Sessions	Stearns	Waters
Shadegg	Stump	Watt (NC)
Souder	Tancredo	Weldon (FL)

NOT VOTING—4

Cubin	Moakley
Larson (CT)	Visclosky

□ 1925

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. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1, NO CHILD LEFT BEHIND ACT OF 2001

Mr. UPTON. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 1, the Clerk be authorized to make technical corrections and conforming changes to the bill.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed with amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1836. An act to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 1836) ''An Act to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002'' requests a conference with the House on the disagreeing votes of the two Houses thereon; and appoints Mr. GRASSLEY, Mr. HATCH, Mr. MURKOWSKI, Mr. NICKLES, Mr. GRAMM, Mr. BAUCUS, Mr. ROCKEFELLER, Mr. DASCHLE, and Mr. BREAUX, to be the conferees on the part of the Senate.

APPOINTMENT OF CONFEREES ON H.R. 1836, ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001

Mr. THOMAS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1836) to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from California?

Mr. MCDERMOTT. Mr. Speaker, reserving the right to object, President Bush has said that this bill, which is the tax bill, should be rushed through the Congress to, first, stimulate the economy; and then, more recently, has been offered as a means by which we can deal with the energy crisis in this country.

Now, unfortunately, this bill does not meet the President's request, because it gives no tax relief whatsoever to the people in the bottom part of the Tax Code, those people who do not pay income tax; those people who will be paying $3 a gallon for gasoline, and who are paying enormous rates for electricity in California, Washington, and Oregon.

□ 1930

Now, in the Committee on Ways and Means, we tried to offer amendments on a windfall profits tax, because in the fall and in the winter, people are not going to be able to pay their utility bills.

It is my view that there ought to be conservation rebates in this bill. There ought to be a whole series of energy-related issues taken up in this bill since this is going to be the tax bill of the session.

There is no more money left. This is it. We have been told $1.3 trillion. It is out the door, and there is no chance to come back on energy. There is no chance to come back on any of the problems related to the economy because of the energy crisis in this country.

It is my belief that we ought to be dealing with that now. It is a crisis. The California Assembly is suing FERC, the Federal Energy Regulation Commission, because they will not impose price caps. You have a situation where you have price gouging all over the West.

Energy companies in Texas have gotten 400 percent profit in the last 6 months. I mean, we all believe in the free enterprise system, but 10 percent, 15 percent, that is enough, I should think, 400 percent being put on the backs of people who are not going to get a penny out of this tax bill.

This bill deals with people like us and above. It does not deal with people who are making $25,000 a year for a family of four. They get absolutely nothing out of this bill. I think that the President is being done a disservice by this House by us not dealing with energy in this piece of legislation.

Mr. Speaker, I, for that reason, have raised the objection that I think we ought to stop the process, go back to committee and work it out. We do not need to go rushing to the conference committee. It will be rushed back tomorrow. There will not be a soul in this House who knows what is in the bill.

We can get on those planes tomorrow at 5 p.m., everybody is going to say we passed a tax cut; and they are not going to know what they did. It is my view that the crisis in energy in this country that is beginning in California, it is going to cover the entire country.

Anybody who does not believe that, they should go to Los Angeles, walk around for a week, and you will see what is going to happen in the rest of the United States.

Some of my colleagues are already facing places where gasoline prices are up over $2, $2.50 in some parts of this country this last weekend.

Think of those people who have to commute 30 miles, 40 miles, 50 miles, 60 miles a day in an SUV that gets 10 miles, 12 miles, 15 miles to the gallon. It is going to be expensive, and my colleagues are going to hear about it. My colleagues will have passed the only tax bill of this session without ever dealing with energy.

Mr. FILNER. Mr. Speaker, will the gentleman yield?

Mr. MCDERMOTT. I yield to the gentleman from California.

Mr. FILNER. Mr. Speaker, the motion is to go to conference, because the tax bill has got to get out before Memorial Day. I wish the majority party, the gentleman from California (Mr. THOMAS), the distinguished chairman of the Committee on Ways and Means, would say we need to get out a bill to help California and the West before Memorial Day.

Why are we rushing on this before Memorial Day when California is being bled dry? The gentleman from California (Chairman THOMAS) knows what is going on in California. We are paying as a State now $3 million an hour for electricity. We are paying $70 million, sometimes $90 million a day, over $3 billion a month.

No State, even if it is the sixth biggest economy in the world, can survive that kind of bleeding.

Mr. Speaker, 65 percent of the business in San Diego County by a report that came out by the Chamber of Commerce, 65 percent of the small businesses in San Diego County are facing bankruptcy this year because of energy. They cannot survive given the costs of electricity.

We have social service organizations for our children who we are not going to leave behind after the last vote closing up half the time because of the overhead in electricity.

We have schools who cannot teach because of the overhead in electricity. We have libraries that cannot buy books because of the overhead in electricity. We are bleeding in California and in Oregon and in Washington and in New Mexico and Wyoming and Montana. In Rhode Island, I heard the prices have just doubled.

We need to act as a Congress on this; yet, my colleagues want to rush through a tax bill by Memorial Day.

Mr. Speaker, I think my colleagues ought to rush through by Memorial Day a bill to give us some relief in San Diego and California and the West.

My colleagues are looking at me now as if they do not know what I am talking about. My colleagues are going to have the same prices and the same crisis very soon. We need to put cost-based rates on electricity in the West.

The Federal Energy Regulatory Commission, which is FERC in California, has said that they have found that these prices are illegal. They are illegal, Mr. Speaker, and yet we continue to have to pay them.

Mr. Speaker, I thank the gentleman from Washington (Mr. MCDERMOTT) for his reservation. We ought to be acting on the crisis that exists in this Nation and not get out of here to save those who make a million or more a year on their tax bills for the coming year.

Mr. Speaker, I ask the gentleman from California (Mr. THOMAS), chairman of the Committee on Ways and Means, to do something for California.

Mr. INSLEE. Mr. Speaker, will the gentleman yield?

Mr. MCDERMOTT. I yield to the gentleman from Washington.

Mr. INSLEE. Mr. Speaker, I appreciate the reservation of objection of the gentleman from Washington (Mr. MCDERMOTT), because this is truly the wrong moment to be dealing with this issue when we have a crisis of such enormity.

Let us talk about the amount of action that our friends on the Republican aisle want us to take in light of this crisis, which is zero, to the people who have cut their energy use by 40 percent in some instances to conserve electricity in the State of Washington but whose bills have gone up nonetheless.

The message of this bill is tough luck. Mr. Speaker, we need to continue our effort.

Mr. THOMAS. Mr. Speaker, I withdraw my unanimous consent request.

The SPEAKER pro tempore (Mr. THORNBERRY). The gentleman from California withdraws his unanimous consent request.

MOTION TO GO TO CONFERENCE ON H.R. 1836, ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001

Mr. THOMAS. Mr. Speaker, pursuant to section 2 of House Resolution 142, I offer a motion.

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

The Clerk read as follows:

Mr. THOMAS moves that the House take from the Speaker's table H.R. 1836, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the request of the Senate for a conference thereon.

The SPEAKER pro tempore. The gentleman from California (Mr. THOMAS) is recognized for 1 hour.

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

Mr. Speaker, I have no problem at all debating the issue of energy. My understanding was we had an agreement in which one individual and then a second individual was going to be allowed to participate. No one communicated to this side of the aisle that there were going to be additional people participating.

My understanding is that this place can only function when people operate on the agreements that they reach.

Mr. Speaker, I have more than a willing opportunity to discuss any issue under the motion to instruct in which time is divided equally on either side, but under a reservation on a unanimous consent, the agreement that we had reached was violated by the other side. I believe we should move forward.

Ms. KILPATRICK. Mr. Speaker, today, I rise in opposition to the motion to go to conference on H.R. 1836 the so-called reconciliation measure considered last week. In the House this measure was considered with little notice, without the consultation with, nor input from, the Democratic Party. This measure was crafted in the dead of the night, behind closed doors and now we are instructed to vote to send it to Conference.

I say vote no on the motion to go to conference on H.R. 1836. This measure was reintroduced under the cover of a reconciliation bill in order to deprive the power of the minority in the Senate. The American people should ask themselves: Why couldn't the Republicans Leadership bring this bill up under normal procedures? Why did they resort to procedural tricks in order to thwart the will of the Senate minority? Then, in order to aggravate the situation, the rule passed in the House was a closed one, allowing for only one Democratic Amendment and a motion to recommit. Why was the Republican Leadership in the House afraid of an honest and open debate on this measure?

It is clear that despite Republican claims to the contrary, this reconciliation-bill won't be the only tax cut bill sent to the President this year. Although the budget resolution provided for $1.35 trillion in tax cuts, the Republican wish list includes a total of $2.4 trillion in tax expenditures. Including the interest cost, the total drain on the budget surplus from these tax cuts over ten years would be nearly $3.0 trillion, more than the $2.7 trillion available in the projected surpluses outside Social Security and Medicare.

This bill is essentially the same as H.R. 3, which this Chamber passed earlier in the year. I voted "no" then and I will vote "no" now. The Joint Tax Committee estimated the cost at nearly $1.0 trillion over ten years, excluding interest, with the wealthy receiving the lion's share of the benefits. According to an analysis by Citizens for Tax Justice, 44 percent of the tax cuts would go to those in the top 1 percent, while the 60 percent of families with incomes of $44,000 or less would get a mere 16.5 percent of the tax cuts. The bill does make a portion of the new bottom 10 percent tax bracket effective in 2001. However, the bill disregards the need for immediate economic stimulus, providing only $5.6 billion in 2001. In a budget of $10 trillion, $5.6 billion is a drop in the bucket and there will be no trickle down economic stimulus resulting from this tax cut.

Democrats offered an alternative tax cut that gave everyone that pays federal income or payroll taxes a tax cut, and provides approximately $60 billion immediate economic stimulus through a rebate of $300 for married couples.

Our alternative was reasonable and fiscally responsible because it left money to address other problems facing our nation. Our tax cut protected Social Security and Medicare and invested in education and prescription drug coverage in Medicare for all seniors.

President Bush ran on the issue of a strong defense, the price of which we have not yet seen. This budget, however, does not even consider the cost of the changes he has advocated to our defense infrastructure. While he deals in theory, our budget dealt with reality. A realistic tax cut that left enough money in the budget to ensure a strong defense.

Democrats believe in tax cuts, but not at any cost. Our tax cut fixed the problem of the Alternative Minimum Tax (AMT) that the Republican bill ignores. It creates a new 12 percent tax rate bracket and expands the Earned Income Tax Credit (EITC). Our alternative even gives marriage penalty relief to couples who use the standard deduction.

Yet our alternative did this at a realistic cost. Our alternative cost $585 billion over ten years, with a total cost of $750 billion including interest.

So, Mr. Speaker, I urge my colleagues to vote no on the Republican tax trick. Vote against the motion to go to conference on H.R. 1836.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. THOMAS).

The motion was agreed to.

MOTION TO INSTRUCT CONFEREES OFFERED BY MR. STARK

Mr. STARK. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. STARK moves that, to the maximum extent permitted within the scope of the conference, the conferees on the part of the House in the conference on H.R. 1836, the Economic Growth and Tax Relief Reconciliation Act of 2001, be instructed to produce a Conference Report in which—

1. The revenue losses and associated debt service costs do not grow as a percentage of gross domestic product on either a long or short term basis. In order to do so—

A. The Conference Report shall not include phase-ins longer than 5 years, delayed effective dates, or sunsets.

B. The Conference Report shall include provisions on all of the following issues: marriage penalty relief, increasing per-child tax credit, estate tax relief, pension reform legislation, and permanent extension of the research credit.

C. The Conference Report shall adjust the current law alternative minimum tax so that it does not disallow the benefits of the tax reductions contained in the bill.

2. The Conference Report shall be designed so that its revenue loss and associated debt service costs for each fiscal year do not exceed the projected non-Social Security/non-Medicare surplus for such fiscal year. For