

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Clerk read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

There was no objection.

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

The motion was agreed to.

MOTION TO INSTRUCT CONFEREES OFFERED BY MR. STARK

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

The Clerk read as follows:

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

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

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

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

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

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

purposes of the preceding sentence, the projected non-Social Security/non-Medicare surplus for any fiscal year is the projected amount of the surplus for such year determined by disregarding the receipts and disbursements of the Social Security and Medicare Trust Funds and by reducing the projected surplus for any year by its ratable portion of \$300 billion over the 10-year budget period.

3. The Conference Report provides benefits to every family with children that has income or payroll tax liability and the Conference Report includes inflation adjustments so that the benefits provided to families with children are not reduced over time.

4. The conference committee shall be required to meet in preparing the Conference Report pursuant to House Rule 22.

Mr. THOMAS (during the reading). Mr. Speaker, I ask unanimous consent that the motion to instruct be considered as read and printed in the RECORD.

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

Mr. STARK. Mr. Speaker, if the gentleman from California would yield, I think it is almost complete.

The SPEAKER pro tempore. The Clerk will continue to read.

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that the motion to instruct be considered as read and printed in the RECORD.

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

Mr. FILNER. Mr. Speaker, I reserve the right to object.

PARLIAMENTARY INQUIRY

Mr. FILNER. Mr. Speaker, I am sorry, how long is the motion that we are not wanting to read? How long is that reading?

The SPEAKER pro tempore. Is the gentleman from California addressing a parliamentary inquiry to the Chair?

Mr. FILNER. Yes.

The SPEAKER pro tempore. The Chair would inform the gentleman that the Clerk is close to finishing reading the motion.

Mr. FILNER. Mr. Speaker, I just again want to register my opinion that this House should be taking up the crisis of electricity in California where my constituents are dying.

Mr. Speaker, I withdraw my reservation of objection.

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

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

The SPEAKER pro tempore. The gentleman from California (Mr. THOMAS) withdraws his request.

The Clerk will continue to read.

Mr. STARK. Mr. Speaker, I ask unanimous consent that the motion to instruct be considered as read and printed in the RECORD.

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

Mr. THOMAS. Mr. Speaker, reserving the right to object, and I will not object.

Mr. STARK. Mr. Speaker, if the gentleman will yield, under the reserva-

tion of objection of the gentleman from California (Mr. THOMAS), I wanted to say that I felt that the gentleman was correct in his first statement. There was an agreement and the gentleman was absolutely correct. We intruded on his good nature by extending the courtesy that he had offered to us.

Mr. Speaker, I wanted to say that the gentleman was correct in his assumption and his statement of the facts.

Mr. Speaker, I hope we can now get on with the motion to instruct and debate it as we agreed.

Mr. THOMAS. Mr. Speaker, I thank the gentleman from California (Mr. STARK) for that explanation.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The SPEAKER pro tempore. Under clause 7 of rule XXII, the gentleman from California (Mr. STARK) and the gentleman from California (Mr. THOMAS) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. STARK).

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

Mr. Speaker, I am not sure where the Clerk had quite finished, but I would just read the last section or two here, the conference report does provide benefits to every family with children that has income or payroll tax liability, and the conference report includes inflation adjustments so that the benefits provided to families with children are not reduced over time, this is required in our motion to instruct, and that the conference committee shall be required to meet in preparing the conference report pursuant to House Rule 22.

This motion to instruct does have three basic directions, and they deal with constraining the exploding revenue costs.

The motion to instruct requires that the conference report would preserve the funds necessary for Medicare and Social Security which the current bills do not, and it should provide benefits to all families with children that have income or payroll tax liability.

Mr. Speaker, we do, as I mentioned in the last paragraph, require an open conference as provided in the House rules.

Since this tax bill has been written by the Senate, compliance with the House rules is necessary so that there is some input from House Members on the conference report. We should not completely abandon the House's constitutional role on tax legislation.

Both the Senate bill and the various tax bills passed by the House this year affect or create exploding revenue costs.

The revenue costs of the second 5 years in the bill is approximately twice the costs in the first 5 years, and some press estimates have suggested that we could be spending \$4 trillion over the next 10 years.

These outyear revenue costs will come at the same time as the retirement of the baby-boom generation, and it will create demands on Medicare and Social Security systems that we will not be able to afford.

□ 1945

The bill is based on rather uncertain surplus protections, but it ignores the certainty of the demographic pressures on the Medicare and Social Security systems.

The bill has gimmicks that artificially reduce the cost of the bill in the 10-year budget window, but blow away the ranch dramatically after the 10-year period. These gimmicks include delayed effective dates, long phase-ins and sunsets. Very few provisions of the Senate bill are fully effective at all times during the budget window.

The conference report uses the current law minimum tax to disallow many of the benefits promised in the big print of the bill. We all know that we will enact legislation addressing the minimum tax, legislation that could increase the cost of this bill by hundreds of billions of dollars.

I am most concerned personally, Mr. Speaker, with protecting Medicare and Social Security. The motion to instruct requires the conferees to construct a conference report that does not invade the Medicare and Social Security surpluses and that reserves funds for a prescription drug benefit. We have committed to preserving Medicare and Social Security surpluses, and there is broad bipartisan support for a Medicare prescription drug benefit. This aspect of the motion to instruct merely requires the conferees to preserve fiscal resources to meet our commitments.

Finally, the motion requires that all families with children that have payroll or income tax liability should receive benefits under the conference report. It is clear that the Republicans will guarantee that the wealthiest segment of our society will receive large benefits from the conference report.

It is only fair that families with payroll tax liability should not be ignored. It is within that context that our motion to instruct conferees is offered and that we ask support for it.

I suspect that the conferees, as few as there are from this side of the Capitol, will meet late into the night. I further suspect that many agreements have been struck in private and have been agreed to even as we talk here this evening.

So as this runs through in a rush to judgment for tomorrow's get-away day, I would hope that this instruction would be taken to heart and imposed upon the conferees to protect some of the frail elderly, the people who depend on Medicare, the lowest-income families in our country who are trying to raise their children in today's turbulent economy.

Mr. Speaker, I urge the adoption of our motion to instruct.

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

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

Mr. Speaker, as is usually the case with motions to instruct, it contains a number of phrases which seem controlling in nature. For example, under the first point and the A section, "shall not include"; B, "shall include provisions"; C, "shall adjust".

The fact of the matter is that the motion to instruct has no binding capability whatsoever. In fact, if one goes up to the very first line and reads the motion to instruct it says, "Mr. Stark moves that, to the maximum extent permitted," which means any time one reads "shall" under here, it has no consequence whatsoever.

However, we should not let this opportunity go by without correcting some of the factual misstatements that have already occurred, not just about the bill that we have in front of us, but about the bills that the House has voted on in terms of modifying the tax obligation of citizens of the United States.

In the bill that the House passed dealing with the child tax credit, which seems to be the thrust of point number three of the listed points in terms of providing benefits to every family with children that has income tax on payroll tax liability, the answer is simple. The bill that passed the House provided for the ability to utilize a refundable credit to cover payroll taxes beyond income taxes.

I would also tell my colleagues it is a factual statement that, on the Senate finance bill which just passed the floor of the Senate by a vote of 62 to 38, not only did they provide a tax credit on a refundable basis to those individuals who do not have income tax liability, but who have also exceeded their payroll tax exposure. So notwithstanding the statements that this is not being done, the fact of the matter is it simply is not true.

As we go through and examine the other structures, we have to remember that this tax conference is being conducted under the budget resolution which passed both the House and the Senate, which said we must pay down the public debt, we must protect the Medicare or HI Trust Fund, we must protect the Social Security Trust Fund, and we are to set aside \$300 billion for a prescription drug modernization in Medicare, and there is an additional \$500 billion fund which is available for other discretionary programs as the Congress may determine. All of that with an inclusion of a \$1.350 trillion tax bill that is the reason for us being here tonight.

So not withstanding the lamentations, the concerns and the wringing of hands, this motion to instruct, which has no binding effect whatsoever, outlines a number of concerns that have already been taken into consideration and are being dealt with.

I believe that the concern of many of my colleagues on the other side of the

aisle is to see the Senate move in a bipartisan way with 62 Senators supporting the Senate product and are moving now to a conference.

I am reminded of our days in the minority when the phrase is risky or rushing to judgment, because, frankly, if anybody has bothered to turn on the TV and watch the Senate floor, to describe the Senate rushing to judgment with more than 100 amendments over the last 4 days in which every item was examined and voted on could hardly be described by most people being neutral as rushing to judgment.

Conferences are a unique animal around here. When the House passes a bill that is different than the Senate and the Senate passes a bill different than the House, under the Constitution we are required to reconcile the differences in the bill. That is called going to conference. If it takes an hour, it takes an hour. If it takes a week, it takes a week. The job of the House and the Senate conferees is to reconcile the two bills to be presented back to each House in the same form to be voted up or voted down.

I will tell my colleagues that, if one does not like the product produced out of the bipartisan bicameral conference committee on permanently reducing taxes of hard-working Americans by a \$1.350 trillion over the next decade, one has every right and obligation, I believe, to vote no, just as some of your colleagues on the other side of the aisle did.

So let us wait until we have a product before we condemn it; for example, the argument that we do not supply tax relief to those individuals who have no income tax obligation or payroll tax obligation. The product that came from the Senate in fact meets both of those criteria. The product that came from the House met one of them.

Let us kind of turn the flame down until one has an honest actual target to shoot at. This motion to instruct is a gun with no bullets. Wait until we have the product in front of us. If my colleagues do not like it, they can vote no. I think they will find, based upon the House and the Senate coming together, the product will be overwhelmingly accepted, voted on, and signed by the President.

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

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

Mr. NEAL of Massachusetts. Mr. Speaker, I want to make a sweeping prediction here to the gentleman from California (Mr. THOMAS), chairman of the Committee on Ways and Means, that before I have seen the final product, I am not going to like it. I can assure my colleagues I am not going to like that final product.

This motion to instruct conferees contains many good elements. As the chairman has acknowledged, this is one

of the tools of the minority to make a point. I recall the distinguished majority leader of the House now when he was the, I believe, minority second person in command on the Republican side, when he said that the Clinton budget would be fiscal Armageddon; and I recall when the former chairman of the Committee on the Budget, Mr. KUCINICH, the gentleman from Ohio, indicated that we were headed toward a depression with the Clinton budget agreement in 1997. So there are tools that the minority employs from time to time to make a point around here.

The key point of this motion is that the conference report should not include phase-ins longer than 5 years. This limits the ability of each party to push costs we cannot afford now out into the future. It also means that whatever we enact into law would probably stick.

It also is fair to acknowledge that this is truth-in-advertising for the House of Representatives tonight. Nor is it unheard of. As the current chairman of the Committee on Ways and Means has said many times, and I agree with him, the House works off of a 5-year projection. So to ask that this bill is fully phased in within 5 years is simply consistent.

The motion to instruct also asks that the alternative minimum tax be adjusted so that none of the benefits in this bill is reversed by AMT. Again, taxpayers get what they have been promised. Another truth-in-advertising provision.

I would add my personal plea to the leadership on the other side, however, that we explore how to solve, even on a temporary basis, the incentive stock option issue with the alternative minimum tax. As the chairman knows, the interaction of the regular tax treatment of incentive stock options and AMT treatment leads to a tax trap to individuals in a declining market. I have a number of letters on my desk from people who know that right now.

The gentleman from California (Chairman THOMAS) has said to me consistently, and I believe him, that he wants to resolve the AMT issues as they arise and to look at the whole issue sometime in the future. AMT is a serious issue that we have to take up, and I have been on it consistently for a couple of years. I appreciate his sentiments, but this issue is one that taxpayers are facing today. They are filing for bankruptcy, and we cannot wait to resolve this issue in the next year or the year after.

So I request the chairman to seek at least a temporary solution in conference such as removing incentive stock options from the alternative minimum tax for last year and this year while we decide how to permanently resolve the many problems of alternative minimum tax in which I will remind this body multiply and get worse day after day after day.

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

Mr. Speaker, to show my colleagues the seriousness of the minority's offer on the motion to instruct and the gentleman from Massachusetts (Mr. NEAL), in terms of the statement that he just made, especially in dealing with the part A provision that says that it shall not include a phase-in longer than 5 years, I think it would be instructive if some of my friends on the other side of the aisle would revisit the Democrat tax plan which was offered on three separate occasions on the floor of the House which contains on its estate tax structure a 10-year relief period.

So I find it interesting that they are attempting to impose on the conference a standard of time limit which they chose not to impose on themselves in bills that they offered.

That should give my colleagues just one example of the seriousness of the approach of our friends on the other side of the aisle.

Mr. Speaker, it is my privilege to yield 3 minutes to the gentleman from Wisconsin (Mr. RYAN), a member of the Committee on Ways and Means.

Mr. RYAN of Wisconsin. Mr. Speaker, I thank the chairman for yielding me this time, and I appreciate all the hard work and time he has put into putting this tax plan together.

As I look at the motion to instruct conferees, I know that the actual motion to instruct violates the very Democrat plan that has been offered here on the floor previous times, as the chairman just mentioned. So not only does it violate the earlier Democratic substitutes that we have seen, it also backs us off of the very important commitments that we have achieved in the budget resolution that we are achieving in this tax bill.

Number one, what we are accomplishing here with this conference report as we roll this through is to put the details into the tax provision of the budget resolution. We have a vision which is the 10-year budget, which has very important priorities but in that budget has very strict provisions that do these things: pays off our public national debt as fast as possible to a very negligible, almost zero dollar amount by the end of this decade.

□ 2000

Two, once and for all, once and for all, for the first time in 30 years, we will stop the raid on the Social Security and Medicare Trust Funds by making sure that we apply those dollars to those very programs, and to pay off the national debt, which helps us with those programs on top of that.

And, third, we see that the American taxpayer, the hard-working families of America, continue to overpay their taxes. After we pay down our debt, after we improve Medicare and Social Security, people are still overpaying their taxes. And that is why we are taking a very important step by giving people some of their money back. We are putting money back into the pay-

checks of the very hard-working taxpayers who gave us this surplus in the first place.

So what is important to watch is that as we take a look at this motion to instruct, it actually dilutes those commitments. It actually takes us off of the very commitments we seek to achieve, on hopefully a bipartisan basis, which is protecting Social Security and modernizing Medicare, and we have a \$300 billion provision to modernize Medicare with a prescription drug benefit; paying down our national public debt; and, yes, as people overpay their taxes, giving them some of their money back. And we are doing it in such a way that it will help stimulate the economy, create jobs in this country and do it, yes, fast enough to make a difference.

Now, as to the criticism that this bill is being rushed through, that just simply is not the case. Take a look at the Senate. We can see they are clearly not rushing things. As the chairman mentioned, amendment after amendment, 110 hours of debate over this bill. Since January, we have been working on this provision. And, as a matter of fact, on these very provisions that we will hopefully be achieving in this bill we have been working on for 3 years. Vote after vote in Congress, bill after bill has been passing Congress. This is the crescendo effort to finally give people some of their money back. It is a bipartisan-bicameral effort.

Mr. Speaker, I urge a "no" vote on the motion to instruct.

Mr. STARK. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Michigan (Mr. LEVIN), a member of the committee.

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

Mr. LEVIN. Mr. Speaker, these bills are not sound tax policy, they are not sound economic policy, and they are not sound social policy.

The conference committee is going to try to put together two bills. In this case, two minuses cannot make a plus. These bills are built on the sands of uncertain estimates. The preceding speaker talks as if the money is in the bank. It is not there. It is not there. These bills will not help in the present. If so, very little. And what they are going to do is to risk our future.

Much of the relief will be backloaded, my colleagues can be assured of that. Most of it will be in the second 5 years. And then, when we project beyond those second 5 years, it will explode in the later years.

Where is the money going to be for the education bill that we just passed? Not raiding Medicare? The plans I have seen for prescription drugs take money out of Medicare, and there is no plan here on the majority side to find it anywhere else.

The chairman of the committee says, well, a conference committee can be 1 hour, 2 hours, 3 days, 4 days. I would bet this is going to be a few hours in a

back room without full bipartisan participation: Democrats, Republicans, House and Senate.

Essentially, this bill will not help hardworking Americans. So much of the money goes to the wealthiest. We do not know the percentage yet, but when we see the final product, my colleagues can be sure that it will not overwhelmingly go to hard-working middle-and low-income families.

I urge we support the instruction.

Mr. STARK. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Texas (Mr. DOGGETT), a member of the Committee on Ways and Means.

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

This motion is an attempt to improve a bill that is probably unsusceptible to improvement. Indeed, it has always been challenging in discussing this tax measure whether to focus on its fundamental inequity or to consider its gross fiscal irresponsibility, because this measure has embodied so many aspects of both.

It need not have been that way. There has been strong bipartisan support in this Congress for reasonable tax relief. But reason does not seem to be in vogue in Washington this year. Take, for example, the matter of correcting the marriage penalty tax. We could have done that the day after the Inauguration and done it on a unanimous basis in this Congress. Democrats tried in 1995 to implement the so-called Contract on America, but Republicans had higher priorities and they rejected any correction of the marriage penalty in the Committee on Ways and Means.

Again this year, we find very much the same set of priorities. Because the bill that comes to us tonight from the United States Senate does not provide one cent of relief to those Americans who thought they were going to receive marriage penalty correction during this year. They have deferred the entire thing for another 5 or 6 years. So all these pretty photos of married couples and the discrimination they face, they need to know that if we approve the bill that was just approved over at the United States Senate, they will not get a penny of relief out of this bill.

It need not have been that way. The priorities could have been different. A bipartisan moderate approach to resolve the major inequities could have been accomplished, but instead, things like the marriage tax penalty were used as political ploys instead of as a basis for coming about with reasonable reform.

As the Senate Committee on Finance chairman said of the bill this week, quote, one criticism is that this bill's tax cuts are backloaded for high-income taxpayers. In other words, high-income taxpayers receive a lot of relief toward 2011 instead of 2001. This is a true fact, but not a valid criticism. That is some real double-speak.

What it really means is they are loading up these tax cuts in a way that

at the very time more people are making their demands felt as they retire as baby boomers, there will not be the resources there to meet those needs. Need increases, the ability to meet those needs decreases.

And this is part of an overall plan of this administration and those within this Congress. This weekend, the Secretary of the Treasury gave an interview to a paper in London where he called for the total abolition of the corporate income tax. We will see one measure after another. As one of our Republican colleague said, there is another bill pending here. And the special interest lobbyists seeking tax breaks are swarming around it like ants at a picnic. This bill is presented to us tonight as a great picnic for the American people. But all they will get out of it is one series of stings after another.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume. Once again, I appreciate the presentation of my colleague from Texas. It is always enjoyable.

There were 62 votes for that tax package today. There were 12 Senators of the gentleman's party who voted for it. And I would urge my friends from California, who just made an impassioned plea about dealing with energy in California, perhaps they should spend a little more time with their Democratic Senators on the other side of the aisle, holding their hands, because the Senator from California, Mrs. Feinstein, voted in favor of the package.

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

Mr. STARK. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. STENHOLM).

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

Mr. STENHOLM. Mr. Speaker, I rise in support of this simple motion calling for some truth in advertising and fiscal honesty in the tax bill.

While we can have honest differences of opinion about the size and structure of the tax cut, we should all be able to shoot straight with the American people about the cost. Unfortunately, it appears that this tax bill will use every budget gimmick in the book, and possibly invent a few more, in order to hide its true cost.

This motion very reasonably asserts that the cost of all tax cuts should be shown honestly and be phased in within 5 years so the costs do not increase dramatically and surreptitiously in later years. The tax bill passed by the other body would delay full implementation of the five most expensive components until 2009 and 2011. More than 70 percent of these costs occur in the second 5 years.

Even worse, the cost of this bill would explode to \$4.1 trillion in the next decade, at the very time that the Social Security and Medicare programs will begin to face severe financial challenges with the retirement of the baby boom generation.

This tax bill bets the ranch on surpluses projections continuing to grow. If those projections are off just a bit, we will be forced to dip into Medicare trust funds before we even start dealing with the increases for defense or other needs as yet not addressed.

By passing a large backend-loaded gimmick-filled tax cut, we risk returning to the era when deficit spending placed a tremendous drag on our economy and ran up \$5.7 trillion worth of debt. Even though I would be delighted to be wrong, I fear we are also squandering our opportunity to strengthen Social Security and Medicare and pay down our national debt.

I do not want my grandchildren to look back 20 years from now and ask why I left them with the tab for tax cutting we will politically enjoy today. I used to think no one else in this body would want to do that either, but I was wrong. The least we owe our grandchildren and the rest of our constituents is a little honesty, and that is what this motion to recommit is all about.

Mr. THOMAS. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. BRADY), a gentleman on the Committee on Ways and Means, lest someone believe that the entire State of Texas, based upon the number of speakers who have come to the mike on the other side of the aisle, is all on one side. I would also hasten to indicate that both the Senators representing the great State of Texas voted for the measure that passed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. THORBERRY). The Chair would remind all Members that while it is permissible to comment on a vote in the Senate, it is not permissible, under the precedents of the House and clause 1 of rule XVII, to refer to a particular Senator's vote.

The Chair recognizes the gentleman from Texas (Mr. BRADY) for 3 minutes.

Mr. BRADY of Texas. Mr. Speaker, I thank the gentleman for yielding this time to me.

I think the President is taking, and this Republican Congress is taking a very responsible approach to tax relief in America today. The tax relief under this proposal starts slow and it builds. It grows. As we pay off more and more of the public debt, and as the surplus grows, tax relief grows with it. We do not have a budget surplus in Washington, because I guarantee my colleagues that Washington will spend every dime the taxpayers send up here, but we do have an actual tax surplus because people are paying too much into government for what they are getting for it.

There are people I think in Washington who are still out of touch with the real world, who think we just do not tax people enough, and if we did, that would solve everything. But look at the way real families are taxed in America: When they start their day, they get up in the morning and get a

roll or a coffee and pay a sales tax; step in the shower, pay a water tax; jump in the car to go to work, pay a fuel tax.

At work, at the office, they pay an income tax and a payroll tax. At the end of the day, they get back and drive to their home, on which they pay property taxes. They open the door, flip on the light and pay an electricity tax; turn on the television, pay a television tax; pick up the phone, pay a telephone tax. If they are married, when they kiss their spouse good night, they pay a marriage penalty tax, and on and on, until at the end of their life, they die and pay a death tax.

No wonder people have such a hard time making it, why there is not enough money left at the end of the month just to meet the needs of their children, just to provide for retirement, for college, and the day-to-day necessities. Washington needs to get out of the way to give people back more of what they have earned, not what Washington has earned. We need to give them the power to make their decisions for their children, for their schools, for their health care, because we are overtaxing real families in America.

In fact, Tax Freedom Day was just a week or so ago, May 3. That means for most of our families, they worked from New Year's Day to May 3 just to pay their taxes, and then they started working for themselves. So they have worked 5 months into the year before they start working for their children, their family, their own American dream.

The Republican tax relief plan, the President's tax relief plan is a responsible one, one that has more faith in our families than in Washington to squander those dollars. I am convinced, and I am a new member of the committee, that our Tax Code is too complex. I do not agree with the instructions here dictating what that bill will do, because I think bipartisan Members from the House and Senate ought to sit down and ought to work through the complexities of this. This is not the time to dictate. This is not the time to destroy the bipartisanship. This is like getting to the end of the marriage vows and the minister starts making things up.

□ 2015

Mr. Speaker, this ought not be the time we do that. Let us keep a strong, steady path and come forward with a bipartisan tax relief bill that we can all be proud of.

Mr. STARK. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. CARDIN) and see if he can explain what the Senate representation from Maryland did, without violating House rules.

Mr. CARDIN. Mr. Speaker, I am sorry the gentleman will not be able to refer under the Speaker's admonition how my two Senators voted on this bill; but I think the gentleman will find that they did the right thing.

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

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

Mr. THOMAS. If the gentleman would indicate his intention on the vote on final passage, we might be able to anticipate a comparison between what his Senators did and what the gentleman is doing.

Mr. CARDIN. Mr. Speaker, it would be very consistent with my Senators.

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

Mr. CARDIN. Mr. Speaker, reclaiming my time, budget reconciliation is supposed to be to reconcile this bill with the budget resolution. And our budget resolution spells out a 10-year number that is available for tax relief.

Our motion to instruct basically says let us be honest about that. Let us be sure that the tax provisions are phased in in a way that it is not backloaded. By backloaded, we mean estate tax relief when it does not take effect for 10 years and then explodes in cost at the same time we have problems in funding the Social Security system and the Medicare system because of the baby-boom generation reaching the age of 65.

Mr. Speaker, this motion is basically truth in advertising. Let us put the provisions in and not backload it and have to pay later.

The second thing is that this reconciliation bill ought to speak to our priorities; and I do not think that our priorities ought to be tax cuts today and tax cuts tomorrow and nothing else. We should speak to the fact that we want to pay down the national debt, that we want to preserve Social Security and Medicare and yes, put more money into education like the overwhelming majority of this body voted to do.

Yet if we do not pass this motion, I am afraid that the reconciliation bill will do what the gentleman from California (Mr. THOMAS), the chairman of the Committee on Ways and Means, said. That is, he wants to put 15 pounds of sugar in a 10-pound bag. It is going to be 30 pounds of sugar in a 10-pound bag. It will squeeze out our ability to do anything else.

Mr. Speaker, I urge my colleagues to support the motion to instruct.

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

Mr. Speaker, the gentleman from Maryland was not in the room when it was pointed out, notwithstanding his eloquence on the provision, that the phase-in should not exceed longer than 5 years. I do want to remind the gentleman that three times on the floor of the House the Democrats presented a tax plan, and I can provide my colleagues, for example, with some of the numbers. Under the estate tax relief, the language of the Democratic plan said in 2002, relief would be at \$2 million; in 2003 and 2004, \$2.1 million; in 2005 and 2006, \$2.2 million; in 2007 and 2008, \$2.3 million; in 2009, \$2.4 million; and in 2010 and thereafter, \$2.5 million.

Mr. Speaker, I appreciate the gentleman asking us to meet a standard higher than they impose on themselves. I happily accept that challenge. But to indicate that we should meet a standard that the Democratic party did not meet in the Democrat's own program is just a little much to take; and, frankly, it brings into question the sincerity of the motion to instruct and the criteria that are placed in that motion to instruct, which is in fact to hold us to a standard the Democrats chose not to hold their plan to.

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

Mr. THOMAS. I yield to the gentleman from Maryland.

Mr. CARDIN. Mr. Speaker, if the gentleman looks at the Democratic substitute, the gentleman will find that 95 percent of the provisions take effect within the 5-year window. I think that is pretty good. If the gentleman would agree to live up to that 95 percent standard, I think we would be glad to amend our motion.

Mr. Speaker, the point is that we do not want to have the overwhelming majority of revenue hit when we are in the last years of the bill, and the proposals we are talking about may do that. The Democratic substitutes never do.

Mr. THOMAS. Mr. Speaker, continuing on my time, if the gentleman would look at the Democratic tax plan presented on the floor on three different occasions, the single largest dollar amount under one of the major provisions occurred in 2010; the second largest amount in 2009; the third largest amount in 2008, et cetera.

The point is the Democratic substitute is structured similar to everyone else's. The motion to instruct requires us to meet a standard the other side of the aisle chose not to meet themselves on virtually every one of the items they have in their bill.

Mr. Speaker, I understand their desire and what they want. All I am saying is when the other side of the aisle chooses to impose a standard on the majority, I would hope that the minority would have already honored that standard.

Mr. Speaker, if the gentleman would like to be refreshed on what the Democratic tax plan is, it is here and available.

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

Mr. THOMAS. I yield to the gentleman from Maryland.

Mr. CARDIN. My recollection is the gentleman is referring to the provisions concerning the estate tax relief. The other provisions were all phased in within the 5-year window, and the dollar amounts in the estate tax in the last few years was a minor amount in the overall effect of the bill.

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

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

Mr. Speaker, I would tell our distinguished chairman that the Democrats

are entitled to one mistake, for instance, the Senate vote from the State of California today; and we had one provision that phases out over 5 years, and I think almost every provision in the chairman's bill phases out over 10 years. I would give him one free kick if that will solve that issue.

Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Speaker, focusing on these phase-ins, if only the Republican bill, if only the gentleman would promise that he would come as close to not backend loading the ultimate bill, as we did in our Democratic plan, he would get my vote against this motion. In fact, instead the House bills explode in the second 10 years to a cost of \$4.1 trillion.

We need standards and rules for a unipartisanship-led conference dedicated to such extreme mispackaging of a tax bill.

I want to talk to my Republican colleagues and say this motion to instruct could save a lot of heartache back in their districts because there is a new regime in the Senate. There may be 41 Senators opposed to any further tax cuts. If they let a bill go through that is widely publicized as providing constituents with tax relief, and then they open up their tax booklets at the end of the year and they see that you did not take care of the AMT, and the AMT takes back all of the benefits talked about in the speeches, if they see there is no marriage penalty relief or pension reform and their IRA is still \$2,000, and if they see the R&D tax credit has been allowed to expire, they are going to ask why was that allowed to occur? Why did we celebrate a tax bill that did not deal with those provisions? And only a vote for this motion to instruct can be my colleague's defense.

Mr. THOMAS. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. PORTMAN), a member of the Committee on Ways and Means, and a significant contributor to a number of key issues, including the pension and Individual Retirement Account legislation.

Mr. PORTMAN. Mr. Speaker, just looking at the motion to instruct, I find it interesting that the other side is instructing the conferees to include provisions that were not in the Democratic substitute. I have the Democratic substitute in front of me. There is a requirement twice here that the conference report shall include increasing the per child tax credit, for instance, which was not in the Democratic substitute.

We just heard that we need to add all of these things, and yet when the Democrats offered their own tax bill, it was not included.

I see a permanent extension of the research credit must be included. That is an instruction to the conferees, yet the Democrats have no research and development tax credit in their plan.

There is a discussion here of the AMT saying we shall adjust the current law

AMT tax so it does not disallow benefits. That is in the House-passed bill in conference. That is something that this House took up as part of the legislation.

It has a number of provisions here saying we must be sure that the revenue laws and associated debt service costs do not exceed Social Security and Medicare in the HI Trust Fund. That is included in our budget resolution and included in the House-passed version. And as the chairman said in the Senate-passed bill today, it does not in fact do that.

Mr. Speaker, I would make the suggestion that the motion to instruct is not consistent with the Democrat's own tax plan that they came forward with.

I would make the further point that despite what we have heard here today on the floor, the budget resolution under which this tax provision is provided does provide for tax relief, but only after taking care of Social Security and Medicare in ways this House has never done.

Mr. Speaker, my colleague is shaking his head, but I have spent 8 years here, and I have watched us raid the Social Security and Medicare Trust Fund. We are setting aside all of those trust fund surpluses for those programs in ways that we have not done before.

We are also providing for debt relief in ways that are unprecedented. We will relieve the country of more of our national debt than we have done ever in this House. All of the available debt will be relieved. We also have increases in spending where appropriate: education spending, defense spending.

Yet after all of that, Social Security and Medicare are being preserved, after the debt being handled in a way that is unprecedented and is appropriate, and after increasing domestic discretionary spending, still because there is a \$5.6 trillion tax surplus building up in Washington, there is some room left for the folks paying the bills. That is the roughly 25 or 26 or 27 percent of the surplus that is provided for in the tax relief measure that the Senate passed today.

Incidentally, the Senate passed that bill with 12 Democrat Senators supporting it. And in the House, we had tax bills go through which are part of the larger bill with 58, 68 up to 186 Democrats supporting some of the tax provisions in this underlying legislation which we will have an opportunity to vote on in the next day in the House.

Mr. Speaker, the motion to instruct conferees is not consistent with the Democrats' own tax plan; and it seems to be inappropriate to be instructing conferees to be doing something that was not considered appropriate when the Democrats had an opportunity to offer their own plan.

Mr. Speaker, this does fit within the budget nicely. It provides some tax relief to the hard-working Americans that created every cent of that surplus. It is not only reasonable, it has been

bipartisan. Twelve senators supported it today. We have votes here in the House that have been bipartisan on most of the provisions that are in the tax bill before us.

Mr. Speaker, I urge that we defeat the motion to instruct and move on to provide the American people with needed tax relief.

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

Mr. Speaker, I do not know what the House rules say about wagering on the House floor, but if the rules were silent, I would be inclined to offer the Republican proponents and my opponents a wager. I would give them, whoever wanted to accept this wager, \$1,000 every year that they meet their projected 10-year budget proposal if they would in turn be willing to give me \$1,000 for every year in the next 10 years that they do not meet the budget proposal.

□ 2030

I would like to have that memorialized in the CONGRESSIONAL RECORD and hope that I could collect every year for the next 10, and I think I might leave that open for a while.

Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Washington (Mr. INSLEE).

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

Mr. INSLEE. Mr. Speaker, the President offers this tax cut plan as his energy plan. He refuses to do anything about prices of energy, which has gone up a thousand percent on the wholesale electrical market in the State of Washington, but instead offers a few dollars in the tax cut plan. As a short-term response to our energy crisis, this is an abject failure; and I will say why and I will say how.

We live in interesting times. Tomorrow we cannot say who is going to control the U.S. Senate, but we know the oil and gas industry is going to control the White House. As a result of that, every single dollar, every single dollar that my constituents might get next year back from this tax cut, maybe 15 bucks a month for a middle-class family, is going to be eaten up several fold by energy companies. They are going to take that couple bucks from Uncle Sam, and they are going to ship it in their envelope to the energy companies, many of them who happen to be the President's political allies.

Now, at a townhall meeting a guy told me he was cutting his energy use, but his prices were skyrocketing. And he said, JAY, that plan, that tax cut plan, sort of reminds me of a money-laundering operation. One just takes the money, launders it through the taxpayers and gives it over to the President's political allies in the energy industry. Why not just cut out the middleman and just give it all to the energy industry, just cut out the middleman?

That would be wrong because we have people losing jobs today in the

State of Washington, 43,000 people losing jobs, and the President and the Republican Party will not act on this. It is a travesty. We should be doing a price cap, a price mitigation plan tonight instead of this bill.

Mr. STARK. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, the gentleman from Washington (Mr. INSLEE) showed the truth of this tax bill. The GOP majority, GOP, gas oil and pollution, is going to make sure that when we leave for our recess we have passed a tax bill 40 to 45 percent of which goes to the wealthiest 1 percent of our population.

The people who live in my district in San Diego, California, will get very little out of this tax bill; and whatever they get, as the gentleman from Washington (Mr. INSLEE) said, is going to go directly to Exxon or to Enron or to any one of those energy companies that is bleeding California dry.

We are going to leave town with that tax bill, but we are going to leave town without doing anything for the people in San Diego or the rest of California or the rest of the West.

The chairman of the committee is from California. He knows we are being bled dry. He knows we are paying \$70 billion this year for electricity, whereas 2 years ago we paid \$7 billion. The demand has not increased significantly. The costs have not increased significantly. Where is that 10-fold increase going? It is going into the 800 percent, 900 percent, 1,000 percent increase in profits by the major oil companies and the major electricity generators of this country, and yet this Congress is not going to act on the issues confronting California.

The people of California ought to be telling the chairman of the Committee on Ways and Means, solve our crisis. Stop the bleeding in California. Give us a reasonable cost for electricity, and then we can go home and enjoy our vacations.

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

Mr. Speaker, I want to do two things: one, to respond to the offer of a wager of the gentleman from California (Mr. STARK), and I would tell the gentleman that I would be more than willing to risk \$1,000 a year over the next 10 years with one proviso. The gentleman is concerned about whether or not we will honor our budgetary numbers and live within our means. I will tell the gentleman that if he makes sure that the Republicans are in the majority for each of those 10 years, I have no question at all that the gentleman would owe me \$1,000 a year.

If, however, included in his wager that the gentleman's party regains the majority, I can assure him the American people are going to lose far more than \$1,000 each for the rest of their lives.

So, if the gentleman will assure me of a continued majority of the responsible party that has produced a surplus

that we have now, that is not a wager; that is an investment.

I will also tell the gentleman from California (Mr. FILNER), who has repeated this several times, that he is pleading on the floor to stop the bleeding in California, I have to tell my friend, the gentleman from California (Mr. FILNER), it is pretty hard to do it from here because, frankly, the bleeding is a self-inflicted wound.

The gentleman ought to go to Sacramento. His party controls the lower house of the legislature, the upper house of the legislature, and the gubernatorial mansion; and if his party would address supply and demand rather than assuming it is a rock and roll band on the question of delivering energy, California can address its significant level. If California wants to maintain air standards higher than the national level and plead for us to assist them when, in fact, the national level is unsatisfactory for Californians, then I would tell the gentleman once again that this bleeding he cries out for in California is self-inflicted.

Mr. FILNER. The gentleman is here. Would the gentleman from California (Mr. THOMAS) yield to talk about the bleeding in California?

Mr. THOMAS. No, I have no interest in yielding.

Mr. FILNER. * * *

Mr. THOMAS. Mr. Speaker.

The SPEAKER pro tempore (Mr. THORNBERRY). The gentleman will suspend. Does the gentleman from California (Mr. THOMAS) yield to the other gentleman from California (Mr. FILNER)?

Mr. THOMAS. Mr. Speaker, I will tell the gentleman, I am not yielding. I am trying to make a statement in conclusion.

Mr. FILNER. * * *

The SPEAKER pro tempore. The gentleman will suspend. The gentleman is out of order. The time is controlled by the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, in conclusion, as was pointed out by the gentleman from Ohio (Mr. PORTMAN), the majority is always willing to look at motions to instruct if they are, in fact, useful and appropriate. What we have seen during the course of this debate is that the motion to instruct offered by the other side attempts to hold the conference to a time-year standard that they would not hold themselves to, and that beyond that the requirements stated of having to be in this particular tax package are items that they did not hold themselves to.

So it would seem to me that one of the basic standards in examining a motion to instruct to see if it, in fact, is serious and ought to be considered by the majority is to contain provisions which the minority lived up to in its own measure presented on the floor. We found it to be deficient in a number of areas; and, therefore, I would reluctantly urge my colleagues, notwithstanding, I am sure, the meritorious

and positive attempt to provide a help to the conference, that we reject this motion to instruct.

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

Mr. STARK. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I think this debate is about several issues; and, frankly, it is about crafting a conference process by this motion to instruct that would allow us to do some of the things that we say in this House we are committed to.

It is interesting that we just voted on an education bill, leave no child behind; but, frankly, with a \$1.6 trillion tax bill out of this House we will leave many children behind.

I want to work with my colleagues from California because I need to say to this House the energy crisis, the energy problem, is not a California problem; it is a national problem. Some of us believe that it is important to have short-term relief, and that short-term relief some agree and some disagree may be to eliminate on a temporary basis the gasoline tax that we have and provide dollars to the highway trust fund in substitute of what we are paying out to the richest Americans in this country.

So the motion to instruct might allow us to craft a tax bill that, one, is addressed in the first 5-year period and, two, protects Social Security and Medicare.

I would hope my colleagues would listen to the fact that we cannot spend a bunch of money and try and solve America's problems. This is a good motion to instruct, and we should bring the tax bill down. It should be a reasonable bill. We need to address the energy problem; and if we do so, we need it with the monies that are now being expended in a wasteful manner, giving away to rich people, rich tax dollars, and not helping those who are in need.

Mr. STARK. Mr. Speaker, I yield the balance of my time to the gentleman from South Carolina (Mr. SPRATT), the distinguished ranking member of the Committee on the Budget, to close the debate.

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

Mr. SPRATT. Mr. Speaker, I thank the gentleman from California (Mr. STARK) for yielding me this time.

Mr. Speaker, I do not have a large chart. I simply have this piece of paper which I previously have put in the RECORD. On this one sheet of paper, we show the consequences of the conference agreement that we adopted on the budget and the consequences in particular of the tax cut that we are about to send to conference.

This tax cut will have a cost in the area of \$1.3 trillion. When one factors into the budget all of the puts and

takes, one starts with \$5.610 trillion, it seems that everything is possible. My lord, \$5.610 trillion. But if we back out the Social Security surplus and then back out the Medicare surplus, the available surplus for policy actions before tax cuts is substantially less than that. It is about \$2.6 trillion.

When one backs out the tax cut, we end up with, after interest adjustments, a contingency reserve of \$504 billion. There is \$504 billion for policy initiatives, for estimating errors, over a period of 10 years. Now that, too, sounds like a lot of money until we look at the bottom line and see that in the first 5 or 6 years that cushion for errors, that contingency reserve, ranges between \$12 billion and \$30 billion; never a big number, particularly when we consider this: in the puts and takes that I have just mentioned, in getting to this so-called contingency reserve, this cushion fund, there is no calculation for an increase in education, inflation only. No real spending increase in education at all.

More seriously, more importantly, we have in this budget a placeholder number for national defense. It is \$325 billion next year, but everybody knows that Mr. Rumsfeld is now transforming our military and will soon be on the Hill, after this is all done, with a request ranging anywhere from \$20 billion to \$35 billion next year, and probably \$250 billion to \$350 billion over the next 10 years at a minimum. Nobody disputes that.

I showed this chart today to Mr. Rumsfeld when he testified before our committee. I told him that what we assumed is that he would be up here next year for at least a \$20 billion increase.

□ 2045

Each year thereafter, it was staircased by \$5 billion until it reached \$50 billion. He did not demur to those numbers.

Here is what happens when we factor in defense at that level and when we also factor in to these calculations, emergency spending, which is at the historic average of about \$5 billion to \$6 billion a year. Next year, the contingency reserve in 2002 is \$12 billion. Defense and emergencies alone will need \$15 billion. That means we are back in the red again. In 2003, defense and emergencies will need \$24 billion. The contingency reserve is \$19 billion. In 2004, defense and emergencies will need \$31 billion. The reserve is \$24 billion. That is how thin the ice gets as a result of this budget and, primarily, as a result of the proposed tax cuts. That is the risk we are taking.

Furthermore, for those who want to say there is still money left for education, there is no money in here for education over and above inflation. That is already factored into the equation. Once we do the defense budget, there is no room left for policy initiatives. There is nothing set aside for Social Security and Medicare, other than what they will accumulate in their own trust funds.

That is why I am opposed to this budget. It comes too close to the margin, too close for comfort, and leaves no room for error. I think everybody should bear that in mind, because this motion to recommit tonight at least says, let us take the tax bill and try to make it as well-contained as we can within the parameters of the budget we have here. That is the least we can do, is send our conferees to the conference committee and tell them, do a better job than either House has yet done in fitting this tax bill into a budget reality.

The SPEAKER pro tempore (Mr. THORNBERRY). Without objection, the previous question is ordered on the motion to instruct.

The question is on the motion to instruct offered by the gentleman from California (Mr. STARK).

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 198, nays 210, not voting 24, as follows:

[Roll No. 146]

YEAS—198

Abercrombie	Edwards	Larson (CT)
Ackerman	Engel	Lee
Allen	Eshoo	Levin
Andrews	Etheridge	Lewis (GA)
Baca	Evans	Lipinski
Baird	Farr	Loftgren
Baldacci	Fattah	Lowe
Baldwin	Filner	Lucas (KY)
Barcia	Ford	Luther
Barrett	Frank	Maloney (CT)
Bentsen	Gephardt	Maloney (NY)
Berkley	Gonzalez	Markey
Berman	Gordon	Mascara
Berry	Green (TX)	Matheson
Bishop	Gutierrez	Matsui
Blagojevich	Hall (OH)	McCarthy (MO)
Blumenauer	Harman	McCarthy (NY)
Bonior	Hastings (FL)	McCollum
Borski	Hill	McDermott
Boswell	Hilliard	McGovern
Boucher	Hinchee	McIntyre
Boyd	Hinojosa	McKinney
Brady (PA)	Hoeffel	McNulty
Brown (FL)	Holden	Meehan
Brown (OH)	Holt	Meek (FL)
Capps	Honda	Meeks (NY)
Capuano	Hooley	Menendez
Cardin	Hoyer	Millender-
Carson (IN)	Inslee	McDonald
Carson (OK)	Israel	Miller, George
Clay	Jackson (IL)	Mink
Clayton	Jackson-Lee	Mollohan
Clyburn	(TX)	Moore
Conyers	Jefferson	Moran (VA)
Costello	John	Nadler
Coyne	Johnson, E. B.	Napolitano
Cramer	Jones (OH)	Neal
Crowley	Kanjorski	Oberstar
Cummings	Kaptur	Obey
Davis (CA)	Kennedy (RI)	Olver
Davis (FL)	Kildee	Ortiz
Davis (IL)	Kilpatrick	Owens
DeFazio	Kind (WI)	Pallone
DeGette	Klecicka	Pascrell
Delahunt	Kucinich	Pastor
DeLauro	LaFalce	Payne
Deutsch	Lampson	Pelosi
Dingell	Langevin	Phelps
Doggett	Lantos	Pomeroy
Doyle	Larsen (WA)	Price (NC)

Radanovich	Scott	Thompson (MS)
Rangel	Serrano	Thurman
Reyes	Sherman	Tierney
Rivers	Shows	Towns
Rodriguez	Skelton	Turner
Roemer	Slaughter	Udall (CO)
Ross	Snyder	Udall (NM)
Rothman	Solis	Velazquez
Roybal-Allard	Spratt	Waters
Rush	Stark	Watt (NC)
Sabo	Stenholm	Waxman
Sanchez	Strickland	Weiner
Sanders	Stupak	Wexler
Sandlin	Tanner	Woolsey
Sawyer	Tauscher	Wu
Schakowsky	Taylor (MS)	Wynn
Schiff	Thompson (CA)	

NAYS—210

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

NOT VOTING—24

Becerra	Dooley	Rahall
Bereuter	Frost	Scarborough
Cannon	Graham	Shaw
Chambliss	LaHood	Smith (WA)
Clement	Largent	Visclosky
Cubin	Moakley	Whitfield
Culberson	Murtha	Wilson
Dicks	Oxley	Young (AK)

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Messrs. GOODLATTE, WATTS of Oklahoma, ISSA, BUYER, and BALLENGER changed their vote from "yea" to "nay."

Mr. HOLT changed his vote from "nay" to "yea."

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. THORNBERRY). Without objection, the Chair appoints the following conferees: Messrs. THOMAS, ARMEY, and RANGEL.

There was no objection.

GENERAL LEAVE

Mr. REYNOLDS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1836.

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

There was no objection.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report on the resolution (H. Res. 147) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

WELCOMING HIS HOLINESS KAREKIN II, SUPREME PATRIARCH AND CATHOLICOS OF ALL ARMENIANS, ON HIS VISIT TO UNITED STATES AND COMMEMORATING 1700TH ANNIVERSARY OF ACCEPTANCE OF CHRISTIANITY IN ARMENIA

Mr. CANTOR. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be discharged from further consideration of the concurrent resolution (H. Con. Res. 139) welcoming His Holiness Karekin II, Supreme Patriarch and Catholicos of All Armenians, on his visit to the United States and commemorating the 1700th anniversary of the acceptance of Christianity in Armenia, and I ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

Mr. LANTOS. Mr. Speaker, reserving the right to object, and I will not object, I would like to make a few observations concerning this resolution.