United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

Vol. 155 WASHINGTON, THURSDAY, DECEMBER 3, 2009 No. 178

House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. PASTOR of Arizona).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
December 3, 2009.

I hereby appoint the Honorable ED PASTOR to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

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

In You, Lord, is found the fullness of life and love. No wonder then, the human heart always longs for more. We seek You, Lord, sometimes without knowing it.

Lord, our God, people within our borders, within this Chamber, pray for this Nation. Others around the world pray for the United States of America as well. So many see our potential for good, for doing the right thing in the search for justice and peace. They long for our success.

Answer the longing of Your people, Lord. Draw closer to us. Help us realize the promise You have placed within us. Not by our words alone, but by our actions, reveal us as Your people of promise who give You glory both now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. 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.

Mr. ARCURI. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

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

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

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

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New Jersey (Mr. SIRES) come forward and lead the House in the Pledge of Allegiance.

Mr. SIRES 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 PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 10 requests for 1-minute speeches on each side of the aisle.

REGULATING WALL STREET

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

Mr. SIRES. Mr. Speaker, a year ago, as a result of 8 years of mismanagement of Wall Street, our financial system was on the brink of collapse. Over the past year, this Congress and President Obama have made the tough choices and taken the necessary steps to bring back our economy from the verge of disaster. In order to continue to protect consumers, create jobs, and grow our economy, our next step must be to enact comprehensive financial regulatory reform; for history has shown, we cannot rely on Wall Street to regulate itself.

In the coming weeks, we must work to pass our commonsense rules to guarantee that taxpayers are never again on the hook for Wall Street's risky decisions, the financial savings of our families and businesses are protected from unnecessary risks by lenders and speculators, consumers must be protected from predatory lending practices, and transparency and accountability are injected into our financial system.

I look forward to ensuring that our hardworking families and small businesses will no longer be hurt nor our economy jeopardized due to an unregulated financial system.

JOBS SUMMIT SHOULD ADDRESS ''STOLEN'' JOBS

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

Mr. SMITH of Texas. Mr. Speaker, today the President is hosting a jobs summit. But he is ignoring the 8 million jobs held by those in the country illegally that should go to American workers. With a 10 percent unemployment rate, the President should put the interests of Americans first.

While the administration ignores the 8 million stolen jobs, Republicans hold the lead in voter trust on immigration with a 12-point lead over the Democrats. That's nearly double the GOP's lead a month ago.

We should hold the administration accountable for its failure to enforce

the Nation's immigration laws, which allows 8 million illegal immigrants to remain in the workforce. Those jobs rightfully belong to citizens and to legal immigrants.

Enforcing the law is not only the right thing to do, it is what the American people want. Any jobs summit that doesn't address the jobs occupied by illegal immigrants ignores American workers.

PROMOTING JOBS AND ECONOMIC DEVELOPMENT

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

Mr. MICHAUD. Almost every Mainer has been affected by this recession or knows someone who's been struggling. Moving forward into the new year, our Nation's record unemployment rate threatens our economic recovery.

While I do not support a second stimulus bill, we must refocus our efforts on initiatives that create jobs and promote long-lasting economic development. We must continue to help those who are unemployed in this country support their families until they are able to find a job. And we must pass serious reforms and make efforts to reduce our unsustainable debt, because we cannot grow our economy on the backs of future generations.

Any initiatives considered by Congress must be targeted and fiscally responsible to build a foundation for long-term economic growth.

HONDURAN FREE ELECTIONS

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

Mr. POE of Texas. Mr. Speaker, the people of Honduras just completed their successful national elections.

In June, Honduran President Manuel Zelaya tried to change his elected office into a dictatorship. He's the guy that's buddies with Venezuelan dictator Hugo Chavez. Zelaya organized a mob and tried to nullify his term limits to hold on to power. His actions were illegal under Honduran law. Zelaya was arrested by the army under order of the Honduran Supreme Court. And even though the United States inappropriately tried to interfere, he was removed from office by their Congress for violating their constitution.

On Sunday, the people of Honduras elected Porfirio ''Pepe'' Lobo, a conservative businessman, as their new President. Congratulations to the people of Honduras for sticking to the rule of law despite great odds. They held free and fair elections. This national triumph for the people of Honduras is a victory for all those anywhere in the world who live in freedom and seek freedom over tyranny.

And that's just the way it is.

IN MEMORY OF ARMY SPECIALIST JESUS FLORES, JR., OF LA MIRADA, CALIFORNIA

(Ms. LINDA T. SÁNCHEZ of California asked and was given permission to address the House for 1 minute.)

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise today to honor a fallen soldier from my district.

Jesus Flores, Jr., 28, from La Mirada, California, was killed in action on October 15 of this year in Afghanistan. He leaves behind his mother, father, four sisters, and one brother.

Jesus enlisted in the Navy straight from high school and served for 4 years. In 2003, he enlisted in the Army. He became a combat specialist and was deployed to Iraq from February to May of 2009. He was on his first tour in Afghanistan when he was killed in action.

One of his sisters spoke of Jesus in this way: A loving son. A generous brother. A soldier who loved military life. This was apparent in the many medals adorning his uniform.

The people of this body and people throughout this country could not exist without the dedication and sacrifices from the soldiers who serve. Soldiers like Jesus. Soldiers who, above all else, want to honor this country, preserve our freedoms, and protect our families.

There is nothing that I can say or do to take away the pain his family feels at the loss of Jesus. But I hope they are comforted by knowing the memory of Specialist Jesus Flores will remain, and we will continue to honor his service every day.

WHITE HOUSE JOBS SUMMIT

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

Mr. PENCE. Today, in the midst of a harsh recession, the President will convene a jobs summit at the White House. Coming nearly 1 year after the passage of the so-called ''stimulus'' bill that Speaker PELOSI said was about jobs, jobs, jobs, unemployment remains at record levels in this country.

Today's White House jobs summit is a tacit admission that the economic policies of this administration and this Congress have failed. But, Mr. Speaker, we can bring America back by applying fiscal discipline here in Washington, D.C., and giving the American people fast-acting tax relief for working families, small businesses, and family farms.

Jack Kemp said years ago, There is a wisdom and intelligence in ordinary men and women far superior to the experts. Well, let's heed that wisdom and intelligence of ordinary Americans. Let's reject the politics of borrowing and spending and bailouts. Let's embrace what has always worked. And let's bring America back with fiscal discipline and tax relief today.

TAKING CARE OF THINGS AT HOME

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

Mr. KUCINICH. America is in the fight of its life. And the fight is not in Afghanistan; it's here. We're deeply in debt. Our GDP is down; our manufacturing is down; our savings are down; the value of the dollar is down. Our trade deficit is up; business failures are up; bankruptcies are up; foreign borrowing is up.

The war is a threat to our national security. We'll spend over $100 billion next year to bomb a nation of poor people while we reenergize the Taliban, destabilize Pakistan, deplete our Army, and put more soldiers' lives on the line.

Meanwhile, back here in the USA, 15 million people out of work; people losing their jobs, their health care, their savings, their investments, their retirement security; $13 trillion in bailouts for Wall Street, trillions for war.

When are we going to start taking care of things here at home?

VICTORY IN AFGHANISTAN

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

Mr. WILSON of South Carolina. Mr. Speaker, success in Afghanistan should be defined in the tradition of Ronald Reagan: we win and the terrorists lose.

While his decision was long overdue, I was pleased the President announced sending 30,000 reinforcements to Afghanistan. The President has listened to our commanders on the ground for a counterinsurgency to secure Afghanistan, which protects American families. This decision will defeat al Qaeda terrorists and the Taliban in Afghanistan. Along the border with Pakistan, U.S. troops are denying al Qaeda and Taliban safe havens in which to operate.

For the sake of our mission, American families at home, and our brave men and women in uniform, I hope the President will rally congressional leaders behind his strategy and our troops' mission for victory in Afghanistan. Supporting the President's decision shouldn't come down to party lines. Terrorists do not differentiate between Republicans and Democrats as targets.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

UPS WORK-A-DAY AND SMALL BUSINESS

(Mr. HALL of New York asked and was given permission to address the House for 1 minute.)

Mr. HALL of New York. Earlier this week, I spent a day working alongside Al McDonnell, a delivery driver for UPS. Together, we delivered packages to small businesses in downtown

Washingtonville, New York. It was a great opportunity to speak with small business owners about the current economic climate that has affected them.

Their message was consistent and needs to be heard. Small businesses are struggling. It is critical that we give small businesses every opportunity to succeed, which is why I joined with Representative CHRISTOPHER CARNEY to urge the extension of an immediate tax break for newly purchased business equipment. Extending this tax break will provide immediate relief for businesses that purchase depreciable property such as equipment, vehicles, furniture, machinery, buildings, and other items.

Our small businesses need every break they can get these days. They are the engine that drives our economy and creates jobs. This tax break helps small businesses and stimulates the local economy. We cannot afford to let it expire.

□ 1015

PUT CONGRESS BACK TO WORK

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

Mr. GINGREY of Georgia. Mr. Speaker, I ask that you take a hard look at the economic challenges facing our country. Across the United States, unemployment is at a 26-year high, 10.2 percent, and more than 2.8 million jobs have been lost since the $1 trillion stimulus was signed into law last February without a single Republican vote in this House.

In my home State of Georgia, eight out of the nine counties in my district have unemployment rates of 10 percent, and two counties are over 13 percent. Put simply, Mr. Speaker, my constituency needs jobs, and they need them now.

Yet the Democratic plans on the economy, on health care, and on energy do the exact opposite. These plans raise taxes, and they sacrifice even more jobs. This is not the way to stimulate our economy and not the way to help my constituents.

We need real solutions that will require tough choices in Washington. They involve tax relief for working Americans, and Republicans stand ready to work with you on that.

HELP THE DAIRY FARMERS

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

Mr. ARCURI. Mr. Speaker, I want to take this opportunity to alert my colleagues to a piece of legislation that I have introduced to assist our dairy farmers across the country in their critical time of need. Dairy farmers across my upstate New York district have come to me and asked for help. They have always been there to provide food for us as consumers, and now it is time for us to help them continue the long tradition of family-owned and operated dairy farms that are passed from generation to generation.

My bill is inspired by a piece of legislation introduced in the New York State Senate by Senator Darrel Aubertine and would reduce hauling costs passed on to dairy farmers by processors and milk haulers. The bill eliminates hauling costs for milk producers and clarifies that the ownership of the milk is transferred from the milk producers to the milk plant when it leaves the farm and is mixed with the other farmers' milk.

The bill also makes it unlawful for processors to charge a producer any cost incurred in the process of picking up the milk and delivering it to a milk plant receiving station or transfer station.

The time to act for our dairy farmers is now.

NEW AFGHANISTAN POLICY

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, as a 29-year Air Force veteran and prisoner of war for nearly 7 years, I know what happens when you try to run a war from the White House: you lose. Winning the war in Afghanistan, defeating al Qaeda, is vital to the safety of our Nation. To quote the President, ''If left unchecked, the Taliban insurgency will mean an even larger safe haven from which al Qaeda would plot to kill more Americans.''

So let's listen to the military leadership in Afghanistan. Setting a timeline to end military engagement is not the way to win a war. Instead, it empowers our enemies and sends a wrong message to our troops, our allies, and the American people. We need to listen to the experts on the ground instead of the politicians who are thousands of miles away from the front. We need to stop talking about exit strategies and troop withdrawal and focus on giving our troops the resources they want, need, and deserve.

Let's eliminate the rules and fight to win.

ETHICS REFORM

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

Mr. QUIGLEY. Mr. Speaker, Louis Brandeis said sunlight is the best disinfectant. So with ethics once more in the headlines, I think it's worth asking how far we've come in bringing light to the people's House.

This is not a partisan issue. Corruption votes both ways. It is, rather, an issue of trust. These teams, more than ever, demand effective government, yet it is very hard to govern effectively without the public's trust. We need to complete the active ethics investigations currently being considered in this House, and we need to eliminate the conditions which contributed to these violations in the first place.

I've introduced two measures to eliminate pay-to-play activities at both the State and Federal level. H.R. 614 would prohibit earmarks to for-profit entities, and H.R. 3427 would eliminate Federal provisions which prevent States like Illinois from cleaning up their act on pay-to-play corruption.

I urge my colleagues to join me in supporting both of these measures.

AFGHANISTAN PLAN

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

Mr. OLSON. Mr. Speaker, I commend the President for finally making the right decision to send additional combat troops to Afghanistan. However, I have deep concerns with the President's insistence on a hard July 2011 deadline for withdrawal.

The President seeks to send our troops into battle while at the same time notifying our enemies of when they will be coming home. And to confuse matters more, the President also spoke of making decisions based on conditions on the ground.

So which is it, a withdrawal on a date certain, or based on the conditions on the ground?

The President offers many what-ifs but very few answers. Our Nation's troops have fought admirably in dangerous conditions to turn the tide against those who attacked our Nation on September 11. The President cannot have it both ways, and I urge him to focus this new strategy on victory and not withdrawal.

CONGRATULATING THE PARSONS CHILD AND FAMILY CENTER

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

Mr. TONKO. Mr. Speaker, I would like to take this opportunity to congratulate Parsons Child and Family Center for immaculate community services that they provide for the needs of children and families in the capital region of upstate New York, which I represent.

Parsons was founded some 180 years ago and has become one of the largest human service agencies in upstate New York. Its contributions to the 9,000 children and families it serves include counseling services, parenting education, child abuse prevention and treatment, and mental services.

While there is no typical child served by Parsons, most have endured a significant traumatic event in their lives. The highly trained staff at Parsons

using the latest techniques work to improve the lives of all they serve. The role and importance of the family are stressed, with the ultimate goal of preserving the family unit whenever and wherever possible.

Today I want to commend Parsons' service and commitment to our region's families and children. I encourage us all to look towards them as a model of positive support and outcomes in a system that has turned around the lives of so many. With one in every five American children living in poverty, we commend the role of the professionals at Parsons for the work it does.

RECOGNIZING THE MURRAY GREY FOUNDATION AND WREATHS ACROSS AMERICA

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

Mr. WITTMAN. Mr. Speaker, I rise today to recognize the Murray Grey Foundation and Wreaths Across America. The Murray Grey Foundation and its Military Families Support Fund provides America's military families with emergency financial support and resources in their time of need.

The Murray Grey Foundation recognizes that the sacrifices that our military servicemembers and their families continue to make are not only personal and professional but also financial. The foundation assists by providing financial assistance, education, and support to help military families avoid foreclosure or eviction from their homes and preserve their home ownership. They also provide emergency financial support, food, clothing, utility payments, transportation, rent and other critical resources.

This year, the foundation partnered with Wreaths Across America, which places wreaths on the graves of veterans, to establish the Patriots Wreaths Program.

I applaud the outstanding contributions of organizations like the Murray Grey Foundation and their work to honor the contributions of our Nation's veterans, servicemembers and their families.

ARC OF BROWARD COUNTY

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

Mr. KLEIN of Florida. Mr. Speaker, last week I had the chance to visit a remarkable organization in my congressional district, the ARC of Broward County. ARC Broward is a private, not-for-profit organization that supports children and adults with autism, Down's syndrome and other developmental disabilities.

This innovative group provides an invaluable service for their clients in our community. Currently serving over 1,600 people, ARC Broward also provides good jobs for more than 450 local health care, educational, and other professionals.

ARC clients find independence and dignity both at home and at work. ARC is currently home to 80 residents, many of whom have single family homes that ARC owns and operates. In addition, they provide job training in fields like culinary arts and own and operate an on-campus electronic recycling business.

I would like to thank the residents and staff at the ARC for welcoming me so warmly last week and congratulate all of them on their extraordinary contributions to our community.

JOBS AND ECONOMIC GROWTH

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

Mr. LANGEVIN. Mr. Speaker, I'd like to thank President Obama for convening a forum on jobs and economic growth in the White House today.

As too many of our constituents enter this holiday season perhaps having lost their jobs or facing lower wages, higher health care costs, or out-of-control mortgages, and many of whom have lost their homes, we absolutely must focus on rebuilding our economy and pursuing all avenues to create jobs. Rhode Island felt the painful effects of the current economic downturn, and that is why it is so important to me that we have a seat at this forum.

I am pleased to say that President Di Pasquale of the Community College of Rhode Island will be there to share their perspective on workforce development, job training, retraining workers, and educational opportunity for the 21st century.

Economic development continues to be my top priority, and I look forward to working with my friends in Congress and with President Obama to increase job opportunities across our country.

PROVIDING FOR CONSIDERATION OF H.R. 4154, PERMANENT ESTATE TAX RELIEF FOR FAMILIES, FARMERS, AND SMALL BUSINESSES ACT OF 2009

Mr. POLIS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 941 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 941

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4154) to amend the Internal Revenue Code of 1986 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, to retain the estate tax with a $3,500,000 exemption, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit.

SEC. 2. In the engrossment of H.R. 4154, the Clerk shall—

(a) add the text of H.R. 2920, as passed by the House, as new matter at the end of H.R. 4154;

(b) conform the title of H.R. 4154 to reflect the addition to the engrossment of the text of H.R. 2920;

(c) assign appropriate designations to provisions within the engrossment; and

(d) conform provisions for short titles within the engrossment.

The SPEAKER pro tempore. The gentleman from Colorado is recognized for 1 hour.

Mr. POLIS. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. POLIS. I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to insert extraneous materials into the RECORD.

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

There was no objection.

Mr. POLIS. I yield myself such time as I may consume.

Mr. Speaker, this rule provides for consideration of H.R. 4154, the Permanent Estate Tax Relief for Families, Farmers, and Small Businesses Act of 2009. The rule waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI and against the bill itself. The rule provides that the previous question shall be considered as ordered without intervening motions except 1 hour of debate and one motion to recommit with or without instructions.

In the engrossment of H.R. 4154, the Clerk is directed to add at the end the text of H.R. 2920, the Statutory Pay-As-You-Go-Act of 2009, as passed by the House.

Mr. Speaker, this past weekend in honor of the Thanksgiving holidays, NBC's ''Meet the Press'' hosted the Reverend Rick Warren in a discussion on giving and civic duty. During the dialogue, Rev. Warren stated his belief that it isn't a sin to be rich, but it is a sin to die rich. While I don't agree with Rev. Warren on many issues, I ask my colleagues to now reflect on the meaning of those words. The Reverend was speaking, of course, of the importance of charity and our moral obligation to improve the condition of our fellow man whenever and wherever we can.

Today I speak to you with the same sense of duty—duty to our country that has allowed me personally to achieve personal wealth, and in turn, to help others.

Mr. Speaker, the bill before us under this rule is a significant tax cut. Without this bill, the estate tax will return in the year 2011 at a much lower exemption amount, an exemption of $1 million instead of an exemption at a rate of $3.5 million and at a much higher tax rate, a tax rate of 55 percent rather than a tax rate of 45 percent, which we have under this bill.

□ 1030

We all know that the occasion of the death of a loved one is a very difficult time for family and friends. The price of love is unfortunately loss, and that's a price that we all must pay at some point in our lives. While no act of government can ease this emotional pain, today we have the opportunity to at least give families who have achieved great success some surety in their ability to ensure that the next generation will receive the benefit of their works.

An estate tax distorts a free market less than an income tax. Instead of taxing productive capital, it takes taxes from a random heir. On a revenue-neutral basis, I for one would much rather pay taxes after dying than before dying. And however much an income tax may distort the market, an estate tax distorts it less on a revenue-neutral basis.

Mr. Speaker, allow me to be clear. Individuals like myself, who through hard work have been able to start businesses, create jobs, and, as a result, have been rewarded with the financial resources to provide a high standard of living for our families, have a duty to our fellow Americans to pay our fair share. And an estate tax, the existence of an estate tax, is critical to prevent a permanent aristocracy from arising in this country.

When I think of the everyday tax burden for my constituents or, for that matter, for my staff and associates as a proportion of their income as a result of sales taxes, property taxes, let alone income taxes, I can think of no credible argument for suggesting that an estate tax is unreasonable. I also take comfort in knowing that, with the passage of this bill, we are locking in that 99 percent of my constituents will never pay the estate tax. According to The Urban-Brookings Tax Policy Center, under this proposal only .25 percent, that's ¼ of 1 percent, of debts would be subject to an estate tax.

We ask those who labor to build the roads to also shoulder the cost. We ask those who educate our Nation's children to also help pay for the schools. Shouldn't we ask those who die with wealth to help give back a little to those around them? I say to my colleagues this is fair, this is right.

When factoring the full costs of being a member of a society, it's very clear that all too often we ask the most of those who have the least. For our country to continue to prosper, we can't just rely on the middle class to support our Nation's public safety and welfare and to cushion the success of families who are successful in this country. I can personally tell you, as one of those Americans that's in the .25 percent, I would gladly pay an estate tax to give back to the 99.75 percent of families who do the heavy lifting in this country every day and ensure that they never have to pay this tax and that family farms can be passed down to the next generation and small operating family businesses will be subject to no estate tax.

Yes, Mr. Speaker, I agree with Rev. Warren that it's no sin to be rich, but I disagree that it is a sin to die rich. A life's work should rightly be a benefit to one's heirs and one's causes. My belief that a family farm, a family business, or simply accumulated wealth should be passed from one generation to the next is consistent with the fact that those who benefited the most from the freedom and security that this country offers should pay their fair share for the benefits and the landscape that allowed them to reach the level of success that they did.

What all Americans deserve, rich or poor, is the knowledge that at a time of great personal pain for families, the stress will not be exacerbated by a complex or uncertain tax policy. That's one of the many reasons I ask my colleagues to join me in supporting this rule and the underlying bill.

Throughout our history, transfer taxes have been used to fund critical operations of the Federal Government. The modern estate tax was established by the Revenue Act of 1916 to offset declining import tariff revenues as a result of and to finance the United States' participation in World War I. Since World War I, the estate tax has continued to provide Federal revenues that have financed World War II and the New Deal, and have helped end the Great Depression. The estate tax includes, importantly, an unlimited deduction for charitable giving. In 2006 nearly two-thirds of charitable requests came from estates valued over $10 million.

What a way for Americans to leave a legacy for the next generation. Universities, hospitals, and arts organizations have come to rely on these contributions from our Nation's most wealthy. One need only tour a college campus to see the direct impact of the philanthropy on our students and its effect on our future displayed prominently on plaques outside many campus buildings like those at the University of Colorado in Boulder, which I represent.

H.R. 4154, the Permanent Estate Tax Relief for Families, Farmers, and Small Businesses Act, does exactly what it says. The bill will make permanent the lowest estate tax rate our Nation has seen in a decade, making the current rate permanent and giving families the ability to plan ahead for an orderly transfer of assets. Business owners will be able to plan ahead to ensure that their employees will still have a job and their company will be able to continue to provide for their families after they're gone. Farmers will be able to keep their land in their family.

I remind my colleagues that the $3.5 million exemption means that no family will pay any estate tax unless the estate is valued at at least $3.5 million. It is substantially higher than it has been in this decade, and without our action today, we put families in a situation of unnecessary financial uncertainty at a time when their head and their hearts can least afford it. Without this bill the estate tax will return in the year 2011 at a much lower exemption amount of $1 million and a much higher tax rate of 55 percent.

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

Mr. LINCOLN DIAZ-BALART of Florida. I would like to thank my friend the gentleman from Colorado (Mr. POLIS) for the time.

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

Eight years ago, Mr. Speaker, the Republican-led Congress passed legislation that provided over $1.3 trillion in tax relief by, among others, gradually increasing the exemption for the estate tax while decreasing the tax rate itself. As part of that legislation, the estate tax, also known as the death tax, is set to disappear next year. The underlying bill would undo the repeal of the death tax and instead bring back the tax, extend the estate tax rate of 45 percent, and include an unindexed exemption.

I believe these are excessively high rates of taxation, especially when we realize that the tax is imposed at the end of a lifetime of work on which taxes were paid throughout the stages in which income was made. It is wrong, I believe, to tax individuals who have spent their entire lives working to provide their families with some financial security, and so that's why I oppose the underlying legislation.

This double taxation, which is really what we're talking about today, I believe is destructive to family-owned businesses and farms, which are often torn apart or need to be liquidated entirely just to pay those burdensome taxes at the time of death. Americans who work hard and pay taxes all of their lives I don't think should be punished for responsibly saving with yet another tax when they pass away.

When the country has double-digit unemployment, the current majority in Congress is threatening small businesses, the engines of economic growth and job creation in the Nation, with even higher tax burdens. Small businesses are often struggling to survive, to meet payroll and avoid layoffs, and yet this is another example, Mr. Speaker, of the fact that the majority time and time again is proposing legislation that hampers the ability of small businesses to thrive and to hire new workers.

It's unfortunate that the majority feels that they can continuously impact, hit small businesses with tax after tax and expect them to survive

and thrive and retain their workers. That's not the way the economy works.

Even if small business owners do not receive an estate tax bill, they still spend resources on estate tax compliance. According to a recent survey of small and medium-sized manufacturers, those small businesses spend an average of $94,000 on fees and estate planning costs in preparation for an estate tax bill. Imagine what a small business, Mr. Speaker, could do with that money. They could invest it in their company to grow their business. They could add more workers. Instead, the majority prefers placing more and more burdens. And this is but one example, the legislation being brought forth to the floor today, of the majority's incessant endeavor to place more and more burdens on the engines of our economic growth.

Small businesses are responsible for 60 to 80 percent of all new net jobs that were created in the last decade. If the majority continues with their current policies, if they continue on this track of placing more and more burdens on small business, the unemployment rate is going to continue to rise.

I think what we should be doing is everything possible to lower unemployment, to spur investment and job growth. That's where we should be heading.

So I believe what we should be doing is extending the repeal of the death tax. And many of us in this Congress, especially on this side of the aisle, we feel very strongly on this issue. Short of passing the permanent repeal, which I support, at the very least I think we should enact legislation that sets a reasonable rate, provides an appropriate exemption amount, and indexes that amount for inflation. We already saw with the alternative minimum tax what not indexing is capable of doing when Congress acts in that manner. So, unfortunately, the bill does nothing of what I just said, a reasonable rate and indexing an exemption amount.

Yet we on our side of the aisle will not be able to have a debate on legislation, on a proposal to do just that, to index an exemption amount and set a reasonable rate indefinitely into the future. We won't be able to do that because the majority again is closing down the process, shutting down debate. They promised to do quite the opposite, as you know, Mr. Speaker.

So let's contrast what the current majority is doing today with the estate tax rule that we passed when we were in the majority. That rule allowed our distinguished colleague Mr. POMEROY to offer his substitute amendment. Today we in the minority will be treated much differently.

□ 1045

We will not be given the opportunity that we gave the current majority and Mr. POMEROY. We will not be allowed to debate our substitute proposal. We will not be afforded a vote on our alternative legislation.

The difference in treatment is not an isolated incident but the standard operating procedure for this majority. They continuously close down the process. They shut out Members from both sides of the aisle from being able to introduce and have debated their amendments, and I think it is unfortunate.

I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, let me be clear with what happens if the House does not pass this bill: The estate tax would go away for 1 year in the year 2010, and then it would return at 55 percent and a deduction of only $1 million, so every estate above $1 million would be taxed at a rate of 55 percent. Many families would lose their family businesses, their family farms, if we fail to act and pass this bill to preserve the ability of Americans to pass along their assets to the next generation.

It would also create a very bizarre circumstance in the year 2010 where there would be an incentive to die. I had a friend with a good sense of humor who stated that his wealthy family, his father, had joked with him that he planned not to stand near the top of a staircase in the year 2010 if that was the case.

Mr. Speaker, the estate tax is paid by very few Americans. Historically, fewer than 2 percent of Americans have paid the estate tax, and under this bill it will be even less. And only 3.5 percent of those who pay the estate tax pay it on small business assets, and only 5 percent on farms. When looking at specifically family-owned businesses, the number goes down to one-half of 1 percent.

Mr. Speaker, let us talk about the options for wealthy families. The estate tax does two important things. First, it provides revenue to government to provide services in the context in which wealth can grow, provides the landscaping in our country that allows entrepreneurs and businesses to succeed. Programs paid for from this revenue fund our social safety net, our legal structure, our public safety programs, and our regulatory framework that allows businesses to prosper. It is the protection of the law that allows those who have gained wealth to be able to keep it and transfer it to the next generation.

The second and, arguably, also more important function of the estate tax is to provide an incentive for charitable giving. By supporting charities and nonprofit organizations of their choice, the wealthy can simultaneously give back to the community directly and protect the assets that they leave to their heirs.

The estate tax is an important incentive to leverage the work of government with the efforts of nonprofits to create broad opportunities and assistance throughout society. By making the rules of the estate tax stable and permanent, we give families the ability to plan for their future as well as invest in the future of their communities.

We know that planned giving is an important part of the fundraising strategy for the nonprofits that do the good work that government and industry cannot, and there is no denying the link between the estate tax rate and the amount of planned giving. A 2004 Congressional Budget Office analysis of charitable giving in the year 2000 indicated that estate tax not only provided an incentive for charitable giving at death, but also played a role in philanthropic decisions made during people's lives. The same report estimated that the repeal of the estate tax would result in a decrease in bequests of anywhere from 16 to 28 percent or $13 billion to $25 billion, more than total corporate donations in a year.

I ask my colleagues, which universities do you know could take a 16 to 28 percent hit to their endowment, coupled with the decreases in the market of the last year, and yet continue to prepare our students to be competitive in the global marketplace? This is the real-world impact of what would actually occur were the estate tax to be abolished in the year 2010, not to mention what would happen when it came back at 55 percent and only a $1 million deduction the following year.

Now imagine in the worst case scenario devised by opponents of the estate tax. Imagine that came true for a family, that in order to pay the tax, the heirs had to liquidate the assets of a business that had been in the family for some time. Do opponents of this bill truly believe that somehow making the family pay capital gains tax on these assets if they had purchased them in 1959 would be better? I know in my district, due to the growth and economic success Colorado has enjoyed, taxation on real estate assets, as an example, from a 1959 basis would be devastating. It would capture a much larger portion of middle class families. Many middle class families and, indeed, wealthy families worth $1 million, $2 million, $3 million would be stuck with large tax bills forcing liquidation if they were forced to pay capital gains tax on a 1950 basis or a 1959 basis.

I can't tell my constituents that I am against a permanent reduction in the estate tax and yet support a dramatic increase in capital gains taxation for them, which would bring the estate tax to upper middle class families. I hope the majority of my colleagues agree and will support the rule and the underlying bill.

I would like to thank Chairman RANGEL, the members of the Ways and Means Committee and their staffs for their efforts in bringing this bill, and the gentleman from North Dakota (Mr. POMEROY) for introducing this bill.

I urge my colleagues to consider that 99.75 percent of Americans will never pay this tax; and those who do should be thankful that they have had the opportunity to succeed in this great country and the privilege, the honor of being in a position where they are subject to this tax because their estates are worth more than $3.5 million.

I would like to remind my colleagues who stand by the old adage ''you can't take it with you,'' and I ask my friends and colleagues to consider the far-reaching benefits of charity and a sense of duty to country, and I ask for the passage of this rule and the underlying legislation.

I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY of Georgia. Mr. Speaker, I rise in strong opposition to this rule as well as the underlying bill, H.R. 4154, the Permanent Estate Tax Relief for Families, Farmers, and Small Businesses Act of 2009.

In 2001, this Congress passed legislation that was signed into law by President Bush that provided significant estate tax relief for families. Before this action was taken, individuals who passed away could face up to a 55 percent tax for estates valued over $3 million. Additionally, if the value of those estates were between $10 million and $17 million, then the estates were hit with an additional 5 percent surtax, a grand total of 60 percent.

Since the 2001 tax cuts have been enacted, the overall estate tax has been gradually reduced. For deaths that occur in 2009, the estate tax ceiling is 45 percent for estates valued over $1.5 million, but it allows up to $3.5 million in assets to be exempted. Furthermore, current law dictates, and rightfully so, that the estate tax will be completely repealed in 2010.

Mr. Speaker, while a number of my colleagues on the other side of the aisle will claim that the estate tax in this bill will only affect the lavishly wealthy, the estate tax has the potential to drive a number of hardworking families, many of whom are small business owners, to liquidate assets and sell their businesses and farms that they have owned for generations. Clearly, this is not the intent of any form of an estate tax. And I don't believe that Rev. Rick Warren's remarks on ''Meet the Press'' this past Sunday were advocating that our children and our grandchildren should be born poor and die poor.

I wholeheartedly believe that there should be no ''taxation without respiration,'' and I support a full repeal of the estate tax. Former Congressional Budget Office Director Douglas Holtz-Eakin issued a study earlier this year that indicated the long-term impact of eliminating the death tax would be to increase small business capital investment by $1.6 trillion and create up to 1.5 million jobs, something this country, Mr. Speaker, desperately needs.

Unfortunately, this closed rule and underlying bill look to break the commitments made by Congress in 2001 by extending the estate tax at the 2009 level in perpetuity. And I am also concerned that although the exemption level is $3.5 million under H.R. 4154, it is not properly indexed for inflation and we could, therefore, find ourselves in a situation similar to the alternative minimum tax where individuals could inadvertently be subjected to the tax in the future.

I urge all of my colleagues to defeat this rule. Let's go back and have an open debate, as the gentleman from Florida said, on the repeal of the estate tax. That is what we should do.

Mr. POLIS. I am our final speaker, so I reserve the balance of my time to close.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to the gentlewoman from North Carolina (Ms. FOXX), my distinguished friend and colleague from the Rules Committee.

Ms. FOXX. Mr. Speaker, I want to say that this rule and the bill exemplify the arrogance of the majority party. Once again, they show their bias to government control of our lives as opposed to support of the American family. They also show their arrogance in bringing a closed rule because they indicate that this is a perfect bill. It hasn't been through committee. They allow no amendments, so they must consider it a perfect bill. We know there is at least one flaw, as my colleague from Georgia just indicated, and that is the problem with indexing. Just as we have had to fix the AMT every year, we will have to do that with this or else more and more people will be caught with this bill as it is proposed.

They continue to assault those who create jobs on the very day that the President is having a conference on jobs. They want to seem to be doing something positive while really doing great damage to our economy and hardworking Americans.

Mr. Speaker, I would like to refer to an article from The Wall Street Journal of 31 March 2009 and place it in the RECORD.

[From the Wall Street Journal, Mar. 31, 2009]

NIGHT OF THE LIVING DEATH TAX

Lawrence Summers, President Obama's chief economic adviser, declared recently that ''Let's be very clear: There are no, no tax increases this year. There are no, no tax increases next year.'' Oh yes, yes, there are. The President's budget calls for the largest increase in the death tax in U.S. history in 2010.

The announcement of this tax increase is buried in footnote 1 on page 127 of the President's budget. That note reads: ''The estate tax is maintained at its 2009 parameters.'' This means the death tax won't fall to zero next year as scheduled under current law, but estates will be taxed instead at up to 45%, with an exemption level of $3.5 million (or $7 million for a couple). Better not plan on dying next year after all.

This controversy dates back to George W. Bush's first tax cut in 2001 that phased down the estate tax from 55% to 45% this year and then to zero next year. Although that 10–year tax law was to expire in 2011, meaning that the death tax rate would go all the way back to 55%, the political expectation was that once the estate tax was gone for even one year, it would never return.

And that is no doubt why the Obama Administration wants to make sure it never hits zero. It doesn't seem to matter that the vast majority of the money in an estate was already taxed when the money was earned. Liberals counter that the estate tax is ''fair'' because it is only paid by the richest 2% of American families. This ignores that much of the long-term saving and small business investment in America is motivated by the ability to pass on wealth to the next generation.

The importance of intergenerational wealth transfers was first measured in a National Bureau of Economic Research study in 1980. That study looked at wealth and savings over the first three-quarters of the 20th century and found that ''intergenerational transfers account for the vast majority of aggregate U.S. capital formation.'' The coauthor of that study was ... Lawrence Summers.

Many economists had previously believed in ''the life-cycle theory'' of savings, which postulates that workers are motivated to save with a goal of spending it down to zero in retirement. Mr. Summers and coauthor Laurence Kotlikoff showed that patterns of savings don't validate that model; they found that between 41% and 66% of capital stock was transferred either by bequests at death or through trusts and lifetime gifts. A major motivation for saving and building businesses is to pass assets on so children and grandchildren have a better life.

What all this means is that the higher the estate tax, the lower the incentive to reinvest in family businesses. Former Congressional Budget Office director Douglas Holtz-Eakin recently used the Summers study as a springboard to compare the economic cost of a 45% estate tax versus a zero rate. He finds that the long-term impact of eliminating the death tax would be to increase small business capital investment by $1.6 trillion. This additional investment would create 1.5 million new jobs.

In other words, by raising the estate tax in the name of fairness, Mr. Obama won't merely bring back from the dead one of the most despised of all federal taxes, and not merely splinter many family-owned enterprises. He will also forfeit half the jobs he hopes to gain from his $787 billion stimulus bill. Maybe that's why the news of this unwise tax increase was hidden in a footnote.

Mr. Speaker, ''Lawrence Summers, President Obama's chief economic adviser, declared recently that 'Let's be very clear: There are no, no tax increases this year. There are no, no tax increases next year.' Oh, yes, yes, there are. The President's budget calls for the largest increase in the death tax in U.S. history in 2010.

''The announcement of this tax increase was buried in footnote 1 on page 127 of the President's budget. That note reads: 'The estate tax is maintained at its 2009 parameters.' This means the death tax won't fall to zero next year as scheduled under current law, but estates will be taxed instead at up to 45 percent, with an exemption level of $3.5 million . . . Better not plan on dying next year after all.''

I know we are not discussing the President's budget here today with that bill, but I think this shows that they are trying every way possible to reinstitute what is probably the most hated tax in the United States. The American people understand this is not a fair tax, whether they are hit by it or not.

I want to read another piece from The Wall Street Journal article. ''The

importance of intergenerational wealth transfers was first measured in a National Bureau of Economic Research study in 1980. That study looked at wealth and savings over the first three-quarters of the 20th century and found that 'intergenerational transfers account for the vast majority of aggregate U.S. capital formation.' The co-author of that study was . . . Lawrence Summers.''

Mr. Summers understood this when he was first at Harvard.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. LINCOLN DIAZ-BALART of Florida. I yield 30 more seconds.

Ms. FOXX. I appreciate the gentleman yielding me the additional time.

Mr. Speaker, this is not good for the American people at a time when we need to be creating jobs not destroying jobs. Again, the President wanted to create jobs with the stimulus. He has created no jobs with it. This is going to destroy even more jobs. This is the wrong direction to be going.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. GOHMERT).

□ 1100

Mr. GOHMERT. Mr. Speaker, I do agree with my friend from Colorado: we all should be paying our fair share. However, this Congress has said in the past maybe 39 percent should not pay their fair share. They won't pay any income tax. And this administration apparently has indicated he wants to take that at least to 44 percent of Americans not paying their fair share.

But what the death tax does is go after people who have paid at the highest levels of income tax throughout their lives and yet have still been frugal enough to build a business, build a farm, and then when they're dead, come in and take it away from them. They've paid their fair share.

Even though the argument is made that this won't affect that many people, that not that many people pay the estate tax. When something is not right, you need to draw the line. That is what the Founders did. They said principle is worth fighting for, and we will not give in to these confiscatory practices of the monarch in Great Britain. So we had a revolution.

Now, after someone dies, and someone comes in and steals from them, we consider that, in most societies, reprehensible. That is just despicable. I have sentenced people personally to prison for doing that. But when the government comes in, because we have the power to pass laws and legalize theft that otherwise would be considered reprehensible, it's okay. It is not okay. It is not okay.

I have a personal family situation. A great aunt and her husband, who predeceased her, built through generations a family farm. They were land rich, but money poor. They had employees. They had things going on. They had a very active ranch. But when she died, the estate tax was 55 percent. And within the year, while the estate was being settled, the FDIC dumped land. The $5 million estate fell in value. Land that was valued at $2,000 at her death became valued at $700 an acre. The IRS came in and sold every acre of my great aunt's land, her wonderful home where she had a will, she promised things to her direct descendants, we all had to gather at an auction the IRS forced to buy things from my great aunt. This is morally wrong.

And Jesus never advocated to the government, Go steal. He said, You do it, do it with your own money. Don't go steal it from somebody else. And that's why this should not pass.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to my distinguished friend from Texas (Mr. CULBERSON).

Mr. CULBERSON. Mr. Speaker, this debate today from every angle reminds me, once again, reinforces how proud I am to be a Texan and how proud I am to be a conservative Republican. Because the contrast is just astonishing, to think that today the Democratic President at the White House is holding a jobs summit and breakout sessions trying to figure out how to create jobs while his Democrat friends in Congress are creating a permanent death tax.

Raising taxes, once again, is the standard reaction of this majority that has controlled Congress since 2007. In my first year in 2001, I was here, proud to vote for the permanent repeal of the death tax, taking it to zero forever. The Democrats in the Senate prevented us from making that permanent by blocking it with 60 votes. And that is often a source of confusion. People need to remember, they often ask me, Why isn't the death tax repeal permanent? It is because Democrats in the Senate prevented us from getting 60 votes which was required to make it permanent. So we were stuck with this 10-year window.

And the reaction of the Democrat majority in Congress today is to create a permanent death tax and try to pitch it as a ''tax reduction.'' It's absurd. It's sad. It illustrates clearly how blind the Democrat majority is to the fundamental truths of job creation. We in Texas understand that to create jobs you cut taxes. You pass tort reform to prevent frivolous lawsuits. We brought doctors into Texas by giving doctors medical malpractice caps and limits on lawsuits against doctors. People from all over the country have moved to Texas because of the number of jobs that we create with a low-tax environment and with litigation reform.

Mr. Speaker, these are self-evident truths. You create jobs by cutting taxes, by protecting businesses from excessive litigation and regulation. This is why I'm again reminded why I'm so proud to be a conservative Republican. I try not to use that word often. But today it illustrates why we are going to have a revolution next year. In 2010, there is going to be a revolution at the ballot box, and we will have a conservative majority in this House because of votes like this to raise taxes.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it's my pleasure to yield 2 minutes to my distinguished friend from Louisiana (Mr. SCALISE).

Mr. SCALISE. Mr. Speaker, I want to thank my colleague from Florida for his leadership on this.

Mr. Speaker, the American people across the country are asking, Where are the jobs? And all they see from this Democrat-controlled Congress is more bills that will actually kill jobs and run jobs out of the country. And make no mistake about it: the death tax will kill more jobs in this country.

To place a permanent 45 percent tax on death is immoral. Think about this: the small businesses in our country are hit the hardest. The actual job creators in this country are hit the hardest by the death tax. When a family member dies, the biggest decision they make after that death should not be about how they have to sell their family business because they can't afford to pay the taxes upon death. And that's what happens under this death tax. And here they have a bill to enshrine the tax at 45 percent.

Now, if anyone wonders where are the jobs, as the President is holding a jobs summit, while unemployment smashed through the 10 percent mark earlier this year, all they have to do is look at the policies President Obama keeps bringing up. It started with the stimulus bill that didn't create jobs and just added more debt to our children and grandchildren. And then they brought the policies like this energy tax, the cap-and-trade energy tax, and then the government takeover of health care. And here we are today debating a bill that is going to enshrine a 45 percent tax on death. And Speaker PELOSI wouldn't even allow us to bring an amendment to the floor that would repeal it.

There is a clear contrast between the two parties on this issue. When we are in the majority, we will repeal the death tax, and here they've got a bill that will enshrine it at 45 percent permanently.

Taxation without respiration should not be the law of the land.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL. Mr. Speaker, I thank the gentleman for yielding. I could talk about a lot of bad things about this tax and this bill. I could talk about how inefficient it is, how it costs almost as much to collect as it raises in revenue. I could talk about how most of the income that would be taxed or most of the wealth would be taxed here has already been taxed once. I could talk about the morality of saying that in this country some people

are allowed to leave the fruits of a lifetime of work to their children, and other people are not allowed to leave the fruits of their lifetime work to their children.

But there are two other things I want to emphasize in this short time here this morning. One is that the one thing we need more than anything else in this country right now are jobs. And this bill will kill jobs. Why? Because when people are subject to this tax, they spend all their time, effort and money, and as a CPA who worked on this at one time I have seen it up front and close and personal, reducing the value of their wealth so they can reduce the tax. That does not create jobs.

Without this tax, if the tax were eliminated, those people would continue to be employing that wealth in income-producing efforts in the sorts of things that create jobs. But also this particular bill that's before us today is not indexed for inflation.

Now let's see. What other tax do we have that's not indexed for inflation? Oh, yeah, the alternative minimum tax, which when that was passed, this House was told, well, it is only going to tax 139 taxpayers. Don't you worry about it. It's just to get the very wealthy, just the really bad people. But now because it's not indexed for inflation, that tax now, instead of 139 people, hits 25 million people. And this death tax, not indexed for inflation, will do exactly the same thing, particularly when the inflation that the Obama administration is heading us towards comes together.

This is a bad bill. Defeat it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 4 minutes to my distinguished friend from Texas, the Ways and Means Subcommittee on Trade ranking member, Mr. BRADY.

Mr. BRADY of Texas. Mr. Speaker, I'm proud to be a co-chairman of the Death Tax Coalition in the U.S. House, those of us who understand the destructive levels of this tax on our family farms and small businesses in America.

Can you imagine working your whole life risking your money and your time working your weekends to either build your family farm or to start your business only to find out when you die, Uncle Sam swoops in and takes nearly half of all you spent a lifetime building up, takes half of what you had hoped to give to your children and grandchildren?

That is the death tax in America. It is the wrong tax. It is the wrong people at exactly the wrong time.

The only real solution to it is to fully and permanently repeal it, to solve it once and for all, to give family farms, small businesses, women and minority-owned businesses the peace of mind of knowing that they can hand down to their children the nest egg they have spent a life of toil, risk and taxation to build up.

That is what Republicans support. That is what we are going to vote for today. And it is time to bury the death tax once and for all.

As they set the rules for this debate today, we naively think that Congress is a debate of ideas, the best ideas win. Unfortunately, the American public won't get to hear that debate or have that choice today because the Democrat majority did not allow an amendment, a bipartisan amendment, a better idea in how we help our family farms and small businesses survive.

This amendment was offered, a bipartisan one, by Congresswoman SHELLEY BERKLEY of Nevada, myself, Congressman ARTUR DAVIS of Alabama, and Congressman DEVIN NUNES of California. And it's an amendment supported by the groups that are most damaged by this death tax, small businesses, family farms, local printers and grocers and others. And what it did is provide a $5 million exemption for the death tax and a below-35 percent tax rate in permanence.

This is an amendment to a bill that has strong bipartisan support. It is has 37 cosponsors, and it has strong support from around the country. So when people say today, this is the best we can do? No, it's not.

It's not the best we can do. Given a choice, we have to do better for our family farms and small businesses. And there is no support for the overall bill from small businesses, family farms, from our local retailers, none at all. So rather than place on the floor a bipartisan bill that had broad support, they chose to offer a partisan bill that has no support.

It is time to solve this problem. It's time to bury the death tax once and for all. It's time to hear better ideas on this floor that can help create jobs in America, help generations go forward, and reward the people who work the hardest, work the longest, and work the smartest in hopes of handing nest eggs down to their children. The death tax is not just unfair; it is immoral and un-American.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 1½ minutes to my dear friend from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Speaker, unfortunately, we all know the sad news that under this administration and this Congress, our Nation has the worst, the worst unemployment rate in a generation. Over 3½ million of our fellow countrymen have lost their jobs since President Obama has come into office.

So what have our friends on the other side of the aisle tried to do? Well, they have tried to spend their way into job creation with a $1.1 trillion government stimulus plan, a $410 billion omnibus spending plan, and a threatened trillion dollar takeover of our health care system plan. Well, that didn't get us any jobs.

So they have tried to borrow their way into prosperity. Now we have the first trillion-dollar deficit in our Nation's history, a spending plan to triple, triple the national debt in the next 10 years.

So borrowing didn't work. Spending didn't work.

So here's the latest plan, Mr. Speaker. Let's have a perpetual plan to tax people when they die. Maybe that will create jobs in the economy.

Mr. Speaker, it doesn't work. It doesn't work. As the gentleman from Texas said, it is time to put the death tax to death. People have already paid. We will not start new businesses when you tax small businesses. It's time to get rid of the death tax once and for all.

It's an unfair tax. It ought to be an illegal tax.

Mr. LINCOLN DIAZ-BALART of Florida. I thank you, Mr. Speaker, for the courtesy, and my friend, Mr. POLIS, for his courtesy and all those who have participated in this debate. And I think the essence of the contrast of ideas that has been shown today is that we on this side of the aisle believe that we should be focused like a laser on job creation. I think Mr. HENSARLING said it very well, Will this legislation create jobs?

□ 1115

We don't think so. As a matter of fact, we are convinced that it will continue to take the country in the wrong direction with regard to employment. Unemployment continues to rise, and the majority brings more regulation, more taxes, and further stifles small business at a time when we should be encouraging jobs.

Mr. Speaker, we believe, as the overwhelming majority of the American people do, that Members should have the ability to read bills before they vote on them. It really shouldn't be an issue because that was promised by the distinguished Speaker during the campaign when the majority was campaigning to take the majority. And even on her Web site, you'll read Members should have at least 24 hours to examine bills before floor consideration.

But that hasn't been the case. I remember when the Rules Committee—at 3 in the morning we were handed a 900-page amendment to the so-called cap-and-trade energy legislation that we had to vote on simply hours afterward. And the American people were rightfully outraged about examples such as that. That's why there's legislation that's been filed by a bipartisan group that has 182 Members that have signed, right up there, right in front of you, Mr. Speaker, a discharge petition to have legislation brought to the floor requiring at least 72 hours before the legislation has to be voted on by this House.

So that's why today I'm asking for a ''no'' vote on the previous question so that we can consider that legislation, bipartisan legislation by Congressmen BAIRD and CULBERSON. It's not going to interrupt the death tax debate, the estate tax bill, because if the motion passes, the motion I'm making provides for separate consideration of the

Baird-Culberson bill within 3 days. So we can vote on the estate tax bill and then, once we're done, consider that legislation requiring the 72 hours.

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. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield back the balance of my time.

Mr. POLIS. Mr. Speaker, I want to begin by addressing some of the misconceptions and inaccuracies in the arguments that have been made on the other side of the aisle.

First, I'd like to address some made by the gentleman from Texas that this is a tax on those who have paid the highest tax rates throughout their lives. I'd like to dispute this notion. Many of the people who have accumulated great wealth in this country have, throughout their lives, paid the capital gains tax rather than the income tax rate. I, for one, and I'm, I think, the fourth- or fifth-wealthiest Member of this body—I've accumulated some degree of wealth with my success in the Internet sector, starting companies, selling them. I've paid the capital gains tax. That is a 15 percent tax, not a 39.6 or a 35 percent tax.

In a moment we will hear some quotes from Mr. Buffett, Mr. Gates and Mr. Soros, three wealthy Americans, all supporters of the estate tax. They have also accumulated their wealth and have paid the capital gains rate. In the case of, for instance, Bill Gates, the wealthiest American, he has paid a rate substantially below 15 percent, due to his charitable contributions. The rate that Mr. Gates has paid is probably somewhere in the 10–12 percent tax range.

So again, I have paid less percentage tax than members of my staff here in Congress that earn $50,000, $60,000 a year. They pay a higher tax rate. So it's inaccurate to say that those who are hit with the estate tax have paid the highest tax rate throughout their lives. There might be some movie stars, sports stars, high-wage earners that have been paying the high-income margins, highest marginal income tax rate throughout their lives. But the majority of wealth is accumulated on the capital side and has been subject to the capital gains rate, which had been 20 percent, more recently, 15 percent, and scheduled to return to 20 percent; regardless, well below the highest marginal rate.

I'd also like to address a remark made by my colleague from North Carolina, Dr. FOXX. She called this the biggest increase ever in the inheritance tax rate. Again, this is a decrease, a decrease in the inheritance tax. Yes, there is a 1-year effect. For the year 2010 alone, it's an increase. For every other year it's a decrease. Instead of 55 percent and $1 million, every dollar above $1 million would be taxed at 55 percent if we don't pass this in the year 2011 and beyond. We are reducing that.

This is a substantial decrease one of the largest decreases in the inheritance tax rate, to 45 percent from 55 percent in 2011 and beyond. And we're increasing the deduction. We're starting that at a $3.5 million estate—that's a $7 million estate for a couple that passes away, instead of a $1 million deduction, to be clear. I'd further like to make it clear that repealing the estate tax and replacing it with a capital gains tax on the increase in basis would be a tax increase, as proposed by my colleagues on the other side of the aisle. This would be a tax increase for upper middle class families and would actually result in many families losing their family businesses.

If you have a $3 million family business, family farm, under the Democratic proposal they pay zero tax. Under the Republican proposal, a $3 million family estate or farm with a very low basis, they started it maybe with $100,000 in the 1950s, so that's a $3 million gain, that would be subject to $450,000 capital gains tax. At 20 percent it would be over $600,000 in taxes. That could result in the family losing the farm or losing the small business. Under the Democratic proposal we allow families to keep family farms and small businesses in the family.

Mr. Speaker, this bill is one of many steps that Congress must take towards an equitable Tax Code. The bill highlights Democratic commitments to fairness by making permanent the current estate tax exemption of $3.5 million, $7 million total, at a maximum tax rate of 45 percent. Opponents of this bill may say the estate tax should be repealed. Well, that's supporting a debt finance tax cut of $1.3 trillion.

Yes, repealing the estate tax in its entirety would result in an increase in the deficit of $1.3 trillion. That's $1 trillion in lost revenue and $277 billion in increased interest payments on our growing national debt. Does that sound like fiscal responsibility? The only result of repealing the estate tax would be that the .25 percent, quarter of 1 percent, of the wealthiest American families will pay a small estate tax, while other Americans won't have to suffer from increased debt.

Mr. Speaker, let's be honest with the American people. The estates of those 99.75 percent of Americans will continue to be tax free. As for those .25 percent that are subject to the tax, such as Bill Gates' estate, such as my own, we understand that ''the government that protects our business activities, the traditions that enable us to rely on certain things happening, that's what creates capital and enables net worth to increase.''

Those are Bill Gates' words, not mine. But I strongly agree. In Warren Buffett's opposition to the repeal of the estate tax, he said that the repeal of the estate tax would be akin to ''choosing the 2020 Olympic team by picking the eldest sons of the gold medal winners in the 2000 Olympics'' because ''without the estate tax, you in effect will have an aristocracy of wealth, which means you pass down the ability to command the resources of the nation based on heredity rather than merit.''

America is, and should be, a meritocracy. Estate tax helps prevent a permanent aristocracy of the wealthy from arising in this country. Some opponents of the estate tax claim that it forces families to hand over half of their wealth to the government. But the facts simply don't support this claim. The truth is that few estates pay any estate tax whatsoever, and those that do, pay less than 20 percent of the value of their estate. We also know that the claims of rampant liquidation of farms is completely untrue. In fact, the American Farm Bureau Federation acknowledged to The New York Times that it couldn't find a single example of a farm to substantiate the claim, even when the estate tax was higher, 55 percent rather than the 45 percent it is today.

I'd like to give a quote from the president of the National Farmers Union, who says, ''Family farmers and ranchers are insulted by those who use farmers as the reason for eliminating estate taxes.'' I'd also like to give a quote from George Soros. George Soros said, ''The estate tax is the least damaging of all our taxation because it does not interfere with wealth creation. It increases social equality. It is so obvious estate taxation is a valuable taxation, and we should keep it.''

Again, on a revenue neutral basis, I would much rather pay $1,000 in tax after I die than before, when I'm using that capital to create value and jobs, or at least I was before I got to Congress.

Mr. Speaker, our choice here is clear. We can pass this bill which will remove the impact of the estate tax from 99.75 percent of Americans and give those who will pay this tax a substantially larger deductible. We can make sure that family businesses and family farms won't be subject to onerous taxation. Or we can increase the deficit by over $1 trillion and increase taxes for estates of $2 million, $3 million, $4 million with sizable capital gains within those estates.

Once again, I thank Chairman RANGEL, the members of the Committee on Ways and Means and their staffs, as well as Representative POMEROY, for bringing this important legislation to the floor. In America, it's not a sin to be rich, nor is it a crime to die rich. This bill gives our Nation's wealthiest families the ability to know exactly what their obligation to the Nation that fostered their wealth will be. And it is fair, and it is just.

Mr. Speaker, I'd ask my colleagues to join me on the side of facts, equity, and the 99 percent of Americans who will never pay this tax and who wish that

they were lucky enough to be successful enough to pay this tax, and remind them that a ''no'' vote is a vote against these principles.

I ask my colleagues to vote ''yes'' on the Permanent Estate Tax Relief for Families, Farmers, and Small Businesses Act of 2009. I urge a ''yes'' vote on the previous question, and I urge a ''yes'' vote on the rule.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 941 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

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

SEC. 3. On the third legislative day after the adoption of this resolution, immediately after the third daily order of business under clause 1 of rule XIV and without intervention of any point of order, the House shall proceed to the consideration of the resolution (H. Res. 554) amending the Rules of the House of Representatives to require that legislation and conference reports be available on the Internet for 72 hours before consideration by the House, and for other purposes. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution and any amendment thereto to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Rules; (2) an amendment, if offered by the Minority Leader or his designee and if printed in that portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII at least one legislative day prior to its consideration, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered as read and shall be separately debatable for twenty minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit which shall not contain instructions. Clause 1(c) of rule XIX shall not apply to the consideration of House Resolution 554.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

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 Democratic 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 Democratic 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 definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's ''American Congressional Dictionary'': ''If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business.''

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 Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. POLIS. 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. LINCOLN DIAZ-BALART 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 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adopting House Resolution 941, if ordered; agreeing to the Speaker's approval of the Journal, if ordered; and suspending the rules on House Resolution 28.

The vote was taken by electronic device, and there were—yeas 228, nays 187, not voting 19, as follows:

[Roll No. 923]

YEAS—228

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Baca
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Tanner
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—187

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Baird
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (NY)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Himes
Hoekstra
Hunter
Inglis
Issa

Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kaptur
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Perriello
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

NOT VOTING—19

Arcuri
Barrow
Bishop (UT)
Burgess
Capuano
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Gordon (TN)
Hirono
Lucas
McGovern
Melancon
Moran (VA)
Perlmutter
Ryan (OH)
Sutton
Young (AK)

□ 1153

Ms. KOSMAS and Messrs. FRANKS of Arizona and LUETKEMEYER changed their vote from ''yea'' to ''nay.''

Mr. MOORE of Kansas changed his vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Ms. GIFFORDS. Mr. Speaker, on rollcall No. 923 I was unable to arrive in time to cast my vote. Had I been present, I would have voted "yea."

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. MATSUI. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 223, noes 192, not voting 19, as follows:

[Roll No. 924]

AYES—223

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Bright
Brown, Corrine
Butterfield
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kanjorski
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Tanner
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—192

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Baird
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (NY)
Blackburn
Blunt
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Himes
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kaptur
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Perriello
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

NOT VOTING—19

Barrow
Bishop (UT)
Boehner
Braley (IA)
Burgess
Capuano
DeFazio
Gerlach
Gonzalez
Gordon (TN)
Hirono
Kagen
Lucas
McGovern
Melancon
Moran (VA)
Sutton
Welch
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1201

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.

PERSONAL EXPLANATION

Mr. GERLACH. Madam Speaker, Unfortunately, on Thursday, December 3, 2009, I missed two recorded votes on the House floor. Had I been present, I would have voted ''nay'' on rollcall 923 and ''no'' on rollcall 924.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

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.

The vote was taken by electronic device, and there were—ayes 250, noes 169, answered ''present'' 1, not voting 14, as follows:

[Roll No. 925]

AYES—250

Abercrombie
Ackerman
Andrews
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Goodlatte
Grayson
Green, Al
Griffith
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Heinrich
Heller
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kind
Kirk
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luetkemeyer
Luján
Lynch
Mack
Maffei
Maloney
Markey (MA)
Massa
Matheson
Matsui
McCarthy (NY)
McClintock
McCollum
McCotter
McDermott
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Sutton
Tanner
Taylor
Thompson (MS)
Tiberi
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wittman
Woolsey
Wu
Yarmuth

NOES—169

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Bilirakis
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cao
Carter
Cassidy
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Costa
Crenshaw
Culberson
Dahlkemper
Davis (KY)
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Granger
Graves
Guthrie
Hall (TX)
Halvorson
Harper
Hastings (WA)
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jones
Jordan (OH)
Kilroy
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kline (MN)
Lamborn
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lummis
Lungren, Daniel E.
Manzullo
Marchant
Markey (CO)
Marshall
McCarthy (CA)
McCaul
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Pence
Perriello
Platts
Poe (TX)
Price (GA)
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stupak
Sullivan
Teague
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiahrt
Titus
Turner
Upton
Walden
Wamp
Westmoreland
Wilson (SC)
Wolf
Young (FL)

ANSWERED ''PRESENT''—1

Gohmert

NOT VOTING—14

Barrow
Bishop (UT)
Burgess
Cantor
Capuano
Gonzalez
Gordon (TN)
Green, Gene
Lucas
McGovern
Melancon
Moran (VA)
Watt
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CUMMINGS) (during the vote). Two minutes remain in this vote.

□ 1208

Ms. KILROY and Mr. ADLER of New Jersey changed their vote from ''aye'' to ''no.''

So the Journal was approved.

The result of the vote was announced as above recorded.

ENHANCING SECURITY TO RAIL AND MASS TRANSIT LINES

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 28, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON-LEE) that the House suspend the rules and agree to the resolution, H. Res. 28, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 417, nays 3, not voting 14, as follows:

[Roll No. 926]

YEAS—417

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)

Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NAYS—3

Flake
Lummis
Paul

NOT VOTING—14

Barrow
Bishop (UT)
Burgess
Capuano
Carnahan
Gonzalez
Gordon (TN)
Lucas
McGovern
Melancon
Moran (VA)
Price (GA)
Rooney
Young (AK)

□ 1215

So (two-thirds being 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.

The title was amended so as to read: ''Resolution expressing the sense of the House of Representatives that the Transportation Security Administration should, in accordance with the congressional mandate provided for in the Implementing Recommendations of the 9/11 Commission Act of 2007 as well as other statutes, enhance security against terrorist attack and other security threats to our Nation's rail and mass transit systems and other modes of surface transportation.''.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1880

Mr. CLAY. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1880.

The SPEAKER pro tempore (Mr. PASTOR of Arizona). Is there objection to the request of the gentleman from Missouri?

There was no objection.

PERMANENT ESTATE TAX RELIEF FOR FAMILIES, FARMERS, AND SMALL BUSINESSES ACT OF 2009

Mr. RANGEL. Mr. Speaker, pursuant to House Resolution 941, I call up the bill (H.R. 4154) to amend the Internal Revenue Code of 1986 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, to retain the estate tax with a $3,500,000 exemption, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 941, the bill is considered read.

The text of the bill is as follows:

H.R. 4154

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 for Families, Farmers, and Small Businesses Act of 2009''.

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.—

(1) Sections 511(d) and 521(b)(2) of the Economic Growth and Tax Relief Reconciliation Act of 2001, and the amendments made by such sections, are hereby repealed; and the Internal Revenue Code of 1986 shall be applied as if such sections, and amendments, had never been enacted.

(2) Subsection (c) of section 2511 of the Internal Revenue Code of 1986 is hereby repealed.

SEC. 3. MODIFICATIONS TO ESTATE AND GIFT TAXES.

(a) $3,500,000 APPLICABLE EXCLUSION AMOUNT.—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.''.

(b) FREEZE MAXIMUM ESTATE AND GIFT TAX RATES AT 45 PERCENT.—Subsection (c) of section 2001 of such Code is amended—

(1) by striking paragraph (2),

(2) by striking so much of paragraph (1) as precedes the table contained therein, and

(3) by striking the last 2 items in the table and inserting the following new item:

''Over $1,500,000.	$555,800, plus 45 percent of the excess of such amount over $1,500,000.''.

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

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

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. RANGEL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and insert extraneous material in the RECORD.

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

There was no objection.

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

I, along with Ways and Means Ranking Member DAVID CAMP, have asked the nonpartisan Joint Committee on Taxation to make available to the public a technical explanation of the bill. The technical explanation expresses the committee's understanding and the legislative intent behind this important legislation. It is available on the Joint Committee's Web site at www.jct.gov and is listed under document No. JCX–57–09.

Mr. Speaker, I rise in support of H.R. 4154, a bill that would provide permanent, responsible estate tax relief to taxpayers.

This is a rough time for us in this great country in terms of joblessness, hopelessness. And the Congress has to work together as one unit with the President in order to restore confidence among the millions of people that today find themselves without jobs. In order to do this, we have to work at everything that we can to make certain that those that are in the position to create jobs that we give them the tools to work with so that we can get people off the unemployment lines and back into business.

Members of Congress hear every day from their constituents how difficult it is to keep up with the current state of our tax laws as a result of the temporary nature of so many provisions in the Internal Revenue Code. So not only is there an argument in terms of what the rate should be in terms of estate tax relief, but there's an argument, for God's sake, do something. And that is why the Ways and Means Committee has agreed that we have to give a stable tax program that our business people can rely on and plan on so that we can bring stability to industry and get our people back to work.

The majority of the provisions included in 2001 and 2003 were made temporary because there was an intent that we review the estate tax. And Members are familiar with the extending of expiring tax provisions, ultimately reducing them, and we are here to make certain that the doubts as to where we're going to go will be eliminated.

So this week we have some certainty in our Tax Code as we enact a permanent extension of the 2009 estate tax exemption, and certainly people would see that it wasn't an easy decision to find what was compatible with most of

the people in this House, but the work of EARL POMEROY that he has done over the years and the suggestions that he's made, the people that he's talked with, allow us to say that we have made the best possible arrangement so that people would know what they should expect as it relates to estate tax.

Mr. Speaker, I yield the balance of my time to the gentleman from North Dakota (Mr. POMEROY) for him to be able to appoint Members as he sees fit.

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

There was no objection.

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

Mr. Speaker, death in and of itself should not be a taxable event. Death should not force the sale of family farms or the dissolution of small businesses. The fear of death should not be a reason for an American to hire a battery of accountants and lawyers to find legal ways to reduce the bite of the estate tax. And after a long wait, we're about to realize that goal. Set in motion by a law passed by the Republican Congress earlier this decade, there will be no death tax in 2010. That's just 29 days away.

The bill before us, however, would resurrect the death tax next month and apply a 45 percent tax rate to estates above a $3.5 million exemption amount. The majority claims to be offering certainty to taxpayers, and I suppose in a way they are.

They are certainly repealing the hope of ever eliminating the death tax. They are replacing that with the certainty of a Federal tax rate that at 45 percent must be considered confiscatory. No American should have the Federal Government take nearly half of their net worth.

They're providing the certainty of an exemption that is not indexed for inflation, meaning that over time it is certain that more and more family farms and small businesses will be subject to this punishing tax. Just take a look at the AMT.

Mr. Speaker, one other thing that is certain about this bill is that it is unlikely to be approved before the end of the year. As we are all aware, the Senate is fully engaged in the health care debate. It is unlikely to break from that to consider this bill this month, particularly since a clear majority of the Senate has indicated its support for a far more equitable and bipartisan death tax relief measure.

We all understand that the current situation would benefit from a permanent solution, but this is not the right one, and I urge its defeat.

Mr. Speaker, I reserve the balance of my time, and I ask unanimous consent the remainder of my time be controlled by the gentleman from Texas (Mr. BRADY).

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

There was no objection.

Mr. POMEROY. Mr. Speaker, I yield myself 3 minutes.

I want to thank the Speaker, Leader HOYER, and Chairman RANGEL for bringing this bill to the floor today.

The purpose of this bill is very straightforward: establish clarity and certainty in the Tax Code for the estate tax while exempting 99.7 percent of the estates in this country from this estate tax altogether.

The estate tax has changed 10 times in the last 11 years. Now, this has been a bonanza for the attorneys, the accountants, the planners, but it has been very unfortunate for the American people trying to make reasonable plans for their estates.

If recent history is bad, the next 2 years become completely absurd when it comes to the estate tax thanks to a law passed by Congress in 2001, estate tax repeal in 2010 replaced with a new capital gains tax that will impact many more farmers. In fact, for the 6,000 estates estimated to benefit from the tax change next year, 71,000 will find themselves with new tax obligations, this capital gains tax. Additionally, come 2011 the repeal goes away. In this Tax Code they repeal the repeal and we're back at a $1 million level for estates, $2 million joint, a 55 percent rate, the very rate it was in 2001.

There's going to be a lot of talk on the other side about how this law should go forward for the benefit of family farms. Let me tell you, the capital gains tax they are proposing for family farms is a catastrophe.

Let's say Grandma buys a farm at $100 an acre. It's now worth $2,000 an acre. She deeds it to you. She passes. You acquire the property. You go to sell the farm. You're going to pay capital gains tax under present law on all appreciated value over the $100-an-acre initial acquisition price. That's because under present law carryover basis is substituted for what we have under the existing framework, statutory basis.

Here's what the Farm Bureau said about carryover basis when it was considered some time ago, in 1979: carryover basis fosters an insidious bias against farmers and ranchers. And that's precisely what they would create.

Look at this. No estates with capital gains tax burden and 71,000 suddenly with capital gains burden under the law if we allow it to go into effect next year.

Another byproduct of this bill is to establish certainty once and for all on what the estate tax level is.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. POMEROY. I yield myself an additional 30 seconds.

The 2009 level represents an exclusion from estate tax that is 75 percent higher than last year alone, where it went from $2 million up to $3.5 million. This chart shows who pays the tax and who doesn't under the 2009 law. You may not be able to see this little sliver. It's because it represents .25 of 1 percent. The estate tax goes away for 99.75 percent. That is almost perfection, about as close as this body is ever going to get. That's why we should vote for this bill and move it forward.

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

Mr. BRADY of Texas. Mr. Speaker, I yield myself such time as I may consume.

I rise in opposition to this bill.

Can you imagine working your whole life to keep your family farm or to build up a small business, and then when you die Uncle Sam swoops in and takes up as much as half of all you've spent a lifetime working for? That's what the death tax does. It is wrong, it is immoral, and in many ways un-American.

This was brought home to me early in my first term in Congress. I had a family nursery in Texas. They have three nurseries. The parents had created it and built it up. Two of the three kids were working in it that day, and they just sat down with a pen and paper. They showed me the value of their nursery, talked about the death tax, and worked it through. And the bottom line was that if they could take out enough insurance on their parents' deaths, and because they're out of debt, if they could go back to the bank and borrow enough money, they might be able to pay their death tax bill.

Think of what they're saying: If we make enough money off our parents' death and we can borrow enough money, the government might let us keep our family business. The government might let us keep our family business. That's why the death tax is wrong, and that's why it is in many cases, if not all, simply un-American.

Today we have a bill that is the result of hard work by my friend from North Dakota (Mr. POMEROY), but I object because I believe we can do better.

□ 1230

Some say at the end of the day if this bill passes, it will only impact a few estates. But the truth is, when it passes, still, the number one reason family farms and small businesses will not be passed down to the next generation is the death tax; and the number one reason the fastest growing number of entrepreneurs, women, and minority-owned businesses will not be passed down to the next generation. And this is the first generation of wealth building. It will be the same death tax.

While it is fun to hear them talk about Bill Gates and Donald Trump and George Soros, the people most hurt by this tax are Bill the farmer or Donna the florist or George the funeral director, real people building wealth in our communities who oppose this death tax. These are not the aristocracies that are being referred to in this debate.

We are told that this bill will be permanent and provide certainty. Well, it does create a permanently high tax

rate and a permanently destructive tax rate; 45 percent is simply too high. And because, like the AMT, it is not indexed for inflation, it is certain to ensnare more and more family farms and small businesses in future generations. We have seen this play before. The alternative minimum tax was created to tackle and address only 100-plus of the wealthiest Americans in the United States, but because it wasn't indexed for inflation, today it would impact 24 million middle class Americans. We are going to see that same creep, those same small businesses and middle American families affected by this death tax in future generations.

We are told, and I think sincerely, that this is the best we can do as a Congress. I don't believe it is. I so much appreciate Mr. POMEROY's efforts. I know a lot of the groups that make up the death tax coalitions that are working to eliminate the death tax or find a reasonable compromise. They appreciate what he is doing as well. But we have to do better. And don't take my word for it. If you listen to the groups most intimately damaged by the death tax, from our Farm Bureau to our National Federation of Independent Businesses, from our grocers and funeral directors, from local newspapers and other groups, they have not given support to this bill because it still leaves intact the third highest death tax rate in the developed world, and it damages them too greatly.

My thought is that rather than place on the floor, as Democrats did, unfortunately, a partisan bill that is supported by none of the groups most affected, that we ought to have offered a bill by the gentlewoman from Nevada (Ms. BERKLEY) and the gentleman from Alabama (Mr. DAVIS) and others that has the strong support of 49 national organizations and bipartisan support of the bill. Unfortunately, it was not allowed as an amendment to the bill and it would be ruled out of order as a motion to recommit, so we don't have an opportunity to come together as a Congress on this issue.

At this time, I reserve the balance of my time.

Mr. POMEROY. Mr. Speaker, I just observe that the Tax Policy Center estimates that 100 farms or small businesses are estimated to be impacted by the estate tax under the 2009 levels across the entire country, and CRS has estimated that one-half of 1 percent of those may be in a position of having to liquidate something.

I yield 2 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I thank my friend, Mr. POMEROY.

I stand before you to support H.R. 4154. Some of my colleagues on the other side of the aisle want you to believe, and we have heard this before, that everybody is going to pay an estate tax. If you listen to the rhetoric, and I am glad we are looking at the world. I am glad we are looking at the world, and we will find out on the health issue we are now 40th in terms of infant mortality. But let's look at the world. You are incorrect and it is very unfair when you claim that this is a tax for all Americans—it is not—and all family businesses. It is not. In fact, it is American to act on shared responsibility.

The Citizens for Tax Justice just recently made this very clear, December 2: It follows that it is reasonable to tax the transfer of enormous estates, most of which consist of income that was never taxed. That's what you are protecting, the folks that have estates that have never been taxed. You want to throw a shield over them to protect what you did protect in 2001, which you did protect in 2003. You want to protect it from one generation of superrich families so they can send it on to another group.

Since 1990s, opponents of the tax have even used the pejorative term ''death tax.'' But they are flat out wrong. The estate tax affects only estates of significant size—presently, right now, over $3.5 million for individuals and $7 million for couples.

The fact is that the estate tax is the most progressive tax in our Federal tax system. What you are suggesting is very regressive. Only the top 0.2 percent of the income earners paid all of the estate taxes collected.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. POMEROY. I yield the gentleman an additional 30 seconds.

Mr. PASCRELL. If we do nothing, then 44,400 estates that are not currently subject to the estate tax will become targets. The point I want to make now is that many estates have paid no taxes. That is not shared responsibility.

Under our bill, only the top 7,600 estates in the country will be subject to the estate tax in 2011. The truth of the matter is that I don't know any working class American families that own estates worth over $7 million. It is insidious to infer anything different.

Mr. BRADY of Texas. I yield myself 15 seconds.

I would point out that more and more Americans will be ensnared in the death tax because it is not indexed, like the AMT. And I would point out, we would not be here today if President Clinton had not vetoed the death tax repeal in 1999.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BRADY of Texas. I yield myself an additional 15 seconds.

And I would further point out that polls consistently show 70 percent of Americans support the complete and full repeal of the death tax because it is un-American for this country to swoop in and take up nearly half of what you have spent a lifetime building up and wanting to hand down to your children and grandchildren.

With that, I yield 3 minutes to the distinguished gentleman from California (Mr. HERGER) who has worked on the death tax issue as a senior member of the Ways and Means Committee.

Mr. HERGER. I thank my friend and gentleman from Texas for all of the work he has done on this incredibly cruel tax.

Mr. Speaker, far too many families have faced the grim prospect of selling the family farm or business in order to pay the taxes that are due when a loved one dies. My own cousins had to sell their farm that had been in our family since the early 1900s just to pay the death tax. Mr. Speaker, this is simply wrong.

Although it is encouraging that Congress is attempting to provide a long-term certainty about death tax rates, the bill before us falls far short of a stable solution for agriculture and small business. The proposed exemption is simply not enough to protect family farmers, especially with the high cost of land in California and other heavily populated States.

Worse yet, H.R. 4154 fails to index the exemption amount for inflation, thus guaranteeing a repeat of the alternative minimum tax disaster with more and more families facing the death tax in future years. That's why leading pro-agricultural groups like the California Farm Bureau and National Cattlemen's Association do not support this bill.

Mr. Speaker, this House has voted five times since 2001 to repeal the death tax entirely. In fact, no fewer than 65 members of the current Democrat majority have voted to fully repeal the death tax. It is time to end this unfair and cruel death tax once and for all.

Mr. POMEROY. Mr. Speaker, I would just observe that the estate tax level last year was $2 million, this year $3.5 million, a 75 percent increase in the exclusion. Now, that is quite an index by anybody's measure.

I yield 2 minutes to the gentleman from Massachusetts (Mr. NEAL), a member of the Ways and Means Committee.

Mr. NEAL of Massachusetts. Mr. Speaker, if it were up to me, this would not have been done the way it is playing out today. I believe that this issue should be taken up in the context of tax reform, which the Ways and Means Committee and the House should visit next year, but it is what it is.

But the most important reminder here today for all of us is this: This is not the House of Lords. This is not about peerage. This is not about, in America, being born to any class or any race that offers superiority. This is not permanent wealth. This is not the argument that because of your last name, you ought to be entitled to a special privilege in what is the most egalitarian society that the world has known.

But the truth is that the extension that we are offering today takes us down the path to reform, and that is where I hope we end up. We need the certainty as to estate tax rules come

January 1. If we let the current rules expire, there will be estates that are harmed by a loss of step-up in basis. This pits the ultrarich—who, by the way, are the ones who seek repeal—against the moderately rich who we attempt to assist here in this step-up in basis.

But I want to quote Warren Buffett on the issue of estate tax. And, incidentally, he was cleverly left out by the other side as they ascribed responsibility for repeal of the estate tax. Warren Buffett said, ''Dynastic wealth, the enemy of a meritocracy, is on the rise. Equality of opportunity has been on the decline. A progressive and meaningful estate tax is needed to curb the movement of a democracy toward plutocracy.''

This body is a reflection of meritocracy in American society. It is unlike other legislative institutions in other parts of the world. You get here largely on merit.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. POMEROY. I yield the gentleman an additional 30 seconds.

Mr. NEAL of Massachusetts. I am going to close on the note on which I opened: This is not the way I would have done this, but I do think that Mr. POMEROY has made a valiant effort to find some middle ground as we proceed to next year.

This legislation makes permanent the current estate tax rules that include a 45 percent rate and a $3.5 million exemption for individuals and $7 million for couples. It achieves a middle ground among the various proposals offered, and it helps allow for tax planning certainty.

Mr. BRADY of Texas. Mr. Speaker, I yield 2 minutes to the lead Republican on the Small Business Committee, the gentleman from Missouri (Mr. GRAVES).

Mr. GRAVES. Mr. Speaker, I rise in opposition to H.R. 4154. While I appreciate the efforts of my colleague from North Dakota, this bill is not the answer. The bottom line is that death should not be a taxable event.

I find it amazing that the people who are going to get hurt the most by this, the small business men and the farmers, are being referred to as the rich and the moderately rich, which couldn't be farther from the case.

Small businesses and family farmers have felt slighted in Washington over the past 2 years. Congress has bailed out irresponsible players on Wall Street, pushed policies that will increase costs on small businesses and tax them at every turn to pay for the Big Government agenda.

Today we have yet another bill on the floor that ignores the small guy. H.R. 4154 is not indexed for inflation, so small businesses will be forced to pay the death tax in future years. More small businesses will be forced to pay that tax.

Additionally, the bill does not take into account capital-intensive small firms whose expensive equipment will cause them to be subject to this onerous tax. If Congress were serious about helping small businesses in this economic downturn, it would be debating a bill on the floor that repeals the death tax.

□ 1245

I would urge my colleagues to oppose this bill so that Congress can have an opportunity to bring real solutions to the table for our entrepreneurs and our farmers.

Mr. POMEROY. The bill on the floor would establish the capital gains exclusion at $7 million for a couple. I don't think we've ignored the small guys one bit with this legislation.

I yield Mr. BLUMENAUER of Oregon 2 minutes.

Mr. BLUMENAUER. I appreciate the gentleman's courtesy as I appreciate his leadership on this issue.

This is the culmination of a 12-year example of how not to create tax policy. I listened with interest to my good friend from Texas say, you know, they can do better than this bill. Well, ladies and gentlemen, they had 12 years to do better. And what did the Republicans do? They didn't reform the inheritance tax. What they did is they established a 10-year gain where it was reduced a little bit each year until next year it disappears, and then they give it back to the American people at a $1 million level and 55 percent marginal rate. That is the best they could do.

And as my good friend from North Dakota pointed out, it's even worse than that because they would have 70,000, not 7,000, the top two-tenths of a percent, but 70,000 people who are the real small business, the entrepreneurs, be subject to a capital gains tax. And I will tell you that the tax itself is only the tip of the iceberg because it will be an accounting nightmare to go back and figure out what grandma paid or what Uncle Charlie paid for the asset. Some people will spend more time researching and on accountants than they will pay in the tax. That's the best that the Republicans could do.

What Mr. POMEROY and our committee have done is to take generous levels, $3.5 million per person, and exempt below that the administrative nightmare of the capital gains tax. Is it a perfect solution? No.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. POMEROY. I yield the gentleman an additional 30 seconds.

Mr. BLUMENAUER. But compared to the best that the Republicans could do for 12 years, it's night and day.

With all due respect, declaring one of my heroes, Teddy Roosevelt, who brought about the inheritance tax, as being un-American is an insult to the Republican Party who knows that the vast wealth in this country, you don't get to be a billionaire on a W2. So a lot of this money was never even taxed once. Let's get a grip. Let's pass this bill and move on.

Mr. BRADY of Texas. I yield myself, Mr. Speaker, as much time as I may consume.

I know Washington takes great delight in reading from comments from the very wealthy who, by the way, usually find loopholes by accountants and have whole planning teams to make sure they don't pay these taxes. But I like to listen to those who are actually struggling with these death taxes, our small businesses, our family farms and our local manufacturers who have got a lot of challenges.

I have a letter from the National Federation of Independent Business which has weighed in on almost every key issue dealing with the impact on small businesses and independent businesses. Like me, they do appreciate the work that Mr. POMEROY has done on this issue. But just quoting from their letter: ''While well intentioned, H.R. 4154 is an incomplete solution. A $3.5 million exemption per person and a 45 percent rate do not provide adequate protection for many small businesses. In addition, the $3.5 million exemption is not indexed for inflation, meaning that protection from the estate tax will erode each year.''

Our manufacturing groups, for example, National Association of Manufacturers, in a letter they wrote, again, yesterday, say: ''The NAM, the National Association of Manufacturers, the Nation's largest industrial trade association representing small and large manufacturers in every industrial sector and in all 50 States, urges you to oppose H.R. 4154,'' the bill we have before us today.

''While NAM appreciates efforts to provide certainty by making estate tax rates permanent, we do not view a 45 percent rate or an exemption that is not indexed to inflation as efforts that will achieve significant reform.''

And finally, the American Farm Bureau Federation, again, family farmers all throughout this country are involved, again, in trying to help them keep those family farms, pass them down to the next generation, say that the current estate tax exemption is $3.5 million per person and the top tax rate is 45 percent under this bill. This exemption level is inadequate to protect our Nation's farms and ranches from estate taxes and causes financial burden of complicated and expensive estate tax planning.

It is clear while we may claim on this floor that this is a bill great for family farms and great for small businesses, and only taxing the wealthy, our family farms, our small businesses, our local manufacturing companies say it does not.

NATIONAL FEDERATION OF INDEPENDENT BUSINESS,
Washington, DC, December 2, 2009.

DEAR REPRESENTATIVE: On behalf of the National Federation of Independent Business (NFIB), the nation's leading small business advocacy organization, I am writing to share our views about H.R. 4154, the Permanent Estate Tax Relief for Families, Farmers, and Small Businesses Act of 2009.

With the current estate tax law expiring after 2010, H.R. 4154 provides certainty to help small business owners plan for the tax and maintains stepped-up basis. While well-intentioned, H.R. 4154 is an incomplete solution. A $3.5 million exemption per person and a 45 percent rate do not provide adequate protection for many small businesses. In addition, the $3.5 million exemption is not indexed for inflation, meaning that protection from the estate tax will erode each year.

NFIB has always supported full repeal of the estate tax as the one solution that will protect all small businesses from this tax. Short of that, NFIB has supported H.R. 3905, a bipartisan compromise bill which provides an exemption level of $5 million per person and a rate of 35 percent. Much of the cost of the estate tax occurs before the tax is levied because the threat of the tax forces families to pay for expensive estate planning to ensure their business stays with the family. Such costs are a drain on the finances of many already struggling small businesses, and relief along the lines of H.R. 3905 would provide additional protection for many small businesses.

NFIB is encouraged that the House of Representatives is acting on this important small business issue by providing long-term estate planning certainty. We look forward to working with Congress to improve the legislation so that it meets the needs of America's small businesses.

Sincerely,

SUSAN ECKERLY,
Senior Vice President, Public Policy.

MANUFACTURING MAKES AMERICA STRONG,
Washington, DC, December 2, 2009.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: The National Association of Manufacturers (NAM), the nation's largest industrial trade association representing small and large manufacturers in every industrial sector and in all 50 states, urges you to oppose H.R. 4154, the Permanent Estate Tax Relief for Families, Farmers, and Small Businesses Act of 2009.

The NAM has consistently supported efforts to either repeal or significantly reform the estate tax. For small and medium-sized manufacturers, owners and families, the estate tax is more than a one-time tax. In a recent survey of the NAM's small and medium-sized manufacturers, respondents said that, on average, they spend $94,000 annually on fees and estate-planning costs in preparation for their estate tax bill. This is money that could have been used to grow businesses and add jobs.

Legislation enacted in 2001 gradually phases out the estate tax and ultimately repeals the tax in 2010. However, without congressional action to make the repeal permanent, the tax will revert in 2011 to the extremely high pre-2001 rates.

H.R. 4154 would make permanent the 2009 rate of 45 percent and the $3.5 million exemption. While the NAM appreciates efforts to provide certainty by making the estate tax rates permanent, we do not view a 45 percent rate or an exemption that is not indexed to inflation as efforts that will achieve significant reform.

We urge members of the House of Representatives to oppose H.R. 4154 and bring up legislation that will provide significant relief for small manufacturers facing this onerous tax.

The NAM's Key Vote Advisory Committee has indicated that votes on H.R. 4154, including potential procedural motions, may be considered for designation as Key Manufacturing Votes in the 111th Congress. Thank you for your consideration.

Sincerely,

JAY TIMMONS,
Executive Vice President.

AMERICAN FARM BUREAU FEDERATION,
Washington, DC, December 3, 2009.

To all MEMBERS,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE: Individuals, family partnerships or family corporations own 98 percent of our nation's 2 million farms and ranches and produce about 82 percent of U.S. agricultural products. Estate taxes threaten family-owned farm and ranches and the livelihoods of families who make their living in production agriculture. Farm Bureau believes that estate taxes should be repealed.

Estate taxes are especially harmful to farmers and ranchers because their businesses are capital-intensive with a high concentration of assets tied up in land, buildings and equipment. Surviving family members are often forced to sell much needed land, buildings or equipment in order to pay the tax. When farms or ranches are downsized or disappear, farm families lose their incomes and rural communities and businesses suffer. Farmland close to urban centers often converts to development when estate taxes force farm families to sell off land to pay taxes.

The current estate tax exemption is $3.5 million per person and the top tax rate is 45 percent. This exemption level is inadequate to protect our nation's farms and ranches from estate taxes and causes the financial burden of complicated and expensive estate tax planning.

The House is set to consider H.R. 4154, the Permanent Estate Tax Relief for Families, Farmers, and Small Businesses Act of 2009, introduced by Rep. Earl Pomeroy, (D–N.D.). While Farm Bureau acknowledges the need for certainty in estate tax law and the importance of maintaining the stepped-up basis, we cannot support a permanent $3.5 million per person exemption or a 45 percent top rate. In addition the bill fails to index the exemption for inflation. Farm Bureau neither supports nor opposes passage of H.R. 4154, but realizes that we must send a bill to the Senate in order to improve the difficult and uncertain situation many of our farm families are facing because of the estate tax law.

Until estate taxes can be repealed, Farm Bureau urges Congress to continue to work for meaningful estate tax reform by enacting an estate tax exemption of $10 million indexed for inflation, continuing the stepped-up basis and removing the limits on the amount of farm land that can be valued for farm use rather than at development value.

Sincerely,

BOB STALLMAN,
President.

I reserve the balance of my time.

Mr. POMEROY. Mr. Speaker, I would reference the earlier notation in the Farm Bureau that carry-over basis establishing this capital gains exposure falls particularly hard on family farms and ranchers.

With that, I yield my friend and colleague, SHELLEY BERKLEY from Las Vegas, 2 minutes.

Ms. BERKLEY. Mr. Speaker, I thank the gentleman from North Dakota for yielding.

The bill we are considering this afternoon is not my chosen option. While I will vote for this bill, I don't think it goes far enough, nor is it a truly permanent solution.

Yesterday at the Rules Committee, I offered an amendment that would have raised the estate tax exemption and reduced the rate, creating a sensible, stable and, most importantly, a permanent framework to help families and businesses effectively plan for the burden of the estate tax.

This position is favored by a wide coalition of business and farm groups; and unlike the bill on the floor today, it is indexed for inflation. This is important, because without indexing, the estate tax will, like the alternative minimum tax, grow over time to cover more and more estates, eventually affecting many middle class Americans.

Philosophically, I don't think there should be an estate tax. There are few things in this world that you can do to avoid paying taxes. I think dying should be one of those things.

I introduced bipartisan legislation to alleviate the burden the estate tax creates for farms, businesses, and individuals. The legislation would have responsibly phased up the exemption to $5 million, $10 million for couples, and lowered the rate to 35 percent over the next 10 years to reduce the burden on those estates that still have an estate tax liability.

Given the current economic situation, even one job lost to the estate tax is too much. We need to encourage stability in every way possible. While the bill before us, in my opinion, is not a permanent solution, it is far better than a short-term patch. It ensures stability in the Tax Code and allows for estate planning. I believe it will free up resources currently used to plan for the estate tax.

I will vote for this bill, and I urge my colleagues to join me and do likewise.

Mr. BRADY of Texas. Yielding myself 15 seconds, I would like to submit for the RECORD a list of 49 organizations from family farmers to small businesses to local funeral parlors in support of Congresswoman BERKLEY's bill and amendment.

FAMILY BUSINESS ESTATE TAX COALITION

American Farm Bureau Federation; American Foundry Society; American Hotel & Lodging Association; American International Automobile Dealers Association; American Rental Association; American Wholesale Marketers Association; Associated Builders and Contractors; AMT—Association for Manufacturing Technology; Association of Equipment Manufacturers; Comporium Group/Rock Hill Telephone Company; Financial Executive International's Committee on Private Company Policy.

Food Marketing Institute; Heating, Airconditioning & Refrigeration Distributors International; Independent Community Bankers of America; Independent Insurance Agents & Brokers of America; International Franchise Association; Marine Retailers Association of America; Mason Contractors Association of America; Mortgage Bankers Association; National Association of Convenience Stores; National Association of Manufacturers; National Association of Wholesaler-Distributors.

National Automobile Dealers Association; National Beer Wholesalers Association; National Cattlemen's Beef Association; National Electrical Contractors Association;

National Federation of Independent Business; National Funeral Directors Association; National Grocers Association; National Lumber and Building Material Dealers Association; National Newspaper Association; National Restaurant Association; National Roofing Contractors Association.

National Small Business Association; National Telecommunications Cooperative Association; National Utility Contractors Association; Newspaper Association of America; North American Die Casting Association; Plumbing-Heating-Cooling Contractors—National Association; Policy and Taxation Group; Printing Industries of America; S Corporation Association; Society of American Florists; The Associated General Contractors of America; The Bowling Proprietors' Association of America.

At this time, I would like to yield 2 minutes to one of the outstanding members of the Ways and Means Committee, the gentleman from Illinois (Mr. ROSKAM).

Mr. ROSKAM. I thank the gentleman for yielding.

I think the gentlelady made an excellent point highlighting the weakness of this bill. The gentlelady from Nevada pointed out that this is not indexed for inflation. Let's make no mistake: a characterization that someone else is kicking the can down the lane, this bill, in fact, kicks the can down the lane because if it's not indexed for inflation, then at the very least we are going to be knocking up against the alternative minimum tax problem that has so plagued this Congress over the past couple of years.

I heard, Mr. Speaker, a couple of minutes ago one of the folks on the other side of the aisle who is sort of characterizing things as folks weren't paying taxes. I want to put that into a context. Look, here is a little bit of a list. If you're running around the United States of America and doing any kind of economic activity, these are the taxes you're going to run into. You're going to be paying capital gains, you're going to be paying Federal income taxes, or unemployment taxes, or motor fuel taxes, or gift taxes, Medicare taxes, payroll taxes, property taxes, real estate transfer taxes, telecommunications taxes, sales taxes, self-employment taxes, Social Security taxes, State income taxes, tolls, bridges. You name it, you're going to be loaded up with taxes.

And so here is an opportunity for us to say, let's have a clear, good shot. As Representative CAMP said a couple of minutes ago, death should not be a taxable event. Let's not act as if this accumulation over a period of years has not been taxed along the way.

So I think the National Association of Manufacturers accurately pointed out that it's not the tax burden alone that's the problem here. It's not simply the fact that it's not indexed for inflation. But the cumulative effect is, in fact, the problem because according to the NAM, $94,000 a year is spent on tax preparation and estate planning. I say let's lift the tax burden. Let's recognize the cumulative nature of taxes that people are paying. Let's not, with a straight face, try and say people aren't paying taxes, and let's vote against this bill.

Mr. POMEROY. I yield my friend and Ways and Means colleague from North Carolina (Mr. ETHERIDGE) 2 minutes.

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

Mr. ETHERIDGE. I thank the gentleman for yielding.

And since I have been in this Congress, I have worked to extend the benefits with estate planning and raise exemptions for the last 12 years. The estate tax was never meant to affect the vast majority of Americans. Under H.R. 4154, only 25 of every 10,000 estates would be subject to estate tax.

By extending current law, this bill strikes a balance. It provides certainty for estate planning and prevents tens of thousand of estates from being subject to taxation while also being fiscally responsible.

Critically, this bill protects our small businesses and farmers. In my district in North Carolina, there are plenty of farmers that are ''land rich and cash poor'' that may be affected by the reach of the estate tax because their land and equipment are worth quite a bit, but their business may be barely getting by.

Many small businesses that form the backbone of our economy are the engine of job creation, and they face the same dilemma. Rather than worrying about the estate tax, these businesses need to focus on the growth and expansion that can improve our economy. This legislation will allow them to do just that.

Only 100 small businesses and farm estates would owe any estate tax in 2010 under these rules, according to the numbers I get.

Now, as a former small businesses owner, I also know that that provides certainty that is crucial for business planning. This is equally true for individuals who need to plan for the future of themselves, their children and their grandchildren. We should encourage the dreams of Americans who want to build wealth that they can leave to their children and grandchildren, but also it needs to be fair.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. POMEROY. I yield the gentleman 30 additional seconds.

Mr. ETHERIDGE. America is the land of equality of opportunity; and by making sure that 99.8 percent of estates are exempt from estate tax while encouraging that the fewer than 8,000 pay, this bill provides and preserves opportunity for all.

I encourage my colleagues to vote for it.

Mr. BRADY of Texas. The two questions we ought to ask ourselves when we consider this bill, besides the principle underneath it, which is should family farms and small businesses work their whole life, build up a nest egg and have Uncle Sam swoop in when they die and take up nearly half of it themselves, is this supported by the people whom you say it will help, and will this bill or can this bill become law?

As to the first case, it is not supported by the organizations that have worked the longest and the hardest on the death tax. And we have, again, 49 organizations who support a bipartisan compromise who unfortunately cannot support this bill, small businesses, family farms, local newspapers, local marketing groups, equipment manufacturers, local builders and auto dealers. We have local convenience stores and beer wholesalers, our cattlemen, just the people who make up the fabric of our local economies believe this bill will not help them and will not help them enough.

□ 1300

But the other thought is, will this bill become law? And the answer, unfortunately, is no. H.R. 4154 is dead on arrival in the Senate. Even if it squeaks through the House with whatever arm twisting must be done, it will be dead on arrival in the Senate. Earlier this year the Senate voted on a bipartisan basis for a far more generous estate tax relief package. The Lincoln-Kyl amendment to the Senate's budget resolution, which mirrors the Berkley-Brady amendment that was not allowed to be offered today, provides a considerably higher exemption and a more reasonable 35 percent rate.

It's very unlikely that the Senate is going to take a break from health care and other issues to pass a bill that they have serious concerns about, and especially because they have serious concerns as well about this PAYGO sham language that is attached. Also, recent press reports make clear that key Senators, even Democratic Senators, believe that this bill, H.R. 4154, is insufficient.

According to a December 22 article in the BNA, it's quoted that the House plan to make permanent the 2009 estate tax rate exemption levels falls far short of what is needed in the long run and quotes key Senators in that Chamber. So, I think our goal ought to be helping the people we say we're trying to help: family farmers and small businesses. And we ought to be pushing a bill forward that can be accepted by the Senate, make it to the President's desk, and provide that certainty that helps these people.

I reserve the balance of my time.

Mr. POMEROY. Mr. Speaker, I am pleased to yield 1 minute to our distinguished majority leader, Mr. HOYER.

Mr. HOYER. I thank my friend, Mr. POMEROY, the representative of the Ways and Means Committee, for yielding, and I want to thank him for his efforts in pursuing this bill and introducing this bill and effecting the policy that currently exists in this country of a generous but fair provision for exemptions on estates. That exemption, as has been, I'm sure, debated today,

provides for $3.5 million for each spouse, or $7 million a family, for an exemption under the estate tax. However, what the Republican policy did was create a situation where there is no certainty, no ability to plan, and no confidence of what the tax policy will be in the coming years.

I, therefore, rise to support this bill which permanently extends estate tax relief to American families and which strikes a fair balance between what we owe to families, farmers, and small businesses, and what we owe to our country's fiscal future. This bill simply continues present law at current rates and exemptions. But it does not abolish the estate tax altogether, which I think would be a mistake. In fact, Teddy Roosevelt thought it would be a mistake. Teddy Roosevelt thought it would be a mistake because he did not want to see the constant accretion in just a few very wealthy people in America of the wealth of this country.

Abolishing the estate tax would add billions and billions to our deficit, as will happen next year if we do not pass this bill. And while a small number of wealthy families would benefit, the growth of our economy as a whole would suffer. So would vital programs on which millions of Americans rely. The estate tax also sets a limit on the concentration of inherited wealth from generation to generation. That's what Teddy Roosevelt, Republican President the early part of last century, thought was appropriate in American policy, which, at a time when this country's middle class is truly struggling, would make inequality even starker and more damaging to our country's social fabric.

That is why advocates of a dynamic economy have supported an estate tax for generations. When first proposing an estate tax, Theodore Roosevelt said, ''The man of great wealth owes a particular obligation to the state because he derives special advantages from the mere existence of government.''

And Bill Gates, along with Warren Buffett, one of the two wealthiest people in America, recently argued that the estate tax, ''puts a brake on the concentration of wealth and power, generates substantial revenue from those most able to pay, and encourages billions of dollars in charitable giving each year. The estate tax is not only fair,'' Bill Gates said, ''but an essential component of our Nation's economic dynamism.'' That's Bill Gates, who will, I think, be perceived by the American public as having probably the possibility of one of the largest estates.

Finally, it's important that this bill is permanent, and not a temporary fix. That guarantees families, farmers, and small businesses the certainty they need to plan ahead rationally. President Bush's estate tax policy, by contrast, gave the country anything but certainty. It phased out the estate tax, repealed it entirely for 2010, and then brought it back, at 2001 levels, for 2011. In other words, 3.5 today, zero tomorrow, and 1 in 2011. No accountant or estate planner is going to look you in the eye and say, Well, based upon that policy, I can give you some rational advice.

That was truly an irresponsible tax and fiscal policy brought to us, very frankly, by the minority party when it was in power. It made it impossible for families to plan with confidence for the future. It also hid the policy's true cost to our national budget. This bill can change that. It is in keeping with President Obama's pledge of a new honesty in budgeting.

I also want to point out that passing this bill is also an important step toward fiscal responsibility because attached to it is the House's support for statutory PAYGO, as it's affectionately referred to by some, me included. Now, let me say something about statutory PAYGO. My friends on the Republican side of the aisle are not for it. They're not for it because they wanted to make deep revenue cuts and didn't want to pay for them. They wanted my children to pay for them and my grandchildren to pay for them. And very frankly, that's who's going to pay for them. Those of us of my age are not going to pay for them because we incurred real debt by not paying for what we buy, and created extraordinary deficits over the last 8 years of the Bush administration.

As we know, the principle of paying for what we buy was central to turning record deficits of 1993, of 1992, of 1991, of 1990, and all of the years of the 1980s, turning record deficits into record surpluses. It was statutory PAYGO that allowed us to do that, along, obviously, with the extraordinary growth in the economy that occurred under an economic program put in place in 1993, for which none of my colleagues on the Republican side of the aisle voted. It can be an important step in our return to fiscal health today.

By passing this bill, we can also strengthen our commitment to pay for all new policies that reduce revenues or expand entitlements. In fact, I wish that this extension of estate tax relief were also paid for. It is not, of course. Why is it not paid for? Because we can't pay for it at a time when we are at great economic risk. We can't depress the economy. We need to stimulate our economy. But if we put in place PAYGO, we will give additional confidence to those who are prepared to invest their capital that we will continue to have sound fiscal policies.

It's unlikely that we will have the votes to pay for this extension of policies with bipartisan support. I choose to support the strongest version of PAYGO possible. That is the PAYGO provision in this bill. So, on the one hand, we bring in this bill estate planning rationality, substance, and confidence. And on the other hand, we adopt once again in this House the premise of statutory PAYGO, which got us to 4 years of surplus during the Clinton administration, the only 4 years of surplus in the lifetime of anybody in this Chamber.

I hope that the Senate will join the House in taking this essential first step out of America's deep fiscal hole. My friend, Mr. BRADY, thinks that they will not. Perhaps he is correct. If he is correct, it will be unfortunate. My friend, I know, has been a proponent for the years he's been here, and some others have been, of going to zero, no estate tax. Very frankly, because of that position, we have not been able to reach compromise and, therefore, we find ourselves in this untenable position.

I urge all of my colleagues to support this bill, which makes a fair estate tax permanent, makes estate planning more reliable, and makes our commitment to fiscal discipline clear and unequivocal.

Mr. BRADY of Texas. I yield myself as much time as I may consume.

We have short memories around here. While I know it's sort of popular to blame President Bush for everything from acid reflux to Tiger Woods' car accident, the truth of the matter is we wouldn't be here today if President Clinton had not vetoed the full permanent repeal of the death tax once and for all for America. A Republican Congress sent him that bill saying the only peace of mind we can give to family farmers and small businesses is to put this death tax to death. But because of his actions and irresponsible veto, today we see a high tax rate and low exemptions and real damage upon America's family farms and small businesses.

We talk about fiscal responsibility. I just heard some more rhetoric about that. Now, let me point out that while Republicans, unfortunately, in responding to the terrorist attacks of 9/11 and creating a Homeland Security Department, I believe, while well-intentioned in defense of this country, also spent too much money. And you can tell from these red bars how once that mistake was made, the deficit, year after year, went down. In the first year Democrats had control of Congress the deficit went from 162 to 459. It tripled in 1 year that

pled the deficit. This year it is almost nine times higher than when Republicans left Congress.

So, when I hear a lecture on fiscal responsibility, after a $1.4 trillion deficit, a quarter of a trillion dollar unpaid bill 2 weeks ago for the doctor fix, an unprecedented spending spree, bailouts, and PAYGO rules that have less credibility than all the fake stimulus jobs we hear about, please, no lectures. And when you talk about statutory PAYGO, I'll remind Members how many violations of PAYGO have occurred. Two dozen of them in the last couple of years by this Congress, supposedly fiscally responsible.

And you know the way they got around it? In some cases they used the same PAYGO 25 different times. That's like mortgaging your house 25 times to

the bank as collateral. They used some PAYGO 10 different times. In fact, one time, to try to look like they balanced the bill, this Congress, on this floor, with this leadership, decreed that there will be no terrorist attacks for the next 5 years so that this bill can look like it was paid for.

So, please, no lectures on fiscal responsibility from a Congress and a White House that is ruining this country, driving us so deep into debt I don't know how our grandchildren will ever get out of it.

I think the main point today that I will refute as well is that this is the only option. The truth of the matter is that there is a bipartisan bill that has support of some 39 or so Members of this House, supported by so many of the groups, family farms, small businesses, local nurseries, home builders, and retail shops, that does have support in the House and in the Senate. That's the compromise that should be on the floor today. That's the way we make sure we help our family small businesses.

And let me tell you, too, whenever Washington says we're only going after a few of the wealthy, grab your pocketbooks because we've seen this run before. And the alternative minimum tax was supposed to tax 100 or so of the wealthiest Americans, as we just heard. Today that tax can grab almost 24 million Americans. We're going to see every year more and more family farms, more and more small businesses trapped, damaged, destroyed by this death tax unless this bill is voted down. And we have other options that really can help.

I reserve the balance of my time.

□ 1315

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

Mr. Speaker, let me begin by congratulating my friend, Mr. BRADY. He has been entrusted to manage time on the bill. He's done a great job of it. For many years I've had a running debate with Mr. Hulshof who's no longer with us as he did not run for reelection last year. I think Mr. BRADY has more than picked up the banner from Mr. Hulshof, and I commend him for a good discussion.

I do believe that he begins with a curious point. He attacks the Democrats for budget deficits while advocating a bill that would cost twice as much as the bill on the floor. Repeal of the estate tax would lose roughly half a trillion dollars over the next decade. That is well over double the cost of the bill before the House. Another thing about that bill that you did not hear one speck of discussion on from the Republicans in the debate today is this capital gains tax issue. Let me briefly recount it.

Right now, when someone inherits property under an estate, if they go on to sell it, the capital gains is on the value of the asset at the time it was inherited. If we don't act, the law that is on the books brings a different formula—it's called carryover basis. When you inherit property and go to sell it, you pay capital gains on everything over the value of the initial acquisition—the price grandma paid when she got the farm or what have you. The Farm Bureau has called this insidious relative to its impact on farms and small businesses. We make that problem go away, and it needs to go away.

I don't think it's right, responding to another point made by my friend, Mr. BRADY, to blame Mr. Clinton for the estate tax. President Bush had 8 years of governing after Mr. Clinton. Six of those years Republicans controlled this Chamber. If they needed to do something, they certainly had time to do it. But what they left us is a mess that now needs to be attended to; because to have the estate tax repealed next year, have a capital gains tax come in instead of the estate tax, a capital gains tax that will hit 71,000 taxpayers. While the 6,000 get relief on the estate tax, 71,000 have new capital gains exposure and then have it all go back to the 2002 levels in the year after that; $1 million, $2 million joint, 55 percent rate. It makes no sense.

The bill on the floor achieves almost unanimous relief from the estate tax while making the rules very clear: 99.25 percent get excluded from the estate tax. Those estates, joint estates, over $7 million would continue to have the exposure—although they would obviously have the wherewithal to apply to that. The rate 45 percent only applies to assets over the $7 million. So in a taxable estate there is zero tax on the first $7 million, 45 percent over that. On average, that means you have got about an 18 percent rate, not nearly half as had been described by the other side.

In closing, I have a quote from a Washington Post editorial talking about this situation in today's paper. It says, ''In one of those fiscal time bombs left from the Bush administration, the estate tax, having gradually dwindled, is set to be eliminated entirely next year—only to spring back to life, full-force, in 2011. Unless something is done, 2010 will be the year to throw Mama from the train, tax-free. This would be terrible policy, not to mention unkind to Mama.''

So I believe that we need to act. The bill before us is a reasonable resolution of this issue. I urge its adoption.

I reserve the balance of my time.

Mr. BRADY of Texas. Mr. Speaker, I yield myself the balance of my time.

I would say while I disagree strongly with some of those assertions, I do very much appreciate the work that Mr. POMEROY has done on this bill. It is an issue that concerns so many of us. I am hopeful we can still come together on a bipartisan compromise that can pass this House, and for many of us who have as our goal full and permanent repeal of the death tax, I hope someday to work with him on that as well.

Mr. HOLT. Mr. Speaker, I rise today in support of H.R. 4152, the Permanent Estate Tax Relief for Families, Farmers, and Small Businesses Act of 2009. This is responsible legislation that would provide permanent tax relief to middle-class families and family-owned businesses, while maintaining the estate tax for only the 7,600 wealthiest individuals nationwide, according to the Committee on Ways and Means.

H.R. 4152, the Permanent Estate Tax Relief for Families, Farmers, and Small Businesses Act of 2009 permanently would set the estate tax at the 2009 level. This would allow families and small businesses to have certainty about the rate of taxation on their estates and plan accordingly.

Currently the estate tax exemption is set at $3.5 million for individuals and $7 million for couples and with a maximum tax rate of 45 percent. Unless the House and the Senate take action, the estate tax is scheduled to enter 1 year of full repeal in 2010 followed by a return of the estate tax in 2011 with a drastically reduced exemption level and a much higher maximum rate of taxation. If we allow the estate tax to return to a $1 million exemption at a tax rate of 55 percent, 30,000 more American small businesses, farms, and families will be subject to the estate tax in 2011. Given the high property values in New Jersey, allowing the estate tax to revert to a million dollar exemption would hit my constituents especially hard.

Additionally, the legislation we are considering today would require all new spending to be paid for and not increase the debt by instituting pay-as-you-go budgeting as law. I support pay-as-you-go rules because fiscal discipline must always be a hallmark of our government. In the 1990s with pay-as-you-go as the law, we turned the massive deficits of the 1980s into a record surplus under President Clinton. Pay-as-you-go is only one tool, but it is a strong one to return our Nation back to fiscal stability.

I urge my colleagues to support this legislation.

Mr. DINGELL. Mr. Speaker, I rise in support of H.R. 4154, the ''Permanent Estate Relief for Families, Farmers, and Small Businesses Act of 2009.'' This bill will extend permanently the 2009 estate tax rules, which are estimated to affect only 1 in 500 estates. By allowing the estate tax to expire next year, we will be depriving the Federal Government of critically needed funds to finance, among other things, economic stabilization programs. Moreover, at a time when many working Americans are losing their jobs and finding it difficult to make ends meet, particularly in southeast Michigan, it strikes me as wholly unconscionable that the Congress should approve a tax cut for the wealthiest of the country's citizens. Furthermore, while I am ever cognizant of the effect of Federal policy on small businesses, I would remind my colleagues that, according to the Tax Policy Center, only 100 small business and farm estates in the entire Nation would owe any estate tax in 2010 if the 2009 rules were extended, and virtually none of them would have to be sold to pay the tax.

Thus, in my view, the bluster about the purported effect of this bill on farms and small businesses is unfounded. As such, I urge my colleagues to vote in favor of this bill, as I will.

Mr. STARK. Mr. Speaker, I rise in opposition to the permanent extension of the 2009 estate tax. The American people have more pressing concerns. Our priority should be to

create jobs, enact health reform, and extend unemployment insurance and COBRA assistance, not provide gifts for the wealthiest 7,000 Americans.

I favor a 1-year extension of current law, and then we can consider the estate tax in the context of all of the expiring Bush tax provisions. This provision should not be given priority over helping those who can't find affordable health coverage or have lost their home or their job.

Now is not the right time for this legislation. Let's pass a 1-year extension and get back to the issues that are truly important to the American people—creating jobs and assisting struggling families. I urge a ''no'' vote.

Mr. VAN HOLLEN. Mr. Speaker, I rise in support of the Permanent Estate Tax Relief for Families, Farmers, and Small Businesses Act of 2009.

If enacted into law, this legislation would permanently extend the estate tax at its current 2009 top rate of 45 percent and exemption level of $3.5 million, $7 million for joint filers. In so doing, H.R. 4154 will provide needed certainty for families engaged in estate planning while significantly reducing the total number of estates subject to the estate tax relative to current law. This measure is consistent with both President Obama's FY 2010 Budget, as well as Congress's FY 2010 Budget Resolution—and importantly, today's rule incorporates statutory PAYGO into the underlying initiative, which will go a long way towards restoring our Nation's long-term fiscal discipline.

I urge my colleagues' support.

Mr. BRALEY of Iowa. Mr. Speaker, today I stand in support of H.R. 4154, the Permanent Estate Tax Relief for Families, Farmers, and Small Businesses Act of 2009 because I understand the importance of protecting Iowa's farms and small businesses. This bill helps ensure that these businesses are not downsized as they are passed from one generation to the next.

While I am supportive of the estate tax exemption of $3.5 million per person in the short term, I am frustrated that the bill does not adjust this amount for inflation. Earlier this week, I submitted an amendment to the Rules Committee to adjust the estate tax for inflation, but that amendment was not allowed to the House Floor. While the title of this bill indicates that it is a permanent fix, I worry that we will be right back in the same situation in a few years.

Do not let the estate tax go down the same path as the alternative minimum tax, AMT. The AMT was originally passed in 1969 as a measure to target 155 high-income households that were paying little or no income tax because of loopholes in the tax code at that time. However, because it was not adjusted for inflation, an increasing number of middle-class taxpayers have found themselves subject to this tax. Indexing the estate tax for inflation will help ensure that it does not have the unintended consequence of impacting middle-class families in the future.

As this bill continues through the congressional process, I urge my colleagues to adjust the estate tax for inflation so that it truly is a permanent fix.

Mr. TIAHRT. Mr. Speaker, throughout our history, Americans have worked vigorously to achieve great success despite extraordinary hardships. Farmers have tilled the earth, inventors have exercised their ingenuity, builders have constructed, entrepreneurs have established businesses, and all made our nation even greater than the founding fathers envisioned. In the process of becoming successful, wealth is created. When a person successfully pursues a dream and wisely manages resources over a lifetime, the Federal Government should not punish those accomplishments by seizing a significant portion of what was intended to be passed along to family members upon death.

Due to burdensome death taxes, there are countless examples of families who have been forced to sell their business or purchase it back from the government. A business that has been in a family for generations can be lost overnight because of the death tax. And when a business leaves its family roots, there is a loss of pride in the fundamental traditions that helped make the business a success. This is not the legacy parents want to leave their children and grandchildren.

Growing up on a family farm, I understand the impending doom the death tax imposes. Instead of proudly teaching one's children and grandchildren how to work the land of their forefathers, farming families are instead focused on whether they can save enough to pay the death tax or literally, ''lose the farm.''

I am pleased to have worked with my colleagues in the House of Representatives to eliminate this tax. I strongly supported the Economic Growth and Tax Relief Reconciliation Act of 2001, EGTRRA. Under EGTRRA, the death tax and generation-skipping transfer tax are scheduled to be repealed effective January 1, 2010. However, the death tax will come back in full force on January 1, 2011, unless Congress takes action to extend or permanently repeal the tax.

Mr. Speaker, we don't need a reform to the Death Tax, we need full repeal. Under this legislation, the 0 percent tax death tax rate in 2010 will be raised by 45 percent. This is not the direction we should be moving in.

In both the 107th and 108th Congresses, the House passed legislation making the repeal permanent, but the Senate did not. In the 109th Congress, the House passed H.R. 8 that would have permanently repealed the estate tax. On June 8, 2006, the Senate held a cloture vote on a motion to proceed to consider H.R. 8. However, the vote of 57–41 fell three votes short of the 60 needed to consider the bill.

Instead of fully repealing the Death Tax, this Democrat majority deems it necessary to still tax almost half of an individual's estate upon their death.

The legislation before us today will keep the estate tax at its 2009 level, meaning the government gets 45 percent of a deceased person's estate valued over $3.5 million dollars instead of 0 percent as under the 2001 act.

Additionally, the $3.5 million exemption is not indexed for inflation. Similar to the Alternative Minimum Tax, the Death Tax will gradually affect more and more families and businesses than originally intended.

I have been a strong supporter of permanently ending the death tax throughout my career and will vigorously oppose this tax increase in the President's budget and the underlying bill before the House today.

This is not the legacy parents want to leave their children and grandchildren. This is not the legacy that this Congress wants to leave to its constituents. I unequivocally urge my colleagues to vote against this unjust tax scheme.

Ms. KILPATRICK of Michigan. Mr. Speaker, I rise in opposition to H.R. 4154, the Permanent Estate Tax Relief of Families, Farmers, and Small Businesses. I am worried sick that we have misplaced our priorities as Congress when we are voting on legislation to permanently, not temporarily, extend a tax cut to the richest, top 1 percent, of all income earners when Congress has not passed a public works job program for the unemployed. We are sending 30,000 of America's finest young men and women off to war in Afghanistan at the estimated potential cost of $20 billion per year. Congress must pass a public works job program.

This bill has not been considered through regular order. This bill has had zero hearings, there have been no subcommittee or full committee mark ups by the House Ways and Means Committee.

We currently have more than 15 million unemployed Americans. The national unemployment rate is more than 10 percent. In the State of Michigan, we have a reported rate of more than 15 percent, and in the city of Detroit, the unemployment rate is more than 28 percent. These are the reported rates. As Chairperson of the Congressional Black Caucus during the 110th Session of Congress, from 2007 to 2008, I pushed to get a public works program. I also worked to get an aggressive summer jobs program in 2008. Both to no avail.

It would not be difficult to get a public works program done immediately. Working from the template that was established with the Civilian Conservation Corps, CCC, during the Depression era, updated by the Comprehensive Employment Training Act, CETA, we could insert language in one of the remaining Appropriations bills for consideration. Not only to get such a bill authorized, but appropriated as well. This would help hundreds of thousands, if not millions, get the best stimulus package there is—a job. The American people are begging Congress to do something to help them with employment. Private industry cannot do it alone. Our states and our cities do not have the resources to employ our people. It is up to Congress to make that happen. The Federal Government is the employer of last resort.

The President, just this week, will send 30,000 additional troops to Afghanistan. This troop build-up, in America's second longest war, is estimated to cost half a million dollars per servicemember, and an estimated $20 billion per year. These troops will be on the ground in Afghanistan in less than 3 weeks. Meanwhile, Congress will still have done nothing toward getting jobs for their parents, their siblings, or their neighbors through a public works jobs program.

I am proud of my vote in favor of the economic stimulus package, which has helped to delay our downward economic spiral. The abysmal unemployment rate, however, demands that Congress do more. An aggressive public works jobs program, with funding from the Federal Government going directly to cities and counties, providing jobs and training, focusing on infrastructure development and based on the successful Civilian Conservation Corps and Comprehensive Employment Training Acts, is what America wants and Americans need. Infrastructure investment has created more jobs, with fewer dollars, and with

less time than any other Recovery Act program. There are still 9,500 shovel-ready projects across the country that could get started in the next 120 days. An aggressive investment by Congress in a new Civilian Conservation Corps or Comprehensive Employment Training Act focused on infrastructure repair and improvement would create thousands of American manufacturing jobs, American construction jobs, American city and county government jobs, and American service sector jobs.

Why is the House of Representatives today pushing for a permanent extension at this time of this legislation, when the Ways and Means Committee asked for a temporary extension? Furthermore, the Senate has said that they will only consider a temporary extension—which, in these fiscally austere times, is certainly reasonable.

I am a supporter of our families, our farmers and our small businesses. I want our families, farmers, and small businesses to succeed. The timing for this permanent extension to the wealthiest 1 percent of all Americans, when we have more than 15 million Americans out of work, is wrong. I will continue to fight in Congress for a new, comprehensive public work jobs program that will get Americans, who want to work, back on the job.

Mr. BRADY of Texas. I yield back the remainder of my time.

Mr. POMEROY. I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 941, the previous question is ordered on the bill.

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

Mr. HELLER. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. HELLER. Yes, in its current form.

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

The Clerk read as follows:

Mr. Heller moves to recommit the bill H.R. 4154 to the Committee on Ways and Means 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 ''Death Tax Repeal Permanency Act of 2009''.

SEC. 2. ESTATE TAX REPEAL MADE PERMANENT.

Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to title V of such Act.

POINT OF ORDER

Mr. POMEROY. Mr. Speaker, I make a point of order under clause 10 of rule XXI. The motion increases the deficit for purposes of that rule.

The SPEAKER pro tempore. Does any Member wish to be heard on the point of order?

Mr. HELLER. Mr. Speaker, this point of order shows the blatant inconsistencies the majority has set up with its own rules. On one hand, clause 10 of rule XXI—known as the PAYGO rule—requires amendments, including those contained in motions to recommit like this one, to be budget neutral. On the other hand, clause 7 of rule XVI—known as the germaneness rule—constrains our ability to offer pay-fors by requiring that they be related to the underlying bill.

These two rules are problematic in today's case because H.R. 4154 is drafted so narrowly that it is impossible to identify germane offsets. Thus, not surprisingly, the majority has stacked the rules of the House to try to make it impossible for the minority to offer its preferred approach. We saw that 2 weeks ago on the SGR fix and are witnessing it again today as the rules are being used to keep us from offering a full and permanent repeal of the death tax.

Ironically, the bill before us today, H.R. 4154, doesn't even meet the House's own PAYGO rules. That's right. That is because the budget resolution allows the chairman of the Budget Committee to simply reset the baseline to accommodate a certain amount of death tax relief.

Mr. Speaker, you are being asked to rule on whether this motion to recommit complies with PAYGO, but the base bill itself is not PAYGO compliant. It would increase the deficit by more than $230 billion. This begs the question, if it's appropriate for the majority to consider estate tax relief under H.R. 4154 without offsets, in violation of the spirit of PAYGO, then why is it now inappropriate, or out of order, for the minority to provide even more tax relief under their amendment?

I request that you overrule the point of order and allow the House to debate our alternative, which is complete repeal of the death tax.

Thank you, Mr. Speaker, for the opportunity be heard on the point of order.

The SPEAKER pro tempore. The gentleman from North Dakota makes a point of order that the amendment proposed in the instructions included in the motion to recommit offered by the gentleman from Nevada violates clause 10 of rule XXI by proposing a change in revenues that would increase the deficit.

Pursuant to clause 10 of rule XXI, the Chair is authoritatively guided by estimates from the Committee on the Budget that the net effect of the provisions in the amendment affecting revenues would increase the deficit for a relevant period.

Accordingly, the point of order is sustained and the motion is not in order.

Mr. HELLER. Mr. Speaker, I 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?

MOTION TO TABLE

Mr. POMEROY. Mr. Speaker, I move to table the appeal of the ruling of the Chair.

The SPEAKER pro tempore. The question is on the motion to table.

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

Mr. HELLER. 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 234, nays 186, not voting 14, as follows:

[Roll No. 927]

YEAS—234

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner

Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—186

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kagen
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
LoBiondo
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Sestak
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

NOT VOTING—14

Baird
Barrow
Bishop (UT)
Bono Mack
Capuano
Edwards (TX)
Gonzalez
Linder
Lucas
McGovern
Melancon
Moran (VA)
Schock
Young (AK)

□ 1351

Messrs. KINGSTON, MINNICK, McINTYRE, and BLUNT changed their vote from ''yea'' to nay.''

Messrs. HOLT, McDERMOTT, and PERLMUTTER 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

Mr. HELLER. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. HELLER. I am, in its current form.

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

The Clerk read as follows:

Mr. Heller moves to recommit the bill H.R. 4154 to the Committee on Ways and Means 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 ''Death Tax Repeal Extension Act of 2009''.

SEC. 2. EGTRRA SUNSET ON ESTATE, GIFT, AND GENERATION-SKIPPING TRANSFER TAX PROVISIONS DELAYED 1 YEAR.

In the case of title V of the Economic Growth and Tax Relief Reconciliation Act of 2001, section 901 of such Act shall be applied by substituting ''December 31, 2011'' for ''December 31, 2010'' both places it appears in paragraphs (1) and (2) of subsection (a) of such section.

The SPEAKER pro tempore. The gentleman from Nevada is recognized for 5 minutes.

Mr. HELLER. H.R. 4154 would be better called the Permanent Estate Tax Increase for Families, Farmers, and Small Businesses Act. My second motion to recommit still addresses elimination of the death tax. As the Chair has just ruled, the sensible alternative, full permanent repeal of the death tax, is not allowable under the House majority's rules. Therefore, this second motion to recommit is drafted to meet the arcane, pro-tax increase PAYGO rules.

This motion continues the full elimination of the death tax for 2010, as currently scheduled and promised to the American people, and then extends that full elimination 1 additional year to 2011. Business or farm income was taxed when it was created, saved, invested, and spent. These assets were taxed annually with property taxes. They don't need to be taxed yet again upon death. While 2 years is shorter than many of us in the House would prefer, it's the only alternative left.

Colleagues, the flaws with H.R. 4154 are numerous, but in defense of their misguided bill the majority cries that certainty trumps the punitive 45 percent rate. But the Federal Government shouldn't be entitled to half or even one-third of your assets when you die. Make no mistake: the purpose of the inheritance tax is to erase all of an individual's net worth within three generations. Let me repeat that: the purpose of the inheritance tax is to erase all of an individual's net worth within three generations.

Enshrining a 45 percent punitive tax rate is bad policy, and the only thing worse than bad policy is permanent bad policy. I am sure the American people will be upset with the certainty of zero. Today the majority is working hard to bring new vigor to the old adage ''The only things in life that are certain are death and taxes.''

Let's remember that the unemployment rate is still high: 10 percent nationwide and more than 13 percent in my home State of Nevada. Recent estimates show that the full repeal of the tax would create 1.5 million jobs. Again, that's jobs created. Who knows how many jobs will be saved by eliminating the death tax.

Eliminating the death tax will also have several other positive effects on the economy. One recent study showed that eliminating the death tax will increase small business capital by over $1.6 trillion; eliminating the death tax will increase the probability of hiring by 8.6 percent; eliminating the death tax will increase payrolls by 2.6 percent; eliminating the death tax will expand investment by 3 percent; eliminating the death tax will create 1.5 million additional small business jobs; and eliminating the death tax will reduce the current jobless rate by almost 1 percent.

The American people know that the death tax punishes hard work by discouraging savings and investing, undermines job creation, and frankly contradicts the central promise of American life. They know the death tax is a jobs destroyer.

Colleagues, our Founding Fathers worked to ensure the rights of life, liberty and the pursuit of happiness. In addition, they fought, spurred largely by unfair taxation, to secure their rights to private property and the efforts of their work. They wanted a nation where one could work, think, produce, create, invent and prosper. This made our Nation different than all others at the time which created the tremendous engine of the American economy. What would they say about a government confiscating 45 percent of property earned over a lifetime?

Of the 56 signers of the Declaration of Independence, 18 were merchants or businessmen and 14 were farmers. Many lost their lives or family members, and at least 11 signers had their homes and property destroyed. In committing their ''lives, fortunes, and sacred honor'' as the Declaration of Independence reads, they sacrificed to ensure their heirs could keep what they earned. What would those who sacrificed so much say about a permanent 45 percent rate?

Congress made a promise to fully eliminate the death tax. The American people are sick and tired of broken promises from their government. Congress should keep this promise to the American people and do what it committed to do 8 years ago: allow the estate tax to expire in 2010 and extend that expiration to 2011.

Death should not be a taxable event. Support this motion and keep the death tax buried.

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

Mr. POMEROY. Mr. Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman from North Dakota is recognized for 5 minutes.

□ 1400

Mr. POMEROY. I commence my comments by offering to yield to the gentleman if he would like to discuss the

capital gains tax implications of the motion to recommit.

Mr. HELLER. Mr. Speaker, I would be happy to respond. If the gentleman is asking to refer this piece of legislation back to Ways and Means and the Budget Committee, I would be happy to do so so that we can discuss those issues.

Mr. POMEROY. Reclaiming my time, that wasn't much of an answer, so let me make it a little more clear.

The bill would impose a new capital gains tax obligation. Six thousand people would get estate tax relief if full repeal goes into effect; 71,000 have a new capital gains tax laid upon them because carryover basis is established instead of the step-up basis.

In other words, if you inherit Grandma's farm, if Grandma paid $100 an acre for it and it's now worth $2,000 an acre, and you go to sell it, you have capital gains on all appreciated value over $100. That's not how the law works now. How the law works now, if you have property worth $2,000 an acre, that's your basis. There's no capital gains if you would sell it for $2,000 an acre. The Farm Bureau has said this falls particularly insidiously on farms and small businesses, the very people they claim to be helping.

The motion to recommit, unfortunately, brings what has been a pretty respectable debate into, I think, some of the same overblown rhetoric that has plagued this issue in the past. The estate tax has changed 10 times in 11 years. Now, isn't it time we provide some certainty to the American people, not just more of the uncertainty that they offer?

What's more, it's not just certainty. We make the estate tax go away for 99.75 percent of the people in this country, 99.75 percent. But that's not good enough for them. They'll hold out for that last few tenths of a percent even if it means laying a capital gains tax obligation on 71,000 families to achieve that end.

Mr. Speaker, I yield the balance of my time to the gentleman from Florida (Mr. BOYD).

Mr. BOYD. I thank the gentleman from North Dakota for yielding. I also thank Chairman RANGEL for his work and also particularly the gentleman from North Dakota for his longtime dedication to resolving this issue and making it fair and permanent for families who are trying to plan estates.

Mr. Speaker, I rise today to speak against the motion to recommit and in favor of H.R. 4154, the Permanent Estate Tax Relief for Families, Farmers, and Small Businesses Act of 2009. The bill before us creates permanent financial guidelines for the future of families, farmers, and small businesses across this country.

Due to the policy enacted in 2001 under the Republican leadership, financial planning for estates since then has been at best unpredictable, a crapshoot for now a decade. The leadership at that time had a chance to fix this problem because we had surpluses as far as the eye could see. But they failed to act, and by doing so, they failed hundreds or thousands of families in this country, despite, as I said earlier, a picture of record surpluses as far as the eye could see. Instead, a policy was created that set an unsustainable rate for political gain.

Congress can do better. We can provide some permanency. The leadership of this body, my Democratic colleagues and I, have chosen to solidify the future of American families by making these 2009 levels permanent.

Let's be clear. The motion to recommit provides the same sort of uncertainty for folks who are planning for their estates as was done in 2001. What the motion to recommit does is extend the zero tax rate for 1 year to the end of 2011, and then in 2012 it comes back just like it was in 2001. How in the world are families supposed to plan when they're sitting down with their lawyers and their accountants near the end of life, how in the world are they supposed to plan with those kinds of laws in place? It is heartily irresponsible.

So I would plead with you to defeat this motion, pass H.R. 4154. Let's send it to the Senate hooked with PAYGO and see if we can't get this country back on track economically and provide some certainty and permanency for the folks as they plan for their estates.

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. HELLER. 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 passage, if ordered, and the motion to suspend the rules on H.R. 3570.

The vote was taken by electronic device, and there were—ayes 187, noes 233, not voting 14, as follows:

[Roll No. 928]

AYES—187

Aderholt
Adler (NJ)
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
LoBiondo
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Ryan (WI)
Scalise
Schauer
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Sullivan
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

NOES—233

Abercrombie
Ackerman
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)

Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Snyder
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—14

Barrow
Bishop (UT)
Boehner
Capuano
Gonzalez
Linder
Lucas
McGovern
Melancon
Moran (VA)
Paul
Roskam
Royce
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining in the vote.

□ 1421

Mr. GEORGE MILLER of California changed his vote from ''aye'' to ''no.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. ROYCE. Mr. Speaker, on rollcall No. 928 I was unavoidably detained. Had I been present, I would have voted "aye".

Mr. ROSKAM. Mr. Speaker, on December 3rd, 2009 I was unavoidably detained and missed rollcall vote No. 928. Had I been present, I would have voted "aye".

Mr. BOEHNER. Mr. Speaker, on rollcall No. 928 I was unavoidably detained. Had I been present, I would have voted "aye".

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.

Mr. DAVIS of Kentucky. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 225, nays 200, not voting 9, as follows:

[Roll No. 929]

YEAS—225

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baldwin
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kennedy
Kildee
Kilroy
Kind
Kissell
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McIntyre
McMahon
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Minnick
Mollohan
Moore (KS)
Moore (WI)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (GA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Smith (WA)
Snyder
Speier
Spratt
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—200

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Baird
Barrett (SC)
Bartlett
Barton (TX)
Bean
Becerra
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Himes
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kaptur
Kilpatrick (MI)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McDermott
McHenry
McKeon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy (CT)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Owens
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ruppersberger
Ryan (WI)
Sánchez, Linda T.
Scalise
Schauer
Schmidt
Schock
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stark
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Walz
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

NOT VOTING—9

Barrow
Bishop (UT)
Capuano
Gonzalez
Lucas
McGovern
Melancon
Moran (VA)
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1431

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

Ms. JACKSON-LEE of Texas changed her vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. CAPUANO. Mr. Speaker, I missed a vote today. Had I been present, I would have voted on rollcall No. 929 "yea."

SATELLITE HOME VIEWER REAUTHORIZATION ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 3570, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 3570, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 394, nays 11, not voting 29, as follows:

[Roll No. 930]

YEAS—394

Abercrombie
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Baca
Bachmann
Bachus
Baird

Baldwin
Barrett (SC)
Bartlett
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carson (IN)
Carter
Castle
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NAYS—11

Cassidy
Culberson
Duncan
Flake
Foxx
Garrett (NJ)
Latta
Lummis
McClintock
Paul
Smith (NE)

NOT VOTING—29

Ackerman
Andrews
Barrow
Bean
Bishop (GA)
Bishop (UT)
Braley (IA)
Brown-Waite, Ginny
Campbell
Capuano
Carney
Castor (FL)
Fallin
Giffords
Gonzalez
Johnson, E. B.
Linder
Lucas
Marchant
McGovern
Melancon
Moran (VA)
Perlmutter
Putnam
Rogers (KY)
Salazar
Sherman
Slaughter
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1438

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: ''A bill to extend the statutory license for secondary transmissions under title 17, United States Code, and for other purposes.''.

A motion to reconsider was laid on the table.

Stated for:

Ms. SLAUGHTER. Mr. Speaker, I was unavoidably detained and missed rollcall vote No. 930 (H.R. 3570 as amended). Had I been present, I would have voted "yea" on rollcall vote No. 930.

LEGISLATIVE PROGRAM

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

Mr. CANTOR. I yield to the gentleman from Maryland, the majority leader, for the purpose of announcing next week's schedule.

Mr. HOYER. I thank my friend for yielding.

Mr. Speaker, on Monday the House will meet at 10:30 a.m. for morning-hour debate and noon for legislative business, with votes postponed until Tuesday. On Tuesday the House will meet at 9 a.m. for morning-hour debate and 10 a.m. for legislative business. Members are advised votes could occur as early as 10 a.m. on Tuesday.

On Wednesday and Thursday the House will meet at 10 a.m. for legislative business, and on Friday the House will meet at 9 a.m. for legislative business.

We will consider several bills under suspension of the rules. The complete list of suspension bills will be announced by the close of business tomorrow.

In addition, we will consider H.R.—I don't have the number yet, of the tax extenders bill of 2009, and H.R. 4173, the Wall Street Reform and Consumer Protection Act of 2009.

I thank the gentleman for yielding.

Mr. CANTOR. Mr. Speaker, I thank the gentleman.

Mr. Speaker, since this is our first colloquy following Thanksgiving break, I would like to ask the gentleman if he could give the Members a sense of what legislation perhaps that we will be voting on for the remainder of this month. And I yield.

Mr. HOYER. First of all, let me say to the gentleman that it is my hope that we will adjourn the first session of the Congress from the House's perspective by the 18th. With respect to the bills that we are considering, obviously we have seven appropriation bills that have not yet been enacted. The continuing resolution expires on the 18th of December.

It is my hope that before that time we will have provision for the passage of all seven of the appropriation bills, either individually, which may be difficult because the Senate has not passed three of those bills on its floor. In one form or another we will have all seven of those bills passed prior to the 18th.

The Speaker, Leader REID, and I all want to avoid another continuing resolution, which we think is not the best way to move forward. We are hopeful that we can accomplish that.

In addition, the regulatory reform bill you heard will be next week, the tax extenders. We have the unemployment insurance. We have the COBRA extension. Both of those expire on December 31. We have the PATRIOT Act, the provisions of which expire on December 31. We want to address that. We have got highway reauthorization, which also expires on December 31. We want to address that. And we have, I'm sure, other bills that we will be considering.

As you know, I know you're happy about it, I'm happy about it, Iran sanctions will be on the calendar as well, on the Suspension Calendar the week after next.

Mr. CANTOR. Mr. Speaker, I thank the gentleman. And I know I'm joined by the gentlelady from Florida in thanking you very much for your work on the Iran Refined Petroleum Sanctions Act and bringing that to the floor.

Mr. HOYER. I thank the gentleman. If the gentleman will yield.

Mr. CANTOR. I yield.

Mr. HOYER. I appreciate the bipartisan work. I see the ranking member of the Foreign Affairs Committee, my friend, Ms. ROS-LEHTINEN, who has worked very hard on this as well with Mr. BERMAN. I'm pleased this is coming. It's very important that we send a very strong message as we see the Iranian Government and the President say they are going to do one thing, but apparently never do it. So I think it's appropriate that we act.

Mr. CANTOR. I thank the gentleman.

Mr. Speaker, I would ask the gentleman, I note that he did announce that we will be considering H.R. 4173, the financial regulation bill, and perhaps seven appropriations bills. I don't know which form that would be in, whether it would be separately or in an omnibus form; but, nonetheless, all of these are incredibly large measures costing billions of dollars of taxpayer money, stretching over thousands of pages.

My question, Mr. Speaker, is, What is the gentleman's intention as to the period of time which Members and the public will have to review these bills prior to the Members voting on them? And does that mean that we will still be consistent with the gentleman's representations on other bills prior to this session that we would have 72 hours for consideration and review of those bills as well as any manager's amendment and self-executing amendments in a rule?

And I yield.

Mr. HOYER. I thank the gentleman for yielding.

He is correct, I have made that representation; and I want to try to accomplish that objective. As the gentleman also knows, on both sides we have experienced this issue, at the end of a session, as I fervently hope we are closely achieving, at the end of a session obviously when you're having conference reports, it's not necessarily possible to do that if you can't get the conference reports moved quickly enough by the time you want to adjourn.

However, having said that, the gentleman is correct, the regulatory reform bill that is going to be reported out by the committee has been reported out, will be available this evening, and will be available—I don't expect to have that on the floor any sooner than Tuesday of next week.

□ 1445

So there will be plenty of time to review that piece of legislation. As you know, that has had extensive hearings. Two of the bills that are included within the framework of that bill we've already passed, as you know. So for that bill there will be a lot of time.

With respect to the omnibus that you referred to, we have discretely, individually, considered each one of those bills. They've passed the House. The Senate and the House have reached agreement, I think, or hopefully, are on the verge of reaching agreement on those bills individually so that they can be included. The Senate, as I pointed out, has not considered three of the bills on the floor, and I'm not sure, given their focus on health care, that they will be able to do so. So from that standpoint, they would be included in a conference report as opposed to considered on the Senate floor. They've been considered on the House floor, and we will give as much notice as we possibly can on those. But the good news is we've considered those individually on the floor, so the overwhelming majority of those bills are well-known to Members.

Mr. CANTOR. I thank the gentleman. And I do realize that the House has considered its version, although we all know that when they come back from conference especially, many of the Members on both sides of the aisle have some concerns about earmarks and others, which would, I think, warrant the time to review these bills. In the same light, Mr. Speaker, it is the concern of many that we have an opportunity to look at any manager's amendment or self-executing amendments in the rules that are presented to the body and our having time to review that as well. And I would just make that note.

Mr. Speaker, I would ask the gentleman, does he expect a final health care bill this month? And I yield.

Mr. HOYER. I will choose my words carefully. As opposed to expect, I hope that there will be a bill. Clearly, the Senate is debating that bill. We believe that this is one of the most important bills that any Member will have considered during the course of their tenure in this House, including myself, and I've been here, as you know, some time. The Senate is debating those bills now. Senator REID has had great difficulty getting this bill to move along in an orderly fashion, which, I think, makes it impossible to predict when the Senate will be able to pass it. I can tell you that I know that Leader REID is hopeful that this bill will be considered over the next 10, 12 days, and that they will be able to pass it prior to the 18th of December. And I'm hopeful that they can as well.

Mr. CANTOR. I thank the gentleman on that. And as a followup to that, Mr. Speaker, I know there's been some discussion or reports that the Senate may be scheduled to be in session past the Christmas holiday, and I was wondering, Mr. Speaker, if the gentleman expected that to impact the House's schedule after Christmas. And I yield.

Mr. HOYER. I thank the gentleman for yielding. It's my expectation that it will not. But I want to give this caveat. If, in fact the Senate passes its health care reform bill early enough so that we may have a conference and conclude a conference so that at some time in December we could pass a conference report, with that caveat—now whether that will happen or not, obviously I am not able to predict that, but other than that circumstance, it's my expectation that we will not be in the week of the 21st or the week of the 28th.

Mr. CANTOR. I thank the gentleman for that.

Mr. HOYER. Nor for that matter, as the schedule, as you know, reflects, the week after the 1st, which is the 3rd, I guess.

Mr. CANTOR. I thank the gentleman, Mr. Speaker. Mr. Speaker, I would ask the gentleman does he expect to vote on increasing the Nation's debt limit this month? And I yield.

Mr. HOYER. Not only do I expect it, my belief is that it's mandatory that we do so. Obviously, the United States has never defaulted on its debt, and to do so would cause international disruption in the financial markets, further exacerbating an already difficult economic situation for our country and for countries around the world. So it is not only my expectation, but I believe it is absolutely essential that we do that. As the gentleman knows, we have passed already, in this House, an extension of the debt. The Senate has not passed that at this point in time, but I do expect it to be included in one of the pieces of legislation that we consider. I think it is absolutely essential and, in my view, whether you like the debt or don't—I mean, none of us like it—it would be irresponsible for the Congress not to pass a debt extension for debts that it has incurred. I yield back.

Mr. CANTOR. I thank the gentleman. Mr. Speaker, I'd like to ask a followup to that comment. Does the gentleman expect us to have an up-or-down vote on the increase of the debt limit, or, if not, if it is a part, as he suggested, of another piece of legislation, which legislation that would be? And I yield.

Mr. HOYER. Well, that has not been finally decided at this point in time. We'll have to wait to see what the Senate feels it can do in one of the conferences that we have. As the gentleman probably knows, under Senate procedure, while they're considering the health bill, the only thing they can rise for, without the necessity to have a 60 vote to go back into consideration of the health bill, is a conference report. So my expectation is it will be in a conference report.

Mr. CANTOR. I thank the gentleman. Mr. Speaker, I'd like to turn to the question of whether this House will be dealing with what has been reported, a second stimulus bill. And I know that we have been reading much about the White House job summit today. There's been a lot of reports in the press about the majority's meeting on a second stimulus bill, and I'd like to ask the gentleman, Mr. Speaker, if he could clarify the timing, the content and the cost of a proposed second stimulus bill. And I yield.

Mr. HOYER. Well, the gentleman, of course, wants to use language that we're not using. We're focused on jobs. Stimulus is a broader reach, frankly,

than we are looking at. We do believe, though, as the gentleman has expressed on a number of occasions, that jobs is the focus. And we are looking at legislation which will help to create jobs, expand our economy, ensure our growth.

As the gentleman knows, the CBO released their report on the Recovery Act which we passed and its impact on the economy and employment in the third quarter, which was the first quarter in 8 that we had grown the GDP. As the gentleman knows, that was not the case in 2008, of course. CBO estimates that because of the Recovery Act, 600,000 to 1.6 million jobs, more Americans had jobs as a result of the Recovery Act. The GDP, according to CBO, was 1.2 percent to 3.2 percent higher than it would have been if we had not passed the Recovery Act. And the unemployment rate was nine-tenths of a point lower than it would have been.

Mark Zandi, the chief economist of Moody's Economy.com recently said the stimulus is doing what it was supposed to do. It is contributing to ending the recession. In my view, without the stimulus, the GDP would still be in the negative as opposed to positive. Unemployment would be above 11 percent, and there are a little over 1.1 million more jobs out there as of October than there would have been without the stimulus.

Having said that, you and I both agree not enough has been done. Notwithstanding the fact, essentially, there has been, with 2-months' exception with a little glitch-up, a straight-line decline in the number of loss of jobs per month from the high of the last month of the last administration of 747,000 lost. As you know, it's less than 190,000 lost. We don't have the report on Friday, but it's less than that, I think, which is progress, but it's not success. Success will be when we start gaining jobs.

In that context, I tell my friend that we are in fact looking at ways and means to spur greater job creation, allow small businesses to expand, get additional credit, as well as continuing to assist those who have lost their jobs and are in need of assistance. But I cannot, at this point in time, give you the specifics.

You have correctly observed the administration, because of its concern about job creation, is having a summit or a forum today to seek advice from experts on the economy, experts in the business field, and we certainly are going to look to them as well, talking to them. I want to also say to my friend that I would be more than pleased to receive from you and Members on your side of the aisle suggestions that you might have to accomplish a greater growth of jobs in our economy. I yield back.

Mr. CANTOR. Mr. Speaker, I certainly appreciate that extension of an offer to allow us to, once again, proffer our ideas. As the gentleman may know, I did speak out yesterday with a list of what I call a no-cost jobs plan, and I am happy to forward that to the gentleman. I have made a similar type of request of the White House, and I think have gotten a response that they too may be willing to consider some of the Republican solutions to the current crisis that people are feeling across this country.

Mr. Speaker, I would say that I am somewhat heartened to hear the gentleman talk about the ineffectiveness of the first stimulus bill. The gentleman did say that the term ''stimulus'' was a little broader than what they're looking at now. And in my opinion, I thought that the definition of a stimulus bill was to create jobs. So if the gentleman now is agreeing with me that the creation of jobs did not hit the mark the way that was promised on the first stimulus bill, that we do need to finally focus on job creation, that gives me a lot of confidence, Mr. Speaker, because at least we're now talking about the same thing. And along those lines, again, I am thankful that the gentleman asked for our solutions, and we're going to proffer those.

But I do want to suggest that we can, and there are some commonsense things we can sit down and probably agree on that we could do right now that wouldn't cost the taxpayers anything, and we wouldn't have to be continuing to mortgage the future of our children. I think both of us can agree, Mr. Speaker, that both sides have done their share to dig the hole of incurring too much debt for this country. Enough is enough. And I do think that we have and will offer solutions that will begin to arrest that trend, and at the same time focus on job creation.

Mr. HOYER. Will my friend yield?

Mr. CANTOR. I will. And I would like to ask one more point, and then I will yield. If we are talking about finally shifting to the mode, Mr. Speaker, of job creation, I'd like to ask the gentleman, has there been any discussion in his caucus about perhaps holding back on some of the measures that are being discussed, such as the financial regulatory reform bill coming to the floor next week, because there is a study recently released by the University of Chicago, University College London, and George Mason University economists, which said that this package of reform bills coming out of the Financial Services Committee will reduce consumer borrowing by at least 2.1 percent and reduce new jobs by 4.3 percent. And essentially, the study comes to the conclusion that interest rates will rise by 141 basis points, which will yield the loss of over a million jobs over the next 5 years. So if we are concerned about job creation, why are we moving forward with such a measure? And I yield.

Mr. HOYER. I thank the gentleman for yielding. Let me start at the beginning of his statement, that I might facetiously say was written by Lewis Carroll, who wrote Alice in Wonderland, of course, when he says that I characterized the stimulus package, which I did not; I have characterized the Recovery and Reinvestment Act, which the CBO said gained us 600,000 to 1.4 million jobs.

□ 1500

The gentleman likes to do this. He has done it a number of times. He says, ''Finally we're talking about jobs.'' As a matter of fact, in February we passed legislation—with no help, frankly, from your side—which, in fact, CBO says has created up to 1.4 million new jobs in America. In addition, we believe we've saved a lot of jobs in America as well. We are not where we want to be.

The gentleman also indicates—and I would agree—that both sides of the aisle have dug the hole deeper on the deficit. I say with all respect to my friend, we had an administration that was in office for 8 years, the Clinton administration. I would remind my friend—I am sure he is familiar with these statistics—that he inherited a $292 billion deficit from George Bush I. He reduced that deficit that year; the next year he reduced it further; the third year he reduced it even further; the fourth year he reduced it even further; and the fifth, sixth, seventh and eighth years, the Clinton administration economic program took us into surplus—the only administration in your lifetime, and I am much older than you are—the only administration in my lifetime that had 4 years of surplus, and the only administration in my lifetime that ended their 8 years with a net surplus.

So I would disagree with my friend that we contributed. In fact, your administration under Mr. Bush inherited a $5.6 trillion surplus. Who said so? President Bush said so in 2001. We dissipated that into a $10 trillion deficit—arguably the largest turnaround of any nation in the world, certainly in terms of dollars. I'm not sure on percentage. Some countries, third-world countries, have pretty bad experiences. But to turn around a $5.6 trillion surplus by $15 trillion and turn it into a $10 trillion deficit and the worst economy we've seen in three-quarters of a century under the economic program that was pursued by your side of the aisle, very frankly I'm not going to take responsibility for that, I tell my friend with all due respect.

This administration was confronted with the worst economic situation of any administration since Franklin Roosevelt. We have been trying with, I think, real focus, and in some respects real courage, because some of the things we did were very tough. You, I think, joined us when we responded to your administration, the Bush administration, and said through Secretary Paulson and Mr. Bernanke, the country is in crisis, and if we do not act and act decisively, we may go into a depression.

You will recall that my side of the aisle responded to the Republican President, the chief executive of our

country, who said we were in crisis, and we responded, and 142 of us voted on a bill that nobody wanted to vote for in order to preclude us going into crisis. Your party, unfortunately, did not support your President, as you recall, in a majority sense on that particular vote in September of 2008.

Luckily, we came back. We had a failure; luckily we came back. Notwithstanding the unpopularity of that bill, we did contribute to stabilizing this economy. It was a tough vote. Americans are angry about it; we're angry about it. Bailing out people who were extraordinarily fiscally irresponsible—those same people that we want to regulate next week to make sure they are not subject to the regulatory neglect that they were subjected to for 8 years when the administration's policy was to simply get out of the way, not to regulate, not to oversee, and we saw an extraordinary financial meltdown.

So I will tell my friend with all due respect, I do not accept his premise that we haven't been talking about jobs. I have not read the reports to which he referred, but I do not accept his premise that in fact making sure that these big financial institutions operate in a way that minimizes risk—not just to them; they can afford the risk. They sock away money somewhere; the people who couldn't afford the risk who saw their 401(k)s go into the tank, saw their retirement put at risk.

So I tell my friend that next week, we are going to adopt legislation hopefully that will try to ensure that America does not go down that road again. Just as Franklin Roosevelt in the 1930s responded with regulation to ensure that the stock market excesses and betting, on which people lost, did not reoccur and very frankly has kept us pretty stable. But, unfortunately, a lot of the regulatory neglect—which I want to make clear was not only in the Bush administration; there was some in the previous administration—we ought to have learned our lesson. I would hope you would join with us in adopting this regulatory reform package which will protect consumers and ensure responsible behavior on behalf of those whom we entrust with large parts of our national wealth and the health of our economy.

Mr. CANTOR. I thank the gentleman.

And I would say he would agree with me that since the beginning of the 111th, priority one for this Nation has been job creation.

Mr. HOYER. That's correct.

Mr. CANTOR. And the facts are the facts. The stimulus bill was brought to this floor with the promise that it would stop unemployment from exceeding 8 percent. We are now at over 10 percent national unemployment. The facts are the facts.

Under this administration, the deficit has tripled since the last administration left. That is the facts. The gentleman points out, CBO says that we've created X number of jobs. I would say to the gentleman, while you have people across this country—10.2 percent of the workforce being out of work—there is no way that anyone in this country would believe CBO when it says the economy is better. That's the fact.

And so if we're going to be about job creation, my simple point is this about bringing the package of financial regulatory reform bills to the floor. I don't doubt the gentleman's intention to try and do the right thing. But the reality is this is a case where we're doing the wrong thing for the right reason. This bill impacts negatively the job creators. We know this bill will increase interest rates 141 basis points, which means the loss of an additional million-plus jobs over the next 5 years.

So in that vein, I would ask the gentleman again, if we are to see our way to work together, let's relieve the harm. This bill adds to the harm. In the same way, I would ask the gentleman, there is continued talk of the bill otherwise known as Card Check. If I've heard it once, I think all Members have, from small businesses and large, the job creators, Please, please don't pass that bill because that will create a huge drain on job creation.

So I would ask the gentleman, is there any sense in his caucus that maybe now in times of high unemployment is not the time to bring up Card Check?

Mr. HOYER. Who mentioned that? Do you have any other windmills that you want to tilt at?

Mr. CANTOR. Mr. Speaker, if the gentleman would like to come to my district and talk to the businesses there, I think I could gather up many individuals who have put their entire life's investment savings on the line and don't want to see Washington or this Congress continue to threaten the very existence of those businesses.

I yield.

Mr. HOYER. I thank the gentleman for yielding.

We got off your premise pretty quickly—to another bill that's in the Senate—my view is because we did create jobs, CBO says we created jobs, and for the gentleman to say the economy is not in better shape today than it was when we took over from the last administration, I would remind the gentleman, 747,000 jobs were lost in the last month of the Bush administration; 3.8 million jobs were lost in the last year of the Bush administration as opposed to the last year of the Clinton administration, comparing the last two administrations, 1.9 million jobs were added.

I suggest to the gentleman what we see on this regulatory reform bill is exactly the philosophy that was brought under the Bush administration. If we simply get out of the way, don't bother anybody, just get out of the way, Government, take the referees off the field and all the players will play fairly, my experience in life has not been that. My experience in life is when you get the referees off the field, somebody leaves the line about a second before the ball is hiked, and people lose. And that is what happened. The SEC didn't regulate, the FDIC didn't regulate the way it should have, the administration didn't regulate the way it should have. And what went wrong? The financial community went amok.

Mr. Greenspan came before the Congress of the United States and said, I made a mistake. I thought people would act consistent with a fair evaluation of the risk they were willing to take. And Mr. Greenspan said, I was wrong. In fact, they did not. And they incurred risk. And who paid the price? All of us paid the price. All of us as taxpayers paid the price at Secretary Paulson's request, Republican Secretary of the Treasury, to try to sustain this economy not going into a depression.

So I disagree with my friend that I haven't addressed the issue of jobs. We have. I disagree with the gentleman when he says 1.4 million jobs. Well, we're still losing jobs. We are. But we're losing—and none of the statistics, by the way, that I have intoned this afternoon has the gentleman rejected as being accurate: 747,000 jobs lost during the last month of the Bush administration. Less than 190,000 this month.

Is that where we want to be? Of course it's not. We want to create 190,000. We want to create 500,000 jobs. We want to get people back to work. But the first thing we had to do was to reverse the extraordinary decline that we inherited in January of this year. I think we've done that.

I will tell my friend that when those who open up their retirement funds that are invested in mutual funds or something else and find that their retirement funds are up 57 percent from the low point shortly after this administration took office, they're going to think that's progress. Is it where they want to be? No. They want to be back at a hundred percent of where they were. They're not there yet. We need to keep working, and that's why we're considering a jobs bill before we leave here. If we can put one together, hopefully in a bipartisan fashion, we will do so.

Mr. CANTOR. I thank the gentleman.

My purpose in bringing up this notion that we still have this Card Check bill out there is to demonstrate the fact that there really is a disconnect as far as doing what we say and follow what I do. Because if we're serious about relieving the pain on job creators, if we're serious about getting Americans back to work, we wouldn't be necessarily bringing the wrong bills to the floor for the right reason, which is my point, Mr. Speaker.

No one is quibbling with intention here. I think that I would agree with the gentleman that there is a sense in America that there is not a level playing field at giving people a fair shot at their returns on Wall Street or a fair

shot in terms of heavy regulations in hand coming from Washington.

So we can all agree that we need to make the environment better for job creators and people who want to jump in and take risks. But the financial regulatory reform package that is being brought to the floor just as the Card Check bill that's still being spoken of around here, those are job killers. We ought to at least relieve the harm so that people we're relying on to create jobs can get back to work to do that. That was simply my point, Mr. Speaker.

In closing, Mr. Speaker, I would just note for the gentleman that 2.8 million Americans have lost their jobs since the passage of the majority's first stimulus bill; and the Nation's debt now stands at over $12 trillion.

I thank the gentleman for his time, and I yield back.

ADJOURNMENT TO MONDAY, DECEMBER 7, 2009

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10:30 a.m. on Monday next for morning-hour debate.

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

There was no objection.

IMMIGRATION

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

Ms. CLARKE. Mr. Speaker, just last week our Nation celebrated Thanksgiving. It was a time for families across this Nation to unite and reflect on the things we are grateful for.

This Thanksgiving I looked around my holiday table and admired the diversity of my family, many of whom are natural born citizens, some naturalized citizens, and some Jamaican immigrants. We are a blended family blessed with the realization of our own American dream. I realized that my story enjoys a certain similarity to the first Thanksgiving celebration. Native Americans breaking bread with Pilgrims. A blending of two different cultures, one immigrant, one native.

Like my family, many families across this Nation are a blend of many cultures and citizen status and are affected by our dysfunctional immigration system.

Mr. Speaker, immigration reform is too important to be delayed. As we prepare to debate immigration reform, I'm working with my colleagues to ensure access to the American Dream. Just like you, I, too, am the face of immigration; all of us coming together representing the diversity of this great Nation, the United States of America.

□ 1515

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

WHAT HAPPENED TO THE CIVILIAN SURGE?

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, I rise to ask: What happened to the civilian surge in President Obama's new strategy for Afghanistan? In his address to the Nation on Tuesday night, the President said that there are three parts to his Afghanistan strategy: a military effort, a civilian surge, and partnership with Pakistan. But while the President spoke at great length about the military effort and about Pakistan, he gave virtually no details about the civilian surge. In fact, he devoted only one sentence of his speech to it—a brief sentence about agricultural assistance.

Earlier this year, with great fanfare, the President unveiled his plans for a civilian engagement. He said it would help the Afghan people to rebuild their economy, infrastructure, education system, justice system, government, and civil society. I supported this policy because I believe that helping the Afghan people to improve their lives is the best way to defeat violent extremists. But it's now painfully obvious that the White House has all but forgotten about the civilian surge. It appears to have been lost in his plan to escalate the war with 30,000 more troops, which is deeply disappointing to me. But it's not the only reason why I oppose the escalation. I oppose it because the American people don't support it and can't afford it. In fact, America's military spending in Afghanistan alone next year will now exceed the entire official military budget of every other country in the world.

The escalation will also lead the Afghan people to see our troops as an occupying army, and the history of Afghanistan shows that the Afghan people will never accept a foreign occupation. As a result, the plan will boomerang because it will help the Taliban when they are recruiting for new members.

The escalation will also lead to more casualties of our troops and it will continue to stretch our military forces, which are already stretched much too thin. It will reduce the dwell time for our troops back home between deployments, placing even greater burdens on them and on their families.

The President's new strategy, Mr. Speaker, also doesn't include a realistic exit plan. The President talks about transferring responsibility for the war to Afghanistan within 18 months, but since there is very little chance that the Afghans will be ready by then, our troops are likely to be stuck for many, many years to come.

Finally, I'm disappointed in the President's plan because it continues to rely on the military option that has failed. At the same time, it ignores the far more effective alternative that is available to us. That alternative is smart security. Smart security calls for a strong emphasis on diplomacy, humanitarian aid, and economic development for the Afghan people. That is what will stabilize Afghanistan. That is what will win the hearts and minds of the Afghan people.

More broadly, smart security includes a comprehensive plan that would eliminate the root causes of extremism in Afghanistan and elsewhere. It dismantles existing networks of extremists, and it would stop the spread of nuclear and conventional arms around the world. I have proposed a smart security platform for the 21st century, Mr. Speaker, and it's in my bill, House Resolution 363. I invite every Member of the House to read it and to work with me to implement it.

Mr. Speaker, I'm as committed to defeating extremism in Afghanistan as anyone, and I do not believe that simply pulling our troops out of Afghanistan overnight is the right way to go. But I do believe that the Afghan people need political, economic, and social solutions for their problems. They do not need a military solution. That's why I will join with others throughout our Nation in the days ahead to oppose the escalation of this war and to urge the President to shift to smart security to make our Nation and the world a safer place.

GITMO AND YEMENI DETAINEES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

Mr. WOLF. Mr. Speaker, in a speech at West Point earlier this week, President Obama explicitly designated Yemen as an emerging al Qaeda stronghold. The President stated, ''Where al Qaeda and its allies attempt to establish a foothold—whether in Somalia or Yemen or elsewhere—they must be confronted by growing pressure and strong partnerships.'' How can the President reconcile these legitimate concerns about Somalia and Yemen while simultaneously releasing Guantanamo Bay detainees to these dangerously unstable countries?

Last month, the Obama administration secretly released another detainee to Yemen—information hidden from the American people under a provision in the FY 2009 spending bills explicitly prohibiting the disclosure of any information to the American people. If the American people knew who these detainees were, the acts of terror they have committed, or to which countries they were going to be released, they

would never stand for it. This is a dangerous precedent. Given that more than 74 Guantanamo detainees have returned to active terrorism, there's a real concern about the potential for these remaining detainees to return to a life of terror.

The American people deserve the facts. I encourage the public to visit The New York Times ''Guantanamo Docket'' Web site to review what scant information about these detainees was released by the previous administration. I know they will find these summaries deeply troubling.

Of the many unstable countries to which detainees may be sent, I'm most concerned about the impending release of 26 detainees to Yemen, a growing haven for al Qaeda in the Persian Gulf. It is my understanding that the administration is also preparing to release several other detainees to another country that anyone with a basic understanding of world affairs would agree is unacceptable. Unfortunately, this information, again, has been classified.

As the President acknowledged, Yemen is one of the most unstable countries in the world today, and a country where al Qaeda has reconstituted its operations over the last year. The director of the National Counterterrorism Center, Michael Leiter, stated in an October Voice of America interview, ''In Yemen, we have witnessed the reemergence of al Qaeda in the Arabian Peninsula and the possibility that that will become the base of operations for al Qaeda.''

A number of former Guantanamo Bay detainees have returned to Yemen to launch terrorist attacks, including one just 2 months ago. On October 13, Saudi police prevented an imminent suicide bomber attack as two al Qaeda terrorists slipped across the border from Yemen. One of these would-be suicide bombers, Yousef Mohammed al-Shihri, was a former Guantanamo detainee released in 2007 to Saudi Arabia. He quickly left Saudi Arabia for Yemen, where he rejoined al Qaeda.

In September 2008, another former Guantanamo Bay detainee, Said Ali al-Shihri, helped orchestrate the terrorist attack on the U.S. Embassy in Sana'a, Yemen, killing 10 guards and civilians. Since that time, al Qaeda's posture in Yemen has grown stronger with the merger of the Saudi and Yemeni arms of al Qaeda into one group—al Qaeda in the Arabian Peninsula—with Yemen as its base for training and operation. Yemen is also now home to the radical cleric Anwar al-Aulaqi, who influenced Fort Hood gunman Major Nidal M. Hasan and who U.S. intelligence believes to be a critical link to al Qaeda's efforts to radicalize Americans and Europeans.

I repeatedly urged the President to halt the release of detainees to dangerously unstable countries. It is counterintuitive, and dangerous, to return terrorist detainees to countries he acknowledges as al Qaeda sanctuaries. If this administration is not prepared to show good judgment on this issue, this Congress must take action to provide oversight and reconsider these irresponsible decisions. But this Congress has yet to hold a single hearing to raise these concerns and demand answers from this administration.

In closing, Mr. Speaker, the American people deserve better judgment from this administration and better oversight from this Congress.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO 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 gentleman from Texas (Mr. POE) is recognized for 5 minutes.

(Mr. POE of Texas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

U.N.'S MULTIPLE ANTI-ISRAEL RESOLUTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Sixty-two years ago, on November 29, 1947, the United Nations did something it should be very proud of. That day, the United Nations General Assembly voted overwhelmingly to authorize the creation of a Jewish state, paving the way for the founding of a democratic State of Israel 6 months later. But since then, the paths of the U.N. and Israel have diverged.

Israel's freedom, democracy, and prosperity are a model for the region and the world. The U.N., however, has abandoned its founding principles, has been manipulated and coerced by dictatorship after dictatorship, and has been plagued by corruption and mismanagement. Nowhere has the self-destructive, misguided path of the U.N. been more evident than in its bias towards Israel.

This week, instead of commemorating Israel's creation and celebrating its many achievements, the U.N. repeated its annual ritual of mourning Israel's existence by adopting six anti-Israel resolutions. As usual, it did so under the guise of its ''International Day of Solidarity with the Palestinian People,'' celebrated the same day as that historic 1947 General Assembly vote to create a Jewish state. But where is the U.N.'s ''International Day of Solidarity'' with the people of Israel, who continue to be threatened by Hamas, Hezbollah, and other such militant groups; and by their state sponsors, Iran and Syria, who continue to pursue nuclear weapons and the missiles to deliver them? In the face of continued anti-Israel bias at the U.N., what has the United States done to stand up for our ally and fellow democracy?

This past April, Ambassador Susan Rice promised that the U.S. would be ''fighting against the anti-Israel'' rhetoric at the U.N. Unfortunately, this was easier said than done. The anti-Israel attacks at the U.N. are not an occasional diversion. They are relentless. They pervade the U.N., and they are not easily stopped.

An excellent case study in this bias is the U.N.'s response to Israel's conduct last winter of Operation Cast Lead, which was carried out to defend Israeli citizens from rocket and mortar attacks by Hamas and other violent extremist groups in Gaza. The Human Rights Council authorized a ''fact-finding mission'' with a prejudicial mandate to investigate Israel and only Israel. The mission released the so-called ''Goldstone Report'' that falsely accused Israel of deliberately attacking civilians, implicitly denied to Israel the right of self-defense, and recommended that the case be referred to the International Criminal Court. Despite the heralded U.S. membership and engagement in the Human Rights Council, that rogues' gallery adopted the report's recommendations and condemned Israel. But lest we forget, in the last year alone, the Human Rights Council has adopted seven anti-Israel resolutions and perpetuated a gross anti-Semitic assault through the Durban II Conference.

□ 1530

So it should not have come as a surprise that the Human Rights Council endorsed the Goldstone Report.

The General Assembly quickly followed suit. The U.N. High Commissioner for Human Rights praised the Goldstone Report. Secretary-General Ban Ki-moon has promised to transmit the report to the U.N. Security Council, where only a U.S. veto stands in the way of further anti-Israel action. And the ICC prosecutor has announced that he is considering launching an investigation into Israel's conduct, even though Israel is not an ICC member state and has a robust, independent judiciary that is presently dealing with a number of cases raised.

These efforts to deny Israel its right of self-defense can—and will—be used to deny that same right to other free democracies, including the United States. Why do I say this? Well, the ICC prosecutor has already declared that he has jurisdiction over Afghanistan and is performing a preliminary investigation into U.S. and NATO operations in that country, which could lead to politically motivated prosecutions of American soldiers.

These are the stakes of the U.N.'s anti-Israel agenda. The ''new era of engagement'' and increased U.S. funding to the U.N. has not made a positive difference at all.

Mr. Speaker, it is time for the U.S. to use our strongest leverage, the billions of taxpayer dollars that we contribute to the U.N. every year. It is time to cut off funding to the U.N. until it produces real, effective reform.

In closing, Mr. Speaker, for our ally Israel, for our U.S. service men and women, and for the rights of free democracies everywhere, there is no time to lose.

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 gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES 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 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.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

(Mr. MORAN of Kansas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE PROGRESSIVE MESSAGE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Minnesota (Mr. ELLISON) is recognized for 60 minutes as the designee of the majority leader.

Mr. ELLISON. Mr. Speaker, my name is Congressman KEITH ELLISON, and I am here to claim the time on behalf of the Progressive Message which comes to the American people every Thursday night to discuss critical issues and a progressive perspective on these same issues. The Progressive Message is put on and organized by Progressive Caucus members who happen to represent one of the largest caucuses in the Congress.

The purpose of this message is to focus on critical issues from a progressive perspective. That means a perspective that all Americans are welcome and included; that we need civil rights, human rights; we need economic justice for working people and working families; we need to address poverty; and we need to address peace in the world; the idea that America, a country blessed, could help bestow blessings on other people in the world through example and not through imposition; the idea that the United States, a country blessed, can help demonstrate through an example what human rights can do, what respect for the rule of law can do, what respect for human rights, women's rights can do. The Progressive Caucus is an instrument through which progressive ideas are shared.

Tonight what we want to talk about, Mr. Speaker, is jobs. Absolutely that's the topic tonight. Jobs is what we will be talking about. I would like to hear from anyone who might be listening later on what their perspective is on the jobs picture and what we can do about it.

Mr. Speaker, the unemployment rate is 10.2 percent at this time. It could well climb higher by the end of the year. The fact is we have a jobs crisis, we have a jobs emergency, and we must do something about it now.

It's important to point out that as much as people who are unemployed need jobs, and they do, other people who are employed also need the unemployed to get jobs. It's important to bear in mind that when people are not working, their income goes down, their purchases at the store go down, their ability to consume and buy things that they need goes down, and if the store isn't selling, then the store can't put on more workers; they may even have to lay some off.

So this unemployment problem actually puts downward pressure on demand which puts other businesses who do have employees on the payroll in a position where they have to reconsider that.

Not only is the lack of a paycheck detrimental to the family that is not employed, but it also creates generational problems and it creates problems for the person who's unemployed, because when the economy turns around and they can get back in a position where they can maybe find that job, the employer is going to ask, Hey, what was going on with you over the last 3 years? Or 2 years? Or 6 months? And that hole in the resume has real consequences for that worker which may extend over the course of that person's lifetime.

Obviously, when unemployment is chronic and people are out of work for long stretches of time, their children sometimes are impacted by this and have to not only go with lower family income, which is obviously harmful to their development, but still are in a position where they have seen a parent go jobless for quite a long time which disadvantages them in terms of their ability to know how to access the job market and their hope, prospect and optimism as it relates to getting work. So unemployment is a problem, we've got to do something about it, and it is time to act.

Though the Democratic Caucus and Congress did not create the situation, and it certainly wasn't created overnight, it does need to be fixed very soon. Ten months of the new leadership of the White House cannot eclipse that of nearly 10 years of George Bush and the Republican Congress who bankrupted the public trust.

After nearly a decade of handing over middle-class tax dollars to the wealthiest 1 percent, we've now got to take real action for working Americans. After nearly a decade of a policy that encouraged multimillion-dollar CEO bonuses over raises for American workers, we've got to do something about the job picture in America.

The economic policies of the last 10 years put President Obama and this Congress in a situation where it may not have been a situation of our making, but it is a problem that we have responsibility to correct. We're not going to say that, Yeah, we got handed two wars; yeah, we got handed hundreds of billions of dollars of debt, a crumbling infrastructure, a home mortgage foreclosure crisis—one out of eight mortgages is in default—a global climate crisis, and a financial sector ravaged by greed and lax regulation.

We're not going to rely on any excuse. We're going to get after the problem, and we're going to do it now. In short, the greatest economic and financial crisis since the Great Depression is visiting the American economy right now and people are feeling it, and it's time to do something about it.

This is why we are proposing, and I am proposing, and I am encouraging other people to support a jobs bill that would do a few things: American jobs. Invest in transportation and schools. Schools all over America are crumbling. Schools all over America have old pipes. Schools all over America are drafty and need windows replaced and the paint is peeling in many of them, not all of them but many of them. And any school teacher, any principal or any school kid can tell you that.

We need people to do the work. We have people who are willing to do the work, and we have things that need to be worked on. What we have to do is bring the two together: invest in transportation, including transit, urban transportation, light rail, and schools. This is an urgent problem, it needs fixing, and people need work. Let's pay them to do it.

State and local government relief. All over this country, States and cities and localities are having to cut back on services that they provide to their citizens. Governor Arnold Schwarzenegger has taken the public circle and said without the stimulus package, a hundred thousand teachers in California would be out of work. So that was an example of a good thing. But it's not nearly enough.

We need more to be done, because in this era and in this time, we see local governments having to lay off police officers, firefighters, public works people, teachers. We can't allow this to happen. State governments and local governments around the country are facing serious deficits and the Federal Government should step in to help.

We also need to strengthen safety nets. During times of economic downturn, there's greater pressure on our food shelves, greater pressure on our clothing shelves; and we need to understand that when unemployment runs

out, a lot of families are just left without. What are we going to do about it? We need to extend unemployment benefits, food stamps and programs like that; and I just want to let folks know that this is economically, from an economic standpoint, it's not just good work, it's not just charitable, it's not just the right thing to do.

It also is very, very important to stimulate the economy. Because when you give somebody food stamps, they take that and they go right to the store and they purchase groceries for their family. What does that do for the grocery store that is receiving that coupon that can redeem that for money? It's helping that grocery store. What is that doing for that grocer who is thinking about whether he or she has to lay off a few workers because people just aren't coming in and buying like they used to because the economy is down? Well, it helps them keep those people on the job. And if we do well enough, it might even actually help them add some people on the job.

What happens if that store has to lay off a few folks and we don't come through with some of these basics? What happens is they have to lay off some folks, and now you've got more people on unemployment insurance. If they can't find a job within the right amount of time, then those people are just without, and they are putting pressure on the food pantries and the food shelves and they're just really suffering. These things have a ripple effect.

What I am saying is if you can think of a coupon, a food stamp coupon, as not a piece of paper that can get you some food, think of it as a rock that you throw into a pond. I'm saying that that food stamp coupon and that unemployment insurance has a ripple effect that is very strong, and the multiplier effect of that is good because it gets right into the economy. It gets right into the economy to help people make their basic needs and also helps fuel the retail sector and then all the way back to the wholesale sector.

This is basically just a few things that we could do right now to alleviate real pain people are suffering all over this country. We've got to act, we've got to do something about it; and we cannot say that things that were done in the past, although a lot of bad decisions, economic decisions, were made over the last 8 years, and the Obama administration and this Congress are trying to fix it. We can't rely on that. We've got to do something about it now. The American people deserve answers, especially the people who have been chronically unemployed.

Today the White House is hosting, or has hosted already, an economic summit to discuss how to move the economy forward. This is good news. It's the President taking responsibility for dealing with the needs of Americans. I admire that tremendously. The fact is we do need more public jobs.

□ 1545

There's broad support and work moving to respond to the need for American jobs. I want to commend the Campaign for America's Future, the AFL–CIO, SEIU, and other labor organizations and groups that come together to help people, but also many employers and many small businesses who are out there concerned about employment.

This era that we're in, which I believe can fairly be called the ''great recession,'' has wreaked havoc on American communities, as I just mentioned. And I just want to point out we face a period of extended unemployment if we don't act now.

Now, some people think, okay, the economy goes up and the economy goes down. But the fact is that the economy is a social institution, and unless people in society do something about it, the business cycle won't necessarily go up and include more jobs. We've got to do that. That's something that we need to work on. So we need to help small businesses get greater lending. We need to invest in public jobs. We need to invest in public infrastructure. We need to make these kinds of investments so that Americans can get back to work and the economy can get moving again.

Many of you watching television and watching the nightly business news may note that, well, Wall Street seems to be kind of moving in the right direction. That's good for them. But the fact is the average American worker is under tremendous anxiety because they know that they might be next. And as one former Republican President once said, a recession is when your neighbor's out of work; a depression is when you are out of work. And for 10.2 percent of American workers, this is a depression, and we need to get on that and deal with it right away.

Let me point out just a few other things. This has precedent in the United States. This is not something new for our country. We have stepped forward in the past. In fact, I was in my beautiful State of Minnesota after I enjoyed the great victory over the Chicago Bears by the Minnesota Vikings. And I went for a walk, and I saw that there was a picnic table that had written on it ''WPA 1934.'' Americans in the past have stepped forward and dealt with American crises. In the 1930s and again in the 1970s we responded to extraordinary hardship by adding jobs, jobs, to the array of programs and services designed to help our people and to help the economy move out of recession.

The program that we envision today would provide work to the jobless and meet the needs in our communities by helping people meet their everyday needs and boost demand, which would help speed economic recovery. A new jobs program would be run by local elected officials who are closest to communities and best understand their needs. Local communities best understand the needs of the local community. So it wouldn't be Congress saying this many jobs for Head Start, this many jobs for that. It would be Congress sending funds to State and local governments that then those local governments could use to determine what is needed. And, of course, there are a lot of things that are needed.

Some of the projects that are needed are paint and repair of schools, as I mentioned before. Peeling paint, community centers and libraries. You would be surprised what you might find if you went to a local library. You might find some local libraries are not in good repair. That's because they were built years and years ago and are in need of an upgrade.

We need to clean up abandoned and vacant properties to alleviate the blight that's been caused by the foreclosure crisis. As everyone knows, we went through a major foreclosure crisis, and it's not over. But what's the reality of this situation? The reality is you have abandoned houses which people could live in if these places were maintained and upgraded. But some of them have seen the copper stripped out. Some of them have seen the grass grow long. Some of them have seen the windows knocked out. Unemployed people could be hired to help maintain these properties through a jobs program. This is important all over the country. Even if you want to make sure that these buildings are secured and boarded until somebody can buy them, these are things that are important.

Remember, whenever there is a foreclosure on a property, two bad things happen. One is, somebody is out of their house, and those people are not paying property taxes like they used to in the past. But not only is the city not just getting property tax income anymore, the city now also has to pay out in order to maintain that property. So they don't just lose money, they actually now have an expense that they have to deal with when you have a foreclosure. That's why we need people to get employed to maintain these properties, and this is something that local communities might have to do with this money.

We need to expand emergency food programs and reduce hunger and promote family stability. Did you know, Mr. Speaker, that one in five children in America are in poverty? In America one in five children in poverty. Children of all colors, children of all cultures, children of all faiths. This is something our country has to respond to. And for so many of these children in poverty today in this massive recession we're in, these are children who may not have parents who are in a union, which would probably guarantee them a higher wage, and that's why I support unions, or our public employees like teachers and police officers.

Many of these folks are just the hardworking folks out there who keep the playground safe and clean, who keep the city in good repair. Folks who work at the Head Start and people who

do child care and people who do these tough jobs every single day. Some of these folks, they may not have a big degree or a big certificate, but they need to earn good money. They need to have a good job. And maybe that job is the one thing that could keep and lift that family out of poverty so that one of those children who is among the one in five in poverty won't have to be in poverty for too long.

We could augment staffing at Head Start, child care, early childhood education programs, senior centers, and promote school readiness and early literacy. We could renovate and enhance maintenance of parks, playgrounds and other public spaces, as I just said. The program we envision could place special emphasis on delivering job opportunities and needed services to low-income communities and communities of color suffering depression-level unemployment and distress.

Everybody in this economy is hurting. Well, not everybody. Some of these Wall Streeters are getting big bonuses. They're not hurting. But the rest of us are really fighting out here, and it's not easy. Small business owners, a lot of folks are getting hurt. But as nearly everybody is feeling the pain in this economy, it's important for us to remember that there are some folks who are feeling it even more painfully than the average. I want to point out that unemployment among African Americans in August was not the 15.2 percent that I mentioned for the general economy, but it was 15.7 percent. That's serious. A very serious problem. Unemployment for people who are of Hispanic background is 13.1 percent. If you're talking about young people, African American and Latino young people who are between the ages of 16 and 30, we're talking about unemployment upwards of 35 percent.

So we've got to do something in these chronically marginalized communities where people are just left out there and are often a second thought when we form public policy to address serious issues. We've got to deal with this. And that's why we need a program, yes, to build up infrastructure. Let's get those union guys back out there on the field making our roads, making our infrastructure, building those things up. And absolutely let's get those public employees back in. Let's not let the teachers and the cops get laid off. But let's not forget about that young teenager of color who is out there without any prospect. We don't want young people turning in the wrong direction; we want them staying in the right direction.

While I mentioned statistics for African American and Hispanic young people, don't think for a minute that young white people in rural communities and even in urban communities are not having elevated unemployment rates as well. The youth are being unemployed at higher rates than other people regardless of background, and we've got to step up and do something about it. And we can do something about it. We still have over $200 billion of TARP money and stimulus dollars, and these need, I think, to be directed to employment programs similar to what we did in the 1930s and in the 1970s when Americans were out of work.

I want to say that, yes, it's true that one in five, or about 20 percent, of all young people in America are living in poverty, but one in three African American young people are living in poverty. A serious issue. Their parents need work, and we've got to do something about it. If we act quickly, a jobs program like this could put hundreds of thousands of people of various skill levels to work during the next year, 2010, and will continue to provide job opportunities for several years as our economy recovers. People paying taxes, which can help lower the deficit. People who are paying child support or are just paying the monthly expenses of their family. This is all very important. The time to act is now. I propose, and I think we should all support, a program that could create 1 million American jobs in very short order if we put about $40 billion into it.

The time to act is now, to make that investment. We need to make this investment if we want to lower the deficit. We need to make this investment if we want to increase demand. We need to make this investment if we want to keep people from being chronically unemployed.

Let me now turn to another important part of what I believe any job recovery program must include, and that is the need for critical infrastructure development. I have been talking about lower-wage workers so far. Now I want to talk a little bit about infrastructure development. Do you know that if you look across America, you look across the roads and you look across the bridges, you look across transit and you look across some of these aging sewer lines and even fiber optic, and if you look at the needs of rural communities across America who need to get wired in on broadband, we're looking at well over about $3 trillion of infrastructure needs in our country.

And the beautiful thing about spending this kind of money to invest in American infrastructure is that it stays here. These are not jobs that are going abroad. These are going to be American jobs because you can't lay fiber-optic cable in America in some other country. It's going to be here. That person's going to be paid here. That person's going to be employed here. And that money is going to go into the United States and be funneled back to Americans. This is important to understand—that infrastructure investment is critical to lifting our economy out of this very difficult economic situation, and we have to do it anyway.

I'm very excited about this idea of investing in infrastructure in broadband in rural communities. You know that it was in the 1930s when visionary political leaders like Franklin Delano Roosevelt said, You know what, there's no reason why rural America should be in the dark. Rural electrification, an idea conceived when the United States was in a depression. Now, some people who think that bold action could only be taken when things are good economically, they have to contend with the fact that bold action was taken when we had a depression in the 1930s, bold action like rural electrification. And what rural electrification did was it brightened up rural communities all over the United States. We put up the telephone lines all across this country so that you could flick on a light in rural America.

What it did was it absolutely improved the economic viability of rural America. People no longer had to move into the crowded city when they could do their business in the electrified rural areas. This is important to bear in mind. It's critical to bear in mind that critical jobs in infrastructure have been built in America even during times of economic downturn. Very important.

Community infrastructure programs creating over a million jobs, a million jobs at the community and neighborhood level, is what we need now. We need these kinds of programs so we can create immediate opportunity, so we could create infrastructure.

I just want to tell you I'm from the city of Minneapolis, and from my great city of Minneapolis, we had on August 4, 2007, a bridge collapse into the Mississippi River. Thirteen Minneapolitans died and a hundred had injuries like spinal cord injuries as they fell 65 feet from the bridge to the water. Now, at the end of the day, this crisis and this tragedy occurred because we did not maintain that infrastructure well enough. Now, I'm not saying it's anybody's fault. I'm sure everybody did the best they could. But the fact is if we would have had a stronger infrastructure commitment that would make bridges around this country a priority to repair and to fix and to rebuild, this tragedy may not have happened. But it did happen.

□ 1600

But it did happen, and so we put out a clarion call for infrastructure development in our country. And I say, we need to do this anyway. We need to develop infrastructure so we can avoid horrible tragedies like the one that happened in my city. But more importantly, or as importantly, we need to do it now to put Americans back to work.

During the first 6 to 9 months, if we can pass a good, solid community infrastructure program, the program could develop a fast track for jobs. Projects could be limited to certain activities such as key priorities. And within a short amount of time, we could see these infrastructure developments paying great dividends for Americans.

You know, I want to talk to you about some of the things that we have been seeing in our economy that really do cause a tremendous amount of pause, and I think it is something that we need to really, really pay some close attention to. These are trends in our economy that I just feel that we need to pay some greater attention to, and this is not in a way of just describing what we should do, but it is kind of talking about what we have done.

In the course of the last few weeks, we have seen people be highly critical of the stimulus package. I think we need to take a look back at what the stimulus package did. Some people, because it has not stopped the increase in unemployment, say that it didn't work. I say this is an incorrect analysis. I believe the Recovery Act has actually helped a lot of people stay employed and actually stopped this economic crisis from getting worse and slowed the rate of unemployment. But we need to do more. But let's just say what the Recovery Act did do.

The Recovery Act created over a million jobs. That's what it did do. It created over 250,000 education jobs. As I said, it was Governor Arnold Schwarzenegger who said that but for the stimulus, over 100,000 teachers would be out of work. Thirty thousand jobs were created or saved by businesses that have received Federal contracts from just a small fraction of the Recovery Act. That is very important.

Let me say that half a million homeowners have signed up for foreclosure prevention programs, reaching an important early goal. And the program that was launched last March aimed to help these half a million borrowers by November 1, with the ultimate goal of helping 4 million borrowers before it expires.

Here is a number for you. The Dow Jones industrial average surged to over 10,000, passing the 10,000 point level much faster than expected and racking up a 53 percent gain in the last 7 months. That is an improvement in the economy that has helped some but has not helped enough. But it just shows that if we do invest in our economy, it does help. It improves the lives of people. It is not money that we shouldn't have spent. Things would be much worse if we didn't spend that stimulus money and make those important public sector investments.

The number of road and bridge projects already approved under the Recovery Act, which creates jobs, is 8,000. The number of roads and bridges projects, 8,000 roads and bridges projects already underway because of the stimulus. And the percentage of spending that is now obligated under the Recovery Act, this money in the pipeline ready to be spent is about half, and this 50 percent mark exceeds the Congressional Budget Office's initial projection for the program, showing that investment is going out quickly to help boost the economy right away.

But still we have a job crisis, and still we have to do something about this jobs crisis. And let me tell you a little more about how the Recovery Act has fared so far, because there has been a lot of disinformation about the Recovery Act. A lot of people have said that the President said it was going to stop unemployment at 8 percent, and it went up by 2 more percent. Leading economists say it would be 12 percent if the Recovery Act were not put in place. So let me just talk a little bit more about what this economic recovery has done, economic stimulus has done so far, and make a case for what more needs to be done.

A recent report from the Council of Economic Advisers shows that the Recovery Act and other policy actions have saved or created over a million jobs while only about a quarter of the Recovery Act spending has been able to get into the economy. But many projects are in the pipeline and are on their way. The report, this report by the Council of Economic Advisers, estimates that the Recovery Act has had particularly strong effects in manufacturing, construction, retail trade, and temporary employment services. The employment effects are distributed across States with larger effects in States more severely impacted. So States like Michigan, Ohio, even my own State of Minnesota, but others as well, are getting this important economic recovery money so that we can turn our economy around.

According to Jared Bernstein, who is the chief economist, Office of the Vice President, ''All signs—from the private estimates to this fragmentary data—point to the conclusion that the Recovery Act did indeed create or save about 1 million jobs in its first 7 months, a much needed lift in a very difficult period for our economy,'' which is something that I think we must pay attention to and cannot ignore.

I just want to talk a little more about the success of the Recovery Act, not that it has completely succeeded. We would like to see unemployment headed down, not just the rate of unemployment slow down. But just to make sure that we understand that providing economic fiscal stimulus does help our economy, it is important to review the facts.

The Recovery Accountability and Transparency Board—and as you know, we didn't just spend money out, we got a transparency board to look at it all—released its first report on the portion of the Recovery Act spending that shows that recipients have reported that so far, the act is helping to get Americans back to work. As I said, Mark Zandi of Moody's Economics said 2 percent, we would have 2 percent greater unemployment but for the Recovery Act which is so important.

According to this report issued by the Recovery Accountability and Transparency Board, the act shows that businesses that received Federal contracts from stimulus spending reported creating or saving about 30,000 jobs. The board released a more extensive report last month, which I will get to in a moment.

Now, I would like to talk a little bit now and just move on about this unemployment figure. I brought a graph with me that I would like to share with you, Mr. Speaker, and just show folks what we are looking at.

It is important that we talk about creating these jobs, as I just mentioned, the economic recovery and jobs that we are creating or working on. What this chart shows is that part of our strategy for job creation must be infrastructure, as I mentioned, and must also be creating public sector, public works jobs, which is important. But a third aspect is clean energy and green jobs. This is the visionary, forward-looking kind of job proposal that we need to pay attention to.

Investing $150 billion in clean energy will create a net gain of 1 million jobs and improve opportunities for low-income families. These are jobs for the future. These are jobs for the next period. These are jobs for now and into the future. Clean energy jobs. Clean energy jobs created, 2,500 to 10,000 jobs across America, places in rural areas. And 10,000 to 50,000 jobs in these more darkly shaded areas where people live, sparser population but people need to work, and more than 50,000 jobs in the darkly shaded areas. As you can see, these are our industrial manufacturing sectors, places like Indiana, Michigan, and places like Illinois and Ohio, Pennsylvania, New York, Georgia, South Carolina, places like Florida, Texas, and California. This is a very important chart because a part of our conversation must revolve around what our job strategy is and what we expect to do in this period to create jobs for Americans.

You know, the thing is that jobs, having a job is one of the most important things that any person can do. A job is not just income, but a job also gives you pride and dignity. A job also is something that allows you to feel that you are making a contribution to society. A job. A job is something that you can go to and you can come home and look your kids in the eye and say, you know what, I put in, I am productive. This is what I have done to help you and to help our society be better.

It is important to do something about the millions of unemployed today, the people who are in the ranks of that 10.2 percent of unemployed, the people who are among the ranks of the 34 percent of minority teenagers and young adults who are unemployed. Those children, 1 in 5 children in America in poverty, 1 in 3 African American children in poverty in America today, below the poverty line, we can do something about it, and the time to do something about it is now. We cannot sit idly by while our fellow Americans are in an economic malaise. We have to have ideas that are designed to work, and we have to remember what has worked in the past, and we can't be afraid to reach for what can work now.

The fact is that we are asking Americans, Mr. Speaker, to step forward and support a real jobs package, one that will work, one that is new and innovative for green jobs, one that preserves and improves our infrastructure, and one that puts people to work and one that keeps State and local governments from having to lay off public employees. These programs will work. We need to do something for small businesses who are often the biggest job generators of all, and we need to do it now.

Mr. Speaker, I just want to say that this has been another hour of the Progressive message, another hour of the Progressive Caucus. Our email is cpc.grijalva.house.gov. We want to hear from the public, Mr. Speaker. We want to know what is on the public's mind, and we want to know how people are feeling. And we just want to remind people of the importance of the dignity of work and the obligation and responsibility of Americans who are in Congress to do something about this dismal job picture out there. I want to let the people know, Mr. Speaker, that we hear them. I want them to know that we haven't forgotten them, and I want to let them know that we are here to do something about the very difficult circumstances that people are facing.

So this will conclude the Progressive hour and the Progressive message. We will see you next week. Happy holidays, and enjoy.

□ 1615

WHERE ARE THE JOBS?

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Oregon (Mr. WALDEN) is recognized for 60 minutes as the designee of the minority leader.

Mr. WALDEN. Mr. Speaker, Republicans come to you today to talk about some of the same things that my colleague who just finished was talking about, but we are going to try and liven it up a little bit. Because, you see, the Democrats have controlled the Congress for the last 3 years, not the last 10 months or 11 months, but the last 3 years. But in the last 11 months, Americans have lost 2.9 million jobs.

You see, they passed this so-called stimulus, and they rammed it through in record time. It is one of those thousand-page bills that probably nobody had a chance to read before it got voted on, and then they passed it. The theory was that if they passed it into law, that unemployment wouldn't top out over 8 percent. That was their promise. That's what the Democrats promised, was pass the stimulus and it will solve unemployment. It will be no more than 8 percent. In fact, that's what their Department of Labor, the Obama Department of Labor, said right here, you can see it, Obama forecast with stimulus, right here is where unemployment would be. This is without the stimulus where unemployment would be at this point. These were their numbers. This is what they promised the American people. This is what they said.

Now, let's look at what really happened, however. Unemployment started out here in January of this year, 2009, whoa, up it goes. How high, nobody knows, but it goes on up and up and up over 10 percent, over 10 percent. Now who is benefiting from that? Well, let's, first of all, look at The Washington Post today. And right here on The Washington Post newspaper here in the Nation's Capital the top story is: ''Stimulus is Boon for D.C. Area Contractors.'' Federal Departments are paying firms to help spend the money.

And let me read Alec MacGillis' story here. It says: ''As struggling communities throughout the country wait for more help from the $787 billion stimulus package, one region is already basking in its largess: the government-contractor nexus that is metropolitan Washington, D.C.'' That's right. Come on down. You are the winner, Washington, D.C. Once again, the Federal Government is the winner.

''Reports from stimulus recipients show that a sizable sum has gone to Federal contractors in the Washington area who are helping implement the initiative—in effect, they are being paid a hefty slice of the money to help spend the rest of it.''

Now, if you want jobs for Washington, D.C.-based government contractors, I don't see how that is sustainable, helpful or even what was promised. And for heaven's sakes, we can see the red line here is not getting lower; it's getting higher. In fact, as I look at this, we would have been better off under the President's proposal, the Democrats' plan on the stimulus to have had no stimulus at all if you look at what they predicted versus what reality is.

But here is the best part. If you want to talk about helping rural areas, one of these people that has been involved in the government here tells The Post the reason all this money is being spent back here in the Washington, D.C. area is, she says, I'm not sure I ever heard of a government support contractor in Michigan.

Well, maybe that is part of the problem. Maybe if we had some of this actually flowing out to people who need the help and not into more government, things would be better.

So where is the money going? And where are the jobs? Now, we know that on February 25 in an interview with ABC's ''Good Morning America'''s Robin Roberts, our Vice President of the United States, JOE BIDEN, said: ''We've got to make sure this is done by the numbers, man. We've got to make sure people know where the money is going. This cannot be squandered. We have an opportunity to get the Nation back to work and back on its feet, and the first piece of that is generating some economic growth here, and we have to do it right.''

Now that was February 25. Now, again, here is where they said we would be without the stimulus. Here is where they said we would be with the stimulus. Here's where we are. Here's where we are. And my colleague who spoke earlier about the horrible problem of unemployment—and it is—my home State of Oregon has suffered mightily. But this stimulus hasn't produced jobs out there. It may have produced them to contractors back here, but not out there.

So where are the jobs? And where is the money going? We were promised, the American taxpayers, when we borrowed all this money from China, we were promised that we would know, by golly, this is going to be accounted for. Everybody is going to know. Everybody is going to know. In fact, in a speech on the stimulus at the Brookings Institution on September 3 of this year, the Vice President, JOE BIDEN, said: ''Everybody has to account for the money they got beginning October 1. It's going to go up on a big old Web site. We've got a new modern Web site that is going to blow you away in terms of how detailed it is. ''

So, here is the Vice President. He says, first of all, we've got to make sure this is done by the numbers, man. We've got to make sure people know where the money is going. It can't be squandered. We have an opportunity to get the Nation back to work and on its feet, and the first piece of that is generating some economic growth here, and we have to do it right. And then he said, we're going to track it all. We have a new modern Web site that is going to blow you away. Everybody has to account for the money. They have got to get that, beginning October 1, going to go up on a big old Web site. We've got a new modern Web site that's going to blow you away in terms of how detailed it is.

Well, now, here is a guy who knows what happens with Federal money. You all know Lesko. You've seen him on TV. He says, free government money. Buy my CD. Buy my book. Get the free government money. You would think that even Lesko could track where the money goes.

So, let's look at what happened to some of the money, because I think Americans are asking, where's all this money going, $787 billion? Where did the money go?

Let's see, in Louisiana, the New Orleans Times Picayune newspaper says Louisiana has seven congressional districts. So Louisianans visiting recovery.gov, that's the Web site that the Vice President said will blow you away with its detail, might find themselves not just a little skeptical, but truly puzzled to see that nearly $5 billion was listed as headed to Louisiana's Eighth Congressional District, $2.8 million to the 22nd District, $1.8 million to the 12th Congressional District, and lesser amounts to the 26th, the 45th, the 14th, the 32nd and even the double 0 district.

Now let me go back. The 26th district? The 45th district, the 14th, the 32nd, the double aught. There are only seven, count them, seven congressional districts in Louisiana. And yet the Web site that the Vice President touted as really going to blow us away, it lists all these grants, all your money going to districts that don't even exist.

So the Times Picayune asked Ed Pound, who is the director of communications for recovery.gov, this is the fancy Web site that JOE BIDEN said is just going to blow us all away, and, boy, it has, they asked Ed, okay, you're the communications director for this fancy new Web site that's going to detail everything. How does all this work? This is the great accountability model of the transparency of the Democrats. He says, Oh, we rely on self-reporting by recipients for the stimulus money.

So Pound said the information from federalreporting.gov is then simply transferred to recovery.gov, and no one, get this, no one checks to verify its accuracy or to take note of the fact that Utah—here is another example—really doesn't have seven congressional districts. Utah has three congressional districts. South Dakota, well, they had a 10th Congressional District in South Dakota, but you see, folks, South Dakota only has one, count them, one—you don't even have to take your shoes off—one congressional district. Louisiana doesn't have 15 congressional districts. It has seven. So even Lesko here could know.

We will get back to Lesko here on some examples of some of that ''free money'' that went out.

In my home State of Oregon, we have actually five, count them on one hand here, five congressional districts. That is one, two, three, four, five. And yet on this fancy new Web site that is supposed to track all this, news media organizations looked and said, wait a minute, there isn't a double 0 district in Oregon or a 14th or an 8th or a 16th or a 60th or 21st. And this is transparency and accountability in a record amount of money that's being spent?

Now, frankly, being an Oregonian and having only five districts, I kind of like the notion that we are going to add congressional districts. Now even the people that don't live there, because there aren't that many, probably wonder about it, but that would give us a little more clout here in the Congress. That would be okay with me. Except you're talking about taxpayers' money here. And it is not creating jobs.

Now, Pound went on to say: ''We are not certifying the accuracy of the information.'' So you have the Vice President who is telling us, man, this Web site is going to blow you away. We've got to make sure people know where the money is going. Everybody has to be accountable.

This is accountability?

Oh, by the way, these are the folks, this is the same government that is going to take over your health care and take over energy production, and they can't even manage a guest list for a dinner party at the White House? This is what we are getting, folks, with too much government.

We know what the problem is, according to Pound, and we are trying to fix it. Asked why recipients would pluck random numbers like 26, 45, or 14 to fill in for their congressional district, the communications director replied: ''Who knows, man? Who really knows?'' That was his answer. ''There are 130,000 reports out there,'' he said. Okay. So we have an issue with reporting.

Now let's go back to our friend Lesko, because everybody knows him. Anybody that watches TV will see Lesko show up. And he says, where is the government money? There's lots of free government money. Get my CD, buy it, and you can get government money. Well, Talladega County, Alabama, now here they reported that they saved or created, this is frugal now, 5,000 jobs from only $42,000 in stimulus money. Now, I was a journalism major, not a math major, but 5,000 jobs from $42,000, that's $8.40 a job. This is a record. No, but wait. It gets better. The Belmont Metropolitan Housing Authority in Ohio reported 16,120 jobs saved or created from $1.3 million in stimulus funds from HUD. That's $80.46 per job.

But the winner, the Lesko winner for efficiency in creation of jobs, goes to Shelton State Community College in Alabama: 14,500 jobs saved or created with $27,000 from the GAO. That is $1.86 per job. Now that's a bargain.

Alkan Builders of Alaska reported 3,000 jobs created or saved from 11 million, $3,666 a job. You can see why these aren't real jobs that are being created. It's not even being reported accurately. And yet we are saddling our kids with this enormous debt.

So, let's look at a few other examples. Earl E. Devaney, the top monitor of the stimulus in the Obama administration ''acknowledged that he too found dubious the 640,000 jobs figure touted by the Obama administration as proof the stimulus was working and that there were too many errors in the reporting of data to accurately offer that estimate.'' Now, he is the one who actually is the watchdog. And that's what he told The New York Times.

Now, how many Americans does it take to fill an $890 shoe order? According to The Wall Street Journal, November 19, on the recovery.gov site, an $890 shoe order for the Army Corps of Engineers created nine new jobs at Moore's Shoes and Service in Kentucky. Really. Head Start in Augusta, Georgia, they claimed they created 317 jobs with a $790,000 grant. Now I happen to be a supporter of Head Start, but it is this reporting issue and whether you're actually creating sustainable jobs. Actually, the money went to pay hikes for 317 workers. That would be a bonus of $2,500 per employee.

So you see, Republicans stand up here, and we hear our colleagues on the other side of the aisle saying we need a new jobs summit. We need an economic stimulus. We need Economic Stimulus II because we got to help people get back to work. And Lord knows we do. But that is what they said the last time. And they've been in charge for 3 years around these Halls, and we've never had greater debt, more government takeover and more to come, and record unemployment.

We are looking at a 10.2 percent unemployment. It has not gone down since they enacted their proposal. It has gone up, up, up, up, up, up. And Americans are paying the price. And our kids and grandkids are going to pay the price on debt.

Now, how about that Alabama housing authority claimed a $540,071 grant would create 7,280 jobs? That's what they reported, 7,280 jobs. It created 14 at best. Fourteen at best.

□ 1630

Now, you go back to these congressional districts that have been identified here that don't exist. You remember back to the New Deal when President Roosevelt wanted to increase the Supreme Court from 7 to 9 members so that he could get a majority. Well, it appears this administration takes it one step further, forgetting to add the two more justices. Let's just add, I'm not kidding—let's just add 25 districts, maybe make it 50 new congressional districts, because that's what you would think happened here when this is your reporting. Far from accountable. And this is big stuff. We make a little light of this today perhaps, but this is big stuff because this is debt. This isn't like you have money in your checking account to spend. This is like you went to the bank and borrowed this money and shoved it out the door in record time, and you don't even know where it went.

I mean, I suppose Lesko's going to come out with a new DVD soon that says, Ask the government for free money and I'll tell you where it went. We found out. It's gone. Now, I just don't know, and in the next stimulus bill, are we going to create like whole new States? Maybe that's what we should do. When we're done creating new congressional districts, we can go to new States. Why stop at 50? You know, you like Massachusetts, you'll love New Massachusetts. Minnesota? How about South Minnesota or North Minnesota? Let's go for it. East Minnesota. Six little Mini-Me Al Frankens running around and voting for new job grants to States that don't exist and congressional districts that don't exist.

And if we created 100,000 new jobs, who can find the voters to say we didn't? They'll love us in West St. Paul and New Duluth. And don't worry, we'll find the voters in South Minnesota to say thanks for the jobs. I mean, this is crazy. I mean, this is just crazy where it's going. I mean, this chart, I think,

and I see I've been joined by my friend and colleague from Ohio, Mr. LATOURETTE. But this is a report that came out in a newspaper here, The Examiner, inflated jobs by State. And it shows, you know, a drainage ditch number one and I don't know what all these are. But they show these inflated job numbers. I would yield to my colleague, Mr. LATOURETTE, from Ohio.

Mr. LATOURETTE. Well I thank my friend from Oregon for yielding. And, in fact, that is a representation, and most people will recognize the United States of America. And each of the pushpins represents an area where the administration has reported jobs being created or saved. And it's kind of interesting, saved is a tough thing to analyze. And I'm going to talk about that in just a second. But created or saved. And each of those pushpins represents either a fictional place that didn't exist, as the gentleman's been talking about, or where the jobs that are claimed on recovery.gov, were, in fact, not created and/or saved. I just want to digress if you let me for just a second though because, you know, the gentleman's pointed out that, in 2006, the Republican majority had done such a bang-up job that it was replaced by a new Democratic majority, and it became historic in that we have the first woman Speaker in the history of the country, Mrs. PELOSI.

And so for 3 years they have been basically directing how the legislative process in the House of Representatives works or doesn't work. And we have been saying on our side of the aisle for a pretty long time now, when we go back, when I go back to Ohio, I assume when the gentleman goes back to Oregon, people are saying, where are the jobs? Why don't we have any jobs? You gave $700 billion to the banks to lend money. They're not lending money. You created and passed an almost $800 billion stimulus bill to create jobs, and there aren't any jobs. And I think that they rightly ask, what is it that the Congress, this Democratic majority, has been doing with themselves to help stimulate the economy and create jobs?

I have a chart here that I like to use, and I want to be fair to them because they do have a rejoinder. But at the beginning of this year you had the Democrats in the majority in the House, Democrats in the majority in the Senate. And of course the President of the United States, President Barack Obama, was inaugurated on January 20. And this shows just through March of this year how the unemployment rate has increased. And the gentleman will recall that we were told that we had to pass this $800 billion stimulus bill or else unemployment would hit 8 percent. And now it's over 10 percent. If you look at the construction trades, the people that build buildings, roads and bridges and other things, it's 18 percent; 18 percent of the people that work construction in this country are currently out of work.

But just taking what—we'll get to the stimulus bill and the President's participation in a minute—but just what our Democratic colleagues have been thinking have been the most important issues facing the country, as this unemployment rate now has spiked to 10 percent. On the opening day of this Congress, which was January the 6th, you had kind of a modest, unemployment rate. Out here on January 20th you have unemployment is increasing. But then you get out here to, towards the end of January, the beginning of February, and again, when Americans by the thousands and tens of thousands are losing their jobs, the most important thing that the majority here in the House could put on the floor was a resolution supporting the goals and ideals of national teen dating.

Mr. WALDEN. Say that again.

Mr. LATOURETTE. National teen dating. You know, when people are losing their jobs in steel mills and auto manufacturing plants, the House of Representatives is talking about the importance of teen dating. Now, I'm the father of some teenagers, and I want teen dating to go smoothly. But more importantly, I really want the people that I represent to have jobs so that their teenagers can afford to go to school and buy things and eat food and things like that. Well, unemployment continued to spike. And now we get in the middle of February. The President now has been installed only for a month, and so we certainly can't criticize him at this moment in time. But again, as unemployment rises, the most important thing that this majority could bring to the floor, and people have to recognize, bills only come to the floor when the majority says they come to the floor. So what we did on that day was commend Sam Bradford for winning the Heisman trophy. And again, just like teen dating, I'm sure that the Bradford family's very proud of Sam, and I think it's quite an accomplishment to win the Heisman trophy. But again, tens of thousands of people are losing jobs.

So now we get out towards the end of February, people continue to lose their jobs. Every jobs report that comes out, it's hundreds of thousands of people are being displaced and out of work. And so surely, at this moment in time, you know, with complete control of the government, you would think we would be doing a jobs bill. But the most important thing that they could come up with was the Monkey Safety Act, to debate the Monkey Safety Act here in the House of Representatives.

Mr. WALDEN. That sounds like real monkey business.

Mr. LATOURETTE. And I want to be clear because when I mentioned this earlier, the Humane Society got upset with me. I'm not saying that this is a bad piece of legislation. But what I'm saying is, for crying out loud, when people want to know where the jobs are, why are we debating the Monkey Safety Act? I don't get it. But you get down into March now. And so again, hundreds of thousands of people are out of work. And you would say, surely, we're going to talk about a jobs piece of legislation in the House of Representatives. But when we get into March, the most important thing that they could come up with was the Shark Conservation Act. And, again, I like sharks. I don't like to swim with sharks, but sharks are nice to watch on television. But, again, where are the jobs, and where's the legislation?

And then we get out to where this chart ends at the end of March. I'm working on a new one that'll take us to where we are today. But you get out and, again, bad jobs report, tens of thousands more people have lost their jobs. And the most important thing that the majority leader could put on the floor was supporting pi.

Mr. WALDEN. Supporting pie?

Mr. LATOURETTE. Supporting Pi Day.

Mr. WALDEN. Apple pie or cherry?

Mr. LATOURETTE. No, it's not P-I-E, which as you can tell from my girth, I enjoy pie. This is pi, the math formula, 3.14 or whatever it is. And we needed to recognize the importance of the number 3.14, rather than dealing with the people that are out of work in this country. So then, you know, to be fair to the majority, they will say, well, wait a minute. That's not all we did. We also passed the stimulus bill. And the stimulus bill, just south of $800 billion, and it was advertised as creating 3 million new jobs across country. It's now been in place for about 9, 10 months, and my constituents, at least, are continuing to ask, where are the jobs?

And I think the gentleman has correctly pointed out that not only have the jobs not materialized, because they have not gone to job-creating activities; instead, and on top of that, they continue to issue press releases taking credit for jobs saved or created. I can just tell the gentleman, in my district, and here's under the heading of ''press releases I would never send out,'' I represent the 14th District of Ohio. The White House sent out a press release saying that they had spent $100 million in the 14th District of Ohio of stimulus money to create or save jobs. And I guess I'd ask the gentleman, you know, so that sounds like a lot of money. It is a lot of money. It's borrowed money, as the gentleman said. But then in the next sentence they say how many jobs they created and/or saved. Does the gentleman care to guess what we got for $100 million in my Congressional district?

Mr. WALDEN. You could write a million-dollar check and get 100. I mean we could make 100 millionaires out of that. So maybe 1,000?

Mr. LATOURETTE. I'm sorry. It was 126. And so, again, with a straight face——

Mr. WALDEN. So we could have written a check and made nearly a hundred millionaires.

Mr. LATOURETTE. No. What we could have done is everybody could have gotten maybe $800,000. But, no, the problem is as I go about the district, nobody knows where those jobs are. And I think, you know, the gentleman's talked about not only the difficulty of false claims of jobs, but jobs that have gone to places that don't exist. In Ohio—the gentleman's talked about Oregon—in Ohio, there was $7,960, not billions, but still a lot of money, if you're paying taxes, for a basketball system replacement in Ohio. And they claim that as a result of that, they created three jobs. Now that's a little bit better than the hundred million, because that's only a couple $3,000 a job. The problem, and basically, it was a grant to repair a basketball court in a park in Cincinnati, Ohio. But it was identified as Ohio's 0 district. Now, we have 18 districts.

Mr. WALDEN. We have one of those in Oregon. Actually ours was double 00.

Mr. LATOURETTE. Well, we have Ohio 0. And I'm sure that next fall in 2010 the Republican and the Democrat running in Ohio 0 are going to have a very tough race because nobody's going to be able to figure out where it is, because it——

Mr. WALDEN. No, they can go to recovery.gov. By then they'll know the district. And it's going to be well-jobbed.

Mr. LATOURETTE. So we clearly have some difficulties. I know the gentleman, if the gentleman's talked about this, I apologize. But down in Texas, this fellow who runs a public housing authority got $26,000. But if you go to the Web site, it says that they reported creating 450 jobs, which is pretty——

Mr. WALDEN. What?

Mr. LATOURETTE. 450 jobs for $26,000, which is pretty good. I mean, that's about $500 a job. The problem is when they contacted this fellow, whose name is Bob Bray, he said, Boy that's great. You did a great job with that 26 grand, creating 450 jobs. He says, oh, no, no, no, no, no. He told the government that he had created six jobs, basically five roofers and a fellow to inspect it. But when he was asked to do some reporting, they said, well, that's not enough jobs. And so the 450 doesn't represent jobs, it represents the hours that these six people worked to replace the roof. So we really didn't get a whole lot for that $26,000.

Mr. WALDEN. And even if it's six jobs, how long did those last?

Mr. LATOURETTE. Well, for 450 hours. It was for 450 hours, all six of them. You know, it's a couple weeks work is what you're talking about.

Mr. WALDEN. So it's not like a permanent sustainable job that'll get us into a recovery that goes forward. I mean it replaced a roof, and roofs have to be replaced.

Mr. LATOURETTE. I'm sure with the rainy season coming, I'm sure they're all nice and dry down there in Texas. But the fact of the matter is they put a new roof on, and now those people, I would assume, are unemployed or fixing roofs somewhere else. So clearly, this is a problem.

Mr. WALDEN. Now, you know, the University of Massachusetts got a grant—you're aware of this one—for $95,000 to study pollen samples from the Viking era in Iceland. Now, I'm not making this up. It's there. You can find it. $95,000, the University of Massachusetts studied pollen samples from the Viking era. You want to study pollen from the Viking era, an old sample of the Viking era? Just have Brett Favre sneeze. You know, that's an old Viking. We can do that. Save the $95,000. Maybe this will make good, like 1:30 in the morning, Discovery or Science Channel reporting, you know. We investigated old Viking pollen from Iceland. And we created jobs—95,000 of your tax dollars. We've been joined, Mr. LATOURETTE, if I could, by Mr. SCALISE here from Louisiana. We're glad to have you join us today and share your comments to our colleagues, and we may even go back and forth here with our colleague from Ohio.

Mr. SCALISE. Well, I want to thank my friends that are talking about this important subject because, you know, when I go home, people want to know the same things that you've been talking about. They want to know where are the jobs. They surely don't want the government getting involved in all of these areas of our lives that the government doesn't belong. And even more importantly, they don't want the government going off on these wild spending sprees, spending money that we don't have. And so they look at the record of this administration since President Obama came in in January, and they recognize that right after President Obama came in, he had this great idea that he was going to have this stimulus bill. And he said, we're going to make sure that unemployment doesn't go over 8 percent.

Mr. WALDEN. That would be this chart here.

Mr. SCALISE. And the chart that you show that shows the lofty goals, the lofty promises. And in fact, those of us who actually want to fix the real problems, want to solve the problems in our country, we met with the President. We said, Mr. President, we've got some ideas on how to create jobs, because we agree, our economy should be focusing on creating jobs. And we actually laid out a recovery plan that the Congressional Budget Office scored that would create way more jobs than they projected to score and a whole lot less money than they were projecting to spend.

□ 1645

Of course the President discarded our ideas. He went around the country telling people that we were just the party of ''no,'' failed to mention that we actually had a solid plan that is still as solid today. So he just put his blinders on and said, We don't want Republicans. We just want to go on a wild spending spree. Unfortunately, the President got his way.

And Speaker PELOSI rammed the bill through the House, HARRY REID rammed the bill through the Senate, and they spent $787 billion of our children and grandchildren's money—money that we don't have—claiming we need to do this because this was going to stop unemployment from reaching 8 percent and it was going to create 3 million jobs.

And then he stood here, right behind you, here on this House floor, right at that podium I'm looking at right there. President Obama said, We're going to track every dime, and JOE BIDEN, Vice President JOE BIDEN is going to be in charge of tracking every dime because nobody messes with JOE. That is what the President said. Nobody messes with JOE.

Mr. WALDEN. Nobody messes with JOE.

Mr. SCALISE. And so of course, we decide to take President Obama up on his claims, and as Americans for months and months later, after they then came with a budget that doubled the national debt in 5 years, and then they turned around with another bill called the cap-and-trade energy tax, a national tax on energy.

Then they came back with this government takeover of health care that they're still pursuing. All of this, running jobs out of our country at a time when Americans want us to be creating jobs.

And so now that unemployment has exceeded 10 percent, people are not only asking where are the jobs, they're saying, What did you do with all of that money that you spent.

And so we started digging in deeper, and what we found out is, as you were talking about, we found out in Louisiana, there were more jobs created in Louisiana's Eighth Congressional District, according to the White House, by the stimulus bill than were created in my First Congressional District that I represent.

Mr. WALDEN. So what's the point?

Mr. SCALISE. So if you lived in the Eighth Congressional District and you're hearing all of these jobs that were created with taxpayer money that we don't have, that was borrowed from our children and grandchildren, you might be going, Well, I want to see what those jobs were. Of course people in Louisiana know, there is no Eighth Congressional District because we have seven congressional districts. So we dug deeper and we found out there were 15 different congressional districts in Louisiana that they were claiming they created jobs in using stimulus money.

Mr. WALDEN. So you think something got by JOE?

Mr. SCALISE. I'm not really sure.

And we did a little digging, and in fact, our local newspaper did some digging as well. They called the White House. First of all, they said, Okay,

White House, you're claiming that you have got all of this transparency. JOE BIDEN is hunting out for every dime that's out there; how is it that you can have jobs being shown that you're creating in districts that don't exist? And the first thing the White House said is, We're not certifying the accuracy of the information.

So first, in January, they were going to be the most transparent administration ever. Now, 10 months later, billions and billions of dollars of borrowed money is going out the door. Nobody knows what it was spent on. They claimed to have created jobs in districts that don't exist, and the best they can say is, We're not certifying the accuracy of the information.

Mr. WALDEN. But I thought nobody gets past JOE?

Mr. SCALISE. We're going to get to that because I think we've got some enlightenment we're going to shine on it.

So then they actually followed up, and they asked the White House, Well, how is it if you're not certifying the accuracy, how is it, though, that somebody can show a district that doesn't exist on your Web site as creating jobs? And the White House spokesperson's answer was, Who knows, man; who really knows. That is his direct quote. That is the best the White House could come up with as the American people are saying, Where are the jobs and what are you all doing with all of this money? And their answer is, Who knows, man; who really knows.

So we go back to President Obama. Right here in February, February 24, on the House floor his quote, Because nobody messes with JOE. And then here we've got a picture of Vice President JOE BIDEN with these two folks that crashed the White House State dinner just a week or so ago, and you wonder why nobody is manning the store and nobody's taking any accountability now. These are the people that are manning the store, and the American people are saying enough is enough; this is not a joke because the joke is on us. And it's money that you're borrowing from China and our children and our grandchildren, and we're tired of it. We actually want to create jobs. That's why we're going to continue to try to create jobs. But this shows you just what's really going on with the taxpayers' money.

Mr. WALDEN. And I will yield to my friend from Ohio, but before I do that, maybe this one didn't get past JOE. Maybe he approved it, I don't here.

But it says here that the Sacramento Bee reported $25,000 of stimulus money, to provide five free concerts in the Sacramento area. I like concerts. I have gone to a concert. I have an iPhone. I've got headphones. I have my iPhone here. It would be cheaper to lend my iPhone probably than the $25,000.

But here's one of the programs. It is the kitchen review. Now, you gentlemen I know are students of philharmonic and its programming. The kitchen review where audiences can imagine, ''the life of a pot, a lid, a broom, and a dishrag.'' Twenty-five thousand dollars so that you can imagine—this reminds me of the Johnny Carson skit, you know, Carnac, the Magnificent. What do a pot, a lid, a broom, and a dishrag have in common? This is insane.

Now, the executive director did say the money will give 10 of his musicians a good long week of work. Now, I don't know about you guys, but when I hear of jobs—I was a small business owner for 22 years. I created jobs, I maintained jobs, small company. I know what it's like to sign the payroll check. If I created a job, I expected it to last more than one week. Most of us I think see these numbers and think, Oh, they created a million new jobs or whatever they're claiming, 640,000 jobs. And then we find it was a roofing project that lasted 2 weeks. It was the life of a pot, a lid, a broom, and a dishrag concert in Sacramento for free. They gave a long week of work.

Now, that is not going to bring about economic recovery. I yield to the gentleman from Ohio.

Mr. LATOURETTE. I think the message is—and the gentleman from Louisiana I think laid it out very well—is we don't claim to have all of the best ideas on how to do this. I think that in the House we represent about 47 percent of the American people. And as you move forward with sort of—it's like going to a bad movie, Stimulus 2 or Stimulus 3, about to rear their ugly heads around here. We would just like to have the ideas that we have—the gentleman's a former business owner, too—to say, Hey, I have an idea how to create a job. And I think if they were more receptive to that, you wouldn't have to report phony stuff, and people wouldn't be asking where the jobs are because the gentleman mentioned the health care debate.

One way to make sure that health care is less of a problem in this country is to have people working with health care, with retirement security. One way to solve the problem with the foreclosure crisis in this country is to have people working so they can pay their mortgages and their insurance and raise their families.

But just two quick examples. I don't understand why they're bragging about this stuff. The government claims to have spent $1,047 to buy a riding mower from the Toro Company to cut the grass at the Fayetteville National Cemetery. I'm all for cutting the grass at the Fayetteville National Cemetery, but the Web site claims that the purchase of that single lawnmower helped save or create 50 jobs.

Mr. WALDEN. A single lawnmower. Well, maybe it's a push mower. A big push mower.

Mr. LATOURETTE. We've got a lot of shift work going on there.

Mr. WALDEN. For 49 people pushing and one steering. How many people does it take to push a lawnmower?

Mr. LATOURETTE. It was a riding lawnmower.

So anyway, and then to Connecticut. I think again what our constituents ask us to do is what the next story does. And that is, the Police Department up in Plymouth, Connecticut, received a grant, and they used it to buy new computers. And again, law enforcement needs the best tools to catch the bad guys, but the administration is saying that the purchase of these computers created 108 jobs. There's a couple of problems with that. There are only 22 people who work at the police department, and when they called the mayor—they called the mayor up there in Plymouth. They said, Hey, how come you guys are reporting 108 jobs with some computers. He said, I can't tell you. His name is Vincent Festa. He says that—and this is what our constituents want us to do—he said that the town has resorted to counting paperclips to save money but that it had no plans to lay off any police officers even without the stimulus. He couldn't explain the police report, and the town's police chief—unlike the mayor—didn't return telephone calls seeking comment.

So, again, we need to be included as we find out not only how can we help assist the economy recover, creating jobs, but we need to do what the mayor, Mayor Festa, is doing in Plymouth, Connecticut, counting the paperclips.

Mr. WALDEN. And maybe we need to ask Lesko where the free government money went. He seems to know. He's on television all the time. Ask Lesko, where's the money, free government money?

How about this one: West Virginia requested $387,350 from the so-called stimulus to hire two State coordinators and an assistant to encourage private land owners to grow ginseng and shiitake mushrooms on their private forest lands. Now, I have nothing against ginseng or shiitake mushrooms, for that matter, or farmers. With three staff and $387,000 in Federal money they hope to contact 160 landowners. That works out to $2,377 per contact to reach out to 160 farmers, forest land owners, to say, Hey, you guys want to grow some ginseng and shiitake mushrooms out there under the trees?

This is your Federal tax money, $387,350 for West Virginia. I thought with all of the paving that goes on there—well, we won't go there.

Mr. LATOURETTE. Maybe they don't have phones in West Virginia.

Mr. WALDEN. I mean, come on—$387,000.

I loved this one, too, $4 million for a new bike path trail in Massachusetts so people can get to the North Hampton Taco Bell. Do you think I'm making this stuff up? So there's a new slogan that Taco Bell has come out with: ''Bike to the border.'' The problem is, we all know with Massachusetts, before it's built, you know, they're going to

make it a crime to eat a burrito and ride a bike at the same time. You can't eat a burrito and ride a bike at the same time. No taco chips, no salsa, nothing on that bike. And forget the cheese if it's not from a free-range dairy cow. I mean, this is $4 million for a bike path to the Taco Bell.

Mr. LATOURETTE. Both gentlemen have talked a little bit about some of the other stuff that's been going on. At the same time the economy continues to tank and people continue to lose their jobs, they continue to pile on. This health care discussion that we had a little while ago in the House, one provision in that bill says that at Taco Bell, at every vending machine, in every location you're going to have to have a sign next to it that says what the thing is not only made of but whether it's good for you or not.

I'm not a healthy eater, you can tell.

Mr. WALDEN. Actually, you are healthy eater.

Mr. SCALISE. Robust.

Mr. LATOURETTE. I think I have a healthy appetite. I don't know if I'm a healthy eater.

It's going to cost a lot of money, obviously for not only the consumer—because these signs are not going to come free—but also the people who are going to make all of this stuff. Does anybody think this compliance cost won't be added on? And how do you deal with compliance costs? You either raise prices or you let people go.

But anybody that thinks when they go to a vending machine and sees a Twinky, a Twinky filled with that delicious cream, anybody who thinks that that is good for you probably shouldn't be out and about without adult supervision during the day.

Mr. WALDEN. Or that thinks you're going to stand there at the vending machine with the lineup of Twinkies and you're going to read the ingredients list and the calorie list, and that's going to dissuade you from buying that Twinky that you have found the vending machine to get.

Mr. LATOURETTE. And then on top of that, we had the cap-and-trade bill a little earlier. Again, everybody wants clean air—I come from Lake Erie—clean water and everything else. But the fact of the matter is there was a huge national carbon tax. And again, when you have an economy that is ailing and people are losing their jobs, imposing more taxes on them, the places they work is not the answer.

So you sort of have this double whammy going on here. You have no help for the people who have lost their jobs, and by the same token, you have policies to create more job displacement.

Mr. WALDEN. This government, this Federal Government, Democrats have run the House for the last 3 years. The House controls the purse strings. The Congress does. The President can put forward a budget and they end up signing the bills into law, but it's the Congress that controls the purse strings.

Under this administration, the Federal Government will run deficits in excess of $700 billion every single year for the next 10 years. Now, the highest deficit, the highest 1-year deficit prior to this administration was $459 billion, which was high, but it was coming down. Now it's $700 billion and higher for the next decade at best.

Now, that racks up to what? What do they figure? A $20, a $17, $20 trillion debt at the end of 10 years. So let's figure out how you pay that off. Let's say it's $20 trillion by the time they're done.

□ 1700

Well, how about this? The Congress runs a trillion-dollar surplus for 20 years and pays down the debt. How many in this Chamber believe this Congress, or any Congress for that matter, is going to run a trillion-dollar surplus and apply it to paying down debt? I see no hands going up.

So then you're going to drive inflation. You're going to inflate your way out of debt. And that's the fear I have, having been in small business, knowing a lot of small business people. That means higher interest rates, higher inflation, a return to Carternomics. You remember when Jimmy Carter left office we had double-digit inflation, double-digit unemployment, double-digit interest rates, and the economy went in the tank. That's what portends from this enormous deficit.

I'd yield to the gentleman from Louisiana.

Mr. SCALISE. I thank the gentleman from Oregon.

This is what we talk to our small business owners about. When I go back home, small business owners that I talk to aren't saying that they want the government taking over health care. What they're saying is these policies, these policies are what are causing them to hold back or to look at divesting and just getting out. But there's so much money on the sidelines because of the actions being taken by President Obama and the liberals that are running Congress that are literally stifling the ability for businesses to create jobs. The American people know that because the American people are looking at these policies. And they've got good common sense. And they're saying, If you've got tough economic times, the first thing you should be doing is figuring out how to help businesses create more jobs.

And so then they look at this health care bill. Here's a bill that, first of all, spends over a trillion dollars. A trillion dollars in new Federal spending. But then how do they get that money? Well, they go and they cut Medicare to the tune of about $500 billion, and our senior citizens know how bad that would be. But then they also turn around and they add over $700 billion in new taxes on the backs primarily of small businesses. And so, on one hand, the President's holding a job summit, but, on the other hand, he's got a bill that would add $700 billion on the backs of small businesses with the government takeover of health care. Then, on a third hand, he's got this cap-and-trade energy tax, which literally is a tax on any company in this Nation that manufactures goods.

Mr. WALDEN. Which will drive jobs out of this country.

Mr. SCALISE. Absolutely. In fact, the National Association of Manufacturers said the cap-and-trade energy tax would run at least 3 million more jobs out of this country. Now, of course, this is a President who, since the stimulus bill, he said it was going to create 3 million jobs. Our economy has lost about another 3 million jobs since his stimulus bill, but then his policies would run millions more jobs out of this country.

Of course, the President says we need to do all of this because we've got to save the planet. Well, just earlier this week they finally have exposed some of the corruption involved in this whole argument behind cap-and-trade.

Mr. WALDEN. You're talking about the emails and the conspiracy.

Mr. SCALISE. I'm talking about Climategate. Climategate just hit. This is something that's been going on internationally for over for 10 years. It just got uncovered because some of these emails came to light. Of course, to pass the cap-and-trade energy tax, they said man is destroying the Earth and we've got to limit carbon emissions. Of course, the two biggest emitters in the next 10 years are going to be China and India, and China and India have already said they're not going to comply. So you're not only running millions of jobs out of this country, you'd be running them to countries that actually emit more carbon to do the same thing. So it actually is counterproductive. But then let's look at the science behind what they're saying they need to do.

You've got Al Gore out there who's been running around for years now—he's won Nobel Peace Prizes and Academy Awards—saying the scientists are virtually screaming from the rooftops, Now the debate is over. This is former Vice President Al Gore. The debate is over. There's no longer any debate in the scientific community about global warming. And what he's saying is all of these charts and graphs he's been talking about for years and in his movie ''An Inconvenient Truth,'' a very famous chart he used to show talking about global warming was called ''the hockey stick chart.'' That's this chart right here. It's showing over thousands of years they've documented that our Earth is going through cooling periods, our Earth is going through warming periods. We had more warm temperatures than we have today thousands of years ago when there was no combustion engine, there were no fossil fuels being burned. Mother Nature just has a way of going through different cycles on her own.

And so what they were showing was over hundreds of years you had this

normal trajectory down, and all of a sudden there's this increase in the Earth's temperature that they showed. The problem is, we just exposed through Climategate, they got to this huge increase that Vice President Al Gore said we need to change our entire national economy over by corrupting the data.

These are some of the things that came out in the email: I have just completed Mike's nature trick to hide the decline. That was Phil Jones, who's one of the lead scientists for a group called the University of Anglia in England. This is a group that writes all of the documents that our scientists in America have used to say we need a cap-and-trade energy tax. They phonied up the numbers. They corrupted the data. And here's the email.

And there are many, many more emails, talking about how they use tricks and that they hide the declines that don't prove their argument. In fact, there are many scientists who have said we're in the seventh year of a cooling period, but they won't show any of that data because they literally have hid the data, and now we've exposed it through Climategate and these emails.

So you've got Vice President Al Gore still running around out there saying we need to have this cap-and-trade national energy tax. The President's going to be going to Copenhagen in about a week and a half, and I guess, just like he went there to try get the Chicago Olympics, a lot of us are hoping he comes back empty-handed in Copenhagen, because what he wants to do is sign an agreement that would literally lead to the destruction of millions of jobs in America based on corrupt science.

Mr. WALDEN. And we know that his stimulus plan that passed by the Democrats hasn't worked. Now they're coming back with stimulus II, we read, that may be $300 or $400 million more of borrowing and spending. And you're creating bike paths to Taco Bells and checking on Viking pollen air in Iceland. This is crazy.

Now, the scientist you referenced there, Jones, I believe that he has been the recipient of tens of millions of dollars for his research of American taxpayer research money from the Department of Energy.

Mr. SCALISE. In fact, we're now asking for an investigation to be conducted into not only——

Mr. WALDEN. Republicans are.

Mr. SCALISE. By the way, he just stepped down through the embarrassment of the exposing of this scandal. So for anybody to say, Oh, this isn't anything real, this is all being trumped up, this guy just stepped on down out of embarrassment over this scandal.

But we're now calling for an investigation to look into the millions of dollars of Federal grant money, U.S. taxpayer dollars, that have been either obtained through corruption or, when they got the Federal tax dollars, they went and conducted studies that they manipulated the data, corrupting the data, again, using that taxpayer money, and we want our money back and we want criminal charges to be filed against these people that actually went out and corrupted data to try to pass a national energy tax in this country that will run millions of jobs. And you wonder why small businesses feel like they're walking around this country with a bull's-eye on their back.

Mr. WALDEN. Beyond that, Republicans have asked for an investigation of this. It's pretty silent on the Democrat side of the aisle. This is a clear example where there has been a conspiracy to avoid the Freedom of Information Act, to discourage dissenting viewpoints from being included. All you have to do is go through the 3,000 emails. And as the ranking Republican on the Oversight and Investigation Subcommittee, our Republican staff is doing that as we speak, and it's phenomenal what they're finding in terms of this sort of concerted, conspiratorial effort. And I don't use those terms lightly.

It appears to be a real conspiracy when you've got a lead scientist emailing out to other scientists in the United States saying, Destroy this data, delete this email, get rid of this, and then you discover that the actual temperature data that were gathered from the sites has been destroyed. They took those data and then they ran them through their own model of what they think it should look like and then they destroyed the original data, which means nobody else can go back and use those original data to test and replicate whatever it is they model.

And then there are these emails about let's try and discourage people from getting published in this magazine because we don't think they're with us on this, or whatever. I mean, the American people are going to see transparency. They don't want to—I don't know of too many Members in here who sent out pamphlets in their campaigns that said, Send me to Congress and I'll raise the cost to turn on your light switch, yet that's what they voted for with that cap-and-trade. They voted for 3 million jobs to go overseas.

Mr. LATOURETTE. Well, they did.

I want to go back just to the jobs business for a minute, because there's a couple of things you can do as a government. The government doesn't create jobs. That's one of the myths around here. It's people who have the entrepreneurial spirit. It's corporations that make investments in not only equipment but product and people.

But going back to the health care thing and Mr. SCALISE's observation about more jobs leaving, I would think that the first thing would be to be like a physician; do no harm. Let's keep what we've got and then we can build on it. Then we go can grow jobs. But if you look again at the health care bill, how that's financed—and a lot of my constituents don't understand that everybody recognizes in a country as great as the United States we shouldn't have people who die because they don't have quality health care. They should have the ability to have affordable, accessible health care.

But no matter what that number is—some people say it's 47 million. The President came here and said it's 30 million. Whatever the number is, even at their number of 47, you're talking about 15 percent of the people in the country. And a lot of people are asking the question: How come we've got to screw up everybody else to take care of this problem that's dealing with maybe 15 percent of the people?

And specifically to the jobs issue, the Senate bill that they're now debating across the Capitol has a number of taxes in it. First, both bills cut half a trillion dollars out of Medicare. And how you're going to make the country healthier by taking away half a trillion dollars from people on Medicare I have yet to have explained to me adequately. But on the other side of the Capitol they're debating all these new taxes, and one is specifically on companies that manufacture wheelchairs.

Now, I have, not in my district but on the other side of Cleveland, in Lorain, Ohio, the world's leading wheelchair manufacturer. And in talking to the folks that run that company, they're saying, You know what? If this tax comes about—and it's hard to know why you have to tax wheelchairs to take care of somebody who doesn't have health insurance—if this tax comes about, it will completely eviscerate any profit margin that we have, and I'm going to take thousands of jobs and they're going to have to be terminated and I will go to China. I will go to China and employ thousands of Chinese to make wheelchairs and have them imported into the United States.

Now, some of our friends on the other side say, Well, that's not patriotic. What are you doing? You're thumbing your nose at the United States of America. Business is business and jobs are jobs. So to disincentivize—not only to do no harm, but to harm—doesn't make sense to folks back where I'm from.

Mr. WALDEN. No, it doesn't. I think that's the issue. And we had an alternative that created twice the jobs at half the cost in America. Twice the jobs at half the cost. Clearly, we want to get people back to work. There are alternative ways to do that that Republicans have put forward on health care reform. We haven't even talked about tort reform that would save $68 billion. Get rid of the junk lawsuits and get access to affordable health care out there.

There are ways—and as a former small business owner, I can tell you—to create jobs in the market out there. Bike paths to Taco Bells is not a sustainable economic recovery model.

$95,000 for research on Icelandic Viking-era pollen seems a little outrageous at a time when we're running record reported deficits.

I know we're about to run out of time here. I'd go back to my colleague from Louisiana if he has got any final comments because, you know what? All of this has gotten past Joe.

Mr. SCALISE. And I guess that's a good place to finish, kind of where we started. The American people are saying, Who's manning the store? And they're also saying, Where are the jobs? And they're looking at these policies and they're looking at this cap-and-trade energy tax, they're looking at this government takeover of health care with the $700 billion in new taxes. They look at what happened today here on the House floor. Speaker PELOSI's top priority was a bill that actually puts into law a permanent 45 percent tax on death. A tax on death. And so that's their answer.

Their ideas are actually leading to increased unemployment, running millions of more jobs out of this country, and the best that they can say is, Who knows? There's no accountability. But, don't worry. The President is still saying, There's old Joe. He's manning the store, because nobody messes with Joe. They think that this may be some kind of joke, but the joke is on the American people. And the American people are tired of it.

Mr. WALDEN. We yield back the balance of our time.

THE YEAR IN REVIEW

The SPEAKER pro tempore (Mr. KISSELL). Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes.

Mr. GOHMERT. I do appreciate this so much, and I appreciated the informative information that was provided by my friends and colleagues here. A lot of very helpful information. I do find it interesting.

We were promised back in the first of the year by the administration that if we did not pass that $800 billion stimulus bill, then we could see 8.5 percent unemployment. We had to pass that stimulus bill. We could not wait, because people were losing their jobs by the thousands every day. It could not wait.

□ 1715

People did not have time, we were told, to read the bill. It was too important to just pass it, because otherwise the unemployment rate, we were told, could get as high as 8½ percent if we did not pass it. Well, 8½ percent by not passing the stimulus bill sounds very good at this point. From last month, unemployment, 10.2 percent. We're hearing that there will be additional jobs that will have been lost come Friday when a potential announcement will be made.

It is so frustrating to have had people on this floor come into this Chamber where there has been so much powerful legislation, lifesaving, life-enhancing legislation, and then be told, as we were earlier this year, there's no time to read the bills, you just have to pass them, because thousands and thousands of people are losing their jobs every day, and it could go to 8½ percent unemployment unless we pass it right now.

And so we passed it and the President took 4 days to get the right photo op in Colorado to sign the bill. We could have used those 4 days to actually debate and amend the bill and make it actually into a jobs bill instead of a reward to people who had been faithful to the Democratic Party, because that sure appears to have been what it became, what it was, because it certainly wasn't a jobs bill.

And if you go back to that stimulus bill at the first of the year and you look for people who saw it clearly for what it was, this was not a jobs bill, this was not a stimulus bill. Over half of it would not be spent for 2 years. It was around 7 percent was all that was going to be spent on infrastructure. It was sold to a lot of people in this body on the basis that we were going to enhance transportation and infrastructure. We had to build all these things, anyway, so why not do that to create jobs. And then 7 percent went to that.

Less than 1 percent went to small business, SBA loans, programs. Less than 1 percent went for that. Yet we know that 70 percent of the new jobs are created by small business. It was clear that was not a jobs bill.

So you would think that as we approach the end of this year, more and more people begin to see that really wasn't a jobs bill. Now who was it that was right about that bill? Who was it that read as much as they could in the limited time they had and was able to discern what kind of bill that was and how much damage would be done, that it wasn't going to help the economy, it was going to hurt it. That was clear to so many of us.

You would think at this point as people start to talk about, okay, well, that sure failed, what we tried earlier this year, although we did put a lot of extra debt on future generations, because if you think about it, between the $800 billion stimulus, so-called, package and the $400 billion land omnibus bill that was passed right on its heels, you have about $1.2 trillion. That also happens to be, when you divide the number of households in America, it's about $10,000 per household that we just laid on in debt to every household on average in America.

I mean, who in America can afford another $10,000 being added to their debt that at some point is going to have to be collected as debt, as taxes, or we will go the way of the Soviet Union and have to someday announce, you know what, we didn't listen to China when they laughed at us because we said we were controlling our deficit and we did not; we didn't listen to some of the European nations because they had never been very good at controlling their spending, and when they told us we should control ours, we didn't listen. We laughed at them when they laughed at us.

But now it turns out they're not buying any more of our debt. Fortunately, they still are so we haven't had to do what the Soviet Union did yet and announce that we're bankrupt and we can't print enough money fast enough like Germany did in the 1920s that brought about that horrible dictator with the mustache that killed so many millions of people, innocent people.

We haven't been listening as a nation, as a nation's leaders. But America is getting it. They're seeing. And that's being reflected by what's going on around this country. It is immoral what we are doing to future generations. What we did in here this very day, passing this extra death tax. There's going to be no death tax in 2010, that was going to be the case; and now this bill that passed the House, if it passes the Senate and gets signed into law, well, it will go to 45 percent.

But we're told, well, gee, even though those people paid income tax at the highest rate in the country and even though there may be 40 to 44 percent, the way we're moving, who will pay no income tax, we're going to take away about half of what they've been able to accumulate in their lives, their family farms, their business.

And those that are in small business know what I'm talking about, Mr. Speaker, because so many of them have known what it is to have the person that started the business, got them involved, pass away, and then there's a 55 percent tax for so many years.

We were able to pass a bill, and it's a shame on the Republicans that we didn't permanently end the death tax. But we didn't have 60 votes in the Senate. It was passed out of the House to permanently end the death tax, and it didn't get but 56 votes in the Senate, so it didn't pass. Shame on the Republicans for not getting that done. But now shame on Democrats who are in charge and are going to go with a 45 percent tax.

Mr. Speaker, I know you heard people during debate today in response to my pointing out that, as a judge, I have sentenced people who stole from deceased persons. We consider that reprehensible, despicable, for someone to steal from a dead person. And yet in this body we have the power to just pass a law and say, well, it may be immoral, but we have the power to take people's money when they die, so we're going to do it, anyway.

We have the power, we passed a bill today, despite the objections of so many of us, but we do not have the moral authority to be taking other people's money that they accumulated after paying maximum amounts of income tax and redistribute what they earned with the sweat of their brow and their ingenuity and their risk.

That's not right. That's not the way America became the greatest country in the history of the world. It's really immoral to be doing that kind of thing. And if we were not the Congress, we would be sentenced to go to jail for stealing from dead people the proceeds from a life's work. It isn't right.

When you look at the response, it is to push a health care bill. We're going to add this additional tax and, by the way, that goes to those who generate the jobs, the small businesses. People like Warren Buffett, I don't know his personal situation, but the people that I have been aware of who are megawealthy had good estate planners and the ones I was aware of were able to put together estate plans that created life insurance situations that were paid for where they were going to be fine, their families were going to be fine when they passed on and left their inheritance because they had figured out innovative ways to address the death tax.

The megawealthy, they're not the ones who will be hurt. The ones who have been hurt are those whose family built a business, and then the one who built it passes away, leaves it to the heirs and they don't have a lot of money. They own machines. They own property. They own the business. And now they've got to come up with a 55 percent tax—under the bill we passed today if it becomes law, big whoopie, it will be a 45 percent tax—on money that they paid personal income tax on, corporate income tax on if they were a corporation, individually if it was through a subchapter S.

They paid lots of taxes, and then to take 45 percent now, 55 in the past, of their business meant that lots of families had to go borrow money against the business or sell part of the business to some outsider because they had to get the money in order to pay the tax.

I mentioned my great aunt's situation. Some have wondered, but it was a very real situation. In 1986 when my great aunt died, her husband had predeceased her. It was July of 1986 she passed away, back in Texas. Over more than a hundred years, generations had accumulated around 2,500 acres, farm, ranch, raising corn, raising cattle. They had a good small business and employed people to help them run things.

My aunt, my great aunt, Lilly, was a very good businesswoman. She was very astute, very careful, and she lived a very minimalist life. She was not extravagant. She didn't have a lot of cash. She would acquire nice things. She had some nice crystal glasses, some nice china, silverware. There were things that she had made clear she was leaving to certain family members.

When she passed away, there were comparable sales in the area of around $2,000 an acre; but before the estate could be finalized and settled, there was a lot of FDIC or RTC land that was dumped and prices of the land fell to around $600, $700 an acre. Now the IRS was nice, they gave them a couple of years' extensions, hoping the land value would come back; but after a couple of years the IRS said, That's it, no more extensions, it's all got to be sold. It was a nearly $5 million evaluated estate, and when the land values fell to $700, I believe they got nearly to $800, if I recall correctly, that paid the tax. It didn't even quite do that.

That's why the IRS ordered the land sold and then had an auction of all her personal assets. All of us in the extended family were encouraged to come out to the auction and try to keep as many of the family heirlooms in the family as we could. We didn't keep them all. There were some from the community, some who came from other places who decided they wanted some of my great aunt's property and they were able to bid higher, so we didn't protect all of the family heirlooms, family treasures. Not so much huge value, like over $500, but of great sentimental value. And we couldn't keep it because this nearly $5 million estate, valued when she died, was all taken.

□ 1730

The family begged and pleaded with the IRS to at least, instead of taking the entire estate, how about just taking 55 percent of everything that existed? Take 55 percent of the land. That would seem fair. Oh, no, because, the IRS said, Congress had made clear that, oh, no, we take 55 percent of everything at the time of death, and if it's mainly land and it's not worth as much when it sells, we're taking it all.

All the land was sold. It was a tragic situation.

But I've heard people come down here and try to say all this talk about hurting family farms and small business, there's really nobody that's ever been hurt in a family farm or small business from the death tax. It's simply not true. People are hurt and have been hurt so often in small business and family farms because of the death tax.

One of the things I did purchase at the auction was we got some of Aunt Lilly's crystal, and we wanted to let the closer family members who were told you will get this and this when I'm gone, we wanted to let them get the bid and get the things that were theirs; so there was reluctance to bid on things that were designated for someone else. But it was just a long, sad day. And I bought a little music box, a church, and you could wind it up, and the cross on top of the church turned as it played ''Amazing Grace.''

Well, God's grace is amazing, but that's certainly not true of the United States Government. There is no grace when it comes to the United States Government, which brings me back to the issue of health care.

Mr. Speaker, I've got a box here. It's got the bill that we passed here in the House, and there's some great stuff in here. We had people come to the floor and say, for example, we didn't need to pass the Bart Stupak amendment, no, because there's no money in here for abortions. But if you open the bill to page 110, something apparently people who said there was no money for abortions had not done, but at page 110, subparagraph B, entitled ''Abortions for Which Public Funding is Allowed,'' it says ''The services described in this subparagraph are abortions for which the expenditure of Federal funds appropriated for the Department of Health and Human Services is permitted.''

Well, how about that? We were told there wasn't any money in there for abortions from Federal tax dollars.

So how about the thought of someone not only taking someone's proceeds and property, money that they accumulated over the course of their life, paid the highest income tax rate on throughout their lives, and then they die, and throughout their lives they knew in their heart, they believed with all their being, that life begins when it's created, and that is not just when a baby is born but in utero, and this person who has passed away knew in their heart it's really murder when you kill this innocent helpless child who cannot defend themselves. They try. You see the hands and their trying to get away from having their brain sucked out, whatever method of abortion is being utilized. You see them fighting against it. But they're helpless. They can't fight against those trying to kill.

Yet the Federal Government not only does the reprehensible thing of taking this deceased person's money that they accumulated from their own work, their own effort, paid tax on, and then uses those tax dollars, puts it in the general fund and uses some of the general fund to go out and pay to kill those innocent babies.

We were told right here in this House, right here in this body, in a joint session, that basically if you like your insurance, you could keep it. We heard that said over and over. But if you look at page 91, that's section 202, ''Protecting the Choice to Keep Current Coverage,'' subsection (a) right under that, all capital letters, ''GRANDFATHERED HEALTH INSURANCE COVERAGE DEFINED,'' and this is where it defines whether you get to keep it or not. So it says ''the term 'grandfathered health insurance coverage' means individual health insurance coverage that is offered and in force and effect before the first day of Y1 if the following conditions are met:

''Condition No. 1, 'the individual health insurance issuer offering such coverage does not enroll any individual in such coverage.' ''

I had a person back in East Texas that I represent when I was talking about health care say, You know what? I know a lot of people are really concerned about it. I don't want to seem callous, but I'm not worried about it, because I retired. And I said what company, one of the bigger companies in the country. And he said, We have a

great union that negotiated us great health insurance, and I've got great insurance. The President said if I like it, I can keep it. I'm not worried about everybody else. I'm in good shape.

And I said, Well, is there any chance that anybody else will ever retire from your big company and be added to the insurance health insurance coverage that you have?

He said, Oh, yes. People are retiring all the time.

I said, Oh, bad news, because under subsection (a)(1)(A) if the individual health issuer offering such coverage enrolls any individual in the coverage after the date this bill goes into effect, you lose your insurance. Everybody that has it loses it, and you get kicked over into the Federal exchange program.

But at No. 2, here at the bottom of page 91, it says, ''the issuer does not change any of its terms or conditions, including benefits and cost-sharing, from those in effect as of the day before the first day of Y1.''

So, very clearly, if the insurance terms and conditions change at all, if the benefits change at all, copayments change, any of the cost-sharing, premiums, whatever, if they change, tragic. You lose your insurance. You do not get to keep it. The government gets to tell you about your health care under the Federal exchange.

And, yes, we've heard a lot about the panel that said, gee, if you're under 50, you don't really need a mammogram. If you're over I think 75, 78, something like that, then you don't really need a mammogram. That's the government telling you. I don't care what others say. You go read this bill, and it seems pretty clear that those panels are the ones that will determine under the plans what services are provided. So here at page 167, it says, ''The Commissioner shall specify the benefits to be made available under Exchange-participating health benefits plans.'' So the Commissioner will decide all of the conditions of the health insurance policies that are offered. Everybody has to offer the same insurance in each service area.

And you go down to the middle of the page, ''Required Offering of Basic Plan,'' the entity offers one, and only one, basic plan for such service area. Then the next provision says, ''If and only if the entity offers a basic plan for such service area, the entity may offer one enhanced plan for such area.'' If you offer the enhanced plan, you may offer one premium plan. And then also if you do all that, you could offer a premium-plus plan. You have to get to the premium-plus plan before the panels dictate whether or not you can get a mammogram before you're age 50, or whatever panel the panel happens to indicate. Maybe if there's enough outcry, the panel withdraws and says, okay, we were just kidding; so we'll change that. But our experience is once the government is comfortable in its role of regulating, it gets to where it really doesn't care what the outcry is. It doesn't matter because they run things.

Just as with the flood insurance when the Federal Government, if it sounds familiar, said, You know what? We think private insurance companies are charging too much for flood insurance. Well, it might have something to do with people who keep rebuilding homes on the coast where they get wiped out. Well, the Federal Government apparently decided we need to provide cheaper insurance than what can be provided in the private sector. So the Federal Government got involved. They didn't charge enough in premiums to stay in the black, so they went into the red.

Well, private companies cannot compete with the government because they can't exist in the red unless the government takes them over, which I guess you could talk to GM about or some of the banks or some of Wall Street. But anyway, they ran the private insurance companies out of the flood insurance business, so nobody sells flood insurance anymore because they could not compete with the Federal Government, and that's going to be true of this as well. This will be a disaster.

It's one thing to experiment with a novel—what really is a socialist idea here, the Federal Government's socializing medicine. It's not total socialism; it's just a socialist program because the government takes over a private-sector business, a massive amount of the economy, and controls it. But it doesn't stop there because if the Federal Government is paying for all your health care, shouldn't they have a right to tell you how to live?

Oh, yes, of course, in this bill the Federal Government becomes the repository for everybody's medical records. Isn't that special? So the Federal Government will have records of your most private, personal, secret physical situation. The government will have those records.

Now, you can be assured that if the Federal Government has them, the wrong people will never be able to get them, especially people in the government who may want to manipulate you.

Oh, yes, there was that problem in the 1990s when 1,000 FBI files were found in the White House, which was a crime for which Chuck Colson went to prison for just having one. There were around 1,000, as I recall, in the White House, people's most personal, private information in FBI files. But the White House had it. They didn't have any incentive to try to use any of that information even though there were some Members of Congress whose files were there. Gee, wasn't that interesting? Maybe if they needed a vote?

I know before this administration under the prior administration when the TARP bailout was about to be passed, I got an email from the White House liaison saying, Is there anything that can be added to the existing package that will get your vote? Well, apparently some people answered otherwise than I did. I was livid, furious with the question. My first response to the email was, There's nothing that can be added. Removing the biggest socialization of private assets in Western Hemisphere history would be a good start to get my vote. But apparently there were others who answered otherwise, so there was another $100 billion added to that bill.

But think about it. If the Federal Government has all of your personal medical records. And you know the Internal Revenue Service is the enforcement arm. They'll collect the fees. They'll make sure you're doing right. They'll make sure the Federal programs are paid for. So, gee, they know what your cholesterol count is. Well, you think maybe they would need to know if you're buying bacon or things high in cholesterol if your cholesterol count is too high? Maybe they need to adjust your insurance rate up and tell you what you can and can't eat. Well, that seems almost ridiculous, doesn't it?

□ 1745

It can happen. That is where we are headed.

If you go over to page 1510—and you wonder why would you need 1,990 pages, another 40 or so of the manager's amendment. If you go to page 1510, section 2572, Nutritional labeling of standard menu items at chain restaurants and of articles of food sold from vending machines. And as you go through and read these pages, it is really interesting reading because a restaurant or similar retail food establishment shall place adjacent to each food offered a sign that lists calories for displayed food item or per serving.

It talks about in vending machines, if you cannot read the food labeling information, then they have to post that on the machine. It will cost millions and millions of dollars, and if people know how the vending business works, there are a lot of people who own vending machines. They make their living doing that. They go around and keep them supplied. They make money from filling the machines. I had friends in college whose parents put them through college doing just that. They don't have the money to get these machines reconfigured and do all of this work on them so they meet these new requirements. Somebody is going to go out of work, be relieved of their ability to make money. And if there were plenty of jobs out there, that wouldn't be so bad, but that means they will go into the job pool with all of the other people who are out of work right now.

And then we passed the crap-and-trade bill in here the last week of July, as I recall. And we had people come down here to the well of the House, some people stood back here at these microphones, and people said people aren't going to lose their jobs because

of this bill. They are going to have jobs created. Good, wonderful, green jobs will be created.

Well, they hadn't read that bill either, apparently. On page 900-something, if you actually read the bill, as I was trying to do on a very short time because we got the 300 pages that was added around 3:08, 3:09 a.m. and we didn't even have a complete copy of the bill assimilated with the amendments that were added in the wee hours. I was trying to read as much as I could as quick as I could, but page 900 or so, I believe it was, there was a fund. I believe it was called the climate change fund that was created to pay people, it said in the bill, who lost their job as a result of that bill. So whoever's staffer or special interest group wrote that bill, they knew people were going to lose their jobs and that is why they put that in the bill. There was even money in there to create a fund to pay people a relocation allowance in case they could be paid to go where the job was moving. But unfortunately, that didn't provide money to send them to China, Argentina, or India, the places where those jobs were really going to go, where there is four to 10 times more pollution put into the atmosphere for creating the same products. No, they wouldn't get money for that.

But I still think the good news there is if that bill becomes law—and I know when Americans find out what all is in that horrible bill, they are going to fire a lot of Members of Congress that pushed that through without knowing what was in it and knowing what was going to be done to Americans and put more people out of work. But the good news is the people fired here in Congress who lose their job as a result of the crap-and-trade bill, they might be entitled to some relocation allowance under the bill because they lost their job as a result of the bill. And they will be with so many other Americans who lose their job for the same reason.

This is micromanaging in this health care bill to an unbelievable degree.

On the other hand, I have a health care bill here that really is about health care. It is not about control, and control and micromanaging American lives like this huge, 2,000-page bill is. It is pretty basic. And it is interesting, I did have a nice conversation with Doug Elmendorf. The Congressional Budget Office has been sitting on this bill since the request was made August 19 to get it scored. And the reason we didn't get the request in until then was because we were told back in June, Congressional Budget Office, we don't score things that aren't bills. You have to have it in bill form. We had to push and push. We eventually got it through legislative counsel and got the bill drafted and filed so it could be scored.

The bill was submitted to the Congressional Budget Office. We said officially, please give us a score because this should work. This should save money and not only not cost a trillion to $2 trillion like the bill on the table that passed the House, but this should actually save the U.S. Government money while, at the same time, for the first time since we have had Medicare and Medicaid, actually give seniors complete coverage and complete control of their own health care.

Now, I am sure most people deal with someone in the health insurance business, and you know there is a lot of good people in the health insurance business, but they are not really in the health insurance business. They are in the health care management business, and that's what business the government is in with Medicare, Medicaid, and SCHIP.

I don't want the government in the business of managing my health care. I don't want the insurance companies in the business of managing and making my personal health care decisions. I want to make those after consulting with my doctors. That is the way it should be. That is the way it used to be, and my bill would allow people to do that.

It would provide the incentives to push people, young people, everyone actually, toward a health savings account with no limits on how much you can put in pretax. The employer pays in, and it is certainly a business deduction for him. It is a straight offset. And the health insurance policy under my bill would be owned by the individual employee. Since it would be owned by the individual employee, that means wherever they go, it is their policy. You don't need COBRA. I dealt with that when I left the bench to run for Congress. It was too expensive for a guy who was running for Congress who had cashed out all of his assets except his home and cars to run for Congress full time because I knew that we needed to make changes here.

So even though it has been reported that out of, I think, 32 Members of Congress from Texas, I had the least assets of any Member from Texas, I think I am the richest guy in the world because of the friends and the people I get to represent and the people with whom I deal in east Texas. But it is not going to be so good. We are in hard times, but it is going to be worse. It is not even going to be this good if this massive drain on the economy, a government takeover of this much of the economy kicks in at the worst possible time.

On the other hand, coming back to my bill, for seniors, we are getting scored what it would cost if all seniors elected and went to having the government put cash money in a health savings account that they control and then buying the catastrophic care policy above that. It is their policy. They control it. If they don't spend all of the HSA money, then it rolls over and they get to keep 10 percent of the money to encourage them to save. For many seniors, that won't be possible. They will go through the $3,500. That will be controlled with a debit card that they control. It will be coded so it will only pay for health care items. Then they will have catastrophic coverage to cover above that. They have control, and they have coverage.

We know that the younger Americans in their twenties and thirties, if they start doing this, the vast majority of them should have so much in their health savings account by the time they hit retirement age, not only will they not want the government then stepping in and controlling their health care, they will not need it, because they will have enough money in their HSAs to make their own decisions even then and continue to buy their insurance and control the catastrophic care from there. And, under the bill, anything that is left in the health savings account can be left to the kids. If you want to gift some of your HSA out to someone else, whether you are related or not, as long as it stays health savings account money, it can go from one to another.

Another problem we have in this country that we are not dealing with, nobody seems to be talking about a whole lot, is that we authorize people to come into this country, and even though it is intentional, come into this country, get free health care and not charge them as they leave. Well, that doesn't happen under my bill, because in order to get a visa, whether a travel visa, a migrant worker visa, any kind of visa we may create in the future, in order to get a visa to come to this country, you will have to establish that you have health care coverage, the insurance, the HSA, you have coverage so it won't cost the U.S. Government taxpayers any money. That will be the price of coming into America.

So if you are going to live with somebody in the country, you can be under their health insurance. If you are going to be a migrant worker, your employer can buy the catastrophic care and provide a health savings account for the whole group. Those kinds of things can be done because we have to get off this course of bankrupting this country. It is not unlimited when you go spending money, spending money, spending money. The Soviet Union tried that. Apparently they were trying to get a $100 billion loan from the United States and from others back at the time when the Soviet Union was in so much financial trouble. There have been articles written, information provided that seems to indicate that the U.S. may have told the Soviet Union, you know, we know in the past when these insurrections have occurred, uprisings have occurred in Poland, Czechoslovakia, Latvia, Estonia, when they have occurred before, you roll in the tanks and you crush them. But if you do that, we are probably not going to be able to loan you that $100 billion to keep you afloat.

That is what happens when foreign countries are owed massive amounts of money by another country, they get to dictate to you whether or not you will

preserve and protect your union. Everyone in this body took an oath to do that, to follow the Constitution. We are supposed to protect this country from all enemies, foreign and domestic, and yet we are going out and begging the Chinese to keep buying our debt. There are indications that the Federal Reserve, although they have said they are not monetizing the debt, they have some third party buying debt that we put up for auction, and then the Federal Reserve buying that debt from the third party intermediary. So it is the same thing. We are monetizing the debt. That is the way it sure looks. That eventually causes inflation.

But in the meantime, for countries around the world, they can begin to tell us what we can do in our country and what we can't because they determine whether we have to declare, as the Soviet Union did, we are bankrupt. We can't borrow enough money any more to take care of our obligations and we can't print it fast enough to pay for them, so we are out of business. The states are on their own. That is basically what the Soviet Union did. So the 15 states that comprised the Soviet Union became independent countries.

You think about all of the blood that has been shed over the course of this country to get the opportunity to create a Constitution, to get the opportunity to govern ourselves.

You go back to the letter that John Adams wrote to his wife, Abigail, after the Declaration of Independence was made public on July 4. He wrote that marvelous letter, and I don't have it down verbatim, but basically saying we have within our grasp the chance to do what great philosophers and thinkers have only dreamed of, to govern ourselves and not have this big, massive government that controls all of the areas of our lives. We will be free to make our own decisions about our lives. This is a day that should be celebrated with parades and picnics.

□ 1800

Of course, he advocated the firing of guns. We do that with fireworks now instead of bullets, which I think is a better practice. But he recognized how incredible a gift God, our Creator, nature's God, all those references that were made in our founding documents. We were being blessed with something like never before in the history of mankind.

I was a little surprised to see after I came to Congress over at the State Department the original copy of the treaty of 1783, the Treaty of Paris. Of course, hopefully, people know, Mr. Speaker, that it was the surrender at Yorktown which ended the hostilities, but not until the Treaty of Paris of 1783 did England actually sign on agreeing to recognize the United States as a separate, independent country. This was an incredibly important document.

And I did not know, history major that I was, I didn't know until I saw in big, bold letters how the Treaty of Paris started. It starts out, the big, bold letters say this: ''In the name of the most holy and undivided Trinity.'' That struck me strange. Why would they start the Treaty of Paris with ''In the name of the most holy and undivided Trinity?'' It is an interesting way to start the document where the enemy during the war was going to recognize our independence.

But then you think about it. They needed to start that treaty with something so important to both sides that neither would dare break their oath. So they started with ''In the name of the holy and undivided Trinity.'' That is how the Treaty of Paris of 1783 started.

We have come a long way. Now you can't even pray in public schools. Chuck Colson said it well, When you have the morals of Woodstock, you will have to expect some Columbines. If you think about that, when the morality of the country is basically ''if it feels good, do it,'' you're going to have some irresponsible people, some anti-social personalities just decide, I wonder how it feels to steal other people's money, I wonder how it feels to go shoot some people in my school. When that's the morality of the day, we have got so far from our morality.

As we said, I personally think it is immoral for a government to go in and do what anyone else doing would be a crime, and that is, to pry cash from the cold, dead hands of a deceased on which he has paid taxes his whole life, and we take that money away through the death tax.

One of the things that maybe was the most important in driving me from the bench to run for Congress was along these lines of morality of the Federal Government. Because I noticed it seemed like I was seeing more and more women coming before me to be sentenced for committing felonies back in Texas. The stories they would tell there in court were so often the same.

The story I heard most often was, well, I was bored with high school. Sometimes it was a friend, sometimes, tragically, a family member, sometimes even more tragically, a mother said, well, heck, if you're bored with school, just drop out, and have a baby. The government will send you a check. You don't have to work. Just have a baby, and they will send you money.

So they drop out of high school, have a baby, the government would send them money. But it was not enough to really provide for a decent way of living for the mother and child. So the story I would hear, it was repeated often, was, gee, maybe if I have another baby, get another check, I can live easier on that. And it didn't work. And another baby. One lady I had sentenced had 15 kids, didn't even know where they all were.

How would that come about? Why would the Federal Government get into the business of providing incentives to lure young women into ruts from which they were given no hope of getting out? Well, it came about because of a well-intended Congress back in the 1960s. They saw a problem with single women who had deadbeat dads who were not helping financially to take care of the kids that they had helped procreate. And so out of a feeling of compassion and wanting to help, they said, you know what, let's just give them a check. Let's be sympathetic. You mean-spirited people who don't want to just give these poor women a check, how dare you. So Congress voted to give them a check for every child they could have out of wedlock. And over 40 years later we have gotten what we paid for. You pay people to have babies out of wedlock, you're going to have a lot of babies.

And this is something that cuts across party lines. Both parties are guilty of participating in being accessories to what has happened and the incentives to do the wrong thing for the well-being of this country. We shouldn't have provided incentives to lure young women into a rut from which they could not pull themselves out and from which they would never reach their God-given potential.

Since the government knew if they finished high school they had a much better chance of making more money, the statistics were clear, they were able to go to college, they would make even more money, on average overall, so why not provide incentives to finish high school? Help them do that? Don't just give a check for every baby you can have out of wedlock. Why not incentives to finish school? That would have been more appropriate.

This week we took up and passed a bill out of committee. I did not vote for it. The intention, once again, is very good. I know the hearts of the people that are pushing it. They are good people. They mean so well. They want to help. They said, let's throw a billion dollars at trying to keep kids from committing crimes. It is so well intended. I know their hearts. They mean well. But it is another program that won't deal with the bottom line issue that when this government got in the business of breaking up homes and providing incentives for people to have single-parent homes instead of having a married couple in a home, we started doing terrible damage to the moral fabric of this country and this society. And it's ongoing. And we want to have studies done. Well, gee, why do you think these kids commit crimes?

I kept my own separate survey for a number of months there; and I picked, I guess arbitrarily, 5 years of age, and it was well over 80 percent of the people I sentenced for felonies had no relationship with the father after age 5. I'm not sure what it was. Most of them had had no relationship, really, with the father. And that seemed to be the greatest common denominator in the people that I sentenced.

So why was there a deadbeat father in so many situations? Well, the government had been paying people to create deadbeat dads that didn't help out.

This Congress did that, well intentioned, but, oh, the havoc that has been wreaked and reaped here, because that is what has been sowed.

Now, we come around here also, well intentioned, having met the President a couple of times, I believe he wants to do what he believes is good for the country, just like those people in the 1960s did, just like people this week in our Judiciary Committee did. They mean well.

Look at history. It is very clear. When you pay people to do an activity, you're going to get more of it. If you penalize people, as we have for years, with a marriage penalty, you're going to get less of it. If you penalize an activity, you're going to get less of it. That is the normal course of things. And both parties are also guilty of saying, oh, we are going to fix the marriage penalty. Both have done this. I got sick of listening to it over the years. Before I got to Congress, I hadn't really talked about it much. Some of us keep bringing it up. Nothing is happening.

Hopefully sometime it will, because it's a real easy fix. If you want to take care of the real marriage penalty in income tax, you say, do you know what? If you're married, it's your choice. You can file married filing jointly if that's better for you, or you can file as an individual so that there is no penalty for being married. Because when you combine two spouses' incomes, so often it kicks them up into a higher percentage category and they pay a lot of extra money just because they're married.

I've seen it with a lot of teachers. The teacher's income combined with a spouse's income is enough to kick them up, and they have to pay more for the privilege of being married. That's not the way it should be. That's not what studies indicate it should be.

I know the President and the Attorney General think they are doing a good thing for this country. If we are going to show the world how hospitable we are by bringing terrorists to our own soil because we are good and we want the whole world to see how good and noble we are, we will take people that have admitted killing innocent people, over 3,000, and we will give them more rights than they have ever been given in history. That is destructive. It puts our soldiers in harm's way. It is going to cause them to have to start becoming forensic experts while they are being shot at, in some situations they will also be expected to gather fingerprints, DNA evidence, this kind of thing. This was not well thought through.

Down in Guantanamo, I cannot imagine issuing an order to close that without even visiting that, but that is what has happened. And I visited the courtroom proceeding where the trial was going on for some terrorists. And they were interrupted by the Attorney General and the President. They just called a halt in the middle of the trial. That facility there, that courtroom, the facilities around it had so much. There is not another place like that anywhere in the continental, anywhere in the United States. That is an ideal place to try the terrorists.

And all those people who I know they were so torn up about what happened on 9/11. They really are very sincere when they say, I want to look them in the eye, I want to be the juror that says, You're sentenced to death. Well, I have done that. It doesn't bring the pleasure you might think.

But what it will bring when people say that's what I want to do, it will bring about a change of venue if the defendants, which they probably will, request it, because that will delay it further. It will give them further platforms to spread their poison that is so toxic. I know these things were intended well, but they can bring about the demise of a country. They have before. They have brought about the demise of civilization.

And you would have thought that when the stimulus package didn't do everything that it was supposed to have done—it didn't create any jobs. It created some hundreds of thousands, well, we have lost millions and millions—you would think that the people that had enough insight to see it wasn't going to do what was said that it would do, that the people that pushed that would come back and say, you were right. But that hasn't happened. I hope and pray it will.

Mr. Speaker, you brought down the gavel indicating my time has expired, so I recognize that and appreciate your indulgence.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LUCAS (at the request of Mr. BOEHNER) for today on account of personal reasons.

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 Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Ms. ROS-LEHTINEN) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, December 10.

Mr. JONES, for 5 minutes, December 10.

Mr. BURTON of Indiana, for 5 minutes, December 7, 8, 9 and 10.

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 15 minutes p.m.), under its previous order, the House adjourned until Monday, December 7, 2009, at 10:30 a.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4837. A letter from the Under Secretary, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Defense Information Systems Agency, Case Number 06-01, pursuant to 31 U.S.C. 1341(a)(1)(A); to the Committee on Appropriations.

4838. A letter from the Administrator, Environmental Protection Agency, transmitting a report of a violation of the Antideficiency Act for the Asbestos Loan Program, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

4839. A letter from the Inspector General, Special Inspector General for Iraq Reconstruction, transmitting the Special Inspector General for Iraq Reconstruction (SIGIR) October 2009 Quarterly Report; jointly to the Committees on Appropriations and Foreign Affairs.

4840. A letter from the Under Secretary, Department of Defense, transmitting a report entitled ''Department of Defense Earned Value Management: Performance, Oversight, and Governance''; to the Committee on Armed Services.

4841. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Spain pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

4842. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Chile pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

4843. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to United Arab Emirates pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

4844. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Papua New Guinea pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

4845. A letter from the Special Inspector General For The Troubled Asset Relief Program, transmitting the Office's quarterly report on the actions undertaken by the Department of the Treasury under the Troubled Asset Relief Program, the activities of SIGTARP, and SIGTARP'S recommendations with respect to operations of TARP, for the period ending September 30, 2009; to the Committee on Financial Services.

4846. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to Section 62(a) of the Arms Export Control Act (AECA), notification concerning the Department of the Air Force's proposed extension of a lease of defense articles to the Government of Canada (Transmittal No. 05-09); to the Committee on Foreign Affairs.

4847. A letter from the Maj. Gen, USMC (ret.), Special Inspector General for Afghanistan Reconstruction, transmitting the fifth

quarterly report on the Afghanistan reconstruction, pursuant to Public Law 110-181, section 1229.; to the Committee on Foreign Affairs.

4848. A letter from the Associate General Counsel, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4849. A letter from the Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4850. A letter from the Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4851. A letter from the Secretary, Department of Transportation, transmitting the Department's FY 2009 Performance and Accountability Report; to the Committee on Oversight and Government Reform.

4852. A letter from the Director, Office of Management and Budget, Excutive Office of the President, transmitting a letter regarding earmark reviews by the Executive Branch; to the Committee on Oversight and Government Reform.

4853. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100,747-100B, 747-100B SUD,747-200B, 747-200C, 747-200F, 747-300, 747SR, and 747SP Series Airplanes [Docket No.: FAA-2009-1000; Directorate Identifier 2009-NM-164-AD; Amendment 39-16070; AD 2008-10-07 R1] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4854. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-200C and 747-200F Series Airplanes [Docket No.: FAA-2008-1362; Directorate Identifier 2008-NM-150-AD; Amendment 39-16067; AD 2009-22-14] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4855. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hawker Beechcraft Corporation Model 1900, 1900C, and 1900D Airplanes [Docket No.: FAA-2008-1312; Directorate Identifier 2008-CE-065-AD; Amendment 39-16072; AD 2009-23-01] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4856. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767-200, -300, -300F, and -400ER Series Airplanes [Docket No.: FAA-2009-0314; Directorate Identifier 2008-NM-196-AD; Amendment 39-16066; AD 2009-22-13] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4857. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company 150 and 152 Series Airplanes [Docket No.: FAA-2007-27747; Directorate Identifier 2007-CE-030-AD; Amendment 39-16074; AD 2009-10-09 R1] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4858. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab AB, Saab Aerosystems Model SAAB 340A (SAAB/SF340A) and SAAB 340B Airplanes [Docket No.: FAA-2009-0910; Directorate Identifier 2009-NM-175-AD; Amendment 39-16046; AD 2008-09-06 R1] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4859. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; ATR Model ATR42 and ATR72 Airplanes [Docket No.: FAA-2009-0999; Directorate Identifier 2009-NM-155-AD; Amendment 39-16069; AD 2008-04-19 R1] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4860. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2C10 (Regional Jet Series 700, 701 & 702) Airplanes, Model CL-600-2D15 (Regional Jet Series 705) Airplanes, and Model CL-600-2D24 (Regional Jet Series 900) Airplanes [Docket No.: FAA-2009-0998; Directorate Identifier 2009-NM-198-AD; Amendment 39-16065; AD 2009-22-12] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4861. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; EMBRAER Model EMB-120, -120ER, -120FC, -120QC,and -120RT Airplanes [Docket No.: FAA-2009-1001; Directorate Identifier 2009-NM-166-AD; Amendment 39-16071; AD 2008-04-18 R1] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4862. A letter from the Program Analyst, 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-2009-0399; Directorate Identifier 2008-NM-226-AD; Amendment 39-16060; AD 2009-22-09] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4863. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; American Champion Aircraft Corp. Models 7ECA, 7FCAA, 7GCBC, 7KCAB, 8KCAB, and 8GCBC Airplanes [Docket No.: FAA-2009-0745; Directorate Identifier 2009-CE-036-AD; Amendment 39-16053; AD 2009-22-02] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4864. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Airplanes; and Boeing Model 757-200, -200PF, and -300 Series Airplanes [Docket No.: FAA-2008-1326; Directorate Identifier 2008-NM-141-AD; Amendment 39-16059; AD 2009-22-08] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4865. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France (ECF) Model EC 155B and EC155B1 Helicopters [Docket No.: FAA-2009-0952; Directorate Identifier 2009-SW-04-AD; Amendment 39-16055; AD 2009-22-04] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4866. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Deutschland Ltd. & Co. KG Model BR700-715A1-30, BR700-715B1-30, and BR700-715C1-30 Turbofan Engines [Docket No.: FAA-2009-0045; Directorate Identifier 2007-NE-53-AD; Amendment 39-16041; AD 2009-21-04] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4867. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hartzell Propeller Inc. ()HC-()2Y(K,R)—() Series Propellers [Docket No.: FAA-2006-25244; Directorate Identifier 20068-NE-25-AD; Amendment 39-16054; AD 2009-22-03] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4868. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Deutschland Ltd. & Co. KG.(RRD) Tay 650-15 Turbofan Engines [Docket No.: FAA-2007-0037; Directorate Identifier 2007-NE-41-AD; Amendment 39-16052; AD 2009-22-01] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4869. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300-600 Airplanes [Docket No.: FAA-2008-0979; Directorate Identifier 2008-NM-079-AD; Amendment 39-16051; AD 2009-21-12] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4870. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF6-80C2 Series Turbofan Engines [Docket No.: FAA-2009-0018; Directorate Identifier 2009-NE-01-AD; Amendment 39-16044; AD 2009-21-07] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4871. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 Airplanes [Docket No.: FAA-2009-0997; Directorate Identifier 2009-NM-158-AD; Amendment 39-16062; AD 2007-22-03 R1] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4872. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; International Aero Engines AG(IAE) V2500-A1, V2527E-A5, V2530-A5, and V2528-D5 Turbofan Engines [Docket No.: FAA-2009-0294; Directorate Identifier 2009-NE-08-AD; Amendment 39-16057; AD 2009-22-06] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4873. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A310 Airplanes [Docket No.: FAA-2009-0996; Directorate Identifier 2009-NM-156-AD; Amendment 39-16061; AD 2009-21-14 R1] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4874. A letter from the Program Analyst, Department of Transportaton, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B4-601, B4-603, B4-605R, B4-620, B4-622, B4-622R, F4-605R, F4-622R, and C4-605R Varian F Series Airplanes Equipped with Simmonds Precision Products, Inc., Fuel Quantity Indicating System Sensors and In-Tank Harnesses Installed in Accordance with Supplemental Type Certificate (STC) ST00092BO [Docket No.: FAA-2009-0324; Directorate Identifier 2008-NM-186-AD; Amendment 39-16039; AD 2009-21-02] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4875. A letter from the Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, Agency for International Development, transmitting the Agency's fourth fiscal year 2009 quarterly report on unobligated and unexpended appropriated funds; jointly to the Committees on Foreign Affairs and Appropriations.

4876. A letter from the Secretary, Department of Health and Human Services, transmitting a waiver of certain Medicare, Medicaid, and State Children's Health Insurance Program Requirements, pursuant to 42 U.S.C. 1320b-5 Public Law 107-188, section 143(a)(1135)(f); jointly to the Committees on Ways and Means and Energy and Commerce.

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. BRADY of Pennsylvania: Committee on House Administration. H.R. 3224. A bill to authorize the Board of Regents of the Smithsonian Institution to plan, design, and construct a vehicle maintenance building at the vehicle maintenance branch of the Smithsonian Institution located in Suitland, Maryland, and for other purposes (Rept. 111–276 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 2652. A bill to amend title 46, United States Code, to improve vessel safety, and for other purposes; with an amendment (Rept. 111–351). Referred to the Committee of the Whole House on the State of the Union.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 2650. A bill to amend title 14, United States Code, to modernize the leadership of the Coast Guard, to modernize the administration of marine safety by the Coast Guard, and for other purposes (Rept. 111–352). Referred to the Committee of the Whole House on the State of the Union.

Mr. BRADY of Pennsylvania: Committee on House Administration. H.R. 3542. A bill to direct the Architect of the Capitol to fly the flag of a State over the Capitol each year on the anniversary of the date of the State's admission to the Union; with an amendment (Rept. 111–353). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. MANZULLO:

H.R. 4189. A bill to amend the Internal Revenue Code of 1986 to accelerate the phasein of the deduction for domestic production activities; to the Committee on Ways and Means.

By Mr. MORAN of Virginia (for himself, Mrs. LOWEY, Mr. GEORGE MILLER of California, Ms. MCCOLLUM, Mr. GRIJALVA, Mr. MCGOVERN, Mr. HINCHEY, and Mr. KENNEDY):

H.R. 4190. A bill to amend the Public Health Service Act to authorize the National Institute of Environmental Health Sciences to conduct a research program on endocrine disruption, to prevent and reduce the production of, and exposure to, chemicals that can undermine the development of children before they are born and cause lifelong impairment to their health and function, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DEFAZIO (for himself, Mr. ARCURI, Mr. PERLMUTTER, Mr. BRALEY of Iowa, Ms. SUTTON, Mr. FILNER, Mr. PERRIELLO, Mr. WELCH, Mr. HARE, Mr. KAGEN, Mr. RYAN of Ohio, Mr. HASTINGS of Florida, Ms. SCHAKOWSKY, Mr. DAVIS of Tennessee, Ms. HIRONO, Mr. RAHALL, Mr. STARK, Mr. CUMMINGS, Mr. JOHNSON of Georgia, Mr. GRIJALVA, Ms. EDWARDS of Maryland, Ms. SHEA-PORTER, Ms. KAPTUR, Mr. HINCHEY, Ms. SLAUGHTER, and Mr. SARBANES):

H.R. 4191. A bill to amend the Internal Revenue Code of 1986 to impose a tax on certain securities transactions to fund job creation and deficit reduction; to the Committee on Ways and Means, and in addition to the Committees on Rules, and the Budget, 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. THOMPSON of California:

H.R. 4192. A bill to designate the Stornetta Public Lands as an Outstanding Natural Area to be administered as a part of the National Landscape Conservation System, and for other purposes; to the Committee on Natural Resources.

By Mr. ENGEL:

H.R. 4193. A bill to require the establishment of a Consumer Price Index for Elderly Consumers to compute cost-of-living increases for Social Security benefits under title II of the Social Security Act and to provide, in the case of elderly beneficiaries under such title, for an annual cost-of-living increase which is not less than 3 percent; to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, 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. DANIEL E. LUNGREN of California:

H.R. 4194. A bill to amend title 18, United States Code, to exempt qualifying law school students participating in legal clinics or externships from the application of the conflict of interest rules under section 205 of such title; to the Committee on the Judiciary.

By Mr. FARR (for himself, Mr. HONDA, Mr. PETRI, Mr. GARAMENDI, Ms. WATSON, and Mr. DRIEHAUS):

H.R. 4195. A bill to authorize the Peace Corps Commemorative Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes; to the Committee on Natural Resources.

By Mr. LARSON of Connecticut (for himself and Mr. HINOJOSA):

H.R. 4196. A bill to create jobs through the hiring of new faculty and counselors at community colleges; to the Committee on Education and Labor.

By Mr. ADLER of New Jersey (for himself, Mr. HALL of New York, Ms. KILPATRICK of Michigan, Mr. MCGOVERN, Mr. MCNERNEY, Mrs. MCMORRIS RODGERS, Mr. BURTON of Indiana, and Ms. KOSMAS):

H.R. 4197. A bill to authorize the Gold Star Mothers National Monument Foundation to establish a national monument in the District of Columbia; to the Committee on Natural Resources.

By Ms. BERKLEY (for herself, Mr. BRADY of Texas, Ms. JENKINS, Mr. WALDEN, and Ms. TITUS):

H.R. 4198. A bill to establish a program to reunite bondholders with matured unredeemed United States savings bonds; to the Committee on Ways and Means.

By Mr. BUTTERFIELD (for himself, Mr. JONES, Mr. KISSELL, Mr. MCINTYRE, Mr. COBLE, Mr. MILLER of North Carolina, Mr. ALEXANDER, and Mrs. MCMORRIS RODGERS):

H.R. 4199. A bill to ensure patient choice in pharmacies by regulating pharmacy benefit managers and to establish a program to improve access to prescription drugs for certain individuals; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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 Ms. CHU (for herself, Mr. SCHIFF, Ms. LINDA T. SÁNCHEZ of California, Ms. ROYBAL-ALLARD, and Mrs. NAPOLITANO):

H.R. 4200. A bill to prepare a feasibility study and implement demonstration projects to restore the San Gabriel River Watershed in California; to the Committee on Natural Resources.

By Mr. CUELLAR:

H.R. 4201. A bill to amend the Internal Revenue Code of 1986 to extend the special rule for contributions of book inventory to public schools; to the Committee on Ways and Means.

By Ms. EDWARDS of Maryland (for herself, Mr. CARNAHAN, and Mr. DRIEHAUS):

H.R. 4202. A bill to establish centers of excellence for green infrastructure, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Science and Technology, 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. HALL of New York:

H.R. 4203. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to provide veterans certain educational assistance payments through direct deposit; to the Committee on Veterans' Affairs.

By Mr. KENNEDY (for himself, Mr. TIM MURPHY of Pennsylvania, Mr. YARMUTH, and Mr. MAFFEI):

H.R. 4204. A bill to establish national centers of excellence for the treatment of depressive and bipolar disorders; to the Committee on Energy and Commerce.

By Mr. LOEBSACK (for himself, Mr. BOSWELL, Mr. LATHAM, Mr. BRALEY of Iowa, and Mr. KING of Iowa):

H.R. 4205. A bill to extend certain housing-related deadlines in the Heartland Disaster Tax Relief Act of 2008; to the Committee on Ways and Means.

By Mr. MEEK of Florida (for himself and Ms. SCHAKOWSKY):

H.R. 4206. A bill to authorize the Secretary of Agriculture to provide assistance to the Government of Haiti to end within 5 years the deforestation in Haiti and restore within 30 years the extent of tropical forest cover in existence in Haiti in 1990, and for other purposes; to the Committee on Foreign Affairs.

By Ms. NORTON:

H.R. 4207. A bill to authorize improvements in the operation of the government of the District of Columbia, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committees on Transportation and Infrastructure, Natural Resources, and the Judiciary, 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. PERRIELLO:

H.R. 4208. A bill to amend the Internal Revenue Code of 1986 to increase the limitation on the reduction in fair market value of real property used for farming, or in another trade or business, for purposes of estate taxes; to the Committee on Ways and Means.

By Mr. TEAGUE (for himself and Mrs. LUMMIS):

H.R. 4209. A bill to amend the Internal Revenue Code of 1986 to suspend for an additional year the taxable income limit on percentage depletion for oil and natural gas from marginal wells; to the Committee on Ways and Means.

By Mr. THOMPSON of California (for himself and Mr. WU):

H.R. 4210. A bill to amend the Internal Revenue Code of 1986 to provide for an energy investment credit for energy storage property connected to the grid, and for other purposes; to the Committee on Ways and Means.

By Mr. THOMPSON of California (for himself and Ms. WOOLSEY):

H.R. 4211. A bill to amend the Internal Revenue Code of 1986 to treat nonrecourse small business investment company loans from the Small Business Administration as amounts at risk for purposes of determining the deduction for losses; to the Committee on Ways and Means.

By Ms. ROS-LEHTINEN (for herself, Mr. MCKEON, Mr. BOEHNER, Mr. PENCE, Mrs. MCMORRIS RODGERS, Mr. PRICE of Georgia, Mr. MCCOTTER, Mr. HOEKSTRA, Mr. WILSON of South Carolina, Mr. TURNER, Mr. FRANKS of Arizona, Mr. GALLEGLY, Mr. BISHOP of Utah, Mr. BURTON of Indiana, Mr. BOOZMAN, Mr. BILIRAKIS, Mr. INGLIS, Mr. LAMBORN, Mr. MILLER of Florida, Mr. FLEMING, Ms. GRANGER, Mr. THORNBERRY, Mr. KLINE of Minnesota, Mr. ADERHOLT, Mrs. MYRICK, Mrs. BACHMANN, Mr. WITTMAN, Mr. BROUN of Georgia, Mr. PUTNAM, Mr. MACK, Mr. BONNER, Mr. BARRETT of South Carolina, Mr. SESSIONS, Mr. LINDER, Mr. SMITH of New Jersey, Mr. COBLE, Mr. NEUGEBAUER, Mr. TIAHRT, Mr. COFFMAN of Colorado, Mr. SOUDER, Mr. GARRETT of New Jersey, Mr. CAO, Mr. MCCAUL, Mr. FORTENBERRY, Mrs. CAPITO, Mr. ISSA, Mr. GINGREY of Georgia, Mr. SAM JOHNSON of Texas, Mr. GRAVES, Ms. FOXX, Mr. TIBERI, Mr. AKIN, Mr. CAMPBELL, Mr. ROGERS of Michigan, Mr. CONAWAY, Mr. ROE of Tennessee, Mr. ALEXANDER, and Mr. POSEY):

H. Con. Res. 217. Concurrent resolution expressing the sense of Congress that the President, in negotiating any new bilateral strategic arms agreement with the Russian Federation, shall ensure the continued deterrence capability of the United States strategic arsenal and flexibility in the allocation of its components in the event that third countries may pursue the deployment of significant and technologically advanced nuclear strategic forces not covered by such a United States-Russian arms agreement; to the Committee on Foreign Affairs.

By Mr. COFFMAN of Colorado (for himself, Mr. PERLMUTTER, and Mr. LUETKEMEYER):

H. Res. 943. A resolution expressing the sense of the House of Representatives that the Federal banking regulators should, with respect to well-managed community-based depository institutions, permit appropriate capital forbearance, troubled debt restructuring accounting practices, and other time-tested measures that would allow such institutions to continue to provide for the financial vitality for our Nation's small businesses and family farms; to the Committee on Financial Services.

By Mr. PETERS (for himself, Mr. WOLF, Ms. ESHOO, Mr. DINGELL, Mr. MCGOVERN, Mr. CARDOZA, Mr. KIRK, Mr. FILNER, Mr. SMITH of New Jersey, Mr. LEVIN, Mr. MCCOTTER, Mr. SCHOCK, Mr. OLVER, Mr. HASTINGS of Florida, Ms. SCHAKOWSKY, Mr. WEXLER, Mr. INGLIS, Ms. WATSON, Ms. SPEIER, Mr. SHULER, Mr. MURPHY of New York, Mr. ELLISON, Mr. WATT, Mr. MAFFEI, Mr. MILLER of North Carolina, Ms. RICHARDSON, Ms. KILROY, Mr. CONNOLLY of Virginia, Ms. DEGETTE, Mr. ANDREWS, Mr. ADLER of New Jersey, Mr. CROWLEY, Mr. KLEIN of Florida, Ms. KILPATRICK of Michigan, Mr. MEEKS of New York, Mr. CARNAHAN, Mr. SIRES, Mr. MCMAHON, Ms. WOOLSEY, Ms. JACKSON-LEE of Texas, and Ms. BERKLEY):

H. Res. 944. A resolution expressing the sense of the House of Representatives on religious minorities in Iraq; to the Committee on Foreign Affairs.

By Mr. LAMBORN (for himself, Mr. YOUNG of Alaska, Mr. MCCOTTER, Ms. FOXX, Mr. LATTA, Mr. FRANKS of Arizona, Mr. CHAFFETZ, Mrs. BLACKBURN, Mr. HARPER, Mr. PITTS, Mrs. LUMMIS, Ms. FALLIN, Mr. BRADY of Texas, Mr. KING of Iowa, Mr. POSEY, Mr. LUETKEMEYER, Mr. CULBERSON, Mr. BARTON of Texas, Mr. GINGREY of Georgia, Mr. BISHOP of Utah, Mr. BARTLETT, Mr. TIBERI, Mr. BACHUS, Mr. BROUN of Georgia, Mr. COLE, Mr. GARRETT of New Jersey, Mr. COFFMAN of Colorado, and Mr. SENSENBRENNER):

H. Res. 945. A resolution expressing the sense of the House of Representatives regarding the conditions for the United States becoming a signatory to or negotiating any international agreement on greenhouse gas emissions under the United Nations Framework Convention on Climate Change; to the Committee on Foreign Affairs.

By Mr. RUSH (for himself, Mr. CONYERS, Mr. WATT, Ms. JACKSON-LEE of Texas, Mr. STUPAK, Mr. TOWNS, Mr. GENE GREEN of Texas, Mr. COHEN, Ms. HARMAN, Ms. WATERS, Mr. LIPINSKI, Ms. KAPTUR, Mrs. MILLER of Michigan, Mr. COSTELLO, Mr. DAVIS of Illinois, Ms. KILPATRICK of Michigan, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JACKSON of Illinois, Mr. SCOTT of Georgia, Mr. SERRANO, Mr. CARSON of Indiana, Ms. CLARKE, Mr. RUPPERSBERGER, Mr. MCHENRY, Mr. CLAY, Mr. BUTTERFIELD, Mr. DEFAZIO, and Ms. FUDGE):

H. Res. 946. A resolution recognizing that the rate of unemployment in the United States has reached the level of a national crisis, and for other purposes; to the Committee on Education and Labor.

By Ms. LEE of California (for herself, Mr. GRIJALVA, Ms. JACKSON-LEE of Texas, Ms. SLAUGHTER, Mr. RUSH, Mr. JOHNSON of Georgia, and Ms. DEGETTE):

H. Res. 947. A resolution expressing commitment to the objectives of the Program of Action of the International Conference on Population and Development; to the Committee on Foreign Affairs.

By Mr. LEWIS of Georgia (for himself, Ms. LEE of California, Mr. RUSH, Mr. PAYNE, and Mr. RANGEL):

H. Res. 948. A resolution commending the participants and organizers of the World March for Peace and Nonviolence; to the Committee on Foreign Affairs.

By Mr. NEUGEBAUER (for himself, Mr. SMITH of Texas, Mr. CHAFFETZ, Mr. OLSON, Ms. JENKINS, Mrs. BACHMANN, Mr. PAUL, Mr. REHBERG, Mr. GINGREY of Georgia, Mr. LAMBORN, Ms. GRANGER, Mrs. SCHMIDT, Mr. HENSARLING, Mrs. LUMMIS, Mr. PITTS, Mr. HARPER, Mrs. BLACKBURN, Mr. KLINE of Minnesota, Mr. CONAWAY, Mr. BROUN of Georgia, Mr. GOHMERT, Mr. BARTON of Texas, Mr. CULBERSON, Mr. AUSTRIA, Mr. BILBRAY, Mr. LUETKEMEYER, Mr. POSEY, Mr. JORDAN of Ohio, Mr. KING of Iowa, Mr. MCCARTHY of California, Mr. GARRETT of New Jersey, Mr. WALDEN, Mr. WITTMAN, Mr. RYAN of Wisconsin, Mr. HALL of Texas, Mr. AKIN, Ms. FALLIN, Mr. SMITH of Nebraska, Mr. ROE of Tennessee, Mr. COFFMAN of Colorado, Mr. MARCHANT, Mr. SAM JOHNSON of Texas, Mr. SESSIONS, Mr. JONES, and Mr. GOODLATTE):

H. Res. 949. A resolution amending the Rules of the House of Representatives to require a two-thirds vote on a stand-alone bill to increase the statutory limit on the public debt; to the Committee on Rules.

MEMORIALS

Under clause 4 of Rule XXII,

221. The SPEAKER presented a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 89 memorializing Congress to require that 2010 census forms include a question on citizenship; to the Committee on Oversight and Government Reform.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Ms. SCHAKOWSKY introduced a bill (H.R. 4212) for the relief of Rigoberto Padilla; which was referred 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. 17: Mr. PUTNAM.

H.R. 176: Mr. CONYERS.

H.R. 205: Mr. BARTON of Texas, Mr. WAMP, and Mr. CHAFFETZ.

H.R. 413: Mr. CUELLAR, Mr. LANCE, Ms. NORTON, Mr. LANGEVIN, Mr. CARNAHAN, and Mr. PATRICK J. MURPHY of Pennsylvania.

H.R. 417: Mr. JACKSON of Illinois, Mr. GRIJALVA, and Mr. SABLAN.

H.R. 537: Ms. BERKLEY.

H.R. 571: Mr. BLUNT.

H.R. 644: Mr. KUCINICH and Mr. HODES.

H.R. 775: Mr. BURGESS and Ms. FUDGE.

H.R. 836: Mr. ANDREWS and Mr. CARSON of Indiana.

H.R. 1020: Mr. CAPUANO.

H.R. 1051: Mr. WITTMAN.

H.R. 1067: Mr. SESSIONS.

H.R. 1079: Mr. GINGREY of Georgia.

H.R. 1132: Ms. WASSERMAN SCHULTZ, Mr. DONNELLY of Indiana, and Mr. POLIS of Colorado.

H.R. 1189: Mr. ROTHMAN of New Jersey.
H.R. 1204: Mr. WALZ.
H.R. 1215: Mr. MCDERMOTT.
H.R. 1250: Mr. PAYNE and Mr. LATTA.
H.R. 1326: Mr. HARE and Mr. MICHAUD.
H.R. 1402: Mr. BRIGHT.
H.R. 1454: Mr. CROWLEY.
H.R. 1557: Mr. THORNBERRY.
H.R. 1584: Mr. BILIRAKIS.
H.R. 1613: Mr. KAGEN.
H.R. 1719: Ms. CHU, Mr. ABERCROMBIE, Mr. ELLISON, and Ms. PINGREE of Maine.
H.R. 1829: Mr. HARE.
H.R. 1835: Mr. LATOURETTE, Mr. MARSHALL, Mr. OLSON, Ms. WATSON, and Mr. COSTA.
H.R. 1908: Mr. LINDER and Mr. PERLMUTTER.
H.R. 1925: Ms. EDWARDS of Maryland and Mr. HIMES.
H.R. 1932: Mr. GORDON of Tennessee.
H.R. 1939: Mr. GERLACH.
H.R. 1960: Mr. WAMP and Mr. CHAFFETZ.
H.R. 1964: Ms. CLARKE.
H.R. 2000: Mr. SHULER and Mr. LEVIN.
H.R. 2006: Mr. PATRICK J. MURPHY of Pennsylvania, Mr. CARNEY, and Mr. RYAN of Ohio.
H.R. 2054: Mr. ETHERIDGE.
H.R. 2132: Mr. MCMAHON.
H.R. 2159: Mr. WEINER and Mr. ENGEL.
H.R. 2243: Mr. QUIGLEY.
H.R. 2256: Ms. SCHAKOWSKY and Mr. HILL.
H.R. 2280: Mr. REHBERG.
H.R. 2382: Mr. DELAHUNT.
H.R. 2404: Mrs. MALONEY.
H.R. 2443: Mr. RAHALL.
H.R. 2478: Mr. GARRETT of New Jersey and Mr. STARK.
H.R. 2480: Mr. FRELINGHUYSEN, Mr. ARCURI, and Mr. MICHAUD.
H.R. 2511: Mr. CARNAHAN.
H.R. 2521: Ms. SLAUGHTER.
H.R. 2578: Mr. MICHAUD.
H.R. 2628: Ms. FALLIN.
H.R. 2676: Mr. ELLSWORTH.
H.R. 2788: Mr. GORDON of Tennessee.
H.R. 2807: Mr. QUIGLEY and Mr. OLVER.
H.R. 2829: Mr. GRIJALVA.
H.R. 2855: Ms. BALDWIN and Ms. SCHAKOWSKY.
H.R. 2932: Ms. BALDWIN.
H.R. 3024: Mr. MORAN of Virginia, Ms. JACKSON-LEE of Texas, Mr. LANGEVIN, and Ms. SCHWARTZ.
H.R. 3035: Mr. FRANK of Massachusetts.
H.R. 3129: Mr. BURTON of Indiana and Mr. SOUDER.
H.R. 3227: Mr. ROGERS of Kentucky and Mr. MASSA.
H.R. 3268: Mrs. MCMORRIS RODGERS.
H.R. 3401: Mr. JACKSON of Illinois, Mrs. DAVIS of California, Mr. FILNER, Ms. SCHAKOWSKY, Ms. CLARKE, Ms. LORETTA SANCHEZ of California, Ms. PINGREE of Maine, and Ms. ROS-LEHTINEN.
H.R. 3463: Mr. SHIMKUS, Mr. CHAFFETZ, and Mr. WAMP.
H.R. 3491: Mr. HINCHEY.
H.R. 3524: Mr. CARNEY.
H.R. 3545: Mr. NADLER of New York.
H.R. 3564: Mr. BACA.
H.R. 3567: Mr. CLEAVER.
H.R. 3589: Mr. SMITH of New Jersey.
H.R. 3650: Mr. ADLER of New Jersey.
H.R. 3669: Mr. COURTNEY.
H.R. 3672: Mr. RYAN of Ohio.
H.R. 3697: Mr. KILDEE, Mr. ISSA, and Mr. KLINE of Minnesota.
H.R. 3699: Mr. CAPUANO.
H.R. 3715: Mrs. NAPOLITANO.
H.R. 3734: Mr. BECERRA and Mr. HINOJOSA.
H.R. 3749: Mr. BOSWELL.
H.R. 3758: Mr. WALDEN, Ms. WASSERMAN SCHULTZ, Ms. JENKINS, Mr. PLATTS, Mr. ROGERS of Kentucky, Mr. CARNEY, Mr. LAMBORN, Mr. DUNCAN, Mr. SIMPSON, and Mr. LEE of New York.
H.R. 3764: Mr. NYE, Mr. GRIJALVA, and Mr. QUIGLEY.
H.R. 3905: Mr. HIMES, Ms. GINNY BROWN-WAITE of Florida, Mr. TIBERI, and Mr. WALDEN.
H.R. 3918: Mr. COSTA.
H.R. 3928: Mr. KENNEDY.
H.R. 3936: Mr. MOORE of Kansas.
H.R. 3982: Mr. JACKSON of Illinois, Mr. POLIS of Colorado, Mr. CARSON of Indiana, Mr. BERMAN, and Ms. EDWARDS of Maryland.
H.R. 4004: Ms. SCHAKOWSKY.
H.R. 4044: Mr. PETERSON.
H.R. 4054: Mr. BOOZMAN.
H.R. 4067: Mr. SCHRADER, Mr. HALL of New York, Mrs. KIRKPATRICK of Arizona, Ms. KILROY, Mr. FOSTER, and Mr. PERRIELLO.
H.R. 4070: Mr. HARE, Ms. HERSETH SANDLIN, Ms. SHEA-PORTER, Mr. JOHNSON of Illinois, Mr. BRALEY of Iowa, and Mr. LOEBSACK.
H.R. 4077: Mr. KISSELL.
H.R. 4088: Mr. MARIO DIAZ-BALART of Florida, Mr. CALVERT, Mr. MCCOTTER, Mr. GALLEGLY, Mr. BACHUS, Mr. POE of Texas, Mr. KISSELL, Ms. TSONGAS, and Mr. DAVIS of Illinois.
H.R. 4089: Mr. FORTENBERRY.
H.R. 4092: Mr. GRIJALVA.
H.R. 4100: Mr. DEAL of Georgia.
H.R. 4114: Mr. QUIGLEY.
H.R. 4115: Mr. MCMAHON, Mr. BRALEY of Iowa, and Mr. HONDA.
H.R. 4123: Mr. RANGEL, Mr. DAVIS of Illinois, and Mr. FILNER.
H.R. 4127: Mr. FLEMING, Mr. THORNBERRY, and Mrs. MYRICK.
H.R. 4131: Mr. MCGOVERN, Mr. KAGEN, Mr. FALEOMAVAEGA, and Mr. GRIJALVA.
H.R. 4134: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. REYES.
H.R. 4148: Mr. COURTNEY.
H.R. 4149: Mr. SALAZAR.
H.R. 4155: Mr. KING of New York, Mr. MAFFEI, Mr. SNYDER, and Mr. PERRIELLO.
H.R. 4157: Mr. TERRY and Mr. YOUNG of Florida.
H.R. 4159: Mr. CONYERS.
H.R. 4162: Ms. JACKSON-LEE of Texas, Mr. HERGER, Mr. REICHERT, Mr. HASTINGS of Washington, and Mrs. MCMORRIS RODGERS.
H.R. 4163: Mr. CONYERS and Mr. STARK.
H.R. 4165: Mr. HERGER, Mr. WU, Mr. DEFAZIO, Mr. MCDERMOTT, Mr. SIMPSON, Mrs. MCMORRIS RODGERS, Mr. HASTINGS of Washington, and Mr. BAIRD.
H.R. 4171: Mr. RODRIGUEZ, Mr. SCHAUER, and Mr. ADLER of New Jersey.
H.R. 4175: Mr. CLAY.
H.R. 4179: Ms. NORTON.
H.R. 4187: Mr. WITTMAN.
H.R. 4188: Mr. AL GREEN of Texas.
H. Con. Res. 73: Mr. TOWNS and Mr. RUSH.
H. Con. Res. 98: Ms. SLAUGHTER.
H. Con. Res. 128: Ms. WATERS.
H. Con. Res. 198: Ms. DEGETTE, Mr. GENE GREEN of Texas, Mr. BARROW, Mr. TOWNS, Mr. FRANK of Massachusetts, Mr. SESSIONS, Mr. RUSH, Mr. BONNER, Mr. KAGEN, and Mrs. MYRICK.
H. Con. Res. 216: Ms. RICHARDSON, Mr. JACKSON of Illinois, Mr. CONYERS, Mr. MEEKS of New York, and Ms. WOOLSEY.
H. Res. 35: Mr. SHERMAN, Mr. HONDA, Mr. MICHAUD, Mrs. HALVORSON, Mr. WAXMAN, Mr. KANJORSKI, Mrs. DAHLKEMPER, Mr. ROTHMAN of New Jersey, Mr. STUPAK, Mr. NEAL of Massachusetts, Mr. HOLDEN, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. BRADY of Pennsylvania, Mr. CROWLEY, Mr. HINOJOSA, and Mr. WHITFIELD.
H. Res. 55: Mr. COSTA, Mr. CASTLE, Mr. PRICE of Georgia, Mr. MARCHANT, Mr. DAVIS of Tennessee, Mr. WAMP, Mr. TERRY, Mr. BUYER, and Mrs. MYRICK.
H. Res. 278: Ms. WOOLSEY.
H. Res. 458: Mr. PASTOR of Arizona.
H. Res. 759: Mr. DEAL of Georgia and Mr. BOOZMAN.
H. Res. 779: Mr. EHLERS, Mr. PLATTS, Mrs. MILLER of Michigan, Mr. SOUDER, Mr. PUTNAM, Mr. FRELINGHUYSEN, Mr. WHITFIELD, Mr. JONES, Mrs. SCHMIDT, Mr. MCCARTHY of California, Mr. SHIMKUS, Mrs. CAPITO, Mr. HOEKSTRA, Mr. KING of Iowa, Mr. WILSON of South Carolina, Mrs. BONO MACK, Mr. MACK, Mrs. BLACKBURN, Mr. ROE of Tennessee, Mrs. LUMMIS, Mr. SMITH of Nebraska, Ms. EDWARDS of Maryland, Ms. KAPTUR, Mr. PRICE of Georgia, and Mr. AKIN.
H. Res. 812: Mr. FRELINGHUYSEN, Mr. LUETKEMEYER, Mr. SIRES, Mr. SESSIONS, and Mr. PAYNE.
H. Res. 852: Mr. PITTS, Mr. JONES, and Mr. ROONEY.
H. Res. 860: Ms. MOORE of Wisconsin, Ms. PINGREE of Maine, Mrs. HALVORSON, Mr. FOSTER, Mr. CONNOLLY of Virginia, Mr. MCINTYRE, and Mr. MURPHY of New York.
H. Res. 864: Mr. BOSWELL, Mr. GORDON of Tennessee, Mr. HALL of New York, Mr. ISRAEL, Mr. LARSON of Connecticut, Mr. MORAN of Virginia, Mr. NYE, Mr. OBERSTAR, Mr. TONKO, Mr. VAN HOLLEN, and Ms. WASSERMAN SCHULTZ.
H. Res. 869: Mr. SCHOCK.
H. Res. 873: Mr. BLUNT and Mr. FILNER.
H. Res. 900: Mr. BOOZMAN, Mr. WITTMAN, Mr. JOHNSON of Illinois, Mr. LOBIONDO, and Mr. WOLF.
H. Res. 910: Mr. DAVIS of Illinois.
H. Res. 911: Mrs. BACHMANN, Mr. COLE, Mr. AKIN, Mr. ROYCE, Mr. JORDAN of Ohio, Mr. PUTNAM, Mr. COFFMAN of Colorado, Mr. PLATTS, Mrs. BLACKBURN, Mr. BRADY of Texas, Mr. THORNBERRY, Mr. SESSIONS, Mr. MCCLINTOCK, Mr. CALVERT, Mr. MCKEON, Mr. MCCARTHY of California, Mr. KINGSTON, Mr. CAMP, Mr. GINGREY of Georgia, Mr. BARRETT of South Carolina, Mr. TIAHRT, Mr. SHUSTER, Mr. HUNTER, Mr. COBLE, Mrs. BIGGERT, and Mr. CULBERSON.
H. Res. 913: Mr. VAN HOLLEN and Mr. WILSON of South Carolina.
H. Res. 924: Mr. THORNBERRY, Mr. AKIN, Mr. BISHOP of Utah, Mr. MILLER of Florida, Mr. PLATTS, Mr. COFFMAN of Colorado, Mr. ROGERS of Alabama, Mr. FRANKS of Arizona, Mr. ROONEY, Mr. WILSON of South Carolina, Mr. KLINE of Minnesota, and Mr. WITTMAN.
H. Res. 925: Mr. WILSON of South Carolina and Mr. BISHOP of New York.
H. Res. 929: Mr. FILNER, Mr. CUMMINGS, Mr. BACA, Ms. BERKLEY, Mr. SCOTT of Virginia, Mr. MEEKS of New York, Mrs. MALONEY, Ms. CLARKE, Mr. CONYERS, Mr. ABERCROMBIE, Ms. SPEIER, and Ms. ZOE LOFGREN of California.
H. Res. 932: Mr. GRIJALVA and Ms. CORRINE BROWN of Florida.
H. Res. 933: Mr. STUPAK.
H. Res. 934: Mr. STUPAK.
H. Res. 936: Mr. BRIGHT, Mr. PLATTS, and Mr. HALL of New York.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. PETERSON

The provisions that warranted a referral to the Committee on Agriculture, in H.R. 4173, the Wall Street Reform and Consumer Protection Act of 2009, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MR. CONYERS

The provisions that warranted a referral to the Committee on Judiciary, in H.R. 4173, the Wall Street Reform and Consumer Protection Act of 2009, do not contain any congressional earmarks, limited tax benefits, or

limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MR. WAXMAN

The provisions that warranted a referral to the Committee on Energy and Commerce, in H.R. 4173, the ''Wall Street Reform and Consumer Protection Act of 2009,'' do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MR. FRANK OF MASSACHUSETTS

The provisions that warranted a referral to the Committee on Financial Services, in H.R. 4173, the Wall Street Reform and Consumer Protection Act of 2009, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MR. SPRATT

The provisions that warranted a referral to the Committee on the Budget in H.R. 4173, the Wall Street Reform and Consumer Protection Act of 2009, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MR. TOWNS

The provisions that warranted a referral to the Committee on Oversight and Government Reform, in H.R. 4173, the Wall Street Reform and Consumer Protection Act of 2009, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MR. RANGEL

The provisions that warranted a referral to the Committee on Ways and Means, in H.R. 4173, the Wall Street Reform and Consumer Protection Act of 2009, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of Rule XXI.

OFFERED BY MS. SLAUGHTER

The provisions that warranted a referral to the Committee on Rules, in H.R. 4173, the Wall Street Reform and Consumer Protection Act of 2009, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1880: Mr. CLAY.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the clerk's desk and referred as follows:

85. The SPEAKER presented a petition of Seventh Legislature of the State of Yap, Micronesia, relative to Resolution No. 7-156 expressing a deep sense of sadness and remorse to the U.S. Congress and family of the late Senator Edward M. Kennedy over his untimely passing; to the Committee on Oversight and Government Reform.

86. Also, a petition of New Orleans City Council, Louisiana, relative to Resolution R-09-574 urging the U.S. Congress and the President of the United States to authorize and fully fund Option 2 for the three lake front pumping stations; to the Committee on Transportation and Infrastructure.

DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petition was filed:

Petition 8, December 2, 2009, by Mr. DEVIN NUNES on the bill (H.R. 3105) was signed by the following Members: Devin Nunes, Kevin McCarthy, Daniel E. Lungren, Patrick J. Tiberi, John Boozman, Peter J. Roskam, Wally Herger, Henry E. Brown, Jr., Tom McClintock, Lee Terry, Edward R. Royce, Dean Heller, Darrell E. Issa, John Campbell, Steve King, Paul C. Brown, Duncan Hunter, Thaddeus G. McCotter, Pete Sessions, Ken Calvert, Brian P. Bilbray, Doug Lamborn, Sue Wilkens Myrick, Dana Rohrabacher, Doc Hastings, George Radanovich, Jason Chaffetz, Paul Ryan, Trent Franks, Mary Bono Mack, Jim Costa, Gary G. Miller, Howard P. ''Buck'' McKeon, Jerry Lewis, John Sullivan, J. Gresham Barrett, David P. Roe, Peter Hoekstra, Adrian Smith, Jo Ann Emerson, Steve Austria, Ander Crenshaw, Louie Gohmert, Glenn Thompson, Cynthia M. Lummis, John Shimkus, Geoff Davis, Tom Cole, and Gregg Harper.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petition:

Petition 7 by Mr. HOEKSTRA on the bill (H.R. 2294): Mike Pence, Aaron Schock, Henry E. Brown, Jr., Darrell E. Issa, Michael T. McCaul, Roscoe G. Bartlett, Joe Barton, John Sullivan, and Sam Graves.