will be sincerely missed. Lady Bird was a friend of my father's, and our family will always celebrate the life of the extraordinary woman who gave so much of herself. In her various efforts to spread beauty and tranquility across the country, Lady Bird has left this world a better place for us all.

## INTRODUCTION OF THE EQUAL JUSTICE FOR OUR MILITARY ACT OF 2007

### HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2007*

Mrs. DAVIS of California. Madam Speaker, I rise today to introduce the Equal Justice for Our Military Act of 2007—a bill that will give our servicemembers equal access to the United States Supreme Court. We all know that when American men and women decide to serve their nation in the Armed Forces, they make many sacrifices—from lost time with their families to irreplaceable losses of lives and limbs. However, most Americans are not aware that active-duty servicemembers also sacrifice one of the fundamental legal rights that all civilian Americans enjoy.

Under current law, members of the military who are convicted of offenses under the military justice system do not have the legal right to appeal their cases to the U.S. Supreme Court. It is unjust to deny the members of our Armed Forces access to our system of justice as they fight for our freedom around the world. They deserve better.

As the Chairwoman of the Subcommittee on Military Personnel, a long-time advocate for servicemembers, and a representative of San Diego, one of the largest military communities in the nation, I feel an obligation to fight to ensure that the members of our military are treated fairly. Current law weights the playing field in favor of the government, granting the automatic right to Supreme Court review to the Department of Defense whenever a servicemember wins his or her case, but denying servicemembers that same right when the government wins a conviction against them in almost all situations. This is just unfair. In the 109th Congress, I introduced legislation to grant our men and women in uniform access to the Supreme Court in certain situations.

Today, I am re-introducing this legislation in expanded form, to allow service members in a broader set of circumstances the right to Supreme Court appeal. This approach has been endorsed by the American Bar Association, the Military Officers Association of America, and many other advocates. I believe strongly that it is fundamentally unjust to deny those who serve on behalf of our country in the military one of the basic rights afforded to all other Americans. I hope that you will stand with me in support of this legislation to attain equal treatment for those who fight for us.

## INTRODUCTION OF CAPITAL GAINS AND ESTATE TAX RELIEF ACT

### HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2007*

Mr. MITCHELL. Madam Speaker, earlier today I introduced, along with my colleague CHRIS SHAYS, the Capital Gains and Estate Tax Relief Act, a bill to extend key tax cuts that are critical to middle class families in my district and across the country.

If enacted, the Capital Gains and Estate Tax Relief Act would preserve the lower tax on capital gains as well as the reduced estate tax which are both set to expire in 2011.

Several years ago, these tax cuts were championed by President Bush and a Republican Congress. Clearly the political winds have changed. But in the race to distance ourselves from the former congressional leadership, I implore my colleagues to give careful consideration to these tax cuts before dismissing them.

They are sensible. They help millions of middle class Americans. They encourage investment and make our tax code more fair and more predictable.

After careful consideration, I believe they should be made permanent and bipartisan.

They affect small businesses. They affect the stock holders. They affect anyone who owns a home.

While, a generation ago, these may have sounded like the lofty concerns of the wealthy elite, today, these are mainstream, middle-class experiences.

In 1983, less than 20 percent of Americans owned stock. Now, between IRAs, 401(k)s, and education savings accounts, more than half of Americans do.

And after a decade and a half of low interest rates, more than two-thirds of Americans are now homeowners. By 2011, the year that these tax cuts expire, economists predict that number will reach 70 percent.

When it comes time to sell your home or trade your stock, capital gains taxes prevent you from making optimal financial decisions. This is bad for sellers, bad for buyers, and bad for our economy.

Decisions like these should be based on personal and financial needs, such as paying for college or planning for retirement, not the needs of the IRS.

While it would be impractical for us to eliminate the tax on capital gains, I believe we can take steps to minimize its harmful effects. Most notably, we can make the temporary cut from 20 percent to 15 percent permanent.

The estate tax is equally troublesome. Before the temporary tax cuts went into effect, anyone with assets of more than $675,000 at the time of his or her death was subject to the estate tax. In calculating this amount, the government didn't just count the amount of money in your bank account. It also counted the value of your home and the value of your investments. And if you owned a small business, the government counted the value of that business as well.

As home values began to rise and the number of small businesses continued to grow, more and more middle-class tax payers began exceeding this exemption.

This was a particular problem in Arizona, where home prices have increased by more than 150 percent in the past decade. But there are many States where the growth of real estate has outpaced Arizona's.

In other words, if a taxpayer purchased a $250,000 home in the 1990s and this home increased in value to $625,000, the owner was only allowed $50,000 in additional assets before the Federal Government started taking away 55 percent of everything else that person owned upon his or her death. If that taxpayer was self-employed, owned a small business, or had money saved in a retirement account, it is easy to see how quickly his or her estate could exceed $675,000.

Home ownership and small businesses are things we want to promote. Over the past decade, small businesses have created more than 60 percent of new jobs in the United States. In Arizona, small businesses account for 97 percent of employer businesses.

But home ownership and small business development are precisely the things that are hurt by the estate tax. It makes it harder for family businesses to transfer their assets down from one generation to another. When combined with capital gains, it makes it harder for parents to realize the benefit of the recent housing boom and share that benefit with their children.

I believe we need an estate tax that takes inflation into account, so the value of your property today will be the same as what you would like to pass onto your children. H.R. 3170 would permanently reduce the estate tax by establishing a system for future increases in the estate tax exemption based on inflation.

The Congressional Budget Office estimates the combined costs of making these tax cuts permanent to be $332 billion over 10 years. To put this in perspective, we are currently spending $124 billion a year on the war in Iraq. If we can find that much to help Iraqis with their economy, I believe we can find $332 billion to help our own.

In March, I voted against the Budget Resolution, H. Con. Res. 99, in part, because it failed to extend cuts to the estate and capital gains taxes. At the time, I expressed frustration with both Democrats and Republicans for failing to work together to create a budget that incorporates good ideas from both sides of the aisle.

When I ran for Congress last year, the one thing I heard over and over again from voters was how sick and tired they were of partisan bickering in Washington that was getting nothing done.

I believe we can do better. So today I challenge my colleagues, on both sides of the aisle, to do the right thing. Consider this legislation, not through a caustic, partisan lens, but on its merits. The middle class wants Congress to make these key tax cuts permanent, and working together, I know we can make that happen.