bill. I have been willing to consider certain creative proposals that would allow individuals to voluntarily prepay their tax, but this proposal is a non-starter.

If we pass this legislation, who will pay for the deficits? This bill will add $750 billion to the national debt over 10 years. Who will pay that price? Certainly not those who can best afford it—they're the ones who are reaping the benefits. This bill gives a small portion of the richest people in this country a gift and asks the middle class and their children to pay for it.

Mr. Speaker, I urge my colleagues to reject this false compromise. It's time to stop passing special interest legislation like this and start focusing on real reforms that benefit all Americans.

Mr. STARK. Mr. Speaker, I rise in strong opposition to yet another tax break for the ultra-wealthy. This week, Republicans rejected an increase in the minimum wage that would have enabled people making $5.15 an hour to receive a $2 raise. Yet today they're falling all over themselves to give every single person worth more than $20 million a $5.6 million tax break.

A cartoonist couldn't draw a clearer illustration of the Republicans' misguided priorities. Though 46 million Americans lack health insurance and millions of children are denied access to quality education, Republicans insist on enriching those who least need our assistance.

It is irresponsible and immoral to decrease revenue by $800 billion. With this money, we could provide quality health care for every man, woman and child; make the dream of affordable college a reality for all those who can't now afford higher education; or fund groundbreaking scientific research. It took us less than a decade to go to the moon. With a similar effort, we might cure AIDS or cancer.

The Republican priorities are clear: $5.6 million for each of their rich campaign donors and $0 for hard working stiffs trying to raise a family on $5.15 an hour.

The Republicans are bowing down to 18 super-wealthy families who have spent nearly $500 million lobbying for estate tax repeal. These families own everything from Amway to Wal-Mart and stand to gain billions of dollars from any so-called compromise.

Another quite wealthy man has a different view. Bill Gates, Sr., recently said: "Given the fact that we have an unacceptable deficit, undeniable and huge demands resulting from our foreign involvement, and tragedies occurring here at home that need support from the federal government, it seems just plain irresponsible to talk about dismissing this particular source of federal revenue."

I couldn't say it any better myself, and I urge all my colleagues to vote "no" on this bill.

Mr. TIAHRT. Mr. Speaker, I am disappointed the House today voted to pass a bill that would replace one arbitrary unjust tax with another arbitrary unjust tax under the guise of compromise. The House has overwhelmingly voted, with strong bipartisan support, to permanently repeal the death tax five times in the past 5 years. I have voted each time in favor of full repeal.

Some of my colleagues believe we will not be able to gain the Senate's support for full repeal of this egregious tax. And for this reason, the House should pass a compromise bill that would partially eliminate a tax that an overwhelming majority of this body and my constituents believe should be completely repealed.

Rather than partially doing the right thing in the name of compromise, the House should stand steadfast on this issue. When the House passed H.R. 5638 today, we sent a message of defeat on the willingness of this Congress to put this issue to rest. Once those who want to keep the death tax know the House is willing to compromise, it will be difficult, if not impossible, for this body to exert the political will to permanently and completely eliminate the death tax.

For this reason I opposed passage of the premature compromise bill.

My constituents in Kansas know the death tax is a duplicative tax on small businesses and family farms that, in many cases, families have spent generations building. Small business owners, farmers and ranchers should not

be taxed by the Federal Government when they die. This only forces their relatives to repurchase what rightfully should remain in the family.

Additionally, this tax forces family businesses to invest in Uncle Sam rather than the economy. When families are forced to repurchase businesses because of the death tax, that means less money is being invested in new jobs and capital expansion. The bottom line is that the death tax is a tax on the economy because it slows economic growth.

Now is not the time to compromise on the economy. Instead, we should be doing everything in our power to support long-term economic growth. Permanent repeal of the death tax will mean more high-quality, high-paying jobs for Americans.

When I voted against the compromise bill today, I dId so to reassure my constituents I will continue fighting to permanently and fully repeal the death tax. Compromise is premature, and discriminatory against families who have been good stewards of what they have earned.

My position is unchanged: The American people deserve full repeal of the death tax.

Mr. CAMP of Michigan. Mr. Speaker, today I rise in support of a permanent solution to the ''estate tax'' or what many call the ''death tax.'' Whatever name it goes by, it is a tax on the American dream.

This country was founded on, grew and has become the world's most powerful economic engine based on the entrepreneurial spirit of our citizens; the willingness to have an idea, invest in it and build a business around it.

America's history is replete with once small family operations that are now some of the world's largest and best in their fields: Levi Strauss and his San Francisco dry goods store; Eberhard Anheuser and his son-in-law Adolphus Busch and their first struggling brewery in St. Louis; J. Willard Marriott and his wife Alice started with a root beer stand here in DC; and the Houghton family and their Corning Glass Works, which provided the glass for Edison's first light bulb and now is a leader in fiber-optics, just to name a few.

Studies have shown that the death tax is the leading cause of dissolution for most small businesses. It is estimated that 70 percent of businesses never make it past the first generation because of death tax rates and 87 percent do not make it to the third generation.

Resources that could be better used to expand a business or hire new employees are instead used inefficiently to plan for the impact of the death tax. This tax costs the American economy between 170,000 and 250,000 jobs annually. The Joint Economic Committee noted that the death tax reduces the stock in the economy by $497 billion.

By raising the base level and indexing it for inflation, we will give family operations a chance to grow. Just as Strauss, Houghton, Anheuser-Busch and Marriott grew and now employ over 210,000 people between the four companies.

Our failure to act today will put a cap on the American dream and will keep the small businesses and family farms of today from passing to future generations. A failure to index for inflation would mean smaller and smaller operations would be impacted every year, creating a virtual noose that is slowly drawing closed around our ability to create new jobs.

Mr. Speaker, the American dream is not a small dream, and our Tax Code should not keep our families, our businesses or our farms from growing to their fullest extent.

Death should not be taxed at a rate of 55 percent. Make no mistake about it, if we do not pass this bill today that is exactly the rate families will face in 2011. The permanent solution within this legislation will ensure that small businesses and family farms are not subject to these unfair rates of taxation.

Mr. Speaker, I urge my colleagues to honor the American entrepreneurial spirit by joining me in voting in favor of this legislation.

Mr. BLUMENAUER. Mr. Speaker, in the face of a significant tax problem for a growing number of American families, the soon to be 30 million taxpayers who will be forced to pay the alternative minimum tax unless there is a significant effort to address tax reform, the Republican leadership is again fixating on the inheritance tax. This legacy from Teddy Roosevelt and the progressive era of over a century ago is a tax on significant wealth most often the bulk of which is accumulated capital which had never been taxed in the first place. The outright repeal has actually been opposed by some of America's wealthiest citizens, such as Warren Buffett. Indeed, Bill Gates, Sr., the father of America's richest person—Bill Gates—wrote a book about why the elimination of the inheritance tax was a bad idea.

Since I came to Congress 10 years ago I have been supportive of making sensible reforms to raise the exemption, adjust the rates so that they are more gently graduated like they used to be, and provide deferral for owners of closely held businesses that wanted to continue in operation. Instead of a compromise that would be overwhelmingly supported by Republicans and Democrats alike, the Republican leadership continues to play games with families and businesses with this current bill.

This bill is tantamount to full repeal and will add hundreds of billions of dollars to our national deficit. The cost of H.R. 5638, estimated at $280 billion over 11 years, is 70 percent to 80 percent of the full repeal cost to the national treasury. Like previous legislative proposals to repeal the inheritance tax, this bill is a solution in search of a problem aimed at helping the most well-off Americans while deepening the Federal debt. This is the latest in a long string of fiscally irresponsible moves reflecting the misplaced priorities of this Congress.

Mr. ISSA. Mr. Speaker, I rise today in support of H.R. 5638, the Permanent Estate Tax Relief Act of 2006. Thank you for bringing this important issue to the floor.

I cosponsored and voted in favor of H.R. 8, the Death Tax Repeal Permanency Act of 2005, which overwhelmingly passed in the House last year. I still believe in the permanent repeal of the estate tax, because without permanent repeal businesses will die. This bill simply isn't good enough. It doesn't keep the promise that I made to the people in my district to end, once and for all, the double taxation of the dead.

I will vote for this bill today because it is the best we can do at this time. In my mind this is only a downpayment, and I will work with the Congress to permanently eliminate this unreasonable and unfair double taxation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I have voted for estate tax relief before but I oppose this bill because it is irresponsible to cut taxes for the wealthy when the Nation is at war and the national debt is over $8 trillion. Indeed, Mr. Speaker, I think it is unconscionable to be considering voting another tax cut to the wealthiest 0.3 percent of Americans.

The Joint Committee on Taxation estimates that this estate tax proposal will cost the Federal Government $602 billion, plus an extra $160 billion when interest is accounted for. Only 0.5 percent of the richest families in America currently pay estate taxes. Moreover, under current law in 2009, only 3 out of every 1,000 estates will pay a penny in estate taxes—all couples with estates up to $7 million, 99.7 percent, will pass on their entire estates tax-free. Any compromise proposal which deviates from 2009 current law—such as H.R. 5638—is therefore crafted entirely to benefit this tiny sliver of the richest estates.

American voters stand strongly against drastic estate tax legislation. According to recent polling data, nearly 60 percent of voters hold the initial, unaided view that estate tax should be left as is or reformed, and only 23 percent support repeal. When asked about the estate tax in the context of other budget priorities, voters rank repealing the estate tax as the last priority, and 55 percent of voters oppose repeal.

This so-called compromise, nearly as regressive and costly as a full repeal, is no compromise at all. Passing even this compromise legislation would constitute one of the most regressive tax cuts in the history of the United States. Middle- and lower-class Americans will be forced to shoulder the burden of radically decreasing the estate tax—both monetarily and through decreased public programs. In order to cover the monetary gap, the Government will plunge further into debt, which will limit its ability to address the Social Security solvency gap and reduce the money available for public programs. It will also have to tap other tax sources, like payroll taxes, which will overwhelmingly hinder lower-income families.

I urge my colleagues to uphold the core American values of fairness and belief in meritocracy by rejecting this tax cut.

If we really wish to help the most deserving American families, we should raise the minimum wage from $5.15 to $7.25 over 3 years. Mr. Speaker, did you know that today's minimum wage of $5.15 today is the equivalent of only $4.23 in 1995, which is even lower than the $4.25 minimum wage level before the 1996–97 increase? It is scandalous, Mr. Speaker, that a person can work full-time, 40 hours per week, for 52 weeks, earning the minimum wage would gross just $10,700, which is well below the poverty line.

A minimum wage increase would raise the wages of millions of workers:

An estimated 7.3 million workers, 5.8 percent of the workforce, would receive an increase in their hourly wage rate if the minimum wage was raised from $5.15 to $7.25 by June 2007. Due to ''spillover effects,'' the 8.2 million workers, 6.5 percent of the workforce, earning up to $1.00 above the minimum would also be likely to benefit from an increase.

Raising the minimum wage will benefit working families. The earnings of minimum wage workers are crucial to their families' well-being. Evidence from the 1996–97 minimum wage increase shows that the average minimum wage worker brings home more than half, 54 percent, of his or her family's weekly earnings.

An estimated 760,000 single mothers with children under 18 would benefit from a minimum wage increase to $7.25 by June 2007.

Single mothers would benefit disproportionately from an increase—single mothers are 10.4 percent of workers affected by an increase, but they make up only 5.3 percent of the overall workforce. Approximately 1.8 million parents with children under 18 would benefit.

Contrary to popular myths and urban legends, adults make up the largest share of workers who would benefit from a minimum wage increase. Seventy-two percent of workers whose wages would be raised by a minimum wage increase to $7.25 by June 2007 are adults, age 20 or older. Close to half, 43.9 percent, of workers who would benefit from a minimum wage increase work full time and another third, 34.5 percent, work between 20 and 34 hours per week.

Minimum wage increases benefit disadvantaged workers and women are the largest group of beneficiaries from a minimum wage increase; 60.6 percent of workers who would benefit from an increase to $7.25 by 2007 are women. An estimated 7.3 percent of working women would benefit directly from that increase in the minimum wage.

A disproportionate share of minorities would benefit from a minimum wage increase. African Americans represent 11.1 percent of the total workforce, but are 15.3 percent of workers affected by an increase. Similarly, 13.4 percent of the total workforce is Hispanic, but Hispanics are 19.7 percent of workers affected by an increase.

The benefits of the increase disproportionately help those working households at the bottom of the income scale. Although households in the bottom 20 percent received only 5.1 percent of national income, 38.1 percent of the benefits of a minimum wage increase to $7.25 would go to these workers. The majority of the benefits, 58.5 percent, of an increase would go to families with working, prime-aged adults in the bottom 40 percent of the income distribution.

Among families with children and a low-wage worker affected by a minimum wage increase to $7.25, the affected worker contributes, on average, half of the family's earnings. Thirty-six percent of such workers actually contribute 100 percent of their family's earnings.

A minimum wage increase would help reverse the trend of declining real wages for low-wage workers. Between 1979 and 1989, the minimum wage lost 31 percent of its real value. By contrast, between 1989 and 1997, the year of the most recent increase, the minimum wage was raised four times and recovered about one-third of the value it lost in the 1980s.

Income inequality has been increasing, in part, because of the declining real value of the minimum wage. Today, the minimum wage is 33 percent of the average hourly wage of American workers, the lowest level since 1949. A minimum wage increase is part of a broad strategy to end poverty. As welfare reform forces more poor families to rely on their earnings from low-paying jobs, a minimum wage increase is likely to have a greater impact on reducing poverty.

Mr. Speaker, the opponents of the minimum wage often claim that increasing the wage will cost jobs and harm the economy. Of course, Mr. Chairman, there is no credible study to support such claims. In fact, a 1998 EPI study failed to find any systematic, significant job loss associated with the 1996–97 minimum wage increase. The truth is that following the most recent increase in the minimum wage in 1996–97, the low-wage labor market performed better than it had in decades. And after the minimum wage was increased, the country went on to enjoy the most sustained period of economic prosperity in history. We had historic low levels of unemployment rates, increased average hourly wages, increased family income, and decreased poverty rates. Studies have shown that the best performing small businesses are located in States with the highest minimum wages. Between 1998 and 2004, the job growth for small businesses in States with a minimum wage higher than the Federal level was 6.2 percent compared to a 4.1 percent growth in States where the Federal level prevailed.

So much for the discredited notion that raising the minimum wage harms the economy. It does not. But it increases the purchasing power of those who most need the money, which is far more than can be said of the Republicans' devotion to cutting taxes for multi-millionaires.

Mr. Speaker, Americans overwhelmingly side with progressive principles of rewarding hard work with a living wage. In a recent poll conducted by the Pew Research Center, 86 percent of Americans favored raising the minimum wage. In the 2004 election, voters in Florida and Nevada, two States won by President Bush, overwhelmingly approved ballot measures to raise the minimum wage. Even in Nevada's richest county, 61.5 percent of Douglas, where Bush received 63.5 percent of the vote, voters supported raising the minimum wage.

Forty-three percent of Americans consider raising the minimum wage to be a top priority. In contrast, only 34 percent considered making the recent Federal income tax cuts permanent and only 27 percent consider the passage of a constitutional amendment to ban same-sex marriage as top priorities.

Members of Congress have legislated a minimum salary for themselves and have seen fit to raise it eight times since they last raised the minimum wage. It is time we gave the Americans we represent a long-overdue pay raise by increasing the minimum wage to $7.25 over 3 years. Even this amount does not keep pace with the cost of living. The minimum wage would have to be increased to $9.05 to equal the purchasing power it had in 1968. And if the minimum wage had increased at the same rate as the salary increase corporate CEOs have received, it would now be $23.03 per hour.

Mr. THOMAS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PRICE of Georgia). Pursuant to House Resolution 885, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. RANGEL

Mr. RANGEL. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. RANGEL. Yes, I am, Mr. Speaker, in its present form.

Mr. THOMAS. Mr. Speaker, I reserve a point of order on the motion.

The SPEAKER pro tempore. The gentleman reserves a point of order.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Rangel moves to recommit the bill promptly to the Committee on Ways and Means with the following amendatory instructions: At the end of the bill insert the following:

(1) On June 21, 2006, the Committee on Rules of the House of Representatives met in an emergency meeting to provide a rule for the consideration of H.R. 5638, even though all of the estate and gift tax provisions contained therein do not take effect until January 1, 2010.

(2) The estate tax provisions in H.R. 5638 will cost more than $800 billion (including interest) in the first 10 years in which the effect of the legislation is fully reflected in the budget deficit (fiscal years 2012–2022).

(3) More than half of that revenue cost will benefit only the wealthiest 0.3 percent of all decedents. Annually approximately 7500 estates nationwide will be the primary beneficiaries of these reductions in revenue.

(4) Under H.R. 5638, estates worth more than $20 million (annually approximately 800–900 estates) alone will get a $4.5 billion tax reduction, an average tax reduction of $5.6 million per estate.

(5) All of that revenue cost will be financed through Federal borrowing, much of which will be from foreign investors.

(6) In contrast, the Committee on Rules of the House of Representatives has not met to provide a rule for the consideration of legislation reported by a Committee of the House of Representatives that would provide for an increase of the minimum wage.

(7) An increase in the minimum wage would benefit more than 6 million individuals, include 1.8 million parents with children under age 18. These numbers dwarf the numbers of individuals who would benefit from H.R. 5638.

(8) Congress has not increased the minimum wage since 1997. The minimum wage (on an inflation adjusted basis) is now at its lowest level in 50 years.

(9) Currently a person working full-time at the minimum wage will earn just $10,700 annually, less than two-tenths of one percent of the average benefit provided by H.R. 5638 to estates worth more than $20 million.

(10) The increase in annual income of a full-time minimum wage worker under the minimum wage legislation reported by the Committee of the House of Representatives would be less than one-tenth of one percent of the average benefit provided by H.R. 5638 to estates worth more than $20 million.

(11) Enacting the estate tax reductions contained in H.R. 5638, while refusing to increase the minimum wage, amounts to placing the interests of 7500 of the wealthiest estates annually above the interest of 6.6 million individuals who would benefit from a minimum wage increase, based on the above the Committee shall report the same back to the House only after the House has acted on an increase in the minimum wage.

POINT OF ORDER

The SPEAKER pro tempore. Does the gentleman from California insist on his point of order?

Mr. THOMAS. Mr. Speaker, I make a point of order against the motion to recommit and believe the point of order is in order because this supposed motion to recommit is not germane.

The SPEAKER pro tempore. Does any Member wish to speak on the point of order?

Mr. RANGEL. Mr. Speaker, may I respond?

The SPEAKER pro tempore. The gentleman from New York is recognized.

Mr. RANGEL. Mr. Speaker, one may wonder how germane is it when we are considering a bill that 7,500 families will be the beneficiary at the cost of $800 billion, as opposed to what I am raising in the motion to recommit, and that is the lives of 6.6 million working people that really are working at the minimum wage. So there is a difference in how we perceive what we are doing today, whether the hundreds of million of people that work every day should be sacrificed at a cost of close to $1 trillion when, in fact, we are talking about 7,500 families that have not worked for the money but are going to inherit the money.

PARLIAMENTARY INQUIRY

Mr. THOMAS. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. THOMAS. Mr. Speaker, is the gentleman supposed to respond to the point of order, or is he allowed to make a partisan political speech which is not germane to the point of order?

The SPEAKER pro tempore. The gentleman is allowed to speak on the point of order and address the issue of germaneness.

Mr. RANGEL. Well, that was my point, that I am trying to show the significance of taxpayers; taxpayers, where one group is at the minimum wage, and people who, right now 99.7 percent of these people, do not pay taxes on their estate. So clearly we are talking in terms of who is suffering the liability of taxes.

The SPEAKER pro tempore. The gentleman will suspend. The gentleman must address the issue of germaneness, please. The gentleman may resume.

Mr. RANGEL. The germaneness is who is going to pay for this bill that is before us today? And the motion to recommit says that we should consider the millions of people who work every day that don't get this type of relief.

Mr. THOMAS. Mr. Speaker, I have a point of order. Beginning your statement with ''this is why it is germane'' is not addressing the germaneness question.

The SPEAKER pro tempore. The gentleman must address his comments to the issue of germaneness of the motion to recommit.

Mr. RANGEL. Well, I will yield to the Chair to determine what is fair and what is equitable as we talk about the lives of working people that pay taxes every day as opposed to having a trillion dollars to be disbursed to people who don't pay taxes.

The SPEAKER pro tempore. If no other Member wishes to address the point of order, the Chair is prepared to rule.

The gentleman makes a point of order that the amendment offered by the gentleman from New York is not germane.

Clause 7 of rule XVI, the germaneness rule, provides that no proposition on a ''subject different from that under consideration shall be admitted under color of amendment.'' One of the central tenets of the germaneness rule is that an amendment should be within the jurisdiction of the committee of jurisdiction of the bill.

The bill, H.R. 5638, was referred to the Committee on Ways and Means.

The amendment offered by the gentleman from New York in pertinent part addresses the minimum wage, a matter within the jurisdiction of the Education and the Workforce Committee. By addressing a matter outside the jurisdiction of the Committee on Ways and Means, the amendment is not germane.

The point of order is sustained. The motion is not in order.

PARLIAMENTARY INQUIRY

Mr. THOMAS. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. THOMAS. Mr. Speaker, under the rule in consideration of this bill, the minority was allowed a motion to recommit. A motion to recommit was offered. It was clearly on its face nongermane. The Chair has just ruled that that so-called motion to recommit was nongermane. However, under the rules, that nongermane bill was read. It amounts to a political pamphlet.

Mr. RANGEL. Mr. Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The gentleman will suspend.

Does the gentleman have a parliamentary inquiry?

Mr. THOMAS. Yes. The offer of the motion to recommit would have been exhausted, and I would simply say if that is not the case, they could offer another 10 partisan tracts on the argument that it is a motion to recommit, make the same arguments, and never violate the rules, and that is not under the spirit of the rules.

The SPEAKER pro tempore. The gentleman has not stated a parliamentary inquiry.

Mr. RANGEL. Mr. Speaker, I move to appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House? Those in favor say ''aye.'' (Members responded by voice.)

Mr. THOMAS. Mr. Speaker, the gentleman was not timely in his request to appeal the decision of the Chair.

The SPEAKER pro tempore. The gentleman will suspend.

Mr. HOYER. Mr. Speaker, a vote is in progress.

The SPEAKER pro tempore. Members will suspend.

For what purpose does the gentleman from California rise?

Mr. THOMAS. The gentleman moves to lay the motion on the table.

Mr. HOYER. The House is in the process of a vote.

MOTION TO TABLE OFFERED BY MR. THOMAS

Mr. THOMAS. Mr. Speaker, I move to table the motion.

The SPEAKER pro tempore. The question is on tabling the appeal.

PARLIAMENTARY INQUIRY

Mr. HOYER. Mr. Speaker, parliamentary inquiry. I make a point of order that that motion is not in order. The Speaker called for a vote. The aye votes were taken. The next question is the no votes. We are in the process of a vote. And until such time as that vote is concluded, a motion is not in order.

The SPEAKER pro tempore. The gentleman from California was seeking recognition. The question is on the motion to table.

POINT OF ORDER

Mr. HOYER. Mr. Speaker, point of order.

The SPEAKER pro tempore. The gentleman will state his point.

Mr. HOYER. Mr. Speaker, you can run over us. We understand that. We do not have the votes. But you called the vote, Mr. Speaker, and we were in the process of a vote, and he had not been recognized at that point. Now, the fact that he was seeking recognition or not is irrelevant.

The SPEAKER pro tempore. Does the gentleman have a point of order?

Mr. HOYER. Yes.

The SPEAKER pro tempore. State your point of order, please.

Mr. HOYER. That the gentleman's motion is not in order because we were in the process of voting on the issue that was propounded by the gentleman from New York.

The SPEAKER pro tempore. When the Chair began to put the question, the gentleman from California was on his feet seeking recognition. The gentleman's motion was to table.

Mr. HOYER. I appeal the ruling of the Chair.

□ 1500

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

The SPEAKER pro tempore (Mr. PRICE of Georgia). The gentleman will state it.

Mr. RANGEL. First of all, when I asked for a vote, you asked for the votes for the ayes. It was my intention, in case we had lost, to ask for a vote on this because a quorum is not present.

What is happening here, and my parliamentary inquiry is, once you took the ayes, we never got an opportunity to find out the nays. So I am in the position now that I cannot challenge the Chair. After you asked for the aye votes, you never asked for the nay votes. How can we determine what the ruling of the Chair is?

The SPEAKER pro tempore. The gentleman is not stating a parliamentary inquiry.

Mr. HOYER. Mr. Speaker, I have appealed the previous ruling of the Chair. An appeal to the ruling of the Chair is pending.

The SPEAKER pro tempore. The gentleman will suspend.

For what purpose does the gentleman from California rise?

Mr. THOMAS. The gentleman from California rises, just as he did previously, to gain recognition to indicate that I move that we table the motion to lay the bill on the table of the objection of the gentleman from Maryland on the ruling of the Chair.

So I now have a lay on the table of two objections of the ruling of the Chair.

The SPEAKER pro tempore. The Chair has made a ruling on a germaneness point of order. An appeal has been taken. No further appeal may be erected at this point. The situation that the gentleman from Maryland seeks to appeal from is not appealable.

The Chair has recognized the gentleman from California and his motion to table, and that is the business before the House.

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. SABO. Mr. Speaker, I was sitting here waiting for time to expire so I could cast a vote, and I heard the motion made by the gentleman from New York.

The SPEAKER pro tempore. Does the gentleman have a parliamentary inquiry?

Mr. SABO. Then I heard the Speaker call for a vote.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. SABO. I am just curious, did the Speaker call for a vote, and did I hear some people vote aye?

The SPEAKER pro tempore. The gentleman is not stating a pertinent parliamentary inquiry.

The question is on the motion to table.

Mr. SABO. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. Does the minority whip seek recognition?

Mr. HOYER. I do. I make a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HOYER. I would propound this parliamentary inquiry. Is it appropriate during the course of a vote, and after one side of the vote has been made and pending the request for the nays in this case, is it appropriate to stop that vote and then recognize someone at that point in time?

The SPEAKER pro tempore. The Chair began to take a voice vote, but then realized that a Member timely sought recognition for a proper purpose.

Mr. HOYER. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HOYER. The Speaker's recollection is different than mine. The Speaker propounds and the Parliamentarian advises that apparently you began. Frankly, we were in the process. You had called for the ayes, the ayes had been made, and you were then about to call for the nays.

So I would suggest it was not a question that you had begun and then saw that the gentleman from California had risen and then sought to recognize him. What you did was, after asking for the ayes, which were enunciated, you then stopped the vote and then recognized the gentleman from California.

My question to you, therefore, you did not respond to. Once the vote is in progress, and I suggest to the Speaker and those who might advise him that the RECORD will reflect that the vote had been called, it is in that context that I again ask you, Mr. Speaker, not if you had started, but, in fact, we were in the progress of a vote.

The SPEAKER pro tempore. The Chair made a ruling. An appeal was taken. The Chair first stated the question. The Chair next began to put the question but then realized that the gentleman from California was seeking recognition. The gentleman from California was recognized on the motion to table.

The business before the House is the motion to table.

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

Mr. HOYER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 229, nays 195, not voting 9, as follows:

[Roll No. 313]

YEAS—229

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—195

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Watson
Watt

| | | |
|---|---|---|
| Waxman | Wexler | Wu |
| Weiner | Woolsey | Wynn |

NOT VOTING—9

| | | |
|---|---|---|
| Berkley | Evans | Serrano |
| Davis (FL) | Johnson, Sam | Shays |
| Diaz-Balart, L. | Kennedy (RI) | Waters |

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining in the vote.

□ 1528

Mr. SMITH of Washington and Mr. GORDON changed their vote from ''yea'' to ''nay.''

Mr. HALL and Mr. KINGSTON changed their vote from ''nay'' to ''yea.''

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO RECOMMIT OFFERED BY MR. POMEROY

Mr. POMEROY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. POMEROY. Yes, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Pomeroy moves to recommit the bill H.R. 5638 to the Committee on Ways and Means with instructions to report the same back to the House forthwith with the following amendments:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Certain and Immediate Estate Tax Relief Act of 2006''.

**SEC. 2. RETENTION OF ESTATE TAX; REPEAL OF CARRYOVER BASIS.**

(a) IN GENERAL.—Subtitles A and E of title V of the Economic Growth and Tax Relief Reconciliation Act of 2001, and the amendments made by such subtitles, are hereby repealed; and the Internal Revenue Code of 1986 shall be applied as if such subtitles, and amendments, had never been enacted.

(b) SUNSET NOT TO APPLY.—Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to title V of such Act.

(c) CONFORMING AMENDMENTS.—Subsection (d) of section 511, and subsections (b)(2) and (e)(2) of section 521, of the Economic Growth and Tax Relief Reconciliation Act of 2001, and the amendments made by such subsections, are hereby repealed; and the Internal Revenue Code of 1986 shall be applied as if such subsections, and amendments, had never been enacted.

**SEC. 3. IMMEDIATE INCREASE IN EXCLUSION EQUIVALENT OF UNIFIED CREDIT.**

(a) IN GENERAL.—Subsection (c) of section 2010 of the Internal Revenue Code of 1986 (relating to applicable credit amount) is amended by striking all that follows ''the applicable exclusion amount'' and inserting ''. For purposes of the preceding sentence, the applicable exclusion amount is $3,500,000 ($3,000,000 in the case of estates of decedents dying before 2009).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to estates of decedents dying, and gifts made, after December 31, 2006.

**SEC. 4. UNIFIED CREDIT INCREASED BY UNUSED UNIFIED CREDIT OF DECEASED SPOUSE.**

(a) IN GENERAL.—Subsection (c) of section 2010 of the Internal Revenue Code of 1986 (defining applicable credit amount), as amended by section 3, is amended to read as follows:

''(c) APPLICABLE CREDIT AMOUNT.—

''(1) IN GENERAL.—For purposes of this section, the applicable credit amount is the amount of the tentative tax which would be determined under the rate schedule set forth in section 2001(c) if the amount with respect to which such tentative tax is to be computed were the applicable exclusion amount.

''(2) APPLICABLE EXCLUSION AMOUNT.—For purposes of this subsection, the applicable exclusion amount is the sum of—

''(A) the basic exclusion amount, and

''(B) in the case of a surviving spouse, the aggregate deceased spousal unused exclusion amount.

''(3) BASIC EXCLUSION AMOUNT.—For purposes of this subsection, the basic exclusion amount is $3,500,000 ($3,000,000 in the case of estates of decedents dying before 2009).

''(4) AGGREGATE DECEASED SPOUSAL UNUSED EXCLUSION AMOUNT.—For purposes of this subsection, the term 'aggregate deceased spousal unused exclusion amount' means the lesser of—

''(A) the basic exclusion amount, or

''(B) the sum of the deceased spousal unused exclusion amounts of the surviving spouse.

''(5) DECEASED SPOUSAL UNUSED EXCLUSION AMOUNT.—For purposes of this subsection, the term 'deceased spousal unused exclusion amount' means, with respect to the surviving spouse of any deceased spouse dying after December 31, 2006, the excess (if any) of—

''(A) the applicable exclusion amount of the deceased spouse, over

''(B) the amount with respect to which the tentative tax is determined under section 2001(b)(1) on the estate of such deceased spouse.

''(6) SPECIAL RULES.—

''(A) ELECTION REQUIRED.—A deceased spousal unused exclusion amount may not be taken into account by a surviving spouse under paragraph (5) unless the executor of the estate of the deceased spouse files an estate tax return on which such amount is computed and makes an election on such return that such amount may be so taken into account. Such election, once made, shall be irrevocable. No election may be made under this subparagraph if such return is filed after the time prescribed by law (including extensions) for filing such return.

''(B) EXAMINATION OF PRIOR RETURNS AFTER EXPIRATION OF PERIOD OF LIMITATIONS WITH RESPECT TO DECEASED SPOUSAL UNUSED EXCLUSION AMOUNT.—Notwithstanding any period of limitation in section 6501, after the time has expired under section 6501 within which a tax may be assessed under chapter 11 or 12 with respect to a deceased spousal unused exclusion amount, the Secretary may examine a return of the deceased spouse to make determinations with respect to such amount for purposes of carrying out this subsection.

''(7) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out this subsection.''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 2505(a) of such Code, after the application of section 3, is amended to read as follows:

''(1) the applicable credit amount under section 2010(c) which would apply if the donor died as of the end of the calendar year, reduced by''.

(2) Section 2631(c) of such Code is amended by striking ''the applicable exclusion amount'' and inserting ''the basic exclusion amount''.

(3) Section 6018(a)(1) of such Code, after the application of section 3, is amended by striking ''applicable exclusion amount'' and inserting ''basic exclusion amount''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying, generation-skipping transfers, and gifts made, after December 31, 2006.

**SEC. 5. VALUATION RULES FOR CERTAIN TRANSFERS OF NONBUSINESS ASSETS; LIMITATION ON MINORITY DISCOUNTS.**

(a) IN GENERAL.—Section 2031 of the Internal Revenue Code of 1986 (relating to definition of gross estate) is amended by redesignating subsection (d) as subsection (f) and by inserting after subsection (c) the following new subsections:

''(d) VALUATION RULES FOR CERTAIN TRANSFERS OF NONBUSINESS ASSETS.—For purposes of this chapter and chapter 12—

''(1) IN GENERAL.—In the case of the transfer of any interest in an entity other than an interest which is actively traded (within the meaning of section 1092)—

''(A) the value of any nonbusiness assets held by the entity shall be determined as if the transferor had transferred such assets directly to the transferee (and no valuation discount shall be allowed with respect to such nonbusiness assets), and

''(B) the nonbusiness assets shall not be taken into account in determining the value of the interest in the entity.

''(2) NONBUSINESS ASSETS.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'nonbusiness asset' means any asset which is not used in the active conduct of 1 or more trades or businesses.

''(B) EXCEPTION FOR CERTAIN PASSIVE ASSETS.—Except as provided in subparagraph (C), a passive asset shall not be treated for purposes of subparagraph (A) as used in the active conduct of a trade or business unless—

''(i) the asset is property described in paragraph (1) or (4) of section 1221(a) or is a hedge with respect to such property, or

''(ii) the asset is real property used in the active conduct of 1 or more real property trades or businesses (within the meaning of section 469(c)(7)(C)) in which the transferor materially participates and with respect to which the transferor meets the requirements of section 469(c)(7)(B)(ii).

For purposes of clause (ii), material participation shall be determined under the rules of section 469(h), except that section 469(h)(3) shall be applied without regard to the limitation to farming activity.

''(C) EXCEPTION FOR WORKING CAPITAL.—Any asset (including a passive asset) which is held as a part of the reasonably required working capital needs of a trade or business shall be treated as used in the active conduct of a trade or business.

''(3) PASSIVE ASSET.—For purposes of this subsection, the term 'passive asset' means any—

''(A) cash or cash equivalents,

''(B) except to the extent provided by the Secretary, stock in a corporation or any other equity, profits, or capital interest in any entity,

''(C) evidence of indebtedness, option, forward or futures contract, notional principal contract, or derivative,

''(D) asset described in clause (iii), (iv), or (v) of section 351(e)(1)(B),

''(E) annuity,

''(F) real property used in 1 or more real property trades or businesses (as defined in section 469(c)(7)(C)),

''(G) asset (other than a patent, trademark, or copyright) which produces royalty income,

''(H) commodity,

''(I) collectible (within the meaning of section 401(m)), or

''(J) any other asset specified in regulations prescribed by the Secretary.

''(4) LOOK-THRU RULES.—

''(A) IN GENERAL.—If a nonbusiness asset of an entity consists of a 10-percent interest in any other entity, this subsection shall be applied by disregarding the 10-percent interest and by treating the entity as holding directly its ratable share of the assets of the other entity. This subparagraph shall be applied successively to any 10-percent interest of such other entity in any other entity.

''(B) 10-PERCENT INTEREST.—The term '10-percent interest' means—

''(i) in the case of an interest in a corporation, ownership of at least 10 percent (by vote or value) of the stock in such corporation,

''(ii) in the case of an interest in a partnership, ownership of at least 10 percent of the capital or profits interest in the partnership, and

''(iii) in any other case, ownership of at least 10 percent of the beneficial interests in the entity.

''(5) COORDINATION WITH SUBSECTION (B).—Subsection (b) shall apply after the application of this subsection.

''(e) LIMITATION ON MINORITY DISCOUNTS.—For purposes of this chapter and chapter 12, in the case of the transfer of any interest in an entity other than an interest which is actively traded (within the meaning of section 1092), no discount shall be allowed by reason of the fact that the transferee does not have control of such entity if the transferee and members of the family (as defined in section 2032A(e)(2)) of the transferee have control of such entity.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers after the date of the enactment of this Act.

Amend the title so as to read: ''A bill to amend the Internal Revenue Code of 1986 to retain the estate tax with an immediate increase in the exemption, to repeal the new carryover basis rules in order to prevent tax increases and the imposition of compliance burdens on many more estates than would benefit from repeal, and for other purposes.''.

Mr. POMEROY (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Dakota is recognized for 5 minutes in support of his motion.

□ 1530

Mr. POMEROY. Mr. Speaker, I am going to be brief with the 5 minutes allocated for this side. I do not intend to use all of it, with the reason we are presenting this information and this alternative under the motion to recommit is because the Rules Committee, when offering this House a so-called compromise on the estate tax reform, only allowed one version and did not allow the minority even the opportunity to present a different level of compromise. So we have to use this motion to recommit, and I will tell you quickly what it does.

It would exclude all estates from taxation at the $3 million level and $6 million joint level beginning January of next year. In 2009, it would move as the present law affords to the $3.5- and $7 million, excluding all estates below that.

Many of us believe that the estate tax needs reform, and we think this reform at the levels $7 million joint exclusion from 2009 and thereafter is very meaningful reform indeed, and, in fact, it makes the estate tax go away for 99.7 percent of the people in this country.

Yet it compares very favorably in cost impact to the Thomas proposal before the House; indeed, 40 percent of the costs of outright repeal for the motion to recommit compared to the Thomas proposal, which, when fully phased in years 2010 to 2020, costs 80 percent, maybe even more. We estimate at least $800 billion will be lost, and we mean actually borrowed because we are in deep deficits.

It is a simple fact. You take the tax off some, somebody else is probably going to have to pick up the tab. So here you have got a tax that is of no consequence to 99.7 percent of the people in this country. We are going to repeal the tax on the wealthiest sliver. You know what it means. Everyone else is going to have to pick up the slack.

This is a House that has voted to raise the national borrowing limit in March, raised it again in May, all of this driven by out-of-control deficits, and here you are about to advance a proposal that would lose $800 billion in the next decade, the very decade when 78 million Americans will move into that 65-year age group beginning the draw on Medicare, which goes out of balance in 2012, beginning to draw on Social Security, which goes out of balance in 2017.

We have got to take a breath here and ask ourselves what have we done to the revenue base of this country? We have got solemn commitments, the promise of Medicare and the promise of Social Security, and there is no way in the world we have the funding base, particularly if the Thomas alternative would become law, to meet those promises to the American people.

So I say this: Let us pass this motion to recommit. Let us give estate tax relief to 99.7 percent of the people in this country, and let us retain some ability of our great Nation to meet the promises of Medicare and Social Security to those counting on it.

Mr. THOMAS. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. THOMAS. Mr. Speaker, first of all, I want to apologize to the Members for the wasted time based upon the obvious partisan motion to recommit which was not germane.

The best thing I can say about this one is it is germane. It is an index. We have no score, nothing from the Joint Tax Committee. You will be pleased to know I will yield back the balance of my time. Vote ''no'' on the motion to recommit.

Mr. Speaker, I rise in support of the Motion to Recommit and in favor of the Pomeroy Substitute to H.R. 5638, the ''Permanent Estate Tax Relief Act of 2006.''

The GOP bill is fiscally irresponsible, costing $762 billion over 10 years—heaping even more debt onto our children and grandchildren. At a time of record deficits, the bill would cost about $290 billion from fiscal years 2006–2016. The estate tax provisions do not take effect until 2011. Thus, the actual cost of H.R. 5638 over the period from 2012 until 2021 shows the impact that the bill will have in the first ten years it is in effect. This more accurate 10-year cost would exceed three-quarters of a trillion dollars when interest payments on the debt incurred are included according to the Center on Budget and Policy Priorities' estimates. Already, the GOP has squandered $5.6 trillion in 10-year surplus and turned it into a $3.2 trillion 10-year deficit. Congress just raised the debt ceiling to nearly $9 trillion, in March—amounting to about $100,000 of debt for each tax paying family.

The Pomeroy Substitute provides estate tax relief for 99.7 percent of all estates. The Pomeroy Substitute offers more estate tax relief sooner, and is a simpler and more responsible solution over the long-term—raising the amount of an estate excluded from taxes to $6 million per couple and increasing this to $7 million by 2009. Not only did this provide relief for small businesses and family farmers, but it would not have heaped more debt onto our children and grandchildren—costing only 60 percent of H.R. 5638. The Pomeroy Substitute is paid for by closing the gap in unpaid taxes, but Republicans are refusing to allow these provisions to be considered. It would also simplify estate tax planning for married couples who could carry over any unused exemption to the surviving spouse assuring that the full $7 million would be available.

Furthermore, the Pomeroy Substitute transfers the estate tax revenue tax receipts to shore up the Social Security trust fund, and the Social Security Actuary has calculated that this action would solve one quarter of the trust fund's shortfall. Last year, Democrats voted for a similar measure.

Almost no working farmers ever pay the estate tax. Under the $3.5 million exemption to take effect in 2009, the number of family farms required to pay any taxes would have been just 65 in 2000, along with 94 small businesses. Support the Pomeroy Substitute. Vote "aye" on the Motion to Recommit.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

Mr. POMEROY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 182, noes 236, not voting 15, as follows:

[Roll No. 314]

AYES—182

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Cooper
Costa
Costello
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kind
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Sherman
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—236

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sanders
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Berkley
Conyers
Davis (FL)
Diaz-Balart, L.
Evans
Johnson, Sam
Kennedy (RI)
McKeon
Moran (KS)
Nadler
Pitts
Serrano
Shays
Visclosky
Waters

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining.

□ 1551

Mr. CUELLAR changed his vote from ''no'' to ''aye.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

PARLIAMENTARY INQUIRY

Mr. RANGEL. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. RANGEL. Is at this stage a motion to adjourn in order?

The SPEAKER pro tempore. The motion to adjourn is not in order.

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

RECORDED VOTE

Mr. RANGEL. 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 269, noes 156, not voting 8, as follows:

[Roll No. 315]

AYES—269

Abercrombie
Aderholt
Akin
Alexander
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Coble
Cole (OK)
Conaway
Costa
Costello
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hinojosa
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schmidt
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NOES—156

Ackerman
Allen
Andrews
Baca
Baldwin
Becerra
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Carnahan
Carson
Cleaver
Clyburn
Conyers
Cooper
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doolittle
Doyle
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Frank (MA)
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rangel
Reyes
Rothman
Roybal-Allard
Rush
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Sherman
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (MS)
Tiahrt
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu

NOT VOTING—8

Berkley
Davis (FL)
Evans
Johnson, Sam
Pitts
Serrano
Shays
Waters

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes left in this vote.

□ 1600

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. NUSSLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of H.R. 5638, the bill just passed.

The SPEAKER pro tempore (Mr. TERRY). Is there objection to the request of the gentleman from Iowa?

There was no objection.

## MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

## LEGISLATIVE LINE ITEM VETO ACT OF 2006

Mr. NUSSLE. Mr. Speaker, pursuant to House Resolution 886, I call up the bill (H.R. 4890) to amend the Congressional and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 886, the bill is considered read.

The text of the bill is as follows:

H.R. 4890

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Legislative Line Item Veto Act of 2006''.

**SEC. 2. LEGISLATIVE LINE ITEM VETO.**

(a) IN GENERAL.—Title X of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.) is amended by striking part C and inserting the following:

''PART C—LEGISLATIVE LINE ITEM VETO

''SEC. 1021. (a) PROPOSED RESCISSIONS.—The President may propose, at the time and in the manner provided in subsection (b), the rescission of any dollar amount of discretionary budget authority or the rescission, in whole or in part, of any item of direct spending.

''(b) TRANSMITTAL OF SPECIAL MESSAGE.—

''(1) SPECIAL MESSAGE.—

''(A) IN GENERAL.—The President may transmit to Congress a special message proposing to rescind any dollar amount of discretionary budget authority or any item of direct spending.

''(B) CONTENTS OF SPECIAL MESSAGE.—Each special message shall specify, with respect to the budget authority or item of direct spending proposed to be rescinded—

''(i) the amount of budget authority or the specific item of direct spending that the President proposes be rescinded;

''(ii) any account, department, or establishment of the Government to which such budget authority or item of direct spending is available for obligation, and the specific project or governmental functions involved;

''(iii) the reasons why such budget authority or item of direct spending should be rescinded;

''(iv) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect (including the effect on outlays and receipts in each fiscal year) of the proposed rescission;

''(v) to the maximum extent practicable, all facts, circumstances, and considerations relating to or bearing upon the proposed rescission and the decision to effect the proposed rescission, and the estimated effect of the proposed rescission upon the objects, purposes, and programs for which the budget authority or item of direct spending is provided; and

''(vi) a draft bill that, if enacted, would rescind the budget authority or item of direct spending proposed to be rescinded in that special message.

''(2) ENACTMENT OF RESCISSION BILL.—

''(A) DEFICIT REDUCTION.—Amounts of budget authority or items of direct spending which are rescinded pursuant to enactment of a bill as provided under this section shall be dedicated only to deficit reduction and shall not be used as an offset for other spending increases.

''(B) ADJUSTMENT OF COMMITTEE ALLOCATIONS.—Not later than 5 days after the date of enactment of a rescission bill as provided under this section, the chairs of the Committees on the Budget of the Senate and the House of Representatives shall revise levels under section 311(a) and adjust the committee allocations under section 302(a) to reflect the rescission, and the appropriate committees shall report revised allocations pursuant to section 302(b), as appropriate.

''(C) ADJUSTMENTS TO CAPS.—After enactment of a rescission bill as provided under this section, the Office of Management and Budget shall revise applicable limits under the Balanced Budget and Emergency Deficit Control Act, as appropriate.

''(c) PROCEDURES FOR EXPEDITED CONSIDERATION.—

''(1) IN GENERAL.—

''(A) INTRODUCTION.—Before the close of the second day of session of the Senate and the House of Representatives, respectively, after the date of receipt of a special message transmitted to Congress under subsection (b), the majority leader or minority leader of each House shall introduce (by request) a bill to rescind the amounts of budget authority or items of direct spending, as specified in the special message and the President's draft bill. If the bill is not introduced as provided in the preceding sentence in either House, then, on the third day of session of that House after the date of receipt of that special message, any Member of that House may introduce the bill.

''(B) REFERRAL AND REPORTING.—The bill shall be referred to the appropriate committee. The committee shall report the bill without substantive revision and with or without recommendation. The committee shall report the bill not later than the fifth day of session of that House after the date of introduction of the bill in that House. If the committee fails to report the bill within that period, the committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

''(C) FINAL PASSAGE.—A vote on final passage of the bill shall be taken in the Senate and the House of Representatives on or before the close of the 10th day of session of that House after the date of the introduction of the bill in that House. If the bill is passed, the Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, shall cause the bill to be transmitted to the other House before the close of the next day of session of that House.

''(2) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

''(A) MOTION TO PROCEED TO CONSIDERATION.—A motion in the House of Representatives to proceed to the consideration of a bill under this subsection shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

''(B) LIMITS ON DEBATE.—Debate in the House of Representatives on a bill under this subsection shall not exceed 4 hours, which shall be divided equally between those favoring and those opposing the bill. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit a bill under this subsection or to move to reconsider the vote by which the bill is agreed to or disagreed to.

''(C) APPEALS.—Appeals from decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a bill under this section shall be decided without debate.

''(D) APPLICATION OF HOUSE RULES.—Except to the extent specifically provided in this section, consideration of a bill under this section shall be governed by the Rules of the

House of Representatives. It shall not be in order in the House of Representatives to consider any bill introduced pursuant to the provisions of this section under a suspension of the rules or under a special rule.

''(3) CONSIDERATION IN THE SENATE.—

''(A) MOTION TO PROCEED TO CONSIDERATION.—A motion to proceed to the consideration of a bill under this subsection in the Senate shall not be debatable. It shall not be in order to move to reconsider the vote by which the motion to proceed is agreed to or disagreed to.

''(B) LIMITS ON DEBATE.—Debate in the Senate on a bill under this subsection, and all debatable motions and appeals in connection therewith (including debate pursuant to subparagraph (D)), shall not exceed 10 hours, equally divided and controlled in the usual form.

''(C) APPEALS.—Debate in the Senate on any debatable motion or appeal in connection with a bill under this subsection shall be limited to not more than 1 hour, to be equally divided and controlled in the usual form.

''(D) MOTION TO LIMIT DEBATE.—A motion in the Senate to further limit debate on a bill under this subsection is not debatable.

''(E) MOTION TO RECOMMIT.—A motion to recommit a bill under this subsection is not in order.

''(F) CONSIDERATION OF THE HOUSE BILL.—

''(i) IN GENERAL.—If the Senate has received the House companion bill to the bill introduced in the Senate prior to the vote required under paragraph (1)(C), then the Senate may consider, and the vote under paragraph (1)(C) may occur on, the House companion bill.

''(ii) PROCEDURE AFTER VOTE ON SENATE BILL.—If the Senate votes, pursuant to paragraph (1)(C), on the bill introduced in the Senate, then immediately following that vote, or upon receipt of the House companion bill, the House bill shall be deemed to be considered, read the third time, and the vote on passage of the Senate bill shall be considered to be the vote on the bill received from the House.

''(d) AMENDMENTS AND DIVISIONS PROHIBITED.—No amendment to a bill considered under this section shall be in order in either the Senate or the House of Representatives. It shall not be in order to demand a division of the question in the House of Representatives (or in a Committee of the Whole). No motion to suspend the application of this subsection shall be in order in the House of Representatives, nor shall it be in order in the House of Representatives to suspend the application of this subsection by unanimous consent.

''(e) TEMPORARY PRESIDENTIAL AUTHORITY TO WITHHOLD.—

''(1) IN GENERAL.—At the same time as the President transmits to Congress a special message pursuant to subsection (b), the President may direct that any dollar amount of discretionary budget authority proposed to be rescinded in that special message shall not be made available for obligation for a period not to exceed 180 calendar days from the date the President transmits the special message to Congress.

''(2) EARLY AVAILABILITY.—The President may make any dollar amount of discretionary budget authority deferred pursuant to paragraph (1) available at a time earlier than the time specified by the President if the President determines that continuation of the deferral would not further the purposes of this Act.

''(f) TEMPORARY PRESIDENTIAL AUTHORITY TO SUSPEND.—

''(1) IN GENERAL.—At the same time as the President transmits to Congress a special message pursuant to subsection (b), the President may suspend the execution of any item of direct spending proposed to be rescinded in that special message for a period not to exceed 180 calendar days from the date the President transmits the special message to Congress.

''(2) EARLY AVAILABILITY.—The President may terminate the suspension of any item of direct spending at a time earlier than the time specified by the President if the President determines that continuation of the suspension would not further the purposes of this Act.

''(g) DEFINITIONS.—For purposes of this section—

''(1) the term 'appropriation law' means any general or special appropriation Act, and any Act or joint resolution making supplemental, deficiency, or continuing appropriations;

''(2) the term 'deferral' has, with respect to any dollar amount of discretionary budget authority, the same meaning as the phrase 'deferral of budget authority' defined in section 1011(1) in part B (2 U.S.C. 682(1));

''(3) the term 'dollar amount of discretionary budget authority' means the entire dollar amount of budget authority and obligation limitations—

''(A) specified in an appropriation law, or the entire dollar amount of budget authority required to be allocated by a specific proviso in an appropriation law for which a specific dollar figure was not included;

''(B) represented separately in any table, chart, or explanatory text included in the statement of managers or the governing committee report accompanying such law;

''(C) required to be allocated for a specific program, project, or activity in a law (other than an appropriation law) that mandates the expenditure of budget authority from accounts, programs, projects, or activities for which budget authority is provided in an appropriation law;

''(D) represented by the product of the estimated procurement cost and the total quantity of items specified in an appropriation law or included in the statement of managers or the governing committee report accompanying such law; or

''(E) represented by the product of the estimated procurement cost and the total quantity of items required to be provided in a law (other than an appropriation law) that mandates the expenditure of budget authority from accounts, programs, projects, or activities for which dollar amount of discretionary budget authority is provided in an appropriation law;

''(4) the terms 'rescind' or 'rescission' mean to modify or repeal a provision of law to prevent—

''(A) budget authority from having legal force or effect;

''(B) in the case of entitlement authority, to prevent the specific legal obligation of the United States from having legal force or effect; and

''(C) in the case of the food stamp program, to prevent the specific provision of law that provides such benefit from having legal force or effect;

''(5) the term 'direct spending' means budget authority provided by law (other than an appropriation law); entitlement authority; and the food stamp program;

''(6) the term 'item of direct spending' means any specific provision of law enacted after the effective date of the Legislative Line Item Veto Act of 2006 that is estimated to result in a change in budget authority or outlays for direct spending relative to the most recent levels calculated pursuant to section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 and included with a budget submission under section 1105(a) of title 31, United States Code, and with respect to estimates made after that budget submission that are not included with it, estimates consistent with the economic and technical assumptions underlying the most recently submitted President's budget;

''(7) the term 'suspend the execution' means, with respect to an item of direct spending or a targeted tax benefit, to stop for a specified period, in whole or in part, the carrying into effect of the specific provision of law that provides such benefit; and

''(8)(A) the term 'targeted tax benefit' means—

''(i) any revenue-losing provision that provides a Federal tax deduction, credit, exclusion, or preference to 100 or fewer beneficiaries under the Internal Revenue Code of 1986 in any fiscal year for which the provision is in effect; and

''(ii) any Federal tax provision that provides temporary or permanent transitional relief for 10 or fewer beneficiaries in any fiscal year from a change to the Internal Revenue Code of 1986;

''(B) a provision shall not be treated as described in subparagraph (A)(i) if the effect of that provision is that—

''(i) all persons in the same industry or engaged in the same type of activity receive the same treatment;

''(ii) all persons owning the same type of property, or issuing the same type of investment, receive the same treatment; or

''(iii) any difference in the treatment of persons is based solely on—

''(I) in the case of businesses and associations, the size or form of the business or association involved;

''(II) in the case of individuals, general demographic conditions, such as income, marital status, number of dependents, or tax-return-filing status;

''(III) the amount involved; or

''(IV) a generally-available election under the Internal Revenue Code of 1986;

''(C) a provision shall not be treated as described in subparagraph (A)(ii) if—

''(i) it provides for the retention of prior law with respect to all binding contracts or other legally enforceable obligations in existence on a date contemporaneous with congressional action specifying such date; or

''(ii) it is a technical correction to previously enacted legislation that is estimated to have no revenue effect;

''(D) for purposes of subparagraph (A)—

''(i) all businesses and associations that are members of the same controlled group of corporations (as defined in section 1563(a) of the Internal Revenue Code of 1986) shall be treated as a single beneficiary;

''(ii) all qualified plans of an employer shall be treated as a single beneficiary;

''(iii) all holders of the same bond issue shall be treated as a single beneficiary; and

''(iv) if a corporation, partnership, association, trust or estate is the beneficiary of a provision, the shareholders of the corporation, the partners of the partnership, the members of the association, or the beneficiaries of the trust or estate shall not also be treated as beneficiaries of such provision;

''(E) for the purpose of this paragraph, the term 'revenue-losing provision' means any provision that results in a reduction in Federal tax revenues for any one of the two following periods—

''(i) the first fiscal year for which the provision is effective; or

''(ii) the period of the 5 fiscal years beginning with the first fiscal year for which the provision is effective; and

''(F) the terms used in this paragraph shall have the same meaning as those terms have generally in the Internal Revenue Code of 1986, unless otherwise expressly provided.

''(h) APPLICATION TO TARGETED TAX BENEFITS.—The President may propose the repeal of any targeted tax benefit in any bill that includes such a benefit, under the same conditions, and subject to the same Congressional consideration, as a proposal under this section to rescind an item of direct spending.''.

(b) EXERCISE OF RULEMAKING POWERS.—Section 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended—

(1) in subsection (a), by striking ''and 1017'' and inserting ''1017, and 1021''; and

(2) in subsection (d), by striking ''section 1017'' and inserting ''sections 1017 and 1021''.

(c) CLERICAL AMENDMENTS.—(1) Section 1(a) of the Congressional Budget and Impoundment Control Act of 1974 is amended by—

(A) striking ''Parts A and B'' before ''title X'' and inserting ''Parts A, B, and C''; and

(B) striking the last sentence and inserting at the end the following new sentence: ''Part C of title X also may be cited as the 'Legislative Line Item Veto Act of 2006'.''.

(2) TABLE OF CONTENTS.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by deleting the contents for part C of title X and inserting the following:

''PART C—LEGISLATIVE LINE ITEM VETO

''Sec. 1021. Expedited consideration of certain proposed rescissions.''.

(d) SEVERABILITY.—If any provision of this Act or the amendments made by it is held to be unconstitutional, the remainder of this Act and the amendments made by it shall not be affected by the holding.

(e) EFFECTIVE DATE.—The amendments made by this Act shall—

(1) take effect on the date of enactment of this Act; and

(2) apply only to any dollar amount of discretionary budget authority, item of direct spending, or targeted tax benefit provided in an Act enacted on or after the date of enactment of this Act.

The SPEAKER pro tempore. The amendment in the nature of a substitute printed in the bill, modified by the amendment printed in House Report 109–518, is adopted.

The text of the amendment in the nature of a substitute, as amended, is as follows:

*H.R. 4890*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the ''Legislative Line Item Veto Act of 2006''.*

***SEC. 2. LEGISLATIVE LINE ITEM VETO.***

*(a) IN GENERAL.—Title X of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.) is amended by striking all of part B (except for sections 1016 and 1013, which are redesignated as sections 1019 and 1020, respectively) and part C and inserting the following:*

*''PART B—LEGISLATIVE LINE ITEM VETO*

*''LINE ITEM VETO AUTHORITY*

*''SEC. 1011. (a) PROPOSED CANCELLATIONS.—Within 45 calendar days after the enactment of any bill or joint resolution providing any discretionary budget authority, item of direct spending, or targeted tax benefit, the President may propose, in the manner provided in subsection (b), the cancellation of any dollar amount of such discretionary budget authority, item of direct spending, or targeted tax benefit. If the 45 calendar-day period expires during a period where either House of Congress stands adjourned sine die at the end of a Congress or for a period greater than 45 calendar days, the President may propose a cancellation under this section and transmit a special message under subsection (b) on the first calendar day of session following such a period of adjournment.*

*''(b) TRANSMITTAL OF SPECIAL MESSAGE.—*

*''(1) SPECIAL MESSAGE.—*

*''(A) IN GENERAL.—The President may transmit to the Congress a special message proposing to cancel any dollar amounts of discretionary budget authority, items of direct spending, or targeted tax benefits.*

*''(B) CONTENTS OF SPECIAL MESSAGE.—Each special message shall specify, with respect to the discretionary budget authority, items of direct spending proposed, or targeted tax benefits to be canceled—*

*''(i) the dollar amount of discretionary budget authority, the specific item of direct spending (that OMB, after consultation with CBO, estimates to increase budget authority or outlays as required by section 1017(9)), or the targeted tax benefit that the President proposes be canceled;*

*''(ii) any account, department, or establishment of the Government to which such discretionary budget authority is available for obligation, and the specific project or governmental functions involved;*

*''(iii) the reasons why such discretionary budget authority, item of direct spending, or targeted tax benefit should be canceled;*

*''(iv) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect (including the effect on outlays and receipts in each fiscal year) of the proposed cancellation;*

*''(v) to the maximum extent practicable, all facts, circumstances, and considerations relating to or bearing upon the proposed cancellation and the decision to effect the proposed cancellation, and the estimated effect of the proposed cancellation upon the objects, purposes, or programs for which the discretionary budget authority, item of direct spending, or the targeted tax benefit is provided;*

*''(vi) a numbered list of cancellations to be included in an approval bill that, if enacted, would cancel discretionary budget authority, items of direct spending, or targeted tax benefits proposed in that special message; and*

*''(vii) if the special message is transmitted subsequent to or at the same time as another special message, a detailed explanation why the proposed cancellations are not substantially similar to any other proposed cancellation in such other message.*

*''(C) DUPLICATIVE PROPOSALS PROHIBITED.—The President may not propose to cancel the same or substantially similar discretionary budget authority, item of direct spending, or targeted tax benefit more than one time under this Act.*

*''(D) MAXIMUM NUMBER OF SPECIAL MESSAGES.—The President may not transmit to the Congress more than 5 special messages under this subsection related to any bill or joint resolution described in subsection (a), but may transmit not more than 10 special messages for any omnibus budget reconciliation or appropriation measure.*

*''(2) ENACTMENT OF APPROVAL BILL.—*

*''(A) DEFICIT REDUCTION.—Amounts of budget authority, items of direct spending, or targeted tax benefits which are canceled pursuant to enactment of a bill as provided under this section shall be dedicated only to reducing the deficit or increasing the surplus.*

*''(B) ADJUSTMENT OF LEVELS IN THE CONCURRENT RESOLUTION ON THE BUDGET.—Not later than 5 days after the date of enactment of an approval bill as provided under this section, the chairs of the Committees on the Budget of the Senate and the House of Representatives shall revise allocations and aggregates and other appropriate levels under the appropriate concurrent resolution on the budget to reflect the cancellation, and the applicable committees shall report revised suballocations pursuant to section 302(b), as appropriate.*

*''(C) ADJUSTMENTS TO STATUTORY LIMITS.—After enactment of an approval bill as provided under this section, the Office of Management and Budget shall revise applicable limits under the Balanced Budget and Emergency Deficit Control Act of 1985, as appropriate.*

*''(D) TRUST FUNDS AND SPECIAL FUNDS.—Nothwithstanding subparagraph (A), nothing in this part shall be construed to require or allow the deposit of amounts derived from a trust fund or special fund which are canceled pursuant to enactment of a bill as provided under this section to any other fund.''.*

*''PROCEDURES FOR EXPEDITED CONSIDERATION*

*''SEC. 1012. (a) EXPEDITED CONSIDERATION.—*

*''(1) IN GENERAL.—The majority leader of each House or his designee shall (by request) introduce an approval bill as defined in section 1017 not later than the fifth day of session of that House after the date of receipt of a special message transmitted to the Congress under section 1011(b) .*

*''(2) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—*

*''(A) REFERRAL AND REPORTING.—Any committee of the House of Representatives to which an approval bill is referred shall report it to the House without amendment not later than the seventh legislative day after the date of its introduction. If a committee fails to report the bill within that period or the House has adopted a concurrent resolution providing for adjournment sine die at the end of a Congress, it shall be in order to move that the House discharge the committee from further consideration of the bill. Such a motion shall be in order only at a time designated by the Speaker in the legislative schedule within two legislative days after the day on which the proponent announces his intention to offer the motion. Such a motion shall not be in order after a committee has reported an approval bill with respect to that special message or after the House has disposed of a motion to discharge with respect to that special message. The previous question shall be considered as ordered on the motion to its adoption without intervening motion except twenty minutes of debate equally divided and controlled by the proponent and an opponent. If such a motion is adopted, the House shall proceed immediately to consider the approval bill in accordance with subparagraph (C). A motion to reconsider the vote by which the motion is disposed of shall not be in order.*

*''(B) PROCEEDING TO CONSIDERATION.—After an approval bill is reported or a committee has been discharged from further consideration, or the House has adopted a concurrent resolution providing for adjournment sine die at the end of a Congress, it shall be in order to move to proceed to consider the approval bill in the House. Such a motion shall be in order only at a time designated by the Speaker in the legislative schedule within two legislative days after the day on which the proponent announces his intention to offer the motion. Such a motion shall not be in order after the House has disposed of a motion to proceed with respect to that special message. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. A motion to reconsider the vote by which the motion is disposed of shall not be in order.*

*''(C) CONSIDERATION.—The approval bill shall be considered as read. All points of order against an approval bill and against its consideration are waived. The previous question shall be considered as ordered on an approval bill to its passage without intervening motion except five hours of debate equally divided and controlled by the proponent and an opponent and one motion to limit debate on the bill. A motion to reconsider the vote on passage of the bill shall not be in order.*

*''(D) SENATE BILL.—An approval bill received from the Senate shall not be referred to committee.*

''(3) CONSIDERATION IN THE SENATE.—

''(A) MOTION TO PROCEED TO CONSIDERATION.—A motion to proceed to the consideration of a bill under this subsection in the Senate shall not be debatable. It shall not be in order to move to reconsider the vote by which the motion to proceed is agreed to or disagreed to.

''(B) LIMITS ON DEBATE.—Debate in the Senate on a bill under this subsection, and all debatable motions and appeals in connection therewith (including debate pursuant to subparagraph (D)), shall not exceed 10 hours, equally divided and controlled in the usual form.

''(C) APPEALS.—Debate in the Senate on any debatable motion or appeal in connection with a bill under this subsection shall be limited to not more than 1 hour, to be equally divided and controlled in the usual form.

''(D) MOTION TO LIMIT DEBATE.—A motion in the Senate to further limit debate on a bill under this subsection is not debatable.

''(E) MOTION TO RECOMMIT.—A motion to recommit a bill under this subsection is not in order.

''(F) CONSIDERATION OF THE HOUSE BILL.—

''(i) IN GENERAL.—If the Senate has received the House companion bill to the bill introduced in the Senate prior to the vote required under paragraph (1)(C), then the Senate may consider, and the vote under paragraph (1)(C) may occur on, the House companion bill.

''(ii) PROCEDURE AFTER VOTE ON SENATE BILL.—If the Senate votes, pursuant to paragraph (1)(C), on the bill introduced in the Senate, then immediately following that vote, or upon receipt of the House companion bill, the House bill shall be deemed to be considered, read the third time, and the vote on passage of the Senate bill shall be considered to be the vote on the bill received from the House.

''(b) AMENDMENTS PROHIBITED.—No amendment to, or motion to strike a provision from, a bill considered under this section shall be in order in either the Senate or the House of Representatives.

''PRESIDENTIAL DEFERRAL AUTHORITY

''SEC. 1013. (a) TEMPORARY PRESIDENTIAL AUTHORITY TO WITHHOLD DISCRETIONARY BUDGET AUTHORITY.—

''(1) IN GENERAL.—At the same time as the President transmits to the Congress a special message pursuant to section 1011(b), the President may direct that any dollar amount of discretionary budget authority to be canceled in that special message shall not be made available for obligation for a period not to exceed 45 calendar days from the date the President transmits the special message to the Congress.

''(2) EARLY AVAILABILITY.—The President shall make any dollar amount of discretionary budget authority deferred pursuant to paragraph (1) available at a time earlier than the time specified by the President if the President determines that continuation of the deferral would not further the purposes of this Act.

''(b) TEMPORARY PRESIDENTIAL AUTHORITY TO SUSPEND DIRECT SPENDING.—

''(1) IN GENERAL.—At the same time as the President transmits to the Congress a special message pursuant to section 1011(b), the President may suspend the implementation of any item of direct spending proposed to be canceled in that special message for a period not to exceed 45 calendar days from the date the President transmits the special message to the Congress.

''(2) EARLY AVAILABILITY.—The President shall terminate the suspension of any item of direct spending at a time earlier than the time specified by the President if the President determines that continuation of the suspension would not further the purposes of this Act.

''(c) TEMPORARY PRESIDENTIAL AUTHORITY TO SUSPEND A TARGETED TAX BENEFIT.—

''(1) IN GENERAL.—At the same time as the President transmits to the Congress a special message pursuant to section 1011(b), the President may suspend the implementation of any targeted tax benefit proposed to be repealed in that special message for a period not to exceed 45 calendar days from the date the President transmits the special message to the Congress.

''(2) EARLY AVAILABILITY.—The President shall terminate the suspension of any targeted tax benefit at a time earlier than the time specified by the President if the President determines that continuation of the suspension would not further the purposes of this Act.

''(d) EXTENSION OF 45-DAY PERIOD.—The President may transmit to the Congress not more than one supplemental special message to extend the period to suspend the implementation of any discretionary budget authority, item of direct spending, or targeted tax benefit, as applicable, by an additional 45 calendar days. Any such supplemental message may not be transmitted to the Congress before the 40th day of the 45-day period set forth in the preceding message or later than the last day of such period.

''IDENTIFICATION OF TARGETED TAX BENEFITS

''SEC. 1014. (a) STATEMENT.—The chairman of the Committee on Ways and Means of the House of Representatives and the chairman of the Committee on Finance of the Senate acting jointly (hereafter in this subsection referred to as the 'chairmen') shall review any revenue or reconciliation bill or joint resolution which includes any amendment to the Internal Revenue Code of 1986 that is being prepared for filing by a committee of conference of the two Houses, and shall identify whether such bill or joint resolution contains any targeted tax benefits. The chairmen shall provide to the committee of conference a statement identifying any such targeted tax benefits or declaring that the bill or joint resolution does not contain any targeted tax benefits. Any such statement shall be made available to any Member of Congress by the chairmen immediately upon request.

''(b) STATEMENT INCLUDED IN LEGISLATION.—

''(1) IN GENERAL.—Notwithstanding any other rule of the House of Representatives or any rule or precedent of the Senate, any revenue or reconciliation bill or joint resolution which includes any amendment to the Internal Revenue Code of 1986 reported by a committee of conference of the two Houses may include, as a separate section of such bill or joint resolution, the information contained in the statement of the chairmen, but only in the manner set forth in paragraph (2).

''(2) APPLICABILITY.—The separate section permitted under subparagraph (A) shall read as follows: 'Section 1021 of the Congressional Budget and Impoundment Control Act of 1974 shall _____ apply to _____.', with the blank spaces being filled in with—

''(A) in any case in which the chairmen identify targeted tax benefits in the statement required under subsection (a), the word 'only' in the first blank space and a list of all of the specific provisions of the bill or joint resolution identified by the chairmen in such statement in the second blank space; or

''(B) in any case in which the chairmen declare that there are no targeted tax benefits in the statement required under subsection (a), the word 'not' in the first blank space and the phrase 'any provision of this Act' in the second blank space.

''(c) IDENTIFICATION IN REVENUE ESTIMATE.—With respect to any revenue or reconciliation bill or joint resolution with respect to which the chairmen provide a staement under subsection (a), the Joint Committee on Taxation shall—

''(1) in the case of a statement described in subsection (b)(2)(A), list the targeted tax benefits identified by the chairmen in such statement in any revenue estimate prepared by the Joint Committee on Taxation for any conference report which accompanies such bill or joint resolution, or

''(2) in the case of a statement described in subsection (b)(2)(B), indicate in such revenue estimate that no provision in such bill or joint resolution has been identified as a targeted tax benefit.''.

''(d) PRESIDENT'S AUTHORITY.—If any revenue or reconciliation bill or joint resolution is signed into law—

''(1) with a separate section described in subsection (b)(2), then the President may use the authority granted in this section only with respect to any targeted tax benefit in that law, if any, identified in such separate section; or

''(2) without a separate section described in subsection (b)(2), then the President may use the authority granted in this section with respect to any targeted tax benefit in that law.

''TREATMENT OF CANCELLATIONS

''SEC. 1015. The cancellation of any dollar amount of discretionary budget authority, item of direct spending, or targeted tax benefit shall take effect only upon enactment of the applicable approval bill. If an approval bill is not enacted into law before the end of the applicable period under section 1013, then all proposed cancellations contained in that bill shall be null and void and any such dollar amount of discretionary budget authority, item of direct spending, or targeted tax benefit shall be effective as of the original date provided in the law to which the proposed cancellations applied.

''REPORTS BY COMPTROLLER GENERAL

''SEC. 1016. With respect to each special message under this part, the Comptroller General shall issue to the Congress a report determining whether any discretionary budget authority is not made available for obligation or item of direct spending or targeted tax benefit continues to be suspended after the deferral authority set forth in section 1013 of the President has expired.

''DEFINITIONS

''SEC. 1017. As used in this part:

''(1) APPROPRIATION LAW.—The term 'appropriation law' means an Act referred to in section 105 of title 1, United States Code, including any general or special appropriation Act, or any Act making supplemental, deficiency, or continuing appropriations, that has been signed into law pursuant to Article I, section 7, of the Constitution of the United States.

''(2) APPROVAL BILL.—The term 'approval bill' means a bill or joint resolution which only approves proposed cancellations of dollar amounts of discretionary budget authority, items of new direct spending, or targeted tax benefits in a special message transmitted by the President under this part and—

''(A) the title of which is as follows: 'A bill approving the proposed cancellations transmitted by the President on _____', the blank space being filled in with the date of transmission of the relevant special message and the public law number to which the message relates;

''(B) which does not have a preamble; and

''(C) which provides only the following after the enacting clause: 'That the Congress approves of proposed cancellations _____', the blank space being filled in with a list of the cancellations contained in the President's special message, 'as transmitted by the President in a special message on _____', the blank space being filled in with the appropriate date, 'regarding _____.', the blank space being filled in with the public law number to which the special message relates;

''(D) which only includes proposed cancellations that are estimated by CBO to meet the definition of discretionary budgetary authority or items of direct spending, or that are identified as targeted tax benefits pursuant to section 1014;

''(E) if any proposed cancellation other than discretionary budget authority or targeted tax benefits is estimated by CBO to not meet the definition of item of direct spending, then the approval bill shall include at the end: 'The President shall cease the suspension of the implementation of the following under section 1013 of the

*Legislative Line Item Veto Act of 2006: _____', the blank space being filled in with the list of such proposed cancellations; and*

*''(F) if no CBO estimate is available, then the entire list of legislative provisions proposed by the President is inserted in the second blank space in subparagraph (C).*

*''(3) CALENDAR DAY.—The term 'calendar day' means a standard 24-hour period beginning at midnight.*

*''(4) CANCEL OR CANCELLATION.—The terms 'cancel' or 'cancellation' means to prevent—*

*''(A) budget authority from having legal force or effect;*

*''(B) in the case of entitlement authority, to prevent the specific legal obligation of the United States from having legal force or effect;*

*''(C) in the case of the food stamp program, to prevent the specific provision of law that provides such benefit from having legal force or effect; or*

*''(D) a targeted tax benefit from having legal force or effect; and*

*to make any necessary, conforming statutory change to ensure that such targeted tax benefit is not implemented and that any budgetary resources are appropriately canceled.*

*''(5) CBO.—The term 'CBO' means the Director of the Congressional Budget Office.*

*''(6) DIRECT SPENDING.—The term 'direct spending' means—*

*''(A) budget authority provided by law (other than an appropriation law);*

*''(B) entitlement authority; and*

*''(C) the food stamp program.*

*''(7) DOLLAR AMOUNT OF DISCRETIONARY BUDGET AUTHORITY.—(A) Except as provided in subparagraph (B), the term ''dollar amount of discretionary budget authority'' means the entire dollar amount of budget authority—*

*''(i) specified in an appropriation law, or the entire dollar amount of budget authority or obligation limitation required to be allocated by a specific proviso in an appropriation law for which a specific dollar figure was not included;*

*''(ii) represented separately in any table, chart, or explanatory text included in the statement of managers or the governing committee report accompanying such law;*

*''(iii) required to be allocated for a specific program, project, or activity in a law (other than an appropriation law) that mandates the expenditure of budget authority from accounts, programs, projects, or activities for which budget authority is provided in an appropriation law;*

*''(iv) represented by the product of the estimated procurement cost and the total quantity of items specified in an appropriation law or included in the statement of managers or the governing committee report accompanying such law; or*

*''(v) represented by the product of the estimated procurement cost and the total quantity of items required to be provided in a law (other than an appropriation law) that mandates the expenditure of budget authority from accounts, programs, projects, or activities for which budget authority is provided in an appropriation law.*

*''(B) The term 'dollar amount of discretionary budget authority' does not include—*

*''(i) direct spending;*

*''(ii) budget authority in an appropriation law which funds direct spending provided for in other law;*

*''(iii) any existing budget authority canceled in an appropriation law; or*

*''(iv) any restriction, condition, or limitation in an appropriation law or the accompanying statement of managers or committee reports on the expenditure of budget authority for an account, program, project, or activity, or on activities involving such expenditure.*

*''(8) ITEM OF DIRECT SPENDING.—The term 'item of direct spending' means any provision of law that results in an increase in budget authority or outlays for direct spending relative to the most recent levels calculated consistent with the methodology used to calculate a baseline under section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 and included with a budget submission under section 1105(a) of title 31, United States Code, in the first year or the 5-year period for which the item is effective. However, such item does not include an extension or reauthorization of existing direct spending, but instead only refers to provisions of law that increase such direct spending.*

*''(9) OMB.—The term 'OMB' means the Director of the Office of Management and Budget.*

*''(10) OMNIBUS RECONCILIATION OR APPROPRIATION MEASURE.—The term 'omnibus reconciliation or appropriation measure' means—*

*''(A) in the case of a reconciliation bill, any such bill that is reported to its House by the Committee on the Budget; or*

*''(B) in the case of an appropriation measure, any such measure that provides appropriations for programs, projects, or activities falling within 2 or more section 302(b) suballocations.*

*''(11) TARGETED TAX BENEFIT.—(A) The term 'targeted tax benefit' means any revenue-losing provision that provides a Federal tax deduction, credit, exclusion, or preference to only one beneficiary (determined with respect to either present law or any provision of which the provision is a part) under the Internal Revenue Code of 1986 in any year for which the provision is in effect;*

*''(B) for purposes of subparagraph (A)—*

*''(i) all businesses and associations that are members of the same controlled group of corporations (as defined in section 1563(a) of the Internal Revenue Code of 1986) shall be treated as a single beneficiary;*

*''(ii) all shareholders, partners, members, or beneficiaries of a corporation, partnership, association, or trust or estate, respectively, shall be treated as a single beneficiary;*

*''(iii) all employees of an employer shall be treated as a single beneficiary;*

*''(iv) all qualified plans of an employer shall be treated as a single beneficiary;*

*''(v) all beneficiaries of a qualified plan shall be treated as a single beneficiary;*

*''(vi) all contributors to a charitable organization shall be treated as a single beneficiary;*

*''(vii) all holders of the same bond issue shall be treated as a single beneficiary; and*

*''(viii) if a corporation, partnership, association, trust or estate is the beneficiary of a provision, the shareholders of the corporation, the partners of the partnership, the members of the association, or the beneficiaries of the trust or estate shall not also be treated as beneficiaries of such provision;*

*''(C) for the purpose of this paragraph, the term 'revenue-losing provision' means any provision that is estimated to result in a reduction in Federal tax revenues (determined with respect to either present law or any provision of which the provision is a part) for any one of the two following periods—*

*''(i) the first fiscal year for which the provision is effective; or*

*''(ii) the period of the 5 fiscal years beginning with the first fiscal year for which the provision is effective; and*

*''(D) the terms used in this paragraph shall have the same meaning as those terms have generally in the Internal Revenue Code of 1986, unless otherwise expressly provided.*

*''EXPIRATION*

*''SEC. 1018. This title shall have no force or effect on or after October 1, 2012.''.*

***SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS.***

*(a) EXERCISE OF RULEMAKING POWERS.—Section 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended—*

*(1) in subsection (a), by striking ''1017'' and inserting '1012''; and*

*(2) in subsection (d), by striking ''section 1017'' and inserting ''section 1012''.*

*(b) ANALYSIS BY CONGRESSIONAL BUDGET OFFICE.—Section 402 of the Congressional Budget Act of 1974 is amended by inserting ''(a)'' after ''402.'' and by adding at the end the following new subsection:*

*''(b) Upon the receipt of a special message under section 1011 proposing to cancel any item of direct spending, the Director of the Congressional Budget Office shall prepare an estimate of the savings in budget authority or outlays resulting from such proposed cancellation relative to the most recent levels calculated consistent with the methodology used to calculate a baseline under section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 and included with a budget submission under section 1105(a) of title 31, United States Code, and transmit such estimate to the chairmen of the Committees on the Budget of the House of Representatives and Senate.''.*

*(c) CLERICAL AMENDMENTS.—(1) Section 1(a) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking the last sentence.*

*(2) Section 1022(c) of such Act (as redesignated) is amended is amended by striking ''rescinded or that is to be reserved'' and insert ''canceled'' and by striking ''1012'' and inserting ''1011''.*

*(3) TABLE OF CONTENTS.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by deleting the contents for parts B and C of title X and inserting the following:*

*''PART B—LEGISLATIVE LINE ITEM VETO*

*''Sec. 1011. Line item veto authority.*
*''Sec. 1012. Procedures for expedited consideration.*
*''Sec. 1013. Presidential deferral authority.*
*''Sec. 1014. Identification of targeted tax benefits.*
*''Sec. 1015. Treatment of cancellations.*
*''Sec. 1016. Reports by Comptroller General.*
*''Sec. 1017. Definitions.*
*''Sec. 1018. Expiration.*
*''Sec. 1019. Suits by Comptroller General.*
*''Sec. 1020. Proposed Deferrals of budget authority.''.*

*(d) EFFECTIVE DATE.—The amendments made by this Act shall take effect on the date of its enactment and apply only to any dollar amount of discretionary budget authority, item of direct spending, or targeted tax benefit provided in an Act enacted on or after the date of enactment of this Act.*

***SEC. 4. SENSE OF CONGRESS ON ABUSE OF PROPOSED CANCELLATIONS.***

*It is the sense of Congress no President or any executive branch official should condition the inclusion or exclusion or threaten to condition the inclusion or exclusion of any proposed cancellation in any special message under this section upon any vote cast or to be cast by any Member of either House of Congress.*

The SPEAKER pro tempore. The gentleman from Iowa (Mr. NUSSLE) and the gentleman from South Carolina (Mr. SPRATT) each will control 30 minutes.

The Chair recognizes the gentleman from Iowa.

GENERAL LEAVE

Mr. NUSSLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of the bill under consideration.

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

There was no objection.

Mr. NUSSLE. Mr. Speaker, I ask unanimous consent that the gentleman

from Wisconsin (Mr. RYAN), the chief sponsor of the bill and a member of the Budget Committee, be allowed to control the balance of my time after I speak and also be authorized to yield blocks of time to other speakers.

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

There was no objection.

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

One of the most important obligations Congress has to be good stewards of the tax dollars is to spend it wisely, to spend it prudently, and with the Nation's best interests in mind. I think it is fair to say honoring this obligation is as important today, if not more so, than probably any time in our history.

We have made progress over the past few years in regaining control of our nonsecurity and nonemergency spending, both on the appropriations side of the budget as well as on the enormous entitlement programs. We are going to continue to build on those efforts.

With economic growth in our country and the economy, with growth of jobs, now 5 million and counting, the economy is growing. Revenues are coming into the Treasury. We are holding down spending and reforming government, and the good news is the deficit is coming down.

Each and every day on the floor we bring appropriations bills from the great committee under the leadership of JERRY LEWIS to continue that trend that we have started, and that is controlling spending, rooting out all waste, fraud and abuse. That committee is doing an excellent job, and I commend them.

But I hear criticism, and I think many Members do, when we go back home to talk to our constituents, whether it is in Iowa where I live or across the country, that they really are tired of what they hear about when it comes to this earmark or special-interest spending that goes on that sometimes only benefits a very few people.

They also tend to surprise a lot of Members in the final conference reports that come through on a number of bills, not just the appropriation bills, but across the gamut of the work Congress does.

We all know the game; and frankly, most of us play the game. Members take the opportunity to slip in a special-interest goodie for their district into these enormous spending bills; and rarely, if ever, do we take the opportunity to look at each one of those projects that affects other people's districts. As a result, we don't get to look at all of the so-called pork-barrel spending that oftentimes goes into these projects. We all know full well that many of these so-called extras or extra spending would really never survive if it was subjected to all 435 of us providing our scrutiny.

But we also know that no one person can vote against these items because doing so would mean you would have to vote against the entire bill, most of which is for legitimate purposes. So we are never going to completely eliminate the appetite on both sides of the aisle for tacking onto these large bills these special-interest projects. But what we can do and what we continue to try and do today is reform the process and minimize the impact of these wasteful items on the taxpayer.

That brings us to the bill at hand. The Legislative Line Item Veto Act of 2006 introduced by the gentleman from Wisconsin (Mr. RYAN) provides an additional effective tool for reducing wasteful spending. It is endorsed, it is supported, it is cosponsored by a bipartisan majority of this House, men and women on both sides of the aisle, that for years on both sides of the aisle in a bipartisan way have been working not only to reform the budget process, but to figure out ways to adopt a so-called line item veto.

Presidents, for time immemorial, have chided Congress for not working on this. Our President today has done the same. We need to get this done. We need to put it into law. We need to try it with a sunset attached in order to make sure that we can move this down the field and reform wasteful spending.

Don't use the excuse that this is not a perfect bill. Don't use the excuse that this is somehow the wrong time. That's an excuse in an election year when you don't want to go home and explain to your voters why every press release you said you were for it, why every time you cosponsored it, why every time you voted for it, except this time. This time somehow it is not perfect; this time somehow it is political; this time the timing just doesn't quite seem right. Those are not excuses that will hold water with the constituents back home.

We need to take this opportunity to do what is right and move the Legislative Line Item Veto Act of 2006.

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

Mr. SPRATT. Mr. Speaker, I yield myself 5½ minutes.

Mr. Speaker, I can't help but notice the juxtaposition on the estate tax bill that will decrease revenues by $823 billion over its first 10 years of implementation and this bill which comes to us wearing the mantle of fiscal responsibility, but will barely dent the addition to the deficit we just made if that bill becomes law.

Mr. Speaker, I have written and brought to the floor of this House and seen to passage at least two, maybe three, expedited rescission bills back in the 1990s. But I can't bring those bills to this floor today because the Rules Committee won't let me. They shut me out 100 percent. Every amendment I requested was rejected, even though they were serious and substantive amendments.

So I would say to others who were here on previous occasions: Look at this bill carefully because it is not the same bill we have voted upon before.

This bill allows the President a window of 45 days in which to pick items to be rescinded. It allows the President to send five rescission bills for every appropriation bill. Five times 11, there are 11 appropriation bills, equals 55. If we have a President who makes full use of this, we are inviting chaos.

The original bill and the substitute I would have offered provide the President 10 days, which is enough. Furthermore, the more time you give the President, the more apt that the cuts he makes will be for political purposes rather than budgetary purposes. Ten days is enough for a budgetary review.

Secondly, this bill allows the House, us, Congress, to vote up or down. That's it, no amendments, no way that we can cull through the list that the President sends back up here and pick out what is a worthy project and make the case for them.

The original bill which we voted upon before and my substitute allowed a Member to go get 99 others and remove a worthy spending item from the rescission list.

Next, this bill allows the President to strike something called direct spending items. That's budget talk for Social Security, Medicare, Medicaid, veterans benefits, agriculture benefits, on and on. What we have in this bill is a fast track, an expedited track to passage, summary treatment of things that the President sends up here that are supposed to be turned around in less than 30 days, and that is no way to decide substantive changes in Medicare and Social Security, but that is what this bill provides.

The original bill and my substitute have no mention of Medicare or Social Security direct spending in it. It applied to discretionary spending, as it should.

This bill allows the President to strike targeted tax benefits. So did the original bill. I offered that amendment. But this bill defines targeted tax benefits to mean those with fewer than 100 beneficiaries. That was a targeted tax benefit.

This bill defines the number down to one beneficiary and lets the Ways and Means Committee chairman be the arbiter of that. This is a sham. It is a serious deficiency in this bill, and it distinguishes this bill from the others that have come before it.

This bill allows the President to impose a 90-day impoundment on spending items for which he seeks rescission, but by the track set up in this bill, it will only take 30 days for a rescission to run its course. Why not simply confine the amount of impoundment time to something close to the amount of time it will take to consider a rescission request?

This may seem like a small point, but we are giving a substantial grant of authority to the President. If it is abused or not used in a way that we approve, then we better keep it on tight rein. This bill sunsets in 6 years. We would sunset it in 2 years. Keep it on a

tight rein in case it is abused. It may be a small point, but it could be a major point as well.

There are other things that we would have proposed in amendments that we would offer that would make this bill better. The gentleman just talked about earmarks. We put earmark reforms in our substitute. You will not find the word ''earmark'' anywhere in this bill.

If you are going to do this, and your objective is to take down the deficit, then let's put something in here known to work toward that end, and that is the PAYGO rule. It worked so well for us in the 1990s and can work again for us. Why not use this moving vehicle in the name of fiscal responsibility to pass PAYGO as well as rescission? If we did something like that, you truly would have a bipartisan bill.

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

Mr. RYAN of Wisconsin. Mr. Speaker, I yield 10 seconds to the chairman of the Appropriations Committee, the gentleman from California (Mr. LEWIS).

(Mr. LEWIS of California asked and was given permission to revise and extend his remarks.)

Mr. LEWIS of California. Mr. Speaker, I congratulate the gentleman from Wisconsin (Mr. RYAN) for the work he has done on this very important bill. We have had our differences, but in the meantime he has been more than cooperative.

Mr. Speaker, I rise in opposition to the Legislative Line Item Veto Act. My opposition is based on Congress's experience with previous efforts to give the President line item veto authority, as well as my serious concerns over what this bill would do to the balance of budgetary power between the Legislative and Executive Branches.

During 1997, President Clinton exercised his authority under the Line Item Veto Act of 1996 to cancel spending authority or tax benefits 82 times. Total cancellations of discretionary budget authority amounted to $479 million, or less than three one-hundredths of one percent of the total fiscal year 1998 Federal budget.

The cancellations made during this period were mired in controversy. On October 6, 1997, President Clinton cancelled $287 million for 38 military construction projects in 24 States. Soon after the cancellations were announced, the administration admitted, in response to bipartisan criticism, that they had used flawed information in deciding to cancel nearly half of the projects.

The administration used three criteria in making these decisions. The cancelled projects: (1) were not requested by the military; (2) could not make contributions to the national defense in fiscal year 1998; and (3) would not benefit the quality of life and well-being of military personnel. These criteria were applied by the bureaucrats within the White House and OMB without consulting either the Department of Defense or the Members of Congress who sponsored the projects.

Congress's motivation for funding many of these projects was safety. A Live Fire Command and Control Facility at Fort Irwin, CA, would enable the Army to safely train personnel in the live firing of ordnance. Renovations at White Sands Missile Range, NM, would address the absence of fire suppression systems.

Other projects provided much-needed housing. One would provide housing at Dyess Air Force Base in Texas, where there were no existing facilities to house the 13th Bomb Squadron.

Appropriations Chairman Bob Livingston singled out a particularly egregious cancellation relating to the money for Army reserve units in Utah. He said, in a letter to President Clinton, ''I can only conclude that your decision was based on something other than an altruistic yearning to cut spending. Mr. President, this was an embarrassing mistake . . .''

The Clinton Administration responded to some of the criticism by stating that many of the cancelled projects would be requested in future budgets anyway. This only fueled congressional objections, however, as Members could not understand why the projects were not necessary now when they could be considered necessary in the next budget cycle.

Congress responded by passing a bill to disapprove the President's military construction cancellations. The bill was vetoed by the President. The House voted 347–69 and the Senate voted 78–20 to override the veto, enacting the bill and nullifying the cancellations.

On June 25, 1998, the Supreme Court ruled that the Line Item Veto Act violated the presentment clause of the Constitution, thus ending a divisive and contentious fight between the Executive and Legislative branches.

The experience of the original Line Item Veto Act should cause Congress to be extremely cautious about giving the President new line item veto authority. Even though implementation under H.R. 4890 differs from the 1996 Act, the proposed bill would transfer a great deal of budgetary power to the Executive Branch.

The expedited rescission authority mandated by H.R. 4890 would give new weight to the President's rescission proposals. While under current law any rescission proposal can be disregarded by Congress if it has no merit, H.R. 4890 requires votes in the House and Senate. The President, or even bureaucrats within the agencies or the Office of Management and Budget, would set the legislative agenda by deciding what rescissions to include in a bill.

A President could also structure his rescission messages with more of an eye toward politics instead of good policy. For example, a President, encouraged by his political advisors, could propose rescissions that target the projects of one political party. In this event, the debate over the bill would be blatantly political and would certainly lead to legislative stonewalling by the offended party. A President could also make deals with specific Members of Congress to further his legislative agenda. He could easily threaten to cancel an item directly benefiting a particular Member's district, and then back off his threat if that Member votes in favor of the President's program. If a President is interested in trading Members' projects for their support for expanded entitlement spending, for example, overall spending would actually increase.

H.R. 4890 could also present Congress with a procedural nightmare. Each rescission bill would use up to five hours of debate time in the House and ten hours in the Senate. The President could submit up to five rescission messages for each enacted spending or tax bill, or up to ten messages for an omnibus bill. A multiple-rescission-bill scenario could easily eat up precious legislative time when the legislative calendar is already severely limited.

A Republican Congress might tend to support a Republican President's rescission proposals. However, there may not always be a Republican President in the White House. Expedited rescission authority would provide new opportunities for conflict between a White House and Congress of differing parties. The result could be a legislative deadlock manufactured by the Executive Branch.

The experience of the Line Item Veto Act under President Clinton showed how contentious the debate could become over saving a relatively small amount of money. Congress should have serious reservations over giving the Executive Branch so much sway over the funding of congressional priorities and the framework of the legislative agenda.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself 5½ minutes.

Mr. Speaker, I am pleased to be bringing this bill to the floor today, and I would like to explain why we are doing this, why this is needed.

Just last year, according to the CRS or Citizens Against Government Waste, whichever group you want to talk about, we had over 10,000 earmarks here, totaling almost $28 billion.

Mr. Speaker, not every one of those earmarks came in just conference reports, but many of them did.

□ 1615

Mr. Speaker, we need more transparency and more accountability in how we spend the taxpayer dollars. In particular, Mr. Speaker, we ought to have the ability to be able to have votes on the individual merits of spending items, particularly those that we never have a chance to vote on, things that go into conference reports.

The earmark reform legislation that was passed earlier by this body did a lot to address bringing more transparency and accountability to the spending system as bills come to the floor. This is a perfect complement to that, the legislative line item veto, because after bills are considered, after conference reports are dealt with, we often find out that in conference a lot of things get put into those bills that we didn't get a chance to scrutinize. We ought to be able to vote on those things.

Now, how does this work?

And I want to get to the constitutional point in just a moment. Here is exactly how the process is laid out under this constitutional legislative line item veto: number one, after a bill becomes law, the President identifies an item of discretionary spending, direct spending or special interest tax break in legislation that is being signed into law. The President then submits a special message to Congress, no more than five, asking for the rescission of a spending item or items. After receiving this bill or messages, the House and the Senate have a total of 14 legislative days to bring it to the

floor for an up-or-down vote. If the House and Senate pass the President's rescission request, it is sent to the President and becomes law. If either House votes against it, the rescission is not enacted.

This is far different than the earlier legislative line item veto. This is not your father's line item veto. In fact, I agree with the Supreme Court ruling that said that the earlier line item veto was unconstitutional, because that line item veto, among other things, violated the separation of powers. This protects the prerogatives of the legislative branch, specifically, because this: the action is executed by Congress, not the administration. Under the old version the administration made the decision. Line item veto. That is the end of it. If Congress didn't like it, they would have to come up with a two-thirds vote to override that. That is not how this situation works.

Under this system, the President, who already has similar existing rescission authority, sends a rescission request to the Congress, just like he can do today. Only under this situation, we simply add a fast track authority, like we do with a lot of other legislation, like trade legislation, whereby we can't duck the vote by within 14 legislative days the House and the Senate vote on this, up or down. We decide in Congress. We vote to affirm the rescission. If we choose not to pass the rescission, the rescission does not take place. The money is spent. This is constitutional to the point where the gentleman who argued against the line item veto successfully in the Supreme Court in 1998 came to testify in three different committee hearings, Charles Cooper, as to the constitutionality of this, that this does, in fact, protect the prerogatives of the legislative branch; that this is consistent with the bicameralism and presentment clause in the Constitution, and maintains the separation of powers.

Now, we have worked with a lot of parties. We have worked with Democrats, constitutional experts, Republicans, OMB. In fact, this bill has been so bipartisan in the past, similar legislation has been proposed. In 1993, H.R. 1578 received 250 votes, including 174 Democrats. In 1994, H.R. 4600 received 342 votes, an expedited rescission bill, 173 Democrats. Two years ago, Congressman Charles Stenholm and I, a Blue Dog Democrat, brought it to the floor. We got 174 votes for virtually the same legislation, where we got 45 Democrats.

Now, the gentleman from South Carolina, the ranking member, has brought a lot of good points to the table. He is a gentleman who has watched this process for many years and understands this process very, very well. In particular, he brought six items of concern to the committee 3 weeks ago, which I took very, very copious notes of, which I took to heart. And because of that, we have made six big changes to this bill to try and improve this legislation, because I think the gentleman from South Carolina made excellent suggestions.

We limited time on the President's submission of a rescission request. We limited the number of requests. We wrote a ban on duplicative requests so the President couldn't send a request over and over and over and tie us into knots. We shortened the deferral period to the minimum amount necessary. We clarified that existing entitlements are exempt. Not Medicare, not Social Security, not other entitlements. We put a sunset in here so that we can revisit this law in 6 years to make sure that the balance of power is maintained.

Why is this needed, Mr. Speaker?

I think the success of this tool will be judged more in how much wasteful spending doesn't get put into bills and less on how much wasteful spending we take out of bills. Having this deterrence, having this extra layer of accountability will bring the level of sunshine, transparency and accountability to the spending and taxing process in Congress exactly where it is needed the most.

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

Mr. SPRATT. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. PRICE).

(Mr. PRICE of North Carolina asked and was given permission to revise and extend his remarks.)

Mr. PRICE of North Carolina. Mr. Speaker, all this posturing about fiscal responsibility is nothing more than a side show. This legislation is not about fiscal responsibility. Look no further than the Republican estate tax bill this House just passed. Putting us nearly $1 trillion further in debt over the next 15 years for the sake of a few of our country's wealthiest families is evidence enough of where the priorities of the Bush administration and the Republican congressional leadership lie.

In fact, the line item veto has very little to do with budgeting at all. It has everything to do with power, Presidential power. The shift of constitutional power from Congress to the executive branch has greatly accelerated since the 1990s. As congressional scholars Tom Mann and Norm Ornstein observe, the Republican Congress, under the administration of George W. Bush, has featured ''a general obeisance to Presidential initiative, and passivity in the face of Presidential power.''

This bill would tilt the balance of power even further in the direction of the White House. Specific provisions of the bill would give the President inordinate control over the appropriations process. For example, the President could cherry-pick from among a wide range of provisions, authorizations or appropriations, discretionary or mandatory, and package them together in whatever way he saw fit, requiring Congress to vote up or down on the entire package.

This bill would give the White House unprecedented leverage over Congress by allowing the President to condition his support for our priorities on our acquiescence in his priorities. It is for this exact reason that many experts believe this bill would actually increase government spending, not reduce it.

Now, Mr. Speaker, I will take a back seat to no one in targeting bridges to nowhere and other examples of congressional waste. But I also know this: Presidents almost invariably ask for more money than Congress is willing to appropriate. And the profligacy of our current President is well documented.

The line item veto is not about spending versus saving. It is about letting the President, not Congress, decide what we are spending money on.

Mr. Speaker, if the leadership of this House were serious about getting our finances in order, it would never have abandoned the pay-as-you-go rules, which helped produce balanced budgets and even surpluses in the 1990s. And it would reinstate those rules today, as proposed by Mr. SPRATT's substitute.

The Spratt substitute would also have addressed several other key weaknesses of H.R. 4890. But once again, the House leadership has rigged the rules to deny us a vote on it. Instead, we get this fig-leaf bill designed to hide the fiscal sins of this Republican Congress from the American public.

Mr. Speaker, the House of Representatives has three fundamental powers: declaring war, conducting oversight, and the power of the purse. We have already gone a long way to sacrifice the first two to the executive branch. Do we really want to give away the only one we have got left?

I urge my colleagues to oppose this misguided legislation.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield 2 minutes to the distinguished majority whip, Mr. BLUNT.

Mr. BLUNT. Mr. Speaker, today I come to the floor in support of this bill, the Line Item Veto Act, and I applaud Congressman PAUL RYAN for his hard work on this legislation.

The Line Item Veto Act will work to eliminate wasteful spending, safeguard against questionable appropriation decisions, and further protect taxpayers' dollars from waste, fraud and abuse. It becomes another important tool that helps us restrain spending and meets the constitutional test that the line item veto given to the President during the Clinton administration but reversed by the Supreme Court could not meet. It may not be everything that line item veto was, but I think Mr. RYAN has worked hard to make it everything it could be and meet that constitutional standard.

At the same time, it increases transparency in the process, it protects legitimate spending requests that direct funds to carry out important projects that benefit Americans, and it also gives Congress the final word in that important constitutional responsibility that the previous speaker mentioned

was uniquely given to us. We bring someone else into this process in a way that helps. It will make a difference. I think it is more than barely a dent, but even a dent becomes another tool, makes a difference. I think it makes a significant difference.

Mr. RYAN has worked hard. He was given six challenges to the original proposal that he brought to this Congress. He made six significant changes.

I urge my colleagues to join him in passing this bill and giving the President and this Congress the assistance that this and future Congresses need to help us restrain spending in Washington.

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

Mr. MOORE of Kansas. Mr. Speaker, I would support the proposal before this House today if there were just one additional provision, and that is something I moved during the Budget Committee last week, to reinstate and add as an amendment to this PAYGO provisions that Mr. SPRATT mentioned early.

PAYGO sounds complex. All it really is if you have a new spending proposal or a new tax cut proposal, the first section is, here is my proposal. The second provision is, here is how it will be paid for.

If we want to truly restore fiscal responsibility to this body, and to our Nation, we need to reinstate PAYGO that expired in 2002.

Over the last 5 years Congress has raised the debt limit four times by $3 trillion; raised the debt limit by $3 trillion in the last 5 years. The most recent was almost $800 billion in March of this year.

Unfortunately, our current fiscal carelessness is going to land squarely on the shoulders of our kids and grandkids. We are putting our children and grandchildren in a hole so deep they may never be able to climb out. Each person in this country now has their share of the national debt at $28,000.

This debt tax, Mr. Speaker, that we are imposing on our children and grandchildren cannot be repealed and can only be reduced if we take responsible steps now. We should and must reinstate PAYGO rules. In fact, former chairman of the Federal Reserve Board Greenspan testified in front of our Budget Committee, as did David Walker, the Comptroller General of our country, in favor of reinstating this rule.

Again, I would support line item veto if we had the addition of PAYGO rules. I think we need to take this measure now, and I urge people to look at this seriously and to reinstate PAYGO.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I want to say this: as a member of the Appropriations Committee, I am proud that this year the House Appropriations Committee has eliminated 95 different programs and greatly reduced the number of Member projects and earmarks. In each year we receive about 25,000 requests for earmarks. And yet, if there is another tool out there that we can use to scrutinize spending, I don't think any of us should be afraid to do it.

I support the line item veto. I think that the compromise that Mr. RYAN has crafted to get around the questions that we, as a Republican Congress, gave to the Democrat President Clinton administration, I think we should support this for any administration and leave party out of it.

It would give the President of the United States a tool, and it would give a self-imposed threat to this Chamber to make sure that anything that we put in the bill would stand the test of public scrutiny and transparency. If I have put an earmark in the appropriations bill, I ought to be able to defend it, and I ought to be able to defend it not to just any Democrat or Republican on the floor of the House, but to the President of the United States and to the folks back home.

I am not afraid of this. I think this is good fiscal policy. It builds on what the Appropriations Committee has already been doing in terms of eliminating 95 existing programs and bringing down Member earmarks tremendously. So I support this bill, and I hope that everybody else will.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Speaker, I share my good friend from Wisconsin's commitment to trying to lower the budget deficit.

Mr. SPRATT. Will the gentleman suspend?

I will yield you more time.

I simply want to say to my friend from Georgia, if you want transparency as to earmarks, we offered an amendment. The Rules Committee would not make it in order. Our substitute addresses the issue of earmarks. It reinstates the earmark reforms in the Obey bill which is now languishing in conference.

I yield the gentleman 2 minutes.

Mr. BAIRD. I thank my ranking member.

The gentleman from Wisconsin is well intentioned. We all, I think, recognize the need to reduce the size of this deficit.

□ 1630

But there is an irony here, and the irony is this: The gentleman spoke about the need for transparency and accountability. I absolutely agree. But I would ask my friends on the majority side, if we are talking about transparency, why is it that time after time after time you bring bills before this body, giving us less than 24 hours to read them? Ironically, this bill gives the President 45 days to look at legislation before filing a rescission, and then we have 14 legislative days to act on that. You do not give us 14 hours to read the original bills.

We offered in the Budget Committee a proposal that would give us 72 hours, a mere 3 days, to read thousands of pages, spending hundreds of billions of dollars. It is was ruled out of order. Why is it that in our effort to establish fiscal responsibility we do not take responsibility ourselves, we hand it to the President and say keep us from sinning once again?

We have the authority within this body to review legislation if we would just insist that the Rules Committee pass a 72-hour rule and enforce it, not override it with the appropriately named ''martial law'' rules that they do. Let us require a full two-thirds vote of this institution before any bill is brought to this floor with less than 72 hours to read.

There is a Web site people can refer to, readthebill.org, and you can check this out. It is common sense. The public supports it. If we want to start bringing this House in order, let us bring our House in order, not give the keys to the executive branch, because I fear that the Framers would not have approved that.

I thank the ranking member for his leadership.

Mr. RYAN of Wisconsin. Mr. Speaker, at this time I yield 1½ minutes to the gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. Mr. Speaker, I thank Mr. RYAN for his leadership on this issue.

What we are dealing with today is a significant piece to a puzzle. Because it is a puzzle. There is no question that in terms of having greater accountability and having fiscal responsibility, there are a number of steps we need to take as a Congress. And the piece today is talking about opening to the light of day certain earmarks that ought to be open to the light of day. And I would echo the comments of Mr. KINGSTON. If I have an earmark, I ought to be willing to put it up for an up-or-down vote. Everybody in this Congress has requested earmarks, and everyone should be comfortable defending those earmarks. And this is all about shedding the light of day on that process. And it will result, even without having a rescission, it is going to result in Members of Congress being a little more careful and being a little more substantive in the proposals they make, and it is going to make this body more accountable.

So with that in mind, I encourage my colleagues in a bipartisan way to embrace this work and to continue the work after this bill because, as I said, there are a number of steps we can take to encourage accountability and encourage greater fiscal responsibility. But this is an important piece and important step in pursuing that goal.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. PETERSON).

Mr. PETERSON of Minnesota. Mr. Speaker, I thank the gentleman for yielding.

I rise today in opposition to this bill, which threatens the ability of the Agriculture Committee to develop farm policy that addresses the new challenges that face American agriculture.

For 16 years I have represented a rural district in Congress, and during that time I have served on the Agriculture Committee, helping to write the last three farm bills. Those of us who serve on the Agriculture Committee have spent a lot of time learning about and talking to those involved in American agriculture. We have a responsibility to develop farm policy that is fiscally responsible and that keeps our farmers competitive and strong.

As the Agriculture Committee begins the process of writing the next farm bill, we will try to address the many emerging challenges that face American producers. As we consider priorities for agriculture, any new investments in bioenergy, conservation, specialty crops, and other programs, the farm bill will face yet a new hurdle. The farm bill has always had an uphill battle. As our country moves away from its agriculture roots, we must constantly reach out to our urban and suburban colleagues. Now we would face the real possibility that the President would veto the spending priorities that we set with input from all of agriculture, and, in my opinion, this could threaten the very delicate balance that we must maintain in the committee.

If we pass this bill and allow the President to cancel any new direct spending item, we will gut the Agriculture Committee's ability to create farm policy that addresses the new and changing world that our producers face.

In closing, I want to remind my colleagues that in 1993, when Democrats controlled the Congress and the Presidency, we reduced spending $192 billion over 5 years. Why is it that the Republicans can only hand us more deficit spending and a spiraling debt? This Line Item Veto Act is an admission, in my opinion, of the inability on the other side to control spending.

This bill fails to recognize what we should be doing: working together in Congress and with the White House to set priorities and to spend the taxpayers' money responsibly.

Mr. RYAN of Wisconsin. Mr. Speaker, I think the gentleman from Minnesota will be happy to know that under the way this bill works, you cannot go after mandatory programs in the farm bill that already exist. So you cannot go back and take a commodity program out.

Mr. Speaker, I yield 2 minutes to the distinguished Member from Florida (Mr. CRENSHAW), a member of the Budget Committee.

Mr. CRENSHAW. Mr. Speaker, I thank the gentleman for yielding, and I thank him for his hard work, working on this legislation.

I am proud to be a cosponsor of this and rise to ask my colleagues to vote in favor of this.

I cannot help but be a little bit amused when I hear some of the opponents stand up and say that they kind of think this gives too much power to the President. It is like some brand new secret idea that the Republicans dreamed up to give a Republican President more power than he ought to have.

I just want to remind everyone this is not a brand new idea. It has been around a good while. People have pointed out that 43 governors in the States around the country have the same or similar kind of power, that we passed legislation like this through the Congress before. In fact, people have said they like it, both Democrats and Republicans.

Let me read you what one of the strongest supporters of this legislation, this line item veto, said. He said: ''The fresh air of public accountability will glow through the Federal budget. This law gives the President tools to cut wasteful spending, and even more important, it empowers our citizens, for the exercise of this veto or even the possibility of its exercise will throw a spotlight of public scrutiny onto the darkest corners of the Federal budget.''

Do you know who said that? President Clinton said that when he signed similar legislation in 1996.

I could not say it any better. I just urge my colleagues to add this tool to our arsenal. If you are serious about getting a handle on controlling spending, you will vote in favor of this.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I thank my good friend for yielding me this time, but also for the substitute that he was hoping to offer here today so we could have a legitimate and honest debate about the direction we need to go for fiscal responsibility in the House. Unfortunately, because of the way the rules are structured, we are prohibited from offering any amendments or this gentleman's substitute, which I think has a lot of merit.

I can understand that people with good intent, and there are many in this Chamber, can support a piece of legislation. Philosophically I agree that we need to get at the heart of earmark reform. We need to move forward on earmark reform as this session progresses because this legislation alone will not deal with the issue. And I could support a piece of legislation like that if I thought there was the institutional will here in Congress and also down on Pennsylvania Avenue to finally get serious about fiscal responsibility.

But the facts are what they are, that under the Republican leadership over the last 6 years, we have had the largest and quickest increase in national debt in our Nation's history, that this President is the first President since Thomas Jefferson who has refused to veto one spending bill during his entire administration. He is not even using the rescission powers that are already granted to him that this legislation now is meant to expedite, and that is unfortunate.

But the real issue, if we are going to get serious about getting back on fiscal track as a Nation, is we have got to go to what has proven to work. And what worked in the 1990s was something very simple called pay-as-you-go. It required tough budgeting decisions on both the spending and the revenue sides that led to 4 years of budget surpluses where we were paying down the national debt rather than increasing the debt burden for our children and grandchildren and, even more importantly, becoming more dependent on foreign countries such as China to be financing our deficits today.

I am one of the institutionalists around here who feel that we have ceded too much power, too much control, too much authority to this administration or future administrations. And if anyone in this Chamber wants to stand up and claim that we are a coequal branch of government today, they are fooling themselves. This legislation will make it even worse.

Mr. RYAN of Wisconsin. Mr. Speaker, given that my friend from Wisconsin voted for virtually the same bill 2 years ago when Charlie Stenholm and I had it on the floor, I hope we can count on his support again.

Mr. Speaker, at this time I yield 1½ minutes to the gentleman from Texas (Mr. CUELLAR).

Mr. CUELLAR. Mr. Speaker, I thank Congressman RYAN and Ranking Member SPRATT.

I am a cosponsor of this legislation because my belief and my experience show me that this is an effective tool to restoring accountability in our government. Mr. Speaker, this legislation is a good starting point to begin the process of eliminating wasteful spending in government.

This bill gives the President the latitude to recommend that appropriations, direct spending, or tax breaks be cut. These items are commonsense in nature and cross party lines. A spending item is as eligible for cancellation as a tax break. The items that are eligible for cancellation or rescission send a clear message to our constituents that we are serious about government accountability.

Common misperception holds that the President has the final say on items that he wishes to eliminate, but this is not correct. Under this legislation Congress has the final say. The President can recommend, but it is up to Congress to vote up or down on his particular cuts. Congress retains the power to say ''no.'' There is no threat to our constitutional powers of the purse.

To address the concerns that the line item veto is a political tool, I urge my colleagues to keep in mind that neither party has a monopoly on the executive

branch. While the President is of one party today, this can certainly change tomorrow.

I urge my colleagues to vote for this bill that helps restore accountability in Washington and restores the faith of our constituents.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, this bill has nothing to do with fiscal responsibility. If we were interested in fiscal responsibility, we would not have passed the tax bill just a few minutes ago that adds, over the course of just a few years, trillions of dollars in new deficits without any way to pay for it.

Mr. Speaker, 5 years ago we had a $5.5 trillion 10-year surplus. Now those 10 years look like they are going to come in at about a $3.5 trillion deficit, a $9 trillion reversal. If this bill had been in effect during those years and the President had used his new powers the way we might hope, we might have saved a few hundred thousand dollars, a few million, maybe even a few billion, but that is negligible compared to the $9 trillion reversal. And that is if the President used the new power in a fiscally responsible manner. Nothing in the bill prevents the President from using his new powers to coerce even more irresponsibility, such as using it as a hammer to coerce Members to support new tax cuts without paying for them.

Finally, Mr. Speaker, on the tax provisions, the bill only allows the President to veto teeny weeny, little targeted tax cuts, but does not allow him to veto huge, gargantuan, irresponsible, unpaid-for tax cuts.

Mr. Speaker, this path to fiscal responsibility is paved with hard choices. This ineffective gimmick is not one of them. We should reject the bill.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself 20 seconds to answer what the gentleman mentioned on tax cuts.

The reason we go after tax rifle shots is we do not want to give the President the power of setting policy that Congress has. We are going after pork, tax pork, spending pork, not tax policy. That would be to abrogate our responsibility of setting policy to the executive branch, and we do not want to do that. That is why the bill was written as it is today.

Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Speaker, I thank the gentleman from Wisconsin for what he has done and for yielding.

Mr. Speaker, I would just like to add this as my own personal perspective. I was a State legislator and lieutenant governor and I was a governor. So I had this both used in a situation in which I was worried about it, in a situation in which I used it, and then I came to Congress and I actually introduced legislation on this early on and later was a cosponsor of that legislation which became law and was later overruled by the Supreme Court.

I have heard a lot of arguments today, and I have listened to this both in the rule debate and here pretty intently. And there were discussions like, oh, we are taking away revenue at the same time we are trying to do this, how can this be fiscally responsible?

This is not all that big a deal. The bottom line is it is another measure which will help us move in the direction of transparency, which will help us move in the direction of perhaps balancing the budget. This itself will never balance the budget. It is too small an item as far as that is concerned. It is similar to a rainy day fund. It is similar to earmark reform or a sunset provision or a variety of other budgetary process matters that I think that we should take up in an effort as Republicans and Democrats to do this.

□ 1645

This particular President, if people are concerned about that, will only be President 2½ more years. At some point we will have a different makeup of the Congress, a different makeup of the Presidency, and hopefully this will be around for 100 years.

But it is a very significant budgetary tool. The reason it is significant, Mr. Speaker, is because it makes people get together and talk about this, and people are very reluctant to proceed with something that may put in the light of day that which they may not want to see in the light of day. So you see a lot of restrictions.

It brings the executive branch and the legislative branch together in terms of planning where we are going to go as far as budgets are concerned. Unfortunately, that is not happening enough today. I think we are all concerned about budget deficits, we are all concerned about a lot of the problems which exist out there, and I think we need to work together to get this done.

So in my mind, adopting this is relatively simple. It is something we should be doing; it is something I would hope 100 percent of this Congress would support. I urge everyone to support it.

Mr. SPRATT. Mr. Speaker, I yield myself such time as I may consume to address an issue that Mr. RYAN spoke to just a moment ago.

This bill does apply to new direct spending items. Now, there could be some disagreement over what that means, but direct spending is mandatory spending, it is entitlement spending, and under that broad rubric falls Medicare, Medicaid, Social Security and veterans benefits.

The reason we are very concerned about broadening the reach to include mandatory programs like that is that these are programs people depend upon; and what this bill essentially does is create a fast track, a 30-day turnaround. The President sends a bill here, we can't amend it in committee, we can't amend it on the floor, we only have an up-or-down vote, we have a limited amount of time for debate. It is a fast track with no substantive input from Congress, and I would hate to see us make an ill-advised change in Social Security or Medicare simply because it got wrapped up with other spending issues and was pushed through here on such a small fast track that we didn't realize the consequences until we woke up a month or two later.

Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, in the end, there are only three essential powers that make the Congress the greatest legislative body in the history of the world. The first is the power to investigate; the second is the power to declare war; and the third is the power of the purse.

This Congress has already supinely given away most of its ability to declare war. It ceded that largely to the President.

This Congress has also engaged in a pitiful amount of oversight and investigation over the past 5 years.

The only remaining power that Congress has is the power of the purse. If Members of this body want to diminish that power and further weaken the ability of the legislative body to do its job, then, by all means, vote for this underlying bill. If you think it wouldn't be a good idea to do that, then you ought to vote against it.

Can you imagine what a President like LBJ would have done with these powers to someone like Gaylord Nelson, from my own State, one of the three people who cast a vote against the original appropriation for Vietnam? LBJ would have put his arm around Gaylord's shoulder and he would have said, Gaylord, if you can't see your way through to be with me on the war, you are going to lose an awful lot of things you care about in that budget. I will make your life miserable. I will send down rescissions again and again and again, on the wilderness, on you name it.

I believe that the most pernicious aspect of this proposal is that it will further gut the ability of Congress to review a President's foreign policy initiatives in an independent fashion. God knows we have already failed in our responsibilities with respect to keeping us out of the dumbest war since the War of 1812, in Iraq, and this ill-advised proposition will simply make those matters worse.

I would urge an ''aye'' vote for the Spratt substitute and a ''no'' vote on the underlying bill.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, at this time I would like to respond to something that the gentleman from South Carolina said. He said under this bill we could go after mandatory programs like Social Security, Medicare, veterans benefits.

Let me be very clear: you cannot with this program go after Social Security, Medicare and veterans benefits as we know it today. We are saying new programs. Why do we say it that way? Why new direct spending programs?

There are 5,000-plus earmarks in the transportation bill just this last year. Why should that be taken off the table? If you did that, then the Bridge to Nowhere would be exempt from the line item veto. I think most people who know this stuff think the Bridge to Nowhere ought to be one of the things that the President would want to go after under the line item veto.

We are talking about new programs, not the existing entitlement programs that we have come to know and enjoy for many of our constituents.

Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Colorado (Mr. UDALL).

(Mr. UDALL of Colorado asked and was given permission to revise and extend his remarks.)

Mr. UDALL of Colorado. Mr. Speaker, I thank the gentleman for yielding, and I rise with great respect for my friends on my side of the aisle when it comes to this proposal today.

I took an interest in this starting 2 years ago when it seemed to me we needed some additional tools to bring these budget deficits under control. We have gone from surpluses to enormous deficits, and from reducing our national debt to increasing the debt tax on our children; and it is my opinion that this bill will help us begin to bring our budget back into balance.

As has been mentioned here, it follows the approach of our former colleague Charlie Stenholm, and it also mirrors what 43 Governors have, as our friend Congressman CASTLE mentioned earlier today. It also mirrors a bill that I introduced in the last Congress as well.

So, in sum, this will promote accountability. It will promote transparency. It is a small start. I believe that it balances the constitutional responsibilities between the President and the Congress; and perhaps if we pass this today, then we create some momentum so that we move toward putting PAYGO back in place and reining in the earmark situation that we now face in this Congress that in part has led us to these enormous deficits.

So let's pass this. Let's work together. Let's find a way to balance the budget and not pass on the debt tax to our children.

I thank the gentleman for yielding, and, again, I rise in support of this important piece of legislation.

Mr. Speaker, over the last 5 years we've seen a dramatic change in the Federal budget—a change for the worse.

We've gone from budget surpluses to big deficits, and from reducing the national debt to increasing the "debt tax" on our children.

There's no mystery about how this happened.

Partly, it was caused by a recession.

Partly, it was caused by the increased spending needed for national defense, homeland security, and fighting terrorism.

And in part it was caused by excessive and unbalanced tax cuts the president pushed for and Congress passed.

This bill does not directly address those major causes of our budgetary problems.

Fixing them will take long-term work on several fronts, including taxes.

And it will take stronger medicine than this—such as restoring the "PAYGO" rules that helped bring the budget into balance in the past.

That's why I thought the House should have been able to at least debate a stronger version of this bill, in the form of the substitute proposed by the gentleman from South Carolina, Mr. SPRATT.

And that's why I voted against the Republican leadership's restrictive rule that prevents even debating that substitute.

But, even so, I support this bill because it can help, at least a little, to promote transparency and accountability about spending items and tax breaks.

We have heard a lot of talk about spending "earmarks"—meaning spending based on proposals by Members of Congress instead of the Administration.

Some people are opposed to all earmarks—but I am not one of them.

I think Members of Congress know the needs of their communities, and I think Congress as a whole has the responsibility to decide how tax dollars are spent.

And earmarks can help fund nonprofits and other private-sector groups to do jobs that Federal agencies are not able to do as well.

In short, not all earmarks are bad.

In fact, I have sought earmarks for various items that have benefited Coloradans—and I intend to keep on doing that.

And a similar case can be made for targeted tax breaks, as well.

Still, we all know some bills have included spending earmarks or special tax breaks that might not have been approved if they were considered separately.

That's why the President—like his predecessors—has asked for the kind of "line-item veto" that can be used by Governors in Colorado and several other States.

And that's why about 10 years ago Congress actually passed a law intended to give President Clinton that kind of authority.

But the Supreme Court ruled in 1998 that the legislation was unconstitutional.

And I think the Court got it right.

I think trying to allow the President to in effect repeal a part of a law he has already signed—and saying it takes a two-thirds vote in both Houses of Congress to restore that part—went too far.

I think that kind of line-item veto would undermine the checks and balances between the Executive and Legislative branches of the government.

So, I could not support that kind of line-item veto.

But this bill is different.

It is a practical, effective—and, best of all, Constitutional—version of a line-item veto.

It is not unprecedented. It follows the approach of legislation passed by the House of Representatives several times during the Clinton administration under the leadership of our former colleague Charlie Stenholm and others, including Tom Carper, Tim Penny and John Kasich.

It also is similar to bills I introduced under the heading of measures to "Stimulate Leadership in Cutting Expenditures," or "SLICE."

Under this bill—as under SLICE—the President could identify specific spending items he thinks should be cut—and Congress would have to vote, up or down, on whether to cut each of them.

Current law says the President can ask Congress to rescind—that is, cancel—spending items. But Congress can ignore those requests, and often has done so.

This bill would change that.

It says if the President proposes a specific cut, Congress can't duck—it would have to vote on it, and if a majority approved the cut, that would be that.

So, it would give the President a bright spotlight of publicity he could focus on earmarks or special tax breaks, and it would force Congress to debate those items on their merits.

That would give the President a powerful tool—but it also would retain the balance between the Executive and Legislative branches.

I think that is very important, and I appreciate having had the opportunity to work with Mr. RYAN and others to fine-tune the bill while it was being considered in committee. I think the result has been to improve the bill considerably.

Mr. Speaker, under the Constitution Congress is primarily accountable to the American people for how their tax dollars are spent.

By making the taxing and spending processes more transparent and specific, this bill can promote that accountability.

Of course, without knowing what the President might propose to rescind, I don't know if I would support some, all, or any of his proposals.

But I do know that people in Colorado and across the country think there should be greater transparency about our decisions on taxing and spending.

And I know that they are also demanding that we be ready to take responsibility for those decisions.

This bill will promote both transparency and accountability, and so I urge its approval.

Mr. SPRATT. Mr. Speaker, I yield 4½ minutes to the gentleman from Maryland (Mr. HOYER), the distinguished Democratic whip.

Mr. HOYER. Mr. Speaker, I thank the ranking member for yielding.

Mr. Speaker, for 5½ years now the Republican Congress and the administration have pursued what I have said repeatedly is the most reckless fiscal policy in the history of our Nation. I believe that.

When George Bush took office, he inherited a projected 10-year budget surplus of $5.6 trillion. There is no dispute on that. George Bush said that on the floor of this House. In March of 2001, he promised the American people, "We can proceed with tax relief without fear of budget deficits, even if the economy softens."

Let's compare Republican rhetoric with reality. That projected deficit surplus has been turned into a projected budget deficit of some $4 trillion, a historical fiscal turnaround of more than $9 trillion.

Republicans have created the four largest budget deficits in American history. We Democrats have no power in this House or in the Senate or in the Presidency. It has been Republicans alone that have created these deficits.

They have raised the debt limit four times, and House Republicans have voted to increase it by an additional $653 billion, to a total of $9.6 trillion. Let me repeat: we had a $5.6 trillion surplus in January of 2001, according to President Bush; we now have an authorized debt of $9.6 trillion.

They have spent every single nickel of Social Security money. It is no wonder that former Republican House majority leader Dick Armey of Texas told the Wall Street Journal in 2004, ''I'm sitting here, and I'm upset about the deficit, and I'm upset about spending. There's no way I can pin that on the Democrats. Republicans own the town now.''

Given their record, I think it takes some audacity, chutzpah perhaps would be a better word, for our Republican friends to come to this floor today with this so-called Legislative Line Item Veto Act and bemoan the growth in Federal spending and the dire fiscal condition, created by whom? Created by them. Republicans, after all, own the town, as I said Dick Armey noted.

Yet the President has failed to veto one bill. We are talking about a line item veto? This President has not vetoed a bill. This President has gone a longer period of time than any President in over 195 years in this Nation and he hasn't vetoed anything. All of the spending has been marked ''approved'' by George W. Bush, the President of the United States. He doesn't exercise vetoes.

This Republican majority refuses to embrace the one real method of restraining spending and restoring fiscal discipline, the pay-as-you-go budget rules that applied to both spending and taxes and were adopted, I tell my Republican friends, in bipartisan votes in 1990 and again in 1997.

But you jettisoned them. Why did you jettison them? You jettisoned those rules because you knew you couldn't fit your tax cuts into them. You didn't have the courage to cut spending to meet your tax cuts. That is a fair policy. If you don't want to spend, fine. If you want to cut taxes, fine. Cut spending. That is a fair policy. You haven't done that.

You cut revenues, and you increased very substantially revenues, period. And don't talk to me about the war. You included spending very radically on entitlement programs, the biggest increase in entitlement spending since 1965 on your watch, with very little help from Democrats, who overwhelmingly voted against those increases.

As the New York Times stated on Monday: ''The line item veto bill is an attempt to look tough while avoiding the tried-and-true, and truly tough, deficit fix: reinstating the original pay-as-you-go rules.''

Mr. Speaker, this bill is very different from versions introduced in the 1990s. It not only fails to include PAYGO rules, but also applies to mandatory programs, including Medicare and Social Security. It gives the President 45 days to send a rescission message and fails to give Congress the power to amend the rescission package.

We are the policymakers. Article I. This Congress is the most complacent, complicit Congress perhaps in history in terms of being a lap dog for the President of the United States. We are a coequal branch. We are not a branch to ask leave of the President to take action.

The majority, unfortunately, refused to allow us to consider the substitute JOHN SPRATT wanted to offer. Don't you have the courage to argue the merits of your case and let us argue the merits of our case and have a vote? Are you so afraid of the alternatives that you won't even allow the vote?

We ought to vote this down. It is a ruse, it is a fraud, it is a sham.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before I yield to the gentleman from Texas, I would simply like to point out I think the gentleman from Maryland said we need to cut more spending. I agree. That is why we should pass this. In fact, the gentleman from Maryland voted for similar legislation that I offered with Charlie Stenholm 2 years ago and two expedited rescission bills that the gentleman from South Carolina authored in the past. So I hope we can enjoy your support this time around.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Speaker, first I want to congratulate the gentleman from Wisconsin for his principled leadership in the area of the budget and to bring the line item veto back to the House. But watching this debate, Mr. Speaker, I find it both sad and amusing to see how many Democrats who have supported line item veto in the past now oppose it. In trying to justify their new-found opposition, we are now witnessing acrobatics and contortions that we haven't seen since the circus came to town.

□ 1700

The line item veto has been supported by such Democrats as President Bill Clinton, Vice President Al Gore, Senator JOHN KERRY. The last time it was enacted in this body and became law over two-thirds of the Democrats voted for it.

But, Mr. Speaker, it is now an election year. The Democrat leadership again says no. But no is not an agenda; no is not a vision. And by saying no to the legislative line item veto, Democrats are saying yes to more wasteful spending.

Mr. Speaker, we know that almost every Governor in America already has some form of the line item veto to help combat wasteful spending. It brings transparency and accountability into a process that sorely needs it.

Now, this bill before us is frankly a very simple one. It allows the President to highlight examples of wasteful spending, submit them to Congress on an expedited basis, and have Congress vote on it. That is all it does. Nothing more, nothing less. But what is really important, Mr. Speaker, is that the savings, the resulting savings can only go for deficit reduction. Mr. Speaker, Democrats can't have it both ways. They can't oppose the legislative line item veto and then claim to be for deficit reduction. It cannot be done.

Now, we have just been lectured about the issue of fiscal responsibility from the gentleman from Maryland, but let us examine the record of the Democrats. For the last 10 years, every time the Republicans offer a budget, our friends from the other side of the aisle offer a budget that spends even more money. They criticize our prescription drug program, yet theirs cost even more. And thanks to their stonewalling, we were not able to reform and save Social Security for future generations. Instead, there is an extra $2.5 trillion of unfunded obligations thanks to their stonewalling. That is what their record is.

Mr. Speaker, if you want to help end the railroads to nowhere, the hydroponic tomatoes, the indoor rainforest, say ''yes'' to the line item veto, say ''yes'' to our children's fiscal future, and let us vote for this legislation.

Mr. SPRATT. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida (Ms. CORRINE BROWN).

(Ms. CORRINE BROWN of Florida asked and was given permission to revise and extend her remarks.)

Ms. CORRINE BROWN of Florida. This Republican Congress has now gone beyond being a rubber stamp for President Bush and is now handing him the responsibilities of Congress itself. They are putty, look at this putty in my hand, and the President squeezed them into doing anything that he wants even if their constituents don't agree. That is why 77 percent of the public thinks this Congress is out of touch with their priorities and why 70 percent of the American public thinks President Bush is doing a terrible job.

Let me be clear. I did not vote to give President Clinton a line item veto. I certainly would not vote to give it to this President who, like no other President in the history of this country, tramples over the rights of Congress and the rights of American people, and still to this day shows nothing but contempt for the House of Representatives.

This President has spent over $450 billion on a war of choice that was based on lies.

The President turned a $5.6 trillion dollar surplus into a $3.2 trillion dollar deficit. And this is who is supposed to stop the rampant spending of this Republican-led Congress. This is a joke, and everyone here knows it.

Vote no on this bill, and let the people's House get back to doing the work that the people actually want us to do.

Mr. RYAN of Wisconsin. At this time, Mr. Speaker, I would like to

yield 2 minutes to the gentleman from the Appropriations Committee from Illinois (Mr. KIRK).

Mr. KIRK. I thank the gentleman from Wisconsin, my next-door neighbor to the north, for this important legislation. It is a commonsense way that budget-conscious Republicans and Democrats can come together to cut spending.

Now, this legislation is needed, because the line item veto has been used by American States since 1861 to balance their budgets, and over 40 Governors, Republicans and Democrats, have this spending control.

Now, we in Congress joined with President Clinton to enact a line item veto in the 1990s, and he used that veto 82 times to defend the taxpayer. Unfortunately, the Supreme Court struck that needed reform down. And when they did, President Clinton called that a defeat for America.

The bill before the House now is modeled after the bipartisan base closings legislation that has been used to cut hundreds of millions of wasteful spending in the military by closing down bases that the Secretary of Defense and our commanders say that they do not need.

For us at this time, I think the government spends too much, that this is a needed reform tried and true for over 120 years by our Governors to keep balanced budgets and one that we need in this Congress.

We should all be worried, in the history of democracies, that while it is the best form of government on the planet, there is a troubled record of democracies spending their way into dictatorship. This needed reform helps us control spending to make sure that the American people keep their freedom, that the democracy that they live under is responsible with the taxpayer dollars, and that we do not waste those precious resources on unneeded projects. That is why we should support this. That is why this should be bipartisan. President Clinton was right to have this power. Forty Governors are right, and it should be adopted by this House.

Mr. RYAN of Wisconsin. Mr. Speaker, at this time I would like to yield 2 minutes to the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. I thank the gentleman for the recognition. I appreciate the opportunity to speak on behalf of this legislation. I also appreciate his hard work in bringing this to the floor.

I would like to make a couple of points. One, it seems the bit twisted logic for the folks on the other side to argue that the President shouldn't have these authorities that are presented in this bill, but yet at the same time gripe that he hasn't used the veto it already has, it doesn't seem to me you can have it both ways.

I am in favor of this legislation because it does apply to all spending, both discretionary and direct, and it gives the President an opportunity to help us help ourselves in this regard.

A third point is that these savings actually will reduce the deficit. Unlike many of the opportunities that we take to try to reduce appropriations bills where that money simply stays within that pot of money and ultimately gets spent, this money would actually not get spent and therefore have a direct impact on the deficit.

The last point is that, with these powers, I can assure you that would act as a self-limiting deterrent to frivolous earmarks that might be proposed. None of us are going to want to be on the President's top 10 list when with this power he lists out the five projects in a single bill or the 10 projects in an omnibus bill. That is a distinction and a recognition that no one is going to want to have. So I think my colleagues would be much more diligent in their requests for special spending that this would address. So I rise today in favor of H.R. 4890 and urge my colleagues to vote for it.

Mr. SPRATT. Mr. Speaker, I yield myself the balance of the time.

The SPEAKER pro tempore. The gentleman is recognized for 3 minutes.

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

Mr. SPRATT. Mr. Speaker, this could be a bipartisan bill. The gentleman from Wisconsin (Mr. RYAN) has taken the bill that the President sent us, which is a classic case of overreaching, and improved it very much and I commend him for that. But it is not good enough; it is not worthy of passage, in my opinion. If it really was to be a bipartisan bill, if that is what you wanted, why did I get shut out in the Rules Committee?

I came forward with two substitutes, one germane, one nongermane, with various individual amendments, all of them serious substantive things. Sure, we could disagree about them, but I didn't get to the opportunity under the Rules Committee's provision to come here and offer those on the floor of the House.

I think in wrapping up, it is worth showing these charts to everybody again to show the path we are on, which is this path right here: a deficit this year of $300 billion to $350 billion, more than $400 billion last year; intractable, structural deficits. And, as you will see from the costs plotted by CBO, the numbers only get worse here that show the deficit sinking to almost $500 billion in 10 years.

The consequence of that? First of all, the debt ceiling, the legal limit to which we can borrow, we have seen an increase in the debt ceiling in the United States since President Bush came to office under your watch of $3.668 trillion. That is the increase in 5 fiscal years of the debt ceiling of the United States. And the total indebtedness of the United States is shown right here. The statutory debt was $5.9 trillion when President Bush took office. If we continue on the track that we are on now with his budgets, we can expect to have a debt of nearly $11.3 trillion by the year 2011. That is where we are going.

It is hard to avoid the suspicion that this bill today is sort of a diversionary tactic because, by everybody's admission, even its more ardent proponents, this won't even put a dent in the deficit. As I said, we just adopted a bill which could have an impact on revenues over 10 years, when fully implemented, of $823 billion. This will barely, barely amount to a dent in the budget, a deficit addition of that kind.

Now, the gentleman said that I have engaged in acrobatics, as if I weren't serious and sincere about the amendments I am proposing. But I have a problem with giving the President 45 days to pick through appropriation bills, because the wider the window, the more apt he will be to use it for political purposes. I have a problem with having the President send up five bills for every appropriation bill. There are 11 appropriation bills. We could have as many as 55 rescission bills here on the House floor, and then I am sure, as we take up these bills on Christmas Eve, you will be having Members ask: Who came up with these ideas?

I have a problem with direct spending that is reaching too far. If this is an experiment to start with, why not stick to discretionary spending? None of the previous bills have included that.

So for all of these reasons, this could be a much better bill. And I would offer on a motion to recommit my only opportunity a substantial improvement to the bill, and I hope every Member will seriously consider it and will also vote for it.

Mr. RYAN of Wisconsin. Mr. Speaker, may I inquire as to how much time I have remaining?

The SPEAKER pro tempore. The gentleman has 4½ minutes.

Mr. RYAN of Wisconsin. Mr. Speaker, I want to address a few of the concerns that have been mentioned by the other side of the aisle.

First of all, this is a bipartisan bill. If you paid attention, a number of the speakers came to the floor from the other side of the well to speak in favor of this. Actually, three Democrats came to the floor in favor of this bill that we are considering right now, three Democrats I am proud to call friends and supporters and coauthors of this proposal. In fact, we took an amendment of Mr. CUELLAR of Texas to improve this bill.

Other speakers have said this gives too much power to the President. Well, let us just remember one thing: the President already has rescission authority today. Today, the President can rescind something, defer spending, and send it to Congress. Here is the problem: Congress just ignores these things. In fact, President Reagan sent $25 billion of rescissions to Congress, and they ignored every one of them.

So we want to make that process work. We are taking the existing authority he has, making it actually shorter in time frame, and we are simply guaranteeing that we are going to vote on it.

I think, if somebody sticks a wasteful pork barrel project like a $50 million rainforest museum from Iowa, a bridge to nowhere, or something like that in a bill in a conference report where we as Members of Congress have one choice, vote ''yes'' or ''no'' on the entire bill, then the President has a similar choice: sign or veto the entire bill.

That is wrong. We ought to be able to vote on that $50 million rainforest museum. This gives us the chance to do that, and this means that we can't duck those votes.

This is a bipartisan bill. It has been so bipartisan in the past that Mr. SPRATT has offered very similar legislation. We got 173 Democrats on one of them, 174 on another. Mr. Stenholm and I offered a bill very similar to this 2 years ago; we got 45 Democrats on it. I hope that we will continue to get this bipartisan support that we had been getting.

But more importantly, Mr. Speaker, the American people know we need every tool we can get our hands on to go after wasteful spending. That is why taxpayer watchdog groups are key on voting this bill. The American Conservative Union, the Americans for Prosperity, Americans for Tax Reform, Citizens Against Government Waste, the Club For Growth, Freedom Works, National Federation of Independent Businesses, National Taxpayer Union, Taxpayers for Common Sense, the U.S. Chamber of Commerce all are key voting this vote as a key vote for the taxpayer. Other groups supporting this: ALEC, the American Taxpayer Alliance, Bond Market Association, Business Roundtable, Center for Individual Freedom, Concord Coalition, Association of Wholesale Distributors, National Restaurant Association, 60 Plus, Traditional Values. The list goes on and on.

Mr. Speaker, the American people know we need this tool to go after wasteful spending, taxpayers need this tool so we can do this, and, more importantly, we need more transparency in our process here in Congress.

We passed earmark reform so that Members of Congress have to defend their earmarks when they come to the floor of the House when we write these bills in the beginning. But a lot of this stuff gets inserted at the end of the process in the conference reports; that is why we need to have this deterrent.

I think the success of this bill will be less in how much pork we get out of legislation that we line item veto out, and more in how much pork never gets put into legislation in the first place, because there will be an extra deterrent. A Member of Congress who wants to slip in some big piece of pork barrel spending that he probably couldn't otherwise justify will think twice, because he or she may have to come to the well of the House and the well of the other body to defend that pork barrel spending.

□ 1715

This is good government. This is transparency. This is an added layer of accountability that is right for the taxpayer, and it is constitutional. It protects the prerogatives of the legislative branch. That is why I think this is a good bill. That is why I am pleased to call this a bipartisan bill. That is why I think we should strike this vote for the taxpayer.

With that, Mr. Speaker, I urge a ''aye'' vote for this.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I oppose this bill because the legislative line-item veto it seeks to create is merely a gimmick to divert attention from the majority's pitiful record when it comes to fiscal management. In addition, and even more important, this so-called line item veto represents a dangerous, and in my view unconstitutional, transfer of power from the legislative branch to the Chief Executive.

Mr. Speaker, while H.R. 4890 seeks to address an important problem—the massive deficits run up by the majority and the majority's squandering of the $5 trillion projected surplus bequeathed it and the administration by the Clinton administration—their ''solution'' to the problem resorts to legislative gimmicks instead of tackling the problem directly.

Since one-party control of the government began in 2001, Federal spending has ballooned 42 percent; an increase of over $830 billion a year, reflecting the budgets that President Bush has submitted to Congress. During that time, the President has not vetoed a single piece of legislation. In fact, President Bush has used the veto less than any President in the past 175 years.

Yet while the proposed line-item authority would give a big new stick to the executive branch, it would do little to bring fiscal sanity back to the appropriations process. Indeed, it might actually have the opposite effect of encouraging these special-interest handouts. Conservative columnist George Will observes that the President may simply use the authority as a form of legislative horse-trading, suggesting that the administration could ''buy legislators'' support on other large matters in exchange for not vetoing the legislators' favorite small items.''

Both the Congressional Budget Office and the Congressional Research Service have reached similar conclusions. Indeed, it seems the President's version of the line-item veto is more about transferring power to the executive branch than actually reigning in Federal spending.

That power transfer has already once been found unconstitutional by the Supreme Court. The majority decided that ''the President's role in the legislative process can be altered only through the cumbersome process of amending the Constitution,'' and there is no reason to believe that this attempt will be met any more favorably. In fact, the House bill actually gives the executive branch more power than the previous act, allowing the President up to 45 days to exercise the authority (instead of the previous act's five) and 90 days to withhold funds even after Congress has overridden his veto.

If Congress really wants to get a handle on spending, it should reform the earmarking process, instead of resorting to legislative gimmicks. The President could also do the unthinkable—bring out the old-fashioned veto stamp for the first time in 5 years.

Mr. WELDON of Florida. Mr. Speaker, I rise in strong support of the H.R. 4890 legislation giving the President Line Item Veto authority.

As a cosponsor of H.R. 4890, the Legislative Line Item Veto Act of 2006, I believe it will provide more transparency and scrutiny in the funding process while reining in Federal spending. Currently, when Congress considers appropriations legislation we have the authority to closely scrutinize funding earmarks recommended by the President before deciding whether or not to fund them. The Line Item Veto legislation gives the President an opportunity to closely examine Congressional spending priorities and submit a proposal to Congress that would defund those items the President finds objectionable. The proposals by the President would be unamendable and would be subject to a simple up or down vote in the House and Senate.

While we have been working to restrain Federal spending, including voting to terminate over 95 Federal programs this year alone, this will be one more tool in the arsenal of fiscal discipline. It has the added benefit of keeping objectionable spending out of these bills in the first place as all Members of Congress would know that last minute items added to these bills will be subject to individual scrutiny through the Line Item Veto.

In 1996, Congress passed the Line Item Veto Act of 1996. This law allowed the President to veto specific spending provisions. However, on April 10, 1997, a Federal court ruled that this legislation was unconstitutional, arguing that the power of the purse must be under the control of Congress, not the President. I voted for this law because it granted the President the authority to strike funding while ensuring that Congress could override the President's line item veto with a ⅔ vote. The Supreme Court, however, ruled that this did not leave spending decisions ultimately in the hands of Congress and struck down the law. Today's bill addresses this concern while ensuring Congress has the final say on the President's line item veto recommendations by means of a simple majority vote in the House and Senate.

It is my understanding that many Democrats are going to play politics this year, and not vote for passage of the Line Item Veto. What is particularly noteworthy is that in the 103rd Congress over 170 House Democrats voted for the line item veto.

I urge a ''yes'' vote on this legislation.

Ms. CORRINE BROWN of Florida. Mr. Speaker, this Republican Congress has now gone beyond being a rubber stamp for President Bush and is now handing him the responsibilities of Congress itself.

They are putty in the President's hands, and he squeezes them into doing anything he wants, even if their constituents don't agree.

This is why 77 percent of the American Public thinks this Congress is out of touch with their priorities, and why 70 percent of the American public thinks President Bush is doing a terrible job.

Now I didn't vote to give President Clinton a line-item veto, so I'm certainly not going to give it to the President who, more than any

other president in history, has trampled over the rights of Congress and the rights of the American people, and still today shows nothing but contempt for the will of the House and Senate.

This President has spent $450 Billion dollars on a war in Iraq based on lies, and turned a $5.6 Trillion dollar surplus into a $3.2 Trillion dollar deficit, and this is who is supposed to stop the rampant spending of this Republican led Congress. This is a joke, and everyone here knows it.

Vote ''no'' on this bill, and let the people's House get back to doing the work that the people actually want us to do.

Mr. CANTOR. Mr. Speaker, I rise in support of the Legislative Line Item Veto Act. This bill will give Congress and the President a powerful tool to restore fiscal sanity to Washington. This bill is an important step toward reforming the Budget Act of 1974, which stripped the President of impoundment authority—effectively hobbling a vital check on the system to limit wasteful spending. Presidents Jefferson through Nixon used impoundment authority to withhold funding for wasteful spending.

In 1821 Thomas Jefferson said: ''The multiplication of public offices, increase of expense beyond income, growth and entailment of a public debt, are indications soliciting the employment of the pruning knife.'' The legislative line item veto is the pruning knife that Jefferson envisioned.

The legislative Line Item Veto will further hold Congress accountable to the taxpayers and ensures that we continue to be good stewards of taxpayer dollars.

Mr. BLUMENAUER. Mr. Speaker, I voted against the Line-Item Veto Act of 1996 even though it was sought by a Democratic administration because I felt that it was unconstitutional and that no president either Republican or Democrat should have the unilateral power to change the law by themself. My reservations were justified when in 1998 the Supreme Court ruled this provision unconstitutional. It would be the height of irony for a Congress that already failed in its constitutional responsibility to check the inappropriate use of Federal power by this administration with a record of the largest deficits in American history to surrender even more authority.

The proposal that is being offered although called a ''line item veto'' is nothing of the sort. While it attempts procedurally to make it easier for the President to eliminate spending, it still may be found unconstitutional. What is especially troubling is the provision that would permit the President to withhold funding for an item in an enacted appropriation bill for up to 90 days regardless of Congressional action. This could have a devastating impact on transportation programs such as Amtrak which the administration has led a crusade to shut it down. Given the precarious financial situation that Amtrak faces, the ability to delay funding for 90 days could have the effect of pushing Amtrak over the edge in leading to its collapse.

Personally, I have been happy to vote against programs I thought were unaffordable as well as go after them on the House floor. During the 109th I have already led efforts with some of my conservative colleagues against wasteful non-priority programs such as the upper Mississippi lock and dam project and costly sugar subsidies. If Congress wants to get serious about fiscal discipline, then a few simple but important steps taken would make a significant difference.

For example, it is long past time to restore the pay-as-you-go budget procedures. This pay-as-you-go concept required Congress and the administration to adopt a sustainable budget policy where money to pay for either new spending programs or costly tax cuts would have to be provided without increasing the deficit. In addition, just letting Congress know what it's voting on would be helpful. The Republican leadership routinely overrides the requirements in our rule that provides for three days to review conference committee reports.

One of the greatest failures of Congress for the 10 years that I have been in office has been its inability to exercise fiscal discipline. During the Bush administration we have seen year after year of record-breaking deficits with the highest increases in over 50 years. If we simply commit to follow our already established rules, we would do more good and pose less harm than the budget fig leaf that is being considered today. This bill is an attempt to disguise the fact that we have a budget problem because of the administration and Republican leadership refusal to do their job and to provide the tools to help the rest of us do ours.

Mr. GARY G. MILLER of California. Mr. Speaker, I rise today in support of fiscal responsibility.

As stewards of the taxpayers' hard-earned money, we have the obligation to ensure it is spent wisely, sensibly, and where it is needed the most.

I want to commend Speaker HASTERT and Leader BOEHNER for working hard to improve the fiscal responsibility of Congress.

TRUE SPENDING REFORM

However, if we are to truly rein in spending and restore fiscal sanity, we must do more than address the aftermath of a flawed process.

Rather than waiting to restore fiscal responsibility after we pass legislation, we must work to ensure we remain committed to it as we draft legislation.

Instead of cutting spending at the end of the budgetary process, we must start the process with an eye on fiscal discipline.

True reform means leaving future generations a Federal budget that makes sense—a budget that expends only as much as it takes in.

We must make a commitment to our children and grandchildren by improving the complete budgetary process.

WE MUST PASS A BALANCED BUDGET AMENDMENT

To reform this flawed process, we must consider and pass the Balanced Budget Amendment.

H.J. Res. 58, which I cosponsored, is the most important tool in bringing fiscal responsibility back to America.

This amendment would force Congress to spend only as much as it receives.

It would also require the President to join us in this commitment by making him submit a balanced budget to Congress.

As we work today to cut wasteful spending at the end of the process, I believe we must also commit ourselves to complete fiscal responsibility in the entire budgetary process.

As we vote today on the Legislative Line Item Veto Act, I ask my colleagues to remember that true fiscal responsibility requires a commitment to discipline the whole way through the process—it requires the Balanced Budget Amendment.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I rise today in strong support of the bipartisan Legislative Line-Item Veto Act of 2006. The line-item veto is a commonsense approach to restraining the growth in Federal spending.

The Legislative Line-Item Veto establishes an additional check against excessive, redundant, and narrowly focused spending provisions and special-interest tax breaks. This legislation would simply allow the President to identify questionable and unnecessary spending items in bills passed by Congress. It preserves Congress' power of the purse by requiring a simple up or down vote on the President's proposed rescissions. The final decision on spending or tax items remains in the hands of Congress.

With the passage of this important legislation, this Republican-led Congress continues to highlight its commitment to fiscal discipline and supporting policies that reform and reduce the growth of mandatory government programs. Necessary reform, such as a line-item veto, can help rein in unnecessary and wasteful government spending while protecting the hard-earned money of American taxpayers.

Congress must act to bring greater transparency and accountability to the budget process. A constitutionally sound line-item veto is a useful tool to eliminate government spending that contributes to the waste, fraud, and abuse of taxpayer dollars.

Many governors currently have this ability, including in my own State of Florida. This important tool serves the people well and will help save their hard-earned money.

The line-item veto legislation gives Congress and the President yet another opportunity to bring spending under control. I urge my colleagues on both sides of the aisle to match their rhetoric with action and support meaningful budget reform.

Mr. SIMPSON. Mr. Speaker, I rise today in opposition to the line-item veto measure before the House today.

I know the authors of this measure are sincere in their efforts and believe this measure will lead to a better Federal Government.

But being sincere doesn't make their efforts right, nor does it make them wise. Rather, they are fundamentally wrong.

For 200 years, the unfortunate truth is that power, slowly but surely, has been shifting from the legislative branch of Government to the executive branch. We all know this to be true.

It should come as no surprise that this President, or the prior one, want this expanded power. The real surprise would be if this Congress finally stood up and said no.

We all know that the President today has the ability to veto any bill Congress passes. And we all know he has not done so.

Some of my colleagues will argue that we make it too hard for him to veto a bill. That is nonsense.

Every day we have to vote on bills with many imperfections. They contain provisions we might support and others we strongly oppose. But we have to balance the good and the bad in each bill and then cast our vote and defend it to our constituents.

Why should the President be any different? Why should he get to undo a hard-earned compromise? I need not remind any Member

of this body that many times the President has a role in that compromise—yet this measure would allow him to selectively undo that deal after the fact.

Let's talk for a minute about spending.

Even the sponsors of this measure don't really believe it will save any taxpayer money.

They talk about earmarks and equate them with wasteful spending.

In reality, there are only two types of spending—that which is congressionally directed and that which is recommended by the President. This measure places the recommendations of the President higher in importance than spending directed by the U.S. Congress.

If the authors of this measure have such faith in the administrative branch of Government, why do we have 11,000 unused FEMA trailers sitting in a field in Hope, AR?

Why were millions and millions of dollars wasted on $2,000 credit cards that didn't go to victims of Hurricanes Katrina and Rita, but were instead spent on things I ought not mention on this floor?

I could go on and on about $600 toilet seats and $400 hammers, but everyone here gets the point.

Let's be clear Mr. Speaker, the taxpayers aren't going to save a dime with the passage of this measure. Instead, we are going to weaken the Constitutional role of Congress, further strengthen the power of the executive branch, and provide a few Members of this body with the ability to go home and say they did something—however harmful it might be to the future of our Nation or inconsistent it might be with the intentions of our Nation's founders.

My mother used to tell me, ''Be careful what you wish for, you just might get it.'' My mother's advice would be well heeded by those who believe this measure is in the best interests of our Nation.

Mr. PAUL. Mr. Speaker, H.R. 4890, the Legislative Line Item Veto Act, is not an effective means of reining in excessive government spending. In fact, H.R. 4890 would most likely increase the size of government because future presidents will use their line item veto powers to pressure members of Congress to vote for presidential priorities in order to avoid having their spending projects ''line item'' vetoed. In my years in Congress, I cannot recall a single instance where a president lobbied Congress to reduce spending. In fact, in 1996 Vice President Al Gore suggested that President Clinton could use his new line item veto power to force Congress to restore federal spending and programs eliminated in the 1996 welfare reform bill. Giving the president authority to pressure members of Congress to vote for new government programs in exchange for protecting members' pet spending projects is hardly a victory for fiscal responsibility or limited government.

H.R. 4890 supporters claim that this bill does not violate the Constitution. I am skeptical of this claim since giving the president the power to pick and choose which parts of legislation to sign into law transforms the president into a legislator, thus upending the Constitution's careful balance of powers between the Congress and the president. I doubt the drafters of the Constitution, who rightly saw that giving legislative power to the executive branch would undermine republican government and threaten individual liberty, would support H.R. 4890.

Mr. Speaker, it is simply not true that Congress needs to give the president the line item veto power to end excessive spending. Congress can end excessive spending simply by returning to the limitations on government power contained in the United States Constitution. The problem is a lack of will among members of Congress to rein in spending, not a lack of presidential power. Congress's failure to do its duty and cut spending is no excuse for granting new authority to the executive branch.

In conclusion, Mr. Speaker, the Legislative Line Item Veto Act upsets the constitutional balance of powers between the executive and legislative branches of government. Increasing the power of the executive branch will likely increase the size and power of the federal government. Therefore, I urge my colleagues to reject this bill and instead simply vote against all unconstitutional spending.

Ms. HARMAN. Mr. Speaker, over my years in the House, I have supported budget reforms to make the process more transparent and to eliminate excessive congressional spending. I joined many of my colleagues—on both sides of the aisle—in making the hard-fought and difficult deficit-cutting votes of the 1990s.

Now, sadly, in this new decade and century, Congress must again take steps to impose fiscal discipline and balance the federal budget. In theory, the line-item veto seems to be a sensible idea, although fraught with constitutional questions, and I have voted in favor of similar legislation in the past.

At times, I have also voted in favor of cutting or eliminating the Estate Tax. In eras of government surpluses, we could afford such tax cuts.

However, times have changed.

The Line-Item Veto bill is little more than a hand-over of Congressional authority to a White House that has already elevated overreaching to an art form.

At the same time, this new decade has seen a distinct lack of congressional oversight. In the current climate, a line-item veto is a step in the wrong direction, and cedes even more Legislative Branch power to a President accustomed to invoking extraordinary constitutional authority as needed.

To be truly effective, a line-item veto should be considered along with other measures to help restore some fiscal sanity, such as ''pay-go'' budget rules and earmark reform. But this transparent transfer of power to the Executive Branch is no the answer.

Ironically, on the same day that the House is considering a Line-Item Veto—purportedly in the name of budget-balancing—we are also considering a massive cut in the estate tax.

Although my family would personally benefit from a cut in the estate tax, this is the wrong tax cut, for the wrong people, at the wrong time.

We face the looming retirement of the baby boomers, a war in Iraq, and increasing obligations to our Nation's veterans. We are still inadequately prepared to respond to a terrorist attack, natural disaster or flu pandemic. Our budget deficit is spiraling out of control. And middle class Americans are being squeezed by the rising costs of healthcare, energy and education.

We cannot be so reckless with our fiscal policy.

I will oppose both initiatives.

Mr. BUYER. Mr. Speaker, I rise to speak in opposition to H.R. 4890, the Legislative Line Item Veto Act of 2006.

I will readily admit that the underlying goal of this bill is commendable. Reducing government waste and unnecessary spending is an admirable goal, one that this Congress should pursue diligently. In fact, I voted in favor of the Line Item Veto Act of 1996.

I have seen the line item veto in action . . . by President Clinton on a military construction appropriations law. Experience is a cruel, but effective teacher. That experience has shown me that the line item veto in its practical application would abrogate Congressional authority and give the executive additional power over the legislative branch, threatening the fine balance of power that our Founding Fathers wisely ensured.

Since 1996, the Supreme Court has ruled the Line Item Veto Act of 1996 unconstitutional for its violation of Article 1, Section 7, known as the Presentation Clause of the United States Constitution. Justice Kennedy stated in his opinion in Clinton v. New York, ''Failure of political will does not justify unconstitutional remedies''. I stand by the decision of the Court and believe that its judgment is applicable to the bill before us.

In the Supreme Court ruling on Clinton v. New York the opinion of the Court stated that the ''cancellations'' of the 1996 Act were not merely exercises of the President's discretionary budget authority but a violation of Article I, Sec. 7, giving the President ''unilateral'' power to change the language of a duly enacted statute. In plain English, the bill did not allow Congress to exercise its constitutionally invested powers.

The bill before us today, H.R. 4890, attempts to avoid this hazard by requiring an up or down vote on each rescission. While these rescissions come to Congress for forced consideration, it does not get around the objections of the Court that the President, in his rescissions, is unilaterally changing a duly enacted statute. By forcing Congress to take up rescissions I fear this measure would tip the scales of power in favor of the executive. The Clinton ruling states that ''Statutory repeals must conform with Article I, (INS v. Chadha, 462 U.S. 919, 954,) but there is no constitutional authorization for the President to amend or repeal. The constitutional return is of the entire bill and takes place before it becomes law, whereas the statutory cancellations occurs after the bill becomes law and affects it only in part'' (Clinton v. New York pp. 17–24).

This gets to the heart of my argument that Congress has still not addressed the objections of the Court. The ideals of the 1996 Act for fiscal restraint did not match the practical application leading me to question the ability of the executive to faithfully carry out this legislation, no matter how well intentioned. I cannot in good faith and a clear conscience hand over legislative authority to the executive branch and vote for legislation that seeks to dilute this process.

With regard to the practical aspects of the line item veto, when I voted in favor of the 1996 Act, it was my hope and likely the hope of everyone who supported the measure that the power would be used responsibly, wisely, and prudently. I saw this power abused and misused.

After signing the Military Construction Appropriations measure for Fiscal Year 1998, President Clinton used the line item veto authority for 38 construction projects. The Clinton administration cited three criteria for canceling

the projects. The projects (1) were not requested by the military; (2) could not make contributions to the national defense in FY 1998; and (3) would not benefit the quality of life and well-being of military personnel. The Clinton administration did not even follow its own criteria! The Clinton administration even acknowledged that it had used erroneous data as the basis for striking 18 of the 38 projects. The overwhelming majority of the projects were on the administration's own 5-year construction plan. It cut critical funding for our Nation's Guard and Reserves.

This was a blatant use of raw executive arrogance and power. It was simply an exercise of the White House wanting its way and ignoring the spending priorities set by Congress. Furthermore, the Clinton White House made very clear that it would use the line-item veto as a matter of politics, rather than objective fiscal policy. The line item veto was being used as leverage against Congress to obtain consent to the White House's demand for both more spending and for policy positions.

The Clinton administration made illegitimate the fundamental rationale for the line-item veto . . . to reduce spending. They used the power to threaten the cutting of Members' projects to extract more spending for the administration's priorities; thereby, the line item veto was used to increase spending, not decrease spending.

Despite the need to trim federal spending, I am convinced that this legislation, if enacted, could again be misused by the executive branch, as has already been proven by the example of the Clinton administration. As Justice Kennedy wrote, ''That a congressional cession of power is voluntary does not make it innocuous'' (Clinton v. New York p. 4).

I am a voice for the Fourth District of Indiana. My constituents want controls on the budget and restraint in federal spending. But, neither will I have their voices muffled by an executive power grab. I took an oath to ''defend the Constitution.'' I must protect the voice of my constituents and the power the Constitution invests in me as their representative.

Mr. MACK. Mr. Speaker, I rise today in strong support of the Legislative Line Item Veto Act of 2006, offered by my friend, Mr. RYAN of Wisconsin.

I have said time and again that America's long-term freedom, security and prosperity goes hand-in-hand with restoring fiscal discipline in Washington. The people of Southwest Florida and the rest of the nation deserve a government that taxes less, spends less and regulates less. With this legislation, we will move closer to that goal. Congress and the President will be able to work together to rein in the federal budget deficit—an anchor tethered to our otherwise strong economy that needs addressing.

Moreover, if used properly, the Line Item Veto can be a positive and important tool to help ensure taxpayer dollars are being spent wisely and on the key services people need.

Mr. Speaker, we should not be fooled by those who believe we are ceding budgetary authority over to the Executive Branch, for it is Congress that has the ultimate say on any White House proposal. Instead, we are simply increasing our avenues for ways to cut down spending. Additionally, clear limits will be placed on what the President is, and is not, allowed to do. Rest assured, the power of the purse—and its maintenance—will continue to rest solely with the United States Congress.

It is upon those principles I respectfully request my colleagues in the House stand together and take an important step in passing this bill authorizing the Line Item Veto. I look forward to the prospect of it being used in the fight to reign in the cost, size and scope of Washington.

Mr. PETRI. Mr. Speaker, I want to thank the Speaker and my good friend and colleague from Wisconsin, PAUL RYAN, for their willingness to work with the Transportation Committee to ensure that transportation trust fund budget protections will be preserved and that trust fund dollars are not used for deficit reduction or diverted to the general fund.

It is my understanding that we have a commitment that this bill, when and if it comes out of conference, will be in a form that also honors funding guarantees and that spending will not be below guaranteed levels.

I further appreciate the clarification by Congressman RYAN that it was not his intention to negatively impact the guarantees and that he supports continuing to spend the revenues coming into the trust funds.

This is so important because in 1998 and in subsequent votes, this Congress has reaffirmed the principle that user fees collected from aviation and highway users should be used only for their intended purpose—transportation improvements.

For too long, aviation and highway trust fund spending had been suppressed in order to increase spending in other areas or to mask the size of the federal deficit, to the point that we had ballooning balances in the trust funds.

The goal of the line item veto bill here today is to achieve savings—and it had originally provided that any vetoed item be used for deficit reduction. For direct spending, this would have applied not only to ''earmarks,'' but to programs that are increased and supported by the trust funds!

This would be in direct conflict with the spending guarantees we have had in our two previous aviation and highway bills and undermined the principle that trust fund spending should be linked to trust fund revenues—it is spending that is paid for.

Using gas taxes for deficit reduction (as far as the Highway Trust Fund is concerned) was vigorously opposed by Republicans when President Clinton proposed it in 1993. It was the right position then and it is the right position today.

Again, this is not spending that contributes to the deficit—it is spending that is paid for and we should not break our promise that revenues collected will be spent on transportation.

Much as some may dispute it, programs that are supported by user fees are different—and they merit the different budget treatment that they currently have. It would be a terrible mistake to turn back the clock now, and I am glad that we are taking steps to ensure that it is not the case.

I look forward to continuing to work to fine-tune the provisions regarding the transportation trust funds in this bill.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TERRY). Pursuant to House Resolution 886, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. SPRATT

Mr. SPRATT. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SPRATT. I am in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Spratt moves to recommit the bill H.R. 4890 to the Committee on the Budget with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Legislative Line Item Veto Act of 2006''.

**TITLE I—LEGISLATIVE LINE ITEM VETO**

**SEC. 101. LEGISLATIVE LINE ITEM VETO.**

(a) IN GENERAL.—Title X of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.) is amended by striking all of part B (except for sections 1016 and 1013, which are redesignated as sections 1018 and 1019, respectively) and part C and inserting the following:

''PART B—LEGISLATIVE LINE ITEM VETO

''LINE ITEM VETO AUTHORITY

''SEC. 1011. (a) PROPOSED CANCELLATIONS.—Within 10 calendar days after the enactment of any bill or joint resolution providing any discretionary budget authority or targeted tax benefit, the President may propose, in the manner provided in subsection (b), the cancellation of any dollar amount of such discretionary budget authority or targeted tax benefit. Except for emergency spending, if the 10 calendar-day period expires during a period where either House of Congress stands adjourned sine die at the end of a Congress or for a period greater than 10 calendar days, the President may propose a cancellation under this section and transmit a special message under subsection (b) on the first calendar day of session following such a period of adjournment.

''(b) TRANSMITTAL OF SPECIAL MESSAGE.—

''(1) SPECIAL MESSAGE.—

''(A) IN GENERAL.—The President may transmit to the Congress a special message proposing to cancel any dollar amounts of discretionary budget authority or targeted tax benefits.

''(B) CONTENTS OF SPECIAL MESSAGE.—Each special message shall specify with respect to the discretionary budget authority proposed or targeted tax benefits to be canceled—

''(i) the dollar amount of discretionary budget authority (that OMB, after consultation with CBO, estimates to increase budget authority or outlays as required by section 1016(9)) or the targeted tax benefit that the President proposes be canceled;

''(ii) any account, department, or establishment of the Government to which such discretionary budget authority is available for obligation, and the specific project or governmental functions involved;

''(iii) the reasons why such discretionary budget authority or targeted tax benefit should be canceled;

''(iv) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect (including the effect on outlays and receipts in each fiscal year) of the proposed cancellation;

''(v) to the maximum extent practicable, all facts, circumstances, and considerations

relating to or bearing upon the proposed cancellation and the decision to effect the proposed cancellation, and the estimated effect of the proposed cancellation upon the objects, purposes, or programs for which the discretionary budget authority or the targeted tax benefit is provided;

''(vi) a numbered list of cancellations to be included in an approval bill that, if enacted, would cancel discretionary budget authority or targeted tax benefits proposed in that special message; and

''(vii) if the special message is transmitted subsequent to or at the same time as another special message, a detailed explanation why the proposed cancellations are not substantially similar to any other proposed cancellation in such other message.

''(C) DUPLICATIVE PROPOSALS PROHIBITED.—The President may not propose to cancel the same or substantially similar discretionary budget authority or targeted tax benefit more than one time under this Act.

''(D) MAXIMUM NUMBER OF SPECIAL MESSAGES.—The President may not transmit to the Congress more than one special message under this subsection related to any bill or joint resolution described in subsection (a).

''(E) PROHIBITION ON PRESIDENTIAL ABUSE OF PROPOSED CANCELLATIONS.—Neither the President nor any other executive branch official shall condition the inclusion or exclusion or threaten to condition the inclusion or exclusion of any proposed cancellation in any special message under this section on any vote cast or to be cast by any Member of either House of Congress.

''(2) ENACTMENT OF APPROVAL BILL.—

''(A) DEFICIT REDUCTION.—Amounts of discretionary budget authority or targeted tax benefits which are canceled pursuant to enactment of a bill as provided under this section shall be dedicated only to reducing the deficit or increasing the surplus.

''(B) ADJUSTMENT OF LEVELS IN THE CONCURRENT RESOLUTION ON THE BUDGET.—Not later than 5 days after the date of enactment of an approval bill as provided under this section, the chairs of the Committees on the Budget of the Senate and the House of Representatives shall revise allocations and aggregates and other appropriate levels under the appropriate concurrent resolution on the budget to reflect the cancellation, and the applicable committees shall report revised suballocations pursuant to section 302(b), as appropriate.

''(C) ADJUSTMENTS TO STATUTORY LIMITS.—After enactment of an approval bill as provided under this section, the Office of Management and Budget shall revise applicable limits under the Balanced Budget and Emergency Deficit Control Act of 1985, as appropriate.

''(D) TRUST FUNDS AND SPECIAL FUNDS..—Notwithstanding subparagraph (A), nothing in this part shall be construed to require or allow the deposit of amounts derived from a trust fund or special fund which are canceled pursuant to enactment of a bill as provided under this section to any other fund.

''(E) HIGHWAY FUNDING GUARANTEES.—None of the cancellations pursuant to the enactment of a bill as provided under this part shall reduce the level of obligations for the highway category, as defined in section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985, below, or further below, the levels established by section 8003 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59; 119 Stat. 1917) for any fiscal year. An approval bill shall not reduce the amount of funding for a particular State where the authorization for the appropriation of funding was authorized in such Act or authorized in title 23, United States Code.

''(F) TRANSIT FUNDING GUARANTEES.—None of the cancellations pursuant to the enactment of a bill as provided under this part shall reduce the level of obligations for the transit category, as defined in section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985, below, or further below, the levels established by section section 8003 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59; 119 Stat. 1917) for any fiscal year. An approval bill shall not reduce the amount of funding for a particular State or a designated recipient (as defined in section 5307(a)(2) of title 49, United States Code), where the authorization for the appropriation of funding was authorized in such Act or chapter.

''(G) AVIATION FUNDING GUARANTEES.—None of the cancellations pursuant to the enactment of a bill as provided under this part shall reduce the level of funding for the Federal Aviation Administration's airport improvement program and facilities and equipment program, in total, below, or further below, the levels authorized by section 48101 or 48103 of title 49, United States Code, in total, for any fiscal year.

''PROCEDURES FOR EXPEDITED CONSIDERATION

''SEC. 1012. (a) EXPEDITED CONSIDERATION.—

''(1) IN GENERAL.—The majority leader of each House or his designee shall (by request) introduce an approval bill as defined in section 1016 not later than the fifth day of session of that House after the date of receipt of a special message transmitted to the Congress under section 1011(b) .

''(2) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

''(A) REFERRAL AND REPORTING.—Any committee of the House of Representatives to which an approval bill is referred shall report it to the House without amendment not later than the seventh legislative day after the date of its introduction. If a committee fails to report the bill within that period or the House has adopted a concurrent resolution providing for adjournment sine die at the end of a Congress, it shall be in order to move that the House discharge the committee from further consideration of the bill. Such a motion shall be in order only at a time designated by the Speaker in the legislative schedule within two legislative days after the day on which the proponent announces his intention to offer the motion. Such a motion shall not be in order after a committee has reported an approval bill with respect to that special message or after the House has disposed of a motion to discharge with respect to that special message. The previous question shall be considered as ordered on the motion to its adoption without intervening motion except twenty minutes of debate equally divided and controlled by the proponent and an opponent. If such a motion is adopted, the House shall proceed immediately to consider the approval bill in accordance with subparagraph (B). A motion to reconsider the vote by which the motion is disposed of shall not be in order.

''(B) PROCEEDING TO CONSIDERATION.—After an approval bill is reported or a committee has been discharged from further consideration, or the House has adopted a concurrent resolution providing for adjournment sine die at the end of a Congress, it shall be in order to move to proceed to consider the approval bill in the House. Such a motion shall be in order only at a time designated by the Speaker in the legislative schedule within two legislative days after the day on which the proponent announces his intention to offer the motion. Such a motion shall not be in order after the House has disposed of a motion to proceed with respect to that special message. There shall be not more than 5 hours of general debate equally divided and controlled by the proponent and an opponent of the bill. After general debate, the bill shall be considered as read for amendment under the five-minute rule. Only one motion to rise shall be in order, except if offered by the manager. No amendment to the bill is in order, except any Member if supported by 99 other Members (a quorum being present) may offer an amendment striking the reference number or numbers of a cancellation or cancellations from the bill. Consideration of the bill for amendment shall not exceed one hour excluding time for recorded votes and quorum calls. No amendment shall be subject to further amendment, except pro forma amendments for the purposes of debate only. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion. A motion to reconsider the vote on passage of the bill shall not be in order.

''(C) SENATE BILL.—An approval bill received from the Senate shall not be referred to committee.

''(3) CONSIDERATION IN THE SENATE.—

''(A) MOTION TO PROCEED TO CONSIDERATION.—A motion to proceed to the consideration of a bill under this subsection in the Senate shall not be debatable. It shall not be in order to move to reconsider the vote by which the motion to proceed is agreed to or disagreed to.

''(B) LIMITS ON DEBATE.—Debate in the Senate on a bill under this subsection, and all amendments and debatable motions and appeals in connection therewith (including debate pursuant to subparagraph (D)), shall not exceed 10 hours, equally divided and controlled in the usual form.

''(C) APPEALS.—Debate in the Senate on any debatable motion or appeal in connection with a bill under this subsection shall be limited to not more than 1 hour, to be equally divided and controlled in the usual form.

''(D) AMENDMENTS.—During consideration under this subsection, any Member of the Senate may move to strike any proposed cancellation or cancellations of budget authority or targeted tax benefit, as applicable, if supported by 15 other Members.

''(E) MOTION TO LIMIT DEBATE.—A motion in the Senate to further limit debate on a bill under this subsection is not debatable.

''(F) MOTION TO RECOMMIT.—A motion to recommit a bill under this subsection is not in order.

''(G) CONSIDERATION OF THE HOUSE BILL.—

''(i) IN GENERAL.—If the Senate has received the House companion bill to the bill introduced in the Senate prior to the vote on the Senate bill, then the Senate may consider, and the vote may occur on, the House companion bill.

''(ii) PROCEDURE AFTER VOTE ON SENATE BILL.—If the Senate votes on the bill introduced in the Senate, then immediately following that vote, or upon receipt of the House companion bill, the House bill if identical to the Senate bill shall be deemed to be considered, read the third time, and the vote on passage of the Senate bill shall be considered to be the vote on the bill received from the House.

''(b) AMENDMENTS AND DIVISIONS PROHIBITED.—Except as otherwise provided by this section, no amendment to a bill considered under this section shall be in order in either the House of Representatives or the Senate. It shall not be in order to demand a division of the question in the House of Representatives (or in a Committee of the Whole) or in

the Senate. No motion to suspend the application of this subsection shall be in order in either House, nor shall it be in order in either House to suspend the application of this subsection by unanimous consent.

(c) CONSIDERATION OF CONFERENCE REPORTS.—(1) Debate in the House of Representatives or the Senate on the conference report and any amendments in disagreement on any approval bill shall be limited to not more than 2 hours, which shall be divided equally between the majority leader and the minority leader. A motion further to limit debate is not debateable. A motion to recommit the conference report is not in order, and it is not in order to move to reconsider the vote by which the conference report is agreed to or disagreed to.

(2) If an approval bill is amended by either House of Congress and a committee of conference has not completed action (or such committee of conference was never appointed) on such bill by the 15th calendar day after both Houses have passed such bill, then any Member of either House may introduce a bill comprised only of the text of the approval bill as initially introduced and that bill shall be considered under the procedures set forth in this section except that no amendments shall be in order in either House.

''PRESIDENTIAL DEFERRAL AUTHORITY

''SEC. 1013. (a) TEMPORARY PRESIDENTIAL AUTHORITY TO WITHHOLD DISCRETIONARY BUDGET AUTHORITY.—

''(1) IN GENERAL.—At the same time as the President transmits to the Congress a special message pursuant to section 1011(b), the President may direct that any dollar amount of discretionary budget authority to be canceled in that special message shall not be made available for obligation for a period not to exceed 30 calendar days from the date the President transmits the special message to the Congress or for emergency spending for a period not to exceed 7 calendar days.

''(2) EARLY AVAILABILITY.—The President shall make any dollar amount of discretionary budget authority deferred pursuant to paragraph (1) available at a time earlier than the time specified by the President if the President determines that continuation of the deferral would not further the purposes of this Act.

''(b) TEMPORARY PRESIDENTIAL AUTHORITY TO SUSPEND A TARGETED TAX BENEFIT.—

''(1) IN GENERAL.—At the same time as the President transmits to the Congress a special message pursuant to section 1011(b), the President may suspend the implementation of any targeted tax benefit proposed to be repealed in that special message for a period not to exceed 30 calendar days from the date the President transmits the special message to the Congress.

''(2) EARLY AVAILABILITY.—The President shall terminate the suspension of any targeted tax benefit at a time earlier than the time specified by the President if the President determines that continuation of the suspension would not further the purposes of this Act.

''TREATMENT OF CANCELLATIONS

''SEC. 1014. The cancellation of any dollar amount of discretionary budget authority or targeted tax benefit shall take effect only upon enactment of the applicable approval bill. If an approval bill is not enacted into law before the end of the applicable period under section 1013, then all proposed cancellations contained in that bill shall be null and void and any such dollar amount of discretionary budget authority or targeted tax benefit shall be effective as of the original date provided in the law to which the proposed cancellations applied.

''REPORTS BY COMPTROLLER GENERAL

''SEC. 1015. With respect to each special message under this part, the Comptroller General shall issue to the Congress a report determining whether any discretionary budget authority is not made available for obligation or targeted tax benefit continues to be suspended after the deferral authority set forth in section 1013 of the President has expired.

''DEFINITIONS

''SEC. 1016. As used in this part:

''(1) APPROPRIATION LAW.—The term 'appropriation law' means an Act referred to in section 105 of title 1, United States Code, including any general or special appropriation Act, or any Act making supplemental, deficiency, or continuing appropriations, that has been signed into law pursuant to Article I, section 7, of the Constitution of the United States.

''(2) APPROVAL BILL.—The term 'approval bill' means a bill or joint resolution which only approves proposed cancellations of dollar amounts of discretionary budget authority or targeted tax benefits in a special message transmitted by the President under this part and—

''(A) the title of which is as follows: 'A bill approving the proposed cancellations transmitted by the President on _____', the blank space being filled in with the date of transmission of the relevant special message and the public law number to which the message relates;

''(B) which does not have a preamble; and

''(C) which provides only the following after the enacting clause: 'That the Congress approves of proposed cancellations _____', the blank space being filled in with a list of the cancellations contained in the President's special message, 'as transmitted by the President in a special message on _____', the blank space being filled in with the appropriate date, 'regarding _____.', the blank space being filled in with the public law number to which the special message relates;

''(D) which only includes proposed cancellations that are estimated by CBO to meet the definition of discretionary budgetary authority or that are identified as targeted tax benefits pursuant to paragraph (9) of section 1016; and

''(E) if no CBO estimate is available, then the entire list of legislative provisions affecting discretionary budget authority proposed by the President is inserted in the second blank space in subparagraph (C).

''(3) CALENDAR DAY.—The term 'calendar day' means a standard 24-hour period beginning at midnight.

''(4) CANCEL OR CANCELLATION.—The terms 'cancel' or 'cancellation' means to prevent—

''(A) budget authority from having legal force or effect; or

''(B) a targeted tax benefit from having legal force or effect; and

to make any necessary, conforming statutory change to ensure that such targeted tax benefit is not implemented and that any budgetary resources are appropriately canceled.

''(5) CBO.—The term 'CBO' means the Director of the Congressional Budget Office.

''(6) DIRECT SPENDING.—The term 'direct spending' means—

''(A) budget authority provided by law (other than an appropriation law);

''(B) entitlement authority; and

''(C) the food stamp program.

''(7) DOLLAR AMOUNT OF DISCRETIONARY BUDGET AUTHORITY.—(A) Except as provided in subparagraph (B), the term ''dollar amount of discretionary budget authority'' means the entire dollar amount of budget authority—

''(i) specified in an appropriation law, or the entire dollar amount of budget authority or obligation limitation required to be allocated by a specific proviso in an appropriation law for which a specific dollar figure was not included;

''(ii) represented separately in any table, chart, or explanatory text included in the statement of managers or the governing committee report accompanying such law;

''(iii) required to be allocated for a specific program, project, or activity in a law (other than an appropriation law) that mandates the expenditure of budget authority from accounts, programs, projects, or activities for which budget authority is provided in an appropriation law;

''(iv) represented by the product of the estimated procurement cost and the total quantity of items specified in an appropriation law or included in the statement of managers or the governing committee report accompanying such law; or

''(v) represented by the product of the estimated procurement cost and the total quantity of items required to be provided in a law (other than an appropriation law) that mandates the expenditure of budget authority from accounts, programs, projects, or activities for which budget authority is provided in an appropriation law.

''(B) The term 'dollar amount of discretionary budget authority' does not include—

''(i) direct spending;

''(ii) budget authority in an appropriation law which funds direct spending provided for in other law;

''(iii) any existing budget authority canceled in an appropriation law; or

''(iv) any restriction, condition, or limitation in an appropriation law or the accompanying statement of managers or committee reports on the expenditure of budget authority for an account, program, project, or activity, or on activities involving such expenditure.

''(8) OMB.—The term 'OMB' means the Director of the Office of Management and Budget.

''(9) TARGETED TAX BENEFIT.—(A) The term 'targeted tax benefit' means any revenue-losing provision that provides a Federal tax deduction, credit, exclusion, or preference to 100 or fewer beneficiaries (determined with respect to either present law or any provision of which the provision is a part) under the Internal Revenue Code of 1986 in any year for which the provision is in effect;

''(B) for purposes of subparagraph (A)—

''(i) all businesses and associations that are members of the same controlled group of corporations (as defined in section 1563(a) of the Internal Revenue Code of 1986) shall be treated as a single beneficiary;

''(ii) all shareholders, partners, members, or beneficiaries of a corporation, partnership, association, or trust or estate, respectively, shall be treated as a single beneficiary;

''(iii) all employees of an employer shall be treated as a single beneficiary;

''(iv) all qualified plans of an employer shall be treated as a single beneficiary;

''(v) all beneficiaries of a qualified plan shall be treated as a single beneficiary;

''(vi) all contributors to a charitable organization shall be treated as a single beneficiary;

''(vii) all holders of the same bond issue shall be treated as a single beneficiary; and

''(viii) if a corporation, partnership, association, trust or estate is the beneficiary of a provision, the shareholders of the corporation, the partners of the partnership, the members of the association, or the beneficiaries of the trust or estate shall not also be treated as beneficiaries of such provision;

''(C) for the purpose of this paragraph, the term 'revenue-losing provision' means any provision that is estimated to result in a reduction in Federal tax revenues (determined with respect to either present law or any provision of which the provision is a part) for any one of the following periods—

''(i) the first fiscal year for which the provision is effective;

''(ii) the period of the 5 fiscal years beginning with the first fiscal year for which the provision is effective;

''(iii) the period of 10 fiscal years beginning with the first fiscal year for which the provision is effective; or

''(iv) the period of 20 fiscal years beginning with the first fiscal year for which the provision is effective; and

''(D) the terms used in this paragraph shall have the same meaning as those terms have generally in the Internal Revenue Code of 1986, unless otherwise expressly provided.

''EXPIRATION

''SEC. 1017. This title shall have no force or effect on or after 2 years after the date of enactment of this section.''.

**SEC. 102. TECHNICAL AND CONFORMING AMENDMENTS.**

(a) EXERCISE OF RULEMAKING POWERS.—Section 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended—

(1) in subsection (a), by striking ''1017'' and inserting '1012''; and

(2) in subsection (d), by striking ''section 1017'' and inserting ''section 1012''.

(b) CLERICAL AMENDMENTS.—(1) Section 1(a) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking the last sentence.

(2) Section 1022(c) of such Act (as redesignated) is amended by striking ''rescinded or that is to be reserved'' and inserting ''canceled'' and by striking ''1012'' and inserting ''1011''.

(3) TABLE OF CONTENTS.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by deleting the contents for parts B and C of title X and inserting the following:

''PART B—LEGISLATIVE LINE ITEM VETO

''Sec. 1011. Line item veto authority.
''Sec. 1012. Procedures for expedited consideration.
''Sec. 1013. Presidential deferral authority.
''Sec. 1014. Treatment of cancellations.
''Sec. 1015. Reports by Comptroller General.
''Sec. 1016. Definitions.
''Sec. 1017. Expiration.
''Sec. 1018. Suits by Comptroller General.
''Sec. 1019. Proposed Deferrals of budget authority.''.

(c) EFFECTIVE DATE.—The amendments made by this Act shall take effect on the date of its enactment and apply only to any dollar amount of discretionary budget authority or targeted tax benefit provided in an Act enacted on or after the date of enactment of this Act.

## TITLE II—PAY-AS-YOU-GO EXTENSION

**SEC. 201. PAY-AS-YOU-GO EXTENSION.**

(a) SECTION 252 AMENDMENTS.—Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by striking ''2002'' both places it appears and inserting ''2011''.

(b) SECTION 275 AMENDMENT.—Section 275(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by striking ''2006'' and inserting ''2016''.

## TITLE III—RECONCILIATION INSTRUCTIONS MAY NOT INCREASE THE DEFICIT

**SEC. 301. DEFINITION OF RECONCILIATION.**

Section 310 of the Congressional Budget Act of 1974 is amended by adding at the end the following new subsection:

''(h) DEFINITION OF RECONCILIATION LEGISLATION.—As used in this Act, a reconciliation bill or reconciliation resolution is a measure that, if enacted, would reduce the deficit or increase the surplus for each fiscal year covered by such measure compared to the most recent Congressional Budget Office estimate for any such fiscal year.''.

## TITLE IV—EARMARK REFORM

**SEC. 401. CURBING ABUSES OF POWER.**

Rule XXIII of the Rules of the House of Representatives (the Code of Official Conduct) is amended—

(1) by redesignating clause 14 as clause 16; and

(2) by inserting after clause 13 the following new clauses:

''14. A Member, Delegate, or Resident Commissioner shall not condition the inclusion of language to provide funding for a district-oriented earmark, a particular project which will be carried out in a Member's congressional district, or a limited tax benefit in any bill or joint resolution (or an accompanying report thereof) or in any conference report on a bill or joint resolution (including an accompanying joint statement of managers thereto) on any vote cast by the Member, Delegate, or Resident Commissioner in whose Congressional district the project will be carried out.

''15. (a) A Member, Delegate, or Resident Commissioner who advocates to include a district-oriented earmark in any bill or joint resolution (or an accompanying report) or in any conference report on a bill or joint resolution (including an accompanying joint statement of managers thereto) shall disclose in writing to the chairman and ranking member of the relevant committee (and in the case of the Committee on Appropriations to the chairman and ranking member of the full committee and of the relevant subcommittee)—

''(1) the name of the Member, Delegate, or Resident Commissioner;

''(2) the name and address of the intended recipient of such earmark;

''(3) the purpose of such earmark; and

''(4) whether the Member, Delegate, or Resident Commissioner has a financial interest in such earmark.

''(b) Each committee shall make available to the general public the information transmitted to the committee under paragraph (a) for any earmark included in any measure reported by the committee or conference report filed by the chairman of the committee or any subcommittee thereof.

''(c) The Joint Committee on Taxation shall review any revenue measure or any reconciliation bill or joint resolution which includes revenue provisions before it is reported by a committee and before it is filed by a committee of conference of the two Houses, and shall identify whether such bill or joint resolution contains any limited tax benefits. The Joint Committee on Taxation shall prepare a statement identifying any such limited tax benefits, stating who the beneficiaries are of such benefits, and any substantially similar introduced measures and the sponsors of such measures. Any such statement shall be made available to the general public by the Joint Committee on Taxation.''.

**SEC. 402. KNOWING WHAT THE HOUSE IS VOTING ON.**

(a) BILLS AND JOINT RESOLUTIONS.—

(1) IN GENERAL.—Rule XIII of the Rules of the House of Representatives is amended by adding at the end the following new clause:

''8. Except for motions to suspend the rules and consider legislation, it shall not be in order to consider in the House a bill or joint resolution until 24 hours after or, in the case of a bill or joint resolution containing a district-oriented earmark or limited tax benefit, until 3 days after copies of such bill or joint resolution (and, if the bill or joint resolution is reported, copies of the accompanying report) are available (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such a day).''.

(2) PROHIBITING WAIVER.—Clause 6(c) of rule XIII of the Rules of the House of Representatives is amended—

(A) by striking 'or' at the end of subparagraph (1);

(B) by striking the period at the end of subparagraph (2) and inserting '; or'; and

(C) by adding at the end the following new subparagraph:

''(3) a rule or order that waives clause 8 of rule XIII or clause 8(a)(1)(B) of rule XXII, unless a question of consideration of the rule is adopted by a vote of two-thirds of the Members voting, a quorum being present.''.

(b) CONFERENCE REPORTS.—Clause 8(a)(1)(B) of rule XXII of the Rules of the House of Representatives is amended by striking ''2 hours'' and inserting ''24 hours or, in the case of a conference report containing a district-oriented earmark or limited tax benefit, until 3 days after''.

**SEC. 403. FULL AND OPEN DEBATE IN CONFERENCE.**

(a) NUMBERED AMENDMENTS.—Clause 1 of rule XXII of the Rules of the House of Representatives is amended by adding at the end the following new sentence: ''A motion to request or agree to a conference on a general appropriation bill is in order only if the Senate expresses its disagreements with the House in the form of numbered amendments.''.

(b) PROMOTING OPENNESS IN DELIBERATIONS OF MANAGERS.—Clause 12(a) of rule XXII of the Rules of the House of Representatives is amended by adding at the end the following new subparagraph:

''(3) All provisions on which the two Houses disagree shall be open to discussion at any meeting of a conference committee. The text which reflects the conferees' action on all of the differences between the two Houses, including all matter to be included in the conference report and any amendments in disagreement, shall be available to any of the managers at least one such meeting, and shall be approved by a recorded vote of a majority of the House managers. Such text and, with respect to such vote, the total number of votes cast for and against, and the names of members voting for and against, shall be included in the joint explanatory statement of managers accompanying the conference report of such conference committee.''.

(c) POINT OF ORDER AGAINST CONSIDERATION OF CONFERENCE REPORT NOT REFLECTING RESOLUTION OF DIFFERENCES AS APPROVED.—

(1) IN GENERAL.—Rule XXII of the Rules of the House of Representatives is amended by adding at the end the following new clause:

''13. It shall not be in order to consider a conference report the text of which differs in any material way from the text which reflects the conferees' action on all of the differences between the two Houses, as approved by a recorded vote of a majority of the House managers as required under clause 12(a).''.

(2) PROHIBITING WAIVER.—Clause 6(c) of rule XIII of the Rules of the House of Representatives, as amended above, is amended

(A) by striking 'or' at the end of subparagraph (2);

(B) by striking the period at the end of subparagraph (3) and inserting '; or'; and

(C) by adding at the end the following new subparagraph:

''(4) a rule or order that waives clause 12(a) or clause 13 of rule XXII.''.

Mr. SPRATT (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

POINT OF ORDER

Mr. RYAN of Wisconsin. Mr. Speaker, I reluctantly raise a point of order to the motion to recommit on the grounds that the motion includes provisions that are not germane to the bill. On those grounds, that is why I raise the point of order.

The SPEAKER pro tempore. Does any other Member wish to speak?

Mr. SPRATT. Mr. Chairman, the motion to recommit concerns entirely the budget process. It is germane and completely germane to the budget process. We add to the bill or would add to the bill the so-called pay-as-you-go provisions which were the law of the land from 1990 to 2002. We reinstate that as a complement to, and it is complementary to, the other powers granted by this bill. It relates to entitlement spending. The bill relates to entitlement spending. So this is well within the ambit of the subject matter of this bill.

The SPEAKER pro tempore. Does anybody else wish to speak on the point of order?

Mr. RYAN of Wisconsin. Mr. Speaker, I will just rise to say that that is evidence of my point of order which PAYGO is outside of the germaneness of this bill. Earmark reform is outside the germaneness of the bill. It is on those grounds that I raise this point of order.

The SPEAKER pro tempore. Are there any other speakers on the point of order? Seeing none, the Chair is prepared to rule.

The gentleman from Wisconsin makes a point of order that the instructions contained in the motion to recommit are not germane.

Clause 7 of rule XVI, the germaneness rule, provides that no proposition on a subject different from that under consideration shall be admitted under color of amendment. Among the central tenets of the germaneness rule are that an amendment may not introduce a subject matter not represented in the pending bill.

The test of germaneness of a motion to recommit with instructions is the relationship of those instructions to the bill as a whole, as amended by House Resolution 886.

H.R. 4890 addresses a procedure for the President to propose cancellations of certain provisions of law, and a procedure for Congress to approve such cancellations. It further provides that the President may defer the effectiveness of the provisions of law associated with such proposed cancellations pending approval or disapproval by the Congress.

The amendment contained in the motion to recommit addresses, in part, a reinstatement of sequestration procedures within the executive branch, a change in permissible reconciliation instructions contained in a concurrent resolution on the budget, and various points of order regarding House procedures.

Such provisions address subject matters not contained in H.R. 4890, as amended.

Accordingly, the Chair finds that the instructions in the motion to recommit are not germane. The point of order is sustained. The motion is not in order.

MOTION TO RECOMMIT OFFERED BY MR. SPRATT

Mr. SPRATT. Mr. Speaker, I offer an alternate motion to recommit, which does not contain the objectionable features.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SPRATT. I am in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Spratt moves to recommit the bill H.R. 4890 to the Committee on the Budget with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Legislative Line Item Veto Act of 2006''.

**SEC. 2. LEGISLATIVE LINE ITEM VETO.**

(a) IN GENERAL.—Title X of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.) is amended by striking all of part B (except for sections 1016 and 1013, which are redesignated as sections 1018 and 1019, respectively) and part C and inserting the following:

''PART B—LEGISLATIVE LINE ITEM VETO

''LINE ITEM VETO AUTHORITY

''SEC. 1011. (a) PROPOSED CANCELLATIONS.—Within 10 calendar days after the enactment of any bill or joint resolution providing any discretionary budget authority or targeted tax benefit, the President may propose, in the manner provided in subsection (b), the cancellation of any dollar amount of such discretionary budget authority or targeted tax benefit. Except for emergency spending, if the 10 calendar-day period expires during a period where either House of Congress stands adjourned sine die at the end of a Congress or for a period greater than 10 calendar days, the President may propose a cancellation under this section and transmit a special message under subsection (b) on the first calendar day of session following such a period of adjournment.

''(b) TRANSMITTAL OF SPECIAL MESSAGE.—

''(1) SPECIAL MESSAGE.—

''(A) IN GENERAL.—The President may transmit to the Congress a special message proposing to cancel any dollar amounts of discretionary budget authority or targeted tax benefits.

''(B) CONTENTS OF SPECIAL MESSAGE.—Each special message shall specify with respect to the discretionary budget authority proposed or targeted tax benefits to be canceled—

''(i) the dollar amount of discretionary budget authority (that OMB, after consultation with CBO, estimates to increase budget authority or outlays as required by section 1016(9)) or the targeted tax benefit that the President proposes be canceled;

''(ii) any account, department, or establishment of the Government to which such discretionary budget authority is available for obligation, and the specific project or governmental functions involved;

''(iii) the reasons why such discretionary budget authority or targeted tax benefit should be canceled;

''(iv) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect (including the effect on outlays and receipts in each fiscal year) of the proposed cancellation;

''(v) to the maximum extent practicable, all facts, circumstances, and considerations relating to or bearing upon the proposed cancellation and the decision to effect the proposed cancellation, and the estimated effect of the proposed cancellation upon the objects, purposes, or programs for which the discretionary budget authority or the targeted tax benefit is provided;

''(vi) a numbered list of cancellations to be included in an approval bill that, if enacted, would cancel discretionary budget authority or targeted tax benefits proposed in that special message; and

''(vii) if the special message is transmitted subsequent to or at the same time as another special message, a detailed explanation why the proposed cancellations are not substantially similar to any other proposed cancellation in such other message.

''(C) DUPLICATIVE PROPOSALS PROHIBITED.—The President may not propose to cancel the same or substantially similar discretionary budget authority or targeted tax benefit more than one time under this Act.

''(D) MAXIMUM NUMBER OF SPECIAL MESSAGES.—The President may not transmit to the Congress more than one special message under this subsection related to any bill or joint resolution described in subsection (a).

''(E) PROHIBITION ON PRESIDENTIAL ABUSE OF PROPOSED CANCELLATIONS.—Neither the President nor any other executive branch official shall condition the inclusion or exclusion or threaten to condition the inclusion or exclusion of any proposed cancellation in any special message under this section on any vote cast or to be cast by any Member of either House of Congress.

''(2) ENACTMENT OF APPROVAL BILL.—

''(A) DEFICIT REDUCTION.—Amounts of discretionary budget authority or targeted tax benefits which are canceled pursuant to enactment of a bill as provided under this section shall be dedicated only to reducing the deficit or increasing the surplus.

''(B) ADJUSTMENT OF LEVELS IN THE CONCURRENT RESOLUTION ON THE BUDGET.—Not later than 5 days after the date of enactment of an approval bill as provided under this section, the chairs of the Committees on the Budget of the Senate and the House of Representatives shall revise allocations and aggregates and other appropriate levels under the appropriate concurrent resolution on the budget to reflect the cancellation, and the applicable committees shall report revised suballocations pursuant to section 302(b), as appropriate.

''(C) ADJUSTMENTS TO STATUTORY LIMITS.—After enactment of an approval bill as provided under this section, the Office of Management and Budget shall revise applicable limits under the Balanced Budget and Emergency Deficit Control Act of 1985, as appropriate.

''(D) TRUST FUNDS AND SPECIAL FUNDS..—Notwithstanding subparagraph (A), nothing in this part shall be construed to require or allow the deposit of amounts derived from a trust fund or special fund which are canceled pursuant to enactment of a bill as provided under this section to any other fund.

''(E) HIGHWAY FUNDING GUARANTEES.—None of the cancellations pursuant to the enactment of a bill as provided under this part shall reduce the level of obligations for the

highway category, as defined in section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985, below, or further below, the levels established by section 8003 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59; 119 Stat. 1917) for any fiscal year. An approval bill shall not reduce the amount of funding for a particular State where the authorization for the appropriation of funding was authorized in such Act or authorized in title 23, United States Code.

''(F) TRANSIT FUNDING GUARANTEES.—None of the cancellations pursuant to the enactment of a bill as provided under this part shall reduce the level of obligations for the transit category, as defined in section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985, below, or further below, the levels established by section section 8003 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59; 119 Stat. 1917) for any fiscal year. An approval bill shall not reduce the amount of funding for a particular State or a designated recipient (as defined in section 5307(a)(2) of title 49, United States Code), where the authorization for the appropriation of funding was authorized in such Act or chapter.

''(G) AVIATION FUNDING GUARANTEES.—None of the cancellations pursuant to the enactment of a bill as provided under this part shall reduce the level of funding for the Federal Aviation Administration's airport improvement program and facilities and equipment program, in total, below, or further below, the levels authorized by section 48101 or 48103 of title 49, United States Code, in total, for any fiscal year.

''PROCEDURES FOR EXPEDITED CONSIDERATION

''SEC. 1012. (a) EXPEDITED CONSIDERATION.—

''(1) IN GENERAL.—The majority leader of each House or his designee shall (by request) introduce an approval bill as defined in section 1016 not later than the fifth day of session of that House after the date of receipt of a special message transmitted to the Congress under section 1011(b) .

''(2) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

''(A) REFERRAL AND REPORTING.—Any committee of the House of Representatives to which an approval bill is referred shall report it to the House without amendment not later than the seventh legislative day after the date of its introduction. If a committee fails to report the bill within that period or the House has adopted a concurrent resolution providing for adjournment sine die at the end of a Congress, it shall be in order to move that the House discharge the committee from further consideration of the bill. Such a motion shall be in order only at a time designated by the Speaker in the legislative schedule within two legislative days after the day on which the proponent announces his intention to offer the motion. Such a motion shall not be in order after a committee has reported an approval bill with respect to that special message or after the House has disposed of a motion to discharge with respect to that special message. The previous question shall be considered as ordered on the motion to its adoption without intervening motion except twenty minutes of debate equally divided and controlled by the proponent and an opponent. If such a motion is adopted, the House shall proceed immediately to consider the approval bill in accordance with subparagraph (B). A motion to reconsider the vote by which the motion is disposed of shall not be in order.

''(B) PROCEEDING TO CONSIDERATION.—After an approval bill is reported or a committee has been discharged from further consideration, or the House has adopted a concurrent resolution providing for adjournment sine die at the end of a Congress, it shall be in order to move to proceed to consider the approval bill in the House. Such a motion shall be in order only at a time designated by the Speaker in the legislative schedule within two legislative days after the day on which the proponent announces his intention to offer the motion. Such a motion shall not be in order after the House has disposed of a motion to proceed with respect to that special message. There shall be not more than 5 hours of general debate equally divided and controlled by the proponent and an opponent of the bill. After general debate, the bill shall be considered as read for amendment under the five-minute rule. Only one motion to rise shall be in order, except if offered by the manager. No amendment to the bill is in order, except any Member if supported by 99 other Members (a quorum being present) may offer an amendment striking the reference number or numbers of a cancellation or cancellations from the bill. Consideration of the bill for amendment shall not exceed one hour excluding time for recorded votes and quorum calls. No amendment shall be subject to further amendment, except pro forma amendments for the purposes of debate only. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion. A motion to reconsider the vote on passage of the bill shall not be in order.

''(C) SENATE BILL.—An approval bill received from the Senate shall not be referred to committee.

''(3) CONSIDERATION IN THE SENATE.—

''(A) MOTION TO PROCEED TO CONSIDERATION.—A motion to proceed to the consideration of a bill under this subsection in the Senate shall not be debatable. It shall not be in order to move to reconsider the vote by which the motion to proceed is agreed to or disagreed to.

''(B) LIMITS ON DEBATE.—Debate in the Senate on a bill under this subsection, and all amendments and debatable motions and appeals in connection therewith (including debate pursuant to subparagraph (D)), shall not exceed 10 hours, equally divided and controlled in the usual form.

''(C) APPEALS.—Debate in the Senate on any debatable motion or appeal in connection with a bill under this subsection shall be limited to not more than 1 hour, to be equally divided and controlled in the usual form.

''(D) AMENDMENTS.—During consideration under this subsection, any Member of the Senate may move to strike any proposed cancellation or cancellations of budget authority or targeted tax benefit, as applicable, if supported by 15 other Members.

''(E) MOTION TO LIMIT DEBATE.—A motion in the Senate to further limit debate on a bill under this subsection is not debatable.

''(F) MOTION TO RECOMMIT.—A motion to recommit a bill under this subsection is not in order.

''(G) CONSIDERATION OF THE HOUSE BILL.—

''(i) IN GENERAL.—If the Senate has received the House companion bill to the bill introduced in the Senate prior to the vote on the Senate bill, then the Senate may consider, and the vote may occur on, the House companion bill.

''(ii) PROCEDURE AFTER VOTE ON SENATE BILL.—If the Senate votes on the bill introduced in the Senate, then immediately following that vote, or upon receipt of the House companion bill, the House bill if identical to the Senate bill shall be deemed to be considered, read the third time, and the vote on passage of the Senate bill shall be considered to be the vote on the bill received from the House.

''(b) AMENDMENTS AND DIVISIONS PROHIBITED.—Except as otherwise provided by this section, no amendment to a bill considered under this section shall be in order in either the House of Representatives or the Senate. It shall not be in order to demand a division of the question in the House of Representatives (or in a Committee of the Whole) or in the Senate. No motion to suspend the application of this subsection shall be in order in either House, nor shall it be in order in either House to suspend the application of this subsection by unanimous consent.

(c) CONSIDERATION OF CONFERENCE REPORTS.—(1) Debate in the House of Representatives or the Senate on the conference report and any amendments in disagreement on any approval bill shall be limited to not more than 2 hours, which shall be divided equally between the majority leader and the minority leader. A motion further to limit debate is not debateable. A motion to recommit the conference report is not in order, and it is not in order to move to reconsider the vote by which the conference report is agreed to or disagreed to.

(2) If an approval bill is amended by either House of Congress and a committee of conference has not completed action (or such committee of conference was never appointed) on such bill by the 15th calendar day after both Houses have passed such bill, then any Member of either House may introduce a bill comprised only of the text of the approval bill as initially introduced and that bill shall be considered under the procedures set forth in this section except that no amendments shall be in order in either House.

''PRESIDENTIAL DEFERRAL AUTHORITY

''SEC. 1013. (a) TEMPORARY PRESIDENTIAL AUTHORITY TO WITHHOLD DISCRETIONARY BUDGET AUTHORITY.—

''(1) IN GENERAL.—At the same time as the President transmits to the Congress a special message pursuant to section 1011(b), the President may direct that any dollar amount of discretionary budget authority to be canceled in that special message shall not be made available for obligation for a period not to exceed 30 calendar days from the date the President transmits the special message to the Congress or for emergency spending for a period not to exceed 7 calendar days.

''(2) EARLY AVAILABILITY.—The President shall make any dollar amount of discretionary budget authority deferred pursuant to paragraph (1) available at a time earlier than the time specified by the President if the President determines that continuation of the deferral would not further the purposes of this Act.

''(b) TEMPORARY PRESIDENTIAL AUTHORITY TO SUSPEND A TARGETED TAX BENEFIT.—

''(1) IN GENERAL.—At the same time as the President transmits to the Congress a special message pursuant to section 1011(b), the President may suspend the implementation of any targeted tax benefit proposed to be repealed in that special message for a period not to exceed 30 calendar days from the date the President transmits the special message to the Congress.

''(2) EARLY AVAILABILITY.—The President shall terminate the suspension of any targeted tax benefit at a time earlier than the time specified by the President if the President determines that continuation of the suspension would not further the purposes of this Act.

''TREATMENT OF CANCELLATIONS

''SEC. 1014. The cancellation of any dollar amount of discretionary budget authority or

targeted tax benefit shall take effect only upon enactment of the applicable approval bill. If an approval bill is not enacted into law before the end of the applicable period under section 1013, then all proposed cancellations contained in that bill shall be null and void and any such dollar amount of discretionary budget authority or targeted tax benefit shall be effective as of the original date provided in the law to which the proposed cancellations applied.

''REPORTS BY COMPTROLLER GENERAL

''SEC. 1015. With respect to each special message under this part, the Comptroller General shall issue to the Congress a report determining whether any discretionary budget authority is not made available for obligation or targeted tax benefit continues to be suspended after the deferral authority set forth in section 1013 of the President has expired.

''DEFINITIONS

''SEC. 1016. As used in this part:

''(1) APPROPRIATION LAW.—The term 'appropriation law' means an Act referred to in section 105 of title 1, United States Code, including any general or special appropriation Act, or any Act making supplemental, deficiency, or continuing appropriations, that has been signed into law pursuant to Article I, section 7, of the Constitution of the United States.

''(2) APPROVAL BILL.—The term 'approval bill' means a bill or joint resolution which only approves proposed cancellations of dollar amounts of discretionary budget authority or targeted tax benefits in a special message transmitted by the President under this part and—

''(A) the title of which is as follows: 'A bill approving the proposed cancellations transmitted by the President on _____', the blank space being filled in with the date of transmission of the relevant special message and the public law number to which the message relates;

''(B) which does not have a preamble; and

''(C) which provides only the following after the enacting clause: 'That the Congress approves of proposed cancellations _____', the blank space being filled in with a list of the cancellations contained in the President's special message, 'as transmitted by the President in a special message on _____', the blank space being filled in with the appropriate date, 'regarding _____.', the blank space being filled in with the public law number to which the special message relates;

''(D) which only includes proposed cancellations that are estimated by CBO to meet the definition of discretionary budgetary authority or that are identified as targeted tax benefits pursuant to paragraph (9) of section 1016; and

''(E) if no CBO estimate is available, then the entire list of legislative provisions affecting discretionary budget authority proposed by the President is inserted in the second blank space in subparagraph (C).

''(3) CALENDAR DAY.—The term 'calendar day' means a standard 24-hour period beginning at midnight.

''(4) CANCEL OR CANCELLATION.—The terms 'cancel' or 'cancellation' means to prevent—

''(A) budget authority from having legal force or effect; or

''(B) a targeted tax benefit from having legal force or effect; and

to make any necessary, conforming statutory change to ensure that such targeted tax benefit is not implemented and that any budgetary resources are appropriately canceled.

''(5) CBO.—The term 'CBO' means the Director of the Congressional Budget Office.

''(6) DIRECT SPENDING.—The term 'direct spending' means—

''(A) budget authority provided by law (other than an appropriation law);

''(B) entitlement authority; and

''(C) the food stamp program.

''(7) DOLLAR AMOUNT OF DISCRETIONARY BUDGET AUTHORITY.—(A) Except as provided in subparagraph (B), the term ''dollar amount of discretionary budget authority'' means the entire dollar amount of budget authority—

''(i) specified in an appropriation law, or the entire dollar amount of budget authority or obligation limitation required to be allocated by a specific proviso in an appropriation law for which a specific dollar figure was not included;

''(ii) represented separately in any table, chart, or explanatory text included in the statement of managers or the governing committee report accompanying such law;

''(iii) required to be allocated for a specific program, project, or activity in a law (other than an appropriation law) that mandates the expenditure of budget authority from accounts, programs, projects, or activities for which budget authority is provided in an appropriation law;

''(iv) represented by the product of the estimated procurement cost and the total quantity of items specified in an appropriation law or included in the statement of managers or the governing committee report accompanying such law; or

''(v) represented by the product of the estimated procurement cost and the total quantity of items required to be provided in a law (other than an appropriation law) that mandates the expenditure of budget authority from accounts, programs, projects, or activities for which budget authority is provided in an appropriation law.

''(B) The term 'dollar amount of discretionary budget authority' does not include—

''(i) direct spending;

''(ii) budget authority in an appropriation law which funds direct spending provided for in other law;

''(iii) any existing budget authority canceled in an appropriation law; or

''(iv) any restriction, condition, or limitation in an appropriation law or the accompanying statement of managers or committee reports on the expenditure of budget authority for an account, program, project, or activity, or on activities involving such expenditure.

''(8) OMB.—The term 'OMB' means the Director of the Office of Management and Budget.

''(9) TARGETED TAX BENEFIT.—(A) The term 'targeted tax benefit' means any revenue-losing provision that provides a Federal tax deduction, credit, exclusion, or preference to 100 or fewer beneficiaries (determined with respect to either present law or any provision of which the provision is a part) under the Internal Revenue Code of 1986 in any year for which the provision is in effect;

''(B) for purposes of subparagraph (A)—

''(i) all businesses and associations that are members of the same controlled group of corporations (as defined in section 1563(a) of the Internal Revenue Code of 1986) shall be treated as a single beneficiary;

''(ii) all shareholders, partners, members, or beneficiaries of a corporation, partnership, association, or trust or estate, respectively, shall be treated as a single beneficiary;

''(iii) all employees of an employer shall be treated as a single beneficiary;

''(iv) all qualified plans of an employer shall be treated as a single beneficiary;

''(v) all beneficiaries of a qualified plan shall be treated as a single beneficiary;

''(vi) all contributors to a charitable organization shall be treated as a single beneficiary;

''(vii) all holders of the same bond issue shall be treated as a single beneficiary; and

''(viii) if a corporation, partnership, association, trust or estate is the beneficiary of a provision, the shareholders of the corporation, the partners of the partnership, the members of the association, or the beneficiaries of the trust or estate shall not also be treated as beneficiaries of such provision;

''(C) for the purpose of this paragraph, the term 'revenue-losing provision' means any provision that is estimated to result in a reduction in Federal tax revenues (determined with respect to either present law or any provision of which the provision is a part) for any one of the following periods—

''(i) the first fiscal year for which the provision is effective;

''(ii) the period of the 5 fiscal years beginning with the first fiscal year for which the provision is effective;

''(iii) the period of 10 fiscal years beginning with the first fiscal year for which the provision is effective; or

''(iv) the period of 20 fiscal years beginning with the first fiscal year for which the provision is effective; and

''(D) the terms used in this paragraph shall have the same meaning as those terms have generally in the Internal Revenue Code of 1986, unless otherwise expressly provided.

''EXPIRATION

''SEC. 1017. This title shall have no force or effect on or after 2 years after the date of enactment of this section.''.

**SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS.**

(a) EXERCISE OF RULEMAKING POWERS.—Section 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended—

(1) in subsection (a), by striking ''1017'' and inserting '1012''; and

(2) in subsection (d), by striking ''section 1017'' and inserting ''section 1012''.

(b) CLERICAL AMENDMENTS.—(1) Section 1(a) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking the last sentence.

(2) Section 1022(c) of such Act (as redesignated) is amended by striking ''rescinded or that is to be reserved'' and inserting ''canceled'' and by striking ''1012'' and inserting ''1011''.

(3) TABLE OF CONTENTS.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by deleting the contents for parts B and C of title X and inserting the following:

''PART B—LEGISLATIVE LINE ITEM VETO

''Sec. 1011. Line item veto authority.
''Sec. 1012. Procedures for expedited consideration.
''Sec. 1013. Presidential deferral authority.
''Sec. 1014. Treatment of cancellations.
''Sec. 1015. Reports by Comptroller General.
''Sec. 1016. Definitions.
''Sec. 1017. Expiration.
''Sec. 1018. Suits by Comptroller General.
''Sec. 1019. Proposed Deferrals of budget authority.''.

(c) EFFECTIVE DATE.—The amendments made by this Act shall take effect on the date of its enactment and apply only to any dollar amount of discretionary budget authority or targeted tax benefit provided in an Act enacted on or after the date of enactment of this Act.

Mr. SPRATT (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. SPRATT. Mr. Speaker, let me just tell you quickly, by laundry-list fashion, the changes that this amendment would add to the bill.

First of all, we have followed the model of similar bills, the bills that were passed by this House in 1993 and 1994. We have gone back to those to create expedited rescission authority.

Secondly, we have prohibited the President or any other officer of the executive branch from using the rescission authority, that power, as a bargaining tool to extract votes on other unrelated legislation.

Number three, we have provided that during the consideration of a rescission request by the President, there is to be a motion to strike; in other words, a provision by which 100 Members of the House could ask for a separate vote on a separate item which they deem worthy, and they could have an opportunity in the well of the House to make the case for this worthy spending item.

Number four, we have limited the number of cancellation proposals that the President can send up to one appropriation bill, which is an entirely sensible change to the bill. Otherwise, under the terms of the bill, the President will be able to send 5 different rescission requests on 11 different appropriations bills, in total 55 bills, which could wreak havoc with the process and in this place. It invites chaos. It is not necessary. It was not in previous bills. It does not need to be in this bill.

Number five, we have reduced the amount of time the President has to propose a cancellation or rescission after signing a bill from 45 days to 10 days. Why is that? We think that 10 days is more than enough. The original bills passed by the House provided only 3 days. We have extended it to 10 days, but 10 days give the President all the time he needs for a budgetary scrubdown of the budget. Forty-five days is apt to cause him to look for political applications as opposed to budgetary applications.

Number six, we have reduced the amount of time that the President can withhold funds, impound funds when he proposes a rescission or cancellation from 90 days, as in the bill, to 30 days and 7 days for emergency spending. We think that is reasonable. That is roughly the time it would take for a rescission to run its course.

Then we think this is extremely important, not just reasonable, but critically important. This is a major experiment. Let us not extend it to entitlement spending. Americans depend upon Social Security and Medicare and veterans benefits. Are we going to take something that important from which people depend and put it on the fast track, the up-or-down vote process that this vote calls for? I would hope not. This particular amendment would put Social Security and Medicare and veterans benefits beyond the reach of the President's rescission power, fast-track rescission powers.

This then defines tax benefits the way we originally defined it. One of the evolutions in the history of this bill was for us to go back and say a lot of money is spent through tax expenditures in the Tax Code. There are a lot of earmarks in the Tax Code, as well as in the appropriation bills. So let us call attention to something called the targeted tax benefits that have fewer than 100 intended beneficiaries, and let us provide as to these earmarks in the tax bill the President will have the same authority. This bill has been changed significantly from 100 beneficiaries to 1 beneficiary, which guts the meaning of that original provision.

Finally, this is an experiment. We are ceding a lot of authority to the President of the United States that the Congress has under Article I of the Constitution. In order to make sure that this authority is not misused or abused or manipulated, we are providing simply that we have a sunset of 2 years. Two full years would mean President Bush would have this authority for 2 fiscal years, but that we would review it and decide whether or not we should go forward with it or make major changes.

These are all serious, substantive amendments. They are not tilted in any direction at all except in the direction of getting a better bill which we can vote upon.

Mr. RYAN of Wisconsin. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. RYAN of Wisconsin. Mr. Speaker, I want to commend the gentleman for a very substantive motion to recommit. I would like to go through a number of the provisions he raises and some of the concerns I have with them and why I have to rise in opposition.

Number one, Mr. Speaker, he excludes direct spending from the line item veto. A case in point. When we do the transportation reauthorization bill, that thing contains something like 5,000 earmarks. The bridge to nowhere is one of the most prolific examples of such things. I do not think those things should be exempt from this line item veto tool.

Number two, he reduces the number of messages from five to one. My fear with this change is that it will reduce the effectiveness of this tool. If the President only has one bite at the apple, only one bill he can send, he will only go after one or two earmarks. What if a bill has 5,000 earmarks? What if a bill has 500 earmarks? The President ought to be able to send us more votes so we can go after more earmarks and cut out more wasteful spending. If he only gets to send 1 bill, and he puts 50 pieces in that bill, then the President will be growing his vote coalition against it. Fifty State delegations also vote against it. So I think if you just do one bill, you are going to make this tool very, very small. It will not be nearly as effective because the President will be disincentivized from putting many earmarks in it because they will fall under their own weight. That is why we put five bills so we can go after a great number of earmarks so that we can get maximum output for this.

Now, the other thing, it permits amendments to strike. I understand the intent of this. I think it is valuable, but the problem I have with permitting amendments to strike is that then you are going to ping-pong back and forth with the House and Senate. You will see no end to this.

The reason why we do not allow amendments to conference reports is because conference reports represent a conclusion of a legislative process, the end of a legislative process before a bill becomes law. But that is where a lot of mischief happens, and mischief occurs because people insert earmarks in conference reports. I think by doing this you are going to encourage that. Even if you try to come up with language to streamline the conference report process, I still think this produces those problems.

Lastly, Mr. Speaker, the tax provision. This is one that is worthy of very good debate. Mr. SPRATT wants to limit the number of tax beneficiaries from 100 to 10. Let me give you an example. We chose to do it the way we did it so we would go after tax pork, rifleshot tax policy, you know, this tax cut for this person, this tax entity, instead of tax policy. Let me just give you one example. The orphan drug tax credit.

We have the orphan drug tax credit in tax law today because there are a lot of small diseases that do not have a lot of constituencies, that do not have a lot of people—lupus, Duchenne's disease, and you are not going to see pharmaceutical companies engaging in committing millions of dollars in research to cure such small diseases, but we want cures for these smaller diseases, these rare diseases. So we created the orphan drug tax credit. How many people utilize this orphan drug tax credit? Very few, surely not 100, maybe 3, 4 companies. Researchers will research a cure for a rare disease, but if they do the research, they qualify for the tax credit. That is tax policy. Fewer than 100 beneficiaries get it, but we wanted to have a tax incentive so that researchers will commit their dollars to researching and finding cures for rare diseases. That is just one example of how broadening the scope of this goes into tax policy.

The goal of this is not to give the President the power to rewrite policy, to rewrite entitlement policy, to rewrite tax policy. The goal of the legislative line item vote is to give us the tool to go after pork, tax pork.

□ 1730

Now, what we want to accomplish with this, Mr. Speaker, is to give us the tools to go after wasteful spending, wasteful direct spending, wasteful discretionary spending, and wasteful tax pork. The key thing is that we reserve the power. The Executive can give us the bill; the Executive, the President, can pull the pork out; but who makes the decision is Congress. Congress and Congress alone, the legislative branch, are the ones who execute the action.

I think the compromise we have come up with, the base bill, is the right way to go.

And the last point I will make is the gentleman reduces the deferral period to 30 days. Here is the problem with that. That means Congress can pass a huge omnibus appropriations bill in October, as we often do, and then leave for recess until January 20, when the President has the State of the Union address. He is out of session for 3 months and Congress cannot waive the deferral period.

I urge a ''no'' vote on the motion to recommit.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

Mr. SPRATT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on the question of passage, if ordered, and the motion to suspend the rules on House Resolution 323.

The vote was taken by electronic device, and there were—ayes 170, noes 249, not voting 14, as follows:

[Roll No. 316]

AYES—170

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
Dingell
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Langevin
Lantos
Larsen (WA)
Levin
Lewis (GA)
Lipinski
Lowey
Lynch
Markey
Marshall
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Otter
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sherman
Simpson
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (MS)
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Wexler
Wynn

NOES—249

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Conyers
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Honda
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jackson-Lee (TX)
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Larson (CT)
Latham
LaTourette
Leach
Lee
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marchant
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwartz (PA)
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Smith (NJ)
Smith (TX)
Sodrel
Solis
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NOT VOTING—14

Berkley
Berman
Davis (FL)
Doggett
Evans
Jefferson
Johnson, Sam
Miller, George
Owens
Oxley
Pitts
Serrano
Shays
Waters

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in the vote.

□ 1753

Messrs. NORWOOD, GOODLATTE, RANGEL, KUCINICH, RYAN of Ohio, DICKS, LARSON of Connecticut, Ms. SCHWARTZ of Pennsylvania, Ms. SOLIS, and Ms. WOOLSEY changed their vote from ''aye'' to ''no.''

Messrs. BISHOP of Georgia, OTTER, and SHERMAN changed their vote from ''no'' to ''aye.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. RYAN of Wisconsin. 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 247, noes 172, not voting 14, as follows:

[Roll No. 317]

AYES—247

Akin
Alexander
Andrews
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carter
Case
Castle
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Cooper
Costa
Crenshaw
Cubin
Cuellar
Culberson
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen

Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hoekstra
Hooley
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Latham
LaTourette
Leach
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Norwood
Nunes
Nussle
Osborne
Pearce
Pence
Peterson (PA)
Petri
Pickering
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schiff
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Smith (NJ)
Smith (TX)
Smith (WA)
Sodrel
Souder
Stearns
Strickland
Sullivan
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Walden (OR)
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NOES—172

Abercrombie
Ackerman
Aderholt
Allen
Baca
Baird
Baldwin
Becerra
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown, Corrine
Butterfield
Buyer
Capps
Capuano
Cardin
Carnahan
Carson
Clay
Cleaver
Clyburn
Conyers
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeGette
DeLauro
Dicks
Dingell
Doyle
Emanuel
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Higgins
Hinchey
Hinojosa
Hobson
Holden
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Northup
Oberstar
Obey
Olver
Ortiz
Otter
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rogers (AL)
Rogers (KY)
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schwartz (PA)
Scott (GA)
Scott (VA)
Sherman
Simmons
Simpson
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Stupak
Sweeney
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu

NOT VOTING—14

Berkley
Berman
Davis (FL)
Doggett
Evans
Jefferson
Johnson, Sam
Miller, George
Owens
Oxley
Pitts
Serrano
Shays
Waters

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1801

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: ''A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority''.

A motion to reconsider was laid on the table.

## SUPPORTING EFFORTS TO INCREASE CHILDHOOD CANCER AWARENESS, TREATMENT, AND RESEARCH

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 323, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. DEAL) that the House suspend the rules and agree to the resolution, H. Res. 323, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 393, nays 0, not voting 39, as follows:

[Roll No. 318]

YEAS—393

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher

| | | |
|---|---|---|
| Taylor (MS) | Van Hollen | Weller |
| Terry | Visclosky | Westmoreland |
| Thomas | Walden (OR) | Wexler |
| Thompson (CA) | Walsh | Whitfield |
| Thompson (MS) | Wamp | Wicker |
| Thornberry | Wasserman Schultz | Wilson (NM) |
| Tiahrt | Watson | Wilson (SC) |
| Tiberi | Watt | Wolf |
| Tierney | Waxman | Woolsey |
| Towns | Weiner | Wu |
| Udall (CO) | Weldon (FL) | Wynn |
| Udall (NM) | Weldon (PA) | Young (AK) |
| Upton | | Young (FL) |

NOT VOTING—39

| | | |
|---|---|---|
| Berkley | Gallegly | Owens |
| Berman | Hayes | Oxley |
| Blumenauer | Hooley | Peterson (PA) |
| Bono | Jefferson | Pickering |
| Butterfield | Johnson, Sam | Pitts |
| Clay | Kaptur | Radanovich |
| Costa | Kilpatrick (MI) | Serrano |
| Davis (FL) | LaHood | Shays |
| Delahunt | Lynch | Souder |
| Doggett | McMorris | Taylor (NC) |
| Emanuel | Miller, Gary | Turner |
| Evans | Miller, George | Velázquez |
| Ford | Murtha | Waters |

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1808

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. SHAYS. Mr. Speaker, on June 22, 2006, I traveled to Connecticut to deliver a high school graduation address and, therefore, missed 11 recorded votes.

I take my voting responsibility very seriously. Had I been present, I would have voted "yes" on recorded vote No. 308, "yes" on recorded vote 309, "yes" on recorded vote 310, "yes" on recorded vote 311, "yes" on recorded vote 312, "yes" on recorded vote 313, "no" on recorded vote 314, "yes" on recorded vote 315, "no" on recorded vote 316, "yes" on recorded vote 317, and "yes" on recorded vote 318.

## REPORT ON H.R. 5672, SCIENCE, STATE, JUSTICE, COMMERCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2007

Mr. WOLF, from the Committee on Appropriations, submitted a privileged report (Rept. No. 109–520) on the bill (H.R. 5672) making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2007, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore (Mr. PRICE of Georgia). Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

## PERMISSION FOR COMMITTEE ON HOMELAND SECURITY TO HAVE UNTIL MIDNIGHT, JUNE 23, 2006, TO FILE REPORT ON H.R. 5351, NATIONAL EMERGENCY MANAGEMENT REFORM AND ENHANCEMENT ACT OF 2006

Mr. REICHERT. Mr. Speaker, I ask unanimous consent that the Committee on Homeland Security have until midnight tomorrow night to file a report on H.R. 5351.

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

There was no objection.

## LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, at this time I yield to my friend, Mr. BOEHNER, the majority leader, for the purposes of inquiring about the schedule for the week to come.

Mr. BOEHNER. I thank my colleague for yielding.

Next week, Mr. Speaker, the House will convene on Monday at 12:30 p.m. for morning hour, and 2 p.m. for legislative business. We will have some suspensions on the floor on Monday. A final list of those bills will be distributed by the end of the week.

For the balance of the week, the House will consider, on Tuesday, the flood insurance reform program. We are hopeful that the State, Science, Justice and Commerce appropriations bill could come up as early as Tuesday evening.

The rest of the week, H.R. 4761, the Deep Ocean Energy Resources Act, and any possible conference reports that might be available.

I don't want anyone to misinterpret what I am going to say about next week's schedule. I am trying my best to make sure that we are finished by next Thursday evening. I think the congressional baseball game is next Thursday evening. I would like for us to complete our work before then.

Now, I want to make it perfectly clear that I am not committing myself to that. We have work that we need to get finished next week, but I am hopeful that our work leading into the July 4 District Work Period will be completed by then.

Mr. HOYER. I thank the gentleman. Reclaiming my time, you did not mention the time at which we will have votes on Monday night, but I presume it is 6:30. Is that accurate?

Mr. BOEHNER. That is correct.

Mr. HOYER. Okay. And you have just answered my question on Friday.

Let me ask you, we are talking about Fridays, after the July 4 work period, the schedule tentatively has on there working Monday through Friday on the 3 weeks in July. We have been pretty efficient in getting the appropriations bills through. We have two left. I will ask you about a couple of those.

But is it still your expectation, given that the appropriations bills will probably, hopefully, all be done by that time, that we would still schedule 5-day weeks?

I yield to my friend.

Mr. BOEHNER. I thank my colleague for yielding.

I can announce to the House that we do not expect to have votes on Friday, July 14. We will have votes on that Monday preceding that, but I expect that we will have no votes on the 14th.

It is also my expectation that by the close of business next Thursday we will have a firmed-up schedule for July. The schedule that we are operating under was developed last December, and I think it is incumbent upon us to review that. And so by the end of next week, we will have a revised schedule. If there are any other times available, we will have that out to Members by the end of next week.

Mr. HOYER. I thank the gentleman. And I know the Members will appreciate a more definite schedule when you are able to give that.

Mr. Leader, we had expected that the Voting Rights Act would be on the floor this week. I think you had expected that as well.

Mr. BOEHNER. I sure did.

Mr. HOYER. This is obviously, from our perspective, I think from your perspective, a very important bill and we thought we had bipartisan agreement on the bill. It came out of committee, as you know, in an overwhelming bipartisan vote. Do you have an expectation of when we might see that bill on the floor?

I yield to my friend.

Mr. BOEHNER. The Voting Rights Act is a very important piece of legislation. It is a very important piece of the legislation done in the 1960s. It is an important part of our civil rights protections. As we reauthorize this bill, I think we need to remember it is not due to expire until July of next year. And we have Members who have different interpretations of what some of the words say in the bill that came out of committee. There has been some concerns raised. We are trying to clarify some issues for Members.

□ 1815

When we get it resolved, we will bring it to the floor.

I would just say, having been my open and honest self so many times here on time frames and then to have them come back and bite me, I am a bit reluctant to suggest to you when this will occur, but as soon as we clarify these issues to the satisfaction of Members, we will bring it up.

Mr. HOYER. I appreciate the gentleman's comments. Obviously we share the view that this is an important bill. We understand that the act has some time before reauthorization needs to be done, but in light of the fact that it came out of committee with very bipartisan support, and Mr. SENSENBRENNER, Mr. WATT, and others worked

very hard on this bill, we are hopeful it can move as soon as possible so the Senate can itself consider it.

The next bill that we had thought was going to be on the calendar last week, the Labor-Health bill, is not listed for this coming week. I have noted some of your comments in the papers, but obviously this bill, as you know, includes an increase in the minimum wage, which was voted out of committee on a bipartisan vote, and we believe that if it is brought to the floor, it will be approved on a bipartisan vote.

But can the gentleman tell me what the expectations are for the Labor-Health bill?

I yield to my friend.

Mr. BOEHNER. It is not on the schedule next week.

Mr. HOYER. You have no expectations, then?

Mr. BOEHNER. I didn't say that. It is just not on the schedule next week.

Mr. HOYER. Clearly the appropriation bills have been bills which I know the majority wanted to move, and I would hope, notwithstanding the fact that there is a provision that the committee approved, that we would not subject that to a majority vote on the floor.

Mr. BOEHNER. Will the gentleman yield?

Mr. HOYER. I will be glad to yield.

Mr. BOEHNER. Yes. The bill came out of committee, but typically the rules of the House don't allow Members to legislate on an appropriation bill, and I think there are a lot of people who believe that is legislation on an appropriation bill. So there are some concerns about it. And let me be fair. There are other issues with the bill beyond the provision that was authored by my friend from Maryland.

Mr. HOYER. Reclaiming my time, that was my assumption as well, that there are other issues. But in terms of the gentleman's observation regarding the rules, just as typically it has been our observation that if the majority wanted something on the floor, they simply waived the rules, and they have done so on a very frequent basis. We are just hopeful that you would see your way clear to doing that just one more time.

Mr. BOEHNER. I will take that into consideration.

Mr. HOYER. I thought you would.

Mr. Leader, the Health IT bill and other health care-related bills, I know this was supposed to be Health Care Week. I may have missed it, but in any event, if it went by me, it is Health Care Week.

Can you tell me whether or not the IT bill might come at some point in time?

I yield to my friend

Mr. BOEHNER. Do these questions get any easier?

The Health IT bill has shared jurisdiction between the Ways and Means Committee and the Energy and Commerce Committee. There are some issues. They are trying to resolve those issues. The chairman of the Ways and Means Committee, as you are probably aware, was preoccupied with two other projects this week, and I do not believe that the issues have been resolved. I do expect it will be up early in July, but I am not sure that we are going to be able to resolve those differences by next week.

Mr. HOYER. I thank the gentleman for that information.

Lastly, Mr. Leader, there has been a lot of talk on it, and we have voted on it numerous times, the so-called pledge protection bill. Do you know whether that might be on the floor next week?

I yield to my friend.

Mr. BOEHNER. If it does come up, it will be under suspension of the rules. I would like to see it on the floor next week, and we are discussing that with Chairman SENSENBRENNER. I would hope that it is up next week.

If I could continue, the gentleman was kind enough not to ask me the question that he has asked me for the last 3 months, and that is the status of the pension bill, so I thought I would just do it on my own.

We have made a lot of progress this week, and I have talked to Democrat Members here in the House and in the Senate, as well as my Republican colleagues. We are very close, I believe, to an agreement that will receive the kind of broad bipartisan support we saw of the pension bill when it left the House and the Senate last year. So I am not sure that the conference report will be ready for the floor next week, but it is possible.

Mr. HOYER. I thank the gentleman for that information. He and I share the view that the pension bill is a very important bill for employees and for employers. I know the gentleman has been working hard on it.

But in light of the fact you did bring it up, last week we talked about the inclusion of both parties in the deliberations. After our conversation, I had the opportunity to check with Mr. RANGEL, and I don't think he has been included. I do believe that Senator KENNEDY and Senator BAUCUS have been included, and there was a lot of discussion, but I will tell my friend that the information I have, which may be incorrect, is that at least in terms of this House, the ranking member has not been included in the deliberations. I think that would really be helpful when it comes back out so that our Members would be able to have the information from our ranking member as to his insights into what has been done, and I would hope that could occur.

## ADJOURNMENT TO MONDAY, JUNE 26, 2006

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debate.

The SPEAKER pro tempore (Mr. PRICE of Georgia). Is there objection to the request of the gentleman from Ohio?

There was no objection.

## DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

## COMMEMORATING THE 60TH ANNIVERSARY OF THE ASCENSION TO THE THRONE OF HIS MAJESTY KING BHUMIBOL ADULYADEJ OF THAILAND

Mr. LEACH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the concurrent resolution (H. Con. Res. 409) commemorating the 60th anniversary of the ascension to the throne of His Majesty King Bhumibol Adulyadej of Thailand, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the concurrent resolution.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Amend the preamble as follows:

Page 2, unnumbered line 4, strike out ''Agency'' and insert ''Program''.

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

There was no objection.

A motion to reconsider was laid on the table.

## PERMISSION FOR COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE TO HAVE UNTIL MIDNIGHT, JUNE 23, 2006, TO FILE REPORT ON H.R. 5316, RESPOND ACT OF 2006

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure have until midnight, Friday, June 23, 2006, to file a report to accompany the bill, H.R. 5316, the RESPOND Act.

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

There was no objection.

## CALLING FOR AN INCREASE IN THE MINIMUM WAGE

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, this week again, Mr. Speaker, the House and the Senate failed to increase

the minimum wage in our country. For 10 years the minimum wage has been stuck at $5.15 an hour. In my State of Ohio, if we would raise the minimum wage to $6.85 an hour, as many people want to through a ballot initiative, 500,000 individual Ohioans with 200,000 children in those households would get a raise. It would help their standard of living. It would put more money into our economy. It would be good for our State and good for all of us.

This Congress, instead of passing a minimum wage increase, continues to give tax breaks to people who make more than $1 million a year. They get hundreds of millions of dollars. The CEO of Exxon makes $18,000 an hour. A woman in Girard, Ohio, who fills her tank with gasoline from ExxonMobil that lives on the minimum wage makes $11,000 a year.

## IT IS UP TO CONGRESS TO BE FISCALLY CONSERVATIVE

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, today the House took several measures that I believe it is important for the American people to understand. Of course, it sounds like the estate tax potential has great merit for many who believe that they are either engaged in family farming or small businesses. Might I say that the existing relief under estate tax actually gives those whose estates are $7 million absolute relief.

So at this time when we are at war, to give another $800 billion giveaway really is unreasonable. And, therefore, even though I have in the past supported the estate tax, this is not the time. And the reason is because, of course, the minimum wage has not been raised for the past 6 years. In fact, it is at a rate that shows that it is as low as it was 50 years ago in today's dollars. When are we going to see relief for those single parents and hard-working families who can barely make ends meet on $5.15?

Then we want to give the President a line item veto, which has already proven to be unconstitutional.

It is up to this Congress to be fiscally conservative, not rely on an unconstitutional law such as line item veto.

## CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO THE WESTERN BALKANS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 109–117)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

*To The Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the Western Balkans emergency is to continue in effect beyond June 26, 2006. The most recent notice continuing this emergency was published in the *Federal Register* on June 24, 2005, 70 FR 36803.

The crisis constituted by the actions of persons engaged in, or assisting, sponsoring, or supporting (i) extremist violence in the Republic of Macedonia, and elsewhere in the Western Balkans region, or (ii) acts obstructing implementation of the Dayton Accords in Bosnia or United Nations Security Council Resolution 1244 of June 10, 1999, in Kosovo, that led to the declaration of a national emergency on June 26, 2001, in Executive Order 13219 has not been resolved. Subsequent to the declaration of the national emergency, I amended Executive Order 13219 in Executive Order 13304 of May 28, 2003, to address acts obstructing implementation of the Ohrid Framework Agreement of 2001 in the Republic of Macedonia, which have also become a concern. The acts of extremist violence and obstructionist activity outlined in Executive Order 13219, as amended, are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to the Western Balkans and maintain in force the comprehensive sanctions to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *June 22, 2006*.

## SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

## THE ESTATE TAX AND MINIMUM WAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, so today the United States House of Representatives voted in the next decade, the coming decade with the retirement of the baby boomers looming before us, to borrow, borrow $762 billion so the wealthiest among us can escape taxation and helping to carry the burden of the United States. On the same day the Republican leaders refused to allow any vote on an increase in the minimum wage, $5.15 an hour, the Federal minimum wage. Fairly extraordinary, but it says a lot about priorities.

On my side of the aisle there was near unanimity on increasing the minimum wage, and a large majority voted against borrowing $762 billion so we can give massive tax cuts to estates, for the most part, worth more than $25 million.

It is not about small business, family farms, tree farmers. There will be in 2009 an exemption of $7 million per family. That will take care of most small businesses, family farms, and tree farms that I am aware of. No. This is about the massive accumulation of wealth, some of it unearned.

□ 1830

For instance, let's take Lee Raymond, a wonderful gentleman, recently the CEO of ExxonMobil. We all know them well. They made $100 million a day last year. ExxonMobil made $100 million a day last year extorting the American public, the driving public, through price gouging and extraordinary profiteering.

Now, Mr. Raymond, who held the helm until recently, was rewarded fairly handsomely for doing that, a $400 million retirement payout. So this one gentleman, one gentleman, of course, he really worked hard to earn that $400 million, and he is going to have to limp through his retirement on $400 million, although I think he still gets to use the corporate jet, and they still would have to provide him some other emoluments suitable to his status.

But, in any case, this one change in the Tax Code is going to be worth an approximately $160 million tax break to Mr. Raymond. So while ExxonMobil is fleecing the consumers over here, Mr. Raymond gets a $400 million windfall pension, and then he gets from the Republican leadership a $160 million tax break.

Now, that might be kind of okay, except they are going to borrow the money to give him the tax break. We are borrowing right now $1.3 billion a day to run the Government of the United States, and with this new tax break for the richest among us, estates worth more than $25 million, we are going to borrow another $210 million a day. Our credit is good. Isn't that great? That is the good news, they would say, our credit is good.

Unfortunately, the bill isn't going to go to Mr. Raymond. The bill is going to go to people who work for wages and salaries. Under the bill that passed here today, a schoolteacher will pay a higher rate of taxation on their salary than Mr. Raymond will on his windfall from ExxonMobil. Now, that is fair in their world. It is not fair in my world, and it is not fair to the people I represent.

You can look at it another way. The next decade, as the Social Security annual surplus diminishes down toward

zero toward the end of the decade, roughly the surplus during that decade will be about $780 billion. So we are going to borrow the entire surplus collected to pay the benefits of retired Americans; of course, not Mr. Raymond, he is not too worried about it, but other Americans, and we are going to give that as a tax break to people who have estates worth more than $25 million.

Isn't that great? And they say this is about small business and family farms. No, it is about feeding those who have given so generously to you. This is the contributor class that we are talking about here, and the contributor class is awfully generous and has been incredibly generous to George Bush over his political career and extraordinarily generous to the Republican majority here in Congress.

So, it is not too much to ask that they should pass a bill that gives them a $762 billion windfall, hands the bill to working Americans, and they hope to stay in power. A very sad day for the United States House of Representatives.

## PUERTO RICO'S BORDER WAR

The SPEAKER pro tempore (Mr. PRICE of Georgia). Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, more news from the front. The border war continues, and today this dispatch comes from the weakest 272 miles on the second border of our Nation.

This could be a postcard from that front, snapshots of illegals all across the beaches here running ashore, coming from this boat called a yola. We see here a Blackhawk helicopter.

This invasion started in one Caribbean island and lands on another Caribbean island. This boat is packed with hundreds of illegals. They ride the waves that carry them to a new existence in these primitive boats. They wash ashore on the most advanced country in the world, a superpower.

Mr. Speaker, this looks like a naval invasion from World War II in one the Pacific islands.

This boat was spotted by the Border Patrol, and even though there may be 100 or 150 individuals that are illegally entering Puerto Rico, only 10 to 12 of them will actually be arrested. Sometimes the Border Patrol is not this lucky and doesn't find any of these individuals.

I have spoken to border agents who patrol Puerto Rico, and they have arrested individuals. Recently they arrested an individual of Middle Eastern descent. He was actually swimming ashore. And when he was questioned about what he was doing on American soil, he replied with answers like, ''Allah is great,'' and, ''Bush is the devil,'' and that is all he would say.

Stories like this prove the same warfare that let us conquer the Japanese islands in World War II is in play on our shores. It was called island hopping back in World War II, when the American marines would go from island to island getting ever closer to the Japanese homeland. Island hopping.

But after marines were sent to capture an island in the Pacific, they would move on to the next island, getting closer, and it worked, and it worked in the Pacific. But now this strategy is being used against the United States, and the invasion of Puerto Rico poses a national security issue, 272 miles of a border that needs to be protected.

But another island is being targeted first by these island-hopping invaders. It is called Mona Island. That is also a part of the United States, part of Puerto Rico. It is right here, Mr. Speaker, next to the Dominican Republic, Haiti, and then you see this little island called the Mona Island, very close to Puerto Rico.

This island is inhabited basically by a bunch of botanists, for lack of a better phrase, and they are investigating whatever nature resources there are there. It is a 25-mile nature preserve. And the biologists and naturalists that are there aren't the only people there. It is a breeding ground for illegals.

You see, what happens, Mr. Speaker, illegals stop off at Mona Island. They are Cubans, Chinese, Dominicans, Middle Easterners, South Americans and any other illegals from around the world.

They land on Mona Island, the first island-hopping stop in their Caribbean trip, and then they move over to the mainland of Puerto Rico. They make their way to Puerto Rico, where, at any given time, there are only four Border Patrol agents on patrol for 272 miles of border or coastline.

Then when illegals get to Puerto Rico, once they land, what they do is they find someone to sell them a fake American driver's license, pretend to be a U.S. citizen, and then catch an airplane to the heartland of America.

Mr. Speaker, we are being invaded by land and by sea. The obligation of the U.S. Government is to protect its citizens. That is the number one obligation of this government. We must protect our citizens from invasion from all foreign nations by any means. The border war includes the American held island of Puerto Rico and Mona Island.

Mr. Speaker, while we are sending more Border Patrol and National Guard to our southern border, we are losing ground in Puerto Rico. This island hopping must stop.

Why aren't we using the resources of the Coast Guard to protect our coasts from this unlawful invasion into Puerto Rico? There is a concentrated effort by other nations to infiltrate our national borders. It also happens to be illegal.

The government must have the will to protect our borders like we protect the borders of other nations throughout the world. Meanwhile, the battle for the border continues on the homeland, the second front.

That's just the way it is.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

## SUPPORT THE DECENT WORKING CONDITIONS AND FAIR COMPETITION ACT

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent to replace Mr. PALLONE.

The SPEAKER pro tempore. Without objection, the gentleman from Ohio is recognized for 5 minutes.

There was no objection.

Mr. BROWN of Ohio. Mr. Speaker, if you live in Toledo or Dayton or Youngstown, or if you live in Mansfield, Ohio, or Hamilton, Ohio, or Lima, Ohio, you know that the Federal Government's trade policies are undermining American manufacturers. And if you live in Marion or Portsmouth or Springfield, Ohio, you know that our trade policies are encouraging the spread of abusive sweatshop practices.

China is the world's sweatshop leader, with repressive labor policies resulting in wage suppression of as much as 85 percent. We all know that American workers can compete in a global economy on a level playing field, but no one can compete with prison labor, child labor or sweatshop labor. The result, a U.S. trade deficit with China that breaks records year after year, an increasing loss of U.S. manufacturing jobs to China. In my State alone, in Ohio, 42,000 jobs have been lost to China since the year 2001. Much of that job loss has been as a result of China's unfair trade practices. Yet America's trade agreements are actually encouraging the development of new sweatshops.

All of us in this body supported the U.S.-Jordan Free Trade Agreement because Jordan's labor protections were seen as meeting international standards. But the New York Times reported just last month that in the few years since the Jordan Free Trade Agreement took effect, lax enforcement and an abusive guest worker system have made Jordan the new haven for some of the world's most brutal sweatshops.

Senator BYRON DORGAN and I have introduced the Decent Working Conditions and Fair Competition Act to end sweatshop profiteering. The bill bars the importation, the exportation or the sale of goods made with prisoner sweatshop labor. In other words, if a product is made by child labor or by forced prison camp labor, you can't import it into the United States, you can't sell it in the United States.

The bill charges the Federal Trade Commission with enforcement, and

gives manufacturers, competitors, retailers and shareholders a right to hold violators accountable. The bill prohibits Federal Government agencies from buying goods made with prison or sweatshop labor.

We cannot afford to continue to turn a blind eye to these abuses. Sweatshop imports are a moral crime. They violate the values of our families, of our faith and of the history of this country. They are a moral crime against the working men and women, and, I am afraid, working children of the developing nations.

Sweatshop imports are economic suicide for our country. As we import sweatshop goods, we export American jobs, we weaken the bargaining position of U.S. workers fighting for wages with which they can actually support their families.

The heart of America's economy has always been a vigorous middle-income consumer class. Henry Ford knew that. That is why he paid his workers a wage that would allow them to buy the cars that they made, to share the wealth they create, to buy the cars that they made.

By driving U.S. wages down, we weaken the American consumer market, we undercut our greatest economic power, and we lose jobs in so many of our communities. And when we lose jobs in places like Marion, Ohio, and Zanesville, Ohio, we hurt our communities, we hurt our families, we lay off police officers, we cut back on the fire department, our classrooms get larger as teachers get laid off. It hurts our communities, and it is wrong for our country.

I ask my fellow Members of the House to please support the legislation that I mentioned tonight, the Decent Working Conditions and Fair Competition Act.

---

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. MCHENRY) is recognized for 5 minutes.

(Mr. MCHENRY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

---

## AGREEING TO TALK TO IRAN UNCONDITIONALLY

Mr. PAUL. Mr. Speaker, I ask unanimous consent to claim my 5 minutes at this time.

The SPEAKER pro tempore. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. PAUL. Mr. Speaker, I am encouraged by recent news that the administration has offered to put an end to our 26-year-old policy of refusing to speak with the Iranians. While this is a positive move, I am still concerned about the preconditions set by the administration before it will agree to begin talks.

Unfortunately, the main U.S. precondition is that the Iranians abandon their uranium enrichment program. But this is exactly what the negotiations are meant to discuss. How can a meaningful dialogue take place when one side demands that the other side abandon its position before the talks begin?

Is this offer designed to fail so as to clear the way for military action while being able to claim that diplomacy was attempted? If the administration wishes to avoid this perception, it would be wiser to abandon preconditions and simply agree to talk to Iran.

By demanding that Iran give up its uranium enrichment program, the United States is unilaterally changing the terms of the Nuclear Nonproliferation Treaty. We must remember that Iran has never been found in violation of the Nonproliferation Treaty. U.N. inspectors have been in Iran for years, and International Atomic Energy Agency Director ElBaradei has repeatedly reported that he can find no indication of diversion of source or special nuclear material to a military purpose.

As a signatory of the Nonproliferation Treaty, Iran has, according to the treaty, the ''inalienable right to the development, research and production of nuclear energy for peaceful purposes without discrimination.''

□ 1845

Yet, the United States is demanding that Iran give up that right even though, after years of monitoring, Iran has never been found to have diverted nuclear material from peaceful to military use.

As my colleagues are well aware, I am strongly opposed to the United Nations and our participation in that organization. Every Congress I introduce a bill to get us out of the U.N., but I also recognize problems with our demanding to have it both ways. On one hand, we pretend to abide by the U.N. and international laws, such as when Congress cited the U.N. on numerous occasions in its resolution authorizing the President to initiate war against Iraq. On the other hand, we feel free to completely ignore the terms of treaties, and even unilaterally demand a change in the terms of the treaties without hesitation. This leads to an increasing perception around the world that we are no longer an honest broker, that we are not to be trusted. Is this the message we want to send at this critical time?

So some may argue that it does not matter whether the U.S. operates under double standards. We are the lone superpower, and we can do as we wish, they argue. But this is a problem of the rule of law. Are we a Nation that respects the rule of law? What example does it set for the rest of the world, including rising powers like China and Russia, when we change the rules of the game whenever we see it? Won't this come back to haunt us?

We need to remember that decision-making power under Iran's Government is not entirely concentrated in the President. We are all familiar with the inflammatory rhetoric of President Ahmadinejad, but there are others, government bodies in Iran, that are more moderate and eager for dialogue. We have already spent hundreds of billions of dollars on a war in the Middle East. We cannot afford to continue on the path of conflict over dialogue and peaceful resolution. Unnecessarily threatening Iran is not in the interest of the United States and is not in the interest of world peace.

I am worried about pre-conditions that may well be designed to ensure that the talks fail before they start. Let us remember how high the stakes are and urge the administration to choose dialogue over military conflict.

---

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

(Mr. EMANUEL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

---

## IRAQ AND THE PATH TO WAR

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Without objection, the gentlewoman from California is recognized for 5 minutes.

There was no objection.

Ms. WOOLSEY. Mr. Speaker, stop the presses; we found Iraq's weapons of mass destruction. Or at least that is what some Members of Congress would have the American public believe. They stake this claim on an unclassified portion of an intelligence report that addressed the finding of 500 weapons shells of old, inert chemical agents from the Iran-Iraq war in the 1980s. The shells had been buried deep within the ground near the Iranian border and forgotten by Iraqi soldiers.

Yesterday, intelligence officials made clear that these deactivated shells were not the so-called weapons of mass destruction that the Bush administration used as the basis for going to war in Iraq. Mr. Speaker, a few weapons shells from a two-decade-old war does not a weapons of mass destruction program make.

No matter how you slice it, no matter how you package the story, Saddam Hussein simply didn't have a weapons of mass destruction program in Iraq; yet, there are those who would stop at nothing to prove they existed. It is as if finding the weapons of mass destruction would somehow validate an unjust and unnecessary war that has been mismanaged from the day it was first shamefully conceived.

Mr. Speaker, do a few weapons shells from a two-decade-old war justify the 2,511 American soldiers who have been killed in Iraq? Do they justify the more than 18,000 soldiers who have been wounded forever? How about the countless others who have been traumatized

by psychological and physical injuries or the tens of thousands of Iraqi civilians who have been killed?

Speaking of U.S. troops killed in Iraq, the President's new press secretary recently called the 2,500th American casualty ''just a number.''

But the American people know that this soldier and the other 2,510 soldiers who have been killed aren't just numbers; they are sons, they are daughters, they are husbands and wives, they are fathers, they are mothers; and each of them was willing to lay down their own life for what they believed to be their duty as part of the U.S. military.

These brave men and women deserve a foreign policy worthy of their sacrifice. Unfortunately, their civilian superiors at the Pentagon and at the White House have let them down in many ways, but particularly by referring to any troop, dead or alive, as just a number.

Instead of trying to justify a tremendously wrong-headed war by pointing to decades-old shells buried in the ground, the Bush administration ought to start engaging in a little something called diplomacy. By going on a diplomatic offensive, the United States will shift its role from that of Iraq's military occupier to its reconstruction partner. We need to engage the United Nations to oversee Iraq's economic and humanitarian needs. At the same time, we must publicly renounce any desire to control Iraqi oil and ensure that the United States does not maintain lasting military bases.

Engaging in diplomacy will give Iraq back to the Iraqi people, helping them rebuild their economic and physical infrastructure, creating Iraqi jobs, and ending the humiliation that corresponds with another country maintaining 130,000 plus occupying troops on their soil.

A strategy emphasizing the diplomacy is in line with an approach I call SMART security. SMART stands for Sensible, Multi-Lateral, American Response to Terrorism. Instead of throwing our military weight around the world, SMART security utilizes multilateral partnerships, regional security arrangements, and robust inspection programs to address the threats of weapons of mass destruction.

Mr. Speaker, to be able to address the true threats we face as a Nation, we need to retract ourselves from the very conflict that is damaging our national security on a daily basis, and there is one and only one, important way to begin this process. For the sake of our soldiers, for the sake of their families, for the sake of our very own national security, it is time to stop sacrificing lives and limbs. It is time to stop spending billions of dollars on this war, and it is time to bring our troops home.

---

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

---

## PROPERTY RIGHTS IN AMERICA (ON THE ANNIVERSARY OF THE KELO DECISION)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. HARRIS) is recognized for 5 minutes.

Ms. HARRIS. Mr. Speaker, I rise today to mark the first anniversary of Kelo v. New London, the Supreme Court's misguided interpretation of the fifth amendment's restrictions on the taking of private property rights.

Both the Old Testament and Greek literature contain references to the government's ability to take private lands. However, in modern times, the exercise of eminent domain has been very limited and only used in public projects such as roads or the provision of electricity and telephone services.

Yet, nearly a year ago this week, the Supreme Court struck a devastating blow to this Nation's homeowners and small businesses when it ruled that government may seize private property and transfer it to another private owner under the guise of promoting community improvement for so-called economic development. As Justice Sandra Day O'Connor said, ''The specter of condemnation now hangs over all property.''

The Kelo ruling inspired citizens and legislators in more than 30 States, including Florida, to enact laws to limit the scope of eminent domain. Their outrage was echoed in the words and actions of many of us here in Congress, and last November the House of Representatives overwhelmingly passed H.R. 4128, the Private Property Rights Protection Act of 2005.

Yet, as quickly as our voices were raised in defense of our fundamental rights, they now seem to have fallen silent. H.R. 4128 lingers in legislative limbo.

In Riviera Beach, Florida, a poor, predominantly African American coastal community, city officials plan to use eminent domain to seize 400 acres of land to build a $1 billion waterfront yachting and housing complex, displacing about 6,000 local residents. Surely this is not what the Founding Fathers meant by public use.

Are we to tell the American people that private property is no longer guaranteed under the Constitution?

Mr. Speaker, the battle of individual rights and liberties cannot be a part-time engagement. The expropriation of private property for private transfer in the name of economic development is not an act that speaks to the tradition of Robin Hood; it is one that betrays our fundamental constitutional rights.

As James Madison eloquently wrote in the Federalist Papers, private property rights lie at the foundation of our Constitution. ''Government is instituted no less for the protection of property than of the persons of individuals.''

The Kelo case illustrates only one front in a broader battle to preserve the individual rights granted to all citizens under the Constitution. We must apply equal vigilance to protecting intellectual property rights. Safeguarding property such as artistic, musical, and literary works, as well as the commercial branding tools, promotes entrepreneurship and creativity, and incentivizes honest innovation. Moreover, protection for intellectual property plays an ever increasingly prominent role in today's global economy, promoting trade and influencing foreign direct investment. American explorers rely on intellectual property protection.

Mr. Speaker, property rights are basic principles of individual freedom, whether it is real property or intellectual property of which we speak. Today, I rise to marshal my colleagues in defense of this fundamental right of property ownership for every individual in every district that we are honored to represent from homeowners to entrepreneurs.

---

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

(Mr. SCHIFF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

---

## THE DEBT AND THE DEFICIT

Mr. MCDERMOTT. Mr. Speaker, I ask unanimous consent to speak out of turn.

The SPEAKER pro tempore. Without objection, the gentleman from Washington is recognized for 5 minutes.

There was no objection.

Mr. MCDERMOTT. Mr. Speaker, today we granted a tax break of nearly $800 billion over the next 10 years to the wealthiest among us, and it made me think about a quote from children's literature, which I think is a good place sometimes to learn what we really ought to know.

We all know about the morality tale called the ''Lord of the Rings''; and one of them is called ''The Return of the King,'' and the main character is Gandalf, the magician. The children asked Gandalf what they are supposed to do, and he says, ''It is not our part to master all the tides of the world, but to do what is in us for the succor of those years wherein we are set, uprooting the evil in the fields that we know, so that those who live after may have clear earth to till. What weather they shall have is not ours to rule.''

Now, we stand out here on this floor very frequently and talk about our children and what kind of a world we are leaving to our children, and we are leaving a world of debt to our children. The June 11 issue of the New York

Times magazine says, ''Debt,'' and the subtitle is, ''America's Scariest Addiction is Getting Even Scarier.'' Well, we added to the debt today.

Now, the question is, What does it mean when a country goes into debt? It means that we do not tax the people sufficiently for what services they expect, so we have to borrow the money. This year, we are borrowing from the Chinese the entire debt that we are creating in this year, some $300-some-odd billion that we did not raise in taxes, that we gave away this afternoon. We are going to go to the Chinese tomorrow and borrow that money.

Now, what difference does that make? Well, ultimately you have to deal with debt. You all have credit cards. You understand what you have to do with a credit card: you either pay it off, which means we have to raise taxes, or stop giving it away. Or in the case of a country, we can devalue our money.

□ 1900

You say, well, why, what difference does that make? Well, if our money, if the Chinese borrowed a dollar that was worth this amount, and we now drop it down by 50 percent, they have lost 50 percent of what they lent us. How do you think they feel when we do something like that? Well, the next time we come to lend, they say, give us a higher interest rate. Now, lowering the value of the dollar, which happened in 1983, 1985, some people remember when our money went down, and people lost a lot of money. That was a devaluation, and we are heading for another devaluation in this country.

When it happens, we will also have inflation because with the cheaper dollar we can buy more, and it is easier to buy foreign goods. So we will buy more, and they will buy our goods, and they will demand higher interest rates.

Now, the Feds try to control inflation by driving up interest rates. Some may even remember when our interest rates were 22 percent, when buying a house was absolutely impossible. Well, then interest rates came down because we changed our fiscal policy. We paid our debt. We started borrowing. Under Mr. Clinton we actually went into a positive state. We no longer were borrowing. We were actually taking in more and paying down some of that debt. But in the last years since 2000, we have just gone on a wild spree, and we have gotten ourselves deeper and deeper in debt. People like me worry about that because my children are going to pay for it, not me. In fact, it may be my grandchildren that pay for it.

There are two categories of debt that you have to worry about. One, of course, in this country is personal debt. Now, lots of people bought houses in the last year, last years, 5, 6 years, and they have been buying houses because the interest rates were low. They were buying on interest only, or they were buying on ARM, that means adjustable rate mortgages, and all of those had a term, an adjustable rate of 4 or 5 years, and those ARMs are coming due now.

Because of what is happening in terms of the dollar and in terms of inflation, the Feds are raising it every month. Since March of 2004, the ARM rate has gone up 59 percent, and it could easily jump 50 percent when these adjustable rates happen. Some people are going to lose their houses. Listen to the children.

---

The SPEAKER pro tempore (Mr. PRICE of Georgia). Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

---

## WITHDRAWAL FROM IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. LEACH) is recognized for 5 minutes.

Mr. LEACH. Mr. Speaker, last week the House entertained 10 hours of debate on the Iraq war. The unamendable resolution which formed the basis of the debate was a partisan measure crafted to be a simple endorsement of our troops, a subject upon which all Americans are united. But the resolution also scoffed at the notion of establishing time lines for withdrawal and thus implicitly sanctioned a prolonged engagement, implying that it might be considered a 21st century version of Lyndon Johnson's Gulf of Tonkin resolution.

During the debate, several of us suggested that the longer we stay in Iraq, the greater the prospect that forces of anarchy will multiply and spread, perhaps across oceans. I would like to amplify on this concern.

From an American perspective, the two central issues in our Iraq policy are how best to advance our long-term national interests and how best to protect our troops. At issue is whether a prolonged engagement makes better sense than a time-lined withdrawal policy.

The case for a prolonged engagement involves a neocon objective of establishing semipermanent bases in Iraq and neighboring emirates from which American military power, or the threat thereof, can be readily projected against Syria or Iran, or potentially Saudi Arabia if it were to become radicalized. It also allows greater flexibility in support of the new Iraqi Government. On the other hand, there is a thin line between being a liberating and an occupying power that many in the Muslim world either do not accept or think has been crossed.

Sometimes it is as hard to determine when to end a war as when to start one. It may have been a mistake to intervene in Iraq in the first place, but clearly a precipitous departure after our initial engagement would have been an error. By the same token, prolonging our involvement runs the risk of causing American forces supporting the Shi'a majority government to be seen by Sunnis as favoring one side in an intrareligious conflict. Worse yet, the longer we stay, the more we will be seen as an occupying force, embarrassing to the Muslim world, causing the prospect of a long-lasting conflict between the Judeo-Christian and Muslim civilizations to increase in likelihood.

It is important to give momentum to and solidify Iraqi democracy, but there are tipping points in all struggles. We are at a point where action/reaction engagements could all too easily and rapidly intensify in asymmetric and multigeographic ways if the struggle to build a new Iraq comes to be perceived as an imperial American imposition on Iraqi sovereignty instead of an effort by Iraqis working to shape their own future.

This is why it is so important that we reframe the discourse away from WMD and 9/11 concerns and define instead the establishment of democracy as our principal reason for intervention, and thus the logical basis for disengagement. Now that a Constitution has been written, elections held, and a government formed, we should forthrightly announce that we are prepared to draw down our troops in a measured, orderly way. A hasty departure would be imprudent, but the sooner the disengagement process begins, the better. Our goal may be to fight anarchistic forces over there rather than here, but we must understand that prolonging our involvement over there could precipitate a gathering storm of resentment which could make violence here more rather than less likely.

With regard to protecting our troops, it is impressive that in polling data reported by the Brookings Institute, 47 percent of Iraqis favor attacking American forces, and 87 percent favor time lines for withdrawal. Occupation is neither the American way, nor is it tolerable for Muslims. While precipitous withdrawal after our intervention might have led to civil war and a breakup of the Iraqi state, the logic of these polling statistics would seem to indicate that Iraqis have become weary of and humiliated by a foreign occupying presence.

The rationale for attacks against American forces would be undercut if Muslims had confidence that we were committed to an orderly and timely withdrawal policy. If we do not begin to leave Iraq now that democratic institutions have been put in place, anarchistic acts will continue, and the other side may be in a position to say when we eventually draw down our forces that they have somehow forced us out. Little would be worse for the American national interest or more demoralizing for all those who have

served so valiantly in combat there than such a preposterous claim.

This is why the implications of slogans like the need to stay the course can be so misleading. There is nothing more disadvantageous for our national security or more dangerous for our troops in the field than overstaying our presence.

The longer this war goes on, the greater the likelihood that anger will intensify in the Muslim world as well as among Muslims in the West, including the United States. The recent arrest of 17 young Muslims in Canada is a case in point. From news accounts it would appear that an accumulation of U.S. actions with which Canada was considered complicit triggered perfectly normal youngsters to consider violent and profoundly anti-democratic actions, including a plot to kidnap Canadian legislators and slit the throat of the Prime Minister.

As long as the conflict in Iraq continues and the Israeli-Palestinian issue remains unresolved it is only a question of time before other 9/11 type events or series of violent acts will occur in various parts of the world. Bringing the occupation to an end and resolving other Middle Eastern issues will not ensure against future violence but it could dampen the anger of millions of Muslims and reduce the prospect of a clash of civilizations.

The challenge for the administration is to determine when the new Iraqi Government is strong enough to stand on its own. Our presence is dual edged. We have helped train a new army, perhaps erring along the way in disbanding the Iraqi armed forces after the capture of Baghdad. But we also are the subject of anger and humiliation for many Muslims in and out of Iraq. The opposition continues for an assortment of reasons. Some relate to the centuries-old antagonism between Sunnis and Shi'a, complicated by the nationalist ambitions of the Kurds. Some relate to the millennia-old implication of the Crusades, memories of which hang over the Middle East the way the Civil War did for a century in the American South. And some relate to current events—the Palestinian-Israeli confrontation, the occupation of Iraq and, to a far lesser extent, the more understandable U.S. intervention in Afghanistan, as well as problems attendant to the unforeseen—Guantanamo, Abu Ghraib, Haditha.

We are in unprecedented times. But there are parallels from recent history that might provide glimmers of guidance for policy makers today. One from the Reagan era that I have always assumed stemmed as much from the President's wife, Nancy, the closet moderate within that administration, as any geostrategic planner relates to an attitudinal shift away from confrontation to diplomacy. In Reagan's first term he postured firmly in the anti-multilateralist, anti-arms control camp, objecting to negotiations with the evil empire. At the U.N., he ordered a U.S. withdrawal from UNESCO, one of the more financially bloated but least dangerous international organizations ever created. In reaction to a perceived anti-progressivism in his first term, two movements of educated citizens mushroomed in size. One, the environmental movement, was concerned with the confrontational policies of the Secretary of the Interior, Jim Watt; the other, which paralleled it in foreign policy, was the arms control movement. Thousands of fledgling advocates came to support the concept of a nuclear freeze in the context of SALT—strategic arms limitation talks. This movement gained so much currency that a poll of delegates to the 1984 Republican National Convention which renominated Reagan found that the majority favored a nuclear freeze rather than the intransigent negotiating policy then in vogue.

But the President, in a remarkable policy shift early in his second term upstaged his opposition by out-radicalizing it. Instead of pushing for a "status quo" SALT approach which would halt the arms race, he threw his support behind a more imaginative START initiative—a strategic arms reduction treaty—which would reverse it. The implication was a strategic oxymoron: America had to build up military might in order to reduce it.

An inconsistent geo-strategic policy was adroitly presented as consistency. In part because of the wisdom of the policy reversal, in part because of Reagan's unique personal capacity to persuade, in part because the persuader spoke from the bully pulpit of the Presidency, America began to lead the world as a force both of resolve and restraint.

A progressive might presumptuously hope today that on issues as diverse as North Korea, Iraq and potentially the Israeli-Palestinian challenge the Reagan policy-shift model beckons this President.

Since John Kennedy, all American Presidents have been obsessed with what their place in history may be. In most circumstances I cannot envision a more worthwhile or uplifting motivation. I am concerned, however, that an unnecessarily sticky situation may be developing with this presidency. My sense is that advisors are telling the President that his administration will be judged on the steadfastness of his commitment to a policy of continued military engagement in Iraq and, quite possibly, following through with a military confrontation with Iran. But might not the Reagan "consistent inconsistency" model be fortuitously adapted? Instead of following one military action with another, what if the President were to commence drawing down forces as democratic institutions take hold in Iraq? And having proven that he is willing to use force—as Reagan proved his willingness to escalate defense spending—the President could then plausibly point out that he is now prepared to negotiate from a position of strength with Iran and North Korea. But for such a change in emphasis—use of diplomacy instead of force—to take place, the administration cannot continue to fritter away time and opportunity. If it continues to refuse to offer the respectful attention that direct negotiations imply with countries like Iran and North Korea, our adversaries could wait us out, or tempt the administration into a highly dangerous confrontation.

The other historical model that gets little attention, except to serve as an apparent warning not to get too involved in African civil wars, is Somalia. Under this President's father, U.S. Armed Forces were deployed in a unique humanitarian intervention. The logistical capacities of the U.S. military were used to bring food and medical help to a war-torn society. This might have been a model of success rather than failure had events in the field not gotten out of hand. But over time, as one administration folded into the next, American forces in their efforts to provide assistance to starving people found it necessary to try to stabilize internal relations and thus do battle with anarchistic elements of Somali society. For many in Somalia this came to be perceived as siding with one side in an internal conflict. The disastrous consequence of becoming militarily engaged instead of simply humanitarianly involved may have relevance in a very different setting today—Iraq. Good intentions and heroic deeds can backfire.

In this context, one of the most constitutionally awkward pronouncements of the civilian side of this administration deserves review. The President and Secretary of Defense have repeatedly suggested that troop-level determinations in Iraq will be made by the commander in the field. This articulation, which at first blush seems indisputedly prudent, is perhaps related to the hammering the administration has taken, especially from supporters in the press and on Capitol Hill of the intervention, who hold that there would be far fewer problems in Iraq today if more troops had been committed at the outset. According to this reasoning, the mistake for any failure of policy rests not with the judgment call on going to war, but with the implementation of the decision.

It may be, as Colin Powell has implied, that once the decision to intervene had been made, it would have been wiser to follow the overwhelming force doctrine that is derived from military history but in recent times has come to bear the former Secretary's name. In any regard, whether or not the commitment of more troops would have made a significant difference in sealing Iraqi borders or bringing greater stability to Baghdad, both the military and civilian side of government have to think through the issue of who responds to whom on troop-level questions.

There are distinctions between tactical decision-making and strategic judgments. The former should be disproportionately military; the latter require greater and, at some point, total civilian involvement. In a historical sense it is worth remembering, for instance, that Harry Truman stood down the most popular military officer of the 20th century when GEN Douglas MacArthur attempted to widen the war in Korea. Decisions to end as well as begin wars are constitutionally proscribed.

The constitutional dimension of modern war making is not as clear-cut as the Founders might have surmised. This is the case because modem warfare, for a variety of reasons, is conducted without a formal declaration of war from Congress and because the law of the land, despite being unlikely to pass constitutional muster if tested in the courts, is the War Powers Act. Whether one approves or disapproves of the decision to intervene in Iraq, there is no question that because of a congressional vote to authorize the use of force, this war is legal. A strike without a precise Congressional authorization on Iran is more conjectural, but the War Powers Act which gives the President 60 days discretion on use of force as well as other war against terror resolutions, the NPT and possible future Security Council resolutions would presumably be used by the administration to justify executive discretion. Others might suggest that lacking an imminent threat rationale, the Constitution would seem to envision the need for congressional concurrence.

As one who is doubtful of the wisdom of intervention against Iran, I was disappointed

that an effort to amend the DOD appropriations bill this week to require prior congressional consent for a strike against Iran was defeated. In any regard, the executive branch, possibly with congressional advice, has two profound judgment calls to make in the near future: whether and how to end the Iraq war and whether and how to engage Iran. And here—based on public commentary within the civilian side of our government and the private observations of former generals—my sense is that it is quite conceivable that a rift could develop between the military and civilian elements of our government which would be the reverse image of the MacArthur/Truman confrontation. The professional military seems far more skeptical than the White House of the judgment of the neo-cons who drove the decision to intervene in Iraq and far more dubious than many on Capitol Hill about the wisdom of a preemptive strike against Iran.

With regard to Iran, I am impressed how congressional leadership of both parties, at least on the House side, remains confrontational. This is one reason I feel that it is important to emphasize the appropriateness of bipartisan criticism as well as bipartisan support for executive branch foreign policies. Partisanship should stop at the water's edge; but judgmental capitulation must never occur. Closed-mindedness is the enemy. Members are obligated to review decisions made and oversee actions taken by the Executive. It is the question of motivation that must be above partisan reproach. The only motivation consistent with our pledge to uphold and defend the Constitution is to concern ourselves exclusively with the national interest. Neither concerns for political party advantage nor individual ambition should play a role in foreign policy judgments.

Over the years I have become impressed by how within Republican administrations there is a tendency of political appointees, particularly in the White House, to advocate confrontation over diplomacy. My sense is that there is a lot of frustration within high levels of the military with what might be described as an immature, ideological machismo among key political appointees. It would not be surprising to me if in the next couple of years it falls to the professional military and career CIA and foreign service officers to raise cautionary flags about various policy options.

In conclusion, as a representative of a State which has disproportionately provided Reserve and National Guard forces for the Iraqi conflict, I am struck by an extraordinarily impressive aspect of America's involvement in Iraq. In one of the most psychologically and militarily difficult settings ever to confront U.S. Armed Forces, the morale of our troops and their families at home has never ebbed and the patriotism of volunteer soldiers has never been challenged. This reflects well on their character as well as on their dedication to duty. There may be question whether intervention should have occurred, but once our troops were committed there is no question that it is in the national interest that they succeed.

What remains at issue is whether longevity of commitment contributes to or undermines the success of the mission; whether IED attacks and skirmishes at the field level escalate or diminish; and whether diplomacy or lack thereof leads to a more peaceful or violent world.

## NATIONAL FLOOD INSURANCE PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. TAYLOR) is recognized for 5 minutes.

Mr. TAYLOR of Mississippi. Mr. Speaker, I have the great fortune to represent the people of south Mississippi, and on behalf of the people of south Mississippi that suffered substantially in the loss of about 40,000 houses in late August of last year to Hurricane Katrina, I want to thank my fellow Americans for all the wonderful things they have done for us, for their financial help; for their college kids who came down and gave up their spring breaks to help out people; the church groups, the Rotarians, and individuals who came to provide medical care. There was a tremendous showing of generosity, of support to some people who needed it, and I hope I will never fail to thank the American people properly.

Mr. Speaker, I also want to, on behalf of the people of south Mississippi, express an outrage on the handful of southern Mississippians and southern Louisianans who abused that generosity. I do not think anyone wanted to see that happen, and certainly those who have broken the law should be prosecuted to the full extent of the law. I am sure the people who have read that their tax dollars were used to help somebody go to a gentleman's club or get someone get a sex change, they should be justifiably angry.

But let me tell you what the biggest Katrina fraud of all was. It was not done by a guy living in a FEMA trailer. It was not someone down on their luck. It was by corporate America and, in particular, the insurance industry in America, and next week this House will have an opportunity to do something about it.

Mr. Speaker, because of the unprecedented amount of losses because of Hurricane Katrina, our Nation will have to put $25 billion into the National Flood Insurance Program. I am going to vote for that. It is important. It is going to help a lot of people, but I would hope that my colleagues, when they do that, would amend that bill to require an investigation by the insurance industry in the post-Katrina world, and let me tell you what I know to have happened and what I think a Justice Department investigation will prove.

Mr. Speaker, when Congress wrote the National Flood Insurance Plan way back in the late 1960s, they called for the insurance industry to write the policy, even though it is a Federal flood insurance policy, but also to adjudicate the claim, to send their adjusters out to decide what happened to that dwelling and how much was it hurt and what would it cost to fix it.

The immediate conflict that was drawn in there was that person who may work for State Farm or Allstate or Nationwide, who may have stock in their company, who hopes to get promoted with that company, who may be looking for a Christmas bonus, is suddenly in a position when he walks to one of the 40,000 slabs in south Mississippi that are there in the days after the storm, he has got to decide whether the wind did it, and therefore, State Farm is going to pay, or the water did it, and the taxpayers are going to pay.

Let me tell you about an interesting coincidence in America. Last year, the private insurance industry had a profit of $44 billion. The National Flood Insurance Program lost $25 billion, the same year. How does this happen? Well, let me tell you what happened.

That insurance adjuster who works for State Farm or Allstate or Nationwide walked out, and in every instance blamed all the damage on the water, but that is completely contrary to what the Navy Oceanographic Command says. The Navy Oceanographic Command tells us in south Mississippi we had hurricane-force winds for 6 hours before the water ever showed up.

So what does this do? For the individual homeowner who had a flood insurance policy and a wind policy, they have been denied across the board. We have a U.S. Federal judge who cannot hear these cases of people who feel like they have been wronged because he, too, is suing his insurance company. In the other body, Senator LOTT, who has been extremely supportive of the insurance industry during his entire congressional and senatorial career, is filing suit against his insurance company.

So if the insurance company is willing to take on U.S. Senators, if they are willing to take on Federal judges, what do you think the moms and dads and grandmas and grandpas of south Mississippi, what kind of chance do they have?

So it is wrong on an individual case, but let me tell you why it is wrong for all of you.

Remember, every time they said the water did it and not wind, the taxpayer paid the claim, and so now we have to raise $25 billion, probably of borrowed money, to pay claims that should have been paid by companies that had a profit of $44 billion. There is no Federal regulation of the insurance industry, but there is a law called the Fair Claims Act.

The biggest abuse, the biggest fraud that has occurred since Hurricane Katrina has been by the American insurance industry. Next week this House will have an opportunity to look into what I have just told you, the allegations that billions of dollars that should have been paid by the private insurance industry were instead paid by the American taxpayer.

How is it that during the same storm season the private industry makes $44 billion while the taxpayers lose $25 billion? Under the Federal False Claims Act, if indeed these companies did that, then they will be fined millions of dollars, and their corporate executives

will go to jail, a fate they richly deserve.

So, Mr. Speaker, I am asking for two things: Next week, when the National Flood Insurance Renewal Program comes before the House, I am asking for an inspector general investigation of the insurance industry to see whether or not claims that should have been paid by the private sector insurance industry were wrongly stuck on the American taxpayer. And I am asking for your support.

Mr. Speaker, I will note that two of those insurance industries that I think were the biggest culprits reside in Illinois. But I also note that two-thirds of all the campaign contributions from the insurance industry went to your political party. So the real question is, Mr. Speaker, are we going to look out for the American people, or are we going to look out for your contributors?

That decision will be made next Tuesday.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. BILIRAKIS) is recognized for 5 minutes.

(Mr. BILIRAKIS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

## HONORING MYLDRED E. JONES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. ROYCE) is recognized for 5 minutes.

Mr. ROYCE. Mr. Speaker, I rise today to pay tribute to an exceptional woman from my district, Myldred E. Jones, a resident of Los Alamitos, California, for 38 years, a retired Navy lieutenant commander, and founder of Casa Youth Shelter, and she passed away at the age of 96 on Monday, June 19.

She was a consultant for Youth Affairs for former Governor Ronald Reagan, and during that time, she recognized the desperate need to shelter runaway and throwaway teens who faced danger on the streets. So she cofounded the first adolescent hotline, which quickly spread across the Nation and is now international in scope. She founded We Care and Hotline of Southern California, dedicated to youth in crisis.

□ 1915

At the age of 69, when most people are settled into retirement, Myldred sold her home to finance another nonprofit corporation, Casa Youth Shelter. Her vision and dream of helping children in need became a reality, and the woman who began by sacrificing marriage and children for service to country, dedicated 29 years to accepting and loving and sheltering at-risk youth.

She was born in Philadelphia, the second of four children. She earned her B.A. at Wittenberg College in Springfield, Ohio. She did her graduate studies at UCLA. In 1942, the wartime call to service led her into the Navy as part of the first contingent of California WAVES to be called to active duty. She served with distinction during World War II and the Korean War, rising to the rank of lieutenant commander, and she was the first female faculty member in the Armed Forces Graduate School of Information. She served as assistant director of the Department of Welfare-Navy Relief Society and as the naval liaison to both the United Nations and the American Red Cross. After her military discharge, she was active in the civil rights movement, marching with Martin Luther King from Selma to Montgomery. She also joined with Cesar Chavez on his marches for the United Farm Workers.

Myldred's military and humanitarian accomplishments were recognized by five of our United States Presidents, and I am very honored to stand before you today to remember the life of such a caring and compassionate social-entrepreneur citizen and patriot. She will be remembered and truly missed for her lifelong dedication and service.

### IN HONOR AND REMEMBRANCE OF COLONEL YOUNG OAK KIM

Mr. Speaker, this month marks the 56th anniversary of the outbreak of the Korean War, and I am saddened to report that Colonel Young Oak Kim, an American hero in the Korean struggle, passed away on December 29, 2005.

Colonel Kim served admirably in the United States Army since January of 1941, during World War II. He was assigned to the 100th Infantry Battalion, a segregated unit of Japanese Americans. When asked by his commanding officer if he would like to transfer, knowing the historical conflicts between Koreans and Japanese, Kim stated they were all Americans and they would fight together.

Kim is remembered for the Battle of Anzio, in which he volunteered to capture German soldiers for intelligence information. He crawled over 600 yards under German observation posts with no cover. He captured two prisoners and obtained information that contributed to the fall of Rome. Consequently, he was awarded the Distinguished Service Cross. He reenlisted in the Army in 1950 and entered the Korean conflict with poise and bravery. He took part in the U.N. Forces drive into the north, leading a battalion, and was awarded a second Silver Star and a Bronze Star for his relentless efforts in a series of battles which pushed the final DMZ north.

Colonel Kim's successes on the battlefield came with a price. Both of his legs were seriously injured, but retiring from the Army only energized his continuous dedication to walk on the path of democracy and freedom. He dedicated the rest of his life to founding many Asian American civic organizations and serving on the board of the Go For Broke Educational Foundation which keeps alive the American values of courage, honor, determination, loyalty, and justice for all.

Colonel Kim was the recipient of three Purple Hearts, the National Order of the Legion of Honor, the highest military honor in France, for his efforts in taking French towns, and the Knight Grand Cross Military Order of Italy, the highest military honor there, recognitions that underscore the courage Colonel Kim embodied that eventually contributed to the defeat of fascism in Europe and the containment of communism in East Asia.

There is no doubt that his courage and sacrifice is to be treasured, and sometimes it is through bitter conflicts that the best of our country shine bright amidst the seeming darkness and despair that this 56th anniversary may remind us of. It is through times like these that we reflect on the unity, the unity of our countrymen and the unity between the United States and South Korea, that will lead to better global cooperation and peace in the years to come.

Mr. Speaker, in conclusion, I would like to join our united country in saluting Colonel Young Oak Kim, a genuine American hero.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

(Mr. GEORGE MILLER of California addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

(Ms. JACKSON-LEE of Texas addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. CORRINE BROWN) is recognized for 5 minutes.

(Ms. CORRINE BROWN of Florida addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

## 30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the minority leader.

Mr. MEEK of Florida. Mr. Speaker, I want to start by commenting about a

previous 5-minute speech given by Mr. TAYLOR of Mississippi, and I want him to know how much I appreciate his representation of his district and sharing with the House some very vital and important information. As he mentioned, we will be considering legislation that will be dealing with the issues that he pointed out.

Mr. Speaker, again, we are glad to be here, the 30-something Working Group, to come to the floor with the help of so many of our colleagues. Tonight we have a special guest, Mr. RYAN.

Mr. RYAN of Ohio. Tonight is a great night. Tonight is like super 30-something night. This is like great stuff. I mean, I am excited. I may need to sit a couple plays out tonight, because not only do we have the chief Blue Dog, we are hoping that at some point during the course of the night that he will deputize us as maybe Blue Pups tonight. I want to be a Blue Pup tonight.

Mr. MEEK of Florida. Well, reclaiming, sir.

Mr. RYAN of Ohio. Please.

Mr. MEEK of Florida. I am glad to be with Mr. TANNER and also his colleague from Ohio, Mrs. STEPHANIE TUBBS JONES. Mr. TANNER of Tennessee has really been the leader in the House as it relates to accountability, as it relates to working with Mr. SPRATT on pay-as-we-go. He was around when we balanced the budget and we did some of the things that we needed to do on behalf of this country.

So we are so glad he is here tonight to share with the 30-something Group and also with the Members of the House on what we should be doing versus what we are doing right now.

I yield to Mr. TANNER.

Mr. TANNER. Well, I thank you, you fellas. The 30-something Group is rendering great service to our country. It is about the only way I know to turn the clock back and be youthful again is to associate with the 30-something hour. I want to speak for all of us who admire your work here and thank you very much for what you do to try to alert the American public and your generation to what I believe will be disastrous consequences for our country and our citizens if we continue on the course that we have embarked on for the last 60 months or so.

I wish I was making up what I am about to say, because when I tell people about the financial mismanagement and irresponsibility here in Washington that has gone on for the last few years and is continuing, people have a hard time comprehending that.

When I tell them that the GAO, the General Accounting Office, reports that 19 of 24 Federal agencies can't produce an acceptable audit, in other words they can't tell you what happened to the money that the Congress involuntarily removed from the taxpayers' pockets and appropriated to the administration, 19 of 24 Federal agencies can't tell you what happened to it. They can't produce an audit. People are amazed.

It is a function of the Congress to oversee the monies appropriated to any administration, and this Congress has abdicated that constitutional responsibility to the American people. I mean, no private enterprise in this country would tolerate what all of us are tolerating in our public lives. Can you imagine a private company, a CEO, or just anyone going to the treasurer or to the comptroller and saying, here is an expenditure of $10,000, do you know what it is for? What happened to it? And the answer is, well, I don't know, I can't find it, I couldn't tell you.

Nobody in private enterprise in this country would put up with that, yet that is exactly what has been going on here in this one-party political town. You have a compliant Congress, a friendly administration, and so not only is Congress not asking the administration what happened to the money, if they ask them, they can't tell them.

So what we have done is introduced House Resolution 841; that basically says what all of us believe ought to happen in our own private businesses and what happens here in our public business that affects everybody. It simply says this: When an Inspector General report comes back from any of these agencies and says either, number one, we can't find the money that has been appropriated; or, number two, this program, in government talk, is a high-risk program, and what that means really is that this program is not working like Congress intended for it to when it passed it to begin with, when those two things occur, House Resolution 841 provides that by law Congress must hold a hearing.

Right now these Inspector General reports are just gathering dust. There are no hearings on what has happened to the money. So we are putting into law, hopefully, if we get enough votes to pass it, we are just telling Congress you ought to do your job. You ought to oversee this spending that is going on.

I mean, I can't imagine anyone who would argue that it is not a good idea that we audit the books every now and then and see where the money is going that is being removed involuntarily from taxpayers. Who would be against finding out where the money went? I just can't imagine.

Mr. MEEK of Florida. If you would yield a moment, Mr. TANNER, I can tell you right now that there are a lot of things we should be doing, or the Republican majority should be doing but they are not doing, and we don't have the opportunity to do it because we are in the minority.

Again, it is good having you and Mrs. STEPHANIE TUBBS JONES, especially from the Ways and Means Committee, talking about the accountability and the ways and means of doing things. I am glad that you have this bill filed. And I am happy to know about it, because I am writing here a note to my folks that I need to be a part of this, because that is what we are talking about here almost every night, accountability, with these Inspector General reports stacking up.

As you also know, Mr. TANNER, the head person of the GAO has this working group moving around the country talking about what is happening in this government, the lack of accountability, the lack of oversight. Mr. RYAN and I met with him in the office. And this is bipartisan conservative and ''liberal groups'' going around. They have come together on behalf of the country because all this money is being spent with very little accountability.

□ 1930

Mrs. JONES of Ohio. Mr. Speaker, I am happy to be on the floor with the 30-somethings. I am 30 plus almost 27. I am proud to admit that I am 56, and I think I am doing all right. I am glad to be here with my sons, as I call KENDRICK MEEK and TIM RYAN, an my colleague on Ways and Means.

The most interesting thing is, if you think about it, remember when the Iraq war began, and there are millions of dollars that they can't account for. They said it was so crazy over there, they couldn't figure out where the money went. And the most recent reports about FEMA, about moneys that should have gone to help Katrina victims, they can't account for.

So I am with my colleague, Mr. MEEK, saying Mr. TANNER, great piece of legislation. Keep on pushing it. We are going to help you make sure that the Members of Congress, both Democrat and Republican, say to the people of America, we are going to account for the dollars. The Ways and Means Committee, we raise the means to do things, and here we have people messing with the dollars we have expended. I am pleased, Mr. TANNER, to be here with you tonight.

Mr. RYAN of Ohio. The point I would like to make, and this is why I am such a big fan of Mr. TANNER, I think this helps us convince the American people and shift our party into a direction that says we don't want to go and tax people. We know that they struggle with health care and gas prices, college tuition, all of the costs we review here every night, increased by 40 and 50 percent.

What Democrats in 2006 are saying, following the lead of the Blue Dogs, is that there is waste in the government. We need to audit and find out where that money is so we can take that money and invest that money in education and invest that in health care and invest that into all of the programs that we believe in, our priorities.

This is for me, personally, 32, 33 years old and a new Democrat in many ways, this is a beautiful thing because this is the vehicle, your piece of legislation, that I think changes our party in 2006 and gets us ready for the next century to say that we don't want to tax anybody any more than we need to run the government, but we can never go back to the taxpayer until we first

say we are spending your money responsibly.

Mr. TANNER. Mr. Speaker, people say all the time why can't government run more like a business? As I said earlier, no business would tolerate what we are tolerating here with this abdication of Congress' responsibility to keep up with the money. The very least the American people should expect from Congress is for Congress to oversee the money they remove from people involuntarily through taxes. The very least we ought to be able to do is tell them what happened to it.

The other part that this resolution addresses is, one, when they can't tell us what happened to the money; two, when the program is identified as high risk, that means it is not working; and three, when the auditors disclaim the audit report.

I want to read what the auditors said when they tried to audit the Department of Defense. ''We are unable to give an opinion on the fiscal year 2005 DOD financial statements because of limitations on the scope of our work. Thus, the financial statements may be unreliable. Therefore, we are unable to express and we do not express an opinion on these financial statements.''

That is on the first page of the audit. What they are saying is we don't know whether what you are about to read is true or not.

Listen to this from the Department of Energy. ''Audit work performed by the contract auditor identified significant deficiencies in financial management and reporting controls related to the Department's fiscal year 2005 consolidated financial statements. Specifically, the Department was unable to correct previously described weaknesses and could not provide a number of supporting documents required for audit.''

What they are saying is here is this report, but read it at your own risk, we don't know whether it is true or not.

Homeland Security. ''Unfortunately, the Department made little or no progress to improve its overall financial reporting during fiscal year 2005. The auditor was unable to provide an opinion on the Department's balance sheet.''

If that were in private business, the CEO of those businesses would be going to jail under the SEC rules if their stock traded on the exchange.

This is not rocket science. The least the American people ought to expect from this Congress or any other Congress is to be able to account for the money that we take away from the citizens in the form of taxes. These people are not doing their job. This is replete.

I have gone through some of these reports, it is unbelievable. There is not a hearing from Congress. There is nobody being subpoenaed up here saying, what happened to the $10 million that is here that the auditor said they can't find? Nobody is asking those questions. Congress is not asking it. If they asked it, they couldn't tell them. That is wrong. It is wrong to the taxpayers. It is wrong for this Congress to allow this to continue to go on.

I hope we can get H. Res. 841. The gentleman from California (Mr. CARDOZA), another Blue Dog, has H.R. 5315, and he says basically in that bill that when a Cabinet Secretary's department cannot produce an audit after 2 years, they have to go back before the Senate and be reconfirmed. In other words, you are in charge of this department; what happened to the money that was removed from the taxpayers' pockets and we gave it to you to spend? Where is it?

I can't tell you.

The second time he comes up here and says, ''I can't tell you what happened to the money,'' he has to be reconfirmed because he is obviously incompetent because he can't do his job, or her job.

This is just basic good government. It has nothing to do with politics, it has to do with running the government's business like we would run our own. That is what people send us here to do, and that is what is not being done, and that is why it is so wrong.

Mrs. JONES of Ohio. I am reminded of one of the hearings in the Ways and Means Committee where then-Secretary Snow was before the committee. This was before we actually got into the Iraq war.

I said, Mr. Secretary, you used to run a business. Tell me what trustees or board of directors of any business would say to you that you can have a supplemental outside of the budget that would increase significantly the deficit, and you don't have to include it in the amount of dollars we are expending?

He said to me that the President doesn't want to go to war, so it is not part of the budget.

I said, wait a minute. I know that there are tankers over there, there are men and women over there, there are arms over there, and we are spending dollars to feed and clothe them. That ought to be part of the budget. The American people should know what kind of money we are spending and not have it off side.

That is what this administration has been so good at in all of these supplementals. Many of us vote for the supplementals because we want to support the troops in Iraq and Afghanistan, but it is bad budgeting. I know if Secretary Snow ran his business like he ran the government, and he is gone now, but he would be put out of business if he ran a business like this.

Mr. TANNER. If the United States of America were a business, it would be classified as a failing business enterprise, and I hate to say this about my country. We are now in a structural deficit situation. In the business world where I come from, you can handle a cyclical deficit. That is if you have a bad year, if you had a bad year and so forth.

Under this scenario of this regime running the Congress and running our country and running the White House, we have a structural deficit. It never balances. Anybody in business knows that is unsustainable. That will not go on forever. Unless they figure out how to repeal the laws of arithmetic, we are in a structural deficit situation that cannot continue.

What does one do when one takes over a failing business? The first thing one does is find out where is the money coming from and where is it going. The first thing I want to do, we know we can pretty well figure out where the money is coming from from Treasury because they can tell you who is paying taxes. We can't tell where it is going. That is why we need this bill. We need accountability, and we need this bill.

When we appropriate money to anybody, any administration, if they can't tell us what they did with it, they ought not to get it next year. That is what you would do in your private business; that is what we ought to do as Members of Congress with the public business.

Mr. MEEK of Florida. Mr. TANNER, I am pulling this information from the Heritage Foundation, which is one of the most conservative foundations in Washington, D.C., if not the leading. In fiscal year 2003, $25 billion of taxpayer money went unaccounted for according to the Department of Treasury, again a third-party validator.

Basically they are saying that $25 billion can fund a full year at the Justice Department, according to the Heritage Foundation. So this is real money that is missing. Taxpayers dollars can go into funding an entire Justice Department, which has a number of employees and is charged with carrying out a great deal of responsibility on behalf of the American people.

Mr. RYAN of Ohio. And what is the end result of all of this wasteful spending? I think it is important to point out what the long-term effects are.

When President Bush took office, our debt limit was $5.9 trillion. As you can see, and these charts are on HouseDemocrats.gov/30something, in June of 2002, it increased by half a trillion dollars.

May of 2003, another debt limit increase. November of 2004, another one. March 2006, another one. The budget this year for 2007, the budget resolution will raise our debt limit to $9.62 trillion. By 2011, the debt limit under the Republicans will almost double from when President Bush took office.

Now we are trying to say that we want to audit the government and save money and make sure that we invest it properly into our priorities that will lead to economic development, and it is clear that the Republican majority, which controls the House, Senate and White House, has been fiscally irresponsible not only with the way they lack enforcement, they don't audit and pay attention to where the money

goes, and then they turn around and borrow it from China and Japan and OPEC and all of these other countries and run us into this huge structural debt that hurts the economy long term.

Mr. MEEK of Florida. Mr. RYAN, there is a chart which shows the priorities of the majority, and I wish you would share that chart.

Mr. RYAN of Ohio. This is the interest payments on the debt. This is the 2007 budget of what we are going to pay. It is about $230 billion just on interest on the debt. So all of those numbers we were showing, this is big time.

Mrs. JONES of Ohio. It is like a bad credit card bill.

Mr. RYAN of Ohio. To make a point, when we were talking about what we have control over in our own government and how we can streamline and do the audit and make sure that everybody is held accountable, I bet we know exactly where every single one of these dollars goes. There is someone in China on the other end saying, you owe me another 10-, and I want it here right now. They are not waiting around to say where did that $10 million go? We know where all of this $230 billion went.

Mr. MEEK of Florida. I know this is along the line of accountability, and I think this chart is a testimonial to the lack of accountability and the spending that has been going on in this House by the Republican majority. I think it is important when you say a charitable House of Representatives as it relates to the policies coming out of the White House, this is what happens. $1.05 trillion has been borrowed in the last 4 years, which is record-breaking in many ways, and historical in the wrong ways as it relates to what the President and the Republican majority has done.

And the $0.1 trillion over 224 years borrowed from 42 Presidents, that is all they were able to muster up. World War I, World War II, a number of other conflicts, the Great Depression, still record-breaking and borrowing money in an irresponsible way.

Mr. RYAN also mentioned who is buying all of this debt. I am not blaming the American taxpayers. They don't have a voting card. They have representatives up here, but they don't have a voting card. Japan has borrowed $682.8 billion of our debt and counting. They own a piece of the American apple pie, and it pains me to see these countries over the silhouette of the continental United States, but this is exactly what's happening, and this is the way we need to break it down.

China, $249.8 billion of the American apple pie, not because of the American people, but because of the Republican policies.

Mr. TANNER. If you add Hong Kong, that is over $300 billion that China controls of our paper.

Mr. MEEK of Florida. I am glad you are here to share that information, and you are 110 percent right.

The U.K., $223.2 billion.

The Caribbean, $115.3 billion.

Taiwan and counting, $71.3 billion of our debt.

Again, this is not the American taxpayer, this is what a charitable Congress has done with the President's policies.

And you let some individuals tell it on the other side of the aisle, they will say we are doing great.

For the first time in the history of the country, these countries have had their hands in the pockets of the American taxpayer, and having us pay with interest. Like Mrs. JONES mentioned, it is like borrowing on a credit card.

OPEC nations, you are talking about Iran, Saudi Arabia, a number of the countries that many Americans have questions about, oil-producing countries, they are in on the game. Not only are we paying through the nose for petroleum, they own $67.8 billion.

□ 1945

Germany, $65.7 billion; Korea, $66.5 billion; and Canada, just north of us, $53.8 billion. They are in on this feeding frenzy. And the reason why we have this silhouetted Continental United States and the American flag, we want to get back to this.

Mr. Speaker, we are the only party here in this Chamber, including, we would add, the one Independent that actually votes with the Democrats on this side. If we want to get back to a debt-free America, then we have to go on pay-as-you-go policies, which just today, just today, just today, Mr. TANNER, just today, Mrs. STEPHANIE TUBBS JONES, there was a vote on this floor to move in a pay-as-you-go policy, and the Republicans voted against it. United voting against paying as you go. That means if you are going to spend the money, you have got to show where you pay for it. And still that policy is not in place.

And, Mr. TANNER, I know that you have worked day in and day out. I have watched you here on this floor. I watch Mrs. TUBBS JONES in Ways and Means talking about, if we are going to do it, what are the means? How are we going to do it? And it is continuing to be placed on a credit card.

We usually use old charts, but today I think it is important for us to say that just today, on this floor, Republicans continue to move in the direction, I would say the leadership, continues to move in the direction of allowing these countries to have their hands in the pockets of the American taxpayers.

And it goes simultaneously with the two pieces of legislation that you have shared with the Members and the American people today, House Resolution 841, that you have offered and also Mr. CARDOZA's legislation as it relates to House Resolution 5315, that talks about this kind of accountability, forcing the Congress to carry out section 1, article I of the U.S. Constitution, which is boiler plate.

Mr. TANNER. Well, I am going to have to go, but I want to thank you all again for letting an old guy like me pretend I am 30-something again. It is a real thrill to do that, because your generation, I have two children in their 30s, and I have two grandchildren, one on the way. And when I see this country in an unsustainable financial downward spiral, I feel great remorse from my generation's standpoint, because we are not doing what our forebears did. To allow a situation to go on where there is no accountability, where Congress is not asking any administration, this has nothing to do with politics, it has to do with good business principles in the public sector, which I think all citizens of this country not only expect but deserve, and that is, this Congress ought to, at a minimum, be able to tell the American people what happened to the money. And they are not even asking this administration. And if they did, they couldn't tell them. That is just plain wrong.

And these bills, I hope some of our Republican colleagues will sign on. It seems to me like they would want to audit the books as much as we do. I mean, I just hope that this is the first step of accountability into the public sector so that when we get an audit from any Department, the auditors can identify what happened to the money, whether or not the program is working, and so we don't get these disclaimers that say, everything you are about to read in this audit we have no idea of. We don't know whether it is true or not. Go ahead, be my guest and read it, but we can't vouch for any of it because we don't know, and they can't tell us. That is just, it is not only grossly irresponsible for this Congress to let that go on, it is really a generational mugging. And you 30-something guys, I appreciate you and your group, because you all will ultimately bear the terrible consequences of continuing down this road of no accountability in the Federal Government. And so I thank you again for allowing me to be here.

Mrs. JONES of Ohio. I am laughing, Mr. TANNER. Remember when we had the IRS hearing, and the IRS decided that they were going to go look for waste, fraud and abuse in Earned Income Tax Credit instead of looking for waste, fraud and abuse in the larger corporation and what they were doing with the Tax Code?

I am not against business. Democrats are pro-business. We know that if we have business, people have jobs. But the reality is when you want to look for waste, fraud and abuse, you don't look for somebody that is paying a dollar in taxes. You look for somebody who is paying a whole bunch of dollars or who is getting a whole bunch of dollars from the American public to do a job and they don't do the job.

Mr. TANNER. You can look around. I could hit a driver and a 3-wood most of these places. They could start right here in this town just trying to find

out what did you do with the money we gave you.

Mr. RYAN of Ohio. That is probably a driver, a 3-wood and a 7-iron for you.

Mr. TANNER. And a pitching wedge to boot. Thank you all.

Mr. MEEK of Florida. Thank you, Mr. TANNER. We definitely appreciate your contributions. And I like this whole generational mugging piece. You are going to hear that again. That is a great one. And it is so good, Mr. RYAN, to have Members of the Ways and Means Committee here, because they hear this constantly, and the policies are passed through that committee as it relates to how we tax Americans, corporations, what have you. And to see the waste on the other side of the ball, on the government, which we are supposed to oversee, and make sure that those dollars that are being collected from the American taxpayer or the American corporation or whatever it may be, that it is spent in an appropriate way and that we are accountable for it.

Mr. RYAN of Ohio. Would the gentleman yield?

Mr. MEEK of Florida. Sure I would yield.

Mr. RYAN of Ohio. We had a wonderful, and I am going to share this with the Speaker and the House, we had a wonderful conversation about three weeks ago with Alvin Toffler, who wrote ''Future Shock,'' and then wrote this new book, ''Revolutionary Wealth.'' And he goes into how civilization during the Industrial Age was much different than it is now.

He used the example of 9/11, about how this decentralized, information-based, cells popping up al Qaeda, basically a private group, moved money and information around the world on cell phones and very decentralized, attacked us. And our response was to build a 20th-century pyramid bureaucracy called the Department of Homeland Security because that is what we know how to do. We know how to build these bureaucracies. And how we are living in an age that no longer represents, those kind of bureaucracies no longer address the needs of the American people.

So this audit and what Mr. TANNER and Mr. CARDOZA are trying to do is squeeze this government, squeeze these bureaucracies, get the fat out of them and find out where we can gain resources and invest them into the new programs, the new technologies, the new ways of doing things. And Democrats are for this. And I am excited about this summer and this fall for us to go around the country and talk about this new approach that we have because people say, oh, the Democrats aren't going to do it.

We are experiencing the implementation of the neoconservative agenda right now. They haven't done anything. They are spending like drunken sailors. We are running huge budget deficits. We are spending $230 billion a year, just paying interest on the debt. We are borrowing money from China and Japan and all of these other countries and funding these long-term structural deficits that we have.

We need an opportunity to take over this government, and let us start auditing this thing. This is a new Democratic Party, Mr. Speaker, that wants to squeeze the fat out of this government.

The Republicans had a lot of good talk in 1994. But even their own leader, Mr. Gingrich, Speaker Gingrich is saying now they are in charge, they are seen as in charge of a government that can't function.

Mrs. JONES of Ohio. Perfect example was today when we started talking about the estate tax. And there are different views on the importance of the estate tax. But reducing the estate tax puts in place, how do we pay for what was covered by the estate tax? And how do we pay for it? They don't even account for it. They just reduce it or get rid of the estate tax and say, okay, I am going to leave you to fend for yourself as to how you cover it.

Pay-as-you-go, they fussed at us. Well, if you want to increase college loans, or if you want to increase money for Social Security, or if you want to increase money so that seniors can get a prescription drug benefit, or you want to increase it so seniors can be covered with Medicaid, pay for it. But they don't ever talk about paying for it and a reduction of taxes.

And there are a lot of Democrats who certainly believe that we should not reduce taxes. But regardless of where you are, pay-as-you-go is language that everybody understands. My father used to say, if I have $5 and beef costs $5, I am going to buy me a pound of beef for $5.

Mr. MEEK of Florida. Mr. RYAN, I think, and also Mrs. TUBBS JONES, I think it is important that we look at this issue of the irresponsibility of the Republican majority. They are being very irresponsible. And to say that that is fine, we will give you what you want, of course, Mr. Speaker, I think we are going to see more of that kind of action by the Republican majority to say that, oh, we are with you, even if we are running the country into the ground.

We know better. We know that we have foreign countries that we are borrowing from because we can't even borrow from ourselves anymore because we have done such a bad job. We know we have raised the debt ceiling time after time after time again. Meanwhile, we come to the floor and say our policies are working.

We know that there are things we should not be doing because you are working every day or you are running your business every day. You may not be paying attention to everything that is going on. Not only are we elected but we are paid to watch out for your best interest and also for future generations' best interests. And they are doing it.

And I think that the paradigm shift as it relates to the American people paying attention to what they are doing in a way, from a fiscal way, I think, will take place between now and November.

And so what is so unfortunate about this whole situation, Mr. Speaker, is that we are supposed to be responsible policymakers on a bipartisan basis. And that is not happening right now. That is just not happening. The American taxpayers are getting mugged, knocked down and kicked by this Republican majority and the rubber stamp, or the rubber-stamp Congress, Republican majority that is here.

Now, one other thing I want to mention here, which I think is very, very important, just today, Mr. RYAN, Mrs. TUBBS JONES, we don't have to go back, Mr. Speaker, to weeks or months or 2 years ago or 3 years ago. We had a pay-as-you-go provision here. Individuals decided not to take it up.

We had an opportunity to raise the minimum wage on behalf of the American taxpayers. The Republican majority rejected an opportunity to raise the minimum wage for everyday working Americans.

As a matter of fact, Mr. RYAN, one of the Republican leaders said, I haven't voted in 25 years, Mr. Speaker, to raise the minimum wage. And if he would have had his way, the minimum wage would still be $3.35 versus $5.15.

I am so glad that my State joined 21 other States in raising the minimum wage. Meanwhile, we are still here with chisel and hammer in hand as Neanderthals on the Republican side of the ball and saying, oh, we don't have to raise the minimum wage. We are so indebted to the special interests that we don't even want to bother them of having an American public that is able to pay the rent or pay for their house mortgage or to be able to put gas in their tank. We are so invested in the K Street Project, we are so invested in so many other things that we are willing to allow these individuals to suffer.

But guess what? Those are the same individuals that are making America America. And there are millions of Americans that are there.

And so what is very, very unfortunate here, Mr. Speaker, is the fact that the Republican majority is still boasting about, you know, we are in charge. We are going to continue to keep our foot on the necks of everyday Americans that are going in, punching in and punching out every day, 5 days a week, sometimes 6, because they have to work overtime; those Americans that know what it means to take a 15-minute break in the morning and a 15-minute break in the afternoon, and a solid 30 minutes of lunch, if they get that, and they better not be a minute late. Those kind of individuals, I think, are going to go to the polls this November and say, no more. They are going to go to the polls and say, we are willing to fight for the kind of accountability that we need from this government.

I am so proud, Mr. Speaker, of the 30-something Working Group and the Members that come down here and the Democratic Members that file legislation on behalf of the American people, not on behalf of the Democratic Party, not even on behalf of the Democratic Caucus, not on behalf of our leadership, but on behalf of the individuals that they represent who woke up early one Tuesday morning and voted for representation in this U.S. House of Representatives, and I must add, Mr. Speaker, the only Chamber that you have to be elected to, that you can't be appointed to. All due respect to the Senate, but Senators can be appointed by Governors. If a Senator was to say, hey, you know, I have had enough. I want to go home, I want to take care of my grandkids, a Governor can appoint a Senator.

But in democracy, in this Chamber, in the U.S. House, if one Member were to say, hey, I want to take care of my grandkids, I want to spend more time with my kids, they have to run for office. They have to run for office, and they have to be replaced by the people.

So we have a greater responsibility. We have a greater responsibility than the White House, than the Senate or the Supreme Court, when you look at the three branches government, to the American people.

The oversight, House Resolution 841, and Mr. CARDOZA's legislation that calls for the calling in those administrators that are not accountable to taxpayers' dollars, these are the kind of bills that we must pass.

□ 2000

One thing I can say, Mr. RYAN, which is so very important on our side of the ball of saying we want to take this country in a new direction, is the fact that we said we will increase the minimum wage. We will make our country more energy-independent within 10 years. We will implement the 9/11 recommendations to be able to make sure that we can fight terrorism here and make sure that local communities have what they need.

These are not ''if'' or ''if we get around to it'' statements. These are statements that we said wholeheartedly that we would carry out.

The last point, anybody who wants to get this information as it relates to an innovation agenda: housedemocrats.gov. Right here, this is what it looks like. You can download this information. Again, safeguarding, making sure that we have the real security here in America, our Democratic plan: housedemocrats.gov. And, again, here as it relates to the working group that we have dealing with investing in the Midwest versus the Middle East: housedemocrats.gov. Mr. RYAN said all of the charts that you see here tonight you can get on housedemocrats.gov/30something.

Mr. Speaker, I do not even waste my time anymore, as a Member of this House, talking about working in a bipartisan way because the only way we can work in a bipartisan way, Mrs. TUBBS JONES, and you know because you are the most senior Member on the floor right now, is that the majority allows it to happen. The majority calls the conference committee, and this happens a lot in the Ways and Means Committee.

Mrs. JONES of Ohio. A whole lot.

Mr. MEEK of Florida. A lot in the Ways and Means Committee. They will have about tax law, about accountability or what have you, trying to find the ways and the means of bills that come through that committee, and the Democratic Members are not even called. A conference report comes to the floor, and they have not even seen it. Not that they weren't willing to sit down with the Republican majority, saying, We want to work with you and see how we can work in a bipartisan way. They don't even get the notice for the meeting. So the meeting takes place, it comes to the floor, and the rules that are in the House rules, it smacks the theme of the rules and also the spirit of the rules and the rules, period, about the minority party's being informed about these meetings.

So one thing that our leader has said: When we take control, there will be a bipartisan spirit in this House, and we will work together with the Republican minority, if the American people see to it.

Mr. RYAN of Ohio. Because it is not about us. It is not about the Democrats; it is not about the Republicans. It is about fixing the problems. I mean, we have got real problems in this country, serious, structural problems. And we do not have time to be nitpicking with each other to say, Well, that is a good idea, but you are a Republican, so forget about it. Give us all the ideas.

Mrs. JONES of Ohio. It is very important to understand that there are 41 members on the Ways and Means Committee. As a result of that 41, there are 24 Republicans and 17 Democrats. And the Democrats, 17 members, beginning with our ranking member, CHARLIE RANGEL, and going on to PETE STARK and on down the line, are people who can bring leadership and knowledge to a discussion about legislation. But, unfortunately, as the committee is currently constituted, we do not have the opportunity to sit at the table and truly legislate. Even one day the police called on us, trying to pull us out of the Ways and Means library room.

The reality is that we are willing and ready, ready and able, to provide import to the legislation on taxing and raising revenue for the United States of America. But, unfortunately, we do not have the opportunity. Unfortunately, we, as Democrats and Republicans, do not have the opportunity to sit at the table, talk it over, figure it out, and come to the floor with legislation that can make a difference on behalf of all Americans.

If you look back in history, every year we were in, there was legislation that really worked for America. It was legislation that was done on a bipartisan basis. This chairman talks about being a member of the willing, something like the Iraq war, if you weren't a member of the willing and you didn't go to war, you do not get counted in. We are, hopefully, not at war right here in the House of Representatives, although some days I think that we are, that we can have the opportunity to sit at table, legislate, and make a difference on behalf of the people of America. The people of America expect it from us. They do not send us here to argue back and forth with one another about issues. They want us to work it out, and that is why we were elected as representatives.

Mr. RYAN of Ohio. Do you know what this comes down to? This is just boiling all this down, regardless of the issues that you are talking about: What do we believe in as a country? What do we want our country to be? The great thing about being an American is we get to decide. We do not have 30 or 40 people in the upper echelons of government telling us what we want the country to be like. We get to vote on it, and the American people get to express themselves at the ballot box and decide what we want this country to be like.

Now, what we have had here over the past 5 years with a Republican House, Republican Senate, and Republican White House is tremendous deficits, borrowing more money from foreign interests in the last 4 or 5 years than we have borrowed in the last 224 years.

Do you believe in a government that should put everything on a credit card? Do you believe in a government that should give tax breaks to millionaires and then never raise the minimum wage? Do you believe in a government that should have a $1 trillion prescription drug benefit and not do anything to contain the cost because the pharmaceutical industry may not like it? If you believe in that kind of government, then you want to continue with what we are doing right now.

But if you believe in a government that is for the common good and the common defense and uses common sense, then you want to vote for the Democrats. If you want to raise the minimum wage by a couple bucks an hour, then you want to vote for the Democrats. If you want to reduce the cost of prescription drugs by using the bargaining power of the United States Government and the Medicare recipients, then you want to vote for the Democrats. If you want to take some of this money that we are going to squeeze out of the government because we are auditing and finding the waste and abuse in our government and invest that money in the Pell Grants, then you want to vote for the Democrats.

I mean, this is very simple. They have their beliefs; we have our beliefs. And we need the American people to affirm those beliefs at the ballot box.

And I believe in November, Ms. TUBBS JONES and Mr. MEEK, that the American people are going to affirm the beliefs of the Democratic Party because we are ready, willing, and able. We have the will and the desire to go out and lead. Put us in coach. We are ready to rock and roll.

Mr. MEEK of Florida. Reclaiming my time, it is very interesting. And, Mr. RYAN and Mrs. TUBBS JONES, I think you hit the nail right on the head in talking about the reality of serving in this Republican majority right now, what is not only happening to the Members of this body on the minority side and the one Independent that is a part of this House, but also what is happening to the American taxpayer. And accountability is on our side. We balanced the budget. The bottom line is there wasn't a deficit. There were surpluses as far as the eye can see when the Republican majority took over. And now we find ourselves in a fiscal crisis.

And I want to share this information and make sure, Mr. Speaker, that all the Members, hopefully, go back to their districts and, before they see an increase in the interest rates of student loans, to share with their constituents, and we are sharing it with our constituents, to consolidate their loans before July 1, because afterwards they are going to be paying, I believe, a 2 percent increase in interest rates and climbing, not because the companies said they want to go up on the interest rate, but because the Congress allowed these companies to go up on the interest rate, meanwhile providing more tax breaks for the superwealthy Americans that are here.

So as we continue to speak, we are not here speaking into the CONGRESSIONAL RECORD, Members, just to say we want to be on the record about what is happening to America. We are saying that we are ready, set, go. We have our chinstrap buckled and our mouthpiece in. Since football season is coming up in August, let it be known that we are ready to hit the field. We are ready to hit the field on behalf of the American people; not willing hit the field on behalf of Democrats, not willing to hit the field on behalf of just children, but on behalf of all the American people. That is Republicans, Independents, Green Party.

If you are not even voting, and you are so mad, and you are tired of this mess here in Washington, DC, we are doing this for you. We want to make sure that this democracy that some talk about that we are fighting in foreign lands to guarantee a democracy over there, we want to make sure that we can celebrate a democracy right here, making sure that individuals do not have to find a way out of no way, and making sure that we come up with ways that we can become energy-independent and not just running around here saying, well, we need to go to war in foreign lands to be able to attract oil when we have resources right here.

Mrs. JONES of Ohio. If the gentleman would yield, you know what is interesting as we debate on the floor, let us talk about, just for a moment, the minimum wage. And there is always the discussion that the people who pay the most tax ought to get the most return on their taxes. And I cry and scream on behalf of the unemployed in my district: Give them a job, and they will gladly pay taxes. Give them a job and a living wage, and they will be glad to pay taxes. They will be able to take care of their families. They will come off of government rolls.

But the reality is most people working at $5.25 an hour cannot be successful. They cannot be part of the American dream because they cannot buy milk, $3 a gallon of gas, and take care of their families. And the reality is that the Democratic Party is the only party talking about raising the minimum wage.

And there has been an argument that we do not want to raise the minimum wage because it impacts business, but there is statistical information very recently that just came from Ohio that says if you raise the minimum wage, businesses are doing better. It is not that if you raise it, they will go into debt. The reality is that if you have got a better worker making a better salary, then you have got a better business. And that is what we need to have happen in Ohio and across this country.

Mr. MEEK of Florida. Mr. Speaker, the last time the minimum wage was raised, it was a zero impact on businesses. Zero impact. So when folks are saying if we raise the minimum wage, people are going to go out of business, please. Okay? And when folks start talking about, Well, I am here to protect the business community, the last time I checked, there were individuals that went to vote to elect me and everyone else here to the United States Congress, to the House of Representatives. I didn't see major corporations going up with a voting card saying, I am representing corporation one, two, three, and I am here to vote on behalf of KENDRICK MEEK for Congress. There were individuals that voted for us.

So, Mrs. TUBBS JONES, I think you are 110 percent right, just not on behalf of the people of the great State of Ohio, but on behalf of the American people. People are working every day, but they cannot even put gas in their tank. How can you live?

Oprah just did a story on this as it relates to individuals that are making minimum wage. And they put individuals who were making above the minimum wage on a minimum wage, and they could not survive.

Mrs. JONES of Ohio. They say that if you look at inflation and apply it to minimum wage, the minimum wage today should be $9.08. And even in our proposals we are only asking for $7.25.

Give people an opportunity to make a living and be proud of themselves making a living wage.

Mr. RYAN of Ohio. And whatever business you have, your customers are going to have more money to go and spend. This is the basic difference that we have between what the first President Bush called ''voodoo economics,'' which is the current system we are in right now, the implementation of the neoconservative agenda. That is what is happening right now. And if you are happy with what this system is yielding for you and your family, then you need to continue to vote for the Republican Party. But if it is not effective for you and your family, then you need to look for alternatives, and that is what we are doing here.

But the Democratic Party is saying raise that minimum wage and give these small businesses more customers to go out and purchase their products.

Mr. MEEK of Florida. I was just looking for this, and I am so glad that I found it because I think it is important to be able to share the facts where they are. Third-party validators, Mr. Speaker, once again, there is just a line of them as it relates to the things we bring up.

This is a message from my Democratic Caucus Chair, who is JAMES D. CLYBURN, that is talking about priorities of the Democratic Caucus. It is not talking about something we just came up with a couple days ago, but the priorities of the Democratic Caucus and the American people. Five dollars and fifteen cents is the minimum wage. Fifty years, the last time the minimum wage has been this low as it relates to the inflation that you just spoke about. It should be $9 and some change. 1997 was the last time that the Congress raised the minimum wage. That is almost 10 years ago. It is about to be 10 years ago. Six point six million people, the number of people who would benefit from an increase in the minimum wage. Six point six million individuals, roughly three-quarters of minimum-wage workers, adults over the age of 20, many of whom are responsible for half of their families' income. One day it takes to be able to make money to buy one tank of gas working on the minimum wage.

Again, Mrs. TUBBS JONES, a zero jobs loss. Studies have shown that there is no evidence of jobs lost after passing a minimum wage increase.

□ 2015

Here is another one. Eighty-six percent of the American people support an increase in the minimum wage, and I must say 22 States have already headed in that direction through constitutional measures or legislative measures to increase the minimum wage to help their State's economy, because they know these individuals are consumers and these individuals that are on minimum wage will help their State's economy.

So I just wanted to share that information, because it is important that we share that. But again, the Republican majority is saying no. We are saying if we become the majority, if they become the minority come this

November, it is not ''if we can, we may get around to it.'' It will be one of the first things that the Democratic Caucus does. A done deal. We don't even have to talk about it, that the American people will see an increase in the minimum wage.

Mr. RYAN of Ohio. I would like to make a point, because when you raise the minimum wage, you raise the wages for all people who are participating in the labor market.

Let's take for example our friends at Wal-Mart, okay? If you raise the minimum wage, now, if you don't work at Wal-Mart or somewhere else of that caliber of a store that hires so many millions of people around the country, they are all going to get a boost. So instead of companies like Wal-Mart making billions and billions and billions in profits, some of that money will make its way back to the workers, so all the workers will get a couple dollars more an hour, which means you are going to have consumers with more money in their pocket so they can pull it out and go buy more goods, which will stimulate the economy.

The American people right now are feeling they are not benefiting from what is happening. I think a raise in the minimum wage would do that, it would accomplish that, it would give demand a spark, which is obviously what we want to do.

Then, like we have talked about here, investing in sewers and roads and bridges and infrastructure and get this country back where it needs to be with our infrastructure, so that we could build industrial parks and roads and bridges and increase commerce in the United States, extend broadband. All of these things will stimulate the economy here in the United States of America, educate our kids, get information into the households, and, at the end of the day, you have got a strong country.

Mrs. JONES of Ohio. I know that my good friend Kendrick Meek is going to close out on a New Direction for America, but I want to talk again about the minimum wage.

Consider that if the minimum wage had increased with inflation, it would be $9.08. Well, think about it like this. Family health care insurance is up 70 percent. The increase in minimum wage would help 7.5 million. Gas prices have doubled. So if the minimum wage doubled, it would be $10, and we would be able to do it. Record surplus has been turned to record deficits. And then college costs are up. There have been $12 billion in student aid cuts under this administration and Republican Congress.

It is time for Democrats to take control of the House so that we have an opportunity to serve the people and put America in a new direction.

I yield back to our leader.

Mr. MEEK of Florida. Let me just say this. You can go ahead and give the website out, sir, and I will close out.

Mr. RYAN of Ohio. Are you talking to me?

Mr. MEEK of Florida. I am talking to you, sir, Mr. RYAN.

Mr. RYAN of Ohio. I appreciate you letting me do this. Www.housedemocrats.gov/30something.

Mr. MEEK of Florida. Thank you, Mr. RYAN.

Mr. RYAN of Ohio. Thank you, Mr. MEEK.

Mr. MEEK of Florida. I want to thank Ms. TUBBS JONES and also you, Mr. RYAN, and Mr. TANNER and Mr. TAYLOR, who was here at the beginning finishing off his 5-minute speech for joining us tonight.

As Mrs. TUBBS JONES mentioned, as Democrats, we want to take this House in a New Direction for America. I think it is important, and we will let it be known that we will implement on day one, or days within being in the majority, if the American people see fit, a real security plan that will implement the full 9/11 Committee report, work on affordable health care, to fix not only the prescription drug law, but a series of seniors' issues as it relates to health care and also health care for the American people, from GM down to the small mom and pop business. Also make sure we have good paying jobs and stop sending jobs overseas and raising the minimum wage. Reversing all the things that the Republicans have done to Americans as it relates to higher interest rates for students and making college affordable. Also with tax deductions, and also energizing America by making sure we have investment in the Midwest versus the Middle East. And ensuring dignity as it relates to no privatization of Social Security.

With that, Mr. Speaker, it was an honor addressing the House. We would like to thank the Democratic leadership for the time.

## AN OPTIMISTIC VIEW OF CONDITIONS IN AMERICA

The SPEAKER pro tempore (Mr. PRICE of Georgia). Under the Speaker's announced policy of January 4, 2005, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes as the designee of the minority leader.

Mr. KING of Iowa. I thank the Speaker for the privilege to address this House of Representatives.

I came to the floor here to speak about a number of issues, but the subject matter, as often happens when I arrive here and listen to the preceding speakers, that subject matter does change, and I would just take it from the top.

Gas prices. Mr. Speaker, gas prices are exactly the same that they would be if we had Democrats in charge of this Congress rather than Republicans. The difference is people have a lot more money in their pockets to buy the gas with, because Democrats would raise the taxes, take the money out of the pockets of the working people and gas prices would not have changed.

We need to do more with energy supply, and I am for that. We can't get past some of the Republicans in here. But there aren't Democrats that I know of that will support us expanding the supply of energy.

We need to drill in ANWR. We need to drill on the Outer Continental Shelf. I am hopeful we will be able to bring out a bill within the next few days of proceedings in the House so that we can drill on the Outer Continental Shelf for gas and oil, within reasonable limits that we can work out with the States.

So, gas prices are the same as what they would be. It is just that people have more money in their pockets under Republicans to pay for this gas.

This is also a global market. It isn't a United States market. We are not able to drill for oil in places where we know we have reserves because the environmentalist coalition blocks that drilling in the United States of America, especially the Outer Continental Shelf and other places, our non-national park public lands. We have a tremendous supply of natural gas and oil. We are not able to get into that.

That is focused over on that side of the aisle, Mr. Speaker, not this side of the aisle. We need a far greater supply of energy, and you will have less energy, not more, if you listen to the advice of the people that spoke ahead of me.

With regard to the tax issues that came here today, the estate tax, most of the money that is taxed in an estate tax has already had the tax paid on it. Most of that is earnings that have already had the taxes paid.

So if you go out and you earn $100,000 over a year or a lifetime and you pay the income tax on that and that becomes savings that you invest, when that portion of that capital is taxed at your death, much of that, the core of it, the equity of it, the basis of it will be taxed a second time, not a first time.

How many bites at the equity apple does government need? Does government need to tax people on death? Does government in fact need to tax people for their productivity? My answer is no.

I would take all tax off of all productivity. I would put it on consumption. Then if people inherit a few million or a few billion dollars, when they spend that money, they would pay the tax and no one would escape it. But as we have it today, attorneys, and especially large corporations sometimes have whole floors of tax attorneys whose jobs it is is tax avoidance. So very wealthy people avoid the tax, and very poor people don't pay tax. In fact, even lower-middle income people don't pay very much, and sometimes not at all. It is those middle people in there that have earned a reasonable nest egg that get taxed, but they can't afford the attorneys or they don't do the planning because it is that marginal kind of an equation.

But we need to quit taxing people upon death. No taxation without respiration. This bill that we brought out

here today doesn't go far enough, in my opinion. And I am not one who is full of class envy. I believe I am the poorest delegate out of the Iowa delegation from a cash-in-the-bank standpoint at least. I am one of the richest on the part of family and those kind of blessings. But I don't envy anyone the wealth that they have earned. In fact, I am proud of them. I encourage them. Keep doing that.

People that build equity, their capital, if it is invested in a bank or in stocks or wherever it might be, finds its way into the hands of people that are reusing that money to create jobs. We have to have wealth in this country to create jobs. That is why we have jobs. This idea that we can raise the minimum wage and somehow or another it is going to make the world a better place for people just belies the simple fact that labor is a commodity, like corn or soybeans or gold or the oil that we talked about, and the value of labor is determined by supply and demand in the marketplace.

That is why it is $8.50 an hour or more to flip burgers at the burger stand in the Midwest. That is why very few people are working for minimum wage today, is because the supply of labor has not driven the price of wages down low enough that the minimum wage kicks in. The standard is higher.

So now the people on this side of the aisle want to raise the minimum wage a couple bucks an hour to try to catch up with what the economy has already done. If the argument ever was there that we should raise the minimum wage, no, the markets have already raised the minimum wage. That is what we ought to have as markets.

Sometimes people go to work for a minimum wage and then they realize, I don't like living here. I don't like this low wage that I am getting for the work that I am doing, so I am going to go get an education or I am going to train for a skill, because I want to upgrade this world that I am living in.

That should happen to most of us that start out into the working world. It certainly happened to me, and it happens throughout the process. If an entry level wage is what the minimum wage is today, most people aren't there very long before they move on up the line.

But if we can legislate a minimum wage without costing jobs, if people don't get laid off when the wage gets pushed higher by a potential Federal increase in the minimum wage, if we can legislate a minimum wage, Mr. Speaker, we can then legislate a living wage; and if we can legislate a living wage, enough money to live on, maybe raise a family on, maybe buy a modest house on, if we can do that, Mr. Speaker, without costing jobs, without reducing the number of opportunities for Americans, if we could take this $7.50 minimum wage proposal that perhaps takes it from $5.15 cents an hour, up a couple of bucks up to $7 and something, if we can do that without costing us jobs, why not take it up to a living wage? Why not take it up to $12, $13 or $14 an hour and call that a living wage, so that people could earn that much money and go buy their modest house and raise their family, and maybe they could do it on 40 hours a week.

But I will submit that we don't do that because we know if you raise that wage to that level, it certainly will cost jobs. And if we raise the minimum wage, if you have a minimum wage at all, it costs jobs. We should let the marketplace determine.

But the philosophy over on this side of the aisle says no, we have to legislate that at the Federal Government because it is a political kick for them, not because it is a rational economic one, Mr. Speaker. And I will submit that if we can legislate a minimum wage without a penalty to jobs in this economy, we can legislate a living wage at $12, $13 or $14 an hour without a penalty to the economy in this country. And if we can legislate a living wage, there is no rational reason by the rationale of the people on this side of the aisle that we can't just simply legislate prosperity.

If we are going to do this and do it at all, then let's legislate prosperity so we can all live in opulent mansions and we won't have to work and work our way up from the bottom at all.

What a wonderful country this would be if we could follow the rationale of the people on the other side of the aisle, who say that they don't even worry about partisanship. They don't worry about being bipartisan, about working with Republicans on this side of the aisle. But they say put me in, coach; elect those other people out and put me in, because I want to run this country.

But it is night after night after night, 60 minutes, sometimes 120 minutes, of the most pessimistic message anyone could ever hear on any television show anywhere in America on any given night. I mean, if I had that kind of an attitude, I would not want to get out of bed in the morning. I would be afraid to walk over a bridge for fear I would jump off of it.

No, this is an optimistic nation. That is not the right tone for America. This is an optimistic nation, Mr. Speaker. We have freedom. We have a freedom that was granted to us from God, that flows through the Declaration into the Constitution, the sacred covenant we have with God delivered to us through our Founding Fathers that he put on this Earth to guarantee us these rights. And we have these guarantees that flow through the Declaration and the Constitution; the freedom of speech, press, assembly, religion, guaranteed property rights. Not what they were before Kilo, I will admit, but guaranteed property rights. The freedom to be safe in our persons and freedom to be judged only once before a court of law. We have equal opportunity under the law, guaranteed under the 14th Amendment and also I believe the 15th Amendment, Mr. Speaker. We all ought to take advantage of that opportunity.

We should recognize that on the day that we are born, our glass is half full. In America your chance to fill your glass the rest of the way up is greater than it is anyplace else on this planet.

If you have a negative attitude and say your glass is only half empty, and you get this almost terminal case of the ''poor me's'' when you think about what it is like to have to go out and earn your share of the prosperity that is totally available in this country, if that drags you down, then I guess that is the motivation that brings you over here to the floor of the Congress, Mr. Speaker, and that is the motivation that just continually goes into this never-ending series of lamentations that we have heard now for, oh, maybe a year-and-a-half or so.

□ 2030

I know that a lot of Americans just turn the channel on that. Well, that is good advice, America.

But I am going to talk to you about some other things that are important in bringing out an optimistic message. I would submit, also, that there are bipartisan bills in this Congress and there are many of them. Any time that anyone wants to come into this gallery, Mr. Speaker, or watch this on C–SPAN and watch the votes or look them up on the Internet to see what the votes are, you will often see that there are significant votes up here where maybe almost all of us agree. Time after time after time, it is all green lights up here or all but three or four green lights up here on the board behind where I stand, Mr. Speaker. Those are bipartisan bills.

There are bipartisan bills that come to this floor day after day after day. Often for the first day of the week whether it has a Monday or a Tuesday for votes, those votes that come up that night are under suspension because there isn't dissension. We have found issues that we agree upon. We have bipartisanship and we reach across to the other side of the aisle. It is just that sometimes that attitude of ''I don't even worry about bipartisanship'' that were heard over here from Mr. MEEKS tonight, sometimes the hand that reaches across for bipartisanship gets bitten and then that causes the person to pull back again and think, well, all right, I guess maybe there are 232 Republicans and I guess we only need 218 votes to pass legislation, so is it worth the effort to have bipartisan legislation.

I will submit, I do believe it is worth the effort. Issues come through the committee better. They come through more smoothly. They come to the floor. They pass more smoothly. In fact, there are times when the conscience of the left calls into check the conscience of the right. I am on the right. I am making this confession. We have bipartisan efforts and we need to have partisanship in this Congress. The

reason we need to have it is so that we have viewpoints from both ends of the political spectrum so we can come together with a policy that is best for America. That is the mission and that is the vision.

I didn't listen enough tonight to know if the people on the other side of the aisle, the lamentations group, have actually spoken about some of the other issues, about the national security. I suspect they have. That is part of the repertoire for every night. But regardless, I am going to rebut that as well.

I would point out, Mr. Speaker, that we have some things going on around the world. We are involved in a global war on terror. We know that there is a battleground in Afghanistan and there is a battleground in Iraq. The argument that somehow we went there for the wrong reasons just astonishes me, and I am waiting to hear, maybe ever so faint from the other side of the aisle, the apology for being utterly wrong on weapons of mass destruction. I have not heard that apology from anyone over there, Mr. Speaker. Yet it is true. They have been utterly wrong. I have stood on this floor continually, and I said the law of physics is this. Matter can neither be created nor destroyed.

Now, we knew that Saddam had weapons of mass destruction. He admitted he had weapons of mass destruction. He said that he destroyed them and got rid of them, but we could, of course, not believe him. We sent the inspectors in. He had the inspectors running around in circles. Anyone who has listened to the tapes of Saddam and some of his henchmen there knows very well that they knew where the inspectors were at all times and they were giving them the runaround. They talked about it on the tapes. There are 12 hours of tapes there that say so. That material, that information, is available to the public today.

And so we know that he had weapons of mass destruction. And we know that he was pulling the wool over the inspectors' eyes. And we know that he used them on his own people. In one instance with only three of the weapons, only three of the canisters for gas, he killed 5,000 of his own people up in Kurdistan. 5,000 people with only three.

We got the news. We got the news a couple of days ago, Mr. Speaker. The information about the collection and the gathering of the finding of the weapons of mass destruction had finally been declassified by the Pentagon. When it was declassified then, we saw Senator SANTORUM and Chairman PETE HOEKSTRA go before the world and say, We have found weapons of mass destruction. Since 2003, we've accumulated 500 of the weapons of mass destruction.

Now, there isn't very much information that is available to the public that has been declassified, and I will confine my remarks to the declassified information that is there. But I would submit, Mr. Speaker, the facts are that we have found over 500 weapons of mass destruction and among those are mustard and sarin gas and that they are lethal and the warning that comes out from the Pentagon is that they remain lethal. And so whether these were pre-1991 or post-1991, nobody on that side said, well, he had them up till 1991, then they're gone again. That wasn't a condition. In fact, they are going to find a way to put conditions on it. No matter how much we come up with, no matter what the reality is, they will never make an admission that Saddam had weapons of mass destruction when we went in.

And so they were found. They were found perhaps in various locations around Iraq, and the cumulative total right now is 500. We are confident that we will continue to find more. I would submit, Mr. Speaker, that if we do not find them and if the terrorists do find them, they will find a way to use them on coalition troops, on Americans. They will use them on their own people if they think they can create the kind of chaos that would melt that country down, get us to pull out and turn that into a training center and a mission operations control center for al Qaeda and for their side of this global war on terror.

No, Mr. Speaker, Saddam had weapons of mass destruction, he had significant quantities of weapons of mass destruction, and the fact that we didn't end up with great huge warehouses full sitting there waiting for us to ride in on doesn't prove that they don't exist. It has been proven and admitted and no one denies they did exist. Saddam had them. He used them.

And so what I have said is, either you have to believe that Saddam Hussein used his last canister of gas on the Kurds and simply ran out of inventory. And so there he was, his warehouses were empty, and we came in to liberate the Iraqis and he simply had used up his supply of chemical weapons. Either you have to believe that or you have to believe that those weapons that we know existed are somewhere. Matter can neither be created nor destroyed. So the King version of that is, everything has to be someplace, Mr. Speaker, and we found 500 of them and there are many more someplace, whether they were hauled across the border by the Russians and whether they were buried in Syria, whether they are buried in Iraq.

But I would ask the people on the other side of the aisle, this group of lamenting pessimists that we hear every night, if you will confess that there are 500 different pieces of weapons of mass destruction, then you can make your arguments about how much that means to you. It means a lot to the American people. It means a lot to this war effort. But I would ask, then, if they happen to be something that the Iraqis forgot about, which one wag actually said, how do you forget about 500 pieces of weapons of mass destruction, if that is the case and you think they don't exist, where did we come up with these MiG–29s that were buried in the Iraqi desert, fully operational MiG–29s. They were ordered to be buried by Saddam Hussein. We found that out. Did we find these jets by having some kind of a United Nations weapons inspector walking around with a metal detector in the desert? No. Did we find them by using intelligence having someone who said, all right, I know what we did, we dug a hole and we buried these MiG–29s, scattered them around the desert. Here's where they are. Here are the GPS coordinates. Go dig them up. They're operational. You can dust the sand off, fuel them up, and fly them out of here.

That didn't happen either, Mr. Speaker. What happened was the wind blew the sand off the tail section of a MiG. Some people looked over there and thought, That's funny. That looks a lot like the tail section of a jet. Let's dig down and see what we have got. They dug down and found out, a MiG–29 sitting there, fully operational, buried in the desert. If they can bury an airplane and we can't find the airplane except by happenstance, weather and good luck, tell me why anyone would think that they couldn't have buried weapons of mass destruction there when we know that they exist, we know that he used them on his own people, we know that he only took three of them to kill 5,000 people and we found 500 of them. And think what kind of devastation that could have been on the American troops and then think about how many others are there somewhere that might fall into the hands of the enemy and be used on Americans, coalition forces, or the brave Iraqis themselves that are in uniform today defending Iraqis to the tune now and the strength of 267,000 Iraqis in uniform defending Iraqis, performing well, fighting well, carrying on operations, taking over security of the country and providing that next level of safety, security and freedom for the Iraqi people.

Mr. Speaker, this has been distorted so far that I don't know if I can express my disappointment with the message that the American people have been getting, having gone to Iraq a number of times myself, having looked our soldiers in the eye, having sat down and been briefed by our commanding officers, including General Casey and General Abazaid, having a working relationship with Secretary Rumsfeld on this and knowing that from the lowest ranking foot soldier or marine to the highest ranking officer in our military, to the Secretary of Defense and to the President himself, everyone's message indexes up and down the line, the message that comes out of there is, we are winning, Mr. Speaker, and we are scoring points, and we are providing more security in Iraq, not less, and the future is getting brighter by the day and the enemy is giving up more and more people and more and more equipment

and more and more ability to carry out operations. Their will to fight is being destroyed, Mr. Speaker, and it is being destroyed systematically.

So, Mr. Speaker, I submit to you that poster of Abu Masab al Zarqawi. Zarqawi was the leader of al Qaeda in Iraq. He was pretty difficult to find for a couple of years. He pledged his allegiance to Osama bin Laden, and he was an inspiration and a recruiting force and probably the most evil, diabolical person that we have seen on this globe in my lifetime. He is the person that devised the most brutal ways to slaughter people. He is the one who made sure that he was on a videotape beheading Americans. The torture deaths, the burning deaths, those who were killed, a child killed and had bombs planted inside the cavity of the child and have that detonate when the family comes to collect the body. That is the kind of diabolical evil that Zarqawi was.

Now, it is ironic, I think, that he said these things about Americans. Zarqawi said, Americans are the most cowardly of God's creatures. They are an easy quarry. Praise be to God. We ask God to enable us to kill and capture them.

''Americans are the most cowardly of God's creatures.'' That is the last thing I have seen out of Americans. I have not seen any of that out of Americans in Iraq or anywhere else when they put on the uniform. They are the most courageous, the most noble, certainly not the most cowardly, and are far from an easy quarry, Zarqawi.

Zarqawi was in a safe house. I appreciate myself and I think, Mr. Speaker, Americans will appreciate the irony of Abu al Zarqawi being in a safe house. That safe house didn't turn out to be too safe for him and the pictures of that house after it was blown to smithereens by two 500-pound bombs that came from a pair of F–16s would tell the world how unsafe it is to be the number one enemy of the United States of America, of the coalition forces, of the Iraqi people and of the free world.

And so Zarqawi went to meet his maker and checked into the next life. What has met him there, Zarqawi knows today. But if there is a place for evil people where they burn in infinity, I have to believe that Zarqawi is there. I have never seen such evil out of anyone anyplace on the planet in my lifetime.

This is the individual that was the inspiring spirit of al Qaeda in Iraq and pledged his allegiance to Osama bin Laden. Zarqawi was the individual who was the inspiring part that recruited enemy soldiers to work for him. He is the one that organized the funding effort and the military munitions and the equipment that they needed in order to attack coalition forces and the Iraqi military and the Iraqi people, women and children included, where the only discrimination he made was occasionally he would spare the lives of some Sunnis because he had a preference to the Sunnis. This man is now dead and he is gone. In the aftermath of the detonation, the blowing to smithereens of the safe house, there were a lot of data that was gathered there, computer hard drive data and paper documents. And those paper documents and the hard dive data, Mr. Speaker, indexed with a lot of other intelligence that had been gathered around Iraq and other places that were indexed into that location in the world. All of that data that has been pored through now, and I mean all of it, Mr. Speaker, points to one thing: the enemy, the terrorists in Iraq are losing. They are having great difficulty recruiting fighters. They are having difficulty finding funds. They are having difficulty pulling together weapons and they are having difficulty finding the material to improvise explosive devices with.

□ 2045

They are having difficulty logistically because security in Iraq is getting tighter and tighter and tighter and moving from section to city, from city to section, and from city to city. It is ever more dangerous than it was before.

They are getting demoralized and dispirited. The very thing that some of the people on the left would like to have the enemy think about the United States is actually happening to al Qaeda and the terrorists in Iraq. We are very close to putting this thing away.

Their spirit is weak and Von Clausewitz wrote a book, and the name of the book was ''On War,'' and Von Clausewitz's statement on war was the object of war was to destroy the enemy's will and ability to conduct war, and that seems to be a little bit obvious, but I think it is something that bears repeating.

We should all be in the same effort here. We should be in the effort of destroying the enemy's ability to conduct war, and that means we need to turn our military loose on them with a ferocity that we can bring to bear, and we have been doing that. We have been doing a great job, both in Afghanistan and also in Iraq, but additionally to that, we need to be destroying the enemy's will to carry out war, to conduct those acts of war, and that means they need to understand that our will will not be shaken. We will not let up. We will provide all of the troops and all of the support for the troops and all of the equipment and the training and the munitions and the weapons and the tactics and the technology necessary to take them out until this is over because the stakes are far too high. We cannot tolerate stepping back from this confrontation.

We made a commitment to go in there, and there is only one option, and that option is victory, Mr. Speaker. There is no option to any phased pullout or any drawdown unless it is something that it is no longer necessary to have troops there.

There is also an option to escalate if we need to do that, if we see the need to do that, but if we need to do that, that option is on the table. If we needed to double the troops there, that is what would happen, if that is what the generals asked for because this enemy, this one is dead. The ones beneath him, some of them, many of them are actually dead, and the one who follows will soon be. Those that are part of the officers will be sent into the next life as well, but at some point, they are going to understand that they cannot carry on this fight, that it is absolutely hopeless.

The best part of it is, Mr. Speaker, it will be hopeless when the political solution in Iraq is fully manifested. Now they have a prime minister. Now they have a fully operational Cabinet, one that was carefully chosen and it was a little bit of a struggle to get to that agreement, but their minister of defense and the minister of the interior, in particular, are very, very important cabinet positions. Those positions are now filled with good people. People that are going to have the best interests of the future of Iraq in mind, not their best interests in mind, but the best interests of the future of Iraq.

That means that the minister of defense is going to continue aggressively taking out the enemy. We have seen that kind of leadership out of the prime minister, and we will see that kind of leadership out of the minister of defense.

The minister of the interior is going to be looking at their national resources and thinking how do we convert this oil into cash, and they will set up a formula to do that. When that cash starts to flow into Iraq, prosperity begins, and it will take a little while, but it will take root. When prosperity takes root, the root that is there now for freedom goes deeper and wider. It has something to nourish itself, and that will be the profit that comes from marketing the national resources called oil, and the wealth of that will generate the many layers and the cycles and the interconnectivity of the economy.

That is all going to take place. That is going to take place because the Iraqi people see themselves as Iraqis first and Shi'ias, Sunnis and Kurds second. They understand that they have one chance at freedom, and that is as a unified Nation, and they are fighting together to do that, and we need to stand with them. We made that pledge.

Our commander-in-chief is the commander-in-chief. The President of the United States has that constitutional duty and responsibility, Mr. Speaker, and we need to stand with him.

When I see amendments come out here on this floor that undermine the President's authority to conduct this military operation as he sees fit, then that is unnecessary interference. If there is anything that takes away a tool from the battlefield, if there is anything that undermines our ability

to do negotiations to work with and cooperate with the Iraqis, that is undermining the war effort, and that should not ever happen out of this Congress.

We committed to this task. This Congress voted to commit to this task, and we put up at least two resolutions since then committed to this task. We will, Mr. Speaker, stay committed to this task, and those who work against it are working on the side, and this is what makes this guy, what made him smile was when our left-handed leaders here stand up and say we cannot win: wrong war, wrong place, wrong time.

Some say that the American soldiers are carrying out operations that are not becoming of American soldiers. Things happen in war, but our soldiers are conducting themselves with honor and with dignity.

Zarqawi, Mr. Speaker, is now gone, checked into the next life. I will tell you, then we have another leader in the other side of the theater in Afghanistan that ran a tape just other the day. This, Mr. Speaker, is Ayman al Zawahiri. He would be second-in-command among the al Qaeda and operating, we think, out of the border area between Afghanistan and Pakistan. He has put out a tape, and let me see, it is kind of interesting to watch how they do this when they take some serious blows, as they did when Zarqawi was killed by those American bombs.

As we see the intelligence that they are operating out of desperation and despair, that every bit of that intelligence says that they are losing the war, and when we see these weapons of mass destruction have been discovered and accumulated since 2003, when the people on the other side of the aisle say, well, that is not really any big deal, killing Zarqawi was not that big a deal and finding the weapons of mass destruction is not that big a deal and the intelligence is there that says that they are dispirited and they are running out of resources and they are having trouble recruiting, that is not that big a deal.

Then we have Zawahiri who does about a 3½ minute video. He is calling out also I think in desperation, and he says I am calling upon the Muslims in Kabul, in particular, and in all Afghanistan, in general, and for the sake of God to stand in the face of the infidel forces that are invading Muslim lands.

Well, I do not know that we have invaded Muslim lands, and I am surely convinced that there is a lot of strong Christians there. That would be a definition, by my definition, would mean they are not infidels. He also calls out to Egyptians. He is an Egyptian-born fugitive, Zawahiri, who says, here is his operation. The collapse of American power in Vietnam, they ran and left. He thinks that is going to happen in Afghanistan. He thinks it is going to happen in Iraq.

Americans did not run and leave, but they were deployed out of Vietnam by the direction of this Congress. This Congress lost their will, and losing our will back in 1974, Mr. Speaker, has given inspiration to a man like this in 2006. It is costing American lives today, coalition lives today in Iraqi, and innocent and civilian lives today because that has been what has inspired this Egyptian-born fugitive who also said in his tape, the young men of Islam in the universities and schools of Kabul should carry out their duties and essentially go volunteer for Jihad.

But we have a prime minister in Afghanistan. They are a free country. They are a sovereign nation, Mr. Speaker, and people went to the polls in Afghanistan for the first time with those routes to the polls and the polling places being guarded by American soldiers, by coalition soldiers, and for the first time in that place on this planet, free people went to the polls and elected their national leaders, chose and helped direct their national destiny, the first time ever in Afghanistan in the history of the world that that has happened. They elected Karzai.

So he says, of Zawahiri, the truly elected leader, the leader of the Afghan people says, Zawahiri is the first enemy of the Afghan people, the first enemy, and then the enemy of the rest of the world, says Karzai during his press conference. He killed Afghans for years, thousands, and then he went to America and destroyed the twin towers.

Mr. Speaker, Karzai went on to say we and Afghanistan want him arrested and put before justice. Well, Mr. Speaker, many of Zawahiri's supporters have been delivered to justice, perhaps 600 of them in these last operations. Coalition forces, Afghani troops and Americans are serving well in Afghanistan in some of the most intense operations that we have seen over there in some time, and they are serving effectively over there, Mr. Speaker. They are going to preserve and protect the freedom of Afghanistan.

I just have not heard the criticism of the other side of the aisle with respect to Afghanistan as I have with Iraq. I am wondering why that is. Twenty-five million people freed in Afghanistan; 25 million people freed in Iraq. It takes a little longer in Iraq than Afghanistan. Fewer casualties in Afghanistan. There are more in Iraq certainly, and it is sad and it is a tragedy for every family. It is a tragedy for every family, but they can take great pride in knowing that that sacrifice has great value, frees people around the globe, and it is not just the freedom of the Iraqi people or just the freedom of the Afghan people.

This is an inspiration of freedom that will one day free every Arab in the world. Everyone through the Middle East will one day breathe free and perhaps even in my lifetime we will see that happen.

The return for that sacrifice does not just do that. Some may think why do I care about freedom for an Arab people. I will submit, Mr. Speaker, that to the extent that the globe is free, we can also be more free in this country, safer in this country, Mr. Speaker, because wherever there are free people, they are not plotting and scheming to go to war against us.

The United States of America has never gone to war against another free people. We work out our differences in a democratic process. To the extent that the globe becomes entirely free, with people who can have their differences in the voting booth instead of on the battlefield, is also the extent that the world becomes a safer place. Even though we have had ongoing conflicts going on around the world, it seems like it never ends, and in fact, Mr. Speaker, it does not end. It has been a long, long time since we have had conflict that took lives by the millions as opposed to lives by the thousands or even the hundreds.

That means that millions of lives, I believe, have been saved, and if this inspiration for the Arab people, if Afghanistan and if Iraq become the lodestars of inspiration for a free people, that echoes across the Arab world the same way that freedom echoed across Eastern Europe, Mr. Speaker, that is the formula for victory in this war. We can get there. We are getting there.

Freedom has never been easy and it has never been without price, but freedom is priceless, Mr. Speaker, and it is a profound honor for those who have given their lives also, for those who have given their limbs and other parts of their bodies or a year out of their life to give the Iraqi people a chance at freedom and to help ensure safety and freedom for the American people for perhaps a long time to come, and that, Mr. Speaker, is the reason why we fight.

Now, there is another subject matter that needs to be brought up because I hear from the other side of the aisle that it is intolerable. It is intolerable to have the level of violence in Iraq that we have. It is intolerable to have the level of casualties in Iraq that we have. So, therefore, we should cut and run, Mr. Speaker, and that is almost the words that get used, and sometimes they actually do get used.

Well, the ranking member of the Defense Subcommittee came here on the floor some months ago, and in news conferences around the country and nationally, and then globally it got picked up and certainly by Al Jazeera and Arab TV that we should pull out of Iraq immediately. Here we are holding together this country and nurturing and training troops, and we have someone who is viewed as a leader in the armed services in this Congress who says we should immediately pull out and pull back to the horizon. That was much discussed around America, and sure it was discussed in the Middle East. I am sure it was a great inspiration to people like Zawahiri. In fact, it was a great inspiration to Zarqawi. He was alive then.

But Mr. Speaker, if we should pull out to the horizon, the horizon to me

would be some place in range, someplace where kind of the top of the hills so you look down in the valley and shoot down in there if you need to or rush down there if you have to. No. We found out where that horizon was in this past week, Mr. Speaker, when that Member, the representative from Pennsylvania, said, no, we should immediately redeploy to Okinawa. Now, how many people in America could have gotten that multiple choice question right? I would have missed it, Mr. Speaker. If you would have given me two answers, if you would have said Okinawa and let me see if I can pick another one, Australia, I would have gotten it wrong. I would have picked Australia. If you had given me 10 choices across there, I think you maybe could have picked two or three, I could have, as being more likely or less likely but Okinawa? I would have never done that in an essay question or a fill-in-the-blank.

I do not know where he came up with Okinawa as a place to deploy all of our troops over to. It is not a tactical thing that makes any sense. It is not a political thing that makes any sense to take our troops and say we are going to take you out of Iraq and we are going to put you in the barracks in Okinawa where you can train, let us say train beach landings in Okinawa to get ready to one day go back and fight in the desert in urban warfare. Does not make sense to me? Now, if he said let us deploy them down to the border, to the illegals that are coming across this border, that would have made sense, but Okinawa? To say we are going to mount military operations out of Okinawa to go into Iraq in case there is some civil unrest where you have to be there quickly, where you have to have boots on the ground, when our troops, our coalition troops and Iraqis have to understand the neighborhood, have to know the people, have to have relationships there in order to be effective? Okinawa?

□ 2100

Okinawa? Okinawa? I don't think that there is anybody in America that can, with a straight face, defend such a proposal. And it causes me some concern about the foundation of where that came from.

I would like to know. I would like to know if this is kind of a mental equation where you take a kaleidoscope and you bump it and it looks a certain way; and then you leave it like that for a while and you say, this is the way it is. And then over time, you bump it again and it cracks a little differently and you get a different picture entirely. I think that is how we come up with Okinawa. It can't be a rational, deductive reasoning path that gets you there.

Even the argument that you can mount air missions out of Okinawa to come into Iraq and somehow they can be effective from there, no, Mr. Speaker, we have many bases a lot closer to Iraq. If there was the idea we would run out of those bases or fly out of those bases, it would not be out of Okinawa.

But I would submit, Mr. Speaker, that we do have a base agreement there in Okinawa. We do that in the aftermath of any of our military operations. We have open discussions with the sovereign nations that control those territories and we enter into those agreements so that we can have better security and be better positioned militarily. We have bases in Germany and we have them scattered around in other places around the globe. We have Gitmo down in Cuba that is a legacy left over from the Spanish American War of 1898. So that is something that a sovereign nation must do, Mr. Speaker.

So I think we have covered some of this with regard to the enemy, but the issue of the casualties being too great needs to be raised, Mr. Speaker. So I am going to submit something.

I was asking the question on how dangerous is it for a regular civilian in Iraq. How dangerous is it? What would it be like when I see violence on television day after day after day? I think sometimes they must announce to the television cameras there is going to be a detonation of an IED so they can set their cameras up and be homed in on the site so they can see the dust and the smoke from the explosion and the flying parts that come out of there.

How else would they know to have a video camera set up down there? And I know some of that film comes from the enemy. They set the cameras up and make sure it gets to the news. But we see it day after day after day, something that would appear to be an intolerable level of violence, and something that the people on the other side of the aisle surely can't stand to see, because they come down here on a daily basis and say, bring them home, Mr. President, we can't tolerate this type of violence.

But what must it be like for a regular Iraqi citizen, an average citizen that could be living in a random place in Iraq? They might live in a small town or city somewhere. But what are the odds that you are going to be killed in an explosion of a suicide bomber or the detonation of an improvised explosive device?

I thought I would look into that, Mr. Speaker, and I came up with some very interesting statistics, and I have them here.

This is a little example that tells us about the violent death rate across some countries, some of them selected for their high rates of violence and some selected for their low rates of violence, like the United States; but it is designed to tell us about how dangerous it is to be a regular citizen in Iraq, Mr. Speaker.

We went to a couple of Web pages and pulled the most reliable information that is available. This is the information that is used by Congressional Research Service people who provide us factual data to be used here on the floor of this Congress, Mr. Speaker, and in committees. This is the factual data that is used as a foundation for the decisions that are made in Congress. That factual data came up with these numbers for us.

The violent death rates for civilians are rated in the per 100,000 category. So here is the United States: 4.28. That means out of every 100,000 Americans each year, 4.28 of them, on average, meet a violent death. That is considered, in the civilized world, a relatively low violent death rate. There are other countries that have lower rates, certainly. Many of the States have lower violent death rates, including Iowa, I might add.

But 4.28 is compared to Mexico, with a rate that is more than three times higher. About three times higher. The violent death rate in Mexico is 13.02 per 100,000.

Now, Mr. Speaker, I take us to where Iraq is. This is our subject here, Iraq's violent death rates. An average citizen in Iraq is going to be faced with this statistical reality, that 27.51 Iraqis will die a violent death out of every 100,000.

Now, keep in mind, there are 25 million of them. So you can calculate what this number is, and I just haven't done this for this survey. But what does that compare nation to nation? Well, it is clear that Iraq is about twice as dangerous as Mexico, 27.51 compared to 13.02.

So you are about twice as likely to die a violent death in Iraq as an average citizen as you are in Mexico. But as you can see here, about seven times more likely, 6-point-something times more likely to die a violent death in Iraq than you are in the United States.

So it is not so safe by that standard, Mr. Speaker. But when we look down the line on some of these other representative countries, for example, Venezuela, with Hugo Chavez down there, who is really running a tight ship down there, I hear, with 31.61 violent deaths per 100,000.

It is more dangerous to be an average citizen in Venezuela than it is an average citizen in Iraq, Mr. Speaker. And even more dangerous yet in Jamaica, only by a little bit, with 32.42 violent deaths per 100,000.

So there is your comparison. It gets a little more dangerous as we go down the line: Iraq at 27.51, Jamaica at 32.42. But South Africa, Mr. Speaker, has 49.6 violent deaths per 100,000. Significantly more dangerous to be an average citizen in South Africa, in the nation of South Africa, than it is to be an average citizen in Iraq. Not quite twice, but moving up the line along in that direction.

Then we go to Colombia, almost a neighboring country down there. They produce a lot of drugs down there that come up into the United States. There is a drug culture down there and it is violent there, and the death rate is 61.78 violent deaths per 100,000. Clearly

more than twice as high a death rate in Colombia as there is in Iraq.

Now, that seems to be a little bit shocking, but when you go to Swaziland, 88.61 violent deaths per 100,000. So you are up there a good solid 2½ times more dangerous to be walking around in Swaziland as a regular citizen than it is to be walking around in Iraq as a regular citizen.

That gives us a sense of the level of violence that is there. Can they tolerate that level of violence? Can they be a sovereign nation with that level of violence? If it never diminishes from where it is today, can they still continue to move on and have a civil society; and could they still produce and deliver electricity and goods and services and have shops open up and close down at the end of the day and people could go on with commerce?

The answer to that is, well, they are doing it, Mr. Speaker, in Venezuela, in Jamaica, South Africa, Colombia and Swaziland every day, and we are not hearing a word about that in the news. But every day we see the violence in Iraq that the cameras have been trained on before it happens, Mr. Speaker, and it is a distorted viewpoint.

Safe in the United States, three times more dangerous in Mexico than in the United States. They have a drug culture down there too that is coming at us at a rated of $65 billion worth of illegal drugs a year, but almost seven times more dangerous in Iraq than it is in the United States, but then incrementally more dangerous in Venezuela, Jamaica, South Africa, Colombia, and Swaziland.

I think I made my point on that, Mr. Speaker.

So, then, okay we are talking nation to nation, Iraq compared to other nations. But what is it like for those of us who live in cities? We have a sense of what it is like here, for example, in Washington, D.C. Well, I just happen to have, Mr. Speaker, this little chart right here that lays out the relative violent death rate for civilians in the cities.

Now, I would point out that we have exempted military deaths in Iraq and police deaths in Iraq, and done so because they are involved in combat over there in a war against the terrorists. So they are faced with running into that on a daily basis and those casualties will certainly be higher. But we are comparing an average civilian to an average civilian in some of these other places in the world.

So we will start out here. Let us go to the low side of this, with 27.51 deaths in Iraq. Now, we could not find any reliable statistics for city-by-city data of violent deaths in Iraq, so I can't give you Mozul, I can't give you, Mr. Speaker, Kirkuk, or Basra, or Tikrit, or any of those places. That information is not available by the CRS research that has been done on these Web pages that provided this data. If it doesn't come through CRS, I don't have enough confidence in it being reliable. In fact, we just simply could not find it, so we put out what we have.

An average citizen anywhere in Iraq, to give you a sense of what it must feel like to live there, compared to Oakland, California, it is a little bit safer in Oakland, California, with 27.51 deaths per hundred thousand in Iraq and 26.1 in Oakland, California. So if you are walking the streets of Oakland, California, and you are wondering whether it is dangerous or not for you there, you should have about the same kind of feeling if you are living in a random place in Iraq.

That doesn't mean there are not highly violent locations in Iraq, but it just means that overall average citizens feel about the same as in Oakland, California.

But St. Louis is a little more dangerous than Iraq, on average, with 34.4 deaths per 100,000. Atlanta is more dangerous yet than Iraq, at 34.9 violent civilian deaths per 100,000.

Someone said, well, you didn't include the policemen's deaths in these cities. They are not included in this data. And I can't tell you actually whether they are or whether they aren't, but I went back and looked at the level of deaths that we had in the last year, one in Atlanta, and none in Washington, D.C., so you can see statistically it just simply is not relevant. So that issue doesn't really matter to this debate.

So we have 27.51 deaths per 100,000 in Iraq, average citizen; Baltimore, 37.7. If you feel safe in Baltimore, you ought to feel safe in Iraq. Detroit, 41.8. The rate is going up. If you feel safe in Detroit, you ought to feel safe in Iraq. Washington, D.C., 45.9 violent civilian deaths per 100,000, and 27.51 in Iraq.

Now we are getting up there to that number that is approaching twice as dangerous in Washington, D.C. as it is for an average citizen in a random place in Iraq. If you feel safe in Washington, D.C., you should feel equally safe in a random place in Iraq. There are many places more dangerous than that, but a random place in Iraq.

Now, when you get to New Orleans, and this number is pre-Katrina, 53.1 violent deaths per 100,000. And guess what, Mr. Speaker? They called out the National Guard and deployed troops down to New Orleans because the level of violence got so high down there, even with the diminished population. There was a violent murderous event down there, and so the Governor called out the National Guard to deploy them on the streets of New Orleans to get control of that city.

Is anyone on that side of the aisle talking about that, about calling the troops up and mobilizing the National Guard to go to New Orleans because of the crime rate? Well, it has finally happened, Mr. Speaker. This crime rate of 53.1, that is almost twice as high as the crime rate in Iraq, might well be higher than twice the crime rate in Iraq after this last flurry of crime they have had, where there were five people that were executed in one vehicle. We don't know whether it was over drugs or a grudge or both, but likely that would be the foundational excuse. There would never be a reason for doing something that horrible, Mr. Speaker.

So the Governor called out the National Guard. And the people on this side of the aisle, they are not saying, what is your exit strategy, Governor Blanco? When are you going to get the National Guard out of New Orleans? We don't need to have troops deployed there, in an American city that ought to be a civilized place. They are not calling for pulling the troops out. They are not calling for an exit strategy.

They are not objecting to troops being deployed to New Orleans to keep order for a simple crime rather than the kind of violence that comes in Iraq from the terrorists that are trying to turn that society into an uncivil society, Mr. Speaker, the terrorists that are attempting to break that country up and start a civil war; the terrorists that think if they just kill enough people, maim enough people, if they can kill enough people in a heinous enough fashion, sooner or later everyone will say, enough, I can't take it any more. Will you please just stop killing us in the brutal fashion that you are.

Why would anybody think they would ever stop? That is their religious belief. That is their religious mission. They think somehow their path to salvation is brutally killing us; killing people who are not like them. And I would submit, Mr. Speaker, that they kill more Muslims than they do Christians or Jews. Not that they are their preferred target, but it is just simply, I think, because they are handier.

Those who announce that there is a civil war in Iraq, that resolution that has been introduced over in the Senate and I believe a resolution that may have been introduced here in the House that says there is a civil war in Iraq, how can they come to such a conclusion, Mr. Speaker?

□ 2115

I will define a civil war in Iraq so folks can have a measurement to go by, and that is this: 267,000 Iraqis in uniform defending Iraqis trained on the job today, taking over more than 30 bases, covering a high percentage of the real estate in Iraq, Mr. Speaker, and these Iraqis are recruited, and they are mixed up. They are not sorted out by Kurds and Shi'as and Sunnis. They are blended together in one force.

When those Iraqis choose up sides and start shooting at each other wearing the same uniform, Mr. Speaker, that will be the definition of a civil war.

So great strides have been made. There is a great reason for optimism. There will be a successful conclusion. This Nation will not blink. This Nation will not retreat. This Nation will stand forward until victory. There is no alternative but victory, Mr. Speaker.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. BERKLEY (at the request of Ms. PELOSI) for today.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DEFAZIO) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Ms. CORRINE BROWN of Florida, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. TAYLOR of Mississippi, for 5 minutes, today.

(The following Members (at the request of Mr. PAUL) to revise and extend their remarks and include extraneous material:)

Mr. PAUL, for 5 minutes, today.

Mr. POE, for 5 minutes, June 29.

Ms. HARRIS, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, June 26, 27, 28, and 29.

Mr. LEACH, for 5 minutes, today.

Mr. ROYCE, for 5 minutes, today.

## ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 16 minutes p.m.), under its previous order, the House adjourned until Monday, June 26, 2006, at 12:30 p.m., for morning hour debate.

## OATH FOR ACCESS TO CLASSIFIED INFORMATION

Under clause 13 of rule XXIII, the following Members executed the oath for access to classified information:

Neil Abercrombie, Gary L. Ackerman, Robert B. Aderholt, W. Todd Akin, Rodney Alexander, Thomas H. Allen, Robert E. Andrews, Joe Baca, Spencer Bachus, Brian Baird, Richard H. Baker, Tammy Baldwin, J. Gresham Barrett, John Barrow, Roscoe G. Bartlett, Joe Barton, Charles F. Bass, Melissa L. Bean, Bob Beauprez, Xavier Becerra, Shelley Berkley, Howard L. Berman, Marion Berry, Judy Biggert, Brian P. Bilbray, Michael Bilirakis, Rob Bishop, Sanford D. Bishop, Jr., Timothy H. Bishop, Marsha Blackburn, Earl Blumenauer, Roy Blunt, Sherwood Boehlert, John A. Boehner, Henry Bonilla, Jo Bonner, Mary Bono, John Boozman, Madeleine Z. Bordallo, Dan Boren, Leonard L. Boswell, Rick Boucher, Charles W. Boustany, Jr., Allen Boyd, Jeb Bradley, Kevin Brady, Robert A. Brady, Corrine Brown, Sherrod Brown, Henry E. Brown, Jr., Ginny Brown-Waite, Michael C. Burgess, Dan Burton, G. K. Butterfield, Steve Buyer, Ken Calvert, Dave Camp, John Campbell, Chris Cannon, Eric Cantor, Shelley Moore Capito, Lois Capps, Michael E. Capuano, Benjamin L. Cardin, Dennis A. Cardoza, Russ Carnahan, Julia Carson, John R. Carter, Ed Case, Michael N. Castle, Steve Chabot, Ben Chandler, Chris Chocola, Donna M. Christensen, Wm. Lacy Clay, Emanuel Cleaver, James E. Clyburn, Howard Coble, Tom Cole, K. Michael Conaway, John Conyers, Jr., Jim Cooper, Jim Costa, Jerry F. Costello, Christopher Cox, Robert E. (Bud) Cramer, Jr., Ander Crenshaw, Joseph Crowley, Barbara Cubin, Henry Cuellar, John Abney Culberson, Elijah E. Cummings, Randy ''Duke'' Cunningham, Artur Davis, Geoff Davis, Jim Davis, Jo Ann Davis, Lincoln Davis, Tom Davis, Susan A. Davis, Danny K. Davis, Nathan Deal, Peter A. DeFazio, Diana DeGette, William D. Delahunt, Rosa L. DeLauro, Tom DeLay, Charles W. Dent, Lincoln Diaz-Balart, Mario Diaz-Balart, Norman D. Dicks, John D. Dingell, Lloyd Doggett, John T. Doolittle, Michael F. Doyle, Thelma D. Drake, David Dreier, John J. Duncan, Jr., Chet Edwards, Vernon J. Ehlers, Rahm Emanuel, Jo Ann Emerson, Eliot L. Engel, Phil English, Anna G. Eshoo, Bob Etheridge, Lane Evans, Terry Everett, Eni F. H. Faleomavaega, Sam Farr, Chaka Fattah, Tom Feeney, Mike Ferguson, Bob Filner, Michael G. Fitzpatrick, Jeff Flake, Mark Foley, J. Randy Forbes, Harold E. Ford, Jr., Jeff Fortenberry, Luis G. Fortuno, Vito Fossella, Virginia Foxx, Barney Frank, Trent Franks, Rodney P. Frelinghuysen, Elton Gallegly, Scott Garrett, Jim Gerlach, Jim Gibbons, Wayne T. Gilchrest, Paul E. Gillmor, Phil Gingrey, Louie Gohmert, Charles A. Gonzalez, Virgil H. Goode, Jr., Bob Goodlatte, Bart Gordon, Kay Granger, Sam Graves, Al Green, Gene Green, Mark Green, Raul M. Grijalva, Luis V. Gutierrez, Gil Gutknecht, Ralph M. Hall, Jane Harman, Katherine Harris, Melissa A. Hart, J. Dennis Hastert, Doc Hastings, Alcee L. Hastings, Robin Hayes, J. D. Hayworth, Joel Hefley, Jeb Hensarling, Wally Herger, Stephanie Herseth, Brian Higgins, Maurice D. Hinchey, Ruben Hinojosa, David L. Hobson, Peter Hoekstra, Tim Holden, Rush D. Holt, Michael M. Honda, Darlene Hooley, John N. Hostettler, Steny H. Hoyer, Kenny C. Hulshof, Duncan Hunter, Henry J. Hyde, Bob Inglis, Jay Inslee, Steve Israel, Darrell E. Issa, Ernest J. Istook, Jr., Jesse L. Jackson, Jr., Sheila Jackson-Lee, William J. Jefferson, William L. Jenkins, Bobby Jindal, Sam Johnson, Eddie Bernice Johnson, Nancy L. Johnson, Timothy V. Johnson, Walter B. Jones, Stephanie Tubbs Jones, Paul E. Kanjorski, Marcy Kaptur, Ric Keller, Sue W. Kelly, Patrick J. Kennedy, Mark R. Kennedy, Dale E. Kildee, Carolyn C. Kilpatrick, Ron Kind, Steve King, Peter T. King, Jack Kingston, Mark Steven Kirk, John Kline, Joe Knollenberg, Jim Kolbe, Dennis J. Kucinich, John R. ''Randy'' Kuhl, Jr., Ray LaHood, James R. Langevin, Tom Lantos, Rick Larsen, John B. Larson, Tom Latham, Steven C. LaTourette, James A. Leach, Barbara Lee, Sander M. Levin, Jerry Lewis, John Lewis, Ron Lewis, John Linder, Daniel Lipinski, Frank A. LoBiondo, Zoe Lofgren, Nita M. Lowey, Frank D. Lucas, Daniel E. Lungren, Stephen F. Lynch, Connie Mack, Carolyn B. Maloney, Donald A. Manzullo, Kenny Marchant, Edward J. Markey, Jim Marshall, Jim Matheson, Doris O. Matsui, Carolyn McCarthy, Michael T. McCaul, Betty McCollum, Thaddeus G. McCotter, Jim McCrery, James P. McGovern, Patrick T. McHenry, John M. McHugh, Mike McIntyre, Howard P. ''Buck'' McKeon, Cynthia McKinney, Cathy McMorris, Michael R. McNulty, Martin T. Meehan, Kendrick B. Meek, Gregory W. Meeks, Charlie Melancon, Robert Menendez, John L. Mica, Michael H. Michaud, Juanita Millender-McDonald, Brad Miller, Jeff Miller, Gary G. Miller, Candice S. Miller, Alan B. Mollohan, Dennis Moore, Gwen Moore, Jerry Moran, James P. Moran, Tim Murphy, John P. Murtha, Marilyn N. Musgrave, Sue Wilkins Myrick, Jerrold Nadler, Grace F. Napolitano, Richard E. Neal, Randy Neugebauer, Robert W. Ney, Anne M. Northup, Eleanor Holmes Norton, Charlie Norwood, Devin Nunes, Jim Nussle, James L. Oberstar, David R. Obey, John W. Olver, Solomon P. Ortiz, Tom Osborne, C. L. ''Butch'' Otter, Major R. Owens, Michael G. Oxley, Frank Pallone, Jr., Bill Pascrell, Jr., Ed Pastor, Ron Paul, Donald M. Payne, Stevan Pearce, Nancy Pelosi, Mike Pence, Collin C. Peterson, John E. Peterson, Thomas E. Petri, Charles W. ''Chip'' Pickering, Joseph R. Pitts, Todd Russell Platts, Ted Poe, Richard W. Pombo, Earl Pomeroy, Jon C. Porter, Rob Portman, Tom Price, David E. Price, Deborah Pryce, Adam H. Putnam, George Radanovich, Nick J. Rahall, II, Jim Ramstad, Charles B. Rangel, Ralph Regula, Dennis R. Rehberg, David G. Reichert, Rick Renzi, Silvestre Reyes, Thomas M. Reynolds, Harold Rogers, Mike Rogers, Mike Rogers, Dana Rohrabacher, Ileana Ros-Lehtinen, Mike Ross, Steven R. Rothman, Lucille Roybal-Allard, Edward R. Royce, C. A. Dutch Ruppersberger, Bobby L. Rush, Paul Ryan, Tim Ryan, Jim Ryun, Martin Olav Sabo, John T. Salazar, Loretta Sanchez, Linda T. Sánchez, Bernard Sanders, Jim Saxton, Janice D. Schakowsky, Adam B. Schiff, Jean Schmidt, Allyson Y. Schwartz, John J. H. ''Joe'' Schwarz, David Scott, Robert C. Scott, F. James Sensenbrenner, Jr., José E. Serrano, Pete Sessions, John B. Shadegg, E. Clay Shaw, Jr., Christopher Shays, Brad Sherman, Don Sherwood, John Shimkus, Bill Shuster, Rob Simmons, Michael K. Simpson, Ike Skelton, Louise McIntosh Slaughter, Adam Smith, Christopher H. Smith, Lamar S. Smith, Vic Snyder, Michael E. Sodrel, Hilda L. Solis, Mark E. Souder, John M. Spratt, Jr., Cliff Stearns, Ted Strickland, Bart Stupak, John Sullivan, John E. Sweeney, Thomas G. Tancredo, John S. Tanner, Ellen O. Tauscher, Gene Taylor, Charles H. Taylor, Lee Terry, William M. Thomas, Mike Thompson, Bennie G. Thompson, Mac Thornberry, Todd Tiahrt, Patrick J. Tiberi, John F. Tierney, Edolphus Towns, Michael R. Turner, Mark Udall, Tom Udall, Fred Upton, Chris Van Hollen, Nydia M. Velázquez, Peter J. Visclosky, Greg Walden, James T. Walsh, Zach Wamp, Debbie Wasserman Schultz, Maxine Waters, Diane E. Watson, Melvin L. Watt, Henry A. Waxman, Anthony D. Weiner, Curt Weldon, Dave Weldon, Jerry Weller, Lynn A. Westmoreland, Robert Wexler, Ed Whitfield, Roger F. Wicker, Heather Wilson, Joe Wilson, Frank R. Wolf, Lynn C. Woolsey, David Wu, Albert Russell Wynn, Don Young, C. W. Bill Young.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8210. A letter from the Secretary, Department of Commerce, transmitting a report of a violation of the Antideficiency Act by the Economics and Statistics Administration (ESA) of the Department of Commerce, Revolving Fund account 13X4324, pursuant to 31

U.S.C. 1351; to the Committee on Appropriations.

8211. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Small and Disadvantaged Business Utilization Office (SADBU), Case Number 05-04, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

8212. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 05-19, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

8213. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 05-16, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

8214. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 02-13, pursuant to 31 U.S.C. 1517(b) and 1351; to the Committee on Appropriations.

8215. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 03-03, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

8216. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 05-04, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

8217. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 05-03, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

8218. A letter from the Secretary, Department of Transportation, transmitting a report of a violation of the Antideficiency Act by the Research and Innovative Technology Administration (RITA) of the Department of Transportation, Research and Development Account (69X1730), pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

8219. A letter from the Secretary, Department of Commerce, transmitting a six-month report prepared by the Department of Commerce's Bureau of Industry and Security on the national emergency declared by Executive Order 13222 of August 17, 2001, and continued on August 14, 2002, August 7, 2003,and August 6, 2004 to deal with the threat to the national security, foreign policy, and economy of the United States caused by the lapse of the Export Administration Act of 1979, pursuant to 50 U.S.C. 1641(c); to the Committee on International Relations.

8220. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on International Relations.

8221. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting pursuant to the Taiwan Relations Act, agreements concluded by the American Institute in Taiwan on December 15, 2005 and March 8, 2006, pursuant to 22 U.S.C. 3301 et seq.; to the Committee on International Relations.

8222. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 06-27, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Japan for defense articles and services; to the Committee on International Relations.

8223. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to Section 634A of the Foreign Assistance Act of 1961, as amended,and Division D, Title V, Section 515 of the Consolidated Appropriations Act, 2005, as enacted in Pub. L. 108-447, notification that the Department intends to increase funding for IMET; jointly to the Committees on International Relations and Appropriations.

8224. A letter from the Under Secretary for Industry and Security, Department of Commerce, transmitting a report of intention to impose new foreign policy-based export controls on exports of items for chemical and biological weapon end-uses, under the authority of Section 6 of the Export Administration Act of 1979, as amended and Executive Order 13222 of August 17, 2001, and extended by the Notice of August 7, 2003; to the Committee on International Relations.

8225. A letter from the Under Secretary for Industry and Security, Department of Commerce, transmitting a report that the Department intends to amend foreign policy-based export controls on exports of certain items under the authority of Section 6 of the Export Administration Act of 1979, as amended, and continued by Executive Order 13222 of August 17, 2001, as extended by the Notice of August 7, 2003; to the Committee on International Relations.

8226. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) and (d) of the Arms Export Control Act, certification of a proposed manufacturing license agreement for the export of defense articles and services to the Government of Israel (Transmittal No. DDTC 009-06); to the Committee on International Relations.

8227. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of updates to the regulations of the Chemical Weapons Convention Implementation Act of 1998; to the Committee on International Relations.

8228. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of the intent to obligate Fiscal Year 2006 funds on behalf of the Bureau of Oceans and International Environmental and Scientific Affairs; to the Committee on International Relations.

8229. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) and (d) of the Arms Export Control Act, certification of a proposed manufacturing license agreement for the export of defense articles and services to the Government of Japan (Transmittal No. DDTC 062-05); to the Committee on International Relations.

8230. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the territory of the Russian Federation that was declared in Executive Order 13159 of June 21, 2000; to the Committee on International Relations.

8231. A letter from the President, Eurasia Foundation, transmitting the Foundation's 2005 Annual Report entitled, ''Beyond Transition''; to the Committee on International Relations.

8232. A letter from the Acting Chair, Federal Subsistence Board, Department of the Interior, transmitting the Department's final rule — Subsistence Management Regulations for Public Lands in Alaska, Subpart C and Subpart D — 2006-07 Subsistence Taking of Fish and Wildlife Regulations (RIN: 1018-AT98) received June 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8233. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Texas Regulatory Program [Docket No. TX-054-FOR] received June 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8234. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Determination of Status for 12 Species of Picture-wing Flies from the Hawaiian Islands (RIN: 1018-AG23) received June 2, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8235. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administrations' final rule — Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Reopening of Directed Fishery for Loligo Squid [Docket No. 051209329-5329-01; I.D. 042606C] received May 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8236. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Total Allowable Catches for the Northeast Multispecies Fishery for Fishing Year 2006 [Docket No. 060301058-6109-02; I.D. 022306A] (RIN: 0648-AU13) received May 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8237. A letter from the Acting Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish Observer Program [Docket No. 050722198-6084-02; I.D. 071805B] (RIN: 0648-AS93) received May 1, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8238. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30487; Amdt. No. 3160] received April 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8239. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2C10 (Regional Jet Series 700, 701, & 702), CL-600-2D15 (Regional Jet Series 705), and CL-600-2D24 (Regional Jet Series 900) Airplanes [Docket No. FAA-2005-22632; Directorate Identifier 2005-NM-158-AD; Amendment 39-14486; AD 2006-04-05] (RIN: 2120-AA64) received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8240. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2C10 (Regional Jet Series 700, 701, & 702), CL-600-2D15 (Regional Jet Series 705), and CL-600-2D24 (Regional Jet Series 900) Airplanes [Docket No. FAA-2005-22872; Directorate Identifier 2005-NM-198-AD; Amendment 39-14490; AD 2006-04-09] (RIN: 2120-AA64)

received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8241. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Model 500, 550, S550, 560, 560XL, and 750 Airplanes [Docket No. FAA-2005-22558; Directorate Identifier 2005-NM-107-AD; Amendment 39-14491; AD 2006-04-10] (RIN: 2120-AA64) received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8242. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Meggitt Model 602 Smoke Detectors Approved Under Technical Standard Order (TSO) TSO-C1C and Installed on Various Transport Category Airplanes, Including But Not Limited to Aerospatiale Model ATR42 and ATR72 Airplanes; Boeing Model 727 and 737 Airplanes; McDonnell Douglas Model DC-10-10, DC-10-10F, DC-10-15, DC-10-30 and DC-10-30F (KC-10A and KDC-10), DC-10-40, DC-10-40F, MD-10-10-F, MD-10-30F, MD-11, and MD-11F Airplanes [Docket No. FAA-2005-22031; Directorate Identifier 2004-NM-259-AD; Amendment 39-14885; AD 2006-04-04] (RIN: 2120-AA64) Received April 21, 2006, pursuant to 5 to the Committee on Transportation and Infrastructure.

8243. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146 and Avro 146-RJ Airplanes [Docket No. 2002-NM-172-AD; Amendment 39-14488; AD 2006-04-07] (RIN: 2120-AA64) received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8244. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-200 and -300 Series Airplanes, Model A340-200 and -300 Series Airplanes, and Model 340-541 and -642 Airplanes [Docket No. 2003-NM-211-AD; Amendment 39-14484; AD 2006-04-03] (RIN: 2120-AA64) received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8245. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B2 Series Airplanes; Model A300 B4 Series Airplanes; Model A300 B4 Series Airplanes; Model A300 B4-600 Series Airplanes; Model A300 B4-600R Airplanes; Model A300 F4 600R Series Airplanes; Model A300 C4-605R Variant F Airplanes; and Model A310-200 Series Airplanes; and Model A310-300 Series Airplanes [Docket No. FAA-2005-22411; Directorate Identifier 2005-NM-074-AD; Amendment 39-14482; AD 2006-04-01] (RIN: 2120-AA64) Received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8246. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A318-100 Series Airplanes, Model A319-100 Series Airplanes, Model A320-111 Airplanes; Model A320-200 Series Airplanes, and Model A321-100 Series Airplanes [Docket No. FAA-2005-23143; Directorate Identifier 2005-NM-177-AD; Amendment 39-14487; AD 2006-04-06] (RIN: 2120-AA64) received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8247. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300-B4-600, B4-600R, and F4-600R Series Airplanes, and Model C4-605R Variant F Airplanes (Collectively Called A300-600 Series Airplanes); and Model A310-300 Series Airplanes [Docket No. FAA-2005-22455; Directorate Identifier 2005-NM-095-AD; Amendment 39-14489; AD 2006-04-08] (RIN: 2120-AA64) received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8248. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca Artouste III B, Artouste III B1, and Artouste III D Turboshaft Engines [Docket No. FAA-2006-23594; Directorate Identifier 2005-NE-54-AD; Amendment 39-14497; AD 2006-04-15] (RIN: 2120-AA64) received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8249. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Gulfstream Model GIV-X and GV-SP Series Airplanes [Docket No. FAA-2006-23966; Directorate Identifier 2006-NM-024-AD; Amendment 39-14495; AD 2006-04-13] (RIN: 2120-AA64) received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8250. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc RB211 Trent 500, 700 and 800 Series Turbofan Engines [Docket No. FAA-2006-23604; Directorate Identifier 2005-NE-49-AD; Amendment 39-14498; AD 2006-05-01] (RIN: 2120-AA64) received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8251. A letter from the Regulatory Officer, Forest Service, Department of Agriculture, transmitting the Department's final rule — Recreation Fees (RIN: 0596-AC35) received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Agriculture and Resources.

8252. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification to Congress regarding the Incidental Capture of Sea Turtles in Commercial Shrimping Operations, pursuant to Public Law 101-162, section 609(b); jointly to the Committees on Resources and Appropriations.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 5316. A bill to reestablish the Federal Emergency Management Agency as a cabinet-level independent establishment in the executive branch that is responsible for the Nation's preparedness for, response to, recovery from, and mitigation against disasters, and for other purposes; with amendments (Rept. 109–519 pt. 1). Ordered to be printed.

Mr. WOLF: Committee on Appropriations. H.R. 5672. A bill making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2007, and for other purposes (Rept. 109–520). Referred to the Committee of the Whole House on the State of the Union.

Mr. BUYER: Committee on Veterans' Affairs. H.R. 4843. A bill to increase, effective as of December 1, 2006, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes; with amendments (Rept. 109–521). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 5318. A bill to amend title 18, United States Code, to better assure cybersecurity, and for other purposes; with an amendment (Rept. 109–522). Referred to the Committee of the Whole House on the State of the Union.

Mr. OXLEY: Committee on Financial Services. H.R. 5337. A bill to ensure national security while promoting foreign investment and the creation and maintenance of jobs, to reform the process by which such investments are examined for any effect they may have on national security, to establish the Committee on Foreign Investment in the United States, and for other purposes; with an amendment (Rept. 109–523 Pt. 1). Ordered to be printed.

Mr. BOEHLERT: Committee on Science. H.R. 5358. A bill to authorize programs relating to science, mathematics, engineering, and technology education at the National Science Foundation and the Department of Energy Office of Science, and for other purposes; (Rept. 109–524). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOEHLERT: Committee on Science. H.R. 5356. A bill to authorize the National Science Foundation and the Department of Energy Office of Science to provide grants to early career researchers to establish innovative research programs and integrate education and research, and for other purposes; with amendments (Rept. 109–525). Referred to the Committee of the Whole House on the State of the Union.

## TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 5337. Referral to the Committees on Energy and Commerce and International Relations extended for a period ending not later than July 17, 2006.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BROWN of South Carolina (for himself, Mr. MICHAUD, Mr. WELDON of Pennsylvania, and Mr. MILLER of Florida):

H.R. 5669. A bill to amend title 38, United States Code, to increase to $2,000 the amount of the Medal of Honor special pension under that title and to provide for payment of that pension to the surviving spouse of a deceased Medal of Honor recipient; to the Committee on Veterans' Affairs.

By Mr. FRANK of Massachusetts:

H.R. 5670. A bill to repeal the Cuban Adjustment Act, Public Law 89-732; to the Committee on the Judiciary.

By Mr. BRADLEY of New Hampshire (for himself, Mr. MICHAUD, Mr. MORAN of Kansas, Mr. NEAL of Massachusetts, Mr. SIMMONS, and Mr. GARRETT of New Jersey):

H.R. 5671. A bill to amend title 38, United States Code, to ensure appropriate payment

for the cost of long term care provided to veterans in State veterans homes, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CHABOT (for himself, Mr. POE, Mr. GOHMERT, and Mr. GINGREY):

H.R. 5673. A bill to amend title 18, United States Code, to make restitution mandatory for Federal crimes, and to simplify and streamline its procedures, and for other purposes; to the Committee on the Judiciary.

By Ms. LEE (for herself, Mr. LEACH, Mr. LANTOS, Mrs. MALONEY, Ms. CORRINE BROWN of Florida, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Mr. PAYNE, Mr. GUTIERREZ, Ms. NORTON, Mr. HONDA, Ms. SCHAKOWSKY, Mr. MCDERMOTT, Mr. CONYERS, Mr. WAXMAN, Mr. BERMAN, Ms. WOOLSEY, Ms. WATERS, Mr. MCGOVERN, Mr. CROWLEY, Mr. BROWN of Ohio, Mrs. MCCARTHY, Mr. WEXLER, Mrs. CHRISTENSEN, Mr. MEEKS of New York, Ms. MCCOLLUM of Minnesota, Mr. CAPUANO, Mr. SHAYS, Mr. PALLONE, Mrs. CAPPS, Mr. BLUMENAUER, Ms. MCKINNEY, Mr. OWENS, Mr. CUMMINGS, Mr. CARNAHAN, Mr. WYNN, Ms. SOLIS, Mr. NADLER, Mr. DAVIS of Illinois, Mr. STARK, Mr. FRANK of Massachusetts, Mr. MORAN of Virginia, Mr. SCOTT of Virginia, Mr. CLYBURN, Mr. DELAHUNT, Ms. KILPATRICK of Michigan, Mr. SANDERS, Ms. WATSON, Mr. RUSH, Mr. KUCINICH, Mr. GRIJALVA, Mr. LEWIS of Georgia, Mrs. TAUSCHER, Mr. JACKSON of Illinois, Mr. BISHOP of Georgia, Ms. CARSON, and Ms. HARMAN):

H.R. 5674. A bill to require the President and the Office of the Global AIDS Coordinator to establish a comprehensive and integrated HIV prevention strategy to address the vulnerabilities of women and girls in countries for which the United States provides assistance to combat HIV/AIDS, and for other purposes; to the Committee on International Relations.

By Mr. REHBERG:

H.R. 5675. A bill to authorize appropriate action if negotiations with Japan to allow the resumption of United States beef exports are not successful, and for other purposes; to the Committee on Ways and Means.

By Mr. SHAYS (for himself and Mr. MEEHAN):

H.R. 5676. A bill to amend the Federal Election Campaign Act of 1971 to replace the Federal Election Commission with the Federal Election Administration, and for other purposes; to the Committee on House Administration.

By Mr. SHAYS (for himself and Mr. MEEHAN):

H.R. 5677. A bill to provide for ethics and lobbying reform; to the Committee on the Judiciary, and in addition to the Committees on House Administration, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LARSON of Connecticut (for himself, Ms. PELOSI, Mr. HOYER, Mr. CLYBURN, Mr. MURTHA, Mr. SKELTON, Mr. LANTOS, Mr. ABERCROMBIE, Mr. TANNER, Ms. DELAURO, Mr. STUPAK, Ms. MCCOLLUM of Minnesota, Mr. ETHERIDGE, Mr. BROWN of Ohio, Mr. PASCRELL, Mr. KILDEE, Mrs. DAVIS of California, Mr. MEEHAN, Mr. KENNEDY of Rhode Island, Mr. DOGGETT, Mr. HOLT, Mrs. NAPOLITANO, Ms. MATSUI, Mrs. MCCARTHY, Mr. DICKS, Mr. NEAL of Massachusetts, Mr. CAPUANO, Mr. BERRY, Mr. CARDOZA, Mr. CUMMINGS, Mr. REYES, Mrs. MALONEY, Ms. SOLIS, Mr. GEORGE MILLER of California, Mr. STRICKLAND, Mr. HASTINGS of Florida, Mr. OLVER, Mr. BISHOP of New York, Mr. TOWNS, Ms. LINDA T. SÁNCHEZ of California, Mr. POMEROY, Mr. PETERSON of Minnesota, Ms. SLAUGHTER, Mrs. TAUSCHER, Ms. ROYBAL-ALLARD, Mr. WEINER, Mr. NADLER, Mr. MILLER of North Carolina, Mr. LEVIN, and Mr. CARDIN):

H.J. Res. 90. A joint resolution disapproving the granting of amnesty by the Government of Iraq to persons known to have attacked, kidnapped, wounded, or killed members of the Armed Forces of the United States or citizens of the United States in Iraq; to the Committee on International Relations.

By Ms. BORDALLO (for herself and Mr. MCCOTTER):

H. Con. Res. 432. Concurrent resolution calling on the Government of North Korea to cease all production of weapons of mass destruction, to cease proliferation of ballistic missiles, and to uphold its 1999 pledge to refrain from intercontinental ballistic missile testing, and for other purposes; to the Committee on International Relations.

By Ms. LEE (for herself, Mr. HONDA, Mrs. CHRISTENSEN, and Ms. SOLIS):

H. Con. Res. 433. Concurrent resolution supporting the goals and ideals of National HIV Testing Day, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ROTHMAN:

H. Con. Res. 434. Concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued honoring Varian Fry, and that the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that such a stamp be issued; to the Committee on Government Reform.

By Ms. ROS-LEHTINEN (for herself, Mr. MEEK of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MACK, Ms. GINNY BROWN-WAITE of Florida, Mr. MARIO DIAZ-BALART of Florida, Ms. WASSERMAN SCHULTZ, Mr. FOLEY, Ms. CORRINE BROWN of Florida, Mr. BOYD, Mr. DAVIS of Florida, Mr. STEARNS, Mr. WEXLER, Mr. HASTINGS of Florida, Mr. SHAW, and Ms. HARRIS):

H. Res. 887. A resolution congratulating the Miami Heat for winning the 2006 NBA Championship; to the Committee on Government Reform.

By Ms. WATERS (for herself, Mr. FRANK of Massachusetts, Mr. FOLEY, Mrs. MALONEY, Mr. LEACH, Mr. DELAHUNT, Mr. BACHUS, Ms. LEE, Mr. PAYNE, Mr. ENGEL, Mr. CONYERS, and Mr. RANGEL):

H. Res. 888. A resolution urging multilateral financial institutions to cancel Haiti's debts to such institutions under the Enhanced Heavily Indebted Poor Countries Initiative and the Multilateral Debt Relief Initiative immediately, and for other purposes; to the Committee on Financial Services.

By Mr. REICHERT (for himself, Mr. POE, Mr. COSTA, and Mr. STRICKLAND):

H. Res. 889. A resolution supporting the National Sexual Assault Hotline (the ''Hotline'') and commending the Hotline for counseling and supporting 1,000,000 callers; to the Committee on the Judiciary.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 19: Mr. BILBRAY.

H.R. 65: Mr. SIMMONS.

H.R. 98: Mr. BILBRAY.

H.R. 131: Mr. LATOURETTE.

H.R. 354: Mrs. MYRICK and Mr. HOLT.

H.R. 503: Mr. ENGLISH of Pennsylvania, Mr. LEWIS of Kentucky, Mr. REGULA, Mr. MEEKS of New York, Ms. DEGETTE, Mr. RAMSTAD, Mr. DAVIS of Illinois, Mr. ADERHOLT, and Mr. LOBIONDO.

H.R. 676: Mr. VISCLOSKY.

H.R. 698: Mr. BILBRAY.

H.R. 864: Ms. JACKSON-LEE of Texas and Ms. KAPTUR.

H.R. 881: Mr. STARK.

H.R. 998: Mr. HASTINGS of Washington.

H.R. 1000: Mr. COBLE.

H.R. 1245: Mr. SKELTON and Mr. UPTON.

H.R. 1298: Mr. DEFAZIO and Mr. MCHENRY.

H.R. 1356: Ms. ROYBAL-ALLARD.

H.R. 1366: Mr. CHANDLER.

H.R. 1370: Miss MCMORRIS, and Mr. BURTON of Indiana.

H.R. 1384: Ms. HARRIS.

H.R. 1438: Mr. BILBRAY.

H.R. 1494: Mr. STUPAK.

H.R. 1545: Mr. WELDON of Florida.

H.R. 1574: Mr. CARNAHAN.

H.R. 1577: Mr. LARSON of Connecticut.

H.R. 1632: Mr. MCGOVERN.

H.R. 1671: Mr. CAPUANO.

H.R. 1898: Mr. MCKEON and Ms. MCKINNEY.

H.R. 1902: Ms. ZOE LOFGREN of California.

H.R. 1951: Mr. GONZALEZ and Mrs. MUSGRAVE.

H.R. 1986: Mr. BILBRAY.

H.R. 2048: Mr. DELAHUNT.

H.R. 2088: Mr. CONAWAY and Mr. SMITH of Texas.

H.R. 2089: Mr. GOHMERT.

H.R. 2177: Mr. CHABOT.

H.R. 2239: Mr. SAXTON and Mr. SHUSTER.

H.R. 2553: Mr. SHAYS.

H.R. 2564: Mr. WOLF.

H.R. 2717: Mrs. JONES of Ohio.

H.R. 2730: Mr. LEWIS of Georgia.

H.R. 2808: Mr. BLUMENAUER, Mr. BAKER, Mr. BARTLETT of Maryland, Mr. BOSWELL, Mr. MARCHANT, Mr. MCGOVERN, Mr. SCOTT of Virginia, Mr. RADANOVICH, Mr. BECERRA, Mr. NEAL of Massachusetts, Mr. FRANKS of Arizona, Mrs. NAPOLITANO, Ms. KILPATRICK of Michigan, Mr. LEACH, Mr. TAYLOR of Mississippi, and Ms. MCCOLLUM of Minnesota.

H.R. 3137: Mr. BILBRAY.

H.R. 3159: Mr. MARSHALL.

H.R. 3352: Mr. BUYER.

H.R. 3360: Mr. PETERSON of Minnesota.

H.R. 3449: Ms. CARSON.

H.R. 3478: Mr. WEXLER and Mr. WOLF.

H.R. 3559: Mr. TERRY and Mr. CARDIN.

H.R. 3762: Mr. MCGOVERN, Mr. WAXMAN, Mr. STARK, and Ms. MCCOLLUM of Minnesota.

H.R. 3795: Mr. CLYBURN, Mr. MCDERMOTT, and Mr. ISRAEL.

H.R. 3817: Mrs. WILSON of New Mexico.

H.R. 3861: Mr. CRAMER.

H.R. 3938: Mr. BILBRAY.

H.R. 4005: Mr. DEFAZIO and Mr. BASS.

H.R. 4033: Mr. PETERSON of Minnesota, Mr. WALDEN of Oregon, Mr. CLYBURN, and Mr. MATHESON.

H.R. 4079: Mr. BILBRAY.

H.R. 4083: Mr. BILBRAY.

H.R. 4188: Mrs. MCCARTHY.

H.R. 4341: Mr. PRICE of Georgia and Mr. POE.

H.R. 4460: Mr. HASTINGS of Florida.

H.R. 4621: Mr. REHBERG.

H.R. 4704: Mr. ALLEN.

H.R. 4712: Mr. BERRY.

H.R. 4760: Mr. SCOTT of Virginia.

H.R. 4761: Mr. ABERCROMBIE.

H.R. 4773: Ms. DELAURO, Mr. GRIJALVA, Mr. STARK, and Ms. JACKSON-LEE of Texas.

H.R. 4824: Mr. MARSHALL.

H.R. 4843: Mr. BRADY of Pennsylvania Mr. HOLDEN, Ms. HOOLEY, Mr. SNYDER, Mr. UDALL of New Mexico, and Mr. GONZALEZ.

H.R. 4873: Mr. ENGLISH of Pennsylvania and Mr. RAHALL.
H.R. 4962: Ms. SLAUGHTER, Mr. SWEENEY, and Mrs. LOWEY.
H.R. 4974: Mr. MOLLOHAN.
H.R. 4976: Mr. JONES of North Carolina and Mr. VAN HOLLEN.
H.R. 4980 Ms. MCKINNEY.
H.R. 4992: Mr. PORTER.
H.R. 4997: Ms. MCKINNEY.
H.R. 5005: Mr. DUNCAN and Mr. ROSS.
H.R. 5058: Mr. DELAHUNT.
H.R. 5070: Mr. BLUMENAUER.
H.R. 5072: Mr. RADANOVICH.
H.R. 5120: Mr. BACHUS.
H.R. 5121: Mr. OTTER, Mr. CLYBURN, Mr. FOSSELLA, Mr. ROTHMAN, Mr. DAVIS of Tennessee, Mr. LARSEN of Washington, and Mrs. BLACKBURN.
H.R. 5134: Mr. PETERSON of Minnesota.
H.R. 5137: Mr. CLAY.
H.R. 5150: Mrs. LOWEY.
H.R. 5161: Mr. GRIJALVA, Mr. BECERRA, Ms. SCHAKOWSKY, and Ms. ROYBAL-ALLARD.
H.R. 5167: Mr. YOUNG of Alaska.
H.R. 5171: Mr. DEFAZIO and Ms. MCKINNEY.
H.R. 5182: Mr. HAYES, Ms. LINDA T. SÁNCHEZ of California, Mr. DAVIS of Tennessee, Mr. MELANCON, Mrs. CAPPS, and Mr. PRICE of Georgia.
H.R. 5185: Mr. SNYDER.
H.R. 5195: Mr. RUPPERSBERGER, Ms. SCHWARTZ of Pennsylvania, and Mr. MCCOTTER.
H.R. 5212: Mr. TIERNEY.
H.R. 5229: Mr. WYNN, Mr. LYNCH, Ms. MCCOLLUM of Minnesota, Mr. CAPUANO, Mr. MCHUGH, and Mr. LOBIONDO.
H.R. 5262: Mr. LINDER.
H.R. 5278: Mr. POE.
H.R. 5290: Ms. DELAURO.
H.R. 5312: Mr. MICHAUD.
H.R. 5315: Mr. MCINTYRE and Mrs. MCCARTHY.
H.R. 5316: Ms. DELAURO.
H.R. 5319: Mr. DOOLITTLE.
H.R. 5321: Mr. CLYBURN.
H.R. 5333: Mrs. TAUSCHER.
H.R. 5337: Mr. KUHL of New York and Mr. SULLIVAN.
H.R. 5348: Mr. CLEAVER.
H.R. 5351: Mr. BRADY of Pennsylvania, Mr. BISHOP of Georgia, and Mrs. WILSON of New Mexico.
H.R. 5356: Mr. MARIO DIAZ-BALART of Florida.
H.R. 5358: Mr. MARIO DIAZ-BALART of Florida.
H.R. 5363: Mr. OSBORNE.
H.R. 5365: Mr. OSBORNE.
H.R. 5371: Mr. DOGGETT, Ms. BALDWIN, Ms. WOOLSEY, Mrs. DAVIS of California, and Mr. HINCHEY.
H.R. 5372: Mr. MARSHALL, Ms. MATSUI, and Mr. MILLER of North Carolina.
H.R. 5397: Mr. BROWN of Ohio, Mr. JEFFERSON, and Mr. MOORE of Kansas.
H.R. 5416: Mr. POMBO.
H.R. 5452: Mr. CALVERT.
H.R. 5453: Mr. GORDON and Mr. PITTS.
H.R. 5457: Mr. BUYER, Mr. POE, and Mrs. JO ANN DAVIS of Virginia.
H.R. 5466: Mr. PITTS.
H.R. 5478: Mr. COBLE.
H.R. 5496: Mr. ANDREWS and Mr. PALLONE.
H.R. 5509: Mr. THOMPSON of California.
H.R. 5513: Mr. GERLACH, Mr. HOLDEN, Mrs. MCCARTHY, Mr. GILLMOR, and Mr. MCNULTY.
H.R. 5528: Mrs. MYRICK.
H.R. 5529: Mr. MURPHY and Mr. BONNER.
H.R. 5534: Mr. KINGSTON, Mr. HAYES, Mr. ROGERS of Alabama, and Mr. SOUDER.
H.R. 5536: Mr. KILDEE, Mr. CROWLEY, Mr. MCNULTY, and Ms. SCHAKOWSKY.
H.R. 5550: Ms. MCCOLLUM of Minnesota, Mr. HONDA, and Ms. SCHAKOWSKY.
H.R. 5556: Mr. MCCOTTER.
H.R. 5558: Mr. POMEROY and Mr. GRAVES.
H.R. 5562: Ms. MATSUI, Mr. SIMMONS, Mr. WOLF, Mr. BROWN of South Carolina, Mr. LANTOS, and Mr. BROWN of Ohio.
H.R. 5563: Mr. LEWIS of Georgia.
H.R. 5579: Mr. FRANK of Massachusetts, Mr. LEWIS of Georgia, Mrs. MCCARTHY, and Mrs. MALONEY.
H.R. 5588: Mr. DOGGETT and Mr. LEVIN.
H.R. 5596: Mr. HOBSON.
H.R. 5636: Mr. GILLMOR.
H.R. 5638: Mr. KENNEDY of Minnesota, Mr. MANZULLO, Mr. SESSIONS, Mr. CANNON, Ms. GINNY BROWN-WAITE of Florida, Mr. DUNCAN, Mr. PAUL, Mr. JONES of North Carolina, Mr. SMITH of Texas, Mr. KUHL of New York, Mr. ROGERS of Alabama, Mr. CALVERT, Mr. MICA, Mrs. DRAKE, Mr. GIBBONS, Mrs. BIGGERT, Mr. MCCAUL of Texas, Mr. DREIER, Mr. AKIN, Mr. PUTNAM, Mr. LATHAM, Mr. JOHNSON of Illinois, Mr. WOLF, Mr. INGLIS of South Carolina, Mr. CAMPBELL of California, Mr. KLINE, Mr. SULLIVAN, Mr. CAMP of Michigan, Mr. ADERHOLT, Mr. POE, and Mr. BONILLA.
H.R. 5640: Mr. FOLEY.
H.R. 5652: Ms. WATSON.
H.J. Res. 3: Ms. HARRIS.
H.J. Res. 58: Mr. CAMPbell of California.
H.J. Res. 88: Mr. HYDE, Mr. BLUNT, Mr. PRICE of Georgia, and Mr. BOEHNER.
H. Con. Res. 137: Mrs. CAPPS.
H. Con. Res. 277: Mr. OXLEY and Mr. MILLER of Florida.
H. Con. Res. 391: Mr. ROTHMAN.
H. Con. Res. 415: Mr. LEWIS of Georgia and Mr. MILLER of North Carolina.
H. Con. Res. 424: Mr. SODREL, Mr. ROGERS of Alabama, Mr. OSBORNE, Mr. EVERETT, and Mr. PENCE.
H. Con. Res. 425: Mr. LEWIS of Georgia, Mr. MILLER of North Carolina, and Mr. MORAN of Virginia.
H. Res. 415: Mr. WILSON of South Carolina, Mr. KING of New York, Mr. ISSA, Ms. WATSON, Mrs. NAPOLITANO, Mr. CROWLEY, and Mr. CARDOZA.
H. Res. 533: Mr. COSTA, Mr. ROHRABACHER, Mr. BLUMENAUER, and Ms. EDDIE BERNICE JOHNSON of Texas.
H. Res. 603: Mrs. CAPPS and Mr. FILNER.
H. Res. 735: Mr. SNYDER, Mr. MORAN of Virginia, Mr. HIGGINS, and Mr. PRICE of North Carolina.
H. Res. 745: Mr. UPTON.
H. Res. 773: Mr. MARCHANT.
H. Res. 787: Ms. ZOE LOFGREN of California, Ms. HARMAN, Mr. BACA, Mr. BECERRA, Mr. GONZALEZ, Mr. CARDOZA, Ms. ROYBAL-ALLARD, Mr. SALAZAR, Ms. LINDA T. SÁNCHEZ of California, and Mr. PASTOR.
H. Res. 823: Mr. BOUSTANY, Mr. FORD, Mr. PICKERING, Mr. EHLERS, Mr. MCINTYRE, Mr. PETRI, Mr. PAUL, Mr. TAYLOR of Mississippi, and Mr. SOUDER.
H. Res. 825: Mr. OBERSTAR and Mr. BROWN of Ohio.
H. Res. 838: Mr. WELLER, Mr. MCHUGH, Mr. SWEENEY, Mrs. MYRICK, Mr. WALSH, Mrs. LOWEY, and Mr. GIBBONS.
H. Res. 854: Mr. WYNN, Mr. STRICKLAND, Mr. PEARCE, Mr. CALVERT, Mr. PAYNE, Mrs. DRAKE, Mr. DAVIS of Kentucky, Mr. MEEKS of New York, Mr. MCINTYRE, Ms. PRYCE of Ohio, Mr. GRIJALVA, Mr. GOODE, Mr. AL GREEN of Texas, and Ms. ROYBAL-ALLARD.
H. Res. 858: Ms. HARMAN, Mr. LEWIS of Georgia, and Mr. LEVIN.
H. Res. 860: Mr. LYNCH, Ms. ZOE LOFGREN of California, and Mrs. MALONEY.
H. Res. 863: Mr. HOLDEN, Mrs. MCCARTHY, and Mr. DAVIS of Tennessee.
H. Res. 875: Ms. MATSUI and Mr. CLAY.

## DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 12 by Mr. MARKEY on the bill H.R. 4263: Lois Capps.

Petition 11 by Mr. BARROW on House Resolution 614: John M. Spratt, Jr.